



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 18, 2016

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

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

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

Environmental Determination: Addendum to the General Plan Update EIR

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

Representative: Katie Cattan, Senior Planner, City of Capitola

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

**DISCUSSION:** The draft code is being reviewed sequentially from beginning to end. To prepare for the review, each Planning Commissioner provided staff with suggested minor edits and topics for further discussion prior to the first meeting on March 3<sup>rd</sup>. Staff organized the edits and discussion requests into a master list (Attachments 2 and 3). This list follows the sequence of the draft code and will be utilized throughout the review by Planning Commission to guide discussion topics during public hearings. The list has been updated to include the direction provided by the Planning Commission during the March 17<sup>th</sup> public hearing.

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

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

To date, the Planning Commission has provided direction on all of Part 1 and the first two sections of Part 2. There are two special meetings scheduled for April; the first on Monday April 18<sup>th</sup> and the second on Thursday April 21<sup>st</sup>. It is anticipated that the following sections will be discussed during the meetings, although additional sections may be reviewed as time allows. Sections listed in bold in the schedule are estimated to take additional time due to the intricacy of topic and discussion requests received by the Planning Commission.

Meeting Date	Sections to Be Reviewed
April 18	<b>17.24</b> (Commercial and Industrial Zoning Districts), <b>17.28</b> (Visitor Serving Zoning Districts), 17.32 (Special Purposes Zoning Districts), <b>17.36</b> (Planned Developments), 17.40 (Residential Overlay Districts), <b>17.48</b> (Height, Setbacks, and Floor Area), <b>Coastal Zone &amp; Geologic Hazards preview/discussion</b>
April 21	<b>17.52</b> (Accessory Structures and Uses), 17.56 (Archaeological and Paleontological Resources), 17.60 (Fences and Walls), 17.64 (Environmentally Sensitive Habitat Areas), 17.72 (Landscaping), <b>17.74</b> (Secondary Dwelling Units), <b>17.76</b> (Parking and Loading)

At the conclusion of the April 18th meeting, staff will discuss the future special meeting schedule. Attachment 4 includes a tentative schedule relative to the topics to be reviewed. The proposed meeting dates are based on a consistent Monday and Thursday evening review. The meeting topics have been grouped based on a three hour meeting.

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

**RECOMMENDATION:** Accept the staff presentation, discuss the proposed draft Zoning Code update, identify desired code revisions, and continue the public hearing to the April 21, 2016 special meeting.

**ATTACHMENTS:**

1. March 3, 2016 PC Direction
2. Commissioner Edits
3. List of Commissioner Discussion
4. Schedule with Optional Dates
5. Public Comment from Ron Skelton

Prepared By: Katie Cattan  
Senior Planner

**Planning Commission Meeting March 3, 2016**  
Direction on Zoning Code Update

**Topic 1. Zoning Map Modifications**

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

Planning Commission Direction on Topic 1:

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

**Topic 2. Development Standards in Mixed Use Zones**

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

Planning Commission Direction on Topic 2:

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

**Topic 3. Required parking in the Mixed Use Neighborhood**

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

Planning Commission Direction on Topic 3:

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

**Topic 4. 6 Seat Rule for Takeout Establishments**

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

Planning Commission Direction on Topic 4::

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

**Topic 5. On-site Parking Alternatives**

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

Planning Commission Direction on Topic 5:

1. 17.76.050.C. Off-Site Parking:
  - Change D.4 to delete reasonable distance standard and allow shared parking for multi-family residential uses within approximately 1/8 mile of and commercial uses within approximately ¼ mile of shared parking lot.
2. 17.76.050.D Shared Parking

- Maximum limit to reduction in MU-V and MU-N is 25%.
  - Add definition for shared parking
  - Add definition for off-site parking
3. 17.76.060.E Valet Parking
    - Add allowance for a valet parking drop-off/pick-up area within the village that can be utilized by a private company to provide valet parking to any visitor of the village, not limited to a single business.
  4. 17.76.060.F
    - No changes.
  5. 17.76.060.G Transportation Demand Management Plan
    - Edit #3 to replace “approved” to “submitted and reviewed by the Community Development Director...”
    - Edit #7 to specify that the use permit may be revoked, rather than the TDM Plan.
  6. 17.76.060.H Transit Center
    - Discussed removing 400 foot limit and add limit to mall property only.
    - Discussed inefficient transit operations
    - Request to revisit
  7. 17.76.060.I Fees in Lieu of Parking
    - Request to revisit after City Council discussion on March 24<sup>th</sup>.

**Topic 6. Incentives for Community Benefits**

Draft Code: Chapter 17.88 Incentives for Community Benefits

Page 88-1

Planning Commission Direction on Topic 6:

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

Staff Clarification:

17.88.040. Clarification per General Plan:

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

	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
1	Throughout Document (Newman)	Consistency in Capitalization: Coastal, Local, State, Federal	Correct capitalization of Coastal, Local, State, and Federal throughout code.
2	Chapter 17.04.020.B.10 - Page 04-1. Purpose and Effect of Zoning Code; (Westman)	Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, bicycles and	Add "and other forms of transportation"
3	Chapter 17.08.020 - Page 08-1. Interpretation; Section 020 - Authority (Westman and Newman)	The City Council delegates to the Community Development Director and the Director's designees the authority, in accordance with 17.08.040, to interpret the	Add " in accordance with 17.08.040"
4	Chapter 17.12.030.C - Page 12-3. Zoning Districts and Map; Zoning Map, Subsection C - Location (Westman)	The Zoning Map is kept, maintained, and updated electronically by the Community Development Department, and is available for viewing by the public at the Department.	Remove "and on the official City of Capitola website"
5	Chapter 17.16.010.B.2 - Page 16-1. Specific (Westman)	B.2. Multiple-Family Residential (RM) Zoning District - Housing in the RM zoning district carefully designed to enhance Capitola's unique identity and to minimize impacts on	change "RM zoning district is carefully" to "RM zoning will be carefully"
6	Chapter 17.16.020 Land Use Regulations. Table 17.16-1	Vacation Rentals. Reference is incorrect	Change vacation rental reference to 17.40.030
7	Chapter 17.16.030.A. - Page 16-3. Development Standards and Site Requirements (Westman)	Add language to clarify that Site requirements are for purposes of future subdivisions. Existing legal lots of record	Note the minimum lot size is not required for existing lots of record and reference subdivision ordinance for lot line
8	Chapter 17.16.030.A. Page 16-3. Table 1716-2. (Westman)	Add front yard setback for garage in table. It is listed under 17.16.030.B.3 but would be easier for reader to also be included in the table. Add garage reference under Additional Standards column	Front yard setback will be added to development standard table.
9	Chapter 17.16.030.3.A - Page 16-5 - Garage Setback (Smith)	Clarify. Should garage setback be measured from property line or setback rather than building wall?	No change to standard.
10			

	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
1	Chapter 17.20.010.B.2 - Page 20-1. Specific. (Westman)	2 - Development in the MU-N zoning district is will be carefully designed to complement its surrounding and minimize	Sentence to be changed from "is" to "will be"
11	Chapter 17.20.010.B - Page 20-1. Purpose of the Mixed Use Zoning Districts; Subsection B (Welch)	Suggest renaming to follow nomenclature. <ul style="list-style-type: none"> <li>1 - Village Mixed Use (MU-V) change to "Mixed Use - Village" Zoning District"; 2 -</li> </ul>	Mixed Use-Village (MU-V) and Mixed Use Neighborhood (MU-N) will be incorporated into code and map.
12	Chapter 17.20.020.A. Permitted land uses. Table 17.20.020 page 20-3 (Staff)	Vaca on rental. Reference See Chapter 17.40.030"	Reference for vacation rentals will be updated to 17.40.030
13	Chapter 17.20.030.D.1 - Page 20-9 - Setbacks in the MU-V Zoning District	The Planning Commission <del>may</del> modify or waive this requirement upon finding that:	Change "way" to "may"
14	Chapter 17.20.030. D.1 – Page 20-9 - Setbacks in the MU-V Zoning district	Loosen standard building within 0-10' of property line.	Standard will remain as proposed.
15	Chapter 17.20.30.F Page 20-10 - Height and FAR Standards for the Village Hotel	Request legal review to ensure this is not spot zoning•	Language will be modified from shall to
16	Chapter 17.24.010.B. Page 24-1 - Regional Commercial (C-R) Zoning Districts (Westman)	Office, medical, and residential uses are restricted <del>in prime retail locations</del> to protect the long-term economic vitality of the	
17	Chapter 17.24.020 Permitted Land Use - Page 24-2 (Westman)	Table 17.24-1 - Permitted Land Uses in Commercial and Industrial Zoning Districts. Footnote 5. Permitted only on a mixed use site with the residential use secondary to the primary commercial uses on the site. Residential uses on the site are limited to less than 50 percent of the floor area of buildings on the site. Residential uses shall	
18	Chapter 17.24-1 - Page 24-2 - Land Use Table (Smith)	Need to define custom manufacturing vs. light manufacturing.	

1	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
20	Chapter 17.24.030.D.2 - Page 24-6 - Daylight Plane (Westman)	Figure 17.24-2 - Residential Transitions - Daylight Plane - Include in MU-N district	
21	Chapter 17.24.030.B. - Page 24-5 - Front and Street Side Setbacks in CR and CC.	Inconsistent with the sign ordinance setbacks for monument signs.	
22	Chapter 17.24.030.D.2 and Figure 17.24-2 - Page 24-6 - Daylight plane	There is a conflict. Text says Daylight Plane is 20' high. Figure shows 25' high.	
23	Chapter 17.28.010.B.5 - Page 28-1 - Visitor Serving - General (Smith)	add (VS-G)	
24	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor	Schools, Public or Private - Subzone VS-G - Draft code: Conditional Use. Suggest Change to Prohibit.	
25	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor	VS Subzones - Typo. Top of columns should be "VS-G, R, SB, MC, ES"	
26	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor	Footnote 10 - Events may not exceed 10 days; Comment - Long but reflects current code.	
27	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor	Footnote 11 - Limited to single one-day event per year; Suggest modifying to two-days. Current rule prohibits Car Show	
28	Chapter 17.28.040.A. Page 28-5. Standards in the Visitor Serving Zoning District (Westman)	Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts - Add heights for subzones. Staff comment: as written, the new code reflects the existing code. The individual subzones do not have special height standards. Table 17.28 says that all new subdivision in the Village or any other Visitor Serving	

	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
1	Chapter 17.32.020.C - Page 32-1. Visitor Accommodations in New Brighten State Beach (Westman)•	Section sets maximum intensity of three units per gross lot area. State regulated. Check with Coastal Commission if we can remove from code.	
29	Chapter 17.32.020.E - Page 32-3 Public Parking in the Coastal Zone (Westman)	Not necessary to have in zoning code. Remove section	
30	Chapter 17.36.060.B. 1-3 – Page 36-2. Application Submittal & Review	Clarify two-step process and that preliminary approval does not give	
31	Chapter 17.40.020.G - Page 40-3 - Income Restrictions (Westman)	Rewrite to make the requirement clear.	
32	Chapter 17.40.020.L - Page 40-7 - AH Overlay - Additional Application Requirements (Westman) •	An application for an affordable housing development within the -AH overlay zone shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application & Review) - wrong reference. Katie's comment. Susan there must be a mix up. 17.112 is the permit application and review	
33	Chapter 17.40.030.E.5 - Page 40-8 - Permit Revocation (Smith)	after a Minor Permit is reevoked, the permit holder may not reapply for a new permit for	
34	Chapter 17.44.020.G – Page 44-3 – Major Public Works Facility. (Westman)	Justify raising number based on value amount. Check coastal acknowledgment.	
35	Chapter 17.44.040.J.1 – Page 44-9 – Temporary Events (Westman)	“The event will not occur between the Saturday of Memorial Day weekend through Labor Day, or if proposed in this period will be of less than <del>one</del> two day in duration	
36	Chapter 17.44.070. I – Page 44-9. Conversion of Existing Multi-Unit Residential Structures (Newman)	“The conversion of any existing multi-unit residential structure to a <del>time-share</del> condominium project, estate, or use as defined in Section 11212 of the Business	
37			



	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
1	Chapter 17.44.080 - Page 44-10 - Coastal Boundary (Smith)	Should note where the "Capitola Permit and Appeal Jurisdiction Map" can be found or at least identify Zone A and Zone B on a map in	
38	Chapter 17.44.110.A – Page 44-13 - Public Notice and Hearing – Planning Commission Review (Westman)	Check reference to 17.148	Correct reference
39	Chapter 17.44.120.B – Page 44-14 – Coastal Overlay Zone – Findings for	Remove finding B for views.	
40	3) Chapter 17.48.020. B – Page 48-2. Height Exceptions: Table 17.48-1: Allowed Projections Above Height	“Flagpoles not over 8 inches in <u>width/diameter</u> ”.	
41	Chapter 17.48.030. A – Page 48-2. Setback Measurement - Figure 14.48-2: Setback Measurement (Smith)	Add note to "See specific zones for required zone setbacks"	
42	Chapter 17.48.030. D – Page 48-4. Accessory Structures in Setback Areas (Smith)	<ul style="list-style-type: none"> <li>• Modify. Keep 4. Pool setback as is.</li> <li>• Add a separate line for hot tub with 2 foot setback.</li> </ul>	
43	Chapter 17.52. 020. A.4 –Page 52-1. All Accessory Structures (Smith)	Is three feet necessary? Check with Building official and remove if ok	
44	Chapter 17.52.020.A.6 – All Accessory Structures (Westman)	Make distinction, can you use as office but not as a dwelling? Clarify –	“Accessory structures may not be designed or used for <u>human habitation</u> as a second dwelling unit, except in those applications or secondary dwelling units consistent with section 17.74 (Secondary Dwelling Units)” <u>See ddefinition for</u>
45			

1	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
	Chapter 17.52.020.B.1 – Table 17.52.1 – Page 52-2 (Westman)	Is this consistent with Issues and Options direction?	<p>Issues and Options Direction: Secondary Structure in Rear Yard</p> <ul style="list-style-type: none"> <li>o Decrease rear yard setback from 8 feet to 4 feet.</li> <li>o Maintain 17.15.140.G “The width of detached garages or carports in the rear yard is limited to twenty-one feet. The height is limited to fifteen feet (nine feet to the top of the wall plate) for secondary structures located a minimum of 8 feet from the rear property line. However, the planning commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure.”</li> <li>o <u>ADD: Secondary Structures less than 8 feet from the side yard may not exceed 12 feet in height.</u></li> </ul>
46			
47	Chapter 17.56.020 - Page 56-1 - Coastal	Make sure to reference this chapter in the	
	Chapter 17.60.030.B.2 – Page 60-2 – Decorative Features and Materials (Smith)	Edit to be consistent with allowance of 10' Trellis.	“Decorative arches and other similar features above an entry walkways may be up to <del>8</del> <u>10</u> feet in height within a required
48	Chapter 17.64.030.D - Table 17.64-1 - Page 64 (Westman)	Tannery Gulch Riparian Corridor setback is from Riparian Corridor not the oak woodland vegetation. Previous error in	"50 feet from outer edge of riparian <del>and oak-woodland</del> vegetation"
49	Chapter 17.64.040 - Page 64-3 - Soquel Creek and Lagoon (Westman)	There was a previous allowance for docks that is not in the existing code or the	
50	Chapter 17.64.050 – Page 64-3 – butterfly habitat (Westman)	Add “Rispin”/Soquel Creek to better describe area.	"The following standard applies to both the <u>Rispin</u> /Soquel Creek and the
51			

A		B		C	
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION		
52	Chapter 17.68.020.B.1 - Page 68-2 - Geological Report (Westman)	Too specific. Make more general. Report reference will likely change over the years.			
53	Chapter 17.72.060. A – Page 72-4. Landscape Standard: General Standards (Newman)	Should clarify that the standards are only required subject to 17.72.020 A-C. “The following standards shall be in compliance within all zoning districts within applicable			
54	Chapter 17.74.040.I.1 - Page 74-3- Alley Orientation (Smith)	<ul style="list-style-type: none"> <li>“Alley Orientation”</li> <li>This is within existing code; suggest to remove alley orientation and update with language that reflects finding 17.74.050.G</li> </ul>			
55	Chapter 17.76.020 – Page 76-1 – Applicability (Westman)	Add description after applicability title stating that section applies to 3 different development scenarios.	“This section applies to administration of several development scenarios including: new structures and uses, replacement of existing uses, and expansions and		
56	Chapter 17.76.030.A (page 76-2) Parking in Mixed Use Zoning Districts (Welch)	Table 17.76-1: Required on-site Parking in Mixed Use Zoning Districts • i.Rename Village Mixed Use" to "Mixed Use - Village" AND "Rename "Neighborhood Mixed Use" to "Mixed Use - Neighborhood"			
57	Chapter 17.76.040.B.1 – Figure 17.60-1 – Page 76-7 - Parking in Front Setback Area in R-1 (Westman and Smith)	10 feet too narrow; change to 20 ft. wide max. (Westman and Smith) also limits perpendicular parking (Smith)	Reflect existing code with max width of 40% of lot width up to a maximum of 20 feet. Narrow lots may have a minimum of		
58	Chapter 17.76.040.B.2 0 Page 76-7 - Other Zoning Districts (Smith)	MU-N – address parking in front yard in mixed use neighborhood; Clarify to allow limited area of parking that may be in the			
59	Chapter 17.76. 050. C.2 – Page 76-10. Off-site Parking (Newman)	Typo. “ <del>On</del> Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the			

	A	B	C
	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
1			
60	Chapter 17.76.050. C.3 – Page 76-10. Off-site Parking (Newman)	A <del>severant-rezoned</del> deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County	
61	Chapter 17.76.040.E.1 Page 76-10 - Valet Parking (Westman)	Code states to be staffed at all times. Only needs to be staffed when business is open	Revise "Valet parking lots must be staffed when business is open at all times by an attendant who is authorized and able to
62	Chapter 17.76.050.D.2 Shared Parking (page 76-10) (Welch)	Clarify that parking study is required. Deposit paid by applicant and study contracted by City, reviewed by Community Development Director, and ultimately	
63	Chapter 17.76.070 – Page 76-16 – Parking Lot Landscaping (Westman and	Add exceptions (Westman) Add flexibility to regulate canopy without requiring too many	
64	Chapter 17.76.050. G.5 – Page 76-11. Transportation Demand Management Plan (Smith)	Clarify program coordination	
65	Chapter 17.76.080. H – Page 76-19. Bicycle Parking Cover (Smith)	Allow flexibility for creative designer and function	
66	Chapter 17.84.030 – Page 84-3 - Authority to Maintain (Westman)	"The Director may add or remove structures from the list based on input from the State Certified Architectural Historian <del>and the City</del>	
67	Chapter 17.96.020. C.1 – Page 96-2. Chickens (Smith)	Location of Chicken Coops; not in front yard or exterior street	
68	Chapter 17.96.020.E – Page 96-2 – Prohibited Animals (Westman)	Add ducks	"Roosters, fowl other than chickens and ducks, goats pigs other than potbelly pigs,
69	Chapter 17.96.100.D – Page 96-9 – Standards for permanent outdoor	Add standard for location on private property and not allowed in public R.O.W.	
70	Chapter 17.96.110.D.1 – Page 96-11 – Prohibited Lighting (Westman)	What is a drop down lens? Clarify or remove.	

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
71	Chapter 17.96.180.B.4.e - Temporary Sidewalk Dining (page 96-17) (Welch)	Furniture and Signage Location; e - Is the allowance for signs on awnings and umbrellas consistent with the sign section of	
72	Chapter 17.96.180.B.7 -Temporary Sidewalk Dining (page 96-18) (Welch)	Hours of Operation - Add days of week: Sidewalk dining may occur between 7 a.m.	
73	Chapter 17.108.030 – Page 108-1. Review and Decision Making; Table 17.108-1: Review and Decision	Define 'Reasonable Accommodations' under Other Approvals	
74	Chapter 17.156.070. C. 5 – Page 156-3. Minor Changes (Smith)	"A feature of the project that was a specific consideration of approval." Does this mean if we talk about it at the public hearing it	
75	Chapter 17.156.080. C.3 – Page 156-5. Extension of Time (Smith)	Define '...up to expiration date of a valid tentative for projects...' What is a valid	
76	Chapter 17.160.020. B.3 – Page 160-2. "B" Terms (Smith)	Basement – portion below grade	
77	Chapter 17.160.020. H – Page 160-7. "H" Terms (Smith)	<ul style="list-style-type: none"> <li>• Home Day Care</li> <li>i. "Home day care facilities, large" means a day care home facility supervising 8 persons or less 9 to 14 persons.</li> <li>ii. "Home day care facilities, small" means a day care home facility supervising 9 to 14</li> </ul>	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Zoning Map	Zoning map	<p>a. Modify map from VA zoning to P/OS for the bluff parcel along Depot Hill from Monarch Cove Inn to Livermore Avenue.</p> <p>b. 3945 Melton Street. Owner would like to maintain CC zoning on Melton. Planning Commission support for request. Change zoning map to CC. Change General Plan Land Use map to Commercial.</p> <p>c. Format map to be more legible. Also, add more labels to the map to avoid confusion, change legend to reflect revised zoning district names, and remove "Overlay" from "Affordable Housing</p>
1	Chapter 17.16.030. A – Page 16-3. General Standards – Single Family	Table 17.16-2: Development Standards in the R-1 and RM Zoning Districts – discuss	Minimum lot size to remain as drafted. 5000 sf
2	Chapter 17.16.030.B.2 Page 16-4. Front Setbacks in Riverview Terrace (Westman)	<ul style="list-style-type: none"> <li>Define distance of neighboring properties. Current code states 500 feet. Draft code states neighboring properties. Request to identify appropriate area.</li> </ul>	<p>Modify language of 17.16.030.B.2 to state "the Planning Commission may approve a reduced front setback to reflect existing front setbacks of properties within 100 feet on the same side of the</p> <p>Map will be made available to public.</p>
3	Chapter 17.16.030.B.2. Page 16-5. Front Setbacks in Riverview Terrace (Westman)	<ul style="list-style-type: none"> <li>General comment that the sidewalk exempt designations should be updated to make sure they are valid and appropriate. The sidewalk exempt map should be made</li> </ul>	
4	Chapter 17.16.030.7. Page 16-7. Plate Height in Side Setback Areas.	<p>This is from the existing code but should be removed due to the new allowance for narrow lots not to have a second story setback. The setback exception is listed</p>	Remove standard for plate height in side setback areas.
5	17.16.030.B.8.a(1) Page 16-7. Decks and Balconies (Westman)	<p>Discuss distance of setbacks for administrative review of upper floor decks and balconies. Proposed at 10 feet from</p>	<p>Require Planning Commission review of a Design Permit for all upper floor decks and balconies except when facing a street or adjacent to a public</p>

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
6	Chapter 17.16.030.C.2. Table 17.16-4 "Usable Open Space in RM Zoning District. Footnote 2. (Westman)	Footnote 2 – "Roof terraces and roof gardens may provide up to 50 percent of the required common open space area" – This applies to the Common Open Space minimum area requirement of 15%. Common open	Require Planning Commission approval with findings or criteria for approval of roof terraces and roof gardens utilized as common open space
7	Chapter 17.20 - Page 20-1 - Mixed Use Zoning District (Westman)	We should discuss separating the MU-V and MU-N districts. The goals and development standards for the two districts	Chapter to be revised to include subchapters separating the MU-V from the MU-N as appropriate
Added	Chapter 17.20.020 - Page 20-2 - Land Use Regulations.	Planning Commission discussed permit for daycare and secondary dwelling units relative to review process.	Change Secondary Dwelling Units to require minor use permit in the land use table. Keep daycare as minor use permit
8a MU-V	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the	Remove parcel width & minimum dimensions in MU-V. They do not work.	Minimum lot size and lot dimensions will be removed.
8b MU-N	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the	Remove parcel width & minimum dimensions in MU-N. They do not work.	TABLED: staff to return with additional information on existing conditions.
Add	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the	Concern for minimum lot size and dimensions on existing parcels.	Add language the minimum lot size and dimensions only apply to new subdivisions.
9	Chapter 17.20.30.A - Page 20-4 General Development Standards (Smith)	How do we meet the new minimum parcel dimensions and maximum front setbacks today? How many nonconforming structures are we creating with these new	
10	Chapter 17.20.030.C. Page 20-5 General Design Standards. (Westman)	Section C should not apply to residential development.	Design standards are geared to commercial. Clarify that standards do not apply to the village-residential overlay district. Revise standards so the design requirements for the MU-V and MU-N are
11	Chapter 17.20.030.C.5 – Page 20-8 – Parking Location and Buffers	Standard may prevent residential on-site parking under living. Example	Modify so standard only applies to the MU-V district.



#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Add	Chapter 17.20.030.D - Setback in MU-V	Setback in shall to may	Modify language to allow more of the building to be setback from the front property line.
12	Chapter 17.20.030.E – Page 20-10. Setbacks in the MU-N Zoning District (Westman)	Should not apply to residential. “Front setback areas for commercial and mixed use buildings in the MU-N Zoning District	Maximum setback in the MU-N is 25 feet. These standards will be separated to clarify the differences between the zones. Standard will not
Add	Chapter 17.20.030.F Height and FAR Standards for the Village Hotel	Change heading to remove "the village hotel"	Change heading in 030.F to read “Height and FAR Standards for the Capitola Theater Site” and reference as such in the text.
13	Chapter 17.24 - Commercial and Industrial Zoning Districts (Westman)	The autoplaaza should be an overlay zone to eliminate automobile repairs, used car	
14	Chapter 17.36 – Planned Development Zoning District	Request discussion of PD	
15	Chapter 17.36.040.G - Page 36-4 - Substantial Public Benefit Defined (Westman)	Planning commission should discuss Substantial Public Benefit Definitions as they apply to Planned Developments	
16	Chapter 17.40.20.I.3(a-f) – Page 40-5 – Design Standards – Pedestrian	This is more restrictive than underlying zoning. Suggest removing.	
17	Chapter 17.40.20.I.5 – Page 40-6 - Affordable Housing Open Space. (Westman)	This is more restrictive the open space standard for multi-family. In general, affordable housing development standards should either be equal to the zoning	
18	Chapter 17.52.020.A.3 - Page 52-1 - All Accessory Structures (Smith)	Should all Accessory Structures be allowed basic electric (light) fixture and outlet without additional requirements for design review and floor area calculation. Also reference	
19	9) Chapter 17.52. 020. B.1 – Page 52-2. Development Standards. Table 17.51-1: Accessory	Could you have an apartment on top of a garage if the garage was not located in setbacks?	
20	Chapter 17.76.030.A – Table 17.76-1 – Page 76-2 - Required Parking Spaces – Mixed Use	Request discussion of parking for mixed use.	



#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
21	Chapter 17.76.030.B – Table 17.76-2 – Page 76-3 - Required Parking Spaces – Other Zoning	Secondary Dwelling Units should require a 3rd parking space. Discussion requested.	
22	Chapter 17.76.040.C.3 – Page 76-8 8 – Location of Parking MU-V Zoning District (Westman)	Track ordinances. Why does the code require off-site parking in village for historic? If they have adequate space we should allow more onsite parking	
23	Chapter 17.76.040.D – Page 76-8 – Large Vehicle Storage in the R-1	Add maximum width	
24	Chapter 17.76.040. D – Page 76-8. Large Vehicle Storage in the R-1	Too restrictive, suggest removing second sentence	
25	Chapter 17.76.050.D.1 Shared Parking (page 76-10) (Welch and	Discuss the exclusion of residential land uses from shared parking (Welch) Too	
27	Chapter 17.76.050.G – Page 76-11 - Transportation Demand	Add standards for parking studies	Discussed on 3/3/2016
28	Chapter 17.76.050.H – Page 76-11 - Transit Center Credit (Westman)	Discuss	
29	Chapter 17.76.060.H – Page 76-15 - Pedestrian Access (Westman)	Applicable to village? Discuss.	
30	Chapter 17.80.050.A.3 - Page 80 - 4 - Flag Signs (Westman)	Discuss new allowance for flag signs	
31	Chapter 17.80.060.F - Page 80-6 - Digital display and electronic	Discuss. Possible use to show number of parking places.	
32	Chapter 17.80.070.C - Page 80-6 - Illumination (Westman)	Discuss neon signs. Beer signs.	
33	Chapter 17.80.080.B. 7 - Monument Signs limit to 4	Max limit of 4 tenants on Monument sign	
34	Chapter 17.80.080.F.1 - Page 80-9 - Window Signs (Westman)	What is legal to regulate?	
35	Chapter 17.80.080.G.13 - Page 80- 11 - Sidewalk signs in MU-V	Suggest removing max limit of sidewalk signs for fairness.	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
36	Chapter 17.80.110. - Page 80-17 - Temporary Signs (Westman)	Discussion	Discussed on 3/3/2016. Reword/strengthen language in 17.88.020. Add to descriptions of
37	Chapter 17.88.030.J - Page 88-2	Already required. Must go beyond	
38	Chapter 17.92 - Page 92-1 - Non-Conforming Parcels, Uses, and	Discussion	
39	Chapter 17.92.080.C.2 - Page 92-7 - Substantial Demolition (Smith)	Discussion on removal of substantial demolition	
40	Chapter 17.96.020. B - Page 96-2 - Household Pets (Westman and	Limit max number. (Suggest 10 total)	
41	Chapter 17.96.100. Page 96-9 Permanent Outdoor Displays (Welch)	Permanent Outdoor Displays will become a management/code enforcement issue. Do we want to create a path to allow	
42	20) Chapter 17.96.180 - Page 96-16. Temporary Sidewalks Dining (Smith)	Conversion of on-street parking might need discussion - probably OK as is, but do we want to add any limitations to times and/or presence of street	
43	Chapter 17.96.200 - Page 96-20 - Unattended Donation Boxes	Discussion	

DATE	PC/CC	CHAPTERS
March 3	PC	17.04 (Purpose and Effects, 17.08 (Interpretation), 17.12 (Zoning Map), overview of code issue topics
March 17	PC	Continuation of March 3 discussion, <b>17.16</b> (Residential Zoning Districts), <b>17.17</b> (Mixed Use Zoning Districts)
March 24	CC	Status Report
April 18	PC	<b>17.24</b> (Commercial and Industrial Zoning Districts), <b>17.28</b> (Visitor Serving Zoning Districts), 17.32 (Special Purposes Zoning Districts), <b>17.36</b> (Planned Developments), 17.40 (Residential Overlay Districts), <b>17.48</b> (Height, Setbacks, and Floor Area), <b>Coastal Zone &amp; Geologic Hazards preview/discussion</b>
April 21	PC	<b>17.52</b> (Accessory Structures and Uses), 17.56 (Archaeological and Paleontological Resources), 17.60 (Fences and Walls), 17.64 (Environmentally Sensitive Habitat Areas), 17.72 (Landscaping), <b>17.74</b> (Secondary Dwelling Units), <b>17.76</b> (Parking and Loading)
TBD (May 9)	PC	<b>17.80</b> (Signs), <b>17.84</b> (Historic Preservation), <b>17.88</b> (Incentives for Community Benefits), <b>17.92</b> (Nonconforming Parcels, Uses, and Structures)
TBD (May 12)	CC	<b>Part I &amp; II Review</b>
TBD (May 16)	PC	<b>17.96</b> (Supplemental Standards), 17.100 (Mobile Home Park Conversions), 17.104 (Wireless Communication Facilities), 17.108 (Administrative Responsibility), 17.112 (Permit Application and Review), 17.116 (Administrative Permits), <b>17.120</b> (Design Permits), <b>17.124</b> (Use Permits)
TBD (May 23)	PC	<b>CCC staff presentation</b> , 17.128 (Variances), 17.132 (Sign Permits), <b>17.136</b> (Minor Modifications), 17.140 (Reasonable Accommodations), 17.144 (Zoning Code Amendments), 17.148 (Public Notice and Hearings), 17.152 (Appeals), <b>17.156</b> (Post-Decision Procedures), <b>Glossary</b>
TBD (June 9)	CC	<b>Part III Review</b>
TBD (June 13)	PC	<b>17.44</b> (Coastal Overlay Zone), <b>17.68</b> (Geologic Hazards), <b>Miscellaneous remaining items/issues from previous hearings</b>
TBD (June 27)	PC	Review of redlined/track changes version of Zoning Code incorporating PC direction, PC recommendation
TBD (July 28)	CC	<b>Part IV Review</b>
TBD (Sept 1 or 15?)	PC	Review any new City Council direction, PC recommendation
October 13 or 17?)	CC	Adoption

Potential PC hearing dates:

May 9, May 16, May 19, May 23

June 2 (regular mtg), June 6, June 13, June 16, June 20, June 27, June 30

Potential CC hearing dates:

May 12 (regular mtg – Part I & II review)

May 26 (regular mtg – Part I & II review)

June 9 (regular mtg – Part III review)

June 23 (regular mtg – Part III review)

September 12, September 15, September 19, September 22 (regular mtg) September 26, September 29

October 13 (regular mtg) October 17, October 20, October 24, October 27 (regular mtg)

November 14, November 17

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

---

**From:** Ron Skelton <ronskelton@cruzio.com>  
**Sent:** Monday, March 21, 2016 9:58 AM  
**To:** PLANNING COMMISSION  
**Subject:** Ordinance Revisions

Dear Susan

it was a pleasure meeting you at Mike Termini's home yesterday and this is to follow up on our conversation regarding zoning heights.

My comments on this subject are related only to the 41st Ave area and the Mall in particular. I recall from participating in the development of the General Plan that there was general agreement to focus on mixed use (business, residential and recreational) development.

To this end I suggest that we consider height ordinances allowing development to much higher levels than anywhere else in the City.

Provided this is done carefully I believe it would add valuable differentiation and attract private investment.

Thank you for inviting these comment.

Ron Skelton

Attachment: Public Comment from Ron Skelton (1430 : Zoning Code Update)