



SPECIAL MEETING AGENDA

CAPITOLA PLANNING COMMISSION

Monday, September 19, 2016 – 6:00 PM

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.

C. Commission Comments

D. Staff Comments

3. PUBLIC HEARINGS

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

A. Zoning Code Update All Properties within Capitola

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17). Review Transient (Vacation) Rental Overlay and consider whether the overlay zone should be modified as part of the Zoning Code Update to include additional properties on Capitola Avenue and Blue Gum Avenue to Riverview Drive and the East Side of El Camino Medio. No action will be taken to modify the boundaries of the TRO zone at this time; however, the Planning Commission may recommend that the City Council revise the map at a future publicly noticed hearing.

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Katie Cattan, Senior Planner, City of Capitola

4. DIRECTOR'S REPORT

5. COMMISSION COMMUNICATIONS

6. ADJOURNMENT

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

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

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

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



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: SEPTEMBER 19, 2016

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

Continuation of Comprehensive Update to the City of Capitola Zoning Code (Municipal Code Chapter 17). Review Transient (Vacation) Rental Overlay and consider whether the overlay zone should be modified as part of the Zoning Code Update to include additional properties on Capitola Avenue and Blue Gum Avenue to Riverview Drive and the East Side of El Camino Medio. No action will be taken to modify the boundaries of the TRO zone at this time; however, the Planning Commission may recommend that the City Council revise the map at a future publicly noticed hearing.

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

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

Representative: Katie Cattan, Senior Planner, City of Capitola

BACKGROUND: The draft zoning code was released on February 4, 2016, for an extended public review and comment period. The Planning Commission began the review of the draft zoning code on March 3 and held subsequent meetings on March 17, April 18, April 21, May 5, May 16, May 19, June 13, June 27 July 21, August 4, and September 1. The draft code, zoning map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

DISCUSSION: The draft zoning code has been reviewed sequentially from beginning to end. The remaining items to be reviewed/revisited by Planning Commission are the Vacation Rental Overlay boundary, Chapter 17.104 Wireless, and Parking in the Mixed Use Village. The wireless chapter is currently being modified by the City attorney along with consulting planner, Ben Noble. It will be ready for review at the October 6th meeting. During the October 6th Planning Commission meeting, staff will bring forth the entire zoning code update with a request for recommendation to the City Council. It is anticipated that the following sections will be discussed during the special meetings:

Meeting Date	Sections to Be Reviewed
September 19	Transient Rental Overlay on Zoning Map Village Parking
October 6	17.104 Wireless Recommendation of Zoning Code to City Council

Vacation Rental Overlay: The Planning Commission will review the boundary of the Vacation Rental Overlay (currently Transient Rental Overlay) during the September 19th meeting. Requests have been received by property owners to reconsider the border of the Vacation Rental Overlay to incorporate properties along Capitola Avenue and El Camino Medio. Attachment 1 is a map showing the properties to be considered within the possible expansion of the overlay. At the direction of the Planning Commission, the review of the Vacation Rental Overlay boundary was scheduled onto the agenda of a special meeting and public notice was sent out to property owners within 300 feet of the properties to be considered.

Village Parking: The Planning Commission will take a second look at parking in the Village Mixed Use zoning district. During Zoning Code update hearings, the Planning Commission recommended several changes to Village parking standards to improve clarity, ease administration, and allow limited expansions of existing Village businesses. The Commission also directed staff to remove allowances for onsite parking alternative (17.76.050) including shared parking and low demand parking. Upon reviewing the redlines to the parking chapter, the majority of the Planning Commission felt unsatisfied with the proposed revisions and expressed their desire to comprehensively resolve long-standing Village parking issues rather than making incremental improvements. Accordingly, the Planning Commission postponed its recommendation on Village parking standards pending further direction from the City Council.

On September 8, 2016, the City Council reviewed the Planning Commissions redlines to parking in the Village and discussed the larger issue of long-standing Village parking issues. In addition to parking supply, a number of other Village parking issues were discussed by the City Council, including:

- Parkletts. The Draft Code included a provision to allow parkletts, which would provide street dining areas in the Village. The Planning Commission recommended removing allowances for parkletts.
- Shared Parking and Parking Studies. The Draft Code included allowances for multi-tenant buildings to use shared parking and to potentially reduce required parking if a parking study demonstrated that the nature and hours of operation of various uses would have a lower parking demand. The Planning Commission recommended removing these provisions for the Village.
- Take-out Restaurants. The current Zoning Code allows take-out restaurants with six seats or less to provide on-site parking at a ratio of one parking space/240 square-feet, whereas full-service bars and restaurants are subject to a 1/60 square-foot requirement. The six-seat restriction has been a long-standing enforcement issue and the Planning Commission recommended a Code revision to allow a take-out restaurant to have 300 square-feet of dining area without providing additional parking.
- Bar/Restaurant Expansion. The current Zoning Code requires that an expansion of an existing bar or restaurant use provide a commensurate increase in parking. The Planning Commission recommended adding a provision to allow a 20% expansion without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.
- In-Lieu Parking Policy. The Draft Code includes codifying the City's In-Lieu Parking Fee Policy.

- Parking Lifts. The Draft Code includes a new allowance for mechanical parking lifts.

The City Council reviewed the Planning Commission redlines and advised that the Commission's revisions be included in the draft code update with two minor modifications. First, the Council requested that the Planning Commission reconsider their recommendation to prohibit shared parking and parking studies within the mixed use village. The City Council suggested there are some benefits to shared parking for residential mixed use in the village that would not be allowed if shared parking were prohibited. The second change was to the in-lieu parking policy that will be codified in the zoning code update. The City Council directed staff to modify the policy to allow up to 10 in-lieu spaces to be utilized for small Visitor Serving Hotels. Separate from the zoning code update, the City Council asked that staff return with a draft pilot program for parklets in village to test the idea prior to codifying the land use practice.

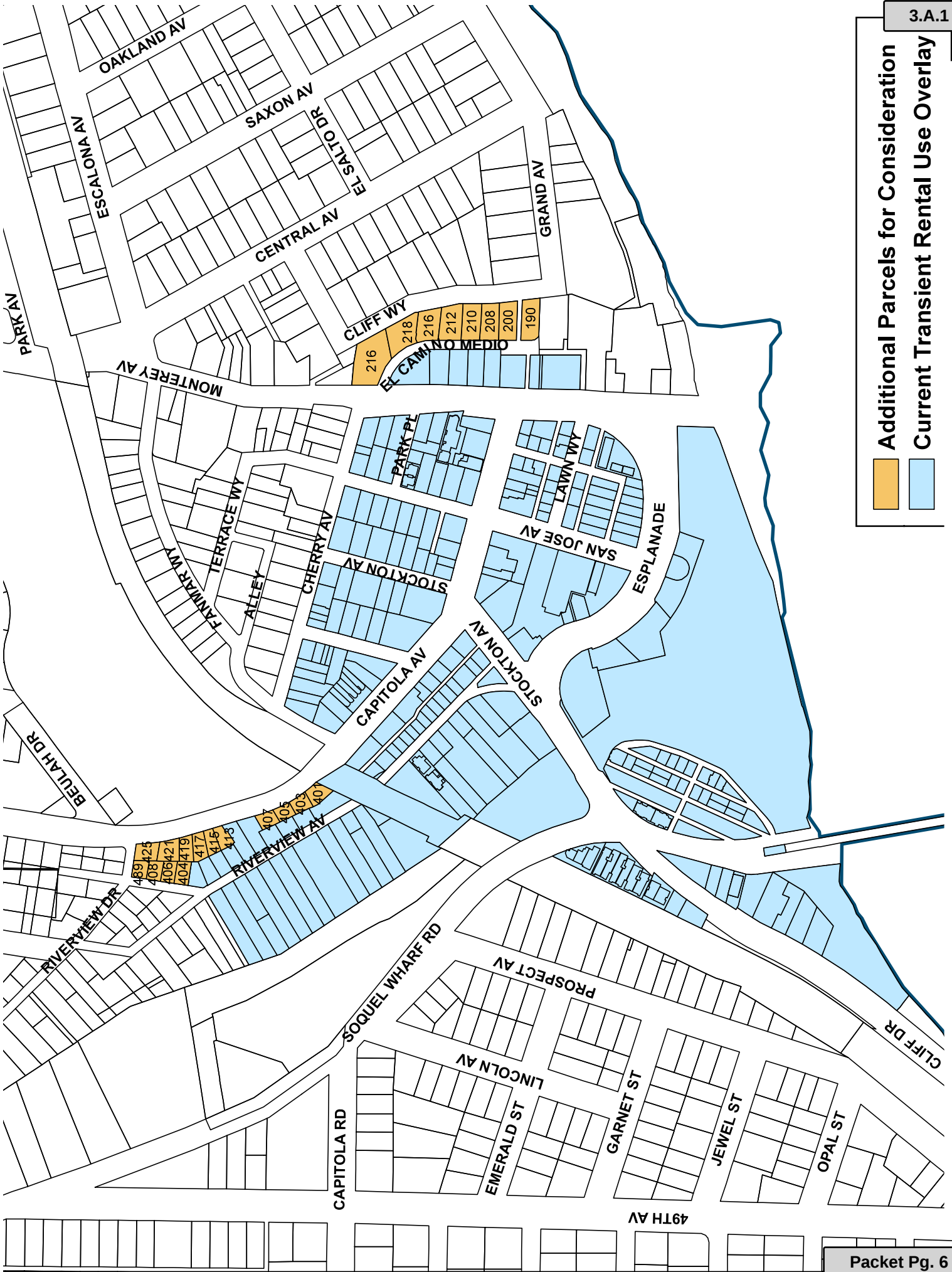
CEQA: An Addendum to the General Plan Update Environmental Impact Report has been prepared.

RECOMMENDATION: Accept the staff presentation, discuss the draft zoning sections presented, identify desired code revisions, and continue the public hearing to the October 6, 2016 meeting.

ATTACHMENTS:

1. Draft Vacation Rental Overlay Map.pdf
2. Public Comment on Vacation Rental Overlay
3. 17.40.030 Vacation Rental Use overlay zone
4. 17.76 Parking and Loading Redlines
5. 17.92.170 Temporary Sidewalk Dining Redlines

Prepared By: Katie Cattan
Senior Planner



Additional Parcels for Consideration

Current Transient Rental Use Overlay

Attachment: Draft Vacation Rental Overlay Map.pdf (1597 : Zoning Code Update)

Cattan, Katie (kcattan@ci.capitola.ca.us)

From: Jay Chesavage <jay@chesavage.com>
Sent: Wednesday, September 14, 2016 5:49 PM
To: PLANNING COMMISSION
Subject: Opposed to expansion of Capitola Village transient occupancy to El Camino Medio

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Honorable Planning Commission:

I am Jay Chesavage, my wife and I own the cottage at 206 Monterey Ave, Capitola, which is in the transient occupancy district of Capitola Village. I saw the public notice for the Monday 9/19/2016 6PM meeting, I would otherwise appear, but unfortunately I am out of town that day, so am sending this email to express the reasons for my opposition.

We enjoy, and our short term rental guests enjoy, the peace and quiet of our back yard which is adjacent to El Camino Medio and the homes above it. The configuration of our cottage is such that the cottage provides noise isolation from Monterey Ave, and the back yard is private, but provides line of sight to several of the El Camino Medio homes and decks, which loom over El Camino Medio, which itself is elevated above our Monterey Avenue cottage.

From guest arrival and departure patterns, changing occupants from weekend to weekend, as well as the several listings for nightly rates on Homeaway, Air BnB, and VRBO, we are aware that one or more of the homes on El Camino Medio have been rented out for transient use, and from the public hearing, I gather are now asking for a zoning change to allow this transient use, which has been a prohibited use for at least several decades.

We are opposed to the expansion of the short term rental district for the following reasons:

- 1) The homes on El Camino Medio are elevated above our home, and overlook into our back yard. Because El Camino Medio is at the top of a retaining wall in our back yard, and the houses on El Camino Medio are built above that already elevated grade, it is not possible for us to improve the privacy of our back yard with visual obstructions, and it is not possible to reduce noise from above. However, there has been no need for this in the past, as the current use of the homes on El Camino Medio appears to be second homes or in long term use patterns, so we have found them to be infrequently occupied over the past decade of our stays at our beach cottage, and the many balconys along El Camino Medio which look into our back yard and dining room table are typically unoccupied. Changing these uses to transient rental use would greatly increase their use, at the expense of our (and our guest's) peace, quiet, and privacy.
- 2) Zoning exists to reflect usage patterns, and to acknowledge that each use has an associated impact on the neighbors and surrounding community. We are on Monterey Avenue, a busy street which allows transient rentals. Because El Camino Medio is not in a business district or a short term rental district, our back yard remains quiet and peaceful, as we enjoy the quite afforded by the zoning of El Camino Medio allowing only long-term rental use.
- 3) One of the fundamental aspects of zoning is to establish expectations for what homeowners may expect as surrounding property use for the years to come. One of the reasons we purchased the beach cottage in the business district of Capitola Village a decade ago and not in a residential area such as El Camino Medio was the ability to engage in short term rentals available on Monterey Avenue, which are not available on El Camino Medio because of this clearly delineated zoning which excludes that use. Consistency of zoning allows someone who wishes to engage in short term rentals (or operate a commercial business, or engage in other activities which are governed by that zoning) to make their property purchase in an area which is commensurate with the zoning for that area. We made a decision to buy in the village based on that existant zoning and the expectation that our zoning, and the zoning around us, would remain. I would not consider making a decision to engage in short term rentals where that particular use was prohibited, and then asking for a zoning change to allow it.

Attachment: Public Comment on Vacation Rental Overlay (1597 : Zoning Code Update)

4) I believe the underlying reason for the zoning change request is not motivated by a change in use of the homes in the area, but the availability of internet applications which make such transactions easier to do quietly and privately. It would be conspicuous and objectionable to hang a sign offering nightly rates on the front of a stately residence on El Camino Medio to attract short term renters, but it is virtually anonymous to offer the same stay through AirBnB, Homeaway, or VRBO. The underlying reason for the zoning change request is that these short term rental transactions have been occurring "under the table" using these websites, and now the zoning change is being requested to legitimize them. I believe a particular zoning is considered on the basis of topography, layout, and configuration (El Camino Medio is a row of stately homes, Monterey Ave is a busy through-street), and not the ease of engaging in alternate uses outside of the zoning irrespective of the topography, layout, and configuration, however easy the internet may make such alternate uses to offer.

5) One may make a decision to switch from an existing allowed use (residential use and long term rentals) into a prohibited use, and then make a zoning change request to allow the prohibited use, however the risk of such a decision is that folks like myself who purchased property consistent with its existing zoning will oppose such conversion.

I believe the existing zoning boundary for the business district on our end of town, which excludes El Camino Medio, is correct, and for the above reasons, am opposed to expanding the business district including short term rentals beyond its current boundary on El Camino Medio.

-Jay Chesavage
206 Monterey
Capitola, CA 95010
jay@chesavage.com

Cattan, Katie (kcattan@ci.capitola.ca.us)

From: Maxine Sivaslian <maxsivas@yahoo.com>
Sent: Thursday, September 15, 2016 1:32 PM
To: PLANNING COMMISSION
Subject: OPPOSED TO THE EXPANSION OF CAPITOLA VILLAGE TRANSIENT OCCUPANCY TO EL CAMINO MEDIO

PLANNING COMMISSION,

MY HUSBAND GREG AND I OWN THE PROPERTIES LOCATED AT 215 AND 217 MONTEREY AVENUE IN CAPITOL VILLAGE WHICH ARE IN THE TRANSIENT OCCUPANCY AREA OF THE VILLAGE. WE ARE UNABLE TO ATTEND THE MEETING ON 9-19-16 SO WE ARE WRITING YOU THIS TO VOICE OUR CONCERNS.

OUR PROPERTIES ARE LOCATED ON MONTEREY AVENUE AND FACE THE ENTRANCE TO EL CAMINO MEDIO FROM MONTEREY AVENUE. WE HAVE SEEN MANY INSTANCES OF CARS TRYING TO DRIVE UP EL CAMINO MEDIO. THEY EITHER CAN NOT GET UP THE HILL AND BACK DOWN ONTO MONTEREY INTO ON COMING TRAFFIC OR SCRAPE THE BOTTOM OF THEIR CARS WHILE TRYING TO NAVIGATE THE EL CAMINO MEDIO HILL. THE FIRST SCENARIO IS BLATANTLY DANGEROUS TO PEOPLE DRIVING UP OR DOWN MONTEREY AS WELL AS THE MANY PEDESTRIANS WALKING ON MONTEREY AVENUE SIDEWALKS. THE SCRAPING SCENARIO ADDS MANY DECIBELS OF NOISE IN AN AREA OF THE VILLAGE THAT IS ALREADY REplete WITH TRAFFIC NOISE.

HOW THESE TWO FACTS AFFECT THE CURRENT RESIDENTS ON DEPOT HILL AND MONTEREY AVENUE IF THERE IS AN EXPANSION OF THE TRANSIENT OCCUPANCY AREA TO EL CAMINO MEDIO:

1. MORE CARS WILL BE GETTING STUCK ON EL CAMINO MEDIO AND WILL UNSAFELY BACK DOWN WHEN THEIR CARS CAN'T NAVIGATE THE HILL, THUS PUTTING MORE PEOPLE IN DANGER WITH POTENTIAL LAWSUITS FOR THE CITY. THE INCREASE OF NEW DRIVERS NOT FAMILIAR WITH THE GRADE IS A VERY DANGEROUS PROPOSITION.
2. THE NOISE LEVEL ON MONTEREY AVENUE WILL INCREASE WITH MORE LOUD SCRAPING NOISES AND WILL NEGATIVELY AFFECT GUESTS IN OUR PROPERTIES.

THESE TWO ISSUES ARE A DANGER TO PEOPLE IN THE AREA AND NEGATIVELY AFFECT US WHEN PEOPLE ARE EATING AND RELAXING ON THE FRONT DECKS OF OUR PROPERTIES. WE STRONGLY URGE THE PLANNING COMMISSION TO DENY THE EXPANSION OF THE VILLAGE TRANSIENT OCCUPANCY TO EL CAMINO MEDIO.

MAXINE AND GREG SIVASLIAN
 CONCERNED PROPERTY OWNERS

Attachment: Public Comment on Vacation Rental Overlay (1597 : Zoning Code Update)

Gordon Hunt
 190 El Camino Medio
 Capitola CA 95010
 gordonincapitola@yahoo.com

RECEIVED

SEP 14 2016

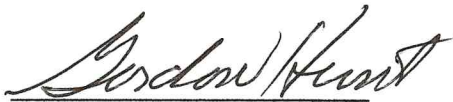
CITY OF CAPITOLA

Dear Neighbor

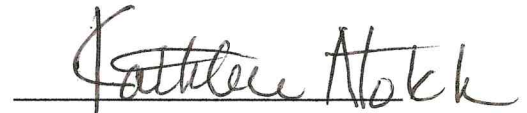
I am requesting a zoning change on the east side of El Camino Medio from R-1 to TRO allowing vacation rentals. No where in Capitola dose a zone devides a street.

A change from R-1 to TRO will put all of El Camino Medio in the PRIME zone of Capitola Village. This change will increase the property value without raising taxes. This change is a "NO BRAINER" WIN for the City of Capitola allowing them to collect a 10% tax on homeowners who rent there home or rooms less than 30 days a month. and a WIN for homeowners and future homeowners . I urge you to join myself and the other homeowners who agree.

Thank You

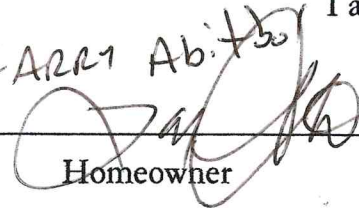


Gordon Hunt



Kathleen Notch

I agree with a zone change

CARRI Abitbo

 Homeowner

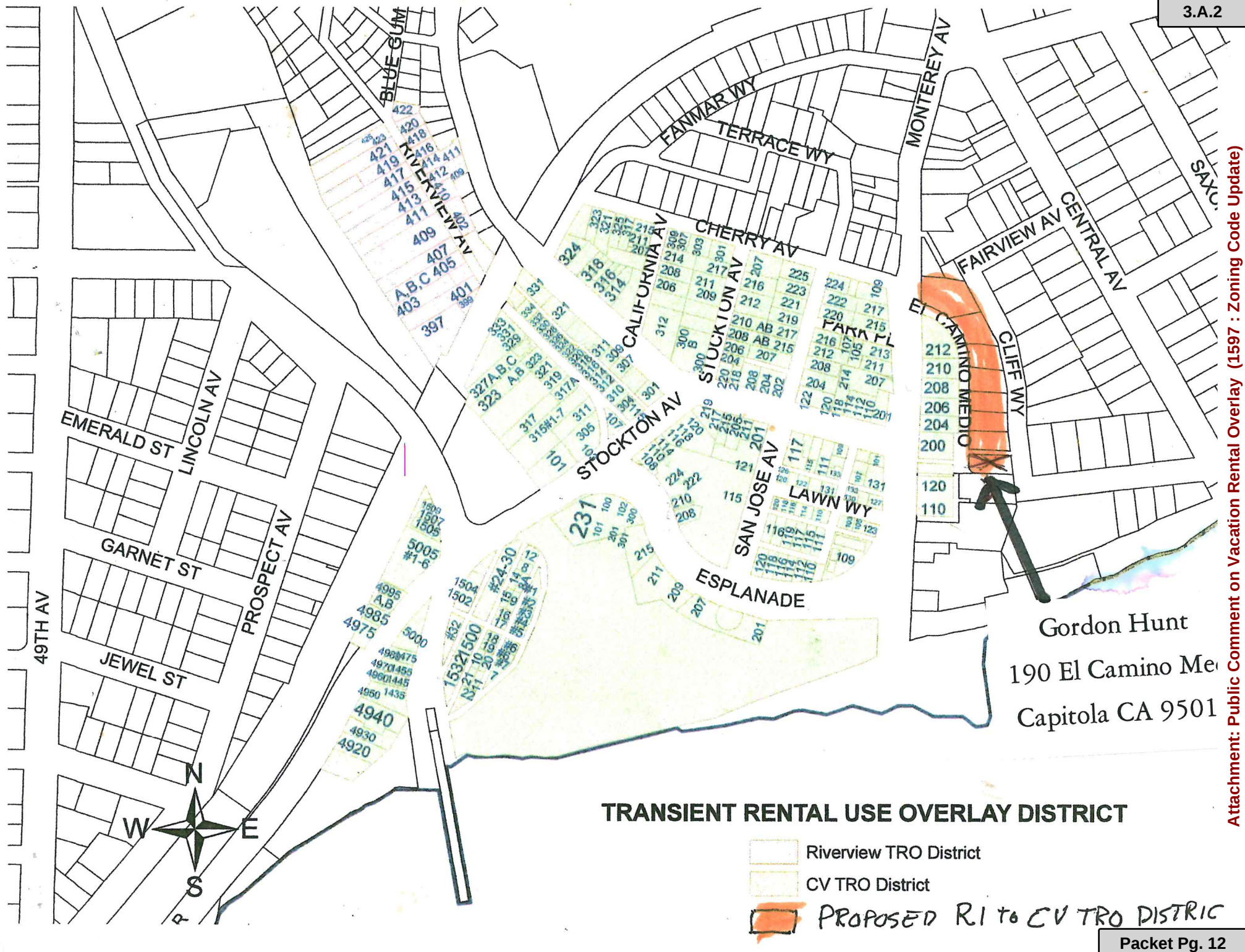
208 EL CAMINO MEDIO
 Address

Petition to Zoning Revision For El Camino Medio

As a homeowner at 190 El Camino Medio I am
requesting The City of Capitola to rezone El Camino
Medio from R-1 to TRO District. allowing short term
renting.

I support a xone change. The TRO District is a more favorable
zone allowing homeowners and future homeowners to rent thier
homes or a portion of thier home as a vacation rental.

- 1) GORDON HUNT 190 EL CAMINO MEDIO
home owner address
- 2) ALFRED FERRARI 200 EL CAMINO MEDIO
homeowner address
- 3) LARRY ABITOL 908 EL CAMINO MEDIO
homeowner address ^{212 on}
_{AIRBNB}
- 4) _____
homeowner address
- 5) _____
homeowner address
- 6) _____
homeowner address
- 7) _____
homeowner address
- 8) _____
homeowner address



Attachment: Public Comment on Vacation Rental Overlay (1597 : Zoning Code Update)

City of Capitola Planning Commission
Re: Zoning Map Update El Camino Medio
and 218 Monterey Ave.

As a homeowner

I approve of the proposed zone changes

RECEIVED

SEP 15 2016

CITY OF CAPITOLA

Gordon Hunt 190 El Camino Medio

Homeowner

Address

Cattan, Katie (kcattan@ci.capitola.ca.us)

From: Bob Edgren <agren7@yahoo.com>
Sent: Friday, September 16, 2016 10:27 AM
To: PLANNING COMMISSION
Subject: El Camino Medio expansion of transient zone
Attachments: image.jpeg

Dear commission members,

As I expressed a couple weeks ago at a hearing, I am adamantly opposed to extending the transient overlap short vacation rental to include the hillside homes on El Camino Medio.

It was in 1865 our family purchased our house at 204 Monterey Ave. At that time we were fully aware of the existing zone and in fact chose to not purchase a hillside home in order to have the option to have a vacation rental, despite the hillside homes had far superior views.

It has been our observation that owners of these homes by and large are investors, absentee owners, who seldom personally use these residences. It is obvious from observation that most owners never intended to use them permanently OR intend to rent them out as short term rentals.

With the recent explosion of short term rental programs and companies like AirBnB, suddenly there was a avenue for these owners to make some pretty good extra income.

Now that AirBnB or others have have a seasoned program on several hillside homes, we now have our findings. The results do not bode well for short term vacation use. In the past year we have been exposed to a weekly pace of new people less than fifty feet looking down to our deck.

These include;

1. Football game watchers with their own cheering section that don't even spend the night.
2. Football or frisbee tossing from one or more of the balconies to parties below.
3. Up to three dogs on one balcony that bark and howl at unscheduled times.
4. Loud, I mean loud music of all sorts, Reggae, jazz, classical, rock.
5. One live saxophone recital.
6. Several domestic arguments.
6. A lot of cussing and swearing.
7. Smokers, both cigar and cigarette.
8. Loud revving of cars.
9. One screaming parrot.
10. Crying kids.
11. Loud parties.

The difference between residential and short term is, with regular residential, there are no surprises. One can adjust to a neighbor's annoying habits and often become good neighbors. The problem with short term is a surprise each weekend.

Also with Bed and breakfast locales, similar issues arise. It's beach time which means party, maybe not in the BnB but outside. Parking is also an issue. Current owners and visitors push the limit now by encroaching on to the El Camino Medio drive area. I would like to see this addressed and policed. To date this has not been an issue.

Attachment: Public Comment on Vacation Rental Overlay (1597 : Zoning Code Update)

and residents have been tolerant of this. Add in new arrivals to this situation, and it will become more exasperated and very difficult to police.

I have attached photos showing the views-from the top of El Camino Medio, and from the bottom of El Camino Medio. These show the towering hillside homes that hover over the homes on Monterey Ave. virtually all privacy is eliminated at this point but again owners are rarely there so it is not much of an issue. And again even if they are there they usually become friends.

Finally there is an element of "sandwich" noise. Current homes facing Monterey Avenue are subject to a daily roar of motorcycles revving to or zooming up Monterey Ave. our only slice of peace and quiet is our rear yards and decks, which in most cases face the balconies of the hillside house less than fifty feet across. Any change in use by intensifying use, would create noise in the front and rear of Monterey Ave homes.

Other photos include ;

1. View from hillside home top of stairs down onto our deck (204 Monterey). Note the rail of the balcony
2. Photo angles from our deck showing several hillside houses with a direct view of our rear deck and also neighbors property.

Gratefully,
Robert Edgren
The Esgren family
Agren7@yahoo.com

17.40.030 Vacation Rental Use (-VRU) Overlay Zone

- A. Purpose.** The -VRU overlay zone identifies locations within residential areas where the short term rental of dwelling units is permitted.
- B. Applicability.** Locations where the -VRU overlay zone applies is shown on the Zoning Map.
- C. Land Use Regulations.** Permitted uses in the -VRU overlay zone are the same as in the base zoning district, except that vacation rental uses are permitted with a Minor Use Permit.
- D. Required Permit.** Each vacation rental unit is required to obtain a Minor Permit in addition to registering each unit with the City as a business. Vacation rental registration includes obtaining a business license and transient occupancy tax registration.
- E. Development and Operations Standards.**

1. Vacation rentals in Capitola are prohibited outside of the -VRU overlay zone.
2. Transient occupation registration is required for each vacation rental unit. A business license and transient occupancy tax registration must be obtained from the City. The business license shall be renewed annually.
3. Permit holders must submit to the City transient occupancy tax report and payment monthly.
4. One parking space is required per vacation rental unit. Parking may be on site or within Pacific Cove parking lot with proof of permit. The on-site parking space must be maintained for exclusive use by guests during their stay.
5. The property owner must designate a person who has the authority to control the property and represent the owner. This responsible person must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
6. A maximum of one sign per structure, not to exceed one square foot in size, is permitted to advertise the vacation rental.
7. Each unit must post the transient occupancy permit in a visible location within the unit. The transient occupancy permit will include a permit number, conditions of approval, and an area in which to write the contact information for the responsible party.
8. If the unit is advertised on the internet, the first line of the posting must include the official permit number for City reference.
9. No permit holder shall have a vested right to a renewed permit. If there is a history of the permit holder or tenants violating the permit's conditions, the permit may be revoked consistent with Section 17.60.120 (Permit Revocation). After a permit is revoked, the permit holder may reapply for a new permit one year after the

revocation. The Community Development Director may deny an application based on previous code enforcement issues. A decision by the Community Development Director is appealable to the Planning Commission.

- ~~1. Upon receiving a business license, the vacation rental unit will be inspected by the building official or designee. The Minor Use Permit may not be approved until the unit is determined to be safe. The Building Official or designee shall establish the maximum number of guests that may occupy the unit.~~
- ~~2. The vacation rental unit must provide minimum required on-site parking, or provide required parking through a Pacific Cove parking permit. The Minor Use Permit holder must designate a person who has authority to control the property and represent the landlord. This responsible person must be available at all reasonable times to receive and act on complaints about the activities of the tenants.~~
- ~~3. Only one on-site sign per unit, not to exceed 1 square foot in size, is permitted to advertise the vacation rental. Each unit must post the Minor Use Permit approval in a visible location within the unit. The Minor Use Permit approval will include a permit number, maximum occupancy, conditions of approval, and an area in which to write in the contact information for the responsible party.~~
- ~~4. If the unit is advertised on the internet, the first line of the posting must include the vacation rental permit number for City reference.~~
- ~~5. If there is a history of the permit holder or tenants violating the permit's conditions, the Minor Use Permit may be revoked consistent with Section 17.156.110 (Permit Revocation). After a Minor Permit is revoked, the permit holder may reapply for a new permit one year after the revocation, or for a greater time period as established by the Community Development Director.~~
- ~~6. Permit holders must renew the business license and transient tax registration annually.~~

17.40.040 Village Residential (-VR) Overlay Zone

A. Purpose. The purpose of the -VR overlay zone is to limit certain areas within the Village to exclusive residential use, including vacation rentals.

B. Land Use Regulations.

- 1. Residential Uses Only.** Within the -VR overlay zone, only residential land uses (including vacation rentals) are permitted. Non-residential land uses, including but not limited to restaurants, retail, offices, and personal services, are not permitted in the -VR overlay zone.
- 2. Existing Hotels and Motels.** ~~Existing hotels and motels in the -VR overlay zone shall be legal nonconforming uses and may not be expanded or intensified.~~

Chapter 17.76 – PARKING AND LOADING

Sections:

- 17.76.010 Purpose
- 17.76.020 Applicability
- 17.76.030 Required Parking Spaces
- 17.76.040 General Requirements
- 17.76.050 On-site Parking Alternatives
- 17.76.060 Parking Design and Development Standards
- 17.76.070 Parking Lot Landscaping
- 17.76.080 Bicycle Parking
- 17.76.090 On-site Loading
- 17.76.100 Shuttle Program Parking

17.76.010 Purpose

This chapter establishes on-site parking and loading requirements in order to:

- A. Provide a sufficient number of on-site parking spaces for all land uses.
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians.
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Capitola.
- D. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern.
- E. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties.

17.76.020 Applicability

This chapter establishes parking requirements for three development scenarios: establishment of new structures and uses, replacement of existing uses, and expansion and enlargement of existing structures and uses.

A. New Structures and Uses. On-site parking and loading as required by this chapter shall be provided anytime a new structure is constructed or a new land use is established.

B. Replacing Existing Uses.

1. Mixed Use Village Zoning District.

- a. Where an existing residential use is changed to a commercial use in the Village Mixed Use (MU-V) zoning district, parking shall be provided for the full amount required by the ~~commercial~~ new use. No space credit for the previous use may be granted.
- b. In all other changes of use in the Village Mixed Use (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

2. **Other Zoning Districts.** Where an existing use is changed to a new use outside of the Village Mixed Use (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

C. Expansions and Enlargements.

1. Nonresidential Use.

- a. ~~Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, **except** as allowed by subparagraph b below.~~
- a.b. ~~An eating and drinking establishment may expand by 20 percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.~~

2. **Residential Use.** For an existing structure with a residential use, the full amount of parking to serve the use is required when the floor area is increased by more than ten percent.

17.76.030 Required Parking Spaces

- A. **Mixed Use Village Zoning Districts.** All land uses in the ~~Village~~ Mixed Use Village (MU-V) ~~and Neighborhood Mixed Use (MU-N)~~ zoning districts shall provide the minimum number of on-site parking spaces as specified in Table 17.76-1. Required parking for uses not listed in Table 17.76-1 shall be the same as required for land uses in other zoning districts as shown in Table 17.76-2.



Note: Required parking for in the MU-N zoning district in Table 17.76-1 is less than required by the existing Zoning Code. Reduced parking requirements reflect ability for residents in adjacent neighborhoods to walk to destinations in the MU-N zoning district.

TABLE 17.76-1: REQUIRED ON-SITE PARKING IN VILLAGE MIXED USE ZONING DISTRICTS

Land Uses	Number of Required Parking Spaces
	Village Mixed Use (MU-V)
Retail	1 per 240 sq. ft.
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> ; 1 per 240 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> ; 1 per 240 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 240 sq. ft.
Personal Services	1 per 240 sq. ft.
Hotels	
With more than 20 guest rooms	As determined by a parking demand study
With 20 or less guest rooms	1 per guest room plus additional spaces as required by the Planning Commission

- B. Other Zoning Districts.** Land uses in zoning districts other than the mixed use zoning districts shall provide a minimum number of on-site parking spaces as specified in Table 17.76-2.

TABLE 17.76-2: REQUIRED ON-SITE PARKING IN OTHER ZONING DISTRICTS

Land Uses	Number of Required Parking Spaces
Residential Land Uses	
Duplex Homes	2 per unit, 1 covered
Elderly and Long Term Care	1 per six beds plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing (includes single-room occupancy)	1 per unit plus 1 guest space per 6 units
Mobile Home Parks	1 per unit plus 1 per office
Multi-Family Dwellings	2.5 per unit, 1 covered
Residential Care Facilities, Small	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Secondary Dwelling Units	As required by the combined floor area with the primary residence <u>1 per secondary unit in addition to spaces required for primary residence</u>
Single-Family Dwellings	1,500 sq. ft. or less: 2 per unit 1,501-2,000 sq. ft.: 2 per unit, 1 covered 2,001-2,600 sq. ft.: 3 per unit, 1 covered 2,601 sq. ft. or more: 4 per unit, 1 covered
Public and Quasi-Public Land Uses	
Community Assembly	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions	As determined by a parking demand study
Day Care Centers	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Government Offices	1 per 300 sq. ft.
Home Day Care, Large	1 per non-resident employee
Home Day Care, Small	None beyond minimum for residential use
Medical Offices and Clinics	1 per 300 sq. ft.
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	As determined by a parking demand study
Schools, Public or Private	2 per classroom

Commercial Land Uses	
Banks and Financial Institutions	1 per 300 sq. ft.
Business Services	1 per 300 sq. ft.
Commercial Entertainment and Recreation	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> 1 per 300 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> 1 per 300 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 300 sq. ft. of gross floor area
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area
Gas and Service Stations	2 for gas station plus 1 per 100 sq. ft. of retail and as required for vehicle repair
Lodging	
Bed and Breakfast	1 per guest room plus parking required for residential use
Hotel	1 per guest room plus 1 per 300 sq. ft. of office
Maintenance and Repair Services	1 per 600 sq. ft.
Personal Services	1 per 300 sq. ft.
Professional Offices	1 per 300 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of outdoor use area.
Self-Storage	1 per 5,000 sq. ft.
Retail	1 per 300 sq. ft. of customer area
Vehicle Repair	1 per 500 sq. ft. of non-service bay floor area plus 2 per service bay
Vehicle Sales and Rental	1 per 300 sq. ft. for offices plus 1 per 1,000 sq. ft. of display area and requirements for vehicle repair where applicable
Wholesale	1 per 5,000 sq. ft.

Heavy Commercial and Industrial Land Uses	
Construction and Material Yards	1 per 2,500 sq. ft.
Custom Manufacturing	1 per 2,000 sq. ft., plus 1 per 300 sq. ft. of office
Light Manufacturing	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office
Warehouse, Distribution, and Storage Facilities	1 per 1,500 sq. ft.
Transportation, Communication, and Utility Uses	
Utilities, Major	As determined by a parking demand study
Utilities, Minor	None
Recycling Collection Facilities	1 per 1,000 sq. ft. of floor area
Wireless Communications Facilities	None
Other Uses	
Accessory Uses	Same as primary use
Home Occupation	None beyond requirement for residence
Quasi-Public Seating Areas	None
Temporary Uses	As determined by Planning Commission
Urban Agriculture	
Home Gardens	None beyond requirement for residence
Community Gardens	None
Urban Farms	As determined by a parking demand study

C. Calculation of Required Spaces.

1. **Floor Area.** Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use shall be calculated as described in Section 17.48.040 (Floor Area and Floor Area Ratio). Pursuant to Section 17.48.040, floor area for garages and other parking facilities are generally not included in the calculation of floor area for the purpose of determining on-site parking requirements.
2. **Employees.** Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.

3. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
4. **Fractional Spaces.** In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number.



Note: Subsection E below allows the Community Development Director to determine the parking requirement for an unlisted land use. The existing Zoning Code requires the Planning Commission to make this determination.

- D. **Unlisted Uses.** The parking requirement for land uses not listed in Table 17.76-1 and Table 17.76-2 shall be determined by the Community Development Director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.
- E. **Sites with Multiple Uses.** Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces shall be the sum of the number of parking spaces required for each individual use.
- F. **Additional Required Parking.** The Planning Commission may require more on-site parking than required by Table 17.76-1 and Table 17.76-2 if the Planning Commission determines that additional parking is needed to serve the proposed use and to minimize adverse impacts on neighboring properties.

17.76.040 General Requirements

A. Availability and Use of Spaces.

1. In all zoning districts, required parking spaces shall be permanently available and maintained to provide parking for the use they are intended to serve.
2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Code.

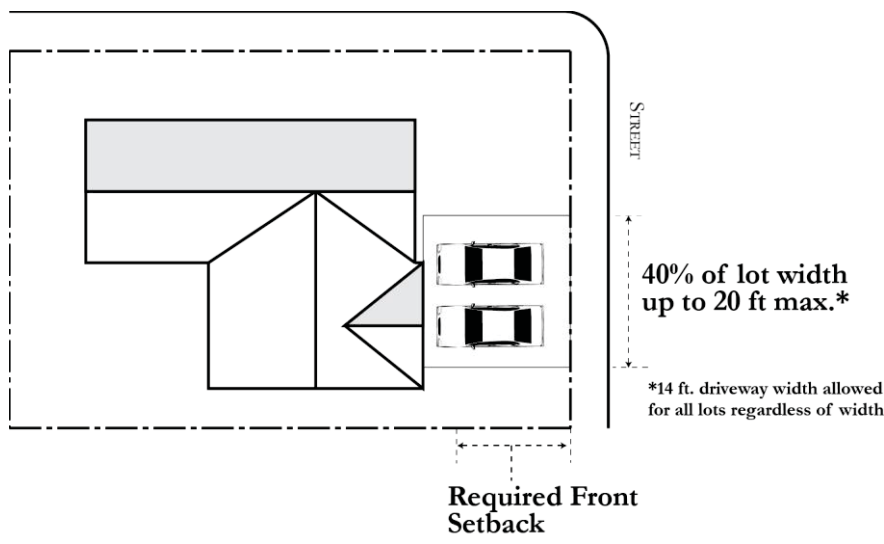
B. Parking in Front and Exterior Side Setback Areas.



Note: Limitations on parking in front and exterior side setback areas in this subsection are new.

1. **R-1 Zoning District.** In the R-1 zoning district, the width of a parking space in the required front or exterior side setback area may not exceed ~~40 feet~~ 40 percent of lot width up to a maximum of 20 feet, except that all lots may have a parking space of up to 14 feet in width regardless of lot width. See Figure 17.76-1. The Planning Commission may allow a larger parking area within the required front and exterior side setback areas with a Design Permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, that minimize visual impacts to the neighborhood, locating this parking outside of the setback areas is infeasible due to unique physical conditions on the site.

FIGURE 17.60-1: PARKING IN FRONT SETBACK AREA IN R-1 ZONING DISTRICT



2. **Other Zoning Districts.** In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas. In the Mixed Use Neighborhood zoning district, parking may be located in the front or exterior side setback area if approved by the Planning Commission in accordance with Section 17.020.040.E (Parking Location and Buffers).

C. Location of Parking.

1. **All Zoning Districts.** Required parking spaces may not be located within any public or private right-of-way unless located in a sidewalk exempt area and Encroachment Permit is granted.
2. **R-1 Zoning District.** Required parking spaces in the R-1 zoning district shall be on the same parcel as the use that they serve.

3. **MU-V Zoning District.** Required parking spaces for new non-residential development and intensified uses in the MU-V zoning district shall be provided on sites outside of the Village area. These spaces shall be within walking distance of the use which it serves or at remote sites served by a shuttle system. The Planning Commission may approve exceptions to allow on-site parking in the MU-V district for:
 - ~~a. Non historic structures in residential areas bounding the central commercial district of the village;~~
 - ~~b.a.~~ The Capitola Theater site (APN 035-262-04) and Mercantile site (APN 035-221-17) if driveway cuts are minimized to the extent possible and parking areas are located on the interior of the sites; and
 - ~~e.b.~~ If mandated under Federal Emergency Management Agency regulations and as consistent with the certified Local Coastal Program.
4. **Other Zoning Districts.** In all zoning districts other than the R-1 and MU-V zoning district, required parking shall be located on the same lot as the use they are intended to serve, except as allowed by Section 17.76.050.C below.



Note: Large vehicle storage requirements in subsection D below are new.

- D. **Large Vehicle Storage in the R-1 Zoning District.** In addition to the required on-site parking spaces for a single-family dwelling, one additional on-site parking or storage space may be provided on a parcel in the R-1 zoning district for a recreational vehicle, boat, camper, or similar vehicle. This space may not be located in a required front or exterior side setback area and may be utilized only to store a vehicle that does not exceed 13.5 feet in height, 8.5 feet in width, and 25 feet in length. Such parking or storage spaces shall be finished in concrete, asphalt, semi-permeable pavers, or a similar paved surface.



Note: Covered parking requirements and carport design standards in subsection E below are new.

E. Covered Parking in the R-1 Zoning District.

1. When required by this chapter, covered parking spaces serving a single-family dwelling shall be provided within an enclosed garage. The Planning Commission may allow required covered parking spaces to be provided within an open carport with a Design Permit if the Planning Commission finds that a garage is practically infeasible or that a carport results in a superior project design.
2. All carports serving a single-family dwelling shall comply with the following design standards:
 - a. Carports shall be designed with high quality materials, compatible with the home. The roofing design, pitch, colors, exterior materials and supporting posts shall be similar to the home. The carport shall appear substantial and decoratively finished in a style matching the home which it serves.

- b. The slope of a carport roof shall substantially match the roof slope of the home which it serves.
- c. Pedestrian pathways connecting the carport with the home shall be provided.
- 3. Garages in the R-1 zoning district may be converted to habitable living space only if the total number of required on-site parking spaces is maintained, including covered spaced for the covered parking space requirement.

F. Electric Vehicle Charging.

- 1. **When Required.** Electric vehicle charging stations shall be provided:
 - a. For new structures or uses required to provide at least 25 parking spaces; and
 - b. Additions or remodels that increase an existing parking lot of 50 for more spaces by 10 percent or more.
- 2. **Number of Charging Stations.** The number of required charging stations shall be as follows:
 - a. 25-49 parking spaces: 1 charging station.
 - b. 50-100 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
- 3. **Location and Signage.** Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating spaces with charging stations for electric vehicles only.

G. Parking for Persons with Disabilities.

- 1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
- 2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 17.76-1 and Table 17.76-2.

17.76.050 On-site Parking Alternatives



Note: On-site parking reductions in this section are new, except for off-site parking (Subsection C) and fees in lieu of parking in (Subsection I).

A. Purpose. This section identifies alternatives to required on-site parking to:

- 1. Allow for creative parking solutions;
- 2. Enhance economic vitality in Capitola;
- 3. Promote walking, biking, and use of transit; and
- 4. Encourage the efficient use of land resources consistent with the General Plan.

B. Eligibility. Alternatives to required on-site parking in this section are available only to uses located outside of the Mixed Use Village zoning district, except for:

1. Valet parking (Subsection F) which is available in all zoning districts, including the Mixed Use Village zoning district; and
2. Fees in-lieu of parking (Section I), which is available only to uses in the Mixed Use Village zoning district.

B.C. Required Approval. All reductions in on-site parking described in this section require Planning Commission approval of a Conditional Use Permit.

~~C.D.~~ Off-Site Parking.

1. For multi-family housing and non-residential uses, the Planning Commission may allow off-site parking if the Commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
2. ~~Off~~-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the Planning Commission.
3. A ~~covenant record~~ deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County Recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Capitola. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenant or contract for use without prior written consent of the City.

~~D.E.~~ Shared Parking. Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The Planning Commission may allow shared parking if:

- ~~1. The parking will be shared by non-residential land uses only;~~
- 2.1. A parking demand study ~~approved~~ prepared by a specialized consultant contracted by the Community Development Director, paid for by the applicant, and approved by the Planning Commission demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand;
- ~~3.2.~~ The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use; and
3. The proposed shared parking facility is located no further than 400 feet from the primary entrance of the land use which it serves.
4. In the Mixed Use Neighborhood (MU-N) zoning district the reduction for shared parking is no greater than 25 percent of the required on-site parking spaces.

E.F. Valet Parking. The Planning Commission may allow up to 25 percent of the required on-site parking spaces to be on- or off-site valet spaces. Valet parking shall comply with the following standards:

1. Valet parking lots must be staffed at all times when business is open by an attendant who is authorized and able to move vehicles.
2. A valet parking plan shall be reviewed and approved by the Community Development Director in consultation with the Public Works Director.
3. Valet parking may not interfere with or obstruct vehicle or pedestrian circulation on the site or on any public street or sidewalk.
4. The use served by valet parking shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

F.G. Low Demand. The number of required on-site parking spaces may be reduced if the Planning Commission finds that the land use will not utilize the required number of spaces due to the nature of the specific use. This finding shall be supported by the results of a parking demand study approved by the Community Development Director in consultation with the Public Works Director.

G.H. Transportation Demand Management Plan. The Planning Commission may reduce the number of required on-site parking spaces for employers that adopt and implement a Transportation Demand Management (TDM) Plan subject to the following requirements and limitations:

1. A TDM Plan reduction is available only to employers with 25 or more employees.
2. Required on-site parking spaces may be reduced by no more than 15 percent.
- 2.3. The TDM Plan shall be approved by the Community Development Director in consultation with the Public Works Director.
- 3.4. The TDM Plan shall identify specific measures that will measurably reduce the demand for on-site parking spaces. Acceptable measures must ensure a reduced demand for parking spaces (e.g., an employee operated shuttle program). Measures that only encourage the use of transit, ridesharing, biking, or walking will not be accepted.
- 4.5. The employer shall appoint a program coordinator to oversee transportation demand management activities.
- 5.6. The program coordinator must provide a report annually to the Planning Commission that details the implementation strategies and effectiveness of the TDM Plan.

~~6.7.~~ The Planning Commission may revoke the TDM Plan at any time and require additional parking spaces on site upon finding that that the Plan has not been implemented as required or that the Plan has not produced the reduction the demand for on-site parking spaces as originally intended.

~~H. Transit Center Credit. The Planning Commission may reduce the number of required parking spaces by up to 10 percent for non-residential or multiple-family development projects within 400 feet of a regional transit center.~~

I. Fees in Lieu of Parking

1. Within the MU-V zoning district, on-site parking requirements for nonresidential uses may be satisfied by payment of an in-lieu parking fee established by the City Council to provide an equivalent number of parking spaces in a municipal parking lot. Such payment must be made before issuance of a building permit or a certificate of occupancy. Requests to participate in an in-lieu parking program must be approved by the City Council.
2. Fee revenue must be used to provide public parking in the vicinity of the use. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

17.76.060 Parking Design and Development Standards

A. **Minimum Parking Space Dimensions.** Minimum dimensions of parking spaces shall be as shown in Table 17.76.3.

TABLE 17.76-3: MINIMUM PARKING SPACE DIMENSIONS

Type of Space	Minimum Space Dimensions
Spaces Serving Single-Family Dwellings	
Uncovered and covered (garage) spaces	10 ft. by 20 ft. [1]
In sidewalk exempt areas	10 ft. by 18 ft.
Spaces Serving Multi-Family and Non-Residential Uses	
Standard Spaces	9 ft. by 18 ft.
Compact Spaces	8 ft. by 16 ft.

Notes:

[1] The dimensions of parking spaces in an enclosed garage shall be measured from the interior garage walls.

- B. Compact Spaces.** A maximum of 30 percent of required on-site parking spaces serving multi-family and non-residential uses may be compact spaces. All parking spaces for compact cars shall be clearly marked with the word “Compact” either on the wheel stop or curb, or on the pavement at the opening of the space.
- C. Parking Lot Dimensions.** The dimensions of parking spaces, maneuvering aisles, and access ways within a parking lot shall conform to the City’s official parking space standard specifications maintained by the Public Works Director and as shown in Figure 17.76-2 and Table 17.76-4.

FIGURE 17.76-2: STANDARD PARKING LOT DIMENSIONS

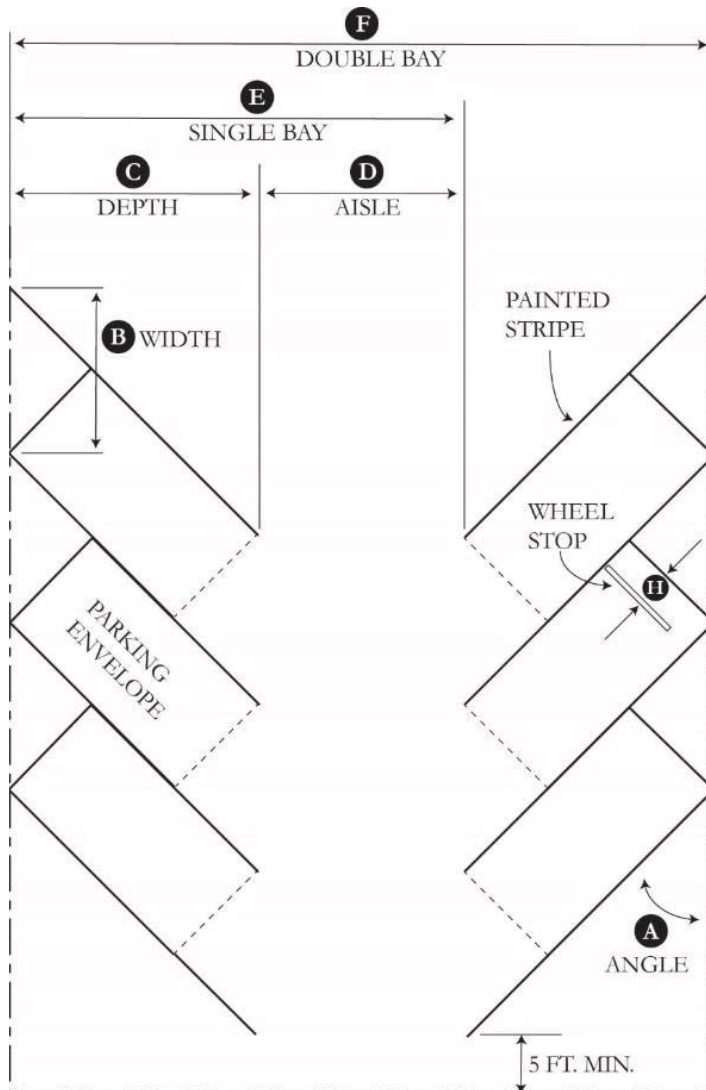


TABLE 17.76-4: STANDARD PARKING LOT DIMENSIONS

A Parking Angle	B Width		C Depth		D Aisle			E Single Bay			F Double Bay		
	Compact	Standard	Compact	Standard	Compact	Residential	Commercial	Compact	Residential	Commercial	Compact	Residential	Commercial
90	7'-6"	8'-6"	15'-0"	18'-0"	20'-0"	22'-0"	25'-0"	35'-0"	40'-0"	43'-0"	50'-0"	58'-0"	61'-0"
85	7'-7"	8'-6"	15'-7"	18'-8"	19'-0"	21'-0"	24'-0"	34'-7"	39'-8"	42'-8"	50'-2"	58'-4"	61'-0"
80	7'-8"	8'-7"	16'-1"	19'-2"	18'-0"	20'-0"	23'-0"	34'-1"	39'-2"	42'-4"	50'-2"	58'-4"	p
75	7'-9"	8'-10"	16'-5"	19'-7"	17'-0"	19'-0"	22'-0"	33'-5"	38'-7"	41'-7"	49'-10"	58'-2"	61'-0"
70	8'-0"	9'-0"	16'-9"	19'-10"	16'-0"	18'-0"	21'-0"	32'-9"	37'-10"	40'-10"	49'-6"	57'-8"	66'-8"
65	8'-4"	9'-4"	16'-10"	19'-11"	15'-0"	17'-0"	20'-0"	31'-10"	36'-11"	39'-11"	48'-8"	56'-10"	59'-10"
60	8'-8"	9'-10"	16'-9"	19'-10"	14'-0"	16'-0"	19'-0"	30'-9"	35'-10"	38'-10"	47'-6"	55'-8"	58'-8"
55	9'-1"	10'-4"	16'-7"	19'-7"	13'-0"	15'-0"	18'-0"	29'-7"	34'-7"	37'-7"	46'-2"	54'-2"	57'-2"
50	9'-10"	11'-1"	16'-4"	19'-2"	12'-0"	14'-0"	17'-0"	28'-4"	33'-2"	36'-2"	44'-8"	52'-4"	55'-4"
45	10'-7"	12'-0"	15'-11"	18'-8"	11'-0"	13'-0"	16'-0"	25'-5"	30'-0"	33'-0"	42'-10"	50'-4"	53'-4"
40	11'-8"	13'-2"	15'-15"	18'-0"	10'-0"	12'-0"	15'-0"	24'-8"	28'-2"	31'-2"	40'-10"	48'-0"	51'-0"
35	13'-1"	14'-10"	14'-8"	17'-2"	10'-0"	11'-0"	14'-0"	24'-0"	26'-2"	29'-2"	39'-4"	45'-4"	48'-4"
30	15'-3"	17'-0"	14'-0"	16'-2"	10'-0"	10'-0"	13'-0"	35'-0"	40'-0"	43'-0"	38'-0"	42'-4"	45'-4"

D. Surfacing.

1. All parking spaces, maneuvering aisles, and access ways shall be paved with asphalt, concrete, or other all-weather surface.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a permitted surface material, subject to approval by the Public Works Director.

E. Tandem Parking Spaces. Tandem parking spaces are permitted for all residential land uses, provided that they comply with the following standards:

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. For single-family dwellings, tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space in a single garage.
- ~~2.3.~~ The minimum width of an uncovered tandem parking space may be reduced to 9 feet by 18 feet.
- ~~3.4.~~ All required guest parking shall be provided as single, non-tandem parking spaces.
- ~~4.5.~~ Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
- ~~5.6.~~ Tandem parking spaces shall be used to accommodate passenger vehicles only.



Note: Allowance for parking lifts in Subsection F below is new.

F. Parking Lifts. Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view.**G. Lighting.**

1. A parking area with six or more parking spaces shall include outdoor lighting that provides a minimum illumination of 1.0 foot candles over the entire parking area.
2. Outdoor lighting as required above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and designed so that any glare or spillage is directed away from residential properties.
4. All fixtures shall be hooded and downward facing.

H. Pedestrian Access.

1. Parking lots with more than 30 parking spaces shall include a pedestrian walkway in compliance with ADA requirements.

2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Community Development Director.
- I. Screening.** Parking lots of six spaces or more shall comply with the following screening standards.
1. **Location.** Screening shall be provided along the perimeter of parking lots fronting a street or abutting a residential zoning district.
 2. **Height.**
 - a. Screening adjacent to streets shall have a minimum height of 3 feet.
 - b. For parking lots within 10 feet of a residential zoning district, screening shall have a minimum height of 6 feet.
 3. **Materials.** Required screening may consist of one or more of the following materials:
 - a. Low-profile walls constructed of brick, stone, stucco or other durable and graffiti-proof coating material.
 - b. Evergreen plants that form an opaque screen.
 - c. An open fence combined with landscaping to form an opaque screen.
 - d. A berm landscaped with ground cover, shrubs, or trees.
 - e. Parking lots within 10 feet of a residential zoning district shall be screened by a 6 foot masonry wall.
- J. Drainage.** A drainage plan for all parking lots shall be approved by the Public Works Director.
- K. Adjustments to Parking Design and Development Standards.** The Planning Commission may allow adjustments to parking design and development standards in this section through the approval of a Minor Modification as described in Chapter 17.136 (Minor Modifications).

17.76.070 Parking Lot Landscaping

- A. General Standards.** All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.
- B. Landscaping Defined.** Except as otherwise specified in this section, landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.



Note: Interior landscaping requirement in Subsection C below is new.

- C. Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than 15 spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

TABLE 17.76-5: MINIMUM REQUIRED PARKING LOT LANDSCAPING

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16 to 30	10%
31 to 60	15%
Over 60	20%

D. Shade Trees.



Note: Minimum number of shade trees reduced from one per two in the existing Zoning Code to one per five in this subsection.

- One shade tree shall be provided for every five parking spaces in a parking lot.
- Shade trees shall be a minimum 24-inch box in size and shall provide a minimum 30-foot canopy at maturity.
- Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-recommended list of canopy tree species.
- Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage.

~~4.5.~~ The Planning Commission may grant an exception to the required tree plantings if the 50% shade coverage exists within the parking lot.

E. Concrete Curbs.

- All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of 6 inches high by 4 inches deep.
- The City may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

F. Parking Space Landscaping. A maximum of 2 feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

G. Timing. Landscaping shall be installed prior to the City's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

G.—

Note: Reduced landscaping requirements for green parking lot design features in Subsection H below is new.

H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with the approval of a Conditional Use Permit.

I. Exceptions. The Planning Commission may grant an exception to the parking lot landscaping requirements in this section with the approve of a Design Permit upon finding that:

1. Full compliance with the requirement is infeasible or undesirable;
2. The project complies with the requirement to the greatest extent possible; and
- 4.3. The project incorporates other features to compensate for the exception and create a high quality design environment.

17.76.080 Bicycle Parking

Note: Bicycle parking requirements in this section are new.

A. Applicability. All multi-family developments of 5 units or more and commercial and commercial uses served by parking lots of 10 spaces or more shall provide bicycle parking as specified in this section.

B. Types of Bicycle Parking.

- 1. Short-Term/Class II Bicycle Parking.** Short-term/Class II bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
- 2. Long-Term/Class I Parking.** Long-term/Class I bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours a secure and weather-protected place to park bicycles. Long-term parking may be located in publicly accessible areas or in garages or other limited access areas for exclusive use by tenants or residents.

C. Bicycle Parking Spaces Required. Short-term and long-term bicycle parking spaces shall be provided as specified in Table 17.60-6.

TABLE 17.76-6 REQUIRED BICYCLE PARKING SPACES

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings and Group Housing	10% of required automobile spaces; minimum of 4 spaces	1 per 5 units
Non-Residential Uses	10% of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

D. Short-Term/Class II Bicycle Parking Standards. Short-term bicycle parking shall be located within 100 feet of the primary entrance of the structure or use it is intended to serve.

E. Long-Term Bicycle Parking Standards. Following standards apply to long-term bicycle parking:

1. **Location.** Long-term bicycle parking shall be located on or within 750 feet of the use that it is intended to serve.
2. **Security.** Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - a. In a locked room or area enclosed by a fence with a locked gate;
 - b. Within view or within 100 feet of an attendant or security guard;
 - c. In an area that is monitored by a security camera; or
 - d. Visible from employee work areas.

F. Parking Space Dimensions.

1. Minimum dimensions of 2 feet by 6 feet shall be provided for each bicycle parking space.
2. An aisle of at least 5 feet shall be provided behind all bicycle parking to allow room for maneuvering.
3. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
4. 4 feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

G. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.

H. Cover. ~~If bicycle parking spaces are covered, the Required cover for bicycle parking spaces~~ shall be permanent, designed to protect the bicycle from rainfall, and at least 7 feet above the floor or ground.

H.I.Creative Design Solutions. ~~The Planning Commission may allow creative approaches to providing required bicycle parking spaces (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.~~

17.76.090 Visitor Serving Parking

A. Shuttle Program Parking. Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue, Capitola Beach, and the Village public parking lots.

B. Public Parking in the Coastal Zone.

1. Public parking existing as of [date of Zoning Ordinance adoption] in the following locations in the CF zoning district shall be maintained for public parking:
 - a. The Upper City Hall parking lot;
 - b. The Cliff Drive overlook parking; and
 - c. The Cliff Drive Southern Pacific railroad right-of-way parking unless Cliff Drive must be relocated due to cliff erosion.
2. Substantial changes in public parking facilities in the coastal zone require a Local Coastal Program (LCP) amendment.

17.76.100 On-site Loading

A. Applicability. All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.

B. Number of Loading Spaces. The minimum number of required loading spaces shall be as specified in Table 17.76-7.

TABLE 17.60-7: REQUIRED LOADING SPACES

Floor Area	Required Loading Spaces
Less than 10,000 sq. ft.	None
10,000 to 30,000 sq. ft.	1
Greater than 30,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

C. Location.

1. Required loading spaces shall be located on the same lot as the use they are intended to serve.
2. No loading space shall be located closer than 50 feet to a residential zoning district, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than 8 feet in height.

D. Dimensions.

1. Each loading space shall have minimum dimensions of 10 feet wide, 25 feet long, and 14 feet in vertical clearance.
2. Deviations from the minimum dimensions standards may be approved by the Community Development Director if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

E. Design and Configuration.

1. Loading spaces shall be configured to ensure that loading and unloading takes place on-site and not within adjacent public rights-of way.
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.
3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.
4. Loading spaces shall be striped and clearly identified as for loading purposes only.

~~17.96.380~~17.96.170

Temporary Sidewalk Dining



Note: Standards for temporary sidewalk dining in this section are new.

This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

A. Required Permits. Temporary sidewalk dining within the public right-of-way requires an Administrative Permit and an Encroachment Permit.

B. Permitted Zoning Districts. Temporary outdoor dining within the public right of way is allowed in the Commercial Community (C-C), Commercial Regional (C-R), and Mixed Use, Neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right of way is not permitted in the Mixed Use Village (MU-V) zoning district.

B.C. Standards. Temporary sidewalk dining shall comply with the following standards.

1. **Location.** Outside dining is permitted on the public sidewalk:
 - ~~a. Only in a zoning district that allows restaurants;~~
 - ~~b.a.~~ When incidental to and part of a restaurant; and
 - ~~e.b.~~ Along the restaurant's frontage.
2. **Number of Dining Areas.** An indoor restaurant may operate only one outside dining area confined to a single location.
3. **Safe Passage.**
 - a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
 - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of 4 feet width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs shall be placed or allowed to remain on any sidewalk that inhibit passage.
4. **Furniture and Signage Location.**
 - a. Tables and chairs in a sidewalk dining area shall be set back at least 2 feet from any curb and from any sidewalk or street barrier, including a bollard, and at least 8 feet from a bus stop.
 - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.

- c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
 - d. Umbrellas shall be secured with a minimum base of not less than 60 pounds.
 - e. ~~Signage-All signs are subject to Chapter 17.80.is prohibited within an outside dining area except for the name of the establishment on an awning or umbrella fringe and as required by this section when alcoholic beverages are served.~~
5. **Food and Beverages.** The service of alcoholic beverages within the sidewalk dining area requires a Conditional Use Permit, and shall comply with the following requirements:
- a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
 - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remains open to pedestrian traffic.
 - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
 - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from State authorities.
6. **Trash and Maintenance.**
- a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
 - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.
7. **Hours of Operation.** Sidewalk dining may occur between 7 a.m. and 10 p.m. seven days a week. Tables, chairs, and all other outdoor dining furniture shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in operation.
- ~~8. **Conversion of On-Street Parking Spaces.**~~
- ~~a. On-street parking spaces in the MU-V zoning district may be converted to an outdoor dining area with Planning Commission approval of a Conditional Use Permit and City Council approval of an Encroachment Permit.~~
 - ~~b. Outdoor dining areas replacing a parking space must be open to the general public. Access may not be limited to customers of businesses immediately adjacent to the outdoor dining area.~~
 - ~~c. No more than two parking spaces in a single location may be converted to an outdoor dining area.~~

~~d. To approve the Conditional Use Permit and Encroachment Permit, the City must find that the conversion of the parking space to outdoor dining will enhance the vitality of Village and will not diminish public access to and enjoyment of coastal resources in Capitola.~~

~~17.96.390~~17.96.180

Temporary Uses and Structures



Note: This section adds new detail to the types of temporary uses and structures allowed by right and those allowed with an Administrative Permit.

- A. Purpose.** This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.
- B. Temporary Uses Allowed By Right.** The following temporary uses are permitted by right. No permits or approvals from the Community Development Department are required.
 1. **Garage Sales.** Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
 2. **Storage Containers.** Storage containers delivered to a home, loaded by residents, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the Planning Commission with a Conditional Use Permit.
 3. **Outdoor Fund Raising Events.** Outdoor fund raising events on commercial sites when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Outdoor fund raising events with property owner permission are limited to two days each month for each sponsoring organization.
 4. **On-Site Construction Yards.** Temporary construction yards and office trailers that are located on-site, less than 1 acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- C. Temporary Uses Requiring a Permit.** An Administrative Permit is required for the following temporary uses.
 1. **Seasonal Sales.** Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of 45 calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
 2. **Temporary Outdoor Displays of Merchandise and Parking Lot Sales.** Temporary outdoor displays of merchandise and parking lot sales on private