

Capitola City Council

Agenda Report



Meeting: November 10, 2022
From: Community Development Department
Subject: 2022 Zoning Code Amendments

Recommended Action: 1) Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Title 17: Zoning of Capitola Municipal Code, amending the Capitola General Plan land use map, and amending the Capitola Zoning Map, and 2) Adopt the proposed resolution amending the General Plan Land Use Map.

Background: In 2020, the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone. In 2021, the Coastal Commission certified the Zoning Code resulting in the updated code applying in the coastal zone.

Since the updated Zoning Code was adopted, staff has identified several necessary amendments. Some amendments are needed to correct drafting errors and resolve ambiguities without substantive changes. Other changes are proposed to improve code organization or address new issues that have arisen since the updated code was adopted.

The proposed amendments include edits to the following Zoning Code chapters:

- 17.16: Residential Zoning Districts
- 17.20: Mixed Use Zoning Districts
- 17.24: Commercial and Industrial Zoning Districts
- 17.28: Visitor Serving Overlay Zone
- 17.48: Height, Setbacks, and Floor Area
- 17.72: Landscaping
- 17.74: Accessory Dwelling Units
- 17.76: Parking and Loading
- 17.80: Signs
- 17.96: Supplemental Standards
- 17.20: Design Permits
- 17.36: Minor Modifications
- 17.160: Glossary

The proposed ordinance is Attachment 1. A summary table of the proposed amendments is included as Attachment 2. The summary table identifies each proposed amendment and the reason for the change. Please note the page numbers for each amendment listed in the summary table refer to the page number in the top header of the zoning code amendments, not the meeting packet page number.

On October 20, 2022, and November 3, 2022, the Planning Commission held public hearings for the zoning code amendments.

Discussion: During the Planning Commission meetings, the Commission accepted most of the changes proposed by staff.

The table on the next page outlines the 11 topics of discussion and the Commission's direction:

Topic	Proposed Edit	Planning Commission Direction
Second Story Decks and Balconies	<ul style="list-style-type: none"> ○ Count toward FAR ○ Cannot face side yard ○ Increased front, side, and rear setbacks ○ Cannot project more than 6 feet from wall 	<ul style="list-style-type: none"> ○ 150 SF exception to FAR ○ Cannot face side yard ○ Increased front, side, and rear setbacks ○ Cannot project more than 6 feet from wall ○ Require screening for rear deck on sides
Roof Decks	<ul style="list-style-type: none"> ○ Prohibit in R-1 and adjacent to R-1 ○ 5-foot setback from building wall closest to property line ○ Allow railings to project above maximum zone height 	Accepted with one modification to also prohibit in the Mixed-Use Village.
Large Retail Use	Required CUP for new retail over 20,000 sf in size.	Accepted
Cannabis Retail Sign	<ul style="list-style-type: none"> ○ Remove limits for one sign. ○ Remove limit to 15 sf. 	Directed staff to remove all limits related to cannabis signs
Pergolas, Arbors, Trellis	Add definitions and update encroachments for each type of structure	Accepted
Accessory Dwelling Use	<ul style="list-style-type: none"> ○ Update for consistency with state law. ○ Update limited standard ADU to allow flexibility in use of 150 sf on first story. 	Accepted
Parking in R-1 Front Setback	Expand allowed maximum width of parking space in front yard from 14 feet to 18 feet with required standards for permeable surface area.	Change not accepted. Prefer existing code language to require Planning Commission review for an exception to 14 feet max.
Electric Vehicle Charging Stations	<ul style="list-style-type: none"> ○ Mirror state law for # of EV ready spaces ○ Prohibit digital advertising ○ Digital screen 2 sf max ○ Require landscape screening 	Accepted
Generator	<ul style="list-style-type: none"> ○ Only allow in rear yard ○ Limit testing 8 am to 8 pm ○ Prohibit Use for RV or trailers in residential zones 	Accepted with addition: <ul style="list-style-type: none"> ○ 65 dBL max or sound proof ○ Limit use to power outage or emergency ○ Clarify setback
Minor Modifications	Allow Community Dev. Director to issue minor mods on administrative permits	Only all CDD to issue minor modifications for parking dimensions
Monarch Cove Inn	Rezone to VS/R-1 Include conditions that residential use be in conjunction with view easement or vacation rental	Accepted

The Planning Commission's recommendation has been incorporated into the draft ordinance (Attachment 1). The original analysis of the 11 discussion topics from the October 20, 2022, Planning Commission meeting is included as Attachment 3. Attachment 4 is analysis for the rezoning of the Monarch Cove Inn.

Environmental Determination: Categorically Exempt under Section 15061(b)(3)

Fiscal Impact: None.

Attachments:

1. Proposed draft Ordinance & Exhibit
2. Summary table of amendments
3. Analysis on Planning Commission discussion topics
4. Monarch Cove Inn analysis
5. Proposed resolution & land use map (Monarch Cove)

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Chloé Woodmansee, Assistant to the City Manager

Approved By: Jamie Goldstein, City Manager