



# **SPECIAL MEETING AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Monday, May 16, 2016 – 6:30 PM**

Chairperson            T.J. Welch  
Commissioners        Ed Newman  
                                  Gayle Ortiz  
                                  Linda Smith  
                                  Susan Westman

#### **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. Planning Commission - Special Meeting - May 5, 2016 6:00 PM**

#### **4. PUBLIC HEARINGS**

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

##### **A. Zoning Code Update                      All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Katie Cattan, Senior Planner, City of Capitola

#### **5. DIRECTOR'S REPORT**

#### **6. COMMISSION COMMUNICATIONS**

#### **7. ADJOURNMENT**

**APPEALS:** The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review 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 1<sup>st</sup> 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](http://www.cityofcapitola.org). Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION  
SPECIAL MEETING  
THURSDAY MAY 5, 2016  
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

None

**B. Public Comments**

Following commission concerns that some items in the packet may not be appearing online, Richard Lippi noted he has had more success using the Chrome web browser for video viewing.

**C. Commission Comments**

None

**D. Staff Comments**

None

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes of the Special Meetings of April 18 and April 21, 2016.**

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

**4. PUBLIC HEARINGS**

**A. Zoning Code Update                      All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

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Representative: Katie Cattan, Senior Planner, City of Capitola

Standards for parking were brought back to discuss modest increases in use, particularly in the Central Village by takeout restaurants. Senior Planner Katie Cattan noted that expansions

Minutes Acceptance: Minutes of May 5, 2016 6:00 PM (Approval of Minutes)

and enlargement provisions to address only additional requirements apply only to commercial space, but in residential uses a project must meet parking based on overall size. She offered examples of how proposed changes would impact parking requirements for small restaurants. More options would be to allow parking exceptions up to 20 percent for existing restaurant uses within the current space or further decrease required parking.

Commissioner Westman said there is a desire to allow some expansion and would support either the decrease or exception. Commissioner Ortiz confirmed that expansions could be through either a remodel or taking over adjacent space. Planner Cattan noted the Coastal Commission does not support more intense use without additional parking. Commissioner Smith confirmed that current parking standards are the same for retail and a takeout restaurant, but a sit-down restaurant requires more spaces. The discussion focused on exceptions for existing uses rather than adding more leased space.

Commissioner Newman described the Village parking history as a “disaster,” with many restaurants expanding without providing more parking. “Extra” spaces from a count of public spaces in the Village years ago allowed expansions without a strict accounting. The vast majority of properties in the Village rely solely on public parking. He feels tying parking requirements to properties in this area does not reflect the reality of historic uses and is therefore inappropriate.

Planner Cattan also asked if the Commission favored requiring new restaurants meet full parking requirements, rather than merely provide spaces for the intensification of use. Several commissioners want to maintain a balance of retail and dining commercial uses and supported the change.

The discussion then focused on working through the proposed changes to the zoning code regarding signage. Specific recommendations follow.

Among the broader policy discussions, commissioners noted the correspondence from Ow Properties asking for ease and flexibility. Staff has encouraged a master sign program to address these concerns at King’s Plaza and finds that option works well for multi-tenant shopping centers in general.

The commission does not agree with City Council support for sidewalk signs in the Village, but if they are allowed there should be no limit for reasons of fairness. They should not be permitted in any other zone.

Commissioners also had concerns about what may be regulated for window signs and agreed that the amount of coverage is more appropriate than trying to address other aspects, settling on 30 percent. They also did not want to distinguish between interior and exterior applications.

The commission recommends that standards be listed for each zoning district for ease of use.

Commissioners supported one sign for each road frontage for all sign types.

They asked for guidance on setting specific brightness levels for sign lighting. They were open to allowing digital signs in parking garages similar to standards for gas pricing and wish to exempt city signs from regulations. They would consider neon but it would require a public hearing by the commission for a permit.

They also acknowledged that gas stations often have signs for additional products, such as propane sales or ATMs that violate code and discussed ways to accommodate those.

Commissioner Westman suggested that Auto Plaza Drive dealerships should have separate standards for more frequent temporary signs and allowances for signs on poles, flags, and balloons that are prohibited elsewhere. The other commissioners supported this change.

Commissioners Smith and Ortiz noted that they will be away for upcoming May meetings and requested that discussion of the historic preservation sections be scheduled for times when they would both be present.

Planner's notes for specific code language:

Added: 17.76.020. C.1 Expansions and Enlargements. Discuss options to allow existing restaurants modest expansions within existing building footprint.

Planning Commission Direction: Current draft states "Additional parking is required to serve only the expanded or enlarged area". Allow an exception for expansion of dining area up to 20% of the existing floor area of the business" Expansions include modification of internal layout to expand dining area, additions to restaurant within the existing footprint of the building, and new outdoor dining areas."  
(Note: Commissioner Newman did not support the modification.)

Added: 17.76.020.B.1 Replacing existing uses in Village. Discuss option to apply the standards of B.1. to restaurants.

Planning Commission Direction: Conversions of any space from another land use to restaurants should be required to provide parking for the entire amount of parking required by the code, without a "credit" of the parking demand of the existing use. Make restaurants subject to same standard as 17.76.020.B.1 instead of B.2.

Added: Within parking table for restaurant use add the description of "Dining and/or drinking"

Added: Chapter 17.80 Signs. Discussion on signs in the Mixed Use Village.

Planning Commission Direction: Create a separate subchapter for sign standards in the Mixed Use Village.

Added: Chapter 17.80 Signs. City Installed Signs

Planning Commission Direction: Add exemption that City installed signs do not require permits within all zoning district. There is a section exempting VS, CF, and P/OS but the exemption should be Citywide.

Added: Chapter 17.80.030.B Permit Requirements – Sign Permits.

Planning Commission Direction: Add all signs in the Mixed Use Village require Planning Commission approval.

#30. Chapter 17.80.030.B Signs Allowed Without Permits. A. Types of Signs. Discussion on flags.

Planning Commission Direction: Remove #3 a and b for Flags.

#31 Chapter 17.80.060.F Digital Display. Discuss possible use in parking garage to show available number of parking spaces.

Planning Commission Direction: Exempt city installed signs. Create allowance within parking garages similar to gas station allowance

Added: Chapter 17.80.030.B Signs Allowed Without Permits. A. Types of Signs. Discussion on restaurant menu signs.

Planning Commission Direction: Modify #12 to add "Restaurant menu signs, with a maximum area of 3 square feet attached to building."

#32. Chapter 17.80.070.C.1. Discuss illumination and neon signs.

Planning Commission Direction: Modify 17.80.070.C.1 to read "Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when

the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Add this standard to 17.80.090.B.7.C  
Do not allow internal illumination in the Mixed Use Village.  
Do not prohibit neon signs. Modify so all neon signs require Planning Commission approval.

Added: Chapter 17.80.070.D.1. Edit

Planning Commission Direction. Reword 17.80.070.D.1 to “Except for interior windows signs, all permanent signs shall...”

Reword 17.80.070.D.1 to “The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.”

Added: Chapter 17.80.070.F.1.b. Exceptions for signs in the public right-of-way. Return with staff clarification on whether or not this standard is necessary.

Staff Clarification: This exception is necessary to carry out City Council Policy Number I -17 for Capitola Village Street Banner Program policy. The policy allows nonprofit groups, public and governmental agencies, and public information campaigns to display promotional street banners for charitable, educational, arts, community, and public interest activities, regulations, and events. Banners under this policy may be displayed only at the Capitola Avenue/Riverview Drive and Monterey Avenue/Park Place intersections.

Added: Chapter 17.80.80 Standards for Specific Types of Signs and 17.80.090 Sign Standards for zoning Districts

Planning Commission Direction: Combine these two sections so it is easier for the user. After each standard have a table that states the specifics for the zone. The back and forth is confusing.

Added: Chapter 17.80.80 Standards for Specific Types of Signs

Planning Commission Direction: Sign Standards for Center Identification Signs and Directory Signs are missing from this section. Add Center Identification Sign Standards. Make sure to include that one freestanding sign per frontage. More specifically, if there is a monument sign along the frontage a center identification sign is not allowed. Add Directory Sign standards to reflect the existing code. .

Added: Chapter 17.80.080.A. Awning Signs

Planning Commission Direction: In the MU-V and MU-N: Awning signs only allowed on Valance. Anything beyond requires Planning Commission approval.

In the CR and CC district: Specify either/or. An awning may have signage in either the valance or the sign face. Not both. To go beyond the limits within the sign valance or sign face, Planning Commission approval is required.

Added: Chapter 17.80.080.B. Monument Signs

Planning Commission Direction: The setbacks for monument signs may be in conflict with the CR zone. Review 17.24.030B and make sure they are not in conflict.

4 tenant max for administrative permit. Can go beyond with PC approval. This allowance will have to be noted within the section on what the Planning Commission can approve.

Increase max area of Monument Sign in MU-N to 16 ft. Keep MU-V at 12 feet.

Added: Chapter 17.80.080.C and 17.80.090. Wall Signs

Planning Commission Direction: Keep max area in MU-V at 0.5 sf per linear foot of storefront.

Increase MU-N to 1 sf per linear foot of storefront.

Max area is 36 square feet otherwise requires Planning Commission approval.

Add corner lot standard of two signs.

Added: Chapter 17.80.080.D and 17.80.090.C Projecting Signs

Planning Commission Direction: Add Commercial standards to Industrial Zoning District.

Decrease Maximum area to 8 sf in the commercial and industrial zoning districts.

Added: Chapter 17.80.080.E Gas and Service Station Signs

Planning Commission Direction: Allow gas station to list services within permitted signs for propane and ATMs to avoid all the additional small a-frame signs that do not comply with code. Create a standard for the new gas station sign like 1 square foot to advertise ATM and 1 Square foot to advertise propane. These signs must be attached to a sign or structure.

Added: Chapter 17.80.080.F Window Signs

Planning Commission Direction: Remove maximum of 1 sign per window.  
Modify 17.80.090.B.2.h.1 to 30% of window

Added: Chapter 17.80.080.G.13.Central Village Sidewalk Sign

Planning Commission Direction. Remove 30 maximum in village. 17.80.080.G.13.

Added: Chapter 17.80.090.A.4. Edit to emphasize compatibility

Planning Commission Direction: Add J “The signs will not have a significant adverse effect on the character and integrity of the surrounding area.”

Added: Chapter 17.80.090.A.4.F Internal Illumination in Village

Planning Commission Direction: Specify that internal illumination is not allowed in the village. Backlit signs are allowed. Only allowed in MU-N. Add specific lighting restricts for maximum lumens or foot-candles for all illuminated signs.

Added: Chapter 17.80.090.B.5 Auto dealership signs.

Planning Commission Direction: Elaborate on the allowances within the dealerships for more frequent temporary sign permits, signs on light poles throughout the autoplaaza, etc.

Added: Chapter 17.80.090.B.6. Low Visibility Areas. Definition

Planning Commission Direction: Define Low Visibility Areas

Added: 17.80.090.B.7.C

Planning Commission Direction: to read “Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo

Added: Chapter 17.80.090 A4 and B7 and C4 Design Standards

Planning Commission Direction: Add zone name in title. Design Standards for Commercial, Design Standards for MU-N, etc.

Added: Chapter 17.80.090.D: Visitor Serving

Planning Commission Direction: This should not apply to VS overlay. Clarify only in Visitor Serving not in Overlay. As noted previously, signs installed by the City are exempt citywide. Reference in beginning of chapter and remove.

Added: Table 17.80-110: Temporary Sign Standards.

Planning Commission Direction:

1. Delete Small Commercial Signs within Use Restriction delete “non-residential uses only” and write in Auto dealerships on Auto plaza drive only. Create a row for Auto Dealers that allows these signs and allows balloon. Increase frequency of allowance.
2. Remove Balloon Signs
3. Under Construction Site Signs- Residential change Use Restrictions to Residential Uses only.
4. For Construction Site Signs both residential and non-residential – change maximum duration to state “to certificate of occupancy”
5. For Construction Site Signs non-residential and for sale lease and rent sign non-residential – require that the signs are smaller in the Central Village.
6. For Sale, Lease, and Rent Signs, Non-residential specify 1 per property on site and revise maximum duration to state “180 days; director may approve extensions” remove 90 days.
7. For open house add allowance that 1 on property and one on a different private property with the consent of private property owner.

Added: Chapter 17.80.130.F.1: Master Sign Program

Planning Commission Direction: Remove “color” and remove provided that the signs contribute to a consistent visual theme within the property.

Added: Chapter 17.80.140. Non-conforming signs. A. Continuation

Planning Commission: Add to continuation that if there is a remodel (more than 50%) the non-conforming sign must come into compliance.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 5/16/2016 6:30 PM</b>
<b>MOVER:</b>	Susan Westman, Commissioner	
<b>SECONDER:</b>	Gayle Ortiz, Commissioner	
<b>AYES:</b>	Smith, Ortiz, Newman, Welch, Westman	

**5. ADJOURNMENT**

Approved by the Planning Commission at the special meeting of May 16, 2016.

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Linda Fridy, Minutes Clerk

Minutes Acceptance: Minutes of May 5, 2016 6:00 PM (Approval of Minutes)





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: MAY 16, 2016

SUBJECT: **Zoning Code Update**      **All Properties within Capitola**

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17)

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

Environmental Determination: Addendum to the General Plan Update EIR  
 Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

**BACKGROUND:** The Planning Commission began the review of the draft zoning code on March 3 and held subsequent meeting on March 17, April 18, April 21, and May 5th. The draft code, zoning map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

**DISCUSSION:** The draft code is being reviewed sequentially from beginning to end. To prepare for the review, each Planning Commissioner provided staff with suggested minor edits and topics for further discussion prior to the first meeting on March 3<sup>rd</sup>. Staff organized the edits and discussion requests into two lists (Attachments 2 and 3). This list follows the sequence of the draft code and will be utilized throughout the review by Planning Commission to guide discussion topics during public hearings. The list will be updated to include the direction provided by the Planning Commission following each public hearing.

The draft code is separated into 5 parts, as follows:

- Part 1: Enactment and Applicability
- Part 2: Zoning Districts and Overlay Zones
- Part 3: Citywide Standards
- Part 4: Permits and Administration
- Part 5: Glossary

At the time of publishing this report, the Planning Commission has provided direction on all of Part 1 and Part 2 less the Coastal sections. There are three special meetings scheduled for May (May 5, 16, and 19). It is anticipated that the following sections will be discussed during the meetings, although additional sections may be reviewed as time allows. Sections listed in bold are estimated to take additional time due to the intricacy of topic and discussion requests received by the Planning Commission.

Meeting Date	Sections to Be Reviewed
May 5	<b>17.80</b> Signs <b>17.84</b> Historic Preservation (continued to June)
May 16	<b>17.88</b> Incentives for Community Benefits (Attachment 4) <b>17.92</b> Nonconforming Parcels, Uses, and Structures <b>17.96</b> Supplemental Standards 17.100 Mobile Home Park Conversions 17.104 Wireless Communication Facilities
May 19	17.108 Administrative Responsibility 17.112 Permit Application and Review 17.116 Administrative Permits <b>17.120</b> Design Permits <b>17.124</b> Use Permits 17.128 Variances 17.132 Sign Permits <b>17.136</b> Minor Modifications

At the conclusion of the May 16, 2016 meeting, the public hearing will be continued to May 19, 2016. Staff will begin the discussion during the May 19 meeting with next draft code section.

**CEQA:** An Addendum to the General Plan Update Environmental Impact Report has been prepared.

**RECOMMENDATION:** Accept the staff presentation, discuss the proposed draft Zoning Code update, identify desired code revisions, and continue the public hearing to the May 19, 2016 meeting.

**ATTACHMENTS:**

1. March 3, 2016 Direction
2. PC Edits List
3. PC Discussion List
4. Revised Public Benefits Chapters 17.36 and 17.88

Prepared By: Katie Cattan  
Senior Planner

**March 3, 2016: 1<sup>st</sup> review of Draft Zoning Code by Planning Commission**

Topic 1. Zoning Map Modifications

Draft Code:	Proposed Zoning Map	Attachment 1
	Existing Zoning Map	Attachment 2
	Zoning Map Modifications List	Attachment 3

Planning Commission Direction March 3, 2016.

1. Add more labels on map for zoning districts to prevent confusion in closely related colors.
2. Parcel in front of Monarch Cove Inn change from VR to P/OS
3. 3945 Melton Street. At request of owner keep current CC zoning. Remove proposed R-1 change.

Topic 2. Development Standards in Mixed Use Zones

Draft Code:	New Development Standards	17.20.030	Page 20-4
	New Design Standards	17.20.030.C	Page 20-5

1. Planning Commission Direction on Topic 2.
2. Request to change zone names in mixed use zones to follow abbreviation utilized on map.
  - a. Modify to Mixed Use Village (MU-V).
  - b. Modify to Mixed Use Neighborhood (MU-N)
3. Request to revisit Topic 2 when all Planning Commissioners are present.

Topic 3. Required parking in the Mixed Use Neighborhood

Draft Code:	On-Site Parking in MU Zones	Table 17.76-1	Page 76-2
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Planning Commission Direction.

1. Request to revisit when all Planning Commissioners are present.

Topic 4. 6 Seat Rule for Takeout Establishments

Draft Code:	Parking for Take-out in MU-N and MU-V	Table 17.76-1	Page 76-2
	Parking for Take-out in all other districts	Table 17.76-2	Page 76-3
	Definition of Eating and Drinking Est.	17.160(E)(1)a-c	Page 160-5

Planning Commission Direction:

1. Increase area accessible to the public for a takeout establishment from 160 sf to 300 sf.

Topic 5. On-site Parking Alternatives

Draft Code:	On-Site Parking Alternatives	17.76.050	Page 76-9
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Planning Commission Direction:

1. 17.76.050.C. Off-Site Parking:
  - Change D.4 to remove 400 feet and require “reasonable distance” for proposed shared parking facility. Within approximately 1/8 mile of multi-family residential use and within approximately ¼ mile of commercial use.
2. 17.76.050.D Shared Parking
  - Maximum limit to reduction in MU-V and MU-N is 25%.

Attachment: March 3, 2016 Direction (1461 : Zoning Code Update)

- Add definition for shared parking
  - Add definition for off-site parking
3. 17.76.060.E Valet Parking
    - Add allowance for a valet parking drop-off/pick-up area within the village that can be utilized by a private company to provide valet parking to any visitor of the village, not limited to a single business.
  4. 17.76.060.F
    - No changes.
  5. 17.76.060.G Transportation Demand Management Plan
    - Edit #3 to replace “approved” to “submitted and reviewed by the Community Development Director...”
    - Edit #7 to specify that the use permit may be revoked, rather than the TDM Plan.
  6. 17.76.060.H Transit Center
    - Discussed removing 400 foot limit and add limit to mall property only.
    - Discussed inefficient transit operations
    - Request to revisit
  7. 17.76.060.I Fees in Lieu of Parking
    - Request to revisit after City Council discussion on March 24<sup>th</sup>.

Topic 6. Incentives for Community Benefits

Draft Code: Chapter 17.88 Incentives for Community Benefits

Page 88-1

Planning Commission Direction:

1. 17.88.020. Strengthen language to clarify that all community benefits must go beyond what is currently required by the code.
2. 17.88.030. Add a map to show locations where community benefit may be applied.
3. 17.88.030. Explain that the list includes multiple options for allowable benefits and that multiple benefits may be combined. Also, add description that the community benefits must adequately balance the value of the incentive.

Staff Clarification:

17.88.040. Clarification per General Plan:

- 41<sup>st</sup> Avenue areas in CC and CR have FAR max: 2.0 (General Plan LU-9.3)
- Central Village area FAR max: 3.0 (General Plan LU-7.3)
- Community Benefit chapter will apply to hotel projects in the village in accordance with General Plan policy LU-7.3

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
2	Throughout Document (Newman)	Consistency in Capitalization: Coastal, Local, State, Federal	Correct capitalization of Coastal, Local, State, and Federal throughout code.
3	Chapter 17.04.020.B.10 - Page 04-1. Purpose and Effect of Zoning Code; (Westman)	Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, bicycles <u>and other forms of transportation</u> "	Add "and other forms of transportation"
4	Chapter 17.08.020 - Page 08-1. Interpretation; Section 020 - Authority (Westman and Newman)	The City Council delegates to the Community Development Director and the Director's designees the authority, <u>in accordance with 17.08.040</u> , to interpret the meaning and applicability of all provisions in the Zoning Code".	Add " in accordance with 17.08.040"
5	Chapter 17.12.030.C - Page 12-3. Zoning Districts and Map; Zoning Map, Subsection C - Location (Westman)	The Zoning Map is kept, maintained, and updated electronically by the Community Development Department, and is available for viewing by the public at the Department. <del>And on the official City of Capitola website"</del>	Remove "and on the official City of Capitola website"
6	Chapter 17.16.010.B.2 - Page 16-1. Specific (Westman)	B.2. Mul•-Family Residen•al (RM) Zoning District - Housing in the RM oing indistrict carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures".	change "RM zoning district is carefully" to "RM zoning will be carefully"
7	Chapter 17.16.020 Land Use Regulations. Table 17.16-1	Vacation Rentaals. Reference is incorrect	Change vacation rental reference to 17.40.030

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
8	Chapter 17.16.030.A. - Page 16-3. Development Standards and Site Requirements (Westman)	Add language to clarify that Site requirements are for purposes of future subdivisions. Existing legal lots of record may be developed including substandard lots.	Note the minimum lot size is not required for existing lots of record and reference subdivision ordinance for lot line adjustments to existing lots.
9	Chapter 17.16.030.A. Page 16-3. Table 1716-2. (Westman)	Add front yard setback for garage in table. It is listed under 17.16.030.B.3 but would be easier for reader to also be included in the table. Add garage reference under Additional Standards column (17.16.030.B.3). Chapter 17.16.030.A. Table 1716-2.	Front yard setback will be added to development standard table.
10	Chapter 17.16.030.3.A - Page 16-5 - Garage Setback (Smith)	Clarify. Should garage setback be measured from property line or setback rather than building wall?	No change to standard.
11	Chapter 17.20.010.B.2 - Page 20-1. Specific. (Westman)	2 - Development in the MU-N zoning district is will be carefully designed to complement its surrounding and minimize impacts on neighboring properties".	Sentence to be changed from "is" to "will be"
12	Chapter 17.20.010.B - Page 20-1. Purpose of the Mixed Use Zoning Districts; Subsection B (Welch)	Suggest renaming to follow nomenclature. <ul style="list-style-type: none"> <li>1 - Village Mixed Use (MU-V) change to "Mixed Use - Village" Zoning District"; 2 - "Neighborhood Mixed Use (MU-N) change to "Mixed Use - Neighborhood" Zoning District"</li> </ul>	Mixed Use-Village (MU-V) and Mixed Use Neighborhood (MU-N) will be incorporated into code and map.

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
13	Chapter 17.20.020.A. Permitted land uses. Table 17.20.020 page 20-3 (Staff)	Vaca•on rental. Reference See Chapter 17.40.030"	Reference for vacation rentals will be updated to 17.40.030
14	Chapter 17.20.030.D.1 - Page 20-9 - Setbacks in the MU-V Zoning District (Welch)	The Planning Commission <del>way</del> <u>may</u> modify or waive this requirement upon finding that:	Change "way" to "may"
15	Chapter 17.20.030. D.1 – Page 20-9 - Setbacks in the MU-V Zoning district (Newman)	Loosen standard building within 0-10' of property line.	Standard will remain as proposed. Language will be modified from shall to may
16	Chapter 17.20.30.F Page 20-10 - Height and FAR Standards for the Village Hotel (Westman)	Request legal review to ensur this is not spot zoning•	
17	Chapter 17.24.010.B. Page 24-1 - Regional Commercial (C-R) Zoning Districts (Westman)	Office, medical, and residential uses are restricted <del>in prime retail locations</del> to protect the long-term economic vitality of the corridor. There is no definition for "prime retail location".	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
18	Chapter 17.24.020 Permitted Land Use - Page 24-2 (Westman)	Table 17.24-1 - Permitted Land Uses in Commercial and Industrial Zoning Districts. Footnote 5. Permitted only on a mixed use site with the residential use secondary to the primary commercial uses on the site. Residential uses on the site are limited to less than 50 percent of the floor area of buildings on the site. Residential uses shall be located and designed to maintain a primarily commercial character and function of the site." - reword for clarity.	
19	Chapter 17.24-1 - Page 24-2 - Land Use Table (Smith)	Need to define custom manufacturing vs. light manufacturing.	
20	Chapter 17.24-1 - Page 24-2 - Land Use Table (Added during April 18, 2016 PC meeting)	Recycling Collection Facilities. List as a conditional use permit for CC, CR, and I zone. Correct reference to 17.96.130	Recycling Collection Facilities. List as a conditional use permit for CC, CR, and I zone. Correct reference to 17.96.130
21	Chapter 17.24.030 Development Standards. Table 17.24.030 Added by staff	There is a footnote [1] with an explanation but no reference within the table.	
22	Chapter 17.24.030.D.2 - Page 24-6 - Daylight Plane (Westman)	Figure 17.24-2 - Residential Transitions - Daylight Plane - Include in MU-N district	
23	Chapter 17.24.030.B. - Page 24-5 - Front and Street Side Setbacks in CR and CC. (Westman)	Inconsistent with the sign ordinance setbacks for monument signs.	

Attachment: PC Edits List (1461 : Zoning Code Update)



	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
24	Chapter 17.24.030.D.2 and Figure 17.24.2 - Page 24-6 - Daylight plane (Smith)	There is a conflict. Text says Daylight Plane is 20' high. Figure shows 25' high.	
25	Chapter 17.28.010.B.5 - Page 28-1 - Visitor Serving - General (Smith)	add (VS-G)	
26	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	Schools, Public or Private - Subzone VS-G - Draft code: Conditional Use. Suggest Change to Prohibit.	
27	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	VS Subzones - Typo. Top of columns should be "VS-G, R, SB, MC, ES"	
28	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	Footnote 10 - Events may not exceed 10 days; Comment - Long but reflects current code.	
29	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman and Smith)	Footnote 11 - Limited to single one-day event per year; Suggest modifying to two-days. Current rule prohibits Car Show during the summer months Begonia festival is 3 days	Modify Footnote 11 to 2 days.

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
30	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Districts Page 28-3Added on April 18 PC meeting	Within the shadow brook, the reference to footnote [4] should be removed.	
31	Chapter 17.28.040.A. Page 28-5. Standards in the Visitor Serving Zoning District (Westman)	Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts - Add heights for subzones. Staff comment: as written, the new code reflects the existing code. The individual subzones do not have special height standards. Table 17.28 says that all new subdivision in the Village or any other Visitor Serving location can have a building height of 30 feet. The other section on Village height says that you can only have 30 feet is you have a 5/12 pitch or greater. Which is correct?	Incorporate existing code language from 17.30.070 "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."
32	Chapter 17.32.020.C - Page 32-1. Visitor Accommodations in New Brighton State Beach (Westman)•	Section sets maximum intensity of three units per gross lot area. State regulated. Check with Coastal Commission if we can remove from code.	
33	Chapter 17.32.020.E - Page 32-3 Public Parking in the Coastal Zone (Westman)	Not necessary to have in zoning code. Remove section	

Attachment: PC Edits List (1461) : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
34	Chapter 17.36.060.B. 1-3 – Page 36-2. Application Submittal & Review (Newman)	Clarify two-step process and that preliminary approval does not give development rights.	
35	Chapter 17.40.020.G - Page 40-3 - Income Restrictions (Westman)	Rewrite to make the requirement clear.	
36	Chapter 17.40.020.L - Page 40-7 - AH Overlay - Additional Application Requirements (Westman) •	An application for an affordable housing development within the -AH overlay zone shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application & Review) - wrong reference. Katie's comment. Susan there must be a mix up. 17.112 is the permit application and review section. I'd suggest removing your comment or redirect if I got the wrong reference.	
37	Chapter 17.40.030.E.5 - Page 40-8 - Permit Revocation (Smith)	after a Minor Permit is reevoked, the permit holder may <u>not</u> reapply for a new permit <u>for</u> one year after revocation	
38	Chapter 17.44.020.G – Page 44-3 – Major Public Works Facility. (Westman)	Justify raising number based on value amount. Check coastal acknowledgment.	
39	Chapter 17.44.040.J.1 – Page 44-9 – Temporary Events (Westman)	“The event will not occur between the Saturday of Memorial Day weekend through Labor Day, or if proposed in this period will be of less than <del>one-three</del> day in duration including setup and take-down;” – change to 2 days (car show)	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
40	Chapter 17.44.070. I – Page 44-9. Conversion of Existing Multi-Unit Residential Structures (Newman)	“The conversion of any existing multi-unit residential structure to a <del>time share</del> <u>condominium</u> project, estate, or use as defined in Section 11212 of the Business and Professions Code”.	
41	Chapter 17.44.080 - Page 44-10 - Coastal Boundary (Smith)	Should note where the "Capitola Permit and Appeal Jurisdiction Map" can be found or at least identify Zone A and Zone B on a map in the Zoning Code for reference	
42	Chapter 17.44.110.A – Page 44-13 - Public Notice and Hearing – Planning Commission Review (Westman)	Check reference to 17.148	Correct reference
43	Chapter 17.44.120.B – Page 44-14 – Coastal Overlay Zone – Findings for Approval (Westman)	Remove finding B for views.	
44	3) Chapter 17.48.020. B – Page 48-2. Height Exceptions: Table 17.48-1: Allowed Projections Above Height Limits (Smith)	“Flagpoles not over 8 inches in <u>width/ diameter</u> ”.	
45	Chapter 17.48.030. A – Page 48-2. Setback Measurement - Figure 14.48-2: Setback Measurement (Smith)	Add note to "See specific zones for required zone setbacks"	
46	Chapter 17.48.030. D – Page 48-4. Accessory Structures in Setback Areas (Smith)	<ul style="list-style-type: none"> <li>• Modify. Keep 4. Pool setback as is.</li> <li>• Add a separate line for hot tub with 2 foot setback.</li> </ul>	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
47	Chapter 17.52. 020. A.4 –Page 52-1. All Accessory Structures (Smith)	Is three feet necessary? Check with Building official and remove if ok	
48	Chapter 17.52.020.A.6 – All Accessory Structures (Westman)	Make distinction, can you use as office but not as a dwelling? Clarify –	“Accessory structures may not be designed or used for <u>human habitation</u> as a second dwelling unit, except in those applications or secondary dwelling units consistent with section 17.74 (Secondary Dwelling Units)” Add definition for human habitation

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
49	Chapter 17.52.020.B.1 – Table 17.52.1 – Page 52-2 (Westman)	Is this consistent with Issues and Options direction?	<p>Issues and Options Direction: Secondary Structure in Rear Yard</p> <ul style="list-style-type: none"> <li>o Decrease rear yard setback from 8 feet to 4 feet.</li> <li>o Maintain 17.15.140.G “The width of detached garages or carports in the rear yard is limited to twenty-one feet. The height is limited to fifteen feet (nine feet to the top of the wall plate) for secondary structures located a minimum of 8 feet from the rear property line. However, the planning commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure.”</li> <li>o <u>ADD: Secondary Structures less than 8 feet from the side yard may not exceed 12 feet in height.</u></li> <li>o Maintain required 2 foot landscape buffer between driveway and property line.</li> <li>o Maintain front setback (40 feet), side yard setback (3 feet) and setback from primary structure (3 feet)</li> <li>o Add statement in residential zoning districts an existing garage located within the required setback areas are legal non-conforming</li> </ul>
50	Chapter 17.56.020 - Page 56-1 - Coastal permit	Make sure to reference this chapter in the Coastal Zone	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
51	Chapter 17.60.030.B.2 – Page 60-2 – Decorative Features and Materials (Smith)	Edit to be consistent with allowance of 10' Trellis.	“Decorative arches and other similar features above an entry walkways may be up to <del>8</del> <u>10</u> feet in height within a required front and exterior side setback”
52	Chapter 17.64.030.D - Table 17.64-1 - Page 64 (Westman)	Tannery Gulch Riparian Corridor setback is from Riparian Corridor not the oak woodland vegetation. Previous error in code that should be removed.	"50 feet from outer edge of riparian <del>and oak woodland</del> vegetation"
53	Chapter 17.64.040 - Page 64-3 - Soquel Creek and Lagoon (Westman)	There was a previous allowance for docks that is not in the existing code or the update. Suggest adding standard.	
54	Chapter 17.64.050 – Page 64-3 – butterfly habitat (Westman)	Add “Rispin”/Soquel Creek to better describe area.	"The following standard applies to both the <u>Rispin/Soquel Creek</u> and the Escalona..."
55	Chapter 17.68.020.B.1 - Page 68-2 - Geological Report (Westman)	Too specific. Make more general. Report reference will likely change over the years.	
56	Chapter 17.72.060. A – Page 72-4. Landscape Standard: General Standards (Newman)	Should clarify that the standards are only required subject to 17.72.020 A-C. “The following standards shall be in compliance within all zoning districts within applicable development as outlined in 17.72.020 A-C”	
57	Chapter 17.74.040.I.1 - Page 74-3- Alley Orientation (Smith)	<ul style="list-style-type: none"> <li>• <del>Alley</del> Orientation”</li> <li>• This is within existing code; suggest to remove alley orientation and update with language that reflects finding 17.74.050.G</li> </ul>	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
58	Chapter 17.76.020 – Page 76-1 – Applicability (Westman)	Add description after applicability title stating that section applies to 3 different development scenarios.	“This section applies to administration of several development scenarios including: new structures and uses, replacement of existing uses, and expansions and enlargements.
59	Chapter 17-76.030.A (page 76-2) Parking in Mixed Use Zoning Districts (Welch)	Table 17.76-1: Required on-site Parking in Mixed Use Zoning Districts • i. Rename Village Mixed Use" to "Mixed Use - Village" AND "Rename "Neighborhood Mixed Use" to "Mixed Use - Neighborhood"	
60	Chapter 17.76.040.B.1 – Figure 17.60-1 – Page 76-7 - Parking in Front Setback Area in R-1 (Westman and Smith)	10 feet too narrow; change to 20 ft. wide max. (Westman and Smith) also limits perpendicular parking (Smith)	Reflect existing code with max width of 40% of lot width up to a maximum of 20 feet. Narrow lots may have a minimum of 14' driveway width.
61	Chapter 17.76.040.B.2 0 Page 76-7 - Other Zoning Districts (Smith)	MU-N – address parking in front yard in mixed use neighborhood; Clarify to allow limited area of parking that may be in the front yard.	
62	Chapter 17.76. 050. C.2 – Page 76-10. Off-site Parking (Newman)	Typo. “ <del>On</del> Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the Planning Commission”.	
63	Chapter 17.76. 050. C.3 – Page 76-10. Off-site Parking (Newman)	A <del>covenant record</del> deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County Recorder”	

Attachment: PC Edits List (1461 : Zoning Code Update)



	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
64	Chapter 17.76.040.E.1 Page 76-10 - Valet Parking (Westman)	Code states to be staffed at all times. Only needs to be staffed when business is open	Revise "Valet parking lots must be staffed <u>when business is open</u> at all times by an attendant who is authorized and able to move vehicles"
65	Chapter 17.76.050.D.2 Shared Parking (page 76-10) (Welch)	Clarify that parking study is required. Deposit paid by applicant and study contracted by City, reviewed by Community Development Director, and ultimately approved by Planning Commission	
66	Chapter 17.76.070 – Page 76-16 – Parking Lot Landscaping (Westman and Smith)	Add exceptions (Westman) Add flexibility to regulate canopy without requiring too many trees. (Smith)	
67	Chapter 17.76.050. G.5 – Page 76-11. Transportation Demand Management Plan (Smith)	Clarify program coordination	
68	Chapter 17.76. 080. H – Page 76-19. Bicycle Parking Cover (Smith)	Allow flexibility for creative designer and function	
69	Chapter 17.84.030 – Page 84-3 - Authority to Maintain (Westman)	"The Director may add or remove structures from the list based on input from the State Certified Architectural Historian <del>and the City Historian</del> "	
70	Chapter 17.96. 020. C.1 – Page 96-2. Chickens (Smith)	Location of Chicken Coops; not in front yard or exterior street	
71	Chapter 17.96.020.E – Page 96-2 – Prohibited Animals (Westman)	Add ducks	"Roosters, fowl other than chickens <u>and ducks</u> , goats pigs other than potbelly pigs, and other livestock".

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
72	Chapter 17.96.100.D – Page 96-9 – Standards for permanent outdoor display (Westman)	Add standard for location on private property and not allowed in public R.O.W.	
73	Chapter 17.96.110.D.1 – Page 96-11 – Prohibited Lighting (Westman)	What is a drop down lens? Clarify or remove.	
74	Chapter 17.96.180.B.4.e - Temporary Sidewalk Dining (page 96-17) (Welch)	Furniture and Signage Location; e - Is the allowance for signs on awnings and umbrellas consistent with the sign section of the code?	
75	Chapter 17.96.180.B.7 -Temporary Sidewalk Dining (page 96-18) (Welch)	Hours of Operation - Add days of week: Sidewalk dining may occur between 7 a.m. and 10 p.m. 7 days a week	
76	Chapter 17.108. 030 – Page 108-1. Review and Decision Making; Table 17.108-1: Review and Decision Making Authority (Smith)	Define 'Reasonable Accommodations' under Other Approvals	
77	Chapter 17.156. 070. C. 5 – Page 156-3. Minor Changes (Smith)	"A feature of the project that was a specific consideration of approval." Does this mean if we talk about it at the public hearing it fits?	
78	Chapter 17.156.080. C.3 – Page 156-5. Extension of Time (Smith)	Define '...up to expiration date of a valid tentative for projects...' What is a valid tentative?	
79	Chapter 17.160.020. B.3 – Page 160-2. "B" Terms (Smith)	Basement – portion below grade	

Attachment: PC Edits List (1461 : Zoning Code Update)

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
80	Chapter 17.160. 020. H – Page 160-7. “H” Terms (Smith)	<ul style="list-style-type: none"><li>• Home Day Care<ul style="list-style-type: none"><li>i. “Home day care facilities, large” means a day care home facility supervising 8 persons or less 9 to 14 persons.</li><li>ii. “Home day care facilities, small” means a day care home facility supervising 9 to 14 persons 8 persons or less.</li></ul></li></ul>	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
2	Chapter 17.16.030.B.2 Page 16-4. Front Setbacks in Riverview Terrace (Westman)	<ul style="list-style-type: none"> <li>Define distance of neighboring properties. Current code states 500 feet. Draft code states neighboring properties. Request to identify appropriate area.</li> </ul>	Modify language of 17.16.030.B.2 to state “the Planning Commission may approve a reduced front setback to reflect existing front setbacks of properties within 100 feet on the same side of the street”
3	Chapter 17.16.030.B.2. Page 16-5. Front Setbacks in Riverview Terrace (Westman)	<ul style="list-style-type: none"> <li>General comment that the sidewalk exempt designations should be updated to make sure they are valid and appropriate. The sidewalk exempt map should be made available for the public.</li> </ul>	Map will be made available to public.
4	Chapter 17.16.030.7. Page 16-7. Plate Height in Side Setback Areas.	This is from the existing code but should be removed due to the new allowance for narrow lots not to have a second story setback. The setback exception is listed under 16.16.030.B.5.	Remove standard for plate height in side setback areas.
5	17.16.030.B.8.a(1) Page 16-7. Decks and Balconies (Westman)	Discuss distance of setbacks for administrative review of upper floor decks and balconies. Proposed at 10 feet from property line and 20 feet from single-family dwelling	Require Planning Commission review of a Design Permit for all upper floor decks and balconies except when facing a street or adjacent to a public open space.
6	Chapter 17.16.030.C.2. Table 17.16-4 “Usable Open Space in RM Zoning District. Footnote 2. (Westman)	Footnote 2 – “Roof terraces and roof gardens may provide up to 50 percent of the required common open space area” – This applies to the Common Open Space minimum area requirement of 15%. Common open space is accessible to all residents of a multi-family development. Request to discuss.	Require Planning Commission approval with findings or criteria for approval of roof terraces and roof gardens utilized as common open space

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
7	Chapter 17.20 - Page 20-1 - Mixed Use Zoning District (Westman)	We should discuss separating the MU-V and MU-N districts. The goals and development standards for the two districts are different and the current chapter is confusing.	Chapter to be revised to include subchapters separating the MU-V from the MU-N as appropriate
Added	Chapter 17.20.020 - Page 20-2 - Land Use Regulations.	Planning Commission discussed permit for daycare and secondary dwelling units relative to review process.	Change Secondary Dwelling Units to require minor use permit in the land use table. Keep daycare as minor use permit
8a MU-V	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the Mixed Use Zoning Districts (Newman)	Remove parcel width & minimum dimensions in MU-V. They do not work.	Mixed use village Minimum lot size and lot dimensions will be removed.
8b MU-N	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the Mixed Use Zoning Districts (Newman)	Remove parcel width & minimum dimensions in MU-N. They do not work.	Mixed Use Neighborhood. CHANGE: Minimum Parcel Size 3200 square feet; Minimum Width 40 feet; and minimum depth 80 feet. Add note that these standards apply only to new parcels within a subdivision application
Add	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the Mixed Use Zoning Districts	Concern for minimum lot size and dimensions on existing parcels.	Add language the minimum lot size and dimensions only apply to new subdivisions.
9	Chapter 17.20.30.A - Page 20-4 General Development Standards (Smith)	How do we meet the new minimum parcel dimensions and maximum front setbacks today? How many nonconforming structures are we creating with these new specifics?	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
10	29) Chapter 17.20.030.C. Page 20-5 General Design Standards. (Westman)	Section C should not apply to residential development.	Design standards are geared to commercial. Clarify that standards do not apply to the village-residential overlay district. Revise standards so the design requirements for the MU-V and MU-N are treated differently.
11	Chapter 17.20.030.C.5 – Page 20-8 – Parking Location and Buffers (Smith)	Standard may prevent residential on-site parking under living. Example 321 Capitola Ave	Modify so standard only applies to the MU-V district.
Add	Chapter 17.20.030.D - Setback in MU-V	shall to may	Modify language to allow more of the building to be setback from the front property line.
12	Chapter 17.20.030.E – Page 20-10. Setbacks in the MU-N Zoning District (Westman)	Should not apply to residential. "Front setback areas for commercial and mixed use buildings in the MU-N Zoning District	Maximum setback in the MU-N is 25 feet. These standards will be separated to clarify the differences between the zones. Standard will not be changed.
Add	Chapter 17.20.030.F Height and FAR Standards for the Village Hotel	Change heading to remove "the village hotel"	Change heading in 030.F to read "Height and FAR Standards for the Capitola Theater Site" and reference as such in the text.
13	Chapter 17.24 - Commercial and Industrial Zoning Districts (Westman)	The autoplaza should be an overlay zone to eliminate automobile repairs, used car sales, etc. on 41st avenue.	No change to draft code. Keep Vehicle Repair and Vehicle Sales and Rental as a Conditional Use in the CC and CR zones. And as Permitted within the Industrial zone.
13.B	Chapter 17.24 - Commercial and Industrial Zoning Districts (Westman)	Drive through. Should they be limited to Regional Commercial	Change: Limit drive through to regional commercial district. Prohibit from CC.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
14	Chapter 17.36 – Planned Development Zoning District (Westman)	Request discussion of PD	<p>Change: Modify process. Remove requirement of a preliminary development plan. Replace with a required conceptual review that is more informal. Within the conceptual review, require noticing, review by Planning Commission, and review by City Council. The rest of the process should remain as proposed.</p> <p>Add standard of 20,000 sf minimum parcel size to qualify for PD.</p> <p>Additional note: A separate section must be created in the code for Conceptual Reviews outlining purpose, process, and noticing.</p>
15	Chapter 17.36.040.G - Page 36-4 - Substantial Public Benefit Defined (Westman)	Planning commission should discuss Substantial Public Benefit Definitions as they apply to Planned Developments	Staff provided redline changes to better define substantial benefit, method to quantify substantial benefits, and improve descriptions of the options. The redlines were acceptable to the Planning Commission. Redlines will be incorporated into draft code.
16	Chapter 17.40.20.1.3(a-f) – Page 40-5 – Design Standards – Pedestrian Orientation (Westman)	This is more restrictive than underlying zoning. Suggest removing.	Remove 17.40.020.1.3 Pedestrian Orientation
17	Chapter 17.40.20.1.5 – Page 40-6 - Affordable Housing Open Space. (Westman)	This is more restrictive the open space standard for multi-family. In general, affordable housing development standards should either be equal to the zoning regulation or less stringent as an incentive.	No change to 17.40.020.1.5 Common Open Space

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.40.030 Vacation Rental Use Overlay Zone. Development and Operations Standards. Added during Planning Commission hearing on April 18, 2016	Modification to Development and Operation standards based on recent Vacation Rental code enforcement sweep. Staff provided modifications during meeting.	Change: Replace proposed Development and Operations Standards with those provided during meeting. Within the permit revocation standard, change to clarify that CDD determination can be appealed to PC. Also remove "or for a greater time period as established by the Community Development Director.
18	Chapter 17.52.020.A.3 - Page 52-1 - All Accessory Structures (Smith)	Should all Accessory Structures be allowed basic electric (light) fixture and outlet without additional requirements for design review and floor area calculation. Also reference in Section 17.120.030.B.5 page 120-3)	Exception to one accessory structures to include allowance of electricity.
Added	Chapter 17.52.020.A.3 - Page 52-1 - All Accessory Structures	<b>Discussion that accessory structures may be utilized as an office</b>	The Commission also discussed that accessory structures may be utilized as an office and commented the standard shall remain that they are not for human habitation. This is confusing as an office would likely meet the definition of habitation. Reword to be clear that the space may not be utilized as a bedroom, sleeping area, and/or kitchen.
19 9)	Chapter 17.52. 020. B.1 – Page 52-2. Development Standards. Table 17.51-1: Accessory Structure Standards in Residential Zoning Districts (Smith)	Could you have an apartment on top of a garage if the garage was not located in setbacks?	The answer to the question is yes, but not stated clearly in the code. Staff will clarify code (Section 17.74: Secondary Dwelling Units) that a 2 story secondary dwelling unit may include a garage in the first story.

Attachment: PC Discussion List (1461 : Zoning Code Update)



#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.60 Fences and Walls:17.60.010.B	Exceptions to height	Add criteria for Planning Commission exceptions to address areas in which the fences are typically taller than normal. Example is Wharf Road.
Added	Chapter 17.60 Fences and Walls:17.60.070 Non-Conforming Fences and Walls	Concern for regulating replacement fences.	Remove non-conforming fences and walls. Also, allow fences to be replaced without a permit.
Added	Fences and Walls as encroachments into Side yard Table (17.48-2).	screening and decorative fences should be allowed in side and rear yard.	The Commission discussed allowed encroachments into setbacks. Directed to allow fences and walls to encroach into the side and rear yards that may be utilized as screening or decoration. Fences may encroach in front yard if at regulated height.
Added	Wood burning fireplace	Would like to discourage wood burning fireplaces do to environmental and health impacts	Add language that wood burning fireplaces are discouraged.
Added	Chapter 17.72.020. B – Applicability	Concern that requirement goes too far.	Remove B “additions that increase the floor area of a single-family dwelling by 10 percent or more” Add a second section under applicability to require Landscape that is removed during a remodel must comply with section 17.72.060 Landscape Standards.
Added	17.72.020.B	Applicability of maintenance requirements will be a challenge for single family homes	Applicability should also specify that only multi-family and commercial are subject to the Maintenance requirements.
Added	17.72.050.A.1	the allowance for outdoor dining areas and courtyards should also apply to single-family. Social features that support interactive communities.	17.72.050.A.2 allow residential to have outdoor dining areas and courtyards that count toward the landscape area requirements.

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Table 17.72-1	Industrial requirement is incorrect and not in synch with 17.24-030.	Table 17.72-1 Minimum Landscape Area in Non-Residential Zoning Districts. Modify Industrial to remove "none" and add "As determined by the permit approval process" Also modify development standard table 17.24-030 to change the required 10% in the Industrial Zone to also state "as determined by the permit approval process"
Added		Plan should be plant in 2 sentences.	17.72.060.A.1 and A.3. The word "plan" should be "plants". This edit is in two different lines. A.1 and A.3
Added	Chapter 17.74 Secondary Dwelling Units	Modify proposed regulations	<ol style="list-style-type: none"> <li>1. Add stipulation that only SDU is only allowed when there is one single family home on the property.</li> <li>2. Remove from MU-V zoning</li> <li>3. Require all 2 story secondary dwellings to get a conditional use permit</li> <li>4. Keep owner occupied requirement with an waiver for hardship</li> <li>5. Require an extra parking space for Secondary Dwelling Units</li> <li>6. Increase rear yard setback to 8 feet.</li> </ol>
20	Chapter 17.76.030.A – Table 17.76-1 – Page 76-2 - Required Parking Spaces – Mixed Use Zoning Districts (Westman)	Request discussion of parking for mixed use.	Remove unique standards for MU-N in table 17.76.030. MU-N will be included in other zoning districts table 17.76-2

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.76.020. C.1 Expansions and Enlargements. Discuss options to allow existing restaurants modest expansions within existing building footprint	Return with scenario of decreasing restaurant scenario in the Village for 300 sf for kitchen. What will be allowed in terms of expansions if a commercial space has onsite parking? Bring back Mercantile example for existing restaurants. Figure out if there is a percentage that correlates for change in parking to allow existing businesses some flexibility to expand a little bit.	Current draft states "Additional parking is required to serve only the expanded or enlarged area". Allow an exception for expansion of dining area up to 20% of the existing floor area of the business" Expansions include modification of internal layout to expand dining area, additions to restaurant within the existing footprint of the building, and new outdoor dining areas." (Note: Commissioner Newman did not support the modification.)
Added	17.76.020.B.1 Replacing existing uses in Village. Discuss option to apply the standards of B.1. to restaurants	New restaurants replacing other land use in village	Conversions of any space from another land use to restaurants should be required to provide parking for the entire amount of parking required by the code, without a "credit" of the parking demand of the existing use. Make restaurants subject to same standard as 17.76.020.B.1 instead of B.2.
21	Chapter 17.76.030.B – Table 17.76-2 – Page 76-3 - Required Parking Spaces – Other Zoning Districts (Westman)	Secondary Dwelling Units should require a 3rd parking space. Discussion requested.	Require one additional space for secondary dwelling unit.
22	Chapter 17.76.040.C.3 – Page 76-8 – Location of Parking MU-V Zoning District (Westman)	Track ordinances. Why does the code require off-site parking in village for historic? If they have adequate space we should allow more onsite parking for residences.	Allow residential to provide parking onsite in the Village. Note: will require modification to LCP.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
23	Chapter 17.76.040.D – Page 76-8 – Large Vehicle Storage in the R-1 Zoning District (Westman)	Add maximum width	Add maximum width
24	Chapter 17.76. 040. D – Page76-8. Large Vehicle Storage in the R-1 Zoning District (Smith)	Too restrictive, suggest removing second sentence	Keep as drafted.
25	Chapter 17.76.050.D.1 Shared Parking (page 76-10) (Welch and Newman)	Discuss the exclusion of residential land uses from shared parking (Welch) Too rigid (Newman)	Remove D1. Parking Study should be done by the City and paid for by applicant.
27	Chapter 17.76.050.G – Page 76-11 - Transportation Demand Management Plan (Westman)	Add standards for parking studies	a. Shared Parking in MUN: 25% max decrease b. Transportation Demand Management Plan: 15% max decrease c. Transit Center: REMOVED d. Mixed Use Village: No decrease in parking standards allowed.
28	Chapter 17.76.050.H – Page 76-11 - Transit Center Credit (Westman)	Discuss	Remove Transit Center Credit
29	Chapter 17.76.060.H – Page 76-15 - Pedestrian Access (Westman)	Applicable to village? Discuss.	Leave as is
Added	Chapter 17.80 Signs.	Discussion on signs in the Mixed Use Village	Create a separate subchapter for sign standards in the Mixed Use Village.
Added	Chapter 17.80 Signs	City Installed Signs	Add exemption that City installed signs do not require permits within all zoning district. There is a section exempting VS, CF, and P/OS but the exemption should be Citywide.

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.030. B	Permit Requirements - Sign Permits	Add all signs in the Mixed Use Village require Planning Commission approval.
30	Chapter 17.80.030.B - Flag Signs (Westman)	Discuss new allowance for flag signs	Remove #3 a and b for Flags
31	Chapter 17.80.060.F - Page 80-6 - Digital display and electronic reader board signs (Westman)	Discuss. Possible use to show number of parking places.	Exempt city installed signs. Create allowance within parking garages similar to gas station allowance
Added	Chapter 17.80.030.B Signs Allowed Without Permits. A. Types of Signs.	Discussion on restaurant menu signs.	Modify #12 to add "Restaurant menu signs, with a maximum area of 3 square feet <u>attached to building.</u> "
32	Chapter 17.80.070.C - Page 80-6 - Illumination (Westman)	Discuss neon signs. Beer signs.	Modify 17.80.070.C.1 to read "Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Add this standard to 17.80.090.B.7.C Do not allow internal illumination in the Mixed Use Village. Do not prohibit neon signs. Modify so all neon signs require Planning Commission approval.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.070.D.1.	Edit	Reword 17.80.070.D.1 to “Except for <u>interior windows signs</u> , all permanent signs shall...” Reword 17.80.070.D.1 to “The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies <u>and will not have an adverse effect on the character and integrity of the surrounding area.</u> ”
Added	Chapter 17.80.070.F.1.b.	Exceptions for signs in the public right-of-way.	Staff Clarification: This exception is necessary to carry out City Council Policy Number I -17 for Capitola Village Street Banner Program policy. The policy allows nonprofit groups, public and governmental agencies, and public information campaigns to display promotional street banners for charitable, educational, arts, community, and public interest activities, regulations, and events. Banners under this policy may be displayed only at the Capitola Avenue/Riverview Drive and Monterey Avenue/Park Place intersections.
Added	Chapter 17.80.80	Standards for Specific Types of Signs and 17.80.090 Sign Standards for zoning Districts	Combine these two sections so it is easier for the user. After each standard have a table that states the specifics for the zone. The back and forth is confusing.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.80	Standards for Specific Types of Signs	Sign Standards for Center Identification Signs and Directory Signs are missing from this section. Add Center Identification Sign Standards. Make sure to include that one freestanding sign per frontage. More specifically, if there is a monument sign along the frontage a center identification sign is not allowed. Add Directory Sign standards to reflect the existing code.
Added	Chapter 17.80.080.A	Awning Signs	In the MU-V and MU-N: Awning signs only allowed on Valance. Anything beyond requires Planning Commission approval. In the CR and CC district: Specify either/or. An awning may have signage in either the valance or the sign face. Not both. To go beyond the limits within the sign valance or sign face, Planning Commission approval is required.
Added	<u>Chapter 17.80.080.B</u>	Monument Sign	The setbacks for monument signs may be in conflict with the CR zone. Review 17.24.030B and make sure they are not in conflict.
Added	<u>Chapter 17.80.080.B</u>	Monument Sign	Increase max area of Monument Sign in MU-N to 16 ft. Keep MU-V at 12 feet.
33	Chapter 17.80.080.B. 7 - Monument Signs limit to 4 tenants (Westman)	Max limit of 4 tenants on Monument sign	Can go beyond with PC approval. This allowance will have to be noted within the section on what the Planning Commission can approve.

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.080.C and 17.80.090.	Wall Signs	Planning Commission Direction: Keep max area in MU-V at 0.5 sf per linear foot of storefront. Increase MU-N to 1 sf per linear foot of storefront. Max area is 36 square feet otherwise requires Planning Commission approval. Add corner lot standard of two signs.
Added	Chapter 17.80.080.D and 17.80.090.C	Projecting Signs	Add Commercial standards to Industrial Zoning District. Decrease Maximum area to 8 sf in the commercial and industrial zoning districts.
Added	Chapter 17.80.080.E	Gas and Service Station Signs	Allow gas station to list services within permitted signs for propane and ATMs to avoid all the additional small a-frame signs that do not comply with code. Create a standard for the new gas station sign like 1 square foot to advertise ATM and 1 Square foot to advertise propane. These signs must be attached to a sign or structure.
34	Chapter 17.80.080.F	Window Signs	Remove maximum of 1 sign per window. Modify 17.80.090.B.2.h.1 to 30% of window
35	Chapter 17.80.080.G.13 - Page 80-11 - Sidewalk signs in MU-V zoning district (Newman)	Suggest removing max limit of sidewalk signs for fairness.	Remove 30 maximum in village. 17.80.080.G.13.
Added	Chapter 17.80.090.A.4.	Edit to emphasize compatibility	Add J "The signs will not have a significant adverse effect on the character and integrity of the surrounding area."

Attachment: PC Discussion List (1461 : Zoning Code Update)



#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.090.A.4.F	Internal Illumination in Village	Specify that internal illumination is not allowed in the village. Backlit signs are allowed. Only allowed in MU-N. Add specific lighting restricts for maximum lumens or foot-candles for all illuminated signs.
Added	Chapter 17.80.090.B.5	Auto dealership signs	Elaborate on the allowances within the dealerships for more frequent temporary sign permits, signs on light poles throughout the autoplaaza, etc.
Added	Chapter 17.80.090.B.6	Low Visibility Areas. Definition	Define Low Visibility Areas
Added	17.80.090.B.7.C		to read "Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo
Added	Chapter 17.80.090 A4 and B7 and C4	Design Standards	Add zone name in title. Design Standards for Commercial, Design Standards for MU-N, etc.
Added	Chapter 17.80.090.D:	<u>Visitor Serving</u>	This should not apply to VS overlay. Clarify only in Visitor Serving not in Overlay. As noted previously, signs installed by the City are exempt citywide. Reference in beginning of chapter and remove.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
36	Chapter 17.80.110. - Page 80-17 - Temporary Signs (Westman)	Discussion	<ol style="list-style-type: none"><li>1. Delete Small Commercial Signs within Use Restriction delete “non-residential uses only” and write in Autodealerships on Autoplaza Drive Only. Create a row for Auto Dealers that allows these signs and allows balloon. Increase frequency of allowance.</li><li>2. Remove Balloon Signs</li><li>3. Under Construction Site Signs- Residential change Use Restrictions to Residential Uses only.</li><li>4. For Construction Site Signs both residential and non-residential – change maximum duration to state “to certificate of occupancy”</li><li>5. For Construction Site Signs non-residential and for sale lease and rent sign non-residential – require that the signs are smaller in the Central Village.</li><li>6. For Sale, Lease, and Rent Signs, Non-residential specify 1 per property on site and revise maximum duration to state “180 days; director may approve extensions” remove 90 days.</li><li>7. For open house add allowance that 1 on property and one on a different private property with the consent of private property owner.</li></ol>
37	Chapter 17.88.030.J - Page 88-2 - Public Art (Westman)	Already required. Must go beyond requirement	Discussed on 3/3/2016. Reword/strengthen language in 17.88.020. Add to descriptions of allowable benefits.
38	Chapter 17.92 - Page 92-1 - Non- Conforming Parcels, Uses, and Structures (Westman)	Discussion	

Attachment: PC Discussion List (1461 : Zoning Code Update)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.130.F.1	Master Sign Program	Planning Commission Direction: Remove "color" and remove provided that the signs contribute to a consistent visual theme within the property.
Added	Chapter 17.80.140	Non-conforming signs. A. Continuation	Planning Commission: Add to continuation that if there is a remodel (more than 50%) the non-conforming sign must come into compliance.
39	Chapter 17.92.080.C.2 - Page 92-7 - Substantial Demolition (Smith)	Discussion on removal of substantial demolition	
40	Chapter 17.96.020. B – Page 96-2 – Household Pets (Westman and Smith)	Limit max number. (Suggest 10 total)	
41	Chapter 17.96.100. Page 96-9 Permanent Outdoor Displays (Welch)	Permanent Outdoor Displays will become a management/code enforcement issue. Do we want to create a path to allow these in the code or prohibit?	
42	20) Chapter 17.96.180 – Page 96-16. Temporary Sidewalks Dining (Smith)	Conversion of on-street parking might need discussion - probably OK as is, but do we want to add any limitations to times and/or presence of street closures/events?	
43	Chapter 17.96.200 – Page 96-20 – Unattended Donation Boxes (Westman)	Discussion	
44	Chapter 17.120. 030. B. 5 –Page 120-3. Single-Family Exemptions (Smith)	Remove "electricity"	

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#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
45	Chapter 17.148.020 Notice of Hearing (Smith)	The requirement for prominent posting on site is not listed, shouldn't it be? Also would like to discuss electronic posting to social media sites / email as alternatives to supplement newspaper posting under item 3. Would like to add notice requirements to conceptual review hearings so that the affected public is aware of these discussions.	

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Benefit	Substantial Public Benefit for Chapter 17.36 Planned Developments	Suggested Language 17.36 Planned Developments	Allowable Benefit for Chapter 17.88 (Incentives for Community Benefits)	Suggested Language 17.48
<b>Definition of Public Benefit and Allowable Public Benefit</b>	When used in this chapter, "substantial public benefit" means a project feature not otherwise required by the Zoning Code or any other provision of local, state, or federal law that significantly advances goals of the General Plan. Examples of substantial public benefits include but are not limited to:	"Substantial public benefit" means a project feature <u>not otherwise required</u> by the Zoning Code or any other provision of local, state, or federal law that significantly advances goals of the General Plan <u>or</u> a project feature that <u>substantially exceeds</u> the City's minimum standards. Examples of substantial public benefits <u>include but are not limited to</u> :	The City may grant incentives only when the community benefits or amenities offered are not otherwise required by the Zoning Code or any other provision of local, State, or federal law.	"Allowable Benefits" means a project feature <u>not otherwise required</u> by the Zoning Code or any other provision of local, state, or federal law that significantly advances goals of the General Plan <u>or</u> a project feature that <u>substantially exceeds</u> the City's minimum standards. Examples of substantial public benefits <u>include but are not limited to</u> :
<b>Location</b>	Any property except a property zoned Single-Family Residential	Any property except a property zoned Single-Family Residential	Projects fronting 41st Avenue or the 41st Avenue/Capitola Road intersection in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts that provide one or more of the following community benefits.	1. Properties fronting 41st Avenue or the 41st Avenue/Capitola Road intersection in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts. <u>2. Hotel in the Village on the site of former Capitola Theatre. Add map to the 41st Area and reword description to match General Plan.</u>
<b>ADD: Calculation of "Substantial" Benefit</b>		A project must include one or more <u>substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies</u>		A project must include one or more <u>public benefits. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.</u>
<b>Affordable Housing</b>	Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.	Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.	Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.	Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.

Attachment: Revised Public Benefits Chapters 17.36 and 17.88 (1461 : Zoning Code Update)

Benefit	Substantial Public Benefit for Chapter 17.36 Planned Developments	Suggested Language 17.36 Planned Developments	Allowable Benefit for Chapter 17.88 (Incentives for Community Benefits)	Suggested Language 17.48
Public Space	Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather.	Public plazas, courtyards, <u>open space</u> , and other public gathering places that provide opportunities for people to informally meet and gather. <u>The public space must either exceed the City's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.</u>	Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity.	Public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. <u>The public space must either exceed the City's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.</u>
Public Infrastructure		Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the City or other public	Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the City or other public	Public Infrastructure. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the City or other public
Pedestrian and Bicycle Facilities	Improved walkways and paths for bicycles and pedestrians within properties, enhanced connections for bicyclists and pedestrians between properties.	<u>New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.</u>	Improved walkways and paths within properties, enhanced connections for bicyclists and pedestrians between properties, and new connections to the Rail Trail.	<u>New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.</u>
Transportation Options	Increased ability to for residents and visitors to walk, bike, and take transit to destinations and reduce greenhouse gas emissions.	Increased <u>transportation options</u> for residents and visitors to walk, bike, and take <u>public</u> transit to destinations and reduce greenhouse gas emissions.		Increased <u>transportation options</u> for residents and visitors to walk, bike, and take <u>public</u> transit to destinations and reduce greenhouse gas emissions.

Attachment: Revised Public Benefits Chapters 17.36 and 17.88 (1461 : Zoning Code Update)

Benefit	Substantial Public Benefit for Chapter 17.36 Planned Developments	Suggested Language 17.36 Planned Developments	Allowable Benefit for Chapter 17.88 (Incentives for Community Benefits)	Suggested Language 17.48
<b>Green Building</b>	Green building and sustainable development features that substantially exceed the City's minimum requirements.	Green building and sustainable development features <del>that achieve</del> or exceed the City's minimum requirements.	<b>Green Building.</b> Green building and sustainable development features that achieve or exceed the City's green building award status.	Green building and sustainable development features <del>that achieve</del> or exceed the City's minimum requirements.
<b>Historic Resources</b>	Preservation, restoration, or rehabilitation of a historic resource.	Preservation, restoration, or rehabilitation of a historic resource.		Preservation, restoration, or rehabilitation of a historic resource.
<b>Public Art</b>		Public Art. Public art <del>that exceeds the</del> <u>City's minimum public art requirement</u> and is placed in a prominent, publicly accessible location.	Public Art. Public art placed in a prominent and publicly accessible location.	Public Art. Public art <del>that exceeds the</del> <u>City's minimum public art requirement</u> and is placed in a prominent, publicly accessible location.
<b>Job Creation</b>		Job Creation. New <u>or expanded</u> business that increase the supply of jobs available to Capitola residents of all income levels.	Job Creation. New employment uses that increase the supply of jobs available to Capitola residents of all income levels.	Job Creation. New <u>or expanded</u> business that increase the supply of jobs available to Capitola residents of all income levels.
<b>Public parking</b>	Publicly available parking to serve the Village.	<u>Public parking lot that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district .</u>		<u>Public parking lot that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district .</u>

Benefit	Substantial Public Benefit for Chapter 17.36 Planned Developments	Suggested Language 17.36 Planned Developments	Allowable Benefit for Chapter 17.88 (Incentives for Community Benefits)	Suggested Language 17.48
Capitola Mall Block Pattern			<p><b>Capitola Mall Block Pattern.</b>                      Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40<sup>th</sup> Avenue south into the Mall property to form a new pedestrian-friendly private interior street.</p>	<p><b>Capitola Mall Block Pattern.</b>                      Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40<sup>th</sup> Avenue south into the Mall property to form a new pedestrian-friendly private interior street.</p>
Surface Parking Lot Redevelopment			<p><b>Surface Parking Lot Redevelopment.</b>                      Redevelopment of existing surface parking lots fronting 41<sup>st</sup> Avenue and Capitola Road with new sidewalk-oriented commercial uses.</p>	<p><b>Surface Parking Lot Redevelopment.</b>                      Redevelopment of existing surface parking lots fronting 41<sup>st</sup> Avenue and Capitola Road with new sidewalk-oriented commercial uses.</p>
Transit Center			<p><b>Transit Center.</b> Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.</p>	<p><b>Transit Center.</b> Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.</p>