



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: APRIL 6, 2017

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

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

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

Environmental Determination: Addendum to the General Plan Update EIR
 Property: The Zoning Code update affects all properties within the City of Capitola.

Representative: Katie Cattan, Senior Planner, City of Capitola

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

DISCUSSION: The Planning Commission provided staff with additional edits to the zoning map and the *Remaining Zoning Code Issues* report during the February 2nd, February 16th, and March 2nd Planning Commission meetings. All edits provided by the Planning Commission are listed in Attachment 1.

During the March 6th meeting, the Planning Commission will provide direction on the six remaining items listed below:

Item 1. Junior Accessory Dwelling Units (JADU)

The state passed AB 2406 which create an additional housing option of junior accessory dwelling units (JADU). Adoption of a JADU ordinance is not required by the state. Some unique characteristics of JADUs are:

- a. May not exceed 500 square feet in size;
- b. Must be completely contained within the space of the existing residential structure;
- c. Must have internal and external access;
- d. May share a bathroom with the primary structure;

- e. Must have an efficiency kitchen (not a full kitchen);
- f. City cannot require additional parking;
- g. Utility providers cannot require water or sewer connection fees; and
- h. Count towards regional housing need allocation (RHNA) as a housing unit within the census definitions.

A JADU ordinance is not proposed within the zoning code update because a JADU could be built as an Internal Accessory Dwelling Unit (ADU) within the draft code. Efficiency kitchens are permitted in Capitola; therefore, a JADU is allowed within today’s code with the added requirement of external access. If the Planning Commission would like to add JADUs to the code, staff suggests adding the following sentence to the Internal Accessory Dwelling Unit definition: “The term Internal Accessory Dwelling Unit includes Junior Accessory Dwelling Units as defined in Government Code Section 65852.22.”

The minimum lot size for an Accessory Dwelling Unit (ADU) is 5,000 square feet. During the March 2nd meeting, the Planning Commission discussed adding JADUs to the ordinance and allowing JADUs on properties with a minimum size of 4,000 square feet, and possibly down to 3,200 square feet to accommodate them within neighborhoods like the Jewel Box. The Planning Commission asked staff to provide a map with ranges of parcel size to assist in the recommendation (Attachment 3). The following tables shows the number of properties for the R-1 and MU-N zones that exist within each range of lot sizes:

Lot Size (square feet)	# of Properties	
	R-1	MU-N
0 – 2,299	88	20
2,300 – 3,199	268	6
3,200 – 3,999	315	26
4,000 – 4,999	272	17
5,000 – 7,499	580	16
7,500-9,999	153	9
10,000 – 11,999	24	5
12,000+	46	19

Item 2. Increased maximum size of ADU. This item was introduced during the March 2nd meeting. Within the new state legislation, the increased floor area of an ADU cannot exceed 50% of the existing living area, up to a maximum of 1,200 square feet. The draft code reflects this allowance as follows:

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

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

This is a large increase from Capitola’s current maximum that ranges from 500 to 800 square feet depending on lot size, as shown in the following table:

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf

7,501 sf to 9,999 sf	640 sf
10,000 sf plus	800 sf

There is no change to the maximum floor area ratio of .60 for the combined maximum floor area of the primary residence and ADU. The City can adopt maximum size standards that are more restrictive than SB 1069 provided these standards are not “designed or applied in a manner that burdens the development of ADUs and maximize the potential for ADU development.”

Examples of other cities’ size limits in recent ADU updates:

- Santa Cruz County (2017 update)

- Inside Urban Service Area:

Lot Size	Maximum ADU Size
Under zone district minimum size	10% of net site area; or (for attached conversions) 50% of existing SFD, whichever is greater; up to a max of 640 sf
Meets zone district minimum size	640 sf

- Outside Urban Service Area:

Lot Size	Maximum ADU Size
Under 10,000 sf	640 sf
10,000 sf to < 1 acre	800 sf
1 acre plus	1,200 sf

All conversions on parcels less than 5,000 sf are limited to up to 50% of the existing habitable sq. ft. of primary dwelling, not to exceed 640 sq. ft.

- City of Santa Cruz (2017 Update)
 - Unit size - The floor area of an ADU shall not exceed 10 percent of the lot area up to a maximum of 1,200 sf. The floor area for accessory dwelling units attached to the principal single family dwelling shall not exceed fifty percent (50%) of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot.

Options for maximum size:

Option 1: Draft Standard

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

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

Option 2: Keep Capitola's existing standard.

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf
7,501 sf to 9,999 sf	640 sf
10,000 sf plus	800 sf

Option 3: Hybrid of Existing with additional allowance for very large lots:

Unit Size. The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:

1. The floor area for an Attached ADU shall not exceed fifty percent (50%) of the existing habitable floor area of the principal single family dwelling and not exceed the maximum ADU floor area allowed for the lot.
2. Maximum ADU floor area allowed for lot.

Lot Size	Maximum ADU Size
Under 5,000 sf	Not permitted
5,000 sf to 7,500 sf	500 sf
7,501 sf to 9,999 sf	640 sf
10,000 sf to 11,999 sf	800 sf
12,000 sf plus	1,200 sf

Item 3. Fee Waivers for Affordable ADU

Section 17.74.080.A of the draft code allows a fee waiver in exchange for deed restricting ADUs as affordable units rented exclusively to low or very low income households. The deed restriction may be lifted "upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for the building permit."

Commission Storey requested background on this standard. This is an existing standard carried over into the draft code. Staff researched the original ordinance and found one reference that the fee waiver originated from the City of Santa Cruz ordinance. The City of Santa Cruz ordinance includes this incentive today for low income and very-low income rentals. The program allows owners to remove the restriction in the future with payment of the previously waived fees (Attachment 4). The affordable rental deed restriction option is not required by state law and the City therefore has full discretion to retain, modify, or eliminate this provision.

Item 4. Mobile Homes

Commissioner Storey asked how mobile homes would be treated in Capitola's ADU ordinance. Within the existing and draft ordinance, mobile homes are prohibited. However, under California Government Code Section 65852.2 (as recently amended), the definition of "Accessory Dwelling Unit" includes manufactured homes.

“Accessory Dwelling Unit” means “an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated.” An ADU also includes an efficiency unit (Health and Safety Code Section 17958.1) and a manufactured home (Health and Safety Code Section 18007).

Since manufactured homes are included within the definition of the term “accessory dwelling units”, the City cannot prohibit manufactured homes as ADUs. As drafted, the City has full discretion to regulate the design of an ADU within §17.74.050.I which states “Design. The design of the accessory dwelling unit shall complement the design of the primary residence by use of the similar exterior wall materials, window type, door and window trim, roofing materials, and roof pitch”.

Item 5. Regional Commercial Purpose Statement

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

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

Item 6. Sidewalk Sign Ordinance

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

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

The shape of the BIA design is unique with a curved line at the top and bottom. The current draft code allows variation from the BIA shape with an oval included as acceptable. Staff is requesting discussion and direction on the allowable shape for Village Sidewalk Signs. Should additional shapes be considered, and if so, should the code specify the acceptable shapes? Or, should all sidewalk signs match the shape of the BIA design?

The sidewalk sign ordinance has been updated to include the items listed above in 1 – 5. It was also reorganized to group similar standards such as placement, number of signs, materials and designs, etc. for ease of use. The updated sidewalk ordinance is included as Attachment 5. The BIA approved sign is included as Attachment 6.

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared and will be included in the packet during final recommendation to City Council.

RECOMMENDATION: Accept the staff presentation, provide direction on the 6 remaining items, and recommend that the City Council review the draft then initiate a 60 day public review.

ATTACHMENTS:

1. Planning Commission edits to January 2017 draft
2. Draft Chapter 17.74 Accessory Dwelling Units.pdf
3. Parcel Size by Zone
4. Santa Cruz ADU fee waiver
5. Sidewalk Sign Ordinance
6. BIA Sidewalk Sign
7. Heintz Public Input on Zoning Map
8. Zoning Map

Prepared By: Katie Herlihy
Senior Planner

Planning Commission Requested Modifications		
Section	Page	Change
February 2, 2017		
Zoning Map	Map	502 Beulah – include in Vacation Rental overlay
Zoning Map	Map & 17.40.030	Vacation Rental Use (VR) and Village Residential (VR) are same acronyms. The code removed the term “use” after Vacation Rental. Keep “use” in chapter 17.40.030.
Zoning Map	Map	718 Capitola Avenue zoned MUN should extend all the way back to the hotel property behind it
Zoning Map	Map	Shadow Brook Property and parking lot should be MU-N not CC
Zoning Map	Map	Remove Vacation Rental that is located over the water. Only place Vacation Rental overlay on inset map, removed from primary zoning map. Too cluttered.
Zoning map	Map	Stockton creek should be blue with the sliver of open space by the bridge where there is a small City park.
Environmentally Sensitive Areas Map	Map	Hire consultant to review Environmentally Sensitive Areas Map to ensure accuracy of boundary
February 16, 2017		
17.20.030	20-5	Replace with: <ol style="list-style-type: none"> Up to 33 feet for a gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slope for doors and decks. Projections for non-habitable decorative features and structures as allowed by Section 17.48.020.C. Include image of allowable pitched roof designs.
17.48.020.B	48-2	Reword: “These exceptions may not be combined with other height exceptions, including but not limited to, allowances for additional height in the MU-V zone or for historic structures.”
17.24.020 Table 17.24-1	24-2	Revise: Multi-Family Dwellings in the C-R require CUP Residential Mixed Use. Delete note #7 which states “Residential uses are prohibited on the first story.”
Table 17.24-2	24-4	Revise: Require Conditional Use Permit in C-R for Ground floor, less than 5,000 square feet Require Conditional Use Permit in C-R for Ground floor, 5,000 square feet or more. Permit in C-R located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.
Coastal Commission Edits	Throughout Code	Change references of Local Coastal Act to Local Coastal Plan

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Planning Commission Requested Modifications		
Section	Page	Change
17.48.030 C and D	17.48.030 C and D	<p>Incorporate staff suggestions on modifications to setbacks presented to PC, except</p> <ul style="list-style-type: none"> • Landscape features – 17.48.030.E.10 – change to “Decorative ornamental features up to a maximum height of 6 feet which does not enclose the perimeter of the property” and change minimum distance from Property line to “No Minimum” • Hot Tubs – Min distance from property line – Change Rear to 2 feet. • Under other structures and equipment, remove trash enclosure from moveable objects list
Accessory Dwelling Units		Accessory Dwelling Units that utilize the decreased setbacks and increased FAR cannot remove the ADU and enjoy the benefits of creating a non-conformity. Add to deed restrictions.
Table 17.92-1	Page 92-6	<ul style="list-style-type: none"> • Reword “repair” in third category “exterior repairs and modifications that alter or affect the nonconforming aspect of the structure” Should be demolish and rebuild? Update example to demolish and rebuild . • Last category “recreation of an involuntarily damaged or destroyed structure” add a reference to 19.92.080.D
17.36.060.H.7	Page 36-6	<p>Add “supply and” to new or enlarged business that increases the supply and/or diversity of jobs available”</p> <p>Correct typo - jobs “in” industries</p>
17.40.020.J	Page 40-6	Change to “for 55 years or the natural life of the unit whichever is greater”
17.76.070.D.2	Page 76-19	Change back to 24 inch box tree for tree health.
17.80.090.A.6	Page 80-17	Prohibit Internally illuminated signs in the mixed-use neighborhood.
17.80.100.A	Page 80-17	Remove General Standards. Keep section B for multi-unit properties.
17.80.080.A	Page 80-9	Maximum Area of Auto Dealership sign – require that Planning Commission review above 100 square feet but remove the maximum.
17.80.110 Table 17.80-10	Auto Dealership	Change Maximum Duration to year-round. Add that they have to be maintained in good condition.
17.92.070.B.2.d	92-3	Remove d “the extension will not impair coastal resources”
5000 sf auto space		Check with TESLA that 5,000 sf would support auto showroom

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Planning Commission Requested Modifications		
Section	Page	Change
March 2, 2017		
17.74.040	Page 74-7	Deed restrict must include occupancy standard of 17.74.040.C – the property owner must occupy either the primary or accessory dwelling.
Additional requested edits		
Figure 17.24-3	Page 24-9	Remove 65% minimum from figure.
17.36.080.D.3	Page 36-3	Change engineers to engineer
17.44.030	Page 44-2	Coastal Bluff definition change to “overlooking coastal water”
17.44.030.F	Page 44-4	Remove first sentence “Any area in which ... developments.”
17.44.150.B.6.a AND b	Page 44-2	Change to Local Coastal Plan
Glossary 17.74	Part 3 Glossary	Replace Secondary with Accessory
17.52.030.B.4	52-4	Reword “machines require a Conditional Use permit...”
17.64.	64-1 and 64-4	The title of 17.64.050 should be rearranged say “Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch” Make change is three places. Sections (pg 64-1), Applicability (pg 64-1), and 17.64.050 title (pg 64-4)
17.64.040	64-4	No new development is permitted within the banks riparian corridor along Soquel Creek and Lagoon, except.....
17.74.030.A.1.b	74-2	Typo. Change n to an
17.74.030.A.2.	74-2	Add approval of a Design Permit “and Conditional Use Permit”.
17.76.040.B.2.b AND c	76-8	In b and c, the reference should remove the zero before the 2. Section 17.020.

Attachment: Planning Commission edits to January 2017 draft (1796 : Zoning Code Update)

Chapter 17.74 – ACCESSORY DWELLING UNITS

Sections:

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



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

17.74.010 Purpose

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

17.74.020 Definitions

Terms used in this chapter are defined as follows:

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

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

17.74.030 Required Permits

A. Internal Accessory Dwelling Units.

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

B. Attached and Detached Accessory Dwelling Units.

1. **Administrative Permit.** Attached and detached accessory dwelling units consistent with Section 17.74.040 (Standards for All Accessory Dwelling Units) and Section 17.74.050 (Standards for Attached and Detached Accessory Dwelling Units) are allowed with an Administrative Permit.
2. **Design Permit and Conditional Use Permit.**

- a. The Planning Commission may approve an attached or detached accessory dwelling units that deviates from the standards in Subsections C (Unit Size) through J (Open Space and Landscaping) of Section 17.74.050 (Standards – Attached and Detached Accessory Dwelling Units) with the approval of a Design Permit and a Conditional Use Permit.
 - b. All two-story attached and detached accessory dwelling units require Planning Commission approval of a Design Permit and Conditional Use Permit.
- C. Conditional Use Permit Findings.** To approve a Conditional Use Permit for an accessory dwelling unit, the Planning Commission must make all of the findings in Section 17.74.050 (Findings).
- D. Time Limit to Act.** The City shall complete its review of an accessory dwelling unit application requiring an Administrative Permit and approve or deny the application within 120 days after receiving an application.

17.74.040 Standards for All Accessory Dwelling Units

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

- A. Compliance with Zoning District Standards.** An accessory dwelling unit shall comply with all requirements of the applicable zoning district except as modified in this chapter.
- B. One Primary Residence on Parcel.** An accessory dwelling unit is permitted only when not more than one primary single-family dwelling is present on a parcel or is constructed concurrently with the accessory dwelling unit.
- C. Occupancy.** The property owner must occupy either the primary or accessory dwelling. The Planning Commission may grant an exception to this requirement in the case of unique hardship with the approval of a Conditional Use Permit.
- D. Maximum Number per Parcel.** Only one accessory dwelling unit is allowed on a single parcel.
- E. Parking.**
 - 1. **Internal Accessory Dwelling Units.** Off-street parking in addition to any off-street parking required for the primary residence is not required for an internal accessory dwelling unit.
 - 2. **Attached and Detached Accessory Dwelling Units.**
 - a. Except as provided in Paragraph (c) below, one off-street parking space shall be provided for an attached or detached accessory dwelling unit in addition to any off-street parking required for the primary residence.
 - b. Required off-street parking may be provided as tandem parking on an existing driveway and may be located within minimum required setback areas from front,

side, and rear property lines on the parcel in accordance with Section 17.76.040.B (Parking in Front and Exterior Side Setback Areas).

- c. No off-street parking is required for an attached or detached accessory dwelling unit in the following cases:
 - (1) The accessory dwelling unit is located within one-half mile of a bus transit stop with a frequency of service interval of 15 minutes or less during the morning and afternoon peak commute periods.
 - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
 - (3) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - (4) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

F. Utility Connections.

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

17.74.050 Standards for Attached and Detached Accessory Dwelling Units

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

- A. **Permitted Location.** Attached and detached accessory dwelling units are permitted only in:
 1. The Single-Family Residential (R-1) zoning district; and

- 2. The Multi-Family Residential (RM) and Neighborhood Mixed Use (MU-N) zoning districts on lot of 5,000 square feet or more occupied by one single-family dwelling.
- B. Minimum Lot Size.** An attached or detached accessory dwelling unit is permitted only on parcels 5,000 square feet or greater.
- C. Unit Size.** The maximum permitted floor area for an attached or detached accessory dwelling unit is as follows:
 - 1. Attached accessory dwelling units: 50 percent of the primary dwelling floor area, not to exceed 1,200 square feet.
 - 2. Detached accessory dwelling units: 1,200 square feet.
- D. Maximum Floor Area Ratio.** The combined floor area ratio (FAR) of a lot with a primary residence and an attached or detached accessory dwelling unit shall not exceed 0.60.
- E. Height and Setback Standards.**
 - 1. Height and setbacks standards for attached and detached accessory dwelling units are shown in Table 17.74-2.
 - 2. The Planning Commission may allow a detached accessory dwelling unit to exceed the height limits in Table 17.74-2 to accommodate a roof design that matches special roof features of the primary residence. Such a height exception requires Planning Commission approval of a Design Permit and a Conditional Use Permit.

TABLE 17.74-2: ACCESSORY DWELLING UNIT SETBACK AND HEIGHT STANDARDS

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

Attachment: Draft Chapter 17.74 Accessory Dwelling Units.pdf (1796 : Zoning Code Update)

Notes:

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

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

G. Doors and Windows.

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

H. Orientation.

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

I. Design. The design of the accessory dwelling unit shall complement the design of the primary residence by use of the similar exterior wall materials, window types, door and window trims, roofing materials and roof pitch.

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

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

17.74.060 Findings

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

- A.** The exterior design of the accessory dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
- B.** The exterior design is in harmony with, and maintains the scale of, the neighborhood.
- C.** The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
- E. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
- F. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan.
- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

17.74.070 Deed Restrictions

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

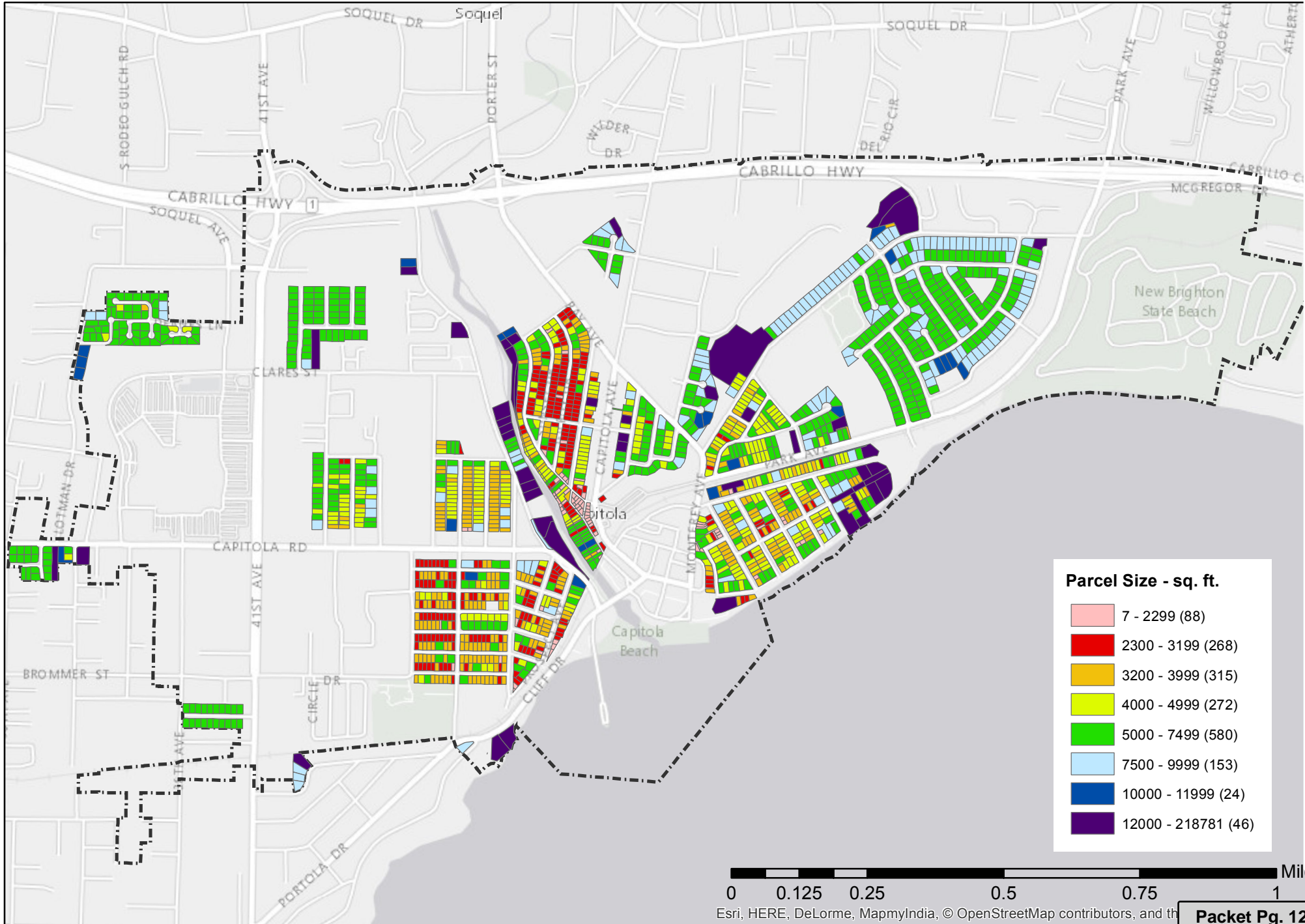
17.74.080 Incentives

A. Fee Waivers for Affordable Units.

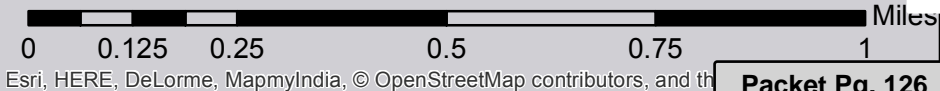
- 1. The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.

2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
 3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.
- B. Historic Properties.** The Planning Commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a Historic Resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the Planning Commission shall approve a Conditional Use Permit and find that the exception is necessary to preserve the architectural character of the primary residence.

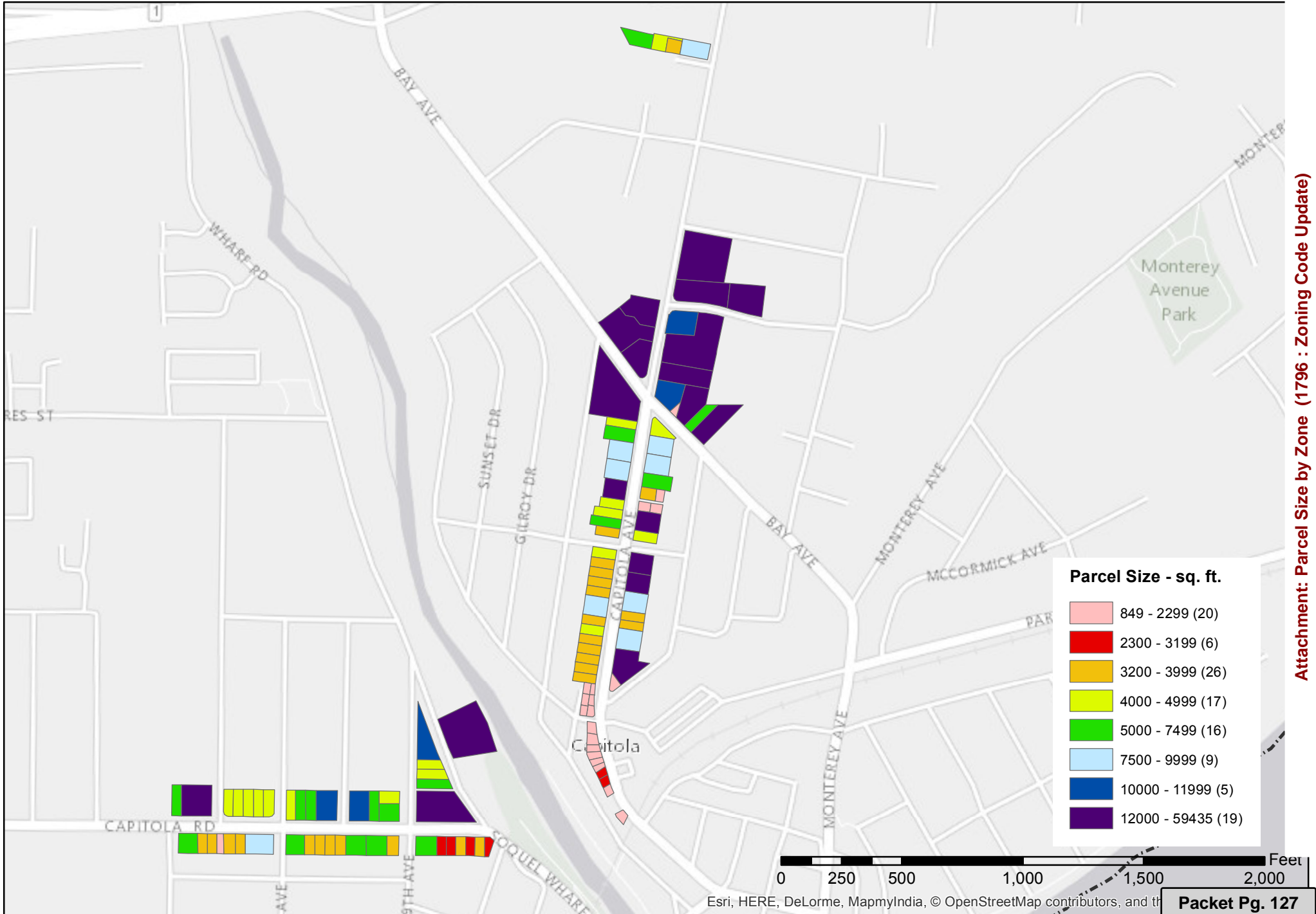
Single Family Residential Parcels



Attachment: Parcel Size by Zone (1796 : Zoning Code Update)



Neighborhood Mixed Use Parcels





ECONOMIC DEVELOPMENT
HOUSING AND COMMUNITY DEVELOPMENT DIVISION
337 LOCUST STREET, SANTA CRUZ, CA 95060 • 831-420-5150 • www.cityofsantacruz.com

**2016
ACCESSORY DWELLING UNITS
FEE WAIVER INFORMATION and APPLICATION**

Various types of City permit fees (see Exhibit "A" attached) may be waived in exchange for a property owner's agreement to restrict a new accessory dwelling unit ("ADU") for rent to a low or very-low income household. More fees are waived in exchange for an agreement to rent to very-low income households as opposed to low income households. *Estimated* 2016 fees for a 500 sq.ft. ADU are approximately \$13,978 (see Exhibit "B" attached). Please note that the list of fees may not be all inclusive. Check with the Building and Safety Division for a specific list of fees that apply to your project.

Prior to receiving a building permit, all ADU owners are required to execute and record an "Accessory Dwelling Unit Affordable Housing Declaration of Covenants and Land Use Restrictions - Fee Waivers". This document regulates the establishment, use and occupancy of the ADU, establishes the maximum allowable income of the tenant household, and the maximum rents that may be charged, based upon the level of affordability (see Exhibit C and D attached for 2016 levels). These restrictions are recorded against the property in perpetuity. Owners submit an annual compliance report to the City certifying the tenant household's income and the rents charged.

Owners wishing to remove the restrictions in the future must pay any previously waived fees.

In order to obtain fee waivers, owners must submit a Fee Waiver Application (attached).

Please note the following:

Under California Labor Code Section 1720(a) prevailing wage requirements apply to any public works project, defined to include any construction project "paid for all or in part out of public funds". Per Section 1720(b)(4) a construction project is paid for in part out of public funds when "fees...are paid, reduced, charged at less than fair market value, waived, or forgiven" by the City.

Accordingly, recipients of ADU fee waivers must require their contractors and sub-contractors to pay state prevailing wage rates to their employees. Fee waiver recipients are required to certify their compliance with this requirement.

For additional information, please contact the City's Housing and Community Development Division at 831-420-5109.

**EXHIBIT "A"
TYPES OF PERMIT FEES WAIVED**

Santa Cruz Municipal Code Section 24.16.300

Only units designated as very-low or low income are eligible for fee waivers. The following list may not include all fees specific to individual projects.

FEE TYPE	VERY-LOW INCOME (0% - 50% of median income)	LOW INCOME (51%-60% of median income)
Planning Application Fee (Only if project is 100% affordable)	X	X
Planning Plan Check Fee (Only if project is 100% affordable)	X	X
Building Permit Fee	X	
Building Plan Check Fee	X	
Parks Fee	X	
Water Connection Fee	X	X
Sewer Connection Fee	X	X
Fire Fee Application & Plan Check	X	
Parking Deficiency Fee (Only if located in the Downtown Parking District)	X	

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

EXHIBIT "B"
ESTIMATED 2016 ADU FEES

(Fees are approximate only and may vary for individual projects. Check with the Building and Safety Division for a list of fees specific to your project.)

FEE TYPE	AMOUNT
Planning Plan Check Fee	\$600.00
Building Permit Fees	\$3,275.00
Building Plan Check Fee	\$650.00
Parks Fee	\$1,500.00
Water System Development Charge	\$6,793.00
Sewer Connection Fee	\$900.00
Fire Fee	\$260.00
Total:	\$13,978.00

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

EXHIBIT "C"

2016
MAXIMUM ALLOWABLE VERY-LOW INCOME (50% AMI) BY HOUSEHOLD SIZE
AND
MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
ACCESSORY DWELLING UNITS
PER RESOLUTION NO. NS-22,856

BASED ON HCD INCOME LIMITS EFFECTIVE MAY 24, 2016¹

<u>VERY- LOW INCOME HOUSEHOLDS</u>		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size - Note 1	\$ 60,900	\$ 69,600
STEP 3 Very Low Income - Note 2 + 3 Maximum Allowable Household Gross Annual Income State HCD	\$ 33,550	\$ 38,350
STEP 4 Divide Step 3 by 12 Maximum Allowable Monthly Income	\$ 2,796	\$ 3,196
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 839	\$ 959

1. California Department of Housing and Community Development (HCD limits) effective May 24, 2016.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with the formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.

EXHIBIT “D”

**2016
 MAXIMUM ALLOWABLE LOW INCOME (60%AMI) BY HOUSEHOLD SIZE
 AND
 MAXIMUM ALLOWABLE RENTS BY UNIT SIZE
 ACCESSORY DWELLING UNITS
 PER RESOLUTION NO. NS-22,856**

BASED ON HCD INCOME LIMITS EFFECTIVE MAY 24, 2016¹

LOW INCOME HOUSEHOLDS		
HOUSEHOLD INCOME ELIGIBILITY	HOUSEHOLD SIZE / UNIT SIZE	
STEP 1 Determine household size	1 PERSON STUDIO	2 PERSON 1-BEDROOM
STEP 2 Determine HUD Median Income by household size--Note 1	\$ 60,900	\$ 69,600
STEP 3 Multiply Step 2 by 60%--Note 2 Maximum Allowable Household Gross Annual Income	\$ 36,540	\$ 41,760
STEP 4 Divide Step 3 by 12--Note 3 Maximum Allowable Monthly Income	\$ 3,045	\$ 3,480
STEP 5 Multiply Step 4 by 30%--Note 4 Maximum Allowable Rent Owner Paid Utilities	\$ 914	\$ 1,044

1. California Department of Housing and Community Development (HCD limits) effective May 24, 2016.
2. In accordance with the following, household assets must be considered when determining a household's income:
 - a. If total household assets do not exceed the maximum allowable income shown above; no assets shall be counted.
 - b. If total household assets exceed the maximum allowable income shown, the value of those assets shall be calculated in accordance with formula utilized by the Housing Authority of the County of Santa Cruz for the Section 8 Housing Choice Voucher Program (.44% of the net value of the assets or the actual earned income from the asset, whichever is greater) and shall be added to the household's actual gross annual income; that total shall be less than the maximum allowable income shown above.
 - c. For households consisting of at least one person over 62 years of age, the first \$60,000 of assets shall be excluded from calculations under 2a and 2b above.
3. The gross annual income of a household (all household members) may not exceed the maximum allowable income shown above by respective household size.
4. Table assumes landlord pays utilities and shows maximum allowable rent, which includes utilities. Utility costs are established by the Housing Authority of the County of Santa Cruz in conjunction with the Section 8 Rent Subsidy Program. If tenant pays utilities, a utility allowance must be deducted from the maximum allowable rent.

Attachment: Santa Cruz ADU fee waiver (1796 : Zoning Code Update)

Chapter 17.80 – SIGNS

Sections:

17.80.010	Purpose and Applicability
17.80.020	Definitions
17.80.030	Permit Requirements
17.80.040	Rules of Measurement
17.80.050	Signs Allowed Without Permits
17.80.060	Prohibited Signs
17.80.070	General Sign Standards
17.80.080	Standards for Specific Types of Signs
17.80.090	Design Standards
17.80.100	Residential Signs
17.80.110	Temporary Signs
17.80.120	Adjustment to Sign Standards
17.80.130	Master Sign Program
17.80.140	Nonconforming Signs
17.80.150	Violations and Enforcement

17.80.010 Purpose and Applicability

- A. Purpose.** This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:
1. Support economically viable businesses serving city residents, workers, and visitors.
 2. Allow for signage that identifies businesses in a fair and equitable manner.
 3. Protect and enhance the aesthetic qualities of the city.
 4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
 5. Allow for a simple and streamlined sign permitting process.
- B. Applicability.** This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

17.80.020 Definitions

The following definitions apply to this chapter:

- A. Awning Sign.** A sign incorporated into, attached, or painted on an awning.

- B. Awning Face Sign.** A sign located on the sloping plane face of an awning.
- C. Awning Valance Sign.** A sign located on the valance of an awning perpendicular to the ground.
- D. Center Identification Sign.** A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. Construction Site Sign.** An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.
- F. Directory Sign.** An on-premise sign which shows the direction to or location of a customer entrance to a business.
- G. Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
- H. Monument Sign.** An independent, freestanding structure supported on the ground as opposed to being supported on the building.
- I. Projecting Sign.** Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.
- J. Roof Sign.** Any sign that is mounted on a roof or a parapet, of a building.
- K. Sidewalk Sign.** Movable or permanent business identification signs placed in or attached to a public sidewalk.
- L. Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.
- M. Sign Area.** See Section 17.80.040.A (Calculation of Sign Area).
- N. Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.
- O. Sign Face.** The area of a sign where sign copy is placed.
- P. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.
- Q. Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

17.80.030 Permit Requirements



Note: This sections allows most signs to be approved by the Community Development Director through an Administrative Sign Permit. The existing Zoning Code requires Planning Commission approval for most signs

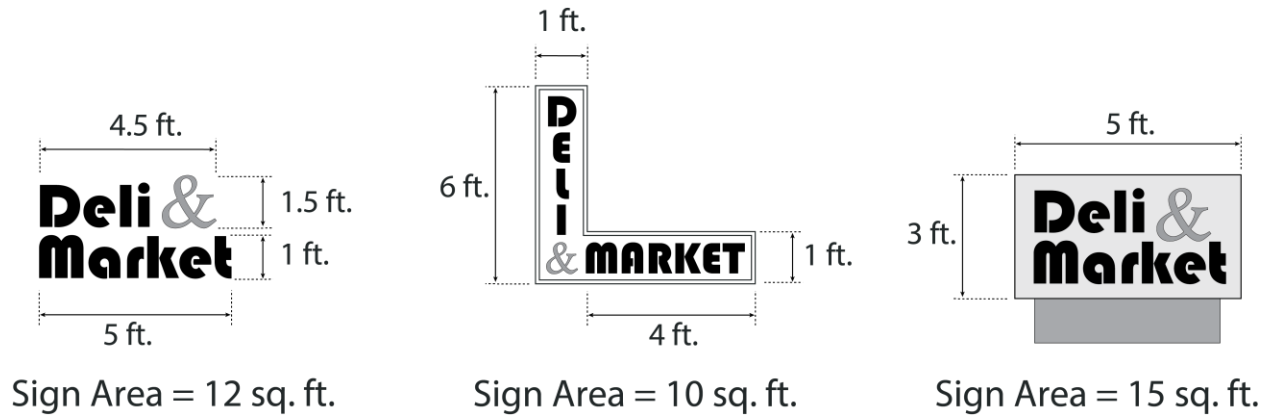
- A. Administrative Sign Permits.** An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:
1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without Permits).
 2. Signs requiring a Sign Permit as identified in Section B below.
- B. Sign Permits.** Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:
1. New signs in the Mixed Use Village (MU-V) zoning district.
 2. Exterior neon signs.
 3. Monument signs for more than four tenants.
 4. Auto dealership signs in the C-R zoning district (Section 17.80.080.A) that are not otherwise allowed with an Administrative Sign Permit.
 5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.120.E).
 6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for Specific Types of Signs)
 7. Master sign programs (Section 17.80.130).
- C. City-Installed Signs.** City-installed signs in all zoning districts do not require a permit.

17.80.040 Rules of Measurement

A. Calculation of Sign Area.

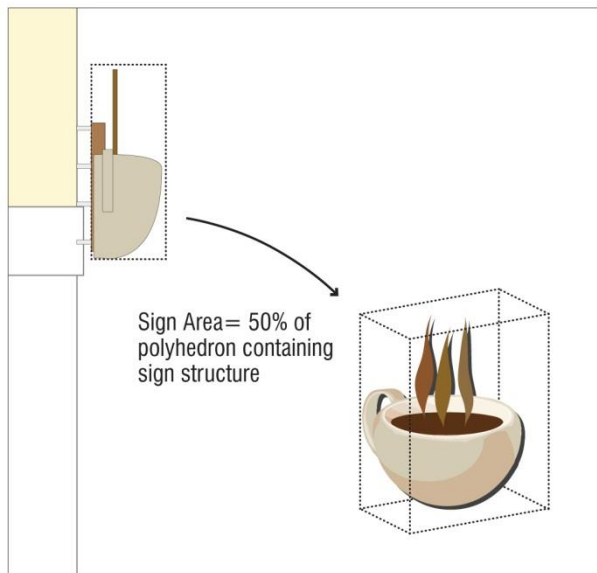
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

FIGURE 17.80-2: NON-PLANER SIGN AREA



B. Monument Sign Height Measurement. The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

17.80.050 Signs Allowed Without Permits

Note: This section expands the type of signs currently allowed without a permit in Section 17.57.030 of the existing Zoning Code.

- A. Types of Signs.** The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:
1. On-site directional signs which do not include commercial messages or images, not to exceed 3 feet in height and 6 square feet in area.
 2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” and other signs of a similar nature.
 3. Flags bearing noncommercial messages or graphic symbols.
 4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
 5. One bulletin board on a parcel occupied by a noncommercial place of public assembly, with a maximum area of 12 square feet.
 6. Political signs during an election period located outside of a public street, path, or right-of-way. Political signs may not exceed 32 square feet per unit.
 7. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
 8. Murals on the exterior of a building that do not advertise a product, business, or service.
 9. Official or legal notices required by a court order or governmental agency.
 10. Signs installed by a governmental agency within the public right-of-way, including signs advertising local nonprofit, civic, or fraternal organizations.
 11. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
 12. Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
 13. Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
 14. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential Signs).
 15. Temporary signs consistent with Section 17.80.110 (Temporary Signs).
 16. Vacation rental signs up to 8.5 inches by 11 inches. Existing rental signs shall be brought into compliance with this standard within one year from [effective date of Zoning Code].

17. Garage sale signs limited to the day of the garage sale.

- B. Building Permit Review.** Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.



Note: Ability to change the face of a sign without approval in Section C below is new to respond to legal requirements for sign regulations to be content neutral.

- C. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.
- D. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

17.80.060 Prohibited Signs



Note: This section expands the types of prohibited signs currently listed in Section 17.57.040 of the existing Zoning Code.

The following signs are prohibited:

- A.** Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
- B.** Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080.K (Sidewalk Signs).
- C.** Roof signs.
- D.** Signs emitting odors, gases, or fluids.
- E.** Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
- F.** Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
- G.** Animated signs, with the exception of clocks and barber poles.
- H.** Signs that emit sound.
- I.** Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
- J.** Signs which flash, blink, change color, or change intensity.
- K.** Beacons.
- L.** Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.

- M. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
- N. Signs adversely affecting traffic control or safety.
- O. Signs containing obscene matter.
- P. Signs with exposed raceways.
- Q. Signs attached to trees.
- R. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
- S. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080.A (Auto Dealership Signs).
- T. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
- U. Signs on public property not placed there by the public entity having the possessory interest in such property.
- V. All other signs not specifically permitted by or exempted from the requirements of this chapter.

17.80.070 General Sign Standards

- A. **Maximum Permitted Sign Area.** Table 17.80-1 identifies the maximum permitted cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

TABLE 17.80-1: SIGN AREA STANDARDS

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU -N	0.5 sq. ft. per linear foot up to 36 sq. ft. max
MU-N, C-R, C-C, I	1 sq. ft. per linear foot up to 50 sq. ft. max
VS, CF, P/OS [1]	As determined through Sign Permit
PD	As determined through the Development Plan

Notes:

Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

- B. Maintenance.** Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.
- C. Building Surface Repair.** When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.
- D. Illumination.**



Note: Limiting internal illumination to lettering, trademark, or logo in paragraph 1 below is new.

1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
 2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
 3. Exposed bulbs are not permitted.
 4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).
- E. Materials and Design.**
1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
 2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.
- F. Location and Placement.**
1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
 2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
 3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. [See Section 17.96.050 \(Intersection Sign Distance\).](#)
- G. Signs in the Public Right-of-Way.**
1. No sign shall be permitted in the public right-of-way, except for:

- a. Signs installed or required by a governmental agency.
 - b. Signs advertising local nonprofit, civic, or fraternal organizations with City Engineer approval.
 - c. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for Specific Types of Signs).
 - d. Sidewalk signs in the Village Mixed Use (MU-V) zoning district consistent with Section 17.80.080.G (Sidewalk Signs).
 - e. Shared auto dealership signs consistent with Section 17.80.080.A (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and Enforcement). The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
 3. [Signs in the public right-of-way may require City approval of an Encroachment Permit.](#)

17.80.080 Standards for Specific Types of Signs

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit [in accordance with Section 17.80.120 \(Adjustment to Sign Standards\)](#).

A. Auto Dealership Signs.

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the C-R zoning district with approval of a Sign Permit subject to the following standards:
 - a. Location: On or adjacent to an auto dealership land use.
 - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
 - c. Maximum Height: At or below roof line.
 - d. Maximum Area: 100 square feet
 - e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.
2. The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.80.110 (Temporary Signs) with the approval of a Sign Permit.

B. Awning Signs.

1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-2: AWNING SIGN STANDARDS

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign Permit Required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

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

C. Monument Signs.

1. Standards for monument signs in each zoning district are as shown in Table 17.80-3.

TABLE 17.80-3: MONUMENT SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		
I			4 ft.

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

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign be placed at least 200 feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

D. Center Identification Signs.

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.
3. No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

E. Directory Signs.

1. Standards for directory signs in each zoning district are as shown in Table 17.80-5.
2. Directory signs may not be legible from adjacent public rights-of-way.
3. Directory signs shall identify the names of the occupant of the building or complex.

TABLE 17.80-5: DIRECTORY SIGN STANDARDS

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

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

F. Wall Signs.

1. Standards for wall signs in each zoning district are as shown in Table 17.80-6.
2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
6. On a corner lot, one wall sign is allowed per street frontage.

TABLE 17.80-6: WALL SIGN STANDARDS

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Note:

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

[2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

G. Projecting Signs.

- Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
- Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
- Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
- An encroachment permit must be obtained for all signs projecting over a public right-of-way.
- A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

TABLE 17.80-7: PROJECTING SIGN STANDARDS

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

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

H. Gas and Service Station Signs. ~~All signs associated with gas and service stations shall~~ In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards_.

1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing is permitted.
5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

I. Parking Garage Signs. A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

J. Window Signs

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.
3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

TABLE 17.80-8: WINDOW SIGN STANDARDS

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

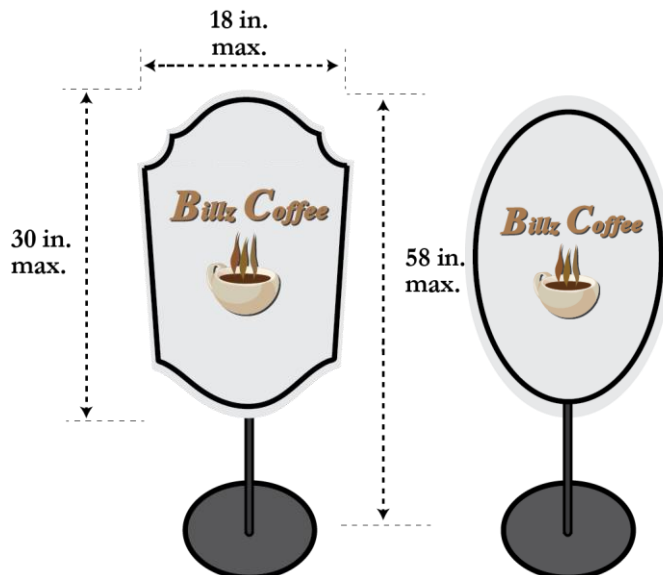
Note:

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

K. Sidewalk Signs.

1. **Where Allowed.** Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. **Permits Required.**
 - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director. *[Option: The shape of the sign face must match the shape shown in Figure 17-80-3.]*
 - b. *Option: The Planning Commission may allow sidewalk signs that deviate from the approved BIA design illustrated in Figure 17-80-3 through the Adjustment to Sign Standards process in Section 17.80.120.*
 - c. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
 - d. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

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



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

TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

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

Note:

[1] Measured from sidewalk to top of sign

4. **Number of Signs.**

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

5. **Materials and Design.**

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

6. **Sidewalk Clearance.**

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

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

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

9. Advertising Multiple Businesses. Individual signs may advertise more than one business.
10. Other Business Signage.
 - a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
 - ~~b.~~ All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.
 - ~~e.b.~~
- ~~11. Multi-tenant developments shall be permitted one sidewalk sign per each common exterior public business entrance.~~
- ~~12. Individual signs may advertise more than one business.~~

17.80.090 Design Standards



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

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

9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the C-C and C-R zoning districts.

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

C. Design Standards for Industrial Zoning District. Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

17.80.100 Residential Signs

A. General Standards. Dwelling units may display signs consistent with the following standards:

1. Maximum allowable sign area: 3 square feet per unit.
2. Maximum number of signs: 1 sign.
3. Permitted sign types: Window and wall signs.
4. The height of signs on fences shall not exceed the maximum permitted fence height in the applicable zone.
5. An Administrative Sign Permit is required if the sign requires a building permit; otherwise, no planning permit is required.
6. Illumination from non-ambient light sources is prohibited. Flashing, neon, and exposed bulb signs are prohibited.
7. Any and all protected non-commercial speech is permitted on a residential sign, including garage sale signs, nameplates, identification signs, and warning signs.

8. For home occupations and vacation rentals, one single wall-mounted outdoor sign of not more than 8.5 inches by 11 inches in area is permitted. Existing signs have one year from adoption of the Zoning Code by the City Council to meet this standard.

B. Multi-Unit Properties. In addition to the signs allowed for each dwelling unit, multi-unit properties may display one or more master signs subject to the following requirements:

1. [A master sign program \(17.80.130\) has been approved for the multi-unit property.](#)
2. Maximum allowable sign area: 20 square feet per property.
3. A master sign for a multi-unit property requires an Administrative Sign Permit.

17.80.110 Temporary Signs

A. Permitted Temporary Signs. Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-1 with approval of a Sign Permit.

TABLE 17.80-10 TEMPORARY SIGN STANDARDS

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/ Size	Maximum Duration
Auto Dealership Signs - Flags - Pennants - Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	30 continuous calendar days; no more than 120 days each calendar year
Commercial Banner Signs	Administrative Sign Permit	Non-residential uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs - Non-Residential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear site frontage; 2 sign maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; Director may approve extension
Open House or model home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of open house.
Special Event	None	Special events open to the public (e.g., open studio)	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of special event house.
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

Attachment: Sidewalk Sign Ordinance (1796 : Zoning Code Update)

17.80.120 Adjustment to Sign Standards



Note: Ability for the Planning Commission to approve modifications to certain sign standards are new.

This section establishes procedures to allow the Planning Commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

- A. Permit Required.** Adjustments to sign standards allowed by this section requires Planning Commission approval of a Sign Permit.
- B. Permitted Adjustments.** The Planning Commission may allow adjustment to the following sign standards:
1. The type of sign allowed in non-residential zoning districts (e.g., awning signs, monument signs).
 2. Requirements for temporary signs.
 3. The maximum permitted sign area up to a 25 percent increase.
 4. The maximum permitted sign height up to 25 percent increase.
- C. Excluded Adjustments.** The Planning Commission may not use the sign standards adjustment process to approve deviations to the following sign standards:
1. Prohibited Signs (Section 17.80.060).
 2. [All general Sign Standards \(Section 17.80.070\) except maximum permitted sign area \(17.80.70.A\).](#)
 3. Maximum number of signs allowed per property.
 4. Residential signs (Section 17.80.100).
- D. Findings.** The Planning Commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve Sign Permit applications:
1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
 2. The sign will not adversely impact neighboring properties or the community at large.
 3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
 4. The sign will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
 5. The adjustment will not establish an undesirable precedent.

E. Low Visibility Commercial Properties.

1. In addition to adjustments allowed by subsection A through D above, the Planning Commission may allow additional adjustments to sign standards for low visibility properties in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.
2. Adjustments to sign standards for low visibility properties require Planning Commission approval of a Sign Permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
 - a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
 - b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

17.80.130 Master Sign Program

- A. **Purpose.** The purpose of the Master Sign Program is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.
- B. **Applicability.** A Master Sign Program is required for multi-family uses with more than one permanent sign proposed, and any non-residential development with four or more tenants.
- C. **Permit Required.** A Master Sign Program requires Planning Commission approval of a Sign Permit.
- D. **Applications.** Applications shall be filed with the Planning Department on the appropriate City forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the Department to clearly and accurately describe the proposed Master Sign Program.

E. Master Sign Program Contents. All Master Sign Programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.



Note: Design standards for master sign programs in Subsection F below which allow variety in the design of individual signs are new.

F. Design Standards.

1. Master Sign Programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of individual signs.
2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow a prohibited signs as identified in Section 17.80.060 (Prohibited Signs).

G. Effect of Master Sign Program.

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
3. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

17.80.140 Nonconforming Signs

This section applies to all legally-established signs that do not conform to current requirements in this chapter.

A. Continuation.

1. Except as required by paragraph 2 below, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. A nonconforming sign must be brought into conformance with this chapter if the existing structure is increased beyond 50 percent of the floor area of the existing structure.

B. Allowed Changes.

1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.

2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.



Note: Requirements to bring nonconforming signs into compliance in Subsection C below are new.

C. Required Compliance. A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of 90 days or more.
2. The sign has sustained at least 50-percent damage to its structure.
3. The sign is located on a remodeled building façade.
4. The sign is relocated to a different lot or building.

17.80.150 Violations and Enforcement



Note: This section adds more detailed procedures for the removal of illegal signs currently addressed in Sections 17.57.130 and 140 of the existing Zoning Code.

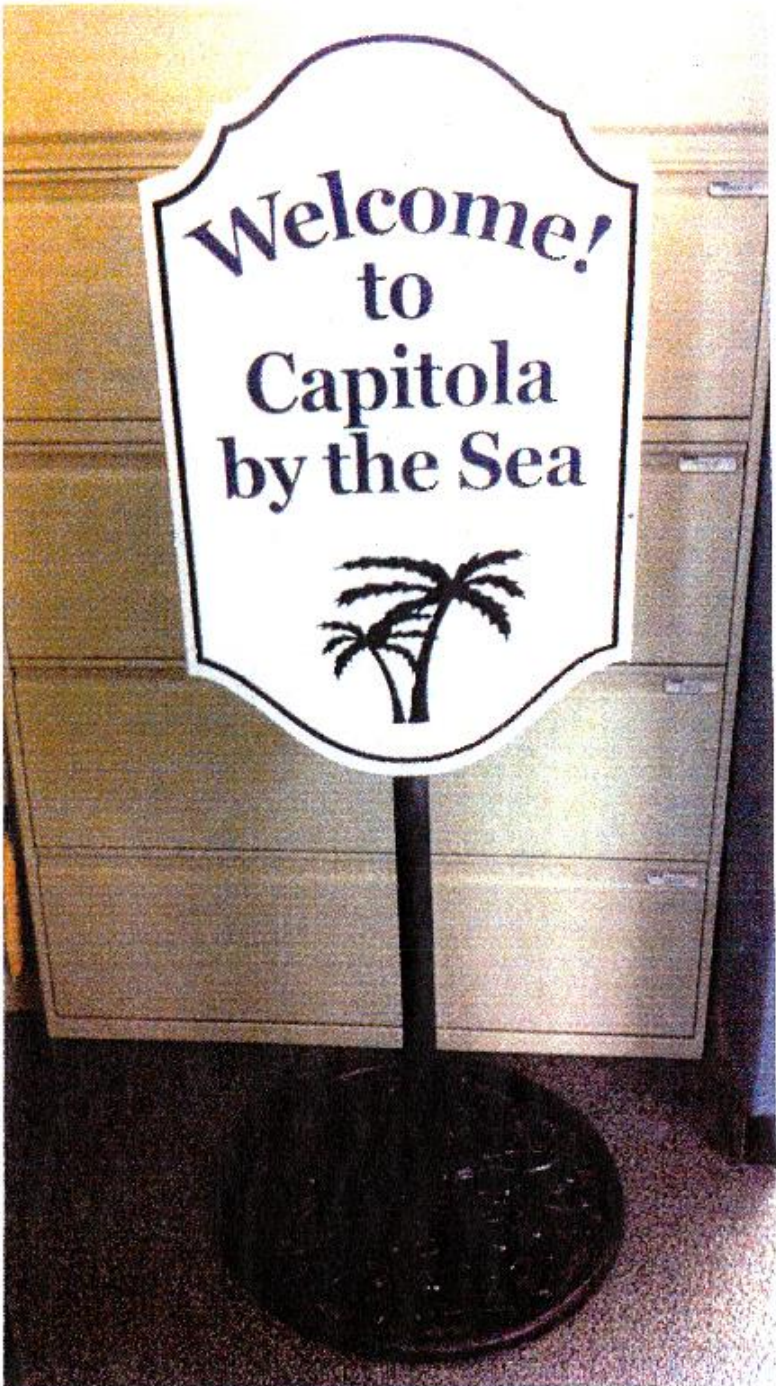
A. Illegal Signs. It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

B. Removal of Illegal Signs.

1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner or person responsible for the sign a written certified notice that:
 - a. Describes the physical characteristics of the subject sign.
 - b. Explains the nature of the violation.
 - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
 - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
 - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
 - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.

3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.

Copy of the approved BIA sidewalk sign maintained in the planning department of the City of Capitola.



Attachment: BIA Sidewalk Sign (1796 : Zoning Code Update)

Jacob and Alex Heintz

3895 Brommer St.
Capitola, Ca 95062
alexheintz33@yahoo.com

March 28, 2017

Capitola City Council
420 Capitola Ave.
Capitola, Ca 95010

To Whom it May Concern:

We would like to request that the zoning of our property at 3895 Brommer Street be changed from CC (Community Commercial) to RM-H (Multiple-Family High Density).

We are requesting this because we want to be able to make improvements on our property, consistent with the surrounding neighborhood. In this request, it would seem logical to make 3881, 3895, and 3891 all RM-H. The surrounding residences are already RM-H, and 3881 has always had two residences on it. Changing the zoning to RM-H would make it legal conforming.

Please see the attached maps. Thank you for your consideration.

Sincerely,



Jacob Heintz



Alex Heintz

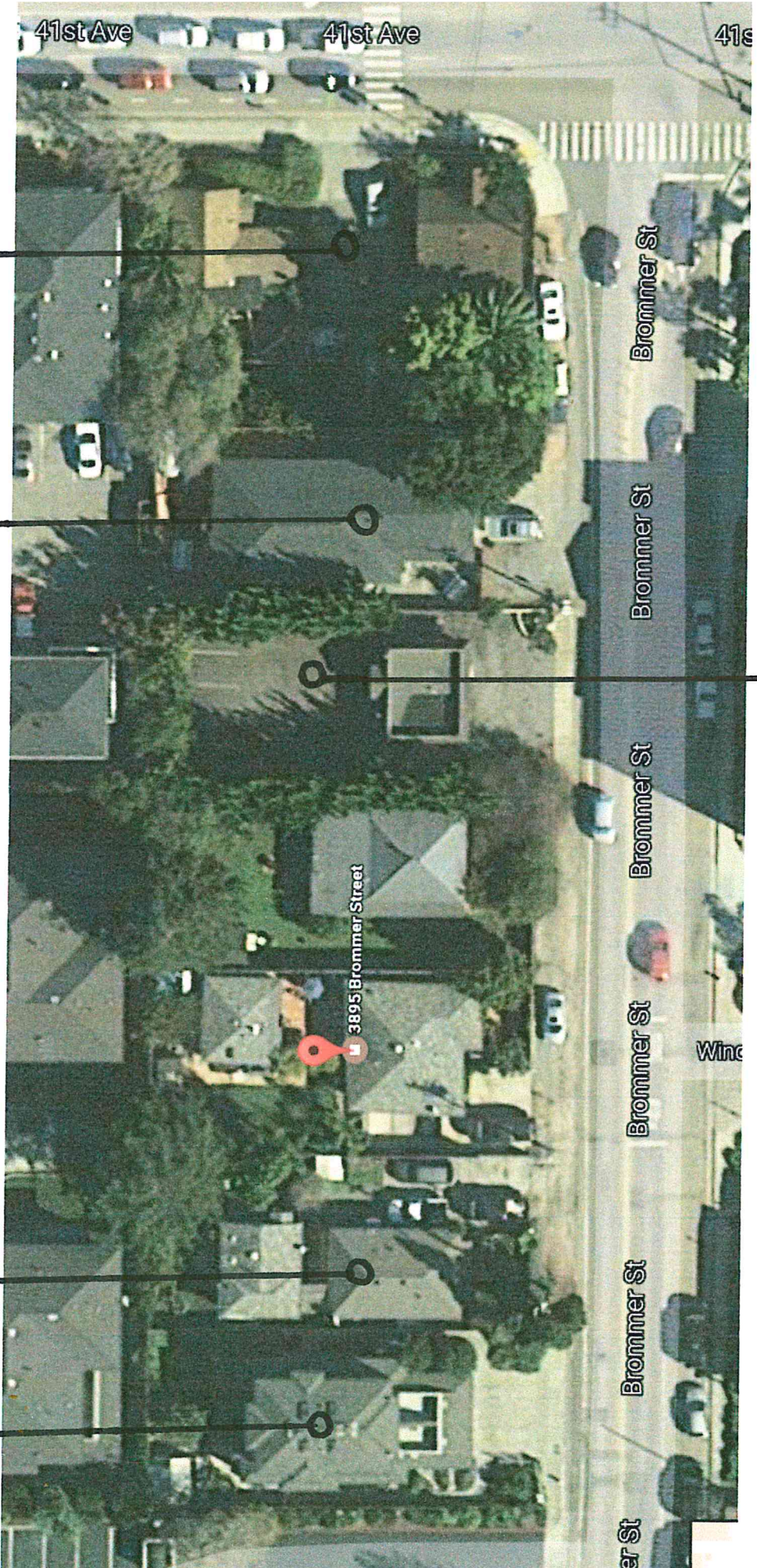
Multiple units

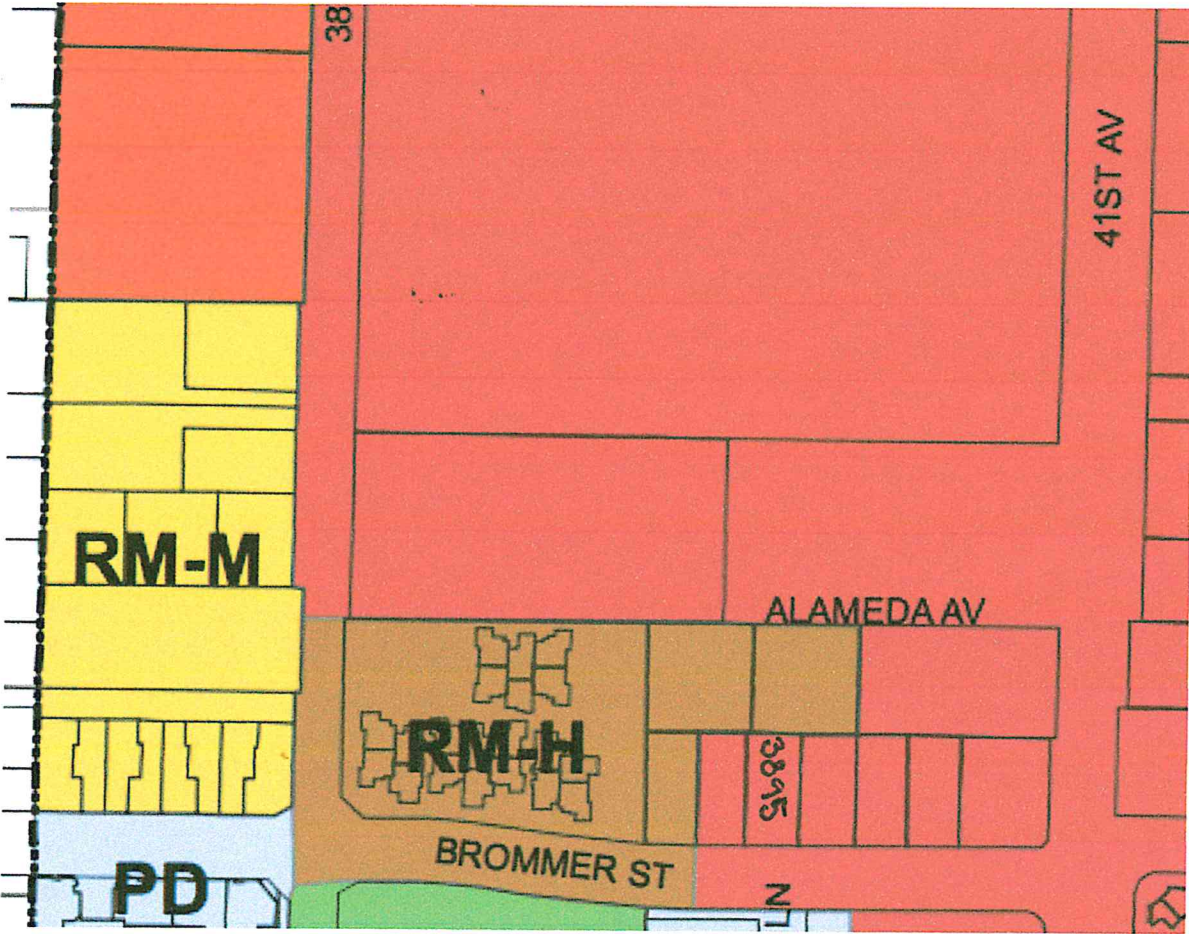
Multiple units

Multiple units

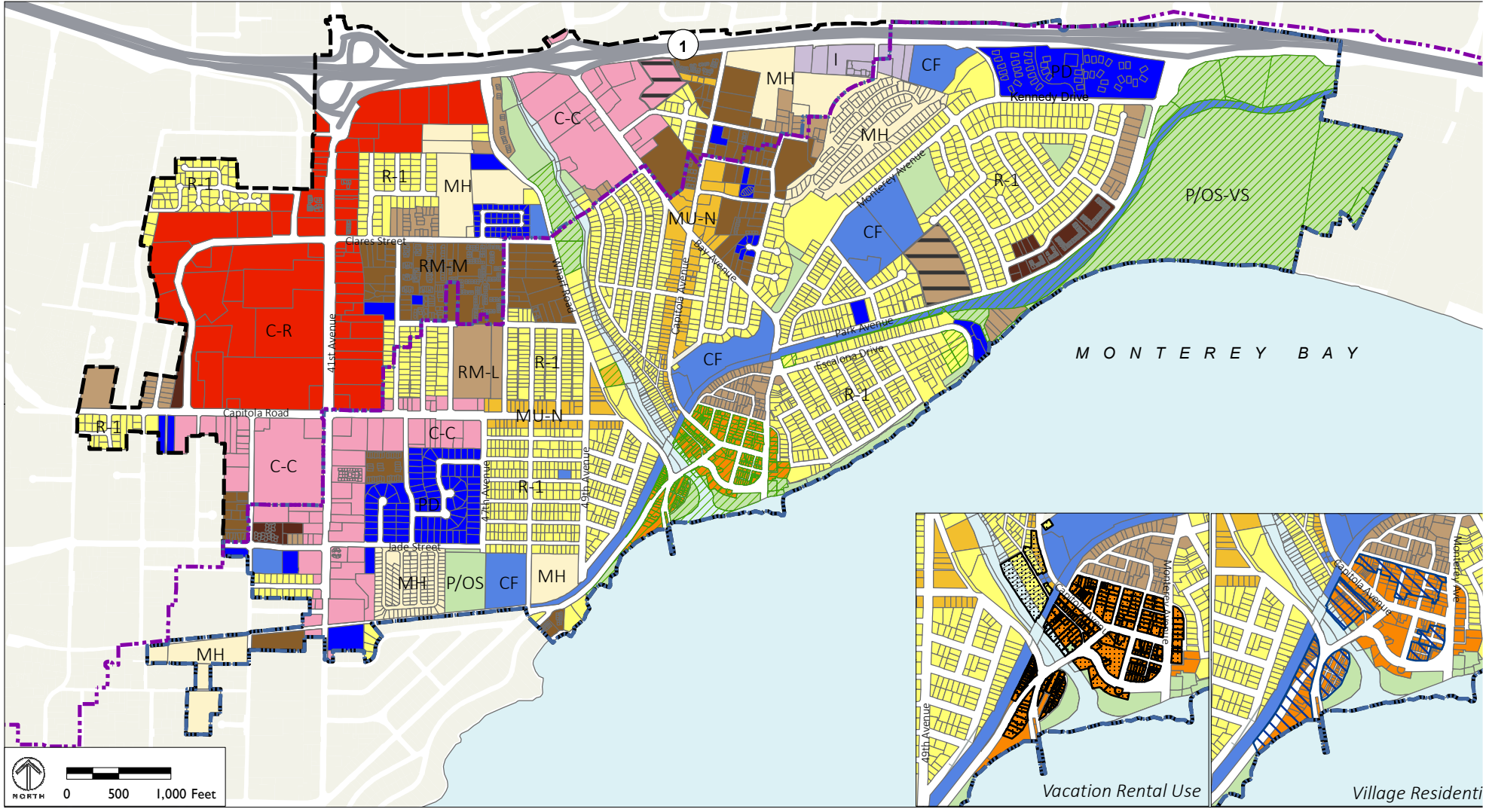
Multiple units

Proposed Development for Multiple units





CITY OF CAPITOL
ZONING CODE UPDATE



Attachment: Zoning Map (1796 : Zoning Code Update)

Residential Zoning Districts

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

Mixed-Use Zoning Districts

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

Commercial and Industrial Zoning Districts

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

Other Zoning Districts

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

Overlay Zones*

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

City Limit

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017

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