

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
- 17.24.020 Land use regulations.
- 17.24.030 Development standards.
- 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola's unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola. (Ord. 1043 § 2 (Att. 2), 2020)

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
—	Use not allowed				
Residential Uses [12]					
Single-Family Dwellings		—	—	—	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Multifamily Dwellings		C [9]	C [9]	–	
Residential Mixed Use		C	C [7]	–	Section 17.24.040
Large Residential Care Facilities		C [9]	C [9]	–	
Accessory Dwelling Unit		A	A		Chapter 17.74
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	–	
Cultural Institutions		C	C	–	
Day Care Centers		M	M	–	
Emergency Shelters		P	–	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		–	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	–	
Car Wash		C	C		
Financial Institutions		See 17.24.020(C)		–	
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	–	
Drive-Through Facilities		–	C [4]	–	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		–	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Take-Out Food and Beverage		M [2]	M [2]	–	
Food Preparation		M [2]	–	P	
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment		C [10]	C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses		See Chapter 17.52			
Home Occupations		P	P	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36 of this code. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story, except on Capitola Mall Housing Element Sites where ground-floor residential uses are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site, except on Capitola Mall Housing Element Sites where residential-only projects are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use twenty thousand square feet or more requires a conditional use permit.

[12] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

C. Office Uses in the C-C and C-R Zoning Districts.

1. New Office Uses. In the C-C and C-R zoning districts, permits required for new office uses and conversions of nonoffice space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.

Table 17.24-2: Permitted New Office Uses in the C-C and C-R Zoning Districts

Key			
P	Permitted Use		
A	Administrative Permit required		
M	Minor Use Permit required		
C	Conditional Use Permit required		
–	Use not allowed		
		C-C Zoning District	C-R Zoning District
Location and Size of Office Use			
Ground floor, less than 5,000 sq. ft.		P	C [1]
Ground floor, 5,000 sq. ft. or more		P/C [2]	C [1]
Upper floor above a ground floor		P	P

Notes:

[1] Allowed with a conditional use permit only in a multi-tenant building if one or more of the following conditions are met: (1) entry doors do not face an adjacent street frontage; or (2) the building does not front 41st Avenue or Clares Street.

[2] Permitted by right where: (1) entry doors do not face an adjacent street frontage; or (2) the building does not front 41st Avenue. Otherwise, a conditional use permit is required.

2. Existing Office Uses.

a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use; and vacant tenant space where the most recent legal occupant was an office use. The city shall use business license documentation to determine the legal occupancy of tenant space.

b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24-2.

D. Retail Cannabis. A retail cannabis establishment must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. 41st Avenue Frontage. In the C-C zoning district, a retail cannabis establishment must be on a property fronting 41st Avenue.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts, excluding Capitola Mall Housing Element Sites. For development standards that apply to Capitola Mall Housing Element Sites, see Section 17.24.035 (Capitola Mall Redevelopment).

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0 [1]	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft. [1]	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

Notes:

[1] Additional building height and FAR allowed for a housing development project that consolidates adjacent housing element opportunity sites. See 17.24.040(J) (Lot Consolidation Incentive).

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures:
 - a. Conceptual Review.
 - i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

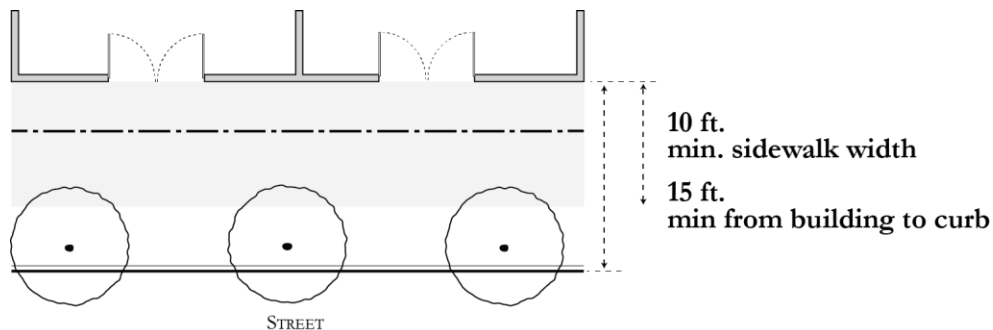
c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.
- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts



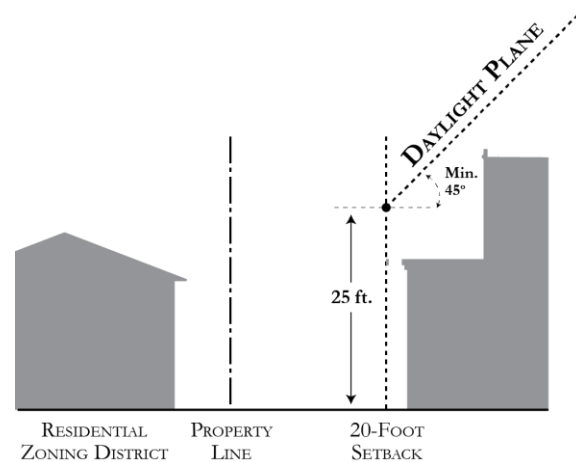
D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

~~F. Reserved. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.~~

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development.

1. Excluding development on the Capitola Mall property. ~~New~~ multifamily dwellings and mixed-use residential development in the C-C and C-R zoning districts must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

2. Residential-only and mixed-use development on the Capitola Mall property shall comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

I. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030(C)(5)(b).

J. Lot Consolidation Incentive. Housing Element Table 4-3 identifies adjacent opportunity sites which are suitable for lot consolidation. Projects in the C-C zoning district that consolidate two or more opportunity sites identified in Housing Element Table 4-3 into a single parcel as part of a housing development project are permitted maximum building height and floor area ratio (FAR) as identified in Table 17.24-4.

Table 17.24-4: C-C Lot Consolidation Bonus

Baseline C-C Standard		Lot Consolidation Allowance	
Height	FAR	Height	FAR
40 ft.	1.0	50 ft.	1.5

K. Micro-Units. A building with micro-units in the C-C or C-R zoning district is permitted a maximum height of fifty feet and a maximum FAR of one and one-half only when:

1. The micro-units are within one-quarter mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21064.3 of the Public Resources Code; and
2. The micro-units constitute fifty percent or more of the total number of units in the building. (Ord. 1066 § 2 (Att. 1), 2024; Ord. 1057 § 2 (Att. 1), 2022; Ord. 1053 § 3, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.24.035 Capitola Mall Redevelopment

A. Purpose. This section establishes standards to facilitate residential and mixed use development on the Capitola Mall Housing Element Sites in accordance with the General Plan Housing Element.

B. Applicability. This section applies to all proposed development projects with new residential and/or mixed uses on a Capitola Mall Housing Element Site.

C. Definitions. Terms used in this section are defined as follows.

1. “Affordable housing requirement” applies to qualifying mixed-use projects and means a minimum of 15 percent of the dwelling units are deed restricted affordable to lower income households and a minimum of 5 percent of the units are either deed restricted affordable to moderate income households or studio units with a kitchen and living space but without a separate bedroom.
2. “Core area” means all areas on the Capitola Mall property that are not in the perimeter zone.
3. “Other residential and/or mixed-use projects” means all proposed residential development projects that do not meet the “qualifying mixed-use project” definition in this section.
4. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
5. “Perimeter zone” means all areas on the Capitola Mall property that are within 75 feet of a property line abutting 41st Avenue or Capitola Road and within 125 feet of a property line abutting Clares Street.
6. “Qualifying mixed-use project” means a proposed mixed-use development project with all of the following:
 - a. Residential development that meets or exceeds both the affordable housing requirements as defined in this section.
 - b. A qualifying hotel.
 - c. 25,000 square feet or more of new or renovated commercial space.
7. “Qualifying hotel” means a hotel with a minimum of 85 rooms and a minimum of 3,500 square feet of meeting space and conference facilities.

D. Development Standards.

1. **General.** Table 17.24-6 identifies the development standards that apply to development with new residential uses on the Capitola Mall property.

Table 17.24-6: Mall Redevelopment Development Standards

	<u>Qualifying Mixed-Use Projects</u>	<u>Other Residential and/or Mixed-Use Projects</u>
<u>Floor Area Ratio</u>	<u>2.0</u>	<u>2.0</u>
<u>Height, Maximum</u>		
<u>Perimeter Zone</u>	<u>65 ft. [1]</u>	<u>55 ft.</u>
<u>Core Zone</u>	<u>85 ft.</u>	<u>75 ft.</u>
<u>Open Space</u>	<u>2.5% of site area [2]</u>	<u>5% of site area [2]</u>
<u>Parking</u>	<u>As required by Chapter 17.76</u>	<u>As required by Chapter 17.76</u>
<u>Density</u>	<u>20 du/ac minimum</u> <u>48 du/ac maximum</u>	<u>20 du/ac minimum</u> <u>48 du/ac maximum</u>
<u>Setbacks</u>	<u>See Chapter 17.57</u>	<u>See Chapter 17.57</u>

Notes:

[1] A qualifying hotel with a height up to 85 feet is allowed in the perimeter zone.

[2] See Section 17.57.040.B (Publicly Accessible Open Space) for open space landscaping requirements.

2. Floor Area Ratio. All structured parking and hotels are excluded from the floor area used to calculate a project's FAR.

3. Height Projections. The following provisions apply to a qualifying mixed-use project:

a. Up to fifteen percent of the total building frontage along a perimeter street may include architectural features that project up to 10 feet above the maximum permitted building height identified in Table 17.24-5.

b. Permitted height projections include the following:

i. Corner building elements.

ii. Tower or vertical accent features.

iii. Parapets or roofline projections with distinctive architectural treatment.

iv. Elevator overruns or stair enclosures.

4. Objective Standards. New development on the Capitola Mall property shall comply with the requirements in Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

5. Inclusionary Housing Requirement. A qualifying mixed-use project shall comply with the affordable housing requirement described in Subsection C (Definitions) above and is not subject to the City's inclusionary housing ordinance in Municipal Code Chapter 18.02 (Affordable (Inclusionary) Housing). Other projects shall comply with Chapter 18.02 as applicable.

D. Land Use Regulations. All land use regulations and permit requirements in Section 17.24.020 (Land Use Regulations) apply to development with new residential uses on the Capitola Mall property, except as follows:

1. Within a qualifying mixed-use project, the following land uses are permitted "P" uses provided that they do not exceed 50 percent of the total floor area of the project:

a. All hotels.

b. All retail and personal service uses

c. Eating and drinking establishments, excluding bars and lounges.

d. Commercial entertainment and recreation excluding such uses with an ancillary bar or lounge.

e. Cultural Institutions

2. All residential development, with or without a new commercial component, is allowed with a conditional use permit.

3. On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

E. Fiscal Impact Analysis.

1. **When Required.** A Fiscal Impact Analysis (FIA) is required in connection with the application for any proposed development project with new residential uses on the Capitola Mall property.

2. **Contents of Fiscal Impact Analysis.** Each FIA shall include, at a minimum:

a. An estimate of the incremental change to annual recurring revenues and expenditures to the City generated by the project at buildout, including but not limited to property tax, sales tax, transient occupancy tax, and service costs (police, public works, parks, administration).

b. Identification of any net fiscal surplus or deficit to the City's General Fund and special revenue funds over 10, 15, and 20-year horizons.

c. A description of proposed mitigation measures or financing mechanisms (e.g., community facilities district, development agreement contributions) to offset any projected negative fiscal impact.

d. Supporting assumptions, data sources, and methodology.

3. **Review and Approval.**

a. The applicant shall submit for City review a FIA prepared by a qualified economic consultant concurrently with the applicant's submittal of a development application.

b. The applicant's FIA shall be peer reviewed by a qualified independent economic consultant hired by the City and funded by the applicant.

c. Based on the results of the peer and City review of the FIA, the City may require revisions to the FIA analysis assumptions, data sources, and methodology.

d. The City shall consider the findings of the FIA when reviewing and acting on the proposed development project.

4. **Relationship to Other Requirements.** The FIA requirement is in addition to, and does not replace, any environmental or infrastructure impact analyses required under CEQA, this title, or other applicable law.

F. Permit Application and Review. A proposed project with new residential uses on the Capitola Mall property is subject to the permit application and review requirements in Zoning Code Part 4 (Permits and Administration) except as modified below.

1. **Applicant Community Meeting.**

a. **Meeting Required.** The applicant shall host a community meeting for the proposed project to:

i. Notify the community that an application has been or soon will be submitted to the City;

ii. Allow the community to share with the applicant comments about the project; and

iii. Create an opportunity for the applicant to consider these comments before finalizing the application to the City review and action.

c. Timing.

i. The City will deem the application complete only after the applicant has hosted the community meeting.

ii. The meeting shall be held during evening hours or on a weekend.

d. Notice Method. At least 10 days prior to the community meeting, the applicant shall notify the community and the City by:

i. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;

ii. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on each street frontage along the subject property; and

iii. Emailing and mailing notice to the City of Capitola Community and Economic Development Department.

e. Notice Contents. The notice shall:

i. State the date, time, and location of the community meeting;

ii. Describe the proposed project;

iii. Describe the meeting purpose; and

iv. Provide a contact phone number and email address of the applicant or agent.

f. Meeting Materials and Agenda. At the meeting the applicant shall share the project plans and answer questions about the proposed project.

g. Information to City. The applicant shall submit to the City the following information and materials:

i. A copy of the public notice mailed and posted for the meeting; and

ii. A copy of the information presented and made available (in all formats) by the applicant at the meeting.

2. Application Review and Action.

a. The Planning Commission shall review the proposed project at a noticed public hearing and recommend that the City Council approve, approve with conditions, or deny the proposed project.

b. After receiving the Planning Commission's recommendation, the City Council shall review and act on the proposed project at a noticed public hearing.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) 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. These standards do not apply to the Capitola Mall property.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.
2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.
3. 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.
4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:
 - a. Doors, windows, and other building openings;
 - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
 - c. Varying wall planes, heights or contrasting materials and colors; and
 - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.
5. Storefront Width. The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.
6. Ground-Floor Building Transparency. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:
 - a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
 - b. 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.

Figure 17.24-4: Storefront Transparency



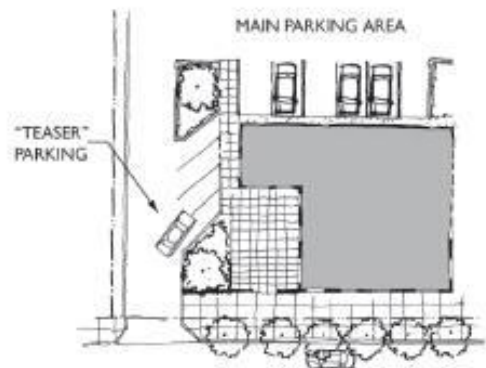
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. Ground-Floor Height. Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. Parking Location. No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. 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 twenty-four 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.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of “teaser” parking can act as a visual cue to direct drivers to additional parking out of view.

Chapter 17.82

OBJECTIVE STANDARDS FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT

Sections:

- 17.82.010 Purpose.
- 17.82.020 Applicability.
- 17.82.030 Deviations.
- 17.82.040 Circulation and streetscape.
- 17.82.050 Parking and vehicle access.
- 17.82.060 Building placement, orientation, and entries.
- 17.82.070 Building massing.
- 17.82.080 Facade and roof design.
- 17.82.090 Other site features.

17.82.010 Purpose.

This chapter contains objective standards for multifamily and mixed-use residential development. These standards are intended to help ensure that proposed development exhibits high-quality design that enhances Capitola's unique identity and sense of place.

17.82.020 Applicability.

A. Land Use.

1. The standards in this chapter apply to new multifamily dwellings, attached single-family homes (townhomes), and mixed-use development that contain both a residential and nonresidential use.
2. This chapter does not apply to detached-single-family dwellings, including subdivisions of multiple single-family homes.

B. Zoning Districts.

1. The standards in this chapter apply in all zoning districts except for the single-family (R-1) ~~and~~ mobile home (MH), ~~mixed use village ((MU-V), and industrial (I) districts.~~

2. This chapter does not apply to the Capitola Mall property. Residential development on the Capitola Mall property must comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

17.82.030 Deviations.

An applicant may request deviation from one or more standards through the design permit process. The planning commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement that proceeds the standard. A project requesting a deviation is not eligible for streamlined ministerial approval under Government Code Section 65913.4.

17.82.040 Circulation and streetscape.

A. Intent. The intent of the circulation and streetscape standards is to:

1. Enhance the visual character and aesthetic qualities of the city.
2. Encourage pedestrian mobility with safe, functional, and attractive sidewalks.
3. Provide for sufficient sidewalk widths to accommodate street trees and an ADA-compliant pedestrian clear path.
4. Provide for appropriate and attractive transitions from the public to private realm.
5. Promote social engagement along property frontages.

B. Standards.

1. Sidewalks. Outside of designated sidewalk exempt areas, public sidewalks abutting a development parcel shall have a minimum sidewalk width (back of curb to back of walk) as follows:

a. RM and MU-N zones: six feet. If the sidewalk ties into an existing four-foot sidewalk, the minimum sidewalk width is four feet.

b. C-C and C-R zones: ten feet.

2. Street Trees.

a. At least one street tree for every thirty feet of linear feet of sidewalk length shall be provided within the sidewalk.

b. A minimum forty-eight-inch pedestrian clear path shall be maintained adjacent to street trees.

c. Sidewalk tree wells shall be minimum thirty-six inches in width by minimum thirty-six inches in length. Tree grates are required for sidewalks less than seven feet in width.

d. Street trees shall be located a minimum fifteen feet from power and/or other utility poles and “small” per PG&E’s “Trees and shrubs for power line-friendly landscaping” to reduce potential utility line conflicts.

e. Street trees shall not be planted over buried utilities, public or private.

f. Street trees shall be planted with approved root guard to encourage downward root growth.

g. The variety of street tree to be planted must be approved by the city as part of a landscape plan.

3. Public Access Easement. If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.

17.82.050 Parking and vehicle access.

A. Intent. The intent of the parking and vehicle access standards is to:

1. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting mixed-use districts.

2. Minimize the visual dominance of parking facilities visible from the street frontage.

3. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.

B. Standards.

1. Parking Placement.

a. As shown in Figure 17.82-1, surface parking spaces may not be located:

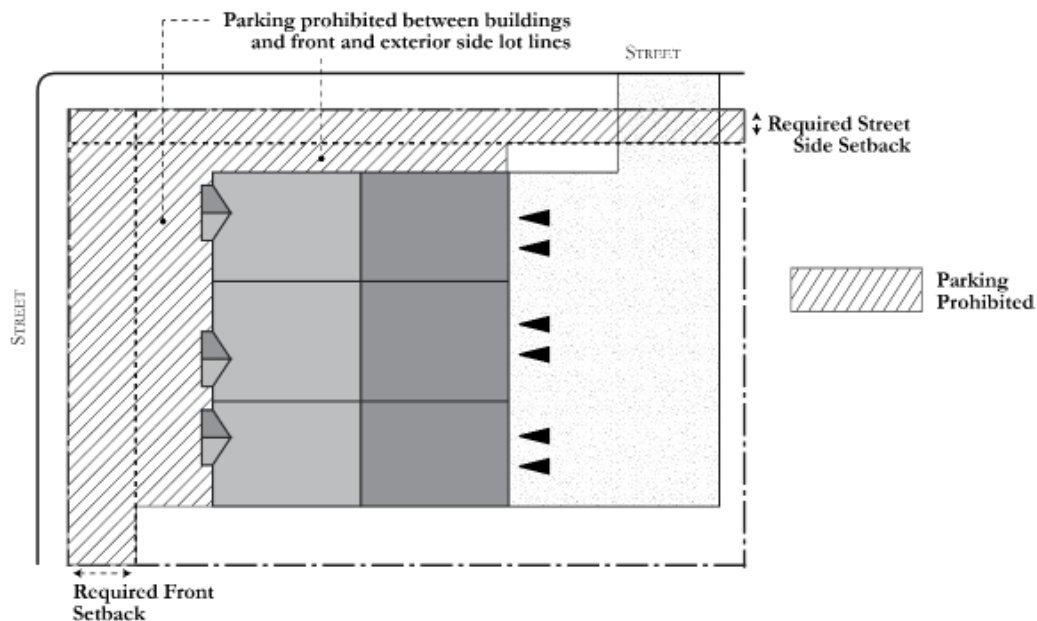
i. In a required front or street side setback area; or

ii. Between a primary structure and a front or street side property line.

b. The director may administratively approve an exception to this requirement for age-restricted senior housing developments or when necessary to provide ADA-compliant parking. For such exceptions, the following standards apply:

- i. Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with a minimum planting height of thirty-six inches.
- ii. Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the director to meet the intent of this requirement.
- iii. Trees must be provided within the planting strip at a rate of at least one tree for each thirty feet of street frontage with a minimum distance of not more than sixty feet between each tree. Tree species must reach a mature height of at least twenty feet.

Figure 17.82-1: Parking Placement



2. Driveway Width. The maximum width of a new driveway crossing a public sidewalk is twelve feet for a one-car driveway and twenty feet for a two-car driveway. Greater driveway width is allowed if required by the fire district.
3. Number of Driveways. A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per one hundred fifty feet of lineal street frontage. Deviation from this standard is allowed if required by the fire district.
4. Garage Width and Design.
 - a. Garage doors may occupy no more than forty percent of a building's street frontage and shall be recessed a minimum of eighteen inches from a street-facing wall plane.
 - b. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - i. Garage door windows or architectural detailing consistent with the main dwelling.
 - ii. Arbor or other similar projecting feature above the garage doors.

iii. Landscaping occupying fifty percent or more of driveway area serving the garage (e.g, “ribbon” driveway with landscaping between two parallel strips of pavement for vehicle tires).

5. Podium Parking.

a. Landscaping Strip. Partially submerged podiums adjacent to a street must include a landscaped planter between the street and podium at least four feet wide with a planting height and vegetative cover sufficient in height to fully screen the podium edge and ventilation openings from view. At maturity, plantings must comprise a minimum of seventy-five percent of the total landscape planter area.

b. Residential-Only Projects.

i. The maximum height of lower-level parking podium adjacent to the street is five feet above finished sidewalk grade.

ii. First-floor units above a street-facing podium must feature entries with stoops and stairs providing direct access to the adjacent sidewalk.

c. Mixed-Use Projects. The podium parking entry shall be recessed a minimum of four feet from the front street-facing building facade.

6. Loading.

a. Loading docks and service areas on a corner lot must be accessed from the side street.

b. Loading docks and service areas are prohibited on the primary street building frontage. (Ord. 1053 § 2 (Att. 1), 2022)

17.82.060 Building placement, orientation, and entries.

A. Intent. The intent of the building placement, orientation, and entries standards is to:

1. Support cohesive neighborhoods and social interaction with outward-facing buildings.
2. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character.
3. Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).
4. Provide adequate area behind buildings for parking.

B. Standards.

1. Maximum Front Setback.

a. RM zone: twenty-five feet or front setback of adjacent building, whichever is greater.

b. MU-N zone: twenty-five feet.

c. C-C and C-R zones: twenty-five feet from edge of curb.

2. Front Setback Area.

a. All areas between a building and adjoining sidewalk shall be landscaped with live plant materials, except for:

i. Areas required for vehicular or pedestrian access to the property; and

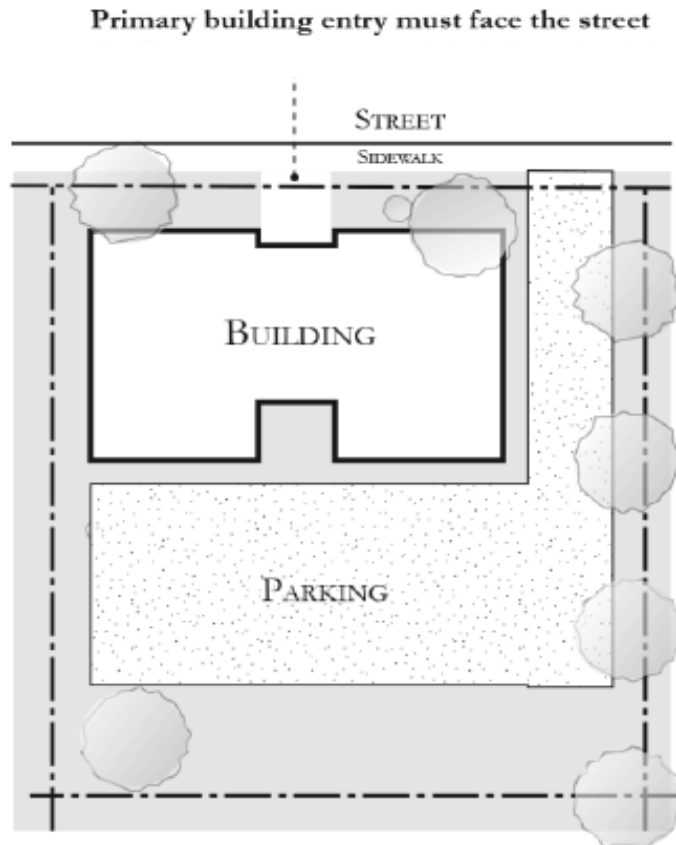
ii. Courtyards, outdoor seating areas, and other similar outdoor spaces for residents, customers and/or the general public.

b. Landscaping shall consist of any combination of trees and shrubs, and may include grass or related natural features, such as rock, stone, or mulch. At maturity, plantings must comprise a minimum of seventy-five percent of the total landscape area.

3. Building Entrances.

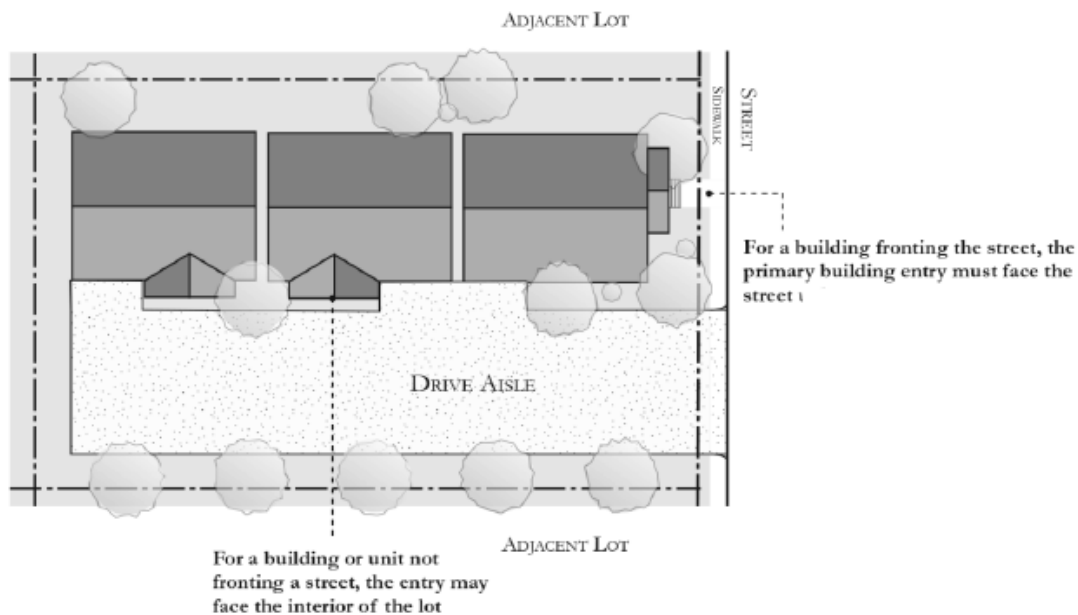
a. For buildings with one primary entrance that provides interior access to multiple individual dwelling units, the primary building entrance must face the street. A primary building entrance facing the interior of a lot is not allowed. See Figure 17.82-2.

Figure 17.82-2: Building Entry Orientation – Single Primary Entry



b. On lots where units have individual exterior entrances, all ground floor units with street frontage must have an entrance that faces the street. If any wall of a ground floor unit faces the street, the unit must comply with this requirement. For units that do not front the street, entrances may face the interior of the lot. See Figure 17.82-3.

Figure 17.82-3: Building Entry Orientation – Multiple Primary Entries



c. The director may administratively approve an exception to the entry-orientation standards in this section for residential-only projects on Bay Avenue, Capitola Road, and 41st Avenue north of Jade Street that comply with all of the following standards:

- i. At least one pedestrian walkway per fifty feet of property street frontage must connect the adjacent sidewalk to the interior of the lot.
- ii. The area between a building and the street must be landscaped, except for private open space for units (patios) and pedestrian pathways.
- iii. Continuous solid fences between buildings and the street are prohibited. Private outdoor space, if provided, may be defined by a low fence at least fifty percent transparent.
- iv. Street-facing buildings may not exceed a width of one hundred feet.

4. Pedestrian Walkway. A pedestrian walkway, minimum six-foot width, shall provide a connection between the public street and all building entrances (i.e., residents shall not be required to walk in a driveway to reach their unit).

C. Entry Design.

1. Residential Projects.

- a. A street-facing primary entrance must feature a porch, covered entry, or recessed entry clearly visible from the street that gives the entrance visual prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway.
- b. Front porches must comply with the following:
 - i. The front porch must be part of the primary entrance, connected to the front yard and in full view of the streetway.
 - ii. Minimum dimensions: six feet by five feet.

- iii. The porch or covered entry must have open-rung railings or landscaping defining the space.
 - c. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a forty-five-degree cut away entry. This standard does not apply to secondary or service entrances.
2. Mixed-Use Projects. Entrances to mixed-use buildings with ground-floor commercial must be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
- a. Projecting nonfabric awnings or canopies above an entry (covered entry);
 - b. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
 - c. Special corner building entrance treatments, such as rounded or angled facets on the corner, or an embedded corner tower, above the entry;
 - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
 - e. Projecting or recessed entries or bays in the facade;
 - f. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a forty-five-degree cut away entry; and
 - g. Changes in roofline or articulation in the surface of the subject wall.
3. Street-Facing Entries to Upper Floors. Street-facing entries to upper floors in a mixed-use building shall be equal in quality and detail to storefronts. This standard may be satisfied through one or more of the following:
- a. Dedicated nonfabric awning, canopy, or other projecting element;
 - b. Dedicated light fixture(s);
 - c. Decorative street address numbers or tiles;
 - d. Plaque signs for upper-floor residences.

17.82.070 Building massing.

A. Intent. The intent of the building massing and open space standards is to:

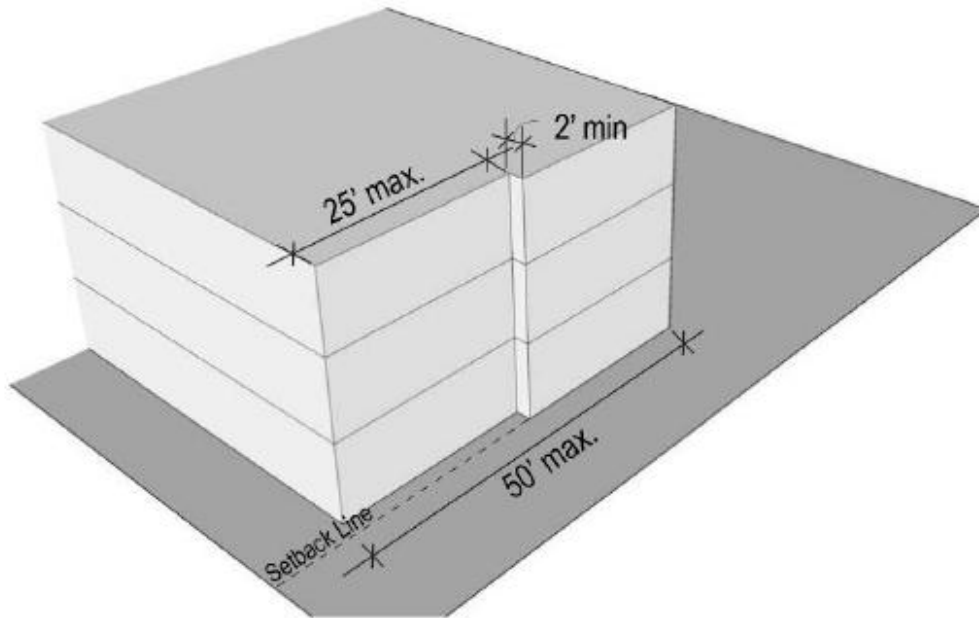
- 1. Provide for human-scale and pedestrian-friendly building massing where large buildings are broken into smaller volumes that fit into the surrounding neighborhood.
- 2. Provide for sensitive transitions to adjacent lower-density residential uses.
- 3. Minimize visual and privacy impacts to neighboring properties.

B. Standards.

1. Massing Breaks.

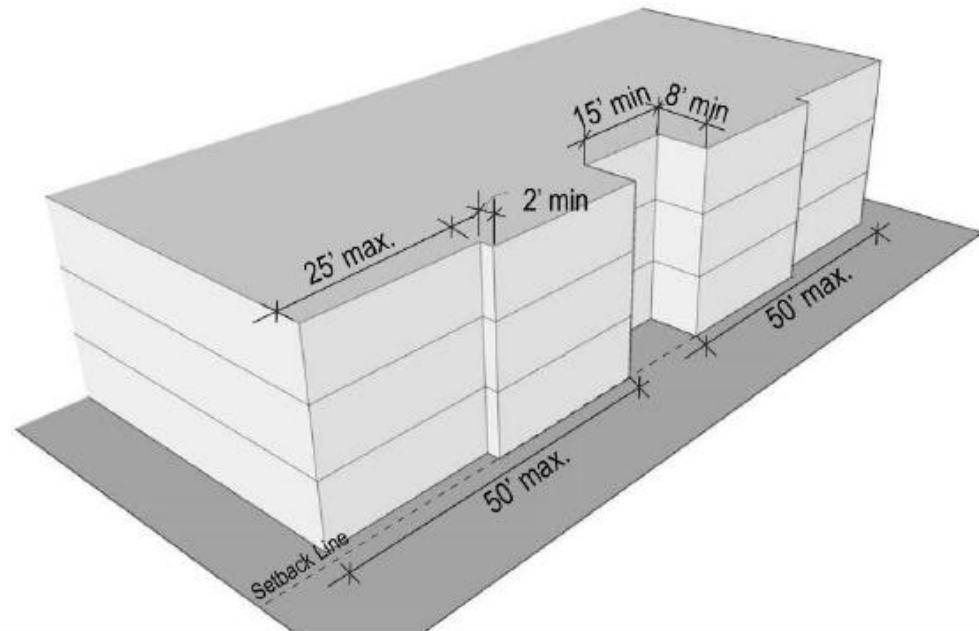
- a. All street-facing building facades twenty-five feet or more in length shall incorporate a building projection or recess (e.g., wall, balcony, or window) at least two feet in depth. See Figure 17.82-4.

Figure 17.82-4: Massing Breaks – Twenty-Five-Foot Module



b. Buildings that exceed fifty feet in length along a street facade shall provide a prominent recess at intervals of fifty feet or less. The recess shall have a minimum of depth of eight feet and minimum width of fifteen feet. See Figure 17.82-5.

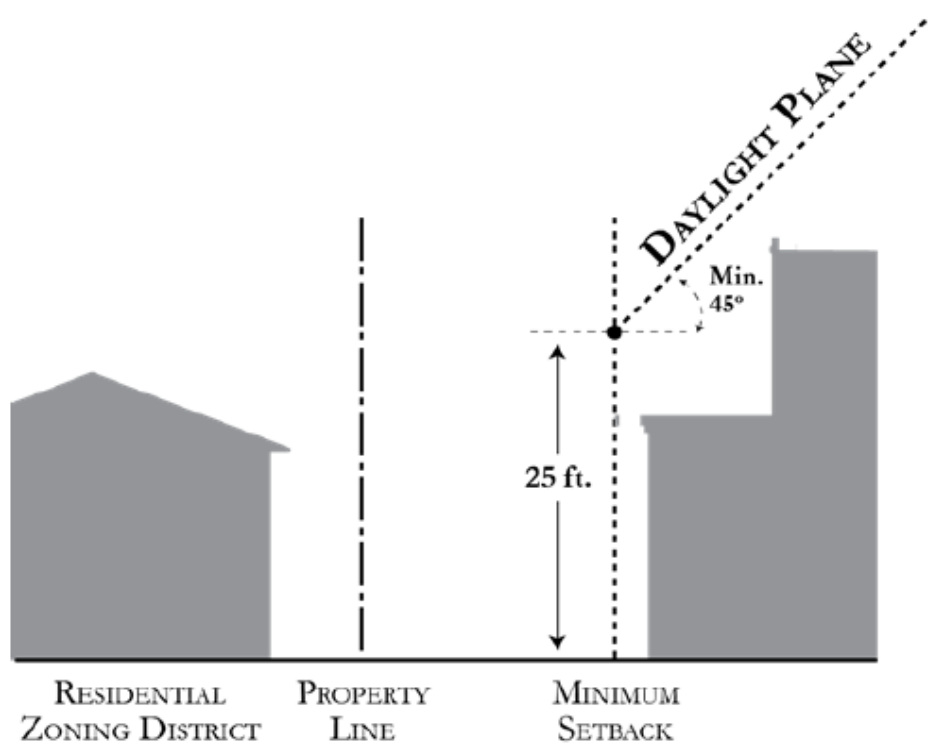
Figure 17.82-5: Massing Breaks – Fifty-Foot Module



2. Residential Transitions. Development sharing a side or rear lot line with the R-1 district shall comply with the following:

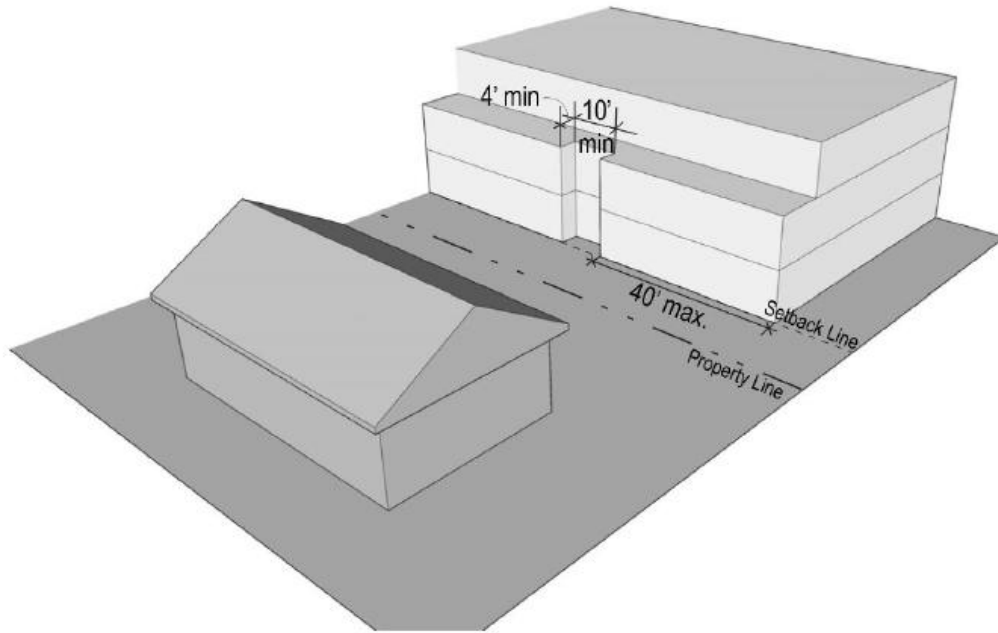
a. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.82-6.

Figure 17.82-6: Daylight Plane



b. A side building wall adjacent to a single-family dwelling may not extend in an unbroken plane for more than forty feet along a side lot line. To break the plane, a perpendicular wall articulation of at least ten feet in width and four feet in depth is required. See Figure 17.82-7.

Figure 17.82-7: Break in Side Building Wall



17.82.080 Facade and roof design.

A. Intent. The intent of the facade and roof design standards is to:

1. Create street-facing building facades that are varied and interesting with human-scale design details;
2. Incorporate architectural elements that reduce the perceived mass and box-like appearance of buildings;
3. Provide for buildings designed as a unified whole with architectural integrity on all sides of the structure;
4. Promote design details and materials compatible with the existing neighborhood character; and
5. Minimize privacy impacts to neighboring properties.

B. Standards.

1. Blank Wall Areas.

- a. The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both ten feet. See Figure 17.82-8.
- b. A break in a blank building wall may be provided by any of the following:
 - i. Doors, windows, or other building openings.
 - ii. Building projections or recesses, decorative trim, trellises, or other details that provide architectural articulation and design interest.
 - iii. Varying wall planes where the wall plane projects or is recessed at least six inches.
 - iv. Awnings, canopies or arcades.
 - v. Murals or other similar public art.

Figure 17.82-8: Blank Walls



2. Windows and Doors. Street-facing windows and doors shall comply with one of the following:
 - a. All street-facing windows and doors feature built-up profile trim/framing. Windows must include sills and lintels. Trim/framing must project at least two inches from the building wall with material that visually contrasts from the building wall.
 - b. For all street-facing windows, glass is inset a minimum of three inches from the exterior wall or frame surface to add relief to the wall surface.
3. Facade Design. Each side of a building facing a street shall include a minimum of two of the following facade design strategies to create visual interest:
 - a. Projecting Windows. At least twenty-five percent of the total window area on the street-facing building wall consists of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
 - b. Window Boxes. A minimum of fifty percent of street-facing windows feature window boxes projecting at least one-half foot from the building wall.
 - c. Shutters. A minimum of fifty percent of street-facing windows feature exterior decorative shutters constructed of material that visually contrasts from the building wall.
 - d. Prominent Front Porch. A front porch with a minimum depth of six feet and width of twelve feet providing access to the unit's primary entrance.
 - e. Balconies. Balconies, habitable projections, or Juliet balconies, with at least twenty percent of the linear frontage of the street-facing building wall containing one or more above-ground balcony.
 - f. Shade/Screening Devices. Screening devices such as lattices, louvers, shading devices, awnings, nonfabric canopies, perforated metal screens, with such a device occupying at least twenty percent of the linear frontage of the street-facing building wall.
 - g. Datum Lines. Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material.

h. Varied Exterior Color. The street-facing building walls feature two or more visibly contrasting primary colors, with each color occupying at least twenty percent of the street-facing building wall area.

i. Varied Building Wall Material. The street-facing building walls feature two or more visibly contrasting primary materials (e.g., wood shingles and stucco), with each material occupying at least twenty percent of the street-facing building wall area.

4. Roof Design. Each side of a building facing a street shall include a minimum of one of the following roof design strategies to create visual interest:

a. Roof Eaves. A roof eave projecting at least two feet from the street-facing building wall with ornamental brackets or decorative fascia and eave returns.

b. Roof Form Variation. At least twenty-five percent of the linear frontage of the building's street-facing building roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. This requirement may be satisfied with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.

c. Roof Detail and Ornamentation. At least eighty percent of the linear frontage of the building's street-facing roof line incorporates roof detail and/or ornamentation. This requirement may be satisfied with a parapet wall that is an average of at least one foot tall and has a cornice, periodic and articulated corbelling or dentils, an ornamental soffit, an offset gable clearstory, and other similar methods.

5. Neighbor Privacy.

a. Balconies, roof decks and other usable outdoor building space is not allowed on upper-story facades abutting an R-1 zoning district.

b. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting an R-1 zoning district.

c. Windows facing adjacent dwellings must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling.

6. Three-Hundred-Sixty-Degree Design. Buildings shall have consistent architectural quality on all sides, with all exterior surfaces featuring consistent facade articulation, window and door material and styles, and building wall materials and colors. (Ord. 1053 § 2 (Att. 1), 2022)

17.82.090 Other site features.

A. Intent. The intent of the other site feature standards is to:

1. Minimize visual clutter on a development site.
2. Enhance the design character of the public realm.
3. Support an active and welcoming pedestrian environment.
4. Minimize noise, odor, and visual impacts on neighboring residential properties.

B. Standards.

1. Refuse Storage Areas.

a. Refuse collection and storage areas may not be located:

- i. In a required front or street side setback area;

- ii. Between a primary structure and a front or street side property line;
 - iii. Within a required landscape area; or
 - iv. Within a required side setback area adjacent to an R-1 district.
 - b. Refuse containers shall be located in a building or screened from public view by a solid enclosure.
2. Mechanical Equipment Screening.
- a. Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
 - b. Ground-mounted mechanical equipment may not be located:
 - i. In a required front setback area; or
 - ii. Between a primary structure and a front property line.
3. Backflow prevention devices shall not be placed directly in front of the building but may be located in a side location of the front yard. Backflow prevention devices may be located within the front half of the lot, when located between the side building plane extending to the front property line and the side yard property line. The equipment shall be either:
- a. Screened to its full height by a combination of fencing and perennial landscaping to seventy percent opacity; or
 - b. Contained within a protective enclosure (metal grate) within a planter or landscape bed.

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.

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 the development of a new hotel in the Village as called for by the general plan and the local coastal program (LCP). This chapter does not apply to development on the Capitola Mall property.

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, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP 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. Projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:
 - a. Front 41st Avenue, excluding the Capitola Mall property; or
 - b. Front Capitola Road between Clares Street and 42nd Avenue; or
2. A hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) 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 one hundred feet from the property line abutting a residential property.

17.88.040 Allowable 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.
4. Low-Cost Visitor Serving Amenities. New or improved low-cost visitor serving recreational opportunities or accommodations within the Central Village area.
5. Transportation Options. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
6. Historic Resources. Preservation, restoration, or rehabilitation of a historic resource.
7. Public Parking. A public parking structure 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.
8. Green Building. Green building and sustainable development features that exceed the city's green building award status.
9. Public Art. Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.
10. Child Care Facilities. Child care centers and other facilities providing daytime care and supervision to children.
11. Other Community Benefits. Other community benefits not listed above, such as entertainment destinations, 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 of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares Street and 42nd Avenue ~~(excluding or on the Capitola Mall property)~~ site that provide one or more of the following community benefits:

~~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.~~

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

~~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.~~

~~24. Affordable Housing. Affordable housing that meets the income restrictions applicable in the affordable housing (AH) overlay zone.~~

17.88.050 Available incentives.

A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project fronting 41st Avenue, Capitola Road between Clares Street and 42nd Avenue ~~(, or on excluding the Capitola Mall property)~~ site:

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

B. Village Hotel. The city may grant the following incentives to a proposed hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10):

1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.
2. An increase to the maximum permitted building height; provided, that:
 - a. The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel;
 - b. The bluff behind the hotel remains visible as a green edge (i.e., the upper bluff (i.e., below the blufftop edge) and upper bluff vegetation shall remain substantially visible across the length of the project site) when viewed from the southern parking area along the bluff of Cliff Drive (i.e., the parking area seaward of Cliff Drive and closest to Opal Cliff Drive) and from the Capitola wharf;
 - c. Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed; and
 - d. The rooftop shall be aesthetically pleasing and shall not significantly adversely affect public views from Cliff Avenue on Depot Hill. In addition to modifications to avoid structural incursions into this view, this can be accomplished through design features on top of the roof as well (e.g., use of a living roof, roof colors and materials that reduce its visual impacts, etc.). Rooftop appurtenances (e.g., elevator shafts, HVAC units, vents, solar panels, etc.) shall be screened from public view and integrated into/within the above-referenced rooftop design features to the greatest extent feasible. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

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.

17.88.070 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 (Findings), 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 17.114 (Conceptual Review). Conceptual review provides the applicant with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater Site Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater site the planning commission or city council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.

D. 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).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the 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.

17.88.080 Findings.

A. All Eligible Projects. The city council may approve the requested incentives for all eligible projects only if all of 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 public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.
4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.
5. If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.

B. Village Hotel. In addition to the findings in subsection A of this section, 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:

1. The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.
2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
3. Hotel siting and design will (a) minimize impacts to public views, including views of the beach and Village from vantage points outside of the Village and from Cliff Avenue and Depot Hill behind the hotel; and (b) does not adversely impact any significant public views of the coastline as identified in the LCP's land use plan.
4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options.

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 17.160: GLOSSARY

Sections:

17.160.010 Purpose.

17.160.020 Definitions.

17.160.010 Purpose.

This chapter provides definitions of terms and phrases used in the zoning code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the municipal code, these definitions shall control for only the provisions of this zoning code. If a word is not defined in this chapter or in other chapters of the zoning code, the community development director shall determine the appropriate definition.

17.160.020 Definitions.

A. "A" Terms.

1. "Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.
2. "Accessory dwelling unit" means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single parcel.
 - a. "Accessory dwelling unit, attached" means an accessory dwelling unit that shares at least one common wall with the primary residential unit.
 - b. "Accessory dwelling unit, detached" means a secondary dwelling unit that does not share a common wall with the primary residential unit.
3. "Accessory structure" means a structure that is incidental and subordinate to a primary structure or use located on the same parcel. Includes garages, sheds, hot tubs, pergolas, and other similar structures.
4. "Accessory use" means a land use which is incidental and subordinate to a primary land use located on the same parcel.
5. "Addition" means any development or construction activity that expands the footprint or increases the floor area of a building.
6. "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. Alteration. See "Modification."
9. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.
10. "Arbor" means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and crossbeams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
11. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.
12. "Average slope" means the average slope of a parcel calculated using the formula: $S = 100(I)(L)/A$, where:

- a. S = Average slope (in percent);
- b. I = Contour interval (in feet);
- c. L = Total length of all contour lines on the parcel (in feet); and
- d. A = Area of subject parcel (in square feet).

B. “B” Terms.

- 1. “Balcony” means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides.
- 2. “Banks” means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
- 3. “Base zoning district” means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map.
- 4. “Basement” means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
- 5. “Bay window” means a window or series of windows serving as an important element of the building’s architecture, forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
- 6. “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.
- 7. “Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as “cliffs.” See also the definition of “coastal bluff” in Section 17.44.030.
- 8. “Building” means any structure used or intended for supporting or sheltering any use or occupancy.
- 9. “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
- 10. “Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
- 11. “Building height” means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
- 12. “Business services” means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
- 13. “By right” means permitted without any form of discretionary approval.

C. “C” Terms.

- 1. “California Environmental Quality Act (CEQA)” means California state law (Public Resources Code Section 2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.

2. “Capitola Mall Housing Element Sites” means all parcels on the Capitola Mall property excluding Assessor’s Parcel Numbers (APNs) 034-261-07 and 034-261-52.

3. “Capitola Mall property” means the area within the block surrounded by 41st Avenue, Capitola Road and Clares Street.

42. “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.

53. “Car wash” means a commercial facility for the washing, waxing, or cleaning of automobiles or similar light vehicles.

64. “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

75. “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.

86. “Clerestory window” means a window where the bottom of the glass is at least six feet above the finished floor height.

97. “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s local coastal program (LCP) as certified by the California Coastal Commission.

108. “Cohousing” means an intentional, collaborative neighborhood that combines private homes with shared indoor and outdoor spaces designed to support an active and interdependent community life.

119. “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.

12. “Commercial” means a land use listed as a “commercial use” in one or more permitted land use table in Part 2 (Zoning Districts and Overlay Zones) of the Zoning Code.

130. “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

141. “Community benefit” means a public amenity offered by a project applicant that advances general plan goals but is not required by the zoning code or any other provision of local, state, or federal law.

152. “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theaters.

163. “Community development director” means the community development director of the city of Capitola or his or her designee.

174. “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.

185. “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, nonprofit art centers and galleries, botanical gardens, and other similar uses.

196. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.

207. Custom Manufacturing. See “Manufacturing, custom.”

D. “D” Terms.

1. “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light.
2. “Day care center” means a facility that provides nonmedical care and supervision of minors for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.
3. “Daylight plane” means the imaginary line beginning at a height of twenty feet at the setback from a property line and extending into the parcel at an angle of forty-five degrees.
4. “Deck” means an outdoor platform, either freestanding or attached to a building, which is supported by pillars or posts.
5. Demolition, Substantial. “Substantial demolition” means the removal or replacement of either fifty percent or more of the lineal footage of existing interior and exterior walls or fifty percent or more of the area of existing floor, ceilings, and roof structures.
6. “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. “Design review” means that process for the city to review and act on a design permit application.
8. Designated Historic Resource. See Section 17.84.020(A) (Designated Historic Resources).
9. “Development” means any human-caused change to the land or a structure that requires a permit or approval from the city, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “development” that applies in the coastal zone.
10. “Development standards” means regulations in the zoning code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. “Discretionary approval” means an action by the city by which individual judgment is used as a basis to approve or deny a proposed project.
12. “Drive-through facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

E. “E” Terms.

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses. Also includes tasting rooms with more than one hundred sixty square feet of floor area accessible to the public.

b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.

c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront retail component and tasting rooms with one hundred sixty square feet or less of floor area accessible to the public. Excludes “bars and lounges.”

2. “Elderly and long-term care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the state of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics.

3. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code. An emergency shelter may include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

F. “F” Terms.

1. “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.

2. “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “Banks”).

3. “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.

4. “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 as described in Section 17.48.040 (Floor area and floor area ratio).

5. “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.

6. “Food preparation” means businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.

7. “Frontage” means that portion of all property abutting a street.

G. “G” Terms.

1. “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.

2. “Garage sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.
3. “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.
4. “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes hotels, motels, bed and breakfasts, and residential care facilities.
5. “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.
6. “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.
7. “Grading” means any and all activities involving earthwork, including placement of fill and/or excavation.
8. “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

H. “H” Terms.

1. “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.
2. Height. See “Building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.
3. “Home day care” means a facility providing daytime supervision and care for up to fourteen children located in the provider’s own home. Includes both small and large home day care facilities as defined in California Health and Safety Code Sections 1597.44 and 1597.465.
4. “Historic resource” means either a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources).
5. “Historic alteration permit” means the city permit required to alter the exterior of a historic resource in accordance with Section 17.84.070 (Historic alteration permit).
6. “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property. Does not include “vacation rental” as defined by this chapter.

I. “I” Terms.

1. “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms.

1. “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. “Land use” means an activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”

2. “Landscaping” means the planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

4. “Local coastal program (LCP)” means the city’s land use plan and implementation plan which includes portions of the municipal code, portions of the zoning code, zoning map (as more specifically identified in Chapter 17.44 (Coastal Overlay Zone) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

5. Light Manufacturing. See “Manufacturing, light.”

6. “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than thirty consecutive days.

a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.

7. Lot. See “Parcel.”

M. “M” Terms.

1. “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off site, but which store equipment and materials or perform fabrication or similar work on site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

2. “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

3. “Manufacturing, light” means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.

5. “Micro-unit” means a multifamily dwelling unit three hundred fifty square feet or less with a fully functioning kitchen and bathroom.
6. “Ministerial action” means a city decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.
7. “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030(B)(8) (Mini-Bar/Convenience Areas).
8. “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Hospitals are excluded from this definition.
9. “Mixed use” means two or more different land uses located in one structure or on one parcel or development site.
10. “Mobile food vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.
11. Mobile Home Park. See Section 17.100.030 (Definitions).
12. “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.
13. “Multifamily dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

N. “N” Terms.

1. “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.
2. “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to, setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the uniform codes, such as the building code.
3. “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

O. “O” Terms.

1. “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.
2. “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.
3. “Outdoor kitchen” means an outdoor space used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit subject to the standards in Section 17.16.030(B)(9). Outdoor pizza ovens are included in the definition of an outdoor kitchen.
4. “Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

P. "P" Terms.

1. "Parcel" means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the county of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of "lot" is identical to "parcel."
2. Parcel Area, Gross. "Gross parcel area" means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.
3. Parcel Area, Net. "Net parcel area" means the gross parcel area excluding: (a) any recorded easements to allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and (b) any area under the high water mark that extends into a waterway.
4. Parcel, Corner. "Corner parcel" means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.
5. "Parcel depth" means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.
6. "Parcel line" means the lines bounding a parcel.
7. Parcel Line, Front. "Front parcel line" means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel the narrowest street frontage is considered the front parcel line. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.
8. Parcel Line, Rear. "Rear parcel line" means, ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.
9. Parcel Line, Interior Side. "Interior side parcel line" means any boundary line not a front line or a rear line shared with another parcel.
10. Parcel Line, Exterior Side. "Exterior side parcel line" means any boundary line not a front line or a rear line adjacent to a street.
11. Parcel, Reversed Corner. "Reversed corner parcel" means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.
12. "Parcel width" means the average distance between the side parcel lines, measured at right angles to the parcel depth.
13. "Parking lot" means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
14. "Parking space" means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.
15. "Parks and recreational facilities" means noncommercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.
16. "Pergola" means an unenclosed structure with vertical posts or pillars that supports crossbeams and/or an open lattice. A pergola may be freestanding or attached to a building.

17. “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, state-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional offices that offer classes in addition to the professional office spaces.

18. “Planning permit” means any permit or approval required by the zoning code authorizing an applicant to undertake certain land use activities.

19. Potential Historic Resource. See Section 17.84.020(B) (Potential Historic Resource).

20. “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

21. “Primary structure” means a structure that accommodates the primary use of the site.

22. “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, nonretail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.

23. “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

Q. “Q” Terms. None.

R. “R” Terms.

1. “Recreational vehicle (RV)” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- a. Contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- b. Contains four hundred square feet or less of gross area measured at maximum horizontal projections;
- c. Is built on a single chassis; and
- d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

2. “Recycling collection facility” means a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.

4. “Residential care facility” means a residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, supportive housing, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.

- a. “Residential care facility, large” means a residential care facility for seven or more persons.
- b. “Residential care facility, small” means a residential care facility for six or fewer persons.
- 5. “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and nonresidential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).
- 6. “Residential use” means any legal use of a property as a place of residence, including but not limited to dwelling units, group housing, and the residential component of a mixed-use residential building.
- 7. “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.
- 8. “Retail cannabis establishment” means a retail store in which cannabis or cannabis products are sold for adult use and/or medicinal use.
- 9. “Review authority” means the city official or city body that is responsible, under the provisions of the zoning code, for approving or denying a permit application or other request for official city approval.
- 10. “Roof deck” means an occupied roof space created by a walkable exterior floor system located above the top story of a structure, not including access, and supported by the roof of a building.

S. “S” Terms.

- 1. “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.
- 2. “Schools, public or private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.
- 3. “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.
- 4. Sign. See Chapter 17.80 (Signs).
- 5. “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. “Single-family dwelling” includes employee housing for six or fewer persons as defined in Health and Safety Code Section 17008.
- 6. “Single-room occupancy” means housing consisting of a single-room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be four hundred square feet or less.
- 7. “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.
- 8. “Site area” means the total area included within the boundaries of a site.

9. “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

10. “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.

11. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.

12. Story, Half. “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

13. “Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.

14. “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.

15. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

16. “Structured parking” means a permanent, non-temporary parking facility in which parking spaces are provided within or on a building or structure, including multilevel parking garages, podium parking, and parking located above or below grade. Includes stand-alone parking garages and areas for parking integrated into a building containing other uses. Structured parking does not include open, surface parking lots or on-street parking

176. “Supportive housing” means housing with no limit on length of stay, that is occupied by low income adults with disabilities, and that is linked to on-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

T. “T” Terms.

1. “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

2. “Tasting room” means a room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products.

3. “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than one hundred eighty days, and that does not permanently alter the character or physical facilities of a property.

4. “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than twelve months, and does not permanently alter the character or physical facilities of a property.

5. “Transitional housing” means temporary housing, generally provided for a period of six months to several years, with supportive services that prepare individuals or families to transition from emergency or homeless shelters to permanent housing. Such housing may be configured for specialized needs groups such as people with substance abuse problems, mental illness, domestic violence victims, veterans, or people with specified illnesses. Such housing may be provided in apartment complexes, boarding house complexes, or in single-family homes.

6. “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

U. “U” Terms.

1. “Upper floor” means any story of a building above the ground floor.

2. “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.

a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

b. “Community garden” means privately or publicly owned land used for the noncommercial cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

3. Use. See “Land use.”

4. “Utilities, major” means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

5. “Utilities, minor” means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

V. “V” Terms.

1. “Vacation rental” means the occupancy for hire of residential property or a portion thereof for a period of less than thirty consecutive calendar days. See Section 17.40.030 (Vacation rental use (-VRU) overlay zone). “For hire,” for purposes of this section, does not include:

a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;

b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other’s property.

2. “Valet parking service” means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron’s motor vehicle and moves, parks, stores or retrieves the vehicle for the patron’s convenience.

3. “Vehicle repair” means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

4. "Vehicle sales and rental" means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair; provided, that these activities are incidental to the sale of vehicles.

5. "Vehicle sales display room" means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

W. "W" Terms.

1. "Wall" means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. "Warehousing and distribution" means an establishment used primarily for the storage and/or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

3. "Wholesaling" means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

4. "Wireless communications facility" means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.104 (Wireless Communications Facilities).

X. "X" Terms. None.

Y. "Y" Terms.

1. "Yard" means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the zoning code.

2. Yard, Front. "Front yard" means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.

3. Yard, Rear. "Rear yard" means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.

4. Yard, Side. "Side yard" means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.