



# CAPITOLA CITY COUNCIL AGENDA REPORT

MEETING OF APRIL 27, 2017

FROM: Community Development

SUBJECT: Zoning Code Update

**RECOMMENDED ACTION:** Accept the staff presentation, discuss the proposed Zoning Code update, identify desired Code revisions, and continue the public hearing to the May 11, 2017, meeting.

**BACKGROUND:** On January 9, 2017, an updated draft zoning code and zoning map were published that incorporate all edits received from the Planning Commission and City Council during 2016. The Planning Commission edits that were accepted by the City Council have been incorporated into the draft zoning code in black. The City Council recommended revisions are shown in red. The draft code also includes revisions made by City staff to improve clarity and non-policy revisions requested by Coastal Commission staff. City staff revisions are shown in blue. The draft code, zoning map, and previous staff reports with attachments are available online. Hardcopies of the draft code are available to the public at City Hall and the Capitola Library.

**DISCUSSION:** The Planning Commission finalized the review of City Council edits to the Zoning Code and Zoning Map on April 6, 2017, and forwarded a positive recommendation for City Council to initiate a 60-day public review. The Planning Commission recommended additional edits to the draft zoning code that are outlined in Attachment 2.

Staff has identified 10 topics to be reviewed by the City Council prior to publishing the code for 60-day public review. Staff drafted the *Remaining Zoning Code Issues Report for City Council Review* to provide an overview of each of the remaining items (Attachment 1). The report will guide the discussions during the City Council hearing. The following topics are included in the report:

1. Zoning Map, Vacation Rental Boundary, and Additional Maps
2. Height Exceptions in the Mixed-Use Village
3. Land Use changes in the Regional Commercial District
4. Capitola Mall Redevelopment
5. Office Uses in the Regional Commercial Zoning District
6. Coastal Commission Edits
7. Allowed Projections and Encroachments into Setback
8. Accessory Dwelling Units
9. Village Sidewalk Signs

Zoning Code Update  
April 27, 2017

## 10. Non-conforming Structures

Several items have been updated since the January publishing. Chapter 17.74 for Accessory Dwelling units (Attachment 3), Chapter 17.80 Sidewalk Signs (Attachment 4), the Zoning Map (Attachment 5) and the Environmentally Sensitive Areas map (Attachment 7) have been updated to reflect the direction provided by the Planning Commission.

### **Schedule**

Staff has tentatively scheduled a subsequent review of the draft Zoning Code for the May 11, 2017, regularly scheduled City Council hearing. Additional meetings will be scheduled as necessary for the Council to complete its review of the draft code prior to initiation of the public review and comment period.

FISCAL IMPACT: None.

### ATTACHMENTS:

1. Remaining Zoning Code Issues for City Council Review (PDF)
2. Planning Commission edits to January 2017 draft (PDF)
3. 17.74\_Accessory Dwelling Units (PDF)
4. Sidewalk Sign Ordinance (PDF)
5. Zoning Map\_Updated04.13.2017 (PDF)
6. Zoning Map Changes from Existing Map to Draft April 13, 2017 map (PDF)
7. Capitola ESHA Map (PDF)
8. Capitola ESHA Map Comparison (PDF)
9. Letter from 502 Beulah Drive (PDF)

Report Prepared By: Katie Herlihy  
Senior Planner

### **Reviewed and Forwarded by:**



Rich Cronow, Community Development Director

4/18/2017

# Remaining Zoning Code Issues For City Council Review

of January 9, 2017 Draft Zoning Code Update



On January 9, 2017, Capitola published an updated draft zoning map and draft zoning code that incorporated all Planning Commission and City Council recommendations made in 2016. The Planning Commission provided guidance on the January 9<sup>th</sup> Draft. This document is a summary of the remaining zoning code items to be reviewed by City Council prior to putting out a draft for 60-day public review.

April 27, 2017

# Remaining Zoning Code Issues | 2017

## Topic 1: Zoning Map and Vacation Rental Boundary

**Overview:** The zoning map has been updated to be consistent with the General Plan Land Use Map, reflect existing land uses, and to correct errors within the existing map. Zoning Districts have been updated to match those in the new zoning code. New changes that took place during the Planning Commission and City Council review of the draft map include:

- The Visitor Server zone is now solely an overlay zone with the base zone removed. The map in figure 17.28-1 has been updated to reflect this change. Each property in the VS overlay has a base zone (CC, R-1, etc.) with a green hatch for the VS overlay.
- The Vacation Rental Use boundary was expanded along Capitola Avenue to Riverview Avenue. Additional requests were made by a member of the public to include properties along Capitola Avenue to Bay Avenue and to consider the property at 502 Beulah Drive. The Planning Commission reviewed the requests and recommended that 502 Beulah Drive be added to the Vacation Rental Overlay and not to expand further along Capitola Avenue.

**The Planning Commission requested the following modifications to the draft zoning map following the January 9<sup>th</sup>, 2017 draft:**

Map		Change
Zoning Map	Map	502 Beulah – include in Vacation Rental overlay
Zoning Map	Map & 17.40.030	Vacation Rental Use (VR) and Village Residential (VR) are same acronyms. The code removed the term “use” after Vacation Rental. Keep “use” in chapter 17.40.030.
Zoning Map	Map	911 Capitola Avenue zoned MUN should extend all the way back to the hotel property behind it
Zoning Map	Map	Shadow Brook Property and parking lot should be MU-N not CC
Zoning Map	Map	Remove Vacation Rental that is located over the water. Only place Vacation Rental overlay on inset map, removed from primary zoning map. Too cluttered.
Zoning map	Map	Soquel creek should be blue with the sliver of green open space by the bridge for the Stockton Bridge park.
Zoning Map	Map	3 residential properties 3881, 3891, 3895 Brommer Street change from RM-L to RM-H
Environmentally Sensitive Areas Map	Map	Hire consultant to revise Environmentally Sensitive Areas Map to ensure accuracy

**Additional Maps for City Council Review:** Additional maps/areas referenced within the draft code include: Environmentally Sensitive Areas map, the Geologic Hazards map, the Archaeological/Paleontological Sensitivity Areas shown in the Local Coastal Program Resource Map, and the Coastal Appeal and Jurisdiction Map. These additional maps have been digitized and will be included in the updated zoning code. At the time of Planning Commission review, the Commission directed staff to hire a biologist to review the Environmentally Sensitive Areas map for accuracy. The current map was updated by a biologist to reflect current environmentally sensitive areas.

It should be noted that Coastal Commission staff have indicated that they will not endorse or certify the City’s version of the Coastal Appeal and Jurisdiction Map and would consider the map to be an unofficial illustration. The new map is a digitized copy of the 1991 Coastal Commission certified map boundaries.

Coastal staff explained that they plan to update the Coastal Appeal and Jurisdiction Map with the best resources available during their review of the updated Implementation Plan and reiterated that the boundary could change based on new information. A disclaimer is on the new map was provided by Coastal staff to clarify their position.

## Topic 2: Height Exceptions in the Mixed Use Village (MU-V)

**Section 17.20.030:** Height Exceptions in the Mixed Use Village.

Page: 20-5

MU-V zone height: 27 Feet

**Overview:** The City Council recommended changes to the height exception to allow up to 30 feet with a maximum plate height of 26 feet and no habitable space above the plate line. During the City Council discussions, the understood purpose for prohibiting habitable space was to prevent breaks within the roof slope with habitable space design features, such as dormers.

### City Council Recommendation:

**B. 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:

1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See Figure 17.20-1.  
~~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.  
~~Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C~~

2.3. Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.

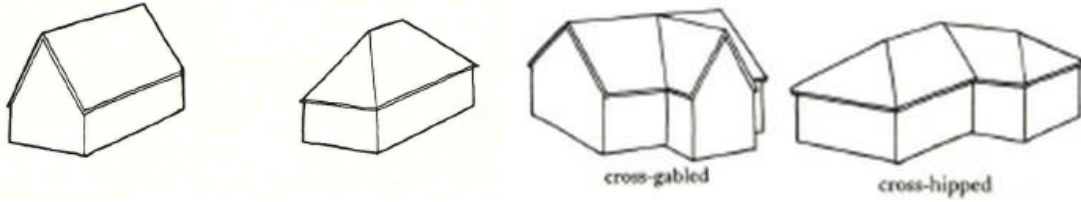
Staff has concerns with monitoring and enforcement of interior habitable space tied to a height exception standard. Staff recommends combining Height Exceptions 1 & 3 to identify one height exception limit (30 or 33 ft), require a minimum 5:12 roof pitch to qualify for a height exception, and replace prohibition of habitable space with a prohibition on breaks in the roof slope.

### Planning Commission Amended Recommendation:

Replace with:

1. Up to 33 feet for a gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slope for doors and decks. Include image of allowable pitched roof designs.
2. The 33 feet includes the maximum height of projections for non-habitable decorative features and structures as identified within Section 17.48.020.C.

Allowable pitched roof designs:



**Topic 3: Land-Use Changes in the Regional Commercial District**

**Section:** 17.24.020

**Page:** 24-2

**Overview:** The City Council requested three significant changes be made to the Regional Commercial (C-R) land use table. First, the City Council requested that single-family dwellings be added to identify that they are prohibited. Second, the Council directed staff to prohibit multi-family dwellings in the regional commercial zone. Lastly, within a residential mixed use development in the regional commercial zone, the Council prohibited residential uses on the first story.

**City Council Recommendation:**

<b>Residential Uses</b>				
<u>Single-Family Dwellings</u>	=	=	=	
Multi-Family Dwellings	C	<del>C [5]</del>	-	
Residential Mixed Use	C	<del>C [7]</del>	-	Section 17.24.040

[7] Residential uses are prohibited on the first story.

**Planning Commission Recommendation:** The Planning Commission reviewed the City Council recommendation and raised concerns. The Planning Commission noted that mixed use development is not always vertical and may include a residential component adjacent to a commercial component. The Planning Commission suggested that as larger commercial parcels redevelopment, they would prefer a requirement for a conditional use permit for multi-family dwellings rather than to prohibit the concept entirely within the Regional Commercial Zone. Also, within the Regional Commercial Zone, the Mixed-Use land use has footnote [7] which states “Residential uses are prohibited on the first story.” The Planning Commission recommended that the footnote be removed.

<b>Residential Uses</b>				
<u>Single-Family Dwellings</u>	=	=	=	
Multi-Family Dwellings	C	<del>C [5]</del> C	-	
Residential Mixed Use	C	<del>C [7]</del>	-	Section 17.24.040

## Remaining Zoning Code Issues | 2017

Topic 4 relates to this subject specifically for the Capitola Mall Redevelopment. If the mall were to redevelop, an applicant could submit a mixed-use concept that includes multi-family next to commercial that would be entitled through a specific plan, planned development, development agreement, or rezone. This case could also be made for other large properties in the vicinity, such as King's Plaza, that chose to redevelop an entire site.

### Topic 4: Capitola Mall Redevelopment

**Section:** 17.24.030(E)

**Page:** 24-7

**Overview:** The owners of the Capitola Mall, Merlone Geier, recently contacted staff and requested that the updated code include a clear statement that a future, major mall redevelopment project could be entitled through a separate planning process, including a possible specific plan, planned development, development agreement, or a rezone. Staff consequently revised the Commercial-Regional (C-R) purpose statement to clarify the expectations for future redevelopment projects, as follows:

Section 17.24.030(E) Capitola Mall Redevelopment. While the Capitola Mall site has been zoned Regional Commercial (C-R) as part of the Zoning Code Update, it is expected that major redevelopment of the mall property may require a Rezone, Planned Development, Specific Plan, Development Agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the Mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.

### Topic 5: Office Uses in the Regional Commercial Zoning District

**Table:** 17.24-2

**Page:** 24-4

**Overview:** The City Council directed staff to prohibit all Office Uses in the ground floor of the Regional Commercial zoning district (C-R). This is a major change that will make numerous existing office uses located in established office buildings legal, non-conforming. As written, a vacant office space within an office building would be subject to Section 17.92.060: Non-conforming Use of Structures. A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status. If the office use is vacant (discontinued) for 90 consecutive days, the use shall not be reestablished and may be replaced only by a conforming use. After 90 days, the vacant space could not be leased with a new office use. ***Staff request discussion to confirm the City should prohibit all first-floor office spaces on the ground floor in the C-R zoning district.***

**City Council Recommendation:****TABLE 17.24-2: PERMITTED OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS**

<u>Key</u>		
<u>P</u> Permitted Use		
<u>A</u> Administrative Permit required		
<u>M</u> Minor Use Permit required		
<u>C</u> Conditional Use Permit required		
<u>-</u> Use not allowed		
<b>Location and Size of Office Use</b>	<b>C-C Zoning District</b>	<b>C-R Zoning District</b>
Conversion of a retail use to an office use	N/A	☹
Ground floor, less than 5,000 sq. ft.	P	☹
Ground floor, 5,000 sq. ft. or more	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

**Planning Commission Recommendation:** The Planning Commission reviewed the City Council recommendation and expressed concern for existing office buildings in the area. They shared the City Council's desire to maintain retail in the Regional Commercial, but did not want to prohibit office altogether in the event a desirable business wants to relocate to Capitola providing quality jobs. The Planning Commission did not change their original recommendation as follows:

- Require Conditional Use Permit in C-R for Ground floor, less than 5,000 square feet
- Require Conditional Use Permit in C-R for Ground floor, 5,000 square feet or more.
- Permit in C-R located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.

**Staff Recommendation**

Staff requests direction on Table 17.24 regarding the Planning Commission recommendation. If the City Council decides not to implement the Planning Commission modifications, Staff recommends adding a note to the table that office uses in existing office buildings (used exclusively for office space) be allowed to continue until such time that the office building is redeveloped or removed.



Remaining Zoning Code Issues | 2017

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**Topic 6: Pending Review of Coastal Commission edits**

**Overview:** The California Coastal Commission staff reviewed the original Draft Zoning Code and provided preliminary feedback. The feedback ranges from minor edits to larger policy issues. During the initial draft zoning code review in 2016, the Planning Commission did not make a recommendation on the Coastal Overlay chapter to the City Council. Within the 2017 draft zoning code, City staff inserted Coastal Commission edits which do not fundamentally affect policy or which are minor in nature into the draft code. These changes are shown in blue throughout the code. The majority of the Coastal Commission suggested revisions were Chapter 17.44. Staff presented these edits to the City Council on October 13, 2016. The Council directed staff to return to the Planning Commission for a recommendation on the changes. Planning Commission provided a positive recommendation to accept the Coastal Commission edits suggested by City Staff. **Staff requests direction from the City Council on the Coastal Commission edits.**

# Remaining Zoning Code Issues | 2017

## Topic 7: Allowed Projections and Encroachments into Setbacks

**Section:** 17.48.030 C and D

**Page:** 48-2 to 48-4

**Overview:** The draft code includes a variety of setbacks for different projections and encroachments into the setback areas. Staff recommends slight modifications to setbacks to create consistency based on the possible impacts to neighbors. The following tables groups similar features and structures that have similar effects. The draft code standards are in black. **All Planning Commission recommended changes are in red.**

**Architectural Design Elements** (bay windows, front porch) that are encouraged with minimal setback.

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ROOF PROJECTIONS</b>					
Cornices, eaves, canopies, and similar roof projections	4 ft	4 ft	2 ft	2 ft	All: 3 ft
<b>WALL PROJECTIONS</b>					
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections	2 ft	2 ft	2 ft	2 ft	All: 3 ft
<b>ENTRIES</b>					
Stairways and fire escapes or similar features	4 ft Not allowed	6 ft 4 ft	½ of required setback No max	4 ft Not allowed	Front: Not allowed Interior side: 3 ft Exterior side: Not allowed Rear: 5 ft
At grade flatwork such as concrete paving and patios	No max	No max	No max	No max	All sides: No minimum
Landing Places, Patios, and Decks 18 inches or less above grade	No max	No max	No max	No max	Front and Exterior Side: 5 ft Interior Side and Rear: 3 ft
Open and unenclosed entry porches and decks 19 to 30 inches above grade.	4 ft	6 ft	½ of required setback	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side: 3 ft Rear: 5 ft
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang.	5 ft	Not Applicable	Not Applicable	4 ft	Front: 10 ft Exterior side: 5 ft Interior Side and Rear: Not Applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	No minimum

Attachment: Remaining Zoning Code Issues for City Council Review (1822 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

**Decorative Features** such as a trellis and planter boxes are encouraged with minimal setbacks from property lines. Specificity has been added to trellis structures to ensure that trellis structures in the front yard will not be enclosed to ensure a trellis cannot be utilized as a fence feature well above the fence height allowance of 42 inches. The draft code standards are in black. All recommended changes are in red.

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>DECORATIVE FEATURES</b>					
Trellis Structure up to 10 ft in height that is open on all sides and arbors with a minimum of 2 open sides utilized over a walkway.	No max	No max	No max	No Max	No Minimum Staff Note: Limit trellises in the front yard to no walls. Could be utilized as high fence.
Trellis Structure up to 10 ft in height that is open on at least three sides, and the walls of the structure are 50 percent transparent.	<del>No Max</del> Not Allowed	No max	No max	<del>No Max</del> Not Allowed	Rear and Interior Side: No Minimum  Front and Exterior Side: Not allowed.
Planter boxes and masonry planters with a maximum height of 42 inches.	No max	No max	No max	No Max	No Minimum
<del>Landscape features, such as water fountain or statue,</del> Decorative ornamental features up to a maximum height of 6 ft that which does not enclose the perimeter of the property.	No max	No max	No max	No max	All sides: 5-foot minimum No minimum

Attachment: Remaining Zoning Code Issues for City Council Review (1822 : Zoning Code Update)

## Remaining Zoning Code Issues | 2017

**Entertainment Features** are typically social and should not be located right on a property line due to possible impacts of noise. They also are not normally allowed within a front setback or side yard setbacks. The draft code standards are in black. **All recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ENTERTAINMENT FEATURES:</b>					
Hot Tubs	Not allowed	No max	Not allowed	Not allowed	Rear: <del>2</del> 5 2 ft All other: Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	Rear: 5 ft minimum All other: Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No Max	All Sides: 5 ft minimum
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric connections must be less than 200 volts and drain size may not exceed that allowed for a mini bar. Includes Pizza Ovens.	Not allowed	No max	Not allowed	Not allowed	Rear Yard: <del>2</del> 5 ft minimum All other sides: Not allowed

**Structures and Equipment** not permanently attached to the ground are allowed within setback areas. Rain harvest tanks are encouraged and therefore allowed within side and rear yard setbacks. Mechanical equipment may have noise and visual impacts to a neighbor; therefore, are prohibited from the front and exterior side yard and have required setbacks within the interior side yard and rear yard. The draft code standards are in black. **All recommended changes are in red.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>OTHER STRUCTURES AND EQUIPMENT</b>					
Children's play equipment, movable dog house, <del>movable trash enclosures</del> , and similar moveable objects	No max	No max	No max	No max	All sides: No minimum
Rain harvest tanks that do not exceed 8 ft in height	Not allowed	No max	No max	No max	Front Yard: Not Allowed. All sides: No minimum
Screened mechanical equipment including hot water heaters and HVAC units.	<del>No max</del> Not Allowed	No max	No max	<del>No Max</del> Not Allowed	<del>No minimum</del> Rear and Interior Side Yard: 3 ft

# Remaining Zoning Code Issues | 2017

## Topic 7b: Setbacks for Accessory Structures and Accessory Dwelling Units

**Section:** 17.52.020

**Page:** 52- 2

**Section:** 17.74.050 and 060

**Page:** 74 - 5

**Overview:** The zoning code allows accessory structures and accessory dwelling units in setback areas. The setbacks in the draft code are consistent between the two allowed structures, requiring increased setbacks as the accessory structure increases in height. **Staff is not requesting direction on this item. Staff included this item anticipating that questions would arise relative to the setback discussion in Topic 7.**

	Encroachment into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>ACCESSORY STRUCTURES &amp; DETACHED GARAGE 17.52</b>					
Accessory structure less than 8 ft. in height, 80 sf or less, no plumbing	Same as primary	No max	No max	No max	All Sides: No minimum
Accessory Structures 8 to 15 ft. in height in SF zone	Same as primary structure	No max	No max	<del>No max</del> Same as primary structure	Front: Same as primary structure Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Detached Garage	None	No max	No max	No max	Front: 40 ft Interior and Exterior Sides: 3 ft. Rear: 3 ft.
Accessory Structure in MF Residential	None	No max	No max	No max	Front: Same as primary Structure Interior and Exterior Side: 3 ft. Rear: 3 ft.

Attachment: Remaining Zoning Code Issues for City Council Review (1822 : Zoning Code Update)

# Remaining Zoning Code Issues | 2017

	Encroachment into Setback				Minimum Distances from Property Lines [2]
	Front	Rear	Interior Side	Exterior Side	
<b>Accessory Dwelling Units</b>					
Detached Accessory Dwelling Units – One Story (15 ft. Height or less)[1]	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 8 ft
Detached Accessory Dwelling Units (15-22 ft. height)	None	No Max	No Max	None	Front: Same as required for primary residence Interior Side: 5 ft Exterior Side: Same as required for primary residence Rear: 10 ft
Attached Accessory Dwelling Units	Same as primary residence	Same as primary residence	Same as primary residence	Same as primary residence	Front, Rear, Exterior Side and Interior Side: Same as primary residence  Above garage: 5 ft [3]

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.  
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.  
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

# Remaining Zoning Code Issues | 2017

## Topic 8: Accessory Dwelling Units (previously Secondary Dwelling Units)

**Chapter:** 17.74

**Page:** 74-1 through 74-9

**Overview:** This chapter establishes standards for the location and construction of accessory dwelling units consistent with the State of California Government Code Section 65852.2 as amended within AB2299. The chapter has been modified extensively since the original 2016 draft to comply with recent State legislation. Major changes include new terminology, new definitions, new standards for attached, detached, and internal accessory dwelling units, new parking allowances and waivers, decreased minimum lot size (4,000 sf) and increased minimum size unit (1,000 sf).

**Planning Commission Recommendation:** The Planning Commission recommended the following changes to Chapter 17.74 Accessory Dwelling Units:

Chapter 17.74 Accessory Dwelling Units	Item to Add	Accessory Dwelling Units that utilize the decreased setbacks and increased FAR cannot remove the ADU and enjoy the benefits of creating a non-conformity of oversized .60 FAR. Add requirement to deed restriction that requires removal of additional floor area if the dwelling unit is removed.
17.74.020.D Accessory Dwelling Units	Page 74-1	Add #4 "The term Internal Accessory Dwelling Unit includes Junior Accessory Dwelling Units as defined in Government Code Section 65852.22"
17.74.030.A.1.b	Page 74-2	Typo. Change n to an
17.74.030.A.2.	Page 74-2	Add approval of a Design Permit "and Conditional Use Permit".
17.74.050.A Accessory Dwelling Units	Page 74-4 & 74-5	Add allowance for internal ADUs and JADUs in the R-1, RM, and MU-N zoning districts on lots of 4,000 square feet or more occupied by one single-family dwelling.
17.74.050.C Accessory Dwelling Units	Page 74-5	Change the Unit size minimums to the following Lot Size: Max ADU size Under 4,000 square feet: Not permitted 4,000 to 7,500 square feet: 500 sf max 7,501 to 9,999 square feet: 640 sf max 10,000 to 11,999 square feet: 800 sf max 12,000 or more: 1,000 sf max
17.74.040 Accessory Dwelling Units	Page 74-7	Deed restrict must include occupancy standard of 17.74.040.C – the property owner must occupy either the primary or accessory dwelling.
17.74.080.A.1-3 Accessory Dwelling Units	Page 74-7 & 74-8	Remove fee waivers for Affordable Units.

**Topic 9: Village Sidewalk Signs****Section:** 17.80.**Page:** 92-6

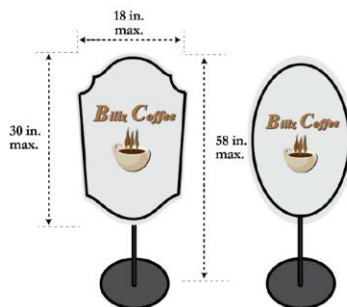
**Overview:** Several key design elements are unclear within existing and proposed Village Sidewalk Sign regulations, including materials, shape, area of sign face, and height of sign face. Staff has revised the proposed ordinance to add the specific design details of the BIA sign standards:

1. Sign face shall be made of quality materials such as solid wood, metal, or similar durable and weatherproof materials.
2. Pole shall be a cast iron pole.
3. Base shall be cast iron and round shape (shown in image).
4. Max height of the sign face of 30 inches.
5. Maximum sign area 3.75 sf.

The sidewalk sign ordinance has been updated to include the items listed above in 1 – 5. It was also reorganized to group similar standards such as placement, number of signs, materials and designs, etc.

**Discussion Item:** The code states “Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit”. The shape of the BIA design is unique with a curved line at the top and bottom. The current draft code allows variation from the BIA shape with an oval included as acceptable. Staff is requesting direction on the allowed shape of the sign and whether or not to allow alternative shapes at discretion of Planning Commission.

FIGURE 17-80-3: SIDEWALK SIGN STANDARDS

**Planning Commission Recommendation:**

The Planning Commission agreed with the new organization of the section. The Commission recommended that the additional shape (oval) be included in the update. They recommended that staff remove the option that alternative shapes be approved by the Planning Commission.



**Topic 10: Non-Conforming Structures**

Section: 17.92.080

Page: 92-6

**Overview:** The City Council requested that staff edit Table 17.92 to clarify the new thresholds. Staff updated the description of the thresholds and added examples for each. **Staff request discussion on the updated table.**

**City Council Recommendation:****TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES**

Project Affecting a Nonconforming Structure	Example	Permit Required [1]
<del>Interior Nonstructural</del> repairs, maintenance, and <del>interior</del> alterations	<a href="#">Interior renovations to a room within a portion of a building located within a required setback area</a>	None
<del>Exterior Structural</del> repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	<a href="#">Adding floor area to a home with an existing roof that exceeds the maximum building height where the addition complies with the maximum building height and all other applicable standards</a>	None
<del>Exterior Structural</del> repairs, <del>and</del> modifications, <del>and</del> additions that alter or affect the nonconforming aspect of the structure [2]	<a href="#">Rebuilding an existing building wall within a required setback area with no increase in floor area</a>	Design Permit
<del>Exterior Structural</del> repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	<a href="#">Adding floor area to a portion of an existing room within a required setback area</a>	<a href="#">Design Permit and Variance</a>
<del>Replication Reconstruction</del> of a single-family dwelling per 17.92.070.D	<a href="#">See 17.92.080.C</a>	Design Permit
Recreation of an involuntarily damaged or destroyed structure	<a href="#">Rebuilding a home destroyed by a fire to match the destroyed home</a>	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

[2] ~~Repairs and replacement of exterior finishes such as roofs and exterior siding are allowed without a Design Permit.~~

**Planning Commission recommendation:**

- Reword “repair” in third category “~~exterior repairs reconstruction~~ (demolish and rebuilt) and modifications that alter or affect the nonconforming aspect of the structure”. Update example to demolish and rebuild.
- Last category “recreation of an involuntarily damaged or destroyed structure” add a reference to 19.92.080.D

## Remaining Zoning Code Issues | 2017

TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES

Project Affecting a Nonconforming Structure	Example	Permit Required [1]
<del>Interior Nonstructural</del> repairs, maintenance, and <del>interior</del> alterations	<u>Interior renovations to a room within a portion of a building located within a required setback area</u>	None
<del>Exterior Structural</del> repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	<u>Adding floor area to a home with an existing roof that exceeds the maximum building height where the addition complies with the maximum building height and all other applicable standards</u>	None
<del>Exterior repairs reconstruction (demolish and rebuild) and modifications</del> that alter or affect the nonconforming aspect of the structure [2]	<u>Demolish and rebuild an existing building wall within a required setback area with no increase in floor area.</u>	Design Permit
<del>Exterior Structural</del> repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	<u>Adding floor area to a portion of an existing room within a required setback area</u>	<u>Design Permit and Variance</u>
<del>Replication Reconstruction</del> of a single-family dwelling per 17.92.070.D	<u>See 17.92.080.C</u>	Design Permit
Recreation of an involuntarily damaged or destroyed structure	<u>Rebuilding a home destroyed by a fire to match the destroyed home</u> <u>See 17.92.080.D</u>	None

Notes:

[1] The proposed project may require permits and approvals for other reasons not related to its nonconforming status. For example, additions or enlargements to a single-family dwelling often requires a Design Permit.

[2] ~~Repairs and replacement of exterior finishes such as roofs and exterior siding are allowed without a Design Permit.~~

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
Zoning Map			
Zoning Map	Map	502 Beulah – include in Vacation Rental overlay	
Zoning Map	Map & 17.40.030	Vacation Rental Use (VR) and Village Residential (VR) are same acronyms. The code removed the term “use” after Vacation Rental. Keep “use” in chapter 17.40.030.	
Zoning Map	Map	911 Capitola Avenue zoned MUN should extend all the way back to the hotel property behind it	
Zoning Map	Map	Shadow Brook Property and parking lot should be MU-N not CC	
Zoning Map	Map	Remove Vacation Rental that is located over the water. Only place Vacation Rental overlay on inset map, removed from primary zoning map. Too cluttered.	
Zoning map	Map	Stockton creek should be blue with the sliver of open space by the bridge where there is a small City park.	
Zoning Map	Map	3 residential properties 3881, 3891, 3895 Brommer Street change from RM-L to RM-H	
Environmentally Sensitive Areas Map	Map	Hire consultant to review Environmentally Sensitive Areas Map to ensure accuracy of boundary	
Zoning Code			
17.20.030 Mixed Use Village Height Exception	20-5	Replace with: <ol style="list-style-type: none"> <li>1. Up to 33 feet for a gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slope for doors and decks.</li> <li>2. Up to 33 feet for projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C.</li> </ol> Include image of allowable pitched roof designs.	Discuss
17.24.020 Table 17.24-1 Land Use Table	24-2	PC directed staff to require a Conditional Use Permit for Multi-Family Dwellings in the C-R. Also, within the C-R Residential Mixed Use has a footnote [7] which states “Residential uses are prohibited on the first story.” Planning Commission directed staff to remove the footnote.	Discuss

Attachment: Planning Commission edits to January 2017 draft (1822 : Zoning Code Update)

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
Table 17.24-2 Permitted Office Uses in the C-C and C-R Zoning Districts	24-4	Revise: Require Conditional Use Permit in C-R for Ground floor, less than 5,000 square feet Require Conditional Use Permit in C-R for Ground floor, 5,000 square feet or more. Permit in C-R located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	Discuss
17.24.030(E) Capitola Mall Redevelopment	24-7	Section 17.24.030(E) Capitola Mall Redevelopment. While the Capitola Mall site has been zoned Regional Commercial (C-R) as part of the Zoning Code Update, it is expected that major redevelopment of the mall property may require a Rezone, Planned Development, Specific Plan, Development Agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the Mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.	Discuss
Figure 17.24-3	Page 24-9	Remove 65% minimum from figure.	
Coastal Commission Edits	Throughout Code	Change references of Local Coastal Act to Local Coastal Plan	Discuss
17.36.080.D.3	Page 36-3	Change engineers to engineer	
17.36.080.H.7 Planned Dev. Substantial Public Benefit Defined	Page 36-6	Correct typo - jobs "in" industries Add "supply and" as follows: "7. New or enlarged business that increase the <u>supply and</u> /or diversity of jobs available to Capitola residents. Types of jobs may include jobs that improve environmental quality or reduce energy consumption ('green jobs'), high-tech sector jobs, and jobs <u>in</u> industries focusing on the generation and utilization of intellectual property ('creative jobs')."	

Attachment: Planning Commission edits to January 2017 draft (1822 : Zoning Code Update)

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
17.40.020.J Affordable Housing Overlay – Assurance of Affordability	Page 40-6	Change to “for 55 years or the natural life of the unit whichever is greater”	
17.44.030	Page 44-2	Coastal Bluff definition change to “overlooking coastal water”	
17.44.030.F	Page 44-4	Remove first sentence “Any area in which ... developments.”	
17.44.150.B.6.a AND b	Page 44-2	Change to Local Coastal Plan	
Table of Contents Part 3	Part 3 Chapter 17.74	Replace Secondary with Accessory	
17.48.020.B Height Exceptions	48-2	Reword: “B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions may not be combined with other height exceptions, including but not limited to, allowances for additional height in the MU-V zone or for historic structures.”	
17.48.030 D and E Projections into Required Setbacks. Allowed encroachments	17.48.030 C and D	Incorporate staff suggestions on modifications to setbacks presented to PC, except: <ul style="list-style-type: none"> <li>• Landscape features – 17.48.030.E.10 – change to “Decorative ornamental features up to a maximum height of 6 feet which does not enclose the perimeter of the property” and change minimum distance from Property line to “No Minimum”</li> <li>• Hot Tubs – Min distance from property line – Change Rear to 2 feet.</li> <li>• Under other structures and equipment, remove trash enclosure from moveable objects list</li> </ul>	Discussion Item #7
17.52.030.B.4 Accessory Uses	52-4	Reword “4. All exterior vending <u>machines</u> require a Conditional Use <u>permit</u> .”	

Attachment: Planning Commission edits to January 2017 draft (1822 : Zoning Code Update)

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
17.64. Environmentally Sensitive Habitat Lands	Page 64-1 & 64-4	The title of 17.64.050 should be rearranged say “Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch” Make change in three places: Sections (pg 64-1), Applicability (pg 64-1), and 17.64.050 title (pg 64-4)	
17.64.040.A Environmentally Sensitive Habitat Lands	Page 64-4	Accessory Dwelling Units that utilize the decreased setbacks and increased FAR cannot remove the ADU and enjoy the benefits of creating a non-conformity of oversized FAR. Add requirement to deed restriction that requires removal of additional floor area if the dwelling unit is removed.	
Chapter 17.74 Accessory Dwelling Units	Item to Add	Accessory Dwelling Units that utilize the decreased setbacks and increased FAR should not remove the ADU and enjoy the benefits of creating a non-conformity of oversized FAR. Add requirement that properties that utilize increased FAR and decreased setbacks shall keep the ADU.	Discussion Item #8
17.74.020.D Accessory Dwelling Units	Page 74-1	Add #4 “The term Internal Accessory Dwelling Unit includes Junior Accessory Dwelling Units as defined in Government Code Section 65852.22”	Discussion Item #8
17.74.030.A.1.b	Page 74-2	Typo. Change n to an	Discussion Item #8
17.74.030.A.2.	Page 74-2	Add approval of a Design Permit “and Conditional Use Permit”.	Discussion Item #8
17.74.050.A Accessory Dwelling Units	Page 74-4 & 74-5	Add allowance for internal ADUs and JADUs in the R-1, RM, and MU-N zoning districts on lots of 4,000 square feet or more occupied by one single-family dwelling.	Discussion Item #8
17.74.050.C Accessory Dwelling Units	Page 74-5	Change the Unit size minimums to the following Lot Size: Max ADU size Under 4,000 square feet: Not permitted 4,000 to 7,500 square feet: 500 sf max 7,501 to 9,999 square feet: 640 sf max 10,000 to 11,999 square feet: 800 sf max 12,000 or more: 1,000 sf max	Discussion Item #8
17.74.040	Page 74-7	Deed restrict must include occupancy standard of 17.74.040.C – the property owner must occupy either the primary or accessory dwelling.	Discussion Item #8

Attachment: Planning Commission edits to January 2017 draft (1822 : Zoning Code Update)

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
Accessory Dwelling Units			
17.74.080.A.1-3 Accessory Dwelling Units	Page 74-7 & 74-8	Remove fee waivers for Affordable Units.	Discussion Item #8
17.76.040.B.2.b AND c Parking and Loading	76-8	In b and c, the reference should remove the zero before the 2. Section 17.020.	
17.76.070.D.2 Parking and Loading	Page 76-19	Shade trees. Require that shade trees be a minimum of <u>24-inch</u> box tree for tree health rather than 36-inch.	
17.80.080.A.1.d Auto Dealership Signs	Page 80-9	Remove Maximum Area of Auto Dealership sign – Replace with requirement that Planning Commission review sign applications if combined sign area exceeds 100 square feet.	
17.80.080.K Sidewalk Signs.	Page 80-15	Keep the two shapes for the sign face. Remove the option for an alternate shape to be approved by the Planning Commission. Agreed with new organization of section and all other suggested edits.	Discussion Item #9
17.80.090.A.6 Signs	Page 80-17	Prohibit Internally illuminated signs in the mixed-use neighborhood.	
17.80.100.A. 1-8 Signs	Page 80-17	Remove Residential Signs – A. 1-8. General Standards. Keep section B for multi-unit properties.	
17.80.110 Table 17.80-10 Temporary Sign Standards	80-19	Temporary Sign Standards: Auto Dealership Signs. Change Maximum Duration to year-round. Add requirement that they must be maintained in good condition.	
17.92.070.B.2.d Non-conforming multi-family uses	92-3	Remove “B.2.d The extension will not impair coastal resources”	

Attachment: Planning Commission edits to January 2017 draft (1822 : Zoning Code Update)

Planning Commission Requested Modifications			City Council Direction
Section	Page	Change	
in R-1 Zoning District			
Table 17.92-1	Page 92-6	<ul style="list-style-type: none"> <li>Reword "repair" in third category "exterior <del>repairs</del> reconstruction (demolish and rebuilt) and modifications that alter or affect the nonconforming aspect of the structure". Update example to demolish and rebuild.</li> <li>Last category "recreation of an involuntarily damaged or destroyed structure" add a reference to 19.92.080.D</li> </ul>	Discussion Item #10
5000 sf auto space		Check with TESLA that 5,000 sf would support auto showroom. Toyota and Subaru confirmed that 5,000 sf would work.	
Additional Staff Edits			
		Update code to include allowance of a mini bar or efficiency kitchen. In the previous code the allowance was included in the definition of kitchen. Put standard in correct place	
		Revise setbacks in Environmentally Sensitive Habitat Areas to allow development on existing developed lots. Ex. Lower lot woodland may not allow expansion of homes along Buellah.	
		McDonalds now does curbside delivery. Our existing code states restaurants not including restaurants with drive-up windows or car service. Need to add prohibition on car service to new code. Was not carried over.	



## Chapter 17.74 – ACCESSORY DWELLING UNITS

### Sections:

- 17.74.010 Purpose
- 17.74.020 Definitions
- 17.74.030 Required Permits
- 17.74.040 Permitted Location
- 17.74.050 Standards for All Accessory Dwelling Units
- 17.74.060 Standards for Attached and Detached Accessory Dwelling Units
- 17.74.070 Findings
- 17.74.080 Deed Restrictions
- 17.74.090 Incentives



**Note:** This chapter has been significantly revised to comply with changes to state law adopted by the California Legislature in 2016 concerning local regulation of accessory dwelling units (SB 1069 and AB 2406). Revisions to Capitola's existing accessory dwelling unit regulations required by state law include reducing parking requirements, allowing by right accessory dwelling units contained within the existing space of a home, establishing time limits for the City to act on applications, limiting utility connection requirements, increasing maximum size, and reducing setback requirements.

### 17.74.010 Purpose

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

### 17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit.** “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary single-family residence with exterior access to the accessory dwelling unit provided independent from the primary single-family residence.
- B. Attached Accessory Dwelling Unit.** “Attached accessory dwelling unit” means an accessory dwelling unit that:
  1. Shares at least one common wall with the primary single-family residence;
  2. Is not fully contained within the existing space of the primary single-family residence or an accessory structure; and
  3. Provides exterior access independent from the primary single-family residence.

- C. Detached Accessory Dwelling Unit.** “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with the primary single-family residence.
- D. Internal Accessory Dwelling Unit.**
1. “Internal accessory dwelling unit” means an accessory dwelling unit that:
    - a. Is fully contained within the existing space of the primary single-family residence or an accessory structure; and
    - b. Provides exterior access independent from the primary single-family residence.
  2. The term internal accessory dwelling unit includes junior accessory dwelling units as defined in Government Code Section 65852.22.
- E. Two-story Attached Accessory Dwelling Unit.** “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either two stories of living space attached to the primary single-family residence or located on the second story above the ground floor of the primary single-family residence.
- F. Two-story Detached Accessory Dwelling Unit.** “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either two stories of living space as part of a single accessory dwelling unit or second story living space above a ground floor garage or other accessory structure.

#### 17.74.030 Required Permits

##### A. Internal Accessory Dwelling Units.

1. **Administrative Permit.** An internal accessory dwelling unit is allowed with an Administrative Permit if:
  - a. The proposed unit complies with Section 17.74.040 (Standards for All Accessory Dwelling Units); and
  - b. The proposed unit is contained within an existing primary single-family residence or accessory structure that complies with the minimum side and rear setback requirements of the applicable zoning district.
2. **Design Permit and Conditional Use Permit.** The Planning Commission may allow an internal accessory dwelling unit located within an existing primary single-family residence or accessory structure that does not comply with the minimum side and rear setback requirements of the applicable zoning district with the approval of a Design Permit and Conditional Use Permit.

##### B. Attached and Detached Accessory Dwelling Units.

1. **Administrative Permit.** Attached and detached accessory dwelling units consistent with Section 17.74.040 (Standards for All Accessory Dwelling Units) and Section

17.74.050 (Standards for Attached and Detached Accessory Dwelling Units) are allowed with an Administrative Permit.

**2. Design Permit and Conditional Use Permit.**

a. The Planning Commission may approve an attached or detached accessory dwelling units that deviates from the standards in Subsections C (Unit Size) through J (Open Space and Landscaping) of Section 17.74.050 (Standards – Attached and Detached Accessory Dwelling Units) with the approval of a Design Permit and a Conditional Use Permit.

b. All two-story attached and detached accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

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

**D. Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring an Administrative Permit and approve or deny the application within 120 days after receiving an application.

**17.74.040 Standards for All Accessory Dwelling Units**

The following standards apply to all types of accessory dwelling units, including attached, detached, and internal accessory dwelling units.

**A. Compliance with Zoning District Standards.** An accessory dwelling unit shall comply with all requirements of the applicable zoning district except as modified in this chapter.

**B. One Primary Residence on Parcel.** An accessory dwelling unit is permitted only when not more than one primary single-family dwelling is present on a parcel or is constructed concurrently with the accessory dwelling unit.

**C. Occupancy.** The property owner must occupy either the primary or accessory dwelling. The Planning Commission may grant an exception to this requirement in the case of unique hardship with the approval of a Conditional Use Permit.

**D. Maximum Number per Parcel.** Only one accessory dwelling unit is allowed on a single parcel.

**E. Permitted Location.**

1. Internal Accessory Dwelling Units. Internal accessory dwelling units are permitted only in the R-1, RM, and MU-N zoning districts on lots of 4,000 square feet or more occupied by one single-family dwelling.

1.2. Attached and Detached Accessory Dwelling Units. Attached and detached accessory dwelling units are permitted on lot of 5,000 square feet or more occupied by one single-family dwelling only 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.~~

**E.F. Minimum Lot Size.**

- 1. **Internal Accessory Dwelling Units.** An internal accessory dwelling unit is permitted only on parcels 4,000 square feet or greater.
- 2. **Attached and Detached Accessory Dwelling Units.** An attached or detached accessory dwelling unit is permitted only on parcels 5,000 square feet or greater.

**F.G. Unit Size.** The maximum permitted floor area for an ~~attached or detached~~ accessory dwelling unit is as ~~follows~~ shown in Table 17.74-2:

- 1. ~~Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet.~~
- 2. ~~Detached accessory dwelling units: 1,200 square feet.~~

**TABLE 17.74-2: MAXIMUM ACCESSORY DWELLING UNIT SIZE**

<u>Lot Size</u>	<u>Maximum Accessory Dwelling Unit Size</u>
<u>Under 4,000 sq. ft.</u>	<u>Not Permitted</u>
<u>4,000 – 4,999 sq. ft.</u>	<u>500 sq. ft. (Internal ADU only)</u>
<u>5,000 – 7,500 sq. ft.</u>	<u>500 sq. ft.</u>
<u>7,501 – 9,999 sq. ft.</u>	<u>640 sq. ft.</u>
<u>10,000 – 11,999 sq. ft.</u>	<u>800 sq. ft.</u>
<u>12,000 sq. ft. or more</u>	<u>1,000 sq. ft.</u>

**G.H. Maximum Floor Area Ratio.** The combined floor area ratio (FAR) of a lot with a primary residence and an ~~attached or detached~~ accessory dwelling unit shall not exceed 0.60.

- 1. ~~—~~

**H.I. Parking.**

- 1. **Internal Accessory Dwelling Units.** Off-street parking in addition to any off-street parking required for the primary residence is not required for an internal accessory dwelling unit. The floor area of the internal accessory dwelling unit shall not be included in the parking calculation for the primary residence.
- 2. **Attached and Detached Accessory Dwelling Units.**

Attachment: 17.74\_Accessory Dwelling Units (1822 : Zoning Code Update)

- a. Except as provided in Paragraph (c) below, one off-street parking space shall be provided for an attached or detached accessory dwelling unit in addition to any off-street parking required for the primary residence.
- b. Required off-street parking may be provided as tandem parking on an existing driveway and may be located within minimum required setback areas from front, side, and rear property lines on the parcel in accordance with Section 17.76.040.B (Parking in Front and Exterior Side Setback Areas).
- c. No off-street parking is required for an attached or detached accessory dwelling unit in the following cases:
  - (1) The accessory dwelling unit is located within one-half mile of a bus transit stop with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
  - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
  - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
  - (4) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

#### **H.J. Utility Connections.**

1. **General.** An accessory dwelling unit shall not be considered a new residential use for the purposes of calculating local agency connection fees or capacity charges for utilities, including water and sewer service.
2. **Internal Accessory Dwelling Units.** The City shall not require an applicant to install a new or separate utility connection directly between an internal accessory dwelling unit and the utility or impose a related connection fee or capacity charge.
3. **Attached and Detached Accessory Dwelling Units.**
  - a. The City may require a new or separate utility connection directly between an attached or detached accessory dwelling unit and the utility.
  - b. Consistent with Government Code Section 66013, the connection may be subject to a connection fee or capacity charge that shall be proportionate to the burden of the proposed accessory dwelling unit, based upon either its size or the number of its plumbing fixtures, upon the water or sewer system. This fee or charge shall not exceed the reasonable cost of providing this service.
4. **Fire Sprinklers.** The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.

#### **17.74.050 Standards for Attached and Detached Accessory Dwelling Units**

The following standards apply to attached and detached accessory dwelling units.

**A. Permitted Location.**

**B.A. Height and Setback Standards.**

1. Height and setbacks standards for attached and detached accessory dwelling units are shown in Table 17.74-~~32~~.
2. The Planning Commission may allow a detached accessory 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 Design Permit and a Conditional Use Permit.

**TABLE 17.74-~~32~~: ACCESSORY DWELLING UNIT SETBACK AND HEIGHT STANDARDS**

	Type of Accessory Dwelling Unit	
	Detached	Attached
<b>Setbacks, Minimum [2]</b>		
Interior Side	5 ft.	Same as required for primary residence
Exterior Side	Same as required for primary residence	
Rear	<u>One story unit</u> : 8 ft. [3] <u>Two story unit</u> : 10 ft. [3]	
Front	Same as required for primary residence	
<b>Height, Maximum</b>		
One story	<u>One story unit</u> : 15 ft. [1] <u>Two story unit</u> : 22 ft.	Height of primary residence or maximum permitted in zoning district, whichever is less

Notes:

- [1] Maximum height of 12 feet when accessory dwelling unit is 10 feet or less from property line.  
 [2] No setback is required for an existing garage that is converted to an accessory dwelling unit.  
 [3] Minimum 5-foot setback for accessory dwelling units constructed above a garage.

**C.B. Incorporation into Primary Residence.** A detached accessory dwelling unit may not be incorporated into the primary residence unless parking and setback standards for the expanded primary residence are satisfied.

**D.C. Two-Story Accessory Dwelling Units.** All two-story accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.

**E.D. Doors and Windows.**

1. The entrance to a detached accessory dwelling unit shall face the interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

Attachment: 17.74\_Accessory Dwelling Units (1822 : Zoning Code Update)

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.

**F.E. Orientation.**

1. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard shall be minimized.
2. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.

**G.F. Design.** The design of the accessory dwelling unit shall complement 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.

**H.G. Open Space and Landscaping.** Open space and landscaping shall be provided that is usable for both the accessory dwelling unit and the primary residence. Landscaping maintain privacy and provide screening for adjacent properties.

**I.H. Mobile Units.** Vehicles and trailers of any kind, with or without wheels, are prohibited as accessory dwelling units.

**17.74.060 Findings**

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

- A. The exterior design of the accessory 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 accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
- D. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
- E. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
- F. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.



- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
- 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 project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

#### 17.74.070 Deed Restrictions

- A. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
  1. The accessory dwelling unit may not be sold separately.
  2. The accessory dwelling unit is restricted to the approved size.
  3. The property owner must occupy either the primary residence or the accessory dwelling unit.
  4. For detached accessory dwelling units, the unit may not be incorporated into the primary residence unless parking and setback standards for the expanded primary residence are satisfied.
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the accessory dwelling unit.



~~17.74.080~~ — **Incentives**~~17.74.090~~ — **- Fee Waivers for Affordable Units.**

~~17.74.100~~ The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.

~~17.74.110~~ Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low income levels prior to issuance of a building permit.

~~17.74.120~~ Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.

17.74.080 **Historic Properties:**

-The Planning Commission may allow exceptions to design and development standards for accessory 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.

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

**TABLE 17.80-8: WINDOW SIGN STANDARDS**

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

Note:

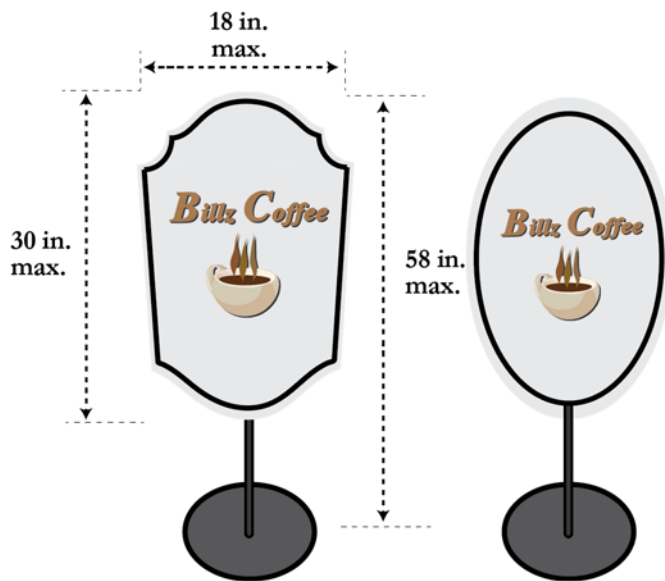
[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established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

**K. Sidewalk Signs.**

1. **Where Allowed.** Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. **Permits Required.**

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

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



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

TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	30 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign

4. **Number of Signs.**

- a. Only one two-sided sidewalk sign per business establishment is permitted.
- b. Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. **Materials and Design.**

- a. Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
- b. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- c. Signs faces be constructed of solid wood, metal or similar durable and weatherproof material.
- d. No sidewalk sign may contain lights of any kind.

6. **Sidewalk Clearance.**

- a. The sidewalk in front of the business must be at least 78 inches in width.
- b. Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. **Separation from Other Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.

8. **Display During Open Hours.** Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.

9. **Advertising Multiple Businesses.** Individual signs may advertise more e than one business.

10. **Other Business Signage.**

- a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
- ~~b.~~ All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.

~~e.b.~~

~~9.~~ **Multi-tenant developments shall be permitted one sidewalk sign per each common exterior public business entrance.**

~~10. Individual signs may advertise more than one business.~~

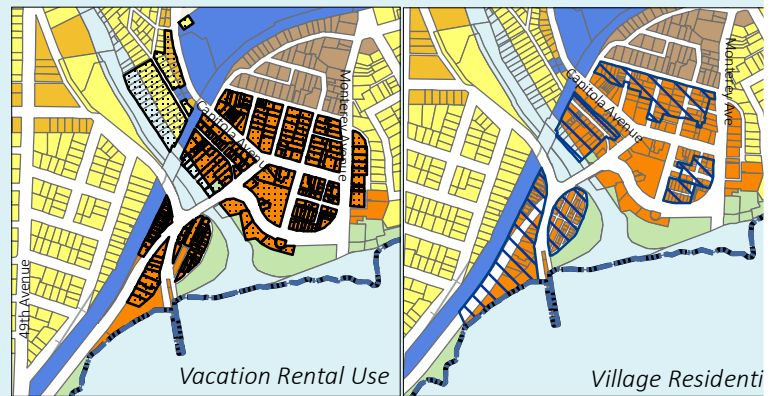
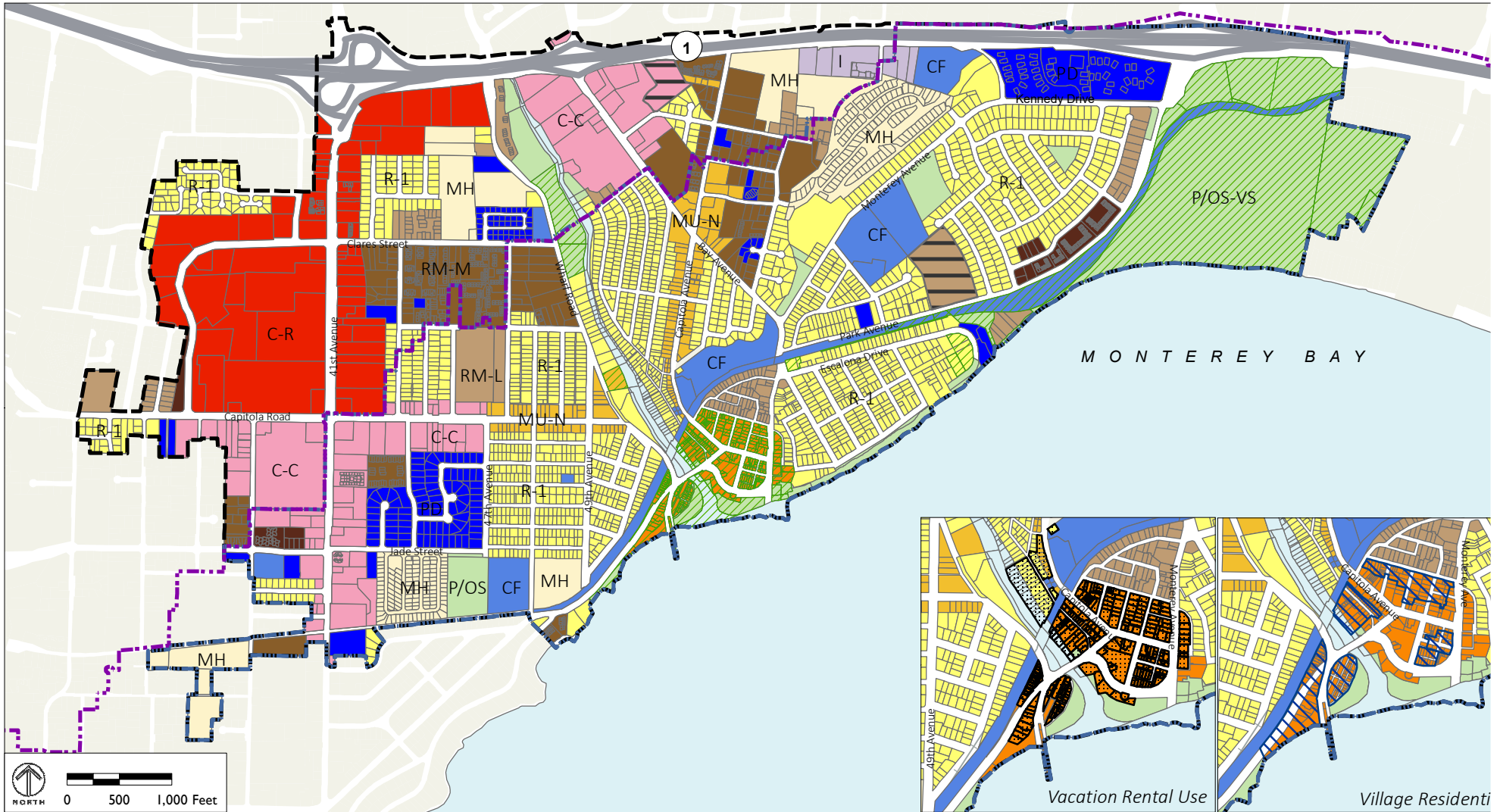
### 17.80.090 Design Standards



**Note:** Sign standards tailored to individual zoning districts in this section are new.

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

CITY OF CAPITOL  
ZONING CODE UPDATE



**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

**Other Zoning Districts**

- I - Industrial
- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

**Overlay Zones\***

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

**City Limit**

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017

\*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

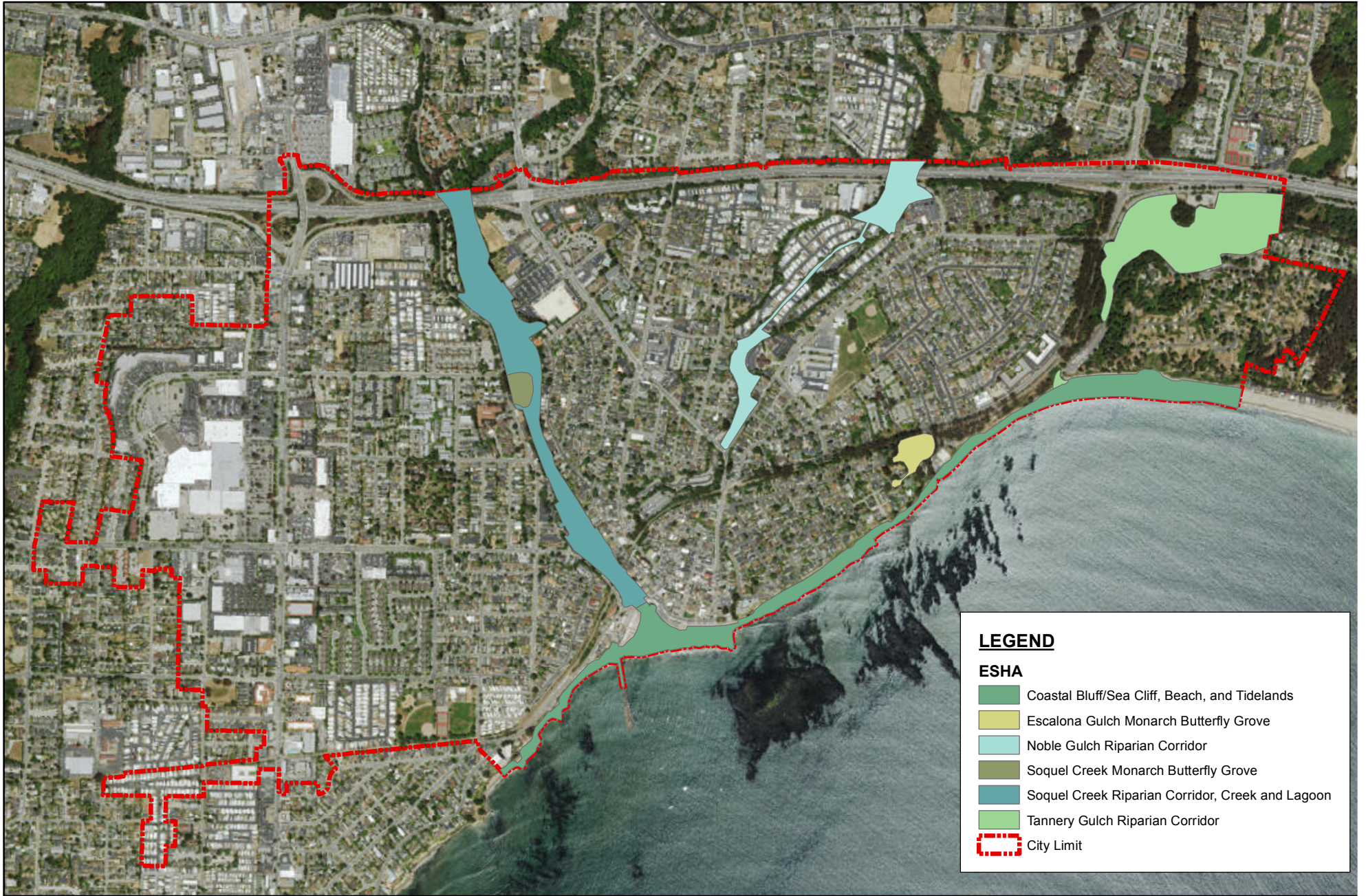


**Zoning Map Changes from Existing Zoning Map to Draft April 13, 2017 Zoning Map**

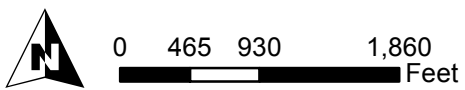
	Location	Existing Zoning	New Zoning	Comments
1	Entire Map	Automatic Review		Removed AR
2	Capitola Road between 41 <sup>st</sup> and Wharf	Community Residential (CR)	Mixed Use Neighborhood (MU-N)	Removed CR, CN, and PO zones.
3		Neighborhood Commercial (CN) & Professional Office (PO)	Community Commercial (CC)	
4	41 <sup>st</sup> Avenue north of Capitola Road, Clares Street and Autoplaza Drive	Community Commercial (CC)	Regional Commercial (C-R)	General Plan implementation
5	3945 Melton Street	Single-Family (R-1)	Community Commercial (CC)	Informed owner. Supports change
6	519 Capitola Avenue	Single-Family (R-1)	MU-N	Informed owner. Supports change
7	822 Kennedy Drive parcel behind church	P/OS	Single-Family (R-1)	Developed within CUP
8	4800 and 4820 Opal Cliff	Single-Family (R-1)	RM-M	Annexed in 1963 as multi family.
9	3865, 3883, 3895 Brommer Street	Community Commercial (CC)	RM-H	Request from residents to be rezoned.
10	Parcels behind 2078 Wharf Road (Riverview of Capitola Condos)	AR/RM-LM	P/OS	Open Space behind condos.
11	Rispin on Wharf Road	AR/VS/R	VS/P/OS	Previously approved PD never developed.
12	620 El Salto	VS	R-1 with VS Overlay	Monarch Cove Inn
13	720 El Salto	VS/R-1	Single-Family (R-1)	Removed VS overlay
14	709 Escalona Drive	VS/R-1	Single-Family (R-1)	Removed VS overlay
15	1465 38 <sup>th</sup> Avenue extending to Capitola Road nad 3720 Capitola Road to 38 <sup>th</sup> Avenue	Neighborhood Commercial (CN)	Community Commercial (CC)	General Plan Implementation
16	720 Hill Street – hotel	Multi-family Medium Density (RM-M)	Community Commercial (CC) with AH overlay	Identified as AH site in housing element
17	502 Beulah	Mobile Home (MH)	Single-Family (R-1) Vacation Rental Use (VRU)	General Plan Implementation
18	405 and 407 Capitola Avenue and 410 Riverview	Neighborhood Commercial (CN)	Community Facility (CF)	Fire Station

19	1911 42 <sup>nd</sup> Avenue	Multi-family Medium Density (RM-M)	Planned Development (PD)	Pearson Ct. Established PD
20	Two parcels in the park at the end of Riverview Drive	Public Facilities (PF)	Public Open Space (P/OS)	Open Space
21	719 Capitola Ave – just north of Bay	Multi-Family Medium Density (RM-M)	Mixed Use Neighborhood (MU-N)	Existing Commercial Donut Station
22	500 Plum Street	Professional Office (PO)	Mixed Use Neighborhood (MU-N)	Removed PO zone.
23	City Owned Parcel behind 401 Monterey Avenue (Noble Gulch Park)	Multi-family Low Density (RM-LM)	Public Open Space (P/OS)	Open Space
24	401 Monterey Avenue	Multi-family Low Density (RM-LM)	Single Family (R-1)	Existing Single-Family home. Lot size does not meet minimum site area per dwelling for more than one unit.
25	3640 Capitola Road	Public Facilities (PF)	Community Commercial (CC)	Privately owned utility.
26	250 Monterey (Inn at Depot Hill)	Visitor Serving (VS)	Single-Family (R-1) V/S overlay	All VS is overlay
27	911 Capitola Avenue	MU-N and R-1	Extend MU-N all the way back to the hotel property behind it	Entire property was not included in zone.
28	Shadowbrook Property and Parking Lot	CC	MU-N	MU-N more compatible with surrounding properties.





Attachment: Capitola ESHA Map (1822 : Zoning Code Update)



Source: ESRI, 2017; Kimley-Horn, 20

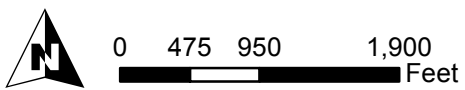




Attachment: Capitola ESHA Map Comparison (1822 : Zoning Code Update)

**LEGEND**

- Updated Environmentally Sensitive Habitat
- Previous ESHA Boundary
- City Limit



Source: ESRI, 2017; Kimley-Horn, 20



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

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**From:** conniesmith2@comcast.net  
**Sent:** Friday, October 14, 2016 2:23 PM  
**To:** City Council; PLANNING COMMISSION; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us)  
**Subject:** Transient Vacation Overlay & 502 Beulah Dr.

Good afternoon Mayor, Council, Commission & Manager -

Thank you for welcoming my input at last night's meeting. I rather inarticulately expressed our family's history and desire regarding inclusion of 502 Beulah Dr. in your expanded short term rental plan. I hope that you will take the time to read the following and fully consider our request.

As many of you know, my parents, Mark and Kathleen Sullivan, became members of the vibrant Capitola community 60 years ago when they purchased 502 Beulah as their first home. Capitola was truly their happy place. In their retirement, little gave them as much pleasure as giving back to their beloved community via my father, Mark's, service on the Arts Commission and my mom, Kathleen's, volunteerism with the Capitola Museum. Some of you may recall my dad attending every Council meeting for years (and not badgering you all too much!), and my mom being a sounding board for Council Members and Chief Escalante. My parents were definitely part of what has made Capitola so fabulous: dedicated, selfless citizens. Their love for Capitola is further underscored by both their home (which to many heralds their arrival into the village, with its quintessential coastal cottage charm) and their express wish that we keep 502 Beulah in the family so that their kids and grandkids can enjoy and support the very community they helped build and protect.

I came to you last night (after my mom's passing on 9/25) to request on our family's behalf that you consider adding the Sullivan home to your expanded transient rental overlay. Our inclusion would allow us to keep the home in the family and facilitate a property use consistent with the immediate community. We hope to have 9 month tenants during the academic year (grad student & family, ideally), and short term rentals during the summer which would generate sufficient income for us to pay the mortgage and allow the flexibility for 4-6 weeks of family use each summer.

Your current expansion plan contemplates inclusion of residences on Capitola Ave from the trestle up to Riverview. 502, directly across from Riverview & with more lot line on Capitola Ave than Beulah, is within this zone but on the other side of the street. When my folks first came to Capitola, they had a creek for a backyard and a few homes nearby. Now, 502 sits as an island at a busy intersection with parking lots behind, city buildings flanking, & a restaurant and salon across the street. There isn't much residential neighborhood to impact with this change in use. Still, mitigating potential negative impacts are the facts that 502 has two on-site parking spaces as well as a street space immediately in front, and it's "surrounded" by police (in a good way!) so occupants would stay in line. Additionally, because of the tremendous pride our family takes in the home, we would be vigilant in our screening of potential tenants (whether long or short term) thereby greatly reducing any risk of nuisance.

Please let me know if I can provide any further information to assist you in considering our request. Please also advise as to next steps in this zoning amendment process.

We are profoundly grateful for the support and collegiality many of you shared with our parents over the years. They each left this earth still embracing Capitola as their happy place, and we hope to do the same.

Attachment: Letter from 502 Beulah Drive (1822 : Zoning Code Update)

Kind regards,  
Connie Sullivan Smith  
650-704-9650

Attachment: Letter from 502 Beulah Drive (1822 : Zoning Code Update)