

**CALIFORNIA COASTAL COMMISSION**

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**Th5a****PUBLIC NOTICE****RECORD PACKET COPY**

Prepared October 28, 2004 (for November 18, 2004 Hearing)

To: Commissioners and Interested Persons

From: Charles Lester, Deputy Director *C. L. 10/28/04*  
 Diane Landry, District Manager  
 Susan Craig, Coastal Planner

Subject: **City of Capitola LCP Minor Amendment Number 1-04 (floodplain district requirements, parking & loading requirements, visualization requirements, standards for signs and conditional use permits, and setback requirements in the Community Commercial and Central Village Districts)**

Proposed minor amendment to the City of Capitola certified Local Coastal Program to be heard at the Coastal Commission's November 18, 2004 meeting at the Sheraton Los Angeles Harbor, 601 South Palos Verdes Street, in San Pedro.

The City of Capitola is requesting that its certified Local Coastal Program (LCP) Implementation Plan (IP) be amended. This amendment request was filed on October 21, 2004 pursuant to Coastal Act Section 30510(b) and California Code of Regulations (CCR) Sections 13553 and 13555. The proposed amendments would: 1) Add new definitions and two new subsections to the Flood Plain District regulations (See Exhibit 1, pp. 1-9). These new definitions are consistent with FEMA terminology. The amendment also incorporates FEMA studies and maps by reference; 2) Add a subsection to the Architectural and Site Review regulations that allows the City to require submittal of visual simulations as part of the application for a proposed project, and to require enclosed garbage areas (Exhibit 1, pp. 10-12); 3) Require criteria for placement of real estate "for sale" signs (Exhibit 1, pg. 13); 4) Amend the definition of "use" to include a reference to the allowable activities within a building or on a parcel, in addition to the kinds of intended occupancies for which the building is arranged or designed (Exhibit 1, pg. 14); 5) Amend the setback requirements in the Community Commercial (CC) District and in the Central Village District to require a standard 15 foot setback in the CC District (previous minimum setback was 5 feet) and to add the new requirement of a minimum front yard open space of 10 feet for development along Cliff Drive (Exhibit 1, pp. 15-17); 6) Amend the definition of "floor area" to provide more specificity with respect to parking and loading standards, and define and add parking standards for "quasi-public seating areas" (Exhibit 1, pp. 18-22); 7) add parking standards for bakeries (which were inadvertently deleted in a prior amendment (Exhibit 1, pg. 23), and; 8) Amend the conditional use permit requirement to clarify that conditional use permits are necessary unless the proposed development is a principal permitted use under the zoning



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regulations, and to state that the commencement of any new activity/use will require a conditional use permit unless an existing conditional use permit specifically allows the proposed activity/use (Exhibit 1, pp. 24-25).

Based on its review of submitted materials, the Executive Director has determined that the LCP amendment qualifies as a minor amendment. Section 13554(a) of the California Code of Regulations defines minor amendments to certified Implementation Plans as:

*Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the Land Use Plan as certified by the Commission.*

The proposed amendments add specificity and/or clarify portions of the certified implementation plan. None of the amendments change the kind, location, density, or intensity of use of the implementation ordinances.

The purpose of this notice is to advise interested parties of the Executive Director's determination (pursuant to CCR Section 13555) that the proposed amendment is minor as defined in CCR Section 13554 because it clarifies LCP terminology and is consistent with and adequate to carry out the intent of the City's certified Land Use Plan (CCR Section 13554(a)).

Pursuant to CCR Section 13555, the Executive Director will report this determination to the Coastal Commission at its November 18, 2004 meeting at the Sheraton Los Angeles Harbor located at 601 South Palos Verdes Street in San Pedro. The Executive Director will also report any objections to the determination that are received within ten working days of posting of this notice. The proposed minor amendment will be deemed approved and will become effective immediately unless one-third of the appointed members of the Commission request that it be processed as a major LCP amendment (CCR Section 13555(b)).

If you have any questions or need additional information regarding the proposed LCP amendment or the Commission procedures, please contact Susan Craig in the Coastal Commission's Central Coast District Office in Santa Cruz at the address or phone number listed above. If you wish to register an objection to the proposed minor LCP amendment, please do so by November 12, 2004.

**Attachments:**

Exhibit 1: Proposed Amendments to the City of Capitola Certified Implementation Plan.

Exhibit 2: Resolution of City Council Adopting Amendments



California Coastal Commission

Sections: (Continued)

- 17.50.150 Variance
- 17.50.160 Nonconforming structures in floodplain.
- 17.50.170 Appeal procedure.
- 17.50.180 Disclosure requirement.

17.50.010 Definitions. For the purposes of this chapter, the following definitions shall apply:

"Alluvial fan" means a geomorphologic feature characterized by cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

"Apex" means the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

"Area of shallow flooding" means a designation A or AH Zone on the Flood Insurance Rate Map (FIRM) where: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood related erosion hazard" is the land within a community which is most likely to be subject to severe flood related erosion losses. The area may be designated a Zone E on the Flood Insurance Rate Map (FIRM).

"Base flood" means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the "100 year flood"). Base flood is the term used throughout this ordinance.

"Breakaway walls" means any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building materials, which are not part of the structural support of the building and which are so designed as to break away under abnormally high tides or wave action without damage to the structural integrity of the building on which they might be carried by floodwaters.

"Coastal high-hazard area" means the area subject to high-velocity waters, including coastal and tidal inundation or tsunamis. This area is designated on the Flood Insurance Rate Map (FIRM) as Zone VI-30.

"Existing manufactured home park or subdivision" means a manufactured home park for which the construction of facilities for servicing the lot on which the manufactured homes are to be affixed (including, at a minimum, the

installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) are completed before the effective date of Ordinance No. 562.

"Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

"Flood," "Flooding" or "flood waters" means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e. mudflows); and

2. The condition resulting from flood related erosion.

"Flood Boundary and Floodway Map (FBFM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

"Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

"Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

"Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water for any source.

"Floodplain administrator" is the individual appointed to administer and enforce the floodplain management regulations.

"Floodplain area" means the land on either side of a creek or other watercourse which may be subject to flooding. "Floodplain area" includes the one-hundred-year floodplain as determined by the Federal Flood Insurance Program and shown on both the Flood Insurance Rate Map and Flood Boundary and Floodway map, each dated June 3, 1986.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, when possible natural resources in the floodplain, including but

not limited to emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

"Floodplain management regulations" means the ordinance codified in this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

"Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved property.

"Flood-related erosion" means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

"Flood-related erosion area" means a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

"Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood related erosion damage including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

"Floodway" means the channel of the river or other watercourse and the adjacent land areas that must be preserved in order to discharge the base flood without cumulatively increasing the water surface elevations more than one foot. The floodway is delineated on the Flood Boundary Map dated June 3, 1986.

"Floodway encroachment fines" means the lines marking the limits of floodways on federal, state and local floodplain maps.

"Floodway fringe" is the area of the floodplain on either side of the regulatory floodway. where encroachment may be permitted.

"Fraud and victimization" as related to Section 17.50.150 means that the variance granted must not cause

fraud on, or victimization of, the public. In examining the requirement, the community governing body will consider the fact that every newly constructed building adds to government responsibility and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the cost, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage and can be insured only at very high flood insurance rates.

"Functionally dependent use" means a use, the intended purpose of which cannot be performed unless the use is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship-building and ship-repair facilities, but does not include long-term storage or related manufacturing facilities.

"Habitable floors" means floors usable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. A floor used only for storage purposes is not a habitable floor.

"Hardship" as related to Section 17.50.150 means the exceptional hardship that would result from a failure to grant the requested variance. The variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbor likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

"Lowest floor" means the lowest floor of the lowest enclosed area, including basement. An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Manufactured homes" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "Manufactured home" also includes travel trailers or other similar vehicle placed on a site for greater than one hundred eighty days. For insurance purposes the term "Manufactured home" does not include park trailers, travel trailers and other similar vehicles.

"Mean sea level" means, for the purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum to which base flood elevations shown on city Flood Insurance Rate Map are referenced.

"Mudslide" describes a condition where there is river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

"New construction" means projects which received their city approval after the effective date of Ordinance No. 575.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protective, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

"Public safety and nuisance" as related to Section 17.50.150 means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

"Ravine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Regulatory floodway" means the channel of a river or other watercourse and the adjacent land areas that must be

reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot.

"Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

"Special flood hazard area (SFHA)" means an area having special flood, mudslide or flood-related erosion hazards and shown on the FHB or FIRM as Zone A, AO, A1--A30, AK, A99, AH, E. M. V1--V30, VE or V.

"Start of construction," for other than new construction or substantial improvements under the Coastal Barrier Resources Act (Pub. L. 97-348), includes substantial improvements and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation, permanent constructions does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garage or sheds not occupied as dwelling units or not part of the main structure.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed fifty percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction or improvement of a structure, the city's approval of which occurs after the original effective date of Ordinance No. 575, the cost of which equals or exceeds fifty percent of the fair market value of the structure:

1. Before the improvement or repair is started; or
2. If the structure has been damaged and is being restored, before the damage occurred.

"Substantial improvement" may occur even if there is no change in a structure's external dimensions. This term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.



"Watercourse" means a lake, river creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplain or coastal or riverine areas. (Ord. 755 §1, 1993; Ord. 656 §1, 1988; Ord. 647 §1, 1988; Ord. 619 §1, 1987; Ord. 609 §1, 1986; Ord. 575 §2 (part), 1984).

17.50.020 Applicability. The regulations set forth in this chapter apply in the floodplain district. (Ord. 575 §2(part), 1984).

17.50.030 Purpose. This district is designed to inform property owners and potential property owners of lands which are located in the floodplains, and to regulate development within the floodplain to protect against further hazard resulting from flood, earthquake or tsunami. (Ord. 575 §2 (part), 1984).

17.50.035 Basis for establishing the areas of special flood hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 3, 1986 and accompanying Flood Insurance Rate Maps (FIRM's) and Flood Boundary and Floodway Maps (FBFM's) dated June 3, 1986, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMS and FBFM are on file at 420 Capitola Avenue, city of Capitola. (Ord. 755 §2, 1993).

17.50.040 Combining district. Land classified FP shall also have a basic classification as set forth elsewhere in this title. For example, R-1-FP means that the R-1 district regulations apply as well as the FP regulations. (Ord. 575 §2(part), 1984).

17.50.045 Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the term of this chapter and other applicable regulations. Violation of the

requirements (including violations of conditions and safeguards established in connection with conditions) shall

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constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 755 §3, 1993).

17.50.050 Principal permitted uses. The following are principal permitted uses in the FP district: All uses permitted in the basic zoning district. (Ord. 575 §2(part), 1984).

17.50.060 Accessory uses. The following are accessory uses permitted in the FP district: All accessory uses permitted in the basic zoning district. (Ord. 575 §2(part), 1984).

17.50.070 Conditional uses. The following are conditional conditional uses in the basic zoning district. (Ord. 572 §2(part), 1984).

17.50.080 Development standards. The development standards shall be the same as the basic zoning district except in those instances when more restrictive standards are necessary to provide assurance of conforming with this chapter. (Ord. 575 §2(part), 1984).

17.50.085 Notification of adjacent communities. The planning director shall notify the county and other appropriate agencies prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration. (Ord. 656 §2, 1988).

17.50.090 Application procedure and recordkeeping. As part of the architectural and site review requirements for new construction and substantial improvements in the floodplain district, the following information shall be presented and reviewed to determine that the proposal is reasonably safe from flooding. This information and certification shall be maintained in the project file:

A. Elevation in relation to mean sea level of the lowest floor, including basement, of all proposed structures;

B. Elevation in relation to mean sea level to which any proposed structure has been floodproofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any proposed nonresidential structure meet the development standards;

D. The public works director shall maintain the as-built elevation of all structures. (Ord. 656 §3, 1988; Ord.

17.50.095 Permit requirements. Applicants for development permits in flood hazard areas must demonstrate that:

A. The permit requirements of Section 17.50.090 have been satisfied;

B. All necessary permits have been obtained from federal, state or local governmental agencies from which prior approval is required;

C. The cumulative effect of the proposed development when combined with all other existing and anticipated development in any flood hazard area will not increase the water surface elevation of the base flood more than one foot at any point;

D. Proposed development in the coastal high hazard area will not alter the shoreline and sand dunes so as to increase potential flood damage;

E. The site is reasonably safe from flooding;

F. When base flood elevation data has not been provided on the Flood Insurance Rate Map (FIRM), the applicant shall obtain elevation data from federal, state or other sources, in order to comply with the provisions of this section. (Ord. 656 S4, 1988).

17.50.100 Development standards--Floodplain area. In all floodplain areas, the following standards are required:

A. Anchoring. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic or hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All elements that function as a part of the structure, such as furnace, hot water heater or air-conditioner shall be elevated to or above the base flood elevation.

4. Within Zones AH or AO, all construction shall provide adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

C. Elevation and Floodproofing. The planning or public works director shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other

screening purposes,

3. Design of ingress and egress so as not to interfere with normal traffic flow on abutting streets,
4. Off-street parking and loading facilities,
5. Major drainage plan,
6. Designation of areas to be computed as usable open space, including balconies, roof decks, patios and other spaces or areas at grade, as appropriate,
7. Designation of location of existing fire hydrants;

B. Drawings to scale of the exterior elevations and/or perspective drawings of the buildings or structures under consideration;

C. Preliminary floor plans, to scale, of the buildings under consideration. (Ord. 388 §19.05, 1975).

17.63.055 Visualization requirements. The City of Capitola shall have the authority to require an applicant to carry out certain visualization techniques in order to assist with city and public review of a proposed project. Projects subject to the visualization requirements includes those designated pursuant to visualization guidelines adopted by resolution of the city council. Projects proposed for major development sites, or within or adjacent to defined vista points or visually sensitive areas, or which request a height variance, or for which the city determines that carrying out visualization will assist with the development review process, shall carry out visualization techniques for the proposed development in accordance with guidelines adopted by resolution of the city council. (Ord. 809 §1, 1999).

17.63.060 Fee. An application fee shall be established by the city council resolution. (Ord. 388 §19.06, 1975).

17.63.070 Review of application by committee. A. The architectural and site review committee shall review all applications for architectural and site review as required by this title or by condition of a permit. The committee shall make reports and recommendations on each application to the planning commission.

B. The architectural and site review committee shall review all new single-family development, and improvements to existing single-family structures which either:

1. Increase the gross floor area of an existing structure by more than fifty percent; or
2. Significantly alters the appearance of an existing single-family residence either by the addition of living space or by the alteration of exterior building materials, as determined by the planning director. (Ord. 718 §2, 1991; Ord. 677 §10, 1989; Ord. 448 §5, 1979; Ord. 388 §19.07, 1975).

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17.63.080 Hearing and notice. Applications for architectural and site review may be heard without the notice

required by other provisions of this title. The city planner shall arrange with the applicant a time and place of meeting between the applicant and the committee. (Ord. 388 §19.08, 1975).

17.63.090 Considerations in review of applications.

The considerations of the architectural and site review committee shall include, but not be limited to, the following:

A. Considerations relating to traffic circulation, safety and congestion;

B. Considerations relating to outdoor advertising:

1. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent development;

C. Considerations relating to landscaping:

1. The location, height and materials of walls, fences, hedges, trees and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development,

2. The planting of groundcover or other landscape surfacing to prevent dust and erosion,

3. The prevention of unnecessary destruction of existing healthy trees,

4. Usable open space shall be reviewed both with respect to area and quality of landscape development;

D. Considerations relating to site layout:

1. The orientation and location of buildings and open spaces in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the buildings with adjacent development;

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17.63.090

E. Considerations relating to drainage:

1. The effect of the site development plan on the **Exhibit 1**

adequacy of the storm and surface water drainage to both the site and adjacent property,

2. Connection to existing drainage systems;

F. Considerations relating to architectural character:

1. The suitability of the building for its purpose,

2. The appropriate use of materials to insure compatibility with the intent of the title;

G. Considerations relating to fire prevention:

1. Sufficient and suitable access to all areas for emergency vehicles,

2. Proper location and spacing of fire hydrants;

H. Considerations relating to excavation and grading;

I. Consideration relating to landscape maintenance:

1. The proper maintenance of landscape planting to encourage healthy growth and the replacement of dead plants until all plants are established,

2. The committee may require a one-thousand dollar performance bond for a period of one year beginning from the date of final inspection;

J. Protection of historic features and vistas;

K. Considerations related to encouraging utilization and protection of solar energy, including:

1. The orientation of the lot,

2. Height of proposed building,

3. Distance between proposed building and south wall of adjacent structure(s),

4. Extent to which adjacent building(s) will have solar access to south roof and/or wall,

5. Extent to which adjacent south facing wall(s), roof top(s), and solar collector(s) are shaded by the proposed structure(s);

L. Consideration of design guidelines for special commercial or residential areas contained in the general plan, coastal plan, area plans or other approved design policies;

M. Review of floodplain areas as designated on the flood boundary map in accord with the standards of Chapter 17.50 and with this title;

N. The committee will require enclosed garbage areas of an adequate size to provide for garbage and recycling storage and collection for the project. (Ord. 575 \$4, 1993; Ord. 575 \$3, 1984; Ord. 556 \$2, 1984; Ord.-517 \$5, 1982; Ord. 515 \$5(part), 1982; Ord. 388 \$19.09, 1975).

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17.63.100--17.63.150

17.63.100 Conditions. The planning commission shall approve or disapprove all recommendations of the architectural and site review committee. The granting of architect-

the whole of a subdivision or substantial portion thereof shall be permitted in any city-approved subdivision.

b. Such signs may state the name of the subdivi-der, or the subdivision, or both.

c. Such signs shall be located on the subdivision being advertised.

d. No such sign shall be erected on or situated within one hundred feet of any occupied residential property which is not within the subdivision.

e. No such sign shall exceed forty square feet in area.

f. Sign lighting, if any, shall be indirect.

g. In addition to the sign permit fee, a one-hundred-dollar deposit shall be required to guarantee proper maintenance and ultimate removal of the sign.

h. The permit for any such sign shall be issued for a period of one year. At the end of such period, permit extensions of ninety days each may be granted by the plan-ning commission if good cause is shown by the permittee.

i. Upon expiration of the permit and/or extension thereof, the entire sign shall be removed by the applicant. Following the removal of the sign, upon request from the permittee, the deposit shall be refunded.

j. If for any reason the permittee fails to remove the sign, the city may cause it to be removed and shall apply the cost of such removal against the deposit, and return the remainder to the permittee.

3. Off-Site Real Estate For Sale Signs. Signs which meet the criteria of Civil Code Section 713, which are:

a. The sign concerns the sale, lease or exchange of real property.

b. The sign is displayed on the subject property or on property for which consent to the sign has been given by the property owner or his or her agent.

c. The advertising is limited to the follow-  
ing:

i. That the property is for sale, lease, or exchange by the owner or his or her agent.

ii. Directions to the property.

iii. The owner's or agent's name.

iv. The owner's or agent's address and tele-  
phone number.

Permits shall be issued for signs found to be of rea-  
sonable dimensions, design and number. In making this  
determination, the decision maker shall take into consider-  
ation the signs for which the property is eligible under  
Section 17.57.050(A) (1) and (2).

C. Other Requirements for Temporary Signs.

1. No more than two businesses may display tempo-  
rary commercial signs at any one time in a shopping center

17.57.050

17.03.686 Transient rental use. "Transient rental use" means, in R-1 or R-M district, the occupancy for hire of real property or portion thereof for a period of less than thirty consecutive calendar days. "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. (Ord. 687 §1, 1990).

17.03.690 Use. ~~"Use" means the purpose for which land or a building is arranged, designed or intended or for which either is or may be occupied or maintained. (Ord. 388 Art 1 (part), 1975~~ when utilized in reference to a proposal to create or modify a building, means the kinds of intended occupancies for which the building is arranged or designed. In other contexts, "use" refers to the pre-dominant activity or class of activities that will be allowed within a building, or upon a parcel or collection of adjacent parcels. Where it is relevant to distinguish, the phrase "design-use" will be utilized to refer to the first meaning above; and "activity-use" will be utilized for the second above-stated meaning. (Ord. 817 §1, 2000: Ord.388 Art 1(part), 1975).

17.03.692 Valve. "Valve" means a device used to control the flow of water in the irrigation system. (Ord. 744 §2(part), 1992).

17.03.695 Vista. "Vista" means a long view, or prospect, especially one through or along an avenue, as between rows of trees; also, the trees, structures, or other forming the avenue or view. (Ord. 515 §3(part), 1982).



17.27.090--17.27.130

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

D. Major views from other structures or public vantage points are not blocked by the proposed development;

E. The structures of the proposed development are compatible with the existing scale of the adjacent buildings and surrounding areas. (Ord. 556 §1(part), 1984; Ord. 388 §9.07(a), 1975).

17.27.090 Lot area. There shall be no specific minimum lot area required except that there shall be sufficient area to satisfy any landscaping and off-street parking and loading area requirements. (Ord. 388 §9.07(b), 1975).

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

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

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

C. The first two hundred fifty gross square feet of a basement, including the measurements of the access stairway, shall not be included when calculating lot coverage. Only the portion of a basement that exceeds two hundred fifty gross square feet shall be included in the lot coverage calculations. (Ord. 774 §6, 1995; Ord. 388 §9.07(c), 1975)

17.27.110 Yards. A. Landscaped areas of front yards shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.

~~A. On those properties fronting on 41<sup>st</sup> Avenue between the Highway One Interchange and the intersection of 41<sup>st</sup> Avenue and Jade Street, the front yard setback shall not be less than fifteen feet. In all other portions of the CC district, the front yard setback shall be not less than five feet. The front yard setback area shall be used for and maintained as landscaped area only, except for accessways. Such landscaping shall be in accordance with any applicable guidelines established by the architectural and site committee, including the 41<sup>st</sup> Avenue design guidelines.~~

~~B. In the case where a proposed building line for the street(s) upon which any lot faces is established by the street and highway plan of the master plan, or is specified by the provisions of this title, then the front yard setback shall be measured from the proposed building line.~~

B. C. Side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide.

C. D. Front yards and corner lot side yards shall not be used for required parking facilities. (Ord. 757 §3, 1993; Ord. 556 §1(part), 1984; Ord. 388 §9.07(d), 1975).

17.27.120 Parking. Parking standards shall be as provided in Chapter 17.51. (Ord. 388 §9.07(e), 1975).

17.27.130 Loading areas. Loading areas shall be as provided in Chapter 17.51. (Ord. 388 §9.07(f), 1975).

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(Capitola 4/96)

17.27.140--17.29.040

17.27.140 Landscaping. Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. (Ord. 388 §9.07(g), 1975).

## Chapter 17.29

### P/OS PARKS AND OPEN SPACE DISTRICT

#### Sections:

- 17.29.010 Applicability.
- 17.29.020 Description and purpose.
- 17.29.030 Architectural and site review required.
- 17.29.040 Principal permitted uses.
- 17.29.050 Conditional uses.
- 17.29.060 Property development standards.
- 17.29.070 New Brighton State Beach special development standards.

17.29.010 Applicability. The regulations set forth in this chapter apply in all parks and open space districts. (Ord. 677 §16(part), 1989).

17.29.020 Description and purpose. The purpose of this chapter is to provide a zone for those areas which:

A. Are to be set aside or have been previously set aside as permanent scenic easements, forest preserves, riparian corridors, public waterfront or beach areas, public parks, or similar public open space; or

is two thousand one hundred square feet, which allows seventy-five percent lot coverage. A building footprint of one thousand five hundred seventy-five square feet may be developed, which provides three-foot side yard setbacks (four hundred twenty square feet), and a front yard setback of 5.1 feet (one hundred fifty-five square feet).

The definition of lot coverage is the footprint of the building and area used to meet the parking requirements of the use. Garages, carports or open space parking used to meet the parking requirements are included as the actual square footage. Driveway approaches and sidewalks are not included in lot coverage. (Ord. 774 §3, 1995; Ord. 677 §6 (C), 1989; Ord. 622 Exhibit A(part), 1987).

17.21.110 Yards. There shall be no yard requirements in the C-V zone, except that: (1) ten percent of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking. , and (2) a minimum front open space for the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road, shall be ten feet. (Ord. 757 §2, 1993: (Ord. 622 Exhibit A(part), 1987).

17.21.120 Parking. Parking requirements for buildings in the C-V zone shall be as provided in Chapter 17.51, and as required by this chapter:

A. Parking shall be provided for any change in use from residential to commercial, for the full amount required by the commercial operation. No space credit for the previous use will be granted.

B. When a substantial remodel or reconstruction of a building is done for reasons other than fire or natural disaster, parking requirements for the entire structure shall be provided.

stall and the required landscape area, but such landscaping

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(Capitola 5/87)  
17.51.063--17.51.105

shall not count toward the percentage mandated by the 41st Avenue Design Guidelines. This method will allow vehicles to extend over the additional landscape areas, as well as reduce the required length of the parking space from eighteen feet to sixteen feet. (Ord. 623 (part), 1987: Ord. 388 §17.05 (a), 1975).

17.51.063 Irrigation. All landscape areas may have automatic irrigation systems designed to provide complete coverage to promote and sustain healthy plant life. (Ord. 623 (part), 1987).

17.51.066 Landscape Protection. Landscaping should usually be protected from vehicles and pedestrian damage by a six-inch high, four-inch wide cement curb. (Ord. 623 (part), 1987).

17.51.080 Surfacing. Every off-street parking area shall be surfaced with asphalt, concrete or other dust-free surface approved by the planning commission. (Ord. 623 (part), 1987: Ord. 388 §17.05 (c), 1975).

17.51.090 Lighting. All parking space area lighting shall be energy efficient and designed so that any glare is directed away from residential properties. No light source shall be visible to residential areas or create any hazardous traffic condition. Security lighting shall be provided in areas used by the public during nighttime hours. (Ord. 623 (part), 1987: Ord. 388 §17.05(c), 1975).

17.51.100 Floor area defined. ~~For the purpose of applying the requirements in this chapter "floor area" means the gross floor area. (Ord. 623 (part), 1987: Ord. 388 §17.06, 1975).~~ For purposes of calculating the parking requirements of this chapter, "floor area" means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage. It also includes the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as opposed to the general public. In shopping centers it does not include quasi-public seating areas as defined in Section 17.51.105. (Ord. 756 §1, 1993: Ord. 623 (part), 1987: Ord. 388 §17.06, 1975).

17.51.105 Quasi-public seating areas. For purposes of this chapter, quasi-public seating areas means an area located in a privately owned shopping center which is open to all of the patrons of all of the businesses of the shopping center and which consists of a seating area or similar

area where there are tables, chairs, benches or landscaping or other similar amenities. The fact that such areas are exempt from the parking requirements of this chapter shall not in any sense be construed to exempt such areas from

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(Capitola 11/93)

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17.51.110

architectural and site review or use permit requirements. This section shall not be construed as in any way authorizing the conversion of areas devoted to landscaping (in any landscape plan utilized to obtain approval of a city permit) to a quasi-public seating area. (Ord. 756 S2, 1993).

17.51.110 Fractional measurements. In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number. (Ord. 623 (part), 1987; Ord. 388 S17.07, 1975).

17.51.120 Location of required parking and loading facilities. The off-street parking facilities required for the uses mentioned in this chapter, and for other similar uses, shall be on the same lot or parcel of land as the structure they are intended to serve. When practical difficulties as determined by the planning commission, prevent their establishment upon the same or immediate adjacent lot, they may be located within reasonable distance of the premises to which the parking requirement pertains, and may be located in a residential zone if the land lies adjacent to any building being erected in a commercial or industrial zone. The off-street loading facilities required for the uses mentioned in this chapter, and for similar uses, shall be in all cases be on the same or immediately adjacent lot or parcel of land as the structure they are intended to serve. In no case shall the required off-street loading space be part of the area used to satisfy the off-street parking requirements of this chapter. Space for required off-street parking and loading shall not occupy any part of a required open space for a rear or side yard. On corner or through lots, parking space may not be included as part of required yards lying adjacent to either street. (Ord. 388 §17.08, 1975).

17.51.130 Number of Parking spaces required. The number of off-street parking spaces required for each use shall be as follows:

Residential.

A.- ~~Residential Structures~~ Dwellings, Single-family |  
Detached.

1. The minimum parking requirement for any size single-family residential unit of two thousand square feet or less of floor area shall be three parking spaces, one of which must be covered.

2. For residential units greater than two thousand square feet, four spaces are required, two of which must be covered.

3. Interior (covered) parking spaces shall be a minimum of ten feet by twenty feet clear, as measured from the interior finished wall surfaces.

4. The planning commission may require additional parking spaces beyond the minimum requirement for residential units over two thousand six hundred square feet, or if a finding can be made that there is a parking problem in the neighborhood.

5. No additional square footage exceeding ten

percent of the existing gross floor area, may be added to an existing single-family residential unit, unless minimum parking requirements are met.

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(Capitola 12/91)

17.51.130

- B. Dwellings duplex or triplex,  
two for each unit,  
one space for each unit must be covered,  
tandem parking is permitted if the tandem parking is for an individual unit,  
each space must be a minimum of nine feet by eighteen feet.
- C. Dwellings, apartments and condominiums (townhouse) of more than four units, one covered space for each unit, plus one and one-half additional spaces on the site for each dwelling unit. each regular space must be a minimum of nine feet by eighteen feet. forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

D. Hotels and motels,  
 one space for each guest room.  
 such additional spaces as the planning commission determines are necessary for the owners and employees.  
 each regular space must be a minimum of nine feet by eighteen feet.  
 thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

E. Bed-and-breakfast,  
 one space for each bedroom rented, in addition to the spaces required for the single-family residence,  
 each regular space must be a minimum of nine feet by eighteen feet.  
 fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.

Quasi-public.

F. Churches, clubs, lodges, theaters,  
 one space for each forty square feet of floor area usable for seating or one for each three seats  
 each regular space must be a minimum of nine feet by eighteen feet.  
 thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.

G. Schools,  
 one space for each employee, including teachers and administrators, plus additional spaces as determined by the planning commission to be adequate for student and visitor parking. each regular space must be a minimum of nine feet by eighteen feet. forty percent of the spaces may be compact spaces of eight feet by sixteen feet.

H. Sanitariums and nursing homes,  
 one space for each six beds plus one space for each three employees, all nine feet by eighteen feet.

I. Medical office and clinics,  
 one space for each three hundred square feet of gross floor area or five spaces per doctor, whichever is greater, all nine feet by eighteen feet.

Commercial.

J. Retail use and restaurants/take-out food establishments with six (6) or fewer seats,  
 one space for every two hundred forty square feet of gross floor area,  
 each regular space must be a minimum of nine feet by eighteen feet.  
 thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.



- K. Wholesale establishments or warehouses, including mini-storage,  
 one space per each five thousand square feet.  
 each space must be a minimum of nine feet by eighteen feet. no compact spaces are allowed.
- L. Restaurants,  
 one space per sixty square feet of gross floor area,  
 each regular space must be a minimum of nine feet by eighteen feet.  
 fifty percent of the spaces may be compact spaces of eight feet by sixteen feet.
- M. Bakeries,  
one space per two hundred forty square feet of gross floor area,  
each regular space must be a minimum of nine feet by eighteen feet.  
thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.
- N. Bowling alleys,  
 one space per five lanes, plus parking required for restaurant or retail uses associated with the facility,  
 each regular space must be a minimum of nine by eighteen feet.  
 thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.
- O. Offices, corporate, administrative, real estate,  
 one space per two hundred forty square feet of gross building space.  
 each regular space must be a minimum of nine feet by eighteen feet.  
 thirty percent of the spaces may be compact spaces of eight feet by sixteen feet.
- P. Large community care residential facility or large family day care house, one for each employee not permanently residing at the facility or house.

Parking requirements not specifically mentioned shall be determined by the planning commission. (Ord. 718 \$1 (part), 1991; Ord. 700, 1990; Ord. 695, 1990; Ord. 623 (part), 1987; Ord. 608 \$10, 1986; Ord. 388 \$17.09, 1975).

17.51.135 Nonconforming parking--Requirements. A. Nonresidential Structures. In the case of nonresidential structures in any district, which are reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category or otherwise increased in capacity according to Section 17.51.130, such off-street parking facilities need be provided only for that portion of the structure constituting an increase in capacity.

Chapter 17.60CONDITIONAL USE PERMITSSections:

- 17.60.010 Purpose.
- 17.60.020 Required.
- 17.60.030 Considerations.
- 17.60.040 Application.
- 17.60.050 Fee.
- 17.60.060 Accompanying maps and drawings.
- 17.60.070 Hearing--Required.
- 17.60.080 Hearing--Notice.
- 17.60.090 Expiration.
- 17.60.100 Appeal--Fee.
- 17.60.110 Appeal--Procedure.
- 17.60.120 Revocation of permits.
- 17.60.130 Council review.
- 17.60.140 Amendments.
- 17.60.150 Requirements for conversion of mobile home parks.
- 17.60.160 Master conditional use permits--Tenant use permits.

17.60.010 Purpose. The purpose of a conditional use permit or master use permit is to allow review of uses which may only be suitable in specific locations in the zoning district or which may need special site planning or operating conditions to assure the use does not adversely impact other uses in the zone. (Ord. 713 \$1(part), 1991: Ord. 388 \$18.01, 1975).

~~17.60.20~~ 17.60.20 Required. A conditional use permit is required prior to: ~~shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this title, except that occupancies located upon a parcel for which a master use permit has been issued may be established without a conditional use permit if a 'tenant use permit' has been issued for the occupancy. (Ord. 713 \$1(part), 1991: Ord. 388 \$18.02, 1975).~~

A. The issuance of a building permit for the construction of any structure that requires a building permit, unless the design-use is a "permitted use" under the zoning classification for the property; and

B. The commencement of any new activity-use, or the change of one activity-use to another activity-use set forth in the conditional use permit regulations for the zoning district, except that activity-uses may be established without an additional conditional use permit where an existing master conditional use permit explicitly

so allows. (ord. 817. §2, 2000: Ord. 713 §1(part), 1991:  
Ord. 388 §18.02, 1975).

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(Capitola 10/00)

17.60.030

17.60.030 Considerations. A. In considering an application for a conditional use, the planning commission shall give due regard to the nature and condition of all adjacent uses and structures. In issuing a conditional use permit, the commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use in addition to those expressly provided in this chapter for the particular use, as may be necessary for the protection of the adjacent properties and in the public interest.

B. In approving a use permit, the commission may include such conditions as the commission deems reasonable and necessary under the circumstances to preserve the integrity and character of the district and to secure the general purposes of this title, the general plan, and the local coastal program. Such conditions, without limiting the discretion and authority of the commission, may include time limitations, further architectural and site review, street dedication, and street and drainage improvements.

C. In considering an application for a conditional use involving a material change of an historic feature the planning commission shall weigh the benefits of the proposed change against the detriment to the public welfare caused by a change in the feature. In approving any such change, the commission shall make one of the following findings:

1. The action proposed will not be significantly detrimental to the historic feature in which the change in use is to occur; or

2. The applicant has demonstrated that denial of the application would result in hardship that is so substantial as to outweigh the corresponding benefit to the public of maintenance to the historic feature or structure.

D. In considering an application for a conditional use permit that proposes a new activity-use that will occupy in excess of twelve thousand square feet within one or more buildings, the planning commission will approve, conditionally approve, or deny the proposed activity-use after considering the following factors:

1. Scale and character of the surrounding area;
2. Traffic generation;
3. Parking impacts;
4. Compatibility to surrounding activity-uses;
5. The size of the proposed activity-use compared to the average size of similar activity-uses located in the surrounding area.

The purpose of this subsection D is to enable and to require the planning commission to apply the above criteria

COPY

RESOLUTION NO. 3355

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING THE CITY MANAGER TO SUBMIT THE CURRENT AND PREVIOUS CITY LOCAL COASTAL PROGRAM AMENDMENTS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION

WHEREAS, the City's Local Coastal Program was certified by the California Coastal Commission on June 1981, and updated in October of 2001; and

WHEREAS, the Planning Commission conducted a public hearing on February 19 and March 4, 2004; and the City Council held a public hearing on March 11 and took action on March 25, 2004, for amendments to the City's Local Coastal Program as part of a Coastal Commission grant completed in March 2004, and forthwith collectively referred to as the Coastal Commission Grant LCP Amendment, which include the following:

1. A Zoning Ordinance amendment to revise Chapter 17.30 Visitor Serving (VS) and Section 17.46.50 Permit Exemptions, and adding a new Section 17.46.55 Exclusionary Areas (Ordinance No. 868);
2. Amendment to the Local Coastal Program to include within the City of Capitola Coastal Zone boundary three areas formally designated as "Areas of Deferred Certification," namely Rispin Mansion, Shadowbrook Restaurant, and Blodgett/Dodds' Properties (Resolution No. 3353);
3. An ordinance to amend the Blodgett/Dodds' Properties Zoning Map designation from AR/VS/R-1 to VS/R-1 for Assessor's Parcel Numbers 036-142-26, 036-142-27, 036-143-31, 036-142-28, and 036-143-29; and from AR/VS/R-1 to VS/RM-LM for Assessor's Parcel Number 036-143-30 (passed to a second reading on March 25, 2004);
4. Amend the General Plan Map/Local Coastal Program Land Use Plan and Implementation Program to Designate Property located at 620, 720, and 723 El Salto Drive (Assessor's Parcel Numbers 036-142-26, 036-142-27, 036-142-28, 036-143-29, 036-143-30 and 036-143-30) for Visitor Serving / Residential-Low Medium (VS/R-LM) (Resolution No. 3354);
5. Authorization to forward these above amendments as well as previous Local Coastal Program amendments listed below to the California Coastal Commission for certification of the City's Local Coastal Program (this Resolution No. 3355):

~~Ord. No. 587~~

~~Amending Section 10.36.195 of the Municipal Code concerning areas of no weekend or holiday parking.~~

★ Ord. No. 755

Amending Sections 17.50.010 and 17.50.100 and adding Sections 17.50.035 and 17.50.045 to the municipal code regarding flood regulations.

★ Ord. No. 756

Amending Section 17.51.100 (Floor Area Defined) and Adding Section 17.51.105 (Quasi-Public Seating Area).

~~Ord. No. 757~~

~~Deleting Chapter 17.48 re Future Width and Special Building Lines, Amending Section 17.21.110 and Section 17.27.110, and Adding Subsection N. to Section 17.63.090.~~

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Exhibit 2  
pg 1 of 3

Ord. No. 759 Amending Chapter 17.90 of the Capitola Municipal Code pertaining to changes of use of Mobilehome Parks.

Ord. No. 795 Amending Chapter 17.57, and Land Use Map re off-site Real Estate for ~~Sale signs.~~

Ord. No. 799 Amending Zoning Map of Zoning Ordinance for APN 034-182-01 (3790 Brommer Street) from RM-M to PD District (Habitat).

★ Ord. No. 798 Amending GP/LCP Land Use Map from PF/VS (Public Facilities/Visitor and Res. No. 2896 Serving) to R-MH (Residential- Mobile Homes) for the Surf and Sand MHP.

Ord. No. 805 Amending the zoning map of the Zoning Ordinance for APN 034-161-12, at 1255 41st Avenue, by way of rezoning a portion of the parcel from the "RM-M" (Multiple Family Residential-Medium) district to the "PD" (Planned Development) District.

★ Ord. No. 809 Adding Section 17.63.055 to Chapter 17.63 Architectural and Site Review and Res. No. 2989 re: Visualization Requirements.

★ Ord. No. 817 Amending Sections 17.03.690 defining "use," 17.60.020 re CUP requirements, ~~17.60.030 adding criteria to evaluate Use Permits for uses in excess of 12,000 sq. ft., and 17.60.100 for Master Use Permits.~~

Ord. No. 819 Amending the Zoning Ordinance for APN 036-062-07, (409 Pine Street) from RM-M to PD District.

Ord. No. 837 Repealing Ordinance 586 and Section 10.36.045 pertaining to parking meter zones and parking meter rates, and adding a new Section 10.36.045 and Section 10.36.055 to the Municipal Code regarding the same.

Ord. No. 853 Amending Section 17.63.020 pertaining to the Architectural and Site Review Board.

Ord. No. 858 Secondary Dwelling Units (SDU) Ordinance amending Section 17.15.040 to include SDU as a Principally Permitted Use. Added Chapter 17.99 pertaining to SDU.

Ord. No. 860 Urgency Ordinance re Secondary Dwelling Units.

Ord. No. 862 Ordinance adding Chapter 17.98 to Capitola Municipal Code pertaining to Wireless Communications Facilities.

Ord. No. 863 Amendment replacing Chapters 12.12, and 12.16 with a new Chapter 12.12 Community Tree and Forest Ordinance.

WHEREAS, the City Council conducted a public hearing on March 11, 2004, and took final action on March 25, 2004, for these Coastal Commission Grant Amendments; and

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Exhibit 2  
Pg 2 of 3

**WHEREAS**, this Coastal Commission LCP Grant Amendment is Statutorily Exempt under CEQA Section 15265 (a) (1); and

**WHEREAS**, this Coastal Commission LCP Grant Amendment is intended to bring the City's Local Coastal Program into conformance with the Coastal Act; and

**WHEREAS**, This Coastal Commission LCP Grant Amendment provides the Coastal Commission with the benefit of viewing the proposed changes as a comprehensive package; and

**WHEREAS**, a Notice of Availability was prepared six weeks prior to final action by the City Council.

**NOW, THEREFORE**, the City Council of the City of Capitola hereby finds:

1. This Coastal Commission LCP Grant Amendment is Categorical Exempted, and in conformance with the under CEQA Section 15265 (a) (1).
2. This Coastal Commission LCP Grant Amendment is consistent with the Local Coastal Land Use Plan, and the Coastal Act.
3. This Coastal Commission Grant Amendment, as drafted, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Program.

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Capitola that this Coastal Commission LCP Grant Amendment is hereby adopted and are in full conformity with the City of Capitola Local Coastal Program and provisions of the California Coastal Act.

**BE IT FURTHER RESOLVED**, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Grant Amendment to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 25<sup>th</sup> day of March, 2004, by the following vote:

AYES: Council Members Norton, Ortiz, Arthur and Mayor Harlan  
 NOES: None  
 ABSENT: Council Member Gualtieri  
 ABSTAIN: None

Exhibit 2  
 P 8 3 of 3

*Stephanie Harlan*  
 Stephanie Harlan, Mayor

ATTEST:

*Pamela Greeninger* CMC  
 Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3355 passed and adopted by the Capitola City Council on the 25<sup>th</sup> day of March, 2004.

*Pamela Greeninger* City Clerk  
 Pamela Greeninger, CMC

CAP-MIN-1-04