



# AGENDA

Meeting of the  
**Scotts Valley Planning Commission**  
**In-Person and Remote Access**  
**Date: August 8, 2024**  
**Time: 6:00 PM**

| CONTACT INFORMATION                                                                        | MEETING LOCATION                                                                                                                                                                                   | POSTING                                                                                                                                                        |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | City Council Chambers<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>OR Zoom Video Conference:<br><a href="https://us02web.zoom.us/j/88671741298">https://us02web.zoom.us/j/88671741298</a> | The agenda was posted on 8-2-2024 at City Hall, SV Public Works, SV Senior Center and online at <a href="http://www.scottsvally.org">www.scottsvally.org</a> . |

| COMMISSIONERS                                                                                                                                 | CITY STAFF MEMBERS                                                                                                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|
| Lori Gentile, Chair<br>Chuck Maffia, Vice Chair<br>David Hodgin, Commissioner<br>Shawn Mosley, Commissioner<br>Steve Simonovich, Commissioner | Taylor Bateman, Community Development Director<br>Sarah Wikle, Senior Planner<br>Ben Noble, Consultant<br>Cathie Simonovich, City Clerk |

## MEETING NOTICE AND AGENDA PACKET MATERIALS

### Notice regarding Planning Commission Meetings:

The Planning Commission meets regularly on the 2nd Thursday of each month (unless otherwise noticed) at 6pm in the City Hall Council Chambers located at 1 Civic Center Drive, Scotts Valley, CA 95066.

### Agenda and Agenda Packet Materials:

The Planning Commission agenda and the complete agenda packet are available for review by 5pm the Friday before the Thursday meeting on the Internet at the City's website: <https://www.scottsvally.gov/129/Agendas-Minutes>

### Public Participation:

The meeting will be available in person and on Zoom. For those wishing to participate via Zoom, you can join from a PC, Mac, iPad, iPhone or Android device by entering or clicking on the following URL: <https://us02web.zoom.us/j/88671741298>

You will be given an opportunity to provide public comment at the appropriate times throughout the meeting via Zoom.

### How to comment via Zoom:

1. At the appropriate times during the meeting for public comment on items not on the agenda and on specific agenda items, the Planning Commission Chair will announce

that public comment will be accepted. Our usual time limits of three minutes per individual, or five minutes for an individual who is representing a group of three or more, will apply. Please note that per our standard practice, this is not a question and answer time, but simply a time for you to provide comments to the Planning Commission.

2. There is an option on Zoom to raise your hand. Please click on this option when the Chair announces that public comments will be taken. If you are participating via dial-up only, use \*9 to raise your hand at the requested time. Zoom places people in line automatically. When it is your turn, you will be un-muted and you will be able to make your comments based on the above time frames. Once your time is up, you will once again be muted and the next person in line will be given their opportunity to speak.

### **CALL TO ORDER 6:00 PM**

(The Planning Commission Chair calls the meeting to order.)

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

(Planning Department staff conduct roll call of the Planning Commission.)

### **PUBLIC COMMENT TIME**

This is the opportunity for individuals to make and/or submit written or oral comments to the Commission on any items within the purview of the Commission, which are NOT part of the Agenda. No action on the item may be taken, but the Commission may request the matter be placed on a future agenda.

### **ALTERATIONS TO CONSENT AGENDA**

(The Commission can remove or add items to the Consent Agenda.)

### **CONSENT AGENDA**

(The Consent Agenda is comprised of items which appear to be non-controversial. Persons wishing to speak on any items may do so raising their hand to be recognized by the Chair. These items will be acted upon in one motion unless they are removed from the consent agenda for discussion by the Commission.)

1. Approve Planning Commission minutes of 06-13-2024
2. Determination that the acquisition of the City of Santa Cruz owned property at the northwest corner of Mount Hermon Road and Kings Village Road (APNs 022-721-07, -08, & -09) is consistent with the Scotts Valley General Plan as required by Government Code Section 65402(a).

### **ALTERATIONS TO PUBLIC HEARING AGENDA**

(Commission can remove or add items to the Regular Agenda.)

### **PUBLIC HEARING AGENDA**

(Persons wishing to speak on any item may do so by raising their hand to be recognized by the Chair.)

1. Consideration of a Use Permit Amendment (U22-004.1) to U22-004 to allow live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at an existing ±1,000 square foot wine tasting room.

### **ALTERATIONS TO REGULAR AGENDA**

(Commission can remove or add items to the Regular Agenda.)

### **REGULAR AGENDA**

(Persons wishing to speak on any item may do so by raising their hand to be recognized by the Chair.)

1. Study Session to provide input on issues for accessory dwelling unit (ADU) regulations.

### **DISCUSSION ITEMS AND FUTURE AGENDA ITEMS**

(The Planning Commission or Community Development Director may request to schedule items on future agendas.)

### **WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY DIRECTOR UPDATES**

(The Community Development Director may provide any department or city updates that are available.)

### **ADJOURNMENT**

(Adjournment shall be no later than 11pm unless extended by a four-fifths vote of all Planning Commission members or a unanimous vote of the members present per City Municipal Code Section 2.21.010.)

The City of Scotts Valley does not discriminate against persons with disabilities. The City Council Chambers is an accessible facility. If you wish to attend a Planning Commission meeting and require assistance such as sign language, a translator, or other special assistance or devices in order to attend and participate at the meeting, please call the Community Development Department at 831-440-5630 five to seven days in advance of the meeting to make arrangements for assistance. If you require the agenda of a Planning Commission meeting be available in an alternative format consistent with a specific disability, please call the Community Development Department. The California State Relay Service (TTY/VCO/HCO to Voice: English 1-800-735-2929, Spanish 1-800-855-3000; or, Voice to TTY/VCO/HCO: English 1-800-735-2922, Spanish 1-800-855-3000), provides Telecommunications Devices for the Deaf and Disabled and will provide a link between the TDD caller and users of telephone equipment.



# MINUTES

Meeting of the  
**Scotts Valley Planning Commission**  
**Date: June 13, 2024**  
**Time: 6:00 PM**

| CONTACT INFORMATION                                                                        | MEETING LOCATION                                                                                                                                                                                   | POSTING                                                                                                                                                                           |
|--------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| City of Scotts Valley<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>(831) 440-5600 | City Council Chambers<br>1 Civic Center Drive<br>Scotts Valley, CA 95066<br>OR Zoom Video Conference:<br><a href="https://us02web.zoom.us/j/88671741298">https://us02web.zoom.us/j/88671741298</a> | The agenda was posted on 6-7-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at <a href="http://www.scottsvally.gov">www.scottsvally.gov</a> . |

## CALL TO ORDER 6:00 PM

The Planning Commission meeting was called to order at 6:01 PM.

## PLEDGE OF ALLEGIANCE

## ROLL CALL

### COMMISSIONERS PRESENT:

Lori Gentile, Chair  
David Hodgin, Commissioner  
Shawn Mosley, Commissioner  
Steve Simonovich, Commissioner

### COMMISSIONER ABSENT:

Chuck Maffia, Commissioner

### CITY STAFF MEMBERS PRESENT:

Taylor Bateman, Community Development Director  
Susie Pineda, Contract Planner  
Cathie Simonovich, City Clerk

## PUBLIC COMMENT TIME

None.

## ALTERATIONS TO CONSENT AGENDA

## CONSENT AGENDA

1. Approve Planning Commission meeting minutes from the 12-14-2023 and 05-09-2024 meetings

**M/S: Mosley/Hodgin**

**To approve the Consent Agenda with no alterations.**

**Carried 4/0/1 (AYES: Gentile, Hodgin, Mosley, Simonovich; NOES: None; ABSENT: Maffia)**

#### **ALTERATIONS TO PUBLIC HEARING AGENDA**

None.

#### **PUBLIC HEARING AGENDA**

1. Consideration of a Use Permit, Design Review Permit and Environmental Assessment to demolish an existing 3,985 sf building and construct a new 17,660 sf one- story building to store private collector cars and host private events and gatherings, located on a 0.93-acre site located at 4860 Scotts Valley Drive.

Susie Pineda, Consultant Planner, presented this item and responded to questions from the Commissioners.

Chair Gentile opened the public hearing at 6:10 PM.

Ken Rodriguez, the project architect, spoke about the project and indicated that the owner, Bruce Canepa, was also in attendance to answer questions.

There were no more members of the public who came forward, and Chair Gentile closed the public hearing at 6:11 PM.

**M/S: Hodgin/Mosley**

**To approve the proposed project based on the findings and conditions contained in the Resolution and Exhibit A.**

**Carried 4/0/1 (AYES: Gentile, Hodgin, Mosley, Simonovich; NOES: None; ABSENT: Maffia)**

#### **DISCUSSION ITEMS AND FUTURE AGENDA ITEMS**

None.

#### **WRITTEN COMMUNICATIONS – FOR INFORMATION ONLY DIRECTOR UPDATES**

None.

## **ADJOURNMENT**

The meeting adjourned at 6:12 PM.

## **City of Scotts Valley PLANNING COMMISSION STAFF REPORT**

**Date:** August 8, 2024

**Applicant/Developer:** City of Scotts Valley  
**Property Owner:** City of Santa Cruz

**Location:** APNs 022-721-07, -08, &-09

**General Plan / Zoning:** Service – Commercial (C-S)/Service - Commercial (C-S)

**Environmental Status:** Categorical Exemption (Class 1)

**Request:** Determination that the acquisition of the City of Santa Cruz owned property at the northwest corner of Mount Hermon Road and Kings Village Road (APNs 022-721, -08, & -09) is consistent with the Scotts Valley General Plan as required by Government Code Section 65402(a).

**Staff Planner:** Taylor Bateman, Community Development Director

### **STAFF RECOMMENDATION**

Staff recommends that the Planning Commission adopt a Resolution confirming that the acquisition of APNs 022-721-07, -08, & -09 is in conformance with the Scotts Valley General Plan.

### **BACKGROUND**

The City of Scotts Valley has long envisioned the development of a Town Center on property located on Mt. Hermon Road and Kings Village Road. The Town Center Specific Plan was adopted by the City Council in December 2008. A primary goal of the Town Center Specific Plan (the “Plan”) is to create an identifiable and inviting place with a variety of uses that promote an environment where people can live, work, and play. The City of Santa Cruz owns three of the parcels located within the core of the Town Center Specific Plan Area (APNs 022-721-07, 022-721-08, and 022-721-09) (collectively referred to as the “Property”). Throughout the years, the City of Santa Cruz has been in contract with various developers to acquire the Property. In each situation, the contracts were terminated before the Property was sold. One impediment to the sale was the complication of dealing with numerous property owners to assemble the parcels required

to develop the Town Center consistent with the Plan.

### **PROJECT DESCRIPTION**

To facilitate the development of the Town Center project, the City of Scotts Valley ("City") desires to purchase the Property, assemble it with properties owned by the City and then sell the assembled parcels for development in accordance with the Town Center Specific Plan. The sale will be subject to the Surplus Lands Act. The City has reached an agreement with the City of Santa Cruz to purchase the Property.

Pursuant to Government Code section 65402(a), prior to the acquisition of property, a jurisdiction's Planning Commission must determine whether the purchase is in conformity with the jurisdiction's General Plan. As detailed in the proposed resolution, the acquisition of the Property is in conformance with the City's General Plan. It will enable the City to assemble the parcels with City-owned parcels and sell the properties for development as a mixed-use project consistent with the Plan. In addition, the assemblage of the properties is consistent with the Housing Element which contemplates the development of housing, including affordable housing, in the Town Center.

### **ATTACHMENTS**

1. Resolution No. \_\_\_\_ - Determination that the acquisition of APNs 022-721-07, -08, & -09 is in conformance with the Scotts Valley General Plan.

## **RESOLUTION NO.**

### **RESOLUTION OF THE CITY OF SCOTTS VALLEY PLANNING COMMISSION MAKING A GENERAL PLAN CONFORMITY DETERMINATION CONSISTENT WITH CALIFORNIA GOVERNMENT CODE SECTION 65402(a) FOR THE PURPOSES OF ACQUIRING THE SANTA CRUZ OWNED PROPERTY LOCATED AT THE NORTHWEST CORNER OF MOUNT HERMON ROAD AND KINGS VILLAGE ROAD APNS 022-721-07, 022-721-08, AND 022-721-09**

**WHEREAS**, the City of Santa Cruz owns certain real property located at the Northwest Corner of Mount Hermon Road and Kings Village Road in the City of Scotts Valley, APNs 022-721-07, 022-721-08, and 022-721-09 (the “Property”); and

**WHEREAS**, the Property has long been an integral part of the City of Scotts Valley’s Town Center Specific Plan which envisions a mixed-use development creating an environment where people can live, work and play; and

**WHEREAS**, the City of Scotts Valley (“City”) desires to purchase the Property for sale and development in accordance with the Town Center Specific Plan; and

**WHEREAS**, the purchase of the Property will enable the City to consolidate parcels integral to the development of the Town Center; and

**WHEREAS**, Government Code section 65402(a) regulates government acquisition of real property, mandating that prior to the acquisition of property, a jurisdiction’s Planning Commission report on the conformity of that action with the jurisdiction’s General Plan; and

**WHEREAS**, the acquisition of the Property is consistent with the objective goals and policies of the General Plan and facilitates the development of the Town Center; and

**WHEREAS**, further environmental review will be conducted by the City for any improvements on the acquired property; and

**WHEREAS**, the Planning Commission finding that the acquisition of the Property is in conformance with the City’s General Plan is not a “project” pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378 in that it is an administrative activity of government that will not result in any direct or indirect physical change in the environment; and

**WHEREAS**, the Planning Commission held a duly noticed public meeting on August 8, 2024, at which time all interested parties were given full opportunity to be heard and to be present; and

**WHEREAS**, the Planning Commission has reviewed the proposed acquisition and has determined that the land acquisition conforms to the General Plan.

**NOW, THEREFORE, BE IT RESOLVED**, that the Planning Commission of the City of Scotts Valley hereby finds, based on substantial evidence in the record, that:

1. The foregoing recitals are true and accurate and are incorporated into this Resolution as findings.
2. Acquisition of the Property is in conformance with the City's General Plan and is not a "project" pursuant to the California Environmental Quality Act (CEQA) Guidelines Section 15378 as it is an administrative activity of government that will not result in any direct or indirect physical change in the environment. If the Planning Commission finds that the acquisition of the Property is in conformance with the General Plan, the City Council will have its own review for compliance with CEQA in determining whether to acquire the Property. Further environmental review will be conducted by the City for any improvements on the Property.
3. The acquisition of the Property complies with the objective goals and policies of the General Plan, and it would support the development of the City's Town Center.
4. Specifically, the acquisition of the Property is in compliance with the following General Plan Goals, Policies, and Programs:

**GED-1** Pursue a balanced approach to future development that supports housing, employment, and commercial needs and services in balance with these other guiding principles.

**GED-2** Target future growth within existing commercial corridors of Scotts Valley Drive and Mount Hermon Road so as to not adversely impact residential neighborhoods.

**GED-4** Support the development of the town center.

**ED-4.4 Mixed-Use Development-** Support mixed-use development with residential densities that will help support a vibrant and active commercial corridor and Town Center for Scotts Valley.

**LU-3.2 Jobs / Housing Balance-** Work with the County and other agencies to develop strategies for improving the region's jobs/housing balance and matching employment opportunities with housing costs.

**LU-3.3 Balanced Land Use Patterns-** Foster land use patterns that balance economic, housing, community, and environmental needs and promote social diversity.

**LU-3.4 Zoning Densities-** Zone highest densities along transportation corridors.

**LU-3.5 Lot Consolidation-** In areas where the existing lot pattern or size makes development difficult, the City shall encourage lot consolidation to promote planned commercial development.

**LU-3.6 Economic Viability-** Ensure that land use patterns and new development enhance Scotts Valley's long-term economic viability and promotes sustainable businesses.

**LU-3.11 Infill Development-** Support well-designed infill development on vacant and underutilized sites that enhances Scotts Valley's quality of life.

**LU-4.6 Neighborhood Connections-** Provide pedestrian and bicycle improvements along Mount Hermon Road and Scotts Valley Drive that complement and connect with adjacent residential neighborhoods.

**LU-4.7 Intensity-** Within the Commercial Shopping Center (C-SC), Commercial Service (C-S) and Commercial Professional (C-P) land use designation, consider additional density on sites only when the project provides substantial benefits to the community (as demonstrated through consistency with other policies in this Plan) and minimizes or mitigates adverse impacts on adjacent properties.

**Goal H-1** Promote a balanced mix of housing types, prices, and opportunities by increasing the number of housing units to accommodate population and employment growth.

**Policy H-1.1 Housing Variety-** Encourage the production of new residential development which provides a choice of housing type, density, and cost to meet the housing needs of all segments of the community.

**Policy H-1.2 Appropriate Infrastructure-** Ensure that new residential sites have appropriate community services and public facilities, including streets and roadways, water, sewer, and other needed infrastructure.

**Policy H-1.2 Mixed-Use Development-** Facilitate and encourage the development of mixed-use residential and commercial projects at appropriate locations along major corridors, within established design guidelines.

**Policy H-1.5 Town Center Specific Plan-** Continue to support the development of the Town Center to provide a range of housing types, retail, commercial uses, public facilities, and open space that serve as a focal point for the community.

**Policy H-2.2- Access to Infrastructure-** Continue to support the repair and upgrade of infrastructure, services, and public facilities in existing neighborhoods.

**Policy H-2.3- High Quality Residential Design-** Continue to ensure residential projects are of high quality and thoughtful design through the implementation of architectural and design standards.

**Goal H-3-** Expand and protect a range of housing opportunities for all demographic, economic, and special needs groups in the community.

5. If any section, subsection, paragraph, sentence, clause, or phrase of this Resolution or any part thereof or any exhibit hereto is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Resolution or any part thereof or exhibit thereto. The Planning Commission declares that it would have adopted this Resolution, and each section, subsection, paragraph, sentence, clause, and phrase thereof, irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses, or phrases may be declared invalid.
6. This Resolution shall be effective immediately upon its passage and adoption.

The above and foregoing resolution was duly and regularly adopted by the Planning Commission of the City of Scotts Valley at a meeting held on the 8<sup>th</sup> day of August 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Lori Gentile, Chair

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Taylor Bateman, Community  
Development Director

**City of Scotts Valley  
PLANNING COMMISSION  
STAFF REPORT**

**Date:** August 8, 2024

**Applicant/Developer:** Jasper Cody Muhly  
**Property Owner:** Paul and Mindi Broughton

**Applications:** Use Permit Amendment U22-004.1

**Location:** 75 Mount Hermon Road, Unit C (APN: 021-271-04)

**General Plan / Zoning:** Service – Commercial (C-S)/Service - Commercial (C-S)

**Environmental Status:** Categorical Exemption (Class 1)

**Request:** Consideration of a Use Permit Amendment to U22-004 to allow live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at an existing ±1,000 square foot wine tasting room.

**Staff Planner:** Sarah Wikle, Senior Planner

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve a Use Permit Amendment to U22-004 by adoption of the attached resolution, subject to the conditions of approval in Exhibit A.

**BACKGROUND**

On August 11, 2022, the Planning Commission adopted Resolution No. 1775, approving a Use Permit (U22-004) to allow for a ±1,000 square foot wine tasting room in an existing commercial tenant space at 75 Mount Hermon Road, Unit C. See Attachment 4 for the Planning Commission Staff Report.

The city received a complaint that the business was holding events with live music entertainment. A review of the previously approved Use Permit did not include a request for live music entertainment. As such, the applicant is requesting a Use Permit Amendment (U22-004.1) to allow live music entertainment. According to Scotts Valley Municipal Code (SVMC) Section 17.46.030, any place where live entertainment is provided shall secure a Use Permit from the Planning Commission.

## **PROJECT DESCRIPTION**

On June 11, 2024, the business owner filed for a Use Permit Amendment to allow for live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at an existing ±1,000 square foot wine tasting room.

As noted in the Project Description (Attachment 3), the applicant is requesting to have live music entertainment from late Spring through early Fall with music typically being played on Saturday or Sunday. The average length of the set would be two hours with a performance break in the middle of the set. Music would typically be played on Saturday from 2:30pm to 7:00pm or Sunday from 2:30pm to 6:00pm. The applicant anticipates approximately 24 occurrences a year. The hours of operation for the wine tasting room are Friday (4:00 P.M. to 8:30 P.M.), Saturday (1:00 P.M. to 7:00 P.M.), and Sundays (1:00 P.M. to 6:00 P.M.).

The applicant is also requesting amend the hours of operation for the wine tasting room as listed in the paragraph above. The amendment also includes occasional private events on “off” days (Monday through Thursday). The private events will take place within the existing wine tasting room and do not involve live music entertainment.

## **NOISE STANDARDS**

Scotts Valley’s General Plan provides standards related to interior noise levels for residential uses (45 dBA) and maximum noise levels at property lines for residential uses (60 dBA). These standards are implemented by requirements for noise generating uses in the City’s municipal code. The City’s Commercial and Industrial Performance standards note that the maximum noise generated by a user adjacent to residential uses, the maximum sound level shall not exceed 60 dBA. SVMC §17.44.020(C)(3). Additional standards related to noise in the municipal prohibit noise that could impact the well-being of community members from the hours of 10:00 P.M. to 8:00 A.M. SVMC §5.17.040(B).

## **PROJECT DESIGN AND ANALYSIS**

To comply with the City’s noise standards, the applicant has provided the following information in their Project Description:

- Direct music towards Mount Hermon Road and not the adjacent residential neighbors to the rear of the project site. The outdoor patio area shall also maintain the fence that encloses the patio area as it assists with sound attenuation of live music entertainment.
- Testing of noise levels of acoustic and amplified noise at each live music entertainment event to confirm the noise level does not exceed 60 dBA.
- Limit the hours of live music entertainment to Saturday (2:30pm to 7:00pm) or Sunday (2:30pm to 6:00pm). The duration of live music shall be limited to 2 hours in length with time for a break during the set/performance.
- On occasion live music entertainment may be provided on a Saturday and Sunday. A condition of approval requires the applicant to notify the adjacent neighbors on Lundy Lane a week in advance should live music entertainment be provided two days in a row on the same weekend (Saturday and Sunday).

As noted above, the project will be conditioned to direct live music entertainment towards Mount Hermon Road and test noise levels for every performance to ensure amplified noise is below 60 dBA. Hours of live music entertainment will be limited to mainly a Saturday (2:30 pm to 7:00pm) or Sunday (2:30pm to 6:00pm), with advance notice to residents required for music on a Saturday and Sunday.

Additional noise attenuation for the residential uses abutting the site comes distance between the uses and the construction techniques utilized for the homes. The outdoor patio area is approximately 75 feet away from the residences. Distance from a noise source can provide for some sound attenuation. The construction of the homes can also provide sound attenuation, with standard construction techniques providing for a 15-20 dBA reduction in interior noise levels depending on materials and if windows are opened or closed. As conditioned, the proposed project is expected to comply with the City's General Plan and Municipal Code standards related to noise.

Staff have also added a condition of approval to attempt to address future complaints related to noise. The condition of approval stipulates if the City receives additional complaints about noise levels, the applicant may be required to provide a noise analysis done by an acoustical engineer and incorporate any required mitigation strategies to the satisfaction of the Community Development Director.

### **PUBLIC NOTICE & COMMENT**

A public notice was posted at City Hall, Scotts Valley Senior Center, the Scotts Valley Public Works Building, and mailed to surrounding property owners within 300 feet pursuant to State law. As of the date of this staff report no comments have been received on the modification request.

### **ATTACHMENTS**

1. Resolution No. \_\_\_\_ - Approving a Use Permit Amendment (U22-004.1)
2. Location Map
3. Use Permit Modification Application (received June 11, 2024 and revised August 1, 2024)
4. PC Staff Report for U22-004 (dated August 11, 2022)

## RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY APPROVING AN AMENDMENT (U22-004.1) TO USE PERMIT (U22-004) TO ALLOW FOR LIVE MUSIC ENTERTAINMENT WITH ACOUSTIC AND AMPLIFIED INDOOR/OUTDOOR MUSIC AT AN EXISTING ±1,000 SQUARE FOOT WINE TASTING ROOM IN AN EXISTING BUILDING LOCATED IN THE SERVICE-COMMERCIAL (C-S) ZONE AT 75 MOUNT HERMON ROAD, UNIT C/ APN 021-271-04.**

**WHEREAS**, the Planning Department of the City of Scotts Valley has received the application filed by Jasper Cody Muhly for a Use Permit Amendment to allow live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation for a 1,090 square foot wine tasting room in an existing commercial tenant space located in the Service-Commercial (C-S) zone at 75 Mount Hermon Road / APN 021-271-04.

**WHEREAS**, the application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

**WHEREAS**, the project is Categorically Exempt from the California Environmental Quality Act, under Section 15301, Class 1, Existing Facilities; and,

**WHEREAS**, the project was reviewed by the Planning Commission at regularly scheduled and noticed meeting on Thursday, August 8, 2024.

**NOW THEREFORE**, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The environmental determination represents the independent judgment of the City.

SECTION 2: The categorical exemption is hereby approved.

SECTION 3: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings as required by Chapter 17.50 of the Scotts Valley Municipal Code, and as further clarified in the staff report dated August 8, 2024.

- 1. The location of the wine tasting room with live music entertainment is in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.*** The subject property is in the City’s Service-Commercial (C-S) Zoning District. The purpose of the C-S zone is to provide appropriately located retail, office, and service establishments that meet the various needs of different geographical areas in Scotts Valley. Additionally, the intent of the C-S district regulations is to encourage retail stores, offices, service establishments and businesses to concentrate for the convenience of the public and provide adequate parking facilities. The proposed project involves the establishment of live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation for an existing wine tasting room. The existing shopping

center provides adequate parking facilities for the proposed use as the addition of live music entertainment is not anticipated to generate additional parking demand. Conditions of approval include limitations on hours of operation of live music entertainment, testing of acoustic and amplified noise before each performance to confirm noise levels do not exceed 60 dBA, and directing live music entertainment towards Mount Hermon Road. As conditioned, the proposed project is expected to be compatible with existing commercial, and office uses along Mount Hermon Road and complies with the City of Scotts Valley's standards related to noise.

2. ***The establishment, maintenance or operation of the wine tasting room with live entertainment will not, under any circumstances of the case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed wine tasting room with live entertainment or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.***

The project involves the establishment of live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at an existing wine tasting room. Hours of live music entertainment would occur during warmer times of the year (late Spring to early Fall). Music is generally to be played on Saturday (2:30pm to 7:00pm) or Sunday (2:30pm to 6:00pm) for 2 hours with a break in the middle of the musical set. Total occurrences of live music entertainment are approximately 24 occurrences. The property abuts residential uses to the rear, necessitating specific conditions of approval to comply with the City's noise standards. Project conditions include limitations on hours of operation of live music entertainment, testing of acoustic and amplified noise before each performance to confirm noise levels do not exceed 60 dBA, and directing live music entertainment towards Mount Hermon Road. As conditioned, the project is anticipated to not have adverse impacts on the surrounding residences and wider neighborhood.

SECTION 4: After careful consideration of the application and related materials, plans, maps, facts, exhibits, staff reports, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley does hereby approve Use Permit Amendment No. U22-004.1 to allow live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at an existing wine tasting room in the C-S zone at 75 Mount Hermon Road, Unit C/ APN 021-271-04, subject to conditions set forth in the attached Exhibit A, which are attached hereto and incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a regularly scheduled meeting held on August 8, 2024, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

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Lori Gentile, Chair

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Taylor Bateman, Community Development Director

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL** (Numbers 1 - 12)

#### **STANDARD**

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After Planning Commission approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits or operation of the use.
3. The color, materials, size, location, and design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission at the discretion of the Community Development Director.
4. All required building permits shall be obtained and the application shall pay all appropriate fees prior to commencement of any construction on the property.
5. All conditions of approval in Resolution No. 1775 for U22-004 (adopted by the Planning Commission on August 11, 2022) shall remain in effect.

#### **PLANNING DEPARTMENT**

6. U22-004 is hereby amended to allow for the following hours of operation for the wine tasting room:
  - Friday (4:00pm to 8:30pm), Saturday (1:00pm to 7:00pm) and Sunday (1:00pm to 6:00pm)
  - Occasional private events during off days (Monday through Thursday). Private events during off days are to be held within the wine tasting room with no live music entertainment.
7. Hours of live music entertainment shall be limited to the following
  - Saturday (2:30pm to 7:00pm) or Sunday (2:30pm to 6:00pm)

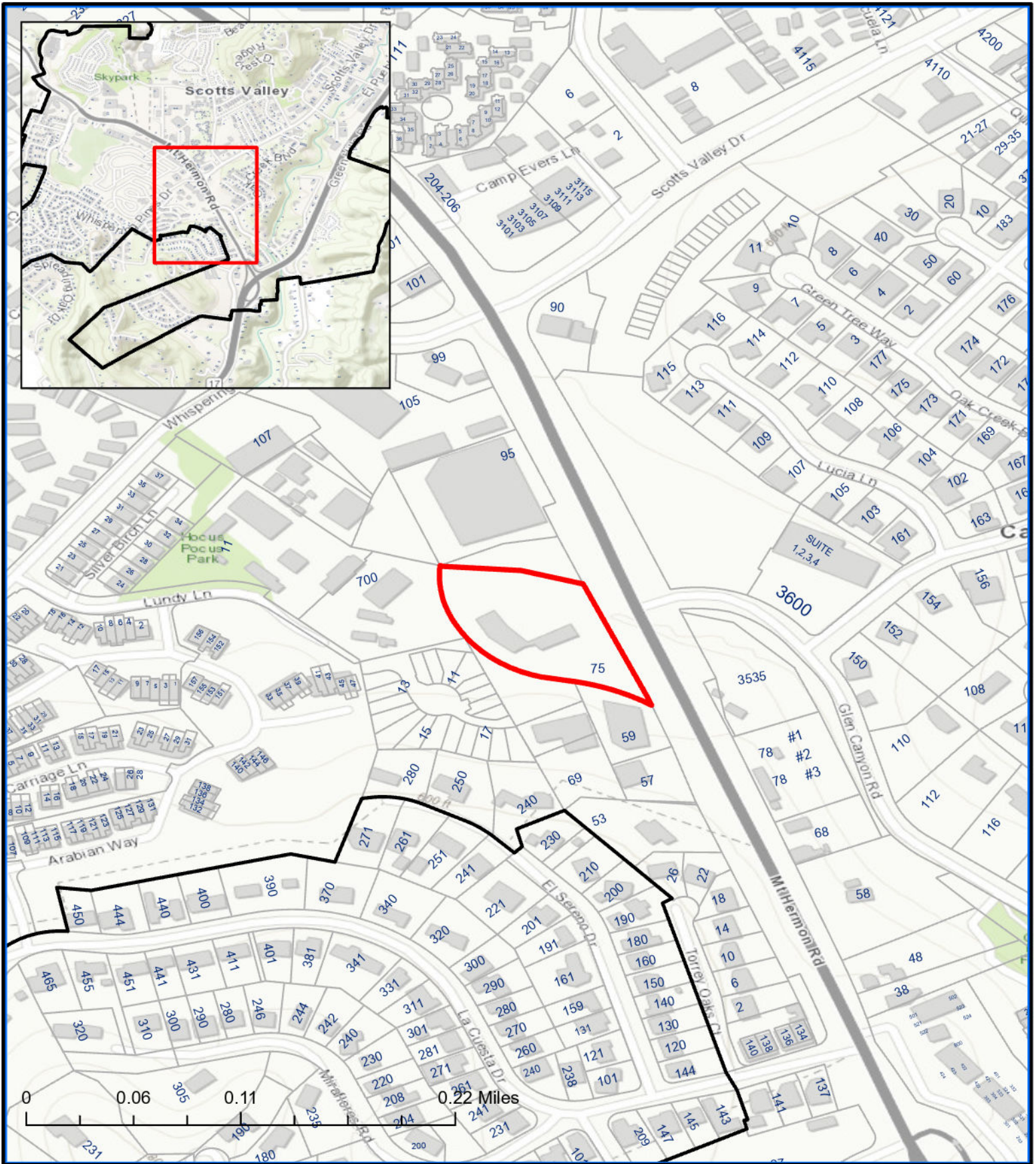
8. The duration of live music entertainment shall be limited to 2 hours in length, excluding a break during the set/performance.
9. The applicant shall notify the adjacent neighbors off Lundy Lane a week in advance should live music entertainment be provided on two days in a row on the same weekend (Saturday and Sunday).
10. Live music entertainment shall be allowed on 24 occurrences per calendar year.
11. Prior to each performance, the applicant shall test the noise levels of acoustic and amplified noise at each live music entertainment event to confirm the noise level does not exceed 60 dBA.
12. All live music entertainment events shall direct acoustic and amplified noise in the direction of Mount Hermon Road and not towards the adjacent residential neighbors to the rear of the project site.
13. Applicant shall maintain the existing fence that encloses outdoor patio area to assist with sound attenuation of live music entertainment.
14. If additional complaints are received about noise levels related to live music entertainment, the applicant may be required to provide a noise analysis done by an acoustical engineer and incorporate any required mitigation strategies to the satisfaction of the Community Development Director.

---

Paul and Mindi Broughton, Property Owners

---

Date



# Location Map

U22-004.1

75 Mount Hermon Road

APN 021-271-04





## CITY OF SCOTTS VALLEY

### PLANNING DEPARTMENT

1 Civic Center Drive • Scotts Valley • California • 95066  
Phone (831) 440-5635 • Email [planningdepartment@scottsvally.gov](mailto:planningdepartment@scottsvally.gov) • <http://www.scottsvally.org/>

## USE PERMIT APPLICATION

**Please Note:** Signature of the property owner is required

U \_\_\_\_\_ - \_\_\_\_\_

Fee: \_\_\_\_\_

Receipt #: \_\_\_\_\_

Date: \_\_\_\_\_

R'cvd. by: \_\_\_\_\_

Site address and/or location: 75 MT HERMON RD Unit C

Assessor's Parcel Number(s): 02127104 Zoning: 131-MULTI STORES/OFFICES

Zoning: \_\_\_\_\_

Applicant: JASPER CODY MUELY

W-Phone: 831-246-1022

Company/  
Mailing Address: COASTAL RANGE VINEYARDS  
PO BOX 67307

Cell Phone: 831-246-1022

City, State, Zip: SCOTTS VALLEY CA 95067

E-mail: CODY@Coastalrangevineyards.com

Property Owner: PAUL and MINDI BROUGHTON

W-phone: \_\_\_\_\_

Mailing Address: 5521 SCOTTS VALLEY DR #215 Cell Phone: 831-331-6165

City, State, Zip: SCOTTS VALLEY CA 95066 Email: mindibroughton@gmail.com

**Please Note:** The staff report, meeting agenda, meeting minutes and all related follow-up documents will only be mailed to the applicant and property owner(s), unless otherwise requested.

Proposal (brief description of the proposed use; see "Project Description"): WE WOULD LIKE

TO AMEND OUR EXISTING USE PERMIT FOR INVERSION WINES

TO ALLOW US TO HAVE OCCASIONAL TASTING ROOM

LIVE MUSIC ON OUR PATIO DURING OUR BUSINESS

HOURS. THIS WOULD ONLY TAKE PLACE ON WEEKENDS

AND DURING THE DAY. OUR TASTING ROOM HOURS

ARE FRI 4-8:30 PM, SAT 1-7 PM, SUN 1-6 PM

**Required Information and Attachments:**

- ☐ Property owner signature on application or authorization form authorizing agent to act on behalf
- ☐ One copy of "Will Serve" letter from the Water District if a water meter will be required
- ☐ One copy of Assessor's Parcel Map with subject property outlined
- ☐ One copy of the Deed or recent Title Report (within the past six months)
- \* ☐ Project Description that includes:
  - \_\_\_\_\_ all of the proposed uses/activities that will occur inside the building(s)
  - \_\_\_\_\_ all of the proposed uses/activities that will occur outside the building(s)
  - \_\_\_\_\_ hours of operation (Monday-Sunday)
  - \_\_\_\_\_ total number of employees and the number of employees on the largest shift
  - \_\_\_\_\_ number of existing and proposed parking spaces
  - \_\_\_\_\_ all of the types of proposed noise-generating equipment (provide specification sheets)
  - \_\_\_\_\_ estimate of water consumption
  - \_\_\_\_\_ estimate of discharge and any unusual water discharges (for commercial and industrial)
  - \_\_\_\_\_ any energy conserving techniques employed in the operation or design
  - \_\_\_\_\_ construction schedule
  - \_\_\_\_\_ signage (describe all existing signs on the property or building, any proposed changes to the existing signs, and any proposed new signs). Check with Planning Department staff if Design Review approval by the Planning Commission is also required with a separate application).
- \* ☐ Table of Uses that includes:
  - \_\_\_\_\_ all uses/activities and their proposed square footages (e.g., areas designated for retail, office, warehouse, R&D, residential, open space, parking, landscaping etc.)
  - \_\_\_\_\_ number of residential units and density (number of units per gross total land area)
  - \_\_\_\_\_ number of existing and proposed parking spaces

**Submit 10 full-size sets AND 6 reduced-size sets (11" x 17") of the following:**

*↳ one electronic set to obers@scottsville.gov*

- ☐ **Site Plan – Drawn to scale (minimum 1/8" = 1' or 1" = 10'):**
  - \_\_\_\_\_ topography (2-foot or 5-foot contour intervals)
  - \_\_\_\_\_ average slope [slope = 0.00229 x contour interval (feet) x combined length of contour lines (feet), divided by the gross area in acres of the total parcel being developed (square feet)]
  - \_\_\_\_\_ all roads, rights-of-way, easements abutting or crossing the subject property
  - \_\_\_\_\_ all existing and proposed buildings and structures
  - \_\_\_\_\_ all existing and proposed building setbacks from property lines or right-of-ways
  - \_\_\_\_\_ all parking areas (including existing and proposed width and length dimensions)
  - \_\_\_\_\_ trees qualifying as protected trees (proposed for removal or to remain)
  - \_\_\_\_\_ wells, springs, streams, septic system tank, leach field, laterals, water lines, hydrants, etc.
  - \_\_\_\_\_ proposed details for: signs, accessory structures, parking areas, streets, circulation, loading areas, pedestrian walkways, curb, sidewalks, lighting, open space areas, debris or storage area, curb radii, horizontal and vertical curves and sight distance for entrances to street and any signs to be erected

- ☐ **Floor Plan(s)** – Of all floors, drawn to scale (minimum  $\frac{1}{4}" = 1'$  or  $\frac{1}{8}" = 1'$ ):
- \_\_\_ all dimensions
  - \_\_\_ all uses labeled

- ☐ **Building Elevations** – Of all 4 sides of structure(s), drawn to scale (min.  $\frac{1}{4}" = 1'$  or  $\frac{1}{8}" = 1'$ ):
- \_\_\_ natural/existing grade and proposed/finished grade
  - \_\_\_ height
  - \_\_\_ exterior materials and colors
  - \_\_\_ rooftop equipment (including height and materials and colors of screening)
  - \_\_\_ separate elevation and screening of any trash enclosures

- ☐ **Landscaping Plan\*** – Prepared by a licensed landscape architect (unless waived by Planning Department staff), and drawn to scale (minimum  $\frac{1}{8}" = 1'$  or  $1" = 10'$ ):
- \_\_\_ table listing total number of trees, shrubs, plants, rocks, etc., species, locations, and sizes
  - \_\_\_ predominantly (75-80% of total landscaping) drought-tolerant, native plants
  - \_\_\_ efforts to control erosion and siltation
  - \_\_\_ efforts to block and screen unsightly objects or uses
  - \_\_\_ elevations or architectural drawings showing structures (shade structures, gazebos, etc.)
- \* Please refer to the "City of Scotts Valley Policy Statement for Water Conservation for New Development" handout available in the Planning Department.

- ☐ **Drainage Plan** – Drawn to scale (minimum  $\frac{1}{8}" = 1'$  or  $1" = 10'$ ):
- \_\_\_ all drainage-ways
  - \_\_\_ all drainage easements (existing and/or proposed)
  - \_\_\_ sized inlets, culverts and drainage lines
  - \_\_\_ ultimate disposition of storm water runoff
  - \_\_\_ approximate slope of drainage channels

- ☐ **Grading Plan** – If earthwork involves over 50 cubic yards of cut and/or fill:
- \_\_\_ slopes and contours
  - \_\_\_ setbacks and drainage
  - \_\_\_ erosion control (including retaining walls)

**Please Note:** In some cases, the scope of a proposed project may warrant additional copies of plans or changes or deletions to the minimum scale and size of plans, as determined by staff.

#### **Other Requirements:**

- ☐ Geologic or Geotechnical Soils Report (if required by the Community Development Director)
- ☐ Copy of a contract with a qualified archaeologist that will monitor the earth work of the proposed project (if the City determines that the project requires monitoring)
- ☐ Please contact the **Scotts Valley School District** office to discuss the potential impact your project may have over and above the statutory fees required (831) 438-1820.

- ☐ If your project is near any interim or perennial streams, the **State Department of Fish and Game** may have permit requirements that could impact the processing time of your project. You should contact this agency and address any concerns they may have.

State Department of Fish and Game  
ATTN: Bay Delta Region  
P.O. Box 47  
Yontville, CA 94599

Phone: (707) 944-5568  
Alt. Phone: (831) 440-9433 (Suzanne DeLeon)  
E-mail: [sdeleon@dfg.ca.gov](mailto:sdeleon@dfg.ca.gov)  
Website: [www.dfg.ca.gov](http://www.dfg.ca.gov)

- ☐ If your project is near Zayante soils, indicating the potential habitat for federally protected species (Ben Lomond spineflower, Ben Lomond wallflower, Mt. Hermon June beetle, Scotts Valley polygonum, and Zayante-band winged grasshopper), the **U.S. Fish and Wildlife Service** may have permit requirements that could impact the processing time of your project. You should contact this agency and address any concerns they may have.

Fish and Wildlife Biologist  
U.S. Fish and Wildlife Service  
Ventura Office  
2493 Portola Road, Suite B  
Ventura, CA 93003

Phone: (805) 644-1766  
Fax: (805) 644-3958  
E-mail: [david\\_pereksta@fws.gov](mailto:david_pereksta@fws.gov)  
Website: <http://ventura.fws.gov/>

- ☐ If your project is near an aquatic environment, including wetlands that serve as habitat for interrelated and interacting communities and populations of plants and animals, the **Army Corps of Engineers** may have permit requirements that could impact the processing time of your project. You should contact this agency and address any concerns they may have.

U.S. Army Engineer District  
Civil Works Office - San Francisco  
333 Market Street, Room 923  
San Francisco, CA 94105-2197

Phone: (415) 977-8600  
Fax: (415) 977-8316  
Website: [www.usace.army.mil](http://www.usace.army.mil)

 **Please Note:** Signature of the property owner is required. If the property owner is unavailable to sign this application, an original letter of authorization from the property owner is required.

**I certify that all of the information supplied in this application is true and that the plans are accurate to the best of my knowledge:**



\_\_\_\_\_  
*Signature of Property Owner*

**Mindi Broughton - Broughton Land LLC**

\_\_\_\_\_  
*Printed Name of Property Owner*

**04/12/24**

\_\_\_\_\_  
*Date*

\_\_\_\_\_  
*Signature of Property Owner*

\_\_\_\_\_  
*Printed Name of Property Owner*

\_\_\_\_\_  
*Date*

## **Inversion Wines Use Permit Application**

### **PROJECT DESCRIPTION**

The site at 75 Mt. Hermon Rd., Unit C will be used solely as a wine tasting facility. Wine will be produced off site but poured within Unit C. The tasting room will consist of a washroom (refrigerator, sink, dishwasher), a cold storage area, a “pouring area”, and a common sitting area with multiple tables, chairs and couches. The tasting room will also have a few small chairs on the exterior deck outside of the tasting room and an enclosed outdoor patio.

Tasting room hours will be Friday (4pm-8:30pm), Saturday (1pm-7pm), and Sunday (1pm-6pm). The schedule will be designed to mirror that of the existing tasting room next door (Kissed by and Angel). The tasting room will have 2-4 employees with a maximum of 2 employees working at any given time. The site already has 10 designated parking spaces and no further parking will be needed.

On occasion, the tasting room will host private events during off days (Monday – Thursday). In the past, private events have included Scotts Valley PTA gatherings, and Valley Professional Women’s Nights).

The tasting room will have interior speakers for background music and one indoor/outdoor portable speaker for the outside patio.

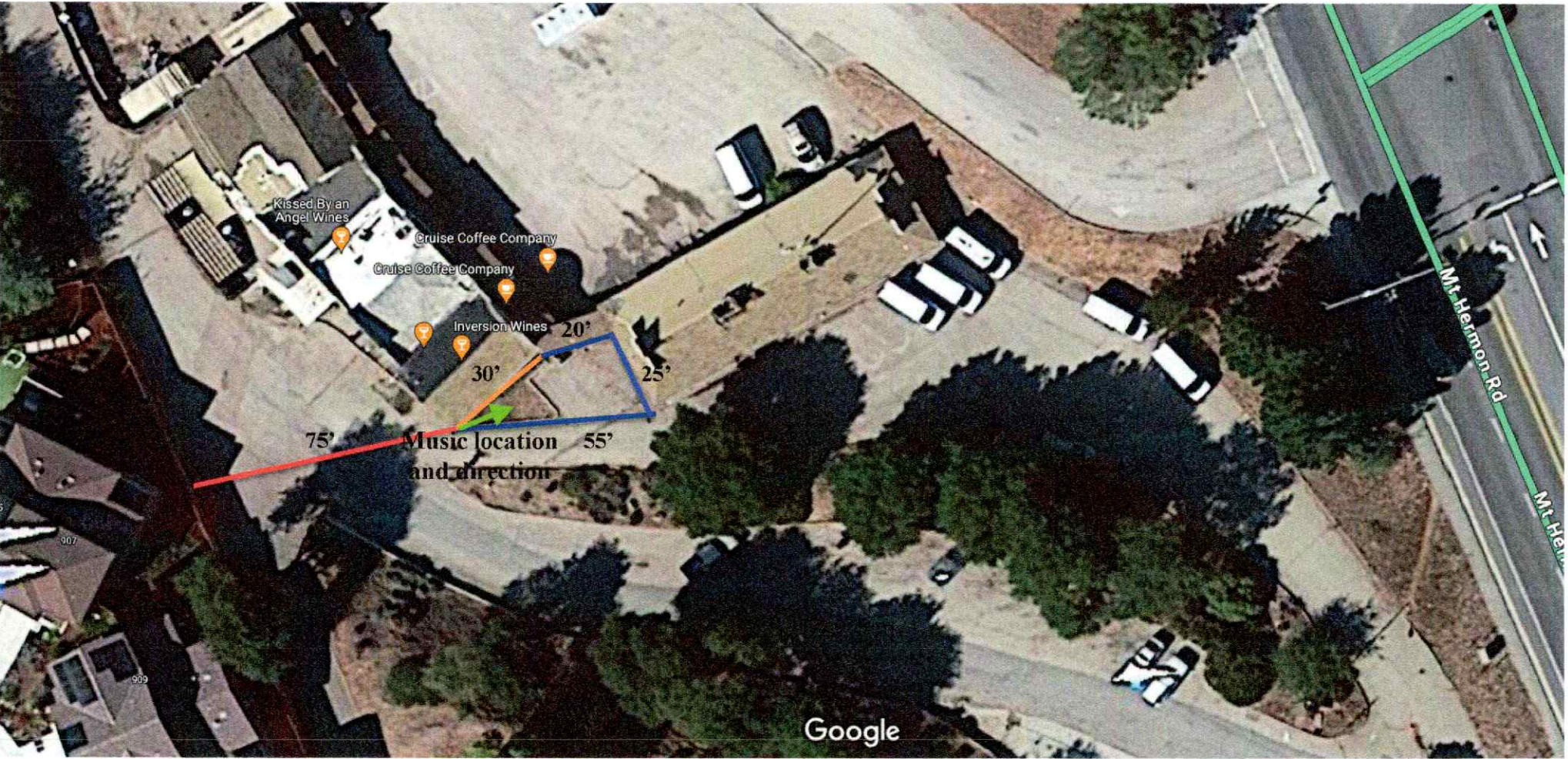
We also plan to have occasional live music in the enclosed outdoor patio to provide wine tasting ambiance. Any live music would be played in the direction of Mount Hermon Road (see attached diagram). The live music would mostly coincide with the warmer and dryer part of the year (late spring, summer, and early fall) with music usually being played on Saturday (between 2:30pm – 7:00pm) or Sunday (between 2:30pm – 6:00pm). The average length of a set would be 2 hours with a break built into the middle of the set. There would be no more than 24 live music occurrences over the course of a year. The music would be mellow and tasteful, and played at a level that allows our patrons to easily converse over it. Oftentimes it will be acoustic, but some artists will use an amp in order to preserve their voices. The music will usually consist of a solo singer with a guitar, but on rare occasions we will have groups of up to four. We estimate that over the course of a "normal year", we would have approximately 20 live performances. At all times, music will be kept below 60 dBA and an iPhone application will be used to monitor decibel levels.

The only water consumption on site will be for washing wine glasses in the dishwasher and for drinking water for employees and patrons. We do not anticipate any “unusual water discharges.”

The structure is pre-existing, thus no construction is needed. The existing sign on the building façade will be updated with “Inversion Wines”, and an additional “Inversion Wines” sign will be included in the existing signage at the entrance to the address.

#### **TABLE OF USES**

The entirety of Unit C (approximately 1,000 square feet) will be used for wine storage and tasting. The parking lot is pre-existing and no further parking will be proposed. No residential units are associated with this site.



Map data ©2024 , Map data ©2024 20 ft

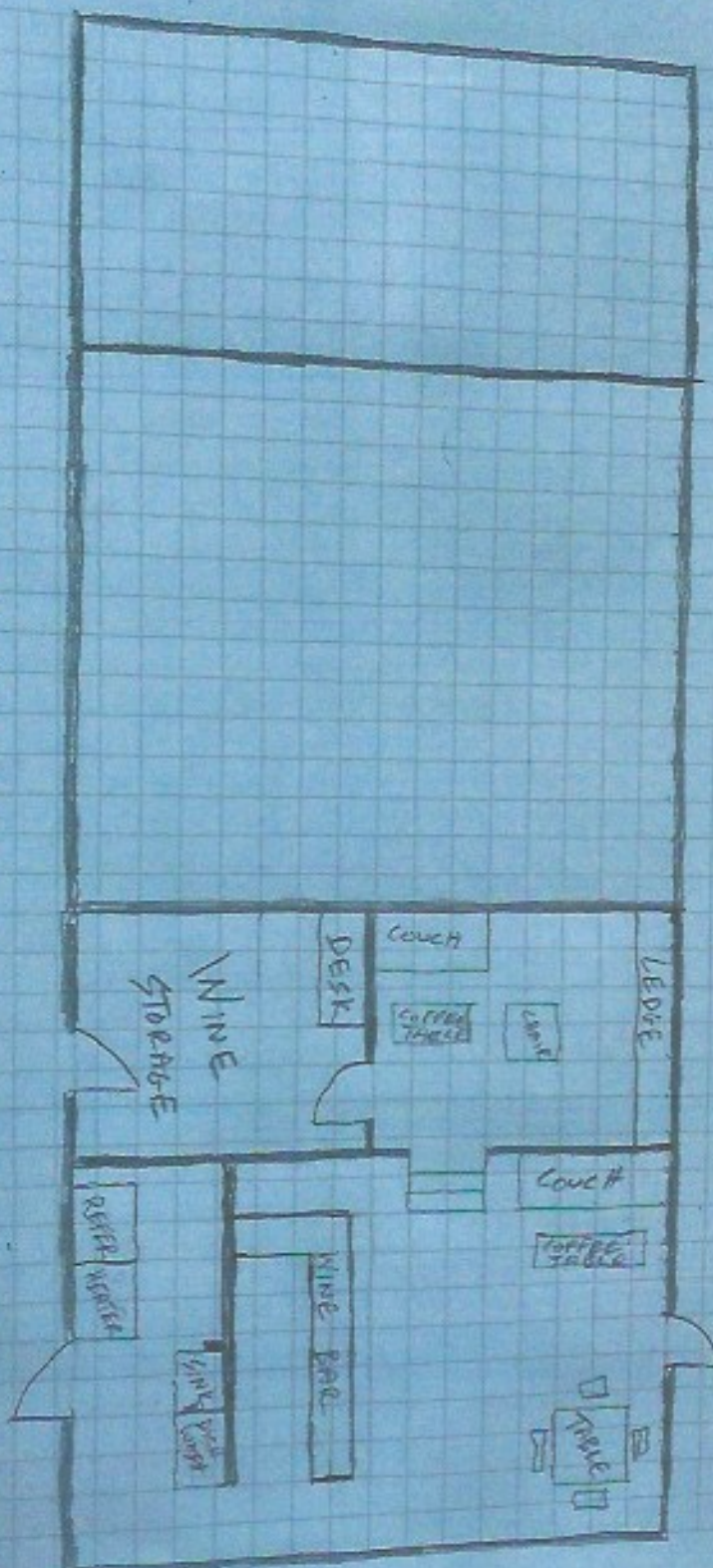
Live traffic

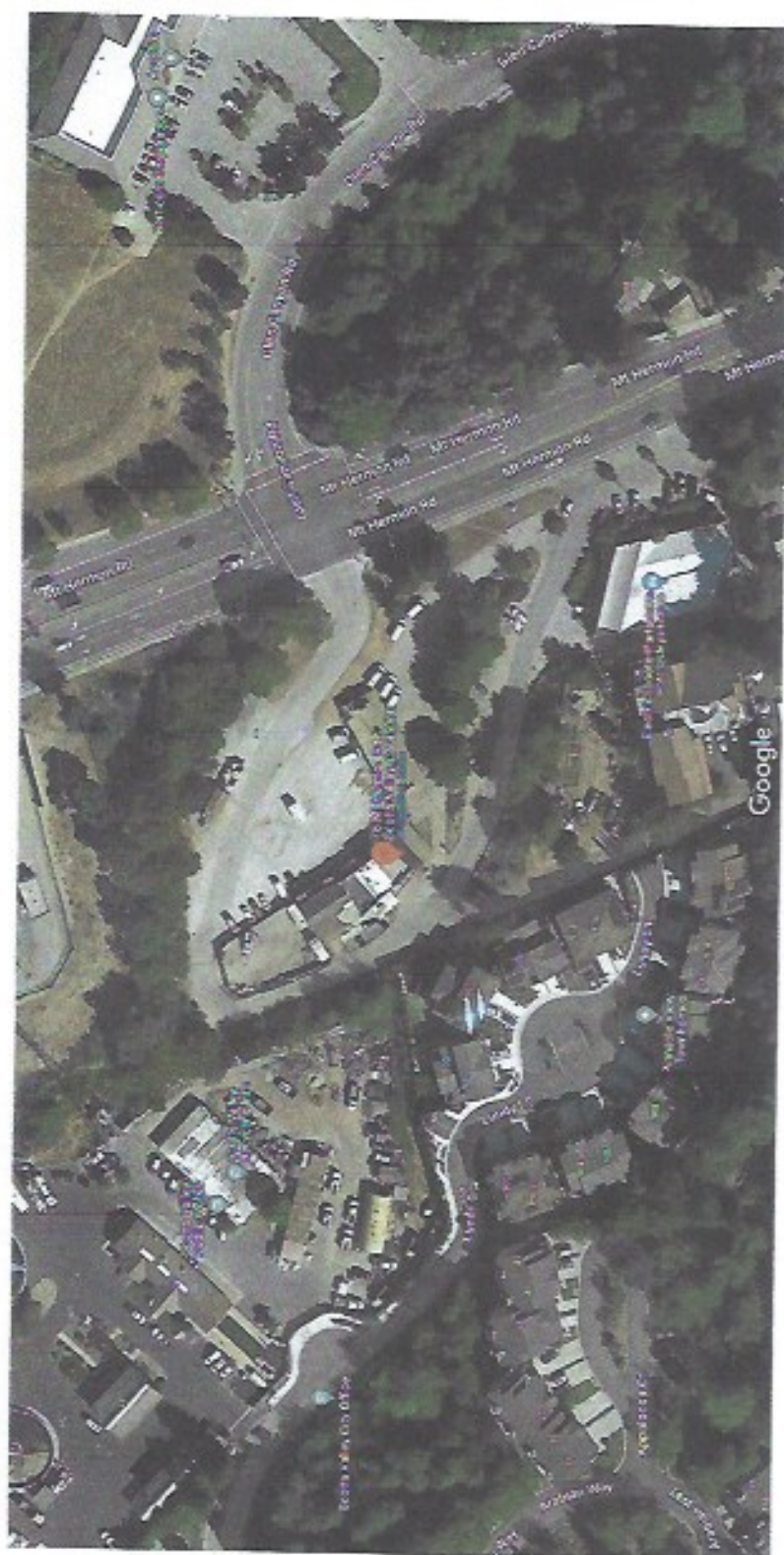
Fast

Slow

# "INVERSIONS" BY CONSTAL RANGE INVERSIONS

$$150 = 2FT$$







June 26, 2022

1:860  
0 40 80 160 ft  
0 12.5 25 60 m  
County of Santa Cruz

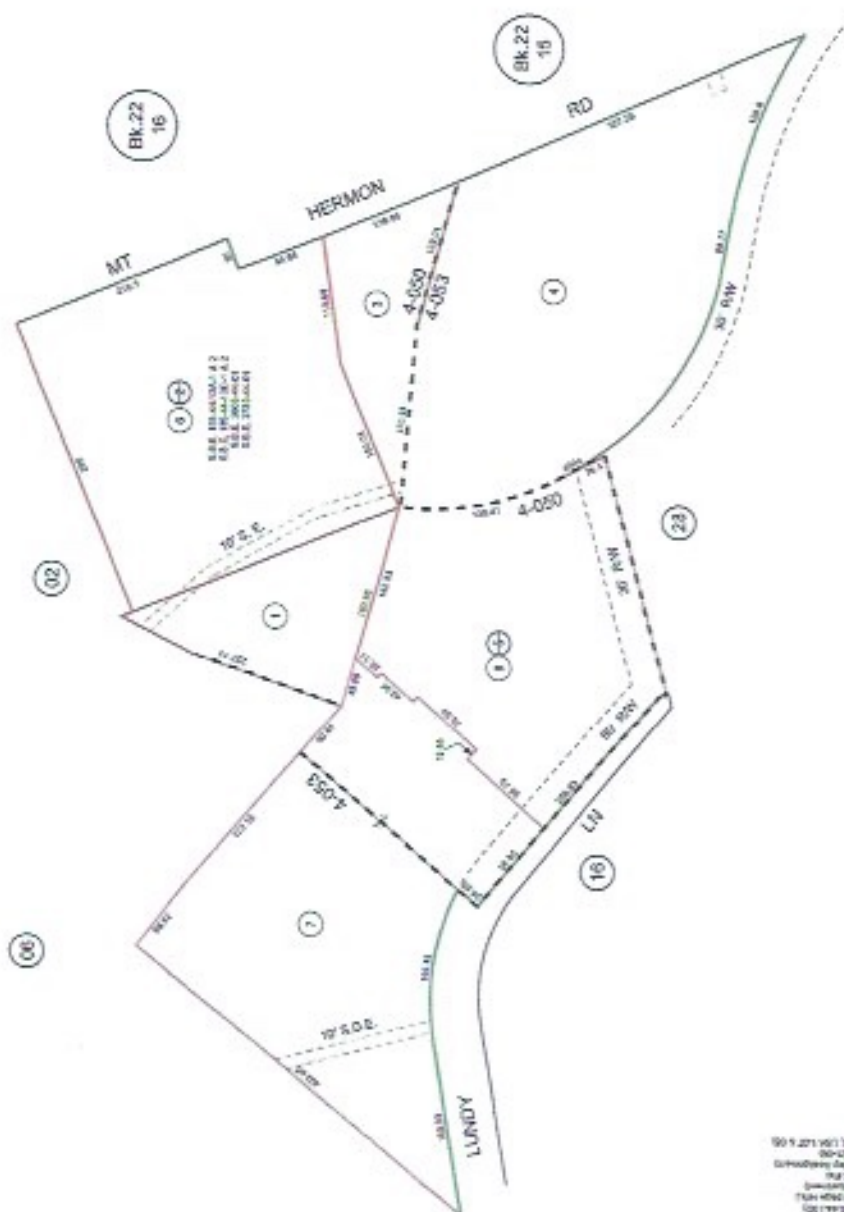
FOR TAX PURPOSES ONLY

THE ASSessor HAS NO LIABILITY AS TO ANY ACCOUNTS OR ASSESSMENTS ANY  
PROPERTY FOR CATION PURPOSES - WILL BE RESPONSIBLE. ALL RIGHTS RESERVED.  
© COPYRIGHT 2008 BY THE CITY OF SCOTT'S VALLEY, CALIF.

CITY OF SCOTT'S VALLEY

Tax Area Code  
4-050 4-053

21-27



Assessor's Map No. 21-27  
City of Scott's Valley  
County of Santa Cruz, Calif.

Note - Assessor's Parcel & Block  
Numbers Shown in Circles.

## inversion wines

75 Mount Hermon Rd, Unit C  
Scotts Valley, CA 95066  
[www.inversionwines.com](http://www.inversionwines.com)  
831-201-4892

April 17, 2024

Dear Lundy Lane Neighbors,

I'm writing you from Inversion Wines. We are a family-owned local winery with a tasting room at the base of your hill (Pinnacle Pass). We opened our doors in the fall of 2022, and we have thoroughly enjoyed being part of the Scotts Valley community for the past year and a half.

When we started our tasting room, our goal was to enhance the Scotts Valley experience by creating a local destination where the community can come together and enjoy Santa Cruz Mountain wines. We live in the community, our kids go to school in the community, and our staff is mostly made up of retired members of the community. It goes without saying that we are dedicated to Scotts Valley, and we want to see our neighborhoods and businesses thrive together.

At times, we have added to the wine tasting ambiance by providing live music on weekend afternoons. We are in the process of amending our use permit so that we can continue to provide live music on occasion throughout the year. Last year, we had music on approximately 17 occasions. We understand that music can (and has) drifted up the hill. It's our goal to co-exist with the community and we want to be sensitive to the affect that our music has on the surrounding neighborhoods. In the past, our musicians have set up in the corner of the patio that faces the Lundy Lane neighborhood. Moving forward, we will have our musicians set up in the corner of the patio that would push sound out towards Mount Hermon. We are confident that this arrangement will help to reduce unwanted noise. As a reminder, our tasting room is open on Fridays from 4-8:30, Saturdays from 1-7:00 and Sundays from 1-6:00.

Please feel free to reach out to me if you have any questions or concerns. It's our goal to put a plan in place that works for everybody.

Warm regards,

Taylor Muhly  
[taylor@inversionwines.com](mailto:taylor@inversionwines.com)

**City of Scotts Valley**  
**PLANNING COMMISSION**  
**STAFF REPORT**

**Applicant:** Jasper Cody Muhly

**Property Owner:** John Kontoudakis

**Applications:** Use Permit No. U22-004

**Location:** 75 Mount Hermon Road / APN: 021-271-04

**General Plan/Zoning:** C-S (Commercial Service)

**Environmental Status:** CEQA Categorical Exemption: Section 15301, Class 1 – Existing Facilities

**Request:** Consideration of a Use Permit to allow a 1,090 square foot, indoor-only, wine tasting room in an existing building located in the Service-Commercial C-S zone.

**Staff Planner:** Olivia Beers, Assistant Planner

**STAFF RECOMMENDATION**

Staff recommends that the Planning Commission approve Use Permit U22-004 by adopting the attached resolution, subject to the conditions in Exhibit A

**PROJECT DESCRIPTION**

The subject property is in the “Pinnacle Pass” shopping center which is developed with one 4,650 square foot commercial building and one free-standing Kiosk drive-thru coffee business (see attached Location Map).

The applicant is requesting to operate a wine tasting room in an approximately 1,090 square foot tenant space adjacent to the existing Kissed by an Angel wine tasting room. A letter from the applicant, describing the proposed business, is attached.

The hours of operation will be Friday 2:00 PM to 8:00 PM, Saturday 1:00 PM to 7:00 PM, and Sunday 12:00 PM to 6:00 PM. These hours were chosen to mirror the hours of the adjacent tasting room.

## **DISCUSSION**

### **1. Use Permit**

The applicant's proposal to operate a wine tasting room falls under the category of a restaurant as defined in the Scotts Valley Municipal Code (SVMC) 17.04.210 as "any eating or drinking establishment having seating capacity which sells or offers for sale to the public any food or drink for immediate human consumption on the premises...". Restaurants are a conditional use in the C-S zone which require Use Permit approval by the Planning Commission. The permit process evaluates whether the proposed use is appropriate and how any negative impacts to surrounding uses may be avoided or minimized. The surrounding businesses are commercial uses. Given that there will not be any noise generating equipment besides interior speakers for background music, no odors, no discharge of any type, and minimal outdoor seating, there are no identifiable negative impacts that the proposed wine tasting room might cause to adjacent businesses.

### **2. Parking**

Presently, four businesses occupy the center (one of which is a drive-thru Coffee Kiosk). There are a total of 46 parking spaces on the property and 32 spaces are required. Based on 720 square feet of public space, the tasting room will require 13 parking spaces. Therefore, there will be a surplus of 14 parking spaces. Staff believes that there will be adequate parking for all businesses.

### **3. Future Signage**

The existing Fringe Salon sign on the building façade will be updated with "Inversion Wines" (Attachment 3). The signage at the entrance to the shopping center will also be updated to include an Inversion Wines sign (Attachment 3). These updates shall comply with the Pinnacle Pass Planned Sign Program.

## **ATTACHMENTS**

1. Resolution & Conditions of Approval.....
2. Location Map .....
3. Applicant's Project Description Letter .....
4. Inversion Wines Logo.....
5. Floor Plan (Attached) .....

## RESOLUTION NO.

### **A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY APPROVING USE PERMIT No. U22-004 TO ALLOW A 1,090 SQUARE FOOT, WINE TASTING ROOM IN AN EXISTING BUILDING LOCATED IN THE SERVICE-COMMERCIAL (C-S) ZONE AT 75 MOUNT HERMON ROAD / APN 021-271-04.**

WHEREAS, the Planning Department of the City of Scotts Valley has received the application filed by Jasper Cody Muhly for a Use Permit to operate a 1,090 square foot, indoor-only, wine tasting room in an existing building located in the Service-Commercial (C-S) zone at 75 Mount Hermon Road / APN 021-271-04.

WHEREAS, the application was reviewed for completeness and is determined to be a “project” as defined by the California Environmental Quality Act (CEQA); and,

WHEREAS, the project is Categorically Exempt from the California Environmental Quality Act, under Section 15301, Class 1, Existing Facilities; and,

WHEREAS, the project was reviewed by the Planning Commission at regularly scheduled and noticed meeting on Thursday, August 11, 2022.

NOW THEREFORE, the Planning Commission of the City of Scotts Valley hereby resolves as follows:

SECTION 1: The environmental determination represents the independent judgment of the City.

SECTION 2: The categorical exemption is hereby approved.

SECTION 3: The Planning Commission of the City of Scotts Valley does hereby specifically make the following findings as required by Section 17.50 of the Scotts Valley Municipal Code, and as further clarified in the staff report dated August 11, 2022.

- 1. The location of the restaurant is in accordance with the objectives of the zoning ordinance and the purposes of the zoning district in which the site is located.*** The subject property is located in the City’s Service-Commercial C-S where the objective is to create and maintain areas accommodating city-wide and regional service that may be inappropriate in neighborhood or pedestrian-oriented shopping areas. The proposed use is in accordance with this finding, in that the tasting room use will occupy a tenant space in a commercial building, which will be compatible with existing commercial uses on the Mount Hermon commercial corridor.

2. ***The establishment, maintenance or operation of the restaurant will not, under any circumstances of the particular case, be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood of the proposed restaurant or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.*** The proposed use meets the requirements of this finding in that the tasting room will not have adverse effects on the surrounding land uses or community. Project conditions will require compliance with building and fire codes.

SECTION 4: After careful consideration of the application and related materials, plans, maps, facts, exhibits, staff reports, testimony and other evidence submitted in this matter, and incorporated herein by this reference, the Planning Commission of the City of Scotts Valley does hereby approve Use Permit No. U22-004 to allow a restaurant in the C-S zone at 75 Mount Hermon Road / APN 021-271-04, subject to conditions set forth in the attached Exhibit A, which are attached hereto and incorporated herein by this reference.

THE ABOVE AND FOREGOING RESOLUTION was duly adopted and passed by the Planning Commission of the City of Scotts Valley at a regularly scheduled meeting held on August 11, 2022 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

---

Lori Gentile, Planning Commission Chair

---

Taylor Bateman, Community Development Director

## **EXHIBIT A**

### **CONDITIONS OF APPROVAL** (Numbers 1 - 13)

#### **STANDARD**

1. Developer has agreed to and shall defend, indemnify and hold harmless the City of Scotts Valley, its officers, agents and employees from any claim, action or proceeding against the City or its officers, agents or employees to attach, set aside, void or annul any action of the City in connection with approvals under the California Environmental Quality Act or with respect to approval of the project, which action is brought within the time period(s) prescribed by law. The City shall promptly notify the developer of any such claim, action or proceeding and shall fully cooperate in defense.
2. After Planning Commission approval, the property owner shall sign the Conditions of Approval (Exhibit A) agreeing to the Conditions of Approval prior to the issuance of any building permits or operation of the commercial recreation use.
3. The color, materials, size, location, and design of the improvements shall match the approved plans. Modifications to the approved project may require approval by the Planning Commission at the discretion of the Community Development Director.
4. All required building permits shall be obtained and the application shall pay all appropriate fees prior to commencement of any construction on the property.
5. All requirements of the Scotts Valley Water District shall be met prior to operation of the use.
6. All requirements of the Scotts Valley Fire Protection District shall be met prior to operation of the use.

#### **BUILDING DEPARTMENT**

7. Provide accessible counters, tables and all seating areas to comply with the 2019 California Building Code (CBC), or the code in effect at the time, Chapter 11B to include covered counter tops (34" above finish floor).
8. Maintain required aisle ways for circulation in compliance with 2019 CBC Chapter 11B.

9. All new electrical, mechanical and plumbing or structural modifications will require a Building Permit and comply with 2019 CBC, CMC, CEC and Energy and Green Building Codes.
10. If any of improvements are done, 20% of construction budget will be required for Accessibility upgrades.
11. The applicant shall staple a copy of the project Conditions of Approval to all of the plans submitted for a building permit.
12. All construction activity shall be limited to the hours between 8:00 a.m. and 6:00 p.m., Monday through Friday, and 9:00 a.m. through 5:00 p.m. on Saturday. No construction activity is allowed on Sunday.
13. Outdoor seating is subject to the same requirements as indoor seating for accessibility.

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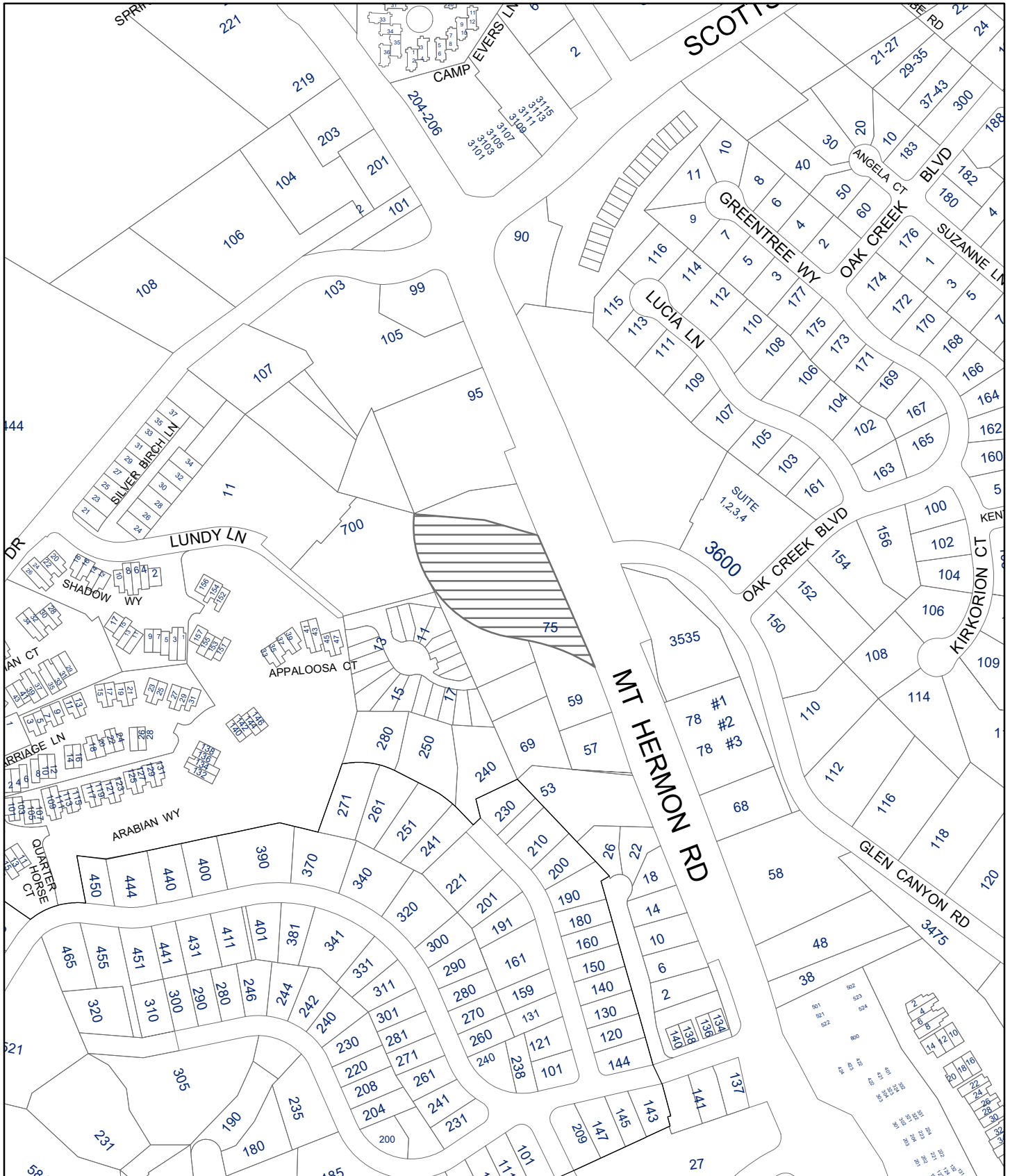
John Kontoudakis, Property Owner

---

Date

# Location Map

75 Mount Hermon / APN 021-271-04



0

0.125

0.25

Miles

008



Project Site  
0026

# **Inversion Wines Use Permit Application**

## **PROJECT DESCRIPTION**

The site at 75 Mt. Hermon Rd., Unit C will be used solely as a wine tasting facility. Wine will be produced off site but poured within Unit C. The tasting room will consist of a washroom (refrigerator, sink, dishwasher), a cold storage area, a "pouring area", and a common sitting area with multiple tables, chairs and couches. The tasting room will also have a few small chairs on the exterior deck outside of the tasting room.

Tasting room hours will be Friday (2pm-8pm), Saturday (1pm-7pm), and Sunday (12pm-6pm). The schedule will be designed to mirror that of the existing tasting room next door. The tasting room will have 2-4 employees with a maximum of 2 employees working at any given time. The site already has 10 designated parking spaces and no further parking will be needed.

The tasting room will have one interior speaker for background music. There will not be any exterior speakers.

The only water consumption on site will be for washing wine glasses in the dishwasher and for drinking water for employees and patrons. We do not anticipate any "unusual water discharges."

The structure is pre-existing, thus no construction is needed. The existing sign on the building façade will be updated with "Inversion Wines", and an additional "Inversion Wines" sign will be included in the existing signage at the entrance to the address.

## **TABLE OF USES**

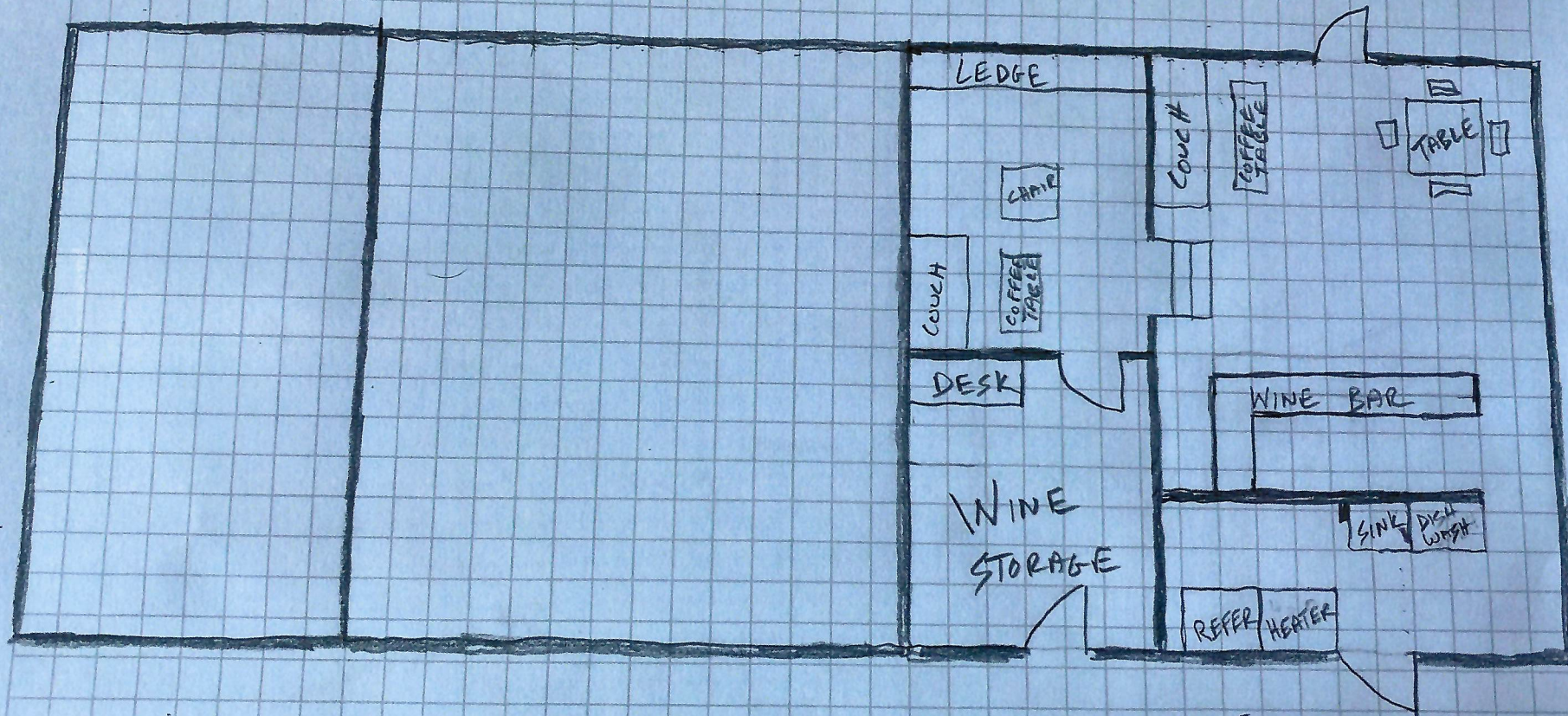
The entirety of Unit C (approximately 1,000 square feet) will be used for wine storage and tasting. The parking lot is pre-existing and no further parking will be proposed. No residential units are associated with this site.



# inversion wines

# "INVERSION" BY COASTAL RANGE VINEYARDS

PrintFreeGraphPaper.com



1 SQ = 2 FT

**City of Scotts Valley  
PLANNING COMMISSION  
STAFF REPORT**

**Date:** August 8, 2024

**Application:** AZO24-002

**Location:** City-wide

**General Plan / Zoning:** Land Uses/Zoning Districts that allow for residential uses

**Request:** Hold study session to provide input on issues for accessory dwelling unit (ADU) regulations

**Staff Planner:** Ben Noble, Consultant

**STAFF RECOMMENDATION**

The City is preparing amendments to the Zoning Code to comply with state ADU law and implement Housing Element programs. Staff requests Planning Commission feedback on important issues for these amendments.

**BACKGROUND**

An accessory dwelling unit (ADU) is a dwelling unit that is secondary to the main dwelling on a lot. An ADU must have complete independent living facilities for one or more persons with permanent provisions for living, sleeping, eating, cooking, and sanitation (bathroom). An ADU may be configured in different ways, including:

- Attached to the primary dwelling on the lot;
- Detached from the primary dwelling on the lot; or
- Converted from existing space (e.g., a garage or rooms within a dwelling).

**State Law**

State law contains detailed requirements that local agencies (cities and counties) must comply with in local ADU regulations. Some key requirements include the following:

- **Where Allowed:** ADUs must be permitted in all zoning districts where single-family or multifamily residential uses are permitted. In Scotts Valley, all zoning

districts except for Professional Commercial (C-P) and Light Industrial (I-L) allow residential uses.

- **Objective Standards:** ADUs can only be subject to “objective standards” which require no personal or subjective judgement to determine project compliance.
- **Setbacks:** A local agency must allow ADUs with a minimum setback of 4 feet from side and rear property lines.
- **Floor Area:** A local agency may set a maximum floor area of no less than 850 square feet for a studio or one-bedroom ADU and 1,000 square feet for an ADU with two or more bedrooms. A local agency may allow a detached ADU no greater than 1,200 square and an attached ADU no greater than 50 percent of an existing primary dwelling unit.
- **Height:** A local agency may set a maximum height no less than 16 feet for a detached ADU and, for an attached ADU, 25 feet or the height of the existing primary dwelling, whichever is lower. No less than 18 feet must be allowed close to transit facilities (none currently present in Scotts Valley) and on lots with multifamily dwellings.
- **Parking:** A local agency may not require more than one parking space per ADU. A local agency may not require any parking for an ADU close to transit or car share facilities (currently not present in Scotts Valley).
- **Permitting Process:** An ADU that complies with all standards must be approved ministerially without a public hearing or discretionary action.

State ADU law frequently states what a local agency may not do (e.g., limit height to less than 16 feet or require more than one parking space). A local agency may adopt more permissive standards which comply with state requirements (e.g., height greater than 16 feet or parking less than one parking space). Local agencies may also adopt standards to address issues not specifically called out in state ADU law (e.g., neighbor privacy). These standards must be objective, may not conflict with state requirements, and may not unduly restrict a homeowner from creating an ADU as intended under state law.

State ADU law requires a local agency to submit a copy of the adopted regulations to the California Department of Housing and Community Development (HCD) within 60 days after adoption. After the adoption of the regulations, HCD may review and submit written findings to the local agency as to whether the regulations comply with state law.

### Housing Element Programs

Housing Element Program H-1.5 calls for the City to update its existing ADU regulations to comply with state law. The City’s existing regulations, found in Zoning Code Chapter 17.41, do not comply with state law, which has changed substantially in recent years. When processing ADU permit applications, City staff utilize state ADU law in the California Government Code, not Zoning Code Chapter 17.41.

In addition to amending the Zoning Code to comply with state ADU law, the Housing Element also calls for the City to complete other actions to promote ADU construction.

### Senate Bill (SB) 9 and ADUs

In May of 2024, the City adopted an SB 9 ordinance that allows two primary dwelling units (plus one ADU and one JADU) on a single-family lot. SB 9 standards for allowed height, floor area, and setbacks are similar to state ADU law. However, SB 9 development is different from ADUs in a number of ways:

- The City may collect development impact fees for SB 9 units, but not for most ADUs.
- Separate utility connections for water, sewer, and electrical services are required for SB 9 units. The City cannot require separate utility connections for ADUs.
- An SB 9 unit must be connected to municipal water and sewer systems. An ADU may utilize a septic system if the system complies with city, county, and state requirements.
- For SB 9 units on lots created with an urban lot split, the owner must intend to occupy one of the units. There is no owner occupancy requirement for ADUs.
- SB 9 does not specifically override homeowners' association rules or CC&Rs (covenants, conditions, and restrictions), potentially allowing for an HOA to prohibit SB 9 development. An HOA cannot use CC&Rs to prohibit ADU development.

## **DISCUSSION**

City staff is in the process of drafting Zoning Code amendments to conform with state ADU law. Staff requests Planning Commission input on the following ADU issues that will be addressed in these amendments:

1. Height and Floor Area
2. Objective Design Standards
3. Safety and Resource Protection Standards
4. Accessory Structure Standards

For each issue, the discussion below provides background information and recommends an approach. Staff and consultants request Planning Commission feedback on the recommended approach for each issue. Staff will use this input to help prepare draft Zoning Code amendments for Planning Commission review at a future meeting.

### **Issue 1: Height and Floor Area**

State law requires local agencies to allow ADU heights of at least the following:

- Detached ADU (except as provided below): 16 feet.
- Detached ADU within one-half mile of major transit stop or high-quality transit corridor: 18 feet (currently none in Scotts Valley)
- Detached ADU on lot with a multistory multifamily dwelling: 18 feet
- Attached ADU: 25 feet or the height of the existing primary dwelling, whichever is lower

A local agency may allow ADUs taller than heights described above, but is not required to under state law.

State law also states that a local agency may set a maximum floor area of no less than 850 square feet for a studio or one-bedroom ADU and 1,000 square feet for an ADU with two or more bedrooms. A local agency may allow a detached ADU no greater than 1,200 square and an attached ADU no greater than 50 percent of an existing primary dwelling unit.

The Planning Commission should also note maximum height and floor area for SB 9 units. As established in the City's SB 9 ordinance, an SB 9 unit that complies with zoning district minimum yards is permitted a maximum height of 25 feet and maximum floor area of 1,250 square feet. An SB 9 unit that does not comply with zoning district minimum yards is permitted a maximum height of 16 feet and maximum floor area of 800 square feet. An SB 9 unit must be setback a minimum of 4 feet from side and rear property lines.

#### Recommendation:

As shown in Tables 1 and 2, staff recommends connecting ADU height and floor area to property line setbacks similar to the SB 9 standards. For an ADU that does not comply with district yards, allow maximum height and floor area no greater than what state law requires. For an ADU that complies with district yards, increase the maximum allowed ADU height and floor area as the size of the lot increases.

**Table 1: Recommended Maximum ADU Height**

| ADU Type and Placement on Lot       | Lot Size                 |                        |                         |
|-------------------------------------|--------------------------|------------------------|-------------------------|
|                                     | Less than 10,000 sq. ft. | 10,000-19,999 sq. ft.  | 20,000 sq. ft. and more |
| <b>Detached ADU</b>                 |                          |                        |                         |
| Complies with district yards        | 18 ft.* and one story    | 25 ft. and two stories | 35 ft. and two stories  |
| Does not comply with district yards | 16 ft.*                  |                        |                         |
| <b>Attached ADU</b>                 | Same as primary dwelling |                        |                         |

\*18 ft. within one-half mile of major transit stop or high-quality transit corridor (none currently) and on lot with a multistory multifamily dwelling.

**Table 2: Recommended Maximum ADU Floor Area**

| Placement on Lot                    | Lot Size                                                                 |                       |                         |
|-------------------------------------|--------------------------------------------------------------------------|-----------------------|-------------------------|
|                                     | Less than 10,000 sq. ft.                                                 | 10,000-19,999 sq. ft. | 20,000 sq. ft. and more |
| Complies with district yards        | 850 sq. ft. for <u>studio/1 bdrm</u><br>1,000 sq. ft. for <u>2+ bdrm</u> | 1,100 sq. ft.         | 1,200 sq. ft.           |
| Does not comply with district yards | 850 sq. ft. for <u>studio/1 bdrm</u><br>1,000 sq. ft. for <u>2+ bdrm</u> |                       |                         |

Note: Floor area of attached ADU may not exceed 50 percent of existing primary dwelling.

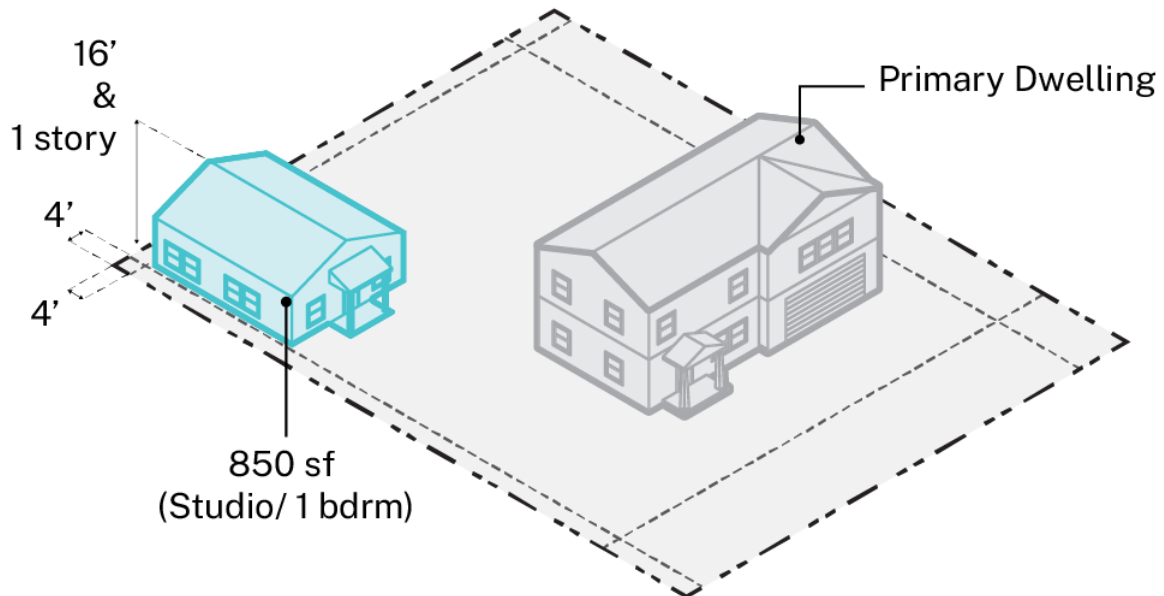
For reference, in the R-1-10 zoning district the minimum rear yard is 15 feet and the minimum side yard is 10 feet or 10 percent of the lot width, whichever is less. All primary dwelling units must comply with these minimum yards.

Figure 1 illustrates the recommended ADU building height and floor area standards. On a 10,000 square foot lot in the R-1-10 zone, a 1 bedroom detached ADU within the 15-foot rear or 10-foot side yards is permitted a maximum height of 16 feet (one story) and maximum floor area of 850 square feet. State law requires the City to allow the ADU a minimum of 4 feet from the rear and side property lines. For a detached ADU setback a minimum of 15 feet from the rear property line and 10 feet from the side property line, the maximum height is 25 feet (two stories) and maximum floor area is 1,100 square feet.

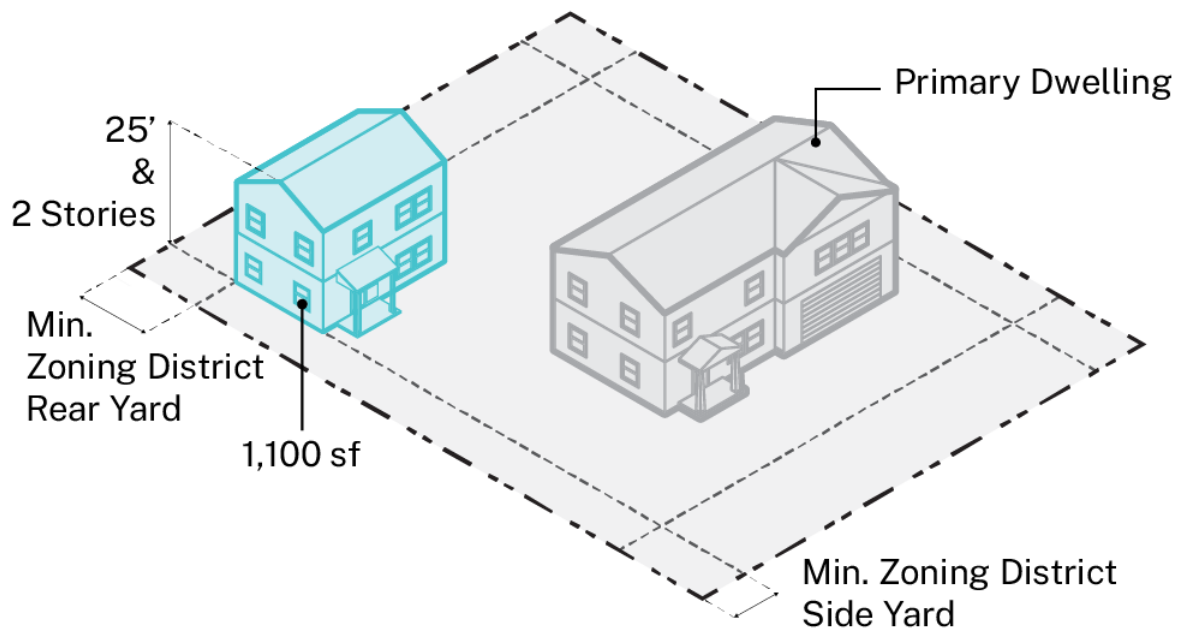
This approach would encourage detached ADUs to comply with property line setbacks that apply to single-family homes, minimize impacts on adjacent properties, reinforce existing neighborhood development patterns, and align with the City's standards for SB 9 projects.

**Figure 1: ADU Height and Floor Area Standards (10,000 sq. ft. R-1 lot)**

ADU does not comply with zoning district minimum yards



ADU complies with zoning district minimum yards



## Issue 2: Objective Design Standards

State law allows a local agency to require ADU compliance with design standards if the standards are “objective.” State law defines objective standards as “standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal.”

Objective design standards for ADUs may address topics such as building orientation and entries, building massing, open space, façade and roof design, landscaping, and other topics.

Under state ADU law, design standards may not conflict with state-mandated standards and may not be “so arbitrary, excessive, or burdensome so as to unreasonably restrict the ability of homeowners to create accessory dwelling units in zones in which they are authorized by local ordinance.”

### Recommendation:

Staff recommends establishing objective design standards for ADUs as follows:

- **Entrance Orientation:** Require the primary entrance to face the front or interior of the parcel unless the ADU is accessed from an alley or rear-facing public street.
- **Driveways:** Require ADU to share driveway with primary dwelling unless physically infeasible due to existing site layout or other physical constraints.
- **Massing:** Require a massing break (e.g., change in wall plane) for a building wall 35 feet or more that faces and is within 50 feet of a street or adjacent residential use.
- **Articulation:** Require building wall articulation (e.g., windows, covered entrance) for building walls that face and are within 50 feet of a public street.
- **Roof Forms:** Prohibit unarticulated continuous rooflines 35 feet or longer.
- **Open Space:** Require a minimum of 100 square feet of private ADU open space or 400 square feet of open space shared with the primary dwelling.
- **Windows.** Require window trim/framing or inset window glass. If a building wall is within the zoning district minimum interior side or rear yard, require clerestory or opaque/frosted windows.
- **Decks and Balconies:** Prohibit second-story exterior decks and balconies that face an interior side or rear yard that abuts an adjacent residential use. Prohibit rooftop deck closer than 25 feet from an interior side or rear yard that abuts an adjacent residential use.

- **Exterior Materials:** Require wall finish material to be wood, wood shingle, stone, brick, stucco, fiber cement or other cementitious material, or stone. Prohibit T1-11 siding and all grooved or patterned wood panel or composite wood panel siding.
- **Building Separation:** Require at least 10 feet of separation between buildings 16 feet in height or more.

### **Issue 3: Safety and Resource Protection Standards**

The City currently requires development to comply with numerous public safety and resource protection standards. These standards address tree protection, stream setbacks, flood hazards, fire hazards, and geologic hazards, among other issues. The City may require an ADU to comply with public safety and resource protection standards provided that these standards do not conflict with state ADU law.

#### Recommendation:

Staff recommends stating the following in the City's ADU regulations:

- **Environmental Resource Protection:** Require ADUs to comply with existing resource protection standards in the Zoning Code, including tree protection standards and minimum stream setbacks. Continue to require continued ADU compliance with mitigation measures in the Sandhill Habitat Conservation Plan.
- **Flood Hazards:** Require ADUs to comply with flood hazard reduction standards in Municipal Code Chapter 15.16 (Flood Damage Prevention).
- **Fire Hazards:** Require ADUs to comply with the fire code and Scotts Valley Fire Protection District standards, including standards for fire hydrants, fire flow, access road dimensions, and dead-end roads.
- **Geologic Hazards:** Require ADUs to comply with objective standards for hillside development in Zoning Code Section 17.40.020. Require Planning Commission approval for ADUs on slopes of 30 to 40 percent. Prohibit ADUs on slopes of 40 percent or more.
- **Highway 17 Access:** Prohibit ADUs where vehicle access to the site is provided solely from Highway 17 at the locations identified in the Caltrans Highway 17 Access Management Plan.

The Planning Commission should also note unique development issues in the neighborhood area fronting Scotts Valley Drive between Bean Creek Road and Erba Lane. Streets intersecting Scotts Valley Drive in this area are privately owned and maintained and often do not meet minimum City standards. New dwelling units in this area may further exacerbate existing infrastructure deficiencies. State law requires the City to allow ADUs in this area unless these new units would create a significant adverse public safety impact that cannot be mitigated. City staff will continue to review ADU applications and additional development in this area to assess if infrastructure upgrades are needed to accommodate additional unit development.

#### **Issue 4: Accessory Structure Standards**

An ADU is one type of accessory structure – other types include garages, carports, sheds, gazebos, and other similar structures. The Zoning Code defines an accessory structure as “a detached structure, the use of which is subordinate and incidental to and customarily associated with, the main structure or the principal use of the site and which is located on the same site as the main structure or principal use.”

State law requires local agencies to allow an existing accessory structure to be converted into or replaced with an ADU. Local agencies must allow the conversion or replacement of accessory structures located anywhere on a lot, including within required yards.

In the single-family zoning districts (R-1, R-R, and R-MT), the Zoning Code currently allows accessory structures within 3 feet of a rear and side property line. The maximum height is 18 feet within required yards and 35 feet outside of yards. In multifamily zoning districts, setback and height standards for accessory structures are the same as for main buildings.

The Zoning Code also currently allows for a guest house on a residential lot, defined as accessory living quarters without kitchen or cooking facilities. A guesthouse must comply with accessory structure standards and is limited to maximum floor area of 600 square feet. Either a guesthouse or an ADU is permitted on a parcel, but not both.

#### **Recommendation:**

City staff recommends updating existing accessory structure standards given that any accessory structure may be converted to an ADU under state law, and to reflect the increased intensity that the City must allow on residential lots under state ADU law.

Recommended accessory structure standards are shown in Table 3. Figure 2 illustrates these standards on an example 20,000 square-foot R-1 lot.

**Table 3: Recommended Accessory Structure Standards**

|                                               | Zoning District                                                                                                                    |                                                         |
|-----------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
|                                               | R-1, R-R, R-MT                                                                                                                     | R-M, R-H, R-VH                                          |
| <b>Setbacks (min)</b>                         |                                                                                                                                    |                                                         |
| Front and Street Side                         | Same as primary dwelling                                                                                                           |                                                         |
| Rear and Interior Side                        | 3 ft. for structures less than 10 ft. in height and 120 sq. ft. in size.<br>Same as primary dwelling for all other structures. [1] |                                                         |
| <b>Height (max)</b>                           |                                                                                                                                    |                                                         |
| Structure complies with district yards        | 18 ft. on lots less than 10,000 sq. ft.<br>25 ft. on lots 10,000 – 20,000 sq. ft.<br>35 ft. on lots more than 20,000 sq. ft.       | Same as primary structure, subject to design review [2] |
| Structure does not comply with district yards | 10 ft.                                                                                                                             |                                                         |
| <b>Site Coverage (max)</b>                    | 50% for all impervious surfaces on lot                                                                                             |                                                         |
| <b>Floor Area</b>                             |                                                                                                                                    |                                                         |
| Structure complies with district yards        | 100% of primary dwelling floor area [3]                                                                                            | No maximum, subject to design review [2]                |
| Structure does not comply with district yards | 120 sq. ft.                                                                                                                        |                                                         |
| <b>Number of structures per lot (max)</b>     |                                                                                                                                    |                                                         |
| Habitable structures                          | 2 structures [4]                                                                                                                   | No maximum, subject to design review [2]                |
| Non-habitable structures                      | No maximum                                                                                                                         |                                                         |
| <b>Distance Between Structures</b>            |                                                                                                                                    |                                                         |
| Structures less than 16 ft.                   | As required by building code                                                                                                       |                                                         |
| Structures 16 ft. or more                     | 10 ft. plus 1 ft. for every 2 ft. of height above 16 ft. of lowest structure                                                       |                                                         |

**Notes:**

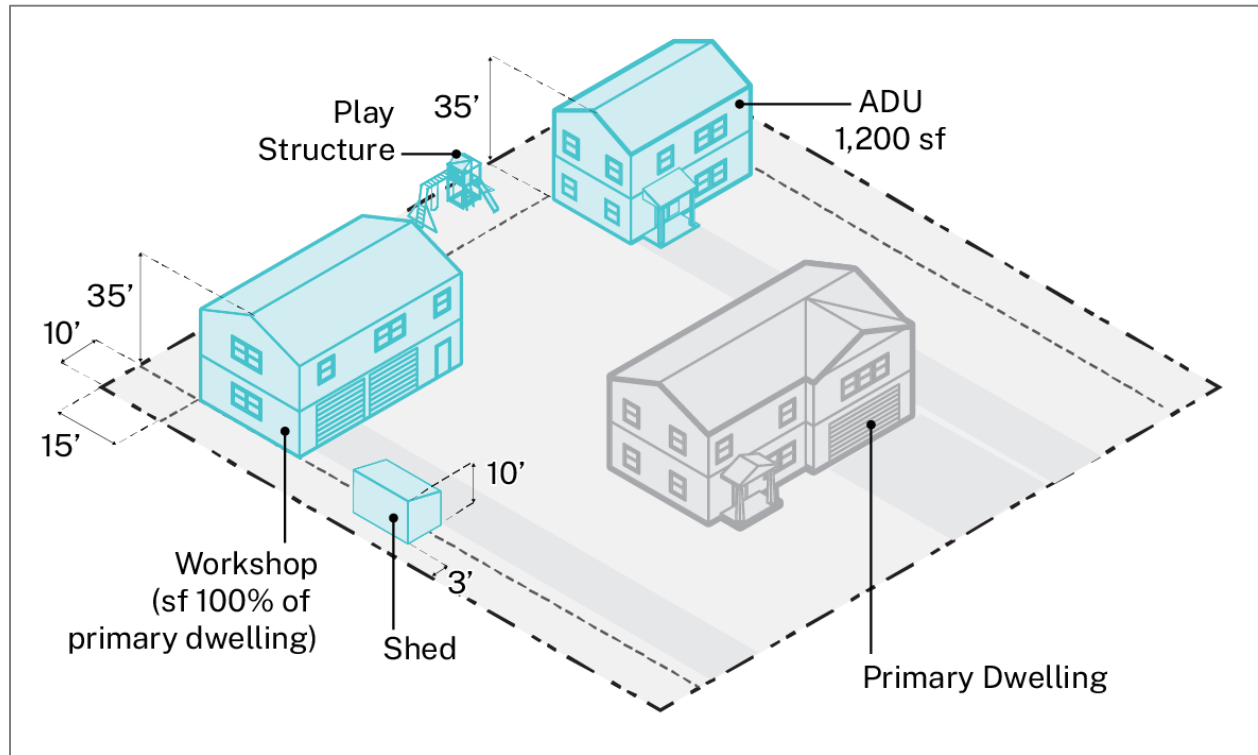
[1] No minimum setbacks for landscaping features such as planter boxes and open trellises, and children's play equipment, movable dog houses, and similar movable objects.

[2] On R-M, R-H and R-VH lots occupied by a single-family dwelling, accessory structure standards for height, floor area, and maximum number are the same as in the R-1 zoning district.

[3] On lots larger than 20,000 square feet, the Community Development Director may allow a floor area up to 4,000 square feet regardless of primary dwelling size upon finding that the character of the accessory structure remains incidental to the primary dwelling on the lot.

[4] Includes ADUs.

**Figure 2: Allowed Accessory Structures on R-1 Lot (20,000 sq. ft.)**



In addition to the above standards, staff also recommends requiring kitchen facilities in all new habitable detached accessory structures with bathrooms. As such, these structures would be considered an ADU and would be included in the City's annual reports to the state on new unit production. Proposed new rules for habitable buildings in both in single-family and multifamily residential zoning districts are as follows:

- An accessory building with habitable space must either 1) contain a bathroom and kitchen facility and comply with the City's accessory dwelling unit (ADU) requirements; or 2) contain no plumbing connections or fixtures.
- New guest homes without kitchen facilities are not allowed.
- An accessory building without plumbing connections or fixtures is allowed on a property in addition to an ADU.

## **NEXT STEPS**

Based on direction received from the Planning Commission, staff and consultants will prepare draft Zoning Code amendments for Planning Commission review. The amendments will include additional details beyond the recommendations contained in this report. The Planning Commission will hold a future public hearing to make a recommendation to the City Council on the amendments. Following Planning Commission recommendation, the City Council will hold a public hearing to consider adoption of the amendments.