



CAPITOLA CITY COUNCIL SPECIAL MEETING AGENDA REPORT

MEETING OF SEPTEMBER 29, 2016

FROM: Community Development

SUBJECT: Zoning Code Update

RECOMMENDED ACTION: Receive the staff presentation on the proposed Zoning Code Update beginning with Chapter 17.74, Secondary Dwelling Units, review subsequent chapters as time allows, and continue the public hearing to the Saturday, October 1, 2016, Special City Council meeting.

BACKGROUND: The City of Capitola initiated an effort in 2014 to comprehensively update its 1975 Zoning Code. To begin the process, staff solicited input from a variety of stakeholders to identify issues with the current Zoning Code and opportunities for improvement. Staff used this feedback to develop an Issues and Options Paper which served as the basis for eight public hearings with the Planning Commission and City Council to provide staff with policy direction prior to drafting an updated Code. Staff completed a Draft Zoning Code Update based on policy direction received during the Issues and Options hearings.

The Draft Zoning Code was released on February 4, 2016, for an extended public review and comment period. The Draft Code, Zoning Map, and previous staff reports with attachments are available online at: <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>. The Planning Commission began their review of the Draft Zoning Code on March 3, 2016, and to date has held 13 public hearings to discuss the Code. To date the City Council has held four hearings regarding the Code update on August 11th, August 18th, September 8th, and September 15th.

DISCUSSION: The City Council will begin the September 29th meeting with Chapter 17.74 Secondary Dwelling Units and continue in sequence of the document.

The City Council received a complete Draft Zoning Code on February 11, 2016. In August, the City Council received an updated Draft Code containing the Planning Commission modifications in redlines of Parts 1 through 4. The draft with Planning Commission edits is available online at <http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>.

Additional Chapters are included as Attachments 1 — 4 as updates to the August Draft Code. Printed copies will be distributed for the Council to add to the Draft Zoning Code binder. Chapter 17.84 Historic Preservation; Chapter 17.100: Mobile Home Park Conversions; and Chapter 17.149: Public Noticing and Hearings were not included in the August update due to pending

Zoning Code Update
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review by the Planning Commission. Also, Chapter 17.76: Parking and Loading was updated based on City Council direction at the September 8, 2016 meeting.

A list of all revisions provided by the City Council to date is included as Attachment 5.

FISCAL IMPACT: None.

ATTACHMENTS:

1. List of City Council Requested Changes
2. 17.76 Parking and Loading
3. 17.84 Historic Preservation
4. 17.100 Mobile Home Park Conversion
5. 17.148 Public Notice

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Reviewed and Forwarded by:



Jamie Goldstein, City Manager

9/23/2016

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items

Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
8/11/2016	17.04	Page 04-1	No Changes to Chapter 17.04: Purpose and Effect of Zoning Code	
8/11/2016	17.08	Pave 08-1	No Changes to Chapter 17.08: Interpretation	
8/11/2016	17.12	Page 12-1	No Changes to Chapter 17.12: Zoning Districts and Map	
8/11/2016	17.16	Page 16-1	No Changes to Chapter 17.16: Residential Zoning Districts	
8/11/2016	17.20.010.B.1	Page 20-1	Add "Walkable" to description of MU-V	
8/18/2016	Table 17.20-1	Page 20-2 to 20-3		Consider small mobile food vendors such as popcorn and popsicles
8/18/2016	17.20.030.B	Page 20-5	Height Exceptions. Replace with 1. Up to 30 feet for a structure with a minimum 5:12 roof pitch. See figure 17.20-1. 2. Projections for non-habitable decorative features and structures as allowed by Section 17.48.030.C. 3. Up to 33 feet for pitched roof with a maximum plate height of 26 feet and no habitable space above the plate line.	
8/18/2016	17.20.030.E.1	Page 20-6	Change the word shall to should.	
8/18/2016	17.20.030.E.8 (add)	Page 20-10	Add standards for Garbage and Recycling that they are located to the side and rear of buildings, sufficiently screened from public right-of-way, and designed into the architecture of the building.	
8/18/2016	17.20.040.D Figure 17.20-8	Page 20-14	In the figure, a 20 foot setback is labeled. "20 feet" should be replaced with "minimum zone setback"	
8/18/2016	17.20.040.F	Page 20-15	Check with Public Works that the Driveway Dimension Standards for required 2-way width are correct. Question asked why the minimum is not double the 1 -way standard at 16.	
8/18/2016	17.20.040.F	Page 20-15	Staff change: Footnote [1] should be listed as a standard so it is not overlooked.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add Single-Family as prohibited.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add CUP for Mobile Food Vendor in C-R; note mobile food vendors in one location two times or less per year are regulated as a temporary use in accordance with Section 17.96.180.	

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items				
Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Clarification that Mobile Food Vendors are allowed within Temporary Publicly Attended Activities as governed in Chapter 9.36 of the Municipal Code	
8/18/2016	Table 17.24.1	Page 24-3 and 24-4		Drive-Through Facilities. Should they be prohibited?
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	City Council had a discussion on Note [5] of the table limiting residential to 50% of a mixed use development. Directed staff to remove multi-family from C-R zone resulting in the removal of note [5] as well.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	For Residential Mixed Use in C-R add note prohibiting residential from first story.	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Add dash for prohibit with food preparation and self storage in C-R	
8/18/2016	Table 17.24-1	Page 24-3 and 24-4	Change addition requirements reference for self-storage to 17.96.140	
8/18/2016	17.24.020.C	Page 24-5	Remove "banks" from list.	
8/18/2016	17.24.020.C Table 17.24-2	Page 24-5	Prohibit all ground floor office in C-R zoning district.	
8/18/2016	17.24.020.C Table 17.24-2	Page 24-5	Staff change: Add key. Clarify N/A under CC zone for conversions of retail use to an office use.	
8/18/2016	17.24.030.A Table 17.24-3	Page 24-6	Modify landscaped Open Space, Minimum in Industrial Zone to 5% minimum. Remove "up to"... "as determined.."	
8/18/2016	17.24.030.C.1	Page 24-7	Change referenced table to 17.24-3	
8/18/2016	17.24.040.B.2	Page 24-9	Remove 2nd sentence "At all time there shall be at least 10 feet between the building wall and edge of sidewalk."	
8/18/2016	17.36	Page 36-1	No changes to Planned Development	

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items				
Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/8/2016	17.76.050.I	Page 76-14	In Lieu Parking. Modify to allow up to 10 in-lieu spaces to be utilized for a small visitor serving hotel. This does not include short term rental of homes, apartments, or condominiums and also does not include bed and breakfasts.	
9/8/2016	17.76.050.E	Page 76-12	City Council direction to have Planning Commission reconsider allowing shared parking studies in the village. Note: On September 19, 2016, the Planning Commission revised redlines to include shared parking studies in the Village as long as there is onsite parking.	
9/8/2016	17.96.170.C.8	Page 96-20	City council agreed with Planning Commission that Conversion of On Street Parking Spaces for parklets should not be included in the Zoning Code update. City Council directed staff to draft a Pilot Program for Parklets to be reviewed at a regularly scheduled City Council meeting separate from the Zoning Code Update. The Council gave preliminary direction that they would like to consider up to 2 pilots in the village each utilizing a maximum of 2 parking spaces.	
9/15/2016	17.40.020.B	Page 40-1		Follow-up. Staff to research Capitola housing element and see if the one acre minimum can be decreased. Applicability section requires one acre minimum for parcels in which the overlay may apply.
9/15/2016	17.40.020.H.2.e	Page 40-4	Remove relaxed development standards for parking.	
9/15/2016	17.40.020.J.2	Page 40-6	Remove "55 years" and replace with "natural life of the unit".	

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items

Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/15/2016	17.40.030.E	Page 40-8	Update the reference to "Pacific Cove" parking lot to "Beach and Village Parking Lot 1"	
9/15/2016	17.40.030.E.6	Page 40-8	Change maximum size of a vacation rental sign from one square foot to 8.5 x 11 inches.	
9/15/2016	17.40.030.E	Page 40-8	Add a requirement that all vacation rentals have smoke detectors and carbon monoxide detectors	
9/15/2016	Table 17.48-1	Page 48-2	Add "Thermal Recovery" to table next to Photovoltaic panels	
9/15/2016	Table 17.48-1	Page 48-2	Remove Wind energy systems from table.	
9/15/2016	Table 17.48-2	Page 48-3	<p>For Cornices, eaves, canopies and similar roof projections</p> <p>Modify Maximum Projection into required Setbacks to: Interior <u>and Exterior Side</u>: 2 ft Front and Rear: 4 ft</p> <p>Keep Minimum Distance from Property Line: All property lines: 3 ft</p>	
9/15/2016	Table 17.48-2	Page 48-3	<p>For Decks 18 inches or less above grade</p> <p>Modify Maximum Projection into required Setbacks to: <u>No Max</u></p> <p>Modify Minimum Distance from Property Line: 5 ft front and exterior side</p>	
9/15/2016	Table 17.48-2	Page 48-3	Remove Note 3. It is not referenced in the table	
9/15/2016	17.48.030.D.1	Page 48-4	Add a 50% transparency requirement for a wall within a Trellis structure.	
9/15/2016	17.48.030.D.5	Page 48-4	Add a 30 inch maximum height to fire pits.	
9/15/2016	17.48.030.D	Page 48-4	Add outdoor kitchen. Allowed in rear yard if it is 2 feet from the property line. Must be on grade. May have gas, electric, and plumbing. Same standards as a mini bar for drain size and no 220 electric.	

City Council Review of Draft Zoning Code: Requested Changes and Discussion Items				
Date of Meeting	Section of Code	Page #	Change	Further Discussion Requested
9/15/2016	17.48.030.D	Page 48-4	Add Pizza Oven. Require Pizza Oven to be located in rear yard and be a minimum of 10 feet from property lines.	
9/15/2016	Table 17.52-1	Page 52-2	Change rear yard requirement Accessory Structures in single-family and multi-family to have a minimum 3 foot setback.	
9/15/2016	Figure 17.52-1	Page 52-2	Update figure for detached garage to show 3 foot rear yard setback and 12 foot maximum height	
9/15/2016	17.52.030.B.4	Page 52-4	Staff edit. Add the word "exterior" as follows "All exterior vending machines..."	
9/15/2016	17.56.030	Page 56-1	Add a reference to the State requirements if an archeological resource is found on site during construction.	
9/15/2016	17.56.030.C.2	Page 56-2	Add or to sentence as follows "Preservation <u>and/or</u> the State..."	
9/15/2016	Table 17.60-1	Page 60-2	Remove Alley requirements for fence and wall height	
9/15/2016	Figure 17.60-1	Page 60-2		Staff to Check with Public Works that site line requirements are met.
9/15/2016	17.64.020	Page 64-1		Staff to check LCP that names of environmentally sensitive habitat areas are same in code and LCP.
9/15/2016	17.64.030.I	Page 64-3	Replant for dead tree removal must be native vegetation or habitat for butterflies	
9/15/2016	17.72.050.B.2	Page 72-3	Add qualitative standards to ensure that in the MU-V and MU-N there is natural landscaping in addition to hardscape.	
9/15/2016	Table 17.72-1	Page 72-3	Change Industrial to a minimum of 5%	

Chapter 17.76 – PARKING AND LOADING

Sections:

- 17.76.010 Purpose
- 17.76.020 Applicability
- 17.76.030 Required Parking Spaces
- 17.76.040 General Requirements
- 17.76.050 On-site Parking Alternatives
- 17.76.060 Parking Design and Development Standards
- 17.76.070 Parking Lot Landscaping
- 17.76.080 Bicycle Parking
- 17.76.090 On-site Loading
- 17.76.100 Shuttle Program Parking

17.76.010 Purpose

This chapter establishes on-site parking and loading requirements in order to:

- A. Provide a sufficient number of on-site parking spaces for all land uses.
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians.
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Capitola.
- D. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern.
- E. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties.

17.76.020 Applicability

This chapter establishes parking requirements for three development scenarios: establishment of new structures and uses, replacement of existing uses, and expansion and enlargement of existing structures and uses.

A. New Structures and Uses. On-site parking and loading as required by this chapter shall be provided anytime a new structure is constructed or a new land use is established.

B. Replacing Existing Uses.

1. Mixed Use Village Zoning District.

- a. Where an existing residential use is changed to a commercial use in the Village Mixed Use (MU-V) zoning district, parking shall be provided for the full amount required by the ~~commercial~~-new use. No space credit for the previous use may be granted.
- b. In all other changes of use in the Village Mixed Use (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

2. **Other Zoning Districts.** Where an existing use is changed to a new use outside of the Village Mixed Use (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

C. Expansions and Enlargements.

1. Nonresidential Use.

- a. ~~Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subparagraph b below.~~
- a.b. An eating and drinking establishment may expand by 20 percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.

- 2. **Residential Use.** For an existing structure with a residential use, the full amount of parking to serve the use is required when the floor area is increased by more than ten percent.

17.76.030 Required Parking Spaces

A. Mixed Use Village Zoning Districts. All land uses in the ~~Village~~-Mixed Use Village (MU-V) ~~and Neighborhood Mixed Use (MU-N)~~ zoning districts shall provide the minimum number of on-site parking spaces as specified in Table 17.76-1. Required parking for uses not listed in Table 17.76-1 shall be the same as required for land uses in other zoning districts as shown in Table 17.76-2.



Note: Required parking for in the MU-N zoning district in Table 17.76-1 is less than required by the existing Zoning Code. Reduced parking requirements reflect ability for residents in adjacent neighborhoods to walk to destinations in the MU-N zoning district.

TABLE 17.76-1: REQUIRED ON-SITE PARKING IN VILLAGE MIXED USE ZONING DISTRICTS

Land Uses	Number of Required Parking Spaces
	Village Mixed Use (MU-V)
Retail	1 per 240 sq. ft.
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> ; 1 per 240 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> ; 1 per 240 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 240 sq. ft.
Personal Services	1 per 240 sq. ft.
Hotels	
With more than 20 guest rooms	As determined by a parking demand study
With 20 or less guest rooms	1 per guest room plus additional spaces as required by the Planning Commission

Attachment: 17.76 Parking and Loading (1610 : Zoning Code Update)

- B. Other Zoning Districts.** Land uses in zoning districts other than the mixed use zoning districts shall provide a minimum number of on-site parking spaces as specified in Table 17.76-2.

TABLE 17.76-2: REQUIRED ON-SITE PARKING IN OTHER ZONING DISTRICTS

Land Uses	Number of Required Parking Spaces
Residential Land Uses	
Duplex Homes	2 per unit, 1 covered
Elderly and Long Term Care	1 per six beds plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing (includes single-room occupancy)	1 per unit plus 1 guest space per 6 units
Mobile Home Parks	1 per unit plus 1 per office
Multi-Family Dwellings	2.5 per unit, 1 covered
Residential Care Facilities, Small	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Secondary Dwelling Units	As required by the combined floor area with the primary residence <u>1 per secondary unit in addition to spaces required for primary residence</u>
Single-Family Dwellings	1,500 sq. ft. or less: 2 per unit 1,501-2,000 sq. ft.: 2 per unit, 1 covered 2,001-2,600 sq. ft.: 3 per unit, 1 covered 2,601 sq. ft. or more: 4 per unit, 1 covered
Public and Quasi-Public Land Uses	
Community Assembly	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions	As determined by a parking demand study
Day Care Centers	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Government Offices	1 per 300 sq. ft.
Home Day Care, Large	1 per non-resident employee
Home Day Care, Small	None beyond minimum for residential use
Medical Offices and Clinics	1 per 300 sq. ft.
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	As determined by a parking demand study
Schools, Public or Private	2 per classroom

Commercial Land Uses	
Banks and Financial Institutions	1 per 300 sq. ft.
Business Services	1 per 300 sq. ft.
Commercial Entertainment and Recreation	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> 1 per 300 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining <u>and/or drinking</u> 1 per 300 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 300 sq. ft. of gross floor area
Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area
Gas and Service Stations	2 for gas station plus 1 per 100 sq. ft. of retail and as required for vehicle repair
Lodging	
Bed and Breakfast	1 per guest room plus parking required for residential use
Hotel	1 per guest room plus 1 per 300 sq. ft. of office
Maintenance and Repair Services	1 per 600 sq. ft.
Personal Services	1 per 300 sq. ft.
Professional Offices	1 per 300 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of outdoor use area.
Self-Storage	1 per 5,000 sq. ft.
Retail	1 per 300 sq. ft. of customer area
Vehicle Repair	1 per 500 sq. ft. of non-service bay floor area plus 2 per service bay
Vehicle Sales and Rental	1 per 300 sq. ft. for offices plus 1 per 1,000 sq. ft. of display area and requirements for vehicle repair where applicable
Wholesale	1 per 5,000 sq. ft.

Heavy Commercial and Industrial Land Uses	
Construction and Material Yards	1 per 2,500 sq. ft.
Custom Manufacturing	1 per 2,000 sq. ft., plus 1 per 300 sq. ft. of office
Light Manufacturing	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office
Warehouse, Distribution, and Storage Facilities	1 per 1,500 sq. ft.
Transportation, Communication, and Utility Uses	
Utilities, Major	As determined by a parking demand study
Utilities, Minor	None
Recycling Collection Facilities	1 per 1,000 sq. ft. of floor area
Wireless Communications Facilities	None
Other Uses	
Accessory Uses	Same as primary use
Home Occupation	None beyond requirement for residence
Quasi-Public Seating Areas	None
Temporary Uses	As determined by Planning Commission
Urban Agriculture	
Home Gardens	None beyond requirement for residence
Community Gardens	None
Urban Farms	As determined by a parking demand study

C. Calculation of Required Spaces.

1. **Floor Area.** Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use shall be calculated as described in Section 17.48.040 (Floor Area and Floor Area Ratio). Pursuant to Section 17.48.040, floor area for garages and other parking facilities are generally not included in the calculation of floor area for the purpose of determining on-site parking requirements.
2. **Employees.** Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.

3. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
4. **Fractional Spaces.** In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number.



Note: Subsection E below allows the Community Development Director to determine the parking requirement for an unlisted land use. The existing Zoning Code requires the Planning Commission to make this determination.

- D. Unlisted Uses.** The parking requirement for land uses not listed in Table 17.76-1 and Table 17.76-2 shall be determined by the Community Development Director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.
- E. Sites with Multiple Uses.** Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces shall be the sum of the number of parking spaces required for each individual use.
- F. Additional Required Parking.** The Planning Commission may require more on-site parking than required by Table 17.76-1 and Table 17.76-2 if the Planning Commission determines that additional parking is needed to serve the proposed use and to minimize adverse impacts on neighboring properties.

17.76.040 General Requirements

A. Availability and Use of Spaces.

1. In all zoning districts, required parking spaces shall be permanently available and maintained to provide parking for the use they are intended to serve.
2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
3. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Code.

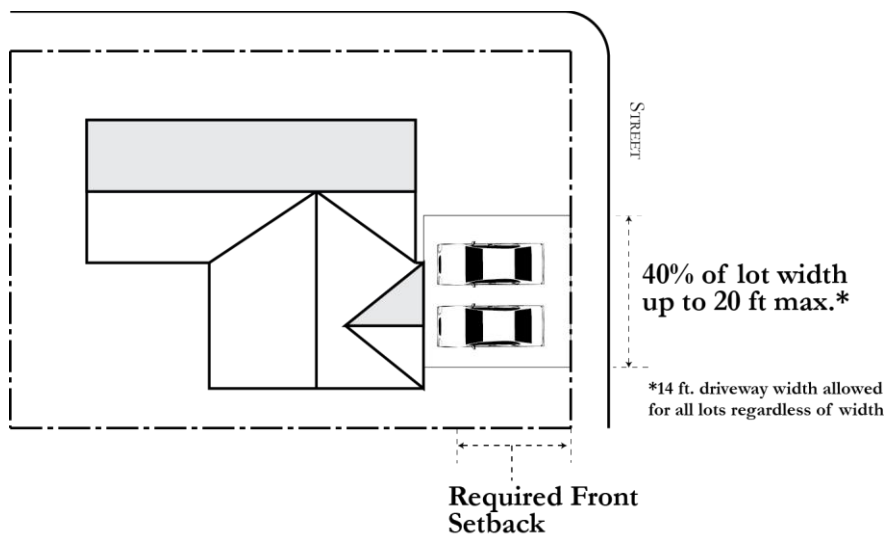
B. Parking in Front and Exterior Side Setback Areas.



Note: Limitations on parking in front and exterior side setback areas in this subsection are new.

1. **R-1 Zoning District.** In the R-1 zoning district, the width of a parking space in the required front or exterior side setback area may not exceed ~~40 feet~~ 40 percent of lot width up to a maximum of 20 feet, except that all lots may have a parking space of up to 14 feet in width regardless of lot width. See Figure 17.76-1. The Planning Commission may allow a larger parking area within the required front and exterior side setback areas with a Design Permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, that minimize visual impacts to the neighborhood, locating this parking outside of the setback areas is infeasible due to unique physical conditions on the site.

FIGURE 17.7660-1: PARKING IN FRONT SETBACK AREA IN R-1 ZONING DISTRICT



2. **Other Zoning Districts.** In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas. In the Mixed Use Neighborhood zoning district, parking may be located in the front or exterior side setback area if approved by the Planning Commission in accordance with Section 17.020.040.E (Parking Location and Buffers).

C. Location of Parking.

1. **All Zoning Districts.** Required parking spaces may not be located within any public or private right-of-way unless located in a sidewalk exempt area and Encroachment Permit is granted.
2. **R-1 Zoning District.** Required parking spaces in the R-1 zoning district shall be on the same parcel as the use that they serve.

3. **MU-V Zoning District.** Required parking spaces for new non-residential development and intensified uses in the MU-V zoning district shall be provided on sites outside of the Village area. These spaces shall be within walking distance of the use which it serves or at remote sites served by a shuttle system. The Planning Commission may approve exceptions to allow on-site parking in the MU-V district for:
 - ~~a. Non-historic structures in residential areas bounding the central commercial district of the village;~~
 - ~~b.a.~~ The Capitola Theater site (APN 035-262-04) and Mercantile site (APN 035-221-17) if driveway cuts are minimized to the extent possible and parking areas are located on the interior of the sites; and
 - ~~e.b.~~ If mandated under Federal Emergency Management Agency regulations and as consistent with the certified Local Coastal Program.
4. **Other Zoning Districts.** In all zoning districts other than the R-1 and MU-V zoning district, required parking shall be located on the same lot as the use they are intended to serve, except as allowed by Section 17.76.050.C below.



Note: Large vehicle storage requirements in subsection D below are new.

D. Large Vehicle Storage in the R-1 Zoning District. In addition to the required on-site parking spaces for a single-family dwelling, one additional on-site parking or storage space may be provided on a parcel in the R-1 zoning district for a recreational vehicle, boat, camper, or similar vehicle. This space may not be located in a required front or exterior side setback area and may be utilized only to store a vehicle that does not exceed 13.5 feet in height, 8.5 feet in width, and 25 feet in length. Such parking or storage spaces shall be finished in concrete, asphalt, semi-permeable pavers, or a similar paved surface.



Note: Covered parking requirements and carport design standards in subsection E below are new.

E. Covered Parking in the R-1 Zoning District.

1. When required by this chapter, covered parking spaces serving a single-family dwelling shall be provided within an enclosed garage. The Planning Commission may allow required covered parking spaces to be provided within an open carport with a Design Permit if the Planning Commission finds that a garage is practically infeasible or that a carport results in a superior project design.
2. All carports serving a single-family dwelling shall comply with the following design standards:
 - a. Carports shall be designed with high quality materials, compatible with the home. The roofing design, pitch, colors, exterior materials and supporting posts shall be similar to the home. The carport shall appear substantial and decoratively finished in a style matching the home which it serves.

- b. The slope of a carport roof shall substantially match the roof slope of the home which it serves.
 - c. Pedestrian pathways connecting the carport with the home shall be provided.
3. Garages in the R-1 zoning district may be converted to habitable living space only if the total number of required on-site parking spaces is maintained, including covered spaced for the covered parking space requirement.

F. Electric Vehicle Charging.

1. **When Required.** Electric vehicle charging stations shall be provided:
 - a. For new structures or uses required to provide at least 25 parking spaces; and
 - b. Additions or remodels that increase an existing parking lot of 50 for more spaces by 10 percent or more.
2. **Number of Charging Stations.** The number of required charging stations shall be as follows:
 - a. 25-49 parking spaces: 1 charging station.
 - b. 50-100 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
3. **Location and Signage.** Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating spaces with charging stations for electric vehicles only.

G. Parking for Persons with Disabilities.

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 17.76-1 and Table 17.76-2.

17.76.050 On-site Parking Alternatives



Note: On-site parking reductions in this section are new, except for off-site parking (Subsection C) and fees in lieu of parking in (Subsection I).

- A. Purpose.** This section identifies alternatives to required on-site parking to:
1. Allow for creative parking solutions;
 2. Enhance economic vitality in Capitola;
 3. Promote walking, biking, and use of transit; and
 4. Encourage the efficient use of land resources consistent with the General Plan.

B. Eligibility. Alternatives to required on-site parking in this section are available only to uses located outside of the Mixed Use Village zoning district, except for:

1. Shared parking (Subsection E) which is available in all zoning districts;
2. Valet parking (Subsection F) which is available in all zoning districts, including the Mixed Use Village zoning district; and
3. Fees in-lieu of parking (Subsection I), which is available only to uses in the Mixed Use Village zoning district.

B.C. Required Approval. All reductions in on-site parking described in this section require Planning Commission approval of a Conditional Use Permit.

C.D. Off-Site Parking.

1. For multi-family housing and non-residential uses, the Planning Commission may allow off-site parking if the Commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
2. Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the Planning Commission.
3. A ~~covenant recorded~~ deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County Recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Capitola. This covenant shall stipulate that the title and right to use the parcels shall not be subject to multiple covenant or contract for use without prior written consent of the City.

D.E. Shared Parking. Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The Planning Commission may allow shared parking ~~if~~ subject to the following requirements:

- ~~1. The parking will be shared by non-residential land uses only;~~
- 2.1. A parking demand study ~~approved~~ prepared by a specialized consultant contracted by the Community Development Director, paid for by the applicant, and approved by the Planning Commission demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand;
- 3.2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use; and
3. The proposed shared parking facility is located no further than 400 feet from the primary entrance of the land use which it serves;
4. In the Mixed Use Neighborhood (MU-N) zoning district the reduction for shared parking is no greater than 25 percent of the required on-site parking spaces.

4.5. In the Mixed Use Village (MU-V) zoning district the shared parking must be located on-site.

E.F. Valet Parking. The Planning Commission may allow up to 25 percent of the required on-site parking spaces to be off-site valet spaces. Valet parking shall comply with the following standards:

1. Valet parking lots must be staffed at all times when business is open by an attendant who is authorized and able to move vehicles.
2. A valet parking plan shall be reviewed and approved by the Community Development Director in consultation with the Public Works Director.
3. Valet parking may not interfere with or obstruct vehicle or pedestrian circulation on the site or on any public street or sidewalk.
4. The use served by valet parking shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

F.G. Low Demand. The number of required on-site parking spaces may be reduced if the Planning Commission finds that the land use will not utilize the required number of spaces due to the nature of the specific use. This finding shall be supported by the results of a parking demand study approved by the Community Development Director in consultation with the Public Works Director.

G.H. Transportation Demand Management Plan. The Planning Commission may reduce the number of required on-site parking spaces for employers that adopt and implement a Transportation Demand Management (TDM) Plan subject to the following requirements and limitations:

1. A TDM Plan reduction is available only to employers with 25 or more employees.
2. Required on-site parking spaces may be reduced by no more than 15 percent.
- 2.3. The TDM Plan shall be approved by the Community Development Director in consultation with the Public Works Director.
- 3.4. The TDM Plan shall identify specific measures that will measurably reduce the demand for on-site parking spaces. Acceptable measures must ensure a reduced demand for parking spaces (e.g., an employee operated shuttle program). Measures that only encourage the use of transit, ridesharing, biking, or walking will not be accepted.
- 4.5. The employer shall appoint a program coordinator to oversee transportation demand management activities.
- 5.6. The program coordinator must provide a report annually to the Planning Commission that details the implementation strategies and effectiveness of the TDM Plan.

~~6.7.~~ The Planning Commission may revoke the TDM Plan at any time and require additional parking spaces on site upon finding that that the Plan has not been implemented as required or that the Plan has not produced the reduction the demand for on-site parking spaces as originally intended.

~~H. Transit Center Credit. The Planning Commission may reduce the number of required parking spaces by up to 10 percent for non-residential or multiple-family development projects within 400 feet of a regional transit center.~~

I. Fees in Lieu of Parking

1. Within the MU-V zoning district, on-site parking requirements for nonresidential uses may be satisfied by payment of an in-lieu parking fee established by the City Council to provide an equivalent number of parking spaces in a municipal parking lot. Such payment must be made before issuance of a building permit or a certificate of occupancy. Requests to participate in an in-lieu parking program must be approved by the City Council.
2. Fee revenue must be used to provide public parking in the vicinity of the use. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

17.76.060 Parking Design and Development Standards

A. Minimum Parking Space Dimensions. Minimum dimensions of parking spaces shall be as shown in Table 17.76.3.

TABLE 17.76-3: MINIMUM PARKING SPACE DIMENSIONS

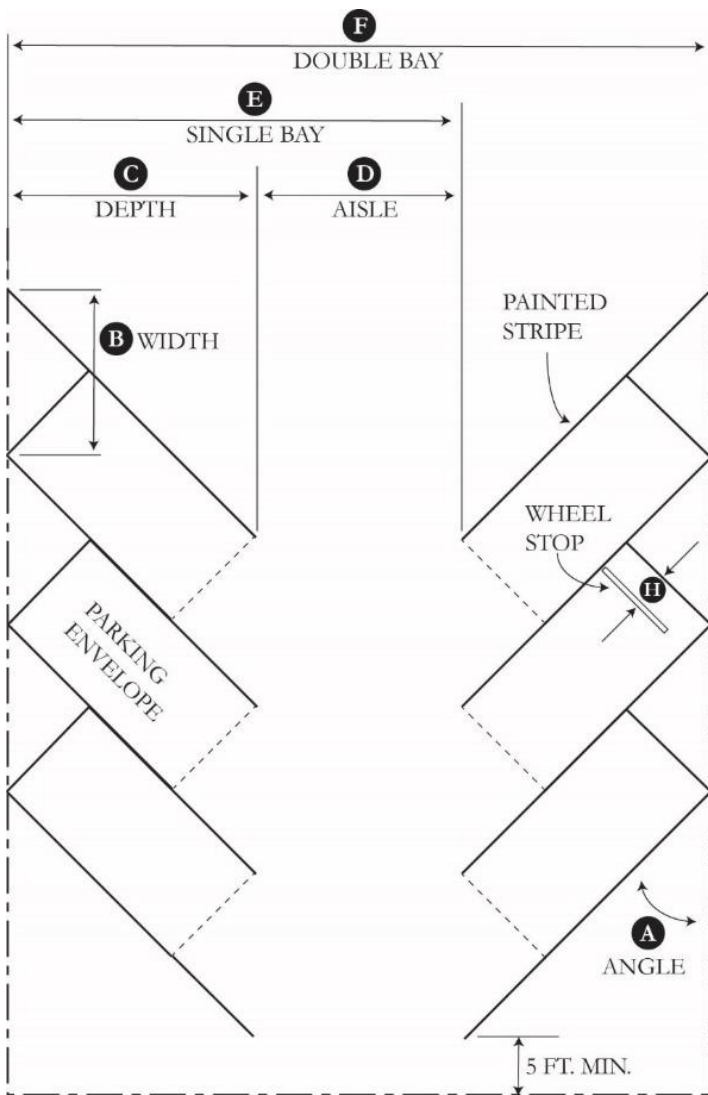
Type of Space	Minimum Space Dimensions
Spaces Serving Single-Family Dwellings	
Uncovered and covered (garage) spaces	10 ft. by 20 ft. [1]
In sidewalk exempt areas	10 ft. by 18 ft.
Spaces Serving Multi-Family and Non-Residential Uses	
Standard Spaces	9 ft. by 18 ft.
Compact Spaces	8 ft. by 16 ft.

Notes:

[1] The dimensions of parking spaces in an enclosed garage shall be measured from the interior garage walls.

- B. Compact Spaces.** A maximum of 30 percent of required on-site parking spaces serving multi-family and non-residential uses may be compact spaces. All parking spaces for compact cars shall be clearly marked with the word “Compact” either on the wheel stop or curb, or on the pavement at the opening of the space.
- C. Parking Lot Dimensions.** The dimensions of parking spaces, maneuvering aisles, and access ways within a parking lot shall conform to the City’s official parking space standard specifications maintained by the Public Works Director and as shown in Figure 17.76-2 and Table 17.76-4.

FIGURE 17.76-2: STANDARD PARKING LOT DIMENSIONS



Attachment: 17.76 Parking and Loading (1610 : Zoning Code Update)

TABLE 17.76-4: STANDARD PARKING LOT DIMENSIONS

A Parking Angle	B Width		C Depth		D Aisle			E Single Bay			F Double Bay		
	Compact	Standard	Compact	Standard	Compact	Residential	Commercial	Compact	Residential	Commercial	Compact	Residential	Commercial
90	7'-6"	8'-6"	15'-0"	18'-0"	20'-0"	22'-0"	25'-0"	35'-0"	40'-0"	43'-0"	50'-0"	58'-0"	61'-0"
85	7'-7"	8'-6"	15'-7"	18'-8"	19'-0"	21'-0"	24'-0"	34'-7"	39'-8"	42'-8"	50'-2"	58'-4"	61'-0"
80	7'-8"	8'-7"	16'-1"	19'-2"	18'-0"	20'-0"	23'-0"	34'-1"	39'-2"	42'-4"	50'-2"	58'-4"	p
75	7'-9"	8'-10"	16'-5"	19'-7"	17'-0"	19'-0"	22'-0"	33'-5"	38'-7"	41'-7"	49'-10"	58'-2"	61'-0"
70	8'-0"	9'-0"	16'-9"	19'-10"	16'-0"	18'-0"	21'-0"	32'-9"	37'-10"	40'-10"	49'-6"	57'-8"	66'-8"
65	8'-4"	9'-4"	16'-10"	19'-11"	15'-0"	17'-0"	20'-0"	31'-10"	36'-11"	39'-11"	48'-8"	56'-10"	59'-10"
60	8'-8"	9'-10"	16'-9"	19'-10"	14'-0"	16'-0"	19'-0"	30'-9"	35'-10"	38'-10"	47'-6"	55'-8"	58'-8"
55	9'-1"	10'-4"	16'-7"	19'-7"	13'-0"	15'-0"	18'-0"	29'-7"	34'-7"	37'-7"	46'-2"	54'-2"	57'-2"
50	9'-10"	11'-1"	16'-4"	19'-2"	12'-0"	14'-0"	17'-0"	28'-4"	33'-2"	36'-2"	44'-8"	52'-4"	55'-4"
45	10'-7"	12'-0"	15'-11"	18'-8"	11'-0"	13'-0"	16'-0"	25'-5"	30'-0"	33'-0"	42'-10"	50'-4"	53'-4"
40	11'-8"	13'-2"	15'-15"	18'-0"	10'-0"	12'-0"	15'-0"	24'-8"	28'-2"	31'-2"	40'-10"	48'-0"	51'-0"
35	13'-1"	14'-10"	14'-8"	17'-2"	10'-0"	11'-0"	14'-0"	24'-0"	26'-2"	29'-2"	39'-4"	45'-4"	48'-4"
30	15'-3"	17'-0"	14'-0"	16'-2"	10'-0"	10'-0"	13'-0"	35'-0"	40'-0"	43'-0"	38'-0"	42'-4"	45'-4"

Attachment: 17.76 Parking and Loading (1610 : Zoning Code Update)

D. Surfacing.

1. All parking spaces, maneuvering aisles, and access ways shall be paved with asphalt, concrete, or other all-weather surface.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a permitted surface material, subject to approval by the Public Works Director.

E. Tandem Parking Spaces. Tandem parking spaces are permitted for all residential land uses, provided that they comply with the following standards:

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. For single-family dwellings, tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space in a single garage.
- 2.3. The minimum size of an uncovered tandem parking space may be reduced to 9 feet by 18 feet.
- 3.4. All required guest parking shall be provided as single, non-tandem parking spaces.
- 4.5. Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
- 5.6. Tandem parking spaces shall be used to accommodate passenger vehicles only.



Note: Allowance for parking lifts in Subsection F below is new.

F. Parking Lifts. Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view.

G. Lighting.

1. A parking area with six or more parking spaces shall include outdoor lighting that provides a minimum illumination of 1.0 foot candles over the entire parking area.
2. Outdoor lighting as required above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and designed so that any glare or spillage is directed away from residential properties.
4. All fixtures shall be hooded and downward facing.

H. Pedestrian Access.

1. Parking lots with more than 30 parking spaces shall include a pedestrian walkway in compliance with ADA requirements.

2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Community Development Director.
- I. Screening.** Parking lots of six spaces or more shall comply with the following screening standards.
1. **Location.** Screening shall be provided along the perimeter of parking lots fronting a street or abutting a residential zoning district.
 2. **Height.**
 - a. Screening adjacent to streets shall have a minimum height of 3 feet.
 - b. For parking lots within 10 feet of a residential zoning district, screening shall have a minimum height of 6 feet.
 3. **Materials.** Required screening may consist of one or more of the following materials:
 - a. Low-profile walls constructed of brick, stone, stucco or other durable and graffiti-proof coating material.
 - b. Evergreen plants that form an opaque screen.
 - c. An open fence combined with landscaping to form an opaque screen.
 - d. A berm landscaped with ground cover, shrubs, or trees.
 - e. Parking lots within 10 feet of a residential zoning district shall be screened by a 6 foot masonry wall.
- J. Drainage.** A drainage plan for all parking lots shall be approved by the Public Works Director.
- K. Adjustments to Parking Design and Development Standards.** The Planning Commission may allow adjustments to parking design and development standards in this section through the approval of a Minor Modification as described in Chapter 17.136 (Minor Modifications).

17.76.070 Parking Lot Landscaping

- A. General Standards.** All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.
- B. Landscaping Defined.** Except as otherwise specified in this section, landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.



Note: Interior landscaping requirement in Subsection C below is new.

- C. Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than 15 spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

TABLE 17.76-5: MINIMUM REQUIRED PARKING LOT LANDSCAPING

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16 to 30	10%
31 to 60	15%
Over 60	20%

D. Shade Trees.



Note: Minimum number of shade trees reduced from one per two in the existing Zoning Code to one per five in this subsection.

1. One shade tree shall be provided for every five parking spaces in a parking lot.
2. Shade trees shall be a minimum 24-inch box in size and shall provide a minimum 30-foot canopy at maturity.
3. Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-recommended list of canopy tree species.
4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage.
- 4.5. The Planning Commission may grant an exception to the required tree plantings if the 50% shade coverage exists within the parking lot.

E. Concrete Curbs.

1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of 6 inches high by 4 inches deep.
2. The City may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

F. Parking Space Landscaping. A maximum of 2 feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

G. Timing. Landscaping shall be installed prior to the City's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

~~G.~~

Note: Reduced landscaping requirements for green parking lot design features in Subsection H below is new.

H. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with the approval of a Conditional Use Permit.

I. Exceptions. The Planning Commission may grant an exception to the parking lot landscaping requirements in this section with the approve of a Design Permit upon finding that:

1. Full compliance with the requirement is infeasible or undesirable;
2. The project complies with the requirement to the greatest extent possible; and
- 4.3. The project incorporates other features to compensate for the exception and create a high quality design environment.

17.76.080 Bicycle Parking

Note: Bicycle parking requirements in this section are new.

A. Applicability. All multi-family developments of 5 units or more and commercial and commercial uses served by parking lots of 10 spaces or more shall provide bicycle parking as specified in this section.

B. Types of Bicycle Parking.

- 1. Short-Term/Class II Bicycle Parking.** Short-term/Class II bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
- 2. Long-Term/Class I Parking.** Long-term/Class I bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours a secure and weather-protected place to park bicycles. Long-term parking may be located in publicly accessible areas or in garages or other limited access areas for exclusive use by tenants or residents.

C. Bicycle Parking Spaces Required. Short-term and long-term bicycle parking spaces shall be provided as specified in Table 17.60-6.

TABLE 17.76-6 REQUIRED BICYCLE PARKING SPACES

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings and Group Housing	10% of required automobile spaces; minimum of 4 spaces	1 per 5 units
Non-Residential Uses	10% of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

D. Short-Term/Class II Bicycle Parking Standards. Short-term bicycle parking shall be located within 100 feet of the primary entrance of the structure or use it is intended to serve.

E. Long-Term Bicycle Parking Standards. Following standards apply to long-term bicycle parking:

1. **Location.** Long-term bicycle parking shall be located on or within 750 feet of the use that it is intended to serve.
2. **Security.** Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
 - a. In a locked room or area enclosed by a fence with a locked gate;
 - b. Within view or within 100 feet of an attendant or security guard;
 - c. In an area that is monitored by a security camera; or
 - d. Visible from employee work areas.

F. Parking Space Dimensions.

1. Minimum dimensions of 2 feet by 6 feet shall be provided for each bicycle parking space.
2. An aisle of at least 5 feet shall be provided behind all bicycle parking to allow room for maneuvering.
3. 2 feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
4. 4 feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.

G. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in a ~~fixed n upright~~ position. The Planning Commission may allow creative approaches to rack design (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.

~~17.76.080~~ — Cover. If bicycle parking spaces are covered, the Required cover for bicycle parking spaces shall be permanent, designed to protect the bicycle from rainfall, and at least 7 feet above the floor or ground.

H.

17.76.090 Visitor Serving Parking

A. Shuttle Program Parking. Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue, Capitola Beach, and the Village public parking lots.

B. Public Parking in the Coastal Zone.

1. Public parking existing as of [date of Zoning Ordinance adoption] in the following locations in the CF zoning district shall be maintained for public parking:
 - a. The Upper City Hall parking lot;
 - b. The Cliff Drive overlook parking; and
 - c. The Cliff Drive Southern Pacific railroad right-of-way parking unless Cliff Drive must be relocated due to cliff erosion.
2. Substantial changes in public parking facilities in the coastal zone require a Local Coastal Program (LCP) amendment.

17.76.100 On-site Loading

- A. Applicability.** All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.
- B. Number of Loading Spaces.** The minimum number of required loading spaces shall be as specified in Table 17.76-7.

TABLE 17.60-7: REQUIRED LOADING SPACES

Floor Area	Required Loading Spaces
Less than 10,000 sq. ft.	None
10,000 to 30,000 sq. ft.	1
Greater than 30,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

C. Location.

1. Required loading spaces shall be located on the same lot as the use they are intended to serve.
2. No loading space shall be located closer than 50 feet to a residential zoning district, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than 8 feet in height.

D. Dimensions.

1. Each loading space shall have minimum dimensions of 10 feet wide, 25 feet long, and 14 feet in vertical clearance.
2. Deviations from the minimum dimensions standards may be approved by the Community Development Director if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

E. Design and Configuration.

1. Loading spaces shall be configured to ensure that loading and unloading takes place on-site and not within adjacent public rights-of way.
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.
3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.
4. Loading spaces shall be striped and clearly identified as for loading purposes only.

Chapter 17.84 – HISTORIC PRESERVATION

Sections:

- 17.84.010 Purpose
- 17.84.020 Types of Historic Resources
- 17.84.030 Adding or Removing ~~Historic—Landmark~~Designated Historic Resource Designation
- 17.84.040 Maintenance of ~~Historic Structures List~~Potential Historic Resource
- 17.84.050 Criteria for Designating Historic Resources
- 17.84.060 ~~Certificate of Appropriateness~~Historic alteration permit
- 17.84.070 ~~Historic Preservation Incentives~~Demolition of Historic Resources
- 17.84.080 ~~Demolition of Historic Resources~~Historic Preservation Incentives



Note: This chapter is new to codify current practices and establish clear procedures to approve modifications to historic resources.

17.84.010 Purpose

This chapter establishes procedures for the ~~designation~~classification of historic resources and requirements for alterations to these resources. These provisions are intended to preserve and enhance Capitola's historic character while maintaining the ability of property owners to reasonably improve and modify historic homes and structures in Capitola.

17.84.020 Types of Historic Resources

The Zoning Code establishes two types of historic resources: ~~Historic Landmark~~Designated Historic Resources and ~~properties included in the Historic Structures List~~Potential Historic Resources. The City intends for both types of historic resources to be comprised primarily of structures from the pre-World War II era of Capitola's history.

A. ~~Historic Landmark~~Designated Historic Resources. ~~Historic landmark~~Designated Historic Resources include the following:

1. Resources listed on the National Register of Historic Places or determined by the State Historical Resources Commission to be eligible for listing on the National Register of Historic Places.
2. Resources listed on the California Register of Historical Resources or determined by the State Historical Resources Commission to be eligible for listing on the California Register of Historical Resources.
3. A contributing structure within a National Register Historic District (Venetian Court, Six Sisters, Lawn Way, and Old Riverview Districts).
4. Other resources officially designated by the City Council as a ~~local historic~~landmarkDesignated Historic Resource based on the criteria in Section 17.84.050 (Criteria for Designating Historic Resources).

- B. ~~Historic Structures List~~Potential Historic Resource.** ~~The A Historic Structures List~~Potential Historic Resources is a site, structure, or feature that has previously been identified by the City as potentially historic and is included on a list of potentially historic resources as ~~is the 2005 City of Capitola Historic Structures List as~~ maintained by the Community Development Department consistent with Section 17.84.040 (Maintenance of ~~Historic Structures List~~Potential Historic Resource). The purpose of the ~~list of Historic Structures List~~Potential Historic Resources is to maintain an inventory of properties that are potentially historic for use by City staff when reviewing development project applications.

17.84.030 Adding or Removing ~~Historic Landmark~~Designated Historic Resource Designation Status

- A. Initiation.** The City Council, Planning Commission, or property owner may request designating a property as a ~~Historic Landmark~~Designated Historic Resource or removing such ~~designation~~classification from a property.
- B. Application Contents.** An application by a property owner shall be on a form designated by the Community Development Department and shall include the following information:
1. **Photographs – Subject Property, & Context.**
 - a. Photographs of each exterior elevation of all buildings and structures on the site, including retaining walls and fences.
 - b. Photographs of exterior details (façade materials, porches, columns, cornices, window trim, wall materials, and fence materials).
 - c. Historic photographs of original structure if available.
 2. **Physical Condition – Written and Graphic.** A detailed written description on the physical condition of the structure with supporting photographs.
 3. **Property History.** A description of the history of the property, if known.
 4. **Requests to Remove ~~Designation~~Classification.** ~~For requests to remove a Historic Landmark designation, a description and photo documentation of the lack of historic significance and major alterations made to the property. A property owner may requests to remove Designated Historic Resource status by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property’s lack of historic significance of the property.~~
 5. **Additional Information.** Any additional information requested by the Community Development Director necessary to process and evaluate the application.
- C. Application Review.** The Community Development Director shall review applications for adequacy and completeness under the requirements of this section. The application shall be reviewed by ~~an a State Certified~~ Architectural Historian to assess whether the property exhibits characteristics for ~~designation~~classification as a ~~Historic~~

~~Landmark Designated Historic Resource~~ described in Section 17.84.050 (Criteria for Designating Historic Resources). ~~If the property exhibits characteristics for classification, the City-contracted State-Certified Architectural Historian will complete a DPR523 or equivalent for the City's records.~~ A staff report with a recommendation on the approval, approval with conditions, or denial of the application based upon the evaluation of the proposed historic resource ~~designationclassification~~ shall be prepared by the Community Development Department for Planning Commission consideration.

- D. Planning Commission Recommendation.** The Planning Commission shall review a ~~Historic Landmark Designated Historic Resource~~ application at a noticed public hearing in compliance with Chapter 17.120 (Public Notice and Hearings) and provide a recommendation to approve, conditionally approve, or deny the application.
- E. City Council Action.** The City Council shall approve, conditionally approve, or deny the application by resolution. The action of the City Council is final.
- F. Effect of ~~DesignationClassification~~.** The ~~designationclassification~~ of a ~~Historic Landmark Designated Historic Resource~~ shall run with the land and be binding to subsequent owners of the property. Upon ~~designationclassification~~, the City shall record with the County Recorder a Notice of ~~Historic Landmark Designated Historic Resource~~ Designation.

17.84.040 Maintenance of ~~Historic Structures List~~Potential Historic Resource List

- A. Authority to Maintain.** The Community Development Director shall be responsible for maintaining the ~~list of Historic Structures List~~Potential Historic Resources. The Director may add or remove structures from the list based on input from ~~an-a State-Certified Architectural Historian-and the City Historian~~.
- B. Additions to List.** Any structure added to the ~~Historic Structures List~~Potential Historic Resource list shall meet one or more of the criteria in Section 17.84.050.B (~~Historic Structures List~~Potential Historic Resource). The property owner shall be notified in writing of a decision to add a property to the list. Decisions of the Community Development Director to add a property to the list may be appealed to the Planning Commission.
- C. Removal of Listed Structures.** A property owner may request the removal of a property from the list ~~Historic Structure List~~ by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property's lack of historic significance of the property. Decisions of the Community Development Director to maintain a structure on the list despite a request for its removal by the property owner may be appealed to the Planning Commission.

17.84.050 Criteria for Designating Historic Resources

A. ~~Historic Landmark~~Designated Historic Resource~~s~~Designation. Designated Historic Resources represent particularly noteworthy community resources that exemplify the City's unique historic identify, primarily from the pre-World War II era of Capitola's history. Designated Historic Resources possess iconic landmark status that contribute to Capitola's unique sense of place due to physical characteristics of the resource visible from a public place. The City Council may ~~designate~~classify a property as a ~~Historic Landmark~~Designated Historic Resource if it meets any of the following criteria:

1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history.
- ~~2. It is identified with persons or events significant in local, State or national history.~~
- ~~3.2.~~ 2. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the uses of indigenous materials or craftsmanship.
- ~~4. It is representative of the work of a notable builder, designer or architect.~~
- ~~3.~~ 3. It is an example of a type of building once common in Capitola but now rare.
- ~~5.4.~~ 4. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related groupings of properties which contribute to each other and are united aesthetically by plan or physical development.

B. ~~Historic Structures List~~Potential Historic Resource. Based on a recommendation from ~~ana State Certified~~ Architectural Historian ~~and the City Historian~~, the Community Development Director may add a structure to the ~~Historic Structures List~~Potential Historic Resource list if it meets any of the above criteria for ~~designating~~classifying a ~~Historic Landmark~~Designated Historic Resource or any of the following criteria:

1. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, district, or the city.
2. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation.
3. It is similar to other distinctive properties, sites, areas or objects based on an historic, cultural or architectural motif.
4. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historic type or specimen.

17.84.060 ~~Certificate of Appropriateness~~Historic Alteration Permit

A. Purpose. A ~~certificate of appropriateness~~historic alteration permit is an approval required to alter the exterior of a historic resource.

B. ~~When Requirement for d— Historic Landmark~~Designated Historic Resources. A ~~certificate of appropriateness~~historic alteration permit is required for any exterior alteration to a ~~Historic Landmark~~Designated Historic Resource as defined in Section 17.84.020 (Types of Historic Resources).

C. ~~When Requirement for d— Historic Structures List~~Potential Historic Resource.

1. **When Permit is Required.**—A ~~certificate of appropriateness~~historic alteration permit is required for an alteration to a ~~property included in the City of Capitola~~Historic Structures ListPotential Historic Resource if:

- a. The project requires a discretionary approval (e.g., Design Permit); ~~and~~
- b. The Community Development Director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a ~~certificate of appropriateness~~historic alteration permit.

2.—Potential Historic Resource Assessment and Consultation. ~~Assessment and Consultation— Historic Structures List.~~

~~3.2.~~ A proposed alteration to a ~~property on the~~Potential Historic Structures List Resource that requires a discretionary permit will be reviewed by ~~ana State Certified~~ Architectural Historian to assess if the project may result in a significant adverse impact of a historic resource. The Community Development Director shall use this assessment to determine if a ~~certificate of appropriateness~~historic alteration permit is required for the proposed project.

~~4.—The Community Development Director shall consult with the City Historian on all discretionary applications involving an alteration to a property included in the Historic Structures List.~~

C.D. Alteration Defined. As used in this chapter, “alteration” means any exterior change or modification to a structure, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any accessory structures affecting the exterior visual qualities of the property. Painting is not considered an alteration unless painted features are designated as significant or characteristic of a historic resource.

D.E. Exception for Preservation and In-Kind Minor ReplacementsRehabilitation.

A ~~certificate of appropriateness~~historic alteration permit is not required for ~~minor replacements~~preservation or rehabilitation due to damage to windows, doors, trim, or other similar building elements. The ~~replacement~~rehabilitation shall be in-kind, matching the original design in size, detail, materials, and function. To qualify for this exception,

Attachment: 17.84 Historic Preservation (1610 : Zoning Code Update)

the applicant must provide evidence of original design and details of the in-kind replacement.

E.F. Review Authority. The Planning Commission shall take action on all applications for a ~~certificate of appropriateness~~ historic alteration permit.

F.G. Application Requirements. Applications for a ~~certificate of appropriateness~~ historic alteration permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees.

G.H. Public Notice and Hearing. The Planning Commission shall consider applications for a ~~certificate of appropriateness~~ historic alteration permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

H.I. Findings for Approval. The Planning Commission may approve a ~~certificate of appropriateness~~ historic alteration permit only if all of the following findings can be made:

1. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.
2. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.
3. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.
4. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.
- ~~5. Chemical or physical treatments are undertaken using the gentlest means possible. Treatments that cause damage to historic materials are not used.~~
- ~~6.5.~~ Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.
- ~~7.6.~~ The proposed project is consistent with the General Plan, any applicable Specific Plan, and the Zoning Code, and the California Environmental Quality Act (CEQA).

I.J. Conditions of Approval. The Planning Commission may attach conditions of approval to a ~~certificate of appropriateness~~ historic alteration permit to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

J.K. Appeals. Decisions on ~~certificate of appropriateness~~ historic alteration permit may be appealed as described in Chapter 17.152 (Appeals).

17.84.070 — Historic Preservation Incentives

- A. ~~Mills Act Agreement.~~** ~~Upon request of the owner of a Historic Landmark~~Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Historic LandmarkDesignated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.
- B. ~~California Historical Building Code.~~** The California Historical Building Code (Title 24, Part 8) shall apply to all properties designated as Historic LandmarkDesignated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. ~~Grant or Loan Priority.~~** The City shall give the highest priority to Historic LandmarkDesignated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. ~~Permitting Fees.~~** The City Council may shall waive application and review fees for any permit required for development projects that preserve, retain, and rehabilitate involving the substantial preservation or rehabilitation of a historic resourcestructure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.
- E. ~~Modifications to Development Standards.~~** The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.

~~17.84.080~~17.84.070 Demolition of Historic Resources

- A. Permit Required.** The demolition of a historic resource requires approval of a Historic Resource Demolition Permit.
- B. Review Authority.**
1. The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a Potential Historic Resource.
 - ~~1.2.~~ 2. The Planning Commission recommends and the City Council takes action on Historic Resource Demolition Permits applications to demolish a **Historic Landmark**Designated Historic Resource.
 - ~~2.~~ The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a structure on the Historic Structures List.

- C. Application Submittal and Review.** Applications for a Historic Resource Demolition Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees to the satisfaction of the CDD or Planning Commission. The City may require third-party review of these materials at the applicant's expense. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.84.060.5 (Findings for Approval).
- D. Planning Commission Recommendation.** For Historic Resource Demolition Permit applications to demolish a ~~Historic Landmark~~Designated Historic Resource, the Planning Commission shall provide a recommendation to the City Council on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The Planning Commission shall base its recommendation on the findings specified in Paragraph F (Findings for approval) below.
- E. Public Notice and Hearing.** The review authority shall review and act on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- F. Findings for Approval.** To approve a Historic Resource Demolition Permit, the review authority shall make one or more of the following findings:
1. The structure must be demolished because it presents an imminent hazard to public health and safety as determined by a licensed structural engineer.
 2. The structure proposed for demolition is not structurally sound despite evidence of the applicant's efforts to rehabilitate and properly maintain the structure.
 3. The rehabilitation or reuse of the structure is economically infeasible. Economic infeasibility shall be demonstrated by preparing actual project costs and by comparing the estimated market value of the property in its current condition, after rehabilitation and after demolition.
 4. There exist no feasible alternative use of the structure that can earn a reasonable economic return.
- G. Limitations on Findings of Economic Hardship.** The review authority may not approve a Historic Resource Demolition Permit if an economic hardship was caused by any of the following:
1. Willful or negligent acts by the applicant.
 2. Purchasing the property for substantially more than market value.
 3. Failure to perform normal maintenance and repairs.
 4. Failure to diligently solicit and retain tenants.
 5. Failure to prescribe a rental amount which is reasonable for the current market.
 6. Failure to provide normal tenant improvements.

H. Post-Decision Procedures. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Historic Resource Demolition Permit.

17.84.080 Historic Preservation Incentives

- A. Mills Act Agreement.** Upon request of the owner of a Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Designated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.
- B. California Historical Building Code.** The California Historical Building Code (Title 24, Part 8) shall apply to all Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. Grant or Loan Priority.** The City shall give the highest priority to Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. Permitting Fees.** The City Council shall waive application and review fees for permit required for development projects that preserve, retain, and rehabilitate a historic structure. Permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals.
- E. Modifications to Development Standards.** The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource.

Chapter 17.100 – MOBILE HOME PARK CONVERSIONS

Sections:

- 17.100.010 Purpose and Intent
- 17.100.020 Applicability
- 17.100.030 Definitions
- 17.100.040 Relocation Impact Report
- 17.100.050 Notice to Prospective Occupants of Pending Change in Park Status
- 17.100.060 Exemptions from Relocation Assistance Obligations
- 17.100.070 Application for Change of Use – Public Hearing – Findings
- 17.100.080 Measures to Prevent Avoidance of Relocation Assistance Obligations
- 17.100.090 Compliance with Relocation Assistance
- 17.100.100 Modification and Revocation of Approved Closure or Conversion
- 17.100.110 Expiration and Extension of Approval
- 17.100.120 Preemption
- 17.100.130 Severability

17.100.010 Purpose and Intent

This chapter establishes standards for the closure of a mobile home park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobile home park. Mobile home parks are an important source of affordable housing within Capitola. The purpose of this chapter is to provide financial compensation and relocation assistance to displaced residents and provide mobile home park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4. Nothing in this chapter shall be construed to mean that the City supports any change of use of any mobile home park.

17.100.020 Applicability

This chapter applies to the closure of any mobile home park or the conversion of a mobile home park to a different use.

17.100.030 Definitions

As used in this chapter, the following words and phrases shall have the following meanings:

- A. “Applicant” means a person or entity who has filed an application for change of use of a mobile home park.
- B. “Change of use” includes all activities specified in Section 798.10 of the California Civil Code and amendments to the General Plan or any applicable specific plan, rezoning of property, land use permits, such as a Conditional Use Permit or a Variance, Tentative

Parcel or Tentative Tract Maps, and building permits when the effect of the change will be to decrease the number of spaces available for mobile home habitation.

- C. “Change without new use” refers to what Civil Code Section 798.56(g)(2) describes as a “change of use [requiring] no local governmental permit” [other than approval of the RIR].
- D. “Comparable housing” means housing which, on balance, is comparable in floor area, number of bedrooms, and amenities, proximity to public transportation, shopping, schools, employment opportunities and medical services and other relevant factors to the mobile home to which comparison is being made.
- E. “Comparable mobile home park” means a mobile home park substantially equal in terms of park condition, amenities and other relevant factors, including, but not limited to, proximity to public transportation, shopping, medical services, employment opportunities and schools.
- F. “Director” means the Community Development Director.
- G. “Eligible mobile home resident” or “eligible resident” means a mobile home resident whose mobile home was located in a mobile home park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the mobile home on the date of the application.
- H. “Legal owner” means any person or entity having an ownership interest in a mobile home other than the registered owner, such as a lender or mortgagor.
- I. “Mobile home” has the meaning set forth in Section 798.3 of the California Civil Code.
- J. “Mobile home owner” means the registered owner or registered owners of a mobile home, regardless of the number of such owners or the form of such ownership.
- K. “Mobile home park” or “park” has the meaning set forth in Section 798.4 of the California Civil Code.
- L. “Mobile home park owner” or “park owner” means the person, persons or entity that owns a mobile home park and includes any person authorized by the park owner to seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.
- M. “Mobile home owner” means a mobile home owner who resides in the mobile home he or she owns. Unless the context indicates otherwise, it includes the mobile home owner’s spouse, parents, children and grandchildren who reside in the mobile home.
- N. “Mobile home tenant” or “tenant” is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that mobile home.
- O. “Handicapped mobile home resident” means a mobile home resident with any medically determinable physical or mental impairment as demonstrated by a finding of a

state or federal agency or a medical certificate, or who requires special care facilities in the mobile home or special care equipment, such as, but not limited to, a wheelchair.

- P.** “Low income” means an income of eighty percent or less of current median income as established annually by the United States Department of Housing and Urban Development (“HUD”) for the statistical area in which Capitola is located, as adjusted for household size.

17.100.040 Relocation Impact Report

- A. Submittal to Director.** Prior to a change of use of a mobile home park, a Relocation Impact Report (RIR) complying with the requirements of this chapter must be filed with the Director. It is the park owner’s responsibility to comply with the notice requirements of subsections g(1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the (RIR), the park owner is encouraged to consult with staff (especially if any waiver of Municipal Code Section 17.90.030 requirements will be requested) early in the process about the contents of the RIR.
- B. Required Information.** The RIR shall be prepared by an independent agent acceptable to the City at the applicant’s expense and shall include the following information unless the Director determines the information is not necessary:
1. A detailed description of the proposed or change of use, or change without new use.
 2. A timetable for conversion of the mobile home park.
 3. A legal description of the mobile home park.
 4. The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space.
 5. The date of manufacture and size of each mobile home.
 6. Appraisals addressing relevant issues identified by the Director. A qualified appraiser shall be selected by the City and the cost of the appraisals shall be borne by the applicant. The appraisals shall identify those mobile homes which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the homeowner’s investment in the mobile home, such as the change in value of effected mobile homes that would result from the proposed change of use.
 7. The results of questionnaires to all homeowners/occupants regarding the following: whether the occupant owns or rents, whether this is the only residence, occupants’ ages, whether the occupants have disabilities that would be aggravated by the moving process, the purchase date and price paid by the mobile home owner, the costs incurred by the mobile home owner in improving the home, and

the amount and relevant terms of any remaining mortgage. Answering such questionnaire shall be voluntary.

8. The name and mailing address of each eligible resident, mobile home tenant, mobile home resident, resident mobile home owner and legal owner of a mobile home in the park.
 9. The purchase price of condominiums similar in size to the mobile homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits.
 10. A list of comparable mobile home parks within a 20 mile radius and a list of comparable mobile home parks within a radius of 25 to 50 miles of the applicant's mobile home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated mobile homes, rental rates and the name, address and telephone number of the park representative having authority to accept relocated homes, including any written commitments from mobile home park owners willing to accept displaced mobile homes. The purpose of this requirement is to provide information necessary to create appropriate relocation compensation. It is not meant to suggest that the City, in any sense, favors tenants relocating out of any mobile home park in Capitola.
 11. Estimates from two moving companies as to the minimum and per mile cost of moving each mobile home, including tear-down and set-up of mobile homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents. Said moving companies shall be approved by the director prior to inclusion in the final RIR.
 12. Proposed measures to mitigate the adverse impacts of the conversion upon the mobile home park residents.
 13. Identification of a relocation specialist to assist residents in finding relocation spaces and alternate housing. The specialist shall be selected by the applicant, subject to the City's approval, and shall be paid for by the applicant.
- C. Filing of Relocation Impact Report.** The City shall not consider an RIR to be filed, within the meaning of Government Code Section 65863.7, until the applicant has submitted to the Community Development Department both a draft RIR which applicant believes meets the requirements of Municipal Code Section 17.90.030, and a written statement that such draft RIR has been filed pursuant to Government Code Section 65863.7.
- D. Refusal to Review Relocation Impact Report.** If the City Attorney determines that the proposed conversion or closure of the mobile home park would be illegal, the Community Development Director shall not process the RIR unless a court of competent jurisdiction rules that the proposed use would be legal.

17.100.050 Notice to Prospective Occupants of Pending Change in Park Status

After an application for change of use of a mobile home park (or for City approval of a RIR) has been filed with the Director, the applicant shall give notice to all known prospective mobile home purchasers and tenants that the application for change of use has been filed. Notice shall be given in addition to notices required by Civil Code Section 798.56 (g) (1) and in all cases shall be given prior to execution of any new rental agreement. The park owner shall obtain a signed acknowledgment of receipt of such notice from each prospective purchaser or tenant and file it with the Director. If the prospective purchaser or tenant refuses to sign, a dependable record of delivery of notice shall be maintained by the park owner.

17.100.060 Exemptions from Relocation Assistance Obligations

- A. Exemption Available.** Any person who files an application for change of use may file an application for total or partial exemption from the obligation to provide relocation assistance.
- B. Notice of Application.** Notice of an application for exemption shall be given pursuant to Section 17.90.070.B and C. Notices shall contain the information in provided in the exemption application.
- C. Basis for Application.**
1. **Total Exemption.** An application for total exemption may be made on one of two grounds:
 - a. The imposition of any relocation obligations would eliminate substantially all reasonable use or economic value of the property for alternate uses; or
 - b. The park is exempt from the requirement of relocation assistance under state law governing changes of use of mobile home parks.
 2. **Partial Exemption.** An application for partial may be made on one of two grounds:
 - a. The imposition of particular relocation obligations would eliminate substantially all reasonable use or economic value of the property for alternate uses; or
 - b. The obligation would exceed limitations imposed by Government Code Section 65863.7(e). The application shall specify the particular relocation obligations which would cause this result.
- D. Application Contents.**
1. An application for exemption made pursuant to subsections (1)(a) and (2)(a) above shall contain, at a minimum, an estimate of the value of the subject property by a qualified real estate appraiser if the park were permitted to be developed for the use proposed in the application for change of use, or other use consistent with

applicable zoning, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.

2. An application for exemption pursuant to subsection (1)(b) and (2)(b) above shall specify the provisions of state law providing the claimed exemption and documentation demonstrating entitlement to such exemption.

E. Notice of Approval. If the City grants an exemption after the applicant provides notice consistent with Civil Code Section 798.56(g)(2) notice, renoticing will be required.

17.100.070 Application for Change of Use – Public Hearing – Findings

- A. City Review of RIR.** Upon the filing of an RIR, the Director shall examine the RIR and advise the applicant in writing within 30 days whether it is complete. When an application and RIR have been accepted as complete, the Director shall set a time, date and place for a hearing before the Planning Commission not later than 60 days after the date of acceptance. Because certain required information in an RIR (e.g., appraisals, tenant data) cannot be obtained until after filing an application for change of use, the initial application for change of use and RIR shall contain all pertinent available information to start the process of obtaining the information required for a complete application and RIR.
- B. Owner and Resident Notice.** Not less than 30 days prior to the scheduled public hearing before the Planning Commission, the park owner shall deliver to the each mobile home owner and resident within the park a copy of the approved RIR and the notice of the date, time and place of the public hearing on the application. Notice shall be delivered by certified mail or personal delivery.
- C. Verification of Notice Requirements.** Not less than 15 days prior to the scheduled public hearing before the Planning Commission on the RIR, the park owner shall file with the Director a verification of noticing required by this chapter and Government Code Section 65863.7. The form and manner of such verification shall be approved by the City Attorney.
- D. Planning Commission Recommendation.**
 1. **Public Hearing.** The Planning Commission shall hold a public hearing on the application for a change of use and the RIR within 95 days of the date the application and RIR were accepted as complete. The Planning Commission shall provide a recommendation to the City Council on the approval of the change of use and RIR and may recommend measures to mitigate adverse impacts on residents impacted by the change of use.
 2. **Mitigation Measures.** Measures to mitigate adverse impacts on residents shall not exceed reasonable cost and may include, but are not limited to, the following:

- a. Payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports and porches.
- b. Payment of a lump sum based on consideration of any increase in security deposit at the new mobile home park which the resident or tenant lacks the ability to pay.
- c. Payment of a lump sum based on consideration of any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.
- d. For those mobile home residents who move to apartments or other rental housing alternatives, payment of a lump sum based on consideration of any differential in the rental rate between the closing park and the comparable housing, requirements for payment of security deposits and cleaning fees. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one bedroom mobile home may be compensated based on a one bedroom apartment, a two bedroom mobile home based on a two bedroom apartment, etc.
- e. Provision of a replacement space within a reasonable distance of the closing mobile home park.
- f. For residents whose mobile home cannot be relocated to a comparable park within a 50-mile radius of the closing mobile home park, payment of a lump sum based upon consideration of the value of the mobile home, including resident improvements (e.g., landscaping, porches, carports), any increase in mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.
- g. The park owner shall make the monetary payments contemplated in this subsection a reasonable period of time (to be set by the City Council) in advance of the actual relocation of a resident or homeowner. The resident or homeowner shall not be under a legal obligation to relocate by the method used to measure mitigation costs.

E. City Council Decision.

1. **Hearing and Decision.** The City Council shall hold a noticed public hearing on an application for a change of use within 45 days of the Planning Commission's recommendation. The City Council shall take action on the application within 80 days of the Planning Commission's recommendation.
2. **Mitigation Measures.** The City Council may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate the adverse impacts of the change of use on eligible mobile home residents pursuant to Paragraphs D and G of this section.

3. **Statue of Limitations.** The decision of the City Council is final. Pursuant to Code of Civil Procedure 1094.6, the statute of limitations for bringing a judicial challenge to any decision concerning a change of use of mobile home park is 90 days. Notice of the City's decision to the applicant, park owner and affected residents shall include notice that the 90 day statute of limitations in 1094.6 applies.

F. Extension of Time Periods. Time periods in this section may be extended as necessary to comply with the California Environmental Quality Act (CEQA) or the California Coastal Act.

G. Cost of Mitigation Measures. Notwithstanding any other provision in this section, the cost of mitigation measures shall comply with Government Code Section 65863.7 which states that "the steps taken to mitigate shall not exceed the reasonable costs of relocation."

17.100.080 Measures to Prevent Avoidance of Relocation Assistance Obligations

A. Notice. If any change of use or RIR approval application is withdrawn or denied, those previously given notices or announcements shall be so informed in writing by the mobile home park owner.

B. No Waiver of Rights. No prospective mobile home resident or existing mobile home resident may be required to sign a waiver, or a lease or rental agreement which includes a waiver, of their rights under this chapter. Any waiver of rights under this chapter by such a mobile home resident shall be deemed invalid unless the resident or prospective resident and the park owner obtain the prior approval of the waiver from the Director, who may grant such approval only upon a finding that the waiver is voluntary and was made after being fully informed of the terms of this chapter.

17.100.090 Compliance with Relocation Assistance

A. Acceptance of Mitigation Measures.

1. The applicant shall execute and record a certificate, and file proof with the Director, accepting the mitigation measures imposed on the approval of a closure or conversion within 90 days of the final City Council action approving the change of use. The applicant shall give the six- or twelve-month notice of the termination of tenancy and closure of the park required by Civil Code Section 798.56(g) within 120 days of that action.

2. An approval of a change of use shall automatically become null and void if the certificate accepting the conditions is not filed and executed within 90 days of the date of the approval of the change of use and the notice of termination of tenancy has not been given within 120 days of that resolution.

B. Timing of Mitigation. All mitigation measures imposed on the approval of a change of use shall be fully performed for each resident prior to that resident's required vacation of the mobile home park, unless otherwise provided in the mitigation measure.

No eligible resident shall be required to vacate a mobile home space unless the applicant is in full compliance with all mitigation measures pertaining to the resident, and has otherwise fulfilled the notice requirements of the California Mobile Home Residency Law relating to termination of tenancy.

- C. Issuance of Building Permits.** The City may not issue any building permit for the development within a converted or closed mobile home park until the City has adopted a resolution approving the change of use and the mobile home park owner has fully complied with the relocation assistance required by that resolution.

17.100.100 Modification and Revocation of Approved Closure or Conversion

A. Modification.

1. After a change of use has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of any approval, the City may consider modification of the mitigation measures imposed upon the filing of a written application by the applicant. The City may approve modifications on the grounds that there has been a change in circumstances or that new information which could not reasonably have been known or considered at the time of the hearings on the application has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modifications may not be approved when it would unreasonably prejudice the ability of the residents to relocate to comparable spaces or comparable alternate housing.
2. Any application for modification shall be subject to the notice and hearing procedures set forth in Sections 17.100.070 (Application for Change of Use – Public Hearing – Findings). The decision in connection with a modification request shall take place as with the initial approval.

B. Revocation.

1. The City Council may initiate revocation proceedings on the grounds that the mobile home park owner or applicant has violated this chapter or the terms of the approval of the change of use. Action to initiate revocation proceedings shall specify the grounds for revocation and shall set a hearing before the City Council to consider the revocation not sooner than 45 and not later than 60 days after the action to initiate proceedings.
2. Notice of revocation proceeding shall be sent to the mobile home park owner by certified mail or personal delivery together with notice that any response from the owner must be filed at least 20 days prior to the date set for the revocation hearing.
3. The City Council shall render its findings and decision concerning revocation within 90 days after initiating revocation proceedings.

17.100.110 Expiration and Extension of Approval

A. Expiration. Approval of a change of use shall become null and void if the notice of termination of tenancy has not been given within the time provided in Section 17.90.090 (Compliance with Relocation Assistance) and relocation pursuant to the conditions of approval has not occurred within twelve months of the effective date of the approval of the change of use, unless otherwise extended as provided in Paragraph B below, or unless otherwise provided in the resolution approving it.

B. Extensions.

1. The City Council may approve an extension to the date of giving notice and/or to the approval of the change of use. Applications for an extension shall be submitted in writing by the mobile home park owner to the Community Development Department. Applications must be submitted on or before the date to give the notice of termination or the expiration of the approval of the change of use.
2. The City Council may deny the request upon finding that the mobile home park owner has unreasonably delayed implementation of the mitigation measures or that further delay will result in prejudice or further adverse impacts upon eligible residents remaining in the mobile home park. Approval of an extension may be conditioned on reasonable measures designed to mitigate the adverse impacts resulting from the delay. The application for extension shall be subject to the notice and hearing procedures set forth in Section 17.100.100(B).

17.100.120 Preemption

In the event the provisions of this chapter conflict with any code, ordinance or regulation of the City, the provisions of this chapter shall govern. In the event any provisions of this chapter conflict with a provision of state law, this chapter shall be interpreted and applied in conformity with state law.

17.100.130 Severability

If any part or provision of this chapter, or the application of such to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be effected and shall continue in full force and effect. To this end the provisions of this chapter are severable.

Chapter 17.148 – PUBLIC NOTICE AND HEARINGS

Sections:

- 17.148.010 Purpose
- 17.148.020 Notice of Hearing
- 17.148.030 Notice of Pending Action
- 17.148.040 Scheduling of Hearing
- 17.148.050 Hearing Procedure
- 17.148.060 Recommendations
- 17.148.070 Decision and Notice

17.148.010 Purpose

This chapter establishes procedures for public notices and hearings required by the Zoning Code.

17.148.020 Notice of Hearing

When the Zoning Code requires a noticed public hearing, the City shall provide notice of the hearing as required by this section: ~~and any applicable sections of by the California Government Code.~~

- A. Content of Notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number, email address, and street address of the Community Development Department where an interested person could call or visit to obtain additional information.
 2. **Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.
 3. **Statement on Environmental Document.** A statement that the proposed project is determined to be exempt from the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.
 4. **Zoning Map Amendments (Rezoning).** Public notices posted onsite for proposed Zoning Map Amendments (rezoning) shall consist of the words "Notice of Proposed Change of Zone" printed in plain type with letters not less than 1½ inches in height.

B. Method of Notice Distribution. Notice of a public hearing required by the Zoning Code shall be given at least ~~10~~^{ten} calendar ~~10~~ days before the hearing date in compliance with Sections 1 through 5 below and as summarized in Table 17.148-1.

TABLE 17.148-1: METHOD OF NOTICE DISTRIBUTION

Type of Permit <u>or Approval</u> Hearing	Mailed notice required at least 10 days prior	Printed notice posted at site	Notice published in newspaper of record at least 10 days prior
Conceptual Review Design Permit & Appeal Major Revocable Encroachment Permit & Appeal Minor Modifications <u>& Appeal</u> Minor Design Permit Appeal Minor Use Permit Appeal <u>Removal of Structure from Designated Historic Structure List</u> Sign Permit <u>& Appeal</u> Historic <u>Alteration Resource Permit</u> Historic Resource Demolition Permit Tenant Use Permit Appeal	Yes 300-foot radius for adjacent property owners	Yes	No
<u>Development Agreement</u> <u>General Plan Amendment</u> Change in Zoning Designation/Zoning Map Code Amendment & Appeal Variance & Appeal Conditional Use Permit & Appeal Master Use Permit, Amendment, -& Appeal Condominium Conversion & Appeal Subdivision & Appeal Preliminary Development Plans (PD Zones)	Yes 300-foot radius for adjacent property owners	Yes	Yes
Coastal Development Permit & Appeal	Yes 100-foot radius for adjacent property owners	Yes	Yes

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Notice of Administrative Review for Minor Design Permit and Minor Use Permit	Yes 100-foot radius	Yes	No

1.

1. **Newspaper Publication.** ~~Where required by Table 17.148-1, For Zoning Code Amendments, Zoning Changes, Variances, Conditional Use Permits, Coastal Development Permits, Master Use Permits, Subdivisions, Condominium Conversions and appeals thereof,~~ notice of public hearing shall be published in at least one newspaper of general circulation at least ~~10~~ten calendar days before the hearing.
2. **Mailing.** Where required by Table 17.148-1, notice shall be mailed at least ten calendar days before the scheduled hearing to the following recipients:
 - a. **Project Site Owners and the Applicant.** The owners of the subject property or the owner’s authorized agent, and the applicant.
 - b. **Adjacent Property Owners.** ~~For all hearings before the Planning Commission and appeals thereof with the exception of solely Coastal Development Permits,~~ The owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property.
 - ~~b.c.~~ **California Coastal Commission.** For applications including a Coastal Development Permit, a notice shall be mailed to the California Coastal Commission Central Coast office.
 - ~~e.d.~~ **Local Agencies.** Each local agency expected to provide roads, schools, sewerage, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.
 - e. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Community Development Department.
 - ~~e.f.~~ **Blind, Aged, and Disabled Communities.** Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall incorporate the blind, aged, and disabled communities in order to facilitate their participation.
 - ~~e.g.~~ **Other Persons.** Any other person, whose property, in the judgment of the Community Development Department, might be affected by the proposed project.
3. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 2 above is more than 1,000, the Community Development Department may choose to provide notice by placing a display

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advertisement of at least one-eighth page in one or more local newspapers of general circulation at least ten days prior to the hearing.

~~4. **Publication and Posting.** A printed notice shall be posted at the project site at least ten calendar days prior to the hearing. If notice is mailed or delivered as described in Subsection 2, above, the notice shall also either be:~~

~~5. Published at least once in a newspaper of general circulation in Capitola at least ten days before the scheduled hearing; or~~

~~6.4. Posted at least ten days before the scheduled hearing in at least three public places within Capitola, including one public place in the area affected by the proceeding.~~

~~7.5. **Additional Notice.** In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.~~

~~8.6. **Failure to Receive Notice.** The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.~~

17.148.030 Notice of Pending Action for Minor Use Permits and Administrative Design Permits

A. For Minor Use Permit, and Administrative Design Review applications, public notice of a pending action shall be mailed to the owners of the real property located within a radius of ~~3100~~ at least ten calendar days prior to the City taking action on the application.

B. In addition to information required by Section 17.148.020.A, the notice of a pending action shall state that the City is considering the application and that the Community Development Director will hold a public hearing for the application only upon receiving by a specified date written request for a hearing.

C. If the City receives a request for a public hearing by the specified date, the Community Development Director shall hold a noticed public hearing on the application consistent with this chapter. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.

D. If no request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.

17.148.040 Notice for Administrative Permits and Section 6409(a) Permits

A. For Administrative Permits, Section 6409(a) Permits and other ministerial permits requiring public notice, a notice of a pending action shall be posted on the subject property at least 10 days prior to the City taking action on the application.

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B. The notice of a pending action shall contain the following:

1. A description of the proposed project, including the location of the subject property.
2. Required permits and approvals.
3. How the public can obtain additional information on the proposed project.
4. Date after which the Community Director will take action on the application.
- 4.5. A statement explaining that the proposed project is allowed by-right with a ministerial permit and will be approved by the Community Development Director if the project complies with all applicable standards and regulations.

17.148.04017.148.050 Scheduling of Hearing

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), and a Community Development Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

17.148.05017.148.060 Hearing Procedure

- A. General.** Hearings shall be conducted in a manner consistent with the procedures adopted or endorsed by the hearing body and consistent with the open meeting requirements of the Ralph M. Brown Act.
- B. Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.
- C. Continued Hearing.** Any hearing may be continued ~~from time to time~~ without further public notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- D. Motion of Intent.** The hearing body may announce a tentative decision, and defer action on a final decision until appropriate findings and conditions of approval have been prepared.

17.148.06017.148.070 Recommendations

After a public hearing resulting in a recommendation to another hearing body, the recommendation shall be forwarded to the other hearing body. A copy of the staff report to other ~~other~~ hearing body with the recommendation shall be provided to applicant.

17.148.07017.148.080 Decision and Notice

A. Date of Action. ~~With the exception of appeals to the City Council, t~~The hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):

1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.

B. Decision.

1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
2. At the conclusion of a hearing conducted by the Community Development Director, the Community Development Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to the requested approval.

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C. Notice of Decision.

1. ~~If the review authority denies a permit, notice shall be mailed to the applicant and property owner the next day and shall include include procedures for appeal, if applicable.~~
2. Following a final decision ~~granting a permit and conclusion of the appeal period as described in Ssection 17. 152,~~ the Community Development Department shall provide notice of the final action to the applicant and to any person who specifically requested notice of the final action.
 - a. Notice of an ~~approved~~ final action shall contain applicable findings, conditions of approval, reporting and monitoring requirements, and ~~the procedure for appeal of the decision, the expiration date of the permit.~~
 - a.b. ~~Notice of final actions that include a Coastal Development Permit that may be appealed to the California Coastal Commission will include notice that they are subject to an additional 40ten working day appeal period.~~