



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

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

DISCUSSION: The draft zoning code has been reviewed sequentially from beginning to end, except for the following chapters: 17.160 Glossary and coastal chapters. Staff summarized the direction provided by the Planning Commission to date in the minor edits list and discussion list (Attachments 2 and 3).

Part 1, Part 2, and a portion of Part 3 of the draft zoning code have been update to include the direction provided by the Planning Commission (Attachments 1, 2, & 3). The Planning Commission edits to the initial draft are shown in red. During the June 27, 2016 special meeting, the Planning Commission will review the redlines of the draft code and provide staff with additional edits and/or direction to prepare draft for positive recommendation to City Council.

It is anticipated that the following sections will be discussed during the June meetings:

Meeting Date	Sections to Be Reviewed
June 27	Part 1, Part 2, and Part 3 Redlines
Pending	17.44 Coastal Overlay Zone 17.64 Environmentally Sensitive Habitat Areas 17.68 Geological Hazards 17.92 Nonconforming Parcels, Uses, and Structures

	17.136 Minor Modifications 17.104 Wireless Communications Part 5 Glossary Part 4 Redlines Part 5 Redlines
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CEQA: An Addendum to the General Plan Update Environmental Impact Report has been prepared.

RECOMMENDATION: Accept the staff presentation, discuss Part 1 and Part 2 redlines of the draft zoning code, identify desired code revisions, and continue the public hearing to the July 21, 2016 meeting.

ATTACHMENTS:

1. Part 1 Draft Zoning Code Redlines
2. Part 2 Draft Zoning Code Redlines
3. Part 3 Partial 17.24-17.74 Draft Zoning Code Update
4. PC Discussion List
5. PC Edit List

Prepared By: Katie Cattan
Senior Planner

Chapter 17.04 – PURPOSE AND EFFECT OF ZONING CODE

Sections:

- 17.04.010 Title and Authority
- 17.04.020 Purpose of the Zoning Code
- 17.04.030 Relationship to the General Plan
- 17.04.040 Applicability of the Zoning Code

17.04.010 Title and Authority

Title 17 of the Capitola Municipal Code shall be known and cited as the “Capitola Zoning Code” and referred to in this title as “the Zoning Code.” The Zoning Code is adopted pursuant to the authority in Section 65850 of the California Government Code.

17.04.020 Purpose of the Zoning Code

- A. **General.** The purpose of the Zoning Code is to implement the General Plan and to protect the public health, safety, and welfare.
- B. **Specific.** The Zoning Code is intended to:
 1. Preserve and enhance Capitola’s small-town feel and coastal village charm.
 2. Ensure that all development exhibits high-quality design that supports a unique sense of place.
 3. Protect and enhance the quality of life in residential neighborhoods.
 4. Encourage active and inviting commercial and mixed-use areas.
 5. Support a vibrant, diverse, and dynamic local economy.
 6. Allow for a broad range of housing choices that meets the needs of all segments of the community.
 7. Protect and enhance natural resources that contribute to Capitola’s unique identity and scenic beauty.
 8. Maintain and enhance coastal access and visitor-serving facilities and services.
 9. Protect and preserve the Capitola’s historic resources.
 10. Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, ~~and~~ bicycles, and other forms of transportation.

17.04.030 Relationship to the General Plan

The Zoning Code implements the General Plan by regulating the use of land and structures in Capitola. If the Zoning Code conflicts with the General Plan, the General Plan governs.

17.04.040 Applicability of the Zoning Code

- A. Applicability to Property.** The Zoning Code applies to all land, uses, and structures within the Capitola city limits.
- B. Compliance with Regulations.** All uses, structures, and development activity in Capitola shall comply with the Zoning Code.
- C. Conflicting Regulations.** Where conflict occurs with other City regulations or with State or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive shall control unless otherwise specified in the Zoning Code or in State or federal law.

Chapter 17.08 – INTERPRETATION

Sections:

- 17.08.010 Purpose
- 17.08.020 Authority
- 17.08.030 Rules of Interpretation
- 17.08.040 Procedures for Interpretation/Determinations
- 17.08.050 Zoning Code Enforcement

17.08.010 Purpose

This chapter establishes rules and procedures for interpreting the Zoning Code to ensure that it is applied and enforced in a consistent manner.

17.08.020 Authority

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 meaning and applicability of all provisions in the Zoning Code.

17.08.030 Rules of Interpretation

A. General Rules. Rules of interpretation in Municipal Code Chapter 1.04 (General Provisions) apply to the Zoning Code. The following general rules also apply to the interpretation and application of the Zoning Code.

1. In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control.
2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation or that a non-economic hardship makes compliance infeasible. “May” is permissive.
4. The following conjunctions are interpreted as follows
 - a. “And” means that all items or provisions so connected apply.
 - b. “Or” means that all items or provisions so connected apply singularly or in any combination.
 - c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Code are those of Capitola unless otherwise noted.

- B. Calendar Days.** Numbers of days specified in the Zoning Code are continuous calendar days unless otherwise noted. Where the last of a number of days falls on a holiday or weekend, time limits are extended to the following working day.
- C. Land Use Regulation Tables.** Land use regulation tables in Part 2 (Zoning Districts and Overlay Zones) establish permitted land uses within each zoning district. Notations within these tables have the following meanings:
1. **Permitted Uses.** A “P” means that a use is permitted by right in the zoning district and is not subject to discretionary review and approval.
 2. **Administrative Permit.** An “A” means the use is permitted with the approval of an Administrative Permit.
 3. **Minor Use Permit.** An “M” means that a use requires approval of a Minor Use Permit.
 4. **Conditionally Permitted Uses.** A “C” means that a use requires approval of a Conditional Use Permit.
 5. **Uses Not Allowed.** A “-” means that a use is not allowed in the zoning district.



Note: Procedures and criteria for addressing unlisted land uses in Subsection D below are new.

- D. Unlisted Land Uses.** If a proposed land use is not listed in the Zoning Code, the use is not permitted except as follows:
1. An unlisted use is not permitted if the use is listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the zoning district within the land use table means that the use is prohibited in the zoning district.
 2. The Community Development Director may determine that an unlisted proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
 - a. The use is similar to other uses allowed in the zoning district.
 - b. The density or intensity of the use is similar to other uses in the zoning district.
 - c. The use is compatible with permitted or conditionally permitted uses in the zoning district.
 - d. The use will meet the purpose of the zoning district.
 - e. The use is consistent with the goals and policies of the General Plan.
 - f. The use will not be detrimental to the public health, safety, or welfare.
 3. When the Community Development Director determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Code.

E. Zoning Map Boundaries. Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys are construed to follow the centerlines.
2. Boundaries shown as approximately following platted lot lines are construed as following the lot lines.
3. Boundaries shown as approximately following city limits are construed as following city limits.
4. Boundaries shown following railroad lines are construed to be midway between the main tracks.
5. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the boundary are determined by the use of the scale appearing on the Zoning Map.
6. In case further uncertainty exists, the Community Development Director shall determine the exact location of the boundaries. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.

F. Parcels Containing Two or More Zoning Districts.

1. For parcels containing two or more zoning districts ("split zoning"), the location of the zoning district boundary shall be determined by the Community Development Director. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.
2. For parcels containing two or more zoning districts, the regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.

17.08.040 Procedures for Interpretation/Determinations



Note: Procedures for responding to Zoning Code interpretation requests in Section 17.08.040 are new.

A. Request for Interpretation. The Community Development Director shall respond in writing to written requests for interpretation of the Zoning Code if the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Code. The following procedures apply for a request for interpretation:

1. The request shall be in writing, shall identify the provision to be interpreted, and shall be accompanied by the fee identified in the latest Fee Schedule.

2. The request shall provide any information that the Director requires to assist in its review.
3. The Director shall respond to an interpretation request within 30 days of receiving the request.

B. Form and Content of Interpretation. Official interpretations prepared by the Director shall be in writing, and shall quote the Zoning Code provisions being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.

C. Official Record of Interpretations. An official record of interpretations shall be kept and updated regularly by the Community Development Department. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.

D. Referral to Planning Commission. The Director may refer any request for interpretation of the Zoning Code to the Planning Commission for review and interpretation.

E. Appeals. Any official interpretation prepared by the Director may be appealed to the Planning Commission. The Planning Commission's interpretation may be appealed to the City Council. Appeals shall be accompanied by the fee identified in the latest Fee Schedule.

17.08.050 Zoning Code Enforcement

Enforcement of the Zoning Code shall occur in a manner consistent with Capitola Municipal Code Title 4 (General Municipal Code Enforcement).

Chapter 17.12 – ZONING DISTRICTS AND MAP

Sections:

- 17.12.010 Purpose
- 17.12.020 Zoning Districts
- 17.12.030 Zoning Map

17.12.010 Purpose

This chapter identifies the zoning districts that apply to land within the Capitola city limits and establishes the official Capitola Zoning Map.

17.12.020 Zoning Districts

A. Base Zoning Districts. Capitola is divided into zoning districts that implement the General Plan Land Use Map as shown in Table 17.12-1.



Note: There have been some changes to existing zoning districts and overlay zones as shown in Table 17.12-1 and Table 17.12.-2. Changes include creating a new Neighborhood Mixed Use zoning districts for portions of Capitola Road, Bay Avenue, and Capitola Avenue, distinguishing between the Community Commercial and Regional Commercial zoning districts along 41st Avenue, deleting the Automatic Review overlay, and changing the Archaeological/Paleontological Resources overlay and Geological Hazards overlay into citywide standards.

TABLE 17.12-1: BASE ZONING DISTRICTS

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
Residential Zoning Districts		
R-1	Single-Family Residential <u>Single-Family</u>	Single-Family Residential (R-SF)
RM-L	Multi-Family Residential <u>Multi-Family</u> , Low Density	Multi-Family Residential (R-MF)
RM-M	Multi-Family Residential <u>Multi-Family</u> , Medium Density	
RM-H	Multi-Family Residential <u>Multi-Family</u> , High Density	
MH	Mobile Home Park	Mobile Home Park (MH)
Mixed-Use Zoning Districts		

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
MU-V	Village -Mixed Use, <u>Village</u>	Village Mixed-Use (MU-V)
MU-N	Neighborhood -Mixed Use, <u>Neighborhood</u>	Neighborhood Mixed-Use (MU-N)
Commercial and Industrial Zoning Districts		
C-C	Community -Commercial, <u>Community</u>	Community Commercial (C-C)
C-R	Regional -Commercial, <u>Regional</u>	Regional Commercial (C-R)
I	Industrial	Industrial (I)
Other Zoning Districts		
VS	Visitor Serving	Visitor Accommodations (VA)
CF	Community Facility	Public/Quasi-Public Facility (P/QP)
P/OS	Parks and Open Space	Parks and Open Space (P/OS)
PD	Planned Development	N/A

B. Overlay Zones. The Zoning Code and Zoning Map include the overlay zones shown in Table 17.12-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district.

TABLE 17.12-2: OVERLAY ZONES

Overlay Zone Symbol	Name of Overlay Zone
-AH	Affordable Housing
-VRU	Vacation Rental Use
-VR	Village Residential
-CZ	Coastal Zone

17.12.030 Zoning Map

A. Adoption. The City Council hereby adopts the Capitola Zoning Map (“Zoning Map”), which establishes the boundaries of all base zoning districts and overlay zones provided for in the Zoning Map.

- B. Incorporation by Reference.** The Zoning Map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the Zoning Code.
- C. Location.** 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 ~~and on the official City of Capitola website.~~

Chapter 17.16 – RESIDENTIAL ZONING DISTRICTS

Sections:

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

17.16.010 Purpose of the Residential Zoning Districts

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

B. Specific.

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

17.16.020 Land Use Regulations

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

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)



Note: Some land use terms in the existing Zoning Code have been changed in the updated Zoning Code to reflect current usage and State law. Despite this change, permitted land uses in the residential zoning districts have generally remained the same.

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

Key	Zoning District			Additional Regulations
	R-1	RM	MH	
P Permitted Use				
A Administrative Permit required				
M Minor Use Permit required				
C Conditional Use Permit required				
- Use not allowed				
Residential Uses				
Duplex Homes	-	P	-	
Elderly and Long Term Care	-	C	-	
Group Housing	-	P	-	
Mobile Home Parks	-	C	P [1]	Chapter 17.100
Multi-Family Dwellings	-	P	-	
Residential Care Facilities, Small	P	P	C [2]	
Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
Secondary Dwelling Units	A	A	-	Chapter 17.74
Single-Family Dwellings	P	P	C [2]	
Public and Quasi-Public Uses				
Community Assembly	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large	M	M	M	Section 17.96.070
Home Day Care, Small	P	P	P	
Parks and Recreational Facilities	-	C	C	
Schools, Public or Private	-	C	C	
Commercial Uses				
Bed and Breakfast	C	C	-	
Vacation Rentals	See Section 17.4032.0340			
Transportation, Communication, and Utility Uses				
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communications Facilities	See Chapter 17.104			
Other Uses				
Accessory Uses and Structure	P [3]	P [3]	P[3]	Chapter 17.52
Home Occupation	A	A	A	Chapter 17.96.040
Temporary Uses and Structures	M	M	-	Section 17.96.190
Urban Agriculture				
Home Gardens	P	P	P	

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

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

Notes:

- [1] May include offices incidental and necessary to conduct a mobile home park use.
- [2] Permitted on the mobile home park parcel or on a separate parcel of no less than 5,000 square feet.
- [3] An accessory structure that exceed the development standards of Chapter 17.52 requires a Conditional Use Permit.

B. Additional Permits. In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Certificate of Appropriateness pursuant to Chapter 17.84 (Historic Preservation).

17.16.030 Development Standards

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

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

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030.B.1	N/A	17.16.030.B 17.48.040
Parcel Coverage, Maximum	N/A	40%	
Parcel Area Per Unit, Minimum	N/A	<u>RM-L</u> : 4,400 sq. ft. <u>RM-M</u> : 2,900 sq. ft. <u>RM-H</u> : 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			17.48.030
Front	<u>Ground floor</u> : 15 ft. <u>Garage</u> : 20 ft. <u>Second story</u> : 20 ft.	15 ft.	17.16.030.B.3 Garage Setback
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

	R-1	RM	Additional Standards
Interior Side	<u>Ground floor</u> : 10% of parcel width; 3 ft. min.; 7 ft. max. <u>Second story</u> : 15% of parcel width	10% of parcel width	17.16.030.B. 4&5
Street Side, Corner Lots	10 ft.	10 ft.	17.16.030.B.3
Height, Maximum	25 ft.	<u>RM-L</u> : 30 ft. <u>RM-M</u> : 30 ft. <u>RM-H</u> : 35 ft.	17.16.030.B.6 & 7 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

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

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

1. **Floor Area Ratio.** Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district.

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

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50 [1]
5,001 to 6,000 sq. ft.	0.49 [1]
More than 6,000 sq. ft.	0.48 [1]

Notes:

[1] Parcels of 5,000 sq. ft. or more with approved second dwelling units are permitted a maximum FAR of 0.60 for all structures.

2. **Front Setbacks in Riverview Terrace.** Within the areas shown in Figure 17.16-1, the Planning Commission may approve a reduced front setback to reflect existing

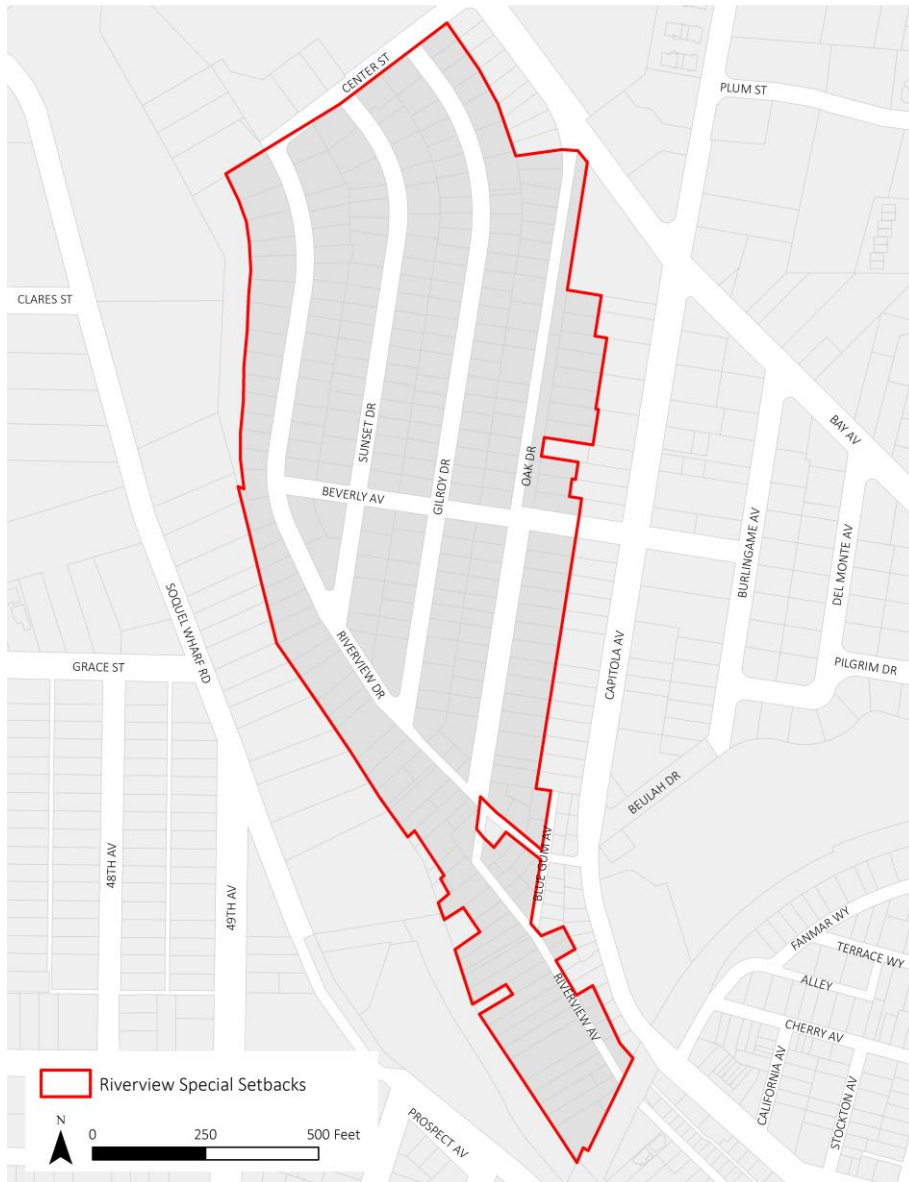
Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

front setbacks on neighboring properties within 100 feet on the same side of the street. The reduced front setback shall in all cases be no less than 10 feet.



Note: In the existing Zoning Code minimum front setbacks in Riverview Terrace may be reduced to the average of lots on same side of street within 500 feet of the subject property to a maximum of 10 feet. Paragraph 2 above allows minimum setbacks to be reduced to reflect existing front setbacks on neighboring properties on the same side of the street.

FIGURE 17.16-1: RIVERVIEW TERRACE

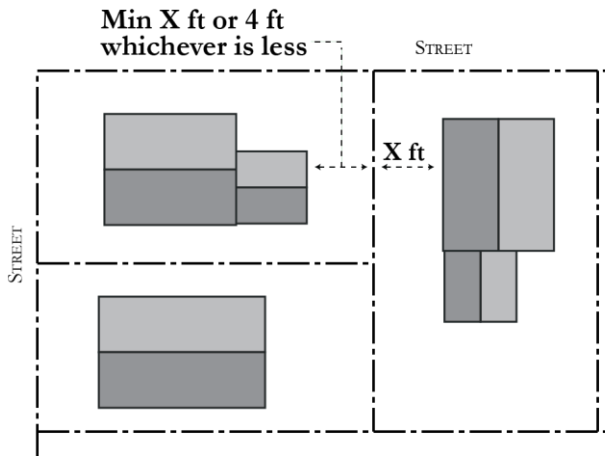


3. Garage Setbacks.

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

- a. Attached garages shall be setback a minimum of 5 feet behind the front or street side building wall of the primary structure. The Planning Commission may reduce this minimum setback to 3 feet in sidewalk exempt areas.
 - b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures).
4. **Corner Lots.** The minimum rear setback for reserve corner lots shall be the minimum interior side yard of the adjacent property, but no less than 4 feet. See Figure 17.16-2.

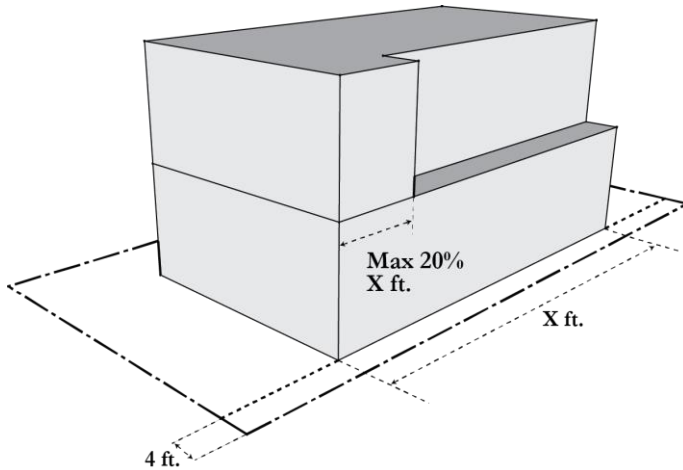
FIGURE 17.16-2: REVERSE CORNER LOT REAR SETBACK



5. **Second Story Setback Exceptions.** Second story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:
- a. For lots 30 feet wide or less, the minimum interior side setback for a second story is the same as for the ground floor.
 - b. Up to 20 percent of the length of an upper story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least 4 feet from the side property line. See Figure 17.16-3.

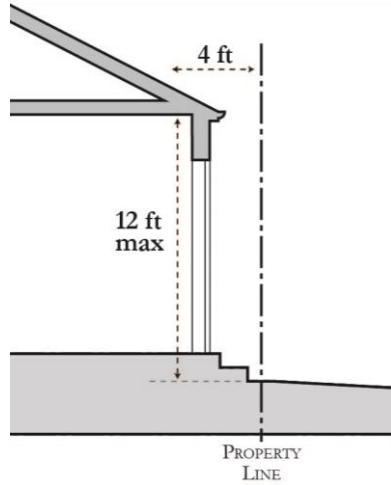
FIGURE 17.16-3: SECOND STORY SETBACK EXCEPTION

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)



Note: R-1 height exceptions in Paragraph 6 below are new.

6. **Height Exceptions.** A maximum height of up to 27 feet in the R-1 zoning district is allowed in the following circumstances:
- a. Additions to historic structures that is designed to match the roof pitch of the historic structure within the area of new addition.
 - b. Parcels greater than 6,000 sf in size.
 - c. Parcels with a width 60 feet or more.
 - d. Parcels with an average slope of 25 percent or greater.
 - e. —When the plate height of structure does not exceed 22 feet.
 - f. —~~Plate Height in Side Setback Areas. For portions of a building with four feet or less from an interior side property line, the maximum wall plate height is 12 feet. See Figure 17.16-4.~~

FIGURE 17.16-4: MAXIMUM PLATE HEIGHT

Note: Standards in Paragraph 8 below to allow decks and balconies with an Administrative Permit instead of a Design Permit are new.

C.—7. Decks and Balconies.

- 1.—~~Upper floor decks and balconies immediately adjacent to a street or public open space are allowed with an Administrative Permit and do not require a Design Permit. All other decks and balconies require Planning Commission approval of a Design Permit. on the side or rear of a residential structure that are not adjacent to public open space are allowed with an Administrative Permit if the deck or balcony is:~~
 - 2.—~~Located 10 feet or more from property line and 20 feet or more from another single family dwelling; and~~
 - 3.—~~Does not directly face a window, balcony, patio, or other usable open space of another single family dwelling.~~
- 4.7. ~~Decks and balconies that do not meet standards (1) and (2) above require Planning Commission approval of a Design Permit.~~

D.C. Additional Standards for RM Zoning Districts. The following additional standards apply in the RM zoning district.

1. **Single-Family Dwellings.** Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.
2. **Open Space.** Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-4.

TABLE 17.16-4: USABLE OPEN SPACE IN RM ZONING DISTRICT

Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

- [1] Common open space shall be fully landscaped and accessible to all residents.
- [2] Roof terraces and roof gardens may provide up to 50 percent of the required common open space area if the Planning Commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties.
- [3] The Planning Commission may allow reduced common open space to a minimum of 10 percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.
- [4] Private open space may include screened terraces, decks, balconies, and other similar areas



Note: The existing Zoning Code requires 50 percent of the required rear yard to be developed as common open space. Subsection C above requires 15 percent of the site area to be common open space. Ability to reduce common open space is new to provide flexibility for smaller infill projects.

E.D. Standards for the MH Zoning District. Table 17.16-5 identifies development standards that apply in the Mobile Home (MH) zoning district.

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

TABLE 17.16-5 MH ZONING DISTRICT DEVELOPMENT STANDARDS

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is 5 acres. For existing mobile home parks, the minimum parcel size is 5 acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.



Note: Minimum setbacks for the perimeter of the mobile home park in Table 17.16-5 above are new.

Chapter 17.20 – MIXED USE ZONING DISTRICTS

Sections:

17.20.010 Purpose of the Mixed Use Zoning Districts

17.20.020 Land Use Regulations

17.20.030 Development Standards – Mixed Use Village Zoning District

17.20.040 Development Standards – Mixed Use Neighborhood Zoning District

~~17.20.010 Purpose of the Mixed Use Zoning Districts~~

~~17.20.020 Land Use Regulations~~

~~17.20.030 Development Standards~~

~~17.20.040~~17.20.010 Purpose of the Mixed Use Zoning Districts

A. General. The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Capitola with a diversity of residential and commercial land uses. In the mixed use zoning districts development supports a lively, pedestrian-friendly public realm with inviting storefronts facing the sidewalk. A diversity of local and independent businesses, recreational amenities, and public spaces balance the needs of residents and visitors. New development respects Capitola's history and reflects its unique coastal village character. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts supports a range of transportation choices, including walking, biking, and transit.

B. Specific.

1. ~~Village~~**Mixed Use, Village (MU-V) Zoning District.** The purpose of the MU-V zoning district is to preserve and enhance Capitola Village as the heart of the community. A diversity of commercial, residential, and recreational uses in the MU-V zoning district serve both visitors and residents. Land uses and development enhance the vitality of the Village while maintaining a high quality of life for residents. A fine-grain mix of retail, restaurants, services, and recreational amenities in the MU-V zoning district cater to all ages and support year-round activity during the day and night.
2. ~~Neighborhood~~**Mixed Use, Neighborhood (MU-N) Zoning District.** The purpose of MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents' quality of life. The MU-N zoning districts contain an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to non-residential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district ~~is~~will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue.

~~17.20.050~~17.20.020 Land Use Regulations

A. Permitted Land Uses. Table 17.20-1 identifies land uses permitted in the mixed use zoning districts.



Note: Permitted land uses in the mixed use zoning districts have been revised to better reflect the purpose of the zoning districts. New Minor Use Permit required for uses that need discretionary review but may not need a Planning Commission hearing.

TABLE 17.20-1: PERMITTED LAND USES IN THE MIXED USE ZONING DISTRICTS

Key P Permitted Use A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zoning District		Additional Regulations
	MU-V	MU-N	
Residential Uses			Section 17.20.020.B & C
Duplex Homes	P/C [1]	P	
Elderly and Long Term Care	C	C	
Group Housing	C	C	
Multi-Family Dwellings	P/C [1]	C	
Residential Care Facilities, Small	C	P	
Residential Care Facilities, Large	C	C	Section 17.96.080
Residential Mixed Use	See Section 17.20.020.D	C	
Secondary Dwelling Units	MA	AM	Chapter 17.74
Single-Family Dwellings	C [3]	P	
Public and Quasi-Public Uses			
Community Assembly	C	C	
Cultural Institutions	C	C	
Day Care Centers	M	M	
Government Offices	P/C [1]	M	
Home Day Care, Large	M	M	Section 17.96.070
Home Day Care, Small	P	P	
Medical Offices and Clinics	-	M	
Parks and Recreational Facilities	C	C	
Public Safety Facilities	C	C	
Schools, Public or Private	-	C	
Commercial Uses			
Alcoholic Beverage Sales	C	C	
Banks and Financial Institutions	C	P [2]	
Commercial Entertainment and Recreation	C	C	
Eating and Drinking Places			
Bars and Lounges	C	C	
Restaurants and Cafes	C	C	
Take-Out Food and Beverage	M	M	
Gas and Service Stations	-	-	
Lodging			
Bed and Breakfast	C	C	
Hotels and Motels	C	C	

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

Key	Zoning District		
	MU-V	MU-N	Additional Regulations
P Permitted Use A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required – Use not allowed			
Personal Services	P	P [2]	
Professional Offices	P/C [1]	M	
Retail	P	P [2]	
Vacation Rental	See Chapter 17.40.030		
Transportation, Communication, and Utility Uses			
Utilities, Major	C	C	
Utilities, Minor	P	P	
Wireless Communications Facilities	See Chapter 17.104		
Other Uses			
Accessory Uses and Structures	See Chapter 17.52		Chapter 17.52
Home Occupations	A	A	Section 17.96.040
Temporary Uses and Structures	See Section 17.96.170		
Urban Agriculture			
Home Gardens	P	P	
Community Gardens	M	M	
Urban Farms	C	C	

Notes:

- [1] Second and third floor uses permitted by-right. Ground floor uses require a Conditional Use Permit.
- [2] Larger than 3,000 sq. ft. requires a Conditional Use Permit.
- [3] Permitted by-right in the Village Residential overlay zone

B. Village Residential Overlay. Pursuant to Section 17.40.040 (Village Residential (-VR) Overlay Zone), only residential uses are permitted in the -VR overlay zone. The Village Residential (-VR) overlay zone applies to the following areas within the MU-V zoning district as shown on the Zoning Map: Six Sisters, Venetian Court, Wharf Road, Lawn Way, Riverview Avenue, Cliff Drive, ~~and~~ Cherry Avenue, San Jose Avenue, Park Place, and California Avenue.

C. Ground Floor Conversions to Residential. Existing ground floor commercial uses in the MU-V zoning district may not be converted to a residential use unless located in the Village Residential (-VR) overlay zone.

D. Residential Mixed Use in the MU-V Zoning District.

1. If a proposed residential mixed use project in the MU-V zoning district contains any use that requires a Conditional Use Permit, the entire project, including the residential use, requires a Conditional Use Permit.
2. If a proposed residential use replaces an existing upper floor commercial use, the residential use is allowed by-right.

~~17.20.060~~ **17.20.030** Development Standards – Mixed Use Village Zoning District

A. General. Table 17.20-2 identifies development standards that apply in the ~~m~~**Mixed** ~~u~~**Use Village (MU-V)** zoning districts.



Note: ~~Minimum parcel dimensions, area, and maximum front setbacks in Table 17-20-2 below are new.~~

TABLE 17.20-2: DEVELOPMENT STANDARDS IN THE MIXED USE VILLAGE (MU-V) ZONING DISTRICTS

	Zoning District MU-V MU-N	Additional Standards
Site Requirements		
Floor Area Ratio, Maximum	2.0	Section 17.20.030.CE <u>Chapter 17.88</u>
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		
Front	<u>Min:</u> 0 ft. <u>Max:</u> 15 ft.	Section 17.20.030.D
Rear	None [12]	
Interior Side	None	
Street Side	<u>Min:</u> 0 ft. <u>Max:</u> 15 ft.	
Height, Maximum	27 ft.	Section 17.20.030.B & C Section 17.48.020 <u>Chapter 17.88</u>
Accessory Structures	See Chapter 17.52	

Notes:

- [1] 20% of lot depth for residential use on parcel.
- ~~[2] The Planning Commission may approve reduced front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue.~~
- ~~[3] The Planning Commission may reduce front, side, and rear setbacks when a parcel is adjacent to commercial along the side and rear property lines and when the parcel width or depth is significantly less than typical parcels within the zoning district.~~



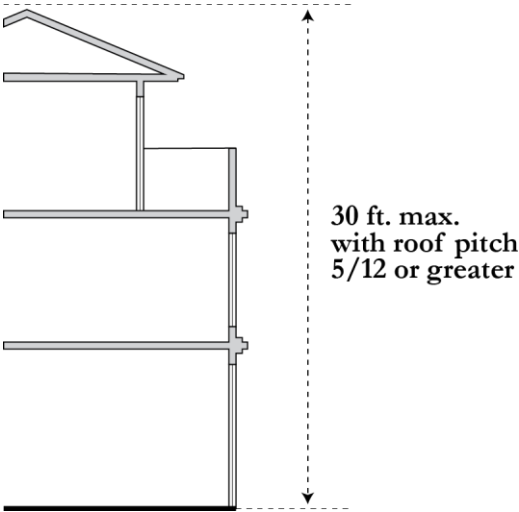
Note: MU-V height exceptions to allow up to 30 feet in subsection B below are new.

B. ~~MU-V~~ Height Exceptions. The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

- 1. Up to 30 feet for habitable space with a roof pitch of at least 5/12. See Figure 17.20-1.
- 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C

FIGURE 17.20-1: INCREASED HEIGHT IN THE MU-V ZONING DISTRICT



C. Increased Floor Area And Height for the Capitola Theater Site. As provided in Chapter 17.88 (Incentives for Community Benefits), the City Council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APN 035-262-04). These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the General Plan.

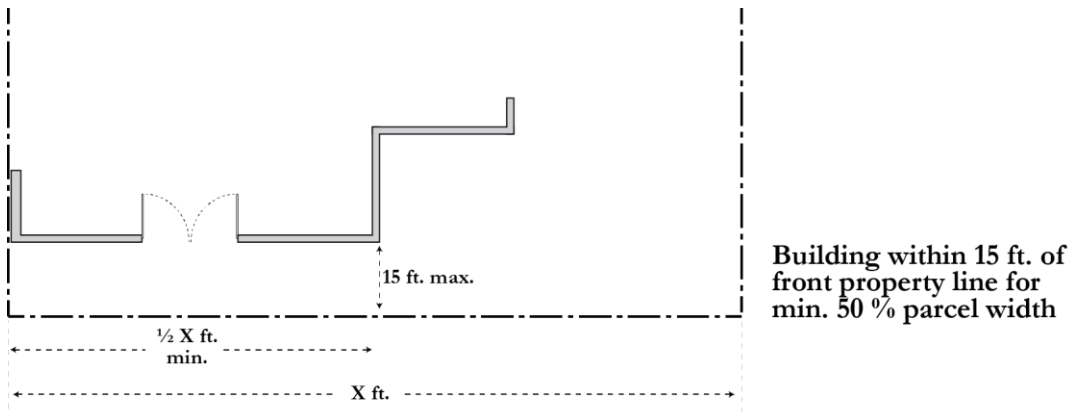


Note: Minimum build-to requirements in the MU-V zoning district in subsection D below are new.

D. Setbacks in the MU-V Zoning District. The following setback standards apply to all new structures in the MU-V zoning district.

1. Building should be constructed within 15 feet of the front property line for a minimum of 50 percent of the parcel’s linear street frontage. See Figure 17.20-7. The Planning Commission may modify or waive this requirement upon finding that:
 - a. Compliance with the build-to width requirement would render the proposed project infeasible;
 - b. The project incorporates a front-facing courtyard of public seating area; or
 - c. An alternative site design would result in an enhanced pedestrian experience.

FIGURE 17.20-7: BUILD TO LINE – MU-V ZONING DISTRICT



Building within 15 ft. of front property line for min. 50 % parcel width

2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.
3. Structures shall be setback a minimum of 10 feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.

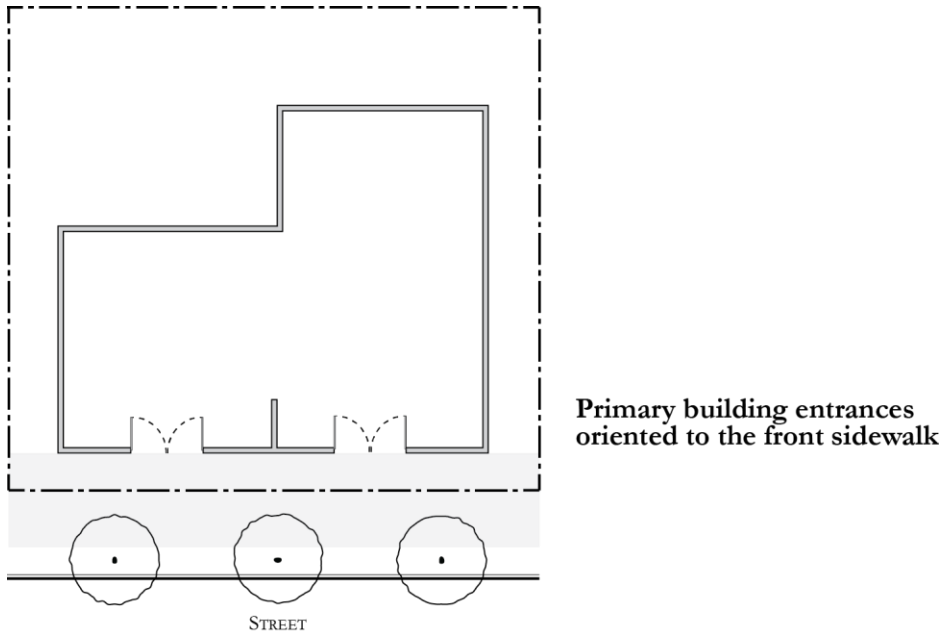


Note: Design standards for the ~~M~~ixed ~~u~~se Village zoning districts in subsection C below are new.

C.E. General Design Standards. The following standards apply to all new buildings and additions ~~with~~in the MU-V ~~and MU-N~~ zoning districts, excluding the Village Residential Overlay.

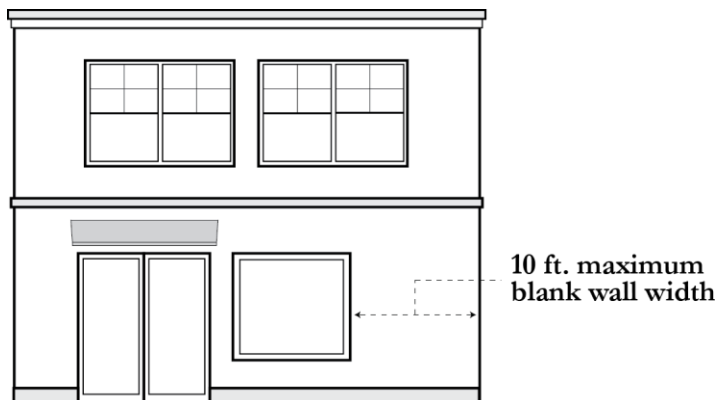
1. **Building Orientation.** Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. See Figure 17.20-2.

FIGURE 17.20-2: BUILDING ORIENTATION



2. **Blank Walls.** The maximum length of an unarticulated/blank building wall fronting a public street shall be 10 feet. See Figure 17.20-3. Building articulation may be provided by:
 - a. Doors, windows, and other building openings;
 - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
 - c. Varying wall planes, heights or contrasting materials and colors; and
 - d. Awnings, canopies or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

FIGURE 17.20-3: BLANK WALL LIMITATIONS



- 3. **Storefront Width.** The maximum building/storefront width shall be 25 feet. See Figure 17.20-4. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual building bay widths of 25 feet.

FIGURE 17.20-4: STOREFRONT WIDTH



- 4. **Ground Floor Building Transparency.**
 - a. The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. See Figure 17.20-5. Ninety percent of the transparent windows or doors area shall remain clear to allow views into the building.

FIGURE 17.20-5: STOREFRONT TRANSPARENCY



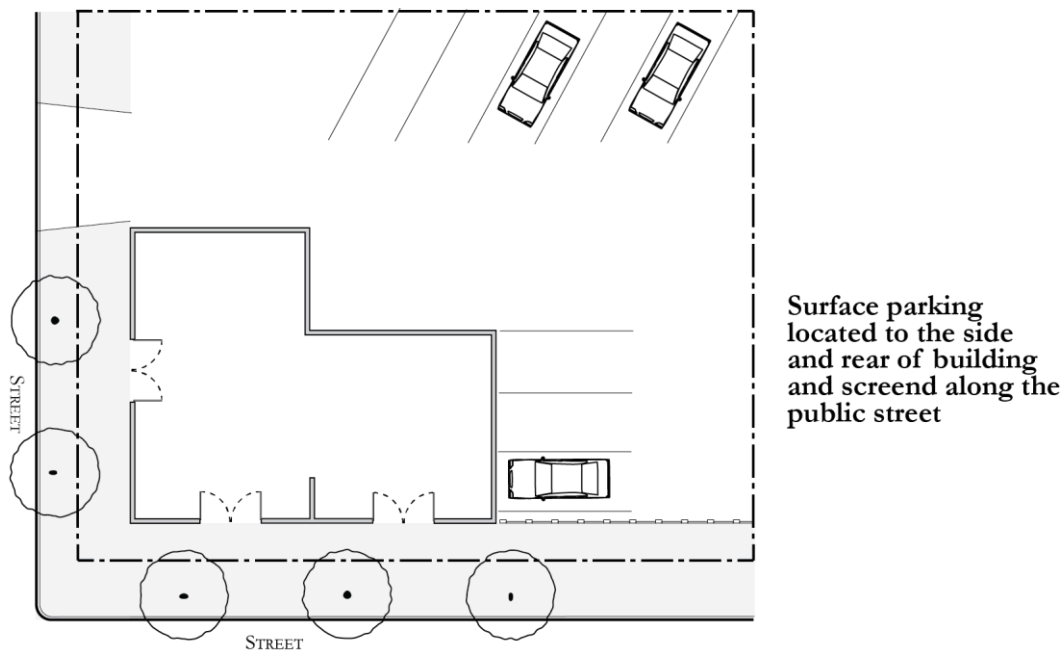
Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

- b. Exceptions to this transparency requirement may be allowed with a Design Permit if the Planning Commission finds that:
 - (1) The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; and
 - (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. Parking Location and Buffers.

- a. Surface parking shall be located to the rear or side of buildings. Surface parking may not be located between a building and a street-facing property line. See Figure 17.20-6.
- b. Surface parking adjacent to a street-facing property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, and/or landscaping at least 3 feet in height.
- c. Loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way, as determined by the Community Development Director.

FIGURE 17.20-6: PARKING LOCATION



6. Driveways and Curb Cuts.

- a. New driveways shall comply with the dimension standards shown in Table 17.20-3 (Driveway Dimension Standards). The Community Development Director may approve exceptions to these standards in the case of shared or joint use of driveways and parking lots.

TABLE 17.20-3: DRIVEWAY DIMENSION STANDARDS

Driveway Type	Driveway Width	
	Minimum	Maximum
1-way	8 ft.	12 ft.[1]
2-way	20 ft.	25 ft. [1].

Note: [1] Driveways shall not exceed 40% of parcel width.

b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the Community Development Director.

7. Paved Site Areas.

- a. The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site.
- b. The use of asphalt for on-site paving is prohibited, except when used for parking areas and vehicle circulation.

~~D.~~



~~Note: Minimum build-to requirements in the MU-V zoning district in subsection D below are new.~~

~~**Setbacks in the MU-V Zoning District.** The following setback standards apply to all new structures in the MU-V zoning district.~~

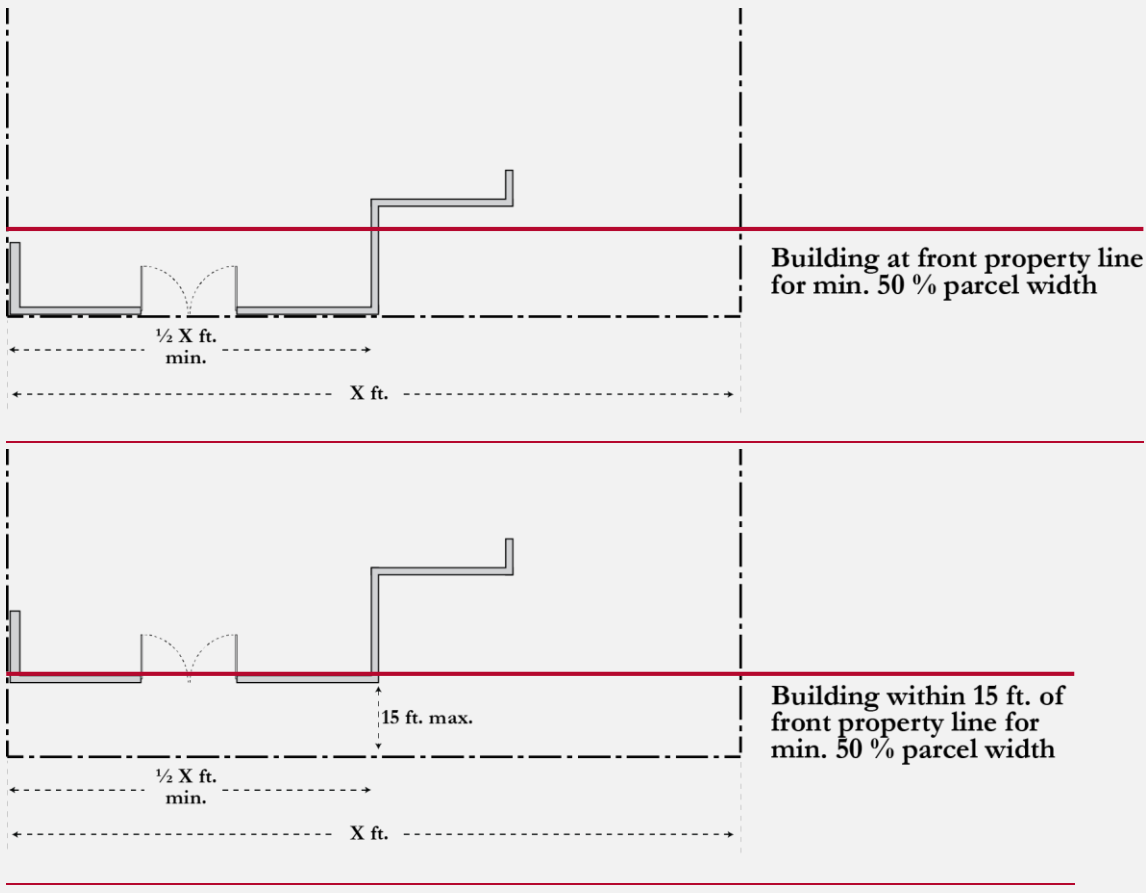
~~Building shall be constructed at within 15 feet of the front property line for a minimum of 50 percent of the parcel's linear street frontage. See Figure 17.20-7. The Planning Commission may modify or waive this requirement upon finding that:~~

~~Compliance with the build-to width requirement would render the proposed project infeasible;~~

~~The project incorporates a front-facing courtyard of public seating area; or~~

~~An alternative site design would result in an enhanced pedestrian experience.~~

FIGURE 17.20-7: BUILD TO LINE – MU-V ZONING DISTRICT



~~Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.~~

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

~~Structures shall be setback a minimum of 10 feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.~~

~~**E.A. Setbacks in the MU-N Zoning District.** Front setback areas in the MU-N Zoning District shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.~~



Note: Height and FAR standards exception for the Village hotel are new to implement General Plan policies.

~~**F. Height and FAR Standards for the Village Capitola Theater Site.** As provided in Chapter 17.88 (Incentives for Community Benefits), Hotel~~

~~**G. General.** The City Council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for a hotel on the former Village Capitola Theater site (APN 035-262-04) in the MU-V zoning district. These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the General Plan.~~

~~Maximum FAR. The City Council may allow a maximum FAR of 3.0 for a proposed hotel on the former Village Capitola Theater site.~~

~~Height. The City Council may allow an exception to the 27-foot height limit for a proposed hotel on the former Village Capitola Theater site, provided that:~~

~~The maximum height of the hotel remains below the elevation of the bluff behind the hotel; and
The bluff behind the hotel remains visible from the Capitola wharf as a green edge with existing mature trees maintained on site.~~

~~Basis for Approval. To approve increased FAR and/or height, the City Council must make all of the following findings:~~

~~The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.~~

~~The additional height and/or FAR allows for a superior project with substantial community benefit.~~

~~The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.~~

~~The hotel design minimizes impacts to public views of the beach and Village from vantage points outside of the Village.~~

~~Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian oriented destination.~~

~~The project is designed to minimize adverse impacts to neighboring properties to the greatest extent possible.~~

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

17.20.040 Development Standards – Mixed Use Neighborhood Zoning District

A. General. Table 17.20-42 identifies development standards that apply in the Mixed Use Neighborhood (MU-N) zoning districts.

Note: Minimum parcel dimensions and maximum front setbacks in Table 17-20-2 below are new.



TABLE 17.20-42: DEVELOPMENT STANDARDS IN THE MIXED USE ZONING DISTRICTS

	Zoning District	Additional Standards
	MU-N	
Site Requirements		
Parcel Area, Minimum [1]	3,200 sq. ft.	
Parcel Width, Minimum [1]	40 ft.	
Parcel Depth, Minimum [1]	80 ft.	
Floor Area Ratio, Maximum	1.0	
Parking and Loading	See Chapter 17.76	
Structure Requirements		
Setbacks		
Front	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater Max: 25 ft.	Section 17.20.0340.CD
Rear	10 ft. min. from property line [2] [3] [4]	
Interior Side	10% of lot width [3] [4]	
Street Side	Min: 0 ft. from property line or 10 ft. from curb, whichever is greater Max: 25 ft.	
Height, Maximum	27 ft.	Section 17.20.0430.B Section 17.48.0420.D
Accessory Structures	See Chapter 17.52	

Notes:

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

[2] 20% of lot depth for residential use on parcel.

[3] The Planning Commission may approve reduced front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue.

[4] The Planning Commission may reduce front, side, and rear setbacks when a parcel is adjacent to commercial along the side and rear property lines and when the parcel width or depth is significantly less than typical parcels within the zoning district.

B. Building Orientation.

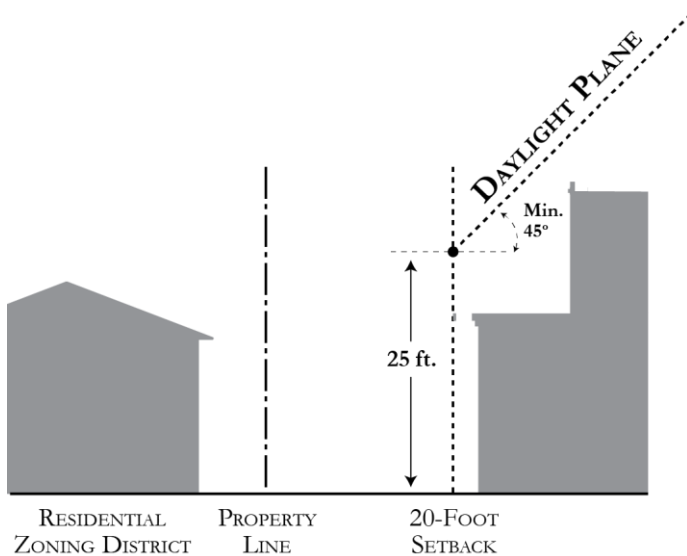
- Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk.

2. The Planning Commission may grant an exception to the requirement in paragraph 1 above upon finding that unique conditions on the site require an alternative building orientation and that the proposed project would maintain a pedestrian-friendly and active street frontage to the greatest extent possible.

C. Setbacks in the MU-N Zoning District. Front setback areas in the MU-N Zoning District not used for vehicle parking or circulation shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.

D. Residential Transitions – Daylight Plane. When a property abuts a residential zoning district, no structure shall extend above or beyond a daylight plane having a height of 25 feet at the setback from the residential property line and extending into the parcel at an angle of 45 degrees. See Figure 17.20-8.

FIGURE 17.20-8: RESIDENTIAL TRANSITIONS – DAYLIGHT PLANE



E. Parking Location and Buffers. Surface parking shall be located to the rear or side of buildings where possible. When parking is located between a building and a street-facing property line, the parking shall be either:

1. Screened along the street with a decorative wall, hedge, trellis, and/or landscaping at least 3 feet in height; or
2. Designed to minimize visual impacts and support a pedestrian-friendly environment to the greatest extent possible as determined by the Planning Commission.

F. Driveways and Curb Cuts.

1. New driveways shall comply with the dimension standards shown in Table 17.20-5 (Driveway Dimension Standards). The Community Development Director may

approve exceptions to these standards in the case of shared or joint use of driveways and parking lots.

TABLE 17.20-5: DRIVEWAY DIMENSION STANDARDS

<u>Driveway Type</u>	<u>Driveway Width</u>	
	<u>Minimum</u>	<u>Maximum</u>
<u>1-way</u>	<u>8 ft.</u>	<u>12 ft.[1]</u>
<u>2-way</u>	<u>20 ft.</u>	<u>25 ft. [1].</u>

Note: [1] Driveways shall not exceed 40% of parcel width.

- a. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the Community Development Director. ~~Setbacks in the MU-N Zoning District. Front setback areas in the MU-N Zoning District not used for vehicle parking or circulation shall be pedestrian oriented and shall be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.~~

Chapter 17.24 – COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the Commercial and Industrial Zoning Districts
- 17.24.020 Land Use Regulations
- 17.24.030 Development Standards
- 17.24.040 Residential Mixed Use Development in Commercial Zoning Districts

17.24.010 Purpose of the Commercial and Industrial Zoning Districts

- A. Community Commercial (C-C) Zoning District.** The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district is compatible with adjacent neighborhoods and contributes to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district support a diverse local economy and range of housing choices.
- B. Regional Commercial (C-R) Zoning District.** The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district maintains a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses are restricted ~~in prime retail locations~~ to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district enhance the corridor as a pedestrian-friendly shopping destination that enhance Capitola's unique identity and quality of life.
- C. Industrial (I) Zoning District.** The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for non-residential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district accommodates businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola.

17.24.020 Land Use Regulations

- A. Permitted Land Uses.** Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts.



Note: Permitted land uses in the commercial and industrial zoning districts have been revised to better reflect the purpose of the zoning districts. New Minor Use Permit required for uses that need discretionary review but may not need a Planning Commission hearing.

TABLE 17.24-1: PERMITTED LAND USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

Key P Permitted Use A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zoning District			Additional Requirements
	C-C	C-R	I	
Residential Uses				
Multi-Family Dwellings	C	C [5]	-	
Residential Mixed Use	C	C	-	17.2496.040140
Public and Quasi-Public Uses				
Colleges and Trade Schools	C	C	C	
Community Assembly	C	C	-	
Cultural Institutions	C	C	-	
Day Care Centers	C	C	-	
Emergency Shelters	-	-	P	17.96.030
Government Offices	See 17.24.020.C		C	
Medical Offices and Clinics	See 17.24.020.C		-	
Public Safety Facilities	C	C	C	
Commercial Uses				
Alcoholic Beverage Sales	C	C	C	
Banks and Financial Institutions	P [2]	P [2]	-	
Business Services	P [2]	P [2]	P	
Commercial Entertainment and Recreation	M	M	-	
Drive-Through Facilities	C [4]	C [4]	-	
Eating and Drinking Establishments				
Bars and Lounges	C	C	-	
<u>Mobile Food Vendors</u>	=	=	<u>C</u>	
Restaurants and Cafes	M [2]	M [2]	-	
Take-Out Food and Beverage	M [2]	M [2]	-	
Food Preparation	M [2]		P	
Gas and Service Stations	C	C	-	
Liquor Stores	C	C	-	
Lodging				
Bed and Breakfast	C	-	-	
Hotel	C	C	-	
Maintenance and Repair Services	M	C	P	
Personal Services	P [1]	P [1]	-	
Professional Offices	See 17.24.020.C		P	
Salvage and Wrecking	-	-	P	

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

Self-Storage	C		C	17.96.150
Retail	P	P	-	
Vehicle Repair	C	C	P	
Vehicle Sales and Rental	C	C	-	
Wholesaling	-	M [3]	P	
Heavy Commercial and Industrial Uses				
Construction and Material Yards	-	-	P	
Custom Manufacturing	M	M	P	
Light Manufacturing	-	-	P	
Warehousing and Distribution	-	-	P	
Transportation, Communication, and Utility Uses				
Utilities, Major	-	C	C	
Utilities, Minor	P	P	P	
Recycling Collection Facilities	C	C	C	Section 17.976.130
Wireless Communications Facilities	See 17.104			
Other Uses				
Accessory Uses	See 17.52			
Home Occupations	A	A	-	Chapter 17.96.040
Temporary Uses	See 17.76.190			
Urban Agriculture				
Home Garden	P	P	-	
Community Garden	M	M	-	
Urban Farm	C	C	-	

Notes:

- [1] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Minor Use Permit
- [2] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Conditional Use Permit
- [3] Without stock. Storage of merchandise limited to samples only.
- [4] Prohibited within 100 feet of a residential zoning district or residential use.
- [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 be located and designed to maintain a primarily commercial character and function on the site.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Certificate of Appropriateness pursuant to Chapter 17.84 (Historic Preservation).



Note: Limitations on office uses in subsection C below are new.

C. Office Uses in the C-C and C-R Zoning Districts. In the C-C and C-R zoning districts, permits required for office uses, including professional, medical, banks, financial institutions and governmental offices, are shown in Table 17.24-2.

TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS

Location and Size of Office Use	C-C Zoning District	C-R Zoning District
Conversion of a retail use to an office use	N/A	C
Ground floor, less than 5,000 sq. ft.	P	C
Ground floor, 5,000 sq. ft. or more	C	C
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	P

17.24.030 Development Standards

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts.

TABLE 17.24-3: DEVELOPMENT STANDARDS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0	1.5	0.5	17.24.030.C <u>17.88</u>
Residential Density, Maximum	20 du/acre		N/A	
Structure Requirements				
Setbacks, Minimum				
Front	See 17.24.030.B		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see 17.24.030.D)			
Interior Side	0 ft. unless adjacent to a residential zoning district (see 17.24.030.D)			
Street Side	See 17.24.030.B		0 ft.	
Height, Maximum	40ft.	40 ft.	30 ft.	17.24.030.C & D
Landscaped Open Space, Minimum	5%		4% Δs determined by the permit approval process	<u>Table 17.72-1</u>
Parking and Loading	See 17.76			

Notes:

[1] 15 ft. min. from property line abutting a residential zoning district.

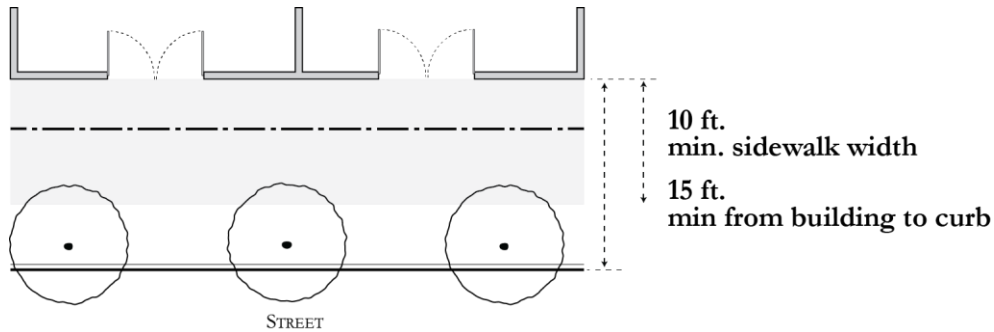
B. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be setback from the front and street side property line so that:

1. The building is at least 15 feet from the curb or street edge; and
2. Building placement allows for a minimum 10-foot sidewalk along the property frontage. See Figure 17.24-1.



Note: The existing Zoning Code requires front setbacks of 15 feet from the property line. Subsection B above requires front setbacks of 15 feet from the curb or street edge.

FIGURE 17.24-1: FRONT AND STREET SIDE SETBACKS IN THE C-R AND C-C ZONING DISTRICTS



C. Increased Floor Area and Height in C-C and C-R Zoning Districts.



Note: Section 17.27.080 in the existing Zoning Code allows the City Council to approve height exceptions with no specified limit. This section establishes increased floor area and height allowances consistent with General Plan policies and adds [in Chapter 17.88](#) an upper limit for height exceptions.

1. **General.** [As provided in Chapter 17.88 \(Incentives for Community Benefits\)](#), ~~the~~ City Council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-2 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the General Plan.
 - ~~0. **Increased FAR.** The City Council may allow an increased FAR up to a maximum of 2.0 for proposed development projects in the C-C and C-R zoning districts. To be eligible for an increased FAR, properties must front 41st Avenue or the 41st Avenue/Capitola Road intersection or be part of the Capitola Mall site. Structures on parcels fronting the east side of 41st Avenue that apply for the increased FAR must be set back a minimum of 100 feet from a property line abutting a residential property.~~
 - ~~0. **Increased Height.** The City Council may allow an exception to the 40-foot height limit in the C-R and C-C zoning districts up to maximum of 50 feet.~~
 - ~~0. **Community Benefit Required.** To be eligible for increased FAR or height in the C-C and C-R zoning districts, a project must provide a substantial community benefit consistent with Chapter 17.88 (Incentives for Community Benefits).~~
 - ~~0. **Planning Commission Recommendation.** At a noticed public hearing the Planning Commission shall provide a recommendation to the City Council on any request for increased FAR or height in the C-C and C-R zoning districts.~~

~~0. **Basis for Approval.** To approve increased FAR or a height exception in the C-C and C-R zoning districts, the City Council must make all findings specified in Section 17.88.080 (Findings) in Chapter 17.88 (Incentives for Community Benefits). The City Council may approve increased FAR or a height exception only for projects that provide a substantial community benefit, enhance the economic vitality of the 41st Avenue corridor, and minimize adverse impacts to neighboring properties as required by General Plan Action LU-9.3.~~

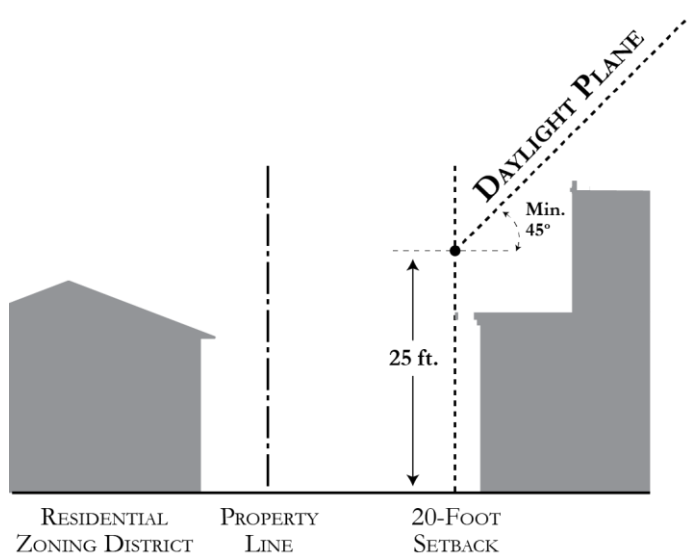
1.D. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply.



Note: Daylight plane requirement in paragraph 2 below is new.

1. **Setbacks.** The minimum setback from the residential property line shall be 15 feet for interior side yards and 20 feet for rear yards.
2. **Daylight Plane.** No structure shall extend above or beyond a daylight plane having a height of ~~20~~ 25 feet at the setback from the residential property line and extending into the parcel at an angle of 45 degrees. See Figure 17.24-2.
3. **Landscaping.** A landscaped planting area, extending a minimum of 10 feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.

FIGURE 17.24-2: RESIDENTIAL TRANSITIONS – DAYLIGHT PLANE



4. **Loading.** Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading provided from the commercial frontage rather than from areas adjacent residential uses.

E. Capitola Mall Redevelopment. Any major redevelopment of the Capitola Mall, as determined by the Community Development Director, shall require the preparation and approval of a Specific Plan.

17.24.040 Residential Mixed Use Development in Commercial Zoning Districts

Note: Standards for residential mixed use development in commercial zoning districts in this section are new.

A. Purpose and Applicability. This section establishes design standards for vertical mixed use development with housing above ground floor commercial uses in the Community Commercial (C-C) and Regional Commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola.

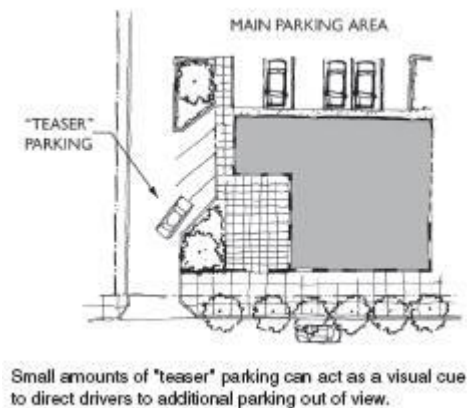
B. Standards.

1. **Ground Floor Uses.** Ground floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.
2. **Building Placement.** Buildings shall be placed near the edge of the sidewalk. At all times there shall be at least 10 feet between the building wall and edge of sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.
3. **Building Orientation.** Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The Planning Commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.
4. **Blank Walls.** The length of an unarticulated/blank building wall shall not exceed 10 feet. Architectural articulation should have similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:

 - a. Doors, windows, and other building openings;
 - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
 - c. Varying wall planes, heights or contrasting materials and colors; and
 - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. **Storefront Width.** The width of a single building/storefront shall not exceed 50 feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual building bay width of 25 to 50 feet.
6. **Ground Floor Building Transparency.** The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. 65 percent of the transparent windows or doors area shall remain clear to allow views into the building. Exceptions to this transparency requirement may be allowed if the Planning Commission finds that:
 - a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; or
 - b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.
7. **Retail Depth.** Ground floor commercial space shall have a depth of at least 45 feet or two-thirds of the parcel depth, whichever is less. Where possible, 60-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The Planning Commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.
8. **Ground-Floor Height.** Ground floor commercial space shall have a minimum floor-to-floor height of 15 feet. Where possible, 18-foot floor-to-floor heights are encouraged.
9. **Parking Location.** No more than 10 percent of off-street retail parking may be provided ~~in front~~ along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking.

FIGURE 17.24-3: RESIDENTIAL MIXED USE – TEASER PARKING



10. **Driveways and Curb Cuts.** Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to 24 feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

~~Capitola Mall Redevelopment. Any major redevelopment of the Capitola Mall, as determined by the Community Development Director, shall require the preparation and approval of a Specific Plan.~~

Chapter 17.32 – SPECIAL PURPOSE ZONING DISTRICTS

Sections:

- 17.32.010 Purpose of the Special Purpose Zoning Districts
- 17.32.020 Land Use Regulations
- 17.32.030 Development Standards

17.32.010 Purpose of the Special Purpose Zoning Districts

- A. Community Facility (CF).** The CF zoning district provides areas for public and community facilities serving Capitola residents and visitors. Land uses permitted in the CF zoning district include public uses such as governmental offices, police and fire stations, community centers, schools, libraries, and other similar uses. The CF zoning district implements the Public/Quasi-Public land use designation in the General Plan.
- B. Parks and Open Space (P/OS).** The P/OS zoning district provides parks, recreational facilities, and open space for the use and enjoyment of the community. The P/OS zoning district also protects and preserves environmentally sensitive natural areas and habitat in Capitola. The P/OS zoning district implements the Parks and Open Space land use designation in the General Plan.

17.32.020 Land Use Regulations

- A. Permitted Uses.** Table 17.32-1 identifies land uses permitted in the CF and P/OS zoning districts.
- B. Commercial Uses in the P/OS Zoning Districts.** Commercial uses that are accessory to a permitted use in in the P/OS zoning district are permitted with a Conditional Use Permit.
- C. Visitor Accommodations in New Brighten State Beach.** Visitor accommodations and campground uses are permitted in the New Brighten State beach ~~at a maximum intensity of three units per gross lot area.~~
- D. P/OS Standards.** The following standards apply to uses in the P/OS zoning district.
 1. Any structure, land use, or removal of vegetation or natural materials that in the opinion of the Planning Commission is inconsistent with the purpose of the P/OS zoning district is prohibited.
 2. Development shall be subordinate to its recreational, scenic, or natural resource purpose consistent with the Local Coastal Program (LCP). Natural resource protection shall include protection of arroyos, creeks and riparian corridors, woodlands and other environmentally sensitive habitat.
 3. No new permanent structures are permitted on the open, sandy beach area of Capitola except for facilities required for public health and safety (e.g., lifeguard stands, approved beach erosion control structures).

TABLE 17.32-1: PERMITTED LAND USES IN THE CF AND P/OS ZONING DISTRICTS

Key	Zoning District		Additional Regulations
	CF	P/OS	
P Permitted Use			
A Administrative Permit required			
M Minor Use Permit required			
C Conditional Use Permit required			
- Use not allowed			
Public and Quasi-Public Uses			
Colleges and Trade Schools	C	-	
Community Assembly	P [1]	-	
Cultural Institutions	P [1]	-	
Day Care Centers	P [1]	-	
Government Offices	P	-	
Parks and Recreational Facilities	P [1]	P [1]	
Public Safety Facilities	P	-	
Schools, Public or Private	P	-	
Transportation, Communication, and Utilities Uses			
Recycling Collection Facilities	C	-	17.96.130
Utilities, Major	C	C	
Utilities, Minor	P	P	
Wireless Telecommunications Facilities	See Chapter 17.104		
Other Uses			
Accessory Uses and Structures	See Chapter 17.52		
Temporary Uses and Structures	See Section 17.96.170		
Urban Agriculture			
Community Gardens	M [1]	M [1]	
Urban Farms	C [1]	C [1]	

Notes:

[1] Publicly owned and/or operated facilities only.

~~E. Public Parking in the Coastal Zone.~~

- ~~1. Public parking existing as of [date of Zoning Ordinance adoption] in the following locations in the CF zoning district shall be maintained for public parking:

 - ~~a. The Upper City Hall parking lot;~~
 - ~~b. The Cliff Drive overlook parking; and~~~~

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

- ~~e. The Cliff Drive Southern Pacific railroad right of way parking unless Cliff Drive must be relocated due to cliff erosion.~~
- ~~2. Substantial changes in public parking facilities in the coastal zone require a Local Coastal Program (LCP) amendment.~~

Note: Public Parking in the Coastal Zone subsection E has been moved to Chapter 17.76 (Parking and Loading).

17.32.030 Development Standards

- A. Floor Area Ratio.** The maximum permitted floor area ratio (FAR) is 0.25 in the P/OS zoning district and as determined by the Planning Commission through the Design Review process in the P/OS zoning district.
- B. Other Development Standards.** Other development standards (e.g., setbacks, height, building coverage) in the CF and P/OS zoning districts shall be determined by the Planning Commission through the Design Review process.

Chapter 17.36 – PLANNED DEVELOPMENT ZONING DISTRICT

Sections:

[17.36.010 Purpose of the Planned Development Zoning District](#)

[17.36.020 Where Allowed](#)

[17.36.030 Permitted Land Uses](#)

[17.36.040 Development Standards](#)

[17.36.050 Required Approvals](#)

[17.36.060 Conceptual Review](#)

[17.36.070 Planned Development Rezoning](#)

[17.36.080 Development Plans](#)

~~17.36.010 Purpose of the Planned Development Zoning District~~

~~17.36.020 Where Allowed~~

~~17.36.030 Permitted Land Uses~~

~~17.36.040 Development Standards~~

~~17.36.050 Required Approvals~~

~~17.36.060 Preliminary Development Plans~~

~~17.36.070 Planned Development Rezoning~~

~~17.36.080 Final Development Plans~~

17.36.010 Purpose of the Planned Development Zoning District

The purpose of the Planned Development (PD) zoning district is to allow for high quality development that deviates from standards and regulations applicable to the other zoning districts in Capitola. The PD zoning district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD zoning district provides land owners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors. Development within each PD zoning district is regulated by a ~~Preliminary and Final~~ Development Plan approved by the City Council.

17.36.020 Where Allowed



Note: This section prohibits PD zoning on properties designated for single-family residential use. Section 17.39.020 in the existing Zoning Code allows PD zoning for all uses. The existing minimum parcel size for PD zoning also has been removed.

The PD zoning district may be applied to any property in Capitola with an area of 20,000 square feet or more except for those designated as Single-Family Residential on the Zoning Map and General Plan Land Use Map.

17.36.030 Permitted Land Uses

Permitted land uses in each PD zoning district shall conform to the applicable General Plan land use designation and to the ~~Final~~ Development Plan that applies to the property.

17.36.040 Development Standards

- A. Established in ~~Final~~ Development Plan.** Development standards (e.g., height, setbacks, building coverage) for each PD zoning district shall be established in the applicable ~~Final~~ Development Plan.
- B. Maximum Intensity.** The maximum permitted floor area ratio and residential density shall not exceed maximums established in the General Plan for the applicable land use designation.
- C. Public Improvements.** Public infrastructure and improvements in the PD zoning district shall conform to the ~~C~~city’s standard specifications as maintained by the ~~City Engineer~~Public Works Director.

17.36.050 Required Approvals

- A. Development Plans and Zoning Map Amendments.** Establishment of a PD zoning district requires approval of a ~~Preliminary~~ Development Plan ~~followed by concurrent approval of a and Zoning Map amendment and a Final Development Plan.~~
- B. Design Review.** A proposed development must receive a Design Permit as required by Chapter 17.120 (Design Permits). All development and land uses within a PD zoning district shall be consistent with the approved ~~Final~~ Development Plan.

17.36.060 ~~Preliminary Development Plans~~ Conceptual Review



Note: This section ~~requires City Council approval of a~~replaces the existing Preliminary Development Plan approval process with the requirement to for Conceptual Review, which is an advisory (non-binding) process for the Planning Commission and City Council to provide feedback on the project prior to the submittal of a formal application. The existing Zoning Code requires only Planning Commission approval of a Preliminary Development Plan.

Prior to submittal of an application for a PD rezoning and Development Plan, an applicant must complete the Conceptual Review process as described in SectionChapter 17.11412.030 (Conceptual Review). The Planning Commission and City Council shall each hold at least one noticed public hearing on the project as part of the Conceptual Review process.

- ~~**A. Review Authority.** The City Council takes action on Preliminary Development Plan applications following recommendation from the Planning Commission.~~
- ~~**B. Application Submittal and Review.**~~
 - ~~1. Preliminary Development Plan applications shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the~~

Attachment: Part 2 Draft Zoning Code Redlines (1517 : Zoning Code Update)

~~information and materials required by the Community Development Department and the information required by Paragraph C (Application Materials) below.~~

~~2.1. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.~~

~~3.1. It is the responsibility of the applicant to provide evidence in support of the findings required by Paragraph F (Findings) below.~~

~~**C. Application Materials.** Preliminary Development Plan applications shall include the following information and materials:~~

~~1. **Project Description.** A written description of the project proposed within the PD zoning district. The project description shall include a narrative statement of the project objectives and a statement of how the proposed project will comply with General Plan goals and policies for the applicable land use designation. An overview of the proposed land use, densities, open space, and parking should be included in the project description.~~

~~2.1. **Community Benefits.** A description of how the proposed development is superior to development that could occur under the standards applicable in other zoning districts, and how it will achieve superior community design, environmental preservation, and/or substantial public benefits as defined in Paragraph G below.~~

~~3.1. **Site Map.** Maps depicting the existing topography, on-site structures and natural features, mature trees, and other significant vegetation and drainage patterns. The map shall show the proposed PD zoning district boundaries and all properties within 500 feet of the site boundary.~~

~~4.1. **Concept Plan.** An overall diagram of the project concept. This diagram shall illustrate the overall development concept, including proposed land uses, buildings, circulation, open space, and any other significant elements in the proposed project. Phases shall be clearly indicated if multiple phases are proposed.~~

~~5. **Infrastructure.** A written description of the infrastructure necessary to serve each phase of the project proposed.~~

~~**D. Planning Commission Review and Recommendation.**~~

~~1. The Planning Commission shall hold a public hearing on the Preliminary Development Plan application as required by Chapter 17.148 (Public Notice and Hearings).~~

~~2. The Planning Commission shall recommend to the City Council the approval, approval with modification, or denial of the Preliminary Development Plan application. The recommendation shall be based on the findings in Paragraph F (Findings) below.~~

~~**E. City Council Review and Decision.** Upon receipt of the Planning Commission's recommendation, the City Council shall conduct a public hearing and either approve, approve with modification, or deny the Preliminary Development Plan.~~

~~**F. Findings.** The City Council may approve an application for a Preliminary Development Plan only if all of the following findings can be made:~~

- ~~1. The proposed development is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan or area plan adopted by the City Council.~~
- ~~2. The proposed development is superior to the development that could occur under the standards applicable in the other zoning districts.~~
- ~~3. The proposed project will provide a substantial public benefits as defined in Paragraph G (Substantial Public Benefit Defined) below.~~
- ~~4. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.~~
- ~~5. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.~~
- ~~6. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.~~



Note: The requirement that a PD project provide a substantial public benefit in Finding 3 above and described in subsection G below is new.

~~**G. Substantial Public Benefit Defined.** When used in this chapter, “substantial public benefit” means a project feature not otherwise required by the Zoning Code or any other provision of local, State, or federal law that significantly advances goals of the General Plan. Examples of substantial public benefits include but are not limited to:~~

- ~~1. Affordable housing that meets the income restrictions applicable in the Affordable Housing (AH) overlay zone.~~
- ~~2. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather.~~
- ~~3. Improved walkways and paths for bicycles and pedestrians within properties, enhanced connections for bicyclists and pedestrians between properties.~~
- ~~4. Green building and sustainable development features that substantially exceed the City’s minimum requirements.~~
- ~~5. Preservation, restoration, or rehabilitation of a historic resource.~~
- ~~6. Increased ability to for residents and visitors to walk, bike, and take transit to destinations and reduce greenhouse gas emissions.~~
- ~~7. Publicly available parking to serve the Village.~~
- ~~8. Publicly accessible parks and open space beyond the minimum required by the City or other public agency.~~
- ~~9. Habitat restoration and or protection of natural resources beyond the minimum required by the City or other public agency.~~

~~**H. Conditions of Approval.** The City Council may attach conditions of approval to a Preliminary~~

~~Development Plan to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.~~

~~I. **Extent of Approval.** Approval of the Preliminary Development Plan shall be limited to general acceptability of the land uses proposed and their interrelationship, and shall not be construed to endorse or dictate the precise location of uses, configuration of parcels, or engineering feasibility.~~

~~J. **Expiration of Approval.**~~

~~1. A Preliminary Development Plan shall expire and become void unless a Final Development Plan application is submitted within one year of Preliminary Development Plan approval.~~

~~2. The Community Development Director may approve a one year extension to the Preliminary Development Plan if the Director determines that the applicant has proceeded in good faith and has exercised due diligence in efforts to submit the Final Development Plan in a timely manner.~~

~~3. The applicant shall submit to the Community Development Department a written request for an extension of time no later than ten days before the expiration of the Preliminary Development Plan.~~

17.36.070 Planned Development Rezoning

A. General Procedures and Requirements. Establishing a PD zoning district requires City Council approval of a Zoning Map amendment consistent with Chapter 17.144 (Zoning Code Amendments). All procedures and requirements for Zoning Map Amendments in Chapter 17.144 apply to the establishment of a PD zoning district.

B. Timing. The City Council shall act on the Zoning Map Amendment concurrently with the **Final** Development Plan. A PD zoning district may be established only with concurrent approval of a **Final** Development Plan.

C. Reference to ~~Final~~ Development Plan. The ordinance adopted by the City Council establishing a PD zoning district shall reference the ~~Final~~ Development Plan approved concurrently with the Zoning Map Amendment.

17.36.080 ~~Final~~ Development Plans

A. Review Authority. The City Council takes action on ~~Final~~ Development Plan applications following recommendation from the Planning Commission.

B. Timing. ~~A Final Development Plan application may be submitted only after City Council approval of a Preliminary Development Plan. A Development Plan application shall be submitted within one year of Conceptual Review for the proposed project. If an application is not submitted within one year of Conceptual Review, the applicant shall complete a second Conceptual Review process prior to submitting the Development Plan application.~~

C. Application Submittal and Review.

1. ~~Final~~ Development Plan applications shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department and the information required by Paragraph D (Application Materials) below.

2. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

It is the responsibility of the applicant to provide evidence in support of the findings required by Paragraph ~~G~~F (Findings) below.

C.D. Application Materials. Applications for approval of a ~~Final~~ Development Plan shall include the following information and materials:

1. Project Description. A written description of the project proposed within the PD zoning district. The project description shall include a narrative statement of the project objectives and a statement of how the proposed project will comply with General Plan goals and policies for the applicable land use designation. An overview of the proposed land use, densities, open space, and parking should be included in the project description.

2. Community Benefits. A description of how the proposed development is superior to development that could occur under the standards applicable in ~~other~~ the existing zoning districts, and how it will achieve superior community design, environmental preservation, and/or a substantial public benefits as defined in Paragraph ~~H~~G below.

3. Site Map. Maps depicting the existing topography, on-site structures and natural features, mature trees, and other significant vegetation and drainage patterns. The map shall show the proposed PD zoning district boundaries and all properties within 500 feet of the site boundary.

4. Concept Plan. An overall diagram of the project concept. This diagram shall illustrate the overall development concept, including proposed land uses, buildings, circulation, open space, and any other significant elements in the proposed project. Phases shall be clearly indicated if multiple phases are proposed.

4.5. Land Use. A map showing the location of each land use proposed within the site, including open space and common areas. The land use map shall be accompanied by a narrative description of permitted land uses, allowable accessory uses, and uses allowed by-right or with a Conditional Use Permit.

2.6. Subdivision Map. If the project involves the subdivision of land, a tentative parcel map or tentative map required by Title 16 (Subdivisions) of the Capitola Municipal Code.

3.7. Circulation. A map and descriptions of the major circulation features within the site including vehicular, bicycle, pedestrian facilities; traffic flow of internal traffic; and existing and proposed public streets and sidewalk improvements.

4.8. Public Facilities and Open Space. The amount (in square feet or acres) and percentage of site area that will be dedicated for all types of open space, including proposed recreational facilities and amenities; and any public facilities, including public utility easements, public buildings and public land uses.

5.9. Development Standards. All development standards that apply within the project, including:

- a. Land use;
- b. Circulation of traffic;
- c. Landscaping;
- d. Architecture;
- e. Density and/or intensity;
- f. Minimum building site;
- g. Minimum lot dimensions;
- h. Maximum building coverage;
- i. Minimum setbacks;
- j. Maximum building or structure heights;
- k. Maximum height of fences and walls;
- l. Signs;
- m. Off-street parking; and
- n. Other items as deemed appropriate by the Planning Commission and City Council.

D.E. Planning Commission Review and Recommendation.

1. The Planning Commission shall hold a public hearing on the ~~Final~~ Development Plan application as required by Chapter 17.148 (Public Notice and Hearings).
2. The Planning Commission shall recommend to the City Council the approval, approval with modification, or denial of the ~~Final~~ Development Plan application. The recommendation shall be based on the findings in Paragraph G (Findings) below.

E.F. City Council Review and Decision. Upon receipt of the Planning Commission's recommendation, the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the ~~Final~~ Development Plan. The City Council may approve the application only if all of the findings in Paragraph G (Findings) below can be made.

F.G. Findings. The City Council may approve an application for a ~~Final~~ Development Plan if all of the following findings can be made:

- ~~1. The Final Development Plan is consistent with the spirit and intent of the Preliminary~~

Development Plan.

- ~~2. Findings made to approve the Preliminary Development Plan remain valid for the Final Development Plan, including that the project will provide a substantial community benefit as defined in Section 17.36.060.G (Substantial Public Benefit Defined).~~
- ~~3. Findings required for the concurrent approval of a Zoning Map Amendment can be made:~~
 - ~~1. The proposed development is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan or area plan adopted by the City Council.~~
 - ~~2. The proposed development is superior to the development that could occur under the standards applicable in the other existing zoning districts.~~
 - ~~3. The proposed project will provide a substantial public benefits as defined in Paragraph H (Substantial Public Benefit Defined) below. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.~~
 - ~~4. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.~~
 - ~~5. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.~~
 - ~~6. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.~~
 - ~~7. Findings required for the concurrent approval of a Zoning Map Amendment can be made.~~



Note: The requirement that a PD project provide a substantial public benefit in Finding 3 above and described in subsection H below is new.

H. Substantial Public Benefit Defined. When used in this chapter, “substantial public benefit” means a project feature not otherwise required by the Zoning Code or any other provision of local, state, or federal law that substantially exceeds the city’s minimum development standards and significantly advances goals of the General Plan. A project must include one or more substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by ~~Planning Commission~~ City Council to justify deviation from the standards of the zoning district that currently apply to the property. Examples of substantial public benefits include but are not limited to:

- ~~1. Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.~~

~~Public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather. The public space must either exceed the City's minimum requirement for required open space and/or include quality~~

improvements to the public realm to create an exceptional experience for the public.

2. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agencies.
3. New or improved pedestrian and bicycle pathways that enhance circulation within the property and connectivity to the surrounding neighborhood.
4. Green building and sustainable development features that substantially exceed the City's minimum requirements.
5. Preservation, restoration, or rehabilitation of a historic resource.
6. Public art that exceeds the City's minimum public art requirement and is placed in a prominent and publicly accessible location.
7. New or enlarged business that increase the supply of jobs available to Capitola residents of all income levels.
8. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
9. Public parking lot that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district.
10. Publicly accessible parks and open space beyond the minimum required by the City or other public agency.
11. Habitat restoration and or protection of natural resources beyond the minimum required by the City or other public agency.

G.I. Conditions of Approval.

1. The City Council may attach conditions of approval to a ~~Final~~ Development Plan to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. The City Council shall condition approval of the ~~Final~~ Development Plan on the completion of public improvements and grants of easement shown on the ~~Final~~ Development Plan.

H.J. Post-Decision Procedures. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to ~~Final~~ Development Plans.



Note: Effect of Development Plan in subsection ~~KJ~~ below is new.

I.K. Effect of Development Plan. All future development and land uses within a PD zoning district shall comply with the approved ~~Final~~ Development Plan.

1. **Land Uses.** New land uses may be added in a PD zoning district provided the ~~Final~~ Development Plan identifies the use as a permitted or conditionally permitted land use. Establishing a land use not specifically permitted by the ~~Final~~ Development Plan would require an amendment to the PD zoning district.

2. **Structures.** New structures may be added in a PD zoning district provided the structures comply with development standards established in the ~~Final~~ Development Plan (e.g., height, setback, floor area ratio). Design Review consistent with Chapter 17.120 (Design Permits) is required for all new development that was not approved with the ~~Final~~ Development Plan. Development that exceeds development standards in the ~~Final~~ Development Plan is allowed only with an amendment to the PD zoning district.

Chapter 17.40 – RESIDENTIAL OVERLAY ZONES

Sections:

- 17.40.010 Purpose
- 17.40.020 Affordable Housing (-AH) Overlay Zone
- 17.40.030 Vacation Rental Use (-VRU) Overlay Zone
- 17.40.040 Village Residential (-VR) Overlay Zone

17.40.010 Purpose

This chapter contains requirements for overlay zones that primarily apply to residential uses and residential areas. Overlay zones establish additional standards and regulations to specific areas, in addition to the requirements of the underlying base zoning district.

17.40.020 Affordable Housing (-AH) Overlay Zone

A. Purpose. The purpose of the Affordable Housing (-AH) overlay zone is to facilitate the provision of affordable housing units through the retention and rehabilitation of existing affordable units, or the construction of new affordable units. The -AH overlay zone is intended to:

1. Implement the goals and policies of the General Plan Housing Element and provide the opportunity and means for Capitola to meet its regional fair share allotment of affordable units.
2. Encourage the development of affordable units by assisting both the public and private sector in making the provision of these units economically viable.
3. Provide assurances to the City that these units will maintain a high degree of quality and will remain affordable to the target population over a reasonable duration of time.
4. Encourage the provision of affordable housing through the combination of the -AH overlay with the multi-family residential zone where the affordable housing projects are determined to be feasible and are consistent with the General Plan.
5. Provide a means of directing and simplifying the process for creating and maintaining affordable housing.
6. Provide incentives to developers, whether in new or rehabilitated housing, to maintain rental units for the long term (e.g., not less than 55 years) and affordable ownership units in perpetuity.

B. Applicability. The -AH overlay zone may be applied to parcels that are one acre or more in size and located in a multi-family residential zoning district.

C. Definitions.

1. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the State of California.
2. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designation where the city encourages the provision of affordable housing units as described in this chapter.
3. The “very low,” “low,” and “moderate” income levels are defined by the State of California in Sections 50105, 50079.5, and 50093, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
 - a. Very Low Income. Up to and including fifty percent of the Santa Cruz County median income, adjusted for family size, as defined by the state law;
 - b. Lower Income. Fifty-one percent to eighty percent of Santa Cruz County median income, adjusted for family size, as defined by the state law;
 - c. Moderate Income. Eighty-one percent to one hundred twenty percent of Santa Cruz County median income, adjusted for family size, as defined by state law.
4. “Affordable housing cost” and “affordable rent” are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.

D. Relationship with State Density Bonus Law and Other State Laws.

1. All of the state laws and regulations referenced above, or their successors in defined terms when amended, shall be incorporated herein as though fully set forth. In the event of any inconsistency or discrepancy between the income and affordability levels set forth in this chapter and the levels set in state laws and regulations, the State provisions shall control.
2. The -AH overlay zone provides a density increase for affordable housing development that in most cases exceeds density bonuses permitted by state law (Government Code Section 65915).
3. A development may utilize the -AH overlay zone as an alternative to the use of state density bonus but may not utilize both the overlay and state density bonuses.

E. Permits and Approvals Required.

1. Affordable housing developments proposed under this chapter require the execution of a Development Agreement by the City and the developer. The Development Agreement shall be prepared in accordance with the provisions of California Government Code Section 65864 et seq.

2. Affordable housing developments proposed under this chapter require approval of a Design Permit. All requirements in Chapter 17.120 (Design Permits) apply, except that the Planning Commission recommends Design Permit approval or denial to the City Council. The City Council may take action on the Design Permit application concurrently with or subsequent to action on the Development Agreement.

F. Permitted Residential Density.

1. Affordable housing developments with up to 20 units per acre are permitted in the -AH overlay zone. The 20 units per acre limit is based on a calculation that includes all existing and new units on the property.
2. Density permitted by in the -AH overlay zone may not exceed what can be accommodated by the site while meeting applicable parking, unit size, and other development standards.

G. Income Restrictions.

1. A minimum of 50 percent of the units in an affordable housing development shall be income restricted affordable housing. All affordable units may be in a single category or part of a mixture of affordable unit types which include:
 - a. Moderate-income households;
 - b. Lower-income households;
 - c. Very low-income households; or
 - d. Extremely low-income households.
2. At minimum 50 percent of income-restricted affordable units (25 percent of the total project units) shall be affordable to low-, very low-, and extremely-low income households. A greater level of affordability will not allow a greater level of density.

H. Development Incentives.

1. **Purpose.**
 - a. In order to reduce costs associated with the development and construction of affordable housing, affordable housing developments within the -AH overlay zone shall be eligible for specified development incentives. These incentives allow for the relaxation of development standards normally applied to housing in Capitola and are established in order to facilitate and promote the development of affordable housing in the City.
 - b. Incentives shall be targeted to improve the project design or to yield the greatest number of affordable units and required level of affordability, so as to permit the City to meet its regional fair share allotment of affordable housing and the goals of the Housing Element of the General Plan.

2. **Relaxed Development Standards.** The City shall allow the following relaxed development standards for projects that comply with the affordability required specified in Subsection G (Income Restrictions):
- a. **Minimum Building Site Area and Lot Area per Unit.** There shall be no minimum building site area requirement for individual parcels or dwelling sites within the -AH overlay zone. The building site area shall be designated on a site plan as approved by the City through the Design Permit review process.
 - b. **Density Averaging.** Project density within the -AH overlay zone may be calculated by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features as determined by the City through the Design Permit review process.
 - c. **Setbacks.**
 - (1) The minimum setbacks from property lines shall be determined by the City through the Design Permit process.
 - (2) Minimum setbacks from property lines adjacent to or across from a single-family residential zone shall be same as underlying zoning district.



Note: Section 17.20.050.C.6 in the existing Zoning Code requires 20-foot first floor and 50-foot second floor minimum setbacks from property lines adjacent to or across from a single-family residential zoning district. Subparagraph c above removes this requirement as it is not a relaxed development standard and would render development infeasible in many locations.

- d. **Lot Coverage.** The City shall determine the maximum lot coverage for the proposed project through the Design Permit process.
 - e. **Parking.** Projects shall provide a minimum of:
 - (1) Two off-street parking spaces per unit; and
 - (2) One off-street visitor parking space for every seven units.
3. **Additional Development Incentives.**
- a. As a further inducement to the development of affordable housing beyond the relaxed development standards described in Section 2 (Relaxed Development Standards) above, the City may choose to extend one or more additional development incentives depending on the quality, size, nature, and scope of the project being proposed.
 - b. Additional development incentives may be in the form of waivers or modifications of other standards which would otherwise inhibit density and achievement of affordable housing goals for the development site, including, but not limited to, the placement of public works improvements.

I. Design Standards.

1. Purpose and Applicability.

- a. The following design standards are intended to ensure high-quality development within the -AH overlay zone that enhances the visual qualities of Capitola and respects adjacent homes and neighborhoods.
- b. Design standards shall apply to all projects receiving development incentives described in Section H (Development Incentives) or residential densities greater than allowed by the applicable base zone.

2. Neighborhood Compatibility.

- a. Affordable housing developments shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site.
- b. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property.
- c. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.
- d. Building design and materials shall blend with the neighborhood or existing structures on the site.

~~3. Pedestrian Orientation.~~

- ~~a. The front façade and main entrance of dwellings adjacent to the front property line shall face the street and must be clearly articulated through the use of architectural detailing.~~
- ~~b. The front entrance of the dwelling facing the street should be defined by at least one of the following: a porch of at least 8 feet in width and depth; roof overhang; or similar architectural element.~~
- ~~c. Except for a basement-level garage below grade, any garage, carport or other accessory structure, attached or detached, shall be located at least 15 feet behind the front of the principal building facing the front property line.~~
- ~~d. Sidewalks shall be installed along all street frontages.~~
- ~~e. Existing vegetation on the perimeter shall be preserved to maintain a buffer to existing surrounding structures. Existing significant trees are to remain whenever feasible.~~
- ~~f. The pedestrian orientation standards in subsections (a) through (e) above can be waived by the City through the Design Permit process when the review authority finds it is infeasible to comply due to physical or other constraints on the property.~~

4.3. Building Height. Maximum building height shall be the same as in the underlying base zoning district.



Note: Section 17.20.050.C.5 in the existing Zoning limits height to two stories or 27 feet, which is less than the maximum permitted height in the RM zoning district. Paragraph 4 above allows a maximum height equal to the underlying zoning district to remove an additional barrier to the construction of affordable housing.

5.4. **Common Open Space.**

- a. Common open space shall comprise the greater of:
 - (1) 10 percent of the total area of the site; or
 - (2) 75 square feet for each dwelling unit.
- b. Areas occupied by buildings, streets, driveways, parking spaces, utility units, and trash enclosures may not be counted in satisfying the open space requirement.
- c. The following areas may be counted in satisfying the open space requirement:
 - (1) Landscaping and areas for passive and active recreation/open space with a minimum depth and width of 5 feet.
 - (2) Land occupied by recreational buildings and structures.

6.5. **Streets.**

- a. All public streets within or abutting the proposed development shall be improved to City specifications for the particular classification of street.
- b. All private streets shall meet fire code and access standards.

7.6. **Accessory Uses and Structures.** Accessory uses and structures shall be permitted as allowed by Chapter 17.52 (Accessory Structures and Uses) and as required through the Design Permit process.

8.7. **Signs.** Signs shall be permitted as allowed by Chapter 17.80 (Signs) and as required through the Design Review process.

J. Assurance of Affordability.

1. Affordable housing units developed under this section shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, at those income and affordability levels as defined in Section 17.40.020.C (Definitions), for a period of 55 years, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, state law, or housing grant, loan or subsidy program.
2. The required period of affordability shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than 55 years, as set forth in this section.
3. The project developer shall be required to enter into an appropriate agreement with the City to ensure affordability is maintained for the required period.

K. Pre-Application Consultation.

1. Prior to submitting an application for an affordable housing development within the -AH overlay zone, the applicant or prospective developer should request preliminary consultation meetings with the Community Development Department and other City staff as appropriate, to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data.
2. Preliminary consultations with City staff should address potential local, state, and federal affordable housing funding availability, and program requirements in guaranteeing project consistency with the objectives and requirements of the -AH overlay zone.

L. Additional Application Requirements. 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 and Review) and shall also include the following materials and information:

1. Breakdown of affordable and market rate units including unit number, unit size, affordable designation of each unit (very low, low, or moderate), and rental rate or sale price.
2. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project.
3. Such other information as may be required by the Community Development Department to allow for a complete analysis and appraisal of the proposed project.

M. Findings. To approve or recommend approval of an affordable housing development, the review authority shall make all of the following findings, in addition to the findings required by Chapter 17.120 (Design Permits):

1. The incentives granted for density and deviation from development and design standards, are commensurate with the level of affordability. Specifically, the greater the extent of concessions and incentives, the greater the level of affordability, quality, size, nature, and scope of the project being proposed.
2. The design of the proposed project, even with the concessions for density and deviation from development and design standards, is appropriate for the scale and style of the site and surrounding neighborhood. Specifically, the development will provide an attractive visual transition and will not significantly impact the integrity of the surrounding neighborhoods.
3. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the City and any funding sources with greater or longer affordability requirements.
4. If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program, including, but not limited to, sensitive habitat, public viewshed, public recreational access and open space protections.

17.40.030 Vacation Rental Use (-VRU) Overlay Zone

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

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

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

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

17.40.040 Village Residential (-VR) Overlay Zone

- A. Purpose.** The purpose of the -VR overlay zone is to limit certain areas within the Village to exclusive residential use, including vacation rentals.
- B. Land Use Regulations.**
- 1. Residential Uses Only.** Within the -VR overlay zone, only residential land uses (including vacation rentals) are permitted. Non-residential land uses, including but not limited to restaurants, retail, offices, and personal services, are not permitted in the -VR overlay zone.
 - 2. Existing Hotels and Motels.** ~~Existing hotels and motels in the -VR overlay zone shall be legal nonconforming uses and may not be expanded or intensified.~~

Alterations and modifications to existing hotels and motels shall occur in a manner consistent with Chapter 17.92 (Nonconforming Lots, Uses and Structures).

C. Development Standards. Development standards in the -VR overlay zone are the same as the Village Mixed Use (MU-V) zoning district.

Chapter 17.48 – HEIGHT, SETBACKS, AND FLOOR AREA

Sections:

- 17.48.010 Purpose
- 17.48.020 Height Measurement and Exceptions
- 17.48.030 Setback Measurement and Exceptions
- 17.48.040 Floor Area and Floor Area Ratio

17.48.010 Purpose

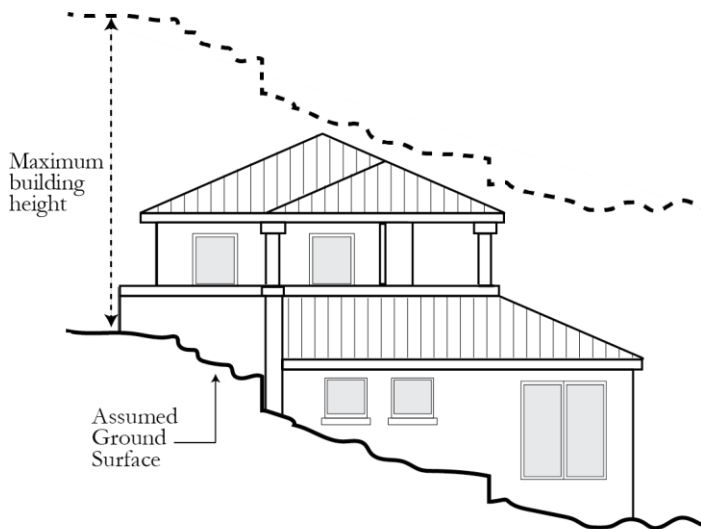
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

17.48.020 Height Measurement and Exceptions

A. Measurement of Height.

1. The height of a building is measured as the vertical distance from the assumed ground surface to the highest point of the building.
2. Assumed ground surface means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. See Figure 17.48-1.
3. If grading or fill on a property within five years of an application increases the height of the assumed ground service, height shall be measured using an estimation of the assumed ground surface as it existed prior to the grading or fill.

FIGURE 17.48-1: MEASUREMENT OF MAXIMUM PERMITTED BUILDING HEIGHT



B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1.



Note: Height exceptions in Table 17.48-1 below add detail to height exceptions in Section 17.81.070 of the existing Zoning Code.

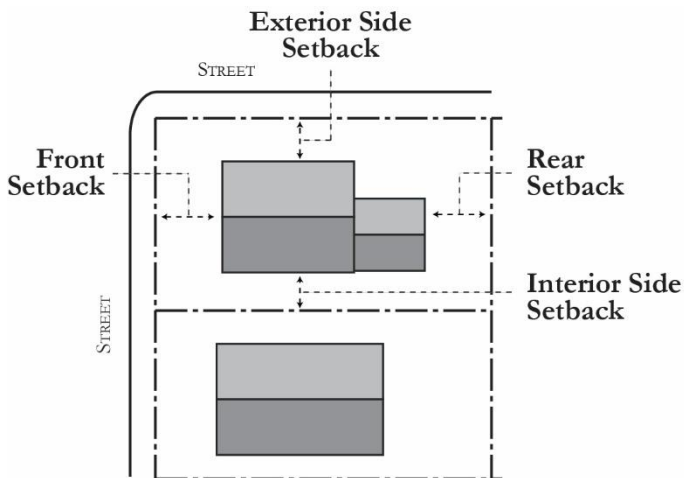
TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Non-habitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in width diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels	No restriction	4 ft.
Wind energy systems	No restriction	10 ft.
Building mounted telecommunications facilities	See Chapter 17.104	

17.48.030 Setback Measurement and Exceptions

A. Setback Measurement. Setbacks shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line. See Figure 17.48-2.

FIGURE 17.48-2: SETBACK MEASUREMENT



Note: See specific zoning district for required minimum setback

- B. Projections over Property Lines.** Structures may not extend beyond a property line or into the public right-of-way, except when allowed with an Encroachment Permit.
- C. Projections into Required Setback.** Features of the primary structure on a lot may project into required setback areas as shown in Table 17.48-2, subject to the requirements of the Building Code. See Chapter 17.52 (Accessory Structures and Uses) for setback requirements that apply to accessory structures.

TABLE 17.48-2: ALLOWED PROJECTIONS INTO REQUIRED SETBACKS

Projecting Features	Maximum Projection into Required Setback	Minimum Distances from Property Lines
Cornices, eaves, canopies, and similar roof projections	<u>Interior Side:</u> 2 ft. <u>Front, Rear, Exterior Side:</u> 4 ft.	<u>All property lines:</u> 3 ft.
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections [1]	<u>All setbacks:</u> 2 ft.	<u>All property lines:</u> 3 ft.
Open and unenclosed entry porches, stairways, fire escapes, landing places, patio, and similar entry features [2]	<u>Front and Exterior Side:</u> 4 ft. <u>Rear:</u> 6 ft. <u>Interior Side:</u> ½ of required setback	<u>Interior side:</u> 3 ft. <u>Front:</u> 10 ft.
<u>Walls and fences used as a landscaping feature for decoration or screening</u>	<u>Interior Side and Rear:</u> 2 ft. <u>Front and Exterior Side:</u> Not permitted	<u>Interior side and rear:</u> 3 ft.
Decks, 30 inches or less above grade	<u>Interior Side and Rear:</u> No maximum <u>Front and Exterior Side:</u> Not permitted	<u>Interior side and rear:</u> 3 ft.
Wheelchair ramps and similar features for the disabled	No maximum	No minimum

Notes:

- [1] Projecting bay window may not exceed 60 percent of the width of the wall in which it is located.
- [2] Ground floor only; maximum railing height 30 inches.
- [3] Limited to 50 percent of the length of the average of the two sides of the structure.

D. Accessory Structures in Setback Areas. The following accessory structures and site improvements are permitted within required setback areas:

1. Trellis structures that provide support for plants and shade are allowed in all required setback areas if the structure does not exceed 10 feet in height, the

Attachment: Part 3 Partial 17.24-17.74 Draft Zoning Code Update (1517 : Zoning Code Update)

structure roof remains permeable (roof members at least 12 inches apart), and the structure is open on at least three sides.

2. Planter boxes and masonry planters with a maximum height of 42 inches are allowed within all required setback areas.
3. Screened mechanical equipment including hot water heaters and air conditioning units.
4. Pools and hot tubs are allowed within required rear setback areas provided a minimum setback of 5 feet for pools and 2 feet for hot tubs ~~or setback~~ is maintained from all property lines.
5. Fire pits are allowed in required setback areas provided a minimum 5-foot setback is maintained from all property lines.
6. Children's play equipment, movable dog houses, movable trash enclosures, and similar moveable objects are allowed in all required setback areas.
7. Rain harvesting tanks that do not exceed 8 feet in height are allowed in required side and rear setback areas.



Note: Section D above clarifies structures allowed in minimum setback areas, and establishes new limitations on these allowed encroachments.

17.48.040 Floor Area and Floor Area Ratio

A. Floor Area Defined. Floor area means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

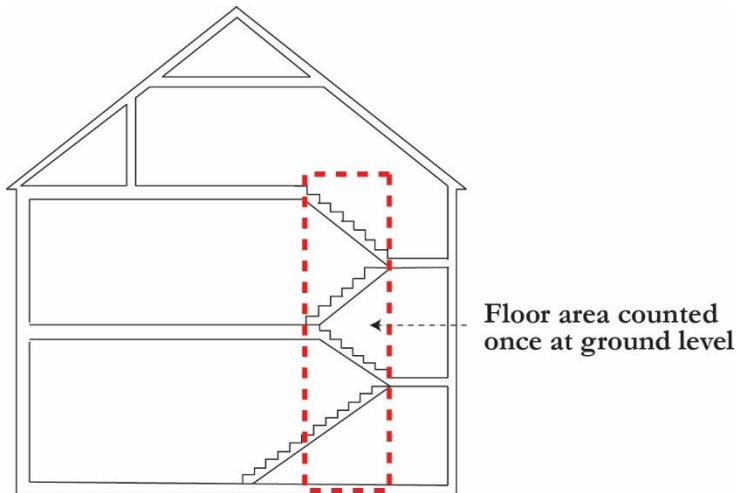
B. Floor Area Calculation.



Note: Calculation of floor area no longer includes residential decks, decks on restaurants and hotels, basements not visible from the public right-of-way, and internal parking structures. The horizontal area for staircases in multi-story structures is counted once when calculating FAR.

1. Floor area includes all interior area below a roof and within:
 - a. The outer surface of the exterior walls; or
 - b. The centerlines of party walls separating buildings or portions thereof; or
 - c. Lines drawn parallel to and two feet within the roof line of a carport.
2. Floor area includes the entire area in all enclosed structures without deduction for features such as interior walls or storage areas.
3. In the case of a multi-story building with a covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features are counted only once at the floor level of their greatest area of horizontal extent. See Figure 17.48-3.

FIGURE 17.48-3: FAR MEASUREMENT FOR STAIRWAYS



4. Interior area of a building with a floor-to-ceiling height of greater than 16 feet are counted twice in the floor area calculation.
5. The following features are included in the floor area calculation:
 - a. All upper floor area greater than 4 feet in height, measured between the bottom of the upper floor and the top of the ceiling.
 - b. All accessory structures other than a single building of 80 square feet or less in size, 8 feet or less in height, and without plumbing or electrical fixtures.
6. For all uses, the following features are excluded from the floor area calculation:
 - a. Covered or uncovered decks, patios, trellises, and similar outdoor space which are open on at least three sides, not including carports.
 - b. Bay windows, chimneys, and other similar wall projections.
 - c. Up to 250 square feet of an enclosed garage on a lot 3,000 square feet or less.
 - d. Underground parking garages not visible from a public street.
 - e. Basements when all walls are below grade and not visible. Basements are included in calculations of required on-site parking to serve the use.
7. For non-residential uses, the following features are excluded from the floor area calculation:
 - a. Outdoor improvements such as patios, decks, courtyards, outdoor dining areas, and other areas used by customers and employees. These features are included in calculations of required on-site parking to serve the use.

- b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
- c. Quasi-public seating areas 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.

C. Floor Area Ratio.

1. Floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a site as defined in Section B (Floor Area Calculation) above by the net parcel area.
2. Net parcel area excludes: a) any recorded easements to allow others to use the surface of the property for access to an adjacent property or other similar use, and b) any area under the high water mark that extends into a waterway.

Chapter 17.52 – ACCESSORY STRUCTURES AND USES

Sections:

- 17.52.010 Purpose and Applicability
- 17.52.020 Accessory Structures
- 17.52.030 Accessory Uses

17.52.010 Purpose and Applicability

This chapter establishes requirements for accessory structures and uses in residential and non-residential zoning districts. These requirements do not apply to secondary dwelling units, including two-story secondary dwelling units above a detached garage, which are addressed in Chapter 17.74 (Secondary Dwelling Units).

17.52.020 Accessory Structures

A. All Accessory Structures. The following requirements apply to accessory structures in all zoning districts.

1. Accessory structures shall be clearly incidental and subordinate to the primary structure on the same lot.
2. Accessory structures may not be located on a separate lot from the primary use to which it incidental and subordinate.
3. A Design Permit and a building permit are required for accessory structures with one or more of the following characteristics: an enclosed area of over 80 square feet, a height of over 8 feet, or plumbing ~~or electrical~~ fixtures.
- ~~4. Accessory structures shall be set back a minimum of 3 feet from primary structures and other accessory structures or as otherwise required by the California Building Code.~~
- ~~5.4.~~ Accessory structures attached to a primary structure are considered a part of the primary structure and shall comply with all standards applicable to the primary structure.
- ~~6.5.~~ Accessory structures may not be designed or used ~~for human habitation as a bedroom, sleeping area, and/or kitchen~~, except for secondary dwelling units consistent with Section 17.74 (Secondary Dwelling Units).

B. Accessory Structures in Residential Zoning Districts.

1. **Development Standards.** Accessory structures in residential zoning districts shall comply with the development standards in Table 17.52-1 and in Figure 17.52-1.



Note: Minimum rear setback for accessory structures has been decreased from 8 feet in Chapter 17.15.140 of the existing Zoning Code to 4 feet in Table 17.52-1 below.

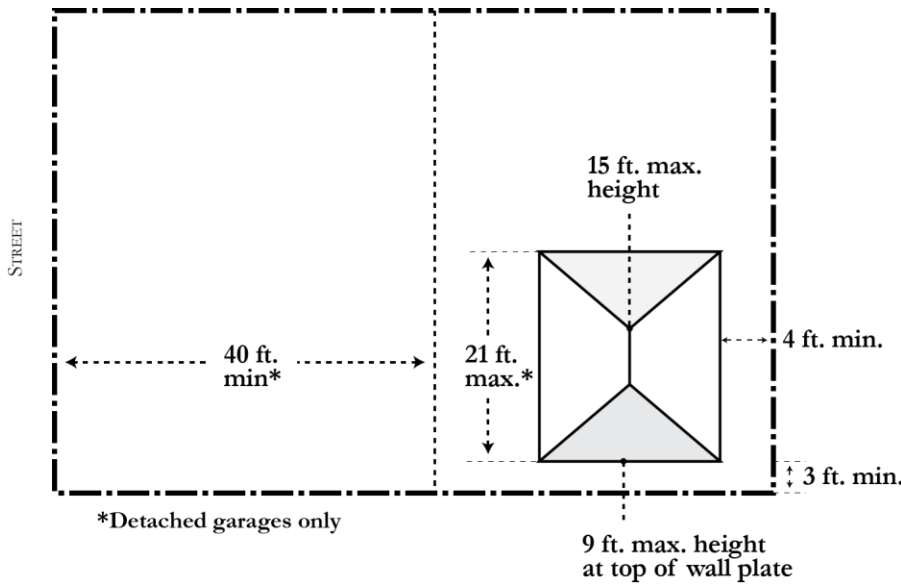
TABLE 17.52-1: ACCESSORY STRUCTURE STANDARDS IN RESIDENTIAL ZONING DISTRICTS

	Single-Family Residential Zoning Districts	Multi-Family Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. <u>[1]</u>	15 ft.	Section 17.52.020.B.2
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	21 ft. for detached garages; None for other accessory structures	None	
Setbacks, Minimum			Section 17.52.020.B.3
Front	40 ft. for detached garages; Same as primary structure for other accessory structures	Same as primary structure	
Side (interior and street)	3 ft.	3 ft.	
Rear	4 ft.	4 ft.	

Note:

[1] Accessory structures less than 8 feet from an interior side property line may not exceed 12 feet in height.

FIGURE 17.52-1: DETACHED GARAGE STANDARDS IN RESIDENTIAL ZONING DISTRICTS



2. **Height Exception.** The Planning Commission may approve an exception to allow additional height if necessary to match the architectural style of the existing primary structure.

Attachment: Part 3 Partial 17.24-17.74 Draft Zoning Code Update (1517 : Zoning Code Update)



Note: Allowance for an additional accessory structure in a required setback with an Administrative Permit in paragraph 3 below is new.

3. **Setback Exceptions.** One accessory structure permanently attached to the ground is allowed by-right in required side and rear setback areas if the structure is less than 8 feet in height, has 80 square feet or less of enclosed area, and has no plumbing-~~or~~ **electrical fixtures**. One additional accessory structure is allowed in required side and rear setback areas with an Administrative Permit.
 4. **Driveway Standards.** The placement of detached garages shall allow for the design and location of driveways consistent with Chapter 17.76 (Parking and Loading).
 5. **Nonconforming Garages.** An existing detached garage in a residential single-family zoning district that does not comply with development standards in Table 20.52-1 is legal nonconforming and may be repaired, renovated, or replaced provided that the nonconformity is not increased or exacerbated
- C. Accessory Structures in Non-Residential Zones.** Accessory structures in non-residential zoning districts are subject to the same development standards (e.g., height and setbacks) as primary structures in the applicable zoning district.

17.52.030 Accessory Uses

- A. Residential Accessory Uses.** The following requirements apply to accessory uses in residential zoning district.
1. Accessory uses shall be located on the same parcel as a residence and shall be clearly incidental and subordinate to the residence.
 2. Accessory uses shall not change the character of the residential use. Examples of permitted accessory uses include home occupations and personal property sales (i.e., garage or yard sales).
- B. Non-Residential Accessory Uses.** The following requirements apply to accessory uses in non-residential zoning districts.
1. Accessory uses shall be a part of and clearly incidental and subordinate to the primary use to which it relates.
 2. Accessory uses shall be located on the same parcel as the primary use to which it is incidental and subordinate, within the structure.
 3. Accessory uses shall be customarily associated with the primary use to which it is incidental and subordinate. Examples of common non-residential accessory uses include ATMs, vending machines, newsstands, and personal service establishments (e.g., child day care, food services) intended to serve employees or customers and that are not visible from public streets.



Note: Conditional Use Permit requirement for vending machines in paragraph 4 below is new.

4. All vending machines are allowed through an amendment to the Conditional Use Permit for the primary use, or through a Conditional Use Permit if no discretionary approval was required for the primary use.
5. Accessory uses may not necessitate an increase in required number of parking spaces.

Chapter 17.56 – ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Sections:

- 17.56.010 Purpose and Intent
- 17.56.020 Coastal Permit
- 17.56.030 Archaeological Survey Report
- 17.56.040 Environmental Assessment Requirement
- 17.56.050 Development Standards



Note: Chapter 17.11 in the existing Zoning Code has been revised to apply archaeological and paleontological resource protection measures as city-wide standards rather than an overlay zone.

17.56.010 Purpose and Intent

This chapter establishes standards to protect Capitola’s archaeological and paleontological resources. New land uses and development, both public and private, shall be considered compatible with this purpose only where they incorporate all site planning and design features necessary to avoid or mitigate impacts to archaeological and paleontological resources.

17.56.020 Coastal Permit

Within the -CZ overlay zone, a Coastal Permit is required for all development proposed within 750 feet of a known archaeological or paleontological resource as identified through a survey report, or as shown on current Capitola resource maps or other available information.

17.56.030 Archaeological Survey Report

- A. When Required.** An archaeological survey report is required for any development located within:
1. An Archaeological/Paleontological Sensitivity Areas as shown in the Capitola Resource Map (Local Coastal Program, Map I-1);
 2. 750 feet of a known archaeological resource; or
 3. An area with a probability of containing archaeological resources, as determined through the planner’s onsite investigation or other available information.
- B. Report Preparation.** The City will initiate the preparation of the survey report at the applicant’s expense utilizing a qualified archaeologist selected by the Community Development Department. The survey report shall be submitted to and accepted by the City prior to deeming the application complete.

C. Mitigation Plan

1. Where construction on, or construction impacts to, an identified archaeological or paleontological site cannot be avoided, as verified in the archaeological report prepared for the project, a mitigation plan shall be prepared for the project. Prior to deeming the application complete, the City shall approve the mitigation plan.
2. The mitigation plan shall include be recommended preservation measures in accordance with the guidelines of the State Office of Historic Preservation and the State of California Native American Heritage Commission.
3. The consulting archaeologist shall file the report with the State Office of Historic Preservation and where the plan contains recommendations that will impose any continuing restrictions or obligations on the property, an agreement approved by the City Attorney, binding the property's owner to the restrictions or requirements, shall be recorded. Such agreement shall list the official file number of the report and the location of the document.

D. Mitigation Measures. The recommended mitigation measures contained in the archaeological survey report shall be made a condition of approval.

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

1. The preservation measures shall be undertaken and completed prior to the issuance of building or grading permits, whichever comes first; or
2. Where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and
3. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist and submitted to the City prior to the issuance of building or grading permits. The City shall contract directly with the archaeologist to prepare the final report at the applicant's expense.

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

G. Waiver of Report Requirement. Requirement to prepare an archaeological survey report may be waived by the Community Development Director under the following circumstances:

1. A previous report was prepared for the site by a qualified archaeologist, as included on the City's list of archaeological consultants or as a member of the Society of Professional Archaeologists; and
2. The report clearly and adequately included the currently-proposed development site within the scope of its survey; or
3. The proposed development does not involve land clearing, land disturbance, or excavation into native soils.

17.56.040 Environmental Assessment Requirement

All development proposed on parcels with known archaeological resources, as identified through the survey report, shall be subject to environmental assessment under the California Environmental Quality Act (CEQA) Guidelines.

17.56.050 Development Standards

- A. Design and Location.** Development proposed on parcels with an identified archeological site shall be designed and located so as to avoid development on or impacts to the site. Alternative siting or location, reduction of project size, and other techniques shall be utilized where that will result in reduced impact to or non-disturbance of the archaeological site.
- B. Mitigation Measures.** Development on parcels with an archaeological site, as identified through an archaeological report prepared for the site, shall be subject to the mitigation measures of the archaeological survey report as conditions of approval, to be completed prior to the issuance of building or grading permits.

Chapter 17.60 – FENCES AND WALLS

Sections:

17.60.010 Permit Requirements

17.60.020 Measurement of Fence and Wall Height

17.60.030 Height Limits

17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue
Walkway

17.60.050 Materials

17.60.060 Parking Lot Screening

17.60.070 Private Agreements

~~17.60.010 Permit Requirements~~

~~17.60.020 Measurement of Fence and Wall Height~~

~~17.60.030 Height Limits~~

~~17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue
Walkway~~

~~17.60.050 Materials~~

~~17.60.060 Parking Lot Screening~~

~~17.60.070 Nonconforming Fences and Walls~~

17.60.010 Permit Requirements

A. Administrative Permit. An Administrative Permit is required to establish a new fence or wall consistent with the height, placement, and material standards in this chapter. Replacement of an existing fence that is in compliance with standards of this chapter does not require a permit.

B. Design Permit. The Planning Commission may allow fences and walls that deviate from height, placement, and material standards with the approval of a Design Permit. The Planning Commission may approve a deviation to a fence standard only when:

1. Unique circumstances exist on the site, such as a property line abutting a highly trafficked public street or path;
2. The deviation is necessary for the reasonable use and enjoyment of the property; and
3. The deviation will not result in a significant adverse impact for neighboring properties or the community at large.

B.C. Building Permit. Fences and walls may require a building permit as required by California Building Code.

C.D. Encroachment Permit.

1. A fence in the public right-of-way requires Public Works Department approval of a Minor Revocable Encroachment Permit. See Municipal Code Section 12.56.060(A).

2. A wall in the public right of way requires Planning Commission approval of a Major Revocable Encroachment Permit. See Municipal Code Section 12.56.060(B).

17.60.020 Measurement of Fence and Wall Height



Note: Rules for the measurement of fence and wall height in this section are new.

- A. Measurement of Height.** The height of a fence or wall is measured from the finished grade at the base of the fence or wall to the top edge of the fence or wall.
- B. Fences on Walls.** If a fence is atop a wall, the total height is measured from the base of the wall.
- C. Different Finished Grades.** If the adjacent finished grade is different on opposite sides of a fence or wall, the height is measured from the side with the lowest finished grade to the highest point on the fence or wall.

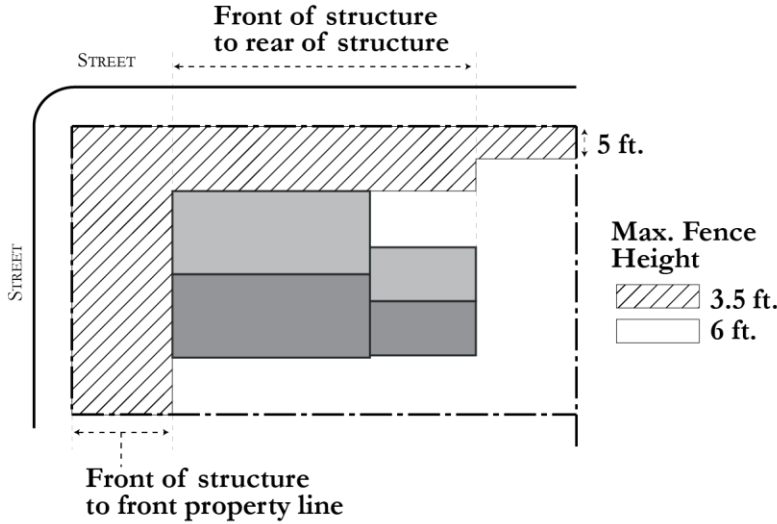
17.60.030 Height Limits

- A. Maximum Height.** The maximum height of fences and walls in all zoning districts is shown in Table 17.60-1 and Figure 17.60-1.

TABLE 17.60-1: FENCE AND WALL HEIGHT

Location	Maximum Height
Area from the front property line to the front facade of the primary structure	3 ½ ft.
Areas on a corner lot shown in Figure 17.60-1.	3 ½ ft.
All other locations	6 ft.
Alley	3 ½ ft.

FIGURE 17.60-1: FENCE AND WALL HEIGHT



B. Fences and Walls as Landscape Feature. A fences or wall used as a landscape feature which does not ~~to~~ enclose the perimeter of the property may exceed the height limits in side and rear setback areas shown in ~~Table~~Figure 17.60-1 up to a maximum of 6 feet.

B-C. Decorative Features and Materials.

1. An additional 2 feet of fence height is permitted above a 6 foot high fence for lattice or other similar material that is at least 50 percent transparent.
2. Decorative arches and other similar features above an entry walkway may be up to 108 feet in height within a required front and exterior side setbacks.



Note: Allowance for decorative arches in paragraph 2 above is new. Requirement that fences not interfere with use of parking spaces in subsection C below is new.

D. Use of Parking Spaces. Fences and walls may not be placed in a location that interferes with the use of a required on-site or street parking spaces.

C.E.

17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue Walkway

All fences adjacent to the pedestrian paths along the east side of Soquel Creek north of Stockton Avenue and along the Grand Avenue Walkway shall comply with the following standards:

- A. Maximum height: 3 ½ feet.
- B. Required material: wood, ornamental steel or iron, or other similar material.

- C. Fences may not be constructed of solid material. Fences shall maintain public views through the use of widely-spaced vertical posts or other techniques.

17.60.050 Materials



Note: Material standards in this section are new.

A. Permitted Materials. Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood, and shall be of a complementary color and material with the primary building. Other materials may be permitted if the Community Development Director determines the design to be compatible with adjacent structures and its surrounding neighborhood.

B. Prohibited Materials.

1. Fences and walls may not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, and other similar materials not specifically designed for use as fencing.
2. Barb-wire, razor wire, and electric fences are prohibited in all zoning districts. Chain link fences are prohibited in residential zoning districts, except for temporary use during construction with an active building permit.

17.60.060 Parking Lot Screening

Parking lots of six spaces or more shall be screened with a fence or wall as required by Subsection 17.76.060.I (Screening).

17.60.070 Private Agreements



~~**17.60.070** — **This chapter is not intended to interfere with any agreement between private parties regarding the placement, height, or design of fences and walls. Where conflict occurs between this chapter and such a private agreement, the City shall follow this chapter. The City is not responsible for monitoring or enforcing private agreements or mediating fence and wall disputes between neighbors.**~~
~~**Nonconforming Fences and Walls**~~

~~**Note:** Nonconforming fence and wall provisions in this section are new.~~

~~A legally established fence or wall that does not conform to current requirements in this chapter shall be removed or brought into compliance with this chapter if 50 percent or more of the lineal footage of the fence or wall is removed or replaced.~~

Chapter 17.64 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Sections:

- 17.64.010 Purpose
- 17.64.020 Applicability
- 17.64.030 General Standards
- 17.64.040 Soquel Creek and Lagoon
- 17.64.050 Soquel Creek and Escalona Gulch Monarch Butterfly Habitat Areas
- 17.64.060 Escalona Gulch Monarch Butterfly Habitat Areas

17.64.010 Purpose

This chapter establishes standards to protect and preserve environmentally sensitive habitat areas in Capitola consistent with Capitola’s General Plan, Local Coastal Program (LCP), and the requirements of the Coastal Act.

17.64.020 Applicability

This chapter applies to the following environmentally sensitive habitat areas as identified in Capitola’s LCP:

- A. Soquel Creek and Lagoon
- B. Soquel Creek Riparian Corridor
- C. Noble Gulch Riparian Corridor
- D. Tannery Gulch Riparian Corridor
- E. Soquel Creek – Escalona Gulch Monarch Butterfly Habitat Areas
- F. Escalona Gulch Monarch Butterfly Habitat Area

17.64.030 General Standards

The following standards apply to all environmentally sensitive habitat areas:

- A. **Impact Prevention.** Development in areas adjacent to an environmentally sensitive habitat area shall be sited and designed to prevent impacts which would significantly degrade the area.
- B. **Long-Term Protection.** Development shall be located, designed, and maintained to achieve the long-term protection of the environmentally sensitive habitat areas.
- C. **Prohibited Areas for Development.** New development may not encroach into the waters of Soquel Creek or Lagoon, be sited within the root zone of riparian or butterfly host trees, or require the removal of trees in a Monarch butterfly habitat area which provide roosting habitat or wind protection.

D. Minimum Setbacks.

1. Development may not encroach into required minimum setbacks from environmentally sensitive habitat areas as shown in Table 17.64-1 (Required Setbacks from Environmentally Sensitive Habitat Areas), except as allowed in subparagraph (2) below.

TABLE 17.64-1: REQUIRED SETBACKS FROM ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Environmentally Sensitive Habitat Area	Minimum Setback
Soquel Creek and Lagoon	35 ft. from the western shoreline of Soquel Creek Lagoon [1]
Soquel Creek Riparian Corridor	35 feet from the outer edge of riparian vegetation. On the heavily developed east side of the lagoon and creek (from Stockton Avenue to Center Street) the setback requirement shall be measured from the bank of Soquel Creek. In no case may the setback be located on the west side of the pedestrian path.
Noble Gulch Riparian Corridor	35 feet from the outer edge of riparian vegetation
Tannery Gulch Riparian Corridor	50 feet from the outer edge or riparian and oak woodland vegetation

Notes:

[1] Does not apply to public facilities outside the coastal zone. Within the coastal zone, applies to public facilities unless otherwise specified in Section 30233 of the Coastal Act.

2. To allow for a minimum level of development on a physically constrained lot, the City may allow a reduction to the required minimum setback provided that the reduced setback does not have a significant adverse effect on the natural area.

E. Biological Study. The City shall contract with a qualified biologist at the applicant’s expense to prepare a biological study that identifies the precise location of the environmentally sensitive habitat area and required setbacks, potential impacts on the habitat area, and measures to mitigate the impacts to the greatest extent possible.

F. Conservation Easements. If necessary and appropriate to protect natural areas, the City shall require a permanent conservation easements over portions of the property containing environmentally sensitive habitat areas. All environmentally sensitive habitat areas and their buffer zones shall be protected by conservation easements or deed restrictions.

G. Erosion Control and Water Quality.

1. All development shall conform to erosion control and water quality requirements consistent with federal, state, and local regulations. Within riparian areas, grading shall be minimized within the riparian setback area. Grading shall not be permitted to damage the roots of riparian trees or trees within butterfly habitat areas. Grading shall only take place during the dry season.

2. During construction, erosion control measures shall be implemented, including limiting removal of vegetation, minimizing exposure of bare soils, replanting disturbed soils with suitable native species, controlling runoff, and preventing sedimentation from entering drainages. All areas outside the immediate construction areas shall not be disturbed. The City shall require measures for temporary drainage retention during construction, including mulching, erosion control seeding, and other measures as needed to prevent any sediment from reaching sensitive habitat areas.

H. Removal of Native Riparian Trees. Removal of native riparian trees within riparian corridors is prohibited unless it is determined by the Community Development Director that such removal is in the public interest by reason of good forestry practice, disease of the tree, or safety considerations.

I. Dead Trees in Riparian Corridors. Snags, or standing dead trees, shall not be removed from riparian corridors unless in imminent danger of falling. Removal shall be consistent with all applicable provisions of Capitola Municipal Code Chapter 12.12 (Community Tree and Forest Management). Any removed tree shall be replaced with a healthy young tree of an appropriate native riparian species.

J. Landscaping Plan. A landscaping plan shall be prepared for proposed developments that identifies the location and extent of any proposed modification to existing vegetation and the locations, kinds, and extent of new landscaping. The emphasis of such plans shall be on the maintenance and enhancement of native species, the removal of existing invasive species, and the enhancement of natural habitat. New invasive plant or tree species are not permitted, with the exception of species which positively contribute to Monarch butterfly habitat.

K. Wood-Burning Fireplaces. Wood-burning fireplaces shall be prohibited in structures built on site where Monarch butterflies may be disturbed due to chimney smoke. The City discourages wood-burning fireplaces for residential uses in all other areas of Capitola.

17.64.040 Soquel Creek and Lagoon

The following standards apply in the Soquel Creek and Lagoon area in addition to the standards in Section 17.64.030 (General Standards):

- A. No New Development.** No new development is permitted within the banks of Soquel Creek and Lagoon, except for public facilities outside of the coastal zone.
- B. Division of Land.** New divisions of land may be approved only if each new parcel contains adequate area outside the riparian or stream bank setback to accommodate new development.

17.64.050 Rispin - Soquel Creek and Escalona Gulch Monarch Butterfly Habitat Areas

The following standard applies to both the Rispin - Soquel Creek and the Escalona Gulch Monarch Butterfly Habitat Areas in addition to the standards in Section 17.64.030 (General Standards):

- A. Permitted Construction Periods.** Construction within or on properties contiguous to the designated butterfly groves shall be prohibited during fall and winter months when the Monarch butterflies are present. Removal or modification of trees within the groves shall not be permitted during these periods except when determined by the Community Development Director to be an emergency necessary to protect human life or property.

17.64.060 Escalona Gulch Monarch Butterfly Habitat Areas

The following standards apply to the Escalona Gulch Monarch Butterfly Habitat Area in addition to the standards in Section 17.64.030 (General Standards):

- A. Permitted Development Location.** On the Escalona Gulch properties (APN 036-141-26,27, & 28)) development shall be confined to Lots 2, 3 and 4 shown on the Escalona Gulch Monarch Butter Habitat Area Map maintained on file in the office of the City Clerk.
- B. Maximum Floor Area and Building Coverage.** Total building floor area shall be limited to 6,000 square feet and building coverage shall be limited to 4,000 square feet. Buildings shall be located and designed so that they do not have a significant adverse impact on the Monarch butterfly habitat.
- C. Additional Driveway Area.** Up to an additional 600 square feet of footprint for a driveway may be allowed if a redesigned site plan with fewer or relocated buildings results in reduced impacts to the Monarch grove habitat.
- D. Conservation Easement.** Conservation easements shall be established on lands outside the identified roadway and building envelopes where development and tree removal is prohibited. The easement shall also establish that modifications to the understory including trimming and alteration must be reviewed by a qualified arborist and Monarch butterfly expert and approved by the Community Development Director. The easement shall be held by a government agency or organization authorized to monitor and enforce easement restrictions.
- E. Landscaping.** Landscaping at future homesites shall be limited to areas within identified building envelopes. Shrubs which flower in the early fall and could provide a good source of flower nectar for the butterflies should be planted based on a list of landscape suggestions written by a qualified Monarch butterfly biologist.
- F. Butterfly Monitoring.**
1. Due to lack of quantified data base and some disagreement among butterfly specialists, microclimatic measurements shall be taken before and after

construction to help develop a data base regarding environmental parameters associated with butterfly behavior. Such monitoring shall be funded by the applicant and be conducted by a qualified Monarch butterfly expert.

2. Monitoring shall include measurements of wind direction and velocity, temperature and humidity profiles and light intensity. Monitoring shall be conducted for three years after final construction on the property. Measurements of height, diameter, and age of cluster trees shall be taken the first year.

G. Tree Protection.

1. Development shall be located and designed to avoid removal of large trees. Large trees to be protected immediately adjacent to buildings should be evaluated by an arborist to assure that they will not pose a hazard in the future.
2. Trees and vegetation within the Escalona Drive right-of-way, but outside any planned paved area, shall be retained in their existing condition
3. Trees and ground vegetation adjacent to the building envelopes shall not be trimmed or altered in any way unless reviewed by a qualified arborist and Monarch butterfly expert and approved by the Community Development Director.
4. Trees which are seriously diseased or hazardous should be trimmed or removed during the building process, rather than having to disturb the habitat during some future winter season when falling limbs are the most likely to occur. If removal is deemed necessary, replanting shall be implemented in conjunction with the site replanting program.
5. Trees removed for construction shall be replaced based on a tree replanting program developed in consultation with a qualified Monarch butterfly expert and the California Department of Fish and Game. The trees shall be sited in strategic locations as identified by the replanting program.
6. Barrier fencing shall be installed around large trees, especially cluster trees, for protection during construction.

H. Structure Height. The City shall limit structure heights as needed to prevent shading of cluster sites.

I. Wood-Burning Fireplaces. Wood-burning fireplaces shall be prohibited in structures built on site where Monarch butterflies may be disturbed due to chimney smoke. [The City discourages wood-burning fireplaces for residential uses in all other areas of Capitola.](#)

J. Construction Involving Heavy Equipment. No construction involving heavy equipment that may bump into the cluster trees or produce heavy plumes of exhaust smoke is permitted during the months in which the Monarch butterflies are in residence (October 1st to March 1st).

Chapter 17.72 LANDSCAPING

Sections:

- 17.72.010 Purpose
- 17.72.020 Applicability
- 17.72.030 Water Efficient Landscape Design and Installation Ordinance
- 17.72.040 Landscape Plans
- 17.72.050 Required Landscape Areas
- 17.72.060 Landscape Standards

17.72.010 Purpose

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources.

17.72.020 Applicability



Note: Thresholds for additions to existing development in Subsections B and C are new. Existing Zoning Code Section 17.97.010 states standards apply to new construction and to remodels of commercial, industrial, multi-family, and planned development.

~~The following projects shall comply with the requirements of this chapter:~~

~~**A. Multi-Family and Non-Residential Projects.** The following multi-family and non-residential projects shall comply with all requirements of this chapter:~~

- ~~1. Construction of new primary structures.~~
- ~~0.2. Additions that increase the floor area of a multi-family or non-residential structure by 3,000 square feet or more.~~
- ~~0. Additions that increase the floor area of a single-family dwelling by 10 percent or more.~~

~~**B. Singly Family Projects.**~~

- ~~1. New single-family homes shall comply with all requirements of this chapter.~~
- ~~0.2. Additions that increase the floor area of a multi-family or non-residential structure by 3,000 square feet or more. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a Design Permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape Standards). The City will evaluate compliance with these standards based on the plans and materials submitted as part of the Design Permit application. Submittal of a Landscape Plan for the entire site in accordance with Section 17.72.040 (Landscape Plans) is not required.~~

17.72.030 Water Efficient Landscape Design and Installation Ordinance

Note: This section is new as required by State law.



In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the Model Water Efficient Landscaping Ordinance prepared by the California Department of Water Resources (DWR), when required by the California Water Conservation in Landscaping Act (Government Code Section 65591 et seq.) If conflicts occur between the Model Water Efficient Landscaping Ordinance and the Zoning Code, the more restrictive shall control.

17.72.040 Landscape Plans

- A. Landscape Plan Required.** Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., Design Permit applications) and subsequent building permit applications.
- B. Required Contents.** Landscape plans shall include the following features and information:
1. Site boundaries.
 2. Existing conditions on the property, including contours and existing structures.
 3. Structures immediately adjacent to the property.
 4. New structures and improvements proposed as part of the development project.
 5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of existing trees shall also include tree diameter measured 48 inches above existing grade and outer limit of tree canopy.
 6. New landscaping proposed as part of the development project specifying plant location, species, and size.
 7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
 8. Proposed grading.
 9. Additional information as determined by the Community Development Department to demonstrate compliance with the requirements of this chapter.
- C. Review and Approval.** The Community Development Department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.
- D. Changes to Approved Landscape Plans.**
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.

2. The Community Development Director may approve minor modifications to a landscape plan previously approved by the Planning Commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the Planning Commission.

17.72.050 Required Landscape Areas

A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass or related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas.

B. Non-Residential Zoning Districts.

1. The minimum landscaped area on a site is shown in Table 17.72-1.
2. In the MU-V and MU-N zoning districts, outdoor dining areas, courtyards, and other similar quasi-public areas may count toward landscaping requirements. In all other zoning districts these areas may not count toward landscaping requirements.

FIGURE 17.72-1: REQUIRED LANDSCAPE AREA IN R-1 ZONING DISTRICT

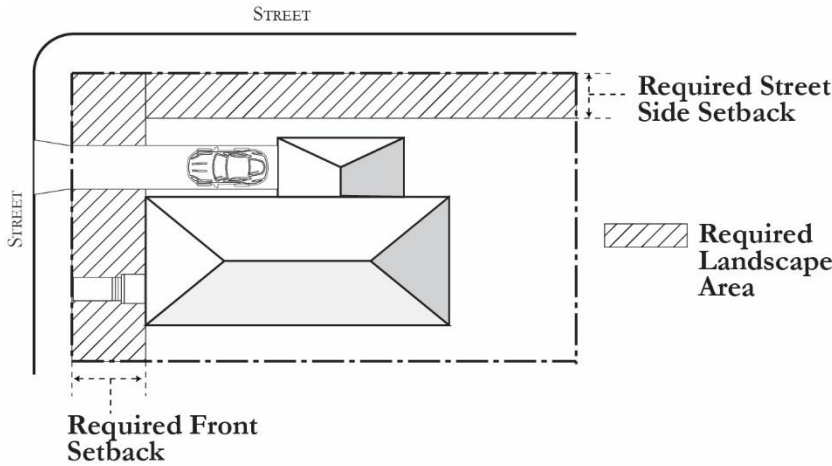


TABLE 17.72-1: MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONING DISTRICTS

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF	5%
I	<u>As determined by the permit approval process.</u> None
P/OS, PD, VA	As determined by the permit approval process

Attachment: Part 3 Partial 17.24-17.74 Draft Zoning Code Update (1517 : Zoning Code Update)

3. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.

C. Visitor Serving Properties. Minimum required landscaping for certain visitor serving properties are shown in the Table 17.72-2.

TABLE 17.72-2: MINIMUM LANDSCAPED AREA FOR VISITOR SERVING PROPERTIES

Property	Minimum Landscaped Area
Rispin Site	75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements
Shadowbrook Restaurant Parcel and visitor-serving El Salto and Monarch Cove parcels	50% landscaped area or undeveloped open space

17.72.060 Landscape Standards

A. General Standards. The following standards apply pursuant to 17.72.020 within all zoning districts.

1. **Plant Selection.** A minimum of 90 percent of plants and trees shall be drought-tolerant as defined by the Water Use Classification of Landscape Species (WUCOLS.) Native plants adapted to the local climate are preferred.
2. **Turf Lawns.**
 - a. Turf areas shall be limited to 25 percent of the landscaped area. The Planning Commission may approve larger areas if the lawn area provides functional open space.
 - b. Drought-tolerant grass species shall be used exclusively.
 - c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.
3. **Slopes.** Turf and high water use plants shall not be planted on berms and slopes greater than 25 percent.
4. **Plant Groupings.** Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).
5. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the Planning Commission and shall have recirculating water systems.
6. **Watering Times.** Watering shall start after eight p.m. and end before ten a.m.

7. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.



Note: Watering times in existing Zoning Code is six p.m. to ten a.m. changed to eight p.m. to ten a.m. as suggested by the Water District.

- B. **Irrigation and Water Efficiency.** Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:
1. Irrigation systems shall meet a minimum irrigation efficiency of 75 percent.
 2. Separate landscape water meters for landscape areas exceeding 5,000 square feet.
 3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.
 4. Overhead sprays shall have a precipitation rate of no more than 0.75 inches per hour.
 5. Separated valves and circuits based on water use and sun exposure. Separate valves for turf and non-turf and berm areas are required.
 6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.
 7. Rain-sensing override devices are required for all irrigation systems.
 8. Drip or bubble irrigation are required for all trees.
 9. State-approved back flow prevention devices shall be installed on all irrigation systems



Note: Standards for irrigation efficiency in paragraph 1 and overhead spray precipitation rate in paragraph 4 are new as suggested by the water District.

- C. **Timing of Installation.** Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

~~17.72.060~~**17.72.070 Landscape Maintenance-**

The following landscape maintenance requirements apply to multi-family and non-residential properties.

D.A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.

D.B. Mulch. Mulch shall be periodically added to the soil surface in all landscape areas.

D.C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.

D. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees shall be replaced in accordance with the City's Tree Ordinance, Municipal Code Section 12.12

~~D.E.~~ Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the City and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

Chapter 17.74 – SECONDARY DWELLING UNITS

Sections:

- 17.60.010 Purpose
- 17.60.020 Permitted Location
- 17.60.030 Required Permits
- 17.60.040 Design and Development Standards
- 17.60.050 Findings
- 17.60.060 Deed Restrictions
- 17.60.070 Incentives

17.74.010 Purpose

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

17.74.020 Permitted Location



Note: This section allows secondary dwelling units in the R-1, RM, MU-V and MU-N zoning districts on parcels occupied by a single-family dwelling. The existing Zoning Code allows secondary dwelling units only in the R-1 zoning district.

Secondary dwelling units are permitted in:

- A. The Single-Family Residential (R-1) zoning district; and
 - B. The Multi-Family Residential (RM) and Neighborhood Mixed Use (MU-N) zoning districts on lot of 5,000 square feet or more occupied by one single-family dwelling.
- ~~the Single-Family Residential (R-1), Multi-Family Residential (RM), Village Mixed Use (MU-V), and Neighborhood Mixed Use (MU-N) zoning districts.~~

17.74.030 Required Permits

- A. Administrative Permit.** Secondary dwelling units consistent with Section 17.74.040 (Design and Development Standards) are allowed with an Administrative Permit.
- B. Design Permit and Conditional Use Permit.**



Note: Paragraph 1 below prohibits deviations from certain design and development standards. Section 17.99.040 in the existing Zoning Code allows for deviation from all design and development standards with a Conditional Use Permit and Design Permit.

1. With the approval of a Design Permit and a Conditional Use Permit, the Planning Commission may allow secondary dwelling units that deviate from the standards in

Subsections D (Unit Size) through K (Open Space and Landscaping) in Section 17.74.040.

2. All two-story secondary dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

4.3.

To approve a Conditional Use Permit for a secondary dwelling unit, the Planning Commission must make all of the findings in Section 17.74.050 (Findings).



17.74.040 Design and Development Standards

Note: The requirement that the property owner occupy either the primary residence or the secondary dwelling unit in Section 17.99.060 of the existing Zoning Code is removed from this section.

- A. **Minimum Lot Size.** Secondary dwelling units are permitted only on parcels 5,000 square feet or greater.
- B. **One Primary Residence on Parcel.** A secondary dwelling unit is permitted only when not more than one a primary single-family dwelling is present on a parcel or is constructed concurrently with the secondary dwelling unit.
- C. **Occupancy.** The property owner must occupy either the primary or secondary dwelling. The Planning Commission may grant an exception to this requirement in the case of unique hardship with the approval of Conditional Use Permit.
- D. **Maximum Number per Parcel.** Only one secondary dwelling unit is allowed on a single lot.
- E. **Unit Size.** Table 17.74-1 shows the maximum permitted floor area for a secondary dwelling unit, based on the size of the parcel in which it is located.

TABLE 17.74-1: MAXIMUM SECONDARY DWELLING UNIT SIZE

Parcel Size	Maximum Floor Area
5,000 – 7,500 sq. ft.	500 sq. ft.
7,501 – 10,000 sq. ft.	640 sq. ft.
Greater than 10,000 sq. ft.	800 sq. ft.

- F. **Maximum Floor Area Ratio.** The combined floor area ratio of a lot with a primary residence and a secondary dwelling unit shall not exceed 0.60
- G. **Height and Setback Standards.**

Attachment: Part 3 Partial 17.24-17.74 Draft Zoning Code Update (1517 : Zoning Code Update)



Note: Table 17.80-2 allows two-story secondary dwelling units and requires a minimum 4-foot rear setback from single-story secondary dwelling units. Section 17.99.060.5 in the existing Zoning Code prohibits two-story secondary dwelling units and requires a minimum 8-foot rear setback from single-story secondary dwelling units.

1. Height and setbacks standards for secondary dwelling units are shown in Table 17.74-2.
2. The Planning Commission may allow a detached secondary dwelling unit to exceed the height limits in Table 17.74-2 to accommodate a roof design that matches special roof features of the primary residence. Such a height exception requires Planning Commission approval of a Conditional Use Permit.

TABLE 17.80-2: SECONDARY DWELLING UNIT SETBACK AND HEIGHT STANDARDS

	Type of Secondary Dwelling Unit	
	Detached	Attached
Setbacks, Minimum		
Interior Side	5 ft.	Same as required for primary residence
Exterior Side	Same as required for primary residence	
Rear	<u>One story unit:</u> 4-8 ft. <u>Two story unit:</u> 10 ft.	
Front	Same as required for primary residence	
Height, Maximum		
One story	<u>One story unit:</u> 15 ft. [1] <u>Two story unit:</u> 22 ft.	Height of primary residence or minimum permitted in zoning district, whichever is less

Notes:

[1] Maximum height when 4 – 10 feet from property line is 12 feet.

H. Two-Story Secondary Dwelling Units

1. A two-story secondary dwelling unit may be configured as either:
 - a. Two levels of living space as part of a single secondary dwelling unit; or
 - b. Upper level living space located above a ground floor garage (“carriage house”).
2. All two-story secondary dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

H.I. Doors and Windows.

1. The entrance to a detached secondary dwelling unit shall face the interior of the parcel unless the secondary dwelling unit is directly accessible from an alley or a public street.
2. Openings (e.g., doors and windows) on exterior walls that are closest to and face adjacent residentially-zoned properties shall be designed to minimize privacy impacts and maintain access to light and ventilation on adjacent properties.

I.J. Parking. One off-street parking space shall be provided for a secondary dwelling unit in addition to any off-street parking required for the primary residence.

J.K. Alley Orientation.

Attachment: Part 3 Partial 17.24-17.74 Draft Zoning Code Update (1517 : Zoning Code Update)

1. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.

~~1. When a secondary dwelling unit is adjacent to an alley, the secondary dwelling unit shall be oriented toward the alley with the front access door and windows facing the alley. The Planning Commission may allow an exception to this requirement with a Conditional Use Permit upon finding that an alley orientation is not feasible due to unique circumstances on the property.~~

2. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.

K.L. Design. The design of the secondary dwelling unit shall relate to the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

L.M. Open Space and Landscaping. The site plan shall provide open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Landscaping maintain privacy and provide screening for adjacent properties.

M.N. Mobile Units. Vehicles and trailers of any kind, with or without wheels, are prohibited as secondary dwelling units.

N.O. Building Code Compliance. The secondary dwelling unit shall meet the requirements of the Uniform Building Code.

17.74.050 Findings

To approve a Conditional Use Permit for a secondary dwelling unit, the Planning Commission shall find that:

- A. The exterior design of the secondary dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
- C. The secondary dwelling unit will not create excessive noise, traffic, or parking congestion.
- D. The property fronts on an adequate water main and sewer line each with the capacity to serve the secondary dwelling unit.
- E. The site plan provides adequate open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.

- F. The location and design of the secondary dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
- G. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the secondary dwelling unit relates to the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan.
- I. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.
- J. The site plan protects views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

17.74.060 Deed Restrictions

- A. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
 1. The secondary dwelling unit may not be sold separately.
 2. The secondary dwelling unit is restricted to the approved size.
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the secondary dwelling unit.
- C. The deed restriction shall lapse upon removal of the secondary dwelling unit.

17.74.070 Incentives

A. Fee Waivers for Affordable Units.

1. The City may waive development fees for secondary dwelling units that will be rented at levels affordable to low or very low income households.
2. Applicants of affordable secondary dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.

3. Landlords of secondary dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.

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

#	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 Overlay" in legend.</p>
1	Chapter 17.16.030. A – Page 16-3. General Standards – Single Family and Multi-Family Zoning Districts (Smith)	Table 17.16-2: Development Standards in the R-1 and RM Zoning Districts – discuss min lot size	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"> Define distance of neighboring properties. Current code states 500 feet. Draft code states neighboring properties. Request to identify appropriate area. 	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 street"
3	Chapter 17.16.030.B.2. Page 16-5. Front Setbacks in Riverview Terrace (Westman)	<ul style="list-style-type: none"> 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 available for the public. 	Map will be made available to public.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
4	Chapter 17.16.030.7. Page 16-7. Plate Height in Side Setback Areas.	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 under 16.16.030.B.5.	Remove standard for plate height in side setback areas.
5	17.16.030.B.8.a(1) Page 16-7. Decks and Balconies (Westman)	Discuss distance of setbacks for administrative review of upper floor decks and balconies. Proposed at 10 feet from property line and 20 feet from single-family dwelling	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 open space.
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 space is accessible to all residents of a multi-family development. Request to discuss.	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 are different and the current chapter is confusing.	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

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
8a MU-V	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the Mixed Use Zoning Districts (Newman)	Remove parcel width & minimum dimensions in MU-V. They do not work.	Mixed use village 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 Mixed Use Zoning Districts (Newman)	Remove parcel width & minimum dimensions in MU-N. They do not work.	Mixed Use Neighborhood. CHANGE: Minimum Parcel Size 3200 square feet; Minimum Width 40 feet; and minimum depth 80 feet. Add note that these standards apply only to new parcels within a subdivision application
Add	Chapter 17.20.030 – Page 20-4. Development Standards Table 17.20-2 – Development Standards in the Mixed Use Zoning Districts	Concern for minimum lot size and dimensions on existing parcels.	Add language the minimum lot size and dimesions 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 specifics?	
10	29) 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 treated differently.
11	Chapter 17.20.030.C.5 – Page 20-8 – Parking Location and Buffers (Smith)	Standard may prevent residential on-site parking under living. Example 321 Capitola Ave	Modify so standard only applies to the MU-V district.
Add	Chapter 17.20.030.D - Setback in MU-V	shall to may	Modify language to allow more of the building to be setback from the front property line.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
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 be changed.
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 sales, etc. on 41st avenue.	No change to draft code. Keep Vehicle Repair and Vehicle Sales and Rental as a Conditional Use in the CC and CR zones. And as Permitted within the Industrial zone.
13.B	Chapter 17.24 - Commercial and Industrial Zoning Districts (Westman)	Drive through. Should they be limited to Regional Commercial	Change: Limit drive through to regional commercial district. Prohibit from CC.
14	Chapter 17.36 – Planned Development Zoning District (Westman)	Request discussion of PD	<p>Change: Modify process. Remove requirement of a preliminary development plan. Replace with a required conceptual review that is more informal. Within the conceptual review, require noticing, review by Planning Commission, and review by City Council. The rest of the process should remain as proposed.</p> <p>Add standard of 20,000 sf minimum parcel size to qualify for PD.</p> <p>Additional note: A separate section must be created in the code for Conceptual Reviews outlining purpose, process, and noticing.</p>

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
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	Staff provided redline changes to better define substantial benefit, method to quantify substantial benefits, and improve descriptions of the options. The redlines were acceptable to the Planning Commission. Redlines will be incorporated into draft code.
16	Chapter 17.40.20.I.3(a-f) – Page 40-5 – Design Standards – Pedestrian Orientation (Westman)	This is more restrictive than underlying zoning. Suggest removing.	Remove 17.40.020.I.3 Pedestrian Orientation
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 regulation or less stringent as an incentive.	No change to 17.40.020.I.5 Common Open Space
Added	Chapter 17.40.030 Vacation Rental Use Overlay Zone. Development and Operations Standards. Added during Planning Commission hearing on April 18, 2016	Modification to Development and Operation standards based on recent Vacation Rental code enforcement sweep. Staff provided modifications during meeting.	Change: Replace proposed Development and Operations Standards with those provided during meeting. Within the permit revocation standard, change to clarify that CDD determination can be appealed to PC. Also remove "or for a greater time period as established by the Community Development Director.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
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 in Section 17.120.030.B.5 page 120-3)	Updated 17.52.020.A.3 to delete electrical
Added	Chapter 17.52.020.A.3 - Page 52-1 - All Accessory Structures	Discussion that accessory structures may be utilized as an office	The Commission also discussed that accessory structures may be utilized as an office and commented the standard shall remain that they are not for human habitation. This is confusing as an office would likely meet the definition of habitation. Rework to be clear that the space may not be utilized as a bedroom, sleeping area, and/or kitchen. Updated 17.52.020.A.6 to "Accessory structure may not be deigned or used as a bedroom, sleeping area, and/or kitchen, except for secondary dwelling units consistent with Section 17.74.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
19 9)	Chapter 17.52. 020. B.1 – Page 52-2. Development Standards. Table 17.51-1: Accessory Structure Standards in Residential Zoning Districts (Smith)	Could you have an apartment on top of a garage if the garage was not located in setbacks?	The answer to the question is yes, but not stated clearly in the code. Staff will clarify code (Section 17.74: Secondary Dwelling Units) that a 2 story secondary dwelling unit may include a garage in the first story. Updated 17.52.010 to "These requiremetns do not apply to secondary dwelling units, including two story secondary dwelling units above a detached garage, which are addressed in Chapter 17.74 (Secondary Dwelling Units). Also updated 17.74.040.H with new standards for 2 story secondary dwellings.
Added	Chapter 17.60 Fences and Walls:17.60.010.B	Exceptions to height	Add criteria for Planning Commission exceptions to address areas in which the fences are typically taller than normal. Example is Wharf Road. Updated 17.60.010.B to include 1 - 3.
Added	Chapter 17.60 Fences and Walls:17.60.070 Non-Conforming Fences and Walls	Concern for regulating replacement fences.	Remove non-conforming fences and walls. Also, allow fences to be replaced without a permit. Updated by removing 17.60.070 non conforming fences. Updated 17.60.010 to "Replacemnt of an existing fence that is in compliance with the standards of this chapter does not require a permit.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Fences and Walls as encroachments into Side yard Table (17.48-2).	screening and decorative fences should be allowed in side and rear yard.	The Commission discussed allowed encroachments into setbacks. Directed to allow fences and walls to encroach into the side and rear yards that may be utilized as screening or decoration. Fences may encroach in front yard if at regulated height. Update with addition of 17.60.030.B Fences and Walls as Landscape features. A fence or wall used as a landscape feature which does not enclose the perimeter of the property may exceed the height limits in side and rear setback areas shown in Figure 17.60-1 up to a maximum of 6 feet.
Added	17.64.060.I Wood burning fireplace	Discourage wood burning fireplaces due to environmental and health impacts	Add language that wood burning fireplaces are discouraged. Updated 17.64.060.I with "The City discourages wood-buring fireplaces for residential uses in all other areas of Capitola". Updated in 17.64.030.K and 17.64.060.I
Added	Chapter 17.72.020. B – Applicability	Concern that requirement goes too far.	Remove B “additions that increase the floor area of a single-family dwelling by 10 percent or more” Add a second section under applicability to require Landscape that is removed during a remodel must comply with section 17.72.060 Landscape Standards. Updated 17.72.020.B to note existing landscaping that is disturbe of ne landscapign must comply with 17.72.060 but a full landscape plan is not required.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.72.070	Applicability of maintenance requirements will be a challenge for single family homes	Applicability should also specify that only multi-family and commercial are subject to the Maintenance requirements. Updated 17.72.070 to state "The following landscape maintenance requirements apply to multi-family and non-residential properties."
Added	17.72.050.A.1	the allowance for outdoor dining areas and courtyards should also apply to single-family. Social features that support interactive communities.	17.72.050.A.2 allow residential to have outdoor dining areas and courtyards that count toward the landscape area requirements. Updated 17.72.050.A.2 to include "and may include patios,"
Added	Table 17.72-1	Industrial requirement is incorrect and not in synch with 17.24-030.	Updated Table 17.72-1 Minimum Landscape Area in Non-Residential Zoning Districts. Modified Industrial to remove "none" and add "As determined by the permit approval process" Also modified development standard table 17.24-030 to change the required 10% in the Industrial Zone to also state "as determined by the permit approval process"
Added	17.72.060.A.1 & 3	Plan should be plant in 2 sentences.	17.72.060.A.1 and A.3. The word "plan" should be "plants". This edit is in two different lines. A.1 and A.3. Updated to "plants"

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.74 Secondary Dwelling Units	Modify proposed regulations	Updated 17.74 to include: <ol style="list-style-type: none"> 1. Add stipulation that only SDU is only allowed when there is one single family home on the property. 2. Remove from MU-V zoning 3. Require all 2 story secondary dwellings to get a conditional use permit 4. Keep owner occupied requirement with an waiver for hardship 5. Require an extra parking space for Secondary Dwelling Units 6. Increase rear yard setback to 8 feet.
20	Chapter 17.76.030.A – Table 17.76-1 – Page 76-2 - Required Parking Spaces – Mixed Use Zoning Districts (Westman)	Request discussion of parking for mixed use.	Remove unique standards for MU-N in table 17.76.030. MU-N will be included in other zoning districts table 17.76-2
Added	17.76.020. C.1 Expansions and Enlargements. Discuss options to allow existing restaurants modest expansions within existing building footprint	Return with scenario of decreasing restaurant scenario in the Village for 300 sf for kitchen. What will be allowed in term of expansions if a commercial space has onsite parking? Bring back Mercantile example for existing restaurants. Figure out if there is a percentage that correlates for change in parking to allow existing businesses some flexibility to expand a little bit.	Current draft states “Additional parking is required to serve only the expanded or enlarged area”. Allow an exception for expansion of dining area up to 20% of the existing floor area of the business” Expansions include modification of internal layout to expand dining area, additions to restaurant within the existing footprint of the building, and new outdoor dining areas.” (Note: Commissioner Newman did not support the modification.)

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.76.020.B.1 Replacing existing uses in Village. Discuss option to apply the standards of B.1. to restaurants	New restaurants replacing other land use in village	Conversions of any space from another land use to restaurants should be required to provide parking for the entire amount of parking required by the code, without a "credit" of the parking demand of the existing use. Make restaurants subject to same standard as 17.76.020.B.1 instead of B.2.
21	Chapter 17.76.030.B – Table 17.76-2 – Page 76-3 - Required Parking Spaces – Other Zoning Districts (Westman)	Secondary Dwelling Units should require a 3rd parking space. Discussion requested.	Require one additional space for secondary dwelling unit.
22	Chapter 17.76.040.C.3 – Page 76-8 – 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 for residences.	Allow residential to provide parking onsite in the Village. Note: will require modification to LCP.
23	Chapter 17.76.040.D – Page 76-8 – Large Vehicle Storage in the R-1 Zoning District (Westman)	Add maximum width	Add maximum width
24	Chapter 17.76. 040. D – Page76-8. Large Vehicle Storage in the R-1 Zoning District (Smith)	Too restrictive, suggest removing second sentence	Keep as drafted.
25	Chapter 17.76.050.D.1 Shared Parking (page 76-10) (Welch and Newman)	Discuss the exclusion of residential land uses from shared parking (Welch) Too rigid (Newman)	Remove D1. Parking Study should be done by the City and paid for by applicant.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
27	Chapter 17.76.050.G – Page 76-11 - Transportation Demand Management Plan (Westman)	Add standards for parking studies	a. Shared Parking in MUN: 25% max decrease b. Transportation Demand Management Plan: 15% max decrease c. Transit Center: REMOVED d. Mixed Use Village: No decrease in parking standards allowed.
28	Chapter 17.76.050.H – Page 76-11 - Transit Center Credit (Westman)	Discuss	Remove Transit Center Credit
29	Chapter 17.76.060.H – Page 76-15 - Pedestrian Access (Westman)	Applicable to village? Discuss.	Leave as is
Added	Chapter 17.80 Signs.	Discussion on signs in the Mixed Use Village	Create a separate subchapter for sign standards in the Mixed Use Village.
Added	Chapter 17.80 Signs	City Installed Signs	Add exemption that City installed signs do not require permits within all zoning district. There is a section exempting VS, CF, and P/OS but the exemption should be Citywide.
Added	Chapter 17.80.030. B	Permit Requirements - Sign Permits	Add all signs in the Mixed Use Village require Planning Commission approval.
30	Chapter 17.80.030.B - Flag Signs (Westman)	Discuss new allowance for flag signs	Remove #3 a and b for Flags
31	Chapter 17.80.060.F - Page 80-6 - Digital display and electronic reader board signs (Westman)	Discuss. Possible use to show number of parking places.	Exempt city installed signs. Create allowance within parking garages similar to gas station allowance
Added	Chapter 17.80.030.B Signs Allowed Without Permits. A. Types of Signs.	Discussion on restaurant menu signs.	Modify #12 to add “Restaurant menu signs, with a maximum area of 3 square feet <u>attached to building.</u> ”

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
32	Chapter 17.80.070.C - Page 80-6 - Illumination (Westman)	Discuss neon signs. Beer signs.	Modify 17.80.070.C.1 to read “Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Add this standard to 17.80.090.B.7.C Do not allow internal illumination in the Mixed Use Village. Do not prohibit neon signs. Modify so all neon signs require Planning Commission approval.
Added	Chapter 17.80.070.D.1.	Edit	Reword 17.80.070.D.1 to “Except for <u>interior</u> windows signs, all permanent signs shall...” Reword 17.80.070.D.1 to “The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies <u>and will not have an adverse effect on the character and integrity of the surrounding area.”</u>

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.070.F.1.b.	Exceptions for signs in the public right-of-way.	Staff Clarification: This exception is necessary to carry out City Council Policy Number I -17 for Capitola Village Street Banner Program policy. The policy allows nonprofit groups, public and governmental agencies, and public information campaigns to display promotional street banners for charitable, educational, arts, community, and public interest activities, regulations, and events. Banners under this policy may be displayed only at the Capitola Avenue/Riverview Drive and Monterey Avenue/Park Place intersections.
Added	Chapter 17.80.80	Standards for Specific Types of Signs and 17.80.090 Sign Standards for zoning Districts	Combine these two sections so it is easier for the user. After each standard have a table that states the specifics for the zone. The back and forth is confusing.
Added	Chapter 17.80.80	Standards for Specific Types of Signs	Sign Standards for Center Identification Signs and Directory Signs are missing from this section. Add Center Identification Sign Standards. Make sure to include that one freestanding sign per frontage. More specifically, if there is a monument sign along the frontage a center identification sign is not allowed. Add Directory Sign standards to reflect the existing code.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.080.A	Awning Signs	In the MU-V and MU-N: Awning signs only allowed on Valance. Anything beyond requires Planning Commission approval. In the CR and CC district: Specify either/or. An awning may have signage in either the valance or the sign face. Not both. To go beyond the limits within the sign valance or sign face, Planning Commission approval is required.
Added	<u>Chapter 17.80.080.B</u>	Monument Sign	The setbacks for monument signs may be in conflict with the CR zone. Review 17.24.030B and make sure they are not in conflict.
Added	<u>Chapter 17.80.080.B</u>	Monument Sign	Increase max area of Monument Sign in MU-N to 16 ft. Keep MU-V at 12 feet.
33	Chapter 17.80.080.B. 7 - Monument Signs limit to 4 tenants (Westman)	Max limit of 4 tenants on Monument sign	Can go beyond with PC approval. This allowance will have to be noted within the section on what the Planning Commission can approve.
Added	Chapter 17.80.080.C and 17.80.090.	Wall Signs	Planning Commission Direction: Keep max area in MU-V at 0.5 sf per linear foot of storefront. Increase MU-N to 1 sf per linear foot of storefront. Max area is 36 square feet otherwise requires Planning Commission approval. Add corner lot standard of two signs.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.080.D and 17.80.090.C	Projecting Signs	Add Commercial standards to Industrial Zoning District. Decrease Maximum area to 8 sf in the commercial and industrial zoning districts.
Added	Chapter 17.80.080.E	Gas and Service Station Signs	Allow gas station to list services within permitted signs for propane and ATMs to avoid all the additional small a-frame signs that do not comply with code. Create a standard for the new gas station sign like 1 square foot to advertise ATM and 1 Square foot to advertise propane. These signs must be attached to a sign or structure.
34	Chapter 17.80.080.F	Window Signs	Remove maximum of 1 sign per window. Modify 17.80.090.B.2.h.1 to 30% of window
35	Chapter 17.80.080.G.13 - Page 80-11 - Sidewalk signs in MU-V zoning district (Newman)	Suggest removing max limit of sidewalk signs for fairness.	Remove 30 maximum in village. 17.80.080.G.13.
Added	Chapter 17.80.090.A.4.	Edit to emphasize compatibility	Add J "The signs will not have a significant adverse effect on the character and integrity of the surrounding area."
Added	Chapter 17.80.090.A.4.F	Internal Illumination in Village	Specify that internal illumination is not allowed in the village. Backlit signs are allowed. Only allowed in MU-N. Add specific lighting restricts for maximum lumens or foot-candles for all illuminated signs.
Added	Chapter 17.80.090.B.5	Auto dealership signs	Elaborate on the allowances within the dealerships for more frequent temporary sign permits, signs on light poles throughout the autoplaaza, etc.
Added	Chapter 17.80.090.B.6	Low Visibility Areas. Definition	Define Low Visibility Areas

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.80.090.B.7.C		to read “Non-residential signs may be internally or externally illuminated. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo
Added	Chapter 17.80.090 A4 and B7 and C4	Design Standards	Add zone name in title. Design Standards for Commercial, Design Standards for MU-N, etc.
Added	Chapter 17.80.090.D:	<u>Visitor Serving</u>	This should not apply to VS overlay. Clarify only in Visitor Serving not in Overlay. As noted previously, signs installed by the City are exempt citywide. Reference in beginning of chapter and remove.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
36	Chapter 17.80.110. - Page 80-17 - Temporary Signs (Westman)	Discussion	<ol style="list-style-type: none"> 1. Delete Small Commercial Signs within Use Restriction delete “non-residential uses only” and write in Autodealerships on Autoplaza Drive Only. Create a row for Auto Dealers that allows these signs and allows balloon. Increase frequency of allowance. 2. Remove Balloon Signs 3. Under Construction Site Signs- Residential change Use Restrictions to Residential Uses only. 4. For Construction Site Signs both residential and non-residential – change maximum duration to state “to certificate of occupancy” 5. For Construction Site Signs non-residential and for sale lease and rent sign non-residential – require that the signs are smaller in the Central Village. 6. For Sale, Lease, and Rent Signs, Non-residential specify 1 per property on site and revise maximum duration to state “180 days; director may approve extensions” remove 90 days. 7. For open house add allowance that 1 on property and one on a different private property with the consent of private property owner.
37	Chapter 17.88.030.J - Page 88-2 - Public Art (Westman)	Already required. Must go beyond requirement	Discussed on 3/3/2016. Reword/strengthen language in 17.88.020. Add to descriptions of allowable benefits.
38	Chapter 17.92 - Page 92-1 - Non- Conforming Parcels, Uses, and Structures (Westman)	Discussion	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Chapter 17.80.130.F.1	Master Sign Program	Planning Commission Direction: Remove “color” and remove provided that the signs contribute to a consistent visual theme within the property.
Added	Chapter 17.80.140	Non-conforming signs. A. Continuation	Planning Commission: Add to continuation that if there is a remodel (more than 50%) the non-conforming sign must come into compliance.
Added	17.88.030 Allowable Benefits.	Move Central Village from MU-V chapter to 17.88.	Move Central Village Theater Site to section 17.88
Added	17.88.030 Allowable Benefits	Discussion on revised allowable benefit list	Clarify 17.88.030.D what “sidewalk oriented commercial uses” means. The idea is to bring the building up to the street/sidewalk. Update to be clearer of intent. Revised list is improvement.
Added	17.88.040 Available Incentives	Move the Central Village Theater Site from MU-V to 17.88	Move the Central Village Theater Site to 17.88
Added	17.88.060	Application Submittal and Review	The organization of this section is confusing. Revise A: The application must go before Planning Commission for a recommendation to the City Council. Remove B. Separate chapter for Conceptual Review will be added
Added	17.88.080	Findings	Delete Finding C. Add finding that the Public Benefit exceeds the benefits required by the zoning code or any other provisions of local, state, or federal law.
Added	17.92.010	Purpose	Move purpose E after purpose C
Added	17.92.050.B	Cessation of Use	Define “Cessation of Use” and specify what operating and non-operating means. Business closed. Extend to 180 consecutive days.

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.92.070.C.3	Measures to Compensate for Impacts	Language is too weak. Change provide a community benefit to “neighborhood” benefit. For examples include: reducing number of residential
39	Chapter 17.92.080.C.2 - Page 92-7 - Substantial Demolition (Smith)	Discussion on removal of substantial demolition	Remove the substantial demolition. Instead, require all additions to a non-conforming structure that require a design permit to be approved by Planning Commission and limit additions to 50% of existing non-conforming structure.
Added	17.92.080.D	Replication of Single Family Dwellings	Change replication to reconstruction. Keep recreates the original building footprint, mass, floor area, height, and roof lines but allow deviation in arrangement of doors, windows, and exterior finishes. Similar to reconstruction as included under 17.92.080.E.2 which allows minor changes to arrangement of doors, windows, and rooflines. Add finding that modification to the non-conforming structure preserves the beach cottage character of the city.
	17.92.080 D.5	Finding reference	Reference to findings should be 17.92.090.
40	Chapter 17.96.020. B – Page 96-2 – Household Pets (Westman and Smith)	Limit max number.	Add maximum of 4 of each type of pet with a maximum of 8 pets total.
Added	17.96.020.C. Chickens	Chickens	Add minimum lot size of 5000 sf. Location of coops shall specify they are not allowed in front or side yard. Must be located behind primary structure. Allowed within rear yard. Keep 20 feet requirement from dwelling units on adjacent properties.
Added	17.96.020.D. Prohibited Animals	Prohibited Animals	Add the word ducks as follows “1. Roosters, fowl other than chickens and ducks, goats ...

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.96.040	Home Occupation	Minor Edit: 17.96.040.B.2 Sales and Displays. Add the word onsite as follows. "Products may not be sold onsite directly to customers..."
Added	17.96.060.A	Large Commercial Land Uses: Purpose and Applicability	Keep standard for applicability at 12,000 sf and remove 20,000 sf. Also, reinsert previous code exception for commercial properties within a 300,000 sf shopping center.
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 these in the code or prohibit?	Do not allow in the MU-V. Add that permanent outdoor display requires approval of a conditional use permit by Planning Commission. Add that vending machines are not allowed as permanent outdoor displays. Make sure it is clear in draft code that redbox and vending machines located outside a building require a CUP for an accessory use. Define discretionary review.
Added	17.96.110.D.1	Outdoor Lighting. Prohibited Lighting. Drop-down lenses.	Better define drop down lenses and input image
Added	17.96.140	Residential Mixed Use Development in Commercial Zoning Districts	Move to CC and CR Zones. Remove 17.96.120.C.7 retail location. Reword 17.96.120.C.10 to clarify parking along curb. Clarify if this is parking along frontage. Curb suggests public street parking.
added	17.96.150.	Self-storage should have a dash in the regional commercial zone. Update 17.96.150 to reflect that the self storage are only applicable in the CC.	

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
added	17.96.150.B.1	Self Storage Facilities. Change to required findings	Change B.1 to “The location of the proposed self-storage facility is not conducive better suited as self-storage rather than traditional retail due to limited access to or poor visibility from the street.”
added	17.96.160.B	Solar Energy Systems – Height exceptions	Specify that height exception is for the solar system not the structure.
added	17.96.170.B.	Soquel Creek Pathway, Bulkheads, and Decks: Bulkheads and Decks	Move B.2. under 17.96.170.A. Remove all of section B.
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 closures/events?	Staff to add tighter regulations.
Added	17.96.180	Temporary Sidewalk Dining	Do not allow in MU-V. Within other commercial zones allow with tighter regulations.
43	Chapter 17.96.200 – Page 96-20 – Unattended Donation Boxes (Westman)	Unattended Donation Boxes	Prohibit unattended donation boxes City-wide.
Added	Table 17.108.-1	Review and Decision-Making Authority: Conceptual Review	Add conceptual review application
Added	17.108.040	Change title Design Review Committee	from Design Review Committee to Design Review Process

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.108.040.B	Membership: Modify membership	Highlight as a change for City Council. Under membership remove historian; include one contracted landscape architect; and decrease contracted architect from two to one. No appointments. Historian is removed and only applicable within the Historic section of code. Within the historic section of code the Contracted Historic Architect shall review application prior to design review process.
Added	17.112.020 & 30 & 40	Application Preparation and Filing	Add a flow chart
Added	17.112.050.B	Concurrent Application: Planning Commission role	Add that Planning Commission makes a recommendation to City Council.
Added	Table 17.120-1 Permits Requiring Design Permits	Single-Family Residential Projects	Create a maximum threshold in size for accessory structures up to 300 square feet with minor design permit. Beyond 300 sf is a design permit and requires Planning Commission approval.
Added	Table 17.120-1 Permits Requiring Design Permits	Single-Family Residential Projects	Modify: Upper floor decks to an existing sign-family home that do not back up to open-space, pursuant to Section 17.16.030.B.8
Added	Table 17.120-1 Permits Requiring Design Permits	Multi-family Residential Projects	Modify as follows: Ground – Floor additions less than 3,000 sq. ft. to an existing multi-family structure 15% of the existing floor area of individual unit. Minor Design Permit
Added	Table 17.120-1 Permits Requiring Design Permits	Multi-family Residential Projects	Ground-floor additions 15% or more of the existing floor area of individual unit. Design Permit
Added	Table 17.120-1 Permits Requiring Design Permits	Multi-family Residential Projects	Repeat: Modify upper floor decks to an existing sign-family home that do not back up to open-space, pursuant to Section 17.16.030.B.8. Design Permit

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	Table 17.120-1 Permits Requiring Design Permits	Non-residential Projects (Including Mixed Use)	Repeat: Create a maximum threshold in size for accessory structures up to 300 square feet with minor design permit. Beyond 300 sf is a design permit and requires Planning Commission approval.
Added	Table 17.120-1 Permits Requiring Design Permits	Non-residential Projects (Including Mixed Use)	Modify as follows: Additions less than 3,000 sq. ft. to an existing multi-family structure 15% of the existing floor area of a non-residential structure where the addition is not visible from the primary street frontage. Minor Design Permit
Added	Table 17.120-1 Permits Requiring Design Permits	Non-residential Projects (Including Mixed Use)	Modify as follows: Additions of 15% or more of the existing floor area of a non-residential structure. Design Permit
Added	17.110.030.B	Single Family Exemptions	Staff Note: Add exemption for "Minor exterior modification or replacement of materials on an existing structure including siding, windows, doors, and roof."
44	Chapter 17.120. 030. B. 5 –Page 120-3. Single-Family Exemptions (Smith)	Single Family Exemptions	Remove "electricity"
Added	17.120.040.C	Application Submittal and Review: Enhanced Visualization	Change shall to "May also require" then explain "enhanced visualization" with examples such as: 3-D renderings, models, expanded streetscapes, viewpoint analysis, etc.
Added	17.120.080	Findings for Approval	Add additional Finding of Approval as follows: "Maintains the character, scale, and development pattern of the neighborhood."
Added	17.132.070.E	Sign Permits- Findings for Approval	Remove Finding E

#	LOCATION IN DRAFT CHANGE	REQUESTED DISCUSSION	IMPLEMENTATION
Added	17.136.020.A	Minor Modifications: Permit Modifications	Change "city" to "Planning Commission" in first sentence.
Added	17.136.020.A	Minor Modifications: Permit Modifications	Move A.1 and A. 2 into section B. Excluded Modifications.
Added	17.136.020.A	Minor Modifications: Permit Modifications	#4 change to "Dimension standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and"
Added	17.136.060	Findings for Approval	Remove "undesirable" from sentence
Added	Chapter 17.148	Public Notice and Hearing	Staff to add a table for each type of permit and the required noticing and appeal period. Standardized noticing even if it means a longer noticing than required by state law to create consistency.
Added	Chapter 17.148	Public Notice and Hearing	Add conceptual review to noticing.
45	Chapter 17.148.020 Notice of Hearing (Smith)	The requirement for prominent posting on site is not listed, shouldn't it be? Also would like to discuss electronic posting to social media sites / email as alternatives to supplement newspaper posting under item 3. Would like to add notice requirements to conceptual review hearings so that the affected public is aware of these discussions.	Request to remove newspaper noticing in the future because outdated. Understand it is a state requirement but would like to see Capitola support changes to legislation. Public noticing should be on website rather than newspaper.

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
2	Throughout Document (Newman)	Consistency in Capitalization: Coastal, Local, State, Federal	Correct capitalization of Coastal, Local, State, and Federal throughout code.
3	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 <u>and other forms of transportation</u> "	17.04.020.B.10: Modified to add "and other forms of transportation"
4	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, <u>in accordance with 17.08.040</u> , to interpret the meaning and applicability of all provisions in the Zoning Code".	17.08.020 Updated to add "in accordance with 17.08.040"
5	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. And on the official City of Capitola website"	17.12.030.C Update and removed "and on the official City of Capitola website"
6	Chapter 17.16.010.B.2 - Page 16-1. Specific (Westman)	B.2. Multi-Family Residential (RM) Zoning District - Housing in the RM oinng indistrict carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures".	17.16.010.B.2 Updated to replace "is" with "will be"
7	Chapter 17.16.020 Land Use Regulations. Table 17.16-1	Vacation Rentaals. Reference is incorrect	Change vacation rental reference to 17.40.030

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
8	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 may be developed including substandard lots.	Table 17.16-2 Updated to include note 1.
9	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 (17.16.030.B.3). Chapter 17.16.030.A. Table 1716-2.	Table 17.16-2 Updated to include garage setback of 20 feet
10	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.
11	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 impacts on neighboring properties".	Sentence to be changed from "is" to "will be"
12	Chapter 17.20.010.B - Page 20-1. Purpose of the Mixed Use Zoning Districts; Subsection B (Welch)	Suggest renaming to follow nomenclature. 1 - Village Mixed Use (MU-V) change to "Mixed Use - Village" Zoning District"; 2 - "Neighborhood Mixed Use (MU-N) change to "Mixed Use - Neighborhood" Zoning District"	Mixed Use-Village (MU-V) and Mixed Use Neighborhood (MU-N) will be incorporated into code and map.

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
13	Chapter 17.20.020.A. Permitted land uses. Table 17.20.020 page 20-3 (Staff)	Vacation rental. Reference See Chapter 17.40.030"	Reference for vacation rentals will be updated to 17.40.030
14	Chapter 17.20.030.D.1 - Page 20-9 - Setbacks in the MU-V Zoning District (Welch)	The Planning Commission way <u>may</u> modify or waive this requirement upon finding that:	Change "way" to "may"
15	Chapter 17.20.030. D.1 – Page 20-9 - Setbacks in the MU-V Zoning district (Newman)	Loosen standard building within 0-10' of property line.	Standard will remain as proposed. Language will be modified from shall to should
16	Chapter 17.20.30.F Page 20-10 - Height and FAR Standards for the Village Hotel (Westman)	Request legal review to ensur this is not spot zoning	Moved to 17.88
17	Chapter 17.24.010.B. Page 24-1 - Regional Commercial (C-R) Zoning Districts (Westman)	Office, medical, and residential uses are restricted in prime retail locations to protect the long-term economic vitality of the corridor. There is no definition for "prime retail location".	17.24.010.B removed "in prime retail locations"
18	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 be located and designed to maintain a primarily commercial character and function of the site." - reword for clarity.	

	A	B	C
1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
19	Chapter 17.24-1 - Page 24-2 - Land Use Table (Smith)	Need to define custom manufacturing vs. light manufacturing.	
20	Chapter 17.24-1 - Page 24-2 - Land Use Table (Added during April 18, 2016 PC meeting)	Recycling Collection Facilities. List as a conditional use permit for CC, CR, and I zone. Correct reference to 17.96.130	Updated Table 17.24-1 to add CUP requirement for Recycling Collection Facilities in CC, CR, and I zone. Correct reference to 17.96.130
21	Chapter 17.24.030 Development Standards. Table 17.24.030 Added by staff	There is a footnote [1] with an explanation but no reference within the table.	Updated Table 17.24-3 to remove footnote 1
22	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	Added to 17.20.040.D Development Standards for mixed use neighborhood zoning district
23	Chapter 17.24.030.B. - Page 24-5 - Front and Street Side Setbacks in CR and CC. (Westman)	Inconsistent with the sign ordinance setbacks for monument signs.	Review both sections of code and did not identify an issue as drafted. To clarify, a monument sign is required to be at least 5 feet behind sidewalk or property line, whichever is greater. If a building is along property line they will not need a monument sign and will likely utilize a wall sign and/or projecting sign.
24	Chapter 17.24.030.D.2 and Figure 17.24.2 - Page 24-6 - Daylight plane (Smith)	There is a conflict. Text says Daylight Plane is 20' high. Figure shows 25' high.	Updated 17.24.030.D.2 to 25 feet to match figure.
25	Chapter 17.28.010.B.5 - Page 28-1 - Visitor Serving - General (Smith)	add (VS-G)	
26	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	Schools, Public or Private - Subzone VS-G - Draft code: Conditional Use. Suggest Change to Prohibit.	

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27	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	VS Subzones - Typo. Top of columns should be "VS-G, R, SB, MC, ES"	
28	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman)	Footnote 10 - Events may not exceed 10 days; Comment - Long but reflects current code.	
29	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Distcts Page 28-3 (Westman and Smith)	Footnote 11 - Limited to single one-day event per year; Suggest modifying to two-days. Current rule prohibits Car Show during the summer months Begonia festival is 3 days	Modify Footnote 11 to 2 days.
30	15)Chapter 17.28.030 - Visitor Serving Land Use Regulation Table 17.28-1: Permitted Land Uses in the Visitor Serving Zoning Districts Page 28-3Added on April 18 PC meeting	Within the shadow brook, the reference to footnote [4] should be removed.	

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31	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 location can have a building height of 30 feet. The other section on Village height says that you can only have 30 feet is you have a 5/12 pitch or greater. Which is correct?	Incorporate existing code language from 17.30.070 "The V-S (visitor serving) district may be the only zoning district applicable to a property, but at times it is applied along with other zoning districts to a property, such as "VS/R-1," or "VS/PF" dual zoning. Dual zoning means that the uses and development standards of the V-S district apply, although uses allowed by the other district may also be permitted through approval of a conditional use permit, and the planning commission may apply development standards from the other zoning district in lieu of or as well as the V-S district, as determined through architectural and site review."
32	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.	
33	Chapter 17.32.020.E - Page 32-3 Public Parking in the Coastal Zone (Westman)	Not necessary to have in zoning code. Remove section	Updated and removed 17.32.020.E. Public Parking in the Coastal Zone subsection # has been moved to Chapter 17.76 (Parking and Loading)
34	Chapter 17.36.060.B. 1-3 – Page 36-2. Application Submittal & Review (Newman)	Clarify two-step process and that preliminary approval does not give development rights.	Updated to require conceptual review first.
35	Chapter 17.40.020.G - Page 40-3 - Income Restrictions (Westman)	Rewrite to make the requirement clear.	

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36	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.	Reviewed and found reference to 17.112 is correct.
37	Chapter 17.40.030.E.5 - Page 40-8 - Permit Revocation (Smith)	after a Minor Permit is reevoked, the permit holder may <u>not</u> reapply for a new permit <u>for</u> one year after revocation	Updated 17.40.030.E.5 to 17.040.030.E.9 to clarify.
38	Chapter 17.44.020.G – Page 44-3 – Major Public Works Facility. (Westman)	Justify raising number based on value amount. Check coastal acknowledgment.	
39	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 one <u>three</u> day in duration including setup and take-down;” – change to 2 days (car show)	
40	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 time share <u>condominium</u> project, estate, or use as defined in Section 11212 of the Business and Professions Code”.	
41	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 the Zoning Code for reference	

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42	Chapter 17.44.110.A – Page 44-13 - Public Notice and Hearing – Planning Commission Review (Westman)	Check reference to 17.148	Correct reference
43	Chapter 17.44.120.B – Page 44-14 – Coastal Overlay Zone – Findings for Approval (Westman)	Remove finding B for views.	
44	3) Chapter 17.48.020. B – Page 48-2. Height Exceptions: Table 17.48-1: Allowed Projections Above Height Limits (Smith)	“Flagpoles not over 8 inches in <u>width/ diameter</u> ”.	Updated 17.48.020.B and changed width to diameter.
45	17.48.030.C table 17.48-2 walls and fences as features for decoration or screening	Add allowance for walls and fences used as a landscaping feature for decoration or screening into the side and rear yard	Updated table 17.48-2 to allow walls and fences used as a landscaping feature for decoration or screening in the interior side and rear yard.
46	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"	Update 17.48.030 to include a note under the figure that states "Note: See specific zoning district for required minimum setback"
47	Chapter 17.48.030. D – Page 48-4. Accessory Structures in Setback Areas (Smith)	<ul style="list-style-type: none"> • Modify. Keep 4. Pool setback as is. • Add a separate line for hot tub with 2 foot setback. 	Updated 17.48.030.D to establish setback of 5 feet for pools and 2 feet for hot tubs
48	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	Checked with Building Official. Remove separation requirement from zoning. Will be looked at during building permit stage and can be mitigated through sprinklers and firewalls.

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49	Chapter 17.52.020.A.6 – All Accessory Structures (Westman)	Make distinction, can you use as office but not as a dwelling? Clarify –	Updated 17.52.020.A.6 to "Accessory structures may not be designed or used for human habitation as a <u>bedroom, sleeping area, and/or kitchen</u> , except for secondary dwelling units consistent with Section 17.74 (Secondary Dwelling Units).

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50	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"> o Decrease rear yard setback from 8 feet to 4 feet. 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.” <u>o ADDED: Secondary Structures less than 8 feet from the side yard may not exceed 12 feet in height.</u> o Maintain required 2 foot landscape buffer between driveway and property line. o Maintain front setback (40 feet), side yard setback (3 feet) and setback from primary structure (3 feet) o Add statement in residential zoning districts an existing garage located within the required setback areas are legal non-conforming structures that may be updated but the non-conformity may not be expanded.
51	Chapter 17.56.020 - Page 56-1 - Coastal permit	Make sure to reference this chapter in the Coastal Zone	

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52	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 8 <u>10</u> feet in height within a required front and exterior side setback”
53	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 code that should be removed.	Update Table 17.64-1 Tannery Gulch Riparian Cooridor to 50 feet from outer edge of riparian vegetation
54	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 update. Suggest adding standard.	No change to standard.
55	Chapter 17.64.050 – Page 64-3 – butterfly habitat (Westman)	Add “Rispin”/Soquel Creek to better describe area.	Updated to Rispin - Soquel Creek
56	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.	
57	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 development as outlined in 17.72.020 A-C”	Updated to specify applicablity of 17.72.060 tied to 17.72.020.
58	Chapter 17.74.040.I.1 - Page 74-3- Alley Orientation (Smith)	<ul style="list-style-type: none"> • “Alley Orientation” • This is within existing code; suggest to remove alley orientation and update with language that reflects finding 17.74.050.G 	Updated 17.74.040.I to remove Alley an dinclude orientation standards from finding 17.74.050.G.

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1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
59	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 enlargements.
60	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"	
61	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 14' driveway width.
62	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 front yard.	
63	Chapter 17.76. 050. C.2 – Page 76-10. Off-site Parking (Newman)	Typo. “ On Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the Planning Commission”.	
64	Chapter 17.76. 050. C.3 – Page 76-10. Off-site Parking (Newman)	A covenant record deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County Recorder”	

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65	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 <u>when business is open</u> at all times by an attendant who is authorized and able to move vehicles"
66	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 approved by Planning Commission	
67	Chapter 17.76.070 – Page 76-16 – Parking Lot Landscaping (Westman and Smith)	Add exceptions (Westman) Add flexibility to regulate canopy without requiring too many trees. (Smith)	
68	Chapter 17.76.050. G.5 – Page 76-11. Transportation Demand Management Plan (Smith)	Clarify program coordination	
69	Chapter 17.76. 080. H – Page 76-19. Bicycle Parking Cover (Smith)	Allow flexibility for creative designer and function	
70	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 and the City Historian "	
71	Chapter 17.92	Refers to the R-1 through-out	Change R-1 to R-SF
72	Chapter 17.96. 020. C.1 – Page 96-2. Chickens (Smith)	Location of Chicken Coops; not in front yard or exterior street	
73	Chapter 17.96.020.E – Page 96-2 – Prohibited Animals (Westman)	Add ducks	"Roosters, fowl other than chickens <u>and ducks</u> , goats pigs other than potbelly pigs, and other livestock".

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1	LOCATION IN DRAFT CHANGE	REQUESTED MODIFICATION/EDIT	IMPLEMENTATION
74	Chapter 17.96.100.D – Page 96-9 – Standards for permanent outdoor display (Westman)	Add standard for location on private property and not allowed in public R.O.W.	
75	17.96.040.B.2.	"sold directly" is in conflict with online office sales	Modify to "may not be sold onsite"
76	Chapter 17.96.110.D.1 – Page 96-11 – Prohibited Lighting (Westman)	What is a drop down lens? Clarify or remove.	
77	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 the code?	
78	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. and 10 p.m. 7 days a week	
79	Chapter 17.108. 030 – Page 108-1. Review and Decision Making; Table 17.108-1: Review and Decision Making Authority (Smith)	Define 'Reasonable Accommodations' under Other Approvals	
80	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 fits?	
81	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 tentative?	
82	Chapter 17.160.020. B.3 – Page 160-2. "B" Terms (Smith)	Basement – portion below grade	

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83	Chapter 17.160. 020. H – Page 160-7. “H” Terms (Smith)	<ul style="list-style-type: none"> • Home Day Care <ul style="list-style-type: none"> i. “Home day care facilities, large” means a day care home facility supervising 8 persons or less 9 to 14 persons. ii. “Home day care facilities, small” means a day care home facility supervising 9 to 14 persons 8 persons or less. 	
84	Definition	Need to define custom manufacturing vs. light manufacturing.	