

Chapter 17.48 – HEIGHT, SETBACKS, AND FLOOR AREA

Sections:

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

17.48.010 Purpose

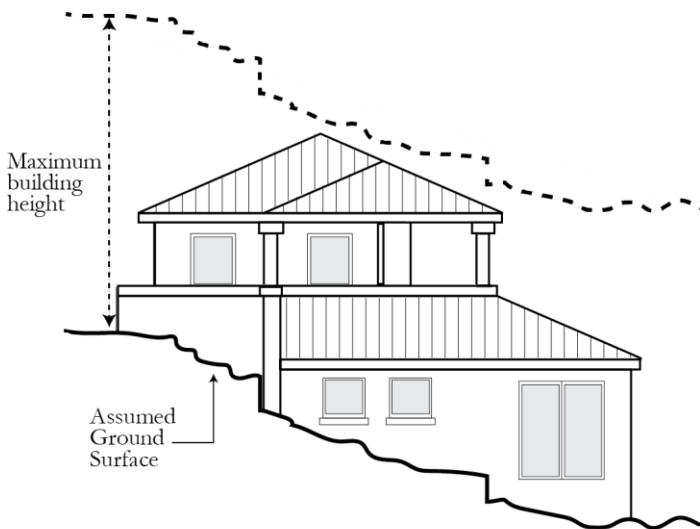
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

17.48.020 Height Measurement and Exceptions

A. Measurement of Height.

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

FIGURE 17.48-1: MEASUREMENT OF MAXIMUM PERMITTED BUILDING HEIGHT



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



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

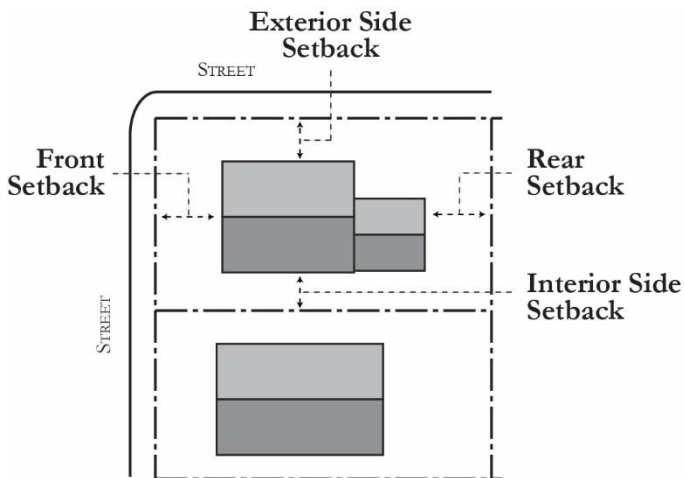
TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS

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

17.48.030 Setback Measurement and Exceptions

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

FIGURE 17.48-2: SETBACK MEASUREMENT



Note: See specific zoning district for required minimum setback

B. Projections over Property Lines. Structures may not extend beyond a property line or into the public right-of-way, except when allowed with an Encroachment Permit.

C. Projections into Required Setback. Features of the primary structure on a lot may project into required setback areas as shown in Table 17.48-2, subject to the requirements of the Building Code. See Chapter 17.52 (Accessory Structures and Uses) for setback requirements that apply to accessory structures.

TABLE 17.48-2: ALLOWED PROJECTIONS INTO REQUIRED SETBACKS

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

Notes:

[1] Projecting bay window may not exceed 60 percent of the width of the wall in which it is located.

[2] Ground floor only; maximum railing height 30 inches.

[3] Limited to 50 percent of the length of the average of the two sides of the structure.

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

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

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

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



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

17.48.040 Floor Area and Floor Area Ratio

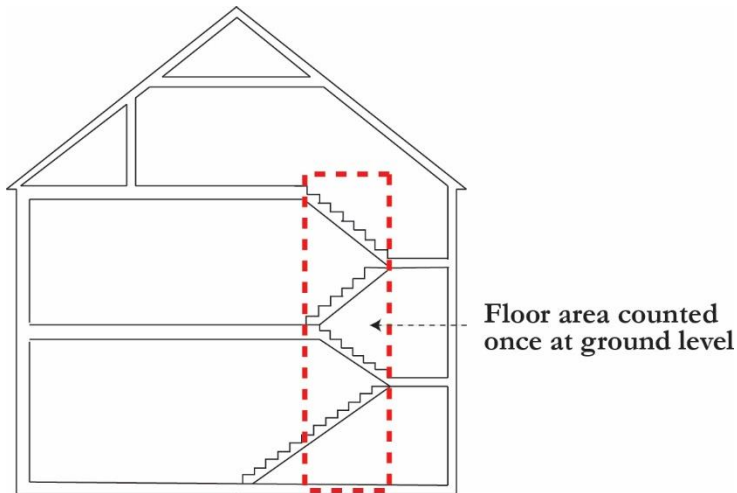
A. Floor Area Defined. Floor area means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

B. Floor Area Calculation.



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

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

FIGURE 17.48-3: FAR MEASUREMENT FOR STAIRWAYS

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

- b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
- c. Quasi-public seating areas located in a privately owned shopping center which is open to all of the patrons of all of the businesses of the shopping center and which consists of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities.

C. Floor Area Ratio.

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

Chapter 17.52 – ACCESSORY STRUCTURES AND USES

Sections:

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

17.52.010 Purpose and Applicability

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

17.52.020 Accessory Structures

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

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

B. Accessory Structures in Residential Zoning Districts.

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



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

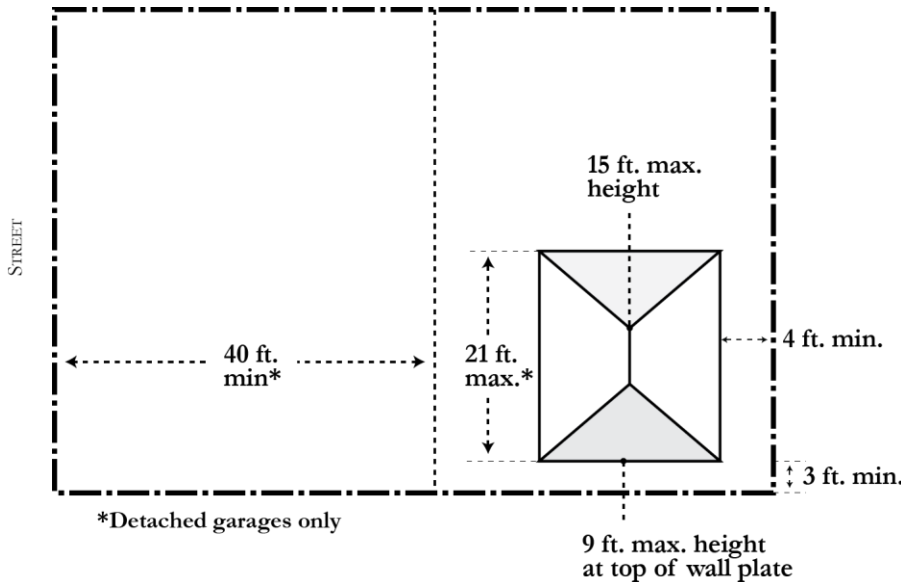
TABLE 17.52-1: ACCESSORY STRUCTURE STANDARDS IN RESIDENTIAL ZONING DISTRICTS

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

Note:

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

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



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



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

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

17.52.030 Accessory Uses

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

(e.g., child day care, food services) intended to serve employees or customers and that are not visible from public streets.



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

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

Chapter 17.56 – ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

Sections:

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



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

17.56.010 Purpose and Intent

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

17.56.020 Coastal Permit

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

17.56.030 Archaeological Survey Report

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

C. Mitigation Plan

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

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

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

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

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

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

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

17.56.040 Environmental Assessment Requirement

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

17.56.050 Development Standards

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

Chapter 17.60 – FENCES AND WALLS

Sections:

- 17.60.010 Permit Requirements
- 17.60.020 Measurement of Fence and Wall Height
- 17.60.030 Height Limits
- 17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue Walkway
- 17.60.050 Materials
- 17.60.060 Parking Lot Screening
- 17.60.070 Private Agreements
- ~~17.60.070 Nonconforming Fences and Walls~~

17.60.010 Permit Requirements

- A. Administrative Permit.** An Administrative Permit is required to establish a new fence or wall consistent with the height, placement, and material standards in this chapter. Replacement of an existing fence that is in compliance with standards of this chapter does not require a permit.
- B. Design Permit.** The Planning Commission may allow fences and walls that deviate from height, placement, and material standards with the approval of a Design Permit. The Planning Commission may approve a deviation to a fence standard provided that the deviation will not result in a significant adverse impact for neighboring properties or the community at large when one or more of the following apply:
1. Unique circumstances exist on the site, such as a property line abutting a highly trafficked public street or path or historic use of screening for the property; and/or
 2. The deviation is necessary for the reasonable use and enjoyment of the property.
- ~~B.C.~~ Building Permit.** Fences and walls may require a building permit as required by California Building Code.
- ~~C.D.~~ Encroachment Permit.**
1. A fence in the public right-of-way requires Public Works Department approval of a Minor Revocable Encroachment Permit. See Municipal Code Section 12.56.060(A).
 2. A wall in the public right of way requires Planning Commission approval of a Major Revocable Encroachment Permit. See Municipal Code Section 12.56.060(B).

17.60.020 Measurement of Fence and Wall Height

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



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

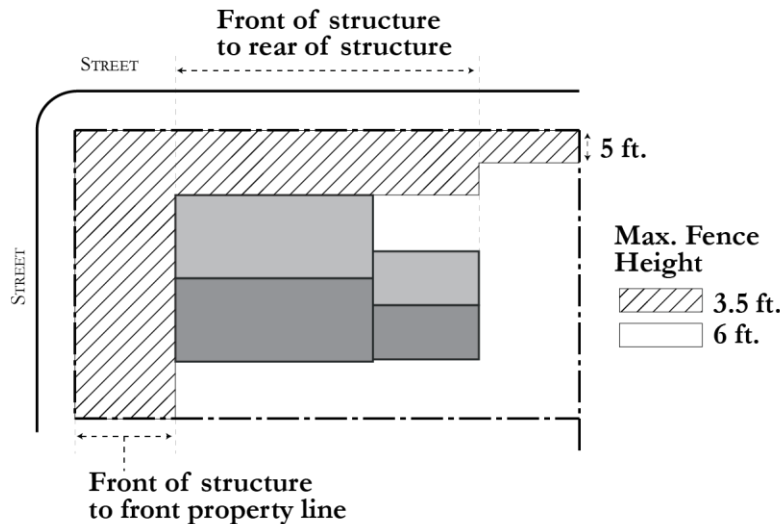
17.60.030 Height Limits

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

TABLE 17.60-1: FENCE AND WALL HEIGHT

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

FIGURE 17.60-1: FENCE AND WALL HEIGHT



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

B-C. Decorative Features and Materials.

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



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

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

17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue Walkway

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

- A. Maximum height: 3 ½ feet.
- B. Required material: wood, ornamental steel or iron, or other similar material.
- C. Fences may not be constructed of solid material. Fences shall maintain public views through the use of widely-spaced vertical posts or other techniques.

17.60.050 Materials



Note: Material standards in this section are new.

- A. **Permitted Materials.** Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood, and shall be of a complementary color and material with the primary building. Other materials may be permitted if the Community Development Director determines the design to be compatible with adjacent structures and its surrounding neighborhood.
- B. **Prohibited Materials.**
 1. Fences and walls may not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding,

corrugated tin, and other similar materials not specifically designed for use as fencing.

2. Barb-wire, razor wire, and electric fences are prohibited in all zoning districts. Chain link fences are prohibited in residential zoning districts, except for temporary use during construction with an active building permit.

17.60.060 Parking Lot Screening

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

17.60.070 Private Agreements

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

Nonconforming Fences and Walls

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

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

Chapter 17.64 – ENVIRONMENTALLY SENSITIVE HABITAT AREAS

Sections:

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

17.64.010 Purpose

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

17.64.020 Applicability

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

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

17.64.030 General Standards

The following standards apply to all environmentally sensitive habitat areas:

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

D. Minimum Setbacks.

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

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

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

Notes:

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

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

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

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

G. Erosion Control and Water Quality.

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

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

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

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

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

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

17.64.040 Soquel Creek and Lagoon

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

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

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

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

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

17.64.060 **Escalona Gulch Monarch Butterfly Habitat Areas**

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

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

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

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

G. Tree Protection.

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

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

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

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

Chapter 17.72 LANDSCAPING

Sections:

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

17.72.010 Purpose

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

17.72.020 Applicability



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

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

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

- ~~1. Construction of new primary structures.~~
- ~~1-2. Additions that increase the floor area of a multi-family or non-residential structure by 3,000 square feet or more.~~
- ~~2. Additions that increase the floor area of a single-family dwelling by 10 percent or more.~~

B. Singly Family Projects.

- ~~1. New single-family homes shall comply with all requirements of this chapter.~~
- ~~3-2. Additions that increase the floor area of a multi-family or non-residential structure by 3,000 square feet or more. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a Design Permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape Standards). The City will evaluate compliance with these standards based on the plans and materials submitted as part of the Design Permit application. Submittal of a Landscape Plan for the entire site in accordance with Section 17.72.040 (Landscape Plans) is not required.~~

17.72.030 Water Efficient Landscape Design and Installation Ordinance

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



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

17.72.040 Landscape Plans

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

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

17.72.050 Required Landscape Areas

A. Residential Zoning Districts.

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

B. Non-Residential Zoning Districts.

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

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

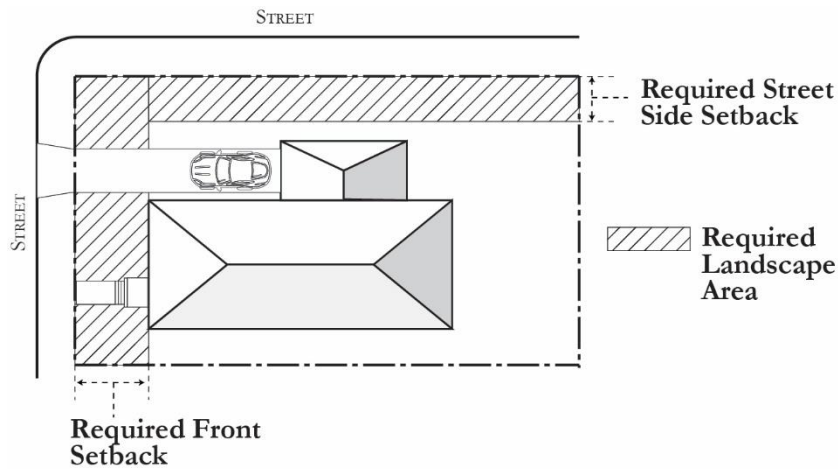


TABLE 17.72-1: MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONING DISTRICTS

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF	5%
I	<u>Up to 5%, as determined by the permit approval process.</u> None

Zoning Districts	Minimum Landscaped Area
P/OS, PD, VA	As determined by the permit approval process

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

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

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

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

17.72.060 Landscape Standards

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

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

5. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the Planning Commission and shall have recirculating water systems.
6. **Watering Times.** Watering shall start after eight p.m. and end before ten a.m.
7. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation and do not conflict with overhead lights, or utility lines.



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

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



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

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

17.72.070 Landscape Maintenance.

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

- A. General.** Landscape areas shall be maintained in a neat and healthful condition at all times.
- B. Mulch.** Mulch shall be periodically added to the soil surface in all landscape areas.
- C. Replacement of Dead or Dying Plants.** Plants that are dead or severely damaged or diseased shall be replaced by the property owner.
- D. Removal of Landscaping.** Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees shall be replaced in accordance with the City's Tree Ordinance, Municipal Code Section 12.12
- E. Irrigation Systems.** Irrigation systems shall be maintained in a fully functional manner as approved by the City and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

Chapter 17.74 – SECONDARY DWELLING UNITS

Sections:

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

17.74.010 Purpose

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

17.74.020 Permitted Location



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

Secondary dwelling units are permitted in:

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

17.74.030 Required Permits

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



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

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

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

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

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

17.74.040 Design and Development Standards



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

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

TABLE 17.74-1: MAXIMUM SECONDARY DWELLING UNIT SIZE

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

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



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

Zoning Code prohibits two-story secondary dwelling units and requires a minimum 8-foot rear setback from single-story secondary dwelling units.

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

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

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

Notes:

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

H. Two-Story Secondary Dwelling Units

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

H.I. Doors and Windows.

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

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

J.K. Alley Orientation.

1. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized.
- ~~1. When a secondary dwelling unit is adjacent to an alley, the secondary dwelling unit shall be oriented toward the alley with the front access door and windows facing the alley. The Planning Commission may allow an exception to this requirement with a Conditional Use Permit upon finding that an alley orientation is not feasible due to unique circumstances on the property.~~
2. Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.

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

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

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

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

17.74.050 Findings

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

- A. The exterior design of the secondary dwelling unit is compatible with the existing residence on the lot through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
- C. The secondary dwelling unit will not create excessive noise, traffic, or parking congestion.
- D. The property fronts on an adequate water main and sewer line each with the capacity to serve the secondary dwelling unit.
- E. The site plan provides adequate open space and landscaping that is useful for both the secondary dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
- F. The location and design of the secondary dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
- G. The secondary dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the secondary dwelling unit relates to the design of the primary residence and does not visually dominate it or the surrounding properties.
- H. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan.
- I. The orientation and location of buildings, structures, open spaces and other features of the site plan are such that they maintain natural resources including significant trees and shrubs to the extent feasible and minimize alteration of natural land forms.
- J. The site plan protects views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.

17.74.060 Deed Restrictions

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

17.74.070 Incentives**A. Fee Waivers for Affordable Units.**

1. The City may waive development fees for secondary dwelling units that will be rented at levels affordable to low or very low income households.
2. Applicants of affordable secondary dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
3. Landlords of secondary dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.

B. Historic Properties. The Planning Commission may allow exceptions to design and development standards for secondary dwelling units proposed on a 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.

Chapter 17.76 – PARKING AND LOADING

Sections:

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

17.76.010 Purpose

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

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

17.76.020 Applicability

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

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

B. Replacing Existing Uses.

1. Mixed Use Village Zoning District.

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

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

C. Expansions and Enlargements.

1. Nonresidential Use.

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

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

17.76.030 Required Parking Spaces

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



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

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

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

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

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

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

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

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

C. Calculation of Required Spaces.

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

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



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

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

17.76.040 General Requirements

A. Availability and Use of Spaces.

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

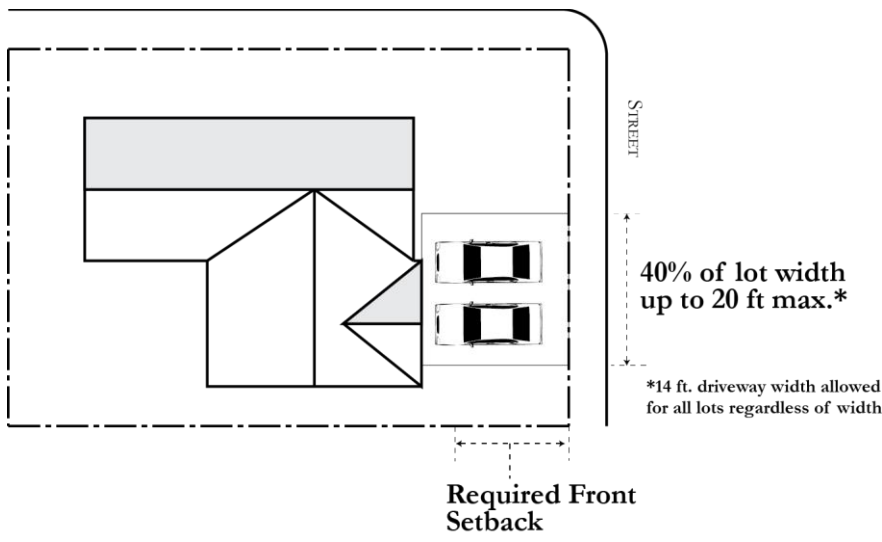
B. Parking in Front and Exterior Side Setback Areas.



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

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

FIGURE 17.60-1: PARKING IN FRONT SETBACK AREA IN R-1 ZONING DISTRICT



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

C. Location of Parking.

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

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



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

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



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

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

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

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

F. Electric Vehicle Charging.

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

G. Parking for Persons with Disabilities.

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

17.76.050 On-site Parking Alternatives



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

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

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

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

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

C-D. Off-Site Parking.

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

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

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

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

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

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

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

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

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

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

I. Fees in Lieu of Parking

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

17.76.060 Parking Design and Development Standards

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

TABLE 17.76-3: MINIMUM PARKING SPACE DIMENSIONS

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

Notes:

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

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

FIGURE 17.76-2: STANDARD PARKING LOT DIMENSIONS

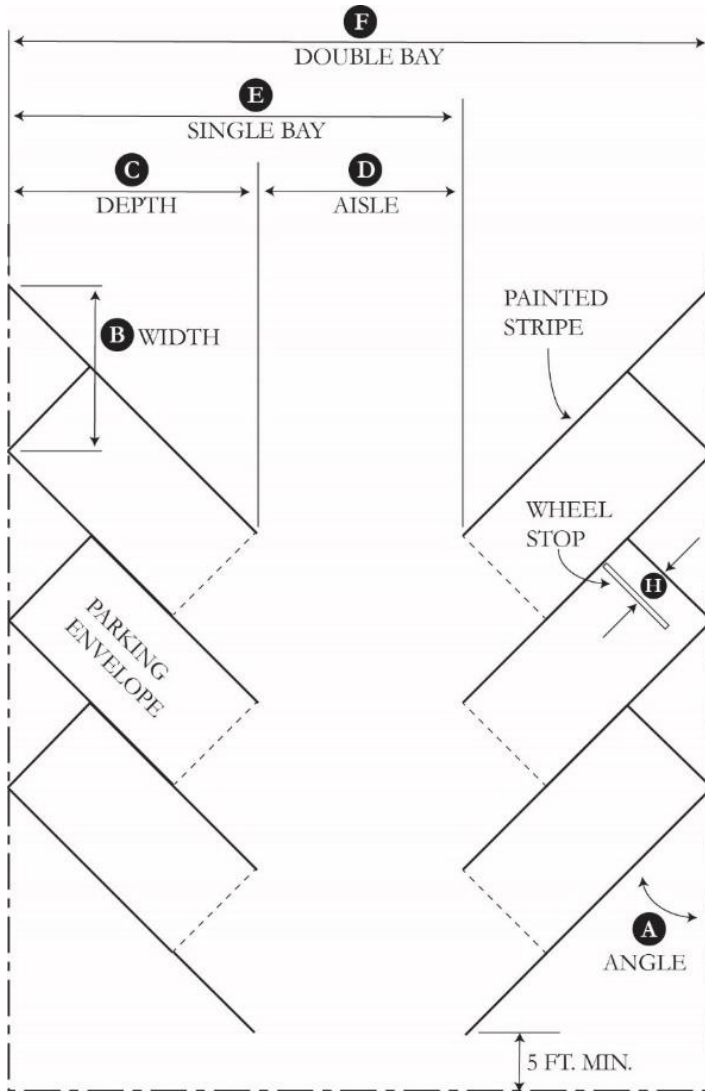


TABLE 17.76-4: STANDARD PARKING LOT DIMENSIONS

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

D. Surfacing.

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

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

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



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

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

G. Lighting.

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

H. Pedestrian Access.

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

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

17.76.070 Parking Lot Landscaping

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



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

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

TABLE 17.76-5: MINIMUM REQUIRED PARKING LOT LANDSCAPING

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

D. Shade Trees.



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

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

E. Concrete Curbs.

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

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

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

~~G.~~



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

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

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

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

17.76.080 Bicycle Parking



Note: Bicycle parking requirements in this section are new.

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

B. Types of Bicycle Parking.

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

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

TABLE 17.76-6 REQUIRED BICYCLE PARKING SPACES

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

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

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

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

F. Parking Space Dimensions.

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

G. Rack Design. Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in an upright position.

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

H.I.Creative Design Solutions. ~~The Planning Commission may allow creative approaches to providing required bicycle parking spaces (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.~~

17.76.090 Visitor Serving Parking

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

B. Public Parking in the Coastal Zone.

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

17.76.100 On-site Loading

A. Applicability. All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.

B. Number of Loading Spaces. The minimum number of required loading spaces shall be as specified in Table 17.76-7.

TABLE 17.60-7: REQUIRED LOADING SPACES

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

C. Location.

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

D. Dimensions.

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

E. Design and Configuration.

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

Chapter 17.80 – 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 ~~person~~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

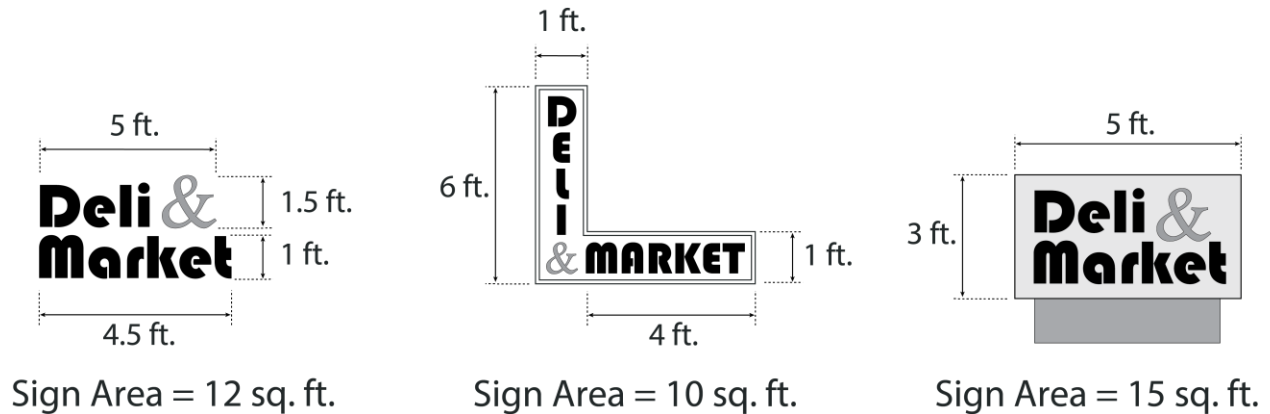
- A. Administrative Sign Permits.** An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:
1. Signs ~~allowed without a planning permit~~ exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without 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. Signs in the Mixed Use Village (MU-V) zoning district.
 2. Exterior neon signs.
 3. Monument signs for more than four tenants.
 - ~~4.4.~~ Auto dealership signs in the C-R zoning district (Section 17.80.0890.~~AB.6~~) that are not otherwise allowed with an Administrative Sign Permit.
 - ~~2.5.~~ Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.090.B.7).
 - ~~3.6.~~ Signs that do not conform with permitted sign types and standards in Section 17.80.0890 (Sign Standards for ~~Zoning Districts~~ 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.

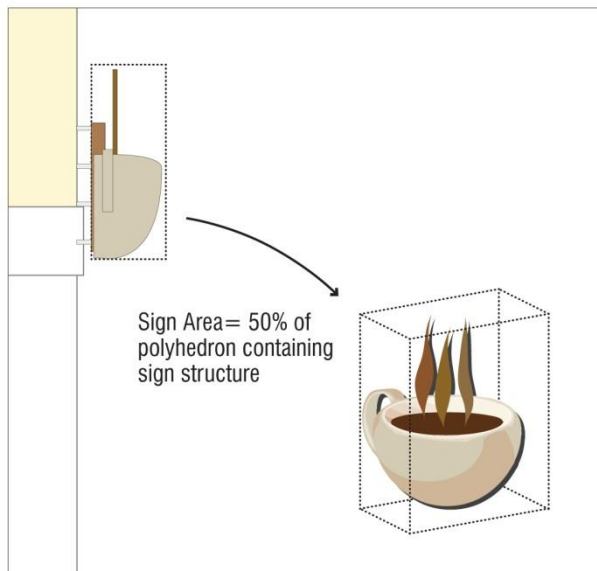
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

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, ~~as follows:~~
 - ~~4.~~ ~~Maximum pole height: 35 feet in residential zoning districts and 60 feet in all other zoning districts.~~
 - ~~5.3.~~ ~~Maximum flag area: 40 square feet in residential zones and 108 square feet in non-residential zones.~~
 - ~~6.4.~~ 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.
 - ~~7.5.~~ One bulletin board on a parcel occupied by a noncommercial place of public assembly, with a maximum area of 12 square feet.
 - ~~8.6.~~ Political signs during an election period located outside of a public street, path, or right-of-way. ~~In the R-1 and RM zoning districts p~~Political signs may not exceed 32 square feet per unit.
 - ~~9.7.~~ 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.
 - ~~10.8.~~ Murals on the exterior of a building that do not advertise a product, business, or service.
 - ~~11.9.~~ Official or legal notices required by a court order or governmental agency.
 - ~~12.10.~~ Signs installed by a governmental agency within the public right-of-way, including signs advertising local nonprofit, civic, or fraternal organizations.
 - ~~13.11.~~ Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
 - ~~14.12.~~ Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
 - ~~15.13.~~ Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.

~~16.14.~~ 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).

~~17.16.~~ Vacation rental signs up to one square foot.

- B. Building Permit Review.** Planning Division 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 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.~~KG~~ (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.~~HE~~ (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
- F.
- 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 17.80.0890.B-6A (Auto Dealership Signs).
- T. Signs attached to balloons greater than fifteen inches in diameter.
- 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. Sign Area. Table 17.80-1 identified the maximum permitted total sign area on a property in each zoning district.

TABLE 17.80-1: SIGN AREA STANDARDS

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

Notes:

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

A.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.

B.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.

C.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.
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 ~~or exposed neon illumination is~~ are not permitted.
- ~~3.4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).~~

D.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.

E.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.

F.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 17.80.0890.AB-6 (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.

17.80.080 Standards for Specific Types of Signs

~~The following standards for specific types of signs apply in all zoning districts. 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.~~

A. Auto Dealership Signs. In addition to signs allowed with an Administrative Sign Permit (17.80.030.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:

1. Location: On or adjacent to an auto dealership land use.
2. Placement: 10 feet minimum setback from property line abutting the public right-of-way.
3. Maximum Height: At or below roof line.
4. Maximum Area: 100 square feet
5. 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.

6. 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.

4.2. 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

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

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

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

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.

4.2. 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.
- ~~2.4.~~ 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.
- ~~3.5.~~ The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
- ~~4.6.~~ Monument signs shall be placed at least 5 feet away from any public or private driveway.
- ~~5.7.~~ Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
- ~~6.8.~~ 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.
- ~~7.9.~~ A maximum of four tenants may be named on a monument sign.
- ~~8.10.~~ 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 addition center identification sign is not permitted.

TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS

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

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

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

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.

D.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.
4. —
- 2.3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
- 3.4. 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

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

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.

E.G. Projecting Signs.

1. Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
- 1.2. 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.
- 2.3. Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
- 3.4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.
5. 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

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

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.

F.H. Gas and Service Station Signs. All signs associated with gas and service stations shall 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.

4.—

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.

G.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.

TABLE 17.80-8: WINDOW SIGN STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Number</u>
<u>MU-V, MU-N</u>	<u>25 percent of window</u>	<u>1 per storefront</u>
<u>C-R, C-C, I</u>	<u>30 percent of window</u>	<u>1 per window</u>

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.

1.—

H.K. Sidewalk Signs in the MU-V Zoning District. The following additional standards apply to sidewalk signs in the MU-V zoning district.

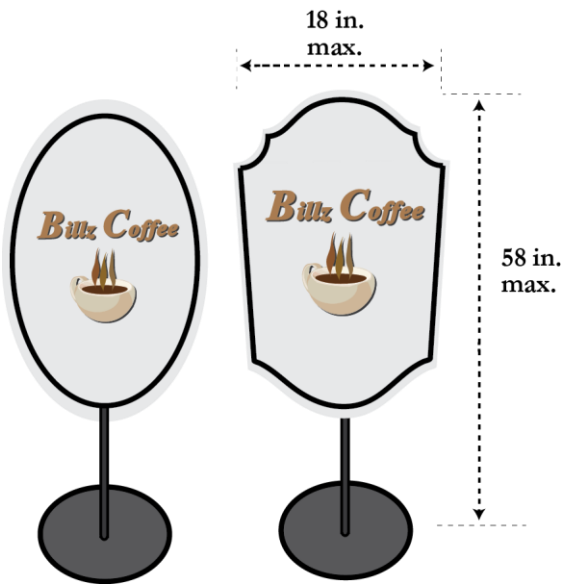
1. Sidewalk signs are permitted only in the MU-V zoning district as shown in Table 17.80-9.
- 1.2. Only one two-sided sidewalk sign per business establishment is permitted.
- 2.3. The sidewalk in front of the business must be at least 78 inches in width.

4. Sidewalk signs consistent with these standards and as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director.

TABLE 17.80-9: SIDEWALK SIGNS STANDARDS

<u>Zoning District</u>	<u>Maximum Area</u>	<u>Maximum Height</u>	<u>Maximum Width</u>
<u>MU-V</u>	<u>4.5 sq. ft.</u>	<u>58 in.</u>	<u>18 in.</u>
<u>All Other Zoning Districts</u>	<u>Not permitted</u>		

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



3-5. Sidewalk signs shall be no larger than 18 inches in width and 3 square feet in size and no taller than 58 inches measured from the ground.

4-6. The signs may be placed on poles which will either be placed in a hole drilled into the sidewalk or in moveable stand. The moveable stands cannot be more than eighteen inches wide and will need to be approved as part of the sign permit. Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.

5-7. All sidewalk signs will need to 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.

- ~~6.8.~~ 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.
- ~~7.9.~~ Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.
- ~~8.10.~~ 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.
- ~~9.11.~~ No other temporary advertising signs may be used at the same time as the sidewalk sign is in use. This includes all banners, flags, window signs covering more than one-third of the window or other temporary signage.
- ~~10.12.~~ All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.
- ~~11.13.~~ No sidewalk sign may contain lights of any kind.
- ~~12.~~ No more than thirty sidewalk signs will be allowed in the MU-V zoning district at any time.
- ~~13.14.~~ 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.
- ~~14.15.~~ Multi-tenant developments shall be permitted one sidewalk sign per each common exterior public business entrance.
- ~~15.16.~~ Individual signs may advertise more than one business.

17.80.090 ~~Sign Standards for Zoning Districts~~ Design Standards

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

~~A. Mixed Use Zoning Districts.~~

- ~~1. **Sign Area.** In the mixed use zoning districts a maximum of 0.5 square feet of total sign area is allowed for each linear foot of building frontage to a maximum of 25 square feet.~~
- ~~2. **Permitted Signs.** The following signs that comply with all applicable standards are permitted in the Village Mixed Use (MU-V) and Neighborhood Mixed Use (MU-N) zoning districts with an Administrative Sign Permit. In addition to the standards in this section, all signs must comply with standards in Section 17.80.070 (General Sign Standards) and Section 17.76.090 (Standards for Specific Types of Signs).~~
 - ~~a. **Awning Face Signs.**~~
 - ~~(1) Maximum area: 20 percent of awning face.~~
 - ~~(2) Maximum letter height: 18 inches.~~
 - ~~(3) Maximum number: 1 sign per awning.~~

b. ~~Awning Valance Signs.~~

- ~~(1) Maximum area: 75 percent of valance.~~
- ~~(2) Maximum letter height: two-thirds of valance height.~~
- ~~(3) Maximum number: 1 per awning~~

c. ~~Monument Signs.~~

- ~~(1) Maximum area: 12 square feet.~~
- ~~(2) Maximum height: 4 feet.~~
- ~~(3) Maximum number: 1 sign per property.~~

d. ~~Projecting Signs.~~

- ~~(1) Maximum projection from wall: 4 feet.~~
- ~~(2) Maximum area: 4 square feet.~~
- ~~(3) Maximum number: 1 sign per storefront.~~

e. ~~Sidewalk Signs~~

- ~~(1) Maximum area: 4.5 square feet.~~
- ~~(2) Maximum height: 58 inches~~
- ~~(3) Maximum with: 18 inches~~
- ~~(4) See Section 17.80.080.G (~~Sidewalk Signs in the MU-V Zoning District~~) for additional detailed standards for sidewalk signs.~~

f. ~~Wall Signs.~~

- ~~(1) Maximum projection from wall: 4 inches.~~
- ~~(2) Maximum area: 0.5 square feet per linear foot of shopfront.~~
- ~~(3) Maximum number: 1 per storefront.~~

g. ~~Window Signs.~~

- ~~(1) Maximum area: 25 percent of window.~~
- ~~(2) Maximum number: 1 per storefront.~~

~~3. **Other Signs.** Signs that are not listed in Subparagraph 2 (Permitted Signs) above, or that deviate from these standards, may be allowed in the mixed use zoning districts with Planning Commission approval of a Sign Permit.~~

B.A. Design Standards~~Design Standards for Mixed Use Zoning Districts.~~ The following design standards apply to all signs in the MU-V and MU-N ~~mixed use~~ 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 not allowed in the MU-V zoning district and permitted in the MU-N zoning district when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo.~~only for individual cut-out letters with only the letter face illuminated.~~ Large panel internally illuminated signs are prohibited. Illumination may not exceed 5 foot-candles of light.
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.

9-10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.

~~10. **Residential Signs.** Signs associated with residential uses in the mixed use zoning district shall comply with Section 17.80.100 (Residential Signs).~~

~~C. Commercial Zoning Districts.~~

~~1. **Sign Area.** In the commercial zoning districts a maximum of 0.5 square feet of total sign area is allowed for each linear foot of building frontage to a maximum of 50 square feet.~~

~~2. **Permitted Signs.** The following signs that comply with all applicable standards are permitted in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts with an Administrative Sign Permit. In addition to the standards in this section, all signs must comply with standards in Section 17.80.070 (General Sign Standards) and Section 17.80.080 (Standards for Specific Types of Signs).~~

~~a. **Awning Face Signs.**~~

~~(1) Maximum area: 30 percent of awning face.~~

~~(2) Maximum number: 1 sign per awning.~~

~~b. **Awning Valance Signs.**~~

~~(1) Maximum area: 75 percent of valance.~~

~~(2) Maximum number: 1 sign per awning.~~

~~c. **Center Identification Signs.**~~

~~(1) Maximum Area: 30 square feet in the CR zoning district and 25 square feet in the CC zoning district.~~

- (2) ~~Maximum Height: 5 feet.~~
- (3) ~~Maximum number: 1 sign per shopping center.~~

d. ~~Directory Sign:~~

- (1) ~~Maximum Area: 30 square feet in the CR zoning district and 25 square feet in the CC zoning district.~~
- (2) ~~Maximum Height: 5 feet.~~
- (3) ~~Maximum number: 1 per property.~~

e. ~~Monument Signs:~~

- (1) ~~Maximum area: 60 square feet in the CR zoning district and 35 sq. ft. in the CC zoning district.~~
- (2) ~~Maximum height: 8 feet.~~
- (3) ~~Maximum number: 1 sign per building frontage.~~

f. ~~Projecting Signs:~~

- (1) ~~Maximum projection from wall: 4 feet.~~
- (2) ~~Maximum area: 12 square feet.~~
- (3) ~~Maximum number: 1 sign per business.~~

g. ~~Wall Signs:~~

- (1) ~~Maximum projection from wall: 12 inches.~~
- (2) ~~Maximum area: 1 square feet per linear foot of building frontage.~~
- (3) ~~Maximum number: 1 sign per building frontage.~~

h. ~~Window Signs:~~

- (1) ~~Maximum area: one third of window area.~~
- (2) ~~Maximum number: 1 sign per window.~~

3. ~~Other Signs.~~ Signs that are not listed in Subparagraph 2 (Permitted Signs) above or that deviate from these standards may be allowed in the commercial zoning districts with Planning Commission approval of a Sign Permit.

4. ~~Residential Signs.~~ Signs associated with residential uses in the mixed use zoning district shall comply with Section 17.80.100 (Residential Signs).

 **Note:** Auto dealership sign standards in paragraph 5 below are new. —

~~D. Auto Dealership Signs.~~ 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 CR zoning district with approval of a Sign Permit subject to the following standards:

~~E. Location:~~ On or adjacent to an auto dealership land use.

~~F. Placement:~~ 10 feet minimum setback from property line abutting the public right-of-way.

~~G. Maximum Height:~~ At or below roof line.

~~H. Maximum Area:~~ 100 square feet

~~I.—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.—~~

~~J.—Low Visibility Areas.~~

~~K.—Commercial properties in the C-R and C-C zoning districts are eligible for an adjustment to sign standards if signs on the property consistent, with applicable standards, would not be easily visible from a public street.~~

~~L.—Adjustments to sign standards require Planning Commission approval of a Sign Permit.~~

~~M.—Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.~~

~~N.—The Planning Commission may approve additional or variations to any type of signage upon making the following findings:~~

~~O.—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.~~

~~P.—The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.—~~

Q.B. Design Standards for Commercial Zoning Districts. The following design standards apply to all signs in the ~~commercial~~-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.~~only for individual cut out letters with only the letter face illuminated or back lit.~~ 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.

R.—Design Standards for Industrial Zoning District.

~~S.—Sign Area.—In the Industrial (I) zoning district, a maximum of 0.5 square feet of total sign area is allowed for each linear foot of building frontage to a maximum of 50 square feet.~~

~~**T. Permitted Signs.**—The following signs that comply with all applicable standards are permitted in the Industrial (I) zoning districts with an Administrative Sign Permit. In addition to the standards in this section, all signs must comply with standards in Section 17.80.070 (General Sign Standards) and Section 17.80.080 (Standards for Specific Types of Signs).~~

~~**U. Awning Face Signs:**~~

~~**V.**—Maximum area: 20 percent of awning face.~~

~~**W.**—Maximum number: 1 sign per awning.~~

~~**X. Awning Valance Signs:**~~

~~**Y.**—Maximum area: 75 percent of valance.~~

~~**Z.**—Maximum number: 1 sign per awning.~~

~~**AA. Monument Signs:**~~

~~**BB.**—Maximum area: 35 square feet.~~

~~**CC.**—Maximum height: 4 feet.~~

~~**DD.**—Maximum number: 1 sign per building frontage.~~

~~**EE.**—Not allowed in conjunction with a wall sign.~~

~~**FF. Wall Signs:**~~

~~**GG.**—Maximum projection from wall: 12 inches.~~

~~**HH.**—Maximum area: 1 square feet per linear foot of building frontage.~~

~~**I.**—Maximum number: 1 sign per building frontage.~~

~~**JJ.**—Not allowed in conjunction with a monument sign.~~

~~**KK. Window Signs:**~~

~~**LL.**—Maximum area: 30 percent of window area.~~

~~**MM.**—Maximum number: 1 sign per window.~~

~~**NN.**—**Other Signs.**—Signs that are not listed in Subparagraph 2 (Permitted Signs) or that deviate from these standards may be allowed in the Industrial (I) zoning district with Planning Commission approval of a Sign Permit.~~

~~**OO.C. Design Standards.**—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.~~

~~**PP. Visitor Serving, Community Facility, and Parks and Open Space Zoning Districts.**—In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for the permitted type, maximum area, and maximum number of signs shall be established by the Planning Commission through a Sign Permit. In addition to these standards, all signs shall comply with standards in Section 17.80.070 (General Sign Standards) and Section~~

~~17.80.080 (Standards for Specific Types of Signs). City installed signs do not require a sign permit.~~

~~**QQ. Planned Development Zoning District.** In the Planned Development (PD) zoning district, standards for the permitted type, maximum area, and maximum number of signs shall be established by the City Council in the Final Development Plan. In addition to these standards, all signs shall comply with standards in Section 17.80.070 (General Sign Standards) and Section 17.80.080 (Standards for Specific Types of Signs).~~

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: no limit.
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 1 square foot in area is permitted.

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

1. Maximum allowable sign area: 20 square feet per property.
2. 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
Small Commercial <u>Auto Dealership</u> Signs - Flags - Pennants - Painted windows <u>Balloons</u>	None	Non-residential uses only <u>Auto dealerships on Auto Plaza Drive only</u>	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 1260 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
Balloon Signs	None	Associated with public, private, or sales event	10 per property	15 inches diameter	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Non-Residential 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 completion of construction <u>certificate of occupancy</u>
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.; <u>4 ft. in MU-V</u> Area: 40 sq. ft.; <u>12 sq. ft. in MU-V</u>	From issuance of building permit to completion of construction <u>certificate of occupancy</u>
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per 500 ft. of linear site frontage to a maximum of 2 signs <u>property</u>	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve one 180-day 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 one 90-day extension
Open House or model home	None	None	1 per property <u>and 1 on other property with owner consent</u>	Height: 4 ft. Area: 6 ft.	Limited to day of open 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

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. General Sign Standards (Section 17.80.070).
 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.
- 5.

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, ~~color,~~ 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 ~~provided that the signs contribute to a consistent visual theme within the property.~~
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~~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.~~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.

Chapter 17.84 – HISTORIC PRESERVATION

PLACEHOLDER:

The redlines of Chapter 17.84 Historic Preservation are pending final review by the Planning Commission.

Chapter 17.88 – INCENTIVES FOR COMMUNITY BENEFITS

Sections:

17.88.010	Purpose
17.88.020	Incentives Restricted to Added Benefits
17.88.030	Eligibility
17.88.040	Allowable Benefits
17.88.050	Available Incentives
17.88.060	Relationship to State Density Bonus Law
17.88.070	Application Submittal and Review
17.88.080	Findings
17.88.090	Post-Decision Procedures

Note: This chapter is new to implement General Plan policies that allow for increased FAR and height for certain projects on 41st Avenue and the Village Hotel.

17.88.010 Purpose

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the General Plan and to encourage high the development of a new hotel in the Village as called for by the General Plan.

17.88.020 Incentives Restricted to Added Benefits

The City may grant incentives only when the community benefits or amenities offered are not otherwise required by the Zoning Code or any other provision of local, sState, or federal law. Community benefits or amenities must significantly advance General Plan goals and/or incorporate a project feature that substantially exceeds the City's minimum requirements.

17.88.030 Eligibility

A. Eligibility for Incentive. The City may grant incentives for the following projects:

1. As shown in Figure 17.88-1, projects in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts that:
 - a. Front 41st Avenue or the 41st Avenue/Capitola Road intersection, and/or
 - b. Are located on the Capitola Mall site.
2. A hotel on the former Capitola Theater site (APN 035-262-04) in the Mixed Use Village zoning district.

B. Setback Required – 41st Avenue. Structures on properties fronting the east side of 41st Avenue must be set back a minimum of 100 feet from the property line abutting a residential property.

~~17.88.030~~17.88.040 Allowable Benefits

~~The City may grant incentives for projects fronting 41st Avenue or the 41st Avenue/Capitola Road intersection in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts that provide one or more of the following community benefits:~~

- A. **All Eligible Projects.** The City may grant incentives to all eligible projects as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.
1. **Public Open Space.** Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. The public space must either exceed the City's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.
 2. **Public Infrastructure.** Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the City or other public agency.
 3. **Pedestrian and Bicycle Facilities.** New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.~~Improved walkways and paths within properties, enhanced connections for bicyclists and pedestrians between properties, and new connections to the Rail Trail.~~
 4. **Transportation Options.** Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
 - 3-5. **Historic Resources.** Preservation, restoration, or rehabilitation of a historic resource.
 6. **Public Parking Structure.** Public parking structure or lot that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the Mixed Use Village zoning district.
 - 4-~~Structured parking made permanently available for public use.~~
 - 5-7. **Green Building.** Green building and sustainable development features that ~~achieve~~ exceed the City's green building award status.
 - 6-8. **Public Art.** Public art that exceeds the City's minimum public art requirement and is placed in a prominent and publicly accessible location.

~~7.9. **Job Creation.** New employment or expanded business uses that increase the supply of jobs available to Capitola residents of all income levels.~~

10. **Other Community Benefits.** Other community benefits not listed above as proposed by the applicant that are significant and substantially beyond normal requirements.

B. 41st Avenue/Capitola Road Projects. In addition to the community benefits in Subsection A above, the City may grant incentives to eligible projects fronting 41st Avenue or the 41st Avenue/Capitola Road intersection or on the Capitola Mall site that provide one or more of the following community benefits:

~~8.1.~~ **Capitola Mall Block Pattern.** Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40th Avenue south into the Mall property to form a new pedestrian-friendly private interior street.

~~9.2.~~ **Surface Parking Lot Redevelopment.** Redevelopment of existing surface parking lots fronting 41st Avenue and Capitola Road ~~while introducing th~~ new sidewalk-oriented commercial ~~uses~~buildings that place commercial uses along the street frontage.

~~10.3.~~ **Transit Center.** Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.

~~11.4.~~ **Affordable Housing.** Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.

17.88.04017.88.050 Available Incentives

A. 41st Avenue/Capitola Road Projects. Incentives. ~~The City may grant the following incentives to Aan proposed eligible project fronting 41st Avenue or the 41st Avenue/Capitola Road intersection or on the Capitola Mall site in the Regional Commercial (C-R) or Community Commercial (C-C) zoning district providing benefits is eligible for the following incentives:~~

1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.
2. An increase in the maximum permitted building height to 50 feet.

B. Village Hotel. The City may grant the following incentives to a proposed hotel on the former Capitola Theater site (APN 035-262-04):

1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.

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

~~2. Height. The City Council may allow an exception to the 27-foot height limit for a proposed hotel on the Capitola Theater site. An increase to the maximum permitted building height provided that:~~

~~a. The maximum height of the hotel remains below the elevation of the bluff behind the hotel; and~~

~~—The bluff behind the hotel remains visible from the Capitola wharf as a green edge with existing mature trees maintained on site.~~

~~a.b.~~

~~**B. Setback Requirement.** An increase in the maximum permitted FAR or height is permitted on the east side of 41st Avenue only if structures are set back a minimum of 100 feet from the property line abutting a residential property.~~

~~17.88.050~~17.88.060 **Relationship to State Density Bonus Law**

The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code.

~~17.88.060~~17.88.070 **Application Submittal and Review**

A. **Request Submittal.** A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the Zoning Code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.
2. All information needed by the City Council to make the required findings described in Section 17.88.080 (Finding) below, including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.

B. **Conceptual Review.** Prior to City action on a request for an incentive, the request shall be considered by the Planning Commission and City Council through the Conceptual Review process as described in Chapter 17.144 (Conceptual Review). Conceptual Review provides the applicant with non-binding input from the City Council and Planning Commission as to whether the request for incentives is worthy of consideration.

C. **Planning Commission Recommendation.** Following Conceptual Review, ~~the~~ Planning Commission shall provide a recommendation to the City Council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

D. City Council Action. After receiving the Planning Commission’s recommendation, the City Council shall review and act on the ~~proposed project and~~ requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The City Council shall also review and act on other permits required for the project requesting incentives.

~~D. Preliminary Input.~~ ~~At any point prior to a final decision on a proposed project, an applicant may seek~~

~~17.88.070 — Public Notice and Hearing~~

~~A. Planning Commission Recommendation:~~

~~B. City Council Action:~~

17.88.080 Findings

A. All Eligible Projects. The City Council may approve the requested incentives for all eligible projects only if the following findings can be made in addition to the findings required for any other discretionary permit required by the Zoning Code:

1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the General Plan.
2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.
- ~~3. The benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentive~~
- ~~4. The public benefit exceeds the benefits required by the zoning code or any other provisions of local, state, or federal law.~~
- ~~5. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.~~

B. Village Hotel. In addition to the findings in Subsection A above, the City Council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:

- ~~3-1.~~ The design of the hotel respects the scale and character of neighboring structures and enhances Capitola’s unique sense of place.
- ~~4.~~ ~~The additional height and/or FAR allows for a superior project with substantial community benefit.~~
- ~~5-2.~~ The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
- ~~6-3.~~ The hotel design minimizes impacts to public views of the beach and Village from vantage points outside of the Village.

~~7.4.~~ Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination.

~~8.— The project is designed to minimize adverse impacts to neighboring properties to the greatest extent possible.~~

~~9.—~~

17.88.090 _____ Post-Decision Procedures

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits.

Chapter 17.92 – NONCONFORMING PARCELS, USES, AND STRUCTURES

Sections:

- 17.92.010 Purpose
- 17.92.020 Applicability
- 17.92.030 General
- 17.92.040 Nonconforming Parcels
- 17.92.050 Nonconforming Use of Land
- 17.92.060 Nonconforming Use of Structures
- 17.92.070 Nonconforming Multi-Family Uses in the R-1 Zoning District
- 17.92.080 Nonconforming Structures
- 17.92.090 Findings

17.92.010 Purpose

This chapter establishes regulations for nonconforming parcels, uses and structures. These regulations are intended to:

- A. Allow for the development and use of legal nonconforming parcels.
- B. Ensure that nonconforming uses and structures do not adversely impact neighboring properties.
- C. Allow for the limited enlargement or intensification of nonconforming uses and structures.
- ~~D. Allow for limited repairs and maintenance to nonconforming structures.~~
- ~~D.E.~~ Allow for the replication of detached single-family homes to support improvements to the City's housing stock while maintaining Capitola's unique coastal village character.
- ~~E.A. Allow for limited repairs and maintenance to nonconforming structures.~~
- F. Provide for the elimination of nonconforming uses as appropriate due to abandonment, obsolescence, and destruction.

17.92.020 Applicability

This chapter applies to existing parcels, uses, and structures that do not conform to the regulations of the zoning district in which they are located.

17.92.030 General

- A. **Continuation.** A nonconforming parcel, use, or structure may be continued if it was legally established in compliance with all applicable regulations in effect at the time it was established.

- B. Legally Established Defined.** To be considered legally established, a legal nonconforming parcel, use, or structure shall have been physically constructed or in existence, not merely approved by the City. Conditional Use Permits, Variances, Building Permits, or other approvals not exercised within the required time do not establish the right to a legal nonconformity.
- C. Burden of Proof.** Any person asserting a right to a nonconforming parcel, use or structure has the burden of proof to demonstrate that the nonconformity was legally established.

17.92.040 Nonconforming Parcels

- A. Development Permitted.** A legally established parcel with nonconforming dimensions (e.g., parcel width and depth) is permitted all development rights of the applicable zoning district.
- B. Conformance with Standards.** New development on legal nonconforming parcels shall comply with all setback, building coverage, parking, and other standards of the applicable zoning district.

17.92.050 Nonconforming Use of Land

- A. Continuation Permitted.** A nonconforming use of land conducted outside of a structure may continue so long as:
1. The nonconforming use is not enlarged, increased, or extended to occupy a greater area of land; and
 2. The nonconforming use is not moved in whole or in part to any other portion of the parcel.
- B. Cessation of Use.** If any such nonconforming use of land ceases for a period of more than 1890 consecutive days, any subsequent use of such land shall conform to the regulations of the applicable zoning district. For the purpose of this section, a use is considered ceased if:
1. The use is not present on the site;
 2. For uses that serve customers (e.g., restaurants), the use no longer serves customers; and/or
 3. For uses with employees, no employees (including the owner) are present on the site.

17.92.060 Nonconforming Use of Structures

- A. Change in Ownership, Tenancy, or Management.** A change in ownership, tenancy, or management of a nonconforming use shall not affect its legal nonconforming status.

- B. Resuming a Nonconforming Use.** A nonconforming use changed to a conforming use shall not return to a nonconforming use.
- C. Replacement of a Nonconforming Use.** A nonconforming use may not be replaced by another nonconforming use.
- D. Intensification of Use.**
 - 1. The enlargement of a structure or parcel occupied by a nonconforming use, or the intensification in any way of the operation of a nonconforming use, requires the approval of a Conditional Use Permit.
 - 2. To approve a proposed intensification to a nonconforming use, the Planning Commission shall make all Conditional Use Permit findings (Chapter 17.124) in addition to the findings in Section 17.92.080 (Findings).
 - 3. **Discontinuation of Use.** A nonconforming use discontinued for 90 consecutive days shall not be reestablished and may be replaced only by a conforming use.
- E. Nonconforming Multi-Family Uses.** Nonconforming multi-family uses in the Residential Single Family (R-1) zoning district shall comply Section 17.92.070 (Nonconforming Multi-Family Uses).

17.92.070 Nonconforming Multi-Family Uses in the R-1 Zoning District

This section applies to multi-family uses that are nonconforming due to their location in the Residential Single Family (R-1) zoning district

- A. Amortization.** A nonconforming multi-family use in the R-1 zoning district must be discontinued on June 26, 2019 or 50 years from the date the use first became nonconforming, whichever is later, except as provided in subsections B and C below.
- B. Amortization Extensions.**
 - 1. An owner of a nonconforming multi-family use may apply to the City Council for an extension to the 50-year amortization requirement in Section A above.
 - 2. The City Council may grant an extension of up to 25 years upon finding that:
 - a. The appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
 - b. The extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration; and
 - c. All reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.
 - 3. The multi-family use must be discontinued upon completion of the extended amortization period granted by the City Council. In such cases, the property may

continue as a residential use only if converted to a single-family dwelling. A property may not apply for another extension upon the completion of the amortization period.



Note: Incentives for property improvement in Subsection C below are new.

C. Incentives for Property Improvement.

1. **Incentive Program.** To encourage upgrades and improvements to non-conforming multi-family uses in the R-1 zoning district, the City Council may grant permanent legal status to properties that participate in the City's nonconforming multi-family improvement incentive program. Properties that participate in the incentive program are exempt from the amortization requirement established in Sections A and B above.
2. **Submittal Requirements.** To participate in the incentive program, a property owner shall prepare and submit to the City a property improvement plan that contains the following:
 - a. A general description of the property, including property ownership, current and prior uses on the property, history of property improvements and maintenance, and aspects of the property that do not comply with current zoning regulations.
 - b. Proposed improvements to bring the property into greater compliance with development standards required by the Zoning Code, including parking and landscaping requirements. These improvements may include reduction of the number of units on the property.
 - c. A description of any neighborhood compatibility concerns associated with the property, including parking, noise, property maintenance, and refuse and recycling storage issues.
 - d. Proposed property improvement and maintenance measures to address any neighborhood compatibility concerns.
 - e. Documentation of outreach to neighbors to gather information about neighborhood compatibility concerns and possible methods to address these concerns.
3. **Measures to Compensate for Impacts.** A property owner may also propose additional measures that would provide a ~~community-neighborhood~~ benefit to compensate for impacts from the nonconforming use that cannot be fully mitigated. For example, a property owner may propose reducing the number of residential units in a building, providing shared parking, screening trash facilities, improving building and site design, adding or upgrading landscaping, providing units as deed-restricted affordable housing, or installing green building upgrades beyond the minimum required by the City or other public agency.

4. **City Review.** The Community Development Director, in consultation with the Public Works Director, shall review the property improvement plan and determine if the plan correctly identifies issues associated with the property and adequately proposes improvements to address these issues. The Community Development Director shall forward to the Planning Commission and City Council a recommendation on the adequacy of the Plan.
5. **Property Improvement Agreement and Schedule.** The property improvement plan shall identify a realistic schedule to complete all proposed improvements within 2 years of City Council approval. The property owner shall enter into a property improvement agreement with the City agreeing to complete all proposed improvements within this established schedule.
6. **Findings.** At a noticed public hearing, the City Council may grant legal nonconforming status to a property upon finding that:
 - a. The property improvement plan, when implemented, will adequately address any neighborhood compatibility concerns previously associated with the property.
 - b. The property improvement plan incorporates adequate monitoring and maintenance provisions to ensure that neighborhood compatibility issues will not reoccur in the future.
 - c. The location and size of the site is suitable and appropriate for a multi-family use.
 - d. The property as improved will feature high quality design elements that complement the aesthetic qualities of the neighborhood.
 - e. The property will not produce unreasonable privacy, noise, light, and air impacts on neighboring properties.
 - f. Sufficient off-street parking is provided to accommodate parking needs of residents and minimize parking impacts on neighboring properties. Vehicles will not be parked in a manner that projects into adjacent sidewalks, streets, or otherwise interferes with vehicle and pedestrian circulation adjacent to the site.
 - g. Refuse and recycling storage facilities are provided on-site and screened from view from neighboring properties and the street.
 - h. The granting of legal status will not result in an excessive concentration of multi-family uses in the immediate vicinity of the property.
 - i. Community benefits, if proposed, sufficiently compensate for impacts from the non-conforming use that cannot fully mitigated.
7. **Revocation.** The City may at any time revoke the legal status of the property if the property violates the improvement and maintenance agreement. Revocation shall occur in a manner consistent with Section 17.156.110 (Permit Revocation).

17.92.080 Nonconforming Structures

This section identifies allowed modifications to nonconforming structures, summarized in Table 17.92-1.

TABLE 17.92-1: ALLOWED MODIFICATIONS TO NONCONFORMING STRUCTURES

Project Affecting a Nonconforming Structure	Permit Required [1]
Nonstructural repairs, maintenance, and interior alterations	None
Structural repairs, modifications, and additions that do not alter or affect the nonconforming aspect of the structure	None
Structural repairs, modifications, and additions that alter or affect the nonconforming aspect of the structure	Conditional Use Design Permit
Structural repairs, modifications, and additions that increase or exacerbate the nonconforming aspect of the structure	Variance
Replication of a single-family dwelling per 17.92.070.D	Conditional Use Design Permit
Recreation of an involuntarily damaged or destroyed structure	None

Notes:

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

A. Alterations Permitted By Right.

1. Maintenance, nonstructural repairs, and nonstructural interior alterations to any portion of a nonconforming structure are permitted if the changes and improvements do not enlarge or extend the structure.
2. Structural modifications to a nonconforming structure that do not alter or affect the nonconforming aspect of the structure are permitted. For example, an addition to a structure with a non-conforming setback is permitted if no structural changes are made to the portion of the structure projecting into the required setback, and if the addition complies with all setback, height, floor area ratio, and other applicable development standards.

B. Alterations and Additions Requiring a ~~Conditional Use~~ Design Permit.

1. Structural repairs and improvements that affect the nonconforming aspect of a nonconforming structure are allowed with a ~~Conditional Use~~ Design Permit if the improvement does not increase or exacerbate the nonconformity. For example, structural repairs to a building wall within a required setback are permitted with a ~~Conditional Use~~ Design Permit if the wall is not moved closer to the property line and the length of the wall within the required setback is not increased.

2. The Planning Commission may approve an alteration or addition to a nonconforming structure that renovates, reconstructs, or replicates the nonconforming aspect of the structure with a Design Permit. The addition may not increase or exacerbate the nonconformity and may not exceed 50 percent of the floor area of the existing structure.

2.3. To approve such ~~an~~ alterations and additions, the Planning Commission shall make all ~~Conditional Use~~Design Permit findings (Chapter 17.1204) in addition to the findings in Section 17.92.090 (Findings).

C. Substantial Demolition.



Note: ~~Definition of a substantial demolition based on percent of building material removed replaces existing definition based on value of project in Section 17.72.070 of the existing Zoning Code.~~

~~1. If a nonconforming structure is substantially demolished as part of an alteration or addition, the structure shall be brought into full compliance with the requirements of the Zoning Code (i.e., legal nonconforming status shall be lost). Replicated single-family dwellings (Section D below) are exempt from this requirement.~~

~~2. A “substantial demolition” means the removal or replacement of:~~

- ~~a. 50 percent or more of the lineal footage of existing interior and exterior walls;~~
- ~~or~~
- ~~b. 50 percent or more of the area of existing floor, ceilings, and roof structures.~~

~~3. Determination of a substantial demolition shall include all repairs, alterations, and additions cumulatively made to the property over the preceding 5 years.~~

D.C. Replication Reconstruction of Single-Family Dwellings.



Note: Ability to ~~replicate-reconstruct~~ nonconforming single-family dwellings in this section is new.

1. A nonconforming single-family dwelling may be ~~replicated-reconstructed~~ with the approval of a ~~Conditional Use~~Design Permit. This provision is intended to allow for improvements to housing in Capitola in a manner that maintains the historic coastal village character of residential neighborhoods.

2. “ReconstructionReplication” as used in this subsection means the replacement of a demolished structure which recreates the original building footprint, mass, floor area, height, and roof lines. Deviation from existing design details such as the arrangement of doors and windows, architectural design, materials, and color may be permitted. ~~and arrangement of doors, windows, roof lines, and significant architectural features of the demolished structure to the greatest extent possible.~~ Exact ~~reconstruction replication~~ may not be possible due to the unavailability of matching materials and/or the necessity to meet current Building Code requirements.

3. A non-conforming single-family dwelling is not eligible for reconstruction replication if the mass and floor area of the existing home can be reconfigured on the parcel in a manner consistent with the development standards of the applicable zoning district. Reconstruction Replication provisions are intended to apply only to homes on constrained parcels where compliance with applicable development standards is not feasible.
4. Deviations from the original building design that would reduce a nonconformity are allowed, and encouraged in cases where the deviation does not adversely impact the architectural integrity of the home.
5. To approve such a reconstruction replication, the Planning Commission shall make all Conditional Use Design Permit findings (Chapter 17.1204) in addition to the findings in Section 17.92.0980 (Findings), and must find that the reconstruction contributes to the preservation of Capitola's coastal village character.
6. No additions or modifications that would increase the mass, floor area or height of a replicated nonconforming single-family dwellings are permitted for up to 10 years following approval of the reconstructed replicated home.

E.D. Involuntary Damage or Destruction.

1. Nonconforming structures damaged or destroyed by earthquake, fire, flood, or other calamity may be repaired or reconstructed provided that the nonconforming aspects of the structure are not increased or exacerbated.
2. "Reconstructed" means rebuilding a damaged or destroyed structure in a manner similar but not identical to the original structure. A reconstructed structure generally recreates the original building footprint, mass, and height, but may deviate from design details such as architectural design and the arrangement of doors, windows, and rooflines.
3. The repair or reconstruction of a nonconforming structure shall begin within one year and shall be completed within three years. The Community Development Director may approve an extension of two additional years to complete reconstruction of the demolished structure if the delay was caused by circumstances over which the applicant has no fault or control.

F.E. Moved Structures. A nonconforming structure that is moved to a new location shall conform to all applicable standards of the applicable zoning district.

17.92.090 Findings

Note: Findings for modifications to a nonconforming structure in this section are new.

The Planning Commission may approve a Conditional Use Permit Design Permit for projects that alter or affect the nonconforming aspect of a structure and for the replication of a



single-family dwelling if all of the following findings can be made in addition to the findings in Chapter 17.1204 (~~Use-Design~~ Permits):

- A.** Available evidence indicates that the nonconforming use or structure was legally established.
- B.** The nonconforming use or structure has not resulted in a notable negative impact or nuisance on neighboring properties or to the surrounding area.
- C.** The nonconforming use or structure is compatible with the general character of the surrounding area.
- D.** The proposed action is consistent with the purpose and intent of the applicable zoning district.

Chapter 17.96 – SUPPLEMENTAL STANDARDS

Sections:

- 17.96.010 Purpose
- 17.96.020 Animal Keeping
- 17.96.030 Emergency Shelters
- 17.96.040 Home Occupations
- 17.96.050 Intersection Sight Distance
- 17.96.060 Large Commercial Land Uses
- 17.96.070 Large Home Day Care
- 17.96.080 Large Residential Care Facilities
- 17.96.090 Offshore Oil Development Support Facilities
- 17.96.100 Permanent Outdoor Displays
- 17.96.110 Outdoor Lighting
- 17.96.120 Placement of Underground Utilities
- 17.96.130 Recycling Collection Facilities
- ~~17.96.140 Residential Mixed Use Development in Commercial Zoning Districts~~
- 17.96.145 Self-Storage Facilities
- 17.96.156 Solar Energy Systems
- 17.96.167 Soquel Creek Pathway, ~~Bulkheads, and Decks~~
- 17.96.178 -Temporary Sidewalk Dining
- 17.96.189 -Temporary Uses and Structures
- ~~17.96.200 Unattended Donation Boxes~~

17.96.010 Purpose

This chapter establishes supplemental standards for land uses, activities, and development that apply in all zoning districts.

17.96.020 Animal Keeping



Note: Animal keeping standards in this section remove limitations on the number of permitted indoor domestic pets in existing Zoning Code Section 17.82.060. Subsections D (Honeybees) and E (Prohibited Animals) are new.

- A. General Standards.** The following standards apply to the keeping of all animals in Capitola.
1. **Public Health and Safety.** It shall be unlawful and shall constitute a nuisance to keep any animal that poses a threat to public health or safety.
 2. **Animal Noise.** In addition to those in Municipal Code Chapter 9.12 (Noises), no animal may disturb neighbors with its noise between sunset and one-half hour after sunrise.

3. **Sanitation.** It shall be unlawful and shall constitute a nuisance for any person to keep animals in an unsanitary manner or produce obnoxious odors. All debris, refuse, manure, urine, food waste, or other animal byproduct shall be removed from all the premises every day or more often as necessary.

B. Household Pets.

1. **Compliance with General Standards.**—The keeping of dogs, cats, domesticated birds, rabbits, rodents, reptiles and amphibians, potbelly pigs less than 150 pounds, and other household pets is permitted provided they comply with Paragraph A above.

B.2. Maximum Number. A maximum of four of each type of household pet with a maximum of eight pets total is permitted in a single dwelling unit.

C. Chickens.

1. **Permitted Location.** Keeping of chickens is permitted only on properties of 5,000 square feet or more occupied by a single-family dwelling.

1.—

2. **Prohibitions on Roosters.** Only hens are permitted pursuant to this chapter. Roosters are prohibited.
3. **Number of Chickens.** A maximum of four chickens are permitted on a single property.
4. **Enclosure Requirement.** Chickens shall be kept in a coop which is sufficient to contain chickens.

5. Location of Coops.

a.—Chicken coops must be located behind the primary structure on the lot.

5-b. Chicken coops shall may not be located within a required front and side setback area or closer than 20 feet to dwelling units on adjacent properties.

D. Honeybees.

1. **Permitted Location.** Keeping of beehives is permitted only on properties occupied by a single-family dwelling.
2. **Minimum Lot Size and Number of Hives.** A maximum of one beehive is permitted on properties of at least 5,000 square feet.
3. **Location of Beehives.** Beehives shall be located behind the primary structure on the property. Beehives shall not be located closer than 20 feet to dwellings on adjacent properties or 5 feet from a property line.

E. Prohibited Animals. Keeping the following animals is prohibited:

1. Roosters, fowl other than chickens and ducks, goats, pigs other than potbelly pigs, and other livestock.

2. Wild animals as defined in Section 2118 of the California Fish and Game Code, except when authorized by the State Department of Fish and Game under Fish and Game Code Section 2150 et seq.

17.96.030 Emergency Shelters

Emergency shelters will comply with the following standards:

- A. Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- B. Physical Characteristics.** Emergency shelters shall comply with applicable State and local housing, building, and fire code requirements.
- C. Security.** Facilities shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
- D. Laundry Facilities.** Facilities shall provide laundry facilities or services adequate for the number of residents.
- E. Common Facilities.** Facilities shall contain amenities appropriate to the population to be served to include the following:
 1. Central cooking and dining room.
 2. Recreation room.
 3. Counseling services.
 4. Child care facilities.
 5. Other support services.
- F. Outdoor Activity.** For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
- G. Refuse.** Emergency shelters shall provide a refuse storage area that is in accordance with city requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Community Development Director. The refuse enclosure shall be accessible to refuse collection vehicles.
- H. Emergency Shelter Provider.** The agency or organization operating the emergency shelter shall comply with the following requirements:
 1. Temporary shelter shall be available to residents for no more than six months.
 2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.

3. The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The City Council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.
 - I. **Limited Terms of Stay.** The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.
 - J. **Transportation Plan.** A transportation plan is required.
 - K. **Parking.** The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.
 - L. **Bicycle Parking.** The shelter shall provide secure bicycle parking at a rate of one space per occupant.
 - M. **Development Standards.** An emergency shelter must comply with all development standards in the Industrial (I) zoning district.

17.96.040 Home Occupations

- A. **Required Permit.** An Administrative Permit is required to establish or operate a home occupation.
- B. **Standards.** All home occupations shall comply with the following standards:



Note: Size limitation for home occupations in paragraph 1 below is new.

1. **Size.** Home occupations may not occupy more than 25 percent of the floor area of the dwelling unit or 400 square feet, whichever is less.
2. **Sales and Displays.** Products may not be sold onsite directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers.
3. **Advertising.** No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address, are allowed on advertisements.
4. **Signs.** One single, non-illuminated, wall-mounted outdoor sign of not more than 1 square foot in area is permitted.

5. **Vehicle Traffic.** A home occupation may not generate vehicle traffic greater than normally associated with a residential use. No excessive pedestrian, automobile, or truck traffic introduced to the neighborhood as a result of the home occupation.
 6. **Deliveries.** Deliveries and pick-ups for home occupations may not interfere with vehicle circulation, and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
 7. **Mechanical Equipment.** Mechanical equipment that is not normally associated with a residential use is prohibited.
 8. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.
 9. **Hazardous Materials Prohibited.** The storage of flammable, combustible, or explosive materials is prohibited.
 10. **Employees.** Employees of a home occupation shall be limited to the persons residing in the dwelling unit.
 11. **On-Site Client Contact.** No more than one client/customer at the property at one time. Customer or client visits are limited to three per day, or six per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring)
 12. **Outdoor Storage Prohibited.** Goods, equipment, and materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from the property line.
- C. Permit Revocation.** An Administrative Permit for a home occupation that violates any of the standards in Paragraph B (Standards) above may be revoked consistent with Section 17.156.010 (Permit Revocation).

17.96.050 Intersection Sight Distance

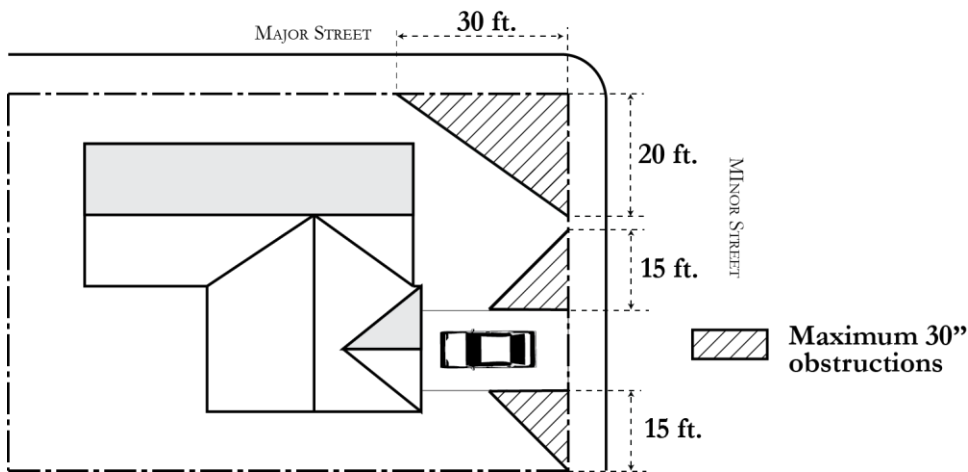
- A. Vision Triangle Required.** In zoning districts which require a front and street side setback for primary structures, all corner parcels shall provide and maintain a clear vision triangle at the intersection of the streets' right-of-way and adjacent to driveways for the purpose of traffic safety.
- B. Vision Triangle Defined.**
1. **Intersections.** The intersection vision triangle shall be the area formed by measuring 30 feet along the major street front property line and 20 feet along the minor street property line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

2. **Driveways.** The driveway vision triangle is the area formed by measuring 15 feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

C. Maintenance of Sight Lines.

1. No structure, vehicle, object, or landscaping over 30 inches in height may be placed within a vision triangle, except as allowed by subsection 2 below.
2. Trees pruned at least 8 feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision triangle.

FIGURE 17-96-1: VISION TRIANGLES



17.96.060 Large Commercial Land Uses

A. Purpose and Applicability. This section establishes special findings that the Planning Commission must make to approve a Conditional Use Permit for commercial land uses with more than ~~1220~~20,000 square feet of floor area within one or more buildings. This requirement applies to all proposed new commercial land uses except for:

1. ~~Uses~~ already specifically approved in an applicable Master Conditional Use Permit pursuant to Section 17.124.100 (Master Use Permit); and
- ~~A.2. Uses within a shopping center or mall with a floor area of 300,000 square feet or more.~~



Note: Findings in subsection B below modifies criteria in existing Zoning Code section 17.60.030.D. ~~Definition of large commercial land uses increased from 12,000 sq. ft. to 20,000 sq. ft.~~

B. Findings. To approve a Conditional Use Permit for a commercial land use with ~~1220~~20,000 square feet or more of floor area, the Planning Commission shall make the following findings in addition to the findings in Section 17.124.070 (Findings for Approvals):

1. Vehicle traffic and parking demand created by the proposed use will not have substantial adverse impacts on properties within the vicinity of the subject property.
2. The structure occupied with the proposed use is compatible with the scale and character of existing structures in the surrounding area.
3. The proposed use is compatible with existing land uses in the surrounding area.
4. The size of the proposed use is similar to the average size of similar uses located in the surrounding area.
5. The use will support the surrounding local economy and attract visitors to the commercial area.

C. Purpose of Findings. The purpose of additional findings for large commercial uses is to enable the Planning Commission to ensure that all new uses and development are consistent with the General Plan and compatible with the character of existing neighborhoods and districts. These findings are not intended to involve the City in the normal competition that arises between similar businesses in Capitola.

17.96.070 Large Home Day Care

As allowed by Health and Safety Code Sections 1597.465 et seq., the City shall approve a large home day care if it complies with the following standards.

- A. Care Provider Occupancy.** The single-family home in which the large home day care is located shall be the principal residence of the care provider. The day care use shall be clearly residential in character and shall be accessory to the use of the property as a residence.
- B. License.** The care provider shall obtain and maintain a license from the State of California Department of Social Services.
- C. Separation.** A large home day care facility within a residential zoning district may not be located within 500 feet of another large day home care.
- D. Yard Requirement.** A large home day care shall either be located within the R-1 zoning district or shall have 75 square feet of outdoor activity space for each child. A large home day care outside the R-1 shall have an outdoor area owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. The City may wave this space requirement if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large home day care.
- E. Screening.** A fence or wall shall be located on all property lines or around all outdoor activity areas. The fence or wall shall comply with all applicable standards in Chapter 17.60 (Fences and Walls).

- F. Noise.** Outdoor activities may not occur before 7:00 a.m. or after 8:00 p.m. when the site is located within or adjacent to a residential zoning district.
- G. Parking.** Off-street parking shall be provided as required by Chapter 17.76 (Parking and Loading).
- H. Garage.** The garage shall be utilized for the parking of the property owner's vehicles. Use of the garage for the day care home function, such as for a play area, is not allowed.
- I. Safety Compliance.** The applicant is required to have the home inspected and submit a letter of compliance from the following:
 - 1. **City Building Division.** The homes shall be inspected and brought into compliance with the building code relative to the proposed use.
 - 2. **Fire Marshal.** The home shall be inspected and brought into compliance with the California Health and Safety code related to the proposed use.
- J. Pick-Up and Drop-Off Plan.** The Community Development Director shall approve a plan for the pick-up and drop-off of children. The plan shall demonstrate that adequate parking and loading areas are available to minimize congestion and conflict on public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:
 - 1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
 - 2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

17.96.080 Large Residential Care Facilities

Large residential care facilities shall comply with the following standards:

- A. Separation.** A large residential care facility in a residential zoning district shall not be located within 500 feet of another large residential care facility.
- B. Screening and Landscaping.** A minimum six-foot-high solid wall or fence shall be provided for purposes of screening and securing outdoor recreational areas. Chain metal fencing and barbed wire are prohibited.
- C. License.** The care provider shall obtain and maintain a license from the State of California Department of Social Services. Large residential care facilities shall be operated according to all applicable State and local regulations.
- D. Safety Compliance.** The applicant is required to have the facility inspected and submit a letter of compliance from the following:
 - 1. **City Building Department.** The facility shall be inspected and brought into compliance with the building code relative to the proposed use.
 - 2. **Fire Marshal.** The facility shall be inspected and brought into compliance with the California Health and Safety code related to the proposed use.

17.96.090 Offshore Oil Development Support Facilities

Note: This section removes findings and other similar commentary from Chapter 17.93 of the existing Zoning Code.



- A. Prohibition.** There shall be no construction, reconstruction, operation, or maintenance of any commercial or industrial offshore oil development support facility within the City of Capitola.
- B. Facilities and Activities Included in Prohibition.** Prohibited facilities and activities include, but are not limited to:
 - 1. Oil or gas storage facilities, pipe and drilling materials, or equipment repair or storage facilities, which operates directly in support of any offshore oil or gas exploration, development, drilling, pumping or production.
 - 2. Construction, reconstruction, or operation of facilities to process any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

17.96.100 Permanent Outdoor Displays



Note: Citywide standards for permanent outdoor display of retail goods in this section are new.

- A. Permitted Displays.** A single permanent outdoor display of retail goods that complies with this section is permitted as an accessory use to a primary commercial use in the mixed use, commercial, and industrial zoning districts, except in the MU-V zoning district, where permanent outdoor displays are prohibited.
- ~~**B. Permits Required.**~~
- ~~**1.B. Permanent outdoor displays require Planning Commission approval of Aa Conditional Use Permit, is required for a permanent outdoor display in the MU-V zoning district.**~~
- ~~**2. Permanent outdoor displays located outside of the MU-V zoning district and consistent Paragraph D below are allowed with an Administrative Permit.**~~
- C. Standards.**
 - 1. **Height.** Displayed items shall not exceed 6 feet in height.
 - 2. **Size.** Display areas are limited to 6 feet wide or 10 percent of the width of the front building elevation. A display area may extend a maximum of 3 feet from the front building wall.
 - 3. **Goods Permitted.** Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may sell merchandise in an outdoor display area.

4. **Hours.** Items shall be displayed only during the operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.
5. **Screening.** If outdoor display areas are proposed as part of a project subject to discretionary review (e.g., Conditional Use or Design Permit) and approval by the City, the review authority may require that display areas be screened from view from neighboring properties with a solid wall, fence, or landscaped berm.
6. **Vending Machines.** Vending machines are not permitted as part of an outdoor display. Vending machines are considered an accessory use requiring Planning Commission approval of a Conditional Use Permit.

6.7. Design Standards.

- a. Outdoor displays shall be designed to enhance the shopping environment. The outdoor display shall be designed to complement the architecture of the building and public realm.
- b. Outdoor displays shall be self-supporting, stable, and constructed to withstand wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, and trees.
- c. Outdoor displays may not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display items or simply indicates a "sale" on the items limited in size to 4 square inches.
- d. Outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires.

7.8. Location.

- a. All outdoor display area shall be located on the same parcel as the primary commercial use. Outdoor display areas are not permitted within the public right-of-way.
- b. Outdoor display areas may not be placed within any permanent landscaped area, required parking space, or loading area.
- c. No items may be displayed within the public right-of-way, including public sidewalks.
- d. Outdoor display areas may not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

~~**D.—Exceptions to Standards.** The Planning Commission may grant exceptions to the standards in Paragraph C above with a Conditional Use Permit upon finding that the exception is necessary and that the outdoor display with the exception will comply with the basic intent of the standards. ~~No deviations from the standards in Paragraph D are allowed for permanent outdoor displays in the MU-V zoning district.~~~~

~~**E.D.**~~

17.96.110 Outdoor Lighting



Note: Outdoor lighting standards in this section are new.

- A. Purpose.** This section establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.
- B. Applicability.** The standards in this section apply to all outdoor lighting in Capitola except for:
 1. Lighting installed and maintained by the City of Capitola or other public agency;
 2. Athletic field lights used within a school campus or public or private park;
 3. Temporary construction and emergency lighting; and
 4. Seasonal lighting displays related to cultural or religious celebrations.
- C. Maximum Height.** Lighting standards shall not exceed the maximum heights specified in the Table 17.76-1.

TABLE 17.96-1 MAXIMUM LIGHT STANDARD HEIGHT

Zoning District	Maximum Height
Residential Zoning Districts	16 ft.
Mixed Use and Commercial Zoning Districts	16 ft. within 100 ft. of any street frontage; 20 ft. in any other location
Industrial Zoning Districts	16 ft. within 100 ft. of any street frontage; 25 ft. in any other location
Community Facility and Parks/Open Space Zoning Districts	25 ft., or as necessary for safety and security

- D. Prohibited Lighting.** The following types of exterior lighting are prohibited:
 1. ~~Drop-down~~ Exposed bulbs and/or lenses;
 2. Mercury vapor lights; and

3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.
- E. Fixture Types.** All lighting fixtures shall be shielded so as not to produce obtrusive glare onto the public right-of-way or adjoining properties. All luminaires shall meet the most recently adopted criteria of the Illuminating Engineering Society of North America (IESNA) for cutoff or full cutoff luminaires
- F. Light Trespass.** Lights shall be placed to deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.
1. Direct or sky-reflected glare from floodlights shall not be directed into any other parcel or street.
 2. No light or activity may cast light exceeding one foot-candle onto a public street, with the illumination level measured at the centerline of the street.
 3. No light or activity may cast light exceeding one-half foot-candle onto a residentially zoned parcel or any parcel containing residential uses.
- G. Required Documentation.** Prior to issuance of building permits, project applicants shall submit to the City photometric data from lighting manufacturers demonstrating compliance with the requirements of this section.

17.96.120 Placement of Underground Utilities

- A. When Required.** New construction or additions that increase existing floor area by 25 percent or more shall place existing overhead utility lines underground to the nearest utility pole.
- B. Exceptions.** The Planning Commission may approve exceptions to this requirement if it determines a hardship exists. The Planning Commission may grant an exception due to unique physical conditions on the site or environmental considerations such as tree preservation or proximity to a watercourse, archaeological site, or other environmental resources. The Planning Commission may not grant an exception due to financial hardship.

17.96.130 Recycling Collection Facilities

All recycling collection facilities where permitted shall comply with the standards in this section.

- A. Accessory Use.** Recycling collection facilities may be established only as an accessory use in conjunction with an existing commercial or industrial use which complies with the Zoning Code and the Capitola Building and Fire Codes.

B. Permit Required. Where allowed by Part 2 (Zoning Districts and Overlays), a recycling collection facility requires Planning Commission approval of a Conditional Use Permit.

B.C. Maximum Size. Recycling collection facilities may occupy no more than 5,000 square feet of area on a property.

C.D. Parking Areas.

1. Recycling collection facilities shall provide parking for removal of the materials and for customers depositing the materials.
2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use, unless a study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.

D.E. Accepted Items. Recycling collection facilities may accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County Environmental Health Department and the Hazardous Wastes Commission.

E.F. Power-driven Processing Equipment. Except for reverse vending machines, recycling collection facilities may not use power-driven processing equipment.

F.G. Location.

1. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping;
2. Containers for the 24-hour donation of materials shall be at least 30 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

G.H. Maintenance. The site shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

H.I. Noise. Shall not exceed noise levels of 60 dBA as measured from the property line of residentially zoned or occupied property or otherwise shall not exceed seventy dBA.

I.J. Hours of Operation. Attended facilities located within 100 feet of a property zoned or occupied for residential use shall operate only during the hours of between nine a.m. and seven p.m.

J.K. Facility Information and Display.

1. Containers shall be clearly marked to identify the type of materials which may be deposited.

2. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

K.L. Signs. Signs may be provided as follows:

1. Recycling facilities may have identification signs with a maximum of 10 square feet, in addition to informational signs required by subsection J above.

L.M. Landscaping. The facility shall not violate any landscaping standards required by the Zoning Code or other City ordinance.

~~17.96.140 Residential Mixed Use Development in Commercial Zoning Districts~~



~~17.96.150 — Note: Standards for residential mixed use development in commercial zoning districts in this section are new.~~

~~17.96.160 Purpose. This section establishes design standards for vertical mixed use development with housing above ground floor commercial uses in the commercial zoning districts. These standards are intended to promote successful mixed use development that is pedestrian friendly and contributes to the vitality of commercial districts in Capitola.~~

~~17.96.170 Applicability. This section applies to all residential mixed use development in the Community Commercial (C-C) and Regional Commercial (C-R) zoning districts.~~

~~17.96.180 Standards.~~

~~17.96.190 Ground Floor Uses. Ground floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.~~

~~17.96.200 — Building Placement. Buildings shall be placed near the edge of the sidewalk. At all times there shall be at least 10 feet between the building wall and edge of sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.~~

~~17.96.210 Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The Planning Commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.~~

~~17.96.220 — Blank Walls. The length of an unarticulated/blank building wall shall not exceed 10 feet. Architectural articulation should have similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:~~

~~17.96.230 — Doors, windows, and other building openings;~~

- ~~17.96.240 — Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;~~
- ~~17.96.250 — Varying wall planes, heights or contrasting materials and colors; and~~
- ~~17.96.260 — Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.~~
- ~~17.96.270 — Storefront Width. The width of a single building/storefront shall not exceed 50 feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual building bay width of 25 to 50 feet.~~
- ~~17.96.280 — Ground Floor Building Transparency. The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. 65 percent of the transparent windows or doors area shall remain clear to allow views into the building. Exceptions to this transparency requirement may be allowed if the Planning Commission finds that:~~
- ~~17.96.290 — The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; or~~
- ~~17.96.300 — Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.~~
- ~~17.96.310 Retail Location. Retail shall be located in places that provide the highest likelihood of retail success over time. Visibility, accessibility, and proximity to existing retail all contribute to retail success in mixed-use development.~~
- ~~17.96.320 — Retail Depth. Ground floor commercial space shall have a depth of at least 45 feet or two-thirds of the parcel depth, whichever is less. Where possible, 60-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The Planning Commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.~~

~~17.96.330 — Ground-Floor Height. Ground floor commercial space shall have a minimum floor-to-floor height of 15 feet. Where possible, 18-foot floor-to-floor heights are encouraged.~~

~~17.96.340 — Parking Location. No more than 10 percent of retail parking may be provided at the curb or adjacent to retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking.~~

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

~~17.96.350~~17.96.140 Self-Storage Facilities

- A. Purpose and Applicability.** This section establishes special findings for the Planning Commission to approve self-storage facilities in the Community Commercial (C-C) ~~and Regional Commercial (C-R) zoning districts~~. These findings are intended to ensure that new self-storage facility will not adversely impact the economic vitality of Capitol’s commercial districts.
- B. Required Findings.** In addition to the findings in Chapter 17.124 (Use Permits), the Planning Commission must make the following findings to approve a self-storage facility in the Community Commercial (C-C) ~~and Regional Commercial (C-R) zoning districts~~:
1. The location of the proposed self-storage facility is not conducive /better suited as self-storage rather than to traditional retail due to limited access to or poor visibility from the street.
 2. The proposed self-storage facility would be compatible with existing land uses in the surrounding area.
 3. Streets and other means of egress are adequate to serve the proposed self-storage facility.

~~17.96.360~~17.96.150 Solar Energy Systems

- A. Required Permits.**
1. **Rooftop Systems.** Rooftop solar energy systems are permitted by-right in all zoning districts. No permit or approval other than a building permit is required.
 2. **Other Systems.** Solar energy systems that are not located on the rooftop of a primary structure require a Conditional Use Permit.

- B. Height Exceptions.** Rooftop solar energy systems may project up to 4 feet above the maximum permitted structure height in the applicable zoning district. This exception is applicable to the solar energy system only, not the structure on which it is located.
- C. Mixed Use Village Zoning District.** Rooftop solar facilities in the Mixed Use Village zoning district shall be located and design to minimize visibility from a street or other public place to the greatest extent possible.
- D. Building Permit Review and Approval.** Building permit applications for rooftop solar energy systems shall be reviewed and approved in compliance with Municipal Code Chapter 15.10 (Expedited Solar Permitting Ordinance).

~~17.96.370~~17.96.160 **Soquel Creek Pathway, ~~Bulkheads, and Decks~~**

~~A. Soquel Creek Riverview Pedestrian Pathway.~~ The following standards apply to the Soquel Creek Riverview Pedestrian Pathway, which extends from the Stockton Avenue Bridge along the eastern side of Soquel Creek, under the Railroad Trestle, to 427 Riverview Avenue, where it follows a drainage easement to Riverview Avenue. As used in this section, “pathway” means the undeveloped area within which the pedestrian walking surface (comprised of brick, decomposed granite and other surface materials) is located.

- ~~1.A.~~ The pathway shall be maintained at a minimum of either the existing pathway width shown in the March 2005 survey maintained by the City of Capitola, or 4 feet, whichever is greater.
- ~~2.B.~~ Primary structures east of the pathway shall be setback a minimum of 5 feet from the edge of the pathway.
- ~~3.C.~~ New development, decks, fencing, landscaping and other improvements may not encroach into the pathway.
- ~~4.D.~~ Property owners shall trim and maintain landscaping so that it does not encroach into the pathway to less than 4 feet.
- ~~E.~~ Surface variations (i.e., brick, decomposed granite and other surfaces) are permitted.
- ~~F. Deck handrails adjacent to Soquel Creek may not exceed 42 inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.~~

~~5.—~~

- ~~B. Bulkheads and Decks.~~ The following standards apply to bulkheads and decks adjacent to Soquel Creek:
 - ~~1.— All bulkheads shall be constructed in a rustic manner and finished in wood.~~
 - ~~2.— Deck handrails may not exceed 42 inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.~~
 - ~~3.— Only two freestanding lights up to 8 feet in height are allowed for each deck.~~

17.96.38017.96.170 **Temporary Sidewalk Dining**

Note: Standards for temporary sidewalk dining in this section are new.



This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

A. Required Permits. Temporary sidewalk dining within the public right-of-way requires an Administrative Permit and an Encroachment Permit.

B. Permitted Zoning Districts. Temporary outdoor dining within the public right of way is allowed in the Commercial Community (C-C), Commercial Regional (C-R), and Mixed Use, Neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right of way is not permitted in the Mixed Use Village (MU-V) zoning district.

B.C. Standards. Temporary sidewalk dining shall comply with the following standards.

1. **Location.** Outside dining is permitted on the public sidewalk:
 - ~~a. Only in a zoning district that allows restaurants;~~
 - ~~b.a.~~ When incidental to and part of a restaurant; and
 - ~~e.b.~~ Along the restaurant's frontage.
2. **Number of Dining Areas.** An indoor restaurant may operate only one outside dining area confined to a single location.
3. **Safe Passage.**
 - a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
 - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of 4 feet width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs shall be placed or allowed to remain on any sidewalk that inhibit passage.
4. **Furniture and Signage Location.**
 - a. Tables and chairs in a sidewalk dining area shall be set back at least 2 feet from any curb and from any sidewalk or street barrier, including a bollard, and at least 8 feet from a bus stop.
 - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.

- c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
 - d. Umbrellas shall be secured with a minimum base of not less than 60 pounds.
 - e. ~~Signage—All signs are subject to Chapter 17.80.is prohibited within an outside dining area except for the name of the establishment on an awning or umbrella fringe and as required by this section when alcoholic beverages are served.~~
5. **Food and Beverages.** The service of alcoholic beverages within the sidewalk dining area requires a Conditional Use Permit, and shall comply with the following requirements:
- a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
 - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remains open to pedestrian traffic.
 - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
 - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from State authorities.
6. **Trash and Maintenance.**
- a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
 - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.
7. **Hours of Operation.** Sidewalk dining may occur between 7 a.m. and 10 p.m. seven days a week. Tables, chairs, and all other outdoor dining furniture shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in operation.
- ~~8. **Conversion of On-Street Parking Spaces.**~~
- ~~a.—On street parking spaces in the MU-V zoning district may be converted to an outdoor dining area with Planning Commission approval of a Conditional Use Permit and City Council approval of an Encroachment Permit.~~
 - ~~b.—Outdoor dining areas replacing a parking space must be open to the general public. Access may not be limited to customers of businesses immediately adjacent to the outdoor dining area.~~
 - ~~c.—No more than two parking spaces in a single location may be converted to an outdoor dining area.~~

- ~~d. To approve the Conditional Use Permit and Encroachment Permit, the City must find that the conversion of the parking space to outdoor dining will enhance the vitality of Village and will not diminish public access to and enjoyment of coastal resources in Capitola.~~

~~17.96.390~~17.96.180**Temporary Uses and Structures**

Note: This section adds new detail to the types of temporary uses and structures allowed by right and those allowed with an Administrative Permit.

- A. Purpose.** This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.
- B. Temporary Uses Allowed By Right.** The following temporary uses are permitted by right. No permits or approvals from the Community Development Department are required.
1. **Garage Sales.** Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
 2. **Storage Containers.** Storage containers delivered to a home, loaded by residents, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the Planning Commission with a Conditional Use Permit.
 3. **Outdoor Fund Raising Events.** Outdoor fund raising events on commercial sites when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Outdoor fund raising events with property owner permission are limited to two days each month for each sponsoring organization.
 4. **On-Site Construction Yards.** Temporary construction yards and office trailers that are located on-site, less than 1 acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- C. Temporary Uses Requiring a Permit.** An Administrative Permit is required for the following temporary uses.
1. **Seasonal Sales.** Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of 45 calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
 2. **Temporary Outdoor Displays of Merchandise and Parking Lot Sales.** Temporary outdoor displays of merchandise and parking lot sales on private

property for a maximum of three days no more than two times per year on a single property. Following the completion of the temporary display, all signs, stands, poles, electrical wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.

3. **Farmer's Markets.** Farmer's markets for a maximum of one day per week in a non-residential zoning district. Farmer's markets for more than one day per week in a non-residential are permitted with a Conditional Use Permit. Farmer's markets in a residential zoning district are permitted with a Conditional Use Permit.
 4. **Off-Site Construction Yards.** Construction yards located off-site in conjunction with an approved project. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
 5. **Employee Trailers.** Trailer or commercial modular units used as a work site for employees of a business displaced during construction, for a maximum of 12 months.
 6. **Real Estate Offices.** Real estate offices used exclusively for the sale of homes or other real estate units located within an approved multi-unit development project for a maximum of three years or within 30 days when the last home is sold, whichever comes first.
 7. **Other Similar Activities.** Similar temporary activities determined by the Community Development Director to be compatible with the applicable zoning district and surrounding uses.
- D. Temporary, Publicly Attended Activities.** Temporary, publicly attended activities such as festivals, outdoor entertainment, and other similar events may be permitted pursuant to Municipal Code Chapter 9.36 (Temporary, Publicly Attended Activities).
- E. Conditions of Approval.** Upon the approval of a permit for a temporary use, the City may attach the following conditions when necessary in connection with the temporary use:
1. Hours of operation.
 2. Maintenance of accessibility for the disabled.
 3. Protection of fire lanes and access.
 4. Preservation of adequate on-site circulation.
 5. Preservation of adequate on-site parking or a parking management plan to temporarily park off-site.
 6. Cleanup of the location or premises.
 7. Use of lights or lighting or other means of illumination.

8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

17.96.400 — Unattended Donation Boxes



Note: Standards for unattended donation boxes in this section are new.

- A. Purpose and Applicability.** ~~This section establishes standards for unattended donation boxes to allow for the convenient donation of personal property in a manner that maintains a safe and attractive environment. An unattended donation boxes is any unattended container, receptacle, or similar device used for soliciting and collecting donations of clothing or other salvageable personal property. Recycle bins for the collection of recyclable materials are not included in this definition of an unattended donation boxes.~~
- B. Required Permits.** ~~An Administrative Permit is required to establish, operate, or maintain an unattended donation box. The Community Development Department may forward applications to the Chief of Police for review and comment prior to issuance of permit.~~
- C. Location.** ~~Unattended donation boxes are permitted only in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts.~~
- D. Standards.** ~~All unattended donation boxes shall comply with the following standards.~~
 - 1. Condition.** ~~Unattended donation boxes shall be maintained in good condition and appearance with no structural damage, holes, or visible rust.~~
 - 2. Securing of Boxes.** ~~Unattended donation boxes shall be locked or otherwise secured.~~
 - 3. Emptying of Boxes.** ~~Unattended donation boxes shall be serviced and emptied as needed, but at least once per month, or within five business days of a request by the Community Development Director.~~
 - 4. Number per Property.** ~~A maximum of one unattended donation box is permitted per property.~~
 - 5. Minimum Lot Size.** ~~Unattended donation boxes are permitted only on lots of 20,000 square feet or more.~~
 - 6. Separation.** ~~Unattended donation boxes may not be placed within 400 feet of another unattended donation box.~~
 - 7. Placement.** ~~Unattended donation box may not be placed on required on-site parking spaces or within the vision triangle as defined in Section 17.96.040 (Intersection Site Distance).~~

~~**E. Permit Revocation.** The Administrative Permit for an unattended donation box that violates the standards in this section or constitutes a public nuisance may be revoked pursuant to Section 17.156.110 (Permit Revocation).~~

Chapter 17.100 – MOBILE HOME PARK CONVERSIONS

Sections:

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

17.100.010 Purpose and Intent

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

17.100.020 Applicability

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

17.100.030 Definitions

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

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

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

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

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

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

17.100.040 Relocation Impact Report

A. Submittal to Director. Prior to a change of use of a mobile home park, a Relocation Impact Report (RIR) complying with the requirements of this chapter must be filed with the Director. It is the park owner’s responsibility to comply with the notice requirements of subsections g(1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the (RIR), the park owner is encouraged to consult with staff (especially if any waiver of Municipal Code Section 17.90.030 requirements will be requested) early in the process about the contents of the RIR.

B. Required Information. The RIR shall be prepared by an independent agent acceptable to the City at the applicant’s expense and shall include the following information unless the Director determines the information is not necessary:

1. A detailed description of the proposed or change of use, or change without new use.
2. A timetable for conversion of the mobile home park.
3. A legal description of the mobile home park.
4. The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space.
5. The date of manufacture and size of each mobile home.
6. Appraisals addressing relevant issues identified by the Director. A qualified appraiser shall be selected by the City and the cost of the appraisals shall be borne by the applicant. The appraisals shall identify those mobile homes which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the homeowner’s investment in the mobile home, such as the change in value of effected mobile homes that would result from the proposed change of use.
7. The results of questionnaires to all homeowners/occupants regarding the following: whether the occupant owns or rents, whether this is the only residence, occupants’ ages, whether the occupants have disabilities that would be aggravated by the moving process, the purchase date and price paid by the mobile home owner, the costs incurred by the mobile home owner in improving the home, and

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

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

17.100.050 Notice to Prospective Occupants of Pending Change in Park Status

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

17.100.060 Exemptions from Relocation Assistance Obligations

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

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

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

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

17.100.070 Application for Change of Use – Public Hearing – Findings

A. City Review of RIR. Upon the filing of an RIR, the Director shall examine the RIR and advise the applicant in writing within 30 days whether it is complete. When an application and RIR have been accepted as complete, the Director shall set a time, date and place for a hearing before the Planning Commission not later than 60 days after the date of acceptance. Because certain required information in an RIR (e.g., appraisals, tenant data) cannot be obtained until after filing an application for change of use, the initial application for change of use and RIR shall contain all pertinent available information to start the process of obtaining the information required for a complete application and RIR.

B. Owner and Resident Notice. Not less than 30 days prior to the scheduled public hearing before the Planning Commission, the park owner shall deliver to the each mobile home owner and resident within the park a copy of the approved RIR and the notice of the date, time and place of the public hearing on the application. Notice shall be delivered by certified mail or personal delivery.

C. Verification of Notice Requirements. Not less than 15 days prior to the scheduled public hearing before the Planning Commission on the RIR, the park owner shall file with the Director a verification of noticing required by this chapter and Government Code Section 65863.7. The form and manner of such verification shall be approved by the City Attorney.

D. Planning Commission Recommendation.

1. **Public Hearing.** The Planning Commission shall hold a public hearing on the application for a change of use and the RIR within 95 days of the date the application and RIR were accepted as complete. The Planning Commission shall provide a recommendation to the City Council on the approval of the change of use and RIR and may recommend measures to mitigate adverse impacts on residents impacted by the change of use.
2. **Mitigation Measures.** Measures to mitigate adverse impacts on residents shall not exceed reasonable cost and may include, but are not limited to, the following:

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

E. City Council Decision.

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

3. **Statute of Limitations.** The decision of the City Council is final. Pursuant to Code of Civil Procedure 1094.6, the statute of limitations for bringing a judicial challenge to any decision concerning a change of use of mobile home park is 90 days. Notice of the City's decision to the applicant, park owner and affected residents shall include notice that the 90 day statute of limitations in 1094.6 applies.
- F. Extension of Time Periods.** Time periods in this section may be extended as necessary to comply with the California Environmental Quality Act (CEQA) or the California Coastal Act.
- G. Cost of Mitigation Measures.** Notwithstanding any other provision in this section, the cost of mitigation measures shall comply with Government Code Section 65863.7 which states that "the steps taken to mitigate shall not exceed the reasonable costs of relocation."

17.100.080 Measures to Prevent Avoidance of Relocation Assistance Obligations

- A. Notice.** If any change of use or RIR approval application is withdrawn or denied, those previously given notices or announcements shall be so informed in writing by the mobile home park owner.
- B. No Waiver of Rights.** No prospective mobile home resident or existing mobile home resident may be required to sign a waiver, or a lease or rental agreement which includes a waiver, of their rights under this chapter. Any waiver of rights under this chapter by such a mobile home resident shall be deemed invalid unless the resident or prospective resident and the park owner obtain the prior approval of the waiver from the Director, who may grant such approval only upon a finding that the waiver is voluntary and was made after being fully informed of the terms of this chapter.

17.100.090 Compliance with Relocation Assistance

- A. Acceptance of Mitigation Measures.**
1. The applicant shall execute and record a certificate, and file proof with the Director, accepting the mitigation measures imposed on the approval of a closure or conversion within 90 days of the final City Council action approving the change of use. The applicant shall give the six- or twelve-month notice of the termination of tenancy and closure of the park required by Civil Code Section 798.56(g) within 120 days of that action.
 2. An approval of a change of use shall automatically become null and void if the certificate accepting the conditions is not filed and executed within 90 days of the date of the approval of the change of use and the notice of termination of tenancy has not been given within 120 days of that resolution.
- B. Timing of Mitigation.** All mitigation measures imposed on the approval of a change of use shall be fully performed for each resident prior to that resident's required vacation of the mobile home park, unless otherwise provided in the mitigation measure.

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

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

17.100.100 Modification and Revocation of Approved Closure or Conversion

A. Modification.

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

B. Revocation.

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

17.100.110 Expiration and Extension of Approval

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

B. Extensions.

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

17.100.120 Preemption

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

17.100.130 Severability

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