



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, March 5, 2015 – 7:00 PM

Chairperson Gayle Ortiz
Commissioners Ron Graves
 Ed Newman
 Linda Smith
 TJ Welch

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. APPROVAL OF MINUTES

A. Approval of February 5, 2015 draft Planning Commission minutes

4. CONSENT CALENDAR

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

A. Ordinance amending municipal code Chapter 17.03 to define supportive housing and transitional housing as required by state law.

This project will require an amendment to the Local Coastal Plan.
Environmental Determination: Exempt
Applicant: City of Capitola

B. 113 Oakland Ave #15-004 APN: 036-132-01

Design Permit and Conditional Use Permit for an alteration on the rear elevation of a historic single-family home and new detached garage located in the R-1 (Single-Family Residential) 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: Julie and Matt Haniger

Representative: Dennis Norton, filed 1/20/2015

C. 4850 Opal Street #15-006 APN: 034-065-19

Design Permit for a rear addition to an existing single family residence located in the R-1 (Single Family Residential) Zoning District.

This project is in the Coastal Zone but is exempt from Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Dennis Leong

Representative: Linda Butler, filed: 1/20/15

5. PUBLIC HEARINGS

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

A. 231 Esplanade #15-013 APN: 035-211-01

Sign Permit for two new wall sign and two menu signs at Margaritaville located at 231 Esplanade in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but is exempt from a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Sarah Orr, filed: 1/26/15

B. 4200 Auto Plaza Drive #15-020 APN: 034-141-30 and 31

Sign Permit Application for one additional internally illuminated wall sign at the Toyota car dealership in the CC (Community Commercial) Zoning District.

This property is not located in the Coastal Zone.

Environmental Determination: Categorical Exemption

Property Owner: Charles Canfield, filed 1/24/2015

Representative: Bob Fischer

C. Zoning Title 17 Update – Issues and Options White Paper

Preliminary consideration of a comprehensive update to Title 17, Zoning, of the City of Capitola Municipal Code. An Issues and Options white paper will be distributed to the Planning Commission for initial discussion/review of Issues 1-4 at the April 2, 2015, meeting. The Issues and Options white paper outlines existing issues in the zoning code along with options to address each issue.

This project will require an update to the Local Coastal Plan.

Environmental Determination: To be determined

Staff: Katie Cattan, Senior Planner

Consultant: Ben Noble

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

Adjourn to the next Planning Commission on Thursday, April 2, 2015 at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

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

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

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

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

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

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

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 5, 2015
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners: Ron Graves, Ed Newman, and TJ Welch and Chairperson Linda Smith.
Absent: Gayle Ortiz

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - None
- B. Public Comment - None
- C. Commission Comment

Chairperson Smith acknowledged receipt of a letter from Pat McCollough.

- D. Staff Comments - None

3. APPROVAL OF MINUTES

- A. **January 15, 2015, Draft Planning Commission Minutes**

A motion to approve the January 15, 2015, meeting minutes was made by Commissioner Newman and seconded by Commissioner Graves.

The motion carried by the following vote: Aye: Commissioners Graves, Newman, and Welch and Chairperson Smith. No: None. Abstain: None.

4. CONSENT CALENDAR - No items

5. PUBLIC HEARINGS

- A. **4555 Opal Street #14-179 APN: 034-061-17 & 18**
Fence Permit application with request for a height exception up to 7 feet along the rear and side property line and a Major Revocable Encroachment Permit for a 3-foot concrete wall in the right-of-way of 4555 Opal Street, located in the R-1(Single Family Residential) Zoning District.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Mark Williams, filed: 12/16/14
Representative: Prime Landscape Services

Assistant Planner Ryan Safty presented the staff report. He explained the two agenda items are part of a larger landscaping design, the remainder of which does not require permits. A second proposed

structure was removed since it did not meet set-back requirements. Regarding the fence height request, he shared images showing that homes to the back have second- story windows overlooking the yard and portions of the fence that are intended as “sound walls.” The cement front yard wall encroaches at points into the public right-of-way.

Commissioner Graves asked if the setback could be delineated for the right-of-way. Staff noted that a property survey is part of the recommended conditions.

Commissioner Welch asked if recent public surveys addressed privacy. Community Development Director Rich Grunow responded that it was mentioned as a concern, but the City’s many small lots make it difficult to mitigate.

Commissioner Newman noted a six-foot maximum fence height is common among jurisdictions.

Chairperson Smith opened the public hearing.

Applicant Mark Williams presented several photos. He noted that excavation was done to prepare for the low-water landscape and estimates that six inches of soil will be refilled, leaving the height 6’5” from ground level. He reviewed support of neighbors found in the packet and said he found examples in the neighborhood of other high fences.

Commissioner Newman asked him why he did not use the allowed six feet with two feet of lattice. Mr. Williams responded he didn’t like that style. Commissioner Newman expressed disappointment that a local landscape firm did not know or check fence height requirements and built an unpermitted fence that did not comply.

Commissioner Graves noted that the landscape design includes trellises at points along the fence and lattice on the fence could serve similar function. He visited the site and heard some concern from neighbors. He worried that someone parking would not be able to open a car door in the area of wall encroachment that comes within two feet of the curb, although other commissioners noted that section was close to the driveway. He confirmed that rafters would not extend over the fence.

Ron Wood, neighbor at 4575 Opal, asked if he could continue the fence height into his yard to match. Commissioners and staff responded that he must file for an exception and they cannot give advisory opinions about future applications. Director Grunow explained that each application is reviewed based on its individual characteristics, but when a precedent is established, the intent is to be even-handed for similar requests.

Landscape contractor John David addressed Commissioner Newman’s question, saying the fence height was based on windows in the back neighbors’ homes.

A Jewel Box area neighbor said she has complied with code requirements for her own projects and noted this increased height is setting a precedent for the neighborhood. She agreed the fence is beautiful, and said she and other neighbors may want to follow suit if an exception is granted.

Chairperson Smith closed the public hearing.

Commissioner Graves recalled the standard for six feet of solid fencing and two more of lattice was a compromise developed for a home in the McCormick neighborhood. He said the current allowance would provide more privacy in this case. He did not want to set a precedent and any change should be left to the zoning update.

Commissioner Welch understands the conflict with the zoning code for the fence as built and also appreciates the privacy concerns, making a decision difficult. It may be an item to consider in the zoning update.

Commissioner Newman said as long as the code has a requirement, it should be upheld. He has no concerns about the encroachment.

Commissioner Welch confirmed that the code allows for Planning Commission exceptions. Director Grunow explained that staff approaches exceptions in a similar manner to a variance and found no unusual characteristics to support applying the rules differently in this circumstance.

Chairperson Smith asked to review the code language for the fence height. She asked if it could be interpreted that it is silent on a seven-foot total height and only eight feet must have two feet open. Director Grunow said the Commission could continue the item and ask the City Attorney for an opinion.

A motion to approve both the Major Revocable Encroachment Permit and height exception for application #14-179 was made by Commissioner Welch and seconded by Chairperson Smith. The motion failed with the following vote: Aye: Commissioner Welch and Chairperson Smith. No: Commissioners Graves and Newman. Abstain: None.

A motion to approve only the Major Revocable Encroachment Permit within application #14-179 was made by Commissioner Newman and seconded by Commissioner Graves with the following conditions and findings:

CONDITIONS

1. The application is for a height exception for a solid fence that was built 7 feet high and major revocable encroachment permit for a future 3-foot tall cement wall. The major revocable encroachment permit was approved by the Planning Commission on February 5, 2015. The height exception for the solid fence was denied.
2. The application was submitted in response to a code violation for the installed 7 foot high solid fence. The height exception was denied, therefore the applicant must bring the fence into compliance with the 6-foot height regulation. The applicant must bring the fence into compliance by March 5, 2015.
3. All construction and site improvements shall be completed according to the approved plans, as conditioned by the Planning Commission. The site shall be surveyed prior to installation of the concrete wall to identify the front property line. Only the rock wall is allowed to encroach into city right-of-way. The decorative circular wall element with rocks must be built within the property owner's property.
4. Other than the cement wall, there shall be no additional permanent structures located within the right-of-way without the issuance of a major revocable encroachment permit by the Planning Commission.
5. Prior to any work in the public right-of-way, the applicant shall complete the paperwork for a revocable encroachment permit with the Public Works Department. A revocable encroachment permit shall be recorded prior to installation of the cement wall.
6. At time of submittal for a public works encroachment permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.

7. At the time of submittal for the revocable encroachment permit, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
8. 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 shall require Planning Commission approval.
9. Prior to issuance of public works encroachment permit, all Planning fees associated with permit #14-179 shall be paid in full.
10. 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
11. This permit shall expire 24 months from the date of issuance. The applicant shall have a recorded Public Works revocable encroachment 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.
12. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

FINDINGS

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

Community Development Department Staff, and the Planning Commission have reviewed the project. The project secures the purposes of the R-1 (Single Family Residence) Zoning District. A height exception for a fence has been denied and the major revocable encroachment permit for a cement wall has been granted by the Planning Commission to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Department Staff and the Planning Commission have reviewed the project. The project is located along Opal Street in the R-1(Single Family Residential) zoning district, just east of the Opal Street and 45th Avenue intersection. As recommended with the denial of the fence height exception, the project fits within the integrity of the neighborhood. The proposed 7-foot high fence will not match the surrounding neighbors and will not maintain the character of the neighborhood.

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

This project involves construction of a new fence and cement wall in the R-1 zoning district. Section 15303 of the CEQA Guidelines exempts the construction of a fence in a residential zone.

The motion carried by the following vote: Aye: Commissioners Graves, Newman, and Welch and Chairperson Smith. No: None. Abstain: None.

6. DIRECTOR'S REPORT

Director Grunow reported that Ideal Homes has applied to extend its permit for the model home on Bay Avenue.

A community meeting to discuss the update to the General Plan Housing Element has been set for March 4 at 6 p.m.

The zoning ordinance update issues and options paper will be distributed at the March meeting, but staff will not ask for any guidance or decisions until April. Then it will be broken into sections for discussion.

7. COMMISSION COMMUNICATIONS

Commissioner Graves confirmed the Community Commercial zoning for the Ideal Homes model lot and asked if a permit was granted for Toyota to park cars there. Director Grunow said no permit was requested.

8. ADJOURNMENT

Chairperson Smith adjourned the meeting at 8 p.m. to the regular meeting of the Planning Commission to be held on Thursday, March 5, 2015, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on March 5, 2015.

Linda Fridy, Minute Clerk

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 5, 2014

SUBJECT: **ORDINANCE AMENDING ZONING CODE SECTION 17.03 TO DEFINE SUPPORTIVE AND TRANSITIONAL HOUSING AS REQUIRED BY STATE LAW**

BACKGROUND

The City of Capitola's current Housing Element was adopted by the City Council on February 11, 2010 and certified by the California Department of Housing and Community Development (HCD) on April 6, 2010. HCD's approval and certification of the Housing Element was conditioned upon the City's commitment to complete a number of action items during the 2007-2014 planning period.

The 2007-2014 Housing Element included six action items which were to be completed within one year of adoption. Five of the six action items were completed in 2011 when the City Council adopted a series of ordinances to address issues related to secondary dwelling units, single-room occupancy units (SROs), reasonable accommodation, and emergency shelters.

The final uncompleted action item from the 2007-2014 Housing Element is to add definitions for Supportive Housing and Transitional Housing in the Zoning Code as required by State law.

DISCUSSION

In October, 2007, former Governor Schwarzenegger signed Senate Bill 2 (SB 2) into law. The statute requires every California city and county to: 1) identify at least one zone which can accommodate an emergency shelter without a conditional use permit; and, 2) to define Transitional and Supportive Housing as a residential use subject only to those restrictions which apply to other residential uses in the same zone. The City of Capitola satisfied the emergency shelter requirement in 2011 when it amended to Zoning Code to allow an emergency shelter in the Industrial Park zone on Kennedy Drive. To fulfill SB 2 requirements, the City must amend Zoning Code section 17.03 to add definitions for transitional and supportive housing.

Transitional Housing, as defined by Section 50675.2 of the California Health and Safety Code, is a form of rental housing, which may include multi-family housing, single-family housing, or group homes. Transitional Housing is operated under State or Federal program requirements which call for termination of assistance and recirculation of the housing unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive housing, as defined by Section 50675.14 of the California Health and Safety Code, is housing with no limit on the length of stay, occupied by a target population. The target population for supportive housing includes low-income persons having one or more disabilities. These disabilities may include mental illness, substance abuse, or other chronic health conditions. Supportive housing is also linked to on-site or off-site services that assist residents in retaining their housing, improving their health, and maximizing their ability to live, and when possible, work in the community.

Item #: 4.A. Transitional and Supportive Housing - PC Staff Report.pdf

State law allows a distinction in the permitting requirements for residential care facilities in single-family zones based on the number of people served by the housing type. A size distinction currently exists in the City's Zoning Code for residential care facilities. Facilities serving six or fewer residents are allowed by right in accordance with State law; facilities serving seven or more residents are conditionally permitted. The proposed ordinance amendment would retain this permitting approach for Supportive and Transitional Housing Facilities in single-family residential zones to ensure that larger facilities are considered by the Planning Commission at a noticed public hearing.

Adoption of the proposed ordinance amendment would ensure full compliance with the provisions of SB 2 and will enable the City to take advantage of HCDs streamlined Housing Element Update process. Because SB 2 already prevents cities from regulating supportive and transitional housing more restrictively than other residential uses, the proposed ordinance amendment would simply align Capitola's Zoning Code with State law and would not further limit the City's legal authority to regulate Transitional and Supportive Housing units.

CEQA REVIEW

The proposed ordinance amendment would not result in any physical changes to the environment and are therefore exempt from the California Environmental Quality Act (CEQA) by the "General Rule" exemption (Government Code Section 15061(b)(3)).

RECOMMENDATION

Staff recommends the Planning Commission recommend that the City Council adopt the proposed amendments to Ordinance Amendment to add definitions for Transitional and Supportive Housing.

Report Prepared By: Richard Grunow
Community Development Director

ATTACHMENTS

1. Proposed Ordinance Amendment to Municipal Code Section 17.03
2. CA HCD Senate Bill 2 FAQ Sheet

DRAFT

ATTACHMENT ____

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING CHAPTER 17.03 OF THE CAPITOLA MUNICIPAL CODE BY
ADDING SECTIONS 17.03.665 AND 17.03.688 TO DEFINE SUPPORTIVE HOUSING
AND TRANSITIONAL HOUSING AS REQUIRED BY STATE LAW**

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

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

“17.03.665 Supportive Housing.

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

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

“17.03.688 Transitional Housing.

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

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

This ordinance was introduced on the ___ day of ____, 2015, and was passed and
adopted by the City Council of the City of Capitola on the __ day of ____, 2015, by the following
vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

ORDINANCE NO.

2

APPROVED:

Dennis R. Norton, Mayor

ATTEST:

Su Sneddon, City Clerk, MMC

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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MEMORANDUM

Updated: April 10, 2013

DATE: May 7, 2008

TO: Planning Directors and Interested Parties

FROM: 
Cathy E. Creswell, Deputy Director
Division of Housing Policy Development

SUBJECT: **Senate Bill 2 -- Legislation Effective January 1, 2008:
*Local Planning and Approval for Emergency Shelters and
Transitional and Supportive Housing***

Chapter 633, Statutes of 2007 (SB 2) clarifies and strengthens housing element law to ensure zoning encourages and facilitates emergency shelters and limits the denial of emergency shelters and transitional and supportive housing under the Housing Accountability Act. The law will facilitate efforts to address the critical needs of homeless populations and persons with special needs throughout all communities in California. Generally, SB 2 amends housing element law regarding planning and approval for emergency shelters and transitional and supportive housing as follows:

Planning (Government Code Section 65583)

- At least one zone shall be identified to permit emergency shelters without a conditional use permit or other discretionary action.
- Sufficient capacity must be identified to accommodate the need for emergency shelters and at least one year-round emergency shelter.
- Existing or proposed permit procedures, development and management standards must be objective and encourage and facilitate the development of or conversion to emergency shelters.
- Emergency shelters shall only be subject to development and management standards that apply to residential or commercial within the same zone.
- Written and objective standards may be applied as specified in statute, including maximum number of beds, provision of onsite management, length of stay and security.
- Includes flexibility for jurisdictions to meet zoning requirements with existing ordinances or demonstrate the need for emergency shelters can be accommodated in existing shelters or through a multi-jurisdictional agreement.

Chapter 633, Statutes of 2007 (SB 2)

Page 2

- Transitional and supportive housing shall be considered a residential use and only subject to those restrictions that apply to other residential uses of the same type in the same zone.

Local Approval (Government Code Section 65589.5: Housing Accountability Act)

- Limits denial of emergency shelters, transitional housing or supportive housing by requiring specific findings.
- Some findings shall not be utilized if new planning requirements of SB 2 are not met; such as identifying a zone without a conditional use permit,

Attached is a briefing paper informing local governments of SB 2, providing assistance in evaluating these new provisions to effectively implement this important new State law; in addition to a copy of the legislation. Electronic copies of these can be found on the Department's website at www.hcd.ca.gov or the Senate's website at www.senate.ca.gov. You may also obtain copies of published bills from the Legislative Bill Room by calling (916) 445-2323. If you have any questions, or seek additional technical assistance, please contact Paul McDougall, HPD Manager, at (916) 445-4728.

Attachments

Chapter 633, Statutes of 2007 (Senate Bill 2)

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Introduction

Homeless Needs

Homelessness in California is a continuing and growing crisis. On any given day, there are at least 361,000 homeless individuals in California – or 1.1 percent of the State’s total population. Of this number, two-thirds are estimated to be single adults, while the other third are families. Some 30 percent of California’s homeless – 108,000 – are so-called “chronic” homeless who have been homeless for six months or more. This population tends to be comprised of single adults who face such obstacles as mental illness, substance abuse problems and chronic physical health problems or disabilities that prevent them from working. Homeless individuals and families are without permanent housing largely because of a lack of affordable housing, often compounded by limited education or skills, mental illness and substance abuse issues, domestic violence and the lack of family or other support networks.¹

California’s homelessness crisis demands the effective involvement of both the public and private sectors. A housing element can be an effective and powerful tool in combating homelessness. Passage of SB 2 strengthened the law to increase its effectiveness in addressing the needs of California’s homeless population. The upcoming housing element update presents an important opportunity to make ending homelessness a critical priority.

Purpose and Objectives of SB 2

The framework of SB 2 resulted from a collaborative effort by key stakeholders including housing and homeless advocates and providers, local governments, planners, and the building industry. SB 2 strengthens existing housing element requirements to provide the opportunity for the development of emergency shelters and transitional and supportive housing. SB 2 ensures zoning, development and management standards and permit procedures encourage emergency shelters while allowing flexibility for existing local strategies and cooperative efforts.

SB 2 focuses on the impacts of zoning requirements on the development of emergency shelters. While the new statute requires that every local government zone for the development of emergency shelters, it does not restrict how local governments allocate resources to address local priority needs. For example, nothing in SB 2 prohibits communities from also adopting a “Housing First” strategy to provide homeless persons with housing immediately and then providing services as needed.

¹ *Governor’s Interagency Task Force on Homelessness, Progress Report and Work Plan for 2003.* Health and Human Services Agency and Business, Transportation and Housing Agency, December 2002

Section 1

Planning

(Government Code Section 65583)

Identifying and Analyzing Needs and Resources

Current law, Government Code Section 65583(a)(7), requires an identification and analysis of the needs of homeless persons and families. The analysis is an essential component of an effective housing element; however data sources can be limited and vary in estimates of need. As a result, an analysis should consider a variety of data sources and include proactive outreach with service providers to examine the degree and characteristics of homeless needs in the community and surrounding communities. A thorough analysis includes:

- An estimate or count of the daily average number of persons lacking shelter. Wherever possible, and to better describe the characteristics of needs, this figure could be divided into single males, single females and families (one or more adults with children) as the needs of each subgroup differ significantly.
- As local data or other existing sources permit (see list below), a description of the percentage of the homeless population who are mentally ill, developmentally disabled, veterans, runaway or emancipated foster youth, substance abusers, survivors of domestic violence, and other subpopulations of homeless considered significant by the jurisdiction.
- An inventory of the resources available within the community including shelters, transitional housing and supportive housing units by type. The analysis should estimate the number and type of existing shelter beds, and units of transitional and supportive housing available.
- Assess the degree of unmet homeless needs, including the extent of need for emergency shelters. As part of this analysis, SB 2 now clarifies the need assessment for emergency shelters must consider seasonal and year-round need. In recognition of local efforts to encourage supportive housing, SB 2 allows jurisdictions with 10 Year Plans to End Chronic Homelessness to reduce the need for emergency shelters by the number of supportive housing units identified in an adopted 10-year plan and that are either vacant or funding has been identified to allow construction in the housing element planning period.

Resources to identify and analyze homeless needs, include:

- Consolidated plans
- Continuum of care plans
- 10 Year Plans to End Chronic Homelessness
- Interagency Council on Homelessness, Guide to Developing Plans and Examples (<http://www.ich.gov/slocal/index.html>)

- Local service providers such as continuum of care providers, local homeless shelter and service providers, food programs, operators of transitional housing programs, local drug and alcohol program service providers, county mental health and social service departments, local Salvation Army, Goodwill Industries, churches and schools, and
- 15 countywide Designated Local Boards certified by the Department's Emergency Housing and Assistance Program (<http://www.hcd.ca.gov/fa/ehap/cntys-with-dlb.html>).

Identifying Zoning for Emergency Shelters

Prior to enactment of SB 2, housing element law required local governments to identify zoning to encourage and facilitate the development of emergency shelters. SB 2 strengthened these requirements. Most prominently, housing element law now requires the identification of a zone(s) where emergency shelters are permitted without a conditional use permit or other discretionary action. To address this requirement, a local government may amend an existing zoning district, establish a new zoning district or establish an overlay zone for existing zoning districts. For example, some communities may amend one or more existing commercial zoning districts to allow emergency shelters without discretionary approval. The zone(s) must provide sufficient opportunities for new emergency shelters in the planning period to meet the need identified in the analysis and must in any case accommodate at least one year-round emergency shelter (see more detailed discussion below).



Clverfield Services Center – Emergency Shelter by OPCC in Santa Monica, CA
Photo courtesy of OPCC in Santa Monica

When identifying a zone or analyzing an existing zone for emergency shelters, the element should address the compatibility and suitability of the zone. The element should consider what other uses are permitted in the zone and whether the zone is suitable for residential or emergency shelters. For example, an industrial zone with heavy manufacturing may have environmental conditions rendering it unsuitable for residential or shelter uses. In some localities, manufacturing or industrial zones may be in transition, where older industrial uses are redeveloping to residential, office or commercial. Transitioning zones may be compatible

with residential uses and suitable for emergency shelters. Also, a commercial zone allowing residential or residential compatible services (i.e., social services, offices) would be suitable for shelters. For example, Sacramento County permits emergency shelters in its commercial zone along with other residential uses and uses such as retail that are compatible with residential.

SB 2 clarifies existing law by requiring zoning identified for emergency shelters to include sufficient capacity to accommodate the need. The identified zone(s) must have sufficient capacity, when taken as a whole, to meet the need for shelters identified in the housing element, and have a realistic potential for development or reuse opportunities in the planning period. Further, capacity for emergency shelters must be suitable and available and account for physical features (flooding, seismic hazards, chemical contamination, other environmental constraints, and slope instability or erosion) and location (proximity to transit, job centers, and public and community services). The element should also address available acreage (vacant or underutilized) and the realistic capacity for emergency shelters in the zone. For example, if a jurisdiction identifies the public institution zoning district as the zone where emergency shelters will be allowed without a conditional use permit, the element should demonstrate sufficient acreage within the zoning district that could accommodate the actual development of an emergency shelter. The element could also discuss the potential for reuse or conversion of existing buildings to emergency shelters.

SB 2 ensures that each local government shares the responsibility to provide opportunities for the development of emergency shelters. Regardless of the extent of need identified in the element, local governments must provide zoning to allow at least one year round emergency shelter, unless the need for emergency shelters is accommodated through existing shelters or a multi-jurisdictional agreement (see discussion below). This is especially important given the fact that the homeless population is not always visible in the community; is sometimes transitory; data resources are frequently inadequate and the availability and adequacy of services and programs vary significantly by community and can impact the homeless count.

If a local government's existing zoning does not allow emergency shelters without a conditional use permit or other discretionary action, the housing element must include a program to identify a specific zone(s) and amend the zoning code within one year of adoption of the housing element (65583(a)(4)). The only exceptions permitted to the non-discretionary zoning requirement are where a jurisdiction demonstrates their homeless needs can be accommodated in existing shelters; or where the jurisdiction meets all of its need through a multi-jurisdictional agreement (discussed in later sections).

Where a local government has identified a zone and sufficient capacity to encourage emergency shelters consistent with the provisions of SB 2, a local government may also identify additional zones for the development of emergency shelters that require a conditional use permit.

Permitting Emergency Shelters without Discretionary Action

To comply with SB 2, localities must have or adopt a zoning classification that permits emergency shelters in a non-discretionary manner (localities may however apply development standards pursuant to Section 65583(a)(4)). In such zones, permitted uses, development standards and permit procedures must include:

- Objective development standards that encourage and facilitate the approval of emergency shelters.
- Decision-making criteria such as standards that do not require discretionary judgment.
- Standards that do not render emergency shelters infeasible, and only address the use as an emergency shelter, not the perceived characteristics of potential occupants.

Requiring a variance, minor use permit, special use permit or any other discretionary process does not constitute a non-discretionary process. However, local governments may apply non-discretionary design review standards.



Emergency Shelter – Jackson, California
Photo courtesy of Amador-Tuolumne Community Action

A local government should not require public notice of its consideration of emergency shelter proposals unless it provides public notice of other non-discretionary actions. For example, if a local government permits new construction of a single-family residence without discretionary action and public notice is not given for these applications, then a local government should employ the same procedures for emergency shelter applications. The appropriate point for public comment and discretionary action is when zoning is being amended or adopted for emergency shelters, not on a project-by-project basis.

Development Standards to Encourage and Facilitate Emergency Shelters

SB 2 requires that emergency shelters only be subject to those development and management standards that apply to residential or commercial use within the same zone, except the local government may apply certain objective standards discussed on the next page (Government Code Section 65583(a)(4)). For example, a light commercial zone might permit a range of wholesaler, service repair and business services subject to buildable area and lot area requirements. In this case, the emergency shelter may be subject only to the same buildable area and lot area requirements. The same zone might permit residential uses subject to certain development standard (i.e., lot area, heights, and setbacks) requirements. In this case, emergency shelters should only be subject to the same development standards.

To demonstrate that processing procedures and standards are objective and encourage and facilitate development of emergency shelters, the housing element must address how:

- zoning explicitly allows the use (meaning the use is specifically described in the zoning code);
- development standards and permit procedures do not render the use infeasible;
- zoning, development and management standards, permit procedures and other applicable land-use regulations promote the use through objective; and predictable standards.

SB 2 allows flexibility for local governments to apply written, objective development and management standards for emergency shelters as described in statute and below.

- The maximum number of beds or persons permitted to be served nightly by the facility.
- Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.
- The size and location of exterior and interior on-site waiting and client intake areas.
- The provision of on-site management.
- The proximity to other emergency shelters provided that emergency shelters are not required to be more than 300 feet apart.
- The length of stay.
- Lighting.
- Security during hours that the emergency shelter is in operation.

These standards must be designed to encourage and facilitate the development of, or conversion to, an emergency shelter. For example, a standard establishing the maximum number of beds should act to encourage the development of an emergency shelter; local governments should establish flexible ranges for hours of operation; length of stay provision should be consistent with financing programs or statutory definitions limiting occupancy to six months (Health and Safety Code Section 50801) and should not unduly impair shelter operations. Appropriate management standards are reasonable and limited to ensure the operation and maintenance of the property.



Encouraging Multi-Jurisdictional Cooperation and Coordination

SB 2 recognizes and encourages multi-jurisdictional coordination by allowing local governments to satisfy all or part of their obligation to zone for emergency shelters by adopting and implementing a multi-jurisdictional agreement, with a maximum of two adjacent communities. The agreement must commit the participating jurisdictions to develop at least one year-round shelter within two years of the beginning of the housing element planning period. For example, jurisdictions in Southern California Association of Governments (SCAG) region with a statutory due date of June 30, 2008 would need to ensure the development of shelter(s) by June 30, 2010. To utilize this provision, local governments must adopt an agreement that allocates a portion of the new shelter capacity to each jurisdiction as credit towards the jurisdiction's emergency shelter need. The housing element for each participating local government must describe how the capacity was allocated. In addition, the housing element of each participating jurisdiction must describe:

- How the joint facility will address the local governments need for emergency shelters.
- The local government's contribution for both the development and ongoing operation and management of the shelter.
- The amount and source of the funding to be contributed to the shelter.
- How the aggregate capacity claimed by all of the participating jurisdictions does not exceed the actual capacity of the shelter facility.

If the local government can demonstrate that the multi-jurisdictional agreement can accommodate the jurisdiction's need for emergency shelter, the jurisdiction is authorized to comply with the zoning requirements for emergency shelters by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit.



Quinn Cottages, Transitional Housing in Sacramento, CA
Photo courtesy of Cottage Housing, Inc.

Existing Ordinances and Existing Shelters that Accommodate Need

Existing Ordinances Permitting Emergency Shelters

Many local governments have a record of effective actions to address the homeless needs in their community. SB 2 recognizes and provides flexibility for jurisdictions that have already adopted an ordinance(s) that complies with the new zoning requirements. For those local governments with existing ordinances and zoning consistent with requirements of SB 2, no further action will be required to identify zones available



Hendley Circle Apartments – Supportive SRO Housing in Burbank
Photo courtesy of Burbank Housing

for emergency shelters. The housing element must however, describe how the existing ordinance, policies and standards are consistent with the requirements of SB 2.

Existing Shelters That Accommodate the Need for Emergency Shelters

Local governments that can demonstrate, to the satisfaction of the Department, the existence of one or more emergency shelters either within the jurisdiction or pursuant to a multi-jurisdictional agreement that can accommodate the need for emergency shelters identified in the housing element may comply with the zoning requirements of SB 2 by identifying a zone(s) where new emergency shelters are allowed with a conditional use permit. To demonstrate homeless needs can be accommodated in existing shelters, an element must at minimum list existing shelters including the total number of beds and the number vacant. The analysis should support and document the estimate of vacant beds and must consider seasonal fluctuations in the need for emergency shelters.

Transitional and Supportive Housing

Transitional housing is defined in Section 50675.2 of the Health & Safety Code as rental housing for stays of at least six months but where the units are re-circulated to another program recipient after a set period. Transitional housing may be designated for a homeless individual or family transitioning to permanent housing. This housing can take several forms,

such as single family or multifamily units, and may include supportive services to allow individuals to gain necessary life skills in support of independent living. *Supportive housing* as defined at Section 50675.14 of the Health & Safety Code has no limit on the length of stay, is linked to onsite or offsite services, and is occupied by a target population as defined in Health & Safety Code Section 53260. Services typically include assistance designed to meet the needs of the target population in retaining housing, living and working in the community, and/or improving health and may include case management, mental health treatment, and life skills.

The housing element must demonstrate that transitional housing and supportive housing are permitted as a residential use and only subject to those restrictions that apply to other residential dwellings of the same type in the same zone (Government Code Section 65583(a)(5)). In other words, transitional housing and supportive housing are permitted in all zones allowing residential uses and are not subject to any restrictions (e.g., occupancy limit) not imposed on similar dwellings (e.g., single family home, apartments) in the same zone in which the transitional housing and supportive housing is located. For example, transitional housing located in an apartment building in a multifamily zone is permitted in the same manner as an apartment building in the same zone and supportive housing located in a single family home in a single family zone is permitted in the same manner as a single family home in the same zone.

If jurisdictions do not explicitly permit transitional and supportive housing as previously described, the element must include a program to ensure zoning treats transitional and supportive housing as a residential use, subject only to those restrictions on residential uses contained in the same type of structure.

Housing Element Policies and Programs

Effective programs reflect the results of the local housing need analyses, identification of available resources, including land and financing, and the mitigation of identified governmental and nongovernmental constraints.

Programs consist of specific action steps the locality will take to implement its policies and achieve goals and objectives. Programs must

include a specific timeframe for implementation, identify the agencies or officials responsible for implementation, and describe the jurisdiction's specific role in implementation.

Where a jurisdiction does not provide an analysis demonstrating compliance with the provisions of SB 2 through existing zoning, the element must have a program(s) to address the results of that analysis. For example, if the element does not identify an existing zone to



Gish Apartments – Supportive Housing, San Jose, CA
Photo courtesy of First Community Housing and Bernard Andre

permit emergency shelters without a conditional use permit or other discretionary action, the element must include a program to establish the appropriate zoning, unless the jurisdiction has satisfied its needs through existing emergency shelters or a multi-jurisdictional agreement. If development and management standards do not encourage and facilitate emergency shelters or zoning does not treat transitional and supportive housing as a residential use, the element must include a program(s) to amend existing zoning or processing requirements to comply with SB 2.

Programs to address the requirements of SB 2 for emergency shelters must be implemented within one year of adoption of the housing element. Programs to address requirements for transitional and supportive housing should be implemented early in the planning period. Further, since the program for emergency shelters must be implemented within one year of adoption, the housing element should provide analysis to support and assure effective implementation of the program. For example, the analysis should examine the suitability of zones to be included in the program and whether sufficient and suitable capacity is available. The same type of analysis could evaluate development and management standards that will be considered as part of establishing or amending zoning. This analysis should demonstrate the necessary commitment to ensure zoning, permit procedures and development standards encourage and facilitate emergency shelters.

******* UPDATED*******

Please be aware, if the adopted housing element from the previous cycle (4th cycle) included a program to address the requirements of SB 2 for emergency shelters, and the required timeframe has lapsed, the Department will not be able to find future housing elements in compliance until the required rezoning is complete and the element is amended to reflect that rezoning.

Timing: When SB 2 Applies

In accordance with Government Code Section 65583(e), any draft housing element submitted to the Department after March 31, 2008 will be required to comply with SB 2.

Section 2

Local Approval

(Government Code Section 65589.5)

The Housing Accountability Act

To promote predictability for the development of housing affordable to lower- and moderate-income households, the Housing Accountability Act (Government Code Section 65589.5) prohibits a jurisdiction from disapproving a housing development project, including housing for farmworkers and for very low-, low-, or moderate-income households, or conditioning approval in a manner that renders the project infeasible for development for the use of very low-, low-, or moderate-income households, including through the use of design review standards, unless it makes at least one of five specific written findings based on substantial evidence in the record (Government Code Section 65589.5).

SB 2 adds emergency shelters to the list of uses protected under the Housing Accountability Act. In addition, SB 2 clarifies that the definition of a housing development project includes transitional or supportive housing (see Attachment 1: SB 2 - changes are underlined).

Zoning Inconsistency

Pursuant to the Housing Accountability Act, a local government is prohibited from making the finding regarding zoning and general plan inconsistency (Section 65589.5(d)(5)) to disapprove a development if the jurisdiction identified the site in its general plan (e.g., housing or land-use element) as appropriate for residential use at the density proposed or failed to identify adequate sites to accommodate its share of the regional housing need for all income groups. In addition to extending these provisions to emergency shelters and transitional housing, SB 2 prohibits the use of the zoning and general plan inconsistency finding to disapprove an emergency shelter if the jurisdictions have:

- not identified a zone(s) where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit,
- not demonstrated the identified zone(s) include sufficient capacity to accommodate the need for emergency shelter, or
- not demonstrated the identified zone(s) can accommodate at least one emergency shelter.

This provision applies to any site identified in any element of the general plan for industrial, commercial, or multifamily residential uses. In any court action, the burden of proof is on the local jurisdiction to demonstrate its housing element satisfies the above requirements of SB 2.

Attachment 1

Statutory Changes to Housing Element Law (*underline version*)

Attachment 1

Changes to State Housing Element Law **Chapter 633, Statutes of 2007 (SB 2)** *(changes indicated in strikeouts and underlines)*

65582. As used in this article, the following definitions apply:

- (a) "Community," "locality," "local government," or "jurisdiction" means a city, city and county, or county.
- (b) "Council of governments" means a single or multicounty council created by a joint powers agreement pursuant to Chapter 5 (commencing with Section 6500) of Division 1 of Title 1.
- (c) "Department" means the Department of Housing and Community Development.
- (d) "Emergency shelter" has the same meaning as defined in subdivision (e) of Section 50801 of the Health and Safety Code.
- (e) "Housing element" or "element" means the housing element of the community's general plan, as required pursuant to this article and subdivision (c) of Section 65302.
- (f) "Supportive housing" has the same meaning as defined in subdivision (b) of Section 50675.14 of the Health and Safety Code.
- (g) "Transitional housing" has the same meaning as defined in subdivision (h) of Section 50675.2 of the Health and Safety Code.

65583. The housing element shall consist of an identification and analysis of existing and projected housing needs and a statement of goals, policies, quantified objectives, financial resources, and scheduled programs for the preservation, improvement, and development of housing. The housing element shall identify adequate sites for housing, including rental housing, factory-built housing, ~~and~~ mobilehomes, and emergency shelters, and shall make adequate provision for the existing and projected needs of all economic segments of the community. The element shall contain all of the following:

- (a) An assessment of housing needs and an inventory of resources and constraints relevant to the meeting of these needs. The assessment and inventory shall include all of the following:
 - (1) An analysis of population and employment trends and documentation of projections and a quantification of the locality's existing and projected housing needs for all income levels, including extremely low income households, as defined in subdivision (b) of Section 50105 and Section 50106 of the Health and Safety Code. These existing and projected needs shall include the locality's share of the regional housing need in accordance with Section 65584. Local agencies shall calculate the subset of very low income households allotted under Section 65584 that qualify as extremely low income households. The local agency may either use available census data to calculate the percentage of very low income households that qualify as extremely low income households or presume that 50 percent of the very low income households qualify as extremely low income households. The number of extremely low income households and very low income households shall equal the jurisdiction's allocation of very low income households pursuant to Section 65584.
 - (2) An analysis and documentation of household characteristics, including level of payment compared to ability to pay, housing characteristics, including overcrowding, and housing stock condition.

(3) An inventory of land suitable for residential development, including vacant sites and sites having potential for redevelopment, and an analysis of the relationship of zoning and public facilities and services to these sites.

(4) (A) The identification of a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit. The identified zone or zones shall include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7), except that each local government shall identify a zone or zones that can accommodate at least one year-round emergency shelter. If the local government cannot identify a zone or zones with sufficient capacity, the local government shall include a program to amend its zoning ordinance to meet the requirements of this paragraph within one year of the adoption of the housing element. The local government may identify additional zones where emergency shelters are permitted with a conditional use permit. The local government shall also demonstrate that existing or proposed permit processing, development, and management standards are objective and encourage and facilitate the development of, or conversion to, emergency shelters. Emergency shelters may only be subject to those development and management standards that apply to residential or commercial development within the same zone except that a local government may apply written, objective standards that include all of the following:

(i) The maximum number of beds or persons permitted to be served nightly by the facility.

(ii) Off-street parking based upon demonstrated need, provided that the standards do not require more parking for emergency shelters than for other residential or commercial uses within the same zone.

(iii) The size and location of exterior and interior onsite waiting and client intake areas.

(iv) The provision of onsite management.

(v) The proximity to other emergency shelters, provided that emergency shelters are not required to be more than 300 feet apart.

(vi) The length of stay.

(vii) Lighting.

(viii) Security during hours that the emergency shelter is in operation.

(B) The permit processing, development, and management standards applied under this paragraph shall not be deemed to be discretionary acts within the meaning of the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

(C) A local government that can demonstrate to the satisfaction of the department the existence of one or more emergency shelters either within its jurisdiction or pursuant to a multijurisdictional agreement that can accommodate that jurisdiction's need for emergency shelter identified in paragraph (7) may comply with the zoning requirements of subparagraph (A) by identifying a zone or zones where new emergency shelters are allowed with a conditional use permit.

(D) A local government with an existing ordinance or ordinances that comply with this paragraph shall not be required to take additional action to identify zones for emergency shelters. The housing element must only describe how existing ordinances, policies, and standards are consistent with the requirements of this paragraph.

(5) An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the types of housing identified in paragraph (1) of subdivision (c), and for persons with disabilities as identified in

the analysis pursuant to paragraph (6), including land use controls, building codes and their enforcement, site improvements, fees and other exactions required of developers, and local processing and permit procedures. The analysis shall also demonstrate local efforts to remove governmental constraints that hinder the locality from meeting its share of the regional housing need in accordance with Section 65584 and from meeting the need for housing for persons with disabilities identified pursuant to, supportive housing, transitional housing, and emergency shelters identified pursuant to paragraph Transitional housing and supportive housing shall be ~~(5) considered a residential use of property, and shall be subject only to those restrictions that apply to other residential dwellings of the same type in the same zone.~~

~~(6)~~ An analysis of potential and actual nongovernmental constraints upon the maintenance, improvement, or development of housing for all income levels, including the availability of financing, the price of land, and the cost of construction.

~~(67)~~ An analysis of any special housing needs, such as those of the elderly, persons with disabilities, large families, farmworkers, families with female heads of households, and families and persons in need of emergency shelter. The need for emergency shelter shall be ~~(7) assessed based on annual and seasonal need. The need for emergency shelter may be reduced by the number of supportive housing units that are identified in an adopted 10-year plan to end chronic homelessness and that are either vacant or for which funding has been identified to allow construction during the planning period.~~

~~(8)~~ An analysis of opportunities for energy conservation with respect to residential development.

~~(89)~~ An analysis of existing assisted housing developments that are eligible to change from low-income housing uses during the next 10 years due to termination of subsidy contracts, mortgage prepayment, or expiration of restrictions on use. "Assisted housing developments," for the purpose of this section, shall mean multifamily rental housing that receives governmental assistance under federal programs listed in subdivision (a) of Section 65863.10, state and local multifamily revenue bond programs, local redevelopment programs, the federal Community Development Block Grant Program, or local in-lieu fees. "Assisted housing developments" shall also include multifamily rental units that were developed pursuant to a local inclusionary housing program or used to qualify for a density bonus pursuant to Section 65916.

(A) The analysis shall include a listing of each development by project name and address, the type of governmental assistance received, the earliest possible date of change from low-income use and the total number of elderly and nonelderly units that could be lost from the locality's low-income housing stock in each year during the 10-year period. For purposes of state and federally funded projects, the analysis required by this subparagraph need only contain information available on a statewide basis.

(B) The analysis shall estimate the total cost of producing new rental housing that is comparable in size and rent levels, to replace the units that could change from low-income use, and an estimated cost of preserving the assisted housing developments. This cost analysis for replacement housing may be done aggregately for each five-year period and does not have to contain a project-by-project cost estimate.

(C) The analysis shall identify public and private nonprofit corporations known to the local government which have legal and managerial capacity to acquire and manage these housing developments.

(D) The analysis shall identify and consider the use of all federal, state, and local financing and subsidy programs which can be used to preserve, for lower income households, the assisted housing developments, identified in this paragraph, including, but not limited to, federal Community Development Block Grant Program funds, tax increment funds received by a redevelopment agency of the community, and administrative fees received by a housing authority operating within the community. In considering the use of these financing and subsidy programs, the analysis shall identify the amounts of funds under each available program which have not been legally obligated for other purposes and which could be available for use in preserving assisted housing developments.

(b) (1) A statement of the community's goals, quantified objectives, and policies relative to the maintenance, preservation, improvement, and development of housing.

(2) It is recognized that the total housing needs identified pursuant to subdivision (a) may exceed available resources and the community's ability to satisfy this need within the content of the general plan requirements outlined in Article 5 (commencing with Section 65300). Under these circumstances, the quantified objectives need not be identical to the total housing needs. The quantified objectives shall establish the maximum number of housing units by income category, including extremely low income, that can be constructed, rehabilitated, and conserved over a five-year time period.

(c) A program which sets forth a five-year schedule of actions the local government is undertaking or intends to undertake to implement the policies and achieve the goals and objectives of the housing element through the administration of land use and development controls, ~~the~~ provision of regulatory concessions and incentives, and ~~the~~ the utilization of appropriate federal and state financing and subsidy programs when available and the utilization of moneys in a low- and moderate-income housing fund of an agency if the locality has established a redevelopment project area pursuant to the Community Redevelopment Law (Division 24 (commencing with Section 33000) of the Health and Safety Code). In order to make adequate provision for the housing needs of all economic segments of the community, the program shall do all of the following:

(1) Identify actions that will be taken to make sites available during the planning period of the general plan with appropriate zoning and development standards and with services and facilities to accommodate that portion of the city's or county's share of the regional housing need for each income level that could not be accommodated on sites identified in the inventory completed pursuant to paragraph (3) of subdivision (a) without rezoning, and to comply with the requirements of Section 65584.09. Sites shall be identified as needed to facilitate and encourage the development of a variety of types of housing for all income levels, including multifamily rental housing, factory-built housing, mobilehomes, housing for agricultural employees, supportive housing, single-room occupancy units, emergency shelters, and transitional housing.

(A) Where the inventory of sites, pursuant to paragraph (3) of subdivision (a), does not identify adequate sites to accommodate the need for groups of all household income levels pursuant to Section 65584, the program shall identify sites that can be developed for housing within the planning period pursuant to subdivision (h) of Section 65583.2.

(B) Where the inventory of sites pursuant to paragraph (3) of subdivision (a) does not identify adequate sites to accommodate the need for farmworker housing, the program shall provide for sufficient sites to meet the need with zoning that permits farmworker housing use by right, including density and development standards that could accommodate and facilitate the feasibility of the development of farmworker housing for low- and very low income households.

- (2) Assist in the development of adequate housing to meet the needs of extremely low, very low, low-, and moderate-income households.
- (3) Address and, where appropriate and legally possible, remove governmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities. The program shall remove constraints to, **and** provide reasonable accommodations for housing designed for, intended for occupancy by, or with supportive services for, persons with disabilities.
- (4) Conserve and improve the condition of the existing affordable housing stock, which may include addressing ways to mitigate the loss of dwelling units demolished by public or private action.
- (5) Promote housing opportunities for all persons regardless of race, religion, sex, marital status, ancestry, national origin, color, familial status, or disability.
- (6) Preserve for lower income households the assisted housing developments identified pursuant to paragraph (89) of subdivision (a).
The program for preservation of the assisted housing developments shall utilize, to the extent necessary, all available federal, state, and local financing and subsidy programs identified in paragraph (89) of subdivision (a), except where a community has other urgent needs for which alternative funding sources are not available. The program may include strategies that involve local regulation and technical assistance.
- (7) The program shall include an identification of the agencies and officials responsible for the implementation of the various actions and the means by which consistency will be achieved with other general plan elements and community goals. The local government shall make a diligent effort to achieve public participation of all economic segments of the community in the development of the housing element, and the program shall describe this effort.
- (d) (1) A local government may satisfy all or part of its requirement to identify a zone or zones suitable for the development of emergency shelters pursuant to paragraph (4) of subdivision (a) by adopting and implementing a multijurisdictional agreement, with a maximum of two other adjacent communities, that requires the participating jurisdictions to develop at least one year-round emergency shelter within two years of the beginning of the planning period.
(2) The agreement shall allocate a portion of the new shelter capacity to each jurisdiction as credit towards its emergency shelter need, and each jurisdiction shall describe how the capacity was allocated as part of its housing element.
(3) Each member jurisdiction of a multijurisdictional agreement shall describe in its housing element all of the following:
(A) How the joint facility will meet the jurisdiction's emergency shelter need.
(B) The jurisdiction's contribution to the facility for both the development and ongoing operation and management of the facility.
(C) The amount and source of the funding that the jurisdiction contributes to the facility.
(4) The aggregate capacity claimed by the participating jurisdictions in their housing elements shall not exceed the actual capacity of the shelter.
- (e) Except as otherwise provided in this article, amendments to this article that alter the required content of a housing element shall apply to both of the following:
(1) A housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, **wherewhen** a city, county, or city and county submits a **first** draft to the department for review pursuant to Section 65585 more than 90 days after the effective date of the amendment to this section.

(2) Any housing element or housing element amendment prepared pursuant to subdivision (e) of Section 65588 or Section 65584.02, wherewhen the city, county, or city and county fails to submit the first draft to the department before the due date specified in Section 65588 or 65584.02.

Housing Accountability Act

65589.5. (a) The Legislature finds and declares all of the following:

(1) The lack of housing, including emergency shelters, is a critical problem that threatens the economic, environmental, and social quality of life in California. (2) California housing has become the most expensive in the nation. The excessive cost of the state's housing supply is partially caused by activities and policies of many local governments that limit the approval of housing, increase the cost of land for housing, and require that high fees and exactions be paid by producers of housing.

(3) Among the consequences of those actions are discrimination against low income and minority households, lack of housing to support employment growth, imbalance in jobs and housing, reduced mobility, urban sprawl, excessive commuting, and air quality deterioration.

(4) Many local governments do not give adequate attention to the economic, environmental, and social costs of decisions that result in disapproval of housing projects, reduction in density of housing projects, and excessive standards for housing projects.

(b) It is the policy of the state that a local government not reject or make infeasible housing developments, including emergency shelters, that contribute to meeting the housing need determined pursuant to this article without a thorough analysis of the economic, social, and Environmental effects of the action and without complying with subdivision (d).

(c) The Legislature also recognizes that premature and unnecessary development of agricultural lands for urban uses continues to have adverse effects on the availability of those lands for food and fiber production and on the economy of the state. Furthermore, it is the policy of the state that development should be guided away from prime agricultural lands; therefore, in implementing this section, local jurisdictions should encourage, to the maximum extent practicable, in filling existing urban areas.

(d) A local agency shall not disapprove a housing development project, including farmworker housing as defined in subdivision (d) of Section 50199.50 of the Health and Safety Code, for very low, low-, or moderate-income households, or an emergency shelter, or condition approval in a manner that renders the project infeasible for development for the use of very low, low-, or moderate- income households, or an emergency shelter, including through the use of design review standards, unless it makes written findings, based upon substantial evidence in the record, as to one of the following:

(1) The jurisdiction has adopted a housing element pursuant to this article that has been revised in accordance with Section 65588, is in substantial compliance with this article, and the jurisdiction has met or exceeded its share of the regional housing need allocation pursuant to Section 65584 for the planning period for the income category proposed for the housing development project, provided that any disapproval or conditional approval shall not be based on any of the reasons prohibited by Section 65008. If the housing development project includes a mix of income categories, and the jurisdiction has not met or exceeded its share of the regional housing need for one or more of those categories, then this paragraph shall not be used to disapprove or conditionally approve the project. The share of the regional

housing need met by the jurisdiction shall be calculated consistently with the forms and definitions that may be adopted by the Department of Housing and Community Development pursuant to Section 65400. In the case of an emergency shelter, the jurisdiction shall have met or exceeded the need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. Any disapproval or conditional approval pursuant to this paragraph shall be in accordance with applicable law, rule, or standards.

(2) The development project or emergency shelter as proposed would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete. Inconsistency with the zoning ordinance or general plan land use designation shall not constitute a specific, adverse impact upon the public health or safety.

(3) The denial of the project or imposition of conditions is required in order to comply with specific state or federal law, and there is no feasible method to comply without rendering the development unaffordable to low- and moderate-income households or rendering the development of the emergency shelter financially infeasible.

(4) The development project or emergency shelter is proposed on land zoned for agriculture or resource preservation that is surrounded on at least two sides by land being used for agricultural or resource preservation purposes, or which does not have adequate water or wastewater facilities to serve the project.

(5) The development project or emergency shelter is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation as specified in any element of the general plan as it existed on the date the application was deemed complete, and the jurisdiction has adopted a revised housing element in accordance with Section 65588 that is in substantial compliance with this article.

(A) This paragraph cannot be utilized to disapprove or conditionally approve a housing development project if the development project is proposed on a site that is identified as suitable or available for very low, low-, or moderate-income households in the jurisdiction's housing element, and consistent with the density specified in the housing element, even though it is inconsistent with both the jurisdiction's zoning ordinance and general plan land use designation.

(B) If the local agency has failed to identify in the inventory of land in its housing element sites that can be developed for housing within the planning period and that are sufficient to provide for the jurisdiction's share of the regional housing need for all income levels pursuant to Section 65584, then this paragraph shall not be utilized to disapprove or conditionally approve a housing development project proposed for a site designated in any element of the general plan for residential uses or designated in any element of the general plan for commercial uses if residential uses are permitted or conditionally permitted within commercial designations. In any action in court, the burden of proof shall be on the local agency to show that its housing element does identify adequate sites with appropriate zoning and development standards and with services and facilities to accommodate the local agency's share of the regional housing need for the very low and low-income categories.

~~(e) This section does not relieve the local agency (C) If the local agency has failed to identify a zone or zones where emergency shelters are allowed as a permitted use without a conditional use or other discretionary permit, has failed to demonstrate that the identified zone or zones include sufficient capacity to accommodate the need for emergency shelter identified in paragraph (7) of subdivision (a) of Section 65583, or has failed to demonstrate that the identified zone or zones can accommodate at least one emergency shelter, as required by paragraph (4) of subdivision (a) of Section 65583, then this paragraph shall not be utilized to disapprove or conditionally approve an emergency shelter proposed for a site designated in any element of the general plan for industrial, commercial, or multifamily residential uses. In any action in court, the burden of proof shall be on the local agency to show that its housing element does satisfy the requirements of paragraph (4) of subdivision (a) of Section 65583.~~

~~(e) Nothing in this section shall be construed to relieve the local agency~~ from complying with the Congestion Management Program required by Chapter 2.6 (commencing with Section 65088) of Division 1 of Title 7 or the California Coastal Act (Division 20 (commencing with Section 30000) of the Public Resources Code). ~~This~~ Neither shall anything in this section also does not be construed to relieve the local agency local agency from making one or more of the findings required pursuant to Section 21081 of the Public Resources Code or otherwise complying with the California Environmental Quality Act (Division 13 (commencing with Section 21000) of the Public Resources Code).

~~(f) This~~ (1) Nothing in this section ~~does not shall be construed to~~ prohibit a local agency from requiring the development project to comply with objective, quantifiable, written development standards, conditions, and policies appropriate to, and consistent with, meeting the jurisdiction's share of the regional housing need pursuant to Section 65584. However, the development standards, conditions, and policies shall be applied to facilitate and accommodate development at the density permitted on the site and proposed by the development project. ~~This.~~ (2) Nothing in this section ~~does not shall be construed to~~ prohibit a local agency from requiring an emergency shelter project to comply with objective, quantifiable, written development standards, conditions, and policies that are consistent with paragraph (4) of subdivision (a) of Section 65583 and appropriate to, and consistent with, meeting the jurisdiction's need for emergency shelter, as identified pursuant to paragraph (7) of subdivision (a) of Section 65583. However, the development standards, conditions, and policies shall be applied by the local agency to facilitate and accommodate the development of the emergency shelter project.

(3) This section does not prohibit a local agency from imposing fees and other exactions otherwise authorized by law that are essential to provide necessary public services and facilities to the development project or emergency shelter.

(g) This section shall be applicable to charter cities because the Legislature finds that the lack of housing, including emergency shelter, is a critical statewide problem.

(h) The following definitions apply for the purposes of this section:

(1) "Feasible" means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.

(2) "Housing development project" means a use consisting of ~~either any~~ of the following:

(A) Residential units only.

(B) Mixed-use developments consisting of residential and nonresidential uses in which nonresidential uses are limited to neighborhood commercial uses and to the first floor of buildings that are two or more stories. As used in this paragraph, "neighborhood commercial" means small-scale general or specialty stores that furnish goods and services primarily to residents of the neighborhood.

(C) Transitional housing or supportive housing.

(3) "Housing for very low, low-, or moderate-income households" means that either (A) at least 20 percent of the total units shall be sold or rented to lower income households, as defined in Section 50079.5 of the Health and Safety Code, or (B) 100 percent of the units shall be sold or rented to moderate-income households as defined in Section 50093 of the Health and Safety Code, or middle-income households, as defined in Section 65008 of this code. Housing units targeted for lower income households shall be made available at a monthly housing cost that does not exceed 30 percent of 60 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the lower income eligibility limits are based. Housing units targeted for persons and families of moderate income shall be made available at a monthly housing cost that does not exceed 30 percent of 100 percent of area median income with adjustments for household size made in accordance with the adjustment factors on which the moderate-income eligibility limits are based.

(4) "Area median income" means area median income as periodically established by the Department of Housing and Community Development pursuant to Section 50093 of the Health and Safety Code. The developer shall provide sufficient legal commitments to ensure continued availability of units for very low or low-income households in accordance with the provisions of this subdivision for 30 years.

(5) "Disapprove the development project" includes any instance in which a local agency does either of the following:

(A) Votes on a proposed housing development project application and the application is disapproved.

(B) Fails to comply with the time periods specified in subparagraph (B) of paragraph (1) of subdivision (a) of Section 65950. An extension of time pursuant to Article 5 (commencing with Section 65950) shall be deemed to be an extension of time pursuant to this paragraph.

(i) If any city, county, or city and county denies approval or imposes restrictions, including design changes, a reduction of allowable densities or the percentage of a lot that may be occupied by a building or structure under the applicable planning and zoning in force at the time the application is deemed complete pursuant to Section 65943, that have a substantial adverse effect on the viability or affordability of a housing development for very low, low-, or moderate-income households, and the denial of the development or the imposition of restrictions on the development is the subject of a court action which challenges the denial, then the burden of proof shall be on the local legislative body to show that its decision is consistent with the findings as described in subdivision (d) and that the findings are supported by substantial evidence in the record.

(j) When a proposed housing development project complies with applicable, objective general plan and zoning standards and criteria, including design review standards, in effect at the time that the housing development project's application is determined to be complete, but the local agency proposes to disapprove the project or to approve it upon the condition that the project be developed at a lower density, the local agency shall base its decision regarding the proposed housing development project upon written findings supported by substantial evidence on the record that both of the following conditions exist:

(1) The housing development project would have a specific, adverse impact upon the public health or safety unless the project is disapproved or approved upon the condition that the project be developed at a lower density. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

(2) There is no feasible method to satisfactorily mitigate or avoid the adverse impact identified pursuant to paragraph (1), other than the disapproval of the housing development project or the approval of the project upon the condition that it be developed at a lower density.

(k) The applicant or any person who would be eligible to apply for residency in the development or emergency shelter may bring an action to enforce this section. If in any action brought to enforce the provisions of this section, a court finds that the local agency disapproved a project or conditioned its approval in a manner rendering it infeasible for the development of an emergency shelter, or housing for very low, low-, or moderate-income households including farmworker housing, without making the findings required by this section or without making sufficient findings supported by substantial evidence, the court shall issue an order or judgment compelling compliance with this section within 60 days, including, but not limited to, an order that the local agency take action on the development project or emergency shelter. The court shall retain jurisdiction to ensure that its order or judgment is carried out and shall award reasonable attorney's fees and costs of suit to the plaintiff or petitioner who proposed the housing development or emergency shelter, except under extraordinary circumstances in which the court finds that awarding fees would not further the purposes of this section. If the court determines that its order or judgment has not been carried out within 60 days, the court may issue further orders as provided by law to ensure that the purposes and policies of this section are fulfilled, including, but not limited to, an order to vacate the decision of the local agency, in which case the application for the project, as constituted at the time the local agency took the initial action determined to be in violation of this section, along with any standard conditions determined by the court to be generally imposed by the local agency on similar projects, shall be deemed approved unless the applicant consents to a different decision or action by the local agency.

(l) If the court finds that the local agency (1) acted in bad faith when it disapproved or conditionally approved the housing development or emergency shelter in violation of this section and (2) failed to carry out the court's order or judgment within 60 days as described in paragraph subdivision (k), the court in addition to any other remedies provided by this section, may impose fines upon the local agency that the local agency shall be required to deposit into a housing trust fund. Fines shall not be paid from funds that are already dedicated for affordable housing, including, but not limited to, redevelopment or low- and moderate-income housing funds and federal HOME and CDBG funds. The local agency shall commit the money in the trust fund within five years for the sole purpose of financing newly constructed housing units affordable to extremely low, very low, or low-income households. For purposes of this section, "bad faith" shall mean an action that is frivolous or otherwise entirely without merit.

(m) Any action brought to enforce the provisions of this section shall be brought pursuant to Section 1094.5 of the Code of Civil Procedure, and the local agency shall prepare and certify the record of proceedings in accordance with subdivision (c) of Section 1094.6 of the Code of Civil Procedure no later than 30 days after the petition is served, provided that the cost of

preparation of the record shall be borne by the local agency. Upon entry of the trial court's order, a party shall, in order to obtain appellate review of the order, file a petition within 20 days after service upon it of a written notice of the entry of the order, or within such further time not exceeding an additional 20 days as the trial court may for good cause allow. If the local agency appeals the judgment of the trial court, the local agency shall post a bond, in an amount to be determined by the court, to the benefit of the plaintiff if the plaintiff is the project applicant.

(n) In any action, the record of the proceedings before the local agency shall be filed as expeditiously as possible and, notwithstanding Section 1094.6 of the Code of Civil Procedure or subdivision (m) of this section, all or part of the record may be prepared (1) by the petitioner with the petition or petitioner's points and authorities, (2) by the respondent with respondent's points and authorities, (3) after payment of costs by the petitioner, or (4) as otherwise directed by the court. If the expense of preparing the record has been borne by the petitioner and the petitioner is the prevailing party, the expense shall be taxable as costs.

(o) This section shall be known, and may be cited, as the Housing Accountability Act.

Attachment 2

Definitions

Attachment 2

Definitions

Emergency Shelters (Health and Safety Code Section 50801(e))

"Emergency shelter" means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person. No individual or household may be denied emergency shelter because of an inability to pay.

Transitional Housing (Health and Safety Code Section 50675.2)(h)

"Transitional housing" and "transitional housing development" means buildings configured as rental housing developments, but operated under program requirements that call for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months.

Supportive Housing (Health and Safety Code 50675.14(b))

Housing with no limit on length of stay, that is occupied by the target population as defined in subdivision (d) of Section 53260, and that is linked to on- or off-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

Target Population Definition per HSC 53260(d)

(d) "Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with [Section 4500 of the Welfare and Institutions Code](#)) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people.

Attachment 3

Helpful Links

Attachment 3

Helpful Links

National Alliance to End Homelessness

<http://www.endhomelessness.org/section/tools/tenyearplan>

Interagency Council on Homelessness

<http://www.ich.gov/>

Interagency Council on Homelessness, Guide to Developing Plans and Examples

<http://www.ich.gov/slocal/index.html>

U.S. Department of Health and Human Services, Homelessness Resource Center

[http://www.nrchmi.samhsa.gov/\(X\(1\)S\(axpyp555dhn54z45qhpqvnj4\)\)/Default.aspx?AspxAutoDetectCookieSupport=1](http://www.nrchmi.samhsa.gov/(X(1)S(axpyp555dhn54z45qhpqvnj4))/Default.aspx?AspxAutoDetectCookieSupport=1)

The National Coalition for the Homeless – Local Resources in California

<http://www.nationalhomeless.org/resources/local/california.html>

HCD Selected Bibliography on Homeless Issues

<http://www.hcd.ca.gov/hpd/biblio.html>

Building Blocks for Effective Housing Elements

(links to funding resources, data, policy and research on homelessness)

http://www.hcd.ca.gov/hpd/housing_element/index.html

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 5, 2015

SUBJECT: **113 Oakland Ave #15-004 APN: 036-132-01**

Design Permit and Conditional Use Permit for an alteration to a Historic Single-Family home and new garage located in the R-1 (Single-Family Residential) 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: Julie and Matt Haniger

Representative: Dennis Norton, filed 1/20/2015

APPLICANT PROPOSAL

The applicant submitted a Design Permit, Conditional Use Permit, and Coastal Development Permit application for an alteration to a historic, single-family home and new detached garage located at 113 Oakland Avenue. The project is located in the R-1 (Single-Family Residential) Zoning District. The proposed modification to the historic home is on the rear façade of the home and includes replacing two windows with new folding doors. The applicant is also proposing a detached, two-car garage.

BACKGROUND

On February 11, 2015, the Architecture and Site Committee reviewed the application. The committee members provided the applicant with the following feedback:

- City Planner, Katie Cattan, requested that the existing conditions of the rear elevation be added to the plans including the window to be removed, the existing flares on the corners of the home, and any siding that will be replaced.
- City Architect Representative, Frank Phanton, reviewed the application and requested that a vicinity map be added to the cover page and the property lines shown on the plans be updated to reflect the survey. He supported the alteration on the rear of the home and found the design of the garage to be compatible with the existing house and neighborhood.
- City Landscape Representative, Craig Waltz, requested that the site plan be updated to include existing trees.
- City Public Works Director, Steve Jesberg, informed the applicant that the storm water information on the coversheet must be updated and downspouts should be directed to the landscaping. He also noted that an erosion control plan and a drainage plan are required at time of building permit.
- City Building Official, Brian Van Son, informed the applicant of fire separation and sprinkler requirements for the garage due to proximity to rear property line.
- The City Historian, Carolyn Swift, was not available to attend the meeting. She followed up with staff stating that she agreed with the findings in the report of Architectural Historian Leslie Dill.

The applicant updated the plans to include information suggested during the Arch and Site committee meeting. The applicant decided to move the garage an additional foot from the property line for fire separation.

SITE PLANNING AND ZONING SUMMARY

The follow table outlines the zoning code requirements for development in the R-1 (Single Family Residential) Zoning District relative to the application:

Development Standards			
Building Height	R-1 Regulation		Proposed
	25'-0" primary structure 15'-0" detached garage		Existing Home 21' (no change) New garage 13'
Floor Area Ratio (FAR)			
Lot Size			3,969 sq. ft.
Maximum Floor Area Ratio			54% (Max 2,143 sq. ft.)
First Story Floor Area			1,047 sq. ft.
Second Story Floor Area			347 sq. ft.
Detached Garage			420 sq. ft.
TOTAL FAR			1,814 sq. ft.
Yards (setbacks are measured from the edge of the public right-of-way)			
Corner lot. If yes, update regulations for corner lots			Yes
	R-1 Regulation		Proposed Garage
Front Yard Garage	20 feet		72 feet
Side Yard Corner Lot Street Side	10 ft. min.		14 ft. 8 in from Corner Lot Street Side property line
Side Yard Corner Lot between neighbors	10% of width	Lot width 40' 4 ft. min	4 ft. from property line
Rear Yard Corner Lot.	Equal to minimum side yard of adjacent property, but no less than 4 ft.	4 ft. min.	5 ft. from property line
Parking			
	Required		Proposed
Residential (from <u>1,500</u> up to <u>2,000</u> sq. ft.)	2 spaces total 1 covered, 1 uncovered		2 spaces total 2 covered
Garage and Accessory Bldg.	Complies with Standards?		Yes
Garage	Yes		Complies
Underground Utilities: required with 25% increase in area			23% increase. Not required.

ANALYSIS

The existing home at 113 Oakland is surrounded by a mix of historic and contemporary single-family homes and secondary dwelling units. The historic site includes a single-family home situated on the front of the lot on the corner of Oakland and El Salto Avenues. Historic character defining features of the single family home include the compact rectangular footprint, a corner entrance porch with wing walls and posts, a gabled hip roof with slightly bell-cast eaves, exposed rafter tails, flat board trim, shingled wood siding without corner boards, and the flaring base of original exterior walls.

The applicant is propping an alteration on the rear façade of the historic home and a new detached garage. There are two horizontal windows on the rear of the home that are likely a mid-twentieth

century modification. These windows will be removed and replaced with new folding doors. The new detached, two-car garage will be located in the rear of the property and accessed from El Salto Drive. The new garage is compatible with primary structure with the proposed shingle cladding, exposed rafter tails, and a gabled roof. The overhead garage doors include a diagonal design fitting within the simple cottage architecture of Depot Hill.

Compliance with Historic Standards

The City of Capitola contracted architectural historian Leslie Dill to review the plans for compliance with the Secretary of the Interior Standards for the Treatment of Historic Properties. Ms. Dill found that the residential alteration and new garage application meet the standards (Attachment B) with the implementation of one recommendation and two clarifications, as follows:

1. The project plans do not specifically address the historic status of the property or the replacement of deteriorated features. It is recommended that language referring to the property as a Historic Structure, requiring review of all design revisions, be included on the cover sheet (Standard 6).
2. An existing window at the utility room/future refrigerator location was left off the drawings. The small historic window is located on the rear (west) elevation, near the north corner, to the side of the shallow bay area with the proposed door alterations. The window is proposed for complete removal for structural reasons. This detail must be clarified in the final drawings for documentation purposes; however, the removal of the wall is compatible with the Standards (Standard 2).
3. It is assumed that the new wall segments at the sides of the proposed house door do not flare at the base, providing differentiation. This detail must be clarified in the final drawings (Standard 9).

The applicant updated the plans based on the recommendation and clarifications of the architectural historian.

Architecture and Site Considerations

Municipal Code section 17.63.090 lists the considerations reviewed by the Planning Commission within a Design Permit application. Staff has underlined the relative architecture and site considerations below followed by a staff analysis. Additional requirements for drainage and fire protection were identified during the Architecture and Site Review meeting. Conditions of approval are included addressing drainage and fire protection which will be reviewed for compliance at time of submittal of building plans.

17.63.090(D) Site Layout:

1. The orientation and location of buildings, decks or balconies, and open spaces in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the buildings with adjacent development such that privacy of adjacent properties is maintained;

Staff Analysis: The orientation of the new detached garage on the rear of the property provides adequate separation of the new and historic structure without overwhelming the site. The scale of the new garage will be in harmony with the site and the adjacent property along El Salto.

17.63.090(F). Considerations relating to architectural character:

1. The suitability of the building for its purpose,

2. The appropriate use of materials to insure compatibility with the intent of the title;

Staff Analysis: The new garage is compatible with primary structure with the proposed shingle cladding, exposed rafter tails, and a gabled roof.

CEQA REVIEW

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This project involves an alteration to an existing historic resource located in the R-1 (single family) zoning district. The Planning Commission has made findings that the project is consistent with the Secretary of the Interior's Standards for Rehabilitation.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #15-004 based on the findings and conditions.

FINDINGS

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The integrity of the historic resource will be maintained with historic resource contributing to a potential historic district with the proposed design.

B. The application 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 modification to the historic structure. The modification will not overwhelm the historic structure. The home is located on Depot Hill and may be a contributing structure within a future historic district. The modification and new garage do not compromise the integrity of the historic resource or eligibility within a future Depot Hill historic district.

C. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This project involves an alteration to an existing historic resource located in the R-1 (single family) zoning district. The project is consistent with the Secretary of the Interior's Standards and therefore qualifies for the CEQA exemption.

CONDITIONS

1. The project approval consists of an alteration to an existing historic resource located at 113 Oakland Avenue. The project approval consists of an alteration on the rear façade of the historic structure as well as construction of a 420 square-foot detached garage. The maximum Floor Area Ratio for the 3,969 square-foot property is 54% (2,143 square feet). The total FAR of the project is 46% with a total of 1,814 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, 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 building plan submittal, the plans shall include a language on the cover sheet referring to the intent of the Secretary of Interior Standards and specifically reference Standard #6. The plans shall identify specific repairs at the time of submittal of the building permit drawings.
5. At time of building plan submittal, the California State Historical Building Code shall be referenced in the architectural notes on the front page, in the event that this preservation code can provide support to the project design.
6. At the time of building plan submittal, all proposed preservation treatments (e.g., epoxy wood consolidant and paint preparation techniques), shall be identified on the plans.
7. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
8. 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 and potentially a review by the Historic Architect for continued conformance with the Secretary of Interior standards.
9. Prior to making any changes to the historic structure, the applicant and/or contractor shall field verify all existing conditions of the historic buildings and match replacement elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.
10. 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, if proposed. Native and/or drought tolerant species are recommended.
11. Prior to issuance of building permit, all Planning fees associated with permit #15-004 shall be paid in full.
12. 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 Water District, and Central Fire Protection District.
13. 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.
14. 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).

15. 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.
16. 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.
17. 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
18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. 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.
20. 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.
21. 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.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

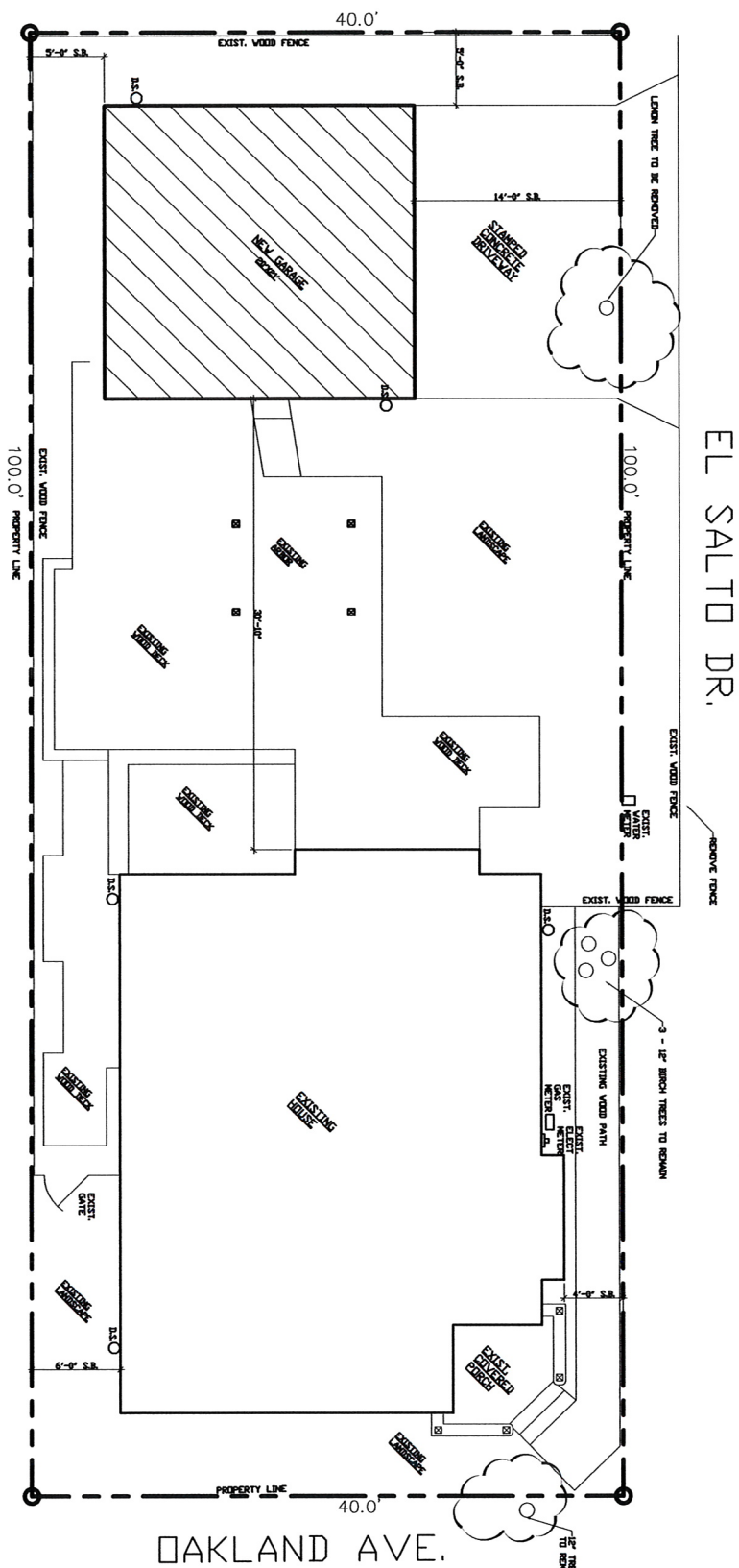
ATTACHMENTS

Attachment A: Plans

Attachment B: Secretary of Interior Standards Review

Attachment C: Coastal Findings

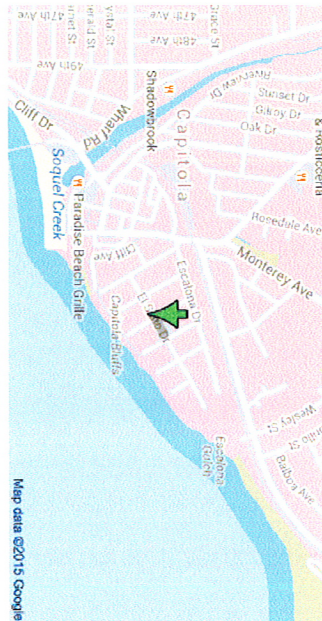
NOTE: ALL NEW GARAGE DRAINAGE
DOWNSPOUTS TO SPLASH BLOCKS
TO VEGETATED AREAS



EL SALTO DR.

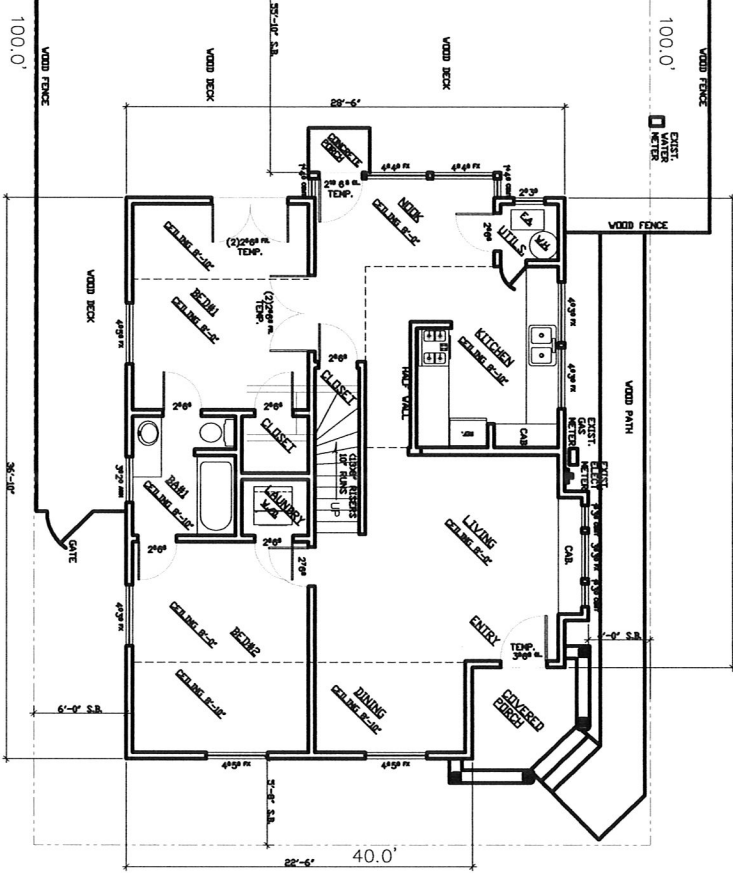
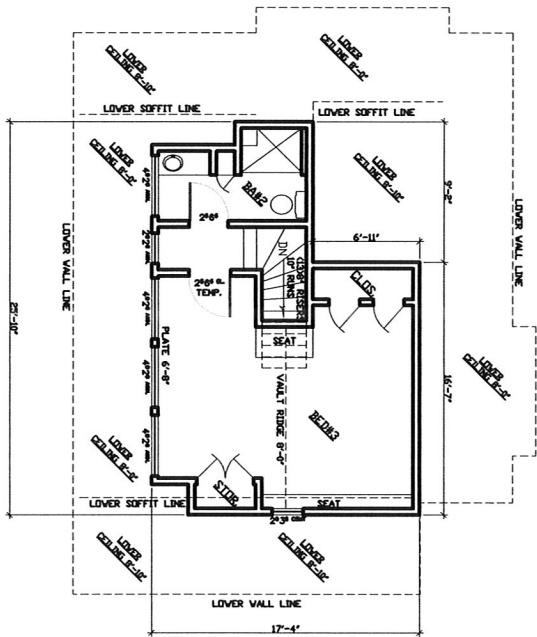
OAKLAND AVE.

MICINITY MAP
SCALE UNKNOWN



SITE PLAN
1/8"=1'-0"

2	06 1/4"=1'-0" OAKLAND 02/24/15	SITE PLAN	DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 O GERRA RD. GERRA, CA. 95020 (925) 478-8888 www.dennison.com	HANIGER RESIDENCE 113 OAKLAND AVE. CAPITOLA, CA 95010 APN 036-132-01	MITT & JILL HANIGER 113 OAKLAND AVE CAPITOLA, CA 95010
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FLOORPLAN
1/4" = 1'-0"

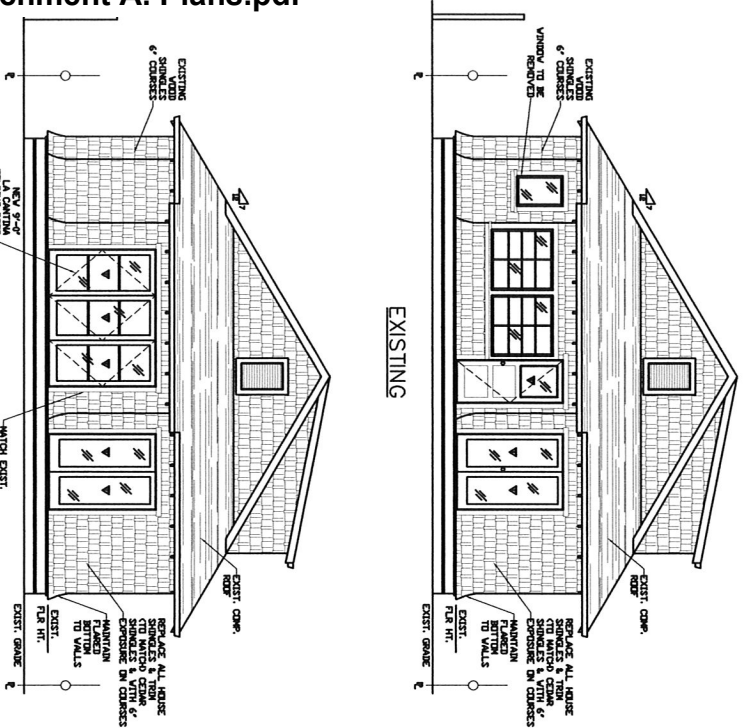
EXISTING FLOORPLAN

DENNIS NORTON
HOME DESIGN AND PROJECT PLANNING
712 O GAVINIA AVENUE, OAKLAND, CA 94608 • 925 475 8500
WWW.DENNISNORTON.COM

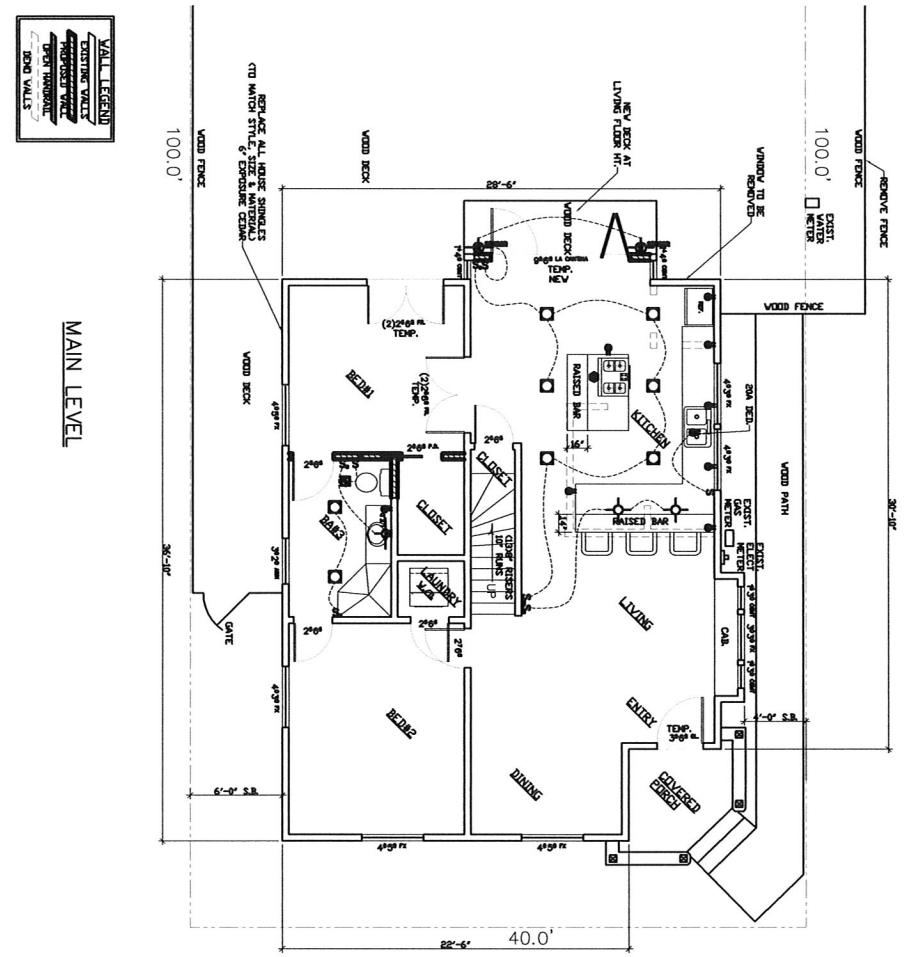
HANIGER RESIDENCE
113 OAKLAND AVE.
CAPITOLA, CA 95010
APN 036-132-01

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SCALE: 1/4" = 1'-0"
SHEET NO.: 3

ELECTRICAL SYMBOL LEGEND			
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WEST ELEVATION



MAIN LEVEL

FLOORPLAN

**PROPOSED FLOORPLAN
W/ELEVATION**

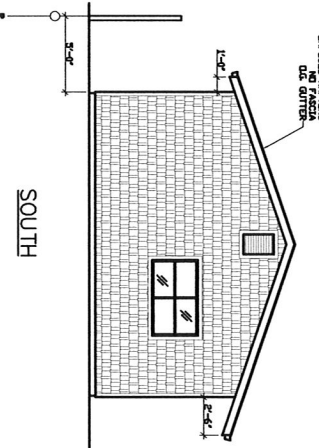
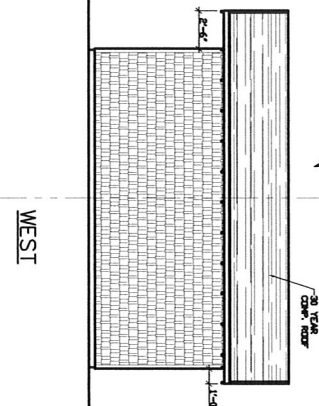
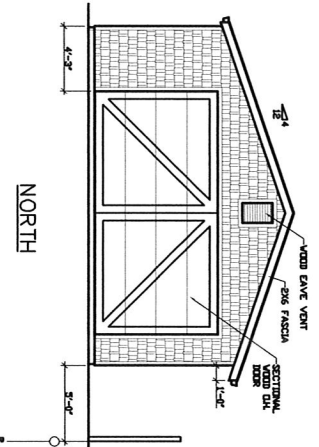
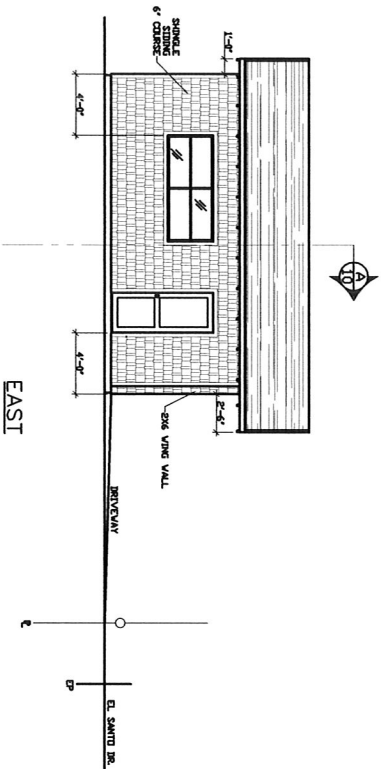
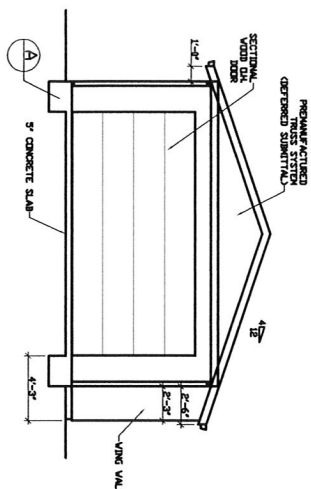
**DENNIS NORTON
HOME DESIGN AND
PROJECT PLANNING**
712 O COVILLA RD • COVILLA, CA 95950 • TEL: 424 8500
938 49 8281

HANIGER RESIDENCE
113 OAKLAND AVE.
CAPITOLA, CA 95010
APN 036-132-01

HWT & ASSOCIATES
113 OAKLAND AVE
CAPITOLA, CA 95010

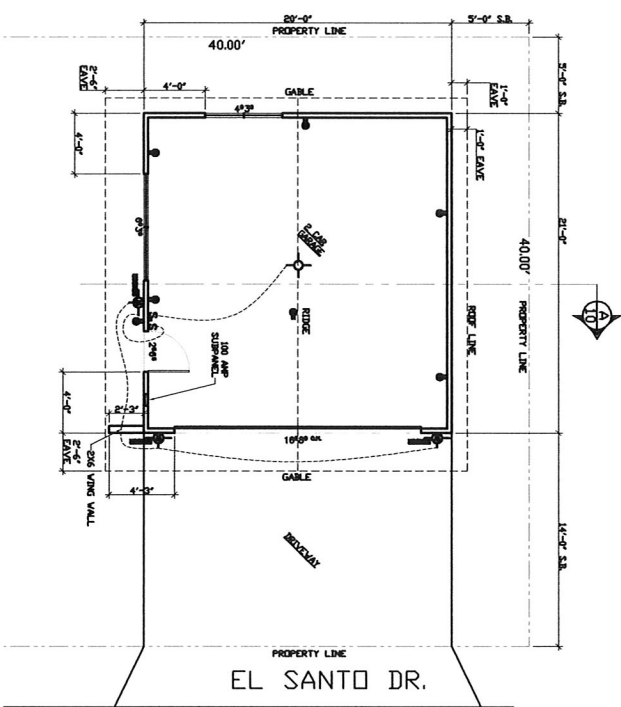
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OAKLAND
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SECTION
WALL



ELEVATIONS
WALL

ELECTRICAL SYMBOL LEGEND	
	PREPARED CONCRETE TRUSS SYSTEM (CONCRETE SUBMITTAL)
	LIGHT (WALL MOUNT) LED
	LIGHT (RECESSED) LED
	DIMMER (RECESSED) LED
	DIMMER (WALL MOUNT) LED
	SINGLE LIGHT (LED)
	DOUBLE LIGHT (LED)
	LIGHT SWITCH
	WALL LIGHT LED
	FLOOR RECEPTACLE
	PANEL LIGHT (LED)
	1500W LIGHT (LED)
	2500W LIGHT (LED)
	5000W LIGHT (LED)
	10000W LIGHT (LED)
	15000W LIGHT (LED)
	20000W LIGHT (LED)
	25000W LIGHT (LED)
	30000W LIGHT (LED)
	35000W LIGHT (LED)
	40000W LIGHT (LED)
	45000W LIGHT (LED)
	50000W LIGHT (LED)
	55000W LIGHT (LED)
	60000W LIGHT (LED)
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	85000W LIGHT (LED)
	90000W LIGHT (LED)
	95000W LIGHT (LED)
	100000W LIGHT (LED)



FLOORPLAN
1/8\"/>



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OAKLAND
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PROPOSED GARAGE FLOORPLAN

DENNIS NORTON
HOME DESIGN AND PROJECT MANAGER
782 O GAVIN AVE - OAKLAND, CA 94608 • 925 435 2500

HANIGER RESIDENCE
113 OAKLAND AVE.
CAPITOLA, CA 95010
APN 036-132-01

MATT ALLEN ARCHITECT
113 OAKLAND AVE
CAPITOLA, CA 95010

			
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STANDARD DRAWING FOR STORMWATER POLLUTION PREVENTION AND PROTECTION		STANDARD DRAWING FOR STORMWATER POLLUTION PREVENTION AND PROTECTION	
DRAWING NO. [Blank] SHEET NO. 214 REV. [Blank]		DRAWING NO. [Blank] SHEET NO. 214 REV. [Blank]	
BMAP-STW14A		BMAP-STW14A	

Stormwater Pollution Prevention and Protection for Construction Projects

In the City of Capitola, waters, pollution, and storm drains flow directly to local creeks and Monterey Bay without any treatment. When dirt, gravel, concrete and other harmful pollutants from construction sites and home construction projects get into creeks and rivers, they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways, the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to abide by the following BMPs. The City's Stormwater Pollution Prevention Manual (SWPPM) provides more information on these BMPs. The City's Stormwater Pollution Prevention Manual (SWPPM) is available at www.cityofcapitola.org/Stormwater/PDF/Stormwater_Pollution_Prevention_Manual.pdf.

General Practices

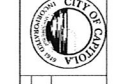

- 1. Minimize the amount of dirt, gravel, concrete and other harmful pollutants that are transported to storm drains.
- 2. Minimize the amount of sediment that is transported to storm drains.
- 3. Minimize the amount of petroleum products that are transported to storm drains.
- 4. Minimize the amount of paint that is transported to storm drains.
- 5. Minimize the amount of paint that is transported to storm drains.
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- 10. Minimize the amount of paint that is transported to storm drains.

Good Housekeeping Practices

- 1. Store materials and equipment in a clean, organized manner.
- 2. Store materials and equipment in a clean, organized manner.
- 3. Store materials and equipment in a clean, organized manner.
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BMAP-STW14A		BMAP-STW14A	



Painting, Varnish & Application of Solvents & Adhesives

Painting, varnish, and application of solvents and adhesives are common construction activities. These activities can result in the release of volatile organic compounds (VOCs) and other pollutants into the atmosphere. The following BMPs are designed to minimize the release of these pollutants.

- 1. Use low-VOC products.
- 2. Use low-VOC products.
- 3. Use low-VOC products.
- 4. Use low-VOC products.
- 5. Use low-VOC products.
- 6. Use low-VOC products.
- 7. Use low-VOC products.
- 8. Use low-VOC products.
- 9. Use low-VOC products.
- 10. Use low-VOC products.

Painting, Varnish & Application of Solvents & Adhesives

- 1. Use low-VOC products.
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- 3. Use low-VOC products.
- 4. Use low-VOC products.
- 5. Use low-VOC products.
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- 9. Use low-VOC products.
- 10. Use low-VOC products.

			
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BMAP-STW14A		BMAP-STW14A	

Concrete, Cement, & Masonry Products

Concrete, cement, and masonry products are common construction materials. These materials can result in the release of dust and other pollutants into the atmosphere. The following BMPs are designed to minimize the release of these pollutants.

- 1. Use dust control measures.
- 2. Use dust control measures.
- 3. Use dust control measures.
- 4. Use dust control measures.
- 5. Use dust control measures.
- 6. Use dust control measures.
- 7. Use dust control measures.
- 8. Use dust control measures.
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- 10. Use dust control measures.

Concrete, Cement, & Masonry Products

- 1. Use dust control measures.
- 2. Use dust control measures.
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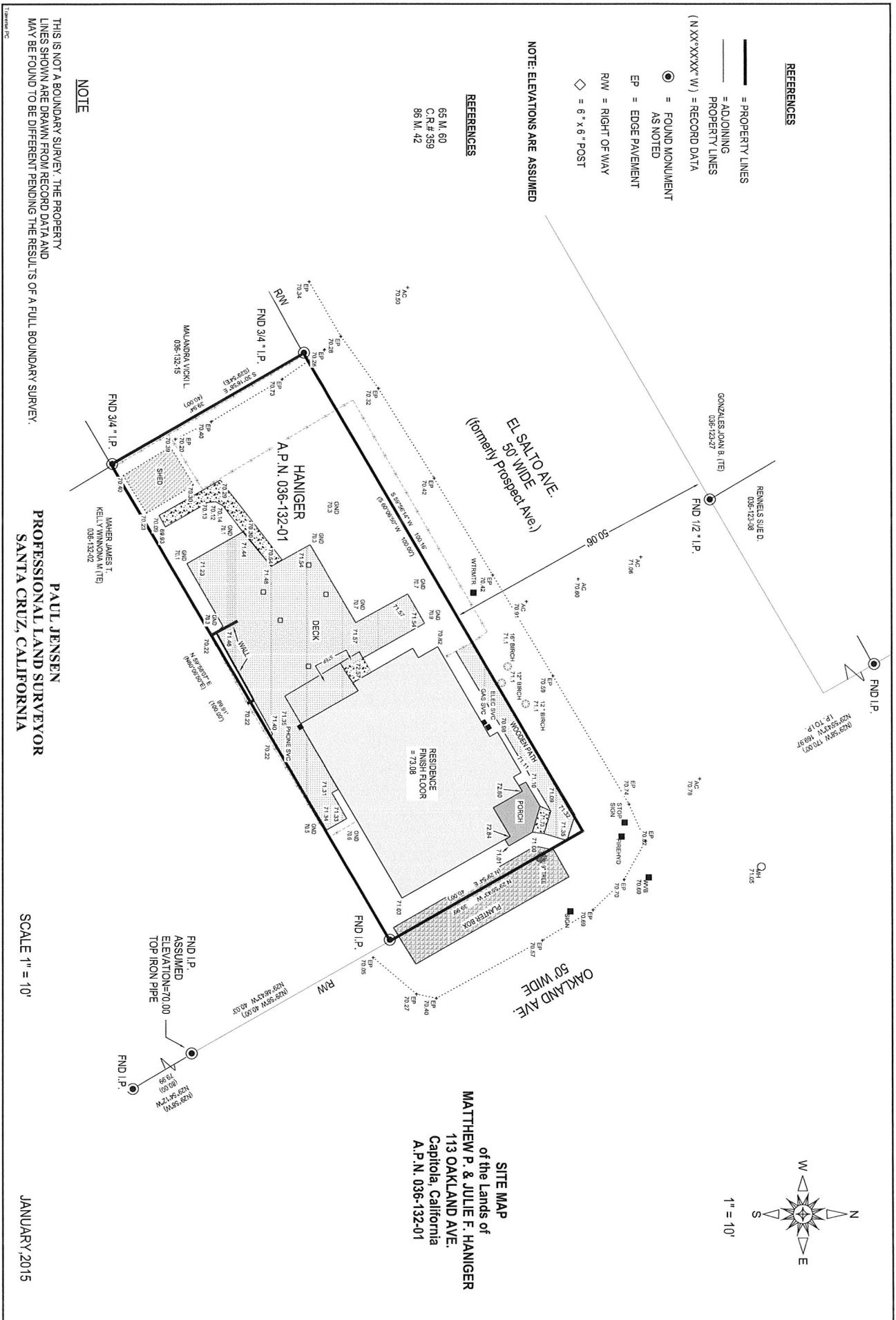
BEST MANAGEMENT PRACTICES

DENNIS NORTON
WASTE DESIGN AND PROJECT PLANNING

712 S GERRARD ST. GERRARD, CA 95020 • TEL: 408.250.5500

HANIGER RESIDENCE
113 OAKLAND AVE.
CAPITOLA, CA 95010
APN 036-132-01

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113 OAKLAND AVE
CAPITOLA, CA 95010



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SECRETARY OF THE INTERIOR'S STANDARDS REVIEW

**PROPOSED RESIDENTIAL DOOR REHABILITATION AND
NEW DETACHED GARAGE PROJECT**

at the

HISTORIC RESIDENCE AT 113 OAKLAND STREET

Haniger Residence

113 Oakland Avenue
(Parcel Number 036-132-01)
Capitola, Santa Cruz County
California

For:

City of Capitola
Attn: Katie Cattan, AICP, Senior Planner
Community Development Department
420 Capitola Avenue
Capitola, CA 95010

Prepared by:

A R C H I V E S & A R C H I T E C T U R E L L C
PO Box 1332
San Jose, CA 95109
408.369.5683 Vox
408.228.0762 Fax

Leslie A. G. Dill, Partner and Historic Architect

February 10, 2015
Revised February 19, 2015

INTRODUCTION

Summary

With the incorporation of one minor recommendation and two clarifications, this proposed residential rehabilitation and new garage construction project would meet the *Secretary of the Interior's Standards for the Treatment of Historic Properties – Rehabilitation Standards* (Standards). The recommendation and clarification are presented here, and the analysis is described more fully in the report that follows.

The project plans do not specifically address the historic status of the property or the replacement of deteriorated features. It is recommended that language referring to the property as an Historic Structure, requiring review of all design revisions, be included on the cover sheet (Standard 6).

An existing window at the utility room/future refrigerator location was left off the drawings. The small historic window is located on the rear (west) elevation, near the north corner, to the side of the shallow bay area with the proposed door alterations. The window is proposed for complete removal for structural reasons. This detail must be clarified in the final drawings for documentation purposes; however, the removal of the wall is compatible with the Standards (Standard 2).

It is assumed that the new wall segments at the sides of the proposed house door do not flare at the base, providing differentiation. This detail must be clarified in the final drawings (Standard 9).

Report Intent

Archives & Architecture, LLC (A&A), was retained by the City of Capitola to conduct a Secretary of the Interior's Standards Review of the proposed rehabilitation and addition project proposed for a historic property at 113 Oakland Avenue, Capitola, California. A&A was asked to review the exterior elevations, plans, and site plan of the project to determine if the proposed project is in compliance with the *Secretary of the Interior's Standards for Rehabilitation* (Standards). The Standards are understood to be a common set of guidelines for the review of historic buildings and are used by many communities during the environmental review process to determine the potential impact of a project on an identified resource.

Qualifications

Leslie A. G. Dill, Partner of the firm Archives & Architecture, has a Master of Architecture with a certificate in Historic Preservation from the University of Virginia. She is licensed in California as an architect. Ms. Dill is listed with the California Office of Historic Preservation as meeting the requirements to perform identification, evaluation, registration, and treatment activities within the professions of Historic Architect and Architectural Historian in compliance with state and federal environmental laws. The state utilizes the criteria of the National Park Service as outlined in 36 CFR Part 61.

Review Methodology

For this report, Leslie Dill referred to the historic survey listing of the c. 1910 residence in the Capitola Architectural Survey, and reviewed the house in its current configuration through photographs. Because the 1986 survey is relatively limited in its description, Ms. Dill then created an informal in-house list of character-defining features of the house, taking into account the property's age, design, and location (in a historic area of Capitola). A deeper evaluation did not seem necessary, as the house was being proposed for minor alterations, not demolition or major design changes. For this report, A&A evaluated the proposed design, electronically submitted in the set of preliminary prints (Sheets 1-5, plus the site survey and submittal photographs) dated January 15, 2015, from the designer, Dennis Norton, of Dennis Norton Home Design and Project Planning, according to the Standards.

Disclaimers

This report addresses the project plans in terms of historically compatible design of the exterior of the residence and garage. The consultant has not undertaken and will not undertake an evaluation or report on the structural conditions or other related safety hazards that might or might not exist at the site and building, and will not review the proposed project for structural soundness or other safety concerns. The Consultant has not undertaken analysis of the site to evaluate the potential for subsurface resources.

PROJECT DESCRIPTION:

Character of the Existing Resource

The parcel at 113 Oakland Avenue was first identified as part of the Capitola Architectural Survey published in 1986. The Survey says merely, “Expansive roof that covers porch and features a small gable and exposed rafter ends.” To review the proposed design of the altered rear doorway and new garage, Archives & Architecture, LLC created an initial in-house list of character-defining features. The list includes, but may not be limited to: the compact rectangular footprint, the corner entrance porch with its wing walls and posts, the gabled hip roof with slightly bell-cast eaves, the exposed rafter tails, flat-board trim, the shingled siding with no corner boards, the flaring base of the exterior walls, and the placement of the window openings in larger units. The horizontal window lite pattern of some windows is likely an alteration from the middle of the twentieth century; the 1/1 double-hung window units are more likely original. All of these features are proposed to be preserved in this project.

Summary of the Proposed Project

The proposed project includes the alteration of a wide door opening/shallow projecting bay window at the rear (nominally west) façade, including the installation of a new deck. A historic window is proposed for removal. The project also includes the construction of a new detached garage at the southwest corner of the property.

SECRETARY’S STANDARD’S REVIEW:

The *Secretary of the Interior’s Standards for Rehabilitation* (Standards), originally published in 1977 and revised in 1990, include ten standards that present a recommended approach to repair, while preserving those portions or features that convey a resource’s historical, cultural, or architectural values. Accordingly, Standards states that, “Rehabilitation is defined as the act or process of making possible a compatible use for a property through repair, alterations, and additions while preserving those portions or features which convey its historical, cultural, or architectural values.” Following is a summary of the review with a list of the Standards and associated analysis for this project:

1. **“A property will be used as it was historically or be given a new use that requires minimal change to its distinctive materials, features, spaces, and spatial relationships.”**

Analysis: There is no change of use proposed for this residential property.

2. **“The historic character of a property shall be retained and preserved. The removal of historic materials or alteration of features, spaces, and spatial relationships that characterize a property will be avoided.”**

Analysis: No historic massing of the house is proposed for removal in this phase of work; the forms and footprints of the historic building will be preserved.

The project includes the removal of one historic existing window in the rear elevation of the

house, for structural reasons. The window does not represent a preponderance of the character-defining “composition” represented by the historic original window configuration, particularly as the historic windows have been altered over time, and the new windows have created a new design vocabulary for the house. This detail must be clarified in the final drawings, but the filled-in wall segment is compatible with this standard.

The proposed garage is largely removed from the main house, and the spatial relationships and spaces embodied in the historic site design would be preserved.

3. **“Each property will be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other historic properties, will not be undertaken.”**

Analysis: There are no proposed changes that might be mistaken for original features. All new elements have adequate differentiation (See also Standard 9).

4. **“Changes to a property that have acquired historic significance in their own right will be retained and preserved.”**

Analysis: It is understood that no existing changes to the property have acquired historic significance in their own right.

5. **“Distinctive materials, features, finishes, and construction techniques or examples of craftsmanship that characterize a property will be preserved.”**

Analysis: The features and finishes that characterize the main house are shown as preserved on the proposed drawings. Specifically, this includes: the form, detailing, and materials.

The garage, being detached has no physical impact on the preservation of the detailing or materials of the historic house.

6. **“Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.”**

Analysis: The current physical condition of the house appears visually excellent, and the historic features are shown as generally preserved in the project drawings. It is recommended that general notes be added to the final building permit documents, that would note the historic significance of the property and indicate that all changes to the project plans must be reviewed, and note that the existing historic elements are to be protected during construction.

7. **“Chemical or physical treatments, if appropriate, will be undertaken using the gentlest means possible. Treatments that cause damage to historic materials will not be used.”**

Analysis: No chemical treatments are shown as proposed in this proposed phase of work.

8. **“Archeological resources will be protected and preserved in place. If such resources must be disturbed, mitigation measures will be undertaken.”**

Analysis: Archeological resources are not evaluated in this report.

9. **“New additions, exterior alterations or related new construction will not destroy historic materials, features, and spatial relationships that characterize the property. The new work shall be differentiated from the old and will be compatible with the historic materials, features, size, scale and proportion, and massing to protect the integrity of the property and its environment.”**

Analysis: The proposed rear doorway alteration is both appropriately compatible with the historic character of the house and differentiated by its detailing and style. The door is clearly modern, and therefore differentiated, with its overall width and twenty-first-century folding operation. The door is compatible in scale, with divided lites and size of the leaves (6'-8" in height, with approximately 3'-0"-wide leaves). The size of the lites are both in scale with the remainder of the house fenestration and relatively unusual for a French door of the era, providing additional differentiation. The shingled wall segments that are proposed to frame the door are compatible in materials and scale. It is unclear from the elevation drawing on Sheet 4, but it is assumed that they do not flare at the base. Vertical wall planes would provide excellent differentiation from the historic wall design. It is recommended that the building permit drawing set clarify the existing historic flaring wall design and the design of the wall segments adjacent to the new door. It is also assumed that the existing window at the utility room/future refrigerator niche was left off the drawings in error, since it is apparently closed up. It is recommended that the drawings be clarified and that the window be retained (boarded up if necessary) as an extant historic element.

The garage is proposed to be both compatible with and differentiated from the main house. The size of the garage is compact, the footprint is utilitarian, and the location is at the back corner of the parcel, creating a massing that is appropriately modest with respect to the historic house. The gabled roof is compatible with the gabled-hip roof of the house. The exterior shingle cladding is also compatible, as are the proposed exposed rafter tails and vertical attic vent. The scale of the windows includes panes of glass of a size in keeping with the house, and their horizontal panes are similar to the altered house windows. To match the more modern windows of the main house (rather than attempting to match the likely-vertical historic design configuration) is an appropriate approach to the design of a new structure at this property. The overhead garage doors would be clearly modern, and would be considered differentiated from the historical design of the property. The diagonal design provides an appropriate scale to the doors, and is not overly ornate, so they would not overwhelm the design of the original house.

10. **“New additions and adjacent or related new construction will be undertaken in such a manner that, if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.”**

Analysis: The proposed design would preserve the essential form and integrity of the historic property. The critical character-defining features of the house and site would be unimpaired in this project.

Conclusion

With the inclusion of general notes to the cover sheet of the building permit set, with clarification of the wall and window surrounding the altered doorway, and with clarification of the removed historic window on the drawing set, the currently proposed rehabilitation and addition project would meet the *Secretary of the Interior's Standards for Rehabilitation*.

PROJECT APPLICATION #15-004
113 OAKLAND AVENUE, CAPITOLA
ALTERATION TO SINGLE FAMILY HOME AND NEW DETACHED GARAGE

COASTAL FINDINGS

D. Findings Required. 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:

- 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:

(D) (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.

(D) (2) (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 build-out. 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 113 Oakland Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

(D) (2) (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 Oakland Avenue. No portion of the project is located along the shoreline or beach.

(D) (2) (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 history of public use on the subject lot.

(D) (2) (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 Oakland Avenue. 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.

(D) (2) (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.

(D) (3) (a – c) 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 access way on the subject land.

- The project is not requesting a Public Access Exception, therefore these findings do not apply

(D) (4) (a – f) 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 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.

(D) (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

(D) (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 a single family home 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 a single family home 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 a single family home on a residential lot of record.

(D) (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 an alteration to a single family home and new detached garage. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

(D) (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.

(D) (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.

(D) (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.

(D) (11) Provisions of minimum water flow rates and fire response times;

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

(D) (12) Project complies with water and energy conservation standards;

- The project is for a single family home. 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.

(D) (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.

(D) (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.

(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;

- Conditions of approval have been included to ensure compliance with established policies.

(D) (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.

(D) (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.

(D) (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 are not required for this application. 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.

(D) (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.

(D) (20) Project complies with shoreline structure policies;

- The proposed project is not located along a shoreline.

(D) (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 Single Family zoning district.

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

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

(D) (23) Project complies with the Capitola parking permit program as follows:

- The project site is located within the area of the Capitola parking permit program.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 5th, 2015

SUBJECT: **4850 Opal Street #15-006 APN: 034-065-19**
 Design Permit for the remodel of an existing residence located in the R-1 (Single Family Residential) Zoning District.
 This project is in the Coastal Zone but is exempt from a coastal development permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Dennis Leong
 Representative: Linda Butler, filed: 1/20/15

APPLICANT PROPOSAL

The applicant is proposing a 511 square foot addition to the front and side of an existing home located in the R-1 (Single Family Residential) Zoning District. The applicant is proposing to add a bedroom and bathroom to the residence. Additions to the front of a home require Planning Commission approval. The proposal conforms to all applicable R-1 (Single Family Residential) Zoning District requirements.

BACKGROUND

On February 11th, 2015, the Architectural and Site Review Committee reviewed the application.

- City Architect Representative, Frank Phanton, thought the project was designed well. He had no issue.
- City Building Official, Brian Van Son, informed the applicant that they are close to the 50% remodel requirement to install sprinklers.
- City Public Works Director, Steve Jesberg, informed the applicant that they must include the standard Storm Water Best Management Practices, a grading plan, and a drainage plan to the plans. In addition, when undergrounding utilities the applicant needs to get an encroachment permit for any work in the public right-of-way.
- City Planner, Ryan Safty, informed the applicant that they are above the 25% addition regulation and thus will need to underground their utilities to the nearest pole.
- City Landscape Architect Representative, Craig Walsh, told the applicant to show the drip line and existing canopy coverage on the landscape plan. If they do not have an existing 15% canopy coverage, they will need to plant an additional tree in the front yard.

Following the Architectural and Site Review meeting, the applicant revised the plans to include canopy coverage and drip line of the existing trees, and included a new 10 foot Crepe Myrtle tree for the front yard.

Site Planning and Zoning Summary

The following table outlines the zoning code requirements for development in the R-1 (Single Family Residential) Zoning District relative to the application.

R-1 (Single Family Residential) Zoning District

Development Standards			
Building Height	R-1 Regulation		Proposed
14'-5"	25'-0"		14'-5"
Floor Area Ratio (FAR)			
Lot Size	3,992 sq. ft.		
Maximum Floor Area Ratio	54 % (Max: 2,156 sq. ft.)		
Existing Floor Area	1,023 sq. ft.		
Proposed Addition Area	511 sq. ft.		
TOTAL FAR	1,534 sq. ft.		
Yards (setbacks are measured from the edge of the public right-of-way)			
Corner lot? If yes, update regulations for corner lots			No
	R-1 Regulation		Proposed
Front Yard 1st Story	15 feet		15 ft. from right-of-way
Front Yard Garage	20 feet		49 ft. from right-of-way
Side Yard 1st Story	10% lot width	Lot width 50 ft 5 ft. min.	5 & 11 ft. from property line
Side Yard Detached Garage		3 ft. minimum	3 ft. from property line
Rear Yard 1st Story	20% of lot depth	Lot depth 80 16 ft. min.	32 ft. from property line
Detached Garage	8' minimum from rear yard		8'-4" ft. from property line
Encroachments	Garage side yard 3 ft setback is an allowed encroachment.		
Parking			
	Required		Proposed
Residential (from <u>1,501</u> up to <u>2,000</u> sq. ft.)	2 spaces total 1 covered 1 uncovered		3 spaces total 1 covered 2 uncovered
Garage and Accessory Bldg.	Complies with Standards?		
Garage	Yes		Complies
Accessory Building	Yes		Complies
Underground Utilities: required with 25% increase in area			Yes, required. (Condition#3)

DISCUSSION

The applicant is proposing a 511 square foot addition to an existing single-story home. The addition will be visible from the public right-of-way, and thus requires a design permit with Planning Commission approval (§17.15.030). The 511 square foot remodel will add 1 bedroom and 1 bathroom to an existing 1 bedroom and 1 bathroom home. The property contains an existing detached 317 square foot one-car garage that is connected to a 168 square foot office. This area will not be altered during the remodel.

The finished single-story home will contain off-white colored Hardie-board vertical siding, grey shingles, a stained redwood front door, and entrance post-base made of Eldorado stone or something similar. The window trim, posts, and details of the home will be painted white.

Landscaping

The applicant is proposing a new front yard landscape plan along with the residential remodel. The plan calls for 20 new native, drought-resistant shrubs to be planted in the front yard. In addition, the applicant included a new Crepe Myrtle tree in the front yard proposal, based on the recommendation from the Architectural and Site Review hearing. The other change is to install walkways made of permeable pavers in the front yard and rear yard.

Underground Utilities

Since the 511 square foot addition is greater than 25% of the existing structure (49.9%), the applicant is required to underground their utilities.

New residential construction or any residential remodels that result in an increase of twenty-five percent or greater of the existing square footage shall be required to place existing overhead utility lines underground to the nearest utility pole. (§17.18.180)

Condition #3 has been included to ensure this requirement is enforced.

CEQA REVIEW

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 a 511 square foot addition to an existing 1,023 square foot home (49.99% addition) located in the single family residential (R-1) zoning district. 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 #15-006 based on the findings and conditions.

CONDITIONS

1. The project approval consists of construction of a 511 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 3,992 square foot property is 54% (2,156 square feet). The total FAR of the project is 38% with a total of 1,534 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5th, 2015, 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 building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
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 the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

Item #: 4.C. 4850 Opal Staff Report.pdf

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 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.
8. Prior to issuance of building permit, all Planning fees associated with permit # 15-006 shall be paid in full.
9. 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.
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, Soquel Creek 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 17.81.160.
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 application, 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 addition to the single family home. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) zoning district. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed addition to the single-family residence compliments the existing single-family homes in the neighborhood.

C. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

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

ATTACHMENTS

- A. Project Plans
- B. 3-D Rendering and Materials Board

**Report Prepared By: Ryan Safty
Assistant Planner**

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INTELLIGENT HOUSE DESIGN
LINDA B. JILKER
124 OTIS STREET
SANTA CRUZ, CA 95060
PHONE: 831-345-1028
E-MAIL: lindab@intelligenthouse.com

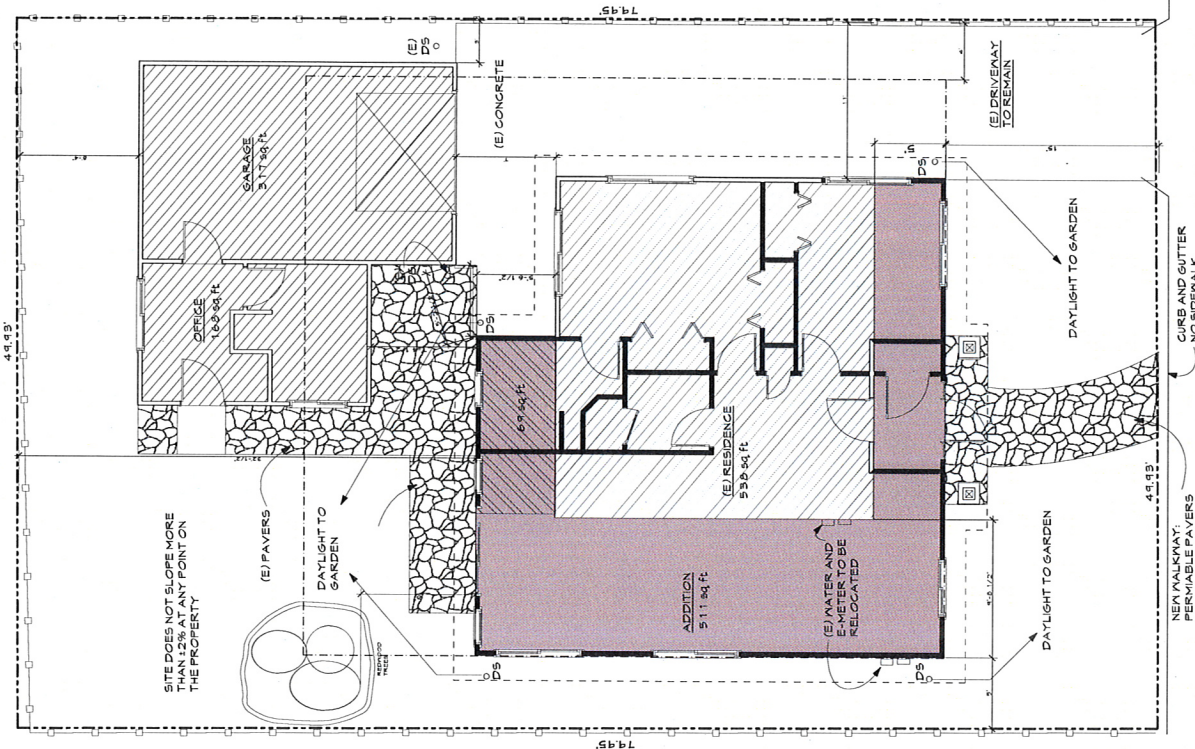
OWNER: DENNIS LEONG
4850 OPAL STREET
CAPTOLA, CA
APN#034-065-19

SITE PLAN
LANDSCAPE PLAN
PROJECT DATA

DESIGN REVIEW
17/01/15

AI

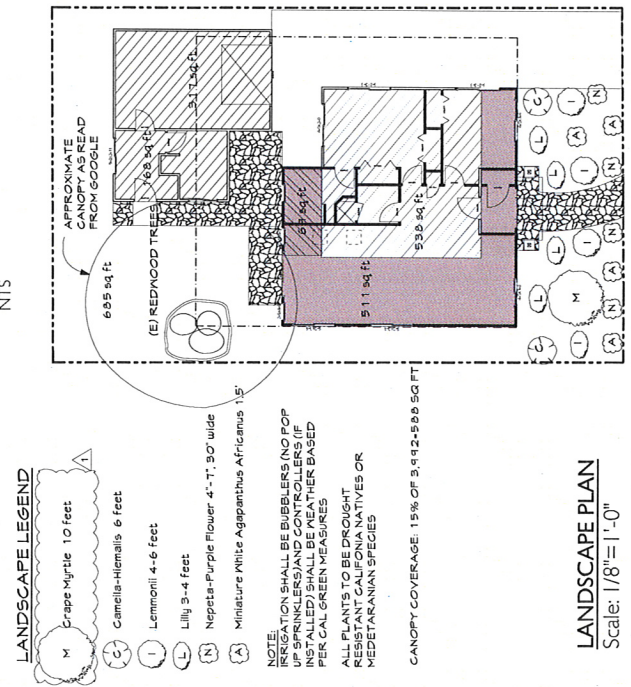
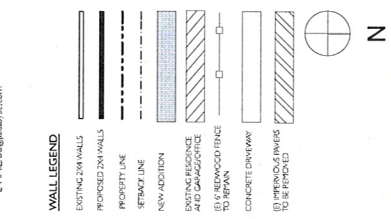
SITE PLAN
Scale: 1/4" = 1'-0"



PROJECT DATA:
AREA OF WORK: PROPOSED PROJECT INCLUDES REMODEL OF EXISTING 1 BEDROOM 1 BATH RESIDENCE TO INCLUDE ADDITION OF 1 BEDROOM 1 BATH, RESULTING IN 2 BEDROOM, 2 BATH RESIDENCE
**ALL WORK TO BE IN ACCORDANCE WITH 2013 CALIFORNIA RESIDENTIAL CODE 2013 CA MECHANICAL CODE 2013 CA PLUMBING CODE 2013 NATIONAL ELECTRICAL CODE 2010 CA ENERGY CODE AND 2013 CA GREEN BUILDING CODE.
TYPE OF CONSTRUCTION: N-8
OCCUPANCY: R3
ZONING: R1
PARKING: 1 COVERED PARKING SPOTS, 2 UNCOVERED
LOT SIZE: 3,992 SQ FT**

INDEX OF DRAWINGS: DATA
PROJECT TEAM: PROJECT DESIGN ADDRESS: DENNIS AND JANICE LEONG 127 SPURWAY DRIVE SAN MARINO, CA 91763 TEL: (916) 885-1028
DRAFTING AND ENERGY: INTELLECTUAL ENGINEER: 124 OTIS STREET SANTA CRUZ, CA 95060 TEL: 831-345-1028 E-MAIL: lindab@intelligenthouse.com
STRUCTURAL ENGINEER: MARK S. KREIBER 1885 S WINDCHESTER BLVD, STE A CAMPBELL, CA 95008 E-MAIL: bob@mkbr.com

- WALL LEGEND**
- EXISTING 24" WALLS
 - PROPOSED 24" WALLS
 - PROPERTY LINE
 - SETBACK LINE
 - NEW ADDITION
 - EXISTING RESIDENCE
 - EXISTING GARAGE/FENCE TO REMAIN
 - (E) NEW WOOD FENCE TO REMAIN
 - CONCRETE DRIVEWAY
 - (E) PERMISSIBLE PAVERS TO BE INSTALLED



INTELLIGENT HOUSE DESIGN
LINDA BUTLER
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SANTA CRUZ, CA 950
PHONE: 831-395-1028
EMAIL: lindab@intelligenthouse.com

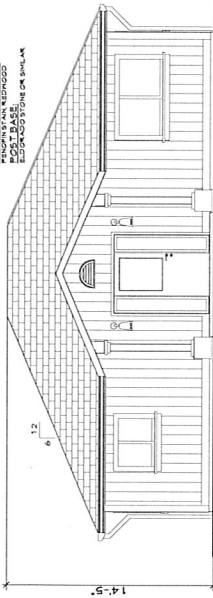
OWNER: DENNIS LEONG
4850 OPAL STREET
CAPITOLA, CA
APN#074-065-19

EXISTING AND
PROPOSED FLOOR PLAN & ELEVATIONS

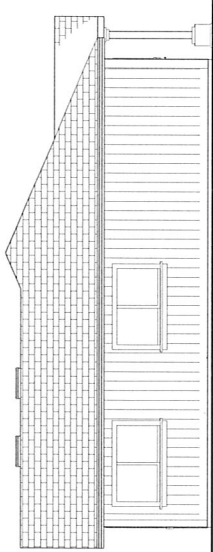
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1/20/15

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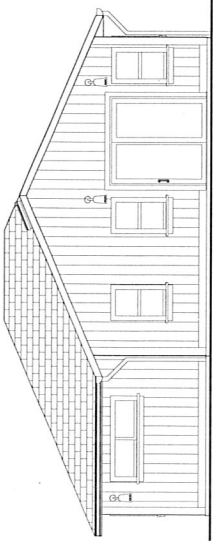
SHINGLES:
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SIDING: SIDING
ANIMONIA TRIM: ANIMONIA TRIM
EL: EL
FRONT DOOR: FRONT DOOR
POST: POST



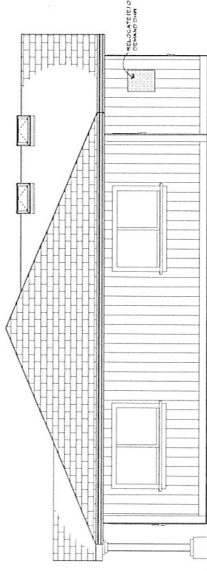
PROPOSED FRONT (NORTH) ELEVATION
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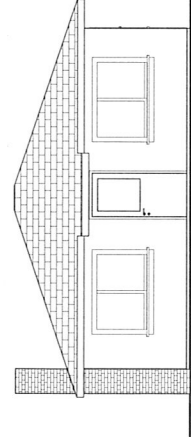
PROPOSED LEFT (EAST) ELEVATION
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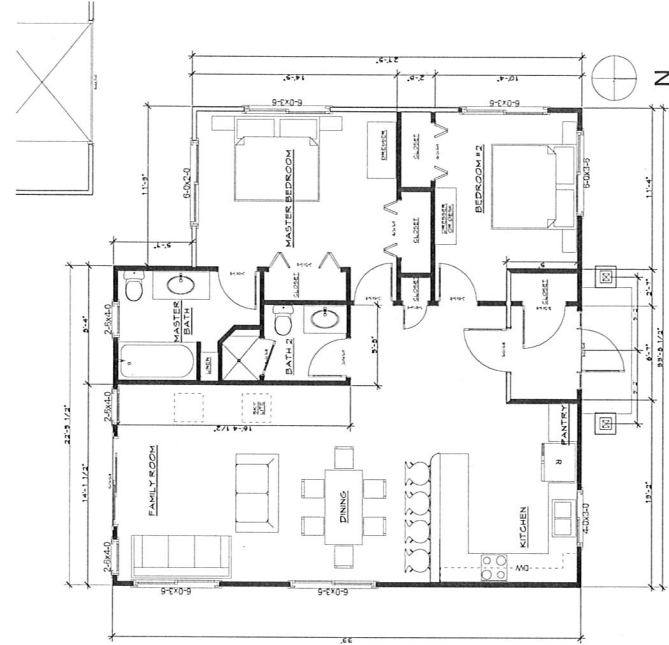
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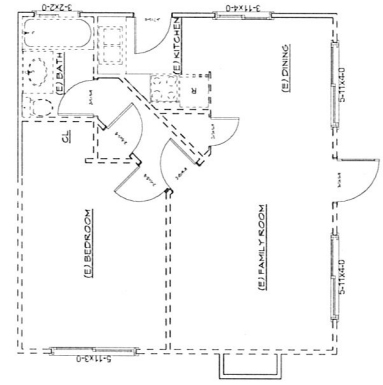
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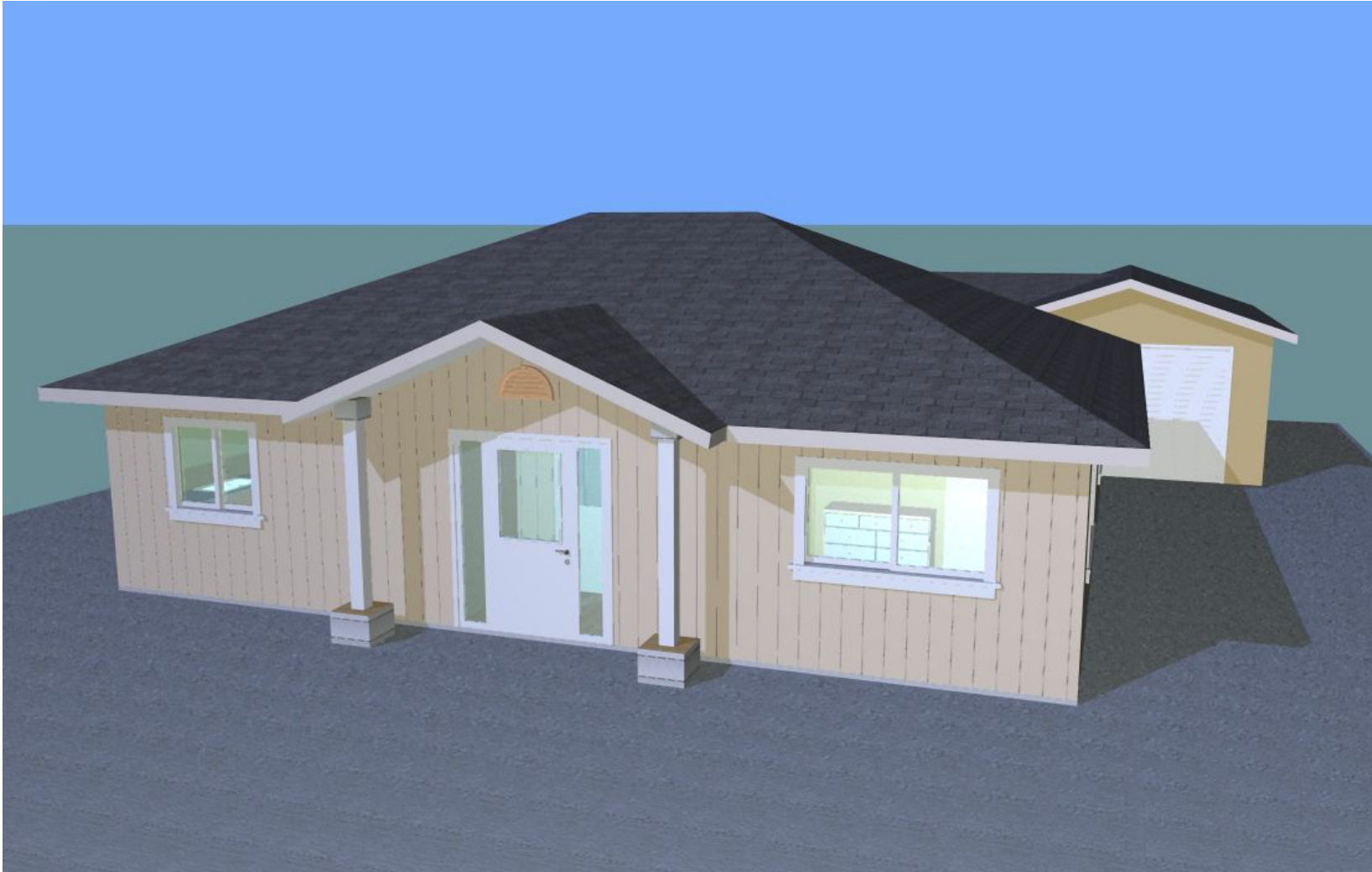
EXISTING NORTH (FRONT) ELEVATION
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PROPOSED FLOOR PLAN
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EXISTING FLOOR PLAN
Scale: 1/4" = 1'-0"



4850 OPAL STREET

FRONT ELEVATION

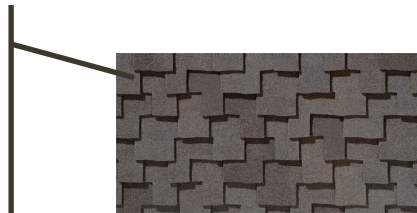
4850 PAL STREET

1

Color Board Selection

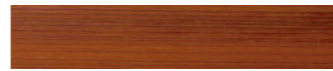
These colors are approximate from internet color selection.

Roof:
CertainTeed
Presidential TL
Shadow Gray



“Hardie” Smooth
Horizontal Siding,
Sail cloth

Window trim,
Kelly Moore
Whitest white
KMW43

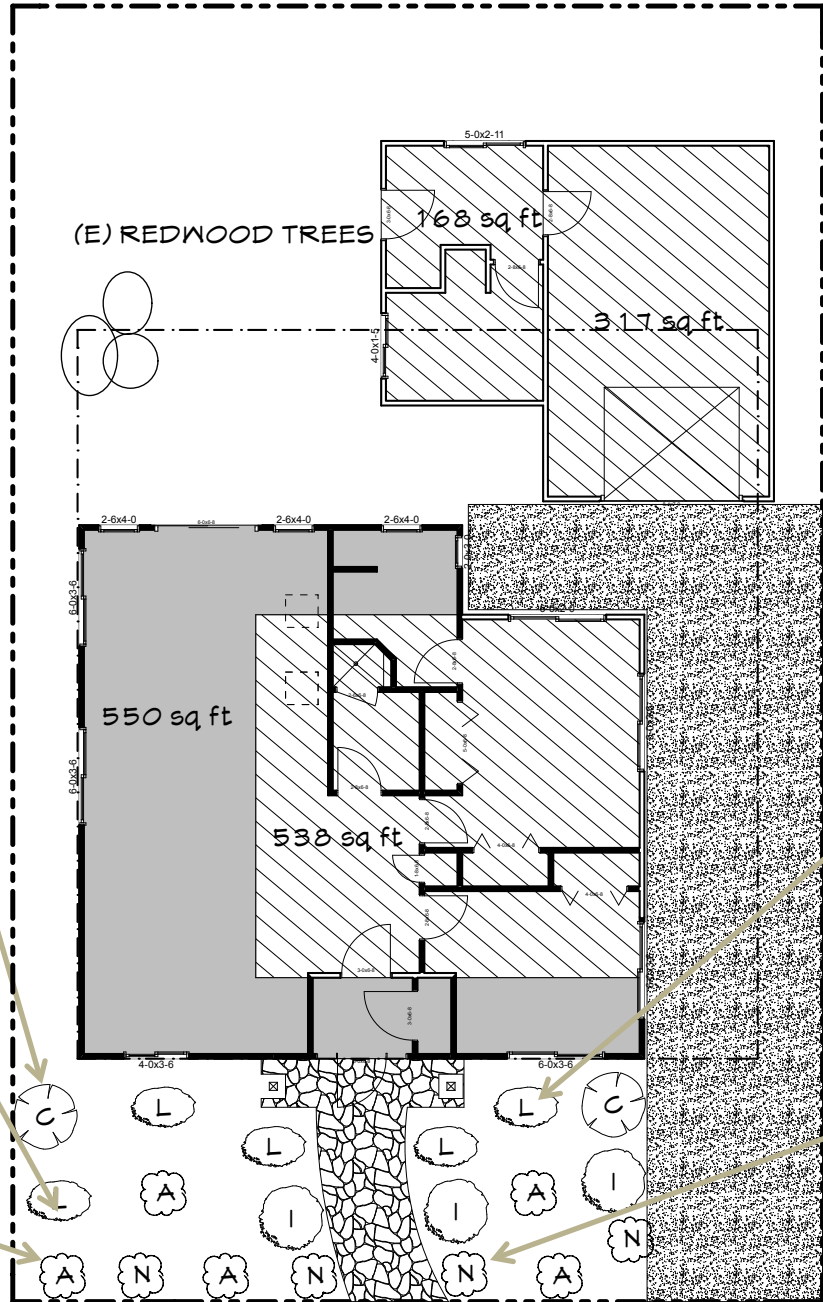


Wood Stain: Penofin -
Transparent Redwood
Front door, posts



Stone Base:
Eldorado Stone Dry
Creek Stacked Stone

LANDSCAPE PLAN



Camelia



Lemmonii



Agapanthus



Lilly



Nepeta

4850 OPAL STREET

3

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MARCH 5, 2015

SUBJECT: **231 Esplanade #15-013 APN: 035-211-01**
 Sign Permit for two new wall signs and two menu signs at Margaritaville located at 231 Esplanade in the CV (Central Village) Zoning District.
 This project is in the Coastal Zone but is exempt from a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: Steve Yates
 Representative: Sarah Orr, filed: 1/26/15

APPLICANTS' PROPOSAL

The applicant is proposing two new wall signs for Margaritaville located at 231 Esplanade in the CV (Central Village) Zoning District. The new signs require Planning Commission approval.

DISCUSSION

Margaritaville is located at the corner of Stockton Avenue and Esplanade. The restaurant has two entrances; one along Esplanade and the other at the corner. Currently, there is a wall sign at each entrance and one between the two entrances. The new owner is proposing to replace the existing wall signs at each entrance and maintain the oval shaped wall sign between the entrances. The applicant is also requesting approval of two menu signs, one at each entrance.

The proposed signs are identical in size and style with black aluminum lettering that is backlit. At the north entrance, a new 15 inch raceway will be attached to the fascia of the entryway to create a surface for the backlight that matches the yellow stucco of the building. At the south entrance, the lettering will be installed directly onto the exterior wall.

Pursuant to §17.57.060.B, signs in the central village zoning district shall comply with the following *italicized central village design guidelines*:

1. *Relate all signs to their surroundings in terms of size, shape, color, texture, and lighting so that they are complimentary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.*

Staff analysis: The proposed wall signs will be located directly above the entry. The signs fit proportionally with the building and do not exceed the width of the covered entryways. The simple lettering will not visually compete with other conforming signs in the area. Each of the signs is oriented in different directions and have adequate separation between them due to the variety is aspects along the building frontage.

2. *Arrange any external spot of flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.*

Staff analysis: The signs will be backlit. The light source will be in the reverse pan channel lettering and not visible to the observer. Condition of approval #5 has been included to ensure the backlighting does not shine onto adjacent properties or distract motorists or pedestrians.

3. *Sign programs will be developed for buildings which house more than one business. Signs need not match but should be compatible for the building and each other.*

Staff analysis: The location has multiple tenants but does not have a sign program. Each of the tenant signs have been approved individually by the Planning Commission.

4. *One menu box with a maximum of 3 square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.*

Staff analysis: The applicant is requesting two menu box signs to allow one menu box at each entrance. The menu box will be a simple illuminated box attached to the wall containing the future menu. Each menu box will not exceed 2 square feet.

5. *If banners and flags are placed on the buildings they must be included and reviewed as part of the sign program.*

Staff analysis: Not applicable. No banners or flags are proposed within the application.

6. *Sidewalk signs are permitted subject to specific standards.*

Staff analysis: Not applicable. No sidewalk signs are proposed within the application.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #15-013, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of two wall sign located over each entrance of Margaritaville at 231 Esplanade. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Two new wall signs and two new menu signs are approved for the property at 231 Esplanade. The existing oval shaped wood wall sign with the painted parrot is allowed to remain. Additional signs at this location shall be approved by the Planning Commission. The approved signs include:
 - a. One (1) Wall Sign over the south entrance of the building. The sign is 10 inches high by 8 feet 3 inches wide. Reverse pan channel "halo" letters will backlight the exterior wall.

- b. One (1) Wall Sign over the east entrance of the building. The sign is 10 inches high by 8 feet 3 inches wide. Reverse pan channel “halo” letters will backlight the new aluminum raceway that is 10 feet 4 inches wide by 15 inches tall.
 - c. One menu boxes with a maximum of 2 square feet shall be allowed at each entrance for the restaurant.
 - d. One existing oval shaped wood wall sign on the center of the east elevation. The oval sign has a large tropical parrot painted on the sign and the name of the restaurant.
3. Prior to installation, a building permit shall be secured for the new sign authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission.
 4. The two existing exterior wall signs at the entrances must be removed prior to installation of the new wall signs.
 5. The two new wall signs are backlit. The backlighting shall not shine onto adjacent properties or distract motorists of pedestrians.
 6. 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.
 7. 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 shall require Planning Commission approval.
 8. Prior to issuance of building permit, all Planning fees associated with permit #15-013 shall be paid in full.

FINDINGS

- A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**
The halo lit aluminum signs have a simple design that will complement the aesthetics of the Central Village district.
- B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**
The signs are modern and clean updating the exterior appearance of the restaurant.

ATTACHMENTS

- A. Sign Plan
- B. Photos of existing conditions

Report Prepared By: **Katie Cattan**
Senior Planner

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Sign A Elevation detail

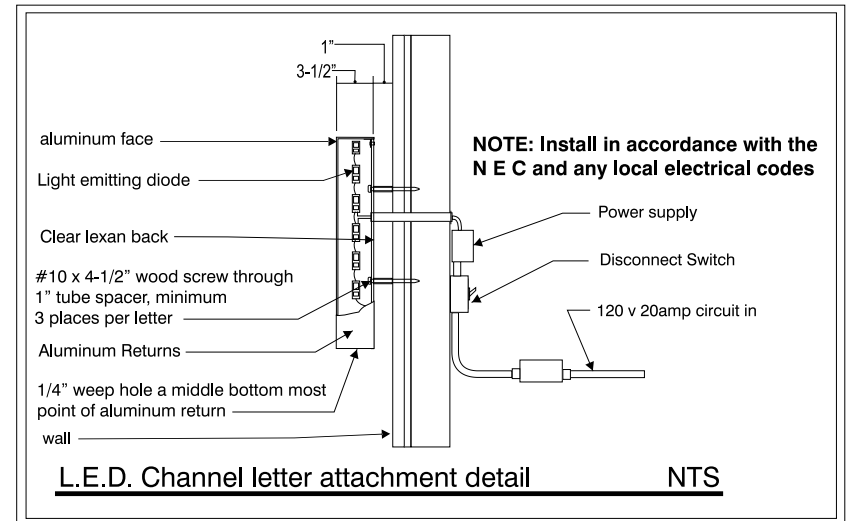
scale: 1" = 1'-0"

6.42 sq ft

Scope of work:

Manufacture and install one set of reverse pan channel 'Halo' lit letters.
 satin black Letter face.
 Black aluminum return

White L.E.D. Lighting low voltage system.



Item #: 5.A. Attachment A. Sign Plan.pdf



PH: 831.206.8086
 101 Cooper Street
 Suite 235
 Santa Cruz, CA 95060

CUSTOMER Margaritaville

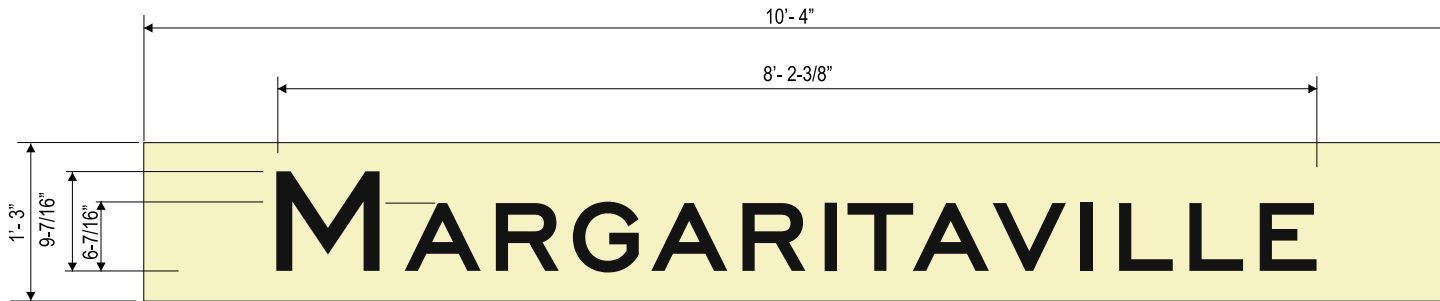
CONTACT Sarah Orr

PHONE 310.403.0210

ADDRESS 231 Esplanade, Capitola, CA 95010

EMAIL sarahorr111@gmail.com

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Sign B Elevation detail

scale: 1" = 1'- 0"

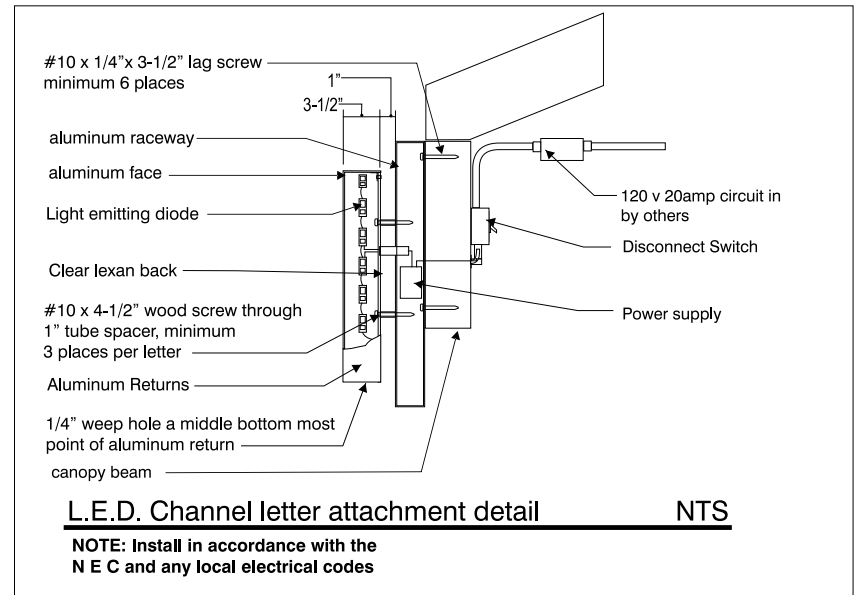
6.42 sq ft

Scope of work:

Manufacture and install one set of reverse pan channel "Halo" illuminated letters to be mounted on full raceway.
 satin black Letter face.
 Black aluminum return

White L.E.D. Lighting low voltage system.

2-1/2" deep aluminum raceway painted to match building (Tan adobe)



PH: 831.206.8086
 101 Cooper Street
 Suite 235
 Santa Cruz, CA 95060

CUSTOMER Margaritaville

CONTACT Sarah Orr

PHONE 310.403.0210

ADDRESS 231 Esplanade, Capitola, CA 95010

EMAIL sarahorr111@gmail.com

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Sign A Projection



Sign B Projection



PH: 831.206.8086
 101 Cooper Street
 Suite 235
 Santa Cruz, CA 95060

CUSTOMER Margaritaville

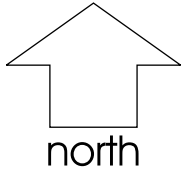
CONTACT Sarah Orr

PHONE 310.403.0210

ADDRESS 231 Esplanade, Capitola, CA 95010

EMAIL sarahorr111@gmail.com

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Site Map



PH: 831.206.8086
101 Cooper Street
Suite 235
Santa Cruz, CA 95060

CUSTOMER Margaritaville

CONTACT Sarah Orr

PHONE 310.403.0210

ADDRESS 231 Esplanade, Capitola, CA 95010

EMAIL sarahorr111@gmail.com

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: FEBRUARY 6, 2014

SUBJECT: **4200 Auto Plaza Drive #15-020 APN: 034-141-30 and 31**
 Sign Permit Application for one additional sign at the Toyota car dealership building in the CC (Community Commercial) Zoning District.
 This property is not located in the Coastal Zone.
 Environmental Determination: Categorical Exemption
 Property Owner: Charles Canfield, filed 1/24/2014
 Representative: Bob Fischer

APPLICANT PROPOSAL

The application is an amendment to the approved sign program for the Toyota dealership located at 4200 Auto Plaza Drive within the CC (Community Commercial) zoning district. The applicant is requesting an additional wall sign on the west side of the new Toyota building. (Attachment A)

BACKGROUND

On February 6, 2013, the Planning Commission approved a sign program for the new Toyota dealership. Sign programs allow the Planning Commission increased flexibility for signs for large properties. The approved sign program included wall signs on the front elevation of the building and a monument sign that is oriented toward Auto Plaza Drive. (Attachment B)

DISCUSSION

The applicant is requesting approval of a wall sign that will be centrally located on the west façade. The west façade of the building is approximately 200 feet wide. The sign includes the Toyota logo next to "Toyota" in all capital letters. The red vinyl logo and lettering will be internally lit. The lettering height is 3 feet high. The entire sign measures 26 feet wide. The sign is located approximately 25 feet above final grade.

The west elevation is oriented toward the future parking area for car displays. The sign will be visible to customers, and may be visible from the 41st Avenue overpass and Route 1. The property directly to the south is a commercial storage unit business. The Loma Vista mobile home park is located to the south-east of the property. The new sign will not be visible from the residential development.

CEQA REVIEW

This project is categorically exempt under Section 15301 of the California Environmental Quality Act. The proposed project involves a wall sign on a commercial site. No adverse environmental impacts were discovered during project review by either the Community Development Department Staff or the Planning Commission.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #15-020, subject to the following conditions and findings:

CONDITIONS

1. The project approval consists of one wall sign located on the west elevation of the new Toyota structure located at 4200 Auto Plaza Drive. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on March 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The single wall sign is located on the west side of the building. The sign includes the Toyota logo next to "Toyota" in all capital letters. The red vinyl letters and logo 3 feet high. The sign is 26 feet wide.
3. Prior to installation, a building permit shall be secured for the new sign authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission.
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. 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 shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #15-020 shall be paid in full.

FINDINGS

- A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**

The halo lit aluminum signs have a simple design that will complement the aesthetics of the Central Village district.

- B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**

The signs are modern and clean. The outdated existing wall signs will be removed to ensure no visual blight on the building.

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

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

ATTACHMENTS

- A. Sign plan for additional sign
- B. Previously approved sign plan

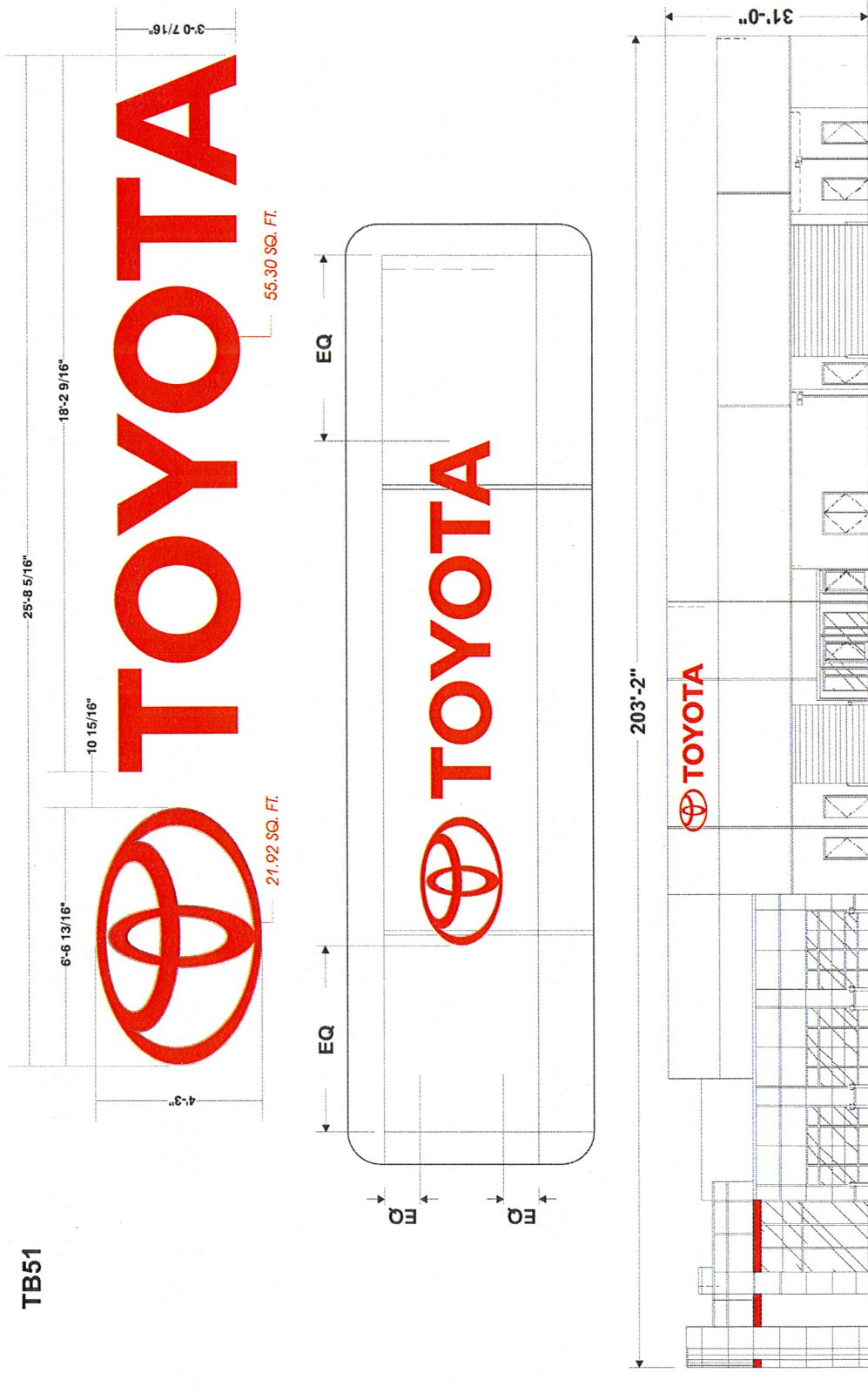
**Report Prepared By:
Katie Cattan, Senior Planner**

LD-22754B

ELEVATION

Installation: Interior: Exterior:

TB51



Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561

Client: TOYOTA SIS 04345
 Site: CAPITULA, CA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 11.20.
 Page: 1/1 Scale: 1/16" = 1'-0"

Date: / /

Customer Approval:

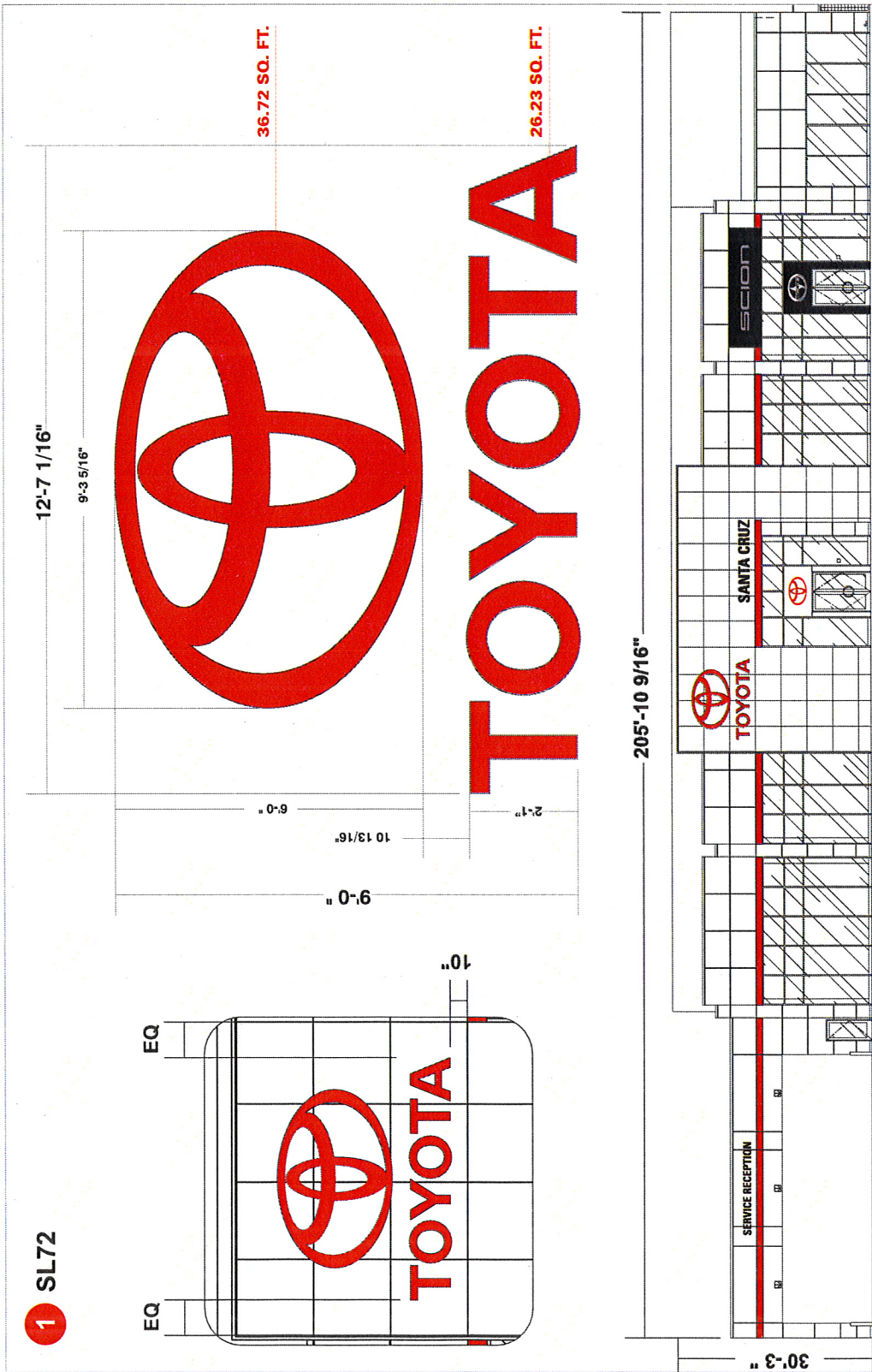
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LD-21430D
 ELEVATION
 Installation: Interior: Exterior:

LD-21430_4200 Auto Plaza Drive_Capitola, CA_2013/11/13



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Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561
 Client: TOYOTA S/S 04345
 Site: CAPITOLA, CA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 11.13
 Page: 1/10 Scale: 1/16" = 1'-0"

Date: / /
 Customer Approval:
 I hereby approve this sign design and all information contained herein. I understand that this sign design is subject to the approval of the local authority having jurisdiction. I understand that this sign design is subject to the approval of the local authority having jurisdiction. I understand that this sign design is subject to the approval of the local authority having jurisdiction.

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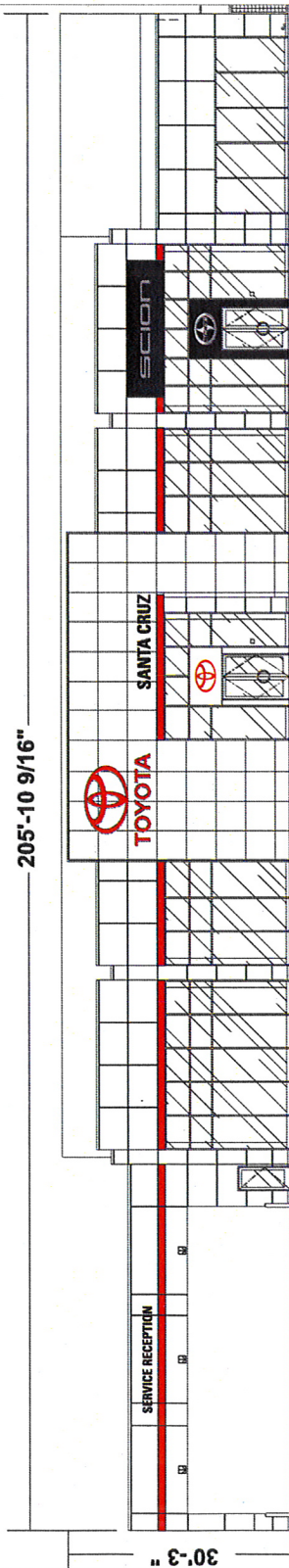
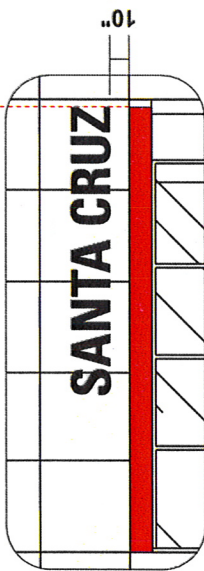
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LD-21430D
ELEVATION
Installation: Interior: Exterior:

LD-21430-4200 Auto Plaza Drive, Capitola, CA 2013/11/13

2 PDNN21 12'-9 1/8" **SANTA CRUZ** 1'-9"

ALIGN TO RIGHT SIDE OF RED BAND



ENSEIGNES
PATTISON
SIGN GROUP

Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798
Client: TOYOTA S/S 04345
Site: CAPITOLA, CA
Draftsman: LUC DUGUAY
Date: 11.13.2013
Page: 2/10 Scale: 1/16" = 1'-0"

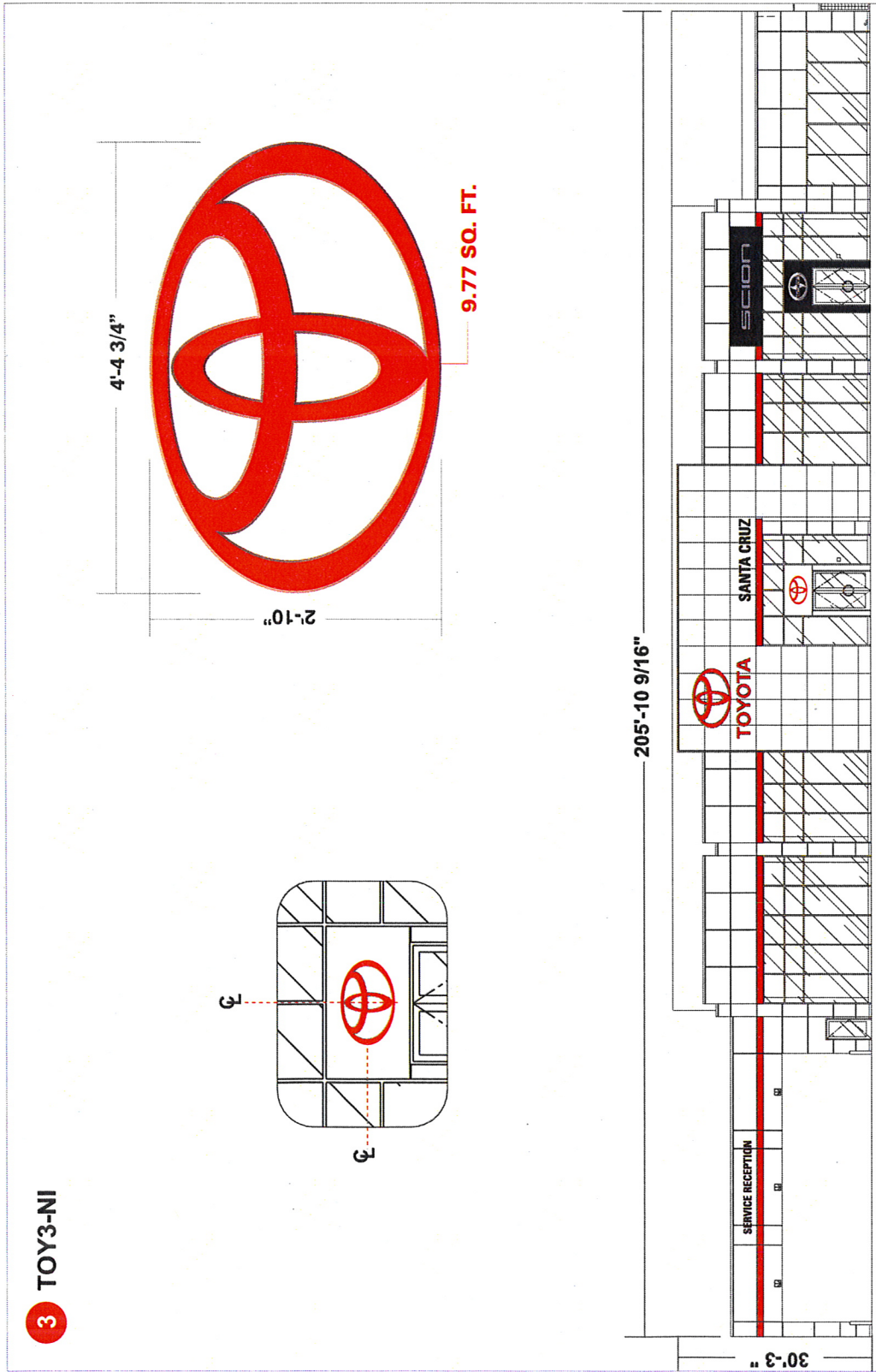
Date: / /
Customer Approval:
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LD-21430D
ELEVATION
Installation: Interior: Exterior:

LD-21430_4200_Auto_Plaza_Drive_Capitola_CA_2013/11/13

3 TOY3-NI



ENSEIGNES
PATISSO
SIGN GROU

Tel (506) 735-5508 Fax (877) 737-1734 Toll Free 1-800-561
Client: TOYOTA S/S 04345
Site: CAPITOLA, CA
Consultant: LUC DUGUAY
Draftsman: ANDRE CHARETTE Date: 11.13
Page: 3/10 Scale: 1/16" = 1'-0"

Date: / /
Customer Approval:

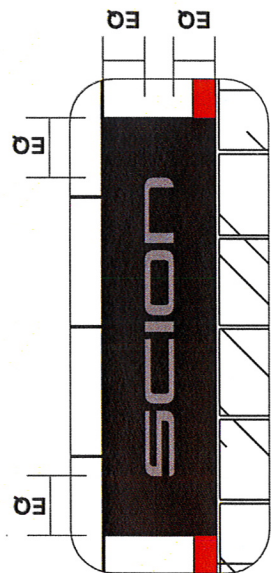
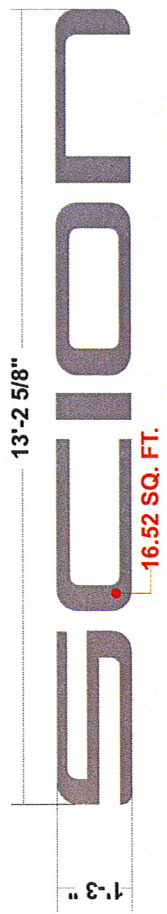
I, the undersigned, being a duly Licensed Architectural Designer in the State of California, do hereby certify that the above described project is in accordance with the California Building Code, and all applicable codes and regulations, and that the same has been prepared by me or under my direct supervision and that I am a duly Licensed Architectural Designer in the State of California.
Professional Seal of Luc Duguay, Architectural Designer, No. 10000, State of California.
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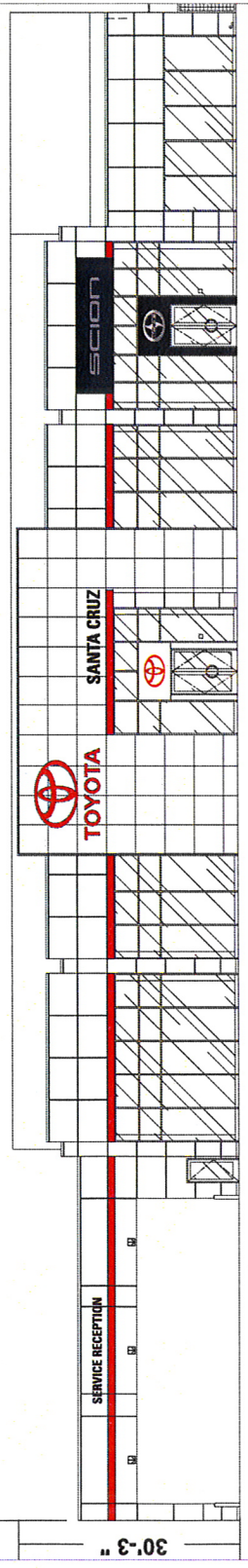
LD-21430D
 ELEVATION
 Installation: Interior: Exterior:

LD-21430 - 4200 Auto Plaza Drive, Capitola, CA - 2013/11/13

4 SBL15



205'-10 9/16"



Tel (506) 735-5506 Fax (877) 737-1734 Toll Free 1-800-561-9798

Client:	TOYOTA SIS 04345
Site:	CAPITOLA, CA
Consultant:	LUC DUGUAY
Draftsman:	ANDRE CHARETTE
Date:	11.13.2013
Page:	4/10 Scale: 1/16" = 1'-0"

Date: _____
 Customer Approval: _____

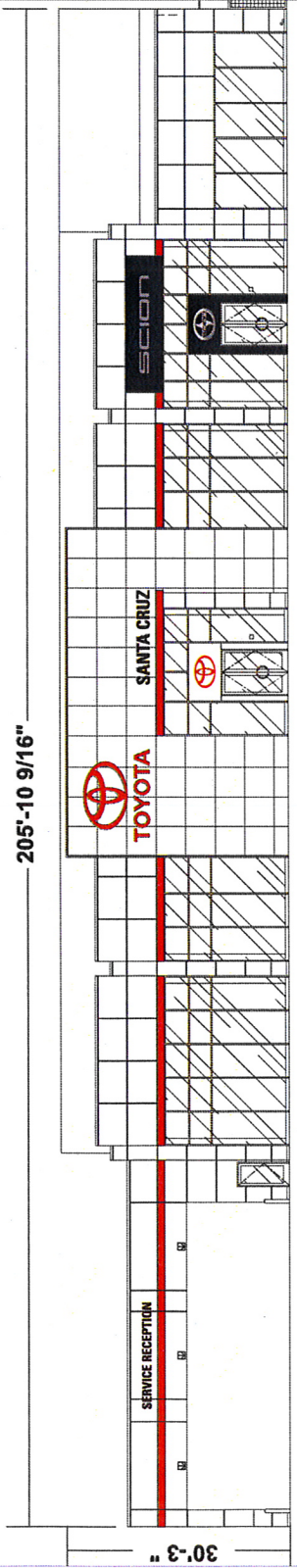
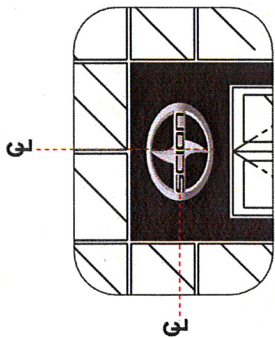
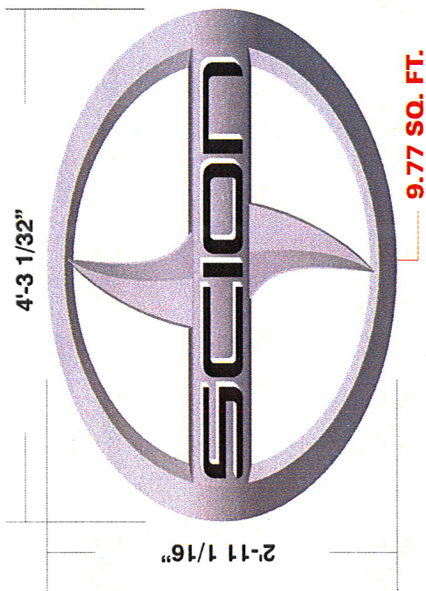
ISO 9001:2008 Certified Enterprise

Patented Sign Color Technology (PACT) is a registered trademark of Ensignes Pattison Sign Group. The use of PACT is a requirement for all signs manufactured by Ensignes Pattison Sign Group. The use of PACT is a requirement for all signs manufactured by Ensignes Pattison Sign Group. The use of PACT is a requirement for all signs manufactured by Ensignes Pattison Sign Group.

LD-21430D
ELEVATION
Installation: Interior: Exterior:

LD-21430 - 4200 Auto Plaza Drive, Capitola, CA - 2013/11/13

5 SCION4-NI



Tel (509) 735-5508 Fax (877) 737-1734 Toll Free 1-800-561
 Client: TOYOTA S/S 04345
 Site: CAPITOLA, CA
 Draftsman: LUC DUGUAY
 Consultant: ANDRE CHARETTE Date: 11.13
 Page: 5/10 Scale: 1/16" = 1'-0"

Date: / /
 Customer Approval:

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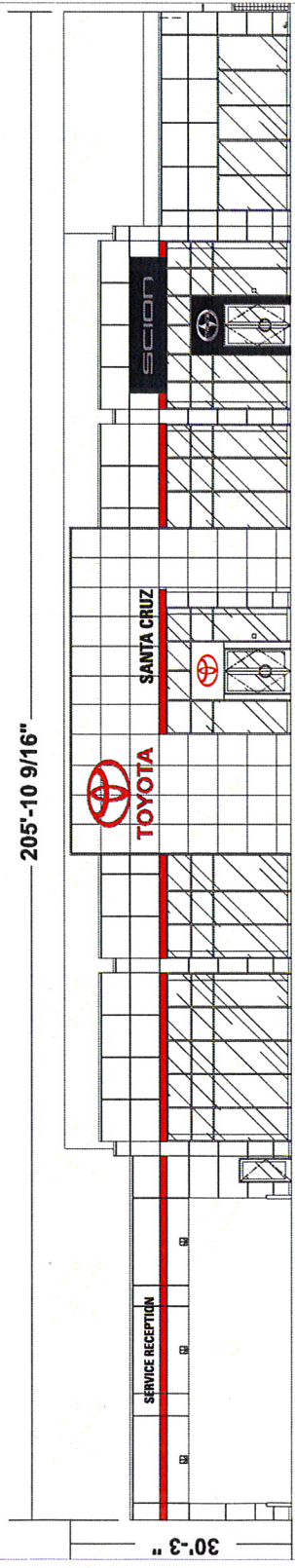
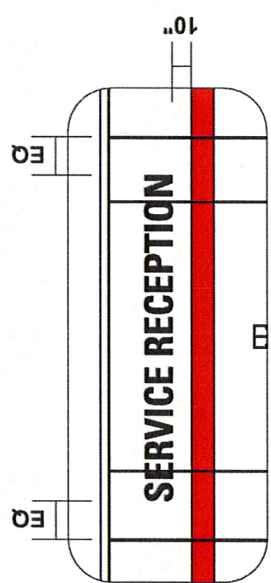
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LD-21430D
 ELEVATION
 Installation: Interior: Exterior:

LD-21430_4200 Auto Plaza Drive, Capitola, CA 2013/11/13

6 S115

14'-5 1/4"
SERVICE RECEPTION
 1'-3"



Tel: (506) 735-5506 Fax: (877) 737-1734 Toll Free: 1-800-561-9798

Client:	TOYOTA SIS 04345
Site:	CAPITOLA, CA
Consultant:	LUC DUGUAY
Draftsman:	ANDRE CHARETTE
Date:	11.13.2013
Page:	6/10 Scale: 1/16" = 1'-0"

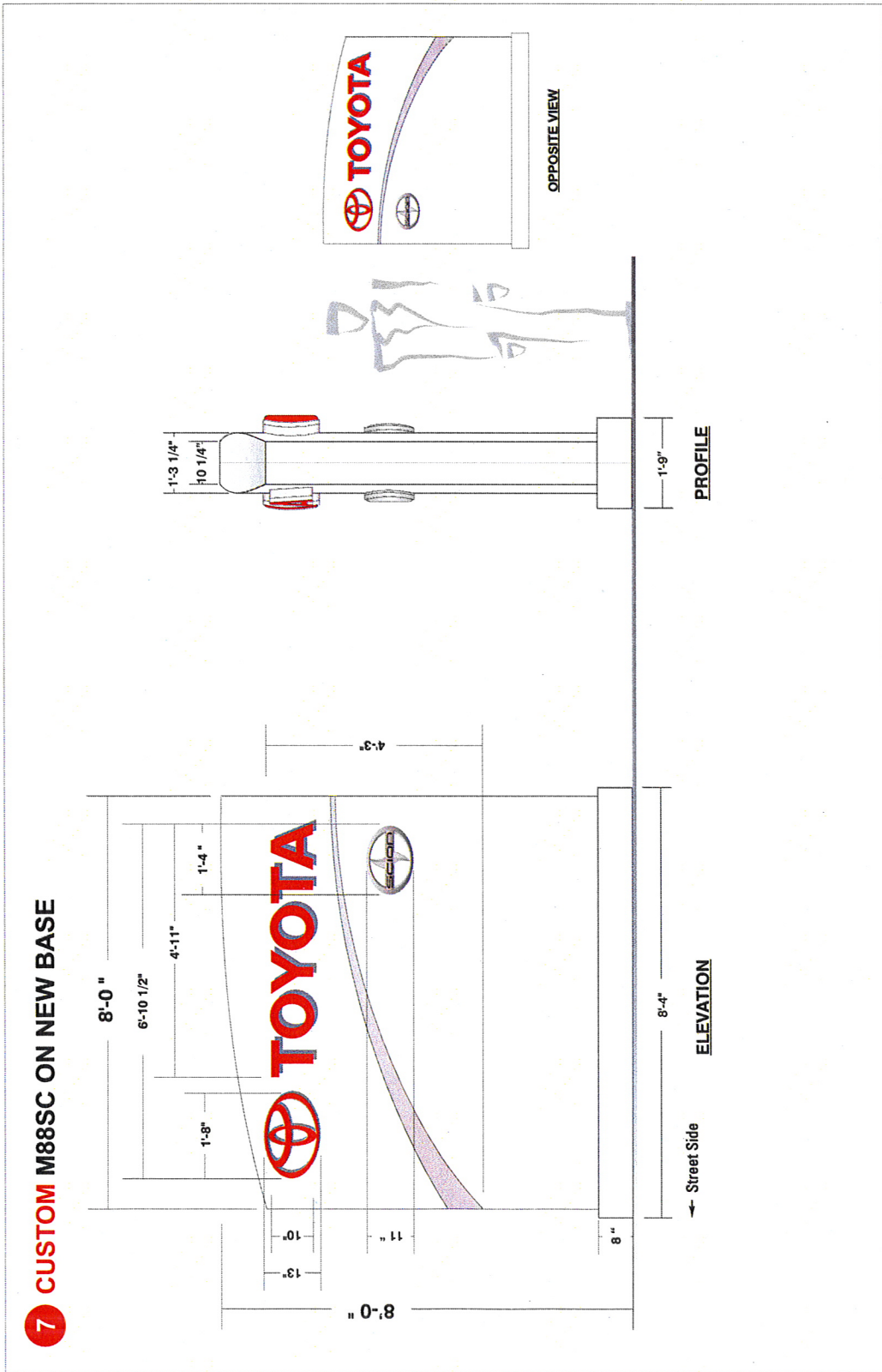
Date: / / Customer Approval:

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GROUND
 Installation: Interior: Exterior:

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PATTISSOI
SIGN GROL
 Tel: (506) 735-5508 Fax: (877) 737-1734 Toll Free 1-800-561-
 Client: TOYOTA S/S 04345
 Site: CAPITOLA, CA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 11.13.
 Page: 7/10 Scale: 1/16" = 1'-0"



LD-21430_4200 Auto Plaza Drive, Capitola, CA 2013/11/13

Date: / /
 Customer Approval:
 This sign shall be installed in accordance with the applicable regulations of the City of Capitola, California. The sign shall be installed in accordance with the applicable regulations of the City of Capitola, California. The sign shall be installed in accordance with the applicable regulations of the City of Capitola, California.

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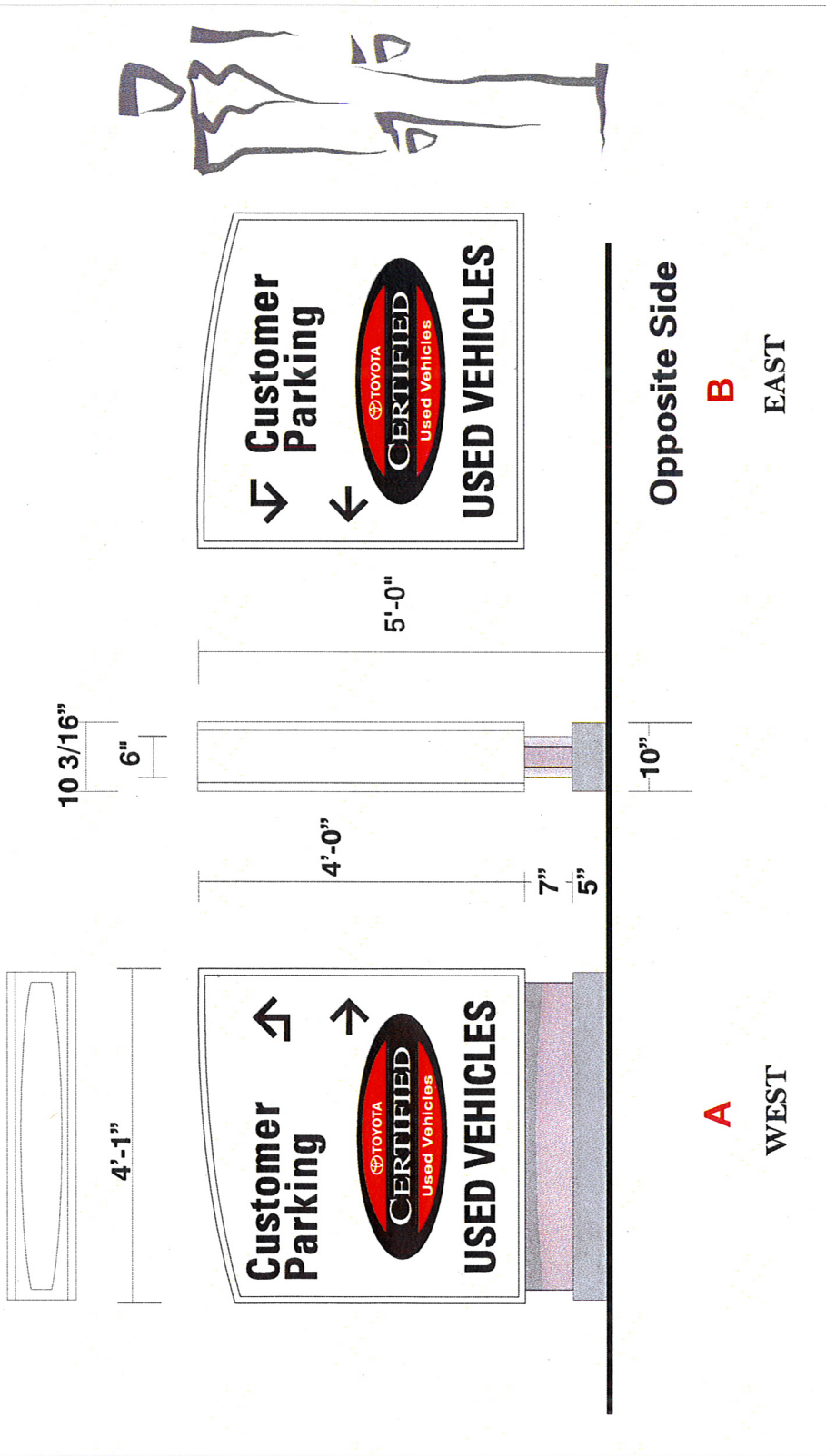
LD-21430D

GROUND

Installation: Interior: Exterior:

LD-21430_4200 Auto Plaza Drive_Capitola, CA_2013/11/13

8 D45-5



Tel (909) 735-5506 Fax (977) 737-1734 Toll Free 1-800-361-9798

Client:	TOYOTA S/S 04345
Site:	CAPITOLA, CA
Consultant:	LUC DUGUAY
Draftsman:	ANDRE CHARETTE
Date:	11.13.2013
Page:	9/10
Scale:	1/16" = 1'-0"

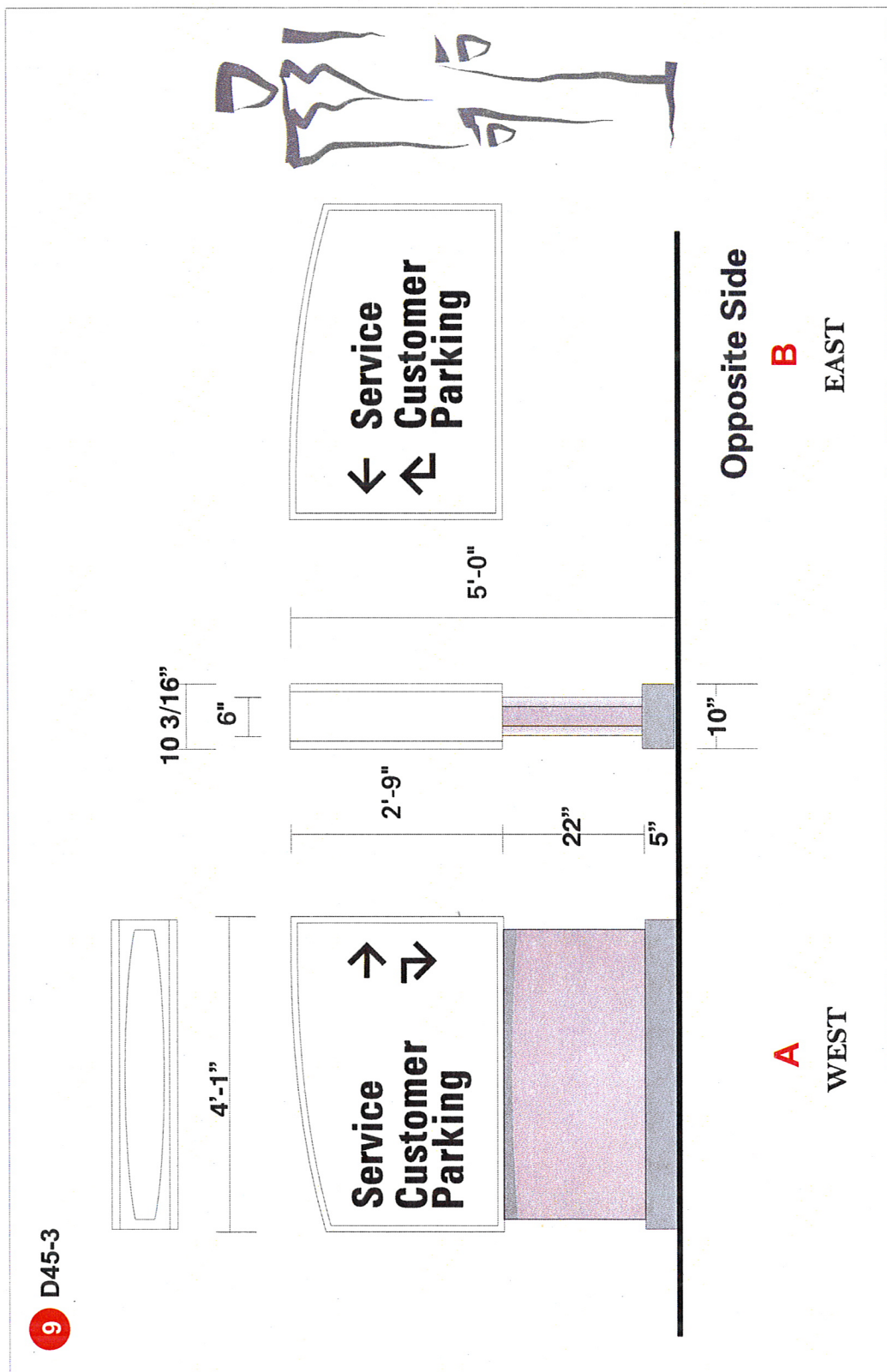
Date: / /
 Customer Approval: _____

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LD-21430D
GROUND
 Installation: Interior: Exterior:

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 Tel: (909) 735-5506 Fax: (977) 737-1734 Toll Free 1-800-561
 Client: TOYOTA S/S 04345
 Site: CAPITOLA, CA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 11.13
 Page: 8/10 Scale: 1/16" = 1'-0"



LD-21430_4200_Auto_Plaza_Drive_Capitola_CA_2013/11/13

Date: / /
 Customer Approval:
 I hereby approve the design and construction of the above sign as shown on the drawings and specifications. I understand that the sign must be installed in accordance with the applicable codes and regulations. I agree to pay for the sign and its installation.
 Signature: LUC DUGUAY
 Title: CONSULTANT
 Date: 11/13/13

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LD-21430D

SITE PLAN

Installation: Interior: Exterior:

LD-21430, 4200 Auto Plaza Drive, Capitola, CA, 2013/11/13

- 1 SL72
- 2 PDNN21
- 3 TOY3-NI
- 4 SBL15
- 5 SCION4-NI
- 6 SI15
- 7 CUSTOM M88SC ON NEW BASE
- 8 D45-5
- 9 D45-3



Tel: (506) 735-5506 Fax: (877) 737-1734 Toll Free 1-800-561-9799
 Client: TOYOTA S/S 04345
 Site: CAPITOLA, CA
 Consultant: LUC DUGUAY
 Draftsman: ANDRE CHARETTE Date: 11.13.2013
 Page: 1 of 10 Scale: 1/16" = 1'-0"

Date: / / Customer Approval:

I am a duly Licensed Professional Engineer in the State of California, No. 44203, and I hereby certify that I have prepared the drawings herein to the best of my knowledge and belief, and that they conform to all applicable laws and regulations.

ISO 9001:2008 Certified Enterprise

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STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
DATE: MARCH 5, 2015
SUBJECT: **Zoning Code Update – Issues and Option white paper**

BACKGROUND

The City of Capitola adopted the new general plan on June 26, 2014. Since the adoption of the new general plan, staff has initiated the update to the zoning ordinance. State law requires that the City's zoning ordinance and local coastal plan (LCP) be consistent with the general plan. The existing zoning code was written in 1975. Over the past 39 years, there have been multiple updates to the code, but never a full overhaul of the entire code. In August of 2014, staff began the process of updating the Zoning Ordinance.

The purpose of this report is to publicize the Issues and Options white paper (Attachment 1) which will be reviewed by the Planning Commission and City Council over the next 6 months. Staff is not requesting any action from the Planning Commission at this time; rather, the Issues and Options white paper is being distributed in advance of upcoming work sessions to allow the public and the Planning Commission with ample review time. The first review is scheduled for the April 2nd Planning Commission. Issues 1 – 4 will be listed on the agenda for the April 2nd meeting.

PROCESS OVERVIEW

The first step to a zoning ordinance update is public outreach. From August 1, 2014, through October 15, 2014, a survey was made available to the public on the City website and hardcopies were available at City Hall and the Capitola Library. The survey was completed by 150 people. During this time, staff also hosted five stakeholder meetings with five focus groups. The focus groups included: a local resident group, a recent-applicant group, a commercial property owner/management group, a business owner group, and an architect/designer/planner group. The stakeholder meetings were well attended with informative, lively discussions on a wide range of issues and ideas. The results of the public survey and the stakeholder interviews were published during the November 6, 2014 Planning Commission meeting. The results are available on the City's website within the Zoning Code Update page at <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

Staff has worked closely with the City's general plan consultant to draft the Issues and Options white paper. The issues identified during the public outreach are the foundation of the white paper. The report is divided into two sections: non-controversial items and items for public discussion. The non-controversial items are primarily straight-forward and technical in nature. The items for public discussion are more complex issues that require public input, discussion, and direction by the Planning Commission and City Council. The 18 larger issues are identified with an overview of the public perception and the relevant general plan goals and policies. For each issue, the report presents two or more option for how the item can be addressed in the zoning code update.

Item #: 5.C. Zoning Code Issues and Option Staff Report.pdf

All issues identified during public outreach have been identified in a spreadsheet included as Attachment B. Within the spreadsheet, each issue is explained and direction is provided on how the item will be addressed. For those items addressed within the Issues and Options white paper, the section of the document is references. This spreadsheet will be utilized throughout the process to ensure each issue is considered within the updated code.

Staff plans to hold multiple public hearings with the Planning Commission and City Council and work through the issues and options concurrently. The public may participate in the public hearings during the review of the Issues and Options. Prior to each public hearing, the staff report will identify the issues to be discussed at the meeting. The issues will be reviewed in order as sequence in the Issues and Options report. After Planning Commission provides direction on an issue, the issues will be scheduled for City Council review. To assist the Planning Commission and City Council in their review of the report, a decision making matrix has been provided as Attachment C. The matrix will be updated after each meeting to identify the direction provided by the Planning Commission and City Council. Depending on the volume of current planning applications, staff will schedule special meetings for the zoning update as necessary.

Once staff receives direction on all issues and options, recommendations will be compiled into a draft zoning ordinance. The final document will be reviewed by Planning Commission with a recommendation to City Council. The City Council will adopt the new zoning ordinance in its final form.

The final document must be authorized by the Coastal Commission for those regulations influencing areas within the Coastal Zone. Staff has begun discussions with the Coastal Commission regarding the update and will continue to work with Coastal Commission staff throughout the update process to facilitate adoption of the updated local coastal plan. Coastal Commission review of updated local coastal plans and zoning ordinances takes approximately 6 to 12 months.

ZONING ORDINANCE UPDATE PROCESS

1. Stakeholder Outreach (August 2014 – October 2014)
2. Issues and Option Identification (5 months)
3. Preparation of preliminary draft zoning ordinance (6 months)
4. Planning Commission and City Council Work Sessions and Public Hearings (6 months)
5. Draft Zoning Ordinance and CEQA Document (1 months)
6. Adoption Hearings (2 months)
7. Coastal Commission – LCP Amendment*

2014					2015												
8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
Public Outreach																	
			Issues and Options														
								Preparation of preliminary draft Zoning Ordinance									
								Planning Commission and City Council Public Work Sessions									
														CEQA			
															Adoption Hearings		

*LCP update by California Coastal Commission following local adoption.

ATTACHMENTS

- Attachment A: Issues and Options white paper
- Attachment B: I & O Matrix
- Attachment C: List of All Zoning Issues



CITY OF CAPITOLA
COMMUNITY DEVELOPMENT DEPARTMENT

ZONING CODE UPDATE

ISSUES AND OPTIONS REPORT

MARCH 5, 2015

CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA, CA 95010

Introduction

This report presents options for how Capitola can address important issues in its updated Zoning Code. The report will help facilitate public discussion and summarizes input received to-date from the Planning Commission, City Council, and general public. Reviewing this input early in the process will help City staff and consultants prepare an updated zoning code that reflects the unique conditions, values, and goals in Capitola.

The report begins with a brief description of planned changes to the existing zoning code that are non-controversial and straight-forward. The second part then discusses the following 18 issues that warrant public discussion early in the zoning code update process:

Issue	Page
1. Protecting the Unique Qualities of Residential Neighborhoods	7
2. Maintaining and Enhancing the Village Character	8
3. Accommodating High-Quality Development on 41 st Avenue	10
4. Protecting Retail Vitality on 41 st Avenue	11
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8. Non-Conforming Uses: Calculation of Structural Alterations, Historic Structures, and Amortization in R-1 Zone	20
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For each issue, the report presents two or more options for how the issue can be addressed in the updated Zoning Code. The first option is always to make no change to the existing Zoning Code. Within the no change option, the code would be updated for clarity but there would be no modification to how the regulations are applied. Other options reflect direction in the new General Plan, ideas previously discussed in Capitola, and practices from other similar communities. During public discussion new options may be suggested – these new ideas should be considered alongside those included in this report.

How This Report was Created

This report was prepared based on substantial input from the community. In August and September 2014 staff hosted a series of stakeholder meetings with architects, developers, commercial property owners, business owners, property managers, residents, and recent applicants. At these meetings participants commented on specific issues with the existing Zoning Code and how the updated Zoning Code could be improved. City staff also received

input on the Zoning Code through an online survey. Stakeholder meeting notes and survey results are available on the City's website.

The contents of this report were also shaped by the new General Plan, and the discussion of zoning-related issues during the General Plan Update process. Many policies and actions in the General Plan call for changes to the Zoning Code. The report also reflects staff's experience administering the zoning code in Capitola, professional experience elsewhere, and input from the City's consultants on best practices from other communities.

A Note about Sustainability

Environmental sustainability is a core community value in Capitola. Reflecting this, the General Plan contains the following Guiding Principle relating to environmental resources:

Embrace environmental sustainability as a foundation for Capitola's way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola's unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.

General Plan Goal OSC-1 also calls for Capitola to "promote sustainability as a foundation for Capitola's way of life."

An important component of sustainability is reduction of greenhouse gas emissions and adaptation to climate change. To address this issue, Capitola is now in the process of preparing a Climate Action Plan (CAP). While the CAP primarily aims to reduce greenhouse gas emissions, it also touches on all aspects of sustainability, including the following:

- Land Use and Community Design
- Economic Development
- Transportation
- Green Building and Energy Efficiency
- Renewable Energy
- Water and Wastewater
- Solid Waste Diversion
- Open Space and Food Systems

To achieve greenhouse gas reductions related to these topics, the CAP will call for changes to Capitola's zoning code. To avoid redundancy with the CAP project, this Issues and Options report does not repeat zoning-related measures currently under consideration for the CAP. Instead, the City will consider these measures during the CAP process and then incorporate them into the Zoning Code. The timing and schedule of the two projects allows for the City to decide on preferred zoning-related CAP measures before the drafting of the updated Zoning Code begins.

Part A. Non-Controversial Changes

Below is a summary of anticipated changes to the existing Zoning Code that are primarily non-controversial, straight-forward, and technical in nature. Opportunities for public review and input for these changes will be provided through the hearing process and workshops for the updated Zoning Ordinance. These items are not expected to be a topic of discussion during the issues and options work sessions with the Planning Commission and City Council. In addition, a comprehensive list of issues and revisions for non-controversial matters is presented in Attachment 1.

1. **Revision of Overall Organization.** The overall organization of the Zoning Ordinance will be changed, with information presented in a more intuitive manner. Similar provisions will be grouped together with related standards clearly cross-referenced. A user-friendly index to the zoning code will be added. The layout of each page will be redesigned to speed up comprehension with less text per page, logical headings, and visual diagrams. Standards will be the same across the entire Zoning Ordinance, so that the document has no contradictory information. Unnecessary repetitions of standards and regulations will be removed.
2. **Clarification of Development Standards.** The zoning code will be updated to include consistent development standards that are defined. Diagrams, illustrations, and tables will be added to the ordinance. These additions will more efficiently communicate land use regulations and development standards for each zoning district. Diagrams, illustrations, and tables will be utilized throughout the code within provisions that benefit from graphic illustration.
3. **Clarification of Process.** The Zoning Ordinance will be updated to clarify when a permit is required and the process of review.
4. **Technical Language.** Much of the existing code consists of text created for those in the legal profession or professional planners. Property owners find the code difficult to understand. Language will be substantially revised to convey the same meaning, but re-written in plain English, removing jargon to the greatest extent possible.
5. **Updated Definitions.** The existing list of definitions is incomplete and outdated. Definitions will be added to include terms that are utilized but not defined. For example, personal service establishment is listed as a use in commercial districts but not defined. Diagrams or illustrations will be added for those terms in which illustrations help define the concepts, such as height as measured on a slope. Also, the existing definitions will be updated to remove discretion in interpretation.
6. **Updated Administrative, Principally Permitted, and Conditional Land Use Lists.** Land use lists will be updated within each zone within a comprehensive table. Land uses will be categorized into principally permitted, administrative, and conditional. Land uses that do not present a conflict, are non-controversial, and compatible with the zoning district, will be identified as principally permitted uses. Land uses that are compatible with the zoning district but require specific conditions to be in compliance (home occupation) will be listed as administrative land use permits. Land uses that may require mitigation or additional oversight will be included as conditional uses. The process, considerations, findings, and conditions for administrative land use permits and conditional use permits will be updated.
7. **Protect Public Pathways and Trails.** The existing Zoning Ordinance disperses various development standards related to pathways/trails within specific environmentally sensitive areas and within design guidelines. The updated zoning ordinance will introduce

development standards for properties that have trails/pathways within or adjacent to the property.

8. **Implementation of General Plan.** The updated zoning ordinance will implement a variety of goals and polices in the recently adopted City of Capitola General Plan. This will include new standards for 41st Avenue, transition areas between commercial and residential zones, night sky regulations, and updates to zoning districts to implement the General Plan land use map. Some of these policies are discussed in Part B of this report.
9. **Revision for Legal Compliance.** The City is obligated to revise the zoning ordinance in response to California laws related to zoning issues. Examples include removal of the outdated mobile home section of code, family day care, and wireless regulations.
10. **Clarification of Coastal Section.** The coastal section of the code is very difficult to read. The section will be rewritten to ensure that the threshold for when a coastal permit is required is clarified, and what findings must be made prior to the issuance of a coastal permit. Also, the list of visitor serving uses adjacent to residential properties will be revised to prohibit development of non-compatible uses, such as carnivals and circuses.

Part B. Items for Public Discussion

Complex issues worthy of public input, discussion, and direction are discussed below. The focus of the issues and options work sessions is to discuss the issues and options and provide staff with direction for the updated Zoning Code.

For each topic, the issue is first defined, followed by possible ways the updated zoning code could be modified to address the issue.

ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods

Protecting residential neighborhoods was a key issue discussed during the General Plan Update. The General Plan contains a number of goals and policies to address this issue:

Goal LU-4 Protect and enhance the special character of residential neighborhoods.

Goal LU-5 Ensure that new residential development respects the existing scale, density, and character of neighborhoods.

Policy LU-5.1 Neighborhood Characteristics. Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.

Policy LU-5.3 Mass and Scale. Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.

Policy LU-5.5 Architectural Character. Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

Within the public survey for the zoning code update, concern for preserving neighborhood character rose to the top of the list.

Capitola's current zoning ordinance takes a one size fits all approach to all single family residential neighborhood. This does not always produce desired results or respect the existing patterns within a specific neighborhood. For instance, the development standards are the same for Cliffwood Heights and Riverview Avenue north of the trestle. Both are required to have an increase in the second story setback. Although potentially appropriate in Cliffwood Heights to ensure articulation of buildings, this regulation disrupts the flow of the streetscape on Riverview.

After the zoning code update City staff plans to prepare new residential design guidelines, as called for by the General Plan. These guidelines will document the unique characteristics of individual neighborhoods in Capitola and help ensure that new homes and remodels are compatible with these characteristics. All options described below anticipate the future adoption of these new guidelines.

Options:

1. **Maintain existing R-1 standards for all neighborhoods.** With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design

guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.

2. **Introduce tailored development standards for individual residential neighborhoods.**

With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone. For an example of a neighborhood-specific approach to zoning regulations, see the City of Azusa and Sonoma zoning codes:

https://www.municode.com/library/ca/azusa/codes/code_of_ordinances

<http://codepublishing.com/ca/sonoma/>

3. **Allow case-by-case deviations to R-1 standards.** With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations. For an example of waivers to development standards, see San Carlos Zoning Code Chapter 18.33:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1833.html#18.33>

ISSUE 2: Maintaining and Enhancing the Village Character

During the General Plan Update residents emphasized the importance of maintaining and enhancing the unique Village character. Specific General Plan goals and policies include the following:

Goal LU-6 Strengthen Capitola Village as the heart of the community.

Policy LU-6.1 Village Character. Maintain the Village as a vibrant mixed use district with residences, visitor accommodations, restaurants, shops, and recreational amenities.

Policy LU-7.1 New Development Design. Require all new development to enhance the unique character of the Village.

The existing Zoning Code establishes land use regulations and development standards for the Village in Chapter 17.21 (C-V Central Village District). The C-V district chapter itself contains limited standards pertaining to building and site design. Instead, the chapter states that development standards for the C-V district are contained in the adopted Central Village Design Guidelines. This document, adopted in 1987, contains design guidelines for site planning, building design, landscaping, signs, and parking in the Village. The guidelines also address the

unique needs of the Esplanade, the residential overlay districts, and residential properties in general.

Typically, design guidelines describe in qualitative terms the desired form and character of new development. These guidelines are advisory, not mandatory, and allow for flexibility for individual projects. The Central Village Design Guidelines, in contrast, contains numerous statement of mandatory standards. For example, the Guidelines state that “structures shall be limited to one story” on the Soquel Creek side of Riverview Avenue. The use of “shall” rather than “should” statements such as this is primarily found in the guidelines for residential overlay districts, including the Six Sisters Houses, Venetian Court, Lawn Way, and Riverview Avenue.

The updated Zoning Code should consider if some of these “guidelines” for the residential overlays should be added to the Zoning Code as mandatory standards. The City should also consider if additional design standards should be added to the Zoning Code for all properties within the Village.

Options:

1. **Maintain existing standards with advisory design guidelines.** In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.
2. **Establish new building form and character standards.** The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:
 - Maximum setbacks to keep buildings and their entrances close to the sidewalk.
 - Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)
 - Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.
 - Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.
 - Maximum length of unarticulated/blank building walls.
 - Required storefront transparency (percentage clear glass)
 - Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)
 - Surface parking location (at the rear or side of buildings, not between a building and a street-facing property line).
 - Frequency and width of driveways crossing sidewalks.
 - Requirements or incentives for residential front porches.

For an example of this approach, see San Carlos Zoning Code Chapter 18.05:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1805.html#18.05>

3. **Incorporate design guidelines as standards in the Zoning Code.** Design “guidelines” for residential overlays that are expressed as mandatory “shall” statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the [Design Guidelines](#). Guidelines would be modified as needed to protect and enhance the design character of these areas.

4. **Remove reference to Central Village Design Guidelines.** This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village.

After completing the zoning code update, the Community Development Department intends to update the Village design guidelines as called for by the General Plan. These updated Guidelines will be consistent and integrated with zoning regulations for the Village.

ISSUE 3: Accommodating High-Quality Development on 41st Avenue

The General Plan contains the following goals for 41st Avenue and the Capitola Mall:

Goal LU-8 Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Goal LU-9 Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

For the mall property, General Plan policies support phased redevelopment, eventual parking lot redevelopment, relocation of the metro center, new public gathering places, and a new interior street to create a more pedestrian-friendly environment. For 41st Avenue overall, General Plan policies encourage new public amenities, more entertainment uses, and improvement that create an attractive destination for shoppers. The General Plan also aims to minimize impacts to residential neighborhoods from changes along the corridor.

The zoning code update should support these goals and policies and help implement the community's vision for long-term improvements to the corridor. This could be achieved through increased parking flexibility, incentives for community benefits, and a streamlined permitting process.

Options:

1. **Maintain existing regulations.**
2. **Increase Parking Flexibility.** Existing off-street parking requirements could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.
3. **Create incentives for desired improvements.** The General Plan allows for increased floor area ratio (FAR) for certain types of projects on 41st Avenue. The Zoning Code could build from this concept by offering incentives for projects that include community benefits such as new public gathering places, streetscape improvements, entertainment uses, etc. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. As an example, the City of Berkeley has a "Green Pathway" incentive program that offers

streamlined permitting for projects that incorporate sustainability features beyond the City's minimum requirements. See Berkeley Zoning Code Chapter 23.B.34:

<http://codepublishing.com/ca/berkeley/>

The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue 13.

4. **Strengthen connection to 41st Avenue Design Guidelines.** The existing Design Guidelines for 41st Avenue are in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits.
5. **Streamline Permitting Process.** The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.

Issue 4: Protecting Retail Vitality on 41st Avenue

Within the business owner and commercial property owner stakeholder meetings, there was recurring advice to zone for what the City would like to see and where; then make it easy for the desired use to be established. Stakeholders discussed the economic strategy to locate commercial uses that collect sales tax and visitor uses which collect transient occupation taxes (TOT) along the busiest commercial corridors to maintain a healthy tax base. Currently, transient uses, such as a hotel, are treated the same as office space beyond 3,000 sf; both require a conditional use permit in the CC zone. An office with less than 3,000 sf are principally permitted. The City has seen a number of primary retail sites convert to professional and medical offices.

This issue was discussed during the General Plan Update as well, particularly regarding medical office uses in the C-C zone along 41st Avenue. In response to this concern, the following policies and actions were added to the General Plan:

Policy LU-9.4 Retail Protection. Discourage professional and medical offices in key locations that may displace retail establishments and diminish the economic vitality of the corridor.

Action LU-9.4 Retail/Office Mix. Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.

- Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.

Options:

1. **Maintain existing regulations.**
2. **Add new findings for professional and medical office uses.** The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission's satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.
3. **Encourage professional and medical office uses in certain locations.** The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of "vertical zoning" to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.
4. **Introduce new limitations for professional and medical office uses.** Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the City of Berkeley has a cap on the number of restaurants in its "Gourmet Ghetto" neighborhood. The purpose of this limitation is to ensure that there are a sufficient number of non-restaurant uses in the area to serve neighborhood residents. Cities also frequently limit the concentration of "problem" uses such as liquor stores, adult businesses, and pawn shops. Capitola could take a similar approach to professional and medical office uses in the C-C zone. For example, the zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceeded under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.

ISSUE 5: Parking

Parking requirements is a complicated and controversial issue in Capitola. On one hand, residents want to ensure that new development provides adequate off-street parking to minimize spillover parking impacts on neighborhoods. On the other hand, many community members desire flexibility in parking requirements to allow for infill development that will increase economic vitality and support a more multi-modal transportation system. This tension is reflected in General Plan Policy MO-5.1, which calls for the City to "balance the need for adequate off-street parking with other community goals, such as increasing transportation choices and maintaining a high-quality design environment.

The zoning code update will need to address a number of thorny parking issues, including the number of required off-street parking spaces, Village hotel parking, and promoting parking efficiency.

A. Number of Required Parking Spaces

Zoning Code Section 17.51.130 established required number of off-street parking spaces for different land uses. Some of these parking standards are shown in the table below.

Land Use	Required Off-Street Parking Spaces
Single-Family Homes	2- 4 spaces per unit, depending on unit size
Multi-Family Units	2.5 spaces per unit
Retail	1 space per 240 sq. ft. of floor area
Restaurant	1 space per 60 sq. ft. of floor area
Office	1 space per 240 sq. ft. of floor area

It should also be noted that in the CC zone outside the coastal area, the parking standards were updated to reflect recent parking studies. The updated requirements are not as restrictive with retail and office at 1 space per 300 sf, and restaurant calculations including dining area (60/sf) and other floor area (1/300 sf). During the update, discussions included application of these standards Citywide during the zoning code update.

Community members have expressed a range of opinions on the City's existing off-street parking requirements. Some find that parking requirement inhibit new development, redevelopment, and improvements to existing properties that would benefit the community. They support reducing parking requirements in certain cases or providing more flexibility in how parking needs are met. Others believe Capitola already suffers from inadequate parking supply and reducing and modifying parking requirements will exacerbate the situation and increase spillover parking impacts on residential neighborhoods. Ultimately, the General Plan was adopted with the following Policy MO-5.3: "Consider reduced off-street parking requirements for mixed-use projects, transit-oriented development, and other projects that demonstrate a reduced demand for off-street parking."

Allowing for parking reductions is common in communities well-served by transit and/or interested in promoting infill development to utilize land resources efficiently, increase the supply of multi-family housing, and reduce reliance on the automobile. The City of Santa Cruz, for example, allows for some reductions (Section 24.12.290:

http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty13_10.html) and will likely further reduce/adjust on-site parking requirements along transit corridors as part of zoning code amendments to implement the City's new General Plan. Recent research shows that parking demand for mixed use development is less than for single use development. See:

http://asap.fehrandpeers.com/wp-content/uploads/2012/05/APA_PAS_May2013_GettingTripGenRight.pdf.

Any reduced parking requirement, however, needs to carefully consider potential spillover parking impacts on residential neighborhoods.

There is some evidence that Capitola's parking requirements are greater than what may be needed and what is required in other similar communities. In 2008, the City commissioned RBF Consulting to prepare a parking study for the Village. As part of their analysis, RBF evaluated the City's parking standards and compared them to other neighboring cities and standards established by the Institute of Transportation Engineers (ITE). The study concluded that the City's parking standards often exceed those of neighboring jurisdictions and ITE standards.

Options:

1. **Maintain Existing Requirements.**
2. **Modify Parking Requirements for Certain Land Uses in All Areas.** The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. For example, the parking standards in the CC zone for restaurant could be applied Citywide. Parking requirements could be modified for:
 - Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf).
 - Take-out food establishments, eliminating the need for seat counting
 - Single-family homes, creating one standard regardless of size
 - Multi-family homes, allowing reduced parking requirements for small units
3. **Create Location-Based Parking Standards.** The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Walnut Creek takes the later approach, identifying parking reduction zones subject to parking reductions for all land uses. See Walnut Creek Zoning Code Section 10-2.3.204.C:
<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>).
4. **Allow for reductions with Planning Commission approval.** The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:
 - **Low Demand.** The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study.
 - **Transportation Demand Management Plans.** The number of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.
 - **Bus Stop/Transportation Facility Credit.** The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop.

- **Mixed-Use Projects.** A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses.
5. **Allow for reductions By-Right.** This option is similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.

B. Village Hotel Parking

During the General Plan Update residents discussed ideas for a new hotel in the Village. Based on this discussion, the General Plan contains guiding principles for a new Village hotel if one is proposed on the old theatre site. General Plan Policy LU-7.5 identifies these guiding principles, including this principle relating to parking: “Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.” The General Plan also addresses Village parking more generally including Policy MO-6.4 which calls for the City to “maintain a balanced approach to parking in the Village that addresses the parking needs of residents, merchants, and visitors.”

The Zoning Code and LCP also require new development in the Village to provide adequate parking outside of the Village and within walking distance. The property owners of the proposed Village Hotel have expressed their desire to provide on-site parking to accommodate approximately 65-70 vehicles, with additional off-site parking for staff located in the Beach and Village Parking Lots.

The updated Zoning Code will need to address parking requirements for hotels in the Village. The existing Zoning Code requires one parking space for each guest room plus additional spaces as the Planning Commission determines necessary for the owners and employees. The Fairfield and Best Western on 41st Avenue, which provide 92 and 48 spaces respectively, comply with this requirement. The Coastal Commission will also have opinions on this issue, with the goal of maximizing public access to the Village and beach, increasing transportation alternatives serving the Village, and ameliorating existing parking shortage problems.

Options:

1. **Maintain existing parking requirements.** The general plan policy LU-7.5 guides against this option. Providing parking standards for a future hotel within the zoning update will create certainty in the requirements.
2. **Specific On-Site Parking standard for Village Hotel.** The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.
3. **Base Standard on a Parking and Traffic Study prepared for the hotel development project application.** The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off-site.

4. **Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.** Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or “performance criteria,” could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that:

- The hotel is served by a combination of on-site and off-site parking.
- Parking provided on-site is the minimum necessary for an economically viable hotel.
- On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination.
- On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village.

C. Parking Efficiency

The General Plan calls for the City to “support the efficient use of land available for parking through shared parking, valet parking, parking lifts, and other similar methods.” (Policy MO-5.2). The updated Zoning Code could include provisions to implement this policy.

The Zoning Code currently allows for the City to designate two metered parking spaces in the Village for the operation of a valet parking program. (Section 17.21.140). The Zoning Code is silent on shared parking, and parking lifts, however past practice has been to consider the results of parking studies when evaluating mixed use projects and to allow the use of parking lifts for residential projects.

Options:

1. **Maintain existing regulations.**
2. **Clarify existing code to match past practice** of allowing shared use parking reductions with a parking study and lifts for residential projects
 - a. **Add New Shared Parking Provision.** The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Santa Cruz County allows reductions for shared parking with the preparation of a parking study demonstrating compliance with criteria required for approval. See Santa Cruz County Code Section 13.10.553: <http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html>).
 - b. **Add new parking lift provisions.** The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration for specific land uses (e.g. residential, hotel valet, etc). Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas. For example, Walnut Creek allows for mechanical

lift spaces up to 20 percent of the total required spaces subject to special design standards. See Walnut Creek Zoning Code Section 10-2.3.204.D.4:

<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>)

D. Garages

Single family homes 1,500 square feet or more, must provide at least one “covered” parking space. During the stakeholder interviews staff received comments that this requirement should be revisited, allowing only garages to qualify as a covered spaces (no carports) or eliminating the covered space requirement altogether.

Options:

1. **Maintain existing regulations.**
2. **Add design standards for carports.** Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.
3. **Limit covered spaces to garages only.** Specify that a carport may not satisfy the covered parking requirement.
4. **Eliminate covered parking requirement.** Remove the requirement for covered parking spaces for single-family homes.

Issue 6: Historic Preservation

During the General Plan Update process, many residents expressed the desire to improve Capitola’s historic preservation regulations. In particular, residents identified the need to adopt and maintain a complete list of local historic resources, adopt clear standards for including properties on this list, and establish a procedure and criteria for the City to approve or deny modifications to historic resources. City staff received similar comments during the stakeholder interviews for the zoning code update.

The General Plan includes Action LU-2.3 to develop a historic preservation program to enhance and protect Capitola’s historic resources. This program, along with an updated inventory of historic resources, will be developed following completion of the zoning code update process.

At a minimum, the updated Zoning Code will include new provisions to address the issues raised during the General Plan Update and Stakeholder Interviews. Staff anticipates a new historic preservation chapter in the Zoning Code that addresses the following topics:

- A. **Procedures to identify historic resources.** Until an official historic inventory is adopted, the zoning code update will specify the required procedure for review of potentially historic resources which includes completion of a Primary Record Form to evaluate whether a structure is eligible to be included on the National Register of Historic Places, the California Register of Historic Resources, and/or the City’s Register of Historic Features.

- B. **Improve criteria to identify historic resources.** Chapter 17.87 describes the process for designating properties on the local register of historic features. To be identified as a historic feature, the potential historic feature must evidence one or more of ten identified qualities. The current qualifications are wide reaching and should be revised to more closely follow CEQA Guidelines and criteria for listing on the California Register of historic properties, as done in the City of Carmel. See Carmel Zoning Code Chapter 17.32: <http://www.codepublishing.com/ca/carmel.html>
- C. **Add Procedures and Review Criteria for projects which involve potentially significant historic resources.** Currently, a Conditional Use Permit is required for alterations to historic structures based on findings that the alteration will not be “significantly detrimental” to the structure or that denial would result in substantial hardship for the applicant. The code does not, however, include review criteria for alterations to historic structures. The code will be updated to specify that all proposals to alter historic resources shall be reviewed for compliance with the Secretary of Interior Standards. In addition, the process can be updated to include different levels of review depending on the nature of the alteration. In Carmel, there are different procedures for “minor” and “major” alterations to historic resources.
- D. **Criteria to approve demolition of a historic resource.** Zoning Codes also typically include special findings required for the approval of the demolition of a historic resource.
- E. **Incentives for historic preservation.** Possible incentives include Mills Act contracts, fee reductions, federal tax credits for commercial properties, increased flexibility for modifications to nonconformities, exceptions on development standards (see Issue 8.A Option 5), and exceptions to non-conforming standards. See Santa Cruz 24.12.445 for example of allowed variation to development standards to promote historic preservation: <http://www.codepublishing.com/ca/santacruz/>

Other options to address historic preservation in the updated Zoning Code are provided below.

Options:

1. **Establish a Historic Resources Board.** Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. See Carmel Chapter 17.32 and Pacific Grove Section 23.76.021 :
<http://www.codepublishing.com/ca/carmelbythesea/html/carmel17/Carmel1732.html>
<http://www.codepublishing.com/CA/pacificgrove/html/PacificGrove23/PacificGrove2376.html>
The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior’s Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.
2. **Establish a new Historic Preservation Overlay Zone.** Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this

overlay could be subject to special permit requirements, design standards, and incentives for preservation. See City of Monterey Section 38-75:

<http://www.codepublishing.com/ca/monterey/>

3. **Establish new enforcement and penalty provisions.** The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City's historic preservation ordinance (Pacific Grove Zoning Code Section 23.76.130).
4. **Establish new maintenance and upkeep provisions.** Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect. For example, see Los Gatos Zoning Code Section 29.80.315: <http://www.municode.com/services/mcsgateway.asp?sid=5&pid=11760>

ISSUE 7: SIGNS

A. Threshold for Review

The existing sign ordinance requires that the Planning Commission review all new signs unless the sign replaces an existing sign that is substantially the same or has been approved through a Master Sign Program. During meetings with commercial property owners and businesses, stakeholders expressed how the current level of review is a disincentive to businesses. The review process costs business owners approximately \$700. Stakeholders expressed a preference for a code with stricter standards subject to staff-level review, with the option of Planning Commission review if the business chose to go beyond the established standards.

Options:

1. **Maintain existing regulations.**
2. **Allow staff-level review with new standards.** Revise sign standards to include new, well-defined and well-illustrated design standards that create a framework that would allow compliant signs to be reviewed by staff and an option for Planning Commission review for signs that go beyond the established standards. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Carmel-by-the-Sea is an example of staff-level approval of signs subject to clear standards, with the ability of the Planning Commission to approve signs that do not comply with these standards. See Carmel Zoning Code Chapter 17.40: <http://www.codepublishing.com/ca/carmel.html>.

Sign standards for Downtown Redwood City are another example of more detailed sign design standards:

<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/DTPP-Downloads/17%20Signage%20Regulations.pdf>

B. Tailored Standards

Commercial areas in Capitola include regional commercial, neighborhood commercial, and the central Village. The character, scale, and visibility in the different areas varies tremendously. The existing sign ordinance establishes the same criteria for signs in all commercial areas, with the exception of sidewalk signs in the Village. The sign code could be modified so that standards are tailored to the unique character and constraints of different areas in the city.

Options:

1. **Maintain existing regulations for all commercial areas.**
2. **Create tailored standards for different commercial areas.** Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, dimensions, location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach:
<http://www.codepublishing.com/ca/livermore.html>.

The general desired signage character for different districts in Capitola could be as follows:

- Village: Pedestrian oriented signs, village scale
- Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles
- 41st Avenue: Larger-scale signs that are auto-oriented to support the corridor as a regional shopping destination.
- Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges
- Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.

C. Monument Signs

The code currently allows one monument sign per building frontage with a maximum of four tenants named on a monument sign. A second monument sign is allowed for properties on a corner lot. For a large plaza such as King's Plaza on 41st Avenue, these limits are problematic. The property has over 800 linear feet of frontage on 41st Avenue and tenant visibility is challenged due to the majority of tenant spaces being setback on the lot. Under the current code, if Kings Plaza were simply divided into multiple parcels, as the Capitola Mall is, the owners would be allowed more signs simply by virtue of carving the property into multiple lots. This mechanism of regulating signs seems to offer an incentive to carve commercial property into smaller lots, which is likely contrary to the City's long term interest, particularly in the CC zoning District.

Options:

1. **Maintain existing regulations.**
2. **Create a new limit for monument signs based on linear frontage along a prime commercial street.**
3. **Create an allowance for more than 4 tenants per monument sign.**
4. **Update Master Sign Plan to clarify discretion in monument signs based on lot size, number of tenants, and commercial corridor frontage.**

Issue 8: Non-Conforming Uses

Chapter 17.72 of the existing zoning code outlines the regulations for non-conforming activities (uses) and non-conforming structures. The stakeholder groups identified room for improvement

on three items in this section: calculation of structural alterations, treatment of historic structures, and amortization of non-conforming in the R-1 zoning district.

A. Calculation of Structural Alterations

The methodology prescribed within the code for permissible structural alterations of non-conforming structures (17.72.070) was questioned during stakeholder outreach sessions. The code states:

“at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping cost and architectural costs. If that cost, added to the cost or other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made.”

Members of the architect/planner stakeholder group expressed a desire for improved transparency in the process to determine the value of alterations. Others cited concerns with using building valuation as the basis for determining allowable alterations to non-conforming structures.

From an administration perspective, the current process of limiting alterations to non-conforming structures on a valuation basis is unclear, inefficient, and is a frequent source of disagreement between applicants and staff. Applicants often challenge estimates developed by staff which exceed 80% and submit lower estimates prepared by their contractors. There have also been circumstances where applicants receive approval to alter a non-conforming structure below the 80% valuation threshold, but then discover during construction that additional alterations are necessary which result in cumulative alterations exceeding the 80% threshold. This circumstance places staff and City decision-makers in the difficult position of either allowing a non-conforming structure to be altered beyond the 80% code limitation, or requiring the property owner to stop construction and restart the permitting process with a conforming project.

The local resident stakeholder group also expressed concerns regarding the impact this regulation has on property owners maintaining existing non-conforming and/or historic homes. The current zoning code was adopted in 1975. Many of the homes build prior to 1975 are non-conforming structures with setback, height, parking, or floor area ratios that do not comply with current development standards. The regulations do not allow homeowners to update their home beyond 80% of the current value. Stakeholders stated that this disincentivizes homeowners to reinvest into non-conforming properties and is counterintuitive to Capitola’s historic preservation goals.

Options:

1. **Maintain the existing 80 percent building valuation maximum of present fair market value.**
2. **Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.**
3. **Remove valuation cap for structural alterations to non-conforming structures.** In this option, all non-conforming structures could be maintained and updated, provided that the

alterations do not create a greater degree of non-conformity, or require that the alteration increased the level of conformity (but not require the new structure to eliminate all non-conforming issues). Any addition to a non-conforming structure would be required comply with all development standards of the zone.

4. **Change building valuation cap to a percentage of square footage calculation.** Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.
5. **Maintain the existing 80% threshold with new exception for historic resources.** In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.

B. Non-conforming activities and structures on improved R-1 parcels.

The code includes an amortization period for non-conforming activities in the R-1 zones, in which all non-conforming activities must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later, except as follows:

1. Duplex Activity. Nonconforming duplex activities may continue indefinitely but the structures cannot be enlarged.
2. Residential Projects with More Than Two Units. Owners of parcels having more than two dwelling units which are nonconforming only because they exceed the current density standard may apply to the city council for one or more extensions of the fifty-year amortization period. The city council shall only grant an extension if able to make findings that:
 - a. in this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
 - b. the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration;
 - c. and that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

Extensions granted under this section shall be at least fifty years from the date the application is granted.

There are two types of non-conforming uses in single-family residential neighborhoods: multi-family residential uses (more than 2 units) and non-residential uses (commercial, light industrial, etc). It is anticipated that non-residential uses in single-family zones will continue to be subject to the sunset clause; therefore, issues described below are focused on existing non-conforming multi-family uses.

Multi-Family Uses in Single-Family Zones

According to county records, there are 77 parcels with more than two dwelling units in the R-1 zoning district which are subject to the sunset clause, and must either discontinue the use by June 26, 2019 or apply for an extension subject to the findings listed above. This issue has the potential to impact many Capitola residents and multifamily property owners and could represent a costly and time intensive enforcement challenge for the City.

Any modification to the existing ordinance will have an impact on many Capitola's residents, including occupants of the multi-family dwellings and the surrounding neighbors. The multi-family dwellings that exist in the R-1 provide housing opportunities which are typically more affordable than a single-family home, so these units fill a housing need not typically available in single-family neighborhoods. The negative impacts of these dwellings include increased demand for on-street parking, incompatible hard-scape in front yards for parking in place of typical landscaping, incompatible design, and noise.

During public outreach, staff heard specific concerns from residents of the northern Jewel Box area around 45th-47th Streets about the concentration of existing non-conforming four-plexes in their neighborhoods. Although other Capitola neighborhoods, such as Depot Hill and the Upper Village, also have non-conforming multi-family uses, there does not appear to be as much concern about their continuation in these areas.

Due to specific concerns about four-plexes in the northern Jewel Box area, staff will host a public workshop to collect input on the matter prior to requesting direction from the Planning Commission. The workshop will be organized to collect information from attendees on their perception of the issue and viable options for future implementation. Staff will present an update to the Planning Commission and City Council after the public workshop.

Options:

1. **Maintain existing sunset clause and opportunity to apply for extension.**
2. **Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.** This approach could be applied citywide with appropriate findings or only to specific areas.
3. **Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.** Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.
4. **Rezone areas with existing non-conforming multi-family uses to a multi-family zone.** This approach could be applied citywide or only to specific areas.
5. **Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.** For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).

Issue 9: Secondary Dwelling Units

Secondary dwelling units are currently allowed on 5,000 square-foot or larger lots in the R-1 zoning district. Attached secondary dwelling units and detached, 1-story secondary dwelling units may be approved through an administrative permit process, provided they comply with stated size limitations. Detached, 2-story secondary dwelling units or oversized units must be considered by the Planning Commission.

Staff has heard conflicting sentiments regarding secondary dwelling units. Many felt development of more secondary dwelling units should be encouraged because they contribute to the City's affordable housing stock and provide property owners with a much needed revenue source to afford Capitola's high real estate costs.

Conversely, others expressed concern about allowing more secondary dwelling units in single-family neighborhoods due to increased parking demands, loss of privacy, and noise.

Options:

1. **Maintain existing code allowances/limitations for secondary dwelling units.**
2. **Amend the code to encourage development of additional secondary dwelling units.** If this option is selected, the following changes could be considered:
 - a. Decrease the minimum lot size requirement for secondary dwelling units;
 - b. Increase the threshold which triggers the need for Planning Commission review;
 - c. Allow all secondary dwelling units to be approved through an administrative process;
 - d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.
3. **Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.** Those areas could be chosen based on criteria which could include: availability of on-street parking, existing densities, land use adjacencies, etc.

ISSUE 10: Permits and Approvals

Capitola's zoning code currently identifies over twenty different types of permits and approvals, such as use permits, design permits, and variances. Staff expects that most of these will remain unchanged in the updated zoning code. However, there is the opportunity to simplify, clarify, and generally improve the types of permits required. In particular, using more general types of permits for a range of specific land use actions could help simplify the code for staff and applicants. There may also be the need for one or more new permits to address certain types of approvals or issues that are not addressed well in the existing zoning code.

Options:

1. **No change to existing permits.**
2. **Modify permits.** With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:

- a) **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.
- b) **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.
- c) **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.

The updated zoning code will contain a table summarizing all types of permits and approves and the review authority for each.

Issue 11: Architecture and Site Review

During stakeholder interviews, staff received input from various groups on their experience with Architecture and Site Review. These groups provided a wide range of feedback, addressing the roles and responsibilities of the Architecture and Site Review Committee, the composition of the Committee, the timing of application review, and the types of projects subject to review.

A. Authority of Architecture and Site Review Committee

The recent applicant stakeholder group explained that they found the process confusing due to the name of the committee. They were surprised that a project first “passed” Architecture and Site review but then was met by a Planning Commission with a different perspective on the design. The local resident stakeholder committee suggested that the board be empowered to approve or deny applications for minor additions or modifications without the need for subsequent Planning Commission approval. This perspective was shared by the architecture/planner stakeholder group as well.

Options:

1. **Maintain existing authority of Architecture and Site Committee.**
2. **Modify existing role of the Architecture and Site Committee.** Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.
3. **Eliminate the Architecture and Site Committee.** Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues without the need for a Committee hearing.

B. Timing of Design Permit Review.

Some stakeholders suggested that the Architecture and Site Review be required as a pre-design meeting. Currently, once a complete application is submitted, the application is reviewed by the Architecture and Site Committee. The Committee reviews the elevations, floor plans, materials board, and site plan during the meeting. The Committee identifies any necessary code violations or design/site planning recommendations. The applicant is given the opportunity to modify the application based on the recommendations prior to review by Planning Commission. A pre-design meeting would create the opportunity to discuss the site, surrounding built and natural environment, and identify issues and opportunities for the future design. This approach could be challenging, however, because many applicants make their first contact with City staff after they have designed their project.

Options:

1. **Maintain existing timing of Architecture and Site Review.**
2. **Repurpose the committee to be a pre-design committee.** In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.

C. Composition of Architecture and Site Committee

Currently, the Architecture and Site Committee is composed of one architect/home designer, one landscape architect, one historian, a City planner, a City public works representative, and a City building representative. The recent applicant stakeholder group found the diverse composition of the committee helpful to receive feedback from a wide range of expertise. The architect/planner stakeholder group had a different perspective and suggested the composition of the Architecture and Site committee be reconsidered to be more design-centric. They suggested the City replace the committee with a staff architect or contract architect to focus on design, site planning, and compatibility. With their credentials, an architect would also be able to assist applicants through sketching suggested revision to design issues. A second suggestion of the architect/planner stakeholder group was to replace the Architecture and Site Committee with an architectural peer review process.

Options:

1. **Maintain the existing composition of the Architecture and Site Committee.**
2. **Replace the committee with a City Architect.** Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.
3. **Replace committee with an Architectural Peer review committee.** The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.

4. **Revise committee to add any of the following:** water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.

ISSUE 12: Design Permits

A. When a Design Permit is Required – Commercial Uses

For all commercial zoning districts (CV, CC, CN, PO, and CR), the zoning code states that architectural and site approval is required to establish and conduct any principally permitted, accessory, and conditional use. The only exception is multi-tenant properties with an approved master use permit. All other new tenant changes must have a design permit regardless of whether or not there are proposed modifications to the exterior of the structure. Design permit are also required for modular housing, solar energy systems, and dish antenna larger than 24 inches.

Prospective business owners look to a zoning code to provide clarity in what is permitted within a zone and to identify the process to receive required permits. During stakeholder interviews, the business owner and commercial property owner groups recommended allowing permitted land uses and clarifying when a permit is required. The current code is unclear and requires interpretation. Both stakeholder groups said that requiring all tenant changes to go before Planning Commission is overly regulatory and has a negative impact on filling vacant commercial sites. Most jurisdictions allow principally permitted uses without a design permit if the new use does not require modifications to the exterior of the structure.

Options:

1. **Maintain existing thresholds for commercial design permits.**
2. **Require Design Permits only for Exterior Modifications.** With this option, a design permit would be required to establish a new use only with an exterior modification to the structure.

The City of Carmel takes this approach with its Design Review permits ([Carmel Zoning Code Section 17.58.030](#)).

3. **Require Design Permit only for Larger Projects.** Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.

See Santa Cruz Zoning Code Section Section 24.08.410:

<http://www.codepublishing.com/ca/santacruz/>

B. Design Permit Approval Authority – Commercial Uses.

Currently, the Planning Commission approves Design Permits for commercial projects. The updated Zoning Code could be modified to allow the Community Development Director to approve certain projects requiring Design Permits.

Options:

1. **Maintain existing review authority.**
2. **Delegate limited approval authority to the Director** With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:
 - a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.
 - b. Additions not visible from the front façade up to a specified square-footage threshold.
 - c. Expansion of one tenant space into a second tenant space in a multi-tenant building.
 - d. Dish-type antenna greater than 24 inches as specified.
 - e. Accessory structures

C. When a Design Permit is Required – Residential Uses

Under the current zoning code, residential projects that require Planning Commission Design Permit approval include:

1. All new residential dwelling unit construction;
2. Upper floor additions;
3. First floor additions that are visible to the general public.
4. First floor additions in excess of 400 square feet and located at the rear of the property;
5. Design permits accompanied by a request for conditional use permit, variance, or minor land division;
6. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision.

During stakeholder interviews, groups voiced different views on the current threshold for residential design permits. One perspective agreed with the current level of review and explained that it results in high quality residential development. A different perspective thought the existing thresholds are too restrictive and that homeowners should be allowed to add onto their homes beyond 400 square feet without the additional oversight and cost to process a design permit through the Planning Commission.

It is common for cities to allow minor visible modifications to single-family homes without design review. The City of Sausalito, for example, requires Design Review for new single-family homes and additions that increase the height of the structure or add 300 square feet or more. Projects below this threshold, even if they are visible, do not require design review. See Sausalito Zoning Code Section 10.54.050: <http://www.ci.sausalito.ca.us/Modules/ShowDocument.aspx?documentid=378>.

Options:

1. **Maintain existing thresholds.**
2. **Modify threshold for residential design permits.** The threshold could be revised in multiple ways. Thresholds that could be modified to include:
 - a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home

- b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.
- c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.

D. Design Permit Approval Authority – Residential Uses.

Currently, the Planning Commission approves Design Permits for the majority of residential uses as outlined in the previous section C. The Community Development Director/Zoning Administrator is authorized to approve applications for: first floor additions up to 400 square feet not visible to the general public; minor repairs, changes, and improvements to existing structures which use similar, compatible or upgraded quality building materials; and additional accessory structures beyond the single eighty square foot or less is size without plumbing or electrical. The updated Zoning Code could be modified to increase the authority of the Community Development Director within specified limits. For example, the Director could approve residential projects that do not increase the size of an existing structure by more than 10 percent, as is allowed in under “Track One) Design Review in Carmel. See Carmel Zoning Code section 17.58.040: <http://www.codepublishing.com/ca/carmel.html>

Options:

1. **Maintain existing review authority.**
2. **Delegate increased approval authority to the Director** With this option, the Director would approve more types of residential projects requiring a Design Permit.

E. Considerations for Design Permit Approval

Within the zoning survey, items of greatest concern in residential areas included: height, size of new homes, neighborhood character, adequate onsite parking, and sustainability (water and energy conservation). For each design permit, the Architecture and Site Committee reviews the design considerations listed in §17.63.090, including traffic circulation, safety, congestion, outdoor advertising, landscaping, site layout, architectural character, historic preservation, drainage, fire safety, advertising, etc. The local resident stakeholder group suggested placing more emphasis on design during the review.

Options:

1. **Maintain existing architecture and site considerations.**
2. **Maintain the existing architecture and site considerations with additional considerations focused on design**, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements.
3. **Update design considerations to focus on design rather than including ancillary issues.** In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility. The San Carlos Zoning Code contains an example of design review criteria that focus more on aspects of project design (San Carlos Zoning Code Section 18.29.060 <http://www.codepublishing.com/ca/sancarlos/html/SanCarlos18/SanCarlos1829.html>)

Issue 13: Planned Development

Capitola's zoning code includes a Planned Development (PD) district that allows for flexibility in permitted uses and development standards on a particularly site or property. The minimum parcel size eligible for PD zoning is four acres, unless the Planning Commission and City Council finds that a smaller property is suitable due to its "unique historical character, topography, land use or landscaping features."

Development standards in each PD district are the same as most similar zoning district unless an exception is granted by the Planning Commission and City Council. Proposed Development in a PD district is subject to a two-step process requiring approval of a preliminary development plan and a general development plan. Currently the Planning Commission reviews both the preliminary and general development plans; the City Council reviews and approves on the general development plan. Establishing a PD district is a legislative act requiring City Council approval.

During stakeholder interviews local architects commented that the PD is a valuable tool to respond to unique site conditions, but that 4 acre minimum is not practical due to scarcity of large properties in Capitola. They also suggested that the City Council review the preliminary as well as general development plan.

In contrast to comments from architects, some Capitola residents have expressed concerns about planned developments and the PD district. They see the PD district as a form of "spot zoning" that allows for development in neighborhoods out of character with surrounding properties.

Options:

1. **Maintain existing regulations.**
2. **Reduce or eliminate minimum parcel size requirement.** Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.
3. **Modify approval process.** Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.
4. **Eliminate PD.** Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.

ISSUE 14: Environmental and Hazard Overlays

Overlay zones establish standards that apply to a property in addition to the standards of the base zoning district. Overlay zones are also referred to as combining districts. Capitola's zoning code contains the following overlay zones and combining districts that relate to environmental resources and hazards:

- Archaeological/Paleontological Resources (APR)
- Automatic Review (AR)

- Coastal Zone (CZ)
- Floodplain (F)
- Geological Hazards (GH)

Chapter 17.95 (Environmentally Sensitive Habitats) also functions like an overlay with unique regulations applying to specific geographic areas.

Figure 1 shows the boundaries of the floodplain, geological hazards, and automatic review overlays. Figure 2 from the LCP shows the Archaeological/Paleontological Resources (APR) and Environmentally Sensitive Habitats areas.

Options:

1. **Maintain existing overlays and clarify boundaries.** In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.
2. **Modify existing overlays.** This option would modify existing overlays as described below:
 - **Archaeological/Paleontological Resources (APR).** Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process.
 - **Automatic Review (AR).** Remove this overlay zone as it duplicates current process.
 - **Coastal Zone (CZ).** Maintain this overlay zone as required by State law.
 - **Floodplain (F).** Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas.
 - **Geological Hazards (GH).** Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas
 - **Chapter 17.95 (Environmentally Sensitive Habitats).** Map boundaries of these areas as a new overlay zone and maintain existing regulations.
3. **Create a new, consolidated environmental/hazards overlay.** This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.

Issue 15: Visitor-Serving Uses on Depot Hill

The El Salto and Monarch Cove Inn properties in the Escalona Gulch/Depot Hill area are currently zoned Visitor Serving (VS). The zoning code currently specifies uses allowed with a conditional use permit on these two properties. On the El Salto property visitor accommodations (e.g., hotels, inns), food service related to lodging use, and residential uses are allowed with a conditional use permit. On the Monarch Cove Inn property a broader range

of uses is allowed, including special events (e.g., festivals, weddings), commercial recreation establishments, accessory office and retail uses, and other similar visitor-serving uses

Depot Hill residents have expressed concern about existing uses on these properties, and new visitor-serving uses that are currently allowed by the zoning code. Residents are concerned about the permitted intensity of new visitor-accommodation uses and their compatibility with the surrounding single-family neighborhood.

Options:

1. **Maintain existing permitted uses.**
2. **Modify permitted use.** With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.
3. **Limit intensity of visitor accommodation uses.** This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site. The Coastal Commission would likely have concerns with this option.
4. **Rezone to R-1.** A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 “dual zoning,” meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties. The Coastal Commission would likely have concerns with this option.

Issue 16: Height

During stakeholder interviews, participants expressed a variety of opinions on the maximum permitted building height in Capitola. Residents often want to limit the height of buildings in residential and commercial areas in order to protect the character of residential neighborhoods. Some wish to maintain the existing height limits in the Village in order to maintain the existing Village character. Other stakeholders, particularly architects and property owners, recommend increasing permitted height in certain locations, such as the Village, in order to encourage quality architectural design, renewed investment, and the increased vitality that new development would bring.

In light of this input, the sections below addresses allowed heights in residential neighborhoods, the Village, and for a new Village hotel.

A. Residential Neighborhoods

In the R-1 zone the maximum permitted building height is 25 feet, with 27 feet permitted for half-story designs and buildings that use historic design elements. Staff has received comments

that the 25 feet maximum height limit prevents home designs that would fit well within established neighborhoods. In neighborhoods with larger lots, such as Cliffwood Heights, taller homes may not appear out of place. The existing height standard also does not consider sloping lots and other unique site conditions.

Options:

1. **Maintain existing standards.**
2. **Eliminate 27-foot exception.** This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.
3. **Allow greater variation based on existing neighborhood character.** This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.

B. Capitola Village

The maximum building height permitted in the Central Village (CV) zone is 27 feet, though the Planning Commission may approve taller buildings for the restoration of a historic building. Critics of this height limit contend that the Village's most treasured buildings are over the current height limit and allowing taller buildings would encourage investment in the Village, enhance vitality, and allow for higher-quality building design. Supporters of the 27 foot height limit suggest that allowing new buildings taller than 27 feet would damage the Village's unique character and charm.

Options:

1. **Maintain existing standard.**
2. **Expand exception provisions.** With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.
3. **Increase maximum height limit to accommodate 3 stories.** The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don't negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.

C. Hotel

General Plan Policy LU-7.5 identifies guiding principles for the design of a new Village hotel, including the following three height-related principles:

- The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola's unique sense of place.
- The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.

- The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.

The updated zoning code needs to reflect these guiding principles and establish a height standard for a new Village hotel.

Options:

1. **Apply CV Zone Standard to Hotel.** This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.
2. **Establish Performance Standard for Hotel Height.** In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
3. **Establish a Numerical Standard Unique to Hotel.** The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.

Issue 17: Floor Area Ratio

In the R-1 (Single Family) Zoning District, building size is regulated by the relationship of the building to the lot size, a measurement identified as *floor area ratio* (FAR). *Floor area ratio* is defined as the gross floor area of all of the buildings on the lot divided by the net lot area. Municipalities incorporate FAR maximums into the code to control overall size, massing, and scale of a buildings on a lot. The following table identifies the elements included in existing code’s FAR calculation.

Elements included in FAR calculation

1. Basement in excess of 250 sf, including access staircase
2. Open areas below ceiling beyond sixteen feet in height (phantom floors)
3. Upper floor area greater than four feet in height measured between bottom of the upper floor and top of ceiling (includes garages and carports)
4. For 1 ½ story structures, the stairwell is counted on 1st floor only
5. Windows projecting more than 12 inches from wall
6. Upper floor decks over 150 sf
7. Covered exterior open space in excess of 150 sf including eaves greater than eighteen inches

During the public outreach, the inclusion of decks, basements, and eaves in the FAR calculation was cited as an opportunity for change and improvement.

A. Decks

Within the architect, designer, and planner stakeholder group, staff received criticism that the FAR calculation limits articulation of buildings, especially the inclusion of upper floor decks, covered first floor decks beyond 150 sf, and first floor decks beyond 30 inches in height. There were also discussions of how the code lacks guidance on decks within hotels and restaurants.

Options:

1. **Maintain existing standards.**
2. **Increase allowance beyond 150 sf.** Update Floor Area calculation to increase the amount of area within covered first story decks, decks beyond 30 inches in height, and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.
3. **Add exception for special circumstances.** There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.
 - a. **Front Façade.** Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks and porches within the list of items *not* included in the floor area calculation.
 - b. **Open Space.** There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.
 - c. **Restaurants and Hotels.** Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.
 - d. **Eliminate decks from FAR formula**

B. Basements

Stakeholders raised contrasting views on inclusion of basements in the FAR. One perspective is that basements should not be included toward the FAR calculation because they do not influence massing and allow increased living space without adversely affecting community character. The other perspective is that although basements do not increase massing, they do increase living areas and therefore intensify impacts on parking demand. It is worth mentioning that studies have shown that larger new homes generally have fewer inhabitants than smaller new homes. Within the current code, the parking requirement is based on the floor area of the home. Also, removal of basements from the FAR calculation will likely result in larger home sizes with increased sales prices, impacting affordability.

Options:

1. **Maintain existing standards.**
2. **Increase existing allowance beyond 250 square feet.**
3. **Remove basements from FAR formula.**

C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows)

The Floor Area Ratio calculation includes phantom floors (all open area below the ceiling or angled walls greater than sixteen feet in height), eaves greater than eighteen inches in length, and bay windows which extend 12 inches or more from the wall. Calculating these features in the FAR is administratively difficult and confusing for applicants. Roof eaves and bay windows can add to the architectural style of the home and are controlled within setback regulations. To simplify the FAR calculation, these elements could be removed.

Options:

1. **Maintain existing standards.**
2. **Remove phantom floors from the FAR calculation.**
3. **Remove roof eaves from the FAR calculation.**
4. **Remove window projects from FAR calculation.**
5. **Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.**

Issue 18: City Council Appeal of Planning Commission Decision

The City Council has appealed Planning Commission decisions over the years. In a recent lawsuit, Woody's Group, Inc. v. City of Newport Beach, it was found to be illegal for a City Council member to appeal a Planning Commission when not a "interested party". The court also found that the council erred in allowing the City Council member to sit as adjudicator of his own appeal.

To allow City Council review of Planning Commission decisions, Capitola may adopt a "call-up" ordinance that allows a member of City Council to call-up a recent decision by the Planning Commission. If an application is called-up, the City Council is allowed to review and make a final decision on the application. The ordinance can either require or not require a majority vote of the City Council to call-up an application.

Options:

1. **Maintain existing appeal process.**
2. **Add "call-up" procedure without requirement of majority vote by CC to call-up an application.**
3. **Add "call-up" procedure and require majority vote by City Council to call-up an application.**

Issues and Options Matrix		
	Direction	
	PC	CC
ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods (Page 7)		
<p>Option 1: Maintain existing R-1 standards for all neighborhoods. With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.</p>		
<p>Option 2: Introduce tailored development standards for individual residential neighborhood. With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone.</p>		
<p>Option 3: Allow case-by-case deviations to R-1 standards. With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations.</p>		
<p>Notes:</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
ISSUE 2: Maintaining and Enhancing the Village Character (Page 8)		
Option 1: Maintain existing standards with advisory design guidelines. In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.		
<p>Option 2: Establish new building form and character standards. The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:</p> <ul style="list-style-type: none"> • Maximum setbacks to keep buildings and their entrances close to the sidewalk. • Permitted treatment of setback areas (e.g., plazas and landscaping, no parking) • Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts. • Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk. • Maximum length of unarticulated/blank building walls. • Required storefront transparency (percentage clear glass) • Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths) • Surface parking location (at rear or side of buildings, not between a building and a street-facing property line). • Frequency and width of driveways crossing sidewalks. • Requirements or incentives for residential front porches. 		
Option 3: Incorporate design guidelines as standards in the Zoning Code. Design “guidelines” for residential overlays that are expressed as mandatory “shall” statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the Design Guidelines. Guidelines would be modified as needed to protect and enhance the design character of these areas.		
Option 4: Remove reference to Central Village Design Guidelines. This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
ISSUE 3: Accommodating High-Quality Development on 41st Avenue (Page 10)		
Option 1: Maintain Existing Regulations.		
Option 2: Increase Parking Flexibility. Existing off-street parking requirements for individual land uses and properties could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.		
Option 3: Create incentives for desired improvements. The General Plan allows for increased floor area ratio (FAR) for certain types of project on 41 st Avenue. The Zoning Code could build from this concept by offering incentives for project that include community benefits such as new public gathering places and entertainment uses. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue #13.		
Option 4: Strengthen connection to 41st Avenue Design Guidelines. The existing Design Guidelines for 41 st Avenue is in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits. The City will update the Design Guidelines to better reflect the vision and goals for the corridor following adoption of the new Zoning Code.		
Option 5: Streamline Permitting Process. The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
ISSUE 4: Protecting Retail Vitality on 41st Avenue (Page 11)		
Option 1: Maintain existing regulations.		
Option 2: Add new findings for professional and medical office uses. The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission’s satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.		
Option 3: Encourage professional and medical office uses in certain locations. The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of “vertical zoning” to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.		
Option 4: Introduce new limitations for professional and medical office uses. Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the Capitola zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceed under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (Page 12)		
Issue #5A: Number of Required Parking Spaces (Page 13)		
Option 1: Maintain Existing Requirement.		
<p>Option 2: Modify Parking Requirements for Certain Land Uses in All Areas. The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. Parking requirements could be modified for:</p> <ul style="list-style-type: none"> • Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf). • Take-out food establishments, eliminating the need for seat counting • Single-family homes, creating one standard regardless of size • Multi-family homes, allowing reduced parking requirements for small units 		
<p>Option 3: Create Location-Based Parking Standards. The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging or park once in or near to the Village and walk to multiple destinations during their visit. This approach could apply only to certain land uses, such as restaurants, or to all land uses.</p>		
<p>Option 4: Allow for reductions with Planning Commission approval. The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:</p> <ul style="list-style-type: none"> • Low Demand. The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study. • Transportation Demand Management Plans. The # of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours. • Bus Stop/Transportation Facility Credit. The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop. • Mixed-Use Projects. A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses. 		
<p>Option 5: Allow for reductions By-Right. Similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (continued)		
Issue #5B: Village Hotel Parking (Page 15)		
Option 1: Maintain Existing Requirements		
Option 2: Specific On-Site Parking standard for Village Hotel. The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.		
Option 3: Base Standard on a Parking and Traffic Study prepared for the hotel development project application. The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off site.		
Option 4: Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria. Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or “performance criteria,” could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that: <ul style="list-style-type: none"> • The hotel is served by a combination of on-site and off-site parking. • Parking provided on-site is no more than the minimum necessary for an economically viable hotel. • On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination. • On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village. • Additional parking to serve the hotel is located within 1,000 feet of the proposed hotel. 		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (continued)		
Issue #5C: Parking Efficiency (Page 16)		
Option 1: Maintain existing regulations.		
Option 2: Clarify existing code to match past practice, including:		
A: Add New Shared Parking Provision. The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ.		
B: Add new parking lift provisions. The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration. Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas.		
Notes:		
Issue #5D: Garages (Page 17)		
Option 1: Maintain existing regulations.		
Option 2: Add design standards for carports. Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.		
Option 3: Limit covered spaces to garages only. Specify that a carport may not satisfy the covered parking requirement.		
Option 4: Eliminate covered parking requirement. Remove the requirement for covered parking spaces for single-family homes.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #6: Historic Preservation (Page 17)		
Option 1: Establish a Historic Resources Board. Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior’s Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.		
Option 2: Establish a new Historic Preservation Overlay Zone. Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this overlay could be subject to special permit requirements, design standards, and incentives for preservation.		
Option 3: Establish new enforcement and penalty provisions. The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City’s historic preservation ordinance.		
Option 4: Establish new maintenance and upkeep provisions. Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 7: Signs (Page 19)		
A. Threshold for Review		
Option 1: Maintain existing regulations.		
Option 2: Allow staff-level review with new standards. Revise sign standards to include new, well-defined and well-illustrated design standards that create maximum allowances within staff-level review and an option for Planning Commission review for signs that go beyond the maximum allowance. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit.		
Notes:		
B. Tailored Standards (Page 19)		
Option 1: Maintain existing regulations.		
Option 2: Create tailored standards for different commercial areas. Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach: http://www.codepublishing.com/ca/livermore.html . The general desired signage character for different districts in Capitola could be as follows: <ul style="list-style-type: none"> • Village: Pedestrian oriented signs, village scale • Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles • 41st Avenue: Larger-scale signs that are auto-oriented to support corridor as a regional shopping destination. • Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges • Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials. 		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 7: Signs (continued)		
C. Monument Signs (Page 20)		
Option 1: Maintain existing regulations.		
Option 2: Create a new limit for monument signs based on linear frontage along a prime commercial street.		
Option 3: Create an allowance for more than 4 tenants per monument sign.		
Option 4: Update Master Sign Plan to clarify discretion in monument signs (lot size, # of tenants, and frontage).		
Notes:		
Issue 8: Non-Conforming Uses (Page 20)		
A. Calculation of Structural Alterations (Page 21)		
Option 1: Maintain the existing 80 percent building valuation maximum of present fair market value.		
Option 2: Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.		
Option 3: Remove valuation cap for structural alterations to non-conforming structures. In this option, all non-conforming structures could be maintained and updated, provided that the alterations do not create a greater degree of non-conformity. Any addition to a non-conforming structure would be required comply with all development standards of the zone.		
Option 4: Change building valuation cap to a percentage of square footage calculation. Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.		
Option 5: Maintain the existing 80% threshold with new exception for historic resources. In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 8: Non-Conforming Uses (Continued)		
B. Non-conforming activities and structures on improved R-1 parcels. (Page 22)		
Option 1: Maintain existing sunset clause and opportunity to apply for extension.		
Option 2: Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify. This approach could be applied citywide with appropriate findings or only to specific areas.		
Option 3: Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City. Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.		
Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone. This approach could be applied citywide or only to specific areas.		
Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits. For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 9: Secondary Dwelling Units (Page 24)		
Option 1: Maintain existing code allowances/limitations for secondary dwelling units.		
Option 2: Amend the code to encourage development of additional secondary dwelling units. If this option is selected, the following changes may be considered:		
a. Decrease the minimum lot size requirement for secondary dwelling units;		
b. Increase the threshold which triggers the need for Planning Commission review;		
c. Allow all secondary dwelling units to be approved through an administrative process;		
d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.		
Option 3: Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 10: Permits and Approvals (Page 24)		
Option 1: No change to existing permits.		
Option 2: Modify permits. With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city’s needs. Possible changes include the following:		
<ul style="list-style-type: none"> a. Create a new Administrative Permit. This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals. 		
<ul style="list-style-type: none"> b. Create a new Minor Use Permit. This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn’t be allowed by-right, but that also generally don’t need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits. 		
<ul style="list-style-type: none"> c. Create a New Substantial Conformance Process. The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes. 		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 11: Architecture and Site Review (Page 25)		
A. Authority of Architecture and Site Review Committee (Page 25)		
Option 1: Maintain existing authority of Architecture and Site Committee.		
Option 2: Modify existing role of the Architecture and Site Committee. Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.		
Option 3: Eliminate the Architecture and Site Committee. Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues.		
Notes:		
B. Timing of Design Permit Review (Page 26)		
Option 1: Maintain existing timing of Architecture and Site Review.		
Option 2: Repurpose the committee to be a pre-design committee. In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.		
Notes:		
C. Composition of Architecture and Site Committee (Page 26)		
Option 1: Maintain the existing composition of the Architecture and Site Committee.		
Option 2: Replace the committee with a City Architect. Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.		
Option 3: Replace committee with an Architectural Peer review committee. The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.		
Option 4: Revise committee to add any of the following: water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (Page 27)		
A. When a Design Permit is Required – Commercial Uses (Page 27)		
Option 1: Maintain existing thresholds.		
Option 2: Require Design Permits only for Exterior Modifications. With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.		
Option 3: Require Design Permit only for Larger Projects. Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.		
Notes:		
B. Design Permit Approval Authority – Commercial Use (Page 27)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:		
a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.		
b. Additions not visible from the front façade up to a specified square-footage threshold.		
c. Expansion of one tenant space into a second tenant space in a multi-tenant building.		
d. Dish-type antenna greater than 24 inches as specified.		
e. Accessory structures		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
C. When a Design Permit is Required – Residential Uses (Page 28)		
Option 1: Maintain existing thresholds.		
Option 2: Modify threshold for residential design permits. The threshold could be revised in multiple ways. Thresholds that could be modified to include:		
a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home		
b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.		
c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.		
Notes:		
D. Design Permit Approval Authority – Residential Use (Page 29)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option; the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
E. Consideration for Design Permit Approval (Page 29)		
Option 1: Maintain existing architecture and site considerations.		
Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements		
Option 3: Update design considerations to focus on design rather than including ancillary issues. In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility.		
Notes:		
Issue 13: Planned Development (Page 30)		
Option 1: Maintain existing regulations.		
Option 2: Reduce or eliminate minimum parcel size requirement. Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.		
Option 3: Modify approval process. Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.		
Option 4: Eliminate PD. Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 14: Environmental and Hazard Overlays (Page 30)		
Option 1: Maintain existing overlays and clarify boundaries. In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.		
<p>Option 2: Modify existing overlays. This option would modify existing overlays as described below:</p> <ul style="list-style-type: none"> • Archaeological/Paleontological Resources (APR). Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process. • Automatic Review (AR). Remove this overlay zone as it duplicates current process. • Coastal Zone (CZ). Maintain this overlay zone as required by State law. • Floodplain (F). Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas. • Geological Hazards (GH). Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas • Chapter 17.95 (Environmentally Sensitive Habitats). Map boundaries of these areas as a new overlay zone and maintain existing regulations. 		
Option 3: Create a new, consolidated environmental/hazards overlay. This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 15: Visitor-Serving Uses on Depot Hill (Page 31)		
Option 1: Maintain existing permitted uses.		
Option 2: Modify permitted use. With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.		
Option 3: Limit intensity of visitor accommodation uses. This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site.		
Option 4: Rezone to R-1. A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 “dual zoning,” meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 16: Height (Page 32)		
A. Residential Neighborhoods (Page 32)		
Option 1: Maintain existing standards.		
Option 2: Eliminate 27-foot exception. This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.		
Option 3: Allow greater variation based on existing neighborhood character. This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.		
Notes:		
B. Capitola Village (Page 33)		
Option 1: Maintain existing standard.		
Option 2: Expand exception provisions. With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.		
Option 3: Increase maximum height limit to accommodate 3 stories. The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don't negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 16: Height (continued)		
C. Hotel (Page 33)		
Option 1: Apply CV Zone Standard to Hotel. This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.		
Option 2: Establish Performance Standard for Hotel Height. In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.		
Option 3: Establish a Numerical Standard Unique to Hotel. The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Page 34)		
A. Decks (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase allowance beyond 150 sf. Update Floor Area calculation to increase the amount of area within covered first story decks and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.		
<p>Option 3: Add exception for special circumstances. There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.</p> <ul style="list-style-type: none"> a. Front Façade. Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks within the list of items <i>not</i> included in the floor area calculation. b. Open Space. There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space. c. Restaurants and Hotels. Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely. d. Eliminate decks from FAR formula 		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Continued)		
B. Basements (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase existing allowance beyond 250 square feet.		
Option 3: Remove basements from FAR formula.		
Notes:		
C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows) (Page 36)		
Option 1: Maintain existing standards.		
Option 2: Remove phantom floors from the FAR calculation.		
Option 3: Remove roof eaves from the FAR calculation.		
Option 4: Remove window projects from FAR calculation.		
Option 5: Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 18: City Council Appeal of Planning Commission Decision (Page 36)		
Option 1: Maintain existing appeal process.		
Option 2: Add “call-up” procedure without requirement of majority vote by CC to call-up an application.		
Option 3: Add “call-up” procedure and require majority vote by City Council to call-up an application.		
Notes:		

Issues List: All Zoning Issues Collected during Public Outreach

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
1	Appeal by City Council	Legal issue with City Council appeals of Planning Commission decisions. Recent case law (Woodys Group, Inc. v. City of Newport Beach). Also, public input was received from local stakeholder group regarding negative public perception created by City Council appealing Planning Commission decisions.	See Issues and Options #18
2	Automatic Denials	Applicants occasionally fail to submit complete applications and/or fail to pay off a deficit account. Under current regulations, staff is required to present these applications to the Planning Commission or City Council for a denial, often creating a greater account deficit.	Add provision to enable automatic denials without a public hearing for applications that do not resubmit complete information or do not maintain a positive developer deposit account for more than a specified amount
3	Decision making matrix	Establish the level of review of each type of decision maker. Administrative decisions by staff, decisions by Planning Commission and City Council. Establish the limits and leave no room for interpretation.	Include a matrix in the code that specifies thresholds for review
4	Fee references	Specific fee references do not belong in code	Delete all specific fee references and replace with requirement to pay fees consistent with adopted fee schedule
5	Modification of approved permit	It is typical for an owner/applicant to request a modification to an approved design. The code lacks guidance on the review process. A condition of approval requires significant changes to design permits to return to Planning Commission. Open to interpretation	See Issues and Options #10. New substantial Conformance Process
6	Permit Extensions	Permits may be extended for one year. Public input requesting increase in extensions to 2 years. Some concerns that there is no maximum limit for extensions.	Increase extensions to 2 years with maximum of 2 extensions per permit application. Add use and reliance standards.
7	User guide	Suggested a user guide to direct applicant through code	Create a user guide
8	AR (Automatic Review)	Everything is reviewed so why have an Automatic Review overlay.	Issues and Options #14.
9	Arch and Site review	Reconsider the function and make up of the Arch and Site Committee	Issues and Options #11
10	Neighborhood Character	i. Identify neighborhood priorities specified in the general plan. ii. Guide design elements including placement of buildings, form, and massing. iii. Define the public realm – streets, sidewalks, bike lanes, crosswalks, curb and gutter, trees/landscape, bus stops, benches, and trails. iv. Review should be neighborhood specific and include how we manage the automobile (width of streets, on street parking, off street parking) v. Acknowledge that within the definition of Capitola exists an eclectic mix of design. vi. Add criteria to review compatibility and context within neighborhood	Issues and Options #1 and #12
11	Neighborhood Character	Require streetscapes with Design Permit applications to evaluate compatibility of projects.	Issues and Options #12
12	Neighborhood Character	Massing – More articulation should be required and prevent two story homes with no change in wall plane between first and second story, applicable to all sides.	Issues and Options #12
13	Neighborhood Character	Exterior finishes. 1. Multiple exterior finishes should be required to add more interest. Stucco only should not be allowed. 2. Regulate types of exterior finishes that are allowed. No vinyl. 3. Require trim and of substantial profile.	Issues and Options #12

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
14	Neighborhood Character	Privacy for adjacent neighbors should be maintained when reviewing second story additions, including new second story decks and second story window locations	Issues and Options #12
15	Threshold for Residential Design Permit	Public Input that 1 st floor additions and detached structures that meet development standards should be exempt from Design Review	Issues and Options #12
16	Threshold for Residential Design Permit	Public Input: Consider 2nd floor additions to go through administrative review with adjacent neighbors noticed and have 10 day appeal to Planning Commission if objector have concerns	Issues and Options #12
17	Threshold for Residential Design Permit	Single story additions that meet all requirements of zoning should not require Planning Commission review	Issues and Options #12
18	Threshold for Commercial Design Permit	It is unclear in the current code when a design permit is needed for a façade upgrade .	Issues and Options #12
19	Views	Public comment to protect views. Public views are considered within the coastal findings and historic vistas are considered within architecture and site review consideration 17.63.90(J)	Issues and Options #12
20	Archaeological/Paleontological Resources (Overlay)	Identify the best way to approach current archaeological/paleontological resources overlay zone.	Issues and Options #14.
21	Archaeological/Paleontological Resources (Overlay) Report	Report is intensive and not always necessary. Survey report should be required when a specific amount of native soil will be moved	Issues and Options #14.
22	Conditional Uses in CC (community commercial)	Conditional use list should be expanded in CC	Establish broad categories of land uses that encompass many specific uses
23	Setbacks	Unclear in the CC Zone	Clarify in updated cc zone
24	Accessory structures	17.15.035 allows "additional" accessory structures. 17.15.140 mentions only 1 accessory structure in rear and side yard	Clarify review authority and process as follows: Administrative approval for one accessory structures 80 sf or less, no electrical, no plumbing. CDD approval of additional accessory structures or accessory structure larger than 80 sf. without electric or plumbing. Add exception for pool/hot tub mechanical equipment in enclosed structure with electric/water. Planning Commission approval conditional use permit for accessory structure with electric or plumbing.
25	Accessory Structures	Unclear and disorganized. The standards should be in the general regulations and applicable to all accessory structures throughout town.	Create clear standards and organize within correct section of new code.
26	Animal regulations	Outdated regulations in 17.81.060. Add setbacks for chicken coops.	Maintain existing limits for animal regulations. Update section to specify that accessory structures, such as chicken coop, must comply with standards for accessory structures.
27	Fence	Arbors and trellis are not included in the fence regulations. They are all over town and are typically 8 feet high.	Create allowance for arbors or trellis in front yard above walkway entrance.
28	Fence	Regulations are for residential. No commercial standards	Add fence standards for commercial zones
29	Fence	Treatment of fence in public right-of-way is unclear.	Clarify that a fence in the public right-of-way requires a major revocable encroachment permit approved by the Planning Commission - Consistent with 12.56.060(B) of Municipal Code.
30	Fence	Corner lots. Existing 5 foot inset creates issues for property owners and strange fence lines.	Remove required inset for corner lots when it can be demonstrated that adequate sight distance exists and add height restriction that is consistent with the public works requirement.
31	Fence height	Measurement from both sides of property line in situations with uneven grades.	update regulation to address uneven grade

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
32	Fence permit	Currently replacement fences and fences that conform with the code require a permit. Too much oversight of fences	Update code to allow fence replacements. Include fence regulations and ability for the Planning Commission to approve alternative location, heights, and materials for special circumstances.
33	Fence and retaining walls	No rules for height of retaining walls and separation	Include retaining walls within fence section.
34	Fence permit	Retaining walls should be called out within the fence permit sections. Set standard for when engineering and permit is required.	Add standards within fence permit section. Rename section wall and fence permits
35	Fencing in unique areas	Identify unique circumstances for lots with views of ocean, walkways, or river. In these areas the standards for front, side, and rear yard setbacks, allowed encroachments, and fences should be improved. Prevent high fences on street facing yards where inappropriate. (Prospect Ave). Establish rules for walls and fences within riparian areas	Consider within fence regulation updates
36	Landscape - water efficient landscape	Chapter 17.97 does not comply with state law	Maintain and improve standards for water-efficient landscaping. Add requirement that landscaping projects subject to the requirements of AB 1881 comply with State Water Efficient Landscape Ordinance.
37	Lighting	Lighting in residential areas should be required to be down directed and shielded to not impact adjacent property owners. Night sky ordinance.	Add lighting standards and night sky provisions.
38	Pathways	Protect public pathways within updated code. Identify what can/cannot occur along pedestrian pathways. Maintain setbacks from pathways to prevent further encroachment of development. Examples: Riverview Pathway, Prospect Avenue, Cliff Drive, Grand Avenue	Create standards for areas along pathways and railroad
39	Problem sites in need of attention	Create solutions to existing problem sites (Rispin, Village parking, and Village hotel) within the updated code. Set up favorable standards.	Incorporate desirable development standards for identified sites, consider incentives for positive redevelopment opportunities.
40	Railtrail	Rail – Build in zoning requirements for setbacks/public improvements at intersections of railtrail in anticipation of transit service and public access and parking.	Include new considerations for development near rail access points (41st Avenue, Monterey Avenue, New Brighton, 47th, to include pedestrian and bicycle ease, fence, parking, benches, landscaping etc..
41	Solar	Remove permit requirements for non-commercial solar energy facilities	Remove discretionary permit requirements for non-commercial solar energy facilities
42	Temporary Storage Facilities (PODS)	PODS require an encroachment permit when located on city street. §9.52.010 regulates unenclosed storage but does not list PODs within the exceptions of what may be stored. Therefore, they are illegal if located in the front of the home. Long-term pods are a source of complaints by residents.	Create administrative permit that establishes a 30 day time limit for temporary storage facilities. Require CUP from PC for temporary storage beyond 30 days.
43	Conditional Uses in CN (Neighborhood Commercial)	Conditional use list should be updated/expanded in CN	Update conditional uses in CN district to include full range of land uses appropriate in the CN district. Note: Staff will update this item with complete list of updated/new conditional uses as code is drafted.
44	Setbacks in CN	Setbacks are too restrictive for the small lots and prevent development. EXISTING SETBACKS: Front yard: 15 foot landscape strip. Side yard: 10% of lot width. Rear yard: Commercial 10 foot landscape strip OR Residential 20% of lot depth	The CN setback requirements will be updated to remove the term <i>landscape strip</i> and require front, rear, and side yard setbacks. Lots between 401 - 431 Capitola Avenue are substandard. These lots will be rezoned to Central Village to allow placement along the street frontage to maintain the existing rhythm of the street. See Attachment A.
45	Coastal Zone exemptions	This section is very difficult to understand.	Clarify exempt projects in Coastal Zone
46	Coastal Permit review	Currently the code states review by PC and CC	Clarify review authority is PC
47	Allowed and Conditional Use - placement in commercial districts	Commercial Uses that collect sales tax and TOT should be allowed along traffic corridors to maintain tax base. Medical has its place in retail but should either have a maximum % limit within an area or designate medical to specific areas. Storage facilities should not be located in commercial districts.	Issues and Options #4

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
48	Allowed and Conditional Use Land Use and review	Provide more flexibility in allowed uses. Identify those uses the city does want and allow them.	Issues and Options #4
49	Allowed and Conditional Use Land Use and required design review	All principle permitted uses require architectural and site review in Community Commercial zoning district. New zoning code should remove required review for tenant modifications for those types of commercial uses the City would like to encourage	Issues and Options #12
50	Allowed Use and Tenant modifications	Provide more flexibility in use to allow new businesses to come into existing commercial sites with little or no review if the building is not being modified. Timing and execution are critical for business success.	Issues and Options #12
51	Allowed and Conditional Use Land Use categories	Land uses are outdated. Update and categorize uses better. Example: sauerkraut production not allowed. Gym or yoga studio not listed.	Modernize land use classification in code
52	Commercial land use	Avoid commercial leakage to County. Target example. Figure out what made Target site appealing vs. Home Depot location. Zone to allow what anchor businesses need. Visibility was identified as one reason for commercial leakage.	Issues and Options #4
53	Density	Allow density bonus for project that provide congestion relief (ex. Square footage credit for bike parking, transit	Issue and Option #3
54	Drive-thru	Allow drive-thru on 41st Avenue. Survey showed support (98.3%) for drive-thru along 41st avenue.	Create conditional use permit review for drive-thrus on 41st. Establish a required setback from residential properties and shielding.
55	Food establishment with 6 chairs	The zoning code lists "restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use" as a conditional use permit. In the parking section, the # or spaces required for a "Retail use and restaurants/take-out food establishments with six or fewer seats" are treated equal. This allows retail to convert to restaurant with a limit of 6 seats. Applicants are often confused on the limitation of 6 chairs. The 6 seat regulation is problematic to monitor.	Create a new land use category for "to-go" restaurant. Rather than limit seats, limit the area for dining. Update the parking regulations to include the same amount of parking for "to-go" restaurants as retail. This will allow retail to be converted to "to-go" restaurants. It will also eliminate the need the staff to continuously monitor seats.
56	Outdoor Display - Permanent	17.21.035 requires a conditional use permit for outdoor display in the CV (Central Village). Many violations exist in the CV. Expand outdoor display to all commercial areas. No standards exist. Need standards placement of display on private property, size of area, upkeep, maintaining pedestrian circulation, etc. Specify that automated dispensers (outdoor soda machines, red box, shipping centers) require a permit. Build integrity into process. Not just quantitative measure but qualitative measures too.	Establish new standards to address outdoor commercial displays on properties in commercial and mixed uses zones. Standards will address location of displays, screening, hours, permitted materials, height, etc.
57	Outdoor Display/Parking lot sale - Temporary Use	No regulations in code. There is an administrative permit for sales twice a year on weekends. No standards exist. Add administrative permit with standards.	Add a new section to address temporary uses, including temporary parking lot sales associated with a permanent business.
58	Outdoor Dining	The code currently does not specify outdoor dining as a use. Request to consider utilization of public parking spaces in Village for dining decks. Add conditional use and standards for review of outdoor dining on private or public areas within commercial districts.	Staff will discuss with Coastal Commission possibility of using street parking spaces for dining decks. Zoning Code will contain new standards for sidewalk dining that address hours of operation, required permits, minimum sidewalk clearance, design of dining area, operation standards, and maintenance standards.
59	Public realm along 41st avenue	Support (71.9%) to improve the design of the public realm with improved pedestrian sidewalks, bicycle lanes, street trees and landscaping, and pocket parks, where appropriate	Issues and Options #3
60	Thresholds for design review in CC	New structure vs. front façade change vs. accessory structure vs. new landscaping	Issues and Options #12

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
61	Top 5 community benefits for increased FAR along 41st Ave	Pedestrian Circulation Improvements (35.6%), Public Realm Improvements (32.2%), Bicycle Circulation (29.7%), Provide funding/support for Regional Trail System (28%), and Automobile circulation and parking improvements (22.9%).	Issues and Options #3
62	Transition standards for circulation to decrease Impacts on neighbors	Neighborhood integrity – protect neighborhoods from vehicle cut-through circulation	Include in review criteria for commercial and mixed-use projects.
63	Transition standards for commercial development adjacent to residential	The code lacks standards to buffer residential uses that are adjacent to commercial.	Add transition standards to commercial and mixed-use projects.
64	Transition standards for commercial development	Transition areas between Commercial and Residential should have development standards to protect residents	Update code to include transition standards between commercial and residential
65	Bakeries, Coffee Shop, Take-out, Restaurant	Confusion of why bakeries are allowed uses in CC but take out restaurant is a CUP. Coffee shop is treated as take our restaurant. What is the difference between a bakery, a coffee shop, and a yogurt shop?	Categorize land uses appropriately associated with impacts. Principally permitted or CUP
66	Density and mixed use	i. Density works with good architecture and designing the public realm. Allow increased density by requiring great architecture and improved public realm. ii. Allow more height in mixed use commercial. Limit with # of stories rather than maximum height. Define stories. iii. 41st Avenue and Capitola Road could be a new Urban Village with mixed use and housing. iv. Sustainability is not stopping development. Shift mindset to allow housing through density with multi-modal transportation. Density and multi-modal transportation have a mutually beneficial relationship and are sustainable.	Issues and Options #2 and #3
67	Urban Agriculture/Community Gardens	Include urban agriculture in zoning update	Add definitions, standards, and include in permitted use lists
68	Commercial standards for different types of commercial areas.	Create different commercial standards (uses, landscaping, signs, and parking) for the different commercial areas. 41st Avenue, Central Village, and Neighborhood Commercial.	Issues and Option #2, #3, #7
69	Conceptual Review	Invite the conversation to work toward a desirable outcome rather than being reactive. Keep conceptual review process in code update	Keep conceptual review process in code update.
70	Conditional Uses in CR (Commercial Residential) District	Conditional use list should be expanded in CR	Expand conditional uses in CR district
71	Development standards in CR	Development standards are too open ended	Create more specific development standards in the CR
72	Conditional Use Permit Findings	Findings are lacking	Add specific findings for CUP
73	Conditional Use Permit Modifications	No reference to required process for modifications to CUPs.	Add process for modification to CUP
74	Central Village hotel	Zone for hotel in village	Issues and Options #5, #16
75	Conversion of commercial to residential in CV	CV states that commercial may not be converted to residential under architectural and site review section.	Reorganize to include requirement under "use" section.
76	Height	Increase maximum height to 30' to result in better design and more useful space in Village	Issues and Options #16
77	Outdoor dining in village	Create opportunities for outdoor dining in the village	Update code to support outdoor dining in village, to the extent adequate parking can be provided.
78	Transient Rental Overlay	Requires a CUP by Planning Commission. Permits expire annually. Not enforced.	Update code to create administrative permit process.
79	Uses in Central Village	Use list is lacking diversity	Expand conditional uses in Central Village
80	Definitions	Personal service establishment - Listed Use, Not defined	Update definitions

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
81	Definitions	Bakeries, Coffee Shop, Take-out, Restaurant. Listed Uses, Unclear what the differences in the uses are.	Update definitions
82	Definitions	The code utilizes the term "design use". Uses should be tied to land uses not design.	Update definitions
83	Definitions	Professional Office Use. Not defined. Medical? Real estate? Engineering? Architecture?	Update definitions
84	Definitions	Lodging Facility, Hotel, Motel, Bed and Breakfast. Many terms used for lodging.	Update definitions
85	Definitions	Height. Not defined. Unclear how it is measure in different situations (Slope)	Update definitions
86	Definitions	Lot Area. Define to specify what is/is not included in calculation for FAR. Floor area is based on the size of the lot area. Lot area is not defined. There are unique circumstances in which lots have areas that extend into the ocean, creeks, trails, roads, and alleyways.	Update definitions
87	Definitions	Yard vs. Landscape Area vs. Landscape strip. Terms utilized within development standards but unclear what the differences are.	Update definitions
88	Definitions	Demolition. Define for evaluation of non-conforming. Problem with applicant taking down the majority of a structure and replacing in the same spot.	Update definitions
89	Definitions	Accessory structures, secondary units, kitchen, dwelling unit. Clarify definitions.	Update definitions
90	FEMA	Outdated regulations within floodplain	update regulations to reflect most recent FEMA regulations
91	Bluff Erosion	Geological Hazard overly is not consistent with General Plan	Issues and Options #14.
92	Additional credit for green building techniques	Include credits for alternative transportation, impervious surfaces, walk/bike	This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance.
93	Check list rather than points	Create a check list with boxes rather than quantifying everything	This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance.
94	Duplication in Local and State regs	CAL green covers mandatory state requirements. Eliminate the duplication in process from Federal and State levels	Update and expand the green building program to comply with state mandates for greenhouse gas emission reductions
95	Points for reutilizing buildings and longevity	Points should be granted for reutilizing existing buildings and longevity	This will be addressed in the Climate Action Plan. Note: Staff will update to reflect CAP guidance.
96	Solar	Assembly Bill 2188 requires adoption of administrative ordinance for small rooftop solar systems	Update code to comply with state regulation
97	Demolition of Historic Features	Demolition of Historic Features. No process outlined for demolition of historic structures	Issues and Options #6
98	Historic features review	Historic Feature Determination. Criteria in 17.87.030 for identifying historic feature is extremely broad.	Issues and Options #6
99	Non-conforming	Non-conforming 80% improvements. Regulations are too restrictive and do not support historic preservation.	Issues and Options #8
100	Process for review of potential historic resource	Process for review of potentially historic resources. City has 2005 list of historic structures. This list should be treated as a "potentially historic structure list". Process for modification to a structure on the list is lacking in the code.	Issue and Option #6
101	Repairs to Historic Features	Repairs to Historic Features. Code specifies that modifications to historic require a CUP. Does not specify process for replacing damaged exterior materials if they	Update to allow in-kind replacement of damaged historic materials. Administrative review for exact replications of historic material.
102	Incentives	Incentives for Historic Preservation. Add incentives for historic preservation	Issues and Options #6
103	Modification to historic resource	Modification to Historic. No standards in code for review of modifications to historic structures.	Issues and Options #6
104	IP (Industrial)	Conditional use list should be updated/expanded. Reconsider fish processing, vinegar operations, etc.	Expand/update conditional uses in IP district to include broad range of uses appropriate for IP district. Note: Staff will update this cell once upon draft of the use table.

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
105	IP (Industrial)	Issue with impacts on neighboring mobile home park. Consider impact to dense population prior to listing as allowed or conditional use	Include consideration for CUPs to assess impacts on neighboring mobile home park.
106	Capitola Road as connection	Support idea of Capitola Road connecting 41st Avenue and Village. Allow hotels along Capitola Road.	Capitola Road is presently designated as a mixed-use area and is proposed to remain. Commercial uses, including small hotels, are allowed in mixed-use areas
107	Non-Conforming Structural Alterations	Too many developers get non conforming status then take the majority of the building down and rebuild in nonconforming place.	Issues and Options #8
108	Non Conforming	Non-conforming Structures and Non conforming Use must be better defined. The 80% rule is open to interpretation. Process for valuation should be codified.	Issues and Options #8
109	Non-Conforming sunset clause	Non-conforming uses/structures: discussion on current sunset clause to end all nonconforming uses by the year 2019. i. Requirement to go away isn't necessary unless the use is a nuisance. ii. City should study the existing conditions and guide the outcome to a better resolution. iii. City should drive re-development of blighted properties. iv. Code should address public nuisance issue if present 1. Adequate parking onsite 2. Maintain structures so they are updated and look good in the	Issues and Options #8
110	Non-conforming homes	Examples of homes being built in same place and having non-conforming status. Plans show walls remaining. In field, walls are removed. If a home is undergoing a full remodel and has non-conforming parking, parking issues should be fixed. Riverview example near north end	Issues and Options #8
111	Non-conforming multi-families in R-1	Many multifamily structures in the north of Capitola Rd 40's are in need of repair and have impact on surrounding neighborhood. Consider assessment district for street improvements for street landscaping, parking, bulb-outs.. Etc to result in mitigation of existing impacts. Consider requiring building to remove carports, plat trees, remove dumpsters, and include design improvements to the front facades.	Issues and Options #8
112	Carports	Carports should be discouraged	Issues and Options #5
113	Central village parking	Commercial parking in CC Section 17.27.120 should be applied to the Central Village.	Issues and Options #5
114	Compact parking spaces	Compact parking spaces are problematic	Maintain existing compact space provisions, which are typical
115	Electric car recharge	No requirement for electric car recharge in large parking lots	Add requirement for charging stations in larger project, and development and operational standards, clarify it is a permitted accessory use in all zones
116	Garage size	Garage internal dimension of 10' x 20' minimum is too big	Decrease garage minimum requirements to 18' x 10'
117	Garages	Often used for storing. Rethink the requirement for covered parking/garage.	See Issues and Options #5
118	Location of required parking	The code states: <u>17.51.120 Space for required off-street parking and loading shall not occupy any part of a required open space for a rear or side yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street.</u> No allowance for parking in rear or side yard setbacks. Makes parking on corner lot nearly impossible	Modify parking allowances within side yards. There is a 2 foot strip required in the R-1. Maintain the required 2 foot strip for residential properties but allow parking to encroach into the side yard.

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
119	Storage of RV and Boats	RV and Boat storage can displace required onsite parking. This displaces parking from the driveway onto the street. In areas with high street parking demand this is problematic.	Require additional parking for storage of RVs, PODs, boats, etc so required parking is not displaced by storage.
120	Multi-unit parking	Multi-units. Parking requirement based on # of units not unit size.	See Issues and Options #5
121	Parking alternatives	Build into the process an option that an applicant can provide a solution to parking other than onsite. (Bicycle off-sets, multi-modal options in proximity to	See Issues and Options #5
122	Parking Issues	<p>Parking</p> <p>i. Capitola is maxed out of on-street parking</p> <p>ii. Shared parking leads to more congestion, more competition for limited on-street parking, and impact to nearby residential neighborhoods. Commercial areas that are adjacent to residential neighborhoods should not be allowed to decrease parking requirement through mixed use. Also need to be cautious to not create additional residential parking problems by creating mid-block pedestrian connections between commercial and residential zones. Make it too easy for retail shoppers and employees to access residential neighborhoods to park during busy seasons like Christmas.</p> <p>iii. Do not allow variances for parking.</p> <p>iv. Avoid parking impacts on adjacent residential neighborhoods resulting for new multi-story mixed use development along the east side (between 41st & 42nd) of the 41st Avenue corridor. Separate dedicated parking for residential and commercial uses (no shared parking) is a key planning consideration.</p> <p>v. be careful in allowing additional commercial space being built on existing mall parking which could very quickly change an "over-parked" condition into an "under-parked" one with inevitable negative impacts on adjacent</p>	See Issues and Options #5
123	Parking lot landscaper requirement impact on Solar installations	The current parking lot landscape requirements do not consider solar installations for covered parking.	Update landscape requirements to build flexibility into the requirements for parking lots with solar installations. Possible decrease in required tree planting.
124	Parking lot design: City's standard specifications	Code does not include City's standard specifications for parking lot design. The public works director has new standards that he would like to see referenced.	Reference city's standard specifications.
125	Parking reductions	Allow parking reduction in exchange for onsite bicycle parking, mixed use development, and proximity to multi-modal transportation, such as bus stop.	Issues and Options #5
126	Required parking for land uses that are not identified in parking section.	No established standards for parking requirements for unlisted uses.	Establish criteria/methodology for parking requirements for non-listed uses.
127	Required parking spaces	Allow applicants to utilize best available information to comply with parking. (Example: Urban Land Institute parking methods). The zoning code often demands too much parking and is an approximation. There are more accurate tools out there that incorporate other factors such as multi-family, mixed use, proximity to public transit, etc.	Issues and Options #5
128	In-lieu parking	In-lieu parking to collect payment for required parking spaces and utilize the funds to develop public parking lots that are in close vicinity to the new or intensified use. Adding an allowance for in-lieu parking creates public/private partnerships creating opportunities for new uses in areas challenged with limited space for onsite parking, such as the Village.	In-lieu parking policy exists for hotels and valet in the village.
129	4 acre minimum requirement for PDs	4 acre minimum is not practical due to scarcity of 4-acre + properties	Issues and Options #13

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Number	Subject	Comment or Explanation of Issue	How issue will be addressed
130	Maintain PD	Keep Planned Development. Infill requires flexibility to result in the best design within an established area. Let architect fix issues through design rather than zoning creating additional hurdles to development. Reminder that the buildings that are most love in Capitola could not be built within today's zoning code. Allow for creativity.	Issues and Options #13
131	preliminary view by PC and CC	PD preliminary plan is reviewed only by PC. It would be more reliable to bring CC in at this stage so applicant has perspectives of recommending and approving bodies.	Issues and Options #13
132	Remove PD	Eliminate spot zoning that allows parcels in residential neighborhoods to be rezoned as Planned Development	Issues and Options #13
133	Professional Office Zone	There is one small area zoned OP (Professional Office) along Capitola Road. It is located between the CN (neighborhood commercial) and CR (Commercial/Residential) zoning districts.	Rezone OP to Neighborhood Commercial.
134	City Hall and Pac Cove Development Standards	Lack development standards that allow a multi-story parking structure to be reviewed on City Hall parking lot site for the village. The City Hall property will likely be redeveloped in the future. Development standards should be included in update for redevelopment	Create development standards that allow a multi-story parking structure to be reviewed on City Hall parking lot site for the village. Include guidance within the public facilities chapter or within the planned development chapter for future development on property.
135	FAR calculation	17.15.100(B)6. Remove decks on second story and garages from calculation.	Issues and Options #17
136	Floor Area Ratio	Clarify what is/is not included in FAR	Issues and Options #17
137	Floor Area Ratio	Floor area ratio and basements discussion. Although basements do not influence mass and scale, basements should be included in the FAR calculation to prevent additional bedrooms and impacts on parking.	Issues and Options #17
138	Floor Area Ratio	Floor Area Ratio. If floor area is to control massing, basement, decks, and stairs should not be included in calculation.	Issues and Options #17
139	Floor Area Ratio	Floor Area Ratio should not include the unbuildable portion of the lot. (Example: 1840 Wharf Rd, Riverview Avenue, Depot Hill properties on Bluff)	Floor area is based on the size of the lot area. Lot area is not defined. There are unique circumstances in which lots have areas that extend into the ocean, creeks, trails, roads, and alleyways. The definition of lot area will be updated to specify that lot area does not include areas of lots that are located beyond the cliff edge, or beyond the high water mark of a creek. The update will also include specificity that the trail and open space parcel between Soquel Creek and Riverview is not calculated in the lot area.
140	Garage conversions	Code is vague on garage conversions to living space when parking requirement is met within driveway.	Specify that garage conversions are allowed if onsite parking requirements are met.
141	Height	Public Input: Height limit of 25 feet in R-1 is too restrictive for certain types of architectural design.	Issues and Options #16
142	Height	Height: Allow flexibility for additional height for design compatibility and unique circumstances (sloped lots).	Issues and Options #16
143	Height in Cliffwood Heights	Cliffwood heights has larger lots. Taller homes could be allowed in this area	Issues and Options #16
144	Minimum lot size for secondary units is 5000sf.	Lower minimum lot size to allow more secondary units on smaller properties.	Issues and Options #9

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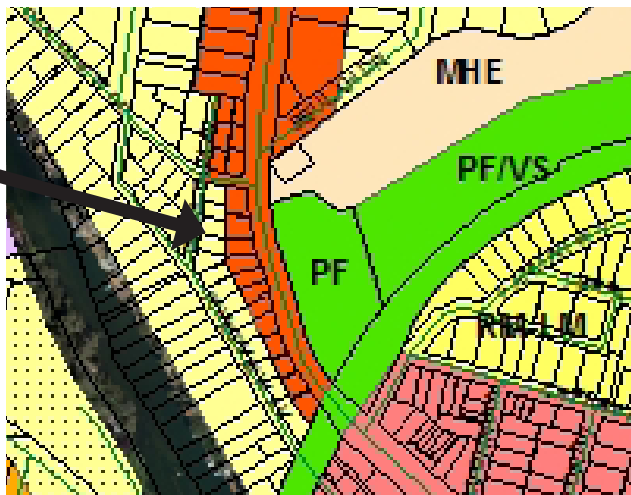
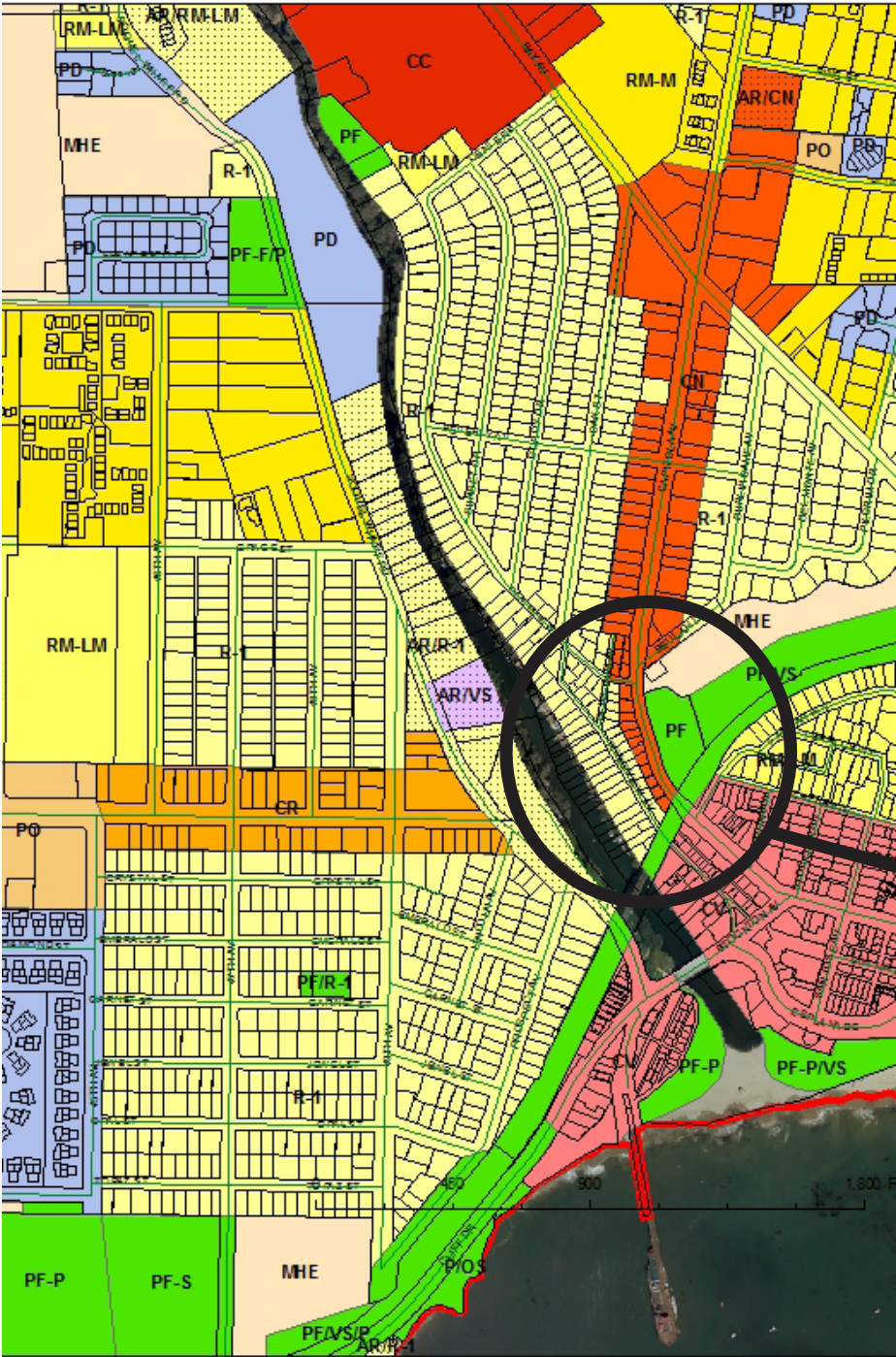
Number	Subject	Comment or Explanation of Issue	How issue will be addressed
145	Kitchen Limitations and Secondary Dwelling	Code limits 1 kitchen to each dwelling unit. Often times laundry rooms are converted to kitchens and become code issues. Another issue is that outdoor kitchens are <u>not allowed due to single limit.</u>	Update dwelling unit definition to allow for 1 outdoor kitchen and limit each dwelling unit to 1 laundry room.
146	Minimum lot size	Density in R-1. Do not increase density in R-1. Maintain minimum lot size requirement as is. (5000 sf).	Maintain R-1 minimum lot size of 5,000 sf
147	Minimum lot size	Many lots are 4000 sf in R-1. (modify minimum lot size to fit the neighborhood the lot is in. (Jewel box example)	Existing lots under 5,000 sf are legal and may remain in perpetuity according to state law. No change proposed.
148	Multi-family.	Do not downsize multi-family lots. Lock in centralized sites for multi-family with minimum density requirements	No down-zoning of MF lots proposed.
149	Neighborhood Character	With several types of neighborhoods with different lot sizes and characteristics, it seems logical to introduce a new residential zone. The Riverview and Cliffwood Heights neighborhoods are very different but share the same zoning designation. This requires the need for variances and special considerations. A new zone would be appropriate to keep specific neighborhoods intact. Cliffwood Heights - (large lots), Depot Hill (row is landscaped, front setbacks from property line). Riverview	Issues and Options #1
150	Rental Stock	Allow multi-units that are intended to be rented	Multi-family uses are allowed to be rented. No change proposed.
151	Required separation between buildings (3 feet) is listed in wrong area of code.	Regulation is listed under setback requirements of the R-1	Reorganize to include required separation within section on garages and accessory structures.
152	Roof top decks in Single family and CV zones	Suggestion that rooftop decks be prohibited.	Add Design Permit considerations to protect privacy.
153	Second Dwelling Units	Code requires owner to live in either primary home or secondary unit. Public input that the city should reconsider this requirement and allow both to be rental.	Issues and Options #9
154	Second Dwelling Units	Consider excluding secondary dwelling units from FAR calculation.	A lot with a secondary unit is given an increased FAR of 60%. Rather than provide the increase FAR, the new code can exclude secondary dwelling units from the FAR calculation. By allowing the exception, the FAR would never exceed 60% as currently allowed.
155	Secondary Dwelling Units	Detached units limited to 15 feet high	Issue and Option #9
156	Secondary Dwelling Units	Allow on lots with 4,000 sf	Issue and Option #9
157	Setbacks in RM	RM setbacks are confusing	Updated code will have standardized tables with limited and specified exceptions.
158	Setbacks of Detached Structures	Current setback requirement is 8 feet from rear property line. Decrease the setback requirement in rear yard	Decrease to 5'
159	Setbacks and Encroachments	Setbacks regulations and encroachments are confusing and the exceptions are not consistent	Updated code will have standardized tables with limited and specified exceptions.
160	Side Yards 15% regulation	<u>17.15.110E(3) Side yard: for levels above the first floor, set back shall be at least fifteen percent of the side yard.</u> It seems there was an error in the description of the second story setbacks to be 15% of the lot width as opposed to 15% of the side yard setback.	Updated code will have standardized tables with limited and specified exceptions.

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
161	Side Yards Second Story	<u>17.15.110E(3) Side yard:</u> 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. <u>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;</u> On lots that have substandard widths (less than 40' wide) the required additional setback on the second story is problematic for practical floor plans and space.	Simplify in standardized table with exception for lots with width less than 40' wide.
162	Transitional and Supportive Housing	State law requires definitions of transitional and supportive housing and requires them to be permitted the same as residential uses in the same zone.	Update under uses as principally permitted
163	Yard Encroachments	Pools, Jacuzzis, firepits, and air conditioners are not included in encroachments for side and rear setbacks. Requested often.	Include pools in encroachments and establish minimum 5' setback for side and rear yard setbacks
164	Residential	Healthy neighborhoods: zone for what the City would like to see within the neighborhoods – pedestrian/bicycle connectivity – interactive yards – less emphasis on the car. Example of Santa Cruz county pleasure point community plan	Update development standards to allow engaging front yard encroachments (patios, decks, walkways, raised flower beds, trellis, hardscape furniture (concrete bench). Commercial standards to include interior sidewalks and bike paths in parking lots.
165	Auto Plaza Drive Signs	Auto plaza Drive lacks visibility with no allowance for a monument sign or other prominent sign along 41st avenue.	Add sign standard to allow prominent sign at the entrance of auto plaza drive
166	Central Village Pedestal Sign	Central Village Pedestal Signs – remove. Ordinance does not work. Enforcement is an issue. Village should have consistency in rules and enforcement.	Issues and Options #7
167	Content regulated within signs	Current code regulates sign content. This is illegal.	Clarify that ordinance cannot regulate sign content
168	Design of Signs	Allow creativity.	Set standards for size, location on building, logos, brand identification, and types of signs. Allow flexibility in materials, lighting, and color.
169	Digital Signs	Digital display not allowed	Create clear standards for digital display.
170	Master Sign Program	Directional signs should be allowed within larger developments.	Update master sign program regulations
171	Master Sign Program and variety	Not much variation allowed within individual plazas with master sign program.	Allow more variety between sign styles within master sign program.
172	Monument Signs	Monument signs in code are too limited for large developments such as King Plaza.	Issues and Options #7
173	Political Signs	Rules for political signs are unclear	Clarify rules for political signs
174	Sign materials and quality	Quality of signs influence perception of City overall. There is an impact on retail when quality is sacrificed. High quality provides better perception and more money is spent.	Issues and Options #7
175	Signs at large centers	Visibility. Current code does not allow enough visibility from the street. Auto plaza, mall, and large shopping centers are impacted by sign code regulations.	Issues and Options #7
176	Signs in different commercial areas (41st, village, neighborhood commercial, and industrial)	Different areas should have different standards.	Issues and Options #7

Item #: 5.C. Attachment C. List of Code Issues.pdf

Number	Subject	Comment or Explanation of Issue	How issue will be addressed
177	Signs in large centers	No flexibility in # of types of signs. Difficult for large properties to comply and advertise effectively. Provide a maximum allowance for signs and allow businesses/property owners to determine the number and size of individual signs which fit within the maximum allowance (e.g., set a cumulative square-foot maximum signage allowance for a shopping center without limits on the number or size of individual signs)	This can be accomplished through a master sign plan. Code update can provide more transparency in the flexibility of a master sign plan
178	Threshold for Sign Permit	Sign ordinance requires all new signs to go before Planning Commission. Some signs should be allowed with administrative review	Issues and Options #7
179	Community Care Facilities	Standards need to be updated per state law and organized.	Update standards per state law and locate in special land use regulations.
180	Day care facilities	Standards need to be updated per state law and organized.	Update standards per state law and locate in special land use regulations.
181	Home Occupations	Home Occupations is defined and then listed as a Conditional Use in various zones (R-1, CV, MHE, RM). The definition describes the limitations. Current noticing requirement is time consuming and an added cost for new businesses.	Create an administrative review process that conditions home occupancy permit to standards. Create contingency that home occupation permit may be revoked when standards are not followed.
182	Second homes	Second home owner impacts i. Losing families in neighborhoods, losing community, 'dark' homes losing self policing by residents. ii. TOT must be enforced. City needs to enforce online nightly rentals in non-transient neighborhoods. (Air BnB, VRBO)	Ongoing code enforcement issues. Maintain Transient overlay.
183	Increase Nightly Rental Stock	Expand transient rental zone	Staff heard significant concerns about existing vacation rentals and very little support for expanding the transient rental overlay zone. No changes proposed.
184	Variance	Variance section is not in conformance with state code	Update to conform with state code
185	Depot Hill/ VS density	Resident of Depot Hill requested following modifications underlined and italicized. Chapter 17.30 V---S Visitor Serving District 17.30.070 Development standards. The V-S (visitor serving) district may be the only zoning district applicable to a property, but at times it is applied along with other zoning districts to a property, such as "VS/R--1," or "VS/PF" dual zoning. Dual zoning means that the uses and development standards of the V-S district apply, although uses allowed by the other district may also be permitted through approval of a conditional use permit, and the planning commission may apply development standards from the other zoning district in lieu of or as well as the V-S district, as determined through architectural and site review. <u>All visitor-serving development in the Escalona Gulch/Depot Hill area (that area bounded by Park Avenue and Bay Avenue) shall not exceed eight (8) units per acre.</u> (Ord. 868 § 1, 2004)	ISSUES and OPTIONS # 15
186	Visitor serving uses in depot hill	Visitor Serving Use within Depot Hill. Suggest no increase in density (or intensity) for future projects. Current Hotel Use Permit must be enforced. The list of uses should be narrowed to include only those uses that are compatible with the surrounding single family neighborhood. Amusement Park and Campground are not compatible uses. (City should consider eliminating VS zone in Depot Hill)	ISSUES and OPTIONS #15



There are substandard lots in the Neighborhood Commercial Zone along Capitola Avenue that have inadequate depth to comply with front yard and rear yard setback requirements.

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