

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:

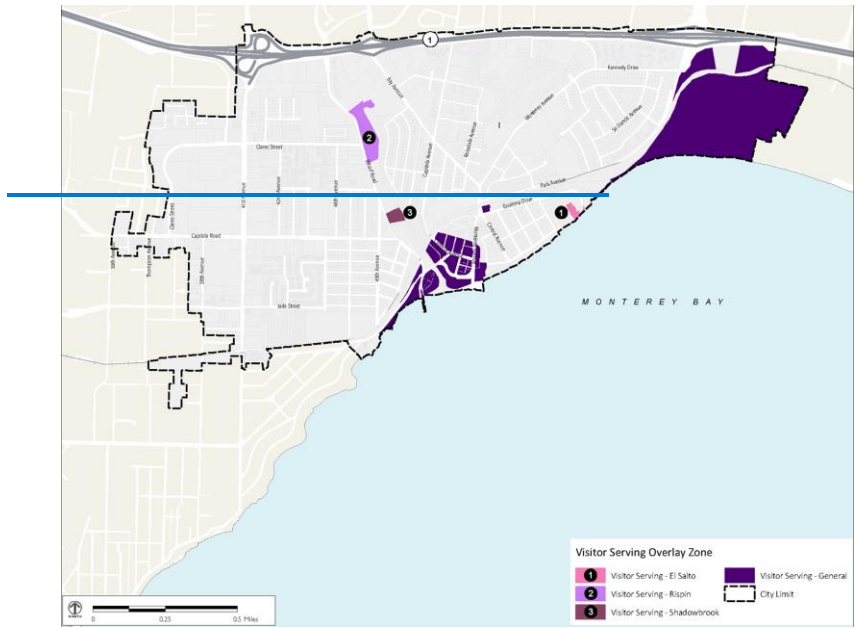
1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).

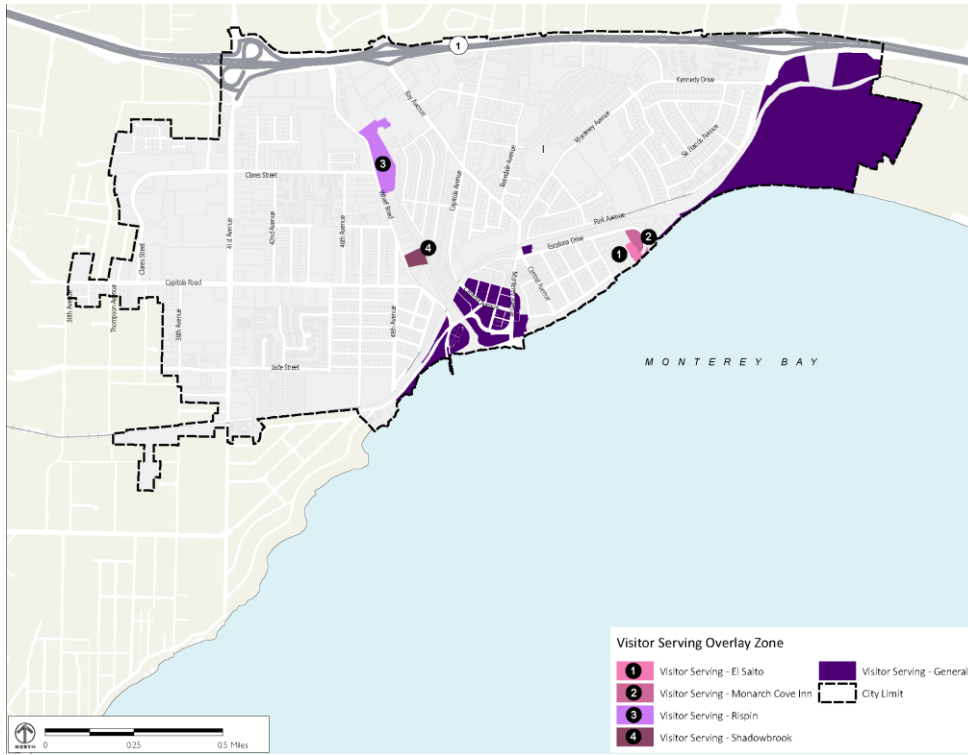
[3. Visitor Serving - Monarch Cove Inn \(VS-MC\). Applies to the Monarch Cove Inn site \(APN 036-143-31 & 036-142-27\) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.](#)

[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	Permitted Use	-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					

The Capitola Municipal Code is current through Ordinance 1051, passed April 28, 2022.

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	VS-MC	VS-ES	
Residential Uses						
Employee Housing	C [1]	-	-	C	-	
Multifamily Dwellings	C [2][11]	-	-	C	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	C	C	
Single-Family Dwellings	C [3][11]	-	-	C [3][12]	C [3]	
Public and Quasi-Public Uses						
Community Assembly	C	C	-	C	-	
Cultural Institutions	C	C	-	C	-	
Day Care Centers	C	-	-	C	-	
Habitat Restoration and Habitat Interpretive Facilities	C	C	C	C	-	
Parks and Recreational Facilities	C	C	-	C	-	
Public Parking Lots	C	C	-	C	-	
Public Paths and Coastal Accessways	C	C	C	C	C	
Public Safety Facilities	C	-	-	C	-	
Public Wharfs	C	-	-	C	-	
Schools, Public or Private	-	-	-	C	-	
Commercial Uses						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	C	-	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	C	-	
Restaurants						
Full Service	C [5]	C [5]	C [5]	C	-	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	-	C	C	
Campgrounds [6]	C	-	-	C	-	
Recreational Vehicle Parks	C	-	-	C	-	
Vacation Rentals	-	-	-	C	-	
Utilities, Major	C	C	C	C	C	
Utilities, Minor	P	P	P	P	P	

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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, <u>VS-MC</u> 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.~~

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~~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)~~

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.
- 17.72.070 Landscape maintenance.

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.

A. Multifamily and Nonresidential Projects. The following multifamily and nonresidential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multifamily or nonresidential structure by three thousand square feet or more.

B. Single-Family Residential Projects.

1. New single-family homes shall comply with all requirements of this chapter.
2. 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.

C. Coastal Development Permit. A proposed development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

17.72.030 Water efficient landscape design and installation ordinance.

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the city of Santa Cruz water department or Soquel Creek Water District) landscape water use efficiency ordinance. If conflicts occur between the applicable water provider's landscape water use efficiency ordinance and the zoning code, the more restrictive policy to conserve water 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/coastal development 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 all existing trees shall also include tree diameter measured forty-eight inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
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.

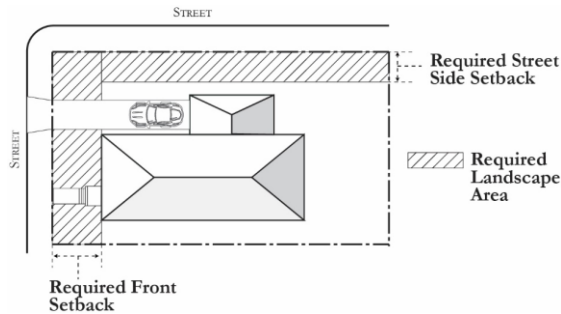
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are 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 with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

Figure 17.72-1: Required Landscape Area in R-1 Zoning District



B. Nonresidential Zoning Districts.

1. 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.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to seventy-five percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with planning commission approval. Hardscape areas counting towards landscaping requirements must contain aboveground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

Table 17.72-1: Minimum Landscaped Area in Nonresidential Zoning Districts

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF, I	5%
P/OS, PD, -VS	As determined by the permit approval process

C. Visitor Serving Properties. Minimum required landscaping for [certain](#) visitor serving properties are shown in Table 17.72-2. [Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards. The planting of invasive plant species is prohibited.](#)

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
All other visitor serving properties	5%

17.72.060 Landscape standards.

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

1. Plant Selection. A minimum of ninety 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. Plant Selection Along Blufftop, Beach, or ESHA. Native plants adapted to the local climate shall be required within fifty feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.

3. Storm Water Management. The landscape plan shall incorporate storm water management controls in compliance with the Regional State Water Resources Control Board.

4. Turf Lawns.

a. Turf areas shall be limited to twenty-five 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.

5. Slopes. Turf and high water use plants shall not be planted on berms and slopes greater than twenty-five percent.

6. 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).

7. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the planning commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features.

8. Watering Times. Watering shall be limited to between eight p.m. and ten a.m.

9. Public Safety. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.

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 standard of the applicable water provider.

2. Separate landscape water meters for landscape areas exceeding ten thousand square feet for single-family residential uses and five thousand square feet for all other uses.

3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.

4. Overhead sprays shall have a precipitation rate of no more than three-quarters of an inch per hour.

5. Separate valves and circuits based on water use and sun exposure. Separate valves for turf and nonturf 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 is required for all trees. Bubblers should not exceed a flow rate of one and one-half gallons per minute.

9. State-approved backflow prevention devices shall be installed on all irrigation systems.

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 multifamily and nonresidential 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 may only be removed and/or replaced in accordance with the city's tree ordinance, Chapter 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.