

Chapter 17.28

VISITOR SERVING OVERLAY ZONE

Sections:

- 17.28.010 Purpose of the visitor serving overlay zone.
- 17.28.020 Land use regulations.
- 17.28.030 Development standards.

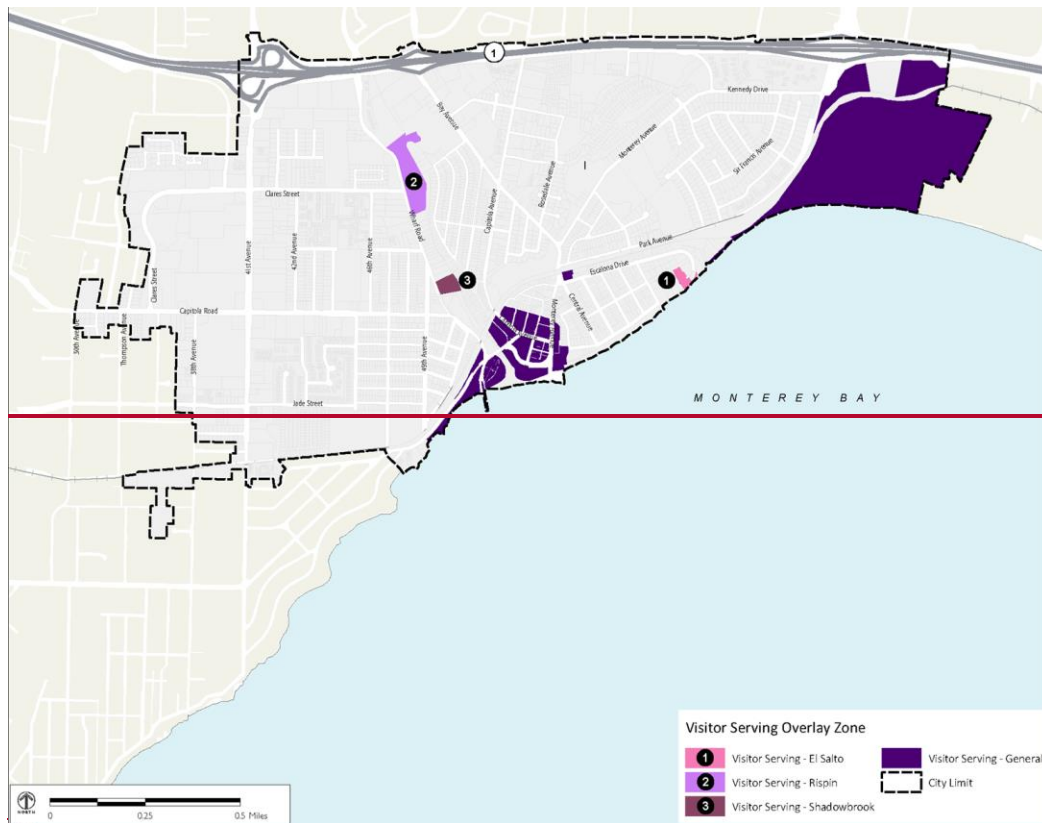
17.28.010 Purpose of the visitor serving overlay zone.

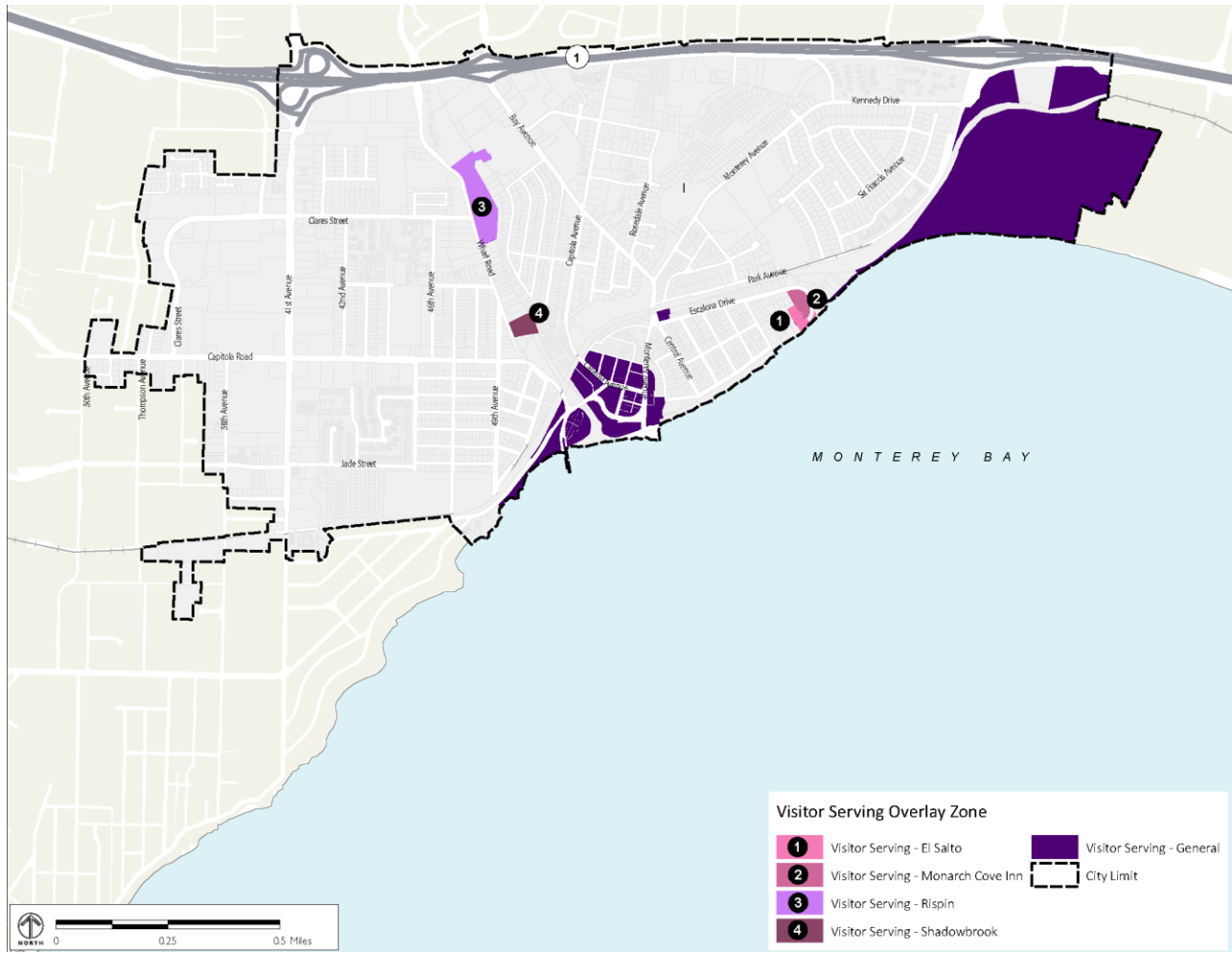
A. General. The purpose of the visitor serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the general plan and local coastal program (LCP).

B. Visitor Serving Overlay Subzones. The -VS overlay zone is divided into subzones (see Figure 17.28-1) with unique land use and development standards:

1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).
3. Visitor Serving - Monarch Cove Inn (VS-MC). Applies to the Monarch Cove Inn site (APN 036-143-31 & 036-142-27) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.
- ~~34.~~ Visitor Serving – El Salto (VS-ES). Applies to the El Salto site (APN 036-143-35).
- ~~45.~~ Visitor Serving – General (VS-G). Applies to all other parcels with a visitor serving subzone overlay designation. The -VS zoning overlay designation on the Inn at Depot Hill site (APNs 036-121-38 and 036-121-33) acts as both the base zoning district and an overlay district (i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter).

Figure 17.28-1: Visitor Serving Districts





(Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.020 Land use regulations.

A. Permitted Land Uses. Table 17.28-1 identifies land uses permitted in the -VS overlay subzones.

Table 17.28-1: Permitted Land Uses in the Visitor Serving Overlay Zone

Key		-VS Subzones				Additional Regulations
		VS-G	VS-R	VS-SB	VS-ES	
P	Permitted Use					
A	Administrative Permit required					
M	Minor Use Permit required					
C	Conditional Use Permit required					
—	Use not allowed					

Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required – Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	<u>VS-MC</u>	VS-ES	
Residential Uses						
Employee Housing	C [1]	–	–	–	–	
Multifamily Dwellings	C [2][11]	–	–	–	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	<u>C</u>	C	
Single-Family Dwellings	C [3][11]	–	–	<u>C [3][12]</u>	C [3]	
Public and Quasi-Public Uses						
Community Assembly	C	C	–	–	–	
Cultural Institutions	C	C	–	–	–	
Day Care Centers	C	–	–	–	–	
Habitat Restoration and Habitat Interpretive Facilities	C	C	C	<u>C</u>	–	
Parks and Recreational Facilities	C	C	–	–	–	
Public Parking Lots	C	C	–	–	–	
Public Paths and Coastal Accessways	C	C	C	<u>C</u>	C	
Public Safety Facilities	C	–	–	–	–	
Public Wharfs	C	–	–	–	–	
Schools, Public or Private	–	–	–	–	–	
Commercial Uses						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	–	–	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	<u>C</u>	–	
Restaurants						
Full Service	C [5]	C [5]	C [5]	–	–	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	–	<u>C</u>	C	
Campgrounds [6]	C	–	–	–	–	
Recreational Vehicle Parks	C	–	–	–	–	
Vacation Rentals	–	–	–	<u>C</u>	–	
Utilities, Major	C	C	C	<u>C</u>	C	
Utilities, Minor	P	P	P	<u>P</u>	P	

Wireless Communications Facilities	See Chapter 17.104					
Other Uses						
Access Roadways	C	C	C	<u>C</u>	C	
Accessory Structures and Uses, New	C [7]	C	C	<u>C</u>	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	–	<u>C</u>	–	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	–	–	=	–	
Food Service Accessory to a Lodging Use [9]	C	C	–	<u>C</u>	C	
Home Occupations	C	–	–	=	–	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	–	–	=	–	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	–	–	=	–	
Live Entertainment	C	C	C	=	–	
Offices Accessory to Visitor Serving Use	C	C	C	<u>C</u>	–	
Parking Areas to Serve the Primary Use	C	C	C	<u>C</u>	C	
Retail Accessory to a Visitor Serving Use	C	C	–	<u>C</u>	–	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	<u>C [13]</u>	–	
Weddings	C	C	C	<u>C</u>	–	

Notes:

- [1] Permitted only as an accessory use.
[2] Multifamily dwellings shall comply with development standards in the multifamily residential, medium density (RM-M) zoning district.
[3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.
[4] May not be located within two hundred feet of the boundary of a residential zoning district.
[5] Drive-up and car service is not allowed.
[6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.
[7] Intensification of the primary use is not allowed.
[8] The new use may not change the nature or intensity of the commercial use of the structure.
[9] Permitted only to serve guests of the lodging use.
[10] Events may not exceed ten days and may not involve construction of permanent facilities.
[11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33).
[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.
[13] Limited to a single two-day or less event per year.

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.030 Development standards.

A. General. Table 17.28-2 identifies development standards that apply in the -VS overlay zone outside of the mixed use village (MU-V) zoning district.

Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts

	-VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft.	
Impervious Surface, Maximum	VS-R: 25% VS-SB, VS-MC and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

B. Setbacks. The following setback requirements apply in the -VS overlay zone:

1. The planning commission may require front, side and rear setbacks through the design review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least ten feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (GH Geologic Hazards District).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

C. Height Exceptions. With a recommendation from the planning commission, the city council may approve additional height up to a maximum of thirty-six feet in the -VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.
2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola's local coastal program, are not blocked by the proposed development.

D. Landscaping. See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for visitor serving properties.

E. Lighting. In addition to outdoor lighting standards in Section 17.96.110 (Outdoor lighting), the following lighting requirements apply in the -VS overlay zone:

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.
2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.
3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

F. Coastal Development Permit. If a proposed development is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.30

~~VISITOR SERVING DISTRICT – MONARCH COVE INN~~

Sections:

- ~~17.30.010 – Applicability.~~
- ~~17.30.020 – Purpose.~~
- ~~17.30.030 – Architectural and site approval.~~
- ~~17.30.040 – Conditionally permitted uses – Monarch Cove Inn.~~
- ~~17.30.050 – Accessory uses.~~
- ~~17.30.060 – Height.~~
- ~~17.30.070 – Lot area.~~
- ~~17.30.080 – Lot coverage.~~
- ~~17.30.090 – Yards.~~
- ~~17.30.100 – Parking.~~
- ~~17.30.110 – Loading areas.~~
- ~~17.30.120 – Landscaping and lighting.~~

~~17.30.010 – Applicability.~~

~~The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)~~

~~17.30.020 – Purpose.~~

~~The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola's coastal location. (Res. 4223, 2021)~~

~~17.30.030 – Architectural and site approval.~~

~~A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)~~

~~17.30.040 – Conditionally permitted uses – Monarch Cove Inn.~~

~~The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:~~

- ~~A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;~~
- ~~B. Hotels, motels, hostels, inns; bed and breakfast lodging;~~
- ~~C. Food service related to lodging;~~
- ~~D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;~~
- ~~E. Accessory structures and uses established prior to establishment of main use or structure;~~
- ~~F. Habitat restoration; habitat interpretive facility;~~
- ~~G. Live entertainment;~~
- ~~H. Public paths;~~
- ~~I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;~~
- ~~J. Weddings;~~
- ~~K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;~~

~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~

~~M. Offices and limited retail use, accessory to visitor serving uses;~~

~~N. One caretaker unit for the purpose of providing on-site security;~~

~~O. Access roadway;~~

~~P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels;~~

~~Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)~~

17.30.050 — Accessory uses.

The following are accessory uses permitted in a V-S district:

~~A. Signs complying with the applicable regulations set forth in the sign ordinance;~~

~~B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)~~

17.30.060 — Height.

No structures shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

~~A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;~~

~~B. Streets and thoroughfares are suitable and adequate to serve the proposed development;~~

~~C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space;~~

~~D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)~~

17.30.070 — Lot area.

The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)

17.30.080 — Lot coverage.

There shall be no specific maximum lot coverage set except as follows:

~~A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);~~

~~B. Front yard and open space requirements shall be satisfied;~~

~~C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)~~

17.30.090 — Yards.

~~A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided;~~

~~B. Front yards and corner lot side yards shall not be used for required parking facilities.~~

~~C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68 (GH Geologic Hazards District). (Res. 4223, 2021)~~

~~17.30.100 — Parking:~~

~~Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~17.30.110 — Loading areas:~~

~~Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)~~

~~17.30.120 — Landscaping and lighting:~~

~~A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use. (Res. 4223, 2021)~~