



AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, AUGUST 4, 2011
7:00 P.M. – CITY HALL COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda.

All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. July 7, 2011 Regular Planning Commission Meeting

4. CONSENT CALENDAR

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

1820 41st AVENUE

#11-076

APN: 034-131-22

A.

Sign Permit to install a multi-tenant monument sign (Capitola Station) in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Sue Vaudagna/Bank Bay Properties

Representative: Mike Terron/Northwest Signs, filed 7/12/11

B. 429 CAPITOLA AVENUE

#11-073

APN: 035-093-14

Design Permit and a setback Variance to expand an existing second floor deck for a single-family residence in the CN (Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Jeanne Seeley, filed 6/30/11

Representative: TD Construction/ Ted Egner

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. 1066 41st AVENUE, A105

#11-062

APN: 035-0711-01

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

Environmental Determination: Categorical Exemption

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

Representative: Steve Elmore

B. 1750 41st AVENUE

#11-077

APN: 034-131-16

Amendment to a Conditional Use Permit to allow an existing retail store and drive-thru pharmacy to operate 24 hours a day, 7 days a week in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Longs Drug Stores California LLC, filed 4/28/11

Representative: Fancher Development Services/ Nina Raey

6. ZONING ORDINANCE DISCUSSION

A. Chapter 17.03 DEFINITIONS

B. Chapter 17.06 ESTABLISHMENT AND DESIGNATION OF DISTRICTS

C. Chapter 17.09 ZONING MAPS

D. Chapter 17.11 ARCHAEOLOGICAL/PALEONTOLOGICAL RESOURCES DISTRICT

E. Chapter 17.12 MHE MOBILE HOME EXCLUSIVE DISTRICT

7. DIRECTOR'S REPORT

8. COMMISSION COMMUNICATIONS

9. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, September 1, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred thirty six dollar (\$136.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

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

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

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us



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

Chairperson Ortiz called the Regular Meeting of the Capitola Planning Commission to order at 7:00 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - NONE
- B. Public Comments - NONE
- C. Commission Comments - NONE
- D. Staff Comments - NONE

3. APPROVAL OF MINUTES

- A. June 2, 2011 Regular Planning Commission Meeting

Commissioner Graves: Page 1: ~~Chairperson Ortiz~~ Vice-Chairperson Graves called the Regular Meeting of the Capitola Planning Commission to order at 7:03 p.m.

Commissioner Smith: Page 6, fifth paragraph: Derek Van ~~Lasting~~ Alstine, project designer, spoke in support of the application. Seventh paragraph: Commissioner Smith stated setback requirements for building articulation are met with the 6" setback in the plan. ~~that the second floor is inset 6" from the first floor.~~

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER SMITH TO APPROVE THE JUNE 2, 2011 MINUTES.

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

4. CONSENT CALENDAR

NONE

5. PUBLIC HEARINGS**A. 705 RIVERVIEW DRIVE****#11-058****APN: 035-042-27**

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

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

Environmental Determination: Categorical Exemption

Property Owner: Mario & Linda Beltramo, filed 6/1/11

Representative: Thacher & Thompson

Community Development Director Johnson presented the staff report.
The public hearing was opened.

Matt Thompson, project architect, supported the application.

Public hearing was closed.

Commissioner Newman commented that this project would have been ideal to be placed on the consent agenda, as it meets all of the standard ordinance regulations.

Commissioner Smith complimented the thorough application package.

A MOTION WAS MADE BY COMMISSIONER SMITH AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #11-058 WITH THE FOLLOWING CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of demolition of a single-family house and construction of a new 2,588 square foot two-story single-family structure with an attached garage at 705 Riverview Drive.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. The existing curb and sidewalk shall be replaced to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan shall be developed to address the impacts and mitigate any potential erosion from runoff on to the adjacent creek bluff. The plan shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. The project shall implement Low Impact Development BMP's outlined in the Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the bmp's implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.

9. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
11. During all grading and subsurface excavations (including utility-line trenching), construction will be halted if significant unexpected, archaeological resources are discovered. For the purpose of this permit, significant archaeological resources shall include the remains of previous Native American living areas or human burials. In the instance of Native American living areas, these objects shall be recorded and mapped by an archaeologist approved by the Community Development Director prior to further excavation on that portion of the site. In the event human burials are discovered during excavation, work shall be halted and the County Coroner, the Northwest Indian Cemetery Protective Association (NICPA) and other appropriate authorities shall be notified. Mitigation measures developed by the applicant and authorized archaeologists as a result of such unanticipated discovery shall be subject to the approval of the Community Development Director.
12. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

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

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

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

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

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

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

B. 1066 41st AVENUE, A105**#11-062****APN: 035-0711-01**

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

Environmental Determination: Categorical Exemption

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

Representative: Steve Elmore

Community Development Director Johnson presented the staff report.

Chairperson Ortiz clarified that the location of the proposed sign facing 41st Avenue will not be on the building face, but rather hanging in the opening in front of the business.

Commissioner Routh stated that a comprehensive sign program would be the best approach for all of the commercial businesses at this location.

Community Development Director Johnson stated that there are three commercial condominium spaces fronting 41st Avenue.

Commissioner Graves stated that there are CC & R's for the overall development, and there may be language detailing the signage requirements for the commercial spaces or a reference to the city's sign ordinance.

The public hearing was opened.

Steve Elmore, project architect, spoke in support of the application. He clarified that the goose neck lighting will be 28 watt LED lighting.

Joao Luiz Freta, applicant spoke in support of the application. He was not informed about any sign requirements in the commercial space CC & Rs.

The public hearing was closed.

Commissioner Ortiz supported the sign proposal, but did not want incompatible signage with the two other commercial spaces. The more logical approach is to design a sign program.

Commissioner Newman noted the proposed area of both signs is less than the maximum allowable by the ordinance.

Commissioner Graves was supportive of second sign along the railroad frontage, but concurred with the other Commissioners supporting the development of a sign program for commercial spaces.

Commissioner Smith supported the take-out restaurant use and the signs as proposed. She supported the sign exception for the sign facing the railroad tracks, as it is a commercial space facing two different right-of-ways, 41st Avenue and the railroad tracks.

Commissioner Routh suggested that a sign program be developed, and as the other commercial spaces are filled, Amazon Juices comply with the new sign program.

Commissioner Newman supported the use. He commented on the difficulty creating a new sign program after the first commercial condominium has sold.

Chairperson Ortiz suggested that the Commission approve the proposed take-out restaurant use, but continue the sign permit to allow staff to research the development CC & R's and to work with the

applicant to develop a sign program that would be compatible for all the commercial tenants. She supported the concept that the railroad right-of-way creates a special circumstance for a second sign for the corner commercial space.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO APPROVE THE CONDITIONAL USE PERMIT PORTION OF PROJECT APPLICATION #11-062 WITH THE FOLLOWING CONDITIONS AND FINDINGS, AND TO CONTINUE THE SIGN PERMIT TO THE AUGUST 4, 2011 MEETING:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a take-out restaurant (*Amazon Juices*) within an existing vacant commercial space located at 1066 41st Avenue, Suite 3. The use shall be limited to food sales with limited food preparation on site and a maximum of six seats. Seating can be provided outdoors within the building overhang area, but at no time can the total seating provided exceed six seats.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 7:00 a.m. – 9:00 p.m.
5. The applicant shall obtain a business license prior to operating the business.
6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CC Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of the Zoning District. Conditions of approval have been included to ensure that the use of the restaurant is consistent with the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the restaurant use and modifications to the building conform with the applicable provisions of the Zoning Ordinance and *41st Avenue Area Design Guidelines*, and therefore maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

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 a take-out restaurant use occupying an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

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

6. PLANNING COMMISSION GENERAL PLAN AND ZONING ORDINANCE PRIORITIES

Community Development Director Johnson presented a staff report.

Chairperson Ortiz supported a process to bring the zoning ordinance before the Planning Commission for discussion and development.

Commissioner Newman stated that the General Plan consultant will be designing the overall zoning ordinance organization and format. The Planning Commission's input into the zoning ordinance will be to develop the content of the zoning ordinance, i.e. non-conforming issues, historic preservation.

Commissioner Graves commented the zoning ordinance is interpreted by staff, and not always a reflection of what the community wants. He stated that the development of the zoning ordinance should be from community input, and not to rely on the consultant to design the community direction. He suggested that the Planning Commission review each zoning district at each regular meeting.

Commissioner Smith concurred that reviewing the zoning ordinance at the Planning Commission is a good opportunity for the public to become educated in the process.

Chairperson Ortiz supported reviewing one zoning district at a time at each regular meeting. She requested that staff include the district information in the packet so the Commission would be able to review the material prior to the meeting.

Community Development Director Johnson suggested that staff will bring two districts for review to each meeting.

7. DIRECTOR'S REPORT

Community Development Director Johnson provided the Commission a status update on the following items: The City Council approved affirmed two Planning Commission appeals: The take out window (Mr. Kebob) at 201 Esplanade and the dialysis clinic at 3801 Clares Street. Council Member Storey requested staff to research if there are any statistics to review the loss of revenue due to non-commercial/retail uses occupying prime available retail square footage. The next GPAC meeting will be held at 6:00 p.m. on July 14, 2011 at New Brighton Middle School to discuss the 41st Avenue Corridor. The City Council will be discussing the current RDA legislation and the Library Needs Assessment report at the August 11, 2011 meeting. Castle Mobile Home Park acquisition is moving forward according to the schedule. Target has submitted a building permit application. The Marriott hotel to opening is scheduled for July 22, 2011. Code enforcement is active but very limited.

8. COMMISSION COMMUNICATIONS

Commissioner Smith announced that the Arts and Cultural Commission is holding a community meeting on Tuesday, July 12, 2011 at the Jade Street Community Center, to discuss the public arts project for 41st Avenue between Brommer and Clares Street.

Commissioner Graves inquired about the number of code enforcement cases that have been given to the city attorney for action. He commented that the fencing for the 4th of July was placed too early on the weekend and was not business friendly and prohibited visitors from enjoying the town. He stated that Zelda's owner has offered to purchase additional trash cans for the beach.

Community Development Director Johnson stated the city attorney has provided all the necessary forms for implementing the code enforcement program. Staff has been successful in achieving compliance utilizing the process and documents set up by the city attorney.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:18 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, August 4, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on August 4, 2011

Danielle Uharriet, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 26, 2011 (AGENDA: AUGUST 4, 2011)

SUBJECT: **1820 41st AVENUE** **#11-076** **APN: 034-131-22**
 Sign Permit to install a multi-tenant monument sign (Capitola Station) in the CC (Community Commercial) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Sue Vaudagna/Bank Bay Properties
 Representative: Mike Terron/Northwest Signs, filed 7/12/11

PROJECT SUMMARY

The applicant is requesting a sign permit for a new multi-tenant monument sign for the *Capitola Station* retail center located at 1820 41st Avenue, in the CC (Community Commercial) zoning district.

PROPOSAL & DISCUSSION

The monument sign is being proposed in the planter area fronting 41st Avenue, adjacent to the driveway access to *Capitola Station* retail center. The sign will be setback approximately 4' from the sidewalk, and will be set about 6' south of the main driveway access. While most of the existing landscaping in the 20' wide planting area will remain, the grouping of juniper bushes will need to be removed in order to construct the proposed sign. No replacement landscaping is currently being proposed, but per Zoning Code Section 17.57.070(6), "The area surrounding the base of a monument sign shall be landscaped". Staff has added a condition that requires a landscape plan be submitted as part of the building permit plan check process.

The Sign Ordinance requires that the height of a monument sign be no greater than eight (8) feet, that the sign area not exceed 60 square feet, and that a maximum of four tenants be named. The proposed sign will be eight (8) feet in height, will have a sign area of 60 square feet, and contains four tenant panels, meeting the ordinance requirements. The sign has been designed to relate to the architectural theme of the existing *Capitola Station* commercial building, using a matching stucco finish and yellow paint. In addition, the sign contains the "*Capitola Station*" identification to match the font and lettering on the main building. The identification will be routed lettering backed with blue translucent acrylic plastic that is internally illuminated. The removable tenant panels will also be internally lit. The sign will be installed in the ground with a 4' deep concrete footing.

It should be noted that there is an existing monument sign approximately 60' to the south of the proposed sign location. This two-tenant sign is located on the *McDonalds* property and advertises both *McDonalds* as well as *BevMo!* Based on the sign ordinance, there may be no more than one

monument sign for each building frontage. Therefore, even though these properties appear to share parking areas, they are separate parcels and may each have a monument sign

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-076, subject to the following conditions and based on the following findings:

CONDITIONS

1. The project approval consists of a monument sign for the *Capitola Station* located at 1820 41st Avenue.
2. A landscape plan for the area surrounding the monument sign shall be submitted with the building permit plans for Community Development staff to review and approve.
3. If minor modifications to the signs are desired by the applicant (i.e. lettering, materials, colors, illumination, etc.), the changes may be approved by the Community Development Department. Any significant changes shall require Planning Commission approval.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

The Planning Commission finds that the proposed monument sign complies with the Sign Ordinance regulations in terms of size and design.

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

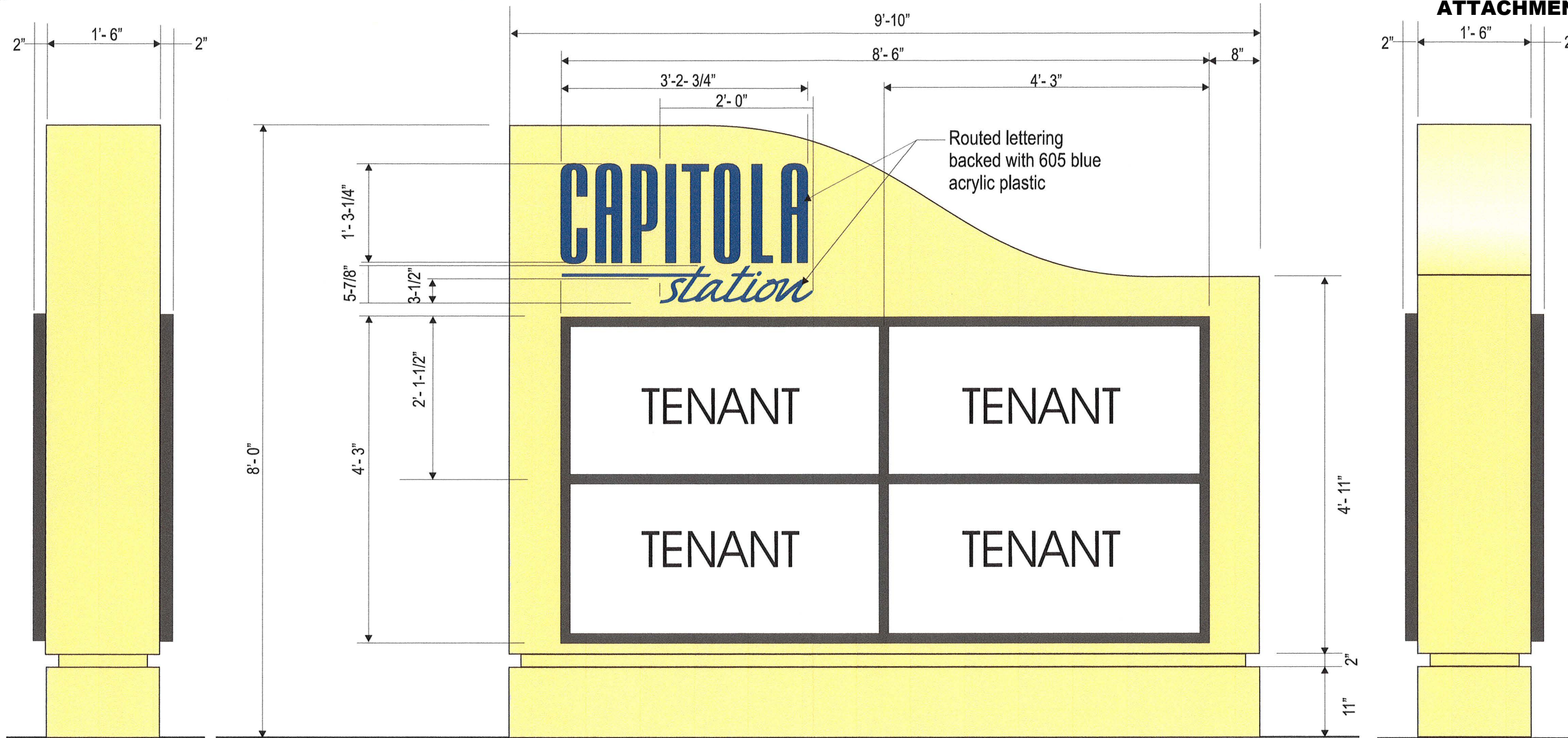
The Community Development Department Staff and Planning Commission have reviewed the plans to ensure that the sign maintains the character and integrity of the neighborhood.

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

This project involves the installation of a monument sign for an existing commercial retail building. Section 15311(a) exempts on-premise signs appurtenant to existing commercial facilities.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Sign Plans



Sign elevation

scale: 3/4" = 1'- 0"

Sign Area: 60 sf

Scope of work: Manufacture and install one Double face, internally illuminated monument sign. Sign body has stucco finish painted Yellow to match building and routed center I.D. Backed with translucent acrylic plastic. Removable tenant panels are white Lexan with vinyl overlay. Cabinet portion with tenant panels is painted duranodic bronze.

RECEIVED

JUL 12 2011

CITY OF CAPITOLA

11-076



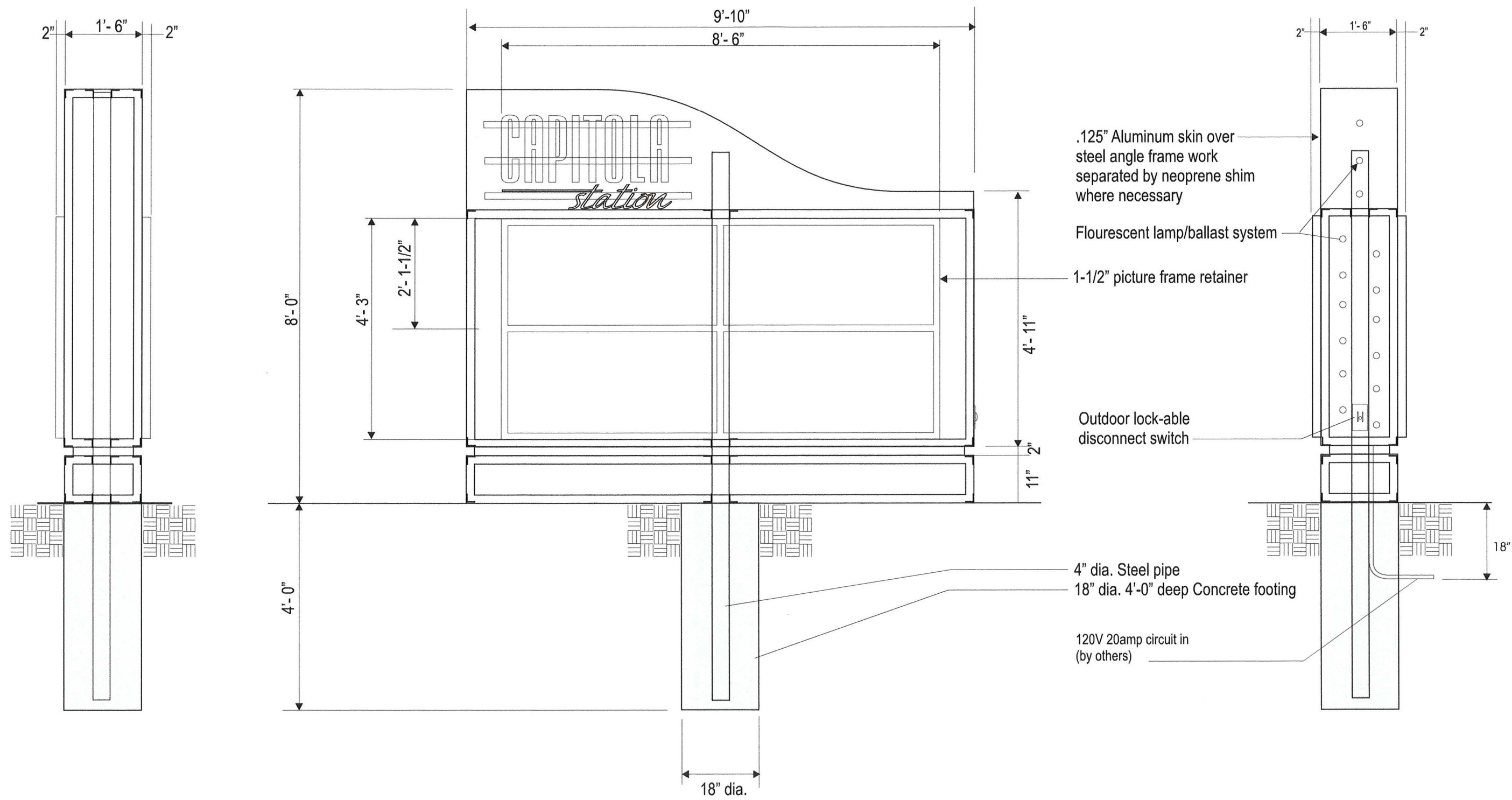
120 Encinal Street
 Santa Cruz, CA 95060-2111
 Phone: 831.469.8208
 Fax: 831.469.8172
 Email: mike@northwestsigns.com
 Web: www.northwestsigns.com

Project: Capitola Station
 Address: 1820 41st Avenue
 Capitola, CA. 95060

Dates / Revisions:
 06-02-2011
 06-07-2011
 06-14-2011
 06-17-2011

Approvals:
 Client:
 Architect:
 Landlord:
 Project Manager:

Drawing Number: JUN-2.11
 Page Number: 1
 Salesman: Mike Terron
 Drawn By: K. Johnson
 Scale: As Noted



Sign construction elevation

scale: 1/2" = 1'-0"



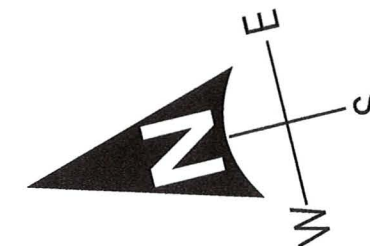
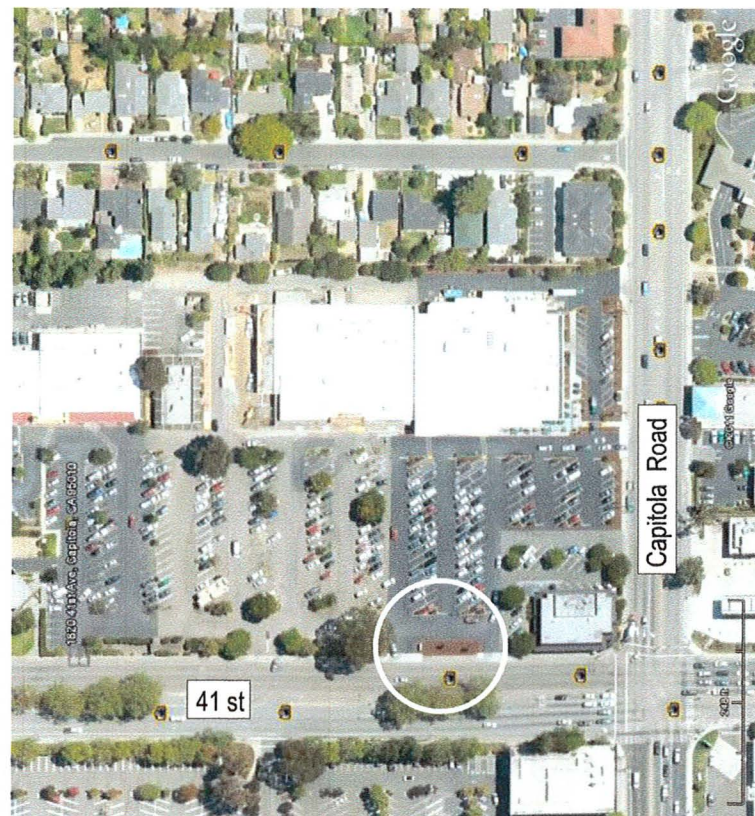
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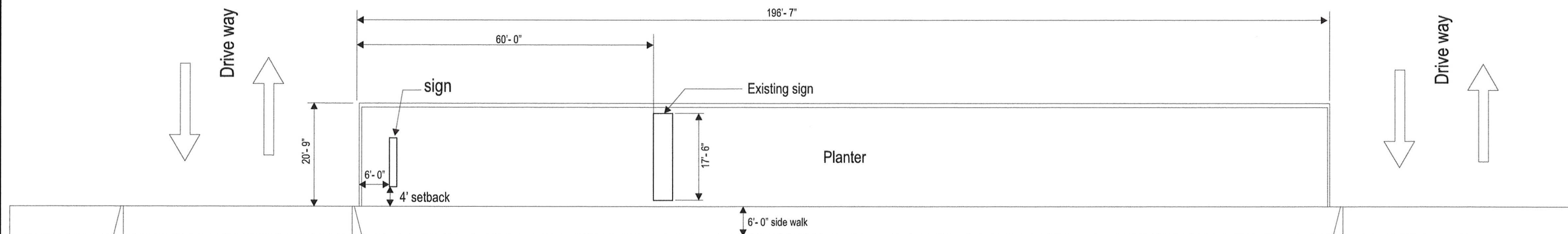
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Approvals:
 Client:
 Architect:
 Landlord:
 Project Manager:

Drawing Number: JUN-2.11
 Page Number: 2
 Salesman: Mike Terron
 Drawn By: K. Johnson
 Scale: As Noted



Parking area



41 st avenue

Sign site plan scale: 1" = 20'



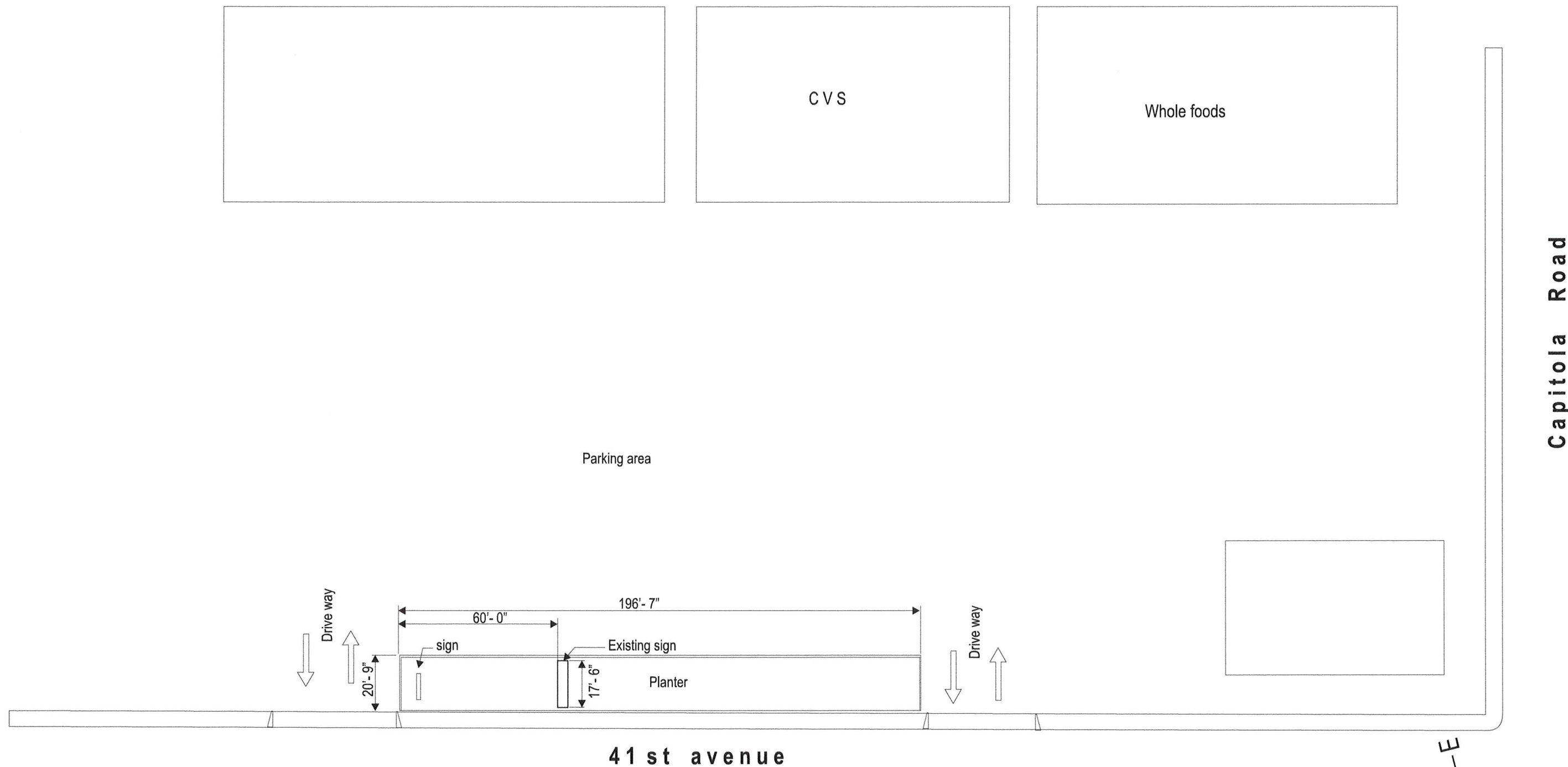
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Project: Capitola Station
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 06-17-2011

Approvals:
 Client:
 Architect:
 Landlord:
 Project Manager:

Drawing Number: JUN-2.11
 Page Number: 3
 Salesman: Mike Terron
 Drawn By: K. Johnson
 Scale: As Noted



Sign site plan **scale: 1" = 40'**



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Project: Capitola Station
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Dates / Revisions:
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 06-14-2011
 06-17-2011

Approvals:
 Client: _____
 Architect: _____
 Landlord: _____
 Project Manager: _____

Drawing Number: JUN-2.11
 Page Number: 4
 Salesman: Mike Terron
 Drawn By: K. Johnson
 Scale: As Noted



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 27, 2011 (AGENDA: AUGUST 4, 2011)

SUBJECT: **429 CAPITOLA AVENUE #11-073 APN: 035-093-14**
 Design Permit and a setback Variance to expand an existing second floor deck for a single-family residence in the CN (Neighborhood Commercial) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Jeanne Seeley, filed 6/30/11
 Representative: TD Construction/ Ted Egner

PROJECT SUMMARY

The applicant is requesting a Design Permit to extend a legal nonconforming second story deck for a single-family house at 429 Capitola Avenue. The residential use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

DISCUSSION

In early June of this year a stop work order was issued by the City Building Official for work being performed without a building permit at the subject property. The applicant prepared plans for submittal and it was determined that they were proposing to repair and extend an existing second floor deck along the southern portion of the single-family structure. Per Zoning Code Section 17.63.070(B)(2), "The planning commission shall be authorized to approve or deny design permit applications for upper floor additions". Staff has interpreted second floor decks to be part of the "upper floor"; therefore Planning Commission approval is required.

The existing home is legal nonconforming in most aspects, and strangely has a 20' long two story wall along the southern property line that is approximately 6'-6" from the wall of the house. The wall appears to have supported a second floor deck in the past. The rear portion of that deck was removed at some point many years ago, with a small portion of it remaining near the front of the parcel. The applicant is requesting to extend the deck by 11' as well as construct a spiral staircase to connect to the lower patio area. The resulting deck would be approximately 100 square feet in area.

Per Zoning Code Section 17.24.112, "The side yard setbacks shall be ten percent of the lot width for the first floor and fifteen percent of the lot width for the second floor." Based on this section, the required side yard setback for the second floor deck is 6'-9".

Variance

Clearly the proposed deck does not meet the required 6'-9" setback, therefore a variance is being requested. Per Zoning Code Section 17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The subject property has special circumstances applicable to it, including:

- **Lot size** – The lot is extremely small even by Capitola standards at 1,080 square feet.
- **Lot shape** – The lot is extremely shallow with an average depth of approximately 24', and fairly narrow at 45' in width.

The granting of a variance would not constitute a grant of special privilege as there are many examples in the nearby area of structures that are do not meet current setback requirements, including several next door that have zero lot lines.

RECOMMENDATION

Staff recommends that the Planning Commission carefully consider application #11-073. If the Commission chooses to approve the project, it is recommended that it be approved subject to the following conditions and based on the following findings:

CONDITIONS

1. The project approval consists of a Design Permit to extend a legal nonconforming second story deck for a single-family house at 429 Capitola Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Department Staff and the Planning Commission have reviewed the project. The project as presented will carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project. The project as presented will maintain the character and integrity of the neighborhood.

C. The Variance to the side setback will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.

The constraints of the existing lot and its surroundings are special circumstances that exist, making it difficult to improve the subject building. In addition, the granting of the variance would not constitute the granting of a special privilege as many of the buildings in the vicinity are zero lot line and do not meet current setback requirements.

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

This project involves construction of a new deck for an existing single-family residence in the CN (Neighborhood Commercial) Zoning District. Section 15303 of the CEQA Guidelines exempts additions to single-family residences.

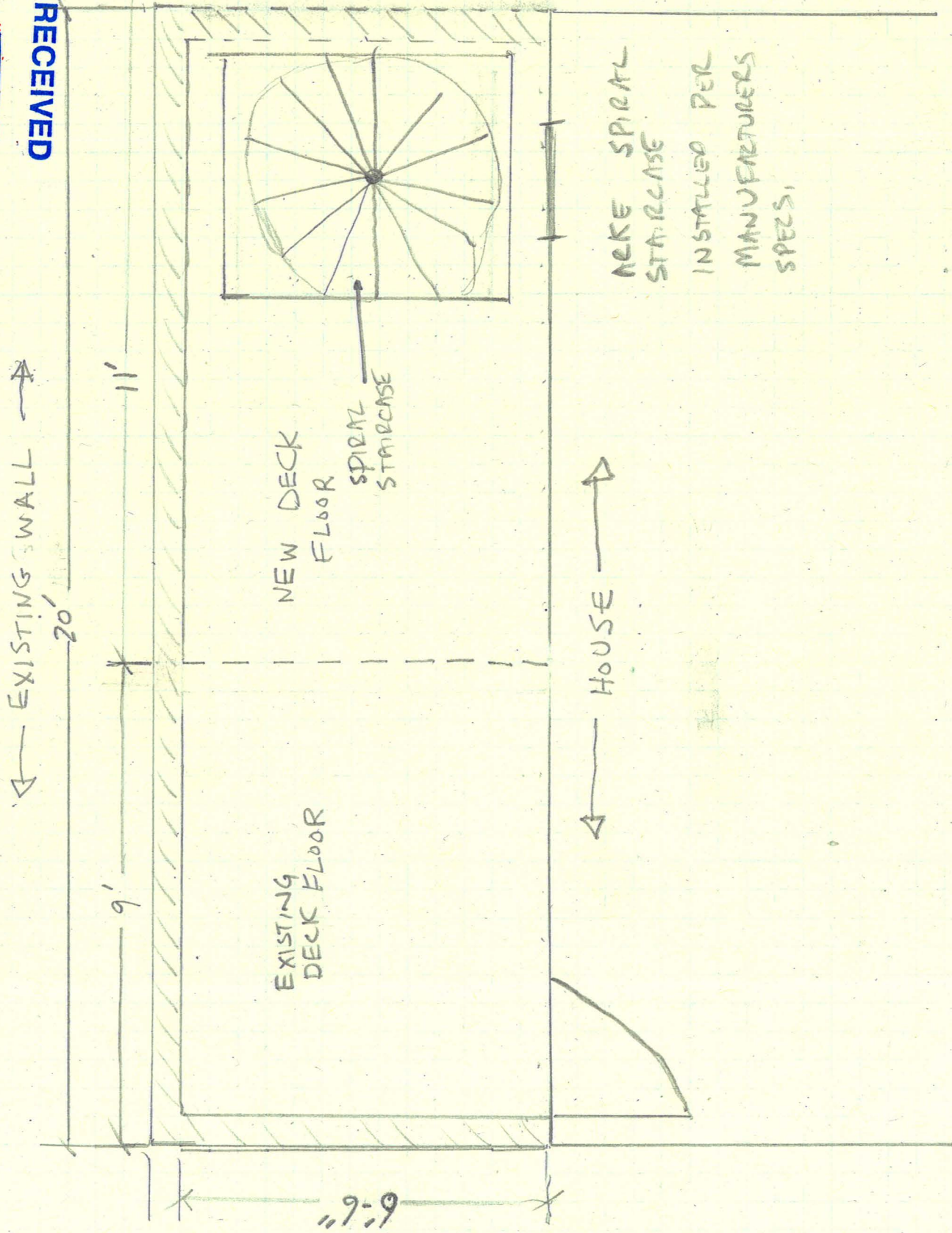
Report Prepared By: Ryan Bane
Senior Planner

Attachment A - Project Plans
Attachment B – Photo of the Subject Property
Attachment C – Assessor’s Parcel Map

CITY OF CAPITOLA

~~JUN 14 2011~~

RECEIVED

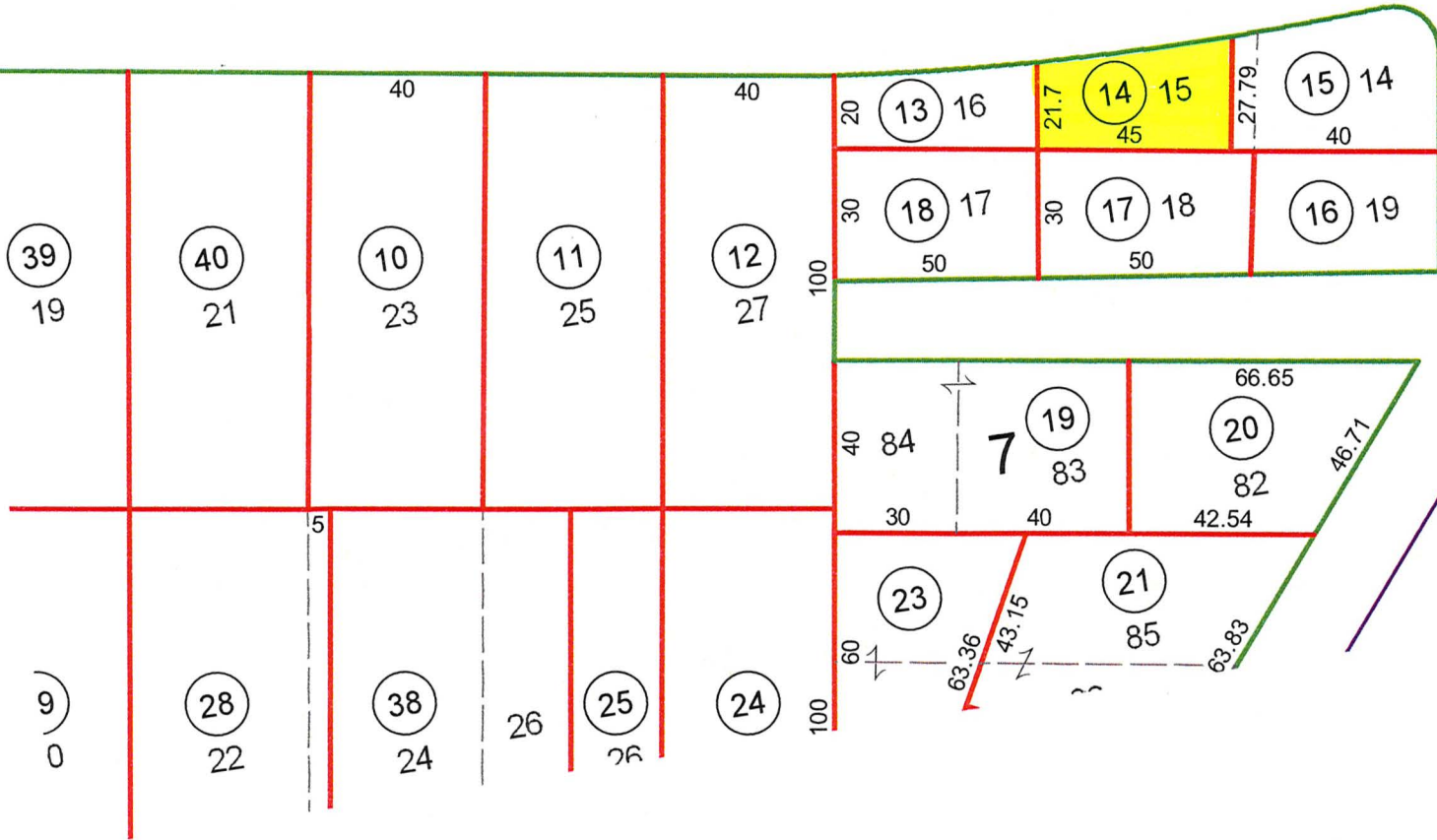


SEE SPIRAL STAIRCASE INSTALLED PER MANUFACTURERS SPECS.



3/16/1982

AVE



← BLUEGUM AVE

CAPITOLA SUB.# 6
18MB36 5/13/1922

ATTACHMENT C



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: JULY 28, 2011 (AGENDA: AUGUST 4, 2011)

SUBJECT: **1066 41st AVENUE SUITE 3 #11-062 APN: 034-711-01**
Conditional Use Permit and a Sign Permit for a take-out restaurant use (*Amazon Juices*) with outdoor seating in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Joao Lutz Freta, filed 6/7/11
Representative: Steve Elmore

At the July 7, 2011 Planning Commission meeting, the proposed take-out restaurant use was approved, with the sign permit portion of the application continued to allow staff to research the development CC & R's and to work with the applicant to develop a sign program that would be compatible for all the commercial tenants. Staff is working with the applicant and requests that the application be continued to the September 1, 2011 public hearing.

Report Prepared By: Ryan Bane
Senior Planner



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JULY 26, 2011 (AGENDA: AUGUST 4, 2011)

SUBJECT: **1750 41ST AVENUE** **#11-077** **APN: 034-131-16**
Amendment to a Conditional Use Permit to allow an existing retail store and drive-thru pharmacy to operate 24 hours a day, 7 days a week in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Longs Drug Stores California LLC, filed 4/28/11
Representative: Fancher Development Services/ Nina Raey

PROJECT SUMMARY

The applicant is requesting to amend an existing retail store (CVS) Conditional Use Permit to allow the store to be open 24 hours a day, 7 days a week at 1750 41st Avenue in the CC (Community Commercial) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

BACKGROUND

The City Council most recently approved a remodel and addition of a drive-thru pharmacy for the retail store in June of 2008. The conditions of approval from that application have been included in the current set of conditions.

DISCUSSION

The current CVS store and pharmacy operates from 7am – midnight, 7 days a week. The applicant is requesting to amend the use permit to allow the store and pharmacy to operate 24 hours a day, 7 days a week.

A concern that arises over the request is the potential impacts to the residential neighbors that border the eastern property line. These residents live to the rear of the retail store; therefore any “back of house” operations (trash compaction, breaking down of boxes, etc.) would need to be limited to the daytime hours. Currently there is a condition that limits truck delivery hours to 8AM – 8PM to minimize noise impacts to neighboring residents. Staff is recommending a similar condition that would limit “back of house” operations to the same hours.

In addition, thought needs to be taken into noise generated from cars accessing the drive-thru pharmacy from the rear alleyway. Cars access the drive-thru from both the north and south, following the alleyway behind the neighboring uses (Capitola Station, McDonalds, and Whole Foods). While

these neighboring properties all have solid block walls that back up to the neighboring single-family residences, the subject property currently only has a standard 6' wood fence. Therefore, staff is recommending that CVS install an 8' split face block wall along the rear property line to help with noise attenuation. This has been included as a condition of approval.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-077, subject to the following conditions and based on the following findings:

CONDITIONS

1. The project approval consists of an amendment to an existing retail store (CVS) Conditional Use Permit to allow the store to be open 24 hours a day, 7 days a week at 1750 41st Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
5. "Back of house" operations (trash compaction, breaking down of boxes, etc.) shall be limited to 8AM – 8PM to minimize noise impacts to neighboring residents.
6. The applicant shall design and install an 8' split face block wall with graffiti coating along the rear (eastern) property line.
7. The applicant shall install drought tolerant ground cover and trees along the rear property line.

Previous Conditions from Application #07-32:

8. Delivery hours shall be limited to 8AM – 8PM to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
9. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
10. Trash enclosures shall be covered, gated and maintained to provide a clean and sanitary area.
11. Security lighting in the rear of the store shall be shielded to prevent light from shining on to neighboring properties.
12. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
13. The applicant shall comply with all requirements of the Santa Cruz Water District with regard to the required landscape irrigation and any other new water fixture requirements.

14. The applicant shall develop, submit, and enact a plan for the use and control of their carts, including a plan to collect carts removed from their property.

FINDINGS

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed use is permitted in the CC (Community Commercial) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed sale of alcohol within the confines of the hotel use will not have a negative impact on the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

C. This project is categorically exempt under Section 15301 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 an amendment to an existing use permit with no expansion of use beyond what has currently existed. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Letter from the applicant, dated June 20, 2011

Attachment B – Plans identifying current site conditions

FANCHER
LAND DEVELOPMENT CONSULTANTS
SERVICES

June 20, 2011

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

Re: Existing CVS Pharmacy (Previously Long's Drug)
1750 41st Avenue

PROJECT DESCRIPTION

CVS/Pharmacy which was previously operating as Long's Drug is currently operating their store at the above referenced location adjacent to McDonald's Restaurant. The subject site is located in Community Commercial Zone. Long's Drug received approval for Architectural and Site Plan Review for an Exterior Remodel, a Sign Permit and an Amendment to Conditional Use Permit (07-032) to add a drive-thru pharmacy in July, 2008.

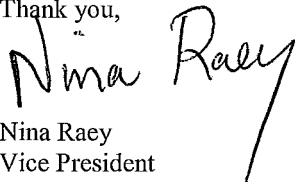
Fancher Development Services on behalf of CVS is requesting an amendment to Application #07-032 to allow the store/pharmacy and drive-thru to operate 24 hours a day/7days a week. The store and pharmacy currently operates from 7am to Midnight/7days a week. There are no exterior or interior changes proposed to the building.

CVS has a retail store area where you can buy any household, beauty, skin care, food and many more products. It also has a pharmacy for dispensing of medicine and medical supplies. It also added a drive-thru for the pharmacy to make it convenient for customers for picking and dropping prescriptions.

The proposed 24 hour operation will provide additional service to the community for having a pharmacy and store open in late hours. I would like to seek your approval to allow CVS to operate 24 hours/7days a week.

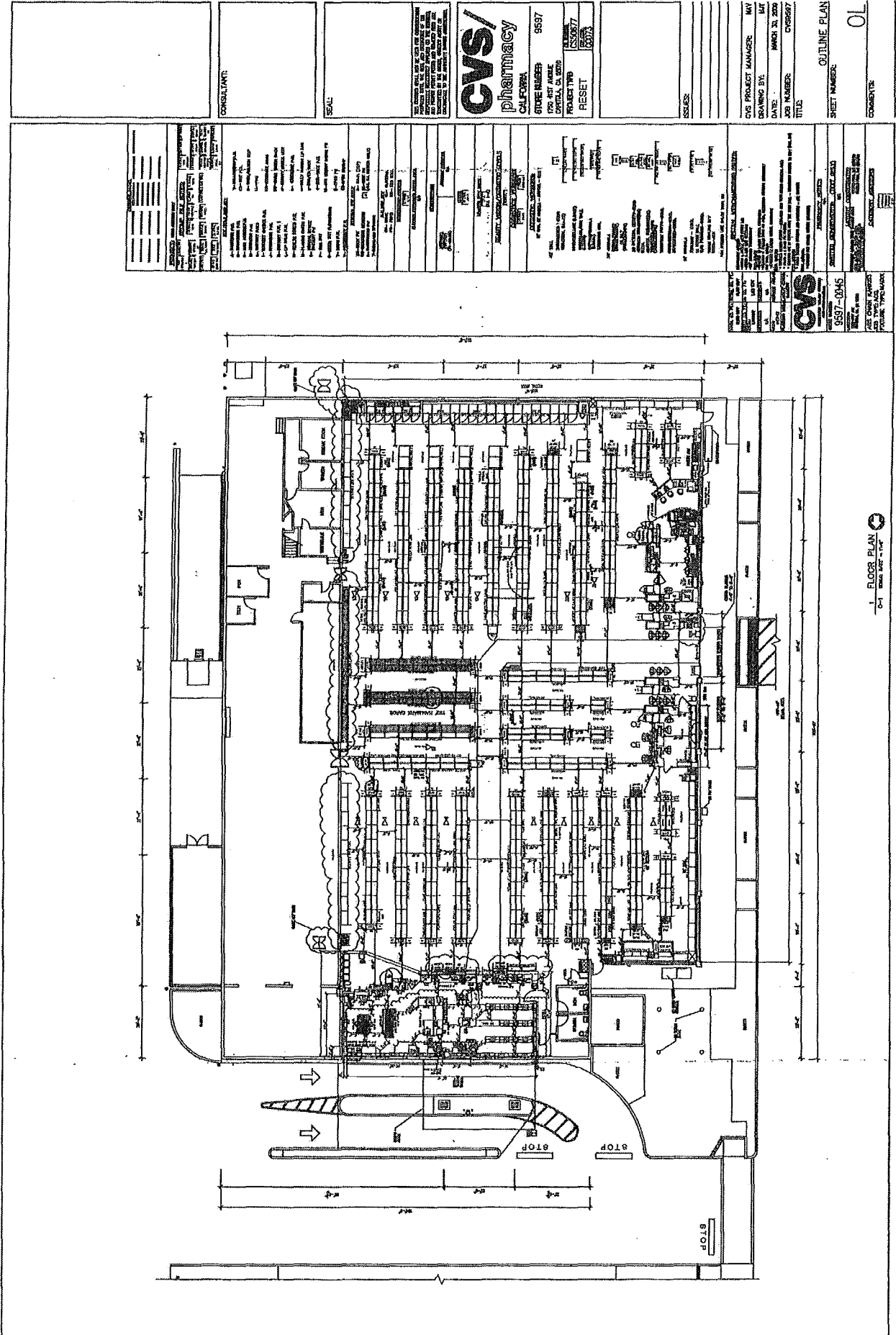
If you have any questions or concerns, feel free to contact me.

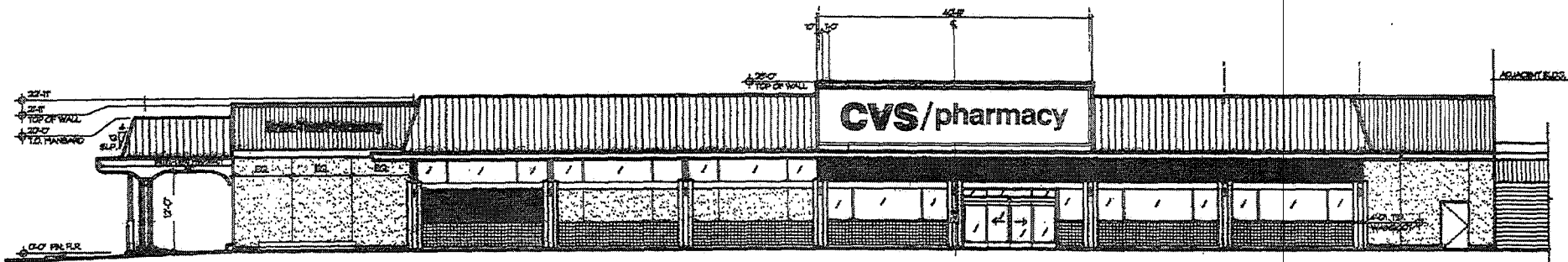
Thank you,



Nina Raey
Vice President

1342 Bell Avenue, Suite 3K, Tustin, CA 92780 (714) 258-1808 Fax (714) 258-2401
E-mail: nina@fancherdevelopment.com





West Elevation

Scale: N.T.S.

CVS/pharmacy

LOCATION: 9597	FILE: 3157-9597_OTP.cdr	PAGE: 8	REVISED: 01/16/09_KRK	07/14/09_KRK
1750 41st Ave	DATE: 11/20/08	SCALE: As Noted	07/08/09_AR	10/04/09_AR
Capitola, CA. 95010	DRAWN: ADT	DIRECTOR:	PATH: ...CVS Pharm...Longs Drugs Locations\Locations\...	



1418 Elmhurst Rd.
Elk Grove Village
Illinois 60007

1. NOT LASH
2. ALL EXPOSED WOODRY TO RECEIVE CLEAR WATER PROOFING PER SPECIFICATIONS. ALL EXPOSED WOOD TO BE FINISHED TO BE FINISHED TO BE FINISHED.
3. NOT LASH
4. NOT LASH
5. ELEVATIONS SHOW FINISH LOCATIONS FOR PLASTER, CONCRETE, STONE, ETC. IF NECESSARY, LOCATIONS FOR FINISH LOCATIONS FOR PLASTER, CONCRETE, STONE, ETC. MUST BE INDICATED FOR FINISH LOCATIONS.
6. PROVIDE SEALANT JOINT BETWEEN PLASTER AND SHUT FACED CHILL TYS.
7. SEALANT IS NOT APPROVED WITH THE ORIGINAL PLAN CHECK. A SEPARATE SIGN OFF FROM ARCHITECT IS REQUIRED.
8. SEALS ARE NOT PART OF THE CONTRACT. (AS NOTED CHANGE LOG)
9. CONCRETE FINISH HEIGHT OF LOUVER SINGS MAY VARY. REPRESENT THE RISK TO INSTALLATION.
10. CONCRETE FINISHES ARE NOT SHOWN.

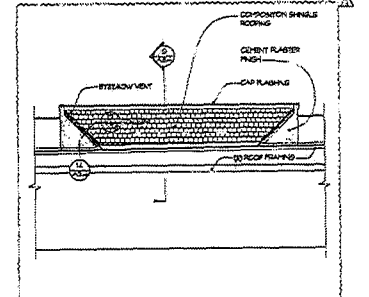
21 FINISH NOTES

- GENERAL:**
 ALL EXPOSED WOODRY TO RECEIVE CLEAR WATER PROOFING PER SPECIFICATIONS. ALL EXPOSED WOOD TO BE FINISHED TO BE FINISHED TO BE FINISHED.
- PLASTER OVER SHUT FRAMING:**
 PAINT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
 2 LAYERS SHUT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
- WOOD TRIM:**
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
- WOOD TRIM:**
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER
 1/2" THICK, SCANTY CONCRETE PLASTER SYSTEM OVER
 2 LAYERS SHUT OVER

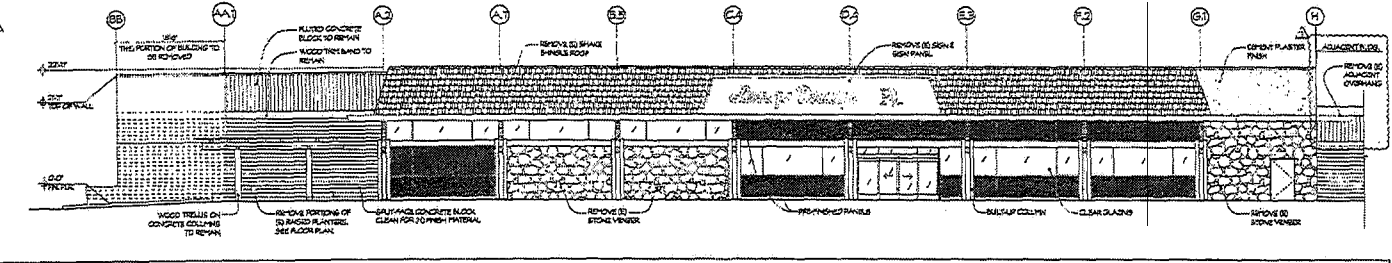
22 ASSEMBLY NOTES

MATERIAL	COLOR
STANDING SEAM METAL ROOF	ASP SPAN "R" LOCK GREEN
MULTI-COLOR CONCRETE BLOCK	12 MASON SUGAN SAND
CONCRETE PLASTER	12 MASON SUGAN SAND
SLIPUP WOOD COLUMN	12 MASON SUGAN SAND
WOOD TRIM, SHUT, TRILLS	12 MASON SUGAN SAND
PRE-FINISHED STONEMENT PANEL	12 MASON SUGAN SAND
CLEAR TILE WANSICOT	12 MASON SUGAN SAND

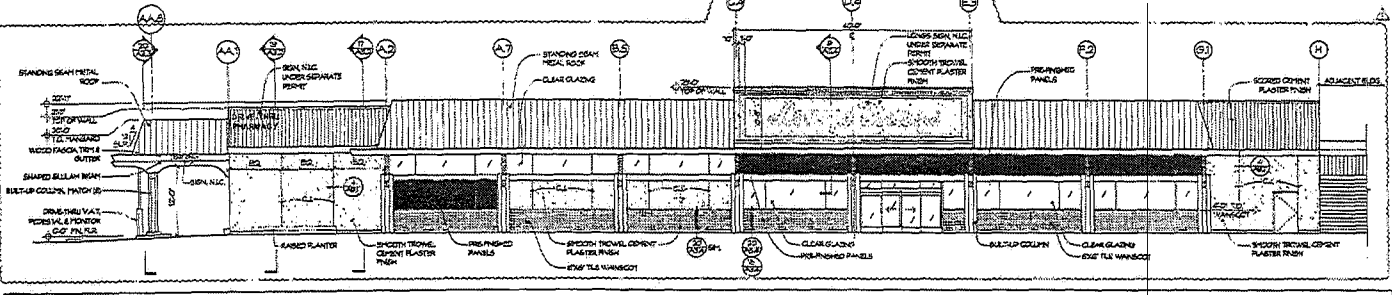
23 MATERIAL FINISH LEGEND



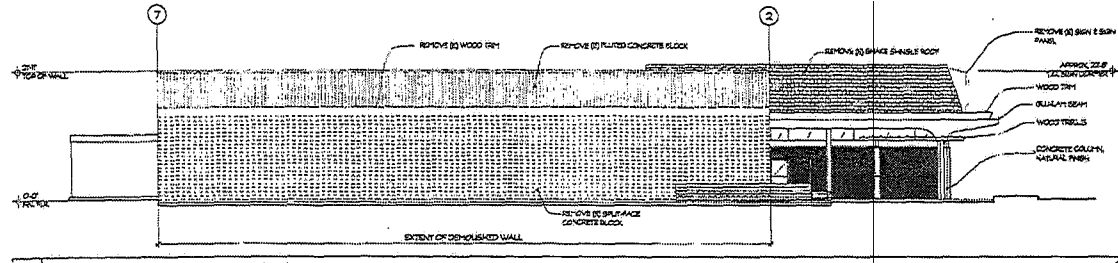
24 EAST ELEVATION SCALE: 1/8" = 1'-0"



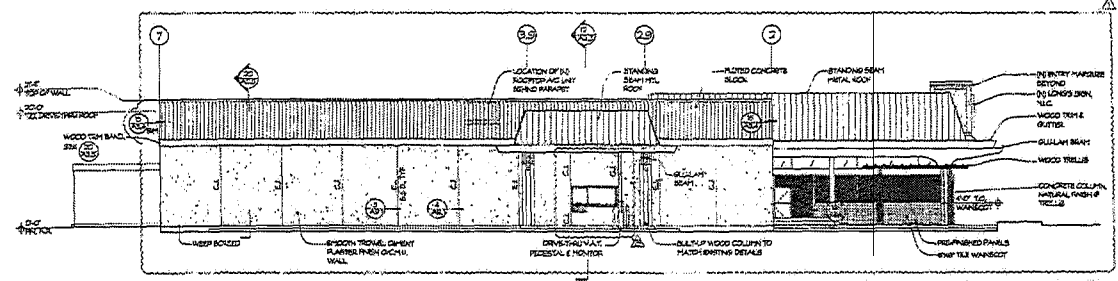
17 DEMOLITION WEST ELEVATION SCALE: 1/8" = 1'-0"



18 WEST ELEVATION SCALE: 1/8" = 1'-0"

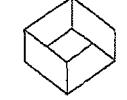


15 DEMOLITION NORTH ELEVATION SCALE: 1/8" = 1'-0"



16 NORTH ELEVATION SCALE: 1/8" = 1'-0"

20 SOUTH ELEVATION SCALE: 1/8" = 1'-0"



P S M ARCHITECTS

1000 OAK DRIVE, STELLA, CALIFORNIA 95706
 100 NORTH OAK DRIVE, WALKER CREEK, CALIFORNIA 95706

EXTERIOR ELEVATIONS

DATE: 04/13/13
 DRAWN BY: [Name]
 CHECKED BY: [Name]

A3.1



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT DEPARTMENT
 DATE: JULY 21, 2011 (AGENDA: August 4, 2011)
 SUBJECT: ZONING ORDINANCE DISCUSSION

BACKGROUND

At the last Planning Commission hearing, the Planning Commission discussed a few general areas of the City's zoning ordinance that need to be addressed during the General Plan and Zoning Ordinance Update. Rather than prepare a general or comprehensive list of required changes and amendments, the Planning Commission elected to discuss the Zoning Ordinance section by section.

It is anticipated that that staff and consultants will begin writing the Zoning Ordinance in late spring 2012. There are 10 Planning Commission meetings between now and late spring, and 40 chapters contained Title 17, the Zoning Ordinance. Given the substantive differences between each chapter, Staff will bring forward different chapter in sequence at each of the next 10 Planning Commission meetings. Some will go quickly and others may take more time and the pace can be shortened or increased.

DISCUSSION

Staff recommends that the following sections be discussed at this meeting:

- A. Chapter 17.03 DEFINITIONS
- B. Chapter 17.06 ESTABLISHMENT AND DESIGNATION OF DISTRICTS
- C. Chapter 17.09 ZONING MAPS
- D. Chapter 17.11 ARCHAEOLOGICAL/PALEONTOLOGICAL RESOURCES DISTRICT
- E. Chapter 17.12 MHE MOBILE HOME EXCLUSIVE DISTRICT

Staff is recommending that the Planning Commission not discuss the Green Building Regulations Chapter as there are technical updates currently being drafted in response to legislation that took effect on January 1, 2011. The City's Green Building Regulations were modeled after the City of Santa Cruz's to provide regional consistency and leverage the substantial investment made by the City of Santa Cruz. Staff will provide a presentation at the meeting of proposed additions and or deletions to sections noted in this report. Please come prepared with areas of these Chapters that Commissioner's feel warrant amendments.

Report Prepared By: Derek Johnson
 Community Development Director

Attachment A – Chapters 17.03, 17.06, 17.09, 17.11, 17.12

Chapter 17.03 DEFINITIONS

17.03.010 Generally.

Words used in the present tense include the future, words in the singular number include the plural; the word “building” includes the word “structure” and the word “shall” is mandatory, not directory. In the coastal zone the word “structure” shall be defined as provided in Section 17.03.650 of this chapter. The term “city council” when used means the city council of the city of Capitola, and “planning commission” means the city planning commission of the city of Capitola. The word “city” when used shall mean the incorporated city of Capitola. (Ord. 677 § 12(A), 1989; Ord. 388 Art. 1 (part), 1975)

17.03.020 Accessory building.

“Accessory building” means a portion of the main building or a detached subordinate building located on the same lot, the use of which is purely incidental to that of the main building structure, or to the use of the land, and which shall not contain living or sleeping quarters, except as provided by Chapter 17.99 for secondary dwelling units. (Ord. 873 § 6, 2004; Ord. 388 Art. 1 (part), 1975)

17.03.030 Accessory structures.

“Accessory structures” means portable buildings, storage sheds, arbors, covered patios and similar buildings and structures constructed and installed as secondary uses to existing principal buildings on a parcel. (Ord. 388 Art. 1 (part), 1975)

17.03.040 Accessory use.

“Accessory use” means a land use which is permitted on a building site as a secondary use to an existing principal permitted use. (Ord. 388 Art. 1 (part), 1975)

17.03.050 Agency.

“Agency” means an office or commercial establishment in which goods, material, or equipment is received for servicing, treatment or processing elsewhere. (Ord. 388 Art. 1 (part), 1975)

17.03.060 Alley.

“Alley” means a public or permanent private way twenty feet or less in width which affords a secondary means of access to abutting property. (Ord. 388 Art. 1 (part), 1975)

17.03.067 Amusement center.

“Amusement center” means any business, or portion of a business, that operates five or more coin-operated machines for amusement purposes (i.e., pinball machines, electronic games, etc.). (Ord. 536 § 1 (part), 1983)

17.03.068 Assumed ground surface.

“Assumed ground surface” means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade, subject to the following exception: if there has been grading or filling on the property within five years preceding the time of the application, or proposed as part of the application, and that grading or filling has or would increase the height of the finished

grade at one or more points where it would meet the perimeter of the proposed structure, the

planning commission may measure heights from where it estimates the grade is or was before the grading or filling, if the commission determines that such an action is necessary to keep the height of the proposed structure in reasonable relationship to the heights in the neighborhood. (Ord. 642 § 1, 1987)

17.03.070 Automobile wrecking.

“Automobile wrecking” means the dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or parts thereof. (Ord. 388 Art. 1 (part), 1975)

17.03.075 Back flow prevention device.

“Back flow prevention device” means a safety device used to prevent pollution or contamination of water supply due to the reverse flow of water from the irrigation system. (Ord. 744 § 2 (part), 1992)

17.03.080 Basement.

“Basement” means that portion of a building between floor and ceiling, which is partly below and partly above grade, but so located that the vertical distance from grade to the floor below is less than the vertical distance from grade to ceiling. (Ord. 388 Art. 1 (part), 1975)

17.03.082 Bay window.

“Bay window” means a window or series of windows serving as an important element of the building’s architecture; forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal or curved form. (Ord. 776 § 1, 1995)

17.03.085 Bed and breakfast.

“Bed and breakfast” means a home occupation in which there are guests as defined in Section 17.03.280. In addition the requirements of Section 17.03.310, bed and breakfast home occupations must meet the following requirements:

- A. The room(s) are rented for transient (less than thirty days) occupancy;
- B. The total number of persons staying within the rented portion of a bed and breakfast premises shall at no time exceed four, regardless of the number of rooms utilized by those four persons;
- C. In addition to the regular parking requirements for the premises, one parking space must be provided for each bedroom available to bed and breakfast guests. (Ord. 533 § 1, 1983)

17.03.086 Bench.

“Bench” means a seat located upon, or adjacent to, public property for the accommodation of the public. (Ord. 775 § 1 (part), 1995)

17.03.090 Block.

“Block” means all property fronting upon one side of a street between intersecting and intercepting streets or between a street and right-of-way, waterway, end of dead-end street or city boundary. An intercepting street shall determine only the boundary of the block on the side of the street which it intercepts. (Ord. 388 Art. 1 (part), 1975)

17.03.093 Bluff or cliff.

“Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what we commonly know as “cliffs.” (Ord. 628 § 1 (part), 1987)

17.03.110 Building,.

“Building” means any structure used or intended for supporting or sheltering any use or occupancy. (Ord. 388 Art. 1 (part), 1975)

17.03.120 Building coverage.

“Building coverage” means the land area covered by all buildings and accessory structures on a lot. (Ord. 388 Art. 1 (part), 1975)

17.03.125 Building face.

“Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces. (Ord. 775 § 1 (part), 1995)

17.03.130 Building height.

“Building height” means the vertical distance measured form the assumed ground surface of the building to the highest point of the roof, ridge or parapet wall. (Ord. 642 § 2 (part), 1987: Ord. 455, 1979: Ord. 388 Art. 1 (part), 1975)

17.03.135 Building line.

“Building line” means a line established by ordinance beyond which no building may extend. A building line may be a property line. See curblines. (Ord. 775 § 1 (part), 1995)

17.03.140 Building site.

“Building site” means the ground area occupied or capable of being occupied under this title by a building or group of buildings together with all open spaces as required by this title. (Ord. 388 Art. 1 (part), 1975)

17.03.150 Carport.

“Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the convenient loading or unloading of passengers or the storage of an automobile. (Ord. 873 § 7, 2004: Ord. 388 Art. 1 (part), 1975)

17.03.160 Club.

“Club” means an association of persons for some common nonprofit purpose, but not including groups organized primarily to render a service which is customarily carried on as a business. (Ord. 388 Art. 1 (part), 1975)

17.03.164 Community care facility.

A “community care facility” is any building which is maintained and operated to provide nonmedical residential care, or day-care services for children, adults or children and adults, including, but not limited to, the physically handicapped, mentally impaired, or incompetent persons. All community care facilities shall be appropriately licensed or registered pursuant to state law, unless exempted therefrom by state law. This definition and all other definitions relating to community care facilities shall be interpreted so as to be consistent with definitions found in state law or state administrative regulations. (Ord. 608 § 2 (part), 1986)

17.03.166 Community care residential facility.

A. A “community care residential facility” is a community care facility, providing twenty-four-hour nonmedical care of persons in need of personal service, supervision, or assistance essential for sustaining the activities of daily living or for the protection of the individuals. It does not include “child day care facility” as that term is defined in Welfare and Institutions Code § 1596.750.

B. A small community care residential facility is one which serves six or fewer persons, not counting the operators.

C. A large community care residential facility has seven or more residents (not counting operators), including retirement homes and boarding homes for the aged but not including nursing homes. (Ord. 608 § 2 (part), 1986)

17.03.170 Convalescent hospital.

A “convalescent hospital” is a type of hospital which provides bed care for persons suffering chronic illness, or convalescent care for patients who, by reason of illness or physical infirmity, are unable to care for themselves properly. (Ord. 608 § 2 (part), 1986; Ord. 388 Art. 1 (part), 1975)

17.03.180 Court.

“Court” means an open, unoccupied space, other than a yard, on the same lot with a building or buildings and bounded on two or more sides by such buildings. (Ord. 388 Art. 1 (part), 1975)

17.03.181 Curblin.

“Curblin” means the line at the face of the curb nearest to the street or roadway. In the absence of a curb, the curblin shall be established by the city engineer. See building line. (Ord. 775 § 1 (part), 1995)

17.03.182 Drip or bubble irrigation.

“Drip or bubble irrigation” means a network of narrow tubes or porous tubing that deliver small amounts of water to individual plants above or below the ground. (Ord. 744 § 2 (part), 1992)

17.03.185 Drought resistant.

“Drought resistant” means a plant that can survive with little or no water once established. (Ord. 744 § 2 (part), 1992)

17.03.190 Dwelling.

“Dwelling” means a building or portion thereof designed exclusively for residential occupancy, including one-family, two-family, and multiple dwellings, but not including hotels and lodging facilities. (Ord. 661 § 2 (part), 1988; Ord. 388 Art. 1 (part), 1975)

17.03.200 Dwelling multiple-family.

A. “Multiplefamily dwelling” when used in the context of, or with reference to, the design, development, construction of, or remodeling of a building or portion thereof, means a building designed as a residence to house two or more families, living independently of each other and doing their own cooking in said building, including all necessary employees of each such family, including apartment and group dwellings.

B. When used in the context of, or with reference to the use of buildings, “multiple-family dwelling” means using buildings or portions thereof as a residence to house two or more families, living independently of each other, and doing their own cooking in said building, including all necessary employees of each such family. “Residence,” as used in this subsection does not include “transient rental use” as defined in Section 17.03.686. (Ord. 687 § 3, 1990: Ord. 388 Art. 1 (part), 1975)

17.03.210 Dwelling, one-family.

A. One-family dwelling” when used in the context of, or with reference to, design, development, construction, or remodeling means a detached building, containing one kitchen, designed exclusively to house not more than one family, including all necessary employees of such family.

B. When used in the context of, or with reference to, the use of a building or portion thereof, “one family dwelling” means used exclusively for residential occupancy by not more than one family, including all necessary employees of such family. “Residential occupancy” as used in this subsection does not include “transient rental use” as defined in Section 17.03.686. (Ord. 687 § 2, 1990: Ord. 388 Art. 1 (part), 1975)

17.03.220 Dwelling unit.

“Dwelling unit” means one or more rooms in a dwelling designed for occupancy by one family for living or sleeping purposes and having only one kitchen. (Ord. 388 Art. 1 (part), 1975)

17.03.223 Energy facility.

“Energy facility” means any public or private processing, producing, generating, storing, transmitting, or recovering facility for electricity, natural gas, petroleum, coal or other source of energy. (Ord. 677 § 12(B), 1989)

17.03.225 External appearance.

“External appearance” means the architectural style, design, general arrangement, and components of all of the outer surfaces of an improvement, including, but not limited to, color and texture of building material and type and style of all windows, doors, lights, signs, and other fixtures appurtenant to the improvement. (Ord. 515 § 3 (part), 1982)

17.03.230 Factory-built housing.

“Factory-built housing” means any residential building, dwelling unit or habitable room thereof which is either wholly manufactured or is in a substantial part manufactured at an off-site location to be wholly or partially assembled on another site for residential or dwelling purposes. (Ord. 388 Art. 1 (part), 1975)

17.03.240 Family.

“Family” means a group of persons who live together, whether at one or more addresses, on a relatively permanent basis. However, “single family” or “multiple family” should not be interpreted to prohibit a person, living alone, from residing in R-1 or R-M zones. (Ord. 690 § 1, 1990: Ord. 388 Art. 1 (part), 1975)

17.03.242 Family day care home.

“Family day care home” means a home that regularly provides care, protection, and supervision for fourteen or fewer children, in the provider’s own home, for periods of less than twenty-four hours per day, while the parents or guardians are away, and is either a large family day care home or a small family day care home. (See Section 1596.78 of the California Health and Safety Code.)

A. “Large family day care home” means a home that provides family day care for up to twelve children, or for up to fourteen children if certain criteria are met, as set forth in California Health and Safety Code Section 1597.465 and as defined in state regulations (see 22 California Administrative Code Sections 102352(f)(1)(B) and 102416.5(c)). These capacities include children under age ten who live in the licensee’s home and the assistant provider’s children under age ten.

B. “Small family day care home” means a home that provides family day care for up to six children, or for up to eight children if certain criteria are met, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations (see 22 California Administrative Code Sections 102352(f)(1)(A) and 102416.5(b)). These capacities include children under age ten who live in the licensee’s home. (Ord. 878 § 1, 2004: Ord. 608 § 2 (part), 1986)

17.03.245 Floodplain.

“Floodplain” means the land on either side of the creek or other watercourse which may be subject to flooding, and includes but is not necessarily limited to any one-hundred-year floodplain as determined by the Federal Flood Insurance Program. (Ord. 628 § 1 (part), 1987)

17.03.246 Floor area.

“Floor area” means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage, except as permitted for one and one-half story single family residences pursuant to Section 17.15.100(B). It also includes covered or uncovered upper-floor decks; and porches and covered exterior open space in excess of one hundred fifty square feet, including eaves greater than eighteen inches in length. For commercial uses the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as opposed to the general public. “Floor area ratio” means the gross floor area of all of the buildings on the lot divided by the net lot area. (Ord. 882 § 1 (part), 2005: Ord. 873 § 8, 2004: Ord. 775 § 1 (part), 1995)

17.03.247 Floor area, available for dining.

“Floor area, available for dining” means floor area in a restaurant which may be used for the placement of seating for the consumption of food or beverages. (Ord. 947 § 4, 2010)

17.03.248 Freeway.

“Freeway” means a highway or expressway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which owners have only limited or restricted right or easement of access. (Ord. 947 § 4, 2010; Ord. 775 § 1 (part), 1995)

17.03.250 Frontage.

“Frontage” means that portion of all property abutting on a side of a street between two intersecting or terminating streets, or the end of such street if it does not meet another. (Ord. 388 Art. 1 (part), 1975)

17.03.260 Garage, parking.

“Parking garage” means any building or premises, except those described as a private garage, designed and/or used by the general public on a commercial basis for the storage only of motor vehicles. (Ord. 388 Art. 1 (part), 1975)

17.03.270 Garage, private.

“Private garage” means a detached accessory building or portion of a main building with capacity for not more than three motor vehicles designed and/or used for the shelter, parking or storage of vehicles owned or operated by the occupants of the main dwelling, including covered parking space or carport; provided, however, a private garage may exceed a three-vehicle capacity if the lot whereupon such garage is located contains, in area, not less than one thousand five hundred square feet for each vehicle stored. (See definition of accessory building.) (Ord. 388 Art. 1 (part), 1975)

17.03.275 Geological hazard.

“Geological hazard” means a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation. (Ord. 628 § 1 (part), 1987)

17.03.280 Guest.

“Guest” means any person who rents a room for sleeping purposes. (Ord. 388 Art. 1 (part), 1975)

17.03.285 Historic feature.

Any improvement, or group of improvements on a single site, of historic significance because of special aesthetic, cultural, architectural, archaeological, paleontological characteristic which has been so designated by the city council upon the recommendation of the planning commission. (Ord. 515 § 3 (part), 1982)

17.03.310 Home occupations.

“Home occupations” means any secondary activity conducted on the premises by the occupant of the dwelling where the home occupation is the applicant’s only place of business; where there are no advertising signs (except a nameplate not to exceed one square foot in size); no display or outside storage; no employee or assistant who is not a resident of the dwelling; no objectionable equipment, noise or odors; no excessive pedestrian, automobile or truck traffic introduced to the neighborhood; normally no goods or commodity sold on the premises; and does not provide a service which normally involves the purchaser being present when a significant portion of the services are performed. (Ord. 747, 1993: Ord. 388 Art. 1 (part), 1975)

17.03.320 Hotel.

“Hotel” means any building or portion containing six or more guest rooms intended or designed to be used or which are used, rented or hired out to be occupied or which are occupied for sleeping purposes by guests with no provision for cooking in any individual room or suite, with access to units primarily from interior lobbies, courts or halls (including hotels, public and private clubs and any such buildings of any nature whatsoever so designed or intended to be occupied), except that jails, hospitals, asylums, sanitariums, orphanages, prisons, detention homes and similar buildings where human beings are housed or detained under legal restraint, are specifically not included. (Ord. 608 § 2 (part), 1986: Ord. 388 Art. 1 (part), 1975)

17.03.322 Irrigation audit.

“Irrigation audit” means a process to perform site inspections, evaluate irrigation systems, and develop efficient irrigation schedules. (Ord. 744 § 2 (part), 1992)

17.03.325 Irrigation system.

“Irrigation system” means a system designed to distribute water to plants artificially. (Ord. 744 § 2 (part), 1922)

17.03.330 Junkyard.

“Junkyard” means an area of more than three hundred square feet of any lot or of any portion of the front half of any lot for the storage of junk including scrap metals or other scrap materials, and/or for the dismantling or wrecking of automobiles or other vehicles or machinery. (Ord. 388 Art. 1 (part), 1975)

17.03.340 Kitchen.

“Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home. Such an area is limited to a small refrigerator, a microwave oven and a small sink with a drain size less than one and one-half inches. No gas line or two hundred twenty electric service is permitted within this area. Only one such area is permitted within a dwelling in addition to the kitchen, and internal access within the dwelling must be maintained. (Ord. 873 § 9, 2004; Ord. 388 Art. 1 (part), 1975)

17.03.345 Landscaped area.

“Landscaped area” means the entire parcel less the building footprint, driveways, nonirrigated portions of parking lots, and hardscapes. Water features are included in the calculation of the landscaped area. (Ord. 744 § 2 (part), 1992)

17.03.350 Lodging facility.

“Lodging facility” means a business which rents rooms to the general public for sleeping purposes, but which is neither a hotel nor motel. Lodging facilities may not do any of the following:

- A. Rent rooms in which there are cooking facilities;
- B. Rent to persons who intend to make it their domicile or residence;
- C. Offer leases with terms greater than twenty-nine days;

D. Provide the following services to its guests: (1) medical care, (2) convalescent care, or (3) care, protection or supervision for minors. (Ord. 661 § 1, 1988: Ord. 608 § 2 (part), 1986: Ord. 388 Art. 1 (part), 1975)

17.03.360 Lot.

“Lot” means a parcel of land under one ownership occupied or capable of being occupied by a building and its accessory buildings, together with such open spaces as are required under the regulations of this title, and having its principal frontage upon a street or place, but not including an alley. (Ord. 388 Art. 1 (part), 1975)

17.03.370 Lot area.

“Lot area” means the total horizontal area included within the lot lines of the lot, including one-half the width of any alley or portion thereof abutting any such lot line. (Ord. 388 Art. 1 (part), 1975)

17.03.380 Lot, corner.

“Corner lot” means a lot situated at the junction of two or more intersecting streets, with a lot line thereof bordering on each of the two or more streets. (Ord. 388 Art. 1 (part), 1975)

17.03.390 Lot depth.

“Lot depth” means the horizontal distance from the street line or front line of the lot to the rear line, measured in the mean direction of the side lines of the lot. (Ord. 388 Art. 1 (part), 1975)

17.03.400 Lot line.

“Lot line” means the lines bounding a lot as defined in this chapter. (Ord. 388 Art. 1 (part), 1975)

17.03.410 Lot line, front.

“Front lot line” means that dimension of a lot or portion of a lot, abutting on a street except the side of a corner lot. (Ord. 388 Art. 1 (part), 1975)

17.03.420 Lot line, rear.

“Rear-lot line” means ordinarily, the line of a lot which is generally opposite the line along the frontage of said lot. In cases in which this definition is not applicable, the planning commission shall designate the rear lot line. (Ord. 388 Art. 1 (part), 1975)

17.03.430 Lot line, side.

“Side lot line” means any boundary line not a front line or a rear line. (Ord. 388 Art. 1 (part), 1975)

17.03.440 Lot, reversed corner.

“Reversed corner lot” means a corner lot, the side street line of which is substantially a continuation of the front line of the lot upon which it rears. (Ord. 388 Art. 1 (part), 1975)

17.03.450 Lot width.

“Lot width” means the horizontal distance between the side lot lines, measured at right angles to the lot depth at a point midway between the front and rear lot lines. (Ord. 388 Art. 1 (part), 1975)

17.03.455 Material change.

“Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit. (Ord. 515 § 3 (part), 1982)

17.03.460 Modular built housing.

“Modular built housing” means any mass-produced or manufactured housing in modules or sections that are intended to be reassembled at a housing site. (Ord. 388 Art. 1 (part), 1975)

17.03.470 Motels.

“Motels” means a building or group of buildings containing individual sleeping or living units, designed for or used by automobile tourists or transient guests, with parking space conveniently located to each unit, including auto courts, motels or motor lodges. (Ord. 608 § 2 (part), 1986; Ord. 388 Art. 1 (part), 1975)

17.03.475 Mulch.

“Mulch” means any material such as leaves, bark, straw or other materials left loose and applied to the soil surface to reduce evaporation. (Ord. 744 § 2 (part), 1992)

17.03.480 Nonconforming structure.

“Nonconforming structure” is defined as a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to setbacks, height or lot coverage regulations of the district, but do not include standards contained in the Uniform Codes, such as the Building Code, adopted in Section 15.04.010 because those codes contain their own specific regulations regarding structures that do not meet current regulations. (Ord. 761 § 2 (part), 1993; Ord. 388 Art. 1 (part), 1975)

17.03.490 Nonconforming activity.

“Nonconforming activity” is defined as an activity, business or enterprise which was legal at the time it was established but which is not presently a permitted or conditional use in the zoning district where the activity, business or enterprise is located, or does not conform to current parking requirements. In residential zones it also means having a greater density of dwelling units than is presently allowed in the district. (Ord. 761 § 2 (part), 1993; Ord. 388 Art. 1 (part), 1975)

17.03.500 Nursing home.

“Nursing home” is deemed to include any occupancy for the reception and care of persons both ambulatory and nonambulatory which has been duly licensed by the State Health Department and the State Fire Marshal’s Office. (Ord. 388 Art. 1 (part), 1975)

17.03.510 Parking lot.

“Parking lot” means an open area of land, a yard or other open space on a lot other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers. (Ord. 388 Art. 1 (part), 1975)

17.03.520 Parking space.

“Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles. (Ord. 388 Art. 1 (part), 1975)

17.03.525 Public works.

“Public works” means the following:

- A. All production, storage, transmission, and recovery facilities for water, sewerage, telephone and other similar utilities owned or operated by any public agency or by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities;
- B. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires and other related facilities;
- C. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district;
- D. All community college districts. (Ord. 677 § 12(C), 1989)

17.03.526 Rain-sensing override device.

“Rain-sensing override device” means a system which automatically shuts off the irrigation system when it rains. (Ord. 744 § 2 (part), 1992)

17.03.527 Residence.

“Residence” as used in this title means a dwelling unit, inhabited by an individual or a family, on a non-transient basis. (Ord. 690 § 2, 1990)

17.03.530 Residential care home.

“Residential care home” means a family residence in which room, board, and non-medical personal care services including supervision of and assistance with dressing, eating, personal hygiene, daily activity, health maintenance, transportation and protective safeguards for one to six adults are provided. (Ord. 388 Art. 1 (part), 1975)

17.03.535 Restaurant.

“Restaurant” means a retail food service establishment in which food or beverage is prepared and sold for on-site consumption. (Ord. 947 § 5, 2010)

17.03.550 Schools, elementary, junior, and senior high.

“Elementary, junior and senior high schools” means an institution of learning which offers instruction in the several branches of learning and study required to be taught in the public schools by the Education Code of the state. (Ord. 388 Art. 1 (part), 1975)

17.03.570 Service stations.

“Service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. (Ord. 388 Art. 1 (part), 1975)

17.03.575 Sprinkler head.

“Sprinkler head” means a device which sprays water through a nozzle. (Ord. 744 § 2 (part), 1992)

17.03.580 Stable, private.

“Private stable” means an accessory building with capacity for not more than two horses;

provided, however, that the capacity of a private stable may be increased if the lot whereon such stable is located contains area of not less than twenty thousand square feet for each horse stabled, and to be used exclusively by the owners thereof and not kept for remuneration, hire or sale. (Ord. 388 Art. 1 (part), 1975)

17.03.600 Story.

“Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story. (Ord. 388 Art. 1 (part), 1975)

17.03.610 Story, half.

“Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers. (Ord. 882 § 1 (part), 2005: Ord. 873 § 10, 2004: Ord. 388 Art. 1 (part), 1975)

17.03.620 Street.

“Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. (Ord. 388 Art. 1 (part), 1975)

17.03.630 Street, side.

“Side street” means that street bounding a corner lot and which extends in the same general direction as the line determining the length of the lot. (Ord. 388 Art. 1 (part), 1975)

17.03.640 Structural alterations.

“Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building. (Ord. 388 Art. 1 (part), 1975)

17.03.650 Structure.

“Structure” means anything constructed or erected, the use of which requires permanent location on the ground, or attached to something having a permanent location on the ground. Pipelines, poles, wires and similar installations erected or installed by public utility districts or companies shall not be construed as structures requiring a permit under this title.

B. In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line. These structures do require a coastal development permit except as exempted under Section 17.46.050 of this title. (Ord. 677 § 12(D), 1989; Ord. 388 Art. 1 (part), 1975)

17.03.660 Supermarket.

“Supermarket” means a retail food store with a gross floor area exceeding five thousand square feet. (Ord. 388 Art. 1 (part), 1975)

17.03.670 Trailer, automobile.

“Automobile trailer” means a vehicle with or without motor power, designed to be drawn by a motor vehicle when necessary and to be used for human habitation and for carrying persons and property, including trailer coach or house trailer. (Ord. 388 Art. 1 (part), 1975)

17.03.680 Trailer park.

“Trailer park” means any area or tract of land intended, maintained or designed for the purpose of supplying a location for accommodation for one or more automobile trailers or mobile homes for human habitation, including trailer camps or trailer parks, whether or not a charge is made for the use of the trailer space and park facilities. (Ord. 388 Art. 1 (part), 1975)

17.03.686 Transient rental use.

“Transient rental use” means, in R-1 or R-M district, the occupancy for hire of real property or portion thereof for a period of less than thirty consecutive calendar days. “For hire,” for purposes of this section, does not include:

A. The owner or long term lessee of the property, without consideration, allowing family or friends to use the property;

B. An arrangement whereby the owner or long term lessee of the property agrees to a short term trade with another property owner or long term lessee whereby the sole consideration is each concurrently using the other’s property. (Ord. 687 § 1, 1990)

17.03.690 Use.

“Use,” when utilized in reference to a proposal to create or modify a building, means the kinds of intended occupancies for which the building is arranged or designed. In other contexts, “use” refers to the predominant activity or class of activities that will be allowed within a building, or upon a parcel or collection of adjacent parcels. Where it is relevant to distinguish, the phrase “design-use” will be utilized to refer to the first meaning above; and “activity-use” will be utilized for the second above-stated meaning. (Ord. 817 § 1, 2000; Ord. 388 Art 1 (part), 1975)

17.03.692 Valve.

“Valve” means a device used to control the flow of water in the irrigation system. (Ord. 744 § 2 (part), 1992)

17.03.695 Vista.

“Vista” means a long view, or prospect, especially one through or along an avenue, as between rows of trees; also, the trees, structures, or other forming the avenue or view. (Ord. 515 § 3 (part), 1982)

17.03.700 Warehouse.

“Warehouse” means a building used primarily for the more or less temporary storage of commercial goods to be sold elsewhere. (Ord. 388 Art. 1 (part), 1975)

17.03.710 Yard.

“Yard” means an open space, other than a court, on the same lot with a building, unoccupied and unobstructed from the ground upward, except for such encroachments as provided in the district regulations of this title. (Ord. 388 Art. 1 (part), 1975)

17.03.720 Yard, front.

“Front yard” means a yard extending across the full width of the lot, the depth of which is the minimum horizontal distance between the front line of the lot and the nearest line of the main building or enclosed or covered porch. On a corner lot the front line of the lot shall ordinarily be construed as the least dimension of the lot fronting on a street. (Ord. 388 Art. 1 (part), 1975)

17.03.730 Yard, rear.

“Rear yard” means a yard extending across the full width of the lot, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the lot; the depth of the required rear yard shall be measured horizontally. (Ord. 388 Art. 1 (part), 1975)

17.03.740 Yard, side.

“Side yard” means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the lot and the nearest part of the main building or enclosed or covered porch. (Ord. 388 Art. 1 (part), 1975)

17.03.750 Wrecking yard.

See “Junkyard.” (Ord. 388 Art. 1 (part), 1975)

Chapter 17.06 ESTABLISHMENT AND DESIGNATION OF DISTRICTS

17.06.010 Purpose.

The purpose of this title is to designate such land use regulations and a zoning plan for the city as are deemed necessary to encourage the most appropriate use of land; to enhance and stabilize the value of property; to provide open space for light and air and to prevent and fight fires; to prevent undue concentration of population; to promote orderly community development; to lessen congestion on streets; to facilitate adequate provisions for community utilities, such as transportation, schools, parks and other public requirements; and to promote health, safety and the general welfare, all in accordance with a comprehensive plan. (Ord. 388 § 2.01, 1977)

17.06.020 Establishment of land use regulations and city districts.

In order to classify land within the city, to regulate and restrict the location and use of buildings, or other purposes, to regulate and limit the height, number of stories, exterior design, size of buildings and other structures hereafter erected or altered; to regulate and determine the size of yards and other open spaces; and to regulate and limit the density of population, and for said purpose to divide the city into districts of such number, shape and area as may be deemed best suited to carry out these regulations and provide for their enforcement, the city creates the following districts:

- A-P — Archaeological/paleontological resource district
- R-1 — Single-family residence district
- R-M — Multiple-family residence district
- C-V — Central village district
- RRO — Riverview Avenue residential overlay district (See Section 17.21.100(B))
- CAO — Cherry Avenue overlay district (See Section 17.21.100(B))
- C-R — Commercial/residential district
- C-N — Neighborhood commercial district (See Ordinance 658 which amends Chapter 17.24)
- C-C — Community commercial district
- P/OS — Parks and open space district
- V-S — Visitor serving
- P-O — Professional office district
- I-P — Industrial park district
- P-D — Planned development district
- P-F — Public facilities district

- C-Z — Coastal zone combining district
- A-R — Automatic review district
- G-H — Geologic hazard district
- F-P — Floodplain combining district
- TRO — Transient rental use overlay district
(See municipal code Chapter 17.19)

(Ord. 708 § 1, 1991; Ord. 696 § 1, 1990; Ord. 677 § 13(A), 1989; Ord. 388 § 2.02, 1975)

17.06.030 District boundaries.

Districts aforesaid and the boundaries of such districts for the regulation of the uses of land and buildings are shown upon the zoning map as set forth in Chapter 17.09 of this title. (Ord. 677 § 13(B), 1989; Ord. 388 § 2.03, 1975)

17.06.040 Regulations applicable by districts.

Except as provided in Chapter 9.36 regarding temporary activities, no land shall be used, and no building or structure shall be erected, constructed, reconstructed, enlarged, structurally altered, moved or used for any purpose other than is permitted in the district in which such building or land is located, as shown upon the zoning map, except in accordance with the regulations established by this title for said district and in accordance with the general regulations of Chapter 17.81, and nonconforming use provisions of Chapter 17.72. Adjustment and variation of regulations and provisions in this title may be applied for as provided in Chapter 17.66. (Ord. 507 (part), 1981; Ord. 388 § 2.04, 1975)

Chapter 17.09 ZONING MAPS

17.09.010 Zoning map of the city of Capitola.

A. From and after April 27, 1989, the zoning map (see Section 17.06.030) of the city shall be that certain “City of Capitola Zoning Map” which the community development director has filed with the city clerk and the city clerk has certified and dated April 7, 1989.

B. An amendment of the zoning map or of any part, extension, or amendment thereof may be made, and changes in symbols, legends, classifications, notations, references or other matters shown thereon may be made, by the preparation and adoption of a new zoning map or part thereof. Within the coastal zone, revisions of the zoning map shall be subject to the provisions of Section 17.69.120 of this title.

C. Each amendment of the zoning map shall be dated and shall be identified as an amendment to this section of the municipal code.

D. The zoning map, including all amendments hereafter adopted, shall govern the administration and enforcement of all regulations contained in this title and issuance of permits. (Ord. 677 § 14, 1989; Ord. 388 Art. 3, 1975)

Chapter 17.11 ARCHAEOLOGICAL/PALEONTOLOGICAL RESOURCES DISTRICT

17.11.010 Intent.

The purpose of this section is to provide development standards which assure the maintenance and protection of Capitola archaeological/paleontological resources. New land uses and development, both public and private, shall be considered compatible with this purpose only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological resources. (Ord. 677 § 5 (part), 1989)

17.11.020 Coastal development permit requirements.

Development proposed within seven hundred fifty feet of a known archaeological/paleontological resource, as identified through the survey report, or as shown on current Capitola resource maps or other available information, shall be required to obtain a coastal development permit. (Ord. 677 § 5 (part), 1989)

17.11.030 Archaeological survey report requirement.

A. An archaeological survey report shall be required for any development located within:

1. “Archaeological/Paleontological Sensitivity Areas” as mapped on city of Capitola resource map (LUP p. 19, Map I-1);
2. Seven hundred fifty feet of a known archaeological resource; or
3. An area with a probability of containing archaeological resources, as determined through the planner’s onsite investigation or other available information.

B. The survey report shall be required by, submitted to and approved by the city prior to the application being considered complete. Two copies of the report shall be submitted

C. The survey report shall be prepared, at the applicant’s expense, by a qualified archaeologist, as included on the city’s list of archaeological consultants or by a member of the Society of Professional Archaeologists.

D. Where construction on, or construction impacts to, an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be required for the project. Prior to the application being considered complete, the plan shall be required by, submitted to and approved by the city. The plan shall be prepared at the applicant's expense by a qualified archaeologist, either on the city's list of archaeological consultants or as a member of the Society of Professional Archaeologists. Included in the plan shall be recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission. The consulting archaeologist shall file the report with the State Office of Historic Preservation and where the plan contains recommendations that will impose any continuing restrictions or obligations on the property, an agreement approved by the city attorney, binding the property's owner to the restrictions or requirements, shall be recorded. Such agreement shall list the official file number of the report and the location of the document.

E. The recommended mitigation measures contained in the archaeological survey report prepared for the site shall be made condition(s) of approval.

F. Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:

1. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits; or

2. Where appropriate according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and

3. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the city prior to the issuance of building or grading permits. Two copies of the report shall be submitted.

G. The report shall be prepared according to the report standards of the Society of Professional Archaeologists and must include, at a minimum, a field survey by the archaeologist, survey of available state resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity and any identified archaeological resources, appropriate levels of development on the site, and recommended mitigation measures. The report may be required to include additional information, according to the circumstances of the particular site.

H. An archaeological survey report may be waived by the director of planning under the following circumstances:

1. A previous report was prepared for the site by a qualified archaeologist, as included on the city's list of archaeological consultants or as a member of the Society of Professional Archaeologists; and

2. The report clearly and adequately included the currently-proposed development site within the scope of its survey; or

3. The proposed development does not involve land clearing or land disturbance. (Ord. 677 § 5 (part), 1989)

17.11.040 Environmental assessment requirement.

All development proposed on parcels with known archaeological resources, as identified through the survey report, shall be subject to environmental assessment under the CEQA guidelines. (Ord. 677 § 5 (part), 1989)

17.11.050 Development standards.

A. Development proposed on parcels with an identified archeological site shall be designed and located so as to avoid development on or impacts to the site. Alternative siting or location, reduction of project size, and other techniques shall be utilized where that will result in reduced impact to or nondisturbance of the archaeological site.

B. Development on parcels with an archaeological site, as identified through an archaeological report prepared for the site, shall be subject to the mitigation measures of the archaeological survey report as conditions of approval, to be completed prior to the issuance of building or grading permits. (Ord. 685 § 13, 1989; Ord. 677 § 5 (part), 1989)

Chapter 17.12 MHE MOBILE HOME EXCLUSIVE DISTRICT

Note

* Prior history: Ord. 476.

17.12.010 Applicability.

The regulations in this chapter shall apply in all MHE districts. (Ord. 576 § 1 (part), 1984)

17.12.020 Principal permitted uses.

The following are principal permitted uses in an MHE district: mobile home parks. (Ord. 576 § 1 (part), 1984)

17.12.030 Accessory uses.

The following are accessory uses permitted in an MHE district: accessory uses in buildings customarily appurtenant to any principally permitted use. (Ord. 576 § 1 (part), 1984)

17.12.040 Conditional uses.

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

- A. Home occupation;
- B. Offices incidental and necessary to conduct of a mobile home park use, including single-family dwellings;
- C. Public facilities and utilities;
- D. Single-family dwellings which are located on the mobile home park parcel or on separate parcels of no less than five thousand one hundred square feet;
- E. One sign for each public street upon which the property abuts for purposes of identifying the principal use therein conducted. (Ord. 648, 1988; Ord. 576 § 1 (part), 1984)

17.12.050 Minimum lot area.

For vacant property hereafter rezoned to MHE, the minimum lot shall be five acres. For mobile home parks existing at the time of rezoning to MHE the minimum lot size shall be five acres or the existing lot size, whichever is less. (Ord. 576 § 1 (part), 1984)

17.12.060 Architectural and site review.

Architectural and site review approval shall be secured for any use in an MHE district. (Ord. 576 § 1 (part), 1984)