REVISED

SPECIAL MEETING AGENDA
CAPITOLA PLANNING COMMISSION
Monday, May 18, 2015 – 6:00 PM

Chairperson	Linda Smith
Commissioners	Ed Newman
	Gayle Ortiz
	TJ Welch
	Susan Westman

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

Please Note: The Planning Commission will not be taking input on items not listed on this agenda. The Brown Act requires that agendas for special meetings provide an opportunity for members of the public to address the legislative body concerning any items listed on the agenda before or during the body's consideration of the at item. §54954.3(a). Unlike regular meetings, though, the legislative body does not have to allow public comment on non-agenda matters at a special meeting.

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Approval of draft April 30, 2015 Special Joint Planning Commission and City Council meeting for the zoning code update.

4. CONSENT CALENDAR

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

5. PUBLIC HEARINGS

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

A. Zoning Code Update - Review of Issues and Options Report. Issues: 3, 4, 5 & 16

Issue 3 Accommodating High-Quality Development on 41st Avenue

Issue 4 Protecting Retail Vitality on 41st Avenue

Issue 5: Parking: Required Number of Spaces, Village Hotel Parking, Parking Efficiency, and Garages

Issue 16: Height

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

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

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

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

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

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

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

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

SPECIAL CAPITOLA CITY COUNCIL
AND
PLANNING COMMISSION JOINT MEETING MINUTES

THURSDAY, APRIL 30, 2015 - 6:00 PM

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Council Members Stephanie Harlan, Ed Bottorff, Jacques Bertrand, and Mayor Dennis Norton

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

Planning Commissioner Gayle Ortiz arrived at 6:35 PM.

Council Member Michael Termini was absent.

2. PRESENTATIONS

A. Oath of Office Ceremony for newly appointed Planning Commissioner Susan Westman.

Oath of Office provided.

3. ADDITIONAL MATERIALS

None provided

4. ADDITIONS AND DELETIONS TO AGENDA

None provided

5. PUBLIC COMMENT

Richard Lippi, local resident, provided for the record a letter to the City Council and the Planning Commission regarding the proposed skate park at Monterey Park.

6. CITY COUNCIL / PLANNING COMMISSION / STAFF COMMENTS

Council Member Harlan stated the Public Utility Commission is providing opt-out options for the Smart Meter program.

7. GENERAL GOVERNMENT / PUBLIC HEARINGS

A. Receive presentation regarding the City of Capitola Zoning Code Update.

Community Development Director Grunow introduced this item and provided the background history regarding steps, previous meetings, and issues involving the City's Zoning Code Update process.

Senior Planner Cattan stated that a preliminary survey was conducted which included input from the City Council, Planning Commission and the public. She reviewed the following issues and options included in the survey results:

ISSUE 2: Maintaining and Enhancing the Village Character

Direction: Preference for Option 2.

Option 2: Establish new building form and character standards.
The Zoning Code (Code) could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development.

Additional comments: Guidelines are removed.

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ISSUE 7.A. SIGNS: Threshold for Review

Direction: Preference for Option 2.

Option 2: Allow staff-level review with new standards.

Revise sign standards to include new, well-defined and well-illustrated design standards that create maximum allowances within staff-level review and an option for Planning Commission review for signs that go beyond the maximum allowance. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit.

Additional comments: Ensure high quality signs.

ISSUE 7.B. SIGNS: Tailored Standards

Direction: Preference for Option 2

Option 2: Create tailored standards for different commercial areas. Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other issues.

Additional comments: Preference for monument signs to be drafted into tailored standards for each commercial area within Issue 7.B. Also, update to allow digital gas pricing signs.

ISSUE 7.C. SIGNS: Monument Signs

Direction: Option 5 − Other. Preference for monument signs to come back with tailored standards for each neighborhood. Allow digital gas pricing signs.

ISSUE 10: Permits and Approvals

Direction: Incorporate 2(a), 2(b), and 2(c)

Option 2(a): Create a new Administrative Permit.

This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.

Option 2(b): Create a new Minor Use Permit.

This new permit would be similar to a Conditional Use Permit except that it would be approved by the Community Development Director (Director). Notice would be mailed to neighbors prior to final action by the Director and decisions could be appealed to the Planning Commission. The Director could also choose to refer applications to the Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that should not be allowed by-right, but that also generally do not need to go the Planning Commission for a public hearing and approval, such as a Home Occupancy Permit and Transient Occupancy Permits.

Option 2(c): Create a New Substantial Conformance Process.
The Zoning Code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring the Planning Commission consideration of more substantive changes.

DRAFT

ISSUE 12.A: Design Permit: When a Design Permit is Required

Direction: Option 2

Option 2: Require Design Permits only for Exterior Modifications.
With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.

ISSUE 12.B Design Permit Approval Authority – Commercial Use

Direction: Option 2

Option 2: Delegate limited approval authority to the Director With this option; the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:

Option 2(a): Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.

Option 2(b): Additions not visible from the front façade up to a specified square-footage threshold.

Option 2(c): Expansion of one tenant space into a second tenant space in a multi-tenant building.

Option 2(e): Accessory structures

Additional Comments: Support for 2(c) and 2(e).
2(c): Limit tenant expansions to combining two tenant spaces.
2(e): For garbage or recycling enclosures. The Planning Commission and the City Council provided direction on the April 30, 2015, City Council and Planning Commission Special Joint Meeting Agenda.

12.C. When a Design Permit is Required – Residential Uses

Direction: Options 2(a), 2(b) and 2(c).

Option 2: Modify threshold for residential design permits.

The threshold could be revised in multiple ways. Thresholds that could be modified to include the following:

Option 2(a): Increase existing threshold (greater than 400 sq ft) for additions located on the rear of a single family home. Note: first story only.

Option 2(b): Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the Code.

Option 2(c): Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the Code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.

Additional Comments: First story only for Options 2(a), 2(b), and 2(c). Second story requires design permit.

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12.D. Design Permit Approval Authority – Residential Use

Direction: Option 2.

Option 2: Delegate limited approval authority to the Director with this option; the Director would approve more types of residential projects requiring a Design Permit.

Comments: See 12.C. on previous page for thresholds.

12.E. Design Permit: Considerations for Design Permit Approval

Direction: Option 2

Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design, including massing, height, scale, articulation, neighborhood compatibility, privacy, quality exterior materials, and submittal requirements.

ISSUE 14: Environmental and Hazard Overlays

Direction: Staff to simplify the overlays utilizing the best approach. Likely Option 2; however the top concern of the Planning Commission and the City Council is simplicity for applicants and administration.

Issue 17.A: Floor Area Ratio (FAR) and Decks

Direction: Option 3(a), 3(b) and 3(c).

Option 3: Add exception for special circumstances.
There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The Code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.

Option 3(a): Front Façade.
Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sq ft) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks within the list of items not included in the floor area calculation.

Option 3(b): Open Space.
There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the Code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.

Option 3(c): Restaurants and Hotels.
Visitor experiences are enhanced when they take in a view. The Code currently does not include an exception for decks on hotels or restaurants. The Code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.

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Comments: Acknowledged that deck regulations do not necessarily belong in the FAR standards. Decks should be included in the updated design permit standards and individual neighborhood standards. Support for exceptions (a), (b) and (c). Also, consider if rail line is open space.

Issue 17.B. Floor Area Ratio and Basements

Direction: Option 3

Option 3: Remove basements from FAR formula.

Comments: Include area of basement in parking requirement. Basements that have a walk out creating a 3rd story should count toward FAR (properties on slopes). Basements that do not impact visual massing should not count toward FAR. Modify FAR to exclude basements that are below grade on four sides.

Issue 17C: Floor Area Ration and Phantom floors, Roof Eaves, and Window Projections

Direction: Option 5

Option 5: Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.

Public Comment:

Adam Samuels, local resident, stated the City is providing an effective process for the City's Zoning Code Update. He requested that upcoming meetings be posted to the City's website.

Helen Bryce, local resident, stated concerns regarding preserving open space in the City.

Planning Commissioner Newman remarked about appeals of Planning Commission's decision to the City Council.

City Manager Goldstein stated that 50% of the skate park construction at McGregor Park is complete and asked if Council Member Bottorff's request for the Council to consider stopping the skate park project at McGregor Park.

Council Member Bottorff requested to withdraw his request.

8. ADJOURNMENT

Meeting adjourned at 8:15 pm.

_____
Dennis Norton, Mayor

_____
Linda Smith
Planning Commission Chair

ATTEST:

_____, CMC
Susan Sneddon, City Clerk

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PLANNING COMMISSION
SPECIAL MEETING

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: MAY 18, 2015

SUBJECT: **Zoning Code Update – Issues and Options 3, 4, 5, and 16**

RECOMMENDED ACTION
Accept the presentation and provide direction.

BACKGROUND
The Planning Commission and City Council held a special joint meeting on April 30, 2015, to kick off the zoning code update hearings and the review of the Issues and Options Report (Attachment A: Issues and Options Report). Staff received preliminary direction on 6 of the 18 issues (Attachment B: Matrix). As agreed during the meeting, staff will present the remaining 12 issues and options to the Planning Commission over the next 2 to 3 months to receive policy direction prior to drafting the updated code.

DISCUSSION
The Issues and Options Report provides an overview of 18 zoning code issues that require discussion and direction early in the process, prior to drafting the updated zoning code. For each issue, the report provides an overview of the issue, explanation of the general plan direction regarding the issue, and multiple options for how the issue can be addressed within the zoning code update.

The Planning Commission will provide direction on the following topics during the May 18th meeting:

Issue 3 Accommodating High-Quality Development on 41st Avenue
- Issues and Options Report page 10
- Zoning Code Chapter 17.27 CC Community Commercial (Attachment C)
- 41st Avenue Design Guidelines (Attachment G)

Issue 4 Protecting Retail Vitality on 41st Avenue
- Issues and Options Report page 11
- Zoning Code Chapter 17.27 Community Commercial District

Issue 5 Parking: Required Number, Village Hotel, Reductions, Efficiency, & Garages
- Issues and Options Report page 12
- Zoning Chapter 17.51 Parking and Loading (Attachment D)

Issue 16 Height
- Issues and Options Report page 32
- Zoning Chapters 17.15 R-1(Attachment E) and 17.21 C-V (Attachment F)

During the May 18th meeting, staff will present an overview of the 4 issues and the applicable options. The public will be given the opportunity to comment on each issue following the presentation.

On May 13, 2015, the Capitola Traffic and Parking Commission reviewed Issue #5, parking. The Commission's recommendation will be presented during the May 18th meeting.

SCHEDULE

The Planning Commission will hold special meetings on the dates identified in the following schedule. The special meetings will begin at 6 pm and end at approximately 9 pm. Any items not reviewed during a scheduled meeting will be moved to the beginning of the next meeting. This schedule will be updated following each meeting.

May 21, 2015	**Planning Commission**
Issue 15	Visitor Serving in Depot Hill
Issue 6	Historic Preservation
Issue 11	Architecture and Site Review: Authority of Committee, Timing of Review, and Composition of Committee
Issue 13	Planned Development
June 15, 2015	**Special Public Outreach Meeting** Topic: Existing Multi-family homes (3+ units) in Single-Family (R-1) Zone. Location: City Hall Council Chambers and Community Room, 420 Capitola Avenue, Capitola, CA Time: 6 pm
June 22, 2015	**Planning Commission**
Issue 8	Non-Conforming Uses: Calculations of Structural, Historic Structures, and Amortization in R-1 Zone
Issue 9	Secondary Dwelling Units
Issue 1	Protecting the Unique Qualities of Residential Neighborhoods
Issue 18	City Council Appeals
July 20, 2015	**Planning Commission** To be determined
July 30, 2015	**Planning Commission** To be determined

Next Steps

After receiving direction on all 18 issues, the new Zoning Code and CEQA document will be drafted for Planning Commission and City Council review. This step is estimated to take approximately two to three months. The document will be published and available for public review for an additional one month. The draft Ordinance will then return to the Planning Commission for review and recommendation. The City Council will conclude the process with the final review and adoption. Upon adoption, the update of the Local Coastal Program will begin.

ATTACHMENTS

A. Issues and Options Report
B. Issues and Options Matrix: Direction provided on April 30th
C. Zoning Chapter 17.26 CC Community Commercial
D. Zoning Chapter 17.51 Parking and Loading
E. Zoning Chapter 17.15 R-1 Single Family: Height
F. Zoning Chapter 17.21 C-V Central Village: Height
G. 41st Avenue Design Guidelines

CITY OF CAPITOLA
COMMUNITY DEVELOPMENT DEPARTMENT

ZONING CODE UPDATE

ISSUES AND OPTIONS REPORT

MARCH 5, 2015

CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA, CA 95010

Introduction

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

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

Issue		Page
1.	Protecting the Unique Qualities of Residential Neighborhoods	**7**
2.	Maintaining and Enhancing the Village Character	**8**
3.	Accommodating High-Quality Development on 41st Avenue	**10**
4.	Protecting Retail Vitality on 41st Avenue	**11**
5.	Parking: Required Number, Village Hotel, Reductions, Efficiency, and Garages	**12**
6.	Historic Preservation	**17**
7.	Signs: Threshold for Review and Tailored Standards	**19**
8.	Non-Conforming Uses: Calculation of Structural Alterations, Historic Structures, and Amortization in R-1 Zone	**20**
9.	Secondary Dwelling Units	**24**
10.	Permits and Approvals	**24**
11.	Architecture and Site Review: Authority of Committee, Timing of Review, and Composition of Committee	**25**
12.	Design Permits: When Required, Review Authority, and Considerations for Approval	**27**
13.	Planned Development	**30**
14.	Environmental and Hazards Overlays	**30**
15.	Visitor-Serving Uses on Depot Hill	**31**
16.	Height: Residential Neighborhoods, Capitola Village, Hotel	**32**
17.	Floor Area Ratio	**34**
18.	City Council Appeal	**36**

For each issue, the report presents two or more options for how the issue can be addressed in the updated Zoning Code. The first option is always to make no change to the existing Zoning Code. Within the no change option, the code would be updated for clarity but there would be no modification to how the regulations are applied. Other options reflect direction in the new General Plan, ideas previously discussed in Capitola, and practices from other similar communities. During public discussion new options may be suggested – these new ideas should be considered alongside those included in this report.

How This Report was Created

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

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

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

A Note about Sustainability

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

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

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

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

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

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

Part A. Non-Controversial Changes

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

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

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

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

Part B. Items for Public Discussion

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

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

ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods

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

> **Goal LU-4** Protect and enhance the special character of residential neighborhoods.
>
> **Goal LU-5** Ensure that new residential development respects the existing scale, density, and character of neighborhoods.
>
> **Policy LU-5.1 Neighborhood Characteristics.** Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.
>
> **Policy LU-5.3 Mass and Scale.** Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.
>
> **Policy LU-5.5 Architectural Character.** Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

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

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

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

Options:

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

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

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

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

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

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

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

ISSUE 2: Maintaining and Enhancing the Village Character

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

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

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

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

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

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

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

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

Options:

1. **Maintain existing standards with advisory design guidelines.** In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.
2. **Establish new building form and character standards.** The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:

    - Maximum setbacks to keep buildings and their entrances close to the sidewalk.
    - Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)
    - Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.
    - Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.
    - Maximum length of unarticulated/blank building walls.
    - Required storefront transparency (percentage clear glass)
    - Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)
    - Surface parking location (at the rear or side of buildings, not between a building and a street-facing property line).
    - Frequency and width of driveways crossing sidewalks.
    - Requirements or incentives for residential front porches.

    For an example of this approach, see San Carlos Zoning Code Chapter 18.05: http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1805.html#18.05

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

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

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

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

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

> **Goal LU-8** Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.
>
> **Goal LU-9** Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

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

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

Options:

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

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

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

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

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

Issue 4: Protecting Retail Vitality on 41st Avenue

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

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

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

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

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

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

Options:

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

ISSUE 5: Parking

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

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

A. Number of Required Parking Spaces

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

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

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

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

Allowing for parking reductions is common in communities well-served by transit and/or interested in promoting infill development to utilize land resources efficiently, increase the supply of multi-family housing, and reduce reliance on the automobile. The City of Santa Cruz, for example, allows for some reductions (Section 24.12.290: http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html) and will likely further reduce/adjust on-site parking requirements along transit corridors as part of zoning code amendments to implement the City's new General Plan. Recent research shows that parking demand for mixed use development is less than for single use development. See:

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

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

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

Options:

1. **Maintain Existing Requirements.**
2. **Modify Parking Requirements for Certain Land Uses in All Areas.** The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. For example, the parking standards in the CC zone for restaurant could be applied Citywide. Parking requirements could be modified for:
   - Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf).
   - Take-out food establishments, eliminating the need for seat counting
   - Single-family homes, creating one standard regardless of size
   - Multi-family homes, allowing reduced parking requirements for small units
3. **Create Location-Based Parking Standards.** The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Walnut Creek takes the later approach, identifying parking reduction zones subject to parking reductions for all land uses. See Walnut Creek Zoning Code Section 10-2.3.204.C:

   http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html).
4. **Allow for reductions with Planning Commission approval.** The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:
   - **Low Demand.** The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study.
   - **Transportation Demand Management Plans.** The number of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.
   - **Bus Stop/Transportation Facility Credit.** The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop.

- **Mixed-Use Projects.** A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses.

5. **Allow for reductions By-Right.** This option is similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.

B. Village Hotel Parking

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

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

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

Options:

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

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

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

C. Parking Efficiency

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

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

Options:

1. **Maintain existing regulations.**
2. **Clarify existing code to match past practice** of allowing shared use parking reductions with a parking study and lifts for residential projects

    a. **Add New Shared Parking Provision.** The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Santa Cruz County allows reductions for shared parking with the preparation of a parking study demonstrating compliance with criteria required for approval. See Santa Cruz County Code Section 13.10.553: http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html).

    b. **Add new parking lift provisions.** The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration for specific land uses (e.g. residential, hotel valet, etc). Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas. For example, Walnut Creek allows for mechanical

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

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

D. Garages

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

Options:

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

Issue 6: Historic Preservation

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

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

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

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

B. **Improve criteria to identify historic resources.** Chapter 17.87 describes the process for designating properties on the local register of historic features. To be identified as a historic feature, the potential historic feature must evidence one or more of ten identified qualities. The current qualifications are wide reaching and should be revised to more closely follow CEQA Guidelines and criteria for listing on the California Register of historic properties, as done in the City of Carmel. See Carmel Zoning Code Chapter 17.32: http://www.codepublishing.com/ca/carmel.html

C. **Add Procedures and Review Criteria for projects which involve potentially significant historic resources.** Currently, a Conditional Use Permit is required for alterations to historic structures based on findings that the alteration will not be "significantly detrimental" to the structure or that denial would result in substantial hardship for the applicant. The code does not, however, include review criteria for alterations to historic structures. The code will be updated to specify that all proposals to alter historic resources shall be reviewed for compliance with the Secretary of Interior Standards. In addition, the process can be updated to include different levels of review depending on the nature of the alteration. In Carmel, there are different procedures for "minor" and "major" alterations to historic resources.

D. **Criteria to approve demolition of a historic resource.** Zoning Codes also typically include special findings required for the approval of the demolition of a historic resource.

E. **Incentives for historic preservation.** Possible incentives include Mills Act contracts, fee reductions, federal tax credits for commercial properties, increased flexibility for modifications to nonconformities, exceptions on development standards (see Issue 8.A Option 5), and exceptions to non-conforming standards. See Santa Cruz 24.12.445 for example of allowed variation to development standards to promote historic preservation: http://www.codepublishing.com/ca/santacruz/

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

Options:

1. **Establish a Historic Resources Board.** Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. See Carmel Chapter 17.32 and Pacific Grove Section 23.76.021 :

   http://www.codepublishing.com/ca/carmelbythesea/html/carmel17/Carmel1732.html

   http://www.codepublishing.com/CA/pacificgrove/html/PacificGrove23/PacificGrove2376.html

   The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior's Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.

2. **Establish a new Historic Preservation Overlay Zone.** Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this

overlay could be subject to special permit requirements, design standards, and incentives for preservation. See City of Monterey Section 38-75: http://www.codepublishing.com/ca/monterey/

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

ISSUE 7: SIGNS

A. Threshold for Review

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

Options:

1. **Maintain existing regulations.**
2. **Allow staff-level review with new standards.** Revise sign standards to include new, well-defined and well-illustrated design standards that create a framework that would allow compliant signs to be reviewed by staff and an option for Planning Commission review for signs that go beyond the established standards. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Carmel-by-the-Sea is an example of staff-level approval of signs subject to clear standards, with the ability of the Planning Commission to approve signs that do comply with these standards. See Carmel Zoning Code Chapter 17.40: http://www.codepublishing.com/ca/carmel.html.

   Sign standards for Downtown Redwood City are another example of more detailed sign design standards: http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/DTPP-Downloads/17%20Signage%20Regulations.pdf

B. Tailored Standards

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

Options:

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

   http://www.codepublishing.com/ca/livermore.html.

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

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

C. Monument Signs

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

Options:

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

Issue 8: Non-Conforming Uses

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

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

A. Calculation of Structural Alterations

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

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

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

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

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

Options:

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

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

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

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

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

1. Duplex Activity. Nonconforming duplex activities may continue indefinitely but the structures cannot be enlarged.
2. Residential Projects with More Than Two Units. Owners of parcels having more than two dwelling units which are nonconforming only because they exceed the current density standard may apply to the city council for one or more extensions of the fifty-year amortization period. The city council shall only grant an extension if able to make findings that:

   a. in this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
   b. the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration;
   c. and that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

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

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

Multi-Family Uses in Single-Family Zones

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

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

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

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

Options:

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

Issue 9: Secondary Dwelling Units

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

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

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

Options:

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

ISSUE 10: Permits and Approvals

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

Options:

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

a) **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.

b) **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.

c) **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.

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

Issue 11: Architecture and Site Review

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

A. Authority of Architecture and Site Review Committee

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

Options:

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

B. Timing of Design Permit Review.

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

Options:

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

C. Composition of Architecture and Site Committee

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

Options:

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

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

ISSUE 12: Design Permits

A. When a Design Permit is Required – Commercial Uses

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

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

Options:

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

   The City of Carmel takes this approach with its Design Review permits (Carmel Zoning Code Section 17.58.030).
3. **Require Design Permit only for Larger Projects.** Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.

   See Santa Cruz Zoning Code Section Section 24.08.410:

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

B. Design Permit Approval Authority – Commercial Uses.

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

Options:

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

C. When a Design Permit is Required – Residential Uses

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

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

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

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

Options:

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

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

D. Design Permit Approval Authority – Residential Uses.

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

Options:

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

E. Considerations for Design Permit Approval

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

Options:

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

Issue 13: Planned Development

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

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

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

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

Options:

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

ISSUE 14: Environmental and Hazard Overlays

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

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

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

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

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

Options:

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

Issue 15: Visitor-Serving Uses on Depot Hill

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

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

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

Options:

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

Issue 16: Height

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

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

A. Residential Neighborhoods

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

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

Options:

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

B. Capitola Village

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

Options:

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

C. Hotel

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

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

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

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

Options:

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

Issue 17: Floor Area Ratio

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

Elements included in FAR calculation

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

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

A. Decks

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

Options:

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

B. Basements

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

Options:

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

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

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

Options:

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

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 10: Permits and Approvals (Page 24)		
Option 1: No change to existing permits.		
Option 2: Modify permits. With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:		
a. **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.	X	X
b. **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.	X	X
c. **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.	X	X
Notes: PC and CC direction on 4/30/2015		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (Page 27)		
A. When a Design Permit is Required – Commercial Uses (Page 27)		
Option 1: Maintain existing thresholds.		
Option 2: Require Design Permits only for Exterior Modifications. With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.	X	X
Option 3: Require Design Permit only for Larger Projects. Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.		
Notes: PC and CC direction on 4/30/2015		
B. Design Permit Approval Authority – Commercial Use (Page 27)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:		
a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.	X	X
b. Additions not visible from the front façade up to a specified square-footage threshold.	X	X
c. Expansion of one tenant space into a second tenant space in a multi-tenant building.	X	X
d. Dish-type antenna greater than 24 inches as specified.		
e. Accessory structures	X	X
Notes: Support for 2a. 2b. 2c. and 2e. 2C:Limit tenant expansions to combining 2 tenant spaces. 2E for garbage or recycling enclosures. PC and CC direction on 4/30/2015.		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
C. When a Design Permit is Required – Residential Uses (Page 28)		
Option 1: Maintain existing thresholds.		
Option 2: Modify threshold for residential design permits. The threshold could be revised in multiple ways. Thresholds that could be modified to include:		
a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home	X	X
b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.	X	X
c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.	X	X
Notes: Clarification that allowance is for first story only. PC and CC direction on 4/30/2015.		
D. Design Permit Approval Authority – Residential Use (Page 29)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option; the Director would approve more types of commercial projects requiring a Design Permit.	X	X
Notes: See 12.C for threshold limits. PC and CC direction on 4/30/2015.		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
E. Consideration for Design Permit Approval (Page 29)		
Option 1: Maintain existing architecture and site considerations.		
Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements	X	X
Option 3: Update design considerations to focus on design rather than including ancillary issues. In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility.		
Notes: PC and CC direction on 4/30/2015		
Issue 13: Planned Development (Page 30)		
Option 1: Maintain existing regulations.		
Option 2: Reduce or eliminate minimum parcel size requirement. Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.		
Option 3: Modify approval process. Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.		
Option 4: Eliminate PD. Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 14: Environmental and Hazard Overlays (Page 30)		
Option 1: Maintain existing overlays and clarify boundaries. In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.		
Option 2: Modify existing overlays. This option would modify existing overlays as described below: • **Archaeological/Paleontological Resources (APR)**. Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process. • **Automatic Review (AR)**. Remove this overlay zone as it duplicates current process. • **Coastal Zone (CZ)**. Maintain this overlay zone as required by State law. • **Floodplain (F)**. Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas. • **Geological Hazards (GH)**. Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas • **Chapter 17.95 (Environmentally Sensitive Habitats)**. Map boundaries of these areas as a new overlay zone and maintain existing regulations.		
Option 3: Create a new, consolidated environmental/hazards overlay. This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.		
Notes: Staff to Simplify the overlays utilizing the best approach. Likely option 2 but top concern is simplicity for applicants and administration. PC and CC Direction on 4/30/2015.	**X**	**X**

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Page 34)		
A. Decks (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase allowance beyond 150 sf. Update Floor Area calculation to increase the amount of area within covered first story decks and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.		
Option 3: Add exception for special circumstances. There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area. a. **Front Façade.** Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks within the list of items *not* included in the floor area calculation. b. **Open Space.** There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space. c. **Restaurants and Hotels.** Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely. **d. Eliminate decks from FAR formula**	3a,3b, and 3c	3a, 3b, and 3c
Notes: Acknowledged that deck regulations do not necessarily belong in the FAR standards. Decks should be included in the updated design permit standards and individual neighborhood standards. Support for exceptions 1, 2 and 3. Also, consider if rail line is open space.		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Continued)		
B. Basements (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase existing allowance beyond 250 square feet.		
Option 3: Remove basements from FAR formula.	X	X
Notes: Include area of basement in parking requirement. Basements that have a walk out creating a 3rd story should count toward FAR (properties on slopes). Basements that do not impact visual massing should not count toward FAR. Modify FAR to exclude basements that are below grade on 4 sides. PC and CC direction on 4/30/2015		
C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows) (Page 36)		
Option 1: Maintain existing standards.		
Option 2: Remove phantom floors from the FAR calculation.		
Option 3: Remove roof eaves from the FAR calculation.		
Option 4: Remove window projects from FAR calculation.		
Option 5: Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.	X	X
Notes: PC and CC direction on 4/30/2015		

Chapter 17.27
CC COMMUNITY COMMERCIAL DISTRICT

Sections:

17.27.010 Applicability.
17.27.020 Purpose.
17.27.030 Architectural and site approval.
17.27.040 Principal permitted uses.
17.27.050 Accessory uses.
17.27.060 Conditional uses.
17.27.070 Development standards.
17.27.080 Height.
17.27.090 Lot area.
17.27.100 Lot coverage.
17.27.110 Yards.
17.27.120 Parking.
17.27.130 Loading areas.
17.27.140 Landscaping.

17.27.010 Applicability.

The regulations set forth in this chapter apply in all CC districts. (Ord. 388 § 9.01, 1975)

17.27.020 Purpose.

The purpose of CC districts is to provide at readily accessible locations for a wide variety of retail, service and administrative establishments which are required to serve a large trading area population. Principal uses should be conducted within an enclosed building. No residential uses are anticipated in this district. (Ord. 388 § 9.02, 1975)

17.27.030 Architectural and site approval.

Architectural and site approval shall be secured for the establishment and conduct of any principal permitted, accessory, or conditional use in a CC district as provided in Chapter 17.63. (Ord. 388 § 9.03, 1975)

17.27.040 Principal permitted uses.

The following are principal permitted uses in a CC district:

A. Department stores;

B. Furniture, appliance or home furnishing stores;

C. Other retail uses when contained in a shopping center with a minimum of three hundred thousand square feet gross floor area;

D. Retail businesses conducted entirely within enclosed building;

E. Personal service establishments entirely within enclosed buildings that occupy less than three

thousand square feet of building area, such as barbershops, beauty parlors, shoe repair shops, clothes cleaning and laundry agencies and self-service launderettes; retail dry cleaning establishments; provided, that the solvents used in the cleaning process shall be nonflammable and nonexplosive and are used in fluid-tight cleaning units approved by the state fire marshal; no dry cleaning is permitted of clothes other than those delivered to the establishments by consumers;

F. Limited repair services conducted entirely within enclosed buildings that occupy less than three thousand square feet of building area, such as jewelry and domestic appliance repair shops;

G. Professional, general administrative and medical offices that occupy less than three thousand square feet of building area;

H. Banks and financial services that occupy less than three thousand square feet of building area. (Ord. 947 § 1, 2010; Ord. 556 § 1, 1984; Ord. 388 § 9.04, 1975)

17.27.050 Accessory uses.

The following are accessory uses permitted in a CC district:

A. Signs complying with the applicable regulations set forth in the sign ordinance;

B. Accessory uses and buildings customarily appurtenant to a permitted use. (Ord. 388 § 9.05, 1975)

17.27.060 Conditional uses.

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

A. Bakeries and supermarkets;

B. Professional, general administrative and business offices that occupy more than three thousand square feet of building area;

C. Banks and financial services that occupy more than three thousand square feet of building area;

D. Personal service establishments entirely within enclosed buildings that occupy more than three thousand square feet of building area, such as barbershops, beauty parlors, shoe repair shops, tailor shops, clothes cleaning and laundry agencies and self-service launderettes, retail dry cleaning establishments provided the solvents used in the cleaning process shall be nonflammable and nonexplosive and are in fluid-tight cleaning units approved by the state fire marshal; no dry cleaning is permitted of clothes other than those delivered to the establishment by consumers;

E. Limited repair services conducted entirely within enclosed buildings that occupy more than three thousand square feet of building area, such as jewelry, domestic appliances, typewriter and business machine repair shops;

F. Lodges, clubs and restaurants, not including restaurants with drive-up windows or car service;

G. New car sales;

H. Vocational and specialized schools;

I. Auditoriums, assembly halls and exhibition halls;

J. Commercial entertainment establishments such as theaters, bowling alleys, billiard and pool parlors, dancehalls and skating rinks, and amusement centers;

K. Limited food preparation with retail outlets on the same premises, such as bakeries;

L. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

M. Motels and hotels;

N. Service stations;

O. Wholesale without stock, where the storage of merchandise is limited to samples only;

P. Home equipment rental establishments conducted within a closed building;

Q. Caterers;

R. Other uses similar to the above, not inconsistent with the general purposes of this chapter and the general plan, subject to approval by the city council upon the recommendation of the planning commission;

S. Any activity which includes any significant alteration of a historic feature;

T. Auto repair shops as a secondary use to a primary use;

U. Reverse vending machines for beverage containers and small collection facilities of five hundred square feet or less, are subject to the requirements of subsections D and E of Section 17.60.030;

V. Self storage facilities located outside of the Coastal Zone Boundary, subject to the considerations in Section 17.60.030(F);

W. Multiple-family residences provided the residential use is secondary to a principle permitted use on the same lot subject to the following limitations within the coastal zone:

1. First floor uses shall be commercial uses,

2. Commercial ceiling height shall be greater in height than any residential ceiling height located above commercial uses,

3. First floor ceiling heights shall be a minimum of fifteen feet or one hundred twenty percent of the maximum ceiling height of the residential units located above the commercial uses, whichever is greater,

4. Commercial entrances shall be the primary building entries and shall be accented with strong architectural definition. Residential entrances shall be secondary and de-emphasized (e.g., located at the rear of the building, visually unobtrusive, etc.),

5. Adequate separation of different types of uses shall be maintained in order to avoid potential adverse impacts from one use on another due to noise, lighting, odors, vibration, and general nuisances,

6. Adequate separation of different types of uses shall be maintained to protect the aesthetic values and primary uses of the site. (Ord. 949 § 1, 2010; Ord. 947 § 2, 2010; Ord. 946 § 1, 2010; Ord. 644 § 3, 1987; Ord. 556 § 1, 1984; Ord. 536 § 1, 1983; Ord. 515 § 5, 1982; Ord. 388 § 9.06, 1975)

17.27.070 Development standards.

The development standards set forth in Sections 17.27.080 through 17.27.140 shall apply in a CC district. (Ord. 388 § 9.07, 1975)

17.27.080 Height.

No structures shall exceed forty feet in height. Exceptions may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

A. The proposed development is compatible with existing land uses of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;

D. Major views from other structures or public vantage points are not blocked by the proposed development;

E. The structures of the proposed development are compatible with the existing scale of the adjacent buildings and surrounding areas. (Ord. 556 § 1, 1984; Ord. 388 § 9.07(a), 1975)

17.27.090 Lot area.

There shall be no specific minimum lot area required except that there shall be sufficient area to satisfy any landscaping and off-street parking and loading area requirements. (Ord. 388 § 9.07(b), 1975)

17.27.100 Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front yard and open space requirements shall be satisfied;

C. The first two hundred fifty gross square feet of a basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations. (Ord. 774 § 6, 1995; Ord. 388 § 9.07(c), 1975)

17.27.110 Yards.

A. Landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.

B. Side and rear yard setbacks may be required through architectural and site approval in order to

provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide.

C. Front yards and corner lot side yards shall not be used for required parking facilities. (Ord. 757 § 3, 1993; Ord. 556 § 1, 1984; Ord. 388 § 9.07(d), 1975)

17.27.120 Parking.

Parking standards shall be as provided in Chapter 17.51 except that Section 17.51.130(J), (L), (M), and (O) are replaced with the following:

Use	Parking Standard
Retail	1/300 sf
Restaurant, including all prepared food service	1/60 sf floor area available for dining 1/300 sf all other floor area
Office	1/300 sf

Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet. (Ord. 947 § 3, 2010; Ord. 388 § 9.07(e), 1975)

17.27.130 Loading areas.

Loading areas shall be as provided in Chapter 17.51. (Ord. 388 § 9.07(f), 1975)

17.27.140 Landscaping.

Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. (Ord. 388 § 9.07(g), 1975)

The Capitola Municipal Code is current through Ordinance 999, passed March 25, 2015.
Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 17.51
PARKING AND LOADING

Sections:

17.51.015 General provisions.
17.51.040 Obligation continuing.
17.51.050 Development and maintenance of parking areas.
17.51.055 Parking lot design.
17.51.060 Screening and landscaping.
17.51.063 Irrigation.
17.51.066 Landscape protection.
17.51.080 Surfacing.
17.51.090 Lighting.
17.51.100 Floor area defined.
17.51.105 Quasi-public seating areas.
17.51.110 Fractional measurements.
17.51.120 Location of required parking and loading facilities.
17.51.130 Number of parking spaces required.
17.51.135 Nonconforming parking – Requirements.
17.51.140 Off-street loading spaces required.
17.51.150 Exceptions.
17.51.160 Open space and screening required for loading areas adjacent to residential districts.
17.51.170 Size of loading space.
17.51.180 Size of nonresidential parking spaces.
17.51.190 Plan of required off-street parking and/or loading area.
17.51.200 Use of required off-street parking by another building or use.
17.51.210 Uses not specifically mentioned.
17.51.220 Shuttle program parking.

17.51.015 General provisions.

Off-street parking facilities shall be provided for new uses and expansions of existing uses in order to meet the demand of all activities on the parcel. The minimum requirements for each particular land use are included in this chapter. Parking spaces over and above the minimum number specified by this chapter may be required by the planning commission when reviewing each specific application.

A. A certificate of occupancy for any change in use or new construction, structure or premises shall not be issued until all of the required parking facilities and landscaping for the use have been completed in conformance with the requirements of this chapter.

B. Parking spaces within an integrated complex shall not be designated for exclusive use of any individual commercial tenant.

C. Any existing use of property which is nonconforming only as to off-street parking facilities may be continued in the same manner, except at the time of expansion or change in use, parking shall be provided for the expansion or as required for the new use. A change in use for this chapter is a change to a use which has a higher parking requirement.

D. Residential Structures. In the case of residential structures in any district, no additional parking shall be required for reconstruction or structural alteration of existing residential structures, so long as the habitable floor space of the structure is not increased by more than ten percent. If the structure is enlarged by more than ten percent, the minimum parking requirements according to Sections 17.15.130 and 17.51.130 shall be required.

E. A drainage plan for all parking lots shall be approved by the public works director.

F. No parking or loading facility may be reduced in capacity unless sufficient replacement capacity is provided in compliance with this chapter.

G. Each parking and loading facility shall be located on the same site as the project for which it is required by this chapter. The planning commission may, by use permit in zoning districts where parking lots are permitted or conditional uses, authorize the location of the facility on a different site when such a location is determined to adequately serve the project.

H. All parking lots shall have ten percent of the front yard lot in landscaping, in addition to the fifteen foot perimeter landscaping requirements.

I. All handicapped parking shall comply with state law or regulations.

J. All commercial parking lots of more than ten spaces and all residential developments of more than ten units, shall provide for bicycle parking. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.

K. Parking spaces shall have the dimensions and specifications set forth in the “Parking Space Standard Specifications” adopted by the planning commission on January 15, 1987. (Ord. 873 § 12, 2004; Ord. 623, 1987)

17.51.040 Obligation continuing.

The schedule of requirements for off-street parking space and off-street loading space applicable to newly erected or substantially altered structures shall be a continuing obligation of the owner of the real estate on which any such structure is located so long as the structure is in existence and its use requiring vehicle parking or vehicle loading facilities continues, and it shall be unlawful for an owner of any building affected by this chapter to discontinue, change, or dispense with, or cause the discontinuance or change of the required vehicle parking or loading space apart from the discontinuance, sale or transfer of such structure, without establishing alternate parking or loading space which meets with the requirements of and is in compliance with this chapter, or for any person to use such building without acquiring such land for vehicle parking or loading space which meets the requirements of and is in compliance with this chapter. (Ord. 388 § 17.04, 1975)

17.51.050 Development and maintenance of parking areas.

Every parcel of land hereafter used as a public or private parking area, including a commercial parking lot and also an automobile or trailer sales lot, shall be developed and maintained in accordance with the requirements set out in Sections 17.51.055 through 17.51.090. (Ord. 623, 1987; Ord. 388 § 17.05 1975)

17.51.055 Parking lot design.

Parking lot design shall be reviewed through the architectural and site review process to assure that the design is coordinated with the site and the uses in the project, that adequate ingress and egress is provided, and that the design meets the minimum standards of the city. When it is determined that minimum standards are not sufficient for the project, the planning commission may require more than minimum allowable standards. (Ord. 623, 1987)

17.51.060 Screening and landscaping.

A. Commercial parking lots shall be screened from public streets and residential neighborhoods with a landscaping strip. Commercial parking shall not be closer than ten feet to an R zone, unless a six-foot masonry wall is constructed. All commercial parking lots of more than ten cars shall be screened from any R zone with a minimum six-foot-high masonry wall.

B. In off-street parking areas for more than four vehicles, one twenty-four-inch box tree shall be planted for each two parking spaces. (See 41st Avenue Design Guidelines Landscape Requirements.)

C. Additional landscaping of two feet, consisting of low shrubs or ground cover, may be planted between a parking stall and the required landscape area, but such landscaping shall not count toward the percentage mandated by the 41st Avenue Design Guidelines. This method will allow vehicles to extend over the additional landscape areas, as well as reduce the required length of the parking space from eighteen feet to sixteen feet. (Ord. 623, 1987; Ord. 388 § 17.05(a), 1975)

17.51.063 Irrigation.

All landscape areas must have automatic irrigation systems designed to provide complete coverage to promote and sustain healthy plant life, unless an exception is approved by the planning commission. (Ord. 873 § 13, 2004; Ord. 623, 1987)

17.51.066 Landscape protection.

Landscaping should usually be protected from vehicles and pedestrian damage by a six-inch high, four-inch wide cement curb. (Ord. 623, 1987)

17.51.080 Surfacing.

Every off-street parking area shall be surfaced with asphalt, concrete or other dustfree surface approved by the planning commission. (Ord. 623, 1987; Ord. 388 § 17.05(c), 1975)

17.51.090 Lighting.

All parking space area lighting shall be energy efficient and designed so that any glare is directed away from residential properties. No light source shall be visible to residential areas or create any hazardous traffic condition. Security lighting shall be provided in areas used by the public during nighttime hours. (Ord. 623, 1987; Ord. 388 § 17.05(c), 1975)

17.51.100 Floor area defined.

For purposes of calculating the nonresidential parking requirements of this chapter, “floor area” means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage. It also includes the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as

opposed to the general public. In shopping centers it does not include quasi-public seating areas as defined in Section 17.51.105. (Ord. 873 § 14, 2004; Ord. 756 § 1, 1993; Ord. 623, 1987; Ord. 388 § 17.06, 1975)

17.51.105 Quasi-public seating areas.

For purposes of this chapter, "quasi-public seating area" means an area located in a privately owned shopping center which is open to all of the patrons of all of the businesses of the shopping center and which consists of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities. The fact that such areas are exempt from the parking requirements of this chapter shall not in any sense be construed to exempt such areas from architectural and site review or use permit requirements. This section shall not be construed as in any way authorizing the conversion of areas devoted to landscaping (in any landscape plan utilized to obtain approval of a city permit) to a quasi-public seating area. (Ord. 756 § 2, 1993)

17.51.110 Fractional measurements.

In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number. (Ord. 623, 1987; Ord. 388 § 17.07, 1975)

17.51.120 Location of required parking and loading facilities.

The off-street parking facilities required for the uses mentioned in this chapter, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve. When practical difficulties as determined by the planning commission, prevent their establishment upon the same or immediate adjacent lot, they may be located within reasonable distance of the premises to which the parking requirement pertains, and may be located in a residential zone if the land lies adjacent to any building being erected in a commercial or industrial zone. The off-street loading facilities required for the uses mentioned in this chapter, and for similar uses, shall in all cases be on the same or immediately adjacent lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this chapter. Space for required off-street parking and loading shall not occupy any part of a required open space for a rear or side yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street. (Ord. 388 § 17.08, 1975)

17.51.130 Number of parking spaces required.

The number of off-street parking spaces required for each use shall be as follows:

Residential.

A. Residential Structures, Single-Family Detached.

1. The minimum parking requirement for single-family residential units up to one thousand five hundred square feet shall be two uncovered spaces.

2. For single-family residential units one thousand five hundred one square feet to two thousand square feet, the minimum requirement shall be two spaces, one of which must be covered.

3. For single-family residential units two thousand one square feet to two thousand six hundred square feet, the minimum parking requirement shall be three spaces, one of which must be covered.

4. For single-family residential units two thousand six hundred one square feet to four thousand square feet, the minimum parking requirement shall be four spaces, one of which must be covered.

5. For single-family residential units four thousand one square feet and larger, the minimum parking requirement shall be one covered space and three uncovered spaces unless the planning commission determines that additional parking is needed based on house size, location, and/or conditions in the neighborhood.

6. For single room occupancy units with kitchen facilities (studio apartments) which are four hundred square feet or less, the parking requirement shall be one space per unit and one guest space for each six units.

7. Interior (covered) parking spaces shall be a minimum of ten feet by twenty feet clear, as measured from the interior finished wall surfaces. An additional one hundred square feet of ancillary activity area, e.g., laundry, workshop, or storage, which is not included in the area subject to additional parking requirements, is permitted in conjunction with the first required covered space provided in a detached garage.

8. The planning commission may require additional uncovered parking spaces beyond the minimum requirement for residential units over four thousand square feet, or if a finding can be made that there is a parking problem in the neighborhood.

9. No additional square footage exceeding ten percent of the existing gross floor area may be added to an existing single-family residential unit, unless minimum parking requirements are met.

10. Uncovered parking spaces for single-family residential units shall be ten feet by twenty feet in the front setback (or eighteen feet minimum for lots located in sidewalk exempt areas), i.e., on the driveway apron, with two feet of landscaping provided along the side property line, except that for existing homes and remodels, uncovered parking spaces may be nine feet wide. Uncovered spaces provided in tandem on a single-width driveway beyond the front setback shall also be located within an eleven-foot (for remodels and additions) or twelve-foot (for new units) area that includes two feet of required landscaping adjacent to the side property line. Tandem spaces outside the front setback may be eighteen feet in length.

11. Two feet of landscape planting is required in the front yard setback between the parking area and the side property line.

12. Maximum width of driveways serving attached or detached garages is twenty feet, not including the landscaped area.

13. A twelve-foot driveway is required to access attached or detached single garages beyond the front setback for new homes; an eleven-foot driveway may be permitted for remodels and additions. Two cars may be parked in tandem in the driveway in front of a garage or carport.

14. Permeable driveway materials other than gravel are encouraged, as well as paved wheel strips for driveways, to increase extent of pervious surfaces on-site.

B. Dwellings duplex or triplex, two for each unit, one space for each unit must be covered, tandem parking is permitted if the tandem parking is for an individual unit, each space must be a minimum of nine

feet by eighteen feet.

C. Dwellings, apartments and condominiums (townhouse) of more than four units, one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling unit. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

D. Hotels and motels, one space for each guest room. Such additional spaces as the planning commission determines are necessary for the owners and employees. Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

E. Bed-and-breakfast, one space for each bedroom rented, in addition to the spaces required for the single-family residence, each regular space must be a minimum of nine feet by eighteen feet. Fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.

Quasi-Public.

F. Churches, clubs, lodges, theaters, one space for each forty square feet of floor area usable for seating or one for each three seats each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

G. Schools, one space for each employee, including teachers and administrators, plus additional spaces as determined by the planning commission to be adequate for student and visitor parking. Each regular space must be a minimum of nine feet by eighteen feet. Forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

H. Sanitariums and nursing homes, one space for each six beds plus one space for each three employees, all nine feet by eighteen feet.

I. Medical office and clinics, one space for each three hundred square feet of gross floor area or five spaces per doctor, whichever is greater, all nine feet by eighteen feet.

Commercial.

J. Retail use and restaurants/take-out food establishments with six or fewer seats, one space for every two hundred forty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

K. Wholesale establishments or warehouses, including mini-storage, one space per each five thousand square feet. Each space must be a minimum of nine feet by eighteen feet. No compact spaces are allowed.

L. Restaurants, one space per sixty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.

M. Bakeries, one space per two hundred forty square feet of gross floor area, each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

N. Bowling alleys, one space per five lanes, plus parking required for restaurant or retail uses associated with the facility, each regular space must be a minimum of nine by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

O. Offices, corporate, administrative, real estate, one space per two hundred forty square feet of gross building space. Each regular space must be a minimum of nine feet by eighteen feet. Thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

P. Large community care residential facility or large family day care house, one for each employee not permanently residing at the facility or house. Parking requirements not specifically mentioned shall be determined by the planning commission. (Ord. 967 § 1, 2012; Ord. 873 § 15, 2004; Ord. 718 § 1, 1991; Ord. 700, 1990; Ord. 695, 1990; Ord. 623, 1987; Ord. 608 § 10, 1986; Ord. 388 § 17.09, 1975)

17.51.135 Nonconforming parking – Requirements.

A. Nonresidential Structures. In the case of nonresidential structures in any district, which are reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category or otherwise increased in capacity according to Section 17.51.130, such off-street parking facilities need be provided only for that portion of the structure constituting an increase in capacity.

B. Residential Structures. In the case of residential structures in any district, no additional parking shall be required for reconstruction or structurally altering an existing residential structure so long as the floor area of the structure is not increased by more than ten percent of the existing gross floor area. If the structure is enlarged by more than ten percent of the existing gross floor area, parking requirements according to Section 17.51.130 shall be required. (Ord. 718 § 1, 1991; Ord. 563, 1984)

17.51.140 Off-street loading spaces required.

In any district, in connection with every building or part thereof hereafter erected and having a gross floor area of ten thousand square feet or more, which is to be occupied for manufacturing, storage, warehousing, goods display, retail sales, a hotel, a hospital, a mortuary, a laundry, a dry cleaning establishment or other uses similarly requiring the receipt or distribution by vehicles of material or merchandise, there shall be provided and maintained, on the same lot with such building, at least one off-street loading space plus one additional such loading for each additional twenty thousand square feet. (Ord. 388 § 17.10, 1975)

17.51.150 Exceptions.

In all districts, in connection with every use in said districts, there shall be provided at the time a building or structure is erected, enlarged or increased in capacity, or at the time of any change in use of any property, off-street parking spaces for automobiles in accordance with the requirements of this chapter. (Ord. 645 § 1, 1987; Ord. 542, 1983; Ord. 443, 1979; Ord. 388 § 17.11, 1975)

17.51.160 Open space and screening required for loading areas adjacent to residential districts.

No loading space shall be located closer than fifty feet to any lot in any R district, unless wholly within a completely enclosed building or screened by a fence or wall not less than eight feet in height. (Ord. 388 § 17.12, 1975)

17.51.170 Size of loading space.

Each loading space shall be not less than ten feet in width and twenty-five feet in length and fourteen feet in height. (Ord. 388 § 17.13, 1975)

17.51.180 Size of nonresidential parking spaces.

A. Each off-street parking space shall be not less than nine feet in width and twenty feet in length for diagonal parking and ten by twenty feet for right-angle parking, and shall be of usable shape and condition.

B. Parking spaces of less dimensions may be allowed if specifically authorized by the planning commission in an architectural and site approval. The smaller spaces shall be designed to accommodate compact automobiles. (Ord. 873 § 16, 2004; Ord. 388 § 17.14, 1975)

17.51.190 Plan of required off-street parking and/or loading area.

For the purpose of converting parking and/or loading spaces into the required parking and/or loading areas, plans must be submitted to the city engineer to show how the required parking and/or loading spaces shall be arranged in the area supplied for that purpose and to indicate sufficient space for parking maneuvers, as well as adequate ingress and egress to and from public rights-of-way to and from the parking and/or loading area. (Ord. 388 § 17.15, 1975)

17.51.200 Use of required off-street parking by another building or use.

No part of an off-street parking area required for any building or use for the purpose of complying with the provisions of this chapter shall be included as part of an off-street parking area similarly required for another building or use, unless the type of structure indicates, in the opinion of the planning commission, that the periods of usage of such structures will not be simultaneous with each other. (Ord. 388 § 17.16, 1975)

17.51.210 Uses not specifically mentioned.

In the case of any building, structure or premises the use of which is not specifically mentioned in this chapter, the provisions for a use which is so mentioned and to which such use is similar, as determined by the planning commission, shall apply. (Ord. 388 § 17.17, 1975)

17.51.220 Shuttle program parking.

Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue. (Ord. 941 § 3, 2009)

The Capitola Municipal Code is current through Ordinance 999, passed March 25, 2015.

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.

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Chapter 17.15
R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

17.15.010 Applicability.
17.15.020 Purpose.
17.15.030 Design permit and architectural and site review.
17.15.035 Design permit approval.
17.15.040 Principal permitted uses.
17.15.050 Accessory uses.
17.15.060 Conditional uses.
17.15.070 (Reserved)
17.15.080 Height regulations.
17.15.090 Lot area.
17.15.100 Floor area ratio.
17.15.110 Yards.
17.15.120 Yard encroachments.
17.15.130 Parking.
17.15.140 Garage and accessory buildings.

17.15.010 Applicability.

The regulations set forth in this chapter apply to all R-1 districts. (Ord. 873 § 1, 2004)

17.15.020 Purpose.

The purpose of the R-1 district is to maintain an area which provides the traditional qualities of privacy, landscaping, parking, and character associated with single-family residential neighborhoods. Each of the neighborhoods in Capitola is unique in its physical design. Special consideration shall be given to development to insure that it is compatible in size, mass, setbacks, and open space, with existing residential designs in the area. (Ord. 873 § 1, 2004)

17.15.030 Design permit and architectural and site review.

A design permit shall be required for the following improvements:

A. All new single-family dwelling units, but not for secondary dwelling units;

B. All improvements to existing single-family structures which are not exempt pursuant to subsection C of this section;

C. Exemptions from the requirement for a design permit include:

1. First floor additions of up to four hundred square feet at the rear of the property or structure, which is not visible to the general public, does not exceed fifteen feet in height (eight feet to the top of the plate), and which uses similar, compatible or upgraded quality building materials;

2. A single accessory structure on the property of eighty square feet in size or less, eight feet or less in height, and with no plumbing or electrical fixtures. (Ord. 882 § 1, 2005; Ord. 873 § 1, 2004)

b. A site plan of the property showing parking, outdoor exercise area, and fencing,

c. A letter from the fire department approving the safety of the structure for the use,

d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and

e. Landscaping and other information as required by the community development director,

2. A public hearing shall be held by the planning commission with notification made as specified in Section 17.60.080. In addition, not less than ten days prior to the meeting, all property owners within three hundred feet of the outermost boundary of the parcel should be notified of the nature of the application, the name of the applicant, and the time and place of the public hearing before the planning commission;

H. Any activity which includes any significant alteration of an historic feature;

I. Bed and breakfasts, subject to the requirements of Section 17.03.085;

J. TRO: transient rental use overlay district (see Chapter 17.19 of this code.) (Ord. 878 § 2, 2004; Ord. 873 § 1, 2004)

17.15.070 (Reserved)

17.15.080 Height regulations.

No structure shall exceed twenty-five feet in height to the highest point of the roof, ridge or parapet wall, although a twenty-seven foot height limit may be permitted by the planning commission for half-story designs and buildings that use historic design elements which meet the applicable side and rear setback standards. No detached accessory structure, including second dwelling units shall exceed fifteen feet, with a nine-foot ground to top-of-wall plate height, unless an exception is granted by the planning commission based on compatible building and roof design on a site with an architecturally or historically significant building. "Building height" means the vertical distance measured from the assumed ground surface of the building. The height of the structure is measured from the assumed ground surface, as specified below:

A. Assumed Ground Surface. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade, subject to the following exception:

1. If there has been grading or fill on the property within five years preceding the time of the application, and that grading or filling has or would increase the height of the finished grade at one or more points where it would meet the perimeter of the proposed structure, the planning commission may measure heights from where it estimates the grade is or was before the grading or filling, if the commission determines that such an action is necessary to keep the height of the proposed structure in reasonable relationship to the heights in the neighborhood. (Ord. 873 § 1, 2004)

17.15.090 Lot area.

Chapter 17.21
C-V CENTRAL VILLAGE DISTRICT

Sections:

17.21.010 Applicability.
17.21.020 Purpose.
17.21.030 Architectural and site review.
17.21.035 Location of business activities.
17.21.040 Principal permitted uses.
17.21.045 Principal permitted uses – Residential overlay district.
17.21.050 Accessory uses.
17.21.060 Conditional uses.
17.21.061 Conditional uses in the residential overlay district.
17.21.070 Development standards.
17.21.080 Height regulations.
17.21.090 Lot area.
17.21.100 Lot coverage.
17.21.110 Yards.
17.21.120 Parking.
17.21.130 Loading areas.
17.21.140 Valet Parking.

* Prior ordinance history: Ord. 388, §§ 7.01 – 7.07, as amended by 447, 515, 533 and 608.

17.21.010 Applicability.

The regulations set forth in this chapter apply in all C-V districts. (Ord. 622 Exhibit A (part), 1987)

17.21.020 Purpose.

The purpose of the C-V zoning district is to promote the family-oriented residential/commercial mix which has created the unique qualities of the village. Commercial activity should serve both Capitola residents and visitors. The balance of coastal visitor-related uses and services with those that serve the permanent residents is critical to maintaining the village as it presently exists. (Ord. 685 § 16, 1989; Ord. 622 Exhibit A (part), 1987)

17.21.030 Architectural and site review.

Architectural and site approval shall be secured for the establishment and conduct of any principal permitted, accessory, or conditional use in C-V districts, as provided in Chapter 17.63, and in the Central Village District Guidelines dated July, 1986, a copy of which are on file with the community development director. (Ord. 671, 1988; Ord. 622 Exhibit A (part), 1987)

17.21.035 Location of business activities.

There shall be no business activities such as the display of merchandise, selling of food, or placing tables and chairs outside the enclosed premises of the business unless a conditional use permit for the outdoor display of merchandise, take-out window or outdoor seating has been obtained from the city. (Ord. 740 § 1, 1992)

1990; Ord. 622 Exhibit A (part), 1987)

17.21.080 Height regulations.

No structure shall exceed twenty-seven feet in height in the C-V zone, except when a restoration of a historic building of Capitola exceeding the height limitation is proposed and has been recommended for approval by the planning commission. In any case, such structures shall provide for adequate light and air, and shall provide for considerations of view from adjacent properties. (Ord. 740 § 7, 1992; Ord. 622 Exhibit A (part), 1987)

17.21.090 Lot area.

There shall be no specific minimum lot area required in the C-V zone, except that there shall be sufficient area to satisfy any off-street parking and loading area requirements as established in the city's parking ordinance. (Ord. 622 Exhibit A (part), 1987)

17.21.100 Lot coverage.

There shall be no specific maximum lot coverage in the C-V zone, except as follows:

A. Sufficient space shall be provided to satisfy offstreet parking and loading area requirements, notwithstanding that all parking may be provided within a structure or structures.

B. In the Riverview Avenue residential overlay district:

1. The small lots on the north side of Riverview Avenue shall allow ninety percent development of the lot without any specific setback requirements. The ten percent open space shall be located in the front part of the lot.

2. Lots on the south side of Riverview Avenue which are smaller than one thousand two hundred square feet shall be allowed eighty percent lot coverage. Lots which are greater than one thousand two hundred square feet shall be allowed seventy percent lot coverage. When calculating square footage for development, lot size shall not include parcels on the river side of the pathway.

"Lot coverage" shall be defined as the footprint of the building and area used to meet the parking requirements of the use. Garages, carports, the portion of any basement that exceeds two hundred fifty gross square feet excluding the access stairway, or open parking spaces used to meet the parking requirements are included as the actual square footage. Driveway approaches and sidewalks are not included in the lot coverage. For example: A thirty-foot by one-hundred-foot lot is three thousand square feet. A seventy percent lot coverage means a two thousand one hundred square foot footprint would be allowed. This typically would provide three-foot side yard setbacks (six hundred square feet) and a ten-foot front yard setback (three hundred square feet). However, flexibility is allowed in locating the structure.

C. In the Cherry Avenue residential overlay area:

1. Lots of less than one thousand square feet shall be allowed ninety percent lot coverage. Lots between one thousand one and two thousand square feet shall be allowed eighty percent lot coverage. Lots over two thousand square feet shall be allowed seventy-five percent lot coverage. For example, a thirty-foot by seventy-foot lot is two thousand one hundred square feet, which allows

City of Capitola

Design Guidelines for Commercial Projects

41st Avenue Design Guidelines

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

(408) 475-7300

FORTY-FIRST AVENUE AREA DESIGN GUIDELINES

I. Site Plan

1. The site shall be designed to integrate the building location with parking and landscaped areas to provide a functional and aesthetic design.
2. Separate pedestrian and vehicular traffic patterns shall be provided. Linkages between adjoining commercial developments shall be provided as well as distinct pedestrian access from parking areas to activity areas. The use of specialty paving materials shall be encouraged to dress up and direct pedestrian movement.
3. Off-street parking shall be located to the rear of the site. Street frontages should be devoted to buildings and landscaping. (This requirement may be varied for special site features.)
4. Buildings on streets with high vehicular use and without on-street parking shall provide a major architectural entry from the off-street parking areas. The entrance of buildings on streets of high pedestrian use shall face th sidewalk without interruptions by driveways or parking areas.
5. Easily identifiable bicycle parking shall be incorporat in all developments. On-site bicycle circulation is encouraged for large developments, coordinated with the City's bicycle plan. Bicycle parking shall be located close to the building entrance, but should not interfere with pedestrian traffic.
6. Drainage systems shall provide for maximum on-site reter tion of storm water, using on-site percolation where feasible. The use of permeable paving material shall b encouraged.

7. Building orientation should encourage both solar and energy efficient applications.
8. Develop sites in cooperation with owners of adjoining properties to improve the overall development patterns of the area by providing coordinated access, shared parking areas and enhanced traffic flow.
9. Avoid where necessary, noise, traffic and other conflicts with adjoining uses through sensitive site planning and design.
10. New developments shall provide transit improvements, i.e., access ways, bus shelter, and/or bus turn out based on City review of Santa Cruz Metropolitan District recommendations. minimum
11. A 15 foot front yard setback shall be required for all developments. ~~(There shall be no exceptions.)~~
12. Front and corner yard setback areas shall be fully landscaped and not used for required parking.

II. Landscaping

1. Landscaping shall establish a consistent theme and be planned as an integral part of the project.
2. The type and qualities of landscape materials shall be appropriate to the site and building design. Selection of the plant materials shall be based on their year-round visual interest as well as their form, texture and shape. Trees shall be a mix of evergreen and deciduous providing seasonal changes in color. Flowering trees such as magnolia or flowering plums are encouraged.
3. Significant existing trees and landscaping shall be preserved and incorporated into the site and landscape plans where possible. Removal of major trees is strongly discouraged.
4. Street trees are required for all projects. Their appropriate type and location is established by the Director of Public Works (minimum 24" box size). A minimum of 10% of parking and driveway area shall be landscaped with trees (minimum 24" box size) and shrubs (minimum 5 gallon size).

Landscaping is required in curbed beds at the end of parking bays. In addition to in-lot landscaping, perimeter landscaping is required to achieve effect. (See Parking #7.)

5. Native plant materials are encouraged for both appearance and water conservation.
6. Landscaped areas shall have an automatic irrigation system unless it can be demonstrated that it is not necessary.
7. Ground covers shall be of live plant material with bark or other mulches used only for temporary dressings. Exceptions can be made for the use of brick paving materials where appropriate.
8. The landscape plan shall consider the shading and weather protection effects of landscape design and plant selection (evergreen or deciduous) on the site and on adjacent uses.
9. A landscape maintenance agreement is required for all projects.
10. One 24 inch box tree minimum shall be planted for every two car spaces to screen and break up large expanses of paved surface in off-street parking lots designed for eight or more cars. (See #5 above.)
11. The 15 foot front yard setback shall be fully landscaped to screen parking areas.

III. Architecture

1. Architectural consistency for all sides of the building must be carried out with colors, materials and details. Facades or fronts unrelated to the rest of the building shall not be used.
2. Materials, colors and textures shall be consistent with the building's design theme.
3. Parapet walls shall be treated as an integral part of the building design. Property line setbacks are encouraged as an alternative.

Item #: 5.A. Attachment G. 41st Avenue Design Guidelines.pdf

4. Scale and height of buildings shall relate to setbacks from public right-of-way, and to adjacent developments.
5. To minimize visual clutter and noise, mechanical and roof-top equipment shall be screened and incorporated within the building and site design.
6. Entries should be protected from wind, rain and sun and provide a distinct entrance to the building.
7. Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows).
8. Projects containing many buildings or single large structures shall provide variety in building shape, height, roof lines and setbacks. Fronts of buildings shall provide variety and interest.
9. Distinctive "trademark" buildings are discouraged.
10. All designs should be responsive to energy saving considerations (solar orientation, interior lighting, day-lighting, landscaped atriums).
11. Trash areas shall be fully screened from both on and off-site views.
12. All utilities must be underground, including transformers, etc. All utility meters must be fully screened and integrated within the building structure.
13. Any newspaper racks or phone booths or other accessory structures or uses shall be integrated into the design of the structure.

IV. Design Elements

A. Signs

1. Signs and related graphics should be part of the overall building and site design. Size, heights, location and materials should relate to building scale and design consistent with zoning ordinance sign requirements

(In no case shall signs exceed ordinance maximums.)

2. For multiple occupancy buildings, a sign program shall be required to show consistent sign location, size and type.
3. Attached signs are encouraged. A freestanding sign will be considered to identify a building group for more than one use when the use is located more than 35 feet from the property line adjoining a public street. Any freestanding sign shall be integrated into the site plan and design of the building.
4. Individual letters attached to a wall are preferred to cabinet signs.
5. Graphics not including advertising may be considered. They must be compatible with the immediate surroundings, and may relate to the use of the building.
6. Freestanding signs should be of a monument type.
7. All sign proposals shall conform to the sign ordinance.

B. Lighting

1. On-site lighting shall be related to the overall site and building design and serve functional, safety and aesthetic purposes.
2. Overall lighting levels shall be directed down and shielded from adjacent properties. Light shall be contained on the property.
3. Energy efficient systems are encouraged.
4. Light standard heights shall be geared to the lighting need; parking and roadway: 15-30 feet high; walkway and mall: 8-15 feet high; planting areas: uplights or lowlights, 3 feet high maximum.
5. The style of light fixtures and their location shall be compatible with design of the architecture and the landscape.

C. Parking

1. Parking is a necessary feature of all commercial site plans. It shall be safe and easily accessible, but not allowed to dominate the development. A project shall not be shaped by or focus on its parking.
2. Parking shall be located to the rear of or side of buildings. (This requirement may be varied for special site features).
3. Parking shall be screened from the street by the following methods: mounds, vegetative screen, low walls, changing the grade of parking areas or other similar methods which effectively screen the parking area.
4. Pedestrian movement shall be clearly defined through parking areas. Where pedestrians are forced to cross traffic lanes, changes in paving texture, use of pavers or tiles, etc., use of overhead structures, and narrowing roadways shall be used.
5. Parking lot designs shall provide a maximum of 30% compact car spaces (compact space 8' x 16').
6. Ingress and egress to parking lots should be limited to commercial arterials rather than using adjacent residential streets.
7. Parking/loading areas shall be screened from adjacent residential areas by a solid masonry wall or equivalent and 10' landscaped area to soften the effect of the wall and buffer the residential area from the commercial area.
8. Handicapped parking spaces shall be adjacent to the entry of the building and meet State Architect's requirements.

CITY OF CAPITOLA
STANDARD CONDITIONS
FOR COMMERCIAL APPLICATIONS

1. The applicant shall enter into a landscape maintenance agreement and a cash deposit of $2,000.00 shall be retained by the City to cover costs of replacing or maintaining landscaping for a period of three (3) years after project completion.

2. Plans for a fully automated irrigation system, providing adequate water to all plants, shall be submitted with the building permit plans for review and shall be installed before final inspection of the project.

3. All utilities shall be completely screened from public view and underground transformers are required.

4. Any underground utility vaults shall be located in paved surface areas outside of the landscaped areas.

5. A lighting plan showing the fixture type, height, location and exterior lighting intensity shall be submitted with building permit plans for Planning Director approval. All lighting shall be directed away from the street and adjacent properties. Light sources shall be shielded from direct view and protected from damage by vehicles.

6. A solid six (6) foot masonry wall shall be constructed along the property lines adjacent to residentially-owned lands.

7. 24" box street trees shall be planted in compliance with the 41st Avenue Design Guidelines; one per 30 feet of frontage, with type to be approved by the Public Works Director.

8. All landscaping shall be installed before utility release or final project inspection. No project shall be phased unless approval is granted by the Planning Commission.

9. A detailed drainage plan shall be submitted for approval by the Public Works Director before building permits are issued.

10. Continuous concrete curbing shall be installed to separate parking areas from landscape areas.

11. Handicapped parking spaces and signage, in compliance with State requirements, shall be shown on building permit plans and installed before final inspection of the project.

12. The street address of the building shall be displayed in a location conspicuous from the public street.

13. The trash enclosure shall be made of a sturdy solid masonry material, with trash receptacles screened from view and compatible with the color and materials of the project.

14. The applicant shall obtain a coastal permit or coastal permit determination and present documentation of such coastal review to the City, prior to obtaining a City building permit.

15. When required, a bus stop shall be provided in conformance with Santa Cruz Metropolitan Transit District standards. An agreement for the applicant's contribution to a shell shall be required before building permits are issued. The site shall be subject to City approval.

16. All trees required to remain on site, as indicated on the plans, shall be protected by fencing or other necessary measures shall be taken to prevent damage during construction activity.

17. All commercial buildings with more than one tenant shall have an approved sign program.

18. All parking shall be available for use by the general public during the hours when the business is not operating.

19. No roof equipment shall be visible to the general public.

20. Grading work may not be undertaken between October 15 and April 15, unless a special permit is issued by the Public Works Director.

21. All gutters, downspouts, flashings, etc. shall be painted to match the color of the adjacent surface.

22. Construction projects shall conform to the City's noise ordinance. Construction during the dry season shall mitigate excess dust problems.

23. A complete set of plans shall be submitted to the appropriate fire district for sign-off, prior to issuance of a building permit.

24. A special street improvement fee of $.37/sq. ft. of land shall be paid for all projects within the 41st Avenue street improvement area.

25. Bay Avenue improvement fees of $1.34/sq.ft of building area shall be paid as required for projects within the Bay Avenue street improvement area.

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