



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 6, 2014

SUBJECT: **Zoning Code Update – Informational Update**

BACKGROUND

The City of Capitola adopted the new general plan on June 26, 2014. Since the adoption of the new general plan, staff has initiated the update to the zoning ordinance. State law requires that the City's zoning ordinance and local coastal plan (LCP) be consistent with the general plan. This is an informational update on the zoning ordinance update. The existing zoning code was written in 1975. Over the past 39 years, there have been multiple updates to the code, but never a full overhaul of the entire code.

PROCESS OVERVIEW

The first step to a zoning ordinance update is public outreach. Over the past three months, staff engaged key stakeholders and the community through a public participation process which included a public survey, stakeholder interviews, and one-on-one discussions. From August 1, 2014, through October 15, 2014, a survey was made available to the public on the City website and hardcopies were available at City Hall and the Capitola Library. The survey was completed by 150 people. (Attachment A: Zoning Survey Results) During this time, staff also hosted five stakeholder meetings with five focus groups. The focus groups included: a local resident group, a recent applicant group, a commercial property owner/management group, a business owner group, and an architect/designer/planner group. The stakeholder meetings were well attended with informative, lively discussions on a wide range of issues and ideas. (Attachment B: Stakeholder Meeting Action Minutes) Staff is currently collecting and organizing the various issues identified by stakeholders, the public, Planning Commissioners, City Council members, and past/present staff.

An "issues and options" white paper is being drafted to explain the key issues that have been identified. The City's general plan consultant will work closely with staff to draft options to resolve existing issues. Suggestions made during public outreach will be included in the white paper. Throughout the first half of 2015, staff plans to hold multiple public hearings with the Planning Commission and City Council to work through the issues and identify appropriate solutions. The public will be invited to participate during this process. Special meetings will be scheduled for the zoning update, as necessary. Once staff has received direction regarding the key issues, draft code sections will be prepared. The Planning Commission will review draft code modifications throughout the public hearing process. After staff receives direction on all issues and options, recommendations will be compiled into a draft zoning ordinance. The final document will be reviewed by Planning Commission with a recommendation to City Council. The City Council will adopt the new zoning ordinance in its final form.

The final document must be authorized by the Coastal Commission for those regulations influencing areas within the Coastal Zone. Staff has begun discussions with the Coastal Commission regarding

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the update and will continue to work with Coastal Commission staff throughout the update process to facilitate adoption of the updated local coastal plan. Coastal Commission review of updated local coastal plans and zoning ordinances takes approximately 6 to 12 months.

ZONING ORDINANCE UPDATE PROCESS

1. Stakeholder Outreach (August 2014 – October 2014)
2. Issues and Option Identification (4 months)
3. Preparation of preliminary draft zoning ordinance (6 months)
4. Planning Commission and City Council Work Sessions and Public Hearings (6 months)
5. Draft Zoning Ordinance and CEQA Document (1 months)
6. Adoption Hearings (2 months)
7. Coastal Commission – LCP Amendment

2014					2015												
8	9	10	11	12	1	2	3	4	5	6	7	8	9	10	11	12	
Public Outreach																	
			Issues and Options														
							Preparation of preliminary draft Zoning Ordinance										
							Planning Commission and City Council Public Work Sessions										
													CEQA				
														Adoption Hearings			
																	LCP

ATTACHMENTS

- Attachment A: Survey Results
- Attachment B: Stakeholder Meetings Action Minutes

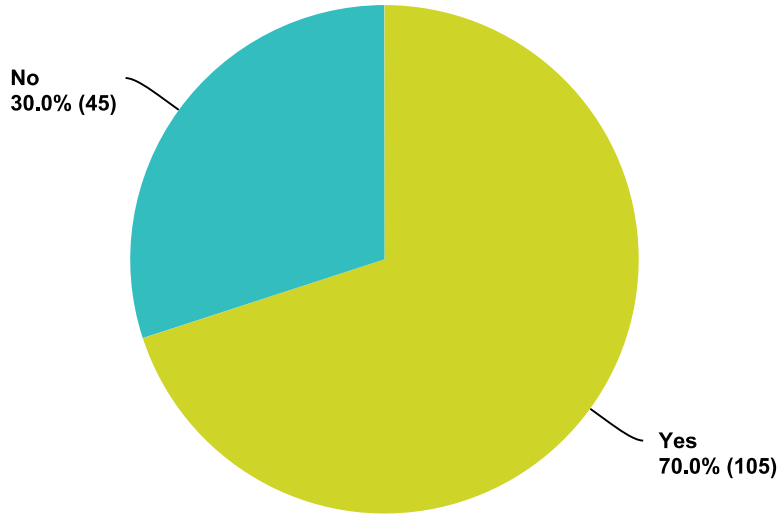


Q1 Which of the following describes your association to Capitola? (Check all that apply)

Answer Choices	Responses	
Live in Capitola	80.7%	121
Work in Capitola	23.3%	35
Business Owner in Capitola	16.0%	24
Commercial Property Owner in Capitola	10.7%	16
Real Estate Professional or Property Developer that has worked in Capitola	4.7%	7
Architect, Designer, Engineer, or Planner that has worked in Capitola	3.3%	5
Builder or Contractor that has worked in Capitola	2.7%	4
Total Respondents: 150		



Q2 Have you had any experience with Planning and/or the Zoning Code in Capitola?





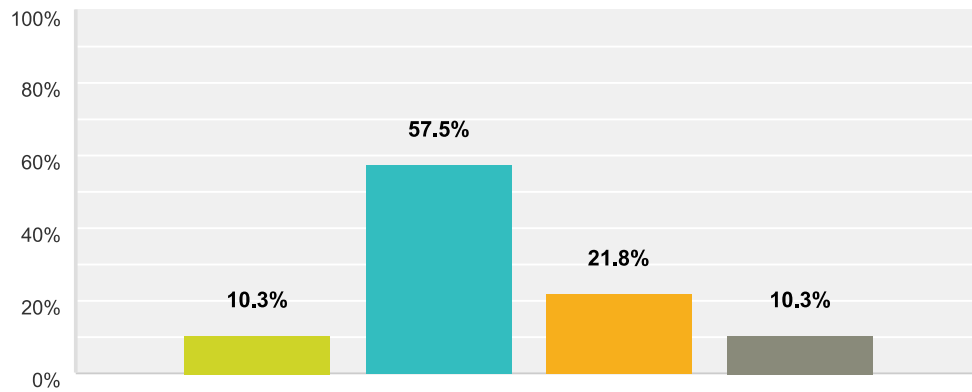
Q3 Which of the following Planning Permits have you applied for? (Check all that apply)

Answer Choices	Responses
Residential: Single-family home new construction, remodel, or addition	50.0%
Tree Permit	27.3%
I have not applied for a Planning Permit	26.0%
Fence Permit	19.3%
Commercial: New construction, remodel, or addition	10.7%
Residential: Multi-family development new construction, remodel, or addition	8.7%
Sign Permit	8.7%
Other (please specify)	8.7%
Remodel of Historic Building	8.0%
Commercial: Change of Use or Conditional Use Permit	6.7%
Residential: Secondary dwelling unit	6.0%

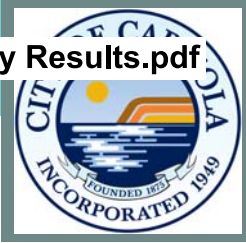
#	Other (please specify)	Date
1	sidewalk sale permit	10/16/2014 2:18 PM
2	Coastal, Use permit,	9/23/2014 1:47 PM
3	Repair and upgrade a number of single family and multi family buildings	8/18/2014 12:58 PM
4	Repair of old house	8/17/2014 12:08 PM
5	Been a victim of neighbor NOT applying for tree permit, as required!	8/14/2014 12:53 PM
6	zoning usage	8/14/2014 12:29 PM
7	Questions about a tree permit. Tree ultimately taken down by PG&E as disease had caused it to fall on transmission wires.	8/14/2014 7:41 AM
8	neighbors violation of code	8/13/2014 4:36 PM
9	Resident Owned Mobilehome park	8/12/2014 8:49 PM
10	Advisory on City park planning	8/12/2014 2:05 PM
11	Solar PV installation	8/12/2014 1:08 PM
12	Out door Deck	8/12/2014 11:18 AM
13	ownership of livestock within city limits	8/12/2014 10:52 AM



Q4 Which best describes your experience utilizing the Zoning Code?



- Easy to understand.
- Average. After reviewing a few times, I understood the code.
- Extremely difficult to understand. Depended on staff to explain code.
- N/A



Q5 Check all of the following features that you would like to see included in the Zoning Code update:

Answer Choices	Responses
Explain when a permit is required more clearly.	64.4%
Standards presented in table format rather than long written descriptions	55.2%
A zoning code "user guide"	52.9%
Less technical jargon and more plain English	50.6%
Explain process more clearly.	50.6%
More graphics, illustrations, and diagrams	40.2%
Improved table of contents and index	35.6%
More definitions	32.2%
Intuitive organization	31.0%

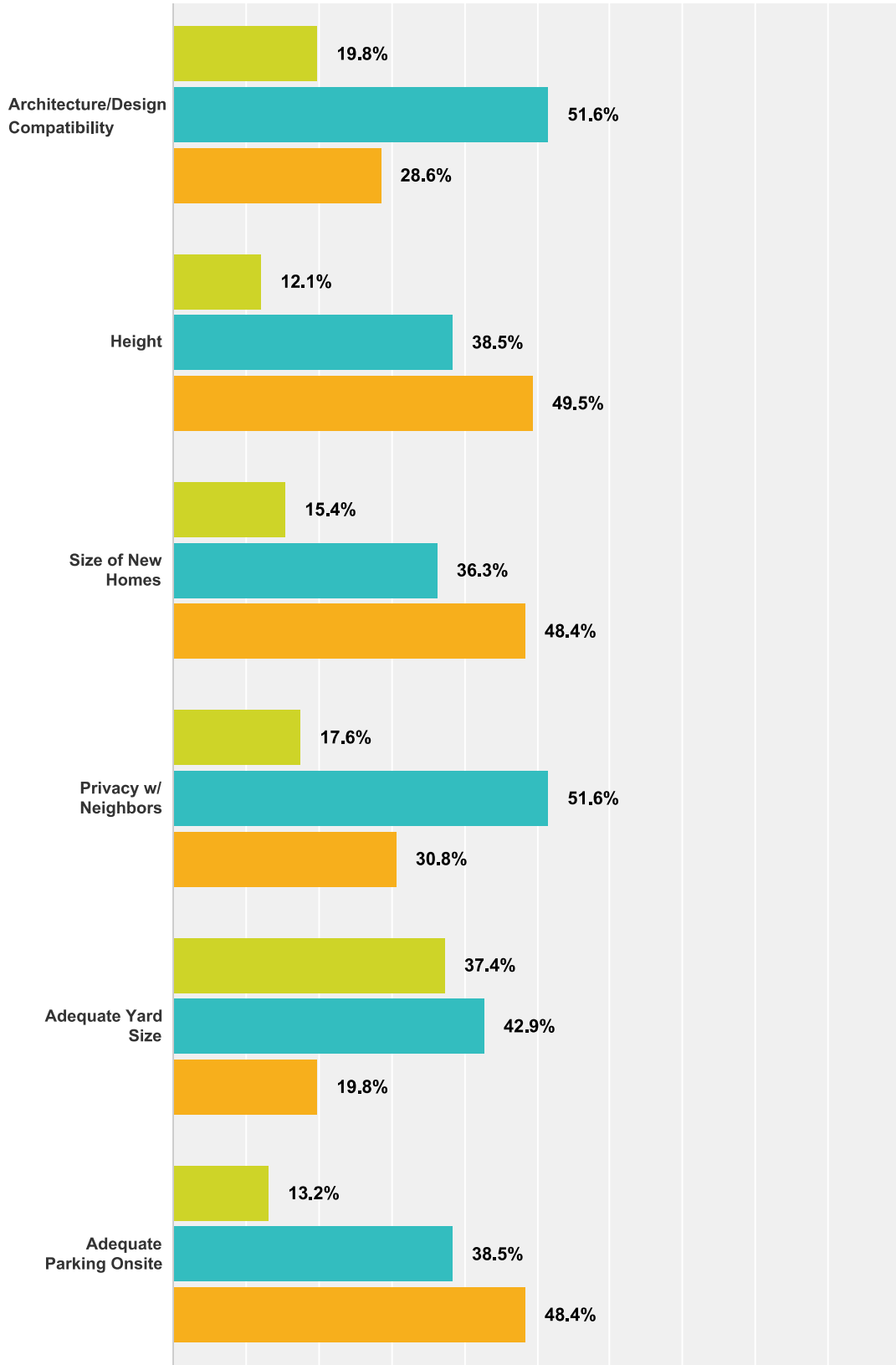
#	Other (please specify)	Date
1	Definition of what changes to the drawings are "significant" and need to be brought before the commission	8/27/2014 1:26 PM
2	fence height on both sides of fence property lines well defined on both construction plans and plans presented to commission	8/17/2014 2:45 PM
3	Fewer restrictions on minor repairs, less "creep" of regulations (for example, on decks and deck railings)	8/17/2014 12:12 PM
4	All codes, signage and all other zoning issues that are mentioned above is not know to the majority of business's , home owners and anyone who is not a contractor that has to deal with these issues NO ONE knows anything These are definitely issues that should be sent by mail, email or what ever means that can get to everyone It also needs to be done well so that people do not delete or throw away without reading What happened to the sandwich board ordinance I see so many sandwich boards out on the village sidewalks You should have the parking attendance staff do a check off list once a month to help the city They are city employees and other dep heads in at city hall gets involved with time for police issues (Removed reference to Staff) When times are slow , which is the majority of the year They should help with a simple check off list and discretely get it to planning without in forcing any issues I have so many issues that I feel need help PARKING meters help the police but locals do not like Capitola village because if there money issues from parking meters and tickets It is a shame that we are not customer friendly about easy, kindness and welcoming to our locals We need them for off season Heck!!! They dislike capitola so much that they do not even care about coming down from thanksgiving to Christmas for our free 3 hours Parking spaces are empty Parking has destroyed the village and I do not think it will even be in our local residence as a friendly place to come It is just a hassle and money pit (removed reference to staff)	8/16/2014 7:35 AM
5	Work with full team; to develop clear and enforceable code. For example, the tree preservation ordinance exists, but it is not clear and does not really provide direct guidance for enforcement.	8/14/2014 7:45 AM
6	Consistency with the general plan and all other city documents	8/13/2014 7:53 PM
7	Personal opinion, personal likes and dislikes, changing "policies" from one permit to another causes much frustration for those seeking permits. There should be a set of rules that everyone has to follow from year to year....not minute by minute.	8/13/2014 6:54 AM

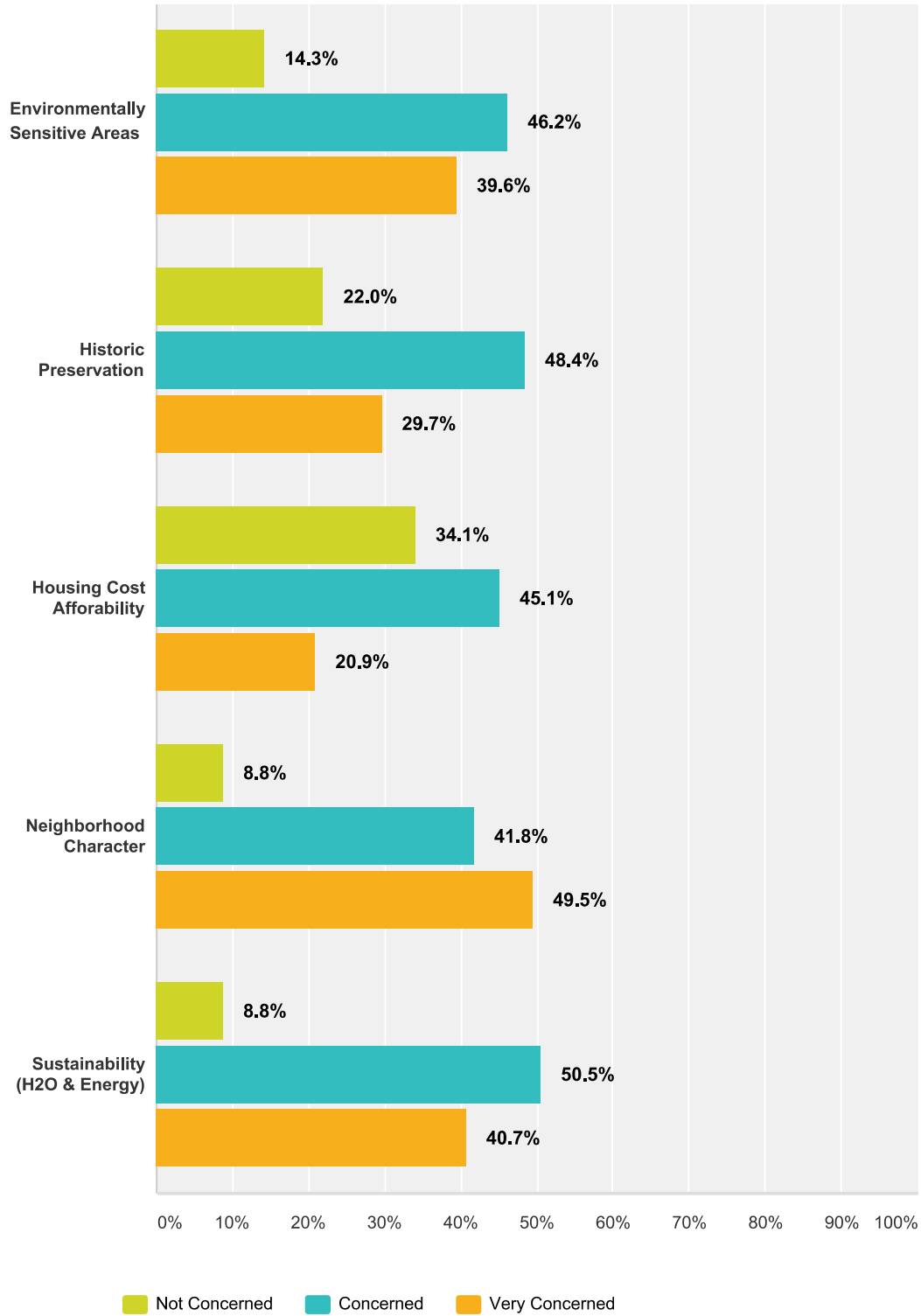
8	Eliminate ability to expand uses that do not fit with surrounding neighborhoods such as Monarch Cove. Even current use creates ongoing conflict and undesirable neighborhood impacts.	8/13/2014 5:14 AM
9	Coastal Zone and nexus to city zoning [what's what and what does that mean to me]. Why are all the City's emergency responders located in the flood plain?	8/12/2014 2:12 PM
10	This question seems a bit leading. Of course everyone would love all of these things. Is it intended to educate people on what will be done? Seems a bit obvious.	8/12/2014 1:00 PM
11	I checked the first one because your survey requires an answer.	8/12/2014 11:37 AM
12	As a planner myself, my opinion may not necessarily reflect the broader public so please take my answer to question 4 with a grain of salt.	8/12/2014 11:25 AM
13	Eliminate conflicting language. Eliminate discretionary interpretations.	8/12/2014 10:53 AM
14	Zoning is restricting affordable housing in large in fill lots on 44th Avenue. Existing lots are 4000 or less and current code restricts to 5,000 which is restricting affordable housing to be built.	8/12/2014 10:20 AM
15	Keep Design and Planning Vocabularies but provide a good list of definitions	8/12/2014 10:14 AM



Q6 Rate your level of concern for the following planning issues for future RESIDENTIAL development in Capitola?

■ Not Concerned
 ■ Concerned
 ■ Very Concerned





#	Other (please specify)	Date
1	interlocking neighborhood pathways	9/11/2014 2:45 PM
2	Maintaining neighborhood feel is key	8/31/2014 11:57 AM
3	address walkability and sign clutter	8/27/2014 10:28 PM
4	rezoning and overlays	8/19/2014 11:31 AM

5	Residential rentals	8/14/2014 3:12 PM
6	Guidelines for more accurate estimating of Planning and Permit fees.	8/13/2014 4:02 PM
7	Incompatible projects in neighborhoods	8/13/2014 9:55 AM
8	The City is 'park deficient'	8/12/2014 2:12 PM
9	Higher density	8/12/2014 1:46 PM
10	Density Bonuses for Congestion Relief (ie: sq footage credits for bike parking or transit proximity, etc.)	8/12/2014 11:25 AM
11	Residential Neighborhood Preservation and expansion	8/12/2014 11:21 AM
12	Don't tell homeowners what color to paint their house. the kind of roof and siding a	8/12/2014 10:39 AM
13	Minimum Lot Sizes is too Great would like to see 4,000 sqft to allow affordable housing.	8/12/2014 10:20 AM
14	Home Businesses	8/12/2014 10:14 AM



Q7 Within Capitola's single-family residential neighborhoods, there are duplexes, multi-family homes, and commercial uses that were legal at the time of construction but are no longer allowed to be built within the single-family neighborhoods today. How do you think the City should regulate existing multi-family units and commercial units within the single-family neighborhoods? (Check one)

Answer Choices	Responses
Allow the multi-family structures to continue as a multi-family structures indefinitely. Allow owner to improve/update the structure as long as the structure is not expanded and no additional units are built.	71.7%
Require that all multi-family structures (except duplexes) become single family homes by a specific date.	11.8%
Allow the multi-family structure to continue as a multi-family until it is substantially improved. If the owner invests substantial money into improving/updating the structure, than the structure should be required to become a single-family home.	11.0%
Require that all mult-family structures become single family homes by a specific date.	5.5 %

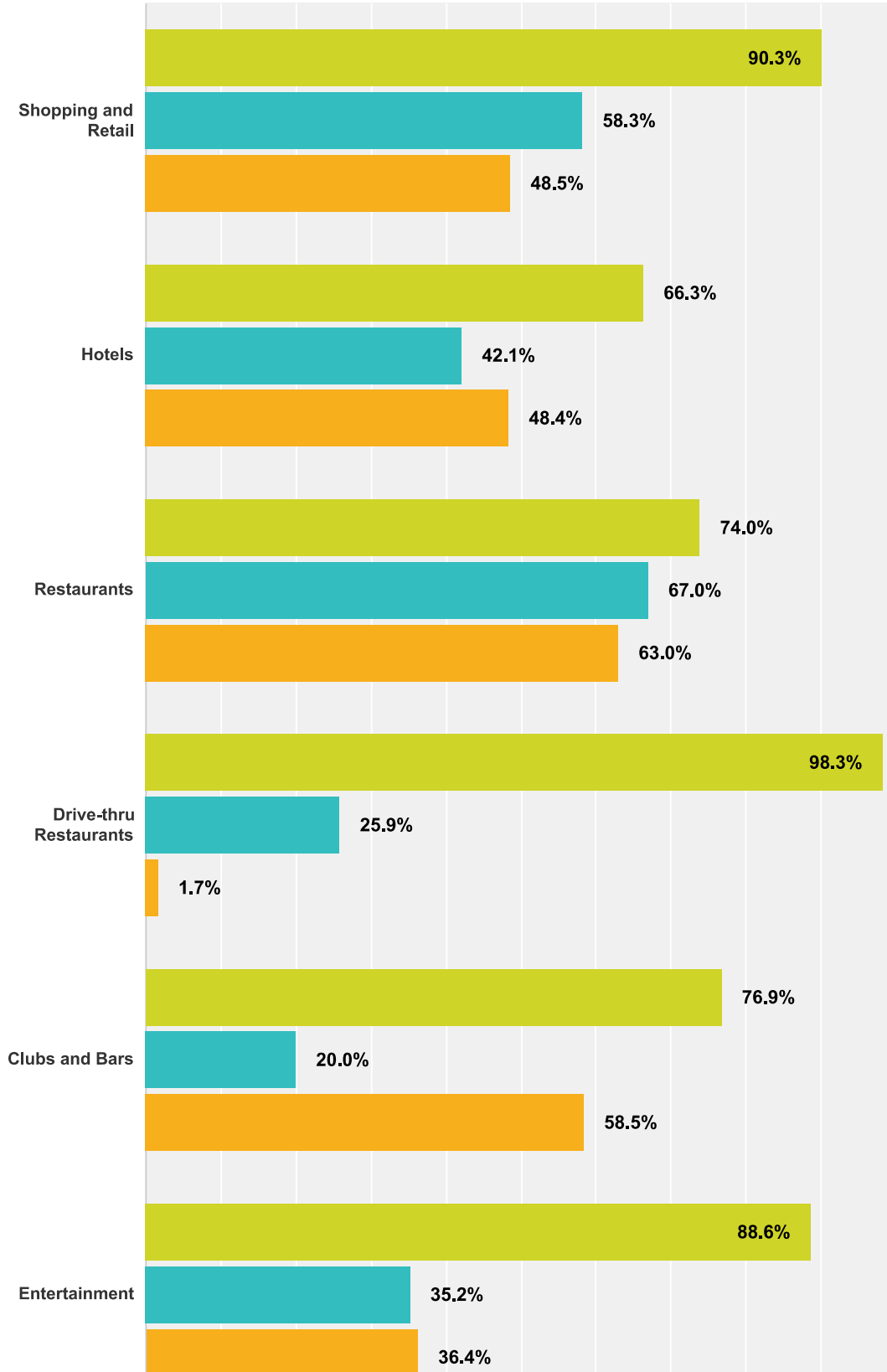
#	Comments	Date
1	there should be additional options to choose from, the required answer is invalid-that choice should have been offered	10/11/2014 2:28 PM
2	Affordable housing is needed to improve diversity	9/11/2014 2:46 PM
3	Need to work with residents/owners and provide flexibility in the regulations so as not to add a further financial obstacle to those who may already be unable to afford to maintain or keep their property such as low income and retired residents..Focus on safety and health issues, provide incentives instead of punishment. Over time nonconforming structures will transition. City cannot retroactively regulate legal nonconforming uses.	8/28/2014 8:50 AM
4	Substantial means almost a complete teardown in my opinion	8/27/2014 1:26 PM
5	These are very disturbing questions for how does a city un do building usage?	8/18/2014 1:10 PM
6	None of above choices acceptable. #2 should REQUIRE substantial improvements to permit future multi-family use	8/14/2014 1:01 PM
7	I would like more specific information about these structures shared in order to make a decision. Based on the limited information presented here, I will respond, but my answer could change significantly if I had the count of the existing structures.	8/14/2014 7:48 AM
8	of course not realistic	8/13/2014 4:40 PM
9	Need to be more specific than, "substantially". Suggest: Project cost will be 75% of current market value of existing structure based on 3 Appraisals from licensen appraisers.	8/13/2014 4:05 PM
10	multi family structures should meet newer safety codes	8/13/2014 1:53 PM
11	No expansion under any circumstances	8/13/2014 5:15 AM

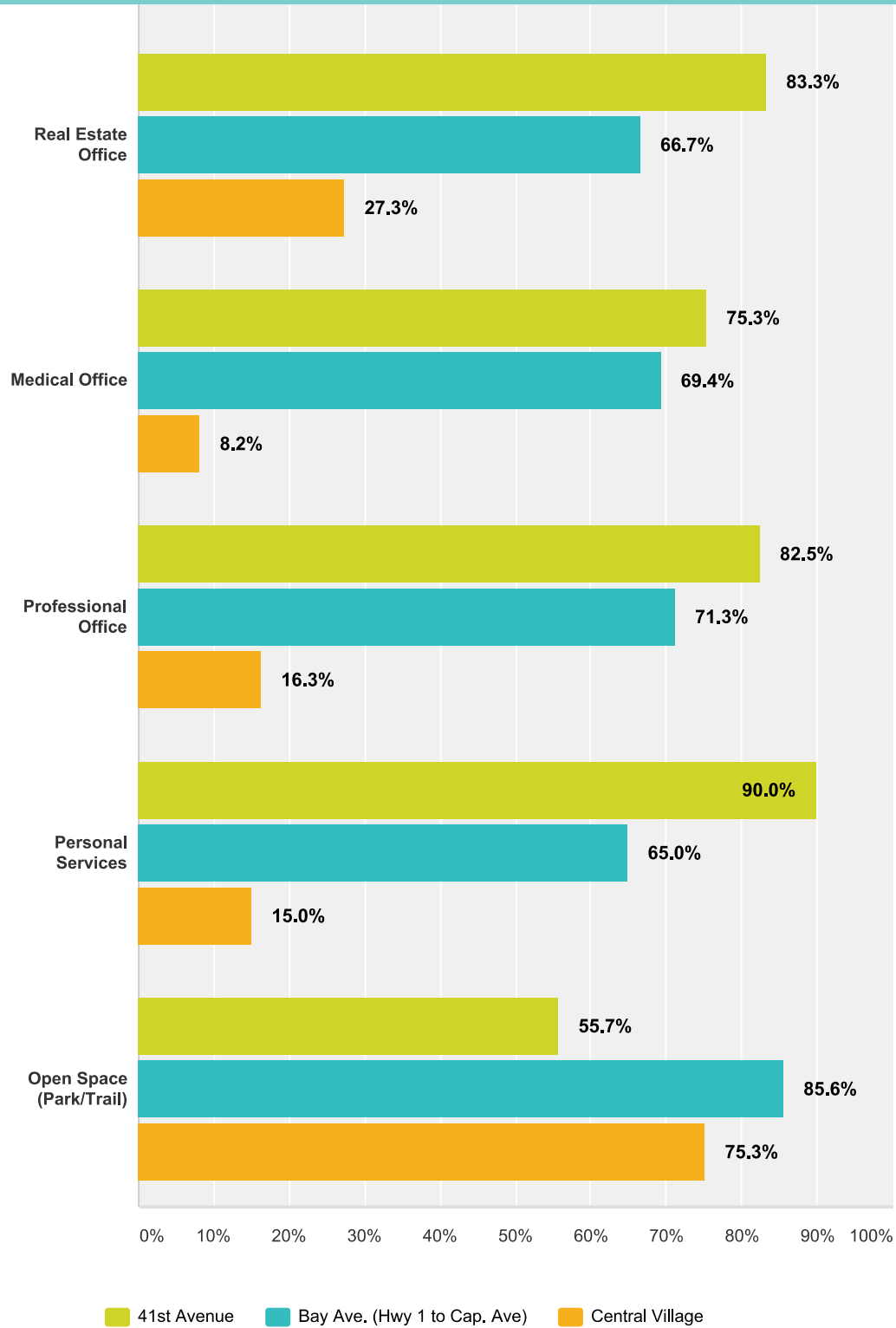
12	Often this housing is for parents/grandparents who would have to go to senior housing or care. Also it is a source of revenue for many who rely on that income. There is always a positive side to the issues and a negative one. Sometimes less regulation is better. If you limited improvements the units would decline and decrease property values and use. A property owner needs to retain property rights. A universal code is 'Do not encroach on other persons or their property'.	8/12/2014 3:45 PM
13	Improvement and continued use of multi-family buildings in SF zoning is a reasonable standard. Keeps a range of ages and varying levels of income integrated in a neighborhood	8/12/2014 2:18 PM
14	A nonconforming ordinance that gradually phases in these residential uses by a certain date would make sense. The sunset period should be long enough to pick up most remodels due to aging/deterioration.	8/12/2014 11:51 AM
15	None work for me. I would require substantial improvements by a certain date or convert to single family by that date.	8/12/2014 11:37 AM
16	whichever will keep Capitola with good clientele and not too low income, which can bring a lot of crime and transients. just don't let it get like Santa Cruz with the homeless.. only place I've ever seen so many types of units intermingled.	8/12/2014 10:20 AM
17	We need housing, protect that need - Act on a case by case basis	8/12/2014 10:16 AM



Q8 For each of the listed uses, check off the commercial areas in which you would like to continue to see and/or see more of the listed use. (Check all that apply)

■ 41st Avenue
 ■ Bay Ave. (Hwy 1 to Cap. Ave)
 ■ Central Village





#	Other (please specify)	Date
1	Aren't we built up enough?	10/13/2014 8:38 PM
2	alooow dogs on oposite sides of the street, leaving somewhere for people to walk without a dog's body fluids and wastes being forced on someone who does not want to wear someone else's dog dodo	10/11/2014 2:32 PM

3	This "Bay Avenu Commercial Area" needs to be replaced by its two components: 1. north of Center Street and (2) south of Oak Drive. As is this is an erroneous hybrid conglomeration that ingores teh people who live between Center and Oak.	10/1/2014 3:14 PM
4	No more surface parking lots	8/28/2014 8:56 AM
5	Let the free market determine most of this	8/27/2014 1:26 PM
6	NO MEDIUM TO LARTGE HOTEL IN CENTRAL VILLAGE	8/22/2014 4:39 PM
7	Parking, housing	8/17/2014 12:27 PM
8	New temporary parking should be centrally Located park/dog and skate park and city hall! Current city hall should become hotel	8/14/2014 1:05 PM
9	safe pedestrian paths along 41st & mall	8/13/2014 9:30 PM
10	I would prefer Bars within restaurants in the central village as opposed to bar/club	8/13/2014 9:27 PM
11	already have enough of all of the above	8/13/2014 4:45 PM
12	It is not clear to the layman what is being asked in this question. Answers are bogus for this reason.	8/13/2014 4:23 PM
13	No hotels, restaurants or bars in residential neighborhoods	8/13/2014 2:06 PM
14	make Rispin Mansion into a Community Center & Park	8/13/2014 1:57 PM
15	Parks and more parks are needed!!	8/12/2014 2:22 PM
16	You really want parks in the commercial areas? Should have a category for no more.	8/12/2014 11:38 AM
17	no drive thru	8/12/2014 11:11 AM
18	NO MORE CLUBS AND BARS	8/12/2014 10:54 AM
19	No hotel in the village	8/12/2014 10:46 AM
20	Keep City Hall where it is - do not sell the building; return the lower temp parking lot to a natural space/park since there is no public park within the village area.	8/12/2014 10:40 AM
21	i think the capitola village retail should be more scrutinized. surprised they let a massage parlor in the village. and a psychic...too gimmicky.	8/12/2014 10:22 AM
22	Stay with the New GP	8/12/2014 10:19 AM



Q9 Which of the following planning practices would you like the City to implement to shape future development along 41st Avenue? (Check all that apply)

Answer Choices	Responses
Improve the design of the public realm with improved pedestrian sidewalks, bicycle lanes, street trees and landscaping, and pocket parks, where appropriate.	71.9%
Adopt new design guidelines to improve the aesthetic of the commercial corridor.	59.5%
Create specific development criteria in new zoning for mall redevelopment that incentives redevelopment with new identity more reflective of Capitola sense of place.	56.2%
Make the commercial corridor more interesting for pedestrians by bringing storefronts closer to street along the sidewalk and requiring parking to be tucked behind buildings.	49.6%
Promote mixed use.	43.8%
Maintain ease of shopping experience with plenty of parking, adequate lanes for cars, and focus on the automobile.	37.2%
Promote visitor serving uses including hotels.	37.2%
Implement regional passenger train or similar service.	36.4%
Limit location of office space and medical offices along commercial frontage.	27.3%
Other (please specify)	14.9%
None of the above.	2.5%

#	Other (please specify)	Date
1	Nice mix of restaurants, shopping, entertainment, hotels and tourist activities like the ocean experience museum in Santa Cruz	10/14/2014 3:28 PM
2	Solve the traffic problem on NB 41st between Clares and "Gross". a. restrict right lane for access to local businesses, make it a right turn only lane at Gross. Transfer one lane from SB 41st to NB 41st Avenue OR alternateley (B) close access to local buisness from 41st and replace with access from Derby Avenue using powers such as eminent domain and/or relocating businesses.	10/1/2014 3:14 PM
3	sidewalk maintenance program	9/22/2014 11:13 PM
4	Improve intersection of Clares and 41st, it is not working. Gridlock for turning lanes especially for right turn from Clares to north on 41st from 3pm until 7pm. Only allowed to turn right on green light, cars from mall side gridlock the intersestion and one has to wit 2-43 lghts to turn right. Also the alley behind the business east of 41st functions as a street.	8/28/2014 8:56 AM
5	park/resting area/lawn/shady area for people to congregate	8/27/2014 10:37 PM
6	Anything that can be done to improve the traffic situation.	8/26/2014 9:01 AM
7	Let's focus on visitors service and commercial areas more focus on residential service and enhancement	8/23/2014 9:14 AM
8	improve pedestrian/handicapped use through out town	8/17/2014 2:50 PM
9	Improve pedestrian access, but keep traffic flowing.	8/14/2014 3:22 PM
10	No housing next to businesses or parking. Health problems)	8/13/2014 9:30 PM

11	The items checked would all be limited to specific areas and should allow for flexibility	8/13/2014 9:27 PM
12	Lots of big, vague words being used here. Need to be far more definitive on this question.	8/13/2014 4:23 PM
13	Get rid of the hideous new art pieces.	8/13/2014 2:06 PM
14	Greater ease of use for disabled people and aging population that does not rely on more cars. However, the current busses are not user friendly. Capitola residents would like to get to the shopping/commercial areas with less difficulty.	8/12/2014 10:47 PM
15	The mall is an excellent site for senior living = I'd love to live closer to the senior 'mall walkers' morning program	8/12/2014 2:22 PM
16	Promote Workforce Housing	8/12/2014 1:51 PM
17	Disallow large neon signs like the "Mattress Discounters" on 41st	8/12/2014 11:37 AM
18	Underground utilities along the 41st ave corridor	8/12/2014 10:56 AM



Q10 The new General Plan creates an allowance for increased development intensity for some properties fronting 41st Avenue if a project provided substantial community benefits, enhances economic vitality, and is designed to minimize adverse impacts to neighboring properties. Identify up to 3 community benefits you would most like to see incorporated within 41st Avenue or list your own suggestions:

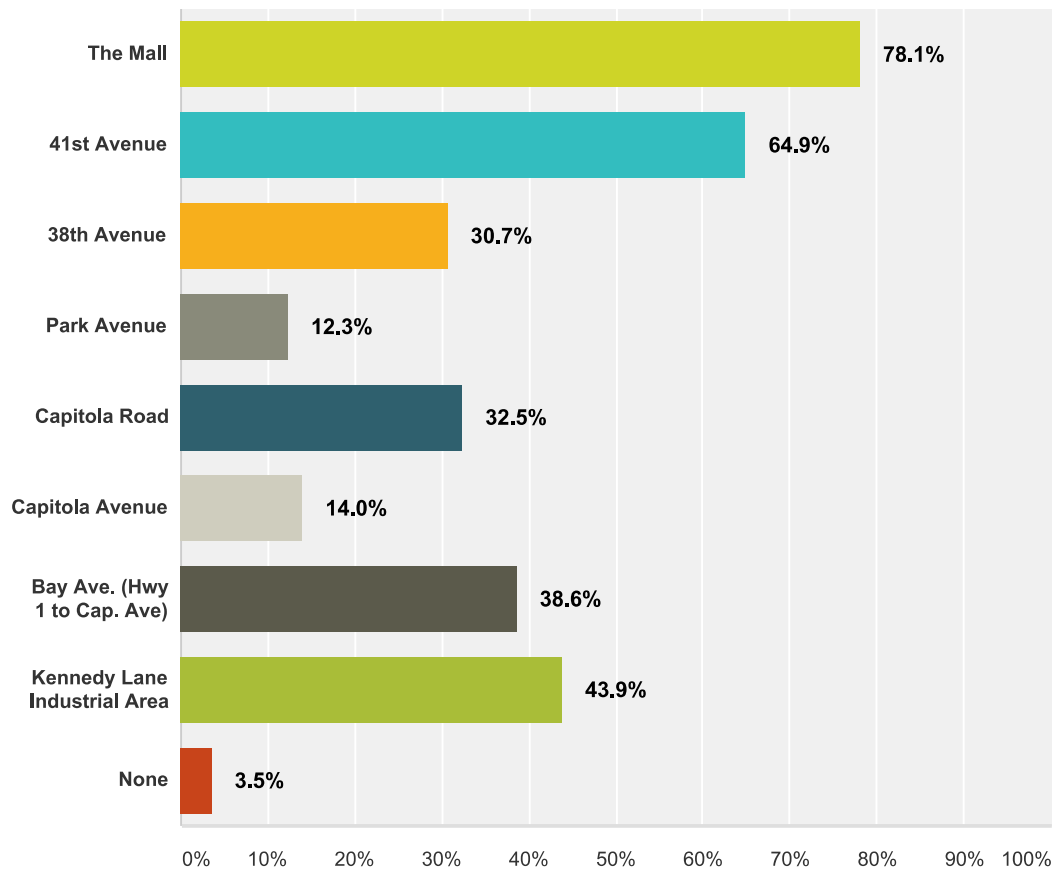
Answer Choices	Responses
Pedestrian Circulation Improvements (sidewalks, crosswalks, pedestrian safety)	35.6%
Public Realm Improvements (pocket parks, benches, landscaping)	32.2%
Bicycle Circulation (enhanced bikelanes, safety, and storage)	29.7%
Provides funding/support for Regional Trail System (Monterey Bay Sancturary Scenic Trail Network along existing railroad)	28.0%
Automobile Circulation and Parking Improvements	22.9%
Public Transportation Improvements (transit center improvements/relocation, bus circulation)	16.9%
Affordable Housing (onsite or funding)	15.3%
Development includes High Paying Jobs	13.6%
Development includes Entertainment Venue or Public Event Space	12.7%
Development reutilizes existing building(s) within new development plans.	12.7%
Exemplary Green Building with a Very Low Carbon Footprint	8.5%
Public Facility or Institution (library, school,college, museum)	8.5%
Other (please specify)	8.5%
Development includes dedicated Business Incubation Space for Local Start-ups	7.6%
Development Incorporates Public Art (onsite or along 41st Avenue)	5.9%
Development includes Meeting Space or Conference Space	5.1%
Development includes dedicated space for Green Businesses	5.1%
None of the above.	1.7%

#	Other (please specify)	Date
1	minimize additional influx of traffic	10/11/2014 2:35 PM

2	Mixed residential / commercial development	9/23/2014 1:58 PM
3	mixed use residential and retail	9/22/2014 11:18 PM
4	Outdoor /indoor high quality shopping mall with dining/entertainment options/opportunitites and Beautiful landscaping! Beautiful landscaping all along 41st Avenue!	8/14/2014 1:23 PM
5	the new "art" along 41st ave was a waste of money	8/13/2014 1:59 PM
6	Smaller buses = jitneys moving deeper into neighborhoods so we can get to shopping, movies and back home in a reasonably short period of time	8/12/2014 2:26 PM
7	Public Art is an eye sore	8/12/2014 11:13 AM
8	I disagree with the concept that the FAR can supersede the zoning standards for the CC zone.	8/12/2014 10:59 AM
9	Hotel	8/12/2014 10:54 AM
10	no more affordable housing. already too much..and brings down the property value of us single home owners	8/12/2014 10:23 AM



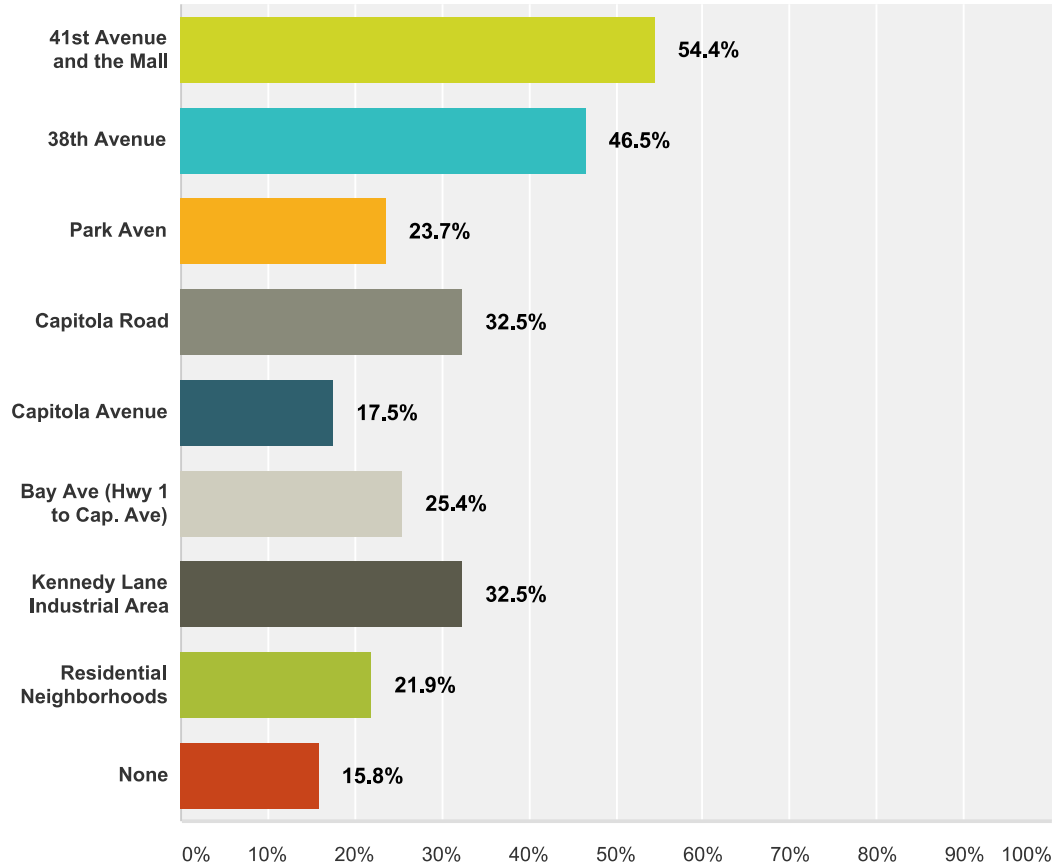
Q11 Future growth is inevitable. The majority of developable land in Capitola has already been built upon. Future redevelopment to accommodate growth may come in the form of mixed-use, higher density land uses which are not compatible in all areas. Please check off all areas within Capitola that should be considered for future mixed-use and higher density land uses (Check all that apply):



#	Other (please specify)	Date
1	Growth on Bay at highway 1 will create immense traffic challenges so would be my last choice. Park avenue should be kept green. It is the only pretty entrance into Capitola.	8/13/2014 9:57 PM
2	Challenge HCD's housing numbers	8/12/2014 11:29 AM
3	Maintain the transition between high density residential and commercial uses and the R1 neighborhoods.	8/12/2014 11:01 AM
4	Use existing vacant bldgs. i.e. Marie Callendars in Mall	8/12/2014 10:22 AM



Q12 One of the greatest Planning Challenges within Capitola is housing affordability. Please check off all areas within Capitola that should be considered for future multi-family, affordable housing developments (Check all that apply):



#	Other (please specify)	Date
1	Wharf Road Rispin Mansion	10/11/2014 2:36 PM
2	There should not be entire multi-family complexes that only have affordable units. A reasonable number of affordable units should be included within new multi-family developments wherever they are built. We should avoid creating pockets of affordable housing.	9/19/2014 5:00 PM
3	Let the free market decide	8/27/2014 1:26 PM
4	Spread affordable housing throughout the city by supporting small ADUs on individual lots rather than concentrating developments in specific areas.	8/19/2014 12:05 PM
5	Encourage and incent Multi family upgrades to enhance quality of life and encourage condo conversions to provide ownership opportunities	8/17/2014 7:53 PM
6	Please leave Depot Hill alone- no hotels!	8/14/2014 9:33 AM

7	None near mall or industrial areas.	8/13/2014 9:47 PM
8	There are other avenues available that allow for affordable housing through other resources but we should improve housing availability for seniors next to shopping and transportation corridors	8/13/2014 9:36 PM
9	The affordable housing issue is too complicated for this question. What about redoing some of the mobile home parks for higher density housing?	8/12/2014 11:41 AM
10	Challenge HCD's housing numbers	8/12/2014 11:29 AM
11	Definitely not within existing neighborhoods!	8/12/2014 11:01 AM
12	too much, it is unattractive for tourists during the summer. it brings down our property values...i for one do not like being next to the Bay ave seniors as it is a lot of transients and exdruggies who ae moving in.	8/12/2014 10:25 AM
13	.	8/12/2014 10:22 AM



Q13 Please list any suggestions to improve the zoning code or general comments you would like addressed during the zoning code update.

#	Responses	Date
1	I oppose high density housing on Depot Hill. Its already to crowded.	10/14/2014 3:36 PM
2	Please allow multi-units that are intended to be rented - not just bought.	10/11/2014 8:41 PM
3	Historic Ordinance Bed and Breakfast locations Closure of the Esplanade during busy summer days Raise height limit in Village, R-1, and 41st ave Commercial Take Garages and decks out of R-1 square footage standards.	9/23/2014 2:02 PM
4	Kennedy Drive needs attention.	9/22/2014 11:26 PM
5	Improve announcement and participation of this survey to local residents. Thank you.	9/11/2014 3:18 PM
6	Stop downzoning multi-family lots to single family, and lock in centralized sites for multi-family with minimum density requirements.	8/30/2014 4:32 AM
7	Provide financial incentives for green building and traffic reduction. Look at what is being done in the SF Bay area (Cities of Mtn View, Sunnyvale, First Community Housing in San Jose, Transform in Oakland Green Trip Certification.	8/28/2014 9:05 AM
8	Add road signs for bicycles to obey stop signs same as cars do. Skateboards should follow rules of the road also.	8/28/2014 7:23 AM
9	Better notification process (distribution of notice, ease of understanding & a central web location for all permit activity and records) for the interested citizen, either for the directly affected person or just an interested citizen.	8/27/2014 10:44 PM
10	Continue to maintain current neighborhood character especially in residential areas as much as possible. Focus on making Capitola a pleasant place for residents and not placing tourist and visitor services services above residential services.	8/23/2014 9:25 AM
11	Eliminate inconsistent spot rezoning that allows parcels in residential neighborhoods to be rezoned as Planned Development for the purpose of meeting developers' needs for higher density projects that the parcel would not otherwise support under regular zoning restrictions. Ensure that all residential and commercial development is designed and built to high environmental standards to reduce water and energy consumption.	8/19/2014 12:05 PM
12	The existing codes adore working adequately except when planning tweets the code to "special" circumstances meaning special interests. There has too be flexibility for Capitola especially village and upper village for every property is unique!	8/18/2014 1:23 PM
13	Implement zoning violation codes and guidelines for residential and for front yard/driveway storage. Example, many cities in the Bay Area have code violations for such things as dead lawn/weeds over 12 inches, prohibitions for storage in front yard and driveway to keep areas nice and allows Police to enforce. OTHER: Add Graffiti hotline that is published to report graffiti. Give out graffiti cleaning kits like SC does.	8/17/2014 7:53 PM
14	Kennedy lane butts up on residential a terrible combo phase out the industrial convert to housing	8/17/2014 2:55 PM
15	please consider renewable energy or sustainable overlays. address solar access and view sheds; solar on historical buildings. love the idea of pocket parks. where is urban ag/community gardens in this discussion? esp near multi family housing.	8/16/2014 11:37 AM
16	Capitola needs to address community and public aesthetics, outdoor landscaping and building design and re-design! If we weren't so blessed with all the surrounding natural beauty, visitors and residents might be more cognizant of the funky, often run-down, dirty appearances of so many community spaces! There are numerous examples nationally of attractive low income or senior housing projects, even in Capitola i.e. Bay Ave low and moderate income housing! Resources need to be dedicated to residents and our local community vs. attracting development/hotels/housing developments! Also water saving and energy saving must be priorities!!!	8/14/2014 1:40 PM
17	Please go forward with the Rotary at the Bay/Capitola intersection!!!	8/14/2014 9:32 AM

18	Sound issues wherever you are considering higher density housing. Existing single family neighborhoods were not designed to have people living in the garage. The conversion of a garage to a residence produces unacceptable sound issues for the bordering properties.	8/14/2014 8:28 AM
19	Zoning should both reflect and support the primary use of each neighborhood and the mixed use of 41ave-38th street corridor. For example, the visitor serving property at the far end of Depot Hill conflicts with the primary nature of the residential neighborhood and should be changed to fit into the neighborhood.	8/13/2014 9:57 PM
20	Consistency with other city resources/plans.	8/13/2014 9:36 PM
21	To accommodate greater visitor traffic and city revenue, potential expansion of the rental districts for weekly rentals.	8/13/2014 4:27 PM
22	No increased density in R-1 neighborhoods. No relaxation of parking requirements anywhere in Capitola. To mitigate negative parking and privacy impacts on nearby neighbors, maintain high bar for any second or mother-in-law type units in residential areas including requiring dedicated off-street parking.	8/13/2014 2:27 PM
23	Capitola needs to contract with SC County Animal Services, or build and staff a Capitola Animal Shelter. The current way missing/lost/stray,etc pets are dealt with is so very, very wrong.	8/13/2014 2:02 PM
24	Future growth is not inevitable. When you are built out--STOP	8/13/2014 10:13 AM
25	Depot hill is single family residence with Monarch Cove And El Salto Resort. Please restrict development to remain small due to traffic issues and changes to our neighborhood. The butterfly habitat must be protected by the city and any proposed building should take this into account to maintain the character of our neighborhood	8/13/2014 9:56 AM
26	Maintain existing neighborhoods as they are. Do not allow development which will impact the safety and environment of existing neighborhoods. Improve streets, resurface and install better lighting. Build a parking structure and make the Village more pedestrian.	8/13/2014 7:08 AM
27	Limit Monarch Cove and Salto to current size - do not allow expansion or intensified use.	8/13/2014 5:20 AM
28	When you say "Future growth is inevitable", please consider that growth can -- and in my opinion -- be limited to maintain the quality of life in Capitola. Capitola does not need to build a lot more housing or a lot more stores or a lot more offices. Why accept "development money" if development is going to create more crowding and create more traffic problems? Capitola is already rather over built. Many residents, myself included, would like to see development slow down, see more green space, see more of a sense of community -- and less commercialism.	8/12/2014 10:47 PM
29	Keep maintenance [and improvement] of neighborhood character as our top priority	8/12/2014 9:24 PM
30	More public "square" type areas where people can come together including grass area, fountain etc. to give a European flair and accessible by public transit and bike. Closing off streets to through traffic to make walking and biking more enjoyable.	8/12/2014 5:06 PM
31	Code is needed by the City to stand up to cell phone and wireless providers, additional cell towers, distributed antenna systems, hidden sources or microwave radiation and public awareness of this technology on human health.	8/12/2014 3:59 PM
32	Require height ordinance for trees. The current height ordinance for buildings is 25 to 27 feet. Doesn't make sense to not require a height ordinance for trees. Look around!	8/12/2014 3:39 PM
33	Coastal Zone/Village Flood plain = village homes/businesses need to ante-up and either be prepared to relocate/move out of the Village or build some serious armouring	8/12/2014 2:29 PM
34	The City's existing ADU ordinance is too restrictive. Lot size and setbacks should be reduced, two story ADUs should be allowed by right and fees should be waived in exchange for affordability	8/12/2014 1:55 PM
35	Expand permit parking to include the McCormick neighborhood. It is closer to the village then the new parking lot.	8/12/2014 1:13 PM
36	make variances harder to obtain. you have to prove a hardship. to need more room due to family size is not a hardship.	8/12/2014 12:44 PM
37	Transit Oriented development with higher densities and mixed use in conjunction with metro bus stop improvements would alleviate some congestion. Any way the codes can be modified to encourage developers to accommodate and reward alternative transportation should be pursued as well. We can't build our way out of congestion!	8/12/2014 11:57 AM
38	If you wanted the survey to be meaningful you should have provide more information and maybe even a few examples.	8/12/2014 11:41 AM

39	It might be a good idea to allow for more small, commercial operations (except for car repair) in neighborhoods to allow for more entrepreneurship.	8/12/2014 11:41 AM
40	non-conforming uses should have a specific life	8/12/2014 11:16 AM
41	Clarity	8/12/2014 11:01 AM
42	one way streets on nearly all streets in Capitola Village, with the exception of Capitola road and Stockton st.	8/12/2014 10:58 AM
43	I FEEL MANY TIMES LESS IS REALLY MORE	8/12/2014 10:49 AM
44	Reduce minimum lot size to 4000 and that will promote affordable housing without the need for apartments. Pride of Ownership!	8/12/2014 10:30 AM

ACTION MINUTES

Group 1 Stakeholder Interview Minutes

Friday, September 19, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.
Stakeholders present: Matthew Thompson, Charlie Eadie, Frank Phanton, Daniel Townsend, and Linda Smith (Planning Commissioner)
Staff present: Community Development Director Rich Grunow and Senior Planner Katie Cattan
2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Coastal section is difficult to read
 - b. Diagrams of residential development standards would be helpful but overall residential zoning requirements are easy to understand.
 - c. Maximum Floor Area Ratio (FAR) should be viewed as an entitlement and is not a negotiation tool during review by Planning Commission.
 - d. Commercial District
 - i. Overly thought out. Let the market place figure out what uses will work within the community and regulated those things you do not want in the community. Allow flexibility in land use.
 - e. Historic Regulations lack standards and process for reviewing modifications to historic resources.
 - f. Non-conforming regulations have major loop-holes and are open to interpretation.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. Principle Permitted Uses is a farce.
 - i. All principle permitted uses require architectural and site review in Community Commercial zoning district. New zoning code should remove required review for those types of commercial uses the City would like to encourage.
 - ii. Requirement to review all new commercial development politicizes all applications. Some permits should be allowed with approval over the counter.
 - iii. Analogy "if you're a hammer, everything looks like nails" Capitola is very focused on regulating land use. A new approach was suggested to allow everything and prohibit those things that are not healthy to the community. Example: Pacific Avenue, Santa Cruz. The City identifies the types of businesses they do not want to see within identified block. (Thrift stores)
 - b. Allow housing within commercial areas. Sustainable practice.

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- c. Healthy neighborhoods: zone for what the City would like to see within the neighborhoods – pedestrian/bicycle connectivity – interactive yards – less emphasis on the car.
 - d. Parking Standards
 - i. Allow applicants to utilize best available information to comply with parking. (Example: Urban Land Institute parking methods). The zoning code often demands too much parking and is an approximation. There are more accurate tools out there that incorporate other factors such as multi-family, mixed use, proximity to public transit, etc.
 - ii. Build into the process an option that an applicant can provide a solution to parking other than onsite. (Bicycle off-sets, multi-modal options in proximity to development, in-lieu fees toward public parking, etc.)
 - iii. Parking should not be utilized as a zoning tool to limit development.
 - iv. Treat parking as a public utility with a parking district. Capitola should invest money into this approach. The parking could pay for itself with higher priced parking in the premium locations. Most likely the coastal commission will challenge, but with good information the City can challenge the coastal commission. Similar to San Francisco’s approach.
 - e. Development standards must be clear to ensure quality and compatibility.
 - f. Historic Preservation.
 - i. The City must have the policy discussion “Does the city want to be historic or look historic”
 - ii. Set policy for integrity of original material.
 - iii. Need to define historic and why it is historic.
 - iv. Identify the benefits to property owners/community to have an adopted list.
4. **New Provisions.** Is the existing Zoning Code silent on any issues or uses that should be addressed in the Zoning Code? Examples from other jurisdictions that would improve the code and the built environment.
- a. Create certainty in the process and plan ahead. This formula leads to investment.
 - i. Example given of Santa Cruz redevelopment plan after Earthquake.
 - ii. Create an area plan for the areas of Capitola that will be redeveloped. Create public/private partnerships toward redevelopment and have both parties involved in development of the area plan. Define what future development looks like (sunlight, windows, building frontage, streetscapes, public realm etc.) Then create the standards that reflect the vision.
 - iii. Suggested area: 41st avenue and focused properties that expect redevelopment.
 - b. Examples from other jurisdictions:
 - i. Santa Cruz County Pleasure Point Community Plan
(<http://www.sccoplanning.com/PlanningHome/SustainabilityPlanning/TownVillageSpecificPlans/PleasurePointCommunityPlan.aspx>)

- ii. Saratoga design guidelines
(<http://saratoga.ca.us/civicax/filebank/blobdload.aspx?blobid=8126>)
 - c. Planned Developments should be kept as a way to get the best design.
 - i. Decrease 4 acre minimum.
 - ii. Infill requires flexibility to result in the best design within an established area.
 - iii. Let architect fix issues through design rather than zoning creating additional hurdles to development.
 - iv. Remove public benefit requirements – the public benefit is the redevelopment
 - v. Reminder that the buildings that are most loved in Capitola could not be built within today's zoning code. Allow for creativity.
 - d. Update Design Guidelines
 - i. Identify neighborhood priorities specified in the general plan.
 - ii. Guide design elements including placement of buildings, form, and massing.
 - iii. Define the public realm – streets, sidewalks, bike lanes, crosswalks, curb and gutter, trees/landscape, bus stops, benches, and trails.
 - iv. Work with individual neighborhoods to define the future. Example of pleasure point (3 workshops and guidelines based on community input)
 - v. Guidelines should be neighborhood specific and include how we manage the automobile (width of streets, on street parking, off street parking)
 - vi. Acknowledge that within the definition of Capitola exists an eclectic mix of design.
 - e. Incentivize what the City would like to see in the future.
 - i. Example of Portland and tiny homes. Secondary units no permits and no fees.
 - ii. Accept that property owners will not redevelop unless it makes economic sense. If the City wants to see areas redeveloped, incentives will help property owners participate.
 - f. Density and mixed use.
 - i. Density works with good architecture and designing the public realm. Allow increased density by requiring great architecture and improved public realm.
 - ii. Allow more height in mixed use commercial. Limit with # of stories rather than maximum height. Define stories.
 - iii. 41st Avenue and Capitola Road could be a new Urban Village with mixed use and housing.
 - iv. Sustainability is not stopping development. Shift mindset to allow housing through density with multi-modal transportation. Density and multi-modal transportation have a mutually beneficial relationship and are sustainable.
 - g. Inform applicants of requirements to obtain approvals/permits from other agencies (Water District, Fire, etc.)
5. **Zoning Map.** Do you know of any needed revisions to the existing zoning map? Are there any errors that need to be corrected or needed rezoning to better promote community goals?

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6. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?
 - a. Reduce risk for property owners.
 - i. Identify allowed square footage
 - ii. Allow redevelopment without additional parking requirements
 - iii. ADU without fees
 - iv. Create clear, specific conditions for approval
 - v. Less public process in design review permit.
 - b. Train Chair of Planning Commission to remind Commissioners and Public of what review criteria applies to an application and keep the PC discussion and public comment limited to those criteria under review.
7. **Architecture and Site Review.** Applicants are required to attend an Architecture and Site Review Committee meeting prior to Planning Commission. Do you find this required step effective? Would you suggest any improvements to the Arch and Site Review process?
 - a. Sign permits should not go to Arch and Site.
 - b. Currently, this step is necessary because the code does not have clear design guidelines.
 - c. Rethink timing of arch and site. Might be more helpful as a pre-design review to know what development requirements and contextual elements should be considered within design.
 - d. Residential additions under a certain square footage should be reviewed administratively.
 - e. Arch and Site needs to be redefined and repurposed. Time is costly and this step is not always necessary.
 - f. A City Architect or contract Architect should be considered to replace the need for Arch and Site committee.
 - i. Improve design/compatibility
 - ii. Ability to assist applicant through sketching how to fix identified design issues.
 - g. Suggestion to replace Arch and Site with Architectural Peer review.
8. **Economic Development.** Are there changes we could make to the zoning code to promote economic development? Are there obstacles we could remove or incentives we could add to encourage positive redevelopment?
 - a. City needs to lighten restrictions on use. Reverse the approach of listing what is allowed to prohibit what City does not want in certain areas.
 - b. City needs to encourage development where it wants development to occur. Identify those areas that it would like to see (re)developed and encourage development through code allowances or other economic incentives. Identify what, where, when, how, and goals. Projects must be economically feasible.
 - c. Important to maintain quality within economic development.

- d. The City should invite the conversations to work toward an outcome rather than being reactive. Keep conceptual review process open.
9. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?
- a. Documentation of Green Standards
 - i. CAL Green covers mandatory requirements. Eliminate the duplication in the process.
 - ii. Points should be granted for reutilizing existing buildings and longevity.
 - iii. Create a check list with boxes rather than quantifying everything.
 - iv. Include alternative transportation credits, impervious surfaces, walk/bike
 - b. Parking is a victimless crime. Unnecessary asphalt should be reclaimed.
 - c. Create achievement awards. Award best landscape improvements for water wise, green buildings, etc.
10. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?
- The role of staff is to represent the public interest. Staff should focus on purpose of the zoning code and assess projects with purpose statements in mind.
 - The City needs to ask “What are we trying to accomplish? What is the vision?” and make sure the new zoning code functions to allow the city to evolve into the vision.
 - The City should keep an eye on the trends and plan accordingly.
 - Suggestion to put focus on small projects. Identify the areas to focus on and figure out how to nurture those types of projects to be the best they can be. Small projects are attractive: fun, easy, low-risk.
11. **Close.** Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.

ACTION MINUTES

Group 2 Development and Commercial Property Owners Stakeholder Interview Minutes

Thursday, August 14, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.

Stakeholders present: Mary Gourlay, Craig French, Benjamin Ow, Doug Kaplan, Craig Dean, Ed Newman, and Planning Commissioner Mick Routh.

2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Clarity of Process. The new code must clearly define the process and regulations to avoid misinterpretation.
 - b. Code lacks clarity and specificity in regards to process and regulations. Applicant must rely on direction from staff. Expectations of the City are unclear due to the combination of a code which lacks specificity and the previous high turnover in staff, which has resulted in differing interpretations.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. Sign Code:
 - a. Monument signs in the code are too limited. Does not create enough visibility along 41st for larger shopping centers with many tenants. A solution for visibility along the road frontage is necessary for shopping centers.
 - b. Create limits within administrative permits that can be approved over the counter. Then allow businesses to apply for a discretionary permit requiring Planning Commission review for signs that go beyond the administrative limits.
 - c. Allow creativity. Set standards for size, location, logos, brand identification, and types of signs. Allow flexibility of materials, lighting, and color.
 - d. Allow more variety between sign styles within master sign programs.
 - e. Create different sign standards for Central Village, 41st Avenue, and neighborhood commercial.
 - f. Provide a maximum allowance for signs and allow businesses/property owners to determine the number and size of individual signs which fit within the maximum allowance (e.g., set a cumulative square-foot maximum signage allowance for a shopping center without limits on the number or size of individual signs).
 - b. Flexibility in Use is necessary for Commercial. Make doing business in Capitola easy by not requiring Conditional Use Permits for change of tenant within existing commercial space.
 - c. Parking Requirements for Mixed Use and Multi-Modal Transportation

- a. Include reduced parking standards for mixed use development.
 - b. Allow parking reduction in exchange for onsite bicycle parking.
 - c. Allow parking reductions for development in close proximity to multi-modal transportation, such as bus stops.
4. **New Provisions.** Is the existing Zoning Code silent on any issues or uses that should be addressed in the Zoning Code? Do you know of provisions from other City codes that you think would improve the Capitola code and overall development?
- a. Camden Park Center signage in San Jose
5. **Administration.** Are there any needed changes to streamline the City's existing permitting and administration procedures?
- a. Improve coordination with outside permitting agencies (e.g., water, fire, sanitation districts). Consider joint agency meetings to coordinate permit reviews.
 - b. Establish firm, maximum standards in the code instead of providing exceptions to go beyond stated maximums. Clear expectations by applicants.
6. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?
- a. The code should create standards for administrative permits that are allowable and do not require additional oversight. Then add the option to apply for discretionary permits beyond the standards through special exceptions and variances reviewed by the Planning Commission.
 - b. Capitola's current zoning code requirement that all "use" permits must receive a "design permit" should be update to separate "use" from "design". If an existing commercial building is changing tenants, a design permit should not be required for principal permitted uses in the district.
 - c. Provide more flexibility in use to allow new businesses to come into existing commercial sites with little or no review if the building is not being modified. Timing and execution are critical for business success.
 - d. Allow staff to make administrative decisions on tenant modifications.
 - e. Avoid noticing requirements because this takes additional time. (this suggestion is not consistent with state code requirements)
7. **Economic Development.** Are there changes we could make to the zoning code to promote economic development? Are there obstacles we could remove or incentives we could add to encourage positive redevelopment?
- a. Work with developers to expedite the review process by creating clear expectations of what is desired within future development and redevelopment.
 - b. Example was given of the "1991 Downtown Recovery Plan" for Santa Cruz following the Loma Prieta earthquake of 1989. The plan not only set up clear expectations of what was desired in redevelopment but also included an EIR for redevelopment of the entire district, saving developers money and time.
 - c. Reiterated that administrative permits for change of tenant use when the use is principally permitted in the zone and for signs that comply with the sign code.

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- d. Encourage redevelopment and improvements in C.V. zone and along Bay Avenue
8. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?
 - a. Sustainability: Focus on education rather than imposing new regulations for sustainability. Eliminate the Green Building Ordinance. Allow businesses to voluntarily provide green building features and rely on the free market to encourage behavioral changes.
9. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?
 - a. Staff recommendations within discretionary permits. Discussion on whether or not a staff recommendation should be included in discretionary permits. Two sides were shared on this subject. One expressed the need to leave discretionary permits up to policy makers. The other viewpoint was that a lot of work is done with staff prior to review by Planning Commission, and that is often reflected in the staff recommendation.
10. **Close.** Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.

Additional written comment from Doug Kaplan, Commercial Property Owner
Zoning Revisions

Planning is important but execution is critical

Flexibility: For example, restrictions on permitted uses within PO zone (17.33.040 & 060)

Flexibility: For example, restrictions on permitted uses within CC zone (17.27.040(C, D & G))

Unnecessary Procedures: For example, requiring Arch and Site reviews for all conditional use permits (17.63.030)

Unnecessary Procedures: For example, expand de minimis rule so that notice to all neighbors within 300 feet is not required for minor changes (17.60)

Delegate: Minimize need to appear before Commissions and Council, trust staff to make decisions

ACTION MINUTES

Group 3 Business Owners and Commercial Property Managers Stakeholder Interview Minutes

Tuesday, September 9, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.

Stakeholders present: Gary Wetsel, Merrie Anne Millar, Karl Rice, and Planning Commissioner Gayle Ortiz.
Staff present: Community Development Director Grunow and Senior Planner Cattan

2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Search engine online is difficult to utilize to locate relevant information.
 - b. The information in the code sections is often unclear and requires staff guidance. Need to remove the uncertainty in the regulations and staff interpretation.
 - c. Table of Contents in printed version should be available online
 - d. A user's guide would be helpful to direct applicants to different standards
 - e. Clutter in code should be removed and language simplified.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. Update to reflect current standards and technology
 - b. Landscape regulations:
 - i. More flexibility to meet intent of code and come up with creative solutions.
 - ii. Tree planting policy
 1. Replanting policy of 2 for 1 is problematic in parking lots with limited planting space.
 2. Trees inherently problematic in parking lots: roots pull up asphalt, logistic of watering trees, cost of watering trees, and drought.
 3. Visibility. Goal of 30% canopy coverage on commercial properties is problematic as businesses want to be seen and trees screen view of businesses from right-of-way. Consider off-sets to allow businesses to plant trees elsewhere contributing to the canopy goals of the City without blocking visibility.
 - c. Create different commercial standards (uses, landscaping, signs, and parking) for the different commercial areas. 41st Avenue, Central Village, and Neighborhood Commercial.
 - d. Regulations should be consistent with other public agencies. (Fire Dept.)
 - e. Allow drive-thru on 41st Avenue.
 - f. Update design guidelines for 41st Avenue
4. **Commercial Area Issues.** Are there any zoning issues unique to commercial areas that need to be addressed?

- a. Commercial Uses that collect sales tax and TOT should be allowed along traffic corridors to maintain tax base. Medical has its place in retail but should either have a maximum % limit within an area or designate medical to specific areas. Storage facilities should not be located in commercial districts.
 - b. Avoid commercial leakage to County. Target example. Figure out what made Target site appealing vs. Home Depot location. Zone to allow what anchor businesses need. Visibility was identified as one reason for commercial leakage.
 - c. Rethink cross walk from new parking lot in village. Create a cross walk at the corner of Bluegum and Capitola to send visitors onto the side of the street with retail.
 - d. Roundabout at the corner of Bay and Capitola Avenue could have negative impacts on safety and commercial areas.
 - e. Clares Street and 41st. Create a right turning lane from Clares onto 41st to keep cars moving.
 - f. Reduce amount of lights at the 41st Avenue freeway.
 - g. Create solutions to existing problem sites (Rispin, Village parking, and Village hotel) within the updated code. Set up favorable standards.
5. **Sign Code.** Current sign regulations require a public hearing and an approximately \$700 cost for most sign applications. Staff intends to develop options to revise sign regulations. Would you generally prefer a process which 1) offers more design flexibility, but requires a public hearing and additional time and cost, or 2) an over-the-counter process which requires less time and cost, but offers less design flexibility?
- a. Visibility. Current code does not allow enough visibility from the street. Auto plaza, mall, and large shopping centers are impacted by sign code regulations.
 - b. Create different sign standards for the different commercial areas.
 - c. Central Village Pedestal Signs – remove. Ordinance does not work. Enforcement is an issue. Village should have consistency in rules and enforcement.
 - d. Enforcement of signs City-wide is an issue. Businesses that follow the rules are the ones that are punished. Banners are an issue. Sandwich boards create clutter.
 - e. Quality of signs influence perception of City overall. There is an impact on retail when quality is sacrificed. High quality provides better perception and more money is spent.
 - f. Directional signs should be allowed within larger developments.
 - g. Old signs should be required to be removed prior to installation of new signs.
6. **New Provisions.** Is the existing Zoning Code silent on any issues or uses that should be addressed in the Zoning Code? Do you know of provisions from other City codes that you think would improve the Capitola code and overall commercial development?
- a. Dublin, CA. New development is thriving. Car dealerships. Signs are great and maintains small town feel.
 - b. Old Town Pleasanton. Great signs. Small town feel.
7. **Outdoor Displays.** Outdoor displays are only allowed in the village with a conditional use permit. Should the new code set up regulations for outdoor displays in all commercial areas?
- a. Allow within set standards, including : time limitations, type of business, size of area, maintain necessary circulation for pedestrians and cars, etc.
 - b. Build integrity into process. Not just quantitative measure but qualitative measures too.
 - c. Separate outdoor dining regulations from outdoor display regulations. Support for more outdoor dining throughout Capitola.

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8. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?
 - a. If a project complies with the code consider allowing administrative approval rather than public process. Also acknowledged that sometimes it is necessary to have a project come before the public even though it may comply.
 - b. Create clear expectations within code so there is less oversight necessary.
 - c. Staff discretion within permits should not be open to interpretations. New code must create consistency in review and avoid unfair allowances.

9. **Economic Development.** Are there changes we could make to the zoning code to promote economic development? Are there obstacles we could remove or incentives we could add to encourage positive redevelopment?
 - a. Support idea of Capitola Road connecting 41st Avenue and Village. Allow hotels along Capitola Road.
 - b. Incentives to bring in desired uses: Zone to allow desired uses, Waive fees
 - c. Capitola should identify the types of uses it would like to see within specific areas and remove unnecessary steps and uncertainty for such desired uses in identified areas.

10. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?

11. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?
 - a. Discussion on how does Capitola compare to surrounding areas for businesses. Watsonville is the most business friendly in terms of process. Santa Cruz is more difficult than Capitola. In Capitola, businesses expect more attention to be spent on the small details.

12. **Close.** Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.

Email submitted by Bob Rivers of Brown Ranch. Unable to attend Stakeholder meeting

Here are my answers to some of your interview questions:

1. No comment
2. No comment
3. Yes, there should be more flexibility for uses that are part of a large shopping center as opposed to a stand-alone commercial building. The use permit process should be simplified so that a retail tenant does not have to go through the public hearing process if it is in a shopping center that has been approved for retail uses. There should be more “master use permits” like we have at Brown Ranch, and there should be more flexibility within that master use permit. (Example, our master use permit allows for uses under 1,500sq.ft. that are on an approved list of uses, or replacing one of the approved uses, to skip the use permit process. I don’t see why there should be a limit on the size of the use if the shopping center is already approved for retail use.)
4. There used to be something called “The 41st Avenue Design Guidelines” which spelled out the sign requirements for this area – basically 16” high, internally illuminated letters. The idea was to have a consistent look along 41st Ave. Over the past several years these guidelines don’t seem to apply anymore. ?
5. No comment
6. Yes, there should be more flexibility for outdoor displays. This could be handled at staff level.
7. See #2 above. Why is the mall a permitted use so that everything inside the mall does not need a use permit (and the City doesn’t collect any fees), but if you have the same use outside of the mall you have to get a CUP, pay all the fees and have a public hearing?
8. Remove the requirement for the contribution to public art. (I think this is now required as part of the development costs?) This just increases the development cost. If the City wants public art, then the public should pay for it through increased sales tax or increased property tax (both would be very small!).
9. No comment
10. No comment

ACTION MINUTES

Group 4 Local Residents Stakeholder Interview Minutes

Tuesday, September 9, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.
Stakeholders present: Ron Burke, Molly Ording, Bruce Arthur, Cathlin Atchison, Nels Westman, and Planning Commissioner Ron Graves.
Staff present: Community Development Director Grunow and Senior Planner Cattan
2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Must be written so the average person can understand.
 - b. Non-conforming Structures and Non conforming Use must be better defined. The 80% rule is open to interpretation. Process for valuation should be codified. Consider using an outside consultant to do evaluation.
 - c. Floor area ratio definition in the General Plan is unclear. The Zoning Code should have more clearly written definitions.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. Historic Preservation
 - i. Regulations for historic do not specify the process for modifications to historic structures or demolition.
 - ii. City should adopt an official list of historic structures in Capitola which is legally defensible. A lot of work has been done without a memorialized document.
 - b. Coastal Access – The pathway around Depot Hill is no longer complete. City should reestablish public access along bluff.

- c. Pedestrian pathways – Protect public pathways within updated code. Identify what can/cannot occur along pedestrian pathways. Maintain setbacks from pathways to prevent further encroachment of development.
 - i. Riverview Pathway, Prospect Avenue, Cliff Drive, Grand Avenue, Lawn Way, Railtrail, Rispin Park
- d. Floor Area Ratio should not include the unbuildable portion of the lot. (Example: 1840 Wharf Rd, Riverview Avenue, Depot Hill properties on Bluff)

4. **Neighborhood Issues.** Are there any zoning issues unique to residential neighborhoods or commercial areas that need to be addressed?

- Architectural Design Compatibility
 - Height of New Homes and Additions
 - Size of New Homes
 - Privacy between Neighbors
 - Adequate Yard Size
 - Adequate Parking Onsite
 - Protection of Environmentally Sensitive Areas
 - Historic Preservation
 - Housing Costs and Affordability
 - Maintain Neighborhood Character
 - Sustainability (Reduce Energy and Water Consumption)
- a. Visitor Serving Use within Depot Hill. Suggest no increase in density (or intensity) for future projects. Current Hotel Use Permit must be enforced. The list of uses should be narrowed to include only those uses that are compatible with the surrounding single family neighborhood. Amusement Park and Campground are not compatible uses. City should consider eliminating VS zone in Depot Hill]
 - b. Compatibility concerns for infill development
 - i. Mass and Scale is specific to built condition of neighborhood/surrounding properties. Require streetscapes to evaluate compatibility of projects.
 - ii. Massing – More articulation should be required and prevent two storey homes with no change in wall plane between first and second storey, applicable to all sides. Concern for homes being developed to maximize FAR.
 - iii. Exterior finishes.
 - 1. Multiple exterior finishes should be required to add more interest. Stucco only should not be allowed.
 - 2. Regulate types of exterior finishes that are allowed. No vinyl.
 - 3. Require trim and of substantial profile.
 - c. Identify unique circumstances for lots with views of ocean, walkways, or river. In these areas the standards for front, side, and rear yard setbacks, allowed encroachments, and

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fences should be improved. Prevent high fences on street facing yards where inappropriate. (Prospect Ave)

- d. Update and categorize uses better. Example: sauerkraut production not allowed.
- e. Transition areas between Commercial and Residential should have development standards to protect residents from lighting and noise impacts.
- f. Lighting in residential areas should be required to be down directed and shielded to not impact adjacent property owners. Night sky ordinance.
- g. Floor area ratio and basements discussion. Although basements do not influence mass and scale, basements should be included in the FAR calculation to prevent additional bedrooms and impacts on parking.
- h. Neighborhood integrity – protect neighborhoods from vehicle cut-through circulation.
- i. Parking
 - i. Capitola is maxed out of on-street parking
 - ii. Shared parking leads to more congestion, more competition for limited on-street parking, and impact to nearby residential neighborhoods. Commercial areas that are adjacent to residential neighborhoods should not be allowed to decrease parking requirement through mixed use. Also need to be cautious to not create additional residential parking problems by creating mid-block pedestrian connections between commercial and residential zones. Make it too easy for retail shoppers and employees to access residential neighborhoods to park during busy seasons like Christmas.
 - iii. Do not allow variances for parking.
 - iv. Avoid parking impacts on adjacent residential neighborhoods resulting for new multi-story mixed use development along the east side (between 41st & 42nd) of the 41st Avenue corridor. Separate dedicated parking for residential and commercial uses (no shared parking) is a key planning consideration.
 - v. be careful in allowing additional commercial space being built on existing mall parking which could very quickly change an "over-parked" condition into an "under-parked" one with inevitable negative impacts on adjacent residential neighborhoods.
- j. Second home owner impacts
 - i. Losing families in neighborhoods, losing community, 'dark' homes losing self-policing by residents.
 - ii. TOT must be enforced. City needs to enforce online nightly rentals in non-transient neighborhoods. (Air BnB, VRBO)
- k. Density in R-1. Do not increase density in R-1. Maintain minimum lot size requirement as is. (5000 sf).
- l. Rail – Build in zoning requirements for public improvements along mass transit routes and rail in anticipation of transit services. Parking, bicycle bays, covered seating areas, landscape, public art.

5. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current

code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?

- a. Architecture and Site Review Committee –
 - i. Empower this board to assess compatibility of infill development.
 - ii. Consider pre-application meetings with applicants to identify characteristics of the site/neighborhood and guide compatible design prior to the architect designing the project while still allowing unique structures (for example, the wave house on corner of Monterey and Fanmar).
 - iii. Update review criteria for Arch and Site to include:
 1. Modeling or streetscape requirement
 2. Privacy is maintained second storey
 3. Compatible Exterior Materials – no vinyl siding, require trim, etc.
 4. Parking Requirements
 5. Landscaping and Trees
 - a. Add condition that trees must stay alive after being planted.
 - b. Enforcement is necessary. Renegade weekend tree cutting as an example.
 - c. Must maintain a fair process for all. Favoritism is perceived by public.
 - d. Duration of Planning and Building permits:
 - i. 2 year time period to develop a project based on approved planning permits is too long. Decrease (suggested: 4 months to 1 year) to encourage projects to be built which add to the community.
 - ii. Require that building permits be built within a specific timeframe. Enforcement issues exist throughout the City. (Example 4968 Capitola Road)
6. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?
- a. Check irrigation prior to occupancy to make sure it is captured onsite and not going down the drain.
 - b. Educate rather than Legislate.
 - c. Remove ordinance elements which have been superseded or duplicated by State or Federal Laws (example: green building ordinance relative to Title 24)
7. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?
- a. Improve coordination between departments and outside agencies.
 - b. Application and interpretation of the code must be consistent.
 - c. Enforcement Issues

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- i. Conditions of approval should be monitored and enforced.
 - ii. Zoning code violations should be enforced throughout the City. There are numerous violations throughout Capitola that are ignored.
 - d. Lack of parks/recreation in the neighborhood in the North West corner of the City. (Capitola Road and 41st Avenue)
 - e. Non-conforming uses/structures: discussion on current sunset clause to end all non-conforming uses by the year 2019.
 - i. Requirement to go away isn't necessary unless the use is a nuisance.
 - ii. City should study the existing conditions and guide the outcome to a better resolution.
 - iii. City should drive re-development of blighted properties.
 - iv. Code should address public nuisance issue if present
 - 1. Adequate parking onsite
 - 2. Maintain structures so they are updated and look good in the neighborhood.
- 8. Close. Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.**

ACTION MINUTES

Group 5 Recent Applicants Stakeholder Interview Minutes

Friday, August 22, 2014

1. **Introductions** Senior Planner Cattan provided overview of the Zoning Code update process and stakeholder meetings.
Stakeholders present: Peter Wilk, Gerry Jensen, Paul Gunsky, Brigette Estey and Planning Commissioner TJ Welch.
Staff present: Community Development Director Grunow and Senior Planner Cattan
2. **Ease of Use.** Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly?
 - a. Room for interpretation throughout the code. Standards should be clear and leave little room for interpretation.
 - b. Organization of code is not coherent. New code should outline process clearly for applicant. If multiple sections apply, the code should explain which sections apply and under what circumstances.
3. **Development Standards and Regulations.** Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues?
 - a. The upper village area (Fanmar, Terrace, north side of Cherry) is zoned RM-LM and reverts back to R-1. This is confusing and does not reflect reality. Rezone to R-1 for single family neighborhood with no nightly rental.
 - b. How height is measured along slopes is unclear and open to interpretation.
 - c. Floor Area Ratio. If floor area is to control massing, basement, decks, and stairs should not be included in calculation.
 - d. Define significant change. Suggestion: Consider a process for change orders. In the engineering field there are ECO (engineering change orders). Typically these are simple forms with redlines of the drawings attached. The ECOS then get routed and signed off by stakeholders in a period of a day or two. The idea is not to convene a full board meeting but rather circulate the change to individual board members (e.g. by e-mail) for comment and signoff without having to wait a month to the next board meeting. If the change is

controversial, the board member can opt for a full board meeting but a quick approval should be an option. That way the project keeps moving without costly delays.

e. Specify if paint color is/is not regulated?

4. **Neighborhood Issues.** Are there any zoning issues unique to residential neighborhoods or commercial areas that need to be addressed?

- Architectural Design Compatibility
- Height of New Homes and Additions
- Size of New Homes
- Privacy between Neighbors
- Adequate Yard Size
- Adequate Parking Onsite
- Protection of Environmentally Sensitive Areas
- Historic Preservation
- Housing Costs and Affordability
- Maintain Neighborhood Character
- Sustainability (Reduce Energy and Water Consumption)

a. Height: Allow flexibility for additional height for design compatibility and unique circumstances (sloped lots).

b. Historic Preservation:

i. Identify what needs to be preserved. Update Survey of Historic Properties, remove subjectivity from the list.

ii. Let homes progress. The current regulations are too restrictive and do not allow homeowners to improve.

c. View protection. Clearly establish whether or not views are to be reviewed within projects and set standards/criteria. Support for protecting views.

d. Compatibility. There is no specific style of architecture that defines Capitola. There is a mix of styles and design. To set a standard design would not reflect current conditions. Keep eclectic mix of design as the standard.

e. Adequate yard size – Keep setbacks as they are. They work.

5. **Administration.** Are there any needed changes to streamline the City's existing permitting and administration procedures?

a. Create an online fee calculator

b. Establish the level of review of each type of decision maker. Administrative decisions by staff, decisions by Planning Commission and City Council. Establish the limits and leave no room for interpretation.

c. Create a frequently asked questions document for website.

6. **Architecture and Site Review.** Applicants are required to attend an Architecture and Site Review Committee meeting prior to Planning Commission. Do you find this required step effective? Would you suggest any improvements to the Arch and Site Review process?
 - a. Perception that there is little value in Arch and Site b/c Planning Commission can override direction provided by Arch and Site committee. Consider removing Arch and Site from the process
 - b. Empower Arch and Site as an authority. Give this committee the authority to streamline the process or remove the extra step in the review.
 - c. The name of this committee is misleading. Perceived as “passing” the first step for design. Need to clarify this step is required but advisory in nature. The Planning Commission has the authority to require modifications. Consider renaming committee to remove perception that the design is being approved.
 - d. Found Arch and Site helpful to know what other departments are looking for in the process. Thought it was useful information within the staff report so the Planning Commission became aware of what interim changes have been made.
 - e. Require Owner and Architect to attend to improve communication and expectations.

7. **Permit Decision-Making Process.** Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review more or less project types)?
 - a. Remove the City Council’s ability to appeal Planning Commission decisions. Impacted Citizens should appeal and the City Council’s role is to review the appeal.
 - b. Communication must improve on all levels: owner, designer/architect/building inspector, and planning.
 - c. Current level of review is good to maintain the Character of Capitola.
 - d. As a homeowner, more freedom is better. It is important that the City establish what is and what is not permitted and stay within the rules.
 - e. Empower staff to review projects. Create clear allowances that can be reviewed at the staff level. Limit unnecessary review by the Planning Commission.

8. **Sustainability.** The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.?
 - a. Do not require sustainability

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- b. Do not duplicate efforts of other agencies. Let Soquel Water regulate water, let State regulate energy, let locals take initiative to go beyond requirements of other agencies if they choose.

9. **Other Issues:** Are there any other issues with the zoning code you would like to tell us about?

- a. When rezoning properties for the updated code, do not expand commercial uses into residential neighborhoods (Bay Avenue). Create transition areas to decrease impacts onto neighboring residential. Make sure rezones are adequately noticed and go through public process.
- b. Quality of wireless reception is poor in some neighborhoods. Review criteria for wireless facilities to make sure all neighborhoods have adequate cell phone coverage.
- c. Support for flat fees rather than deposits. Fees in Capitola are low relative to surrounding areas.

10. **Close.** Community Development Director Rich Grunow thanks the stakeholder participants and talks about next steps.

Written input from Steve Thomas of Burger King. Unable to attend meeting.

1. Ease of Use. Are there specific aspects of the existing Zoning Code that are unclear or difficult to understand? How could we make the code more user-friendly? As a developer you would like the Zoning Codes to be clear and concise, however, there should be an allowance for variance if the site or project benefits the community. The ultimate decision should remain with the counsel or planning commission.

2. Development Standards and Regulations. Are there specific development standards or land use regulations in existing code that have caused problems that should be revised? How do you suggest addressing these issues? From my experience, the signage ordinance should be updated to reflect similar business in the area. I understand that some projects are new and fall under current regulations while other older businesses don't, but to survive in a culture where ease of access and visibility are keys to your success this should be more consistent. The regulations should include heights, size, etc. However, we should allow businesses to complete fairly with common signage requirements.

3. Neighborhood Issues. Are there any zoning issues unique to residential neighborhoods or commercial areas that need to be addressed? Architectural Design Compatibility Height of New H Additions Size of New H Onsite and Protection of Environm Affordability Maintain Neighborhood Consumption) I do strongly feel that all project need to meet City zoning requirements to be consistent with current themes, designs and neighborhoods. In addition, parking in some areas of the City near the water front is very difficult and tends to keep tourist and others from visiting local businesses.

4. Administration. Are there any needed changes to streamline the City's existing permitting and administration procedures? Add staff for in-house review of plans or create better timelines to review plans from 3rd party vendors. These outside vendors have added items after their initial reviews created long delays in response times leaving my project idle without just cause. This has created extra hardships that should not be necessary. In Santa Cruz, Watsonville or Salinas, these Cities are doing the in-house reviews and the climate is better and more responsive.

5. Architecture and Site Review. Applicants are required to attend an Architecture and Site Review Committee meeting prior to Planning Commission. Do you find this required step effective? Somewhat, it allows you to meet the key state holders from the City. Would you suggest any improvements to the Arch and Site Review process? For new projects, this is an important step but for a remodel of existing business this should not be a mandatory meeting unless major change is forthcoming. The City knows what the project entails and this could easily be an over the counter meeting. We must pay for our AE to attend these meeting which allows us to meet the key department heads but is this necessary for all projects?

6. Permit Decision-Making Process. Depending on the type of application, land use permits require approval by City staff, the Planning Commission, or City Council. Does the current code provide a fair and appropriate level of review of permit applications (i.e., should the Planning Commission review

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more or less project types)? Most Cities have this same format with an appeal process if you get denied- It is great to have the planning commission to review the final as City staff can sometimes follow or adhere to the City Charter or guidelines but each project is different and this final step is important. For example, my project was denied some current existing signage but the Planning Commission allowed the key sign to remain which was very important to our business and our success.

7. Sustainability. The new code will place an increased emphasis on sustainability. Do you have any ideas for how can we promote sustainability principles, such as alternative transportation (bicycling and walking), reducing energy and water consumption, encouraging green energy sources, compact development patterns, etc.? The contract you have for green waste disposal is very, very expensive and cost me over 25K in fees as you only allow one vendor. I encourage these ideas but the costs need to be reviewed for each project. Other green ideas are good but again the costs vs benefits should be reviewed and options allowed

8. Other Issues: Are there any other issues with the zoning code you would like to tell us about? No