



Remote Access to City of Capitola Council Meeting:

In accordance with new community guidelines from the Santa Cruz County Health Office to avoid gatherings of more than 50 persons, the City of Capitola will allow for remote participation at the upcoming City Council meeting on Thursday, March 12, 2020. The public may still attend the meeting in person.

As always, the public may view the City Council meetings live on the City of Capitola's website at www.CityofCapitola.org or on Charter Communications Cable TV Channel 8. To view from the website, select the Meeting Agendas/Video button on the right. A live banner will appear at the top of the page or select video for the appropriate date.

As usual, any emails to citycouncil@ci.capitola.ca.us regarding agenda items received before 5 p.m. the Wednesday before the meeting will be distributed to packet recipients as additional materials, placed in the lobby for public review, and included in the agenda packet. Additional relevant emails received after 5 p.m. on Wednesday will not be distributed, but will be printed and placed at the dais for Council. All additional materials will be made available to the public in the final agenda packet, which is uploaded to the City website the week following the meeting.

Remote Public Comment:

During the upcoming City Council meeting public comment will be accepted via email. If you would like to comment remotely, please follow the protocols below:

- Send comments via email to publiccomment@ci.capitola.ca.us
- Identify the item you wish to comment on in your email's subject line. Emailed comments will only be accepted for General Government / Public Hearing items. Emailed comments will not be accepted for non-agendized items.
- Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting, but before the Mayor announces that public comment for that item is closed.
- Each emailed comment will be read aloud by a member of staff for up to three minutes or displayed on a screen.

Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

Safety Precautions and Recommendations:

Santa Cruz County Public Health strongly urges community members to take precautions to help prevent the spread of illness:

- Wash hands frequently with soap and water, rubbing for at least 20 seconds;
- Use at least 60% alcohol-based sanitizer if soap and water are not available;
- Cough or sneeze into your elbow, not your hand, or use a tissue and discard;
- Avoid shaking hands;
- Don't touch your face with unwashed hands;
- Regularly clean surfaces touched by many people using normal household cleaners;
- Stay home from work or school if you are sick; and

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

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- Get a flu shot to protect yourself and others from flu, which has similar symptoms to COVID-19

Resources:

County of Santa Cruz Health Services Agency: <http://santacruzhealth.org/>

Centers for Disease Control and Prevention: <https://www.cdc.gov/coronavirus/2019-ncov/index.html>

World Health Organization: <https://www.who.int/emergencies/diseases/novel-coronavirus-2019>

City of Capitola Agenda

Mayor: Kristen Petersen
Vice Mayor: Yvette Brooks
Council Members: Jacques Bertrand
Ed Bottorff
Sam Storey



REVISED

CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, MARCH 12, 2020

7:00 PM

**CITY COUNCIL CHAMBERS
420 CAPITOLA AVENUE, CAPITOLA, CA 95010**

CLOSED SESSION - 6:30 PM CITY MANAGER'S OFFICE

An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.

CONFERENCE WITH LABOR NEGOTIATOR [Govt. Code § 54957.6]

Negotiators: Sally Nguyen

Employee Organizations: (1) Association of Capitola Employees; (2) Capitola Police Captains, (3) Confidential Employees; (4) Mid-Management Group; and (5) Department Heads

REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Jacques Bertrand, Ed Bottorff, Yvette Brooks, Sam Storey, and Mayor Kristen Petersen

2. REPORT ON CLOSED SESSION

3. ADDITIONAL MATERIALS

Additional information submitted to the City after distribution of the agenda packet.

4. ADDITIONS AND DELETIONS TO AGENDA

5. PUBLIC COMMENTS

Oral Communications allows time for members of the Public to address the City Council on any item not on the Agenda. Presentations will be limited to three minutes per speaker. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. 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. A MAXIMUM of 30 MINUTES is set aside for Oral Communications at this time.

6. CITY COUNCIL / STAFF COMMENTS

City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.

7. CONSENT CALENDAR

All items listed in the "Consent Calendar" 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 Council votes on the action unless members of the public or the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.

Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.

A. Update of Emergency Storm Drain Repairs

RECOMMENDED ACTION:

1. Accept update report on the Chittenden Lane Storm Drain Repairs, and
2. By a super majority vote, make the determination that all hazards related to the failed storm drain off Chittenden Lane as detailed in Resolution No. 4167 adopted by the City Council on February 13, 2020, have not been eliminated and that there is a need to continue action.

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA
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B. Update on the Emergency Repairs to the Wharf

RECOMMENDED ACTION:

1. Accept this update report on the Emergency Repairs to the Wharf, and
2. By super majority vote, make the determination that all hazards related to the failed Wharf pilings as detailed in Resolution No. 4166 adopted by the City Council on February 13, 2020, have not been eliminated and that there is a need to continue action.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.

A. Consider a New General Special Event Permit for Women on Waves

RECOMMENDED ACTION: Council discretion to either approve or deny a new General Special Event Permit for the Women on Waves Surf and Swim Contest in Capitola Village on October 10, 2020, including an Encroachment Permit for use of Esplanade Park and an Amplified Sound Permit.

B. First Reading of an Ordinance Amending Chapter 17.74 Accessory Dwelling Units and Chapter 17.15 (17.16 Outside Coastal Zone) for R-1 Zoning District

RECOMMENDED ACTION: Pass the first reading of a proposed Ordinance amending Title 17 to align with recent State requirements for Accessory Dwelling Units and Floor Area Ratio for Single Family Residences with an Accessory Dwelling Unit, amended from introduction based on State feedback, and waive reading of the text.

C. Consider Fiscal Year 2020-21 Budget Principles and Goals

RECOMMENDED ACTION: Adopt the Fiscal Year 2020-21 Budget Principles and Goals and identify related key projects and programs.

D. Consider a Community Survey Contract

RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$14,000 for a community survey to help gauge public interest on potential ballot measures for the November election.

E. First Reading of an Ordinance Amending Chapter 17.80 Signs

RECOMMENDED ACTION: Pass the first reading of a proposed Ordinance amending Title 17 to align with recent legal decisions regarding non-commercial signs, amended from introduction to allow 120 days for political signs, and waive reading of the text.

9. ADJOURNMENT

Note: Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes "final." Please be advised that in most instances the decision become "final" upon the City Council's announcement of its decision at the completion of the public hearing. Failure to

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA

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comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The City Council Agenda and the complete Agenda Packet are available for review on the City's website: www.cityofcapitola.org and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk's office at 831-475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, 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 City Clerk's office 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: City Council meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed "Live" on the City's website at www.cityofcapitola.org by clicking on the Home Page link "**Meeting Agendas/Videos.**" Archived meetings can be viewed from the website at any time.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: City Manager Department
SUBJECT: Red Cross Month Proclamation

DISCUSSION: Mayor Petersen will present a proclamation declaring March 2020 as Red Cross Month in Capitola to American Red Cross Central Coast Board Members Dane Lobb, Anita Clarisse, and Cherie Robideaux.

ATTACHMENTS:

1. Red Cross Proclamation

Report Prepared By: Linda Fridy
City Clerk

REMOVED FROM AGENDA

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

3/5/2020

City of Capitola

Mayor's Proclamation

Designating March 2020 as American Red Cross Month

WHEREAS, each year in March jurisdictions across the country recognize the American Red Cross for its humanitarian efforts easing people's suffering during life's emergencies whether in Capitola, across the United States, or around the world; and

WHEREAS, the Central Coast Chapter has a long history of helping our neighbors in need by delivering shelter, care, and hope during disasters; making our community safer through its lifesaving Home Fire Campaign; providing lifesaving blood; teaching skills that save lives; and supporting military, veterans, and their families; and

WHEREAS, in 2019 local volunteers helped 65 households affected by 33 home fires by providing urgent needs such as food and lodging as well as providing recovery support. In addition, the Central Coast Chapter sent 22 team members, both staff and volunteers, to help with disasters outside of the area; and

WHEREAS, the Red Cross collected 3,785 blood donations, provided training services to 2,939 residents, and assisted 89 families of our armed forces in Santa Cruz County last year; and

WHEREAS, the Red Cross continues to work with its partners to prevent fire tragedies through its national Home Fire Campaign, which installed its 2 millionth free smoke alarm last year. In Santa Cruz County, the Central Coast Chapter and local partners have installed more than 2,000 free smoke alarms, making nearly 800 households and more than 2,200 residents safer from the threat of home fires; and

WHEREAS, every day, people in our community depend on the American Red Cross and its volunteers, donors, and community partners. We recognize the volunteer heroes in Capitola and all those who support its vital work to prevent and alleviate human suffering in the face of emergencies.

NOW, THEREFORE, I, Kristen Petersen, Mayor of Capitola, do hereby proclaim March 2020 as American Red Cross Month.

Kristen Petersen, Mayor
Signed and sealed this 13th day of March, 2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Capitola Police Department

SUBJECT: Honoring the Volunteers in Policing with the Citizen's Distinguished Service Award

BACKGROUND/DISCUSSION: The Citizen's Distinguished Service Award is awarded to members of the community who have performed efficient and valuable services to the office. Such service may be of a specific instance or it may be outstanding performance of general duties over an extended period of time.

The Volunteers in Policing (VIP) Program with the Police Department was formed in 2001 to recruit talented individuals with a desire to volunteer their time in support of law enforcement and citizens. During the last 18 years, members of the Capitola VIP program have contributed more than 20,000 hours in support of this goal.

REMOVED FROM AGENDA

In recognition of the dedicated service to the Capitola Police Department and the people of the City of Capitola, this distinguished service commendation is presented collectively to all the members of the VIP program for their exceptional public service and commitment to the community.

Report Prepared By: Terry McManus
Police Chief

Reviewed and Forwarded by:

Jamie Goldstein, City Manager

3/5/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Public Works Department
SUBJECT: Update of Emergency Storm Drain Repairs

RECOMMENDED ACTION:

1. Accept update report on the Chittenden Lane Storm Drain Repairs, and
2. By a super majority vote, make the determination that all hazards related to the failed storm drain off Chittenden Lane as detailed in Resolution No. 4167 adopted by the City Council on February 13, 2020, have not been eliminated and that there is a need to continue action.

BACKGROUND: On February 13, 2020, the City Council adopted Resolution No. 4167 declaring that an emergency condition exists as a result of a broken storm drainpipe off Chittenden Lane. Pursuant to Public Contracting Code Section 22050 the City Council must review this action at each subsequent regularly scheduled meeting and by super majority vote to authorize work to continue under the emergency declaration.

DISCUSSION: Project status: The installation of the new storm drainpipe was completed on March 6, 2020. The contractor is continuing to finish work on the site to backfill the pipe and grade the area to its original condition. All work should be completed by mid-March.

The cost-share agreement with the Santa Cruz County Flood Control and Water Conservation District Zone 5 has been signed by City and forwarded to the County. The Zone 5 Board of Directors will consider the agreement on March 24, 2020.

FISCAL IMPACT: No unexpected conditions have been encountered and the estimated costs remain under the \$65,000 authorized by City Council.

Report Prepared By: Steve Jesberg
Public Works Director

Cihittenden Lane SD Update 2
March 12, 2020

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Public Works Department

SUBJECT: Update on the Emergency Repairs to the Wharf

RECOMMENDED ACTION:

1. Accept this update report on the Emergency Repairs to the Wharf, and
2. By super majority vote, make the determination that all hazards related to the failed Wharf pilings as detailed in Resolution No. 4166 adopted by the City Council on February 13, 2020, have not been eliminated and that there is a need to continue action.

BACKGROUND: On February 13, 2020, the City Council adopted Resolution No. 4166 declaring that an emergency condition exists as a result broken piles on Capitola Wharf. Pursuant to Public Contracting Code Section 22050 the City Council must review this action at each subsequent regularly scheduled meeting and by a super majority vote authorize work to continue under the emergency declaration.

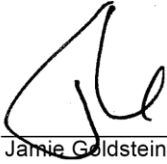
DISCUSSION: Project status: Four new piles have been ordered by the contractor. The delivery time is four to six weeks, which is shorter than anticipated by several weeks. The original scope of work included replacing three piles, a subsequent inspection discovered another missing pile that will be necessary to replace to drive the crane out on the wharf. The contractor is developing a price for providing and installing this forth pile and staff anticipates a contract change order will be included in the next project update on March 26, 2020.

FISCAL IMPACT: The cost for the four piles is \$37,012.24 which includes shipping costs from Pennsylvania. The piles are reinforced fiberglass piles as directed by Council to utilize piles that are consistent with the planned Wharf Rehabilitation Project. In addition, hard polyethylene sleeves have been ordered that will provide additional protection for the piles under the hoist where boats come in contact with the piles.

Report Prepared By: Steve Jesberg
Public Works Director

Wharf Emergency Repairs Update 2
March 12, 2020

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Capitola Police Department

SUBJECT: Consider a New General Special Event Permit for Women on Waves

RECOMMENDED ACTION: Council discretion to either approve or deny a new General Special Event Permit for the Women on Waves Surf and Swim Contest in Capitola Village on October 10, 2020, including an Encroachment Permit for use of Esplanade Park and an Amplified Sound Permit.

BACKGROUND: Women on Waves Surf Contests (WOW) are surf and swimming contests that highlight and celebrate female surfing while raising money to benefit women-focused non-profit organizations in the local community. Since its inaugural event in 1997, leadership has expanded and evolved. This year's event is being organized by local business owner Aylana Zanville.

Special Event Permits (SEP) are divided into two categories: General Special Events and Minor Special Events. General Special Events are those with more than 200 attendees or notable impacts to City services or a neighborhood. Minor Special Events are activities with less than 200 people and limited impacts. Minor Special Events can be approved by the City Manager, while all applications for new General Special Events must be presented to the Council for review and consideration. Currently, the City issues 11 General Event Permits and 35 Minor Event Permits each year.

Previous Women on Waves events in Capitola drew crowds under the 200-attendee threshold that necessitates City Council approval of a General Special Event permit. In 2018, however, due to the surf and weather conditions, the event drew numbers of spectators and participants well in excess of the 200 maximum threshold for a Minor Special Event permit. Additionally, the size and vendor type at the 2018 event generated several complaints to staff and unanticipated impact on City services.

During the annual 2018 City Council review of special events, Council indicated it had significant concerns about that year's Women on Waves event and were unlikely to issue a permit for the event in 2019. In addition, at that hearing staff indicated if the Women on Waves event were to reapply, it would be treated as a General Special Event which would require a Council hearing.

Based on that feedback, the organizers did not apply for a permit in 2019. After taking last year off, they are now applying for a General Special Event Permit for the 2020 Women on Waves Surf and Swim Contest tentatively scheduled for October 10, 2020.

Women on Waves
March 12, 2020

DISCUSSION: Women on Waves has submitted an application for a one-day General Event SEP for Saturday, October 10, 2020, from 7:30 a.m. to 5:30 p.m., The event includes women's and girls' surfing and swimming contests. Anticipated attendance is between 350 and 400 participants and spectators. Vendor concession tents have been requested along the grassy area of the Esplanade Park, including a few contestant tents on the beach along the seawall, which require an encroachment permit. The vendors will be limited to selling shirts, apparel, sunscreen, jewelry, and arts and crafts. Snacks and coffee will be provided to the participants, while attendees will be encouraged to dine at local restaurants. No food will be sold at the event and no merchandise will be sold outside of the park.

Participants and attendees will use City parking and no requests for road closures have been made. The applicant has agreed to supply two additional portable toilets and additional trash/recyclable receptacles. The applicant has requested the bandstand for live music consisting of light rock and Hawaiian theme music. The requested time for the amplified music permit is between 11 a.m. and 5 p.m. The applicant will rely on volunteers to staff the event and will hire off-duty lifeguards for the swimming event.

This event was held in Capitola for several years without any significant issues aside from previously mentioned issues related to the 2018 event. The Police Department has not received any complaints or citizen calls for police services during the designated operational period during any of the previous Women on Waves events. The Monte Fireworks show is tentatively scheduled for the next day, Oct. 11, 2020.

FISCAL IMPACT: The event operator will be billed for the staff time associated with the event, in addition to the permit and bandstand rental fees. Therefore, the fiscal impact on the City of Capitola is offset by the event operator fees.

ATTACHMENTS:

1. Women on Waves SEP application

Report Prepared By: Denice Pearson
Administrative Records Analyst

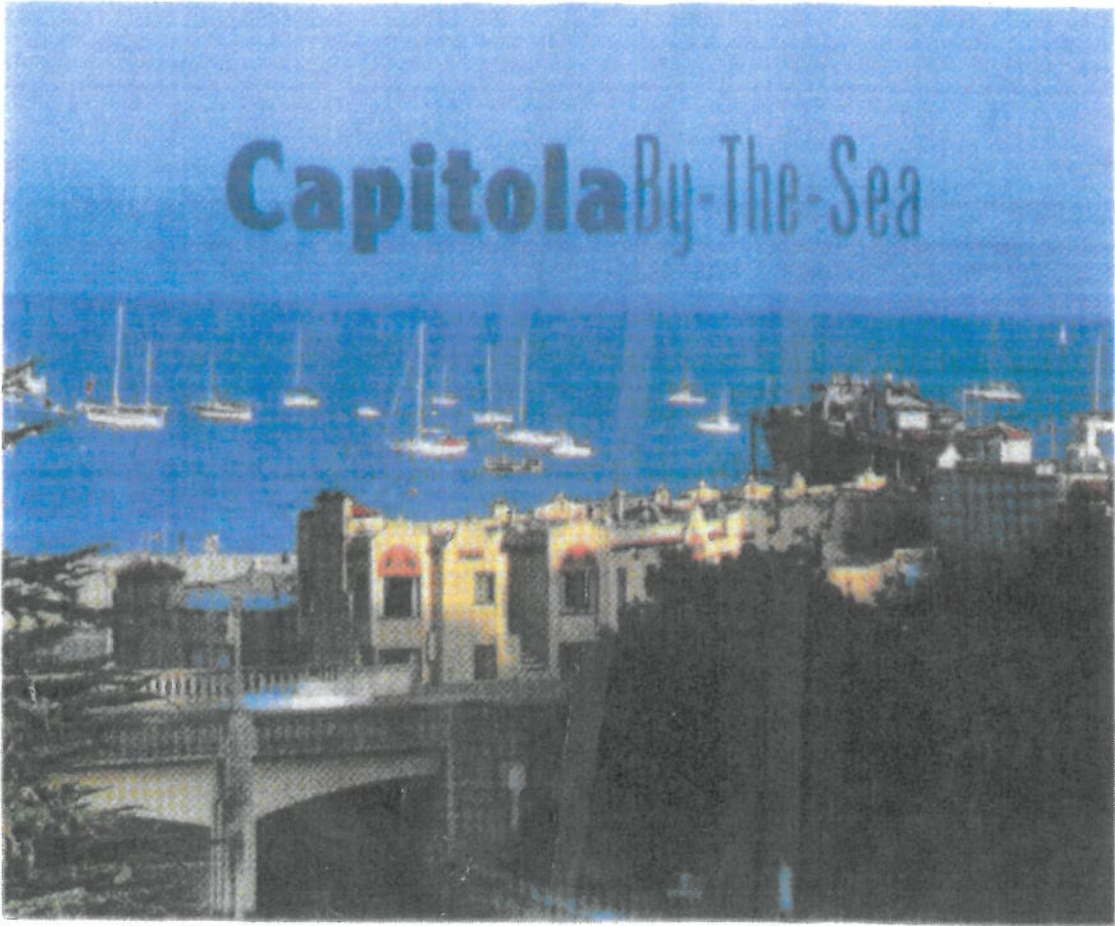
Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020

**GENERAL SPECIAL EVENT
PERMIT
APPLICATION**



CITY OF CAPITOLA

Thur 500

Attachment: Women on Waves SEP application (Women on Waves)

SPONSORING ORGANIZATION AND APPLICANT INFORMATION

- Event Name: Women on Waves Surf & Swim Contest
- Event Description: Women & girls Longboard surf & Swim contest
- Event Purpose: To get women & girls in the water in a supportive atmosphere
- Sponsor: Ola Chica
- Sponsor's Address: 456 Palm St.
Santa Cruz, CA street
city state zip code 95060
- Sponsoring Organization's Phone: (831) 359-1175
- FAX Number: () E-Mail Address: olachicas@gmail.com
- Contact Person's Name: Aylana Zarville
- Business Phone: () Cellular Phone: (831) 359-1175
- FAX Number: () E-Mail Address: SAME

Will you be using a professional Special Event Organizer? If yes, please include all foregoing information about the organizer on a separate sheet of paper and attach to your application.

EVENT INFORMATION

- Type of event: Run Festival Parade Sale Motion Picture Block Party
- Other (specify) _____
- Event Location: Capitola Esplanade, upper esplanade, bandstand
- Event Dates: 10/3/2020 Anticipated Attendance: 350-400 bea
- Web Site Information: womenonwavesurfcontest.com E-Mail Address: womenonwavessurfcontest@gmail.com
- Will the public be invited? Yes No

Actual hours open to the public or "advertised" event hours:

- Date: 10/3/20 Time: 7:30 AM/PM to 5:30 AM/PM
- Date: _____ Time: _____ AM/PM to _____ AM/PM
- Date: _____ Time: _____ AM/PM to _____ AM/PM
- Has this event taken place before? Yes No Any changes to this event? Yes No
- If yes, what changes? It is now a major event
- If yes, please attach a copy of your last permit for this event, if available.
- Will this event be promoted, advertised or marketed in any manner? Yes No
- Will there be live media coverage during your event? Yes No
- If yes, please explain: _____

Attachment: Women on Waves SEP application (Women on Waves)

Are admission, entry or vendor participant fees required? Yes No

If yes, explain: Public admission fees: \$ 0 per person

Participant entry fees: \$ 70 per person

Vendor fees: \$ 100 per booth

Number of vendors: 20

How many vendors are for profit? 15

How many vendors are nonprofit? 5

\$ 13,000 Total estimated gross receipts, including tickets, product and sponsorship sales from this event. Explain how this amount was computed. Indicate amount per item.

\$ 0 Admission fees

\$ 2,000 Product fees

\$ 3,000 Sponsorship

\$ 7,000 Participant entry fees

\$ 1,000 Other (Please specify): Raffle tickets

\$ 7,050 Total estimated expenses for this event.

\$ 750 Advertising

\$ 0 Wages, salaries

\$ 2,400 City services (police, fire, street closures)

\$ 400 Insurance

\$ 150 Business license fee

\$ 3,350 Other (Please specify): Lifeguards, Awards, par

Is the organization a "tax exempt, nonprofit" organization? Yes No

\$ 5,000 Projected amount of revenue the Sponsoring Organization(s) will receive as a result of this event.

Specify the organization(s) to receive funding: Non-profit organization
To be determined

City sponsorship requested? Yes No If yes, please describe:

OVERALL EVENT DESCRIPTION

Will a staging/setup/assembly location be required? Yes No

If yes, begin day/date: _____ Start time: _____ AM/ PM

Location: _____

Description of the scope of the setup/assembly work (Attach additional pages and drawings as needed): _____

Attachment: Women on Waves SEP application (Women on Waves)

If yes, dismantle day date: _____ Completion time: _____ AM/PM

List the street(s) requiring closure as a result of this event. Include street names, day, date and time of closing and the time of reopening: N/A

City of Capitola to conduct street closures as needed (cost to be specified)

List street(s) requiring the posting of "No Parking" signs. Indicate days, dates, and times needed and an explanation of necessity for "No Parking" zone: N/A

NOTE: "No Parking" signs will be posted twenty-four hours in advance of required days, dates and time. Cost for the posting of "No Parking" signs will be specified upon review of the application by City staff.

OVERALL EVENT DESCRIPTION (continued)

Attach a diagram (please try to make diagram reasonably to scale), showing the overall layout and setup locations. Using the letters below, indicate the site for these on your diagram.

- A Alcoholic and nonalcoholic concession
- B First-aid facilities
- C Tables and chairs
- D Fencing, barriers and/or barricades
- E Generator locations and/or sources of electricity
- F Canopies or tent locations
- G Booths, exhibits, displays or enclosures
- H Scaffolding, bleachers, platforms, stages, grandstands, related structures
- I Vehicles and/or trailers
- J Trash containers or dumpsters
- K Non-food vendor locations
- L Food concession and/or food preparation areas
- M Portable toilet locations

N Other related event components not covered above (describe separately)

Please describe how food will be served at the event: snacks + coffee
for participants only

Will food be cooked in the event area? Yes No

If yes, specify method: Gas Electric Charcoal Other (specify):

Does the event involve the sale or use of alcoholic beverages? Yes No

If yes, please describe: _____

If alcohol is to be sold, how will the alcohol sales be regulated? _____

Please attach a copy of your ABC license.

Will there be items or services sold at the event? Yes No

If yes, please describe: shirts, apparel, sunscreen, jewelry,
arts & crafts.

Do the vendors have City of Capitola business licenses? Yes No

Attachment: Women on Waves SEP application (Women on Waves)

OVERALL EVENT DESCRIPTION (continued)

Portable and/or permanent toilet facilities:

- Number of portable toilets: 2 (Recommended: 1 for every 250 people)
- Number of ADA-accessible toilets: 0 (Recommended: 10% of total toilets)

(NOTE: Unless the Applicant can substantiate the availability of both accessible and non-accessible toilet facilities in the immediate area of the site, the above is required. Portable toilet facilities must be in place 24 hours in advance, cleaned and sanitized daily during the event, and must be removed by 8:00 a.m. the next business day following the event. Location sites for portable toilets must be pre-approved prior to installation.)

- Number of trash receptacles: 1
- Number of dumpsters with lids: 1 (Recommended 1 per 400 people)
- Number of recycling containers: 1 (Voluntary)
- Describe the plan for cleanup and removal of waste and garbage during and after the event:

We will have volunteers throughout the day
cleaning up. At the end of the day
we have a cleanup committee that
will make sure everything is as good
as we found it if not better.

(Note: It is the event organizer’s responsibility to dispose of waste and garbage daily throughout the term of the event, unless otherwise contracted with City staff, which will require a fee. Immediately upon conclusion of the event, the venue must be returned to a clean condition. Street sweeping can be arranged with City crews for an additional fee.)

PARKING PLAN – SHUTTLE PLAN – MITIGATION OF IMPACT

- Please provide a detailed description or diagram that indicates the proposed parking plan and/or shuttle plan for the event. Include a description of the parking plan/shuttle plan for the disabled.

Attachment: Women on Waves SEP application (Women on Waves)

Participants will be instructed to use the city pay parking lots at Pacific cove (lots 1 & 2)

- Describe plan to notify those residents, businesses, churches, etc. that will be impacted by this event.

We will walk around & notify the businesses that may be impacted by this event.

- Does this event involve a moving route of any kind along streets or sidewalks?

Yes No

- If yes, highlight your proposed route on the enclosed map, indicating the directions of travel, and provide a written narrative to explain your route and its impact.

- Does this event involve a fixed venue site? Yes No

- If yes, highlight the site on the enclosed map, showing all the streets impacted by the event. No Streets will be impacted. There will be No street closures.

Attachment: Women on Waves SEP application (Women on Waves)

SAFETY - SECURITY

- Is there a professional security organization to handle security for this event? Yes
 No
- If yes, please name security company: _____
- If no, do you wish to contract police services from the Capitola Police Dept.? Yes No (See fee schedule)
- Security company's address: _____
street

city state zip code
- Security Director's name: _____
- Security Director's phone number: (__) _____
- Security company's state license number: _____
- Security company's business license number: _____
- Security company's insurance carrier: _____ City or privately secured?
- On-site contact person (security supervisor): _____
- Any searches prior to entering? Yes No
- Bottle and can check? Yes No
- Metal detectors? Yes No
- How many security guards at each entrance? _____

Parking Lot Patrol (Private Security):

- Security company: _____
- Contact person (security supervisor): _____
- Number of security guards patrolling the parking lot: _____

Lighting:

- If this is an evening event, please state how the event and surrounding areas will be illuminated to ensure the safety of the participants and spectators.

Medical:

- Indicate what arrangements have been made for providing first-aid staffing:
City Lifeguards

Attachment: Women on Waves SEP application (Women on Waves)

ENTERTAINMENT – ATTRACTION – RELATED EVENT ACTIVITIES

- Is there any musical entertainment or amplified sound related to your event?
 Yes No
- If yes, what kind: Local mellow rock & Hawaiian music
- Contact person's name: Jan Schwartz Phone number: (831) 535-3207
- Contact person's address: _____
street
Santa Cruz CA 95060
city state zip code
- Number of stages: 1 Number of bands: 2
- Type of music: light rock/Hawaiian Sound amplification? Yes No
- If yes, start time: 11:30 AM/ PM Finish time: 5:00 AM/ PM
- Have you applied for a sound permit? Yes No (Refer to city ordinance 9.12.040)
- Will sound checks be conducted prior to the event? Yes No
- If yes, do you wish to have the city provide the checks? Yes No
- Describe sound equipment that will be used: _____
- Will fireworks, rockets or other pyrotechnics be used? Yes No
- If yes, name and phone number of pyrotechnic company: _____
_____ () _____
- Describe (indicate dates, times and locations for launching and fallout areas):

- Has a permit been issued? Yes No
- Will there be any type of open flames used? Yes No
- If yes, please describe: _____
- Will any signs, banners, decorations or special lighting be used? Yes No
- If yes, please describe: _____
(Refer to city ordinance chapter 17.57)

Attachment: Women on Waves SEP application (Women on Waves)

INSURANCE REQUIREMENTS

INSURANCE

Applicant must provide insurance at the following minimal limits: \$1,000,000 (one million) combined single limit. (Two million for the annual Art and Wine Festival). This Certificate of Insurance must name the City as an additional insured throughout the event duration, including setup and breakdown. The Certificate of Insurance, including limits of insurance, must be received by the Special Events Coordinator by _____ to finalize this permit.

HOLD HARMLESS

The Applicant will, at its sole expense, provide the City with evidence of insurance for general liability and Worker's Compensation benefits for accidents or injuries that occur or are sustained in connection with the special event which is the subject of this permit application and contract. The Applicant agrees on behalf of itself and on behalf of its agents and employees that the Applicant will not make a claim against, sue, attach the property of, or prosecute the City or any of the City's agencies, employees, contractors or agents for injury or damages resulting from negligence or other acts, however caused, which might be asserted against the City in connection with actions taken by the City or the City's employees or agents in connection with this Special Event Permit. In addition, Applicant, on behalf of itself and its agents and employees, as well as its successors and assigns, hereby releases, discharges and holds the City harmless from, and indemnifies the City against, all actions, claims or demands Applicant, or Applicant's employees, agents, successors or assigns, or any third person now has or may hereafter have for personal injury or property damage resulting from the actions of the Applicant, the Applicant's employees or agents, or any other person under the control of the Applicant, taken pursuant to this Special Event Permit whether said actions are characterized as negligent or intentional.

Applicant Signature: Aylana Zanville

ADVANCED CANCELLATION NOTICE REQUIRED

If this event is cancelled, notify the Special Events Coordinator at (831) 475-4242.

I certify that the information contained in the foregoing application is true and correct to the best of my knowledge and belief, that I have read, understand and agree to abide by the rules and regulations governing the special event under Capitola Municipal Code, and that I understand that this applications is made subject to the rules and regulations established by the City Council and/or the City Manager or the City Manager's designee. I agree to comply with all permit conditions and with all other requirements of the City, County, state and federal governments and any other applicable entity that may pertain to the use of the event premises and the conduct of the event. I agree to abide by these rules and further certify that I, on behalf of the organization, am also authorized to commit that organization and, therefore, agree to be financially responsible for any costs and fees that may be incurred by or on behalf of the event to the City of Capitola.

Name of Applicant (print): Aylana Zanville

Title: Organizer

Signature of Applicant: Aylana Zanville Date: 6/10/2019

Submit to Capitola PD

Attachment: Women on Waves SEP application (Women on Waves)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Community Development

SUBJECT: First Reading of an Ordinance Amending Chapter 17.74 Accessory Dwelling Units and Chapter 17.15 (17.16 Outside Coastal Zone) for R-1 Zoning District

RECOMMENDED ACTION: Pass the first reading of a proposed Ordinance amending Title 17 to align with recent State requirements for Accessory Dwelling Units and Floor Area Ratio for Single Family Residences with an Accessory Dwelling Unit, amended from introduction based on State feedback, and waive reading of the text.

BACKGROUND: The California State Legislature brought forward several bills in 2019 related to the development of Accessory Dwelling Units (ADUs). In October 2019, the Governor signed into law Assembly Bill (AB) 68, AB 881, and Senate Bill (SB) 13 amending the section of the California Government Code related to ADUs (Government Code Section 65852.2). Additionally, AB 68 amended standards for Junior ADUs, and SB 13 made additions to the State Health and Safety Code (adding Section 1790.12). The new laws took effect on January 1, 2020.

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

The ordinance was introduced on February 27, 2020, at which time the City Council approved a first reading. Since that first reading, the State of California Department of Housing and Community Development (HCD) provided guidance on the first draft which include unsubstantial changes. Staff incorporated the suggested changes into the draft ordinance for an updated first reading of the ordinance.

DISCUSSION: On March 4, 2020, HCD provided feedback on the draft ADU ordinance. The requested modifications were to provide clarity in the ordinance, but none of the recommended edits were substantial. Specifically, the HCD requested the following:

1. Define vacation rentals.
2. Update threshold for Planning Commission review to require a Planning Commission hearing for a two-story ADU "greater than 16 feet in height." An ADU of 16 feet or less is subject to administrative review.
3. Remove required finding of compliance with homeowner association requirements; the

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proposed ordinance still requires HOAs to sign off on proposed ADUs located within their developments.

In response, the following sections were modified as shown in redline/strikeout:

17.74.030.B Two-Story Units. A two-story accessory dwelling unit (attached or detached) greater than 16 feet in height requires Planning Commission approval of a Design Permit. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) unless the Planning Commission allows a deviation through the Design Permit process.

17.74.040.F Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in 17.160 (Glossary).

17.74.050.L Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:

1. Be signed by an authorized officer of the HOA; and
2. include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required. ~~and~~
2. ~~The accessory dwelling unit complies with the CC&Rs and other applicable HOA requirements.~~

17.74.070.A Two-Story Accessory Dwelling Units. A two-story attached or detached accessory dwelling unit greater than 16 feet in height in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

Table 17.74.080

ADU Type/Location	Standard
Internal ADU	50 percent of the existing primary dwelling <u>No maximum</u>

Table 17.74.080 Note [6] A two-story detached accessory dwelling unit greater than 16 feet in height requires a Design Permit.

17.74.110.A.1 Two-story attached or detached accessory dwelling units greater than 16 feet in height; and

17.74.120.A.1 The accessory dwelling units may not be used for vacation rentals as defined in 17.160 (Glossary).

Table 17.16-1 Note [4] Permitted only when the parcel contains an existing or proposed there is one single-family or multifamily dwelling on the parcel.

CEQA: These code revisions are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), since the proposed changes are consistent with adopted State Law.

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FISCAL IMPACT: Very minor fiscal impact from potential increase in property tax.

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020

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ORDINANCE NO. XXXX

**AN ORDINANCE OF THE CITY OF CAPITOLA
AMENDING MUNICIPAL CODE SECTIONS 17.15, 17.16, AND 17.74
RELATED TO ACCESSORY DWELLING UNITS**

WHEREAS, in 2019, the California Legislature approved, and the Governor signed into law a number of bills regarding Accessory Dwelling Units ("New ADU Laws") that, among other things, amended Government Code section 65852.2 and 65852.22 to impose new limits on local authority to regulate Accessory Dwelling Units ("ADUs") and Junior Accessory Dwelling Units ("JADUs"); and

WHEREAS, the New ADU Laws took effect January 1, 2020 and, because portions of the City's current ADU ordinance is not consistent with the New ADU Laws, those portions of the City's ordinance are null and void and unenforceable as of January 1, 2020, thereby limiting the City to the application of the few default standards provided in Government Code sections 65852.2 and 65852.22 for the approval of ADUs and JADUs; and

WHEREAS, the approval of ADUs and JADUs based solely on the default statutory standards, without local regulations governing height, setback, landscape, architectural review, among other things, would threaten the character of existing neighborhoods, and negatively impact property values, personal privacy, and fire safety; and

WHEREAS, the proposed ADU amendments address and ameliorate the public peace, welfare, health and safety issues related to the City's urgent need to provide additional housing; and

WHEREAS, the City desires to amend its local regulatory scheme for the construction of ADUs and JADUs to comply with the amended provisions of Government Code sections 65852.2 and 65852.22; and

WHEREAS, the proposed amendments to the City's ADU ordinance are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), since the proposed changes are consistent with adopted State Law; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 6, 2020, at which time it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption, and provided a unanimous positive recommendation on the proposed ordinance; and

WHEREAS, based upon the Planning Commission recommendation, the City Council determined that the amendments are consistent with the General Plan, including the Goals, Policies and Implementation Measures of the Land Use Element and Housing Element, and that the revisions would be internally consistent with all other provisions of the Municipal Code.

WHEREAS, the Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the

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California Coastal Act.

BE IT ORDAINED By the City of Capitola as follows:

Section 1. The above findings are adopted and incorporated herein.

Section 2. Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code is hereby amended to read as follows:

Chapter 17.74 – ACCESSORY DWELLING UNITS

Sections:

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

17.74.010 Purpose

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

17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit. “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary dwelling unit.
- B. Attached Accessory Dwelling Unit. “Attached accessory dwelling unit” means an accessory dwelling unit that:
 1. Shares at least one common wall with the primary dwelling unit; and
 2. Is not fully contained within the existing space of the primary dwelling unit.
- C. Detached Accessory Dwelling Unit. “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with primary dwelling unit and is not an internal accessory dwelling unit.
- D. Internal Accessory Dwelling Unit. “Internal accessory dwelling unit” means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.
- E. Junior Accessory Dwelling Unit. “Junior accessory dwelling unit” means an accessory dwelling unit no more than 500 square feet in size and contained entirely within a single-family residence.

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- F. Two-story Attached Accessory Dwelling Unit. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:
 - 1. Two stories of living space attached to an existing primary dwelling unit; or
 - 2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.
- G. Two-story Detached Accessory Dwelling Unit. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:
 - 1. Two stories of living space in a single accessory dwelling unit; or
 - 2. Second story living space above a ground floor garage or other accessory structure.

17.74.030 Permitting Process

A. When Consistent with Standards.

- 1. Except when a Design Permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in in this chapter shall be approved ministerially with an Administrative Permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the Administrative Permit application.
- 2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
 - a. The City has acted on the application if it:
 - (1) Approves or denies the building permit for the accessory dwelling unit;
 - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or
 - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.
 - b. If the accessory dwelling unit application is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay acting on the accessory dwelling unit application until the City acts on the permit application for the new single-family dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.
- B. Two-Story Units. A two-story accessory dwelling unit (attached or detached) greater than 16 feet in height requires Planning Commission approval of a Design Permit. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) unless the Planning Commission allows a deviation through the Design Permit process.
- C. When Deviating from Standards. An accessory unit that deviates from any standard in 17.74.080 (Development Standards) or 17.74.090 (Objective Design Standards) may be allowed with Planning Commission approval of a Design Permit. See Section 17.74.100 (Deviation from Standards).
- D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel , the City shall either:
 - 1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
 - 2. Upon written request from the applicant, review and act on the accessory dwelling unit

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together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the Coastal Zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).
2. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an accessory dwelling unit shall not be required.

F. Historic Resources.

1. If a Design Permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.94 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.94.
2. Compliance with Chapter 17.94 is not required for accessory dwelling units approved ministerially with an Administrative Permit.

17.74.040 General Requirements

The following requirements apply to all accessory dwelling units.

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by subsections 17.74.050.B (Detached Accessory Dwelling Units), 17.74.050.C (Non-livable Multifamily Space), and 17.74.050.D (Detached Accessory Dwelling Units on Multifamily Parcels).

C. Residential Mixed Use. If one dwelling unit is on a parcel with a non-residential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more dwelling units are on a parcel with a non-residential use, the dwelling units are considered a multi-family dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district

E. Fire Sprinklers. The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals [as defined in 17.160 \(Glossary\)](#).

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling.

H. Guaranteed Allowance. Maximum building coverage, floor area ratio, and private open space standards in Section 17.74.080 (Development Standards) shall not prohibit an accessory dwelling unit with up to 800 square feet of floor area, up to 16 feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of 800 square feet of floor area is in addition to the maximum floor area of a property.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

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2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
 3. If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit. For existing structure within 4 feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.
- J. Manufactured Homes and Mobile Units.
1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:
 - a. Provide a minimum of 320 square feet of floor area;
 - b. Be built on a permanent chassis
 - c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
 - d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.
 2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.
 3. A prefabricated or modular home is allowed as an accessory dwelling unit.
- K. Junior Accessory Dwelling Units
1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.
 2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.
 3. Sanitation Facilities. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.
 4. Kitchen. A junior accessory dwelling unit must include, at a minimum:
 - a. A cooking facility with appliances; and
 - b. At least 3 linear feet of food preparation counter space and 3 linear feet of cabinet space.
- L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:
1. Be signed by an authorized officer of the HOA; and
 2. include a written statement from the HOA stating that: ~~T~~the application is authorized by the HOA, if such authorization is required; ~~and~~
 2. ~~The accessory dwelling unit complies with the CC&Rs and other applicable HOA requirements.~~

17.74.050 Units Subject to Limited Standards

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

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

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- proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
2. The unit has exterior access from the proposed or existing single-family dwelling.
 3. The side and rear setbacks are sufficient for fire and safety.
 4. The junior accessory dwelling unit complies with Government Code Section 65852.22.
- B. One-Story Detached Accessory Dwelling Units 800 Square Feet or Less. One detached, new construction, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection A (Internal Accessory Dwelling Units) above. The accessory dwelling unit must comply with the following:
1. Minimum rear and side setbacks: 4 feet.
 2. Maximum floor area: 800 square feet.
 3. Maximum height: 16 feet.
- C. Non-Livable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and
 2. Each unit shall comply with state building standards for dwellings.
- D. Detached Accessory Dwelling Units on Multifamily Parcels. Not more than two detached accessory dwelling units that are located on a parcel that has an existing multifamily dwelling, subject to the following:
1. Maximum height: 16 feet.
 2. Minimum rear and side setbacks: 4 feet.

17.74.060 Units Subject to Full Review Standards

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

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

17.74.070 Units Requiring a Design Permit

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

- A. Two-Story Accessory Dwelling Units. A two-story attached or detached accessory dwelling unit greater than 16 feet in height in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

17.74.080 Development Standards

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

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

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	50 percent of the existing primary dwelling <u>No maximum</u>
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1 st and 2 nd Story	4 ft.
Exterior Side, 1 st and 2 nd Story	4 ft.
Rear, 1 st and 2 nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40 % [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	Height of primary residence or maximum permitted in zoning district, whichever is less
Detached ADU, one-story	16 ft.
Detached ADU, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes

- [1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.
- [2] Standard may not prohibit an accessory dwelling unit with at least an 800 square feet of floor area. See Section 17.74.040.H (Guaranteed Allowance).
- [3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.
- [4] See also Section 17.74.040.H (Converting and Replacing Existing Structures) for setback

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exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

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

[6] A two-story detached accessory dwelling unit greater than 16 feet in height requires a Design Permit.

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

B. Front Setbacks.

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

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola.
 - a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
 - b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.
 - c. Within Setback Areas.
 - (1) Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
 - (2) A parking space in a required front setback area shall be a "ribbon" or "Hollywood" design with two parallel strips of pavement. The paving strips shall be no wider than 2.5 feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
 - d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.
2. Outside of Coastal Zone and in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the Coastal Zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.
 - a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
 - b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in Paragraph (c) below.
 - c. No off-street parking is required for an accessory dwelling unit in the following cases:
 - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j)(10).
 - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - (4) When on-street parking permits are required but not offered to the occupant of the

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- accessory dwelling unit.
- (5) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.
- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.
3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the Coastal Zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the City's adopted Local Coastal Program.
- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in Paragraph (b) below.
- b. Where the primary residence is served by four or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in Paragraph (a) above.

FIGURE 17.74-1



17.74.090 Objective Design Standards

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

- A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.
- B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within 8 feet of an interior side or rear property line abutting a residential use.
 1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A 6-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
 2. For a second story wall, all windows facing the adjacent property shall be clerestory or opaque.
- C. Second Story Decks and Balconies. Second story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the Design Permit approval process.
- D. Architectural Details. Table 17-74-2 shows architectural detail standards for accessory

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dwelling units.

Table 17-74-2: Architectural Detail Standards

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a non-reflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or non-reflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater. [6]	No requirement	4:12 or greater [6]

Notes:

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

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

17.74.100 Deviation from Standards

- A. When Allowed. The Planning Commission may approve an accessory dwelling unit that deviates from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Permit Required. Deviations allowed under this section require Planning Commission

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approval of a Design Permit. A Variance is not required. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110 (Findings).

17.74.110 Findings

- A. When Required. The Planning Commission must make the findings in this section to approve a Design Permit for:
1. Two-story attached or detached accessory dwelling units greater than 16 feet in height; and
 2. Accessory dwelling units that deviate from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Findings. To approve the Design Permit, the Planning Commission shall find that:
1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
 2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
 3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
 4. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
 5. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
 6. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
 7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
 8. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
 9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
 10. The project deviation (if applicable), is necessary due special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

17.74.120 Deed Restrictions

- A. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
1. The accessory dwelling units may not be used for vacation rentals as defined in 17.160

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(Glossary).

2. The accessory dwelling unit may not be sold separately from the primary dwelling.
 3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the accessory dwelling unit.

17.74.130 Incentives

A. Fee Waivers for Affordable Units.

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

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

Section 3. Section 17.15.100 et seq. (Floor area ratio) of Chapter 17.15 of the Capitola Municipal Code is hereby amended to read as follows:

17.15.100 Floor area ratio.

Building size shall be regulated by the relationship of the building to the lot size, a measurement identified as floor area ratio (FAR). Maximum FAR shall be determined as follows:

A.	Lots less than 2,650 sf	58%
	Lots 2,651 to 3,250 sf	57%
	Lots 3,251 to 3,500 sf	56%
	Lots 3,501 to 3,750 sf	55%
	Lots 3,751 to 4,000 sf	54%
	Lots 4,001 to 4,250 sf	53%
	Lots 4,251 to 4,500 sf	52%
	Lots 4,501 to 4,750 sf	51%
	Lots 4,751 to 5,000 sf	50%
	Lots 5,001 to 6,000 sf	49%

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Lots more than 6,000 sf 48%

~~Lots of five thousand or more square feet with approved second dwelling units are permitted a maximum FAR of sixty percent for all structures, in accordance with Chapter 17.99 Secondary Dwelling Units.~~

This calculation includes the gross building area, including covered parking, as further described in subsections B through D of this section:

Section 4. Chapter 17.16 (Residential Zoning Districts) of the Capitola Municipal Code is hereby amended to read as follows:

Chapter 17.16 – RESIDENTIAL ZONING DISTRICTS

Sections:

17.16.010 Purpose of the Residential Zoning Districts
17.16.020 Land Use Regulations
17.16.030 Development Standards
17.16.010 Purpose of the Residential Zoning Districts

A. General. The purpose of residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola's intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. Residential Single-Family (R-1) Zoning District. The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola's unique sense of place.
2. Residential Multi-Family (RM) Zoning District. The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning districts allows single-family and multi-family housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning districts will be carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into three subzones (RM-L, RM-M, and RM-H) allowing for a range of permitted residential densities.
3. Mobile Home Park (MH) Zoning District. The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola's lower-income and senior residents.

17.16.020 Land Use Regulations

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A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

TABLE 17.16-1: PERMITTED LAND USES IN THE RESIDENTIAL ZONING DISTRICTS

Key	Zoning District			Additional Regulations
	R-1	RM	MH	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Residential Uses				
Duplex Homes	-	P	-	
Elderly and Long Term Care	-	C	-	
Group Housing	-	P	-	
Mobile Home Parks	-	C	P [1]	Chapter 17.100
Multi-Family Dwellings	-	P	-	
Residential Care Facilities, Small	P	P	C [2]	
Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
Accessory Dwelling Units	A/C	A/C [4]	-	Chapter 17.74
Single-Family Dwellings	P	P	C [2]	
Public and Quasi-Public Uses				
Community Assembly	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large	M	M	M	Section 17.96.070
Home Day Care, Small	P	P	P	
Parks and Recreational Facilities	-	C	C	
<u>Public Pathways and Coastal Accessways</u>	<u>C</u>	<u>C</u>	<u>C</u>	
Schools, Public or Private	-	C	C	
Commercial Uses				
Bed and Breakfast	C	C	-	
Vacation Rentals	See Section 17.40.030			
Transportation, Communication, and Utility Uses				
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communications Facilities	See Chapter 17.104			
Other Uses				
Accessory Uses and Structure	P [3]	P [3]	P[3]	Chapter 17.52
Home Occupation	A	A	A	Section 17.96.040
Temporary Uses and Structures	M	M	-	Section 17.96.180

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Key	Zoning District			Additional Regulations
	R-1	RM	MH	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Urban Agriculture				
Home Gardens	P	P	P	
Community Gardens	M	M	M	
Urban Farms	C	C	C	

Notes:

- [1] May include offices incidental and necessary to conduct a mobile home park use.
 [2] Permitted on the mobile home park parcel or on a separate parcel of no less than 5,000 square feet.
 [3] An accessory structure that exceed the development standards of Chapter 17.52 requires a Conditional Use Permit.
 [4] Permitted only when the parcel contains an existing or proposed there is one single family or multifamily dwelling on the parcel.

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Historic Alteration Permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a Coastal Development Permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

17.16.030 Development Standards

A. General Standards - Single-Family and Multi-Family Zoning Districts. Table 17.16-2 identifies development standards that apply in the R-1 and RM zoning districts.

TABLE 17.16-2: DEVELOPMENT STANDARDS IN THE R-1 AND RM ZONING DISTRICTS

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030.B.1	N/A	Section 17.16.030.B Section 17.48.040
Building Coverage, Maximum	N/A	40%	
Open Space	N/A	Section 17.030.C.2	

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	R-1	RM	Additional Standards
Parcel Area Per Unit, Minimum	N/A	RM-L: 4,400 sq. ft. RM-M: 2,900 sq. ft. RM-H: 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Section 17.48.030.B.2 5 <u>6</u>
Front	<u>Ground floor:</u> 15 ft. <u>Garage:</u> 20 ft. <u>Second story:</u> 20 ft.	<u>Main structure:</u> 15 ft. <u>Garage:</u> 20 ft.	Section 17.16.030.B.2 Section 17.16.030.B. 3 <u>5</u> Garage Setback: <u>Section</u> <u>17.16.030.B.4</u>
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030.B. 4 <u>5</u>
Interior Side	<u>Ground floor:</u> 10% of parcel width; 3 ft. min.; 7 ft. max. <u>Second story:</u> 15% of parcel width	10% of parcel width	Section 17.16.030.B. 4 <u>5</u> <u>5&6</u>
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030.B. 3 <u>5</u>
Height, Maximum	25 ft.	RM-L: 30 ft. RM-M: 30 ft. RM-H: 35 ft.	Section 17.16.030.B. 6 <u>7</u> <u>7&8</u> Section 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of [effective date of updated Zoning Code]. See Capitola Municipal Code Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district.

1. Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040.B for floor area calculations.

TABLE 17.16-3: MAXIMUM FLOOR AREA RATIO IN THE R-1 ZONING DISTRICT

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52

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4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50 [1]
5,001 to 6,000 sq. ft.	0.49 [1]
More than 6,000 sq. ft.	0.48 [1]

Notes:

~~[1] Parcels of 4,000 sq. ft. or more with approved accessory dwelling units are permitted a maximum FAR of 0.60 for all structures.~~

Section 5. Section 17.16.030.B.9 et seq (Mini-Bar/Convenience Areas) of Chapter 17.14 of the Capitola Municipal Code is hereby amended to read as follows:

17.16.030.B.9. Mini-Bar/Convenience Areas.

a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:

(1) Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.

(2) No gas line or 220-volt electric service is permitted within the area.

(3) Only one such area is permitted within a dwelling property in addition to the kitchen.

~~(4) The mini-bar/convenience area may be located within the home or outside of the home as part of an outdoor kitchen. If located within the home, internal access to the area shall be maintained within the dwelling.~~

~~(4) Internal access to the area shall be maintained within the dwelling.~~

b. The requirements in paragraph (a) above shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units).

Section 6: Compliance with California Environmental Quality Act (CEQA)

These code revisions are statutorily exempt from CEQA pursuant to Public Resources Code Section 21080.17 (Application of Division to Ordinances Implementing Law Relating to Construction of Dwelling Units and Second Units), since the proposed changes are consistent with adopted State Law.

Section 7: Severability

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 8: Effective Date

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

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This ordinance was introduced on the 27th day of February, 2020, and passed first reading on the 13th day of March, 2020, and was adopted by the City Council of the City of Capitola on the ___ day of ____, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Kristen Petersen, Mayor

ATTEST:

Linda Fridy, City Clerk



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Finance Department

SUBJECT: Consider Fiscal Year 2020-21 Budget Principles and Goals

RECOMMENDED ACTION: Adopt the Fiscal Year 2020-21 Budget Principles and Goals and identify related key projects and programs.

BACKGROUND: Each year the City prepares and adopts an annual budget. The annual budget drives the City's operations, giving direction from the City Council to the City Manager regarding day-to-day functions. The budget not only outlines the City's financial plan, but also establishes the framework in which the City will provide services to the community. Principles and goals identified in the budget establish metrics against which actual performance can be measured.

DISCUSSION: To ensure the draft budget is prepared consistent with the Council's direction, the City adopts Budget Principles for the upcoming fiscal year. While the Budget Principles provide an overarching guide to budget development, the Council can provide more specific direction by identifying key projects-programs. The key projects-programs for the City Council can be specific projects (such as the library or wharf), planning efforts (such as Coastal Commission certification of zoning ordinance), or service changes (such as implementing changes from the proposed Recreation Strategic Plan).

One important reason to adopt Budget Principles and key projects is to increase focus on the Council's overall priorities and help to clearly articulate those priorities to Capitola residents and other stakeholders. Staff is suggesting that the Council identify five or six key projects for the upcoming fiscal year, consistent with the overall Budget Principles. At the hearing, staff can help facilitate a Council dialog to develop these projects. Then in the preparation of the draft budget, staff will integrate the Budget Principles and key projects into the overall Draft Budget, including attainable goals and metrics associated with each key project.

The intent of this item will be to discuss Council's priorities heading into budget development. The proposed Budget Principles serve as the high-level policy for the budget development, but the key projects allow for more concrete short-term priorities to be developed.

Budget Principles have been broken down into three categories:

- Fiscal Policy Principles
 - Maintain a balanced budget that ensures ongoing expenditures can be met with ongoing revenues
 - Use one-time revenues for one-time expenditures

FY 2020/21 Budget Principles and Goals
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- Ensure the budget plans for future cost increases and attainable revenue projections
- Public Service Principles
 - Maintain, and improve upon, the transparency of City operations and accessibility of government
 - Recognize the high priority the community places on the public's safety
 - Analyze future service level increases with their long-term financial impacts to ensure financial stability
- Public Improvement Principles
 - Maintain the City's infrastructure by providing maximum funding for the pavement management system
 - Maintain and improve Capitola's natural resources and sustainable green programs
 - Ensure maintenance and cleanliness of City facilities, sidewalks, and streets

The FY 2019-20 Adopted Budget workplans are listed in the attached table. The status of the adopted FY 2019-20 workplans is as follows:

- Fiscal Policy
 - Develop options for Council consideration to address rising CalPERS costs – ongoing
 - Complete review & evaluation of Community Grant Program – underway with anticipated completion by June 30, 2020
 - Work with FAC to identify future revenue options – ongoing, separate item on this agenda to consider a polling contract to gauge community sentiment regarding potential tax measures
- Public Service
 - Continue working with Capitola Mall ownership group to redevelop the mall – ongoing
 - Evaluate parking meter technology – completed
 - Art & Cultural Commission focus on 41st Ave. corridor and library - ongoing
 - Complete Recreation Strategic Plan – Completed and presented; awaiting Council adoption
 - Work towards Coastal Commission certification of zoning code update – ongoing
 - Complete licensing of two cannabis retail locations and develop audit & inspection plan – Local licensing complete, businesses scheduled to open in spring and summer 2020
 - Use dedicated children's fund for youth programming – ongoing
 - Consider reallocating freed up General Fund for Community Center – funds allocated in budget
 - Grow relationship with Central Fire for lifeguarding services – ongoing
 - "State of the City" report – Included in City Manager message in the annual budget
- Public Improvements, status summarized below

CIP Project	Status
Library	Under construction
41 st Ave. Adaptive Signal Control	Working with Caltrans
ADA Improvements	Building
Monterey & Park Railroad Station Park & Pathway	On hold at the RTC
Rispin Park	On hold due to funding

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Utility Undergrounding	Working with utility providers
Park Ave. Sidewalks	Under construction
Park Ave. Storm Damage	To be bid in March 2020
Roundabout Design at Capitola Ave & Bay Ave	Working with utility providers
Brommer Street Project	Out to bid
Wharf Improvement	Construction in 2021
Flume Rehabilitation	To be bid in July 2020
Jetty Rehabilitation	To be bid in July 2020

During FY 2019-20, as noted above, some projects have been or will be completed while others may cross into FY 2020-21, and a few projects are ongoing that may span several fiscal years. During the Finance Advisory Committee's discussion of the FY 2020-21 budget principles and goals on February 18, 2020, the Committee focused on Fiscal Policy Principles and recommended including the two ongoing workplan items of developing options for Council consideration to address rising CalPERS costs and to continue to work on identifying future revenue options.

FISCAL IMPACT: The annual review and revision of Budget Principles and key projects-programs is the first step in the budget process. The Budget Principles clearly articulate the City's financial management strategies.

ATTACHMENTS:

1. Budget Principles & Goals

Report Prepared By: Jim Malberg
Finance Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020

Attachment 1

Fiscal Policy		Public Service		Public Improvements	
1	Maintain a balanced budget that ensures ongoing expenditures can be met with ongoing revenues	1	Maintain, and improve upon, the transparency of City operations and accessibility of government	1	Maintain the City's infrastructure by providing maximum funding for the pavement management system
2	Use one-time revenues for one-time expenditures	2	Recognize the high priority the community places on <u>the public's</u> safety	2	Maintain and improve Capitola's natural resources and sustainable green programs
3	Ensure the budget plans for future cost increases and attainable revenue estimates	3	Analyze future service level increases with their long-term financial impacts to ensure financial stability	3	Ensure maintenance and cleanliness of City facilities, sidewalks, and streets
Key Projects - Programs					
SR	Develop options for Council consideration to address rising CalPERS costs	SR	Continue working with Capitola Mall ownership group to redevelop the mall	CC	Complete funded CIPs. 18/19 CIPs
SR	Complete review & evaluation of Community Grant Program	CC	Evaluate parking meter technology	SR	Complete library construction and wharf design
SR	Work with FAC to identify future revenue options	CC	A&C focus on 41st corridor <i>and library</i>	CC	Evaluate unfunded CIP's
		CC	Complete Recreation strategic plan	CC	Complete Rispin Park
		SR	Work toward Coastal Commission certification of zoning code update		
		SR	Complete licensing of two cannabis retail locations and develop audit & inspection plan		
		CC	Use dedicated children's fund for youth programming		
		CC	Consider reallocating freed up General Fund for Com Cntr		
		SR	Grow relationship with Central Fire for lifeguard services		
		CC	Staff "State of the City" report - incorporate into budget presentation (City Manager's Message)		

Attachment: Budget Principles & Goals (FY 2020/21 Budget Principles and Goals)



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: City Manager Department
SUBJECT: Consider a Community Survey Contract

RECOMMENDED ACTION: Authorize the City Manager to enter into a contract with Gene Bregman and Associates in an amount not to exceed \$14,000 for a community survey to help gauge public interest on potential ballot measures for the November election.

BACKGROUND: The adopted 2019/20 budget included a goal to work with the City's Finance Advisory Committee (FAC) to identify future revenue options. Since that time the FAC has researched several possible revenue measures including a Utility User Tax (UUT). After holding four meetings on the UUT, on Dec. 10, 2019, the FAC recommended the City Council consider placing such a tax on the November 2020 ballot after conducting a community survey to obtain feedback about this type a ballot measure. Unlike sales taxes, UUTs are largely immune to decreases during economic downturns. This is important because the City is currently so reliant on sales tax which can be highly volatile.

In addition, more recently the FAC has requested information regarding entertainment taxes. Staff plans to bring an item to the FAC at its April 21, 2020, meeting about the feasibility of an entertainment tax.

The City has used Gene Bregman and Associates in previous election years to gauge potential voter support for tax measures.

DISCUSSION: The proposed contract with Gene Bregman and Associates includes a phone survey of 150 to 175 likely voters in Capitola. The proposed contract includes enough time per phone interview to obtain community feedback on approximately two separate topics and include a few baseline questions regarding City performance.

Staff recommends the City conduct a community survey prior to placing items on the ballot, particularly if the City is contemplating multiple ballot items.

Potential Polling Items

Utility Users Tax: Currently the City of Capitola does not have a UUT in place. Cities that assess UUTs generally charge between 1 percent to 11 percent and the utilities subject to the UUT varies from city to city. The most common UUTs are applied to telephone, electricity, and gas service followed by cable television and water service. Approximately half of California residents pay a UUT, which provides an average of 15 percent of general fund revenues to those jurisdictions. The most common rate is 5 percent and the average rate is 5.4 percent.

In Santa Cruz County the cities of Santa Cruz, Watsonville, and Scotts Valley all have UUTs.

Community Survey Contract
March 12, 2020

The City of Santa Cruz UUT is 8.5 percent on all utilities and generates \$10.7 million annually or 16 percent of general fund revenues with an annual per capita cost of \$161. In Watsonville the UUT is 5.5 percent on telephone and cable television and 6 percent on electricity, gas, and water, and generates approximately \$3 million annually or 13 percent of general fund revenues with an annual per capita cost of \$66. Finally, Scotts Valley levies a 4 percent UUT on electricity and gas generating approximately \$600,000 annually or 7 percent of general fund revenues with an annual per capita cost of \$55.

The FAC is recommending the City conduct polling regarding a 5 percent UUT on electricity, gas, water, and garbage service that would be effective from January 1, 2021 through December 31, 2024, and provide an exemption for low-income residents that are enrolled in the PG&E CARE Program. If approved by the voters, the UUT would generate approximately \$1.2 million annually, increasing general fund revenues by roughly 7 percent with an annual per capita cost of approximately \$113. Approximately half of the UUT would be generated by commercial and industrial accounts with the other half coming from residential accounts.

The FAC recommended a short four-year term for the tax to help reduce revenue shortfalls during mall redevelopment. Staff recommends the City use the poll to ask potential voters about the level and term for a UUT they may support.

Entertainment Tax: In general, entertainment taxes, sometimes referred to as admission tax, are assessed on entertainment, amusement, or recreational activities for which an admission is charged and may include sporting contests, athletic events, exhibitions, concerts, lectures, theatrical and musical performances, movie theater tickets, fairs, and festivals.

While only 10 cities in the state have entertainment taxes, the City of Santa Cruz does assess a 5 percent admissions tax. Events subject to the Santa Cruz tax include circuses, movies, all athletic events, concerts, theatrical performances, bowling, golf (including miniature golf), swimming and bathing, speeches, carnivals, menageries, all forms of recreation in or at amusement parks, pool, or any other form of diversion, sport, pastime, or recreation.

In general, the majority of jurisdictions with entertainment taxes have large sport venues or amusement park-type uses, which create significant community impacts that the tax is intended to mitigate.

The attached polling contract with Gene Bregman and Associates would complete the survey work in time for the Council to review the results prior to the deadline to place a measure on the November 2020 ballot.

FISCAL IMPACT: Funding for the not to exceed \$14,000 polling contract would be allocated from contract savings of \$3,000 in the City Council budget, \$3,000 in the City Manager's Department, \$1,500 in the Finance Department, and \$6,500 in the City Attorney Special Services.

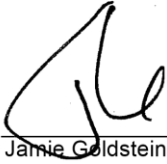
ATTACHMENTS:

1. CapitolaProposal2020

Report Prepared By: Jamie Goldstein
City Manager

Community Survey Contract
March 12, 2020

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020



GENE BREGMAN & ASSOCIATES
Public Opinion & Marketing Research

MEMORANDUM

To: Jamie Goldstein, City Manager
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

From: Gene Bregman
Gene Bregman & Associates

Date: March 4, 2020

Re: Poll

Per your request, this letter summarizes the scope of work for Gene Bregman & Associates (GBA) to conduct public opinion research for the City of Capitola, California.

Upon completion of the survey, a statistical compilation of the cross-tabulated results will be delivered and findings and recommendations will be presented and discussed.

We will conduct the survey among those Capitola residents who are likely to vote in November, 2020. Since it has become much more difficult to reach people by telephone, we will supplement the telephone poll by contacting eligible voters via email. Safeguards are built into the process to prevent non-qualified respondents from completing the survey. Based on our previous research, we believe it will be possible to complete between 150 and 175 interviews.

The poll will achieve the following objectives:

1. Explore the current image of the City of Capitola, voters' attitudes towards the City, and their assessments of the strengths and weaknesses of local government;
2. Determine voter perceptions of the needs of the City and the priorities that voters set for those needs;



2443 Fair Oaks Blvd., #328
Sacramento, CA 95825
916.564.2000
www.GeneBregmanAndAssociates.com



3. Determine voter attitudes towards a possible ballot measure for the City related to various possible revenue enhancement measures;
4. Evaluate voters' top priorities for money raised in order to determine if these uses are sufficient for voters to support a ballot measure;
5. Determine the most effective and important reasons for your voters to support a measure;
6. Track and compare current data with those obtained in previous research for the City;
7. Develop a demographic profile of City voters, including how various demographic groups differ in their opinions and attitudes towards a possible ballot measure.

Depending on the length of the interview, the costs can vary, as follows:

150-175 interviews @ 10 minutes per interview	\$12,500.
150-175 interviews @ 12 minutes per interview	\$13,000.
150-175 interviews @ 15 minutes per interview	\$14,000.
150-175 interviews @ 18 minutes per interview	\$15,000.

All travel expenses will be billed at cost.

All of the data obtained by GBA is the exclusive property of the City of Capitola. If requested, GBA will provide an electronic copy of the data to the client. GBA is entitled to retain the original interview forms used in the field and copies of all data and analysis for its own internal use.

In summary, GBA will provide to the City of Capitola:

- Random telephone and internet survey of 150-175 likely November 2020 voters in the City of Capitola;
- Consultation solely with principal of Gene Bregman & Associates;
- Assistance in developing topic areas to be investigated;
- Development of survey questionnaire;
- Scientific sample selection to assure our reaching accurate representations of the population;
- Pre-testing of questionnaire;



- Conduct of field work from our central phone bank;
- Editing, coding, and electronic data processing;
- Full computer printouts of all cross-tabulated data;
- Analyses of survey results, including appropriate graphical presentation;
- In-person presentation of results;
- On-going strategy and consultation.

We look forward to having the opportunity to assist you and the City of Capitola in this most important effort. If you have any questions, or would like to further discuss your polling needs, please do not hesitate to call me at (916)564-2000.



CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF MARCH 12, 2020

FROM: Community Development

SUBJECT: First Reading of an Ordinance Amending Chapter 17.80 Signs

RECOMMENDED ACTION: Pass the first reading of a proposed Ordinance amending Title 17 to align with recent legal decisions regarding non-commercial signs, amended from introduction to allow 120 days for political signs, and waive reading of the text.

BACKGROUND: This amendment proposes updates to Chapter 17.80 regulating signs and incorporates non-commercial allowances based on recent court rulings. On February 5, 2020, the Planning Commission reviewed the draft ordinance amendments and recommended approval.

The ordinance was introduced on February 27, 2020, at which time the City Council requested staff research extending the 90-day limit on political signs. The Council approved the overall language, but asked staff to bring the ordinance back for an updated first reading if the sign limitation could be increased to 120 days.

DISCUSSION: The City Council inquired about the source of the definition of Election Period stated in §17.80.020.I. The definition of Election Period as drafted was “the period beginning 90 days before any national, state, or local election in which city electors may vote up through the date of the election.” Within §17.80.050.A.6 the draft code permits political signs during an election period (90 days) without a permit.

Many jurisdictions establish a 90-day limit for political signs because that is the limit used by CalTrans in enforcing the State Outdoor Advertising Act. From a practical standpoint, many cities find it is easier to administer a 90-day time period because it is consistent with state regulations. However, nothing in state law prohibits cities from allowing political signs to be posted for a longer period in areas not covered by the State Outdoor Advertising Act.

The State Outdoor Advertising Act regulates “temporary political signs”:

- (a) Encourages a particular vote in a scheduled election.
- (b) Is placed not sooner than 90 days prior to the scheduled election and is removed within 10 days after that election.
- (c) Is no larger than 32 square feet.
- (d) Has had a statement of responsibility filed with the department [CalTrans] certifying a person who will be responsible for removing the temporary political sign and who will reimburse the department for any cost incurred to remove it.

First Reading of an Ordinance Amending Chapter 17.80 Signs
March 12, 2020

(Business & Professions Code section 5403.5.)

The State Outdoor Advertising Act prohibits the placement of temporary political signs “within the right-of-way of any highway or within 660 feet of the edge of and visible from the right-of-way of a landscaped freeway” but otherwise exempts temporary political signs from normal statewide outdoor advertising display requirements. (Business & Professions Code section 5403.5.)

Nothing in state law prohibits a city from allowing political signs to be displayed for a longer period, so long as they are not displayed close to the right-of-way for a highway or freeway. Based on the City Council’s direction at the February 27 meeting, staff has revised the ordinance to allow 120 days, as follows:

17.80.020 Definitions

I. Election Period. The period beginning 120 days before and ending 1 day after any national, state, or local election in which city electors may vote.

17.80.050 Signs Allowed Without Permits

6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by State or Federal law. Political signs may not exceed 6 feet in height and 32 square feet per unit.

FISCAL IMPACT: None

Report Prepared By: Katie Herlihy
Community Development Director

Reviewed and Forwarded by:



Jamie Goldstein, City Manager

3/5/2020

First Reading of an Ordinance Amending Chapter 17.80 Signs
March 12, 2020

ORDINANCE NO. XXXX

AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING 17.80 SIGNS TO INCORPORATE MESSAGE NEUTRALITY STANDARDS FOR COMMERCIAL AND NONCOMMERCIAL SIGNS

WHEREAS, Chapter 17.80 of the Capitola Municipal Code establishes the City's regulations regarding signs; and

WHEREAS, in the case of *Reed v. Town of Gilbert* (2015) 135 S.Ct. 2218, the United States Supreme Court held that absent a compelling reason, a city may not provide preferential treatment in providing opportunities for posting noncommercial messages on signs based on the sign's content; and

WHEREAS, the proposed amendments to Chapter 17.80 incorporate message neutrality standards for commercial and noncommercial signs protected by the First Amendment to the U.S. Constitution; and

WHEREAS, the proposed amendments to Chapter 17.80 allow temporary noncommercial signs on private property; and

WHEREAS, the proposed amendments to Chapter 17.80 further the City's interest in both aesthetics and traffic safety by establishing appropriate limitations on the size, height, number, location and duration of such noncommercial signs so that they are appropriate and in keeping with the zoning district in which the signs are placed and to ensure that the signs do not overly distract, obstruct or otherwise impede traffic circulation; and

WHEREAS, the proposed amendments to Chapter 17.80 are exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment, projects are exempt from the requirements of CEQA; and

WHEREAS, the Planning Commission held a duly noticed public hearing on February 6, 2020, at which time it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption, and provided a unanimous positive recommendation on the proposed ordinance; and

WHEREAS, based upon the Planning Commission recommendation, the City Council determined that the amendments are consistent with the General Plan, including the Goals, Policies and Implementation Measures of the Land Use Element and Housing Element, and that the revisions would be internally consistent with all other provisions of the Municipal Code; and

WHEREAS, the Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

BE IT ORDAINED by the City of Capitola as follows:

First Reading of an Ordinance Amending Chapter 17.80 Signs
March 12, 2020

Section 1. The above findings are adopted and incorporated herein.

Section 2. Chapter 17.80 (Signs) of the Capitola Municipal Code is hereby amended to read as follows:

Chapter 17.80 – SIGNS

Sections:

17.80.010	Purpose and Applicability
17.80.020	Definitions
17.80.030	Permit Requirements
17.80.040	Rules of Measurement
17.80.050	Signs Allowed Without Permits
17.80.060	Prohibited Signs
17.80.070	General Sign Standards
17.80.080	Standards for Specific Types of Signs
17.80.090	Design Standards
17.80.100	Residential Signs
17.80.110	Temporary Signs
17.80.120	Adjustment to Sign Standards
17.80.130	Master Sign Program
17.80.140	Nonconforming Signs
17.80.150	Violations and Enforcement

17.80.010 Purpose and Applicability

- A. Purpose. This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:
1. Support economically viable businesses serving city residents, workers, and visitors.
 2. Allow for signage that identifies businesses in a fair and equitable manner.
 3. Protect and enhance the aesthetic qualities of the city.
 4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
 5. Allow for a simple and streamlined sign permitting process.
- B. Applicability. This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions

The following definitions apply to this chapter:

- A. Awning Sign. A sign incorporated into, attached, or painted on an awning.
- B. Awning Face Sign. A sign located on the sloping plane face of an awning.
- C. Awning Valance Sign. A sign located on the valance of an awning perpendicular to the ground.
- D. Center Identification Sign. A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. Commercial Message. Any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.

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F. Commercial Sign. A sign with a commercial message.

G. Construction Site Sign. An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.

H. Directory Sign. An on-premise sign which shows the direction to or location of a customer entrance to a business.

I. Election Period. The period beginning 120 days before and ending 1 day after any national, state, or local election in which city electors may vote.

J. Flags. Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.

K. Monument Sign. An independent, freestanding structure supported on the ground as opposed to being supported on the building.

L. Projecting Sign. Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.

M. Roof Sign. Any sign that is mounted on a roof or a parapet, of a building.

N. Sidewalk Sign. Movable or permanent business identification signs placed in or attached to a public sidewalk.

O. Sign. Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.

P. Sign Area. See Section 17.80.040.A (Calculation of Sign Area).

Q. Sign Copy. The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.

R. Sign Face. The area of a sign where sign copy is placed.

S. Wall Sign. A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

T. Window Sign. A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit Requirements

A. Administrative Sign Permits. An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without Permits).
2. Signs requiring a Sign Permit as identified in Section B below.

B. Sign Permits. Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the Mixed Use Village (MU-V) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the C-R zoning district (Section 17.80.080.A) that are not otherwise allowed with an Administrative Sign Permit.
5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.120.E).
6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for Specific Types of Signs)
7. Master sign programs (Section 17.80.130).

C. Noncommercial Signs. Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter.

D. Message Neutrality.

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1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the Director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

E. Message Substitution.

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.
2. Message substitutions are allowed by-right without a permit.
3. This message substitution provision does not:
 - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
 - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
 - c. Allow a change in the physical structure of a sign or its mounting device;
 - d. Allow the establishment of a prohibited sign as identified in 17.80.060 (Prohibited Signs); or
 - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

F. City-Installed Signs. City-installed signs in all zoning districts do not require a permit.

G. Other Government-Installed Signs. Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.

H. Signs in the Coastal Zone.

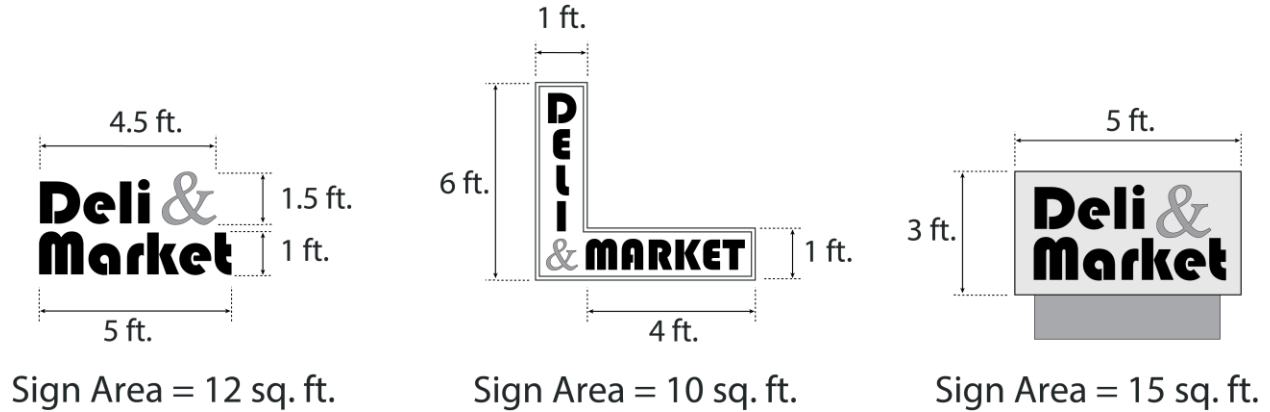
1. If a proposed sign is located in the Coastal Zone, it may require a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).
2. Notwithstanding all applicable standards in this Chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a coastal development permit.

17.80.040 Rules of Measurement

A. Calculation of Sign Area.

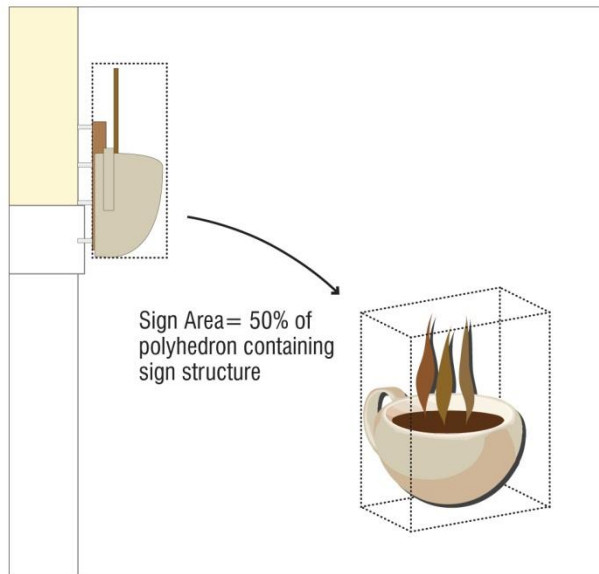
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

FIGURE 17.80-2: NON-PLANER SIGN AREA



- B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs Allowed Without Permits

- A. Types of Signs. The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:
 1. On-site directional signs which do not include commercial messages or images, not to

First Reading of an Ordinance Amending Chapter 17.80 Signs
March 12, 2020

- exceed 3 feet in height and 6 square feet in area.
2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access.” and other signs of a similar nature.
 3. Flags bearing noncommercial messages or graphic symbols.
 4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
 5. One bulletin board on a parcel occupied by a noncommercial ~~place of public assembly organization~~, with a maximum area of 12 square feet.
 6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by State or Federal law. Political signs may not exceed 6 feet in height and 32 square feet per unit.
 7. Constitutionally protected non-commercial message signs not to exceed 3 feet in height, with a maximum of 6 square feet per unit; and 6 square feet per non-residential property.
 8. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
 9. Murals on the exterior of a building that do not advertise a product, business, or service.
 10. Official or legal notices required by a court order or governmental agency.
 11. Signs installed by a governmental agency within the public right-of-way., ~~including signs advertising local nonprofit, civic, or fraternal organizations.~~
 12. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
 13. Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
 14. Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
 15. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential Signs).
 16. Temporary signs ~~consistent with~~ allowed without a permit as provided in Section 17.80.110 (Temporary Signs).
 - 16.17. Vacation rental signs up to 12 inches by 12 inches.
 - 17.18. Garage sale signs limited to the day of the garage sale.
 - B. Building Permit Review. Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.
 - C. Changes to Sign Face. Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.
 - D. Routine Maintenance. The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

17.80.060 Prohibited Signs

- A. Prohibited Sign Types. The following types of signs are prohibited:
 1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
 2. Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080.K (Sidewalk Signs).
 3. Roof signs.
 4. Signs emitting odors, gases, or fluids.
 5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.

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6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
7. Animated signs, with the exception of clocks and barber poles.
8. Signs that emit sound.
9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
10. Signs which flash, blink, change color, or change intensity.
11. Beacons.
12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
14. Signs adversely affecting traffic control or safety.
- ~~15. Signs containing obscene matter.~~
16. Signs with exposed raceways.
17. Signs attached to trees.
18. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
19. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080.A (Auto Dealership Signs).
20. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
21. Signs on or affecting public property (e.g., 'tenant parking only') not placed there by the public entity having the possessory interest in such property.
22. All other signs not specifically permitted by or exempted from the requirements of this chapter.

B. Prohibited Sign Content.

1. The following sign content is prohibited:
 - a. Obscene or indecent text or graphics.
 - b. Text or graphics that advertise unlawful activity.
 - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
 - d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

17.80.070 General Sign Standards

- A. Maximum Permitted Sign Area. Table 17.80-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

TABLE 17.80-1: SIGN AREA STANDARDS

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU -N	0.5 sq. ft. per linear foot 36 sq. ft. max
MU-N , C-R, C-C, I	1 sq. ft. per linear foot 50 sq. ft. max
VS, CF, P/OS [1]	As determined through Sign Permit
PD	As determined through the Development Plan

Notes:

Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

- B. Maintenance. Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.
- C. Building Surface Repair. When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.
- D. Illumination.
 - 1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
 - 2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
 - 3. Exposed bulbs are not permitted.
 - 4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).
- E. Materials and Design.
 - 1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
 - 2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.
- F. Location and Placement.
 - 1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
- 2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
- 3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in

First Reading of an Ordinance Amending Chapter 17.80 Signs
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this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection Sign Distance).

G. Signs in the Public Right-of-Way.

1. No sign shall be permitted in the public right-of-way, except for:
 - a. Signs installed or required by a governmental agency.
 - ~~b. Signs advertising local nonprofit, civic, or fraternal organizations with City Engineer approval.~~
 - b. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for Specific Types of Signs).
 - c. Sidewalk signs in the Village Mixed Use (MU-V) zoning district consistent with Section 17.80.080.G (Sidewalk Signs).
 - d. Shared auto dealership signs consistent with Section 17.80.080.A (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and Enforcement). The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
3. Signs in the public right-of-way may require City approval of an Encroachment Permit.

17.80.080 Standards for Specific Types of Signs

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit in accordance with Section 17.80.120 (Adjustment to Sign Standards).

A. Auto Dealership Signs.

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the C-R zoning district with approval of a Sign Permit subject to the following standards:
 - a. Location: On or adjacent to an auto dealership land use.
 - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
 - c. Maximum Height: At or below roof line.
 - d. The Planning Commission shall review the Sign Permit application if the total combined sign area on the site exceeds 100 square feet.
 - e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.80.110 (Temporary Signs) with the approval of a Sign Permit.

B. Awning Signs.

1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-2: AWNING SIGN STANDARDS

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Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign Permit Required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for awning signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for awning signs shall be established by the City Council in the Development Plan.

C. Monument Signs.

- Standards for monument signs in each zoning district are as shown in Table 17.80-3.

TABLE 17.80-3: MONUMENT SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		
I			4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for monument signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for monument signs shall be established by the City Council in the Development Plan.

- Monument signs shall be placed on the property of the business associated with the sign.
- Where two monument signs are allowed on a corner parcel, each sign shall be placed at least 200 feet from the intersection corner.

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4. A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.80-5.
2. Directory signs may not be legible from adjacent public rights-of-way.
3. Directory signs shall identify the names of the occupant of the building or complex.

TABLE 17.80-5: DIRECTORY SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.

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MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for directory signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for directory signs shall be established by the City Council in the Development Plan.

F. Wall Signs.

- Standards for wall signs in each zoning district are as shown in Table 17.80-6.
- Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
- Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
- Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
- Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
- On a corner lot, one wall sign is allowed per street frontage.

TABLE 17.80-6: WALL SIGN STANDARDS

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Note:

- [1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for wall signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for wall signs shall be established by the City Council in the Development Plan.
- [2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

G. Projecting Signs.

- Standards for projecting signs in each zoning district are as shown in Table 17.80-7.

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2. Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
3. Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-7: PROJECTING SIGN STANDARDS

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for projecting signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for projecting signs shall be established by the City Council in the Development Plan.

- H. Gas and Service Station Signs. In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards .
1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
 2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
 3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
 4. Digital changeable copy signs for gasoline pricing is permitted.
 5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.
- I. Parking Garage Signs. A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.
- J. Window Signs.
1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
 2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.
 3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

TABLE 17.80-8: WINDOW SIGN STANDARDS

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Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

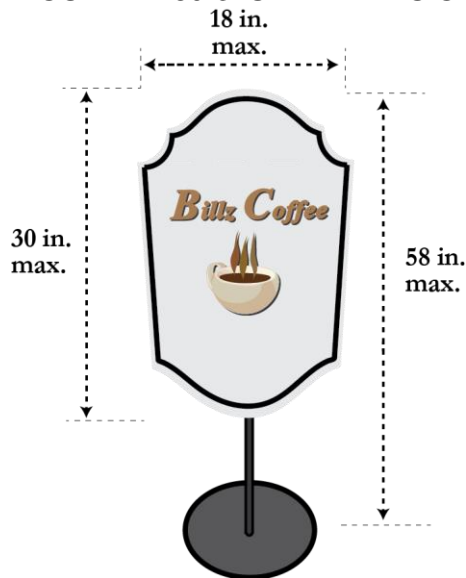
Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established by the City Council in the Development Plan.

K. Sidewalk Signs.

1. Where Allowed. Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. Permits Required.
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director.
 - b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - c. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

FIGURE 17-80-3: SIDEWALK SIGN STANDARDS AND DESIGN CONCEPTS



3. Dimensions. Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

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TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	32 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign

4. Number of Signs.
 - a. Only one two-sided sidewalk sign per business establishment is permitted.
 - b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.
5. Materials and Design.
 - a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
 - b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
 - c. Signs faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
 - d. No sidewalk sign may contain lights of any kind.
6. Sidewalk Clearance.
 - a. The sidewalk in front of the business must be at least 78 inches in width.
 - b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.
7. Separation from Other Sidewalk Signs. Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.
8. Display During Open Hours. Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.
9. Advertising Multiple Businesses. Individual signs may advertise more than one business.
10. Other Business Signage.
 - a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
 - b. All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.

17.80.090 Design Standards

- A. Design Standards for Mixed Use Zoning Districts. The following design standards apply to all signs in the MU-V and MU-N zoning districts.

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1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
 2. Signs shall be coordinated with the overall façade composition, including ornamental details and other signs on the building to which it is attached.
 3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
 4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
 5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the façade or fixing positions) to protect the original building materials.
 6. Internally illuminated signs are prohibited in the MU-V and MU-N zoning districts.
 7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
 8. Sign materials and colors shall be compatible with the period and style of building to which it is attached. Sign panels shall avoid the extensive use of primary color or significant areas of white or cream.
 9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
 10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.
- B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts.
1. Sign design shall conform to and be in harmony with the architectural character of the building.
 2. Signs shall be symmetrically located within a defined architectural space.
 3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
 4. The design of monument and other freestanding signs **shall** relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
 5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
- C. Design Standards for Industrial Zoning District. Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential Signs – Multi-Unit Properties

Multi-unit properties may display one or more master signs subject to the following requirements:

- A. A master sign program (17.80.130) has been approved for the multi-unit property.
- B. Maximum allowable sign area: 20 square feet per property.
- C. A master sign for a multi-unit property requires an Administrative Sign Permit.

17.80.110 Temporary Signs

- A. Permitted Temporary Signs. Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary

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signs that do not comply with the standards in Table 17.80-1 with approval of a Sign Permit.

TABLE 17.80-10 TEMPORARY SIGN STANDARDS

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/ Size	Maximum Duration
Auto Dealership Signs - Flags - Pennants - Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	Year-round; must be maintained in good condition
Commercial Banner Signs	Administrative Sign Permit	Non-residential uses only	1 per 500 ft. of linear site building frontage; 2 sign maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear site building frontage; 2 sign maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs - Non-Residential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear site building frontage; 2 sign maximum	Height: 8 ft.; 4 ft. in M.U.-V Area: 40 sq. ft.; 12 sq. ft. in M.U.-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; Director may approve extension
Open House or model home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of Open house.
Special Event	None	Special events open to the public (e.g., open streets),	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of special event house.
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

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17.80.150 Violations and Enforcement

- A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.
- B. Removal of Illegal Signs.
1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
 2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
 - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
 - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.
 3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
 4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
 5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.

Section 3: Compliance with California Environmental Quality Act (CEQA)

The City Council hereby finds that the action to adopt this ordinance is exempt from the requirements of the California Environmental Quality Act (Public Resources Code Section 21000, et seq.) pursuant to Guidelines Sections 15061(b)(1), 15061(b)(2), and specifically, the "General Rule" Section 15061(b)(3), where it can be seen with certainty that the proposed action will have no significant effect on the environment, projects are exempt from the requirements of CEQA.

Section 4: Severability

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

Section 5: Effective Date

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This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

This ordinance was introduced on the 27th day of February, 2020, was passed for first reading on the 12th day of March, 2020, and was adopted by the City Council of the City of Capitola on the ___ day of ____, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

APPROVED:

Kristen Petersen, Mayor

ATTEST:

Linda Fridy, City Clerk