



AGENDA

Meeting of the
Scotts Valley Planning Commission
In-Person and Remote Access
Date: October 10, 2024
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference: https://us02web.zoom.us/j/88671741298	The agenda was posted on 10-4-2024 at City Hall, SV Public Works, SV Senior Center and online at www.scottsvally.gov .

COMMISSIONERS	CITY STAFF MEMBERS
Lori Gentile, Chair Chuck Maffia, Vice Chair David Hodgin, Commissioner Shawn Mosley, Commissioner Steve Simonovich, Commissioner	Taylor Bateman, Community Development Director Sarah Wikle, Senior Planner Ben Noble, Consulting Planner 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 08-08-2024.

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 an amendment to the Scotts Valley Municipal Code Title 17 (Zoning) to implement Housing Element programs

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. Informational Presentation on Status of Use Permit Amendment U22-004.1 to allow for live music entertainment on a property in the C-S Zoning District located at 75 Mount Hermon Road, Unit C (APN: 021-271-04).

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: August 8, 2024
Time: 6:00 PM

CONTACT INFORMATION	MEETING LOCATION	POSTING
City of Scotts Valley 1 Civic Center Drive Scotts Valley, CA 95066 (831) 440-5600	City Council Chambers 1 Civic Center Drive Scotts Valley, CA 95066 OR Zoom Video Conference: https://us02web.zoom.us/j/88671741298	The agenda was posted on 8-2-2024 at City Hall, SV Senior Center, SV Public Works Building, and on the Internet at www.scottsvally.gov .

CALL TO ORDER 6:00 PM

The Planning Commission meeting was called to order at 6:00 PM.

PLEDGE OF ALLEGIANCE

ROLL CALL

COMMISSIONERS PRESENT:

Chuck Maffia, Vice Chair
David Hodgin, Commissioner
Shawn Mosley, Commissioner
Steve Simonovich, Commissioner

ABSENT:

Lori Gentile, Chair

CITY STAFF MEMBERS PRESENT:

Taylor Bateman, Community Development
Director
Sarah Wikle, Senior Planner
Ben Noble, Contract Planner
Cathie Simonovich, City Clerk

PUBLIC COMMENT TIME

None.

ALTERATIONS TO CONSENT AGENDA

CONSENT AGENDA

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).

M/S: Hodgkin/Mosley

To approve the Consent Agenda with the addition of assigning the Resolution No. 1799 to the resolution in item 2.

Carried 4/0/1 (AYES: Maffia, Hodgkin, Mosely, Simonovich; NOES: None; ABSENT: Gentile)

ALTERATIONS TO PUBLIC HEARING AGENDA

None.

PUBLIC HEARING AGENDA

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 $\pm 1,000$ square foot wine tasting room.

Acting Chair Maffia recused himself from this item and turned the gavel over to Commissioner Hodgkin for this item only.

Senior Planner Sarah Wikle presented this item and responded to questions and comments from the Planning Commissioners.

The applicant and co-owner of Inversion Wines, Cody Muhly, gave background information on his business and noted his desire to work with the neighbors towards a resolution.

The following residents of Lundy Lane expressed concern about the amended use permit application: Mariana Chavez, Kathryn Connely, Katarina, Michael Jones

Written comments were received by email prior to the meeting from Gavin Tripp, Jeff Allison, Danielle Paulsen, Phil Hormel, Lisa Wang, Mariia Vetrova, Joseph and Natalie Ramirez, Claire, Adina Licht, Thorsten Kuehnemund, Aisha Jackson, Carly Rees, Julia Novak and Laszlo Juracz, Patricia Wright, Brett Mather, Kathryn Connely, Nuna Hopping Santos, Karen James, Kirsten Zwada, Michele Sanguinetti, Renee Rice, and

M/S: Simonovich/Mosley

To adopt Resolution No. 1800 approving the Use Permit Amendment to U22-004 subject to the conditions of approval in Exhibit A with the following modifications:

1. **Add a condition of approval that noise testing occur before any performances at the patio for Inversion Wines and at the rear property line/rear outdoor patio areas of properties on Lundy Lane to ensure that**

- noise does not exceed 60 dBA at Lundy Lane;
2. Add a condition of approval that prohibits drums/percussion instruments from live music events; and
 3. Modify Condition of Approval No. 14 to state “If additional complaints are received by the City about noise levels related to live music entertainment, the applicant may be required to provide a noise analysis done by an acoustic engineer and incorporate any required mitigation strategies to the satisfaction of the Community Development Director.”

The Planning Commission directed Staff to bring the project back to the Planning Commission meeting in October 2024 to ensure that the proposed modifications to the Conditions of Approval satisfactorily address noise impacts to residents off Lundy Lane and reduce noise levels to be in accordance with City noise requirements.

Carried 3/0/1/1 AYES: Hodgin, Mosely, Simonovich; NOES: None; RECUSED: Maffia; ABSENT: Gentile)

ALTERATIONS TO REGULAR AGENDA

None.

REGULAR AGENDA

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

Ben Noble, Consultant Planner, presented the study session for the Accessory Dwelling Unit (ADU) ordinance, and reviewed the following four topics:

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

The Planning Commission noted that they are supportive of the recommended approach for these topics and added no additional feedback on the approaches presented.

Mr. Noble stated that the next steps will be developing a draft of the ADU ordinance and then holding a Planning Commission public hearing, followed by a City Council public hearing for first reading and then adoption of the ordinance.

DISCUSSION ITEMS AND FUTURE AGENDA ITEMS

None.

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

None.

ADJOURNMENT

The meeting adjourned at 7:55 PM.

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

Date: October 10, 2024

Applications: AZO24-001, GPA24-001

Location: City-wide

General Plan / Zoning: All designations/zones

Environmental Status: Exempt from the California Environmental Quality Act (CEQA) per CEQA Guidelines Sections 15060(c)(2), (no foreseeable change in the physical environment), 15061(b)(3) (commonsense exemption)

Request: Consideration of an amendment to Scotts Valley Municipal Code Title 17 (Zoning) to implement Housing Element programs

Staff Planner: Ben Noble, Consultant

STAFF RECOMMENDATION

It is recommended the Planning Commission conduct a public hearing, receive public comment, and adopt the resolution recommending the City Council 1) amend the Scotts Valley Municipal Code Title 17 (Zoning) to adopt two new chapters regulating Accessory Dwelling Units (ADUs) and other Zoning Code Amendments required to implement the Housing Element; and 2) Amend General Plan Policy CSP-1.9 concerning the use of private wells.

BACKGROUND

On December 20, 2023, the City Council adopted the 2023-2031 Housing Element of the General Plan (Housing Element). The Housing Element is the foundation for City housing policy as required by state law. The Housing Element includes programs with specific actions that the City must complete within a specified timeframe.

The Housing Element requires the City to adopt a number of Zoning Code Amendments by the end of 2024. Attachment 2 identifies these required Zoning Code Amendments.

The required Zoning Code Amendments include an update to the City's accessory dwelling unit (ADU) regulations. On August 8, 2024 the Planning Commission held a study session to provide early input on the ADU regulations. The Planning Commission provided feedback on issues related to allowed ADU height and floor area, objective design standards, safety and resource protection standards, and standards for other types of accessory structures. The staff report from the August 8, 2024 meeting is provided as Attachment 2.

PROPOSED ZONING CODE AMENDMENTS

Attachment 1 contains a draft Planning Commission resolution recommending the City Council adopt the proposed Zoning Code Amendments. Exhibits A, B and C to Attachment 1 contains the proposed Zoning Code Amendments. As discussed below, the proposed Zoning Code Amendments address the following topics:

- Accessory Dwelling Units
- Accessory Structures
- By-Right Development
- Design Review
- Emergency Shelters (Homeless Shelters)
- Density Bonus Ordinance
- Special Needs Housing

Exhibits A and B contain the new accessory dwelling unit (ADU) regulations to be added to the Zoning Code. Exhibit C shows other proposed changes to the Zoning Code in red underline strikethrough text. Exhibit C includes only the Zoning Code chapters with a proposed amendment (chapters with no changes are excluded).

Accessory Dwelling Units

An 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).

A Junior Accessory Dwelling Unit (JADU) is a type of ADU with unique requirements under state law. A JADU is no more than 500 square feet in size and created out of existing space within a single-family residence.

Housing Element Program H-1.5 calls for the City to update its existing accessory dwelling unit (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. The proposed Zoning Code Amendments replace Chapter 17.41 with new Chapter 17.57 (Accessory Dwelling Units) and Chapter 17.58 (Junior Accessory Dwelling Units).

State law contains detailed requirements that cities must comply with in their local ADU and JADU regulations. Noteworthy standards required by state law in Chapters 17.57 and 17.58 include the following:

- **Approval Process (17.57.020).** An ADU or JADU that complies with all standards must be approved ministerially without a public hearing or discretionary action.
- **Where Allowed (17.57.030.A).** ADUs are allowed 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. A JADU is permitted in zoning districts that permit single-family dwellings.
- **ADU Parking (17.57.030.A).** One parking space is required for an ADU. No parking is required for an ADU close to transit or car share facilities (currently not present in Scotts Valley).
- **JADU Parking (17.58.020.J):** Off-street parking is not required for a JADU.
- **Statewide Exemption ADUs (17.57.040):** Special rules apply to converted ADUs, detached ADUs no more than 16 ft. and 800 square feet, ADUs in non-livable multifamily space, and detached ADUs on multifamily lots. The City cannot require these types of ADU to comply with standards in Section 17.57.050 (Development Standards) and 17.57.060 (Objective Design Standards).
- **Property Line Setbacks:** An ADU must be setback a minimum of 4 feet from side and rear property lines.

State law allows cities to establish ADU standards not specified in state law, provided these standards are objective, do not conflict with state requirements, and do not unduly restrict a homeowner from creating an ADU as intended under state law. Noteworthy standards in proposed Chapter 17.57 that go beyond minimum state requirements include the following:

- **Floor Area (17.57.050.A):** State law requires cities to allow detached and attached ADUs with a floor area of at least 850 square feet for a studio/one bedroom ADU and 1,000 sq. ft. for an ADU with two or more bedrooms. The proposed standards allow additional floor area up to 1,200 square feet for ADUs that comply with district yards on single-family lots. Maximum allowed ADU floor area increases as the size of the lot increases.
- **Height (17.57.050.E):** Under state law cities must allow detached ADUs of at least 16 feet (or 18 feet in certain circumstances). The proposed standards allow for greater heights up to 35 feet for ADUs that comply with district yards. Maximum allowed ADU height increases as the size of the lot increases.
- **Objective Design Standards (17.57.060):** ADUs must comply with standards relating to driveways, building massing, building articulation, roof forms, open space, exterior materials, windows, neighbor privacy, entrance orientation, and garage conversions. Statewide Exemption ADUs are exempt from these standards.

State law requires the City to submit the updated ADU regulations to the California Department of Housing and Community Development (HCD) after adoption. HCD will review the ADU regulations and make findings of compliance with state law. If HCD finds the regulations noncompliant with state law, the City must then either amend the regulations or make findings in a resolution explaining the reasons the City believes that the ordinance complies with state ADU law despite HCD's findings.

Accessory 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.” Examples of accessory structures include detached garages, carports, sheds, gazebos, and other similar structures.

Under state ADU law, any accessory structure may be converted into an ADU, regardless of the structure size or placement on the lot. For this reason, the proposed Zoning Code Amendments update accessory structure standards to align with ADU standards and reflect the increased development potential permitted on residential lots under state law. Proposed accessory structure standards for residential zones (17.46.130) include the following:

- **Setbacks:** Minimum 3 feet from side and rear property lines for structures less than 8 feet in height and 120 square feet in building area. For all other structures, setbacks are the same as primary dwelling.
- **Height:** In single-family zones, maximum height 18 feet for lots conforming with district yards on lots 10,000 square feet; additional height allowed on larger lots. Maximum 10 feet if structure does not conform with districts yards. In multifamily zones, maximum height of 18 feet.
- **Floor Area:** In single-family zones, maximum floor area of 1,000 square feet if structure complies with district yards and 120 square feet if structure does not comply with district yards. In multifamily zones, maximum floor area determined through design review process.
- **Number per Lot:** In single-family zones, no maximum number of non-habitable structures; maximum of two habitable structures, one of which may be an ADU. In multifamily zones maximum number determined through design review process.
- **Habitable Accessory Structures:** A habitable accessory structure must either be an ADU or contain no plumbing connections. “Guest homes” with plumbing but no kitchen facilities are not allowed.

By-Right Development

Housing Element Program H-1.2 calls for the City to amend the Zoning Code to allow for by-right approval of housing projects on Housing Element opportunity sites. Chapter 17.41 in the proposed Zoning Code Amendments create a new Housing Element Opportunity Site (HE) combining district that will apply to 1) Housing Element opportunity sites used in prior Housing Elements; and 2) sites that require rezoning. A residential development project in the HE combining district with 20 percent or more of units affordable to lower-income households must be reviewed by the City through a by-right approval process. Chapter 17.41 also establishes minimum density requirements for proposed residential development in the HE combining district and references state law that requires replacement of existing affordable units eliminated as part of a development project.

Section 17.50.035 establishes a new ministerial design review process for projects in the HE combining district that qualify for by-right approval. The Planning Commission will consider ministerial design review applications at a noticed public meeting. Unlike existing design review, the Planning Commission may only consider project conformance with objective

standards and would not use subjective design review criteria when acting on a proposed project. Ministerial design review decisions could be appealed, but the subject of the appeal would be limited to the determination of project conformance with applicable objective standards.

Design Review

Design review is currently required for new structures and alterations to existing structures in the multifamily residential and non-residential zoning districts. In the single-family residential zoning districts, design review is required for development on slopes 30 percent or more. To approve a design review permit, the Planning Commission must find that the project meets the criteria specified in Zoning Section 17.50.030.D (Standards for Review). Many of these criteria are highly subjective. For example, criteria 2 states “All structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures.”

Housing Element Program H-2.2 calls for the City to review the design review process for subjective language and revise findings identified as a constraint. Program H-2.2 also calls for the City to adopt objective design standards for all residential uses and to use these standards in place of design review findings for residential projects.

To implement Program H-2.2, the proposed Zoning Code Amendments state that the Planning Commission shall approve design review for multi-unit residential projects that comply with the City’s Multi-Unit Residential Design Standards and other applicable objective standards (17.50.030.E.2). The Multi-Unit Residential Design Standards, adopted in 2023, establish objective standards for building and site design that apply to all residential projects with two or more primary dwelling units. With the proposed amendments, the Multi-Unit Residential Design Standards become the design review approval criteria for multi-unit projects, replacing existing subjective criteria as called for by Program H-2.2.

Emergency Shelters

An emergency shelter is temporary housing for people experiencing homelessness. In Scotts Valley, emergency shelters are currently allowed in the C-S, C-SC, and P zoning districts. In these districts, emergency shelters are allowed by right if serving 25 or fewer persons and require a Conditional Use Permit if serving more than 25 persons. Zoning Code Section 17.44.110 contains operational and management standards for emergency shelters, including standards for length of stay, waiting areas, parking, lighting, and shelter management plans.

Housing Element Program H-3.9 calls for the City to amend existing emergency shelter requirements to comply with state law. The proposed Zoning Code Amendments revise Section 17.44.110 to remove standards which may not be imposed on emergency shelters under state law.

In addition, Housing Element Program H-3.11 states that the City shall amend the Zoning Code to approve by-right low barrier navigation centers that meet State requirements in mixed-use and non-residential zones permitting multifamily uses. A low barrier navigation center is a type of emergency shelter with services to help transition people experiencing homeless to permanent housing. The proposed Zoning Code Amendments add a definition of

low barrier navigation centers (17.04.150) and list low barrier navigation centers as a permitted use in the C-S and C-SC zoning districts (17.20.020 and 17.22.020).

Density Bonus Ordinance

Under state law, cities must grant increased density and other incentives for qualifying affordable and senior housing projects. Zoning Code Chapter 17.62 (Density Bonus) is Scotts Valley's local density bonus ordinance that implements state law. Chapter 17.62 was last updated in 2015, and since that time state density bonus law has changed substantially. Chapter 17.62 currently conflicts with state density bonus law in a number of ways, including the maximum allowable density bonus and minimum affordability requirements.

Housing Element Program 2.5 calls for the City to update its density bonus ordinance to comply with state law and help facilitate the production of affordable housing. The proposed Zoning Code Amendments contain a new Chapter 17.62 to replace the City's outdated existing density bonus ordinance. The proposed new Chapter 17.62 specifies application submittal requirements, the City's process to review and act on the application, and other requirements that warrant additional details in a local density bonus ordinance. Unlike Scotts Valley's existing density bonus ordinance, the new Chapter 17.62 does not include specific affordability requirements and permitted densities allowed by state density bonus law. Instead, the new ordinance references these requirements in state law, eliminating the need to frequently amend Chapter 17.62 as state law changes over time.

Special Needs Housing

Housing Element Policy H-3.1 calls for the City to "Encourage the provision of support and housing services for special needs groups, including seniors, large families, disabled persons, persons with developmental disabilities, single parents, college students, persons experiencing homelessness, farmworkers, and others." Numerous Housing Element programs identify specific Zoning Code amendments needed to accommodate housing for these special need groups as required by state and federal law. The following proposed Zoning Code Amendments implement these programs:

- **Single-Room Occupancy Units:** In Chapter 17.04, defines a single-room occupancy (SRO) unit as a single-room dwelling unit that contains either a kitchen or a bathroom, but not both. Revises the definition of multifamily dwellings to include SROs. With this change, SRO units will be allowed in all zoning districts that allow multifamily dwellings, subject to the same development and design standards as multifamily dwellings.
- **Supportive Housing:** Adds to 17.20.020 and 17.22.020 supportive housing as a permitted use in C-S and C-SC zoning districts. Supportive housing is permanent housing for persons at risk of homelessness, or disabled and low-income, and that is linked to onsite or offsite social services.
- **Group Homes:** In Chapter 17.04, defines group homes as housing for unrelated persons with disabilities and includes group homes in the definition of single-family and multifamily dwellings. With this change, group homes will be regulated in the same manner as single-family and multifamily dwellings.
- **Definition of Family:** Revises definition of family in 17.04.090 to comply with state and federal fair housing laws. "Family" is defined as "one or more persons, whether or not related by blood, marriage or adoption, living together in a single residential unit,

with common access to, and common use of, all living areas and all areas and facilities for the preparation and storage of food.”

- **Agricultural and Employee Housing:** Adds 17.44.180 to allow employee housing in residential and agricultural zoning districts consistent with the California Employee Housing Act.
- **Reasonable Accommodations:** Removes subjective findings in 17.60.060 required to approve modification to a development standard needed to accommodate a person with disability.

GENERAL PLAN AMENDMENT

General Plan Policy CSP-1.9 states ““The City shall not allow existing or new private wells to service new development that requires discretionary review.” The intent of this policy is to protect local aquifer groundwater levels by requiring larger development projects (e.g., residential subdivision or multifamily building) to connect to the municipal water system, while also allowing a single-family home on an existing lot of record (no discretionary review required) to use a private well.

Recent changes to state housing law requires the City to ministerially approve various types of large residential development projects without discretionary review. For example, under SB 9 the City must allow up to four qualifying dwelling units on a lot in single-family residential zones. Given this, staff recommends revising Policy CSP-1.9 to prohibit new private wells for all new development unless otherwise required by state law. The proposed General Plan Amendment would revise General Plan Policy CSP-1.9 as follows:

“The City shall not allow existing or new private wells to service new development ~~that requires discretionary review~~ unless otherwise required by state law.”

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The proposed Zoning Code Amendments are exempt from CEQA, pursuant to CEQA Guidelines Sections: 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment). The Zoning Code Amendments clarify permit requirements and residential development standards consistent with state housing law. Alternatively, State CEQA Guidelines Section 15061(b)(3) provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

The proposed General Plan Amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15307, which provides that actions taken by a regulatory agency to protect the environment are exempt from CEQA. The purpose of the General Plan Amendment to allow new private wells only when required by state law is to protect local aquifer groundwater levels. Aquifers are the primary water supply source serving Scotts Valley.

PUBLIC NOTICE & COMMENT

On September 27, 2024, public hearing notices were posted at City Hall, the Scotts Valley Branch Library, and the Scotts Valley Senior Center, consistent with State law. As of the date of this staff report no comments have been received on the proposed Zoning Code Amendments.

ATTACHMENTS

1. Resolution No. ____ recommending the City Council adopt amendments to Scotts Valley Municipal Code Title 17 (Zoning) and the General Plan to implement 6th Cycle Housing Element programs.

Exhibit A: Chapter 17.57 (Accessory Dwelling Units)

Exhibit B: Chapter 17.58 (Junior Accessory Dwelling Units)

Exhibit C: Additional Title 17 (Zoning) Amendments

2. Zoning Code Amendment Summary Table
3. August 8, 2024 Planning Commission Study Session Staff Report and Attachments

RESOLUTION NO. _____

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SCOTTS VALLEY RECOMMENDING THE CITY COUNCIL APPROVE GENERAL PLAN AMENDMENT NO. GPA24-001 AND ZONING CODE AMENDMENT NO. AZO24-001 TO IMPLEMENT THE 2023-2031 HOUSING ELEMENT OF THE GENERAL PLAN

WHEREAS, on December 20, 2023, the City Council adopted the 2023-2031 Housing Element of the General Plan (Housing Element);

WHEREAS, the Housing Element contains programs that call for the City to amend Municipal Code Title 17 (Zoning Code) to implement Housing Element goals and policies;

WHEREAS, the Planning Commission held a study session on August 8, 2023 to provide input on an approach to the City's accessory dwelling unit regulations included in the Housing Element Zoning Code amendments;

WHEREAS, City staff used Planning Commission direction to prepare Chapter 17.56 (Accessory Dwelling Units) and 17.57 (Junior Accessory Dwelling Units) to be added to Title 17 (Zoning) of the City of Scotts Valley Municipal Code;

WHEREAS, City staff prepared additional draft amendments to Municipal Code Title 17 to implement the Housing Element and bring accessory structure standards into alignment with accessory dwelling unit regulations;

WHEREAS, the proposed Zoning Code and General Plan amendments to implement the Housing Element were reviewed by the Planning Commission at regularly scheduled and noticed meeting on Thursday, October 10, 2024.

NOW, THEREFORE, BE IT RESOLVED by Planning Commission as follows:

SECTION 1: The Planning Commission of the City of Scotts Valley hereby recommends approval of the General Plan Amendment pursuant to the following

- A. **The proposed General Plan Amendment is exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15307, which provides that actions taken by a regulatory agency to protect the environment are exempt from CEQA.** The purpose of the General Plan Amendment to allow new private wells only when required by state law is to protect local aquifer groundwater levels. Aquifers are the primary water supply source serving Scotts Valley.
- B. **The General Plan Amendment is consistent with State Law.** To protect the public health, safety, and welfare, a local agency may require new development to connect to municipal water systems. However, state law also prohibits a local jurisdiction from requiring new utility connections for converted accessory dwelling units. The General Plan Amendment lawfully requires new development to

connect to the municipal water system while allowing a converted accessory dwelling unit to utilize a private well as its water source.

SECTION 2: The Planning Commission of the City of Scotts Valley hereby recommends approval of the Zoning Code Amendment pursuant to the following

- A. **The Zoning Code Amendment is exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Sections 15060(c)(2) and 15061(b)(3).** Under Section 15060(c)(2), the Zoning Code Amendments are exempt from CEQA because they will not result in a direct or reasonably foreseeable indirect physical change in the environment. The Zoning Code Amendments allow for development currently permitted by state law and/or the City's Housing Element of the General Plan. Under Section 15061(b)(3), the Zoning Code Amendments are exempt from CEQA because they are covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. The Zoning Code Amendments address permit requirements, definitions, and minor modifications to allowed development standards that will not have a significant effect on the environment.
- B. **The Zoning Code Amendment is Consistent with the General Plan.** The Zoning Code Amendments are adopted for the specific purpose of implementing programs in the Housing Element and bringing the City's Zoning Code into conformance with the General Plan. The City has committed in the Housing Element to complete these Zoning Code Amendments by the end of 2024.

SECTION 3: The Planning Commission of the City of Scotts Valley hereby recommends approval of the environmental determinations.

SECTION 4: The Planning Commission of the City of Scotts Valley hereby recommends the City Council approve General Plan Amendment GPA24-001 to revise Policy CSP-1.9 as follows:

"The City shall not allow existing or new private wells to service new development ~~that requires discretionary review~~ unless otherwise required by state law."

SECTION 5: The Planning Commission of the City of Scotts Valley hereby recommends the City Council approve Zoning Code Amendment AZO24-001-002 set forth in Exhibit A attached hereto and incorporated herein.

THE ABOVE AND FOREGOING RESOLUTION was duly and regularly adopted and passed by the Planning Commission of the City of Scotts Valley at a regular meeting held on the 10th day of October, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Lori Gentile, Chair

Taylor Bateman, Community Development Director

CHAPTER 17.57 – ACCESSORY DWELLING UNITS

Sections:

- 17.57.010 Purpose
- 17.57.020 Permitting Process
- 17.57.030 General Requirements
- 17.57.040 Statewide Exemption ADUs
- 17.57.050 Development Standards
- 17.57.060 Objective Design Standards

17.57.010 Purpose

- A. This chapter establishes standards for accessory dwelling units (ADUs) consistent with Government Code Sections 66310-66342. These standards are intended to increase the supply of affordable housing options in Scotts Valley while maintaining the character and quality of life of residential neighborhoods.
- B. This chapter applies only to a proposed ADU as defined in Chapter 17.04 (Definitions). Standards for junior accessory dwelling units (JADUs) are found in Chapter 17.58 (Junior Accessory Dwelling Units).
- C. It is the City's intent for this chapter to be consistent with state law as it is amended from time to time. In cases of conflict between this chapter and state law, state law governs.

17.57.020 Permitting Process

A. Building Permit.

- 1. Creating an ADU requires City approval and issuance of a building permit.
- 2. The City shall ministerially approve a building permit for an ADU if the application complies with this chapter and all other applicable standards. No public hearing or discretionary review is required.

B. Time Period for City Action.

- 1. If an ADU is proposed on a lot with an existing single-family or multifamily dwelling, the City shall approve or deny the application within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
- 2. If an ADU is proposed as part of an application to create a new single-family or multifamily dwelling, the City may delay acting on the ADU application until the City acts on the permit application for the new dwelling. The City shall approve or deny the ADU

application without a public hearing or discretionary review within 60 days of action on the new dwelling.

3. If the City does not approve or deny the completed application within the required 60-day time period, the application shall be deemed approved.

C. Comments for Denied Application.

1. If the City denies an application for an ADU, the City shall provide written comments to the applicant that list the items that are defective or deficient and describe how the application can be remedied by the applicant.
2. Written comments required by Paragraph 1 above shall be provided to the applicant within the time period described in Subsection B (Time Period for City Action) of this section.

17.57.030 General Requirements

The requirements in this section apply to all ADUs subject to this chapter.

A. Where Allowed. An ADU is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On a lot with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Lot.

1. **Lots with Single-Family Dwellings.** No more than one ADU is permitted on a lot with a single-family dwelling, except as allowed by state law.
2. **Lots with Multifamily Dwellings.** The number of ADUs on a lot with multifamily dwellings shall not exceed:
 - a. Up to 25 percent of existing multifamily dwellings within portions of existing multifamily dwelling structures that are not used as livable space as provided in 17.57.060.C (Non-Livable Multifamily Space); and
 - b. Up to eight detached ADUs as provided in Section 17.57.060.D (Detached ADUs on Multifamily Lots)

C. Separate Sale from Primary Dwelling. An ADU shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66340-66342.

D. Rental. A rented ADU shall not be leased for any period less than 30 days.

E. Guaranteed Allowance. Limits on floor area, lot coverage, open space, and front setbacks (“Specified Standards”), as outlined in Section 17.57.050 below, must permit at least an 800-square-foot detached or attached ADU that is 16 feet high with 4-foot side and rear yards (“Baseline ADU”) if the proposed ADU complies with all other development standards. The Community Development Director shall grant an exception to a Specified Standard if:

1. The Specified Standard would physically preclude the creation of a Baseline ADU otherwise allowed by this section;

2. The exception is the minimum necessary to allow for a Baseline ADU; and
3. There is no feasible alternative to achieve a Baseline ADU without the exception.

F. Converting and Replacing Existing Structures.

1. A converted ADU may be established regardless of whether the structure in which it is located conforms to the current zoning requirement for setbacks.
2. If an existing structure is demolished and replaced with an ADU, the ADU may be constructed in the same location and to the same dimensions (i.e., footprint and height) as the demolished structure.

G. Nonconformities. The City shall not require, as a condition for approval of an ADU, the correction of nonconforming zoning conditions on the property.

H. Placement within Easement. An ADU shall not be located in an easement that prohibits habitable structures therein.

I. Foundation. An ADU shall be constructed on a permanent foundation. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an ADU if it is placed on a permanent foundation.

J. Vehicles/Trailers Prohibited. An ADU shall not be within a vehicle or trailer of any kind, with or without wheels.

K. Exterior Entrance. An ADU must have an exterior entrance separate from that of the primary dwelling.

L. Fire District Requirements. An ADU must comply with:

1. The California Fire Code with modifications and amendments as adopted by the Scotts Valley Fire Protection District ("Fire District"); and
2. The Santa Cruz County Fire Prevention Officers Association Fire Prevention Standards as adopted by the Fire District.

M. Fire Sprinklers.

1. Fire sprinklers are not required in an ADU where fire sprinklers were not required for the primary dwelling at the time of construction, except as provided by Paragraph 2 below.
2. If fire sprinklers were not required for the primary dwelling at the time of construction, but the primary dwelling is altered in a manner that later required fire sprinklers, an ADU created after the alteration must be provided with fire sprinklers.
3. The construction of an ADU does not trigger a requirement for fire sprinklers to be installed in an existing single-family or multifamily dwelling on the lot.

N. Parking.

1. A minimum of one off-street parking space is required for an ADU, except as provided in paragraph 2 below. The off-street parking space may be uncovered, compact, and/or tandem.

2. Driveways and parking spaces in a required setback shall comply with Zoning Code Section 17.44.030.J.2.
3. No off-street parking is required for an ADU where one or more of the following circumstances exist:
 - a. The ADU is located within one-half mile walking distance of public transit. As defined in Government Code Section 66313(l), public transit means a location, including, but not limited to, a bus stop or train station, where the public may access buses, trains, subways, and other forms of transportation that charge set fares, run on fixed routes, and are available to the public.
 - b. The ADU is located within an architecturally and historically significant historic district.
 - c. The ADU is part of a proposed or existing primary dwelling or an existing accessory structure.
 - d. When on-street parking permits are required but not offered to the occupant of an ADU.
 - e. When there is a car share vehicle located within one block of the ADU. As used in this section, a car share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization that meet all the following criteria:
 - (1) Provides hourly or daily service;
 - (2) Vehicle reservations are processed and paid for using an on-line system;
 - (3) Vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up keys; and
 - (4) Fleet has more than five cars in Scotts Valley and more than 20 cars in Santa Cruz County.
 - f. When a permit application for an ADU is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the ADU or the parcel satisfies any other criteria listed in this subdivision.
4. To qualify for an exception listed in paragraph 3 above, the applicant must provide supporting evidence, such as a map illustrating the location of the ADU and its proximity to a public transit stop or car share vehicle, or proof of local parking permit requirements.
5. No replacement parking is required when an ADU is created through the conversion or demolition of a garage, carport, covered parking structure, or uncovered parking space.

O. Utilities.

1. All ADUs shall be served by municipal water service, except as provided in paragraph 3 below.

2. Except as provided in paragraph 3 below, an ADU shall be served by municipal sewer services when located within 200 feet from the point at which a connection can be made to the municipal system. For an ADU more than 200 feet from a municipal sewer service connection, the ADU may use a septic system only if approved by the designated regulatory authority.
 3. A converted ADU is not required to install a new or separate utility connections directly between the ADU and the utility unless the ADU was constructed with a new single-family dwelling.
 4. The designated regulatory authority may require, as part of the application for a permit to create an ADU connected to an onsite septic system, a percolation test completed within the last five years, or, if the percolation test has been recertified, within the last 10 years.
 5. An ADU shall not be considered a new residential use for purposes of calculating City connection fees or capacity charges for utilities, including water and sewer service, unless the ADU was constructed with a new single-family dwelling.
- P. **Impact Fees.** City development impact fees shall not be imposed upon the development of an ADU less than 750 square feet. Any impact fees for an ADU of 750 square feet or more shall be charged proportionately in relation to the square footage of the primary dwelling unit.
- Q. **Hillside Residential Combining District.** An ADU within the HR Hillside Residential Combining District shall comply with all objective standards in Chapter 17.40.
- R. **Highway 17 Access Hazards.** An ADU is not permitted where vehicle access to the site is provided solely from Highway 17 at the following locations as identified in the Highway 17 Access Management Plan (California Department of Transportation, 2016):
1. Driveway at PM 6.712 (Map ID #24).
 2. Crescent Drive (Map ID #25).
 3. Driveway at PM 6.485 (Map ID #26).

17.57.040 Statewide Exemption ADUs

Statewide Exemption ADUs described in this section require compliance only with the standards in Section 17.57.030 (General Requirements). Standards in Section 17.57.050 (Development Standards) and 17.57.060 (Objective Design Standards) do not apply to a Statewide Exemption ADU.

- A. **Converted ADUs.** One converted ADU per lot with a proposed or existing single-family dwelling subject to the following:
1. The converted ADU shall be within the space of a single-family dwelling or an accessory structure on a lot with a single-family dwelling.
 2. A converted accessory structure may be expanded by up to 150 square feet to accommodate an entrance into the ADU.
 3. The converted ADU shall have exterior access from the single-family dwelling.

4. The side and rear setbacks must be sufficient for fire and safety. If a converted ADU complies with applicable building code and Fire District requirements, side and rear setbacks shall be deemed sufficient for fire and safety.
- B. **Detached ADUs.** One detached new construction ADU on a lot with a proposed or existing single-family dwelling. The ADU is allowed on a lot that also contains a junior accessory dwelling unit that conforms with Chapter 17.58 (Junior Accessory Dwelling Units). The ADU must comply with the following:
1. Maximum floor area: 800 square feet.
 2. Maximum height: 16 feet.
 3. Minimum rear and side setbacks: 4 feet.
- C. **Non-Livable Multifamily Space.**
1. Multiple ADUs within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
 - a. At least one ADU is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units.
 - b. Each ADU shall comply with building code standards for dwellings.
 2. The ADU must be located within a structure containing existing multifamily units. The ADU may not be located in a detached garage, carport, or other accessory structure on the lot that contains no existing multifamily units.
 3. As used in this section, livable space means a space in a dwelling intended for human habitation, including living, sleeping, eating, cooking, or sanitation.
- D. **Detached ADUs on Multifamily Lots.** Detached ADUs located on a lot with an existing multifamily dwelling, subject to the following:
1. Maximum number:
 - a. On a lot with an existing multifamily dwelling, eight detached ADUs or the number of existing units on the lot, whichever is less.
 - b. On a lot with a proposed multifamily dwelling, two detached ADUs.
 2. Maximum height: 16 feet if the existing multifamily dwelling is one story and 18 feet if the existing multifamily dwelling is two or more stories.
 3. Minimum rear and side setbacks: 4 feet.

17.57.050 Development Standards

The standards in this section apply to all ADUs not approved pursuant to Section 17.57.040 (Statewide Exception ADUs).

A. **Floor Area.**

1. **Minimum.** The floor area of an ADU shall be no less than 220 square feet.
2. **Maximum.**
 - a. **Single-Family Lots.** On lots with a single-family dwelling, the floor area of an ADU shall not exceed the maximums shown in Table 1.

Table 1: Maximum Floor Area on Single-Family Lots

ADU Type and Placement on Lot	Lot Size	
	Less than 10,000 sq. ft.	10,000 sq. ft. and more
Detached and Attached [1]		
Complies with district yards	1,100 sq. ft.	1,200 sq. ft.
Does not comply with district yards	850 sq. ft. for <u>studio/1 bdrm</u> 1,000 sq. ft. for <u>2+ bdrm</u>	
Converted	No maximum	

[1] The floor area of an attached ADU shall not exceed the maximums shown in this table or 50 percent of the existing primary dwelling floor area, whichever is less.

- b. **Multifamily Lots.** On lots with multifamily dwellings the floor area of an ADU shall not exceed:
 - (1) 850 sq. ft. for a studio or one-bedroom ADU; and
 - (2) 1,000 sq. ft. for an ADU with two more bedrooms.
- B. **Lot Coverage.** An ADU shall conform to the maximum lot coverage standards of the zoning district in which it is located unless the lot coverage standard would preclude an 800-square foot ADU, in which case the Community Development Director shall grant an exception to the standard as provided in Section 17.57.050.E (Guaranteed Allowance).
- C. **Property Line Setbacks.**
 1. An ADU shall be setback from property lines as required by Table 2.

Table 2: Minimum Property Line Setbacks

Property Line	ADU Type		
	Attached	Detached	Converted
Front	Same as primary dwelling [1]		None required
Side	4 ft.	4 ft.	
Rear	4 ft.	4 ft.	

[1] If the front setback standard precludes an 800-square foot ADU, the Community Development Director shall grant an exception to the standard as provided in Section 17.57.050.E (Guaranteed Allowance).

2. As provided in Subsections A (Floor Area) and E (Height) of this section, an ADU that complies with the minimum yard requirement for a single-family dwelling in the applicable zoning district is eligible for greater building height and unit size than is allowed for an ADU that does not comply with the zoning district minimum yard requirement.
 3. See also Section 17.57.030.F (Converting and Replacing Existing Structures) for setback exceptions that apply to an ADU created by converting or replacing an existing structure.
- D. **Building Separation.** An ADU exceeding 16 feet in height shall comply with the minimum building separation standard in Section 17.46.070.K.
- E. **Height.** The height of an ADU shall not exceed the maximum shown in Table 3.

Table 3: 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
Detached ADU			
Complies with district yards	18 ft.	25 ft.	35 ft.
Does not comply with district yards	16 ft. [1]		
Attached ADU	Same as primary dwelling		

[1] Maximum 18 ft. for an ADU either 1) within one-half mile of major transit stop or high-quality transit corridor as defined in Public Resources Code Section 21155; or 2) on lot with a multistory multifamily dwelling.

17.57.060 Objective Design Standards

A. Applicability and Deviations.

1. The standards in this section apply to all ADUs not approved pursuant to Section 17.57.040 (Statewide Exception ADUs).
2. Deviations from standards in this section are allowed with Planning Commission design review approval at a noticed public hearing. To approve the deviation, the planning commission must make the findings in Section 17.50.030.E (Required Findings).

B. Driveways.

1. Vehicle access to parking spaces serving an ADU must be provided using a driveway curb cut shared with the primary dwelling.
2. The Community Development Director may approve an exception to this requirement if the existing site layout or other physical constraints physically precludes shared use of a single driveway curb cut.

- C. **Massing.** A building wall that faces and is within 50 feet of a street or an adjacent residential use shall not run in a continuous plane of more than 25 feet without one or more of the following treatments:
1. A change in wall plane with a minimum of 4 feet in depth for the facade.
 2. A front porch or other covered entry feature with a minimum depth of 3 feet and width of 6 feet providing access to the dwelling's primary entrance.
 3. An upper story stepback of at least 6 feet in depth for at least 80 percent of the street facing building wall.
 4. A protruding window (such as a bay window) of at least 2 feet in depth.
- D. **Articulation.** A building wall that faces and is within 50 feet of a street or an adjacent residential use shall not run in a continuous plane of more than 15 feet without one of the following treatments included on the facade at every building story:
1. Window.
 2. Entry door.
 3. Two or more visibly contrasting primary materials and/or colors.
 4. Wall mounted trellises for climbing plants
- E. **Roof Forms.** Rooflines 25 feet or longer that face a street or an adjacent residential use shall be articulated with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.
- F. **Open Space.**
1. An ADU shall have a minimum of 100 square feet of private ADU open space or 400 square feet of open space shared with the primary dwelling.
 2. Required private open space shall comply with the following standards:
 - a. The open space shall be directly accessible from the ADU width and a minimum floor area of 50 square feet.
 - b. Patios shall have a minimum dimension of 8 feet in depth and width and a minimum floor area of 64 square feet.
 - c. Open space may be covered but not fully enclosed. If covered, the minimum floor to ceiling height is 8.5 feet.
 - d. Ground level private open space shall be screened or buffered from open space utilized solely by the primary dwelling by landscaping, fencing, walls, trellises, or other screening elements.
 3. If the open space standard in this subsection precludes an 800-square foot ADU, the Community Development Director shall grant an exception to the standard as provided in Section 17.57.050.E (Guaranteed Allowance).

- G. **Exterior Materials.** The primary wall finish material shall be wood, wood shingle, stone, brick, stucco, fiber cement or other cementitious material, or stone. T1-11 siding and all grooved or patterned wood panel or composite wood panel siding are prohibited.
- H. **Windows.** Windows that face a street or an adjacent residential use shall comply with one of the following:
1. All windows shall feature built up profile trim/framing. Trim/framing must project at least 2 inches from the building wall with material that visually contrasts from the building wall.
 2. Window glass shall be inset a minimum of 2 inches from the exterior wall or frame surface to add relief to the wall surface.
- I. **Neighbor Privacy.**
1. If a building wall faces an adjacent residential use and does not comply with the minimum interior side or rear yard requirements of the applicable zoning district or combining district, windows on the wall must be:
 - a. 5-foot minimum sill height above the finished floor;
 - b. Clerestory; or
 - c. Opaque/frosted glass.
 2. Second-story exterior decks and balconies may not face an interior side or rear yard that abuts an adjacent residential use.
 3. No portion of a rooftop deck may be closer than 25 feet from an interior side or rear yard that abuts an adjacent residential use.
- J. **Entrance Orientation.** The primary entrance to a detached or attached ADU shall face either:
1. The front or interior of the parcel; or
 2. A side or rear property line that abuts an alley or a public street.
- K. **Garage Conversions.** When a garage is converted into an ADU, the garage door shall be removed and replaced with materials matching the remainder of the structure.

CHAPTER 17.58 – JUNIOR ACCESSORY DWELLING UNITS

Sections:

- 17.58.010 Purpose
- 17.58.020 Permitting Process
- 17.58.030 JADU Standards
- 17.58.040 Deed Restriction

17.58.010 Purpose

- A. This chapter establishes standards for junior accessory dwelling units (JADUs) consistent with Government Code Sections 66333-66339. These standards are intended to increase the supply of affordable housing options in Scotts Valley while maintaining the character and quality of life of residential neighborhoods.
- B. This chapter applies only to a proposed JADU as defined in Chapter 17.04 (Definitions). Standards for accessory dwelling units (ADUs) are found in Chapter 17.57 (Accessory Dwelling Units).
- C. It is the City's intent for this chapter to be consistent with state law as it is amended from time to time. In cases of conflict between this chapter and state law, state law governs.

17.58.020 Permitting Process

Creating a JADU requires City approval and issuance of a building permit. The City shall review and act on a permit application for a JADU in the same manner as required for an accessory dwelling unit. See Section 17.57.020 (Permitting Process).

17.58.030 JADU Standards

The standards in this section apply to all JADUs.

A. Where Allowed.

1. A JADU is permitted on a residential lot zoned for single-family dwellings with a single-family dwelling built, or proposed to be built, on the lot.
2. A JADU is allowed on a lot that also contains a detached accessory dwelling unit as provided in Section 17.57.040 (State Exemption ADUs.) The JADU must be located within the single-family dwelling on the lot.

B. Maximum Number. A maximum of one JADU is permitted per lot.

C. Owner Occupancy. The property owner shall reside in either the single-family dwelling on the lot or the JADU unless the property is owned by a governmental agency, land trust, or housing organization, in which case owner-occupancy is not required

- D. Location Within Single-Family Dwelling.** The JADU shall be contained entirely within the walls of an existing or proposed single family dwelling. For purposes of this section, enclosed uses within the dwelling, such as attached garages, are considered a part of the single-family dwelling.
- E. Entrance.** The JADU shall include an exterior entrance separate from the main entrance to the single-family dwelling.
- F. Bathroom.**
1. A JADU must either:
 - a. Contain its own full bathroom with a sink, toilet and shower and/or bath facilities; or
 - b. Share use of a full bathroom located within the primary dwelling.
 2. A JADU that shares a bathroom with the primary dwelling must have an interior entry into the main living area of the primary residence.
- G. Kitchen.**
1. A JADU must contain, at a minimum, an efficiency kitchen with:
 - a. A kitchen sink, refrigeration, and cooking appliances; and
 - b. At least 3 linear feet of food preparation counter space and 3 linear feet of cabinet space.
 2. Cooking appliances may consist of either a permanent cook top and/or built-in oven, or a plug-in microwave oven, hot plate, and similar appliances intended for use on top of a countertop.
- H. Parking.** Off-street parking is not required for a JADU.
- I. Fire Safety.** For purposes of any fire or life protection ordinance or regulation, a JADU shall not be considered a separate or new dwelling unit.
- J. Utilities.** For purposes of providing service for water, sewer, or power, including a connection fee, a JADU shall not be considered a separate or new dwelling unit.

17.58.040 Deed Restriction

- A.** Prior to occupancy of a JADU, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
1. The JADU shall not be sold separately from the single-family residence; and
 2. The property owner shall reside in either the single-family dwelling on the lot or the JADU as required by Section 17.58.030.C (Owner Occupancy).
 3. The JADU shall not exceed 500 square feet of total floor area and shall comply with all standards in Section 17.58.030 (JADU Standards).

- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of the JADU established under this chapter.

Chapter 17.04 DEFINITIONS

17.04.010 Applicability of chapter.

For the purpose of implementing the intent of this title, the words, phrases and terms included herein shall be deemed to have the meaning ascribed to them in this chapter. (Ord. 16.76 § 1 (part), 1989)

17.04.020 General terminology.

Words used in the present tense include the future, the singular number shall include the plural and the plural shall include the singular. The word "building" shall include the word "structure." The word "used" shall include the words "arranged," "designed," "constructed," "altered," "converted," "rented," "leased," or "intended to be used." The word "shall" is mandatory and not directory. (Ord. 16.76 § 1 (part), 1989)

17.04.030 Definition of terms.

For purposes of this title, certain terms used herein are defined as set out in this chapter, unless the context indicates otherwise. (Ord. 16.76 § 1 (part), 1989)

17.04.040 Definition of "A" terms.

"Accessory dwelling unit" means a residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary dwelling. An accessory dwelling unit shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.

"Accessory dwelling unit, attached" means an accessory dwelling unit that is established as an addition to or extension of the primary residence.

"Accessory dwelling unit, converted" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling or an accessory structure.

"Accessory dwelling unit, detached" means an accessory dwelling unit in a new structure that is entirely separated from the primary dwelling. The term includes a second story accessory dwelling built above a detached garage.

"Agent or owner" means any person showing written verification that he or she is acting for the property owner.

"Agriculture" means the art or science of cultivating the ground, including harvesting of crops, rearing and management of livestock, tillage, husbandry, farming, horticulture and forestry, and the science and art of the production of plants and animals useful to man.

"Alley or lane" means a public or private street which affords only secondary access to abutting property.

"Amusement center or arcade" means any business, use or structure which contains six or more games of chance, pinball or science and/or viewing machines which may or may not be coin-operated, whether the operation be the main business or incidental to the main business on the premises.

"Animal" means any live, vertebrate creature, domestic or wild.

"Apiary" means a place where bees, hive boxes, and related appliances wherever the same are kept, located, or found, especially a colony of bees kept for their honey.

"Arbor" means a horizontal frame constructed materials including, but not limited to lattice, vines, or wood, metal or similar materials attached to vertical elements, such as a fence or upright panels, used as a screen or support for plants. See definition of Fence, Open.

"Automobile body shop" means collision repair services, including body, frame, or fender repair and automobile painting.

"Automobile repair shop" means rebuilding or reconditioning of engines, motor vehicles or trailers; replacement of parts; and general mechanical repair service to passenger cars and trucks.

"Automobile sales area or trailer sales area" means an open area, other than a street, used for display, sale or rental of new or used motor vehicles or trailers in operable condition and where no repair work is done.

"Automobile service station or filling station" means a place where gasoline, kerosene, or any other motor fuel, lubricating oil; or grease for operating motor vehicles is offered for sale to the public and deliveries are made directly into motor vehicles, and where services are performed, including tube and tire repair, battery charging, storage of merchandise, greasing of automobiles and automobile washing (not including mechanical wash), and not to include repairs performed of a minor or major type unless otherwise permitted by this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16-112 § 3, 2000; Ord. 16.123, §§ 1, 2, 9-5-2007; Ord. 16.130, § 1, 8-18-2010)

17.04.050 Definition of "B" terms.

"Basement" means that portion of a structure located entirely below grade, except for the top of such basement, which may extend for a vertical distance not exceeding two feet from the grade to the ceiling of the basement. As used herein, the term "grade" shall mean either the natural grade or the finished grade adjacent to the exterior walls of the structure, whichever is lower.

"Bed and breakfast establishment" means a structure designed as a single-family dwelling in which rooms are rented for transient occupancy and breakfast is served to the guests on the premises. The building shall not contain more than eight guest rooms which may be occupied by not more than sixteen guests at one time. The building must be managed and occupied by the owner of the property.

"Bedroom" means a private room intended for sleeping, which has closet space, is separable from other rooms by a door, and has access to a bathroom.

"Bee colony" is the group of bees which consists of the queen, the drones, and the workers, which live in the hive box or similar receptacle.

"Beekeeping" (or apiculture, from Latin apis, bee) is the maintenance of honey bee colonies, commonly in hives, by humans. A beekeeper (or apiarist) keeps bees in order to collect honey and beeswax, for the purpose of pollinating vegetation, or to produce bees for sale to other beekeepers.

"Bees" means honey-producing insects of the species *apis mellifica*, including the adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by the adults, except honey and rendered beeswax. Bees are a monophyletic lineage within the superfamily Apoidea, presently classified by the unranked taxon name Anthophila.

"Breezeway" means a covered passageway, open to the outdoors, connecting two buildings.

"Building" means any structure having a roof supported by columns or walls, used or intended to be used for the shelter or enclosure of persons, animals or property.

"Building coverage" means the horizontal area measured within the outside of the exterior walls of the ground floor of all main and accessory buildings on a lot. The coverage of a structure, or portion thereof, not provided with surrounding exterior walls shall be the area under the horizontal projection of the roof or floor above.

"Building envelope" means the three-dimensional space within which a structure is permitted to be built on a lot and which is defined by maximum height regulations, yard setbacks, and sky exposure plane regulations.

Building, Height of. See "Height of building" (Section 17.04.110).

"Building, main" means a structure in which is conducted the ~~principal~~ primary use of the site on which it is situated.

"Building site" means the area enclosed within the exterior walls of the proposed structure plus any covered or uncovered decks and/or balconies and an area extending ten feet in all directions beyond the exterior walls and covered or uncovered decks and/or balconies.

"Bulk" means magnitude, dimension, size, mass.

"Business services" means businesses that primarily (but not exclusively) serve the needs of professional offices, including but not limited to print shops, copy shops, business equipment repair shops, bookkeeping and accounting firms, and computer consulting and repair.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.109 § 1, 1999; Ord. 16.130, § 2, 8-18-2010)

17.04.060 Definition of "C" terms.

"Carport" means a roofed structure providing space for the parking or storage of motor vehicles and enclosed on not more than three sides.

"CC&Rs" means covenants, conditions and restrictions.

"City" means the City of Scotts Valley, California.

"City council" means the City Council of the City of Scotts Valley, California.

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

"Combining district" means a zoning district which must be attached to or combined with an underlying zoning district to become effective. Once the district designation is combined with an underlying district (the base district), the combining district regulations are applied to all uses of the base district, in addition to those applicable in the base district. When in conflict, the ~~most restrictive~~ combining district regulations shall control.

"Common area" means the area that is available for the common use of condominium unit owners or occupants in an entire project. This could mean the common area used by condominium unit owners or occupants, or common area shared by tenants or owners in a commercial project.

"Community care facility" means any facility, place, or building, as defined in Health and Safety Code Section 1502, which is maintained and operated to provide nonmedical residential care, day treatment, adult daycare, or foster family agency services ~~or care services~~ for children, adults, or adults and children, including, but not limited to, the physically handicapped, mentally impaired, ~~or incompetent person,~~ and abused or neglected children. All community care facilities shall be appropriately licensed or registered pursuant to state law, unless exempted therefrom by state law. This definition and all other definitions relating to community care facilities shall be interpreted so as to be consistent with definitions found in state law or state administrative regulations. ~~This could include foster homes, sober living environments, assisted living for elderly or disabled people. A community care facility does not include a group home as defined in this chapter.~~

A "small community care facility" ~~is a community care facility of-is allowed~~ six or fewer residents. When determining the number of residents, that number does not include persons operating the facility, their family members or staff. A "large community care facility" has seven or more residents.

"Community facilities" means a place, structure, area or other facility used for and providing fraternal, social or recreational programs or activities generally open to the public. The term includes parks, swimming pools, recreational courts, community centers, libraries, museums and golf courses.

"Court" means an open, unoccupied and unobstructed space, other than a yard, on the same lot with a building or group of buildings. A court shall be counted as open space in coverage requirements.

"Crop and tree farming" means the raising for commercial purposes of any truck, field or orchard crops, or wholesale nursery or greenhouses, including necessary buildings incidental to such crops.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 3, 4, 9-5-2007)

17.04.070 Definition of "D" terms.

"Day care center" means a facility (including nonresidential structures) that provides supervision and care of more than six children for periods of less than twenty-four hours per day. The term includes nursery school, preschool and similar facilities.

"Depth" means the horizontal distance between the front and rear property lines of a site, measured along a line midway between the side property lines.

"Developer" means the owner, option holder or subdivider of real property who has a controlling proprietary interest in the proposed project.

"Dwelling" means any building or portion thereof, designed or used as the residence or sleeping place of one or more persons.

"Dwelling, multifamily" means a building, or portion thereof, designed or used for resident~~ial~~ee purposes by two or more families or housekeeping units. This term includes single-room occupancy facilities and group homes as defined by this chapter.

"Dwelling, primary" means a dwelling unit on a lot that is not an accessory dwelling unit or a junior accessory dwelling unit as defined by this chapter.

"Dwelling, single-family" means a detached building designed or used for resident~~ial~~ee purposes by one family or housekeeping unit. This term includes a single-family dwelling used as a group home as defined by this chapter.

"Dwelling, townhouse" means a one-family dwelling in a row of at least two such units in which each unit has its own front and rear access to the outside, no unit is located over another unit, and each unit is separated from any other unit by one or more common, fire-resistant walls.

"Dwelling unit" means one or more rooms in a building, or portion thereof, designed, intended to be used, or used for occupancy by one family for living and sleeping purposes and having only one kitchen.

~~Dwelling Unit, Second. See "Second dwelling unit" (Section 17.04.220).~~

(Ord. 16.76 § 1 (part), 1989)

17.04.080 Definition of "E" terms.

"Emergency shelters" means housing with minimal supportive services that is limited to occupancy of six months or less. No individual or household may be denied emergency shelter because of an inability to pay; as defined and used in Section 50801(e) of the California Health and Safety Code. However, emergency shelter providers are not obligated to accept individuals if the shelter is at its approved capacity. An emergency shelter may also include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

"Essential services" means the erection, construction, alteration or maintenance by public utilities or municipal or other governmental agencies of underground or overhead gas, electrical, steam or water transmission or distribution systems. Essential services also include collection, communication, supply or disposal systems, including poles, wires, mains, drains, sewers, pipes, conduits, cables, fire alarm boxes, police call boxes, traffic signals, hydrants and other similar equipment and accessories in connection therewith, reasonably necessary for the furnishing of adequate service by such utilities or municipal or other governmental agencies, or for the public health, safety or general welfare, but not including buildings, electrical substations or transmission lines of fifty kilovolt or greater capacity.

(Ord. 16.89 § 1, 1993; Ord. 16.76 § 1 (part), 1989; Ord. No. 16-138, § 1, 7-15-2015)

17.04.090 Definition of "F" terms.

"Fabrication and assembly" means the manufacturing from standardized parts of a distinct object differing from the individual components.

"Family" means one or more persons, whether or not related by blood, marriage or adoption, living together in a single residential unit, with common access to, and common use of, all living areas and all areas and facilities for the preparation and storage of food~~a person or persons related by blood, marriage or adoption or a group of not more than five persons, excluding servants, not related by blood, marriage or adoption, living together as a single housekeeping unit in a dwelling unit.~~

"Family animal raising" means the noncommercial raising or maintaining of not to exceed an aggregate of twenty-five laying fowl or birds, not including guinea fowl, crowing roosters or turkey gobblers, and not to exceed an aggregate of twenty-five rabbits, chinchillas, hamsters, guinea pigs or similar animals.

"Family child care homes" means a home that regularly provides care, protection and supervision for fourteen or fewer children, in the provider's own home, for periods of less than twenty-four hours per day, while parents or guardians are away, and is either a large family child care home or a small family child care home. Family child care home is the same as described in state law as a family day care home. (See Section 1596.78 of the California Health and Safety Code.)

- A. "Large family child care home" means a home that provides family child care for up to twelve children, or for up to fourteen children if certain criteria are met, as set forth in California Health and Safety Code Section 1597.465 and as defined in state regulations (see California Administrative Code Sections 102352(f)(1)(B) and 102316.5(b). These capacities include children under age ten who live in the licensee's home and the assistant provider's children under age ten.
- B. "Small family child care home" means a home that provides family child care for up to six children, or for up to eight children if certain criteria are met, as set forth in California Health and Safety Code Section 1597.44 and as defined in regulations (see California Administrative Code Sections 102352(f)(1)(B) and 102316.5(b). These capacities include children under age ten who live in the licensee's home.

"Fence" means a barrier to prevent escape or intrusion or to mark a boundary.

"Fence, open" means a fence constructed of wood, metal, plastic or other materials assembled in a manner in which a minimum of fifty percent of the fence surface allows for the passage of air and light when viewed from a point perpendicular to the orientation of the fence. Open fences can include arbors and trellises. For example, wood or plastic lattice is considered to be material suitable for an open fence.

"Fence, solid" means a fence constructed of wood, metal, plastic, cement, brick, block, or other materials or any combination thereof. Solid fences also include walls which retain soil on one side and may or may not be attached to a fence.

"Fence, view" means a fence constructed of metal wire, wrought iron, plastic or other materials in a manner in which a minimum of ninety percent of the fence surface allows for a clear view of the area beyond the fence from any angle. For example, chain link, wrought iron or metal materials are considered to be materials suitable for a view fence which allows exiting pedestrians and vehicles to see beyond the fence and safely enter or exit an area.

"Firearms" means a device as defined by California Penal Code Section 16520.

"Firearms retail" means a use providing retail sale of firearms.

"Flag lot" means a parcel that is located behind parcel which has frontage along a street and which provides an access easement to the rear flag lot. The driveway access easement may be public or private but must have a minimum width of 12 feet along a public street (see Figure 17.46.060 in Section 17.46.060).

"Floor area" means the total horizontal area, in square feet, on each floor within the exterior walls of a structure, but not including the area of inner courts, shaft enclosures or exterior walls.

"Footcandle" means a unit of measuring illumination equal to the amount of direct light thrown by one candle on a square foot of surface which is one foot away from the source of illumination.

"Forest products, other" means logs, poles, posts, pilings, split products, chips, fuel wood and other solid products.

"Foster home" means a private family home in which one or more children under nineteen years of age, not related to the proprietary family, are resident on a more or less permanent basis, and in which the children participate in normal family relationships with the proprietary family.

"Frontage" means the property line(s) of a site abutting a street.

(Ord. 16.76 § 1 (part), 1989; Ord. 16-112 § 4, 2000; Ord. No. 16.120, § 1, 9-21-2005; Ord. 16.123, §§ 5, 6, 9-5-2007; Ord. No. 16.139, § 2, 12-20-2017)

17.04.100 Definition of "G" terms.

"Garage, private" means an accessory structure or a portion of a ~~main~~-primary structure designed for the storage of motor vehicles, boats or trailers, having a permanent roof and designed to be enclosed on all sides. The minimum size of a private garage shall be twenty-two feet by twenty-two feet for two cars and twenty-two feet by twelve feet for one car.

"Garage, public" means a structure, or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of motor vehicles or trailers.

"Grading" means any stripping, cutting, filling or stockpiling of earth or land, including the land in its cut or filled condition.

"Ground coverage" means the percentage of the total lot area that is covered by structures as herein defined.

"Group home" means housing shared by unrelated persons with disabilities that provide peer and other support for their residents' disability related needs and in which residents share cooking, dining, and living areas, and may, in some group homes, participate in cooking, housekeeping, and other communal living activities.

~~"Guesthouse" means accessory living quarters, without kitchen or cooking facilities, of a permanent type of construction, clearly subordinate and incidental to the main building on the same lot, and not separately rented, let or leased, whether compensation be direct or indirect.~~

(Ord. 16.76 § 1 (part), 1989; Ord. 16.109 § 2, 1999)

17.04.110 Definition of "H" terms.

"Height of building" means the vertical distance from the highest point of a structure to either the natural grade or the finished grade of the structure pad, whichever distance is greater, excluding basements or crawl spaces around the structure which are below grade and not created by a fill; provided, however, that for the purposes of measuring height, chimneys, flagpoles, and radio and television aerials shall not be considered a part of the structure.

"Hive" is the same definition as colony.

"Hive box" means any box, receptacle, or container made or prepared for the use of bees, or similar container of which bees have taken possession. A hive box is usually called a Langstroth deep or super, and is roughly 19.75 inches long, 16.5 inches wide, and 9.5 inches tall. It contains ten frames of foundation on which the bees build comb for producing brood and food. A hive box requires some kind of top board, some kind of bottom board, and an entrance which is usually incorporated in the bottom board.

"Home occupation" means any use conducted entirely within a dwelling and carried on by the inhabitants thereof which is clearly incidental and secondary to the use of the structure for dwelling purposes and which does not change the character thereof, which does not adversely affect the uses permitted in the zone of which it is a part, and which does not interfere with the health, safety and welfare of the neighborhood.

"Hospital" means an institution providing physical or mental health services, in-patient or overnight accommodations, and medical or surgical care of the sick or injured.

"Hotel" means a structure or portion thereof or a group of attached or detached structures containing individual guest rooms or suites where lodging is provided primarily to transients for compensation. The term includes motel, inn, tourist court, bed and breakfast establishment or similar use.

Hot Tub. See "Spa" (Section 17.04.220).

(Ord. 16.76 § 1 (part), 1989; Ord. 16-112 § 5, 2000; Ord. 16.130, § 3, 8-18-2010)

17.04.120 Definition of "I" terms.

"Institutional facility" means a place, structure or area operated by a public or private organization or agency, used for and providing educational, residential or healthcare services to the community at large. The term includes residential developments and healthcare facilities operated by nonprofit organizations and both public and private schools or colleges.

"Intermittent stream" means a water channel in which the flow of water usually ceases during summer and no flows connect pools of water.

(Ord. 16.76 § 1 (part), 1989)

17.04.130 Definition of "J" terms.

"Junkyard" means a site or portion of a site on which waste, discarded or salvaged materials are bought, sold, exchanged, stored, baled, cleaned, packed, disassembled or handled, including used furniture and household equipment yards, used lumber yards and the like.

"Junior accessory dwelling unit (JADU)" means a converted accessory dwelling unit that is no more than 500 square feet in size and contained entirely within a single-family residence. A junior accessory dwelling unit may include separate sanitation facilities, or may share sanitation facilities with the existing structure.

(Ord. 16.76 § 1 (part), 1989)

17.04.140 Definition of "K" terms.

"Kennel" means any lot, building, structure, enclosure or premises whereupon or wherein are kept five or more dogs, cats or similar small animals in any combination for more than five days, whether such keeping is for pleasure, profit breeding or exhibiting, and including places where dogs or cats or similar small animals in any combination are boarded or kept for sale.

"Kitchen" means any room, or part of a room, which is designed, built, used or intended to be used for food preparation and dishwashing, but not including a bar, pantry or similar room adjacent to or connected with a kitchen.

(Ord. 16.76 § 1 (part), 1989)

17.04.150 Definition of "L" terms.

"Land clearing" means the removal of vegetation down to duff or bare soil, by any method.

"Lot" means a parcel of land consisting of a single lot of record.

"Lot area" means the computed area contained within the lot lines.

"Lot, corner" means a lot abutting upon two or more streets at their intersection or upon two parts of the same street, such streets or parts of the same street forming an interior angle of less than one hundred thirty-five degrees. The point of intersection of the street right-of-way lines is the corner.

"Lot depth" means the horizontal distance between the front and the rear lot lines, measured along a line midway between the side property lines, or between the front lot line and intersection of the two side lines if there should be no rear lot line.

"Lot, interior" means a lot other than a corner lot.

"Lot, key" means an interior lot adjoining the rear lot line of a reversed corner lot.

"Lot line, front" means the line separating the lot from the street, extending the full width of the site.

"Lot line, rear" means the lot line opposite and most distant from the front lot line.

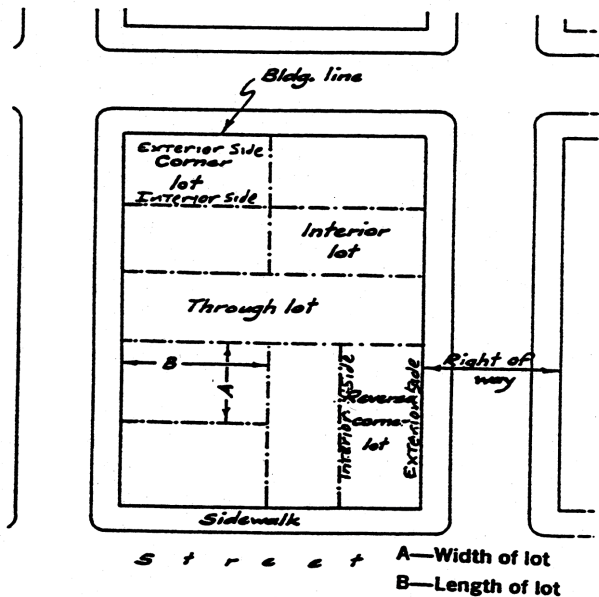
"Lot lines" means the property lines establishing the circumference of the lot.

"Lot line, side" means any lot line other than a front or rear lot line. A side lot line separating a lot from a street is called a side street or exterior side lot line.

"Lot, reversed corner" means a corner lot, the exterior side lot line of which is substantially a continuation of the front lot line of a lot or parcel of land which adjoins the rear lot line of said corner lot (see Figure 17.04.150).

"Lot width" means the horizontal distance between the side lot lines of a lot, measured at right angles to its depth along a straight line parallel to the front line at the minimum required building setback line.

Figure 17.04.150 Lot Types



"Low Barrier Navigation Center" means a housing first, low-barrier, service-enriched shelter focused on moving people into permanent housing that provides temporary living facilities while case managers connect individuals experiencing homelessness to income, public benefits, health services, shelter, and housing, as defined in Government Code Section 65660.

(Ord. 16.76 § 1 (part), 1989)

17.04.160 Definition of "M" terms.

"Medical clinic" means a structure for health care, other than a hospital, with or without emergency room facilities but without beds for overnight treatment.

"Ministorage (Miniwarehouse)" means a structure containing separate storage spaces of varying sizes which are leased or rented on an individual basis with direct access to paved driveways.

"Mixed use" means a development that contains both commercial (retail or office) uses and residential uses.

"Motel" means a structure or portion thereof or a group of attached or detached structures containing individual guest rooms or suites where lodging is provided primarily to transients for compensation. The term includes motel, inn, tourist court, bed and breakfast establishment or similar use.

Multifamily dwelling. See "Dwelling, multifamily" (Section 17.04.070).

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, § 7, 9-5-2007)

17.04.170 Definition of "N" terms.

"Net site area" is defined in the Hillside Residential Combining District Regulations (Chap. 17.40) to determine average slope. This term does not apply to other sections within the zoning ordinance.

"Nonconforming structure, lawful" means any structure or improvement that was lawfully established and in existence at the time the ordinance codified in this title, or any amendment thereto, became effective, but which, due to the application of this title or any amendment thereto, no longer complies with all of the applicable regulations and standards of the zoning district in which the use is located.

"Nonconforming use, lawful" means a use of a structure or land which was lawfully established and maintained prior to the adoption of the ordinance codified in this title but which, under this title, does not conform with the use regulations for the district in which it is located.

"Nursery" means a commercial use of land and/or greenhouses used to raise and sell trees, flowers, shrubs, plants and ancillary packaged horticultural products.

"Nursing home" means a structure used for the rooming or boarding of any aged or convalescent person or persons, whether ambulatory or nonambulatory, for which a license is required by a county, state or federal agency. The term "convalescent" is construed to include the mentally ill and the inebriate.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 8, 9, 9-5-2007)

17.04.180 Definition of "O" terms.

"Objective standards" means standards that involve no personal or subjective judgement 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.

"Offices, administrative or executive" means offices pertaining to the management of office operations or the direction of enterprises, but not including merchandising or sales offices.

"Offices, professional" means offices pertaining to the practice of the professions and arts, including but not limited to architecture, dentistry, engineering, law and medicine, but not including the sale of drugs or prescriptions, except as incidental to the ~~principal~~ primary use and where there is no external evidence of such incidental use.

"Off-street loading facilities" means a site or a portion of a site devoted to loading or unloading motor vehicles, trucks or tractor-trailers, including loading berths, aisles, access drives and landscaped areas.

"Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.

"On-site" means located on the lot(s) or parcel(s) that is (are) the subject of an application for development.

"Outdoor storage." Outdoor storage uses are prohibited in the C-S zone on Scotts Valley Drive and on all properties located on Scotts Valley Drive, no matter the zone. On all other properties zoned C-S, outdoor storage uses are conditional uses. Outdoor storage shall mean a space or place for storing items in the open air, not inside a completely enclosed building for a continuous period longer than twenty-four hours. A completely enclosed building is four or more walls with a roof but not a carport or porch. Items considered as outdoor storage shall include any of the following items, but not limited to, as determined by the community development director:

1. Appliances and furniture which are clearly not intended for outdoor use on the property;
2. Building materials that are not part of a current project under construction;

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3. Commercial vehicles;
 4. Contractor's storage yard;
 5. Inoperable vehicles;
 6. Junkyards, see existing definition in this Title;
 7. Machinery and equipment;
 8. Portable outdoor storage containers, roll-off bins, shipping cargo containers;
 9. Recreational vehicles;
 10. Trailers;
 11. Watercraft; and,
 12. Other similar items as determined by the community development director to be inconsistent with the purpose and objectives of the applicable zoning district.

Permitted outdoor storage uses may remain in place until their individual use permits expire, or in accordance with Chapter 17.48, Nonconforming Uses and Structures, of this Title. Unpermitted outdoor storage uses shall vacate the subject properties by July 1, 2016.

This definition shall not apply to:

13. Auto rental businesses;
14. Auto repair shops;
15. Christmas tree sales;
16. Construction sites with an active building permit for new development which involve storing construction materials that are intended to be used within sixty days on the subject property;
17. Garden shops;
18. Gasoline service stations;
19. Merchandise associated with a retail or other permitted use which is displayed outdoors during the day and brought indoors at the end of the business day unless otherwise approved for merchandise to remain outdoors;
20. Occasional sidewalk sales;
21. Off-street parking and loading areas;
22. Open-air markets;
23. Outdoor garden shops;
24. Outdoor theatrical activities;
25. Sale of nursery products; and,
26. Vehicle sales, in accordance with this Title.

(Ord. 16.76 § 1 (part), 1989; Ord. No. 16-133.3, § 1, 7-15-2015)

17.04.190 Definition of "P" terms.

"Parapet" means the extension of the main walls of a building above the roof level.

"Perennial stream" means a water channel in which water is present during all seasons of the year.

"Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.

"Personal service" means a use providing services of a personal convenience nature and not primarily for the sale of goods or merchandise, including repair shops, beauty shops and barber shops, repair and fitting of clothes and personal accessories, laundry and cleaning (where bulk cleaning and servicing is done elsewhere) and similar services.

"Planned unit development (PUD)" means a form of development usually characterized by a unified site design for a number of housing units, clustered buildings and the provision of common open space, density increases and a mix of building types and land uses.

"Planning director" means the Director of the Planning Department of the City of Scotts Valley or the designated representative. The term "planning director" and "community development director" are interchangeable and have the same meaning.

"Planning commission" means the Planning Commission of the City of Scotts Valley.

"Public uses" means publicly owned or operated facilities and spaces, including public streets, parking spaces, parks, public facilities and open spaces maintained or available for the public to use.

"Public utility service yard" means a site or portion of a site on which a public utility company may store, house and/or service equipment such as service trucks and other trucks and trailers, pumps, spools of wire, pipe conduits, transformers, cross arms, utility poles or any other material, tools or supplies necessary for the normal maintenance of utility facilities.

(Ord. 16.76 § 1 (part), 1989; Ord. 16-112 § 6, 2000; Ord. 16.123, § 10, 9-5-2007)

17.04.200 Definition of "Q" terms.

"Quasi-public uses" means uses owned or operated by a nonprofit, religious or philanthropic institution and providing educational, cultural, recreational, religious or similar types of public programs.

(Ord. 16.76 § 1 (part), 1989)

17.04.210 Definition of "R" terms.

"Recreation, commercial" means clubs or recreation facilities operated as a business which may or may not be open to the general public for a fee.

"Recreation, private" means clubs or recreation facilities of a noncommercial nature operated by a nonprofit organization and open only to bona fide members of such nonprofit organizations.

"Recreation, public" means publicly owned or operated clubs or recreation facilities.

"Research and development" means firms or businesses whose function includes information gathering, scholarly or scientific inquiry or investigation, medical research, high technology or the development of computer software.

"Rest home" means premises used for the housing of and caring for the ambulatory, aged or infirm, which premises require a license from the state or county (this includes a home for the aged).

"Restaurant" means 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, including any coffeeshop, cafeteria, short-order cafe, luncheonette, tavern, bar, soda fountain, dining room, drive-in and/or drive-through facility.

"Retail service" means a use engaged in providing retail sale or rental of items primarily intended for consumer or household use, including but not limited to the following: groceries, meat, vegetables, dairy products, baked goods, candy and other food products; liquor and bottled goods; household cleaning and maintenance products; drugs; cards, stationery, notions, tobacco products, cosmetics and specialty items; flowers, plants and garden products; hobby materials; toys; handcrafted items; clothing, shoes, apparel, jewelry, fabrics and like items; cameras and photography equipment; household electronic equipment, computers, televisions, video and tape recorders and similar items; books, records and tapes; sporting equipment; furniture, furnishings, appliances, antiques, art objects, paint and wallpaper, floor coverings and lighting fixtures; office supplies; musical instruments; hardware and building supplies; and bicycles, mopeds and automotive parts and accessories.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, § 11, 9-5-2007)

17.04.220 Definition of "S" terms.

"Screening" shall mean a visual buffer consisting of wood, masonry, dense evergreen hedge, or other plant material, or a combination of these elements, or other material approved by the community development director, to reduce visual unsightliness of uses and/or items stored on the subject property.

~~"Second dwelling unit" means an additional dwelling unit which contains no greater than eight hundred square feet of living space, not including the garage, which shares a lot with a primary residence. The second unit is served by the same driveway access to the street as the existing main dwelling.~~

"Setback" means the distance between the existing or planned right-of-way line or property line and a building or any projection thereof, excluding uncovered steps.

"Single-room occupancy (SRO)" means a residential facility with single-room dwelling units where each dwelling unit is the primary residence of its occupants. An SRO unit may contain kitchen or bathroom facilities, but not both.

"Site" means any plot or parcel of land or combination of contiguous lots or parcels of land.

"Site area" means the total area (e.g., square feet, acres) included within the property lines of a site.

"Site coverage" means the percentage of site area covered by impervious surfaces, including all structures, open or enclosed or projections of structures.

"Spa" means a self-contained or non-self-contained hydro-massage pool or tub for recreation or therapeutic use, designed for immersion of users and usually having a filter, heater and motor-driven blower. It may be installed on the ground or on a supporting structure, or in the ground or in a supporting structure. A spa is intended for recreational bathing and contains water over twenty-four inches deep.

"Stable, private" means a detached building for the keeping of horses which are owned by the occupant(s) of the premises and not kept for remuneration, hire or sale.

"Stable, public" means a stable other than a private stable.

"Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the uppermost story shall be that portion of a building included between the upper surface of the uppermost floor and the ceiling or roof above.

"Street" means a public or private right-of-way which provides means of access to abutting property. The term "street" shall include avenue, drive, circle, road, parkway, boulevard, highway, thoroughfare or any other similar term (but not alley or lane, which terms are defined in Section 17.04.040).

"Structural alteration" means any change in the structural members of a building, such as walls, columns, beams or girders.

"Structure" means an object directly or indirectly fixed or attached to the ground which is built or constructed by man. A structure includes, but is not limited to, buildings, edifices, bridges, signs, fences, foundations, kiosks, arches, fountains, walls and building appendages such as marquees, awnings, canopies, decks, and lighting fixtures.

"Structure, accessory" means a detached structure, the use of which is subordinate and incidental to and customarily associated with, the ~~main~~-primary structure or the ~~principal~~-primary use of the site and which is located on the same site as the ~~main~~-primary structure or ~~principal~~-primary use. The term includes, but is not limited to detached garages or carports, cabanas, gazebos, arbors, sheds and buildings connected to a ~~main~~-primary structure by a breeze way.

"Structure, ~~principal~~-primary" means a structure housing the ~~principal~~-primary use of a site or functioning as the ~~principal~~-primary use.

"Supportive housing" means housing with no limit on length of stay, that is occupied by the target population, and that is linked to onsite or offsite services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community; as defined by Section 50675 of the California Health and Safety Code.

"Swimming pool" means any structure intended for swimming or recreational bathing that contains water over twenty-four inches deep. This includes in ground, above ground and on-ground swimming pools, and fixed-in-place wading pools. This definition does not include hot tubs or spas.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 8, 1991; Ord. 16-112 § 7, 2000; Ord. No. 16-133.3, § 2, 7-15-2015; Ord. No. 16-138, § 2, 7-15-2015)

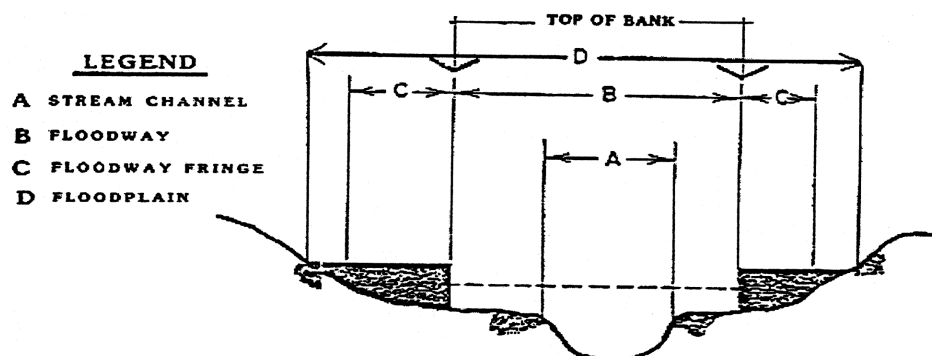
17.04.230 Definition of "T" terms.

"Target population" means adults with low-income having one or more disabilities, including mental illness, HIV or AIDS, substance abuse, or other chronic health conditions, or individuals eligible for services provided under the Lanterman Developmental Disabilities Services Act (Division 4.5 (commencing with Section 4500) of the Welfare and Institutions Code) and may, among other populations, include families with children, elderly persons, young adults aging out of the foster care system, individuals exiting from institutional settings, veterans, or homeless people; as defined in Section 50675.14 of the California Health and Safety Code.

"Temporary structure" means a structure without any foundation or footings and which is removed when the designated time period, activity or use for which the temporary structure was erected has ceased.

"Top of bank" means the edge of the floodway as depicted in Figure 17.04.230. Within the area formed by the edges of a floodway shall lie a stream channel and the portions of the adjacent hundred-year flood plain as required to efficiently carry the flood flows of the stream. This area includes areas A and B as shown on the diagram in Figure 17.04.230. This definition is not intended to be used to define a bank-to-bank easement or offer of dedication for open space and drainage or any other purpose in other ordinances of the city or other titles of this code. "Top of bank" is defined only for purposes of the zoning ordinance codified in this title.

Figure 17.04.230 Top of Bank Diagram



"Tot lot" means an improved and equipped play area for small children (usually up to elementary school age).

Townhouse. See "Dwelling, townhouse"

"Transitional housing" means temporary rental housing intended for occupancy by target populations transitioning to permanent housing that is operated under program requirements calling for the termination of assistance and recirculation of the assisted unit to another eligible program recipient at some predetermined future point in time, which shall be no less than six months as defined in Section 50675.2 of the California Health and Safety Code.

"Trellis" means a vertical structure or frame constructed of materials including but not limited to lattice work or other similar wood, metal or plastic embellishment used as a screen or as a support for climbing plants. See definition of Fence, open.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16-112 § 8, 2000; Ord. 16.123, § 12, 9-5-2007; Ord. No. 16-138, § 3, 7-15-2015)

17.04.240 Definition of "U" terms.

"Use" means the purpose for which a site or structure is arranged, designed, intended, constructed, erected, moved, altered or enlarged or for which either a site or structure(s) may be occupied or maintained.

"Use, accessory" means a use which is clearly incidental and secondary to the ~~main~~-primary use and which does not change the character thereof. (See also "Structure, accessory," Section 17.04.220).

"Use, primary" means the main purpose for which a site is developed and occupied.

"Used car" means any vehicle used by a previous owner or traded in.

(Ord. 16.76 § 1 (part), 1989)

17.04.250 Definition of "V" terms.

Reserved.

(Ord. 16.76 § 1 (part), 1989)

17.04.260 Definition of "W" terms.

Reserved.

(Ord. 16.76 § 1 (part), 1989)

17.04.270 Definition of "X" terms.

Reserved.

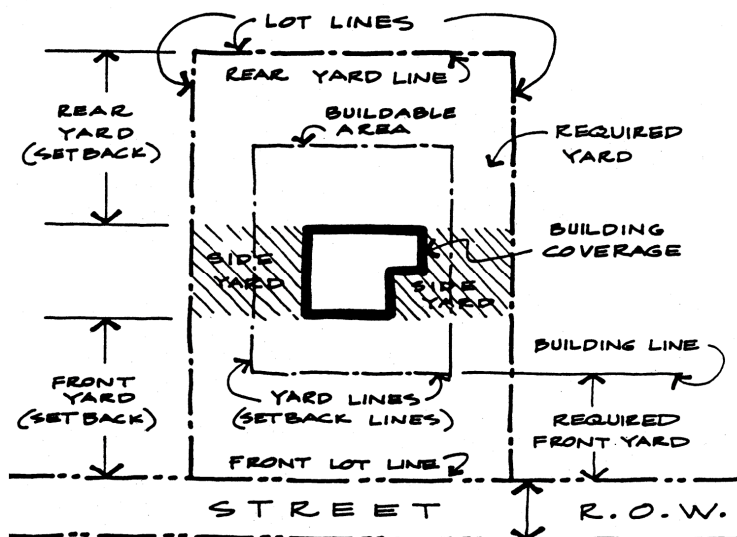
(Ord. 16.76 § 1 (part), 1989)

17.04.280 Definition of "Y" terms.

"Yard, front" means an open space extending the full width of the lot, measured between the portion of the building closest to the front lot line and said front lot line (except where the front lot line lies within a public or private right-of-way, in which case the measurement is between the portion of the building closest to the front lot line and the edge of the right-of-way closest thereto), measured perpendicularly to said front lot line, which open space is unoccupied and unobstructed from the ground upward, except as otherwise specified in this title (see Figure 17.04.280).

"Yard, rear" means an open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as otherwise specified in this title (see Figure 17.04.280).

Figure 17.04.280 Setback Illustrations



"Yard, side" means an open space extending from the rear boundary of the front yard to the front boundary of the rear yard (or to the rear lot line in the event there is no rear yard) between a building and nearest side lot line, unoccupied and unobstructed from the ground upward, except as otherwise specified in this title.

"Yard, side (exterior)" means a side yard which abuts a street (applies to corner lots) (see Figure 17.04.150).

"Yard, side (interior)" means a side yard which abuts an adjoining lot (see Figure 17.04.150).
(Ord. 16.76 § 1 (part), 1989)

17.04.290 Definition of "Z" terms.

"Zone or zoning district" means a portion of the territory of the city within which certain uniform regulations and requirements or various combinations thereof, apply under the provisions of this title. Zone or zoning districts are shown on the official zoning map or maps referred to in Chapter 17.08.

"Zoning map" means the official zoning map or maps of the City of Scotts Valley, adopted by the city council and effective upon the effective date of the ordinance codified in this title, together with all amendments thereto hereafter made.

"Zoning permit" means a document signed by the building inspector, as required in this title, as a condition precedent to the commencement of a use or the erection, construction, reconstruction, restoration, alteration, conversion or installation of a structure or building which acknowledges that such use, structure or building complies with the provisions of this title.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.06 ESTABLISHMENT AND DESIGNATION OF ZONING DISTRICTS

17.06.010 Zoning districts.

The zoning districts hereby established and into which the city is divided, are designated as follows:

Symbol	District name
R-VH	Very high-density residential zoning district
R-H	High-density residential zoning district
R-M-6	Multiple residential and zoning district
R-M-8	Multiple residential and zoning district
R-1	Residential single-family zoning district
R-R-2.5	Residential-rural zoning district
R-MT-5	Residential-mountain zoning district
C-S	Service commercial zoning district
C-SC	Shopping center commercial zoning district
C-P	Professional commercial zoning district
I-L	Light industrial zoning district
I-RD	Research and development zoning district
P	Public/quasi-public zoning district
OS	Open-space zoning district

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, § 13, 9-5-2007)

17.06.020 Combining zoning districts.

The zoning districts set forth in this section are termed combining districts. The combining district regulations are in addition to the regulations of the base zoning district to which the combining district is attached. Notwithstanding any provision in this title to the contrary, in the event of a conflict between the regulations of the base zoning district and the regulations of the combining district, the regulations of the combining district will control.

Symbol	District name
TP	Timberland production zoning district
ST	Special treatment combining district
FW	Floodway combining district
HR	Hillside residential combining district
<u>HE</u>	<u>Housing element opportunity site combining district</u>

(Ord. 16.76 § 1 (part), 1989)

17.06.030 Zoning map.

The designations, locations and boundaries of the zoning districts are set forth in the official zoning map or maps of the city, which are referred to in Chapter 17.08.

(Ord. 16.76 § 1 (part), 1989)

17.06.040 Determination of boundaries.

Where uncertainty exists as to the boundaries of any of the zoning districts shown on the "official zoning map," the following shall apply:

- A. Where such boundaries are indicated as approximately following street and alley lines or lot lines, such lines shall be construed to be such boundaries.
- B. Where a zoning boundary divides a lot, the zoning boundary shall be determined by following a major topographical or physical feature.
- C. Where a public street or alley is officially vacated or abandoned, the regulations applicable to the adjoining parcel to which it reverts shall apply to such vacated or abandoned street or alley.
- D. Where any further uncertainty exists as to the boundaries of any of the aforesaid zoning districts, the planning commission shall determine the location of such boundaries.

(Ord. 16.76 § 1 (part), 1989)

17.06.050 Zoning of annexed parcels.

All territory hereafter annexed to the city of shall be classified as a part of that zoning district of the city specified by the city council at the time of the annexation, after report and recommendation of the planning commission, all as prescribed or referenced in Section 17.44.040.

(Ord. 16.76 § 1 (part), 1989)

17.06.060 Effect of establishment of zoning districts.

Except as otherwise provided herein:

- A. No building or any part thereof or other structure shall be erected, altered, added to or enlarged, nor shall any land, building, structure or premises be used, designated or intended to be used for any purpose or in any manner other than that which is included among the uses herein after listed as permitted in the zone in which such building, land or premises is located.
- B. No building or any part thereof or structure shall be erected, reconstructed or structurally altered to exceed in height the limit hereinafter designated for the zone in which such building is located.
- C. No building, or any part thereof or structure shall be erected, nor shall any existing building be altered, enlarged or rebuilt or moved into any zone, nor shall any open space be encroached upon or reduced in any manner, except in conformity to the yard, building site area and building location regulations hereinafter designated for the zone in which such building or open space is located.
- D. No yard or other open space provided about any building, for the purpose of complying with provisions of this title, shall be considered as providing a yard or open space for any other building and no yard or

other open space on one building site shall be considered as providing a yard or open space for a building on any other building site.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.08 OFFICIAL ZONING MAP

17.08.010 Official map and amendments.

This chapter consists of the official zoning map(s) of the city. Said map(s), properly attested, shall be and remain on file in the office of the Scotts Valley planning department. Said map(s) and all notations, references, data and other information shown thereon, together with any and all amendments thereto that are adopted hereafter from time to time, shall be and are made a part of this title (and this chapter) by this reference as though set forth in full herein. The official zoning map(s) of the city is (are) adopted by the city council as a part of this title and shall be effective upon the effective date of the ordinance codified in this title. Any amendments to said map(s) hereafter made shall be effective upon the effective date of the amending ordinance and shall by this reference automatically become a part hereof as though set forth in full herein.

The official zoning map(s) is (are) currently and shall at all times remain on file in the office of the planning department of the city, together with any future amendments thereto that are hereafter made.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.09 R-VH VERY HIGH-DENSITY RESIDENTIAL ZONING DISTRICT REGULATIONS

17.09.010 Description and purpose.

The R-VH zoning classification is designed to provide areas for apartments, townhouses, condominiums and similar developments with open space and other amenities which will enhance the living qualities of the development and promote the housing goals of the general plan. In addition, the very high-density residential district is intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings, at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To provide a more urban type living environment.
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- E. To minimize traffic congestion by providing housing on the city's transportation corridors;
- F. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.123, § 14, 9-5-2007)

17.09.020 Permitted uses.

- ~~A. — A.~~ Small family child care homes;
- B. Small community care residential facilities;
- C. Multifamily dwellings conforming to the density requirements of this chapter;
- D. Accessory ~~structures and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to home occupations (subject to the provisions of Section 17.50.040 of this title), the keeping of four cats, four dogs or a combination thereof not to exceed a total of four and private garages and parking areas.
- E. Transitional housing and supportive housing.
- ~~F. — Accessory dwelling units and junior accessory dwelling units pursuant to chapter 17.57 and 17.58 of this title.~~

(Ord. 16.123, § 14, 9-5-2007; Ord. No. 16.132, § 1, 5-1-2013; Ord. No. 16-138, § 14, 7-15-2015)

17.09.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Community facilities and institutions;
- B. Day-care centers;
- C. Public utility and public service facilities;
- D. Large family child care home: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015.

(Ord. 16.123, § 14, 9-5-2007)

17.09.040 Development standards.

The following development standards shall apply to all land and buildings in the R-VH zoning district:

- A. Lot area and density requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Overall Lot Area	Maximum Lot Density	Minimum Lot Width	Minimum Lot Depth
R-VHD	6,000 sq. ft.	2,100 sq. ft./dwelling unit	60 feet	60 feet

- B. Minimum lot frontage. The minimum lot frontage shall be sixty feet.
- C. Yards.
 - 1. Front yard. The minimum front yard shall be ten feet for residential buildings and twenty feet for garages.
 - 2. Side yard setback for existing parcel. The minimum side yard shall be ten feet or ten percent of the lot width which ever is greater for the existing parcel perimeter. Side yard setback for internally created new parcels shall be determined by the planning commission. However, if a garage entrance is located off a side yard the setback shall be twenty feet at the garage entrance to allow for space for a vehicle to park in front of the garage.
 - 3. Rear yard. The rear yard shall be twenty percent of the depth of the lot, provided that a rear yard of more than twenty-five feet shall not be required and a rear yard of less than fifteen feet shall not be permitted, subject to the following exceptions:
 - a. The rear yard may be reduced to not less than fifteen feet, provided, that one side yard is not less than twenty-five feet.
 - b. One foot shall be added to the rear yard for each two feet in height above which the top plate line exceeds twenty feet in height.
- D. Maximum site coverage. The maximum site coverage in the R-VH zoning district shall be fifty-five percent.

-
- E. Building height. No structure in the R-VH zoning district shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title.
 - F. Each dwelling shall have private, useable outdoor space, i.e. decks, balconies, yards or patios of one hundred square feet per residential unit. If the design is not suitable for private open space, useable common open space may be provided at two hundred square feet per residential unit if approved by the planning commission.

G. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.123, § 14, 9-5-2007)

17.09.050 Other required conditions.

- A. Design review shall be required for all new structures or alterations to existing structures in the R-VH Zoning District. The design review shall be conducted by the planning commission at a noticed public hearing.
- B. Standards and guidelines contained in Section 17.50.030 shall be used to review the project design. The project design may be approved as submitted, approved with added conditions or denied based on conformance with design standards.
- C. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.123, § 14, 9-5-2007)

Chapter 17.10 R-H HIGH-DENSITY RESIDENTIAL ZONING DISTRICT REGULATIONS

17.10.010 Description and purpose.

The R-H zoning classification is designed to provide areas for apartments, townhouses, condominiums and similar developments with a maximum of open space and other amenities which will enhance the living qualities of the development and promote the housing goals of the general plan. In addition, the high-density residential district is intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings, at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities;
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1 (part), 1989)

17.10.020 Permitted uses.

- A. Small family child care homes;
- B. Mobile homes and manufactured housing;
- C. Multifamily dwellings conforming to the density requirements of this chapter;

~~D. Single-family dwellings;~~

~~D.E.~~ Accessory ~~structures and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to home occupations (subject to the provisions of Section 17.50.040 of this title), the keeping of four cats, four dogs or a combination thereof not to exceed a total of four and private garages and parking areas;

~~E.F.~~ Small community care facilities.

~~F.G.~~ Transitional housing and supportive housing.

~~GH. Accessory dwelling units and junior accessory dwelling units pursuant to chapter 17.57 and 17.58 of this title.~~

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 15—17, 9-5-2007; Ord. No. 16.132, § 2, 5-1-2013; Ord. No. 16-138, § 15, 7-15-2015)

17.10.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Bed and breakfast establishments;
- B. Community facilities and institutions;
- C. Day-care centers;
- D. Occupancy of existing dwelling while constructing a replacement dwelling on the same lot;
- E. Public utility and public service facilities;
- F. Large family child care homes: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015;
- G. Tract offices.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 18, 19, 9-5-2007)

17.10.035 Large community care facilities.

No person shall operate a large community care home without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant shall submit the following:

- a. A letter or certification of final approval from the state or county licensing authority,
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.

(Ord. 16.123, § 20, 9-5-2007)

17.10.040 Development standards.

The following development standards shall apply to all land and buildings in the R-H zoning district:

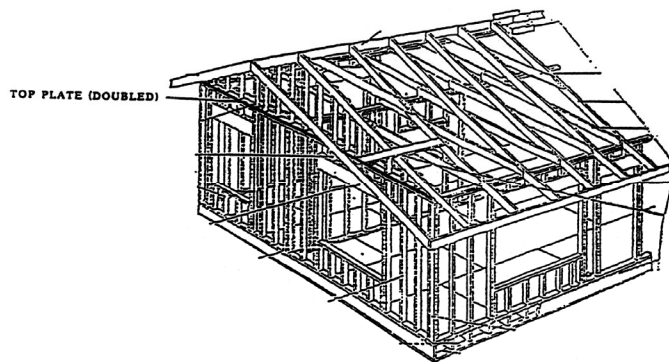
- A. Lot area and density requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Lot Area	Maximum Lot Density*	Minimum Lot Width	Minimum Lot Depth
R-H	6,000 sq. ft.	3,000 sq. ft./dwelling unit	60 feet	60 feet

*If, after dividing the area of the lot by the area required per dwelling unit or structure containing a dwelling unit, a remainder of more than ninety percent of the area required for an additional unit is obtained, one additional dwelling unit may be located on the site.

- B. Minimum Lot Frontage. The minimum lot frontage shall be sixty feet.
- C. Yards.
 - 1. Front Yard. The minimum front yard shall be twenty feet.
 - 2. Side Yard.
 - a. Permitted Uses. The minimum side yard for a permitted use shall be ten percent of the width of the site; provided, that a side yard of more than ten feet shall not be required and a side yard of less than five feet shall not be permitted, subject to the following exceptions:
 - i. On the street side of a corner lot, the side yard shall be twenty percent of the width of the site; provided, that a side yard of more than twenty feet shall not be required and a side yard of less than eight feet shall not be permitted.
 - ii. One foot shall be added to each side yard for each two feet of height above which the top plate line exceeds twenty feet in height (see Figure 17.10.040).

Figure 17.10.040 Top Plate Line



- iii. One foot shall be added to the interior side yard for each five feet by which a wall of a structure within twenty-five feet of the side property line exceeds forty feet in length parallel or approximately parallel to the side property line.
 - iv. A side yard providing access to more than one dwelling shall be not less than twelve feet.
 - b. Conditional Uses. The side yard for a conditional use ~~and its accessory structures~~ shall be ten percent of the average width of the site, with a minimum of ten feet and a maximum of twenty feet required, subject to the following exceptions:

-
- i. On the street side of a corner lot, the side yard shall be not less than twenty percent of the width of the site, with a minimum of fifteen feet and a maximum of forty feet required.
 - ii. One foot shall be added to each side yard for each two feet of height above which the top plate line exceeds twenty feet of height (see Figure 17.10.040).
 - iii. One foot shall be added to the interior side yard for each five feet by which a wall of a structure within twenty-five feet of the side property line exceeds thirty feet in length parallel or approximately parallel to the side property line.
 - 3. Rear Yard. The rear yard shall be twenty percent of the depth of the lot, provided that a rear yard of more than twenty-five feet shall not be required and a rear yard of less than fifteen feet shall not be permitted, subject to the following exceptions:
 - a. The rear yard may be reduced to not less than fifteen feet, provided, that one side yard is not less than twenty-five feet.
 - b. One foot shall be added to the rear yard for each two feet in height above which the top plate line exceeds twenty feet in height.
 - D. Maximum Site Coverage. The maximum site coverage in the R-H zoning district shall be fifty-five percent.
 - E. Building Height. No structure in the R-H zoning district shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title.
 - F. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 (part), 1989; Ord. 16.76 § 1 (part), 1989)

17.10.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the R-H zoning district.
- B. Special conditions of review apply to any application and proposal for any apartment project proposed on a parcel in excess of twenty thousand square feet in the R-H zone. The proposed design review application shall be reviewed by the planning commission in a noticed public hearing and shall, following the hearing, determine the final architectural and site design of the proposal and shall also find that the project is compatible with the surrounding neighborhood. The planning commission in its discretion, may approve, modify or deny the project.
- C. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.102 § 1, 1996)

Chapter 17.12 R-M-6 AND R-M-8 MULTIPLE RESIDENTIAL ZONING DISTRICT REGULATIONS

17.12.010 Description and purpose.

The R-M-6 and R-M-8 zoning classifications are designed to provide areas for single-family subdivisions and townhouse and condominium development at lower density ranges than the R-H district. The R-M-6 and R-M-8 districts multiple-residential districts are intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To preserve as many of the desirable characteristics of one-family residential districts as possible while permitting higher densities;
- C. To ensure adequate light, air, privacy and open space for each dwelling unit;
- D. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- F. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- G. To provide necessary space for off-street parking of automobiles and, where appropriate, for off-street loading of trucks;
- H. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- I. To protect residential properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1 (part), 1989)

17.12.020 Permitted uses.

Permitted uses are as follows:

- A. Small family child care homes;
- B. Mobile homes and manufactured housing;
- C. Multifamily dwellings conforming to the density requirements of this chapter.
- D. Single-family dwellings;
- E. Accessory ~~structures and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to home occupations (subject to the provisions of Section 17.50.040 of this title), private garages and parking areas and the keeping of not to exceed four cats and four dogs or a combination thereof not to exceed a total of four;
- F. Small community care facilities.

G. Transitional housing and supportive housing.

H. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.57 and 17.58 of this Title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 21—23, 9-5-2007; Ord. No. 16.132, § 3, 5-1-2013; Ord. No. 16-138, § 16, 7-15-2015)

17.12.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Bed and breakfast establishments;
- B. Country clubs and golf courses;
- C. Day care centers;
- D. Foster homes;
- E. Occupancy of existing dwelling while constructing a replacement dwelling on the same lot;
- F. Public and quasi-public uses, including churches, synagogues and other places of worship, firehouses, parks and playgrounds, schools, and public utility buildings and uses;
- G. Large family child care homes: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015;
- H. Tract offices and temporary construction trailers.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 24, 25, 9-5-2007)

17.12.035 Large community care facilities.

No person shall operate a large community care home without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant shall submit the following:

- a. A letter or certification of final approval from the state or county licensing authority,
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.

(Ord. 16.123, § 26, 9-5-2007)

17.12.040 Development standards.

The following development standards shall apply to all land and buildings in the R-M-6 and R-M-8 zoning districts.

- A. Lot Area and Density Requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Lot Area	Maximum Lot Density	Minimum Lot Width	Minimum Lot Depth
R-M-6	6,000sq. ft.	5,000 sq. ft./dwelling unit*	50 feet	100 feet
R-M-8	8,000 sq. ft.	8,000 sq. ft./dwelling unit	60 feet	100 feet

*If, after dividing the area of the lot by the area required per dwelling unit or structure containing a dwelling unit, a remainder of more than seventy percent of the area required for an additional unit is obtained, one additional dwelling unit may be located on the site.

- B. Minimum Lot Frontage. The minimum lot frontage shall be sixty feet.
- C. Maximum Site Coverage. The maximum site coverage in the R-M zoning district shall be fifty-five percent.
- D. Yards. Yard requirements are as follows:

Zone	Front Yard	Side Yard	Rear Yard
R-M-6	20 feet	10% lot width with max of 6 feet	.15 feet
R-M-8	20 feet	10% lot width with max of 8 feet	.15 feet

- E. Building Height. No structure in the R-M-6 and R-M-8 zoning districts shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title.

F. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989)

17.12.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures (excluding single-family ~~homes~~dwelling and accessory structures on a lot with a single-family dwellinghome), alterations to structures and signage in the R-M zoning district.
- B. No building shall be located closer than ~~25~~twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.76 § 1(part), 1989)

Chapter 17.14 R-1 SINGLE-FAMILY RESIDENTIAL ZONING DISTRICT REGULATIONS

17.14.010 Description and purpose.

The R-1 zoning classification is designed to provide areas for single-family residential development where lot sizes and densities are designed to accommodate large areas of open space for recreational activities compatible with a residential environment. The R-1 single-family residential district is intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To ensure adequate light, air, privacy and open space for each dwelling unit;
- C. To provide space for community facilities needed to complement urban residential areas and for institutions which require a residential environment;
- D. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the land around them;
- E. To protect residential properties from the hazards, noise and congestion created by commercial and industrial traffic;
- F. To provide necessary space for off-street parking of automobiles;
- G. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences;
- H. To protect residential properties from fire, explosion, noxious fumes and other hazards.

This zoning classification is divided into the classes of R-1-10, R-1-20 and R-1-40, which are intended to apply to all lands designated in the General Plan as "medium residential," "low-density residential," and "estate residential," respectively.

(Ord. 16.76 § 1(part), 1989)

17.14.020 Permitted uses.

Permitted uses are as follows:

- A. Foster homes where the total number of children, including those of the proprietary family, is six or fewer;
- B. Mobile homes and manufactured housing;
- C. Single-family dwellings;
- D. ~~Secondary dwelling units conforming to the requirements of Chapter 17.41 of this title and the Uniform Building Code;~~
- E. ~~Accessory structures in conformance with Section 17.46.070 of this title and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to home occupations (subject to the provisions of Section 17.50.040 of this title), the keeping of four cats, four dogs or a combination thereof not to exceed a total of four and private garages and parking areas.

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- ~~FE.~~ Small family child care homes;
 - ~~FG.~~ Small community care facilities.
 - ~~GH.~~ Transitional housing and supportive housing.
 - H. Accessory dwelling units and junior accessory dwelling units pursuant to chapter 17.57 and 17.58 of this title.

(Ord. 16.76 § 1(part), 1989; Ord. 16.115, § 3, 6-4-2003; Ord. 16.123, §§ 27, 28, 9-5-2007; Ord. No. 16.132, § 4, 5-1-2013; Ord. No. 16-138, § 17, 7-15-2015)

17.14.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Country clubs and golf courses;
- B. Day care centers;
- C. Foster homes where the total number of children, including those of the proprietary family, exceeds six;
- D. Occupancy of existing dwelling while constructing a replacement dwelling on the same lot;
- E. Private stables, in accordance with Section 17.46.040 of this title;
- F. Public and quasi-public uses, including churches, synagogues and other places of worship, firehouses, parks and playgrounds, schools, and public utility buildings and uses;
- G. Large family child care homes: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015;
- H. Townhouses and condominiums conforming to the density requirements of this chapter;
- I. Tract offices and temporary construction trailers.

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 2, 6-4-2003; Ord. 16.123, §§ 29, 30, 9-5-2007)

17.14.035 Large community care facilities.

No person shall operate a large community care home without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant shall submit the following:

- a. A letter or certification of final approval from the state or county licensing authority,
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.

17.14.040 Development standards.

The following development standards shall apply to all land and buildings in the R-1 zoning district:

- A. Lot Area and Density Requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Lot Area	Maximum Lot Density	Minimum Lot Width	Minimum Lot Depth
R-1-10	10,000 sq. ft.	10,000 sq. ft./dwelling unit	60 feet	100 feet
R-1-20	20,000 sq. ft.	20,000 sq. ft./dwelling unit	90 feet	125 feet
R-1-40	40,000 sq. ft.	40,000 sq. ft./dwelling unit	100 feet	150 feet

- B. Minimum Lot Frontage. The minimum lot frontage shall be sixty (60) feet.
- C. Maximum Site Coverage. The maximum site coverage in the R-1 zoning district shall be fifty percent (50%).
- D. Yards. Yard requirements are as follows:

Zone	Front Yard	Side Yard	Rear Yard
R-1-10	20 feet	10% of lot width with a maximum of 10 feet	15 feet
R-1-20	30 feet	10% of lot width with a maximum of 10 feet	15 feet
R-1-40	30 feet	10% of lot width with a maximum of 10 feet	20 feet

- E. Building Height. No single-family dwelling in the R-1 zoning district shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title. ~~Detached accessory structures, secondary dwelling units, and guesthouses may have building heights up to 35 feet when all required yard setbacks conform with the same yard setbacks required for the main dwelling.~~

- F. ~~Room Additions. For an addition that increases the footprint of the primary dwelling, Roof Forms and Pitches. The roof forms, and roof pitches, exterior building materials, and exterior colors of the secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures~~ shall be architecturally compatible with those of the main-primary dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.

- G. Accessory Structures. See Section 17.46.130 (Accessory Structures).

- ~~G. Exterior Building Materials and Colors. The exterior building materials and colors of secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures shall be architecturally compatible with the main dwelling, to the extent practical and feasible as determined by the~~

Community Development Director, subject to review and approval by the Community Development Director.

- ~~H. — Conversion of Use. The partial or complete conversion of an existing one- or two-story detached accessory structure with existing three (3) feet reduced yard setbacks (in conformance with Section 17.46.070J. of the City's Municipal Code) into a secondary dwelling unit or guesthouse is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than three (3) but less than the required yard setbacks for the main dwelling, into a secondary dwelling unit or guesthouse, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.~~
- ~~I. — Building Height of Detached Accessory Structures. The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be 18 feet.~~

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 5, 6-4-2003)

17.14.050 Other required conditions.

No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.76 § 1(part), 1989)

Chapter 17.16 R-R-2.5 RESIDENTIAL-RURAL ZONING DISTRICT REGULATIONS

17.16.010 Description and purpose.

The R-R-2.5 district is intended to apply to all lands designated in the General Plan as "rural residential." This zoning classification is designed to provide areas for large-lot residential living and minor agricultural activities and is intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings, at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To ensure adequate light, air, privacy and open space for each dwelling unit;
- C. To minimize traffic congestion;
- D. To provide necessary space for off-street parking of automobiles;
- E. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

(Ord. 16.76 § 1(part), 1989)

17.16.020 Permitted uses.

Permitted uses are as follows:

- A. Family day care homes;
- B. Foster homes where the total number of children, including those of the proprietary family, is six or fewer;
- C. Single-family dwellings;
- ~~D. Secondary dwelling units conforming to the requirements of Chapter 17.41 of this title and the Uniform Building Code;~~
- ~~D~~E. Accessory ~~structures in conformance with Section 17.46.070 of this title and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to crop and tree farming for family use only, family animal raising, guesthouse, home occupations (subject to the provisions of Section 17.50.040 of this title), the keeping of four cats or four dogs or a combination thereof not to exceed a total of four, and private garages and parking areas, and private stables on a minimum lot size of 2.5 acres, in accordance with Section 17.46.040 of this title;
- ~~E~~F. Small family child care homes;
- ~~F~~G. Small community care facilities.
- ~~G~~H. Transitional housing and supportive housing.
- H. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.57 and 17.58 of this Title.

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 6, 6-4-2003; Ord. 16.123, §§ 32, 33, 9-5-2007; Ord. No. 16-138, § 18, 7-15-2015)

17.16.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Country clubs and golf courses;
- B. Day care centers;
- C. Foster homes where the total number of children, including those of the proprietary family, exceeds six;
- D. Occupancy of existing dwelling while constructing a replacement dwelling on the same lot;
- E. Private stables with a lot size less than 2.5 acres, in accordance with Section 17.46.040 of this title;
- F. Public and quasi-public uses, including churches, synagogues and other places of worship, firehouses, hospitals, parks and playgrounds, schools, and public utility buildings and uses;
- G. Temporary tract offices and construction trailers;
- H. Wholesale nurseries;
- I. Large family child care homes: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015.

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 7, 6-4-2003; Ord. 16.123, § 34, 9-5-2007)

17.16.035 Large community care facilities.

No person shall operate a large community care home without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant shall submit the following:

- a. A letter or certification of final approval from the state or county licensing authority,
- b. A site plan of the property showing parking, outdoor exercise area, and fencing.
- c. A letter from the fire department approving the safety of the structure for the use,
- d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and
- e. Landscaping and other information as required by the community development director.

(Ord. 16.123, § 35, 9-5-2007)

17.16.040 Development standards.

The following development standards shall apply to all land and buildings in the R-R-2.5 zoning district:

- A. Lot Area and Density Requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Lot Area	Maximum Lot Density	Minimum Lot Width	Minimum Lot Depth
R-R-2.5	2.5 acres	2.5 acres/dwelling unit	100 feet	150 feet

- B. Minimum Lot Frontage. The minimum lot frontage shall be one hundred feet.
- C. Maximum Site Coverage. The maximum site coverage in the R-R-2.5 zoning district shall be thirty-five percent.
- D. Yards. Yard requirements are as follows:

Zone	Front Yard	Side Yard	Rear Yard
R-R-2.5	40 feet	15 feet	20 feet

- E. Building Height. No single-family dwelling in the R-R-2.5 zoning district shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title. ~~Detached accessory structures, secondary dwelling units, and guesthouses may have building heights up to thirty five feet when all required yard setbacks conform with the same yard setbacks required for the main dwelling.~~
- F. ~~Roof Forms and Pitches~~ Roof Forms and Pitches ~~Additions. For an addition that increases the footprint of the primary dwelling, the roof forms, roof and pitches, exterior building materials, and exterior colors of secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures shall be architecturally compatible with those of the main primary dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- G. Accessory Structures. See Section 17.46.130 (Accessory Structures)
- ~~G. Exterior Building Materials and Colors. The exterior building materials and colors of secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures shall be architecturally compatible with the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- ~~H. Conversion of Use. The partial or complete conversion of an existing one or two-story detached accessory structure with existing three feet reduced yard setbacks (in conformance with Section 17.46.070J. of the City's Municipal Code) into a secondary dwelling unit or guesthouse is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than three but less than the required yard setbacks for the main dwelling, into a secondary dwelling unit or guesthouse, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.~~
- ~~I. Building Height of Detached Accessory Structures. The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be eighteen feet.~~

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 8, 6-4-2003)

17.16.050 Other required conditions.

A. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

B. Minimum side and rear yards for buildings and areas that accommodate animals shall be forty feet.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.18 R-MT-5 RESIDENTIAL-MOUNTAIN ZONING DISTRICT REGULATIONS

17.18.010 Description and purpose.

The R-MT-5 zoning district is intended to apply to all lands designated in the General Plan as "mountain residential." This zoning classification is designed primarily for hillside areas of the city where environmental constraints require development at lower densities. A maximum density of one dwelling unit per five acres is allowed in this district. This zoning classification is intended to achieve the following purposes:

- A. To reserve appropriately located areas for family living in a variety of types of dwellings, at a reasonable range of population densities consistent with sound standards of public health and safety;
- B. To ensure adequate light, air, privacy and open space to each dwelling unit;
- C. To minimize traffic congestion;
- D. To protect residential properties from noise, illumination, unsightliness, odors, dust, dirt, smoke, vibration, heat, glare and other objectionable influences.

(Ord. 16.76 § 1(part), 1989)

17.18.020 Permitted uses.

Permitted uses are as follows:

- A. Crop and tree farming;
- B. Small family child care homes;
- C. Foster homes where the total number of children, including those of the proprietary family is six or less;
- D. Public parks and recreation areas;
- E. Single-family dwellings;
- ~~F. Secondary dwelling units conforming to the requirements of Chapter 17.41 of this title and the Uniform Building Code;~~
- ~~FG.~~ Accessory ~~structures and~~ uses located on the same site with a permitted use which are incidental to the permitted use, including but not limited to crop and tree farming for family use only, family animal raising, guest house, home occupations (subject to the provisions of Section 17.50.040 of this title), the keeping of four cats or four dogs or a combination thereof not to exceed a total of four and private garages and parking areas, and private stables on a minimum lot size of 2.5 acres, in accordance with Section 17.46.040 of this title;
- ~~GH.~~ Small community care facility.
- ~~H.~~ Transitional housing and supportive housing.
- ~~I. Accessory dwelling units and junior accessory dwelling units pursuant to chapter 17.57 and 17.58 of this title.~~

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 9, 6-4-2003; Ord. 16.123, §§ 36—38, 9-5-2007; Ord. No. 16-138, § 19, 7-15-2015)

17.18.030 Conditional uses.

The following conditional uses shall be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Country clubs and golf courses;
- B. Day care centers;
- C. Foster homes where the total number of children, including those of the proprietary family, exceeds six;
- D. Mining and mineral extraction, subject to the development standards of this section and the provisions of Section 17.44.110 of this title;
- E. Occupancy of existing dwelling while constructing a replacement dwelling on the same lot;
- F. Private stables on a lot size of less than 2.5 acres, in accordance with Section 17.46.040 of this title;
- G. Public and quasi-public uses, including churches, synagogues and other places of worship, firehouses, hospitals, parks and playgrounds, schools, and public utility buildings and uses;
- H. Large family child care homes: No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within Section 17.50.015.

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 10, 6-4-2003; Ord. 16.123, § 39, 9-5-2007)

17.18.040 Development standards.

The following development standards shall apply to all land and buildings in the R-MT-5 zoning district:

- A. Lot Area and Density Requirements. All lots hereafter created shall comply with the following minimum standards:

Zone	Minimum Lot Area	Maximum Lot Density	Minimum Lot Width	Minimum Lot Depth
R-MT	5 acres	5 acres/dwelling unit	100 feet	150 feet

- B. Minimum Lot Frontage. The minimum lot frontage shall be one hundred feet.
- C. Maximum Site Coverage. The maximum site coverage in the R-MT zoning district shall be thirty-five percent.
- D. Yards. Yard requirements are as follows:

Zone	Front Yard	Side Yard	Rear Yard
R-MT	40 feet	20 feet	25 feet

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- E. Building Height. No single-family dwelling in the R-MT-5 zoning district shall exceed thirty-five feet in height unless otherwise provided in Section 17.46.050 of this title. ~~Detached accessory structures, secondary dwelling units, and guesthouses may have building heights up to thirty-five feet when all required yard setbacks conform with the same yard setbacks required for the main dwelling.~~
- F. ~~Roof Forms and Pitches~~ Additions. ~~For an addition that increases the footprint of the primary dwelling, the roof forms, and roof pitches, exterior building materials, and exterior colors of secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures shall be architecturally compatible with those of the main primary dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- G. Accessory Structures. See Section 17.46.130 (Accessory Structures).
- G. ~~Exterior Building Materials and Colors~~. The exterior building materials and colors of secondary dwelling units, guesthouses, room additions, and site-built detached accessory structures shall be architecturally compatible with the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.
- H. ~~Conversion of Use~~. The partial or complete conversion of an existing one- or two-story detached accessory structure with existing three-foot reduced yard setbacks (in conformance with Section 17.46.070J. of the City's Municipal Code) into a secondary dwelling unit or guesthouse is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than three but less than the required yard setbacks for the main dwelling, into a secondary dwelling unit or guesthouse, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.
- I. ~~Building Height of Detached Accessory Structures~~. The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be 18 feet.

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 11, 6-4-2003)

17.18.050 Other required conditions.

- A. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- B. Minimum side and rear yards for buildings and areas that accommodate animals shall be forty feet.

(Ord. 16.76 § 1(part), 1989)

Chapter 17.20 C-S SERVICE COMMERCIAL ZONING DISTRICT REGULATIONS

17.20.010 Description and purpose.

The C-S district is intended to apply to all lands designated in the General Plan as "service commercial." This district is designed to create and maintain areas accommodating city-wide and regional service that may be inappropriate in neighborhood or pedestrian-oriented shopping areas and which generally require automotive access for customer convenience, servicing of vehicles or equipment, loading or unloading, or parking of commercial service vehicles.

The service commercial zone is intended to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments and businesses offering various ranges of commodities and services scaled to meet the needs of different geographical areas and various categories of patrons they serve;
- B. To provide opportunities for retail stores, offices, service establishments and businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- [C. Reserved.]
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading facilities;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1(part), 1989)

17.20.020 Permitted uses.

Permitted uses are as follows:

- A. Retail establishments;
- B. Banks;
- C. Business and personal service establishments;
- D. Emergency shelters (≤25 occupants), subject to compliance with Section 17.44.110;
- E. Medical, professional and general business offices;
- F. Radio and television broadcast studios (excluding transmission towers); and
- G. Accessory ~~structures and~~ uses located on the same site with a permitted use which are customarily incidental to the permitted use, including, but not limited to, incidental storage facilities and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title;

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- H. ~~Multiple family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space on sites designated in the Housing Element~~ Day care centers.
 - J. A low barrier navigation center that meets the requirements specified in Government Code Section 65662.
 - J. Supportive housing that meets the requirements specified in Government Code Section 65651.
 - K. Accessory dwelling units pursuant to chapter 17.57 of this title.

(Ord. 16.76 § 1(part), 1989; Ord. 16.84 § 1, 1992; Ord. 16.87 § 3(part), 1993; Ord. 16.89 § 2, 1993; Ord. 16.123, §§ 40, 41, 9-5-2007; Ord. No. 16-138, § 5, 7-15-2015)

17.20.030 Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Animal hospitals;
- B. Automobile sales, including sale of used cars in conjunction with the sale of new cars;
- C. Automotive repair and related services (such as auto supply and detail shops) in an enclosed building. This conditional use category excludes auto body repair and auto painting as well as any other use that is incompatible with surrounding uses or that may be detrimental to the health, safety and welfare of the surrounding neighbors;
- D. Automotive service stations;
- E. Carwash;
- F. Coin-operated laundries;
- G. Commercial recreation;
- H. Equipment rental yards;
- I. Hotels and motels;
- J. ~~1.~~ Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space. Residential uses must occupy less than 50 percent of the total gross square feet on the property except as otherwise allowed in the Housing Element;
- ~~KJ.~~ Outdoor Storage;
- ~~LK.~~ Public utility service yards;
- ~~ML.~~ Recreational vehicle sales, including boat sales;
- ~~NM.~~ Restaurants and bars;
- ~~ON.~~ Wholesale establishments;
- ~~PQ.~~ Service shops, including printing, photographic, cabinet repair, electrical repair, heating and ventilating shops, and catering services;
- ~~QP.~~ Social halls, lodges, fraternal organizations and clubs;
- ~~RQ.~~ Churches, synagogues and other places of worship;

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- R. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
 - S. Transitional Housing. No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020 and subject to the requirements of Section 17.44.170 of this title;
 - T. Emergency shelters (>25 occupants), subject to compliance with Section 17.44.110;
 - U. Firearms retail.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.84 § 2, 1992; Ord. 16.103 § 1, 1996; Ord. 16.123, § 42, 9-5-2007; Ord. No. 16-133.3, § 3, 7-15-2015; Ord. No. 16-138, §§ 6, 12, 7-15-2015; Ord. No. 16.139, § 3, 12-20-2017)

17.20.035 Prohibited uses.

Outdoor storage uses are prohibited in the C-S zone on Scotts Valley Drive and on all properties located on Scotts Valley Drive, no matter the zone. On all other properties zoned C-S, outdoor storage uses are conditional uses. Permitted outdoor storage uses may remain in place until their individual use permits expire, or in accordance with Chapter 17.48, Nonconforming Uses and Structures, of this Title. Unpermitted outdoor storage uses shall vacate the properties by July 1, 2016. Every person violating any provision of this section shall be guilty of a misdemeanor and subject to Title 4 of the Municipal Code.

(Ord. No. 16-133.3, § 4, 7-15-2015)

17.20.040 Development standards.

The following development standards shall apply in the C-S zoning district:

- A. Minimum lot area: Ten thousand square feet;
- B. Minimum lot width: One hundred feet;
- C. Minimum lot depth: One hundred feet;
- D. Minimum lot frontage: One hundred feet;
- E. Maximum building coverage: Forty-five percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, zero feet,
 - 3. Side, zero feet,
 - 4. Interior lot: Where the lot is adjacent to any "R" district, the side yard shall be a minimum of ten feet in width,
 - 5. Corner lot: The exterior side yard of a corner lot shall be a minimum of fifteen feet,
 - 6. Rear yard: There are no rear yard requirements except if abutting an R district; then rear yard shall be a minimum of twenty feet;
- G. No structure shall exceed thirty-five feet in height in the C-S districts. However, if the first floor of the structure is used for parking and is at a natural grade, the thirty-five-foot height limit may be exceeded upon the granting of a use permit by the planning commission, subject to the provisions of Section

17.50.020 of this title. In addition to the findings required in Section 17.50.020, the planning commission also must be able to make the following findings:

1. On a parcel which slopes down from an arterial or collector street, the garage is below the level of the adjacent street(s) or on parcels sloping up from a major street, the garage is below natural grade,
 2. The garage will be buffered from view by earthen mounds three feet in height and landscaping, including shrubs, will be installed. The landscaping plan has been prepared showing the buffer and landscaping;
- H. Where a site adjoins any residential zoning district, a solid wall or a fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by the design review board;
- I. Not less than ten percent of the total site area shall be landscaped and permanently maintained;
- J. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;
- K. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. Such disposal areas shall be screened from public view by masonry or solid wood fencing of at least six feet in height;
- L. All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, garden shops, Christmas tree sales, open-air markets, outdoor theatrical activities and the sale of nursery products;
- M. Hours of Operation. All commercial activity located on the same site as multiple-family dwellings shall be limited to the hours of operation between seven a.m. and nine p.m., Monday through Friday, and between nine a.m. and six p.m. on Saturdays and Sundays;
- N. Outdoor seating at restaurants will be allowed by permit issued by the planning department under the following conditions:
1. A site plan shall be submitted to the planning department for review and approval;
 2. The plan shall be reviewed and approved by the building department, fire district and police department to insure compliance with federal, state and local laws;
 3. All seating shall be confined to a specific area; and
 4. Failure to maintain the seating within the identified area or interference with the free flow of pedestrians shall be sufficient grounds for revocation of the outdoor seating permit.
- O. Outdoor Storage:
1. Location. Outdoor storage uses are prohibited next to housing;
 2. Development standards. To ensure adequate screening of new outdoor storage uses, design review approval by the planning commission shall be required and processed with the required use permit application. Screening of outdoor storage shall meet the following standards:
 - a. Permanent screening from any adjacent public and private rights-of-way and/or adjacent property;
 - b. Solid or semi-solid fence of brick, stone, tile, masonry units, or wood at least eight feet tall. Chain-link fence may not be acceptable;

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- c. Stored materials not to project above the wall or fence, unless approved;
 - d. Public works department review for adequacy of access;
 - e. Gates securely locked when not in use; and,
 - f. Any other requirements deemed appropriate by the community development director.
3. Maintenance: All required screening shall be regularly well-maintained in a good and upright condition and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair. Screening shall remain in place for as long as the use is allowed on the property.

P. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.82 § 9, 1991; Ord. 16.88 § 1, 1994; Ord. No. 16-133.3, § 5, 7-15-2015)

17.20.045 Development standards for mixed use projects.

- A. Density range is fifteen to twenty residential units per acre.
- B. Parking for both the non-residential and the residential units shall be as specified in the zoning ordinance. The planning commission may reduce parking standards in cases where shared parking is feasible and viable.
- ~~C. Each dwelling shall have private, usable outdoor space, i.e. decks, balconies, yards or patios of one hundred square feet per residential unit. The planning commission may determine that the required private outdoor space is not appropriate in a particular building design and allow the required outdoor space to be common open space for all residential units.~~
- D. Truck docks shall not be located within fifty feet of any residential.
- E. Minimum setbacks for residential:
 1. Front from the street: Ten feet; and front from a garage: Twenty feet.
 2. Rear: Fifteen feet.
 3. Side: Ten feet.
 4. Corner from the street, ten feet and corner from a garage, twenty feet.

(Ord. 16.123, § 43, 9-5-2007)

17.20.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the C-S zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

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- D. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.22 C-SC SHOPPING CENTER COMMERCIAL ZONING DISTRICT REGULATIONS

17.22.010 Description and purpose.

The C-SC zoning district is intended to apply to all lands designated in the General Plan as "shopping center commercial." This classification is primarily intended to accommodate retail and service establishments for the development of community shopping centers.

The shopping center commercial district is also intended to achieve the following purposes:

- A. To provide appropriately located areas for retail stores, offices, service establishments, amusement establishments and businesses offering various ranges of commodities and services scaled to meet the needs of different geographical areas and various categories of patrons they serve;
- B. To provide opportunities for retail stores, offices, service establishments, amusement establishments and businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- C. To provide space for community facilities and institutions which appropriately may be located in commercial areas;
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading facilities;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1 (part), 1989)

17.22.020 Permitted uses.

Permitted uses are as follows:

- A. Professional offices;
- B. Retail and personal service establishments;
- C. Emergency shelters (≤25 occupants), subject to compliance with Section 17.44.110; and
- D. Accessory ~~structures and~~ uses located on the same site with a permitted use which are customarily incidental to the permitted use, including but not limited to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title.
- E. A low barrier navigation center that meets the requirements specified in Government Code Section 65662.
- F. Supportive housing that meets the requirements specified in Government Code Section 65651.

G. Accessory dwelling units and junior accessory dwelling units pursuant to chapter 17.57 and 17.58 of this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.87 § 3 (part), 1993; Ord. 16.89 § 3, 1993; Ord. No. 16-138, § 7, 7-15-2015)

17.22.030 Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Automobile sales, including the sale of used cars in conjunction with the sale of new cars;
- B. Churches, synagogues and other places of worship;
- C. Commercial recreation;
- D. Institutional uses;
- E. Day care center;
- F. Radio and/or television broadcasting studios;
- G. Theatres;
- H. Restaurants;
- I. Permitted uses in the C-S district, provided they are compatible with surrounding land uses;
- J. Multiple-family dwellings located either above the ground-level commercial use or at ground level at the rear of a commercial space. Residential uses must occupy less than 50 percent of the total gross square feet on the property except as otherwise allowed in the Housing Element;
- KJ. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
- KK. Emergency shelters (>25 occupants), subject to compliance with Section 17.44.110;
- LL. Firearms retail.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.123, §§ 44, 45, 9-5-2007; Ord. No. 16-138, § 8, 7-15-2015; Ord. No. 16.139, § 4, 12-20-2017)

17.22.040 Development standards.

The following development standards shall apply in the C-SC zoning district:

- A. Minimum lot area: Ten thousand square feet;
- B. Minimum lot width: One hundred feet;
- C. Minimum lot depth: One hundred feet;
- D. Minimum lot frontage: One hundred feet;
- E. Maximum building coverage: Thirty-five percent;
- F. Minimum setbacks:

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1. Front: Twenty feet.
 2. Rear: Zero feet.
 3. Side: Zero feet.
 4. Interior lot: Where the lot is adjacent to any residential district, the side yard shall be a minimum of ten feet in width.
 5. Corner lot: The exterior side of a corner lot shall be a minimum of fifteen feet.
 6. Rear yard: There are no rear yard requirements exempt if abutting a residential district, then rear yard shall be a minimum of twenty feet;
- G. Maximum height: Thirty-five feet;
- H. [Reserved];
- I. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;
- J. All business, services and processes shall be conducted entirely within a completely enclosed structure, except for off-street parking and loading areas, gasoline service stations, garden shops, Christmas tree sales, open-air markets, outdoor theatrical activities and the sale of nursery products;
- K. A minimum of ten percent of the total site area shall be landscaped and permanently maintained; and
- L. Outdoor seating at restaurants will be allowed by permit issued by the planning department under the following conditions:
1. A site plan shall be submitted to the planning department for review and approval;
 2. The plans shall be reviewed and approved by the building department, fire district and police department to insure compliance with federal, state and local laws;
 3. All seating shall be confined to a specific area; and
 4. Failure to maintain the seating within the identified area or interference with the free flow of pedestrians shall be sufficient grounds for revocation of the outdoor seating permit.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.88 § 2, 1994; Ord. 16.123, §§ 46, 47, 9-5-2007)

17.22.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the C-SC zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. These areas shall be screened from public view by masonry or solid wood fencing six feet in height (refer to Figure 17.44.020).
- D. No building shall be located closer than twenty- five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- E. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

(Ord. 16.76 § 1 (part), 1989)

Title 17 - ZONING
Chapter 17.24 C-P PROFESSIONAL COMMERCIAL ZONING DISTRICT REGULATIONS

Chapter 17.24 C-P PROFESSIONAL COMMERCIAL ZONING DISTRICT REGULATIONS

17.24.010 Description and purpose.

The C-P zoning district is intended to apply to all lands designated in the General Plan as "professional-commercial." This land use classification is designed to accommodate administrative, business and professional offices of a nonretail nature. The professional commercial zone district is intended to achieve the following purposes:

- A. To provide appropriately located areas for offices, service establishments, amusement establishments and businesses offering various ranges of services scaled to meet the needs of different geographical areas and various categories of patrons they serve;
- B. To provide opportunities for offices, service establishments, amusement establishments and businesses to concentrate for the convenience of the public and in mutually beneficial relationship to each other;
- C. To provide space for community facilities and institutions which appropriately may be located in commercial areas;
- D. To provide adequate space to meet the needs of modern commercial development, including off-street parking and truck loading facilities;
- E. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- F. To protect commercial properties from noise, odor, dust, dirt, smoke, vibration, heat, glare, heavy truck traffic and other objectionable influences incidental to industrial uses;
- G. To protect commercial properties from fire, explosion, noxious fumes and other hazards.

(Ord. 16.76 § 1 (part), 1989)

17.24.020 Permitted uses.

Permitted uses are as follows:

- A. Medical, dental and therapeutic clinics;
- B. Business and personal service establishments;
- C. Professional, executive, administrative and financial offices;
- D. Accessory uses ~~and structures~~ located on the same site with a permitted use which are customarily incidental to the permitted use, including but not limited to incidental storage facilities and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.87 § 3 (part), 1993)

17.24.030 Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Community facilities and institutions;
- B. Private noncommercial clubs;
- C. Schools and studios;
- D. Libraries;
- E. Churches, synagogues and other places of worship;
- F. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989)

17.24.040 Development standards.

The following development standards shall apply in the C-P zoning district:

- A. Minimum lot area, ten thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Minimum lot frontage, one hundred feet;
- E. Maximum building coverage, thirty-five percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, zero feet,
 - 3. Side, zero feet,
 - 4. Interior lot: Where the lot is adjacent to any "R" district, the side yard shall be a minimum of ten feet in width,
 - 5. Corner lot: The exterior side yard of a corner lot shall be a minimum of fifteen feet,
 - 6. Rear yard: There are no rear yard requirements except if abutting an "R" district, then rear yard shall be a minimum of twenty feet;
- G. Maximum height: Thirty-five feet;
- H. Where a site adjoins any residential zoning district, a solid wall or fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by the design review board;
- I. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained.

J. A minimum of ten percent of the total site area shall be landscaped and permanently maintained.

K. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989)

17.24.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the C-P zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas. Said disposal areas shall be screened from public view by masonry or solid wood fencing six feet in height.
- D. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- E. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.26 I-L LIGHT INDUSTRIAL ZONING DISTRICT REGULATIONS

17.26.010 Description and purpose.

The I-L district is intended to apply to all lands designated in the General Plan as "light industrial." This land use classification is designed to accommodate industrial and industrially related land uses and provide a location for businesses that are inappropriate in commercial or residential zones because of their operations or sizes and because they may create noise, odor, dust or glare and create impacts to traffic, the aquifer or air quality. Uses in this classification shall not encroach upon the character of adjoining land uses and will not expose adjoining uses to hazardous conditions.

The light industrial district is intended to achieve the following purposes:

- A. To reserve appropriately located areas for industrial plants and related activities;
- B. To protect areas appropriate for industrial uses from intrusion by dwellings and other inharmonious uses;
- C. To protect residential and commercial properties and nuisance-free nonhazardous industrial uses from noise, odor, dust, dirt, smoke, vibration, heat, glare and other objectional influences such as fire, explosion, noxious fumes, radiation and other hazards incidental to certain industrial uses;
- D. To provide opportunities for certain types of industrial plants to concentrate in mutually beneficial relationships to each other;
- E. To provide sufficient open space to meet the needs of modern industrial building development, including off-street parking and truck loading areas and landscaping;
- F. To provide sufficient open space around industrial structures to protect them from the hazard of fire and to minimize the impacts of industrial plants on nearby residential districts;
- G. To minimize traffic congestion and to avoid the overloading of utilities by preventing the construction of buildings of excessive size in relation to the amount of land around them;
- H. To regulate the number and concentration of industrial uses that use significant amounts of hazardous materials;
- I. To construct and preserve an attractive industrial zoning district with generous amounts of landscaping and careful consideration towards architecture and appearance from the freeway.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.98 § 2, 1996)

17.26.020 Permitted uses.

The key element to permitted uses is that neither toxic materials are used in manufacturing a product, nor does any process involve a change of phase/state of any material in significant quantities (per Uniform Building Code Chapter 9). Permitted uses are as follows:

- A. Building construction and supply facilities;
- B. Manufacturing, assembling, processing and packaging of components and finished materials where significant amounts of hazardous materials (defined in Chapter 13.12 of this code) are not being used;
- C. Printing, publishing and allied industrial uses, tool and die shops;

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- D. Warehousing of nontoxic materials and distribution depot facilities;
 - E. Machine shops when toxic cleaners are not used;
 - F. Research, development and/or testing of mechanical, electrical and/or chemical equipment which do not involve the use or production of a hazardous material and when parking requirements of the zoning ordinance are met;
 - G. Automobile repairs;
 - H. Communication services, including radio broadcasting stations, television stations and telephone service companies;
 - I. Accessory uses ~~and structures~~ located on the same site with a permitted use, including but not limited to incidental storage facilities, offices, gift shops, food service for employees and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title;
 - J. Any recreational vehicle use in existence in an I-L district on January 1, 1998, may remain as a permitted use in the I-L district until such use terminates, provided that the use shall be limited to the location where it existed on that date and that the use may not be expanded or enlarged, either as to land devoted to that use or exceed 110 spaces (the number of spaces available for that use in January 1998), and further provided, that the use operates in a manner consistent with any federal or state laws regulating permanent residential uses in travel trailers or recreational vehicles, and, further, that the park provide adequate emergency access, as approved by the city, to be installed and in place no later than October 15, 1999. Except as provided herein, no trailer use may exist in an I-L district.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.87 § 3 (part), 1993; Ord. 16.98 § 3, 1996; Ord. 16.110 § 1, 1999; Ord. 16.123, § 48, 9-5-2007)

17.26.030 Conditional uses.

Some industrial businesses use toxic materials and processes which involve a change of phase/state of materials used during processing. Any impact caused by a use requiring a conditional use permit may be examined as well as methods of handling hazardous materials and protection of the aquifer and air quality. The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. All uses in the C-S (service commercial) district;
- B. Public and quasi-public uses of an educational or recreational nature;
- C. Public utility buildings and service yards;
- D. Warehousing of toxic materials;
- E. Manufacturing, assembling, processing and packaging of components and finished materials where significant amounts of hazardous materials are used e.g., production of printed wiring boards, semiconductor processes and wave or reflow soldering, not including such operations as saw and planing mills or any manufacturing uses involving primary production of wood, metal or chemical products from raw materials;
- F. Ministorage buildings;
- G. Offices in conjunction with a permitted or conditional use when parking requirements are not satisfied;

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- H. Laboratories for research and testing of mechanical, electrical, electronic and/or chemical products which involve the use or production of a hazardous material (defined in Chapter 13.12 of the Scotts Valley Municipal Code);
 - I. Manufacture of food products and pharmaceuticals that do not include production of fish or meat products, vinegar, chemicals or the rendering or refining of fats and oils;
 - J. Propane storage facilities and related propane sales which are located to another site that meet the requirements of the Scotts Valley Fire District with a total maximum water storage capacity of seventy thousand gallons for all propane storage facilities in the city limits; provided, however, that only companies in existence and operating within the city limits of the City of Scotts Valley on January 1, 1999, may be located in the I-L district with a conditional use permit, it being the intent of this provision that no new propane storage company shall be allowed in the city limits, and if preexisting companies voluntarily leave, no new companies will be allowed to replace them;
 - K. Other uses the planning commission finds to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
 - L. Automobile body shop.
 - M. Outdoor storage, in accordance with this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.98 § 4, 1996; Ord. 16.103 § 2, 1996; Amended during 6/97 supplement; Amended during 7/97 supplement; Ord. No. 16.111 § 1, 1999; Ord. 16.123, § 49, 9-5-2007; Ord. No. 16-133.3, § 6, 7-15-2015)

17.26.035 Transitional housing.

No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020 and subject to requirements of Section 17.44.170 of this title. The following applies to the C-S (Service Commercial) Zoning District.

(Ord. 16.123, § 50, 9-5-2007; Ord. No. 16-138, § 11, 7-15-2015)

17.26.040 Development standards.

The following development standards shall apply in the I-L zoning district:

- A. Minimum lot area, forty thousand square feet;
- B. Minimum lot width, one hundred feet;
- C. Minimum lot depth, one hundred feet;
- D. Minimum lot frontage, one hundred feet;
- E. Maximum building coverage, fifty percent;
- F. Minimum setbacks:
 - 1. Front, fifteen feet,
 - 2. Rear, zero feet,
 - 3. Side, zero feet;

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- G. Special yard requirements: Minimum setback for all yards abutting residential and open-space districts is fifty feet. One foot shall be added to each setback requirement for each three feet of building height above sixteen feet;
 - H. Maximum height, thirty-five feet;
 - I. Where a site adjoins any residential zoning district, a solid wall or fence, vine-covered fence or compact evergreen hedge six feet in height shall be located on the property line except in a required front yard and permanently maintained. In addition, a minimum of five feet adjoining the residential property line shall be landscaped with plant material and permanently maintained when such landscaping is necessary to insure privacy or to screen views, as determined by a landscape architect;
 - J. Not less than ten feet of a required yard adjoining a street shall be landscaped and permanently maintained;
 - K. A minimum of ten percent of the total site area shall be landscaped and permanently maintained;
 - L. Off-street parking and loading facilities shall be provided as prescribed in Section 17.44.030 of this title. A maximum of two loading spaces shall be permitted on the street side of any building within sixty-five feet of the street right-of-way. There are no restrictions on the number of loading spaces located more than sixty-five feet from the street right-of-way. Loading areas shall be designed so as not to interfere with required parking, access and circulation;
 - M. Trash disposal: Each parcel shall provide adequate and accessible trash disposal areas in compliance with Section 17.44.020;
 - N. Outdoor Storage:
 - 1. Location. Outdoor storage uses are prohibited next to housing;
 - 2. Development standards. To ensure adequate screening of new outdoor storage uses, design review approval by the planning commission shall be required and processed with the required use permit application. Screening of outdoor storage shall meet the following standards:
 - a. Permanent screening from any adjacent public and private rights-of-way and/or adjacent property;
 - b. Solid or semi-solid fence of brick, stone, tile, masonry units, or wood at least eight feet tall. Chain-link fence may not be acceptable;
 - c. Stored materials not to project above the wall or fence, unless approved;
 - d. Public works department review for adequacy of access;
 - e. Gates securely locked when not in use; and,
 - f. Any other requirements deemed appropriate by the community development director.
 - 3. Maintenance: All required screening shall be regularly well-maintained in a good and upright condition and shall be repaired or replaced to the original required state if damaged, destroyed, or in need of repair. Screening shall remain in place for as long as the use is allowed on the property.

O. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.98 § 5, 1996; Ord. 16.77 (part), 1989; Ord. 16.76 § 1 (part), 1989; Ord. No. 16-133.3, § 7, 7-15-2015)

17.26.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the I-L zoning district.
- B. All uses shall be subject to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- D. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.30 P PUBLIC/QUASI-PUBLIC ZONING DISTRICT REGULATIONS

17.30.010 Description and purpose.

The P district is intended to apply to all lands designated in the General Plan as "public/quasi-public." The district is designed to accommodate governmental, public utility, educational, community service, religious or recreational facilities. Such uses are somewhat unique in that their proximity to sensitive land uses is not generally detrimental to the quality of life and in many cases is desirable and convenient. The district is intended to provide space for community facilities needed to complement urban residential areas and for institutions which may complement a residential environment.

(Ord. 16.76 § 1 (part), 1989)

17.30.020 Permitted uses.

Permitted uses are as follows:

- A. All facilities and structures owned by any federal, state, county or city government or agency thereof or by any school district or community college district, special district, including but not limited to a water district or a fire district or any agency thereof, which is used for administrative, office, educational or recreational purposes or for the provision of services to the public;
- B. Emergency services, including but not limited to police and fire stations, Red Cross and immediate medical services;
- C. Emergency shelters (≤25 occupants), subject to compliance with Section 17.44.110;
- D. Single-family dwellings; and
- E. Accessory uses ~~and structures~~ located on the same site with a permitted use which are customarily incidental to the permitted use, including but not limited to incidental storage facilities and signs which pertain only to a permitted use on the premises and which are in accordance with the standards of Chapter 17.56 of this title.
- ~~F. Accessory dwelling units and junior accessory dwelling units pursuant to Chapter 17.57 and 17.58 of this Title.~~

(Ord. 16.76 § 1 (part), 1989; Ord. 16.87 § 3 (part), 1993; Ord. 16.89 § 4, 1993; Ord. No. 16-138, § 9, 7-15-2015)

17.30.030 Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Art, dance, gymnastic, exercise or music studios or classes;
- B. Business or trade schools;
- C. Churches, synagogues and similar houses of worship;
- D. Community centers;

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- E. Day care centers;
 - F. Facilities of all public utilities and corporations or other organizations whose activities are under the jurisdiction of the Federal Communications Commission, the Interstate Commerce Commission or the California Public Utilities Commission;
 - G. Outdoor recreational facilities, including parks, playgrounds, golf courses, public swimming pools and tennis courts;
 - H. Residential care facilities;
 - I. Cultural facilities, including but not limited to theaters, museums and centers for the arts;
 - J. Hospitals;
 - K. Private schools, colleges and universities and their related facilities, including faculty and student housing;
 - L. Other uses the planning commission determines to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title;
 - M. Emergency shelters (>25 occupants), subject to compliance with Section 17.44.110.

(Ord. 16.76 § 1 (part), 1989; Ord. No. 16-138, § 10, 7-15-2015)

17.30.040 Development standards.

The following development standards shall apply in the P zoning district:

- A. Minimum lot area, ten thousand square feet;
- B. Minimum lot width, sixty feet;
- C. Minimum lot depth, one hundred feet;
- D. Minimum lot frontage, one hundred feet;
- E. Maximum building coverage, thirty percent;
- F. Minimum setbacks:
 - 1. Front, twenty feet,
 - 2. Rear, ten feet,
 - 3. Side, ten feet;
- G. Special yard requirements: Minimum setback for all yards abutting residential and/or open-space districts is fifty feet;
- H. Maximum height, thirty-five feet.
- I. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989)

17.30.050 Other required conditions.

- A. Architectural and site plan review by the design review board shall be required for all structures, alterations to structures and signage in the P zoning district.
- B. All uses shall conform to the performance standards specified in the applicable provisions of Section 17.44.020 of this title.
- C. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- D. All roofs shall be architecturally designed to provide an appearance which is compatible with the exterior walls of the building. The design review board shall review and approve the roofscape.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.32 OS OPEN-SPACE ZONING DISTRICT REGULATIONS

17.32.010 Description and purpose.

The OS district is intended to apply to all lands designated in the General Plan as "open space." This land use classification is designed to preserve and enhance the use of open-space lands as a limited and valuable resource. It is further intended to permit limited but reasonable use of open-space land while protecting the public health, safety and welfare; to insure the continued availability of land in agricultural production; to preserve the topography of the city that shapes it and gives it identity; and to implement the city's open space element of the General Plan.

(Ord. 16.76 § 1 (part), 1989)

17.32.020 Permitted uses.

Permitted uses are as follows:

- A. Fish and wildlife management activities or facilities;
- B. Flood-control channels and drainage facilities;
- C. Public and private recreation areas, parks, playgrounds, wildlife preserves and timber preserves;
- D. Watershed management activities or facilities, including but not limited to aquifer recharge areas, stream restoration projects and related activities;
- E. Accessory uses ~~and structures~~ located on the same site with a permitted use which are customarily incidental to the permitted use, including but not limited to incidental storage facilities and signs which pertain only to a permitted use on the premises and which are in accordance with the provisions of Chapter 17.56 of this title.

F. ~~Accessory dwelling units pursuant to Chapter 17.57 of this Title.~~

(Ord. 16.76 § 1 (part), 1989; Ord. 1687 § 3 (part), 1993)

17.32.030 Conditional uses.

The following conditional uses may be permitted upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Commercial and private stables and riding academies;
- B. Crop and tree farming and grazing of horses, cattle, sheep and goats;
- C. Golf courses, driving ranges and other similar commercial recreational facilities, but not including drive-in movie theaters or any facility where the ~~principal-primary~~ use is enclosed in a building;
- D. General outdoor recreational uses, including but not limited to tennis and basketball courts; soccer, softball and baseball fields; campgrounds; picnicking grounds; and recreational trails;
- E. Kennels, aviaries and other wholesale animal-raising facilities;

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- F. One or more single-family dwellings ~~, with accessory structures,~~ at a density not to exceed one dwelling unit per ten acres; if more than two dwellings are involved, the development proposal must be clustered and in conformance with an approved planned unit development;
 - G. The growing and harvesting of Christmas trees;
 - H. The growing and harvesting of timber and other forest products (not including Christmas trees), in conformance with the development standards of this section and Chapter 17.34 of this title;
 - I. Other uses which the planning commission determines to be of a similar nature to those listed above, subject to the requirements of Section 17.50.020 of this title.

(Ord. 16.76 § 1 (part), 1989)

17.32.040 Development standards.

- A. Architectural and site plan review and approval of the design review board shall be required for all structures, alterations to structures and signage in the OS zoning district.
- B. Any proposed timber harvesting shall require a timber management plan prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time. The timber management plan shall be subject to approval as submitted or as amended by the city. Prior to commencement of the use, the parcel owner and his successors in interest shall be bound to carry out the approved timber management plan. Said management plan shall be approved by the city council, after report and recommendation of the planning commission, pursuant to Section 51110.2 of the Public Resources Code of California.
- C. Any parcel proposed for timber harvesting shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the city council to meet such stocking standards and forest practice rules by the fifth year following the signing of such agreement. If the parcel is subsequently allowed to have a timber harvesting use, failure to meet such stocking standards and Forest Practice Rules within this time period provides the city council with grounds for revoking any use permit issued.
- D. The land area proposed for timber harvesting shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code and shall be comprised of a single parcel or contiguous parcels consisting of at least five acres in area.
- E. Parcels with use permits for timber harvesting may not be divided into parcels containing less than one hundred sixty acres unless the owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester and such owners enter into a binding contract with the city, approved by the city council, to manage and harvest timber on the timberland jointly. Such owners shall be bound by the provisions of such management plan for a minimum period of twenty years. Any such divisions shall require approval by a four-fifths vote of the city council.
- F. Any land division pursuant to Subsection E of this section shall not create parcels smaller than forty acres, except pursuant to an approved planned unit development.
- G. No building shall be located closer than twenty-five feet from the top of the bank of a perennial or intermittent stream, as shown in Section 17.04.230 of this title. All proposed structures shall be constructed above the one-hundred-year floodplain.
- H. All uses shall be subject to the performance standards specified in applicable provisions of Section 17.44.020 of this title.

I. Accessory Structures. See Section 17.46.130 (Accessory Structures).

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.34 TP TIMBERLAND PRODUCTION ZONING DISTRICT REGULATIONS

17.34.010 Description and purpose.

The TP district is intended to apply to all lands designated in the General Plan as "timberland preserve." The creation of the timberland production zone (TPZ) is necessary to protect and maintain the timberland of the city through regulation of timberland use. Establishment of this zoning district is consistent with the requirements of the Forest Taxation Reform Act of 1976. It is designed to protect the health, safety and welfare of the people of the city. The TP zoning district is a combining district intended to be attached to an open space (OS) base district when the requirements of this chapter are satisfied.

(Ord. 16.76 § 1 (part), 1989)

17.34.020 Definitions.

- A. "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately owned land. This term includes Christmas trees but does not include nursery stock.
- B. "Timberland" means privately owned land or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen cubic feet per acre.
- C. "Timber management plan" means a written plan for development and utilization of timber resources and compatible uses which assures the continued viability of the timberland and which includes reasonable rotation and cutting cycle data.

(Ord. 16.76 § 1 (part), 1989)

17.34.030 Permitted uses.

The following uses are permitted in the TP zoning district:

- A. Fish and wildlife habitat;
- B. Grazing and other agricultural uses on that portion of the land not under timber production;
- C. The growing and harvesting of timber and other forest products, including Christmas trees, in conformance with the provisions of this chapter;
- D. One single-family dwelling, ~~with accessory structures and utilities,~~ on a separate legal parcel with a minimum area of forty acres;
- E. Watershed management.
- F. Accessory dwelling units pursuant to Chapter 17.57 of this Title.

(Ord. 16.76 § 1 (part), 1989)

17.34.040 Conditional uses.

The following conditional uses may be permitted in the TP zoning district upon the granting of a use permit in accordance with the provisions of Section 17.50.020 of this title:

- A. Conversion to agricultural uses not exceeding ten percent of the total of the timber area on the parcel;
- B. Erection, construction, alteration and maintenance of gas, electric, water or communications facilities;
- C. Outdoor recreational, educational or religious or sectarian activities;
- D. One or more single-family dwellings ~~, with accessory structures,~~ at a density not to exceed one dwelling unit per ten acres; if more than two dwellings are involved, the development proposal must be clustered and in conformance with an approved planned unit development (PUD) permit.

(Ord. 16.76 § 1 (part), 1989)

17.34.050 Required special findings for conditional uses.

The following special findings shall be made in addition to the findings required for all use permits, pursuant to the provisions of Section 17.50.020 of this title:

- A. That the proposed conditional use would be consistent with the purposes of the Forest Taxation Reform Act of 1976 and the purposes of this chapter; and
- B. That the proposed conditional use is supported by a timber management plan submitted as a part of the application for such proposed conditional use, which timber management plan has been approved by the city council and which approved plan and compliance therewith are made a condition of any use permit granted.

(Ord. 16.76 § 1 (part), 1989)

17.34.060 Zoning procedures.

An owner of land may make application to zone his or her land as timberland production. The city council by ordinance, following the recommendation of the planning commission, pursuant to Section 51110.2 of the Public Resources Code and after public hearings, may zone as timberland production all parcels submitted to it by petition pursuant to this chapter.

- A. A map shall be submitted with the legal description (or reference to a document recorded in the official records of the Santa Cruz County recorder's office containing the legal description) of the parcel desired to be zoned timberland production.
- B. A timber management plan shall have been prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time. The timber management plan shall be approved as submitted or as amended by the city council. Prior to rezoning of the parcel to the TP zone, the parcel owner shall bind himself or herself and his or her successors in interest to carry out the approved timber management plan.
- C. The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the district in which the parcel is located or the owner must sign an agreement with the city, approved by the city council, to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland production (TP), failure to meet

such stocking standards and Forest Practice Rules within this time period provides the city council with grounds for rezoning the parcel(s).

- D. The parcel(s) shall be timberland.
- E. The parcel(s) shall be in compliance with the provisions of this chapter.
- F. The parcel concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code and shall be comprised of single or contiguous parcels consisting of at least five acres in area.

(Ord. 16.76 § 1 (part), 1989)

17.34.070 Rezoning to an alternative zoning district.

Rezoning of the land from timberland production zone (TP) to another zoning district shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to any other applicable rezoning requirements.

(Ord. 16.76 § 1 (part), 1989)

17.34.080 Land divisions of TPZ parcels.

- A. Parcels zoned as timberland production under this chapter may not be divided into parcels containing less than one hundred sixty acres unless the owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester and such owners enter into a binding contract with the city, approved by the city council, to manage and harvest timber on the timberland jointly and are bound by the provisions of such management plan for a minimum period of twenty years. Any such divisions shall require approval by a four-fifths vote of the city council.
- B. Any land division pursuant to Subsection A of this section shall not create parcels smaller than forty acres, except pursuant to an approved planned unit development that conforms to the density standards and special findings prescribed in Chapter 17.38 of this title.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.41 HOUSING ELEMENT OPPORTUNITY SITE COMBINING DISTRICT

17.40.010 Purpose

The purpose of the housing element opportunity site (HE) combining district is to facilitate affordable housing production on opportunity sites identified in the General Plan Housing Element.

17.40.020 Applicability.

The HE combining district applies to the following parcels:

- A. Non-vacant sites listed in General Plan Housing Element Table F-10: Scotts Valley 6th Cycle Candidate Sites that were Identified in 5th cycle housing elements.
- B. Vacant sites listed in General Plan Housing Element Table F-10: Scotts Valley 6th Cycle Candidate Sites that were Identified in the 4th and 5th cycle housing elements.
- C. Residential and Mixed Use Rezone sites as listed in General Plan Housing Element Table F-10 and shown in Figure F-1.

17.40.030 Permitting Process

The following permitting requirements apply to a proposed multiple family residential development project with 20 percent or more of units affordable to lower-income households:

- A. The proposed project shall be reviewed by the City through a by-right approval process. As used in this section, by-right approval means that project conformance with objective standards is the sole basis to approve or deny the application. The review authority may not consider project conformance with subjective policies or requirements when acting on the application.
- B. The proposed project requires ministerial design review as provided in Section 17.50.045 (Ministerial Design Review).
- C. A project that requires a subdivision map must comply with City subdivision requirements and the California Subdivision Map Act (Government Code Sections 66410 – 66499.40).

17.40.040 Density

- A. For a project that creates one or more new dwelling units on a development site, the minimum density is 20 dwelling units per acre.
- B. The City shall allow at least 16 dwelling units on each development site in the HE combining district, regardless of lot size.

17.40.050 Replacement Units for Non-Vacant Sites

A development project that eliminates existing units affordable to lower income households must replace these units with new affordable units as required in paragraph (3) of subdivision (c) of Government Code Section 65915.

17.40.060 Sunset

This section shall remain in effect only until December 15, 2031, and as of that date is repealed.

~~Chapter 17.41 SECONDARY DWELLING UNITS AND GUESTHOUSES~~

~~[Article I. General Provisions]~~

~~17.41.010 Statement of findings.~~

~~The city recognizes that some of its existing housing resources could provide a cost-effective solution for current housing needs by allowing secondary dwelling units as defined elsewhere in this title. However, there are environmental and service constraints the city faces, which limit the addition of second dwelling units. In particular, such units may not be appropriate on hillside lots because of environmental constraints. The addition of a second dwelling unit is limited by urban service capacity, public safety standards, traffic conditions, fire hazards, privacy impacts and compatibility with neighboring uses and structures. This chapter addresses these limitations.~~

~~(Ord. 16.109 § 5 (part), 1999)~~

~~17.41.020 Building permit required.~~

~~A secondary dwelling unit may be created or occupied only if the unit meets all of the restrictions and standards set out in Section 17.41.030 of this title.~~

~~(Ord. 16.109 § 5(part), 1999; Ord. 16.115, § 12, 6-4-2003)~~

~~17.41.030 Restrictions and standards.~~

~~The plans for secondary dwelling units shall comply with all of the following standards before a building permit may be granted:~~

- ~~A. The lot upon which the secondary dwelling unit will be created shall be located in a residential zoning district (R) and must be a minimum of ten thousand square feet in size, excluding all rights-of-way;~~
- ~~B. The building site upon which the secondary dwelling unit will be constructed shall not have an average slope in excess of twenty percent;~~
- ~~C. The size of the secondary dwelling unit shall be no larger than eight hundred square feet of habitable living space (excluding garages, decks and porches);~~
- ~~D. Secondary dwelling units shall comply with applicable building, health and fire codes;~~
- ~~E. Secondary dwelling units shall comply with all applicable zoning regulations (including, but not limited to required setbacks and height limits);~~
- ~~F. A minimum of one off-street parking space shall be provided for each bedroom shown on the plans for the secondary dwelling unit in addition to the off-street parking spaces required for the main dwelling. Such parking space(s) shall be located in close proximity to the secondary dwelling unit so as to provide convenient access for the tenant;~~
- ~~G. Secondary dwelling units shall conform to all requirements of the Uniform Building Code, Fire District Codes, and Santa Cruz County Environmental Health Services Department. Secondary dwelling units may be served by an existing or new septic system when the subject property is located more than 200 feet from an existing sewer main; all other secondary dwelling units shall be served by sanitary sewer.~~

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- H. ~~Secondary dwelling unit shall be served by the same driveway access to the street as the existing main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- I. ~~Secondary dwelling units shall be attached to or detached from the main dwelling. If the secondary dwelling unit is attached to the main dwelling, each shall be served by separate outside entrances. The interior wall(s) of an attached unit which separate it from the main unit shall not be connected by a doorway or opening to the main dwelling;~~
- J. ~~Secondary dwelling units shall be located to the side or at the rear of the main dwelling, if possible, and must be clearly secondary and incidental to the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- K. ~~No more than one secondary dwelling unit or guesthouse shall be allowed on any lot located in a R-1 Single-family Residential Zoning District, R-R-2.5 Residential Rural Zoning District, and R-MT-5 Residential Mountain Zoning District.~~
- L. ~~The roof forms and pitches of secondary dwelling units shall be architecturally compatible with those of the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- M. ~~The exterior building materials and colors of secondary dwelling units shall be architecturally compatible those of the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- N. ~~The partial or complete conversion of an existing one- or two-story detached accessory structure with existing three (3) or six (6) feet reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) into a secondary dwelling unit is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than three (3) but less than the required yard setbacks for the main dwelling, into a secondary dwelling unit, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.~~
- O. ~~The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be 18 feet.~~
- P. ~~Vehicles of any kind, with or without wheels, and trailers are prohibited as secondary dwelling units.~~
- Q. ~~Secondary dwelling units shall conform to all requirements of the Uniform Building Code, Fire District Codes, and Santa Cruz County Environmental Health Services Department. Secondary dwelling units may be served by an existing or new well when the subject property is located more than 200 feet from an existing water main; all other secondary dwelling units shall be served by municipal water.~~
- (Ord. 16.109 § 5(part), 1999; Ord. 16.113 § 7, 2002; Ord. 16.115, § 13, 6-4-2003; Ord. No. 16.120, § 2, 9-21-2005)

17.41.040 Inspection.

- A. ~~During review of the submittal of a building permit application for a secondary dwelling unit, an inspection of the property shall be conducted to determine that the proposed secondary unit will comply with all applicable building, health, fire and zoning codes. Such inspection(s) shall be performed by the city or by an independent contractor retained by the city for such purpose and the cost thereof shall be paid by the applicant.~~

B. ~~The inspections to be conducted pursuant to this section shall not constitute an assumption by the city, or by anyone acting in its behalf, of any liability with respect to the physical condition of the property.~~

~~(Ord. 16.109 § 5(part), 1999; Ord. 16.115, § 14, 6-4-2003)~~

~~17.41.050 Reserved.~~

Editor's note(s) ~~—Ord. No. 16.115, § 18, adopted June 4, 2003, repealed § 17.41.050 in its entirety. Formerly, said section pertained to findings required for issuance of use permit as enacted by Ord. 16.109 § 5 (part), 1999.~~

~~17.41.060 Reserved.~~

Editor's note(s) ~~—Ord. No. 16.115, § 19, adopted June 4, 2003, repealed § 17.41.060 in its entirety. Formerly, said section pertained to conditional use permit for second dwelling unit as enacted by Ord. 16.109 § 5 (part), 1999.~~

~~17.41.070 Legalization of existing secondary dwelling units.~~

A. ~~The owner of any lot containing a secondary dwelling unit shall either discontinue such use or apply for a building permit pursuant to this title. If such application is filed, the normal building permit plancheck deposit fee shall be charged. An application shall be deemed "filed" when the same is submitted to the community development director and accepted by the community development director as being complete and all required fees have been paid.~~

B. ~~Whenever in this section, the legalization of an existing secondary dwelling unit or the occupancy thereof depends upon the establishment of any event occurring on or before a specified date, the burden of proof justifying the legalization and impact fees charged shall be upon the applicant.~~

~~(Ord. 16.109 § 5(part), 1999; Ord. 16.115, § 15, 6-4-2003)~~

~~17.41.080 Illegal secondary dwelling unit.~~

~~The establishment or continuance of a secondary dwelling unit without a building permit or contrary to the provisions of this article is declared to be unlawful and shall constitute a misdemeanor and a public nuisance.~~

~~(Ord. 16.109 § 5(part), 1999; Ord. 16.115, § 16, 6-4-2003)~~

~~17.41.090 State law applicable.~~

~~The provisions of this article shall be subordinate to and superseded by the controlling provisions(s) of any applicable state law or laws.~~

~~(Ord. 16.109 § 5(part), 1999)~~

Article II. Guesthouses

~~17.41.100 Guesthouses.~~

~~Guesthouses, whenever permitted in the zoning district, shall be subject to the regulations of this article.~~

17.41.110 Restrictions and standards.

Guesthouses shall comply with all of the following standards:

- A. ~~For purposes of this section, the building site upon which a guesthouse is to be constructed shall not have an average slope in excess of twenty percent (20%).~~
- B. ~~The guesthouse shall not exceed six hundred square feet.~~
- C. ~~The guesthouse is subject to all applicable building, health and fire codes.~~
- D. ~~The guesthouse shall comply with all applicable zoning regulations (including, but not limited to, lot coverage, required setbacks and height limits).~~
- E. ~~Guesthouses shall conform to all requirements of the Uniform Building Code, Fire District Codes, and Santa Cruz County Environmental Health Services Department. Guesthouses may be served by an existing or new septic system when the subject property is located more than 200 feet from an existing sewer main; all other guesthouses shall be served by sanitary sewer.~~
- F. ~~The guesthouse shall be served by the same driveway access to the street as the existing main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- G. ~~The guesthouse may be attached to or detached from the main dwelling. If the guesthouse is attached to the main dwelling, each residential unit shall be served by separate outside entrances. The interior wall(s) of an attached unit which separate it from the main unit shall have no connecting doorway or opening to the main dwelling.~~
- H. ~~The guesthouse should be located on the side or at the rear of the main dwelling, if possible, and must be clearly secondary and incidental to the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- I. ~~No more than one guesthouse or one secondary dwelling unit shall be allowed on any parcel.~~
- J. ~~The guesthouse shall be compatible with the exterior appearance and character of the existing neighborhood, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- K. ~~The guesthouse shall be compatible with the existing main dwelling in terms of architectural style, bulk, height, materials, colors and landscaping. The roof forms and pitches and exterior building materials and colors of guesthouses shall be architecturally compatible with the main dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.~~
- L. ~~The partial or complete conversion of an existing one or two-story detached accessory structure with existing three (3) or six (6) feet reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) into a guesthouse is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than three (3) but less than the required setbacks for the main dwelling, into a guesthouse, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.~~
- M. ~~The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be 18 feet.~~

~~N. — Vehicles of any kind, with or without wheels, and trailers are prohibited as guesthouses.~~

~~O. — Guest houses shall conform to all requirements of the Uniform Building Code, Fire District Codes, and Santa Cruz County Environmental Health Services Department. Guesthouses may be served by an existing or new well when the subject property is located more than 200 feet from an existing water main; all other guest houses shall be served by municipal water.~~

~~(Ord. 16.109 § 5(part), 1999; Ord. 16.115, § 17, 6-4-2003; Ord. No. 16.120, § 3, 9-21-2005)~~

~~17.41.120 Recordation of agreement prohibiting a secondary dwelling unit.~~

~~An agreement between the City of Scotts Valley and the owner of the property shall be required and shall be recorded as a covenant running with the land in the office of the county recorder prohibiting the use of the guesthouse as a second dwelling unit.~~

~~(Ord. 16.109 § 5(part), 1999)~~

Chapter 17.43 TIMBERLAND PRESERVE ZONE DISTRICT

17.43.010 Intent and purpose.

The creation of the timberland preserve zone (TPZ) district is necessary to protect and maintain the timberland of the city through regulation of timberland use. To establish a zone district consistent with the mandates of the Forest Taxation Reform Act of 1976 and to protect the health, safety and welfare of the people of the city.

(Ord. 99 § 1 (part), 1980)

17.43.020 Definitions.

The terms used in this chapter shall be defined consistent with the Forest Taxation Act of 1976.

- A. "Other forest products" means logs, poles, posts, pilings, split products, chips, fuelwood and other solid products.
- B. "Timber" means trees of any species maintained for eventual harvest for forest products purposes, whether planted or of natural growth, standing or down, on privately owned land, including Christmas trees, but does not mean nursery stock.
- C. "Timberland" means privately owned land, or land acquired for state forest purposes, which is devoted to and used for growing and harvesting timber, or for growing and harvesting timber and compatible uses, and which is capable of growing an average annual volume of wood fiber of at least fifteen cubic feet per acre.
- D. "Timber management plan" means a written plan for development and utilization of timber resources and compatible uses which assures the continued viability of the timberland, and which includes reasonable rotation and cutting cycle data.

(Ord. 99 § 1 (part), 1980)

17.43.030 Permitted uses.

The following uses are permitted in a timberland preserve zone (TPZ):

- A. The growing and harvesting of timber and other forest products, including Christmas trees, in conformance with the provisions of this chapter;
- B. Watershed management;
- C. Fish and wildlife habitat;
- D. Grazing and other agricultural uses on that portion of the land not under timber production;
- E. One single-family dwelling, with ~~accessory structures and utilities,~~ on a separate legal parcel with a minimum of forty acres.

(Ord. 99 § 1 (part), 1980)

17.43.040 Conditional uses.

The following conditional uses may be permitted in a TPZ upon the granting of the appropriate use permit.

- A. Erection, construction, alteration and maintenance of gas, electric, water or communications facilities;
- B. Outdoor recreation, educational or religious activities, in conformance with the provisions of Chapter 17.30 (REC recreation districts) of this title;
- C. Conversion to agricultural uses not exceeding ten percent of the total of the timber area on the parcel;
- D. One or more single-family dwellings, ~~with accessory structures~~, at a density in conformance with the General Plan but not to exceed one dwelling unit per ten acres; if more than two new dwellings are involved, the development proposal must be clustered and in conformance with an approved P.U.D.

(Ord. 99 § 1 (part), 1980)

17.43.050 Required special findings for conditional uses.

The following special findings shall be made in addition to the findings required by Section 17.43.040 of this chapter:

That the proposed conditional uses would be consistent with the purposes of the Forest Taxation Reform Act of 1976, the purposes of this chapter, and that the proposed conditional use is supported by a timber management plan submitted as a part of the application for such proposed conditional use, and which timber management has been approved as submitted, or as amended by the city, as a condition upon any use permit granted.

(Ord. 99 § 1 (part), 1980)

17.43.060 Zoning procedures.

An owner may make application to zone his or her land as timberland preserve. The city council by ordinance, after the advice of the planning commission pursuant to Section 51110.2, Public Resources Code, and after public hearings, shall zone as timberland preserve all parcels submitted to it by petition pursuant to subsection B of Section 17.43.080.

- A. A map shall be submitted with the legal description or assessor's parcel number of the property desired to be zoned.
- B. A timber management plan for the property shall be submitted, which timber management plan shall have been prepared or approved as to content by a registered professional forester. Such plan shall provide for the eventual harvest of timber within a reasonable period of time. The timber management plan shall be approved as submitted, or as amended by the city, and prior to rezoning of the property to TPZ the property owner shall bind himself and his successors in interest to carry out the approved timber management plan.
- C. The parcel shall currently meet the timber stocking standards as set forth in Section 4561 of the Public Resources Code and the Forest Practice Rules adopted by the State Board of Forestry for the district in which the parcel is located, or the owner must sign an agreement with the city council to meet such stocking standards and forest practice rules by the fifth anniversary of the signing of such agreement. If the parcel is subsequently zoned as timberland preserve, failure to meet such stocking standards and forest practice rules within this time period provides the city council with grounds for rezoning the parcel.

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- D. The parcel shall be timberland.
 - E. The parcel shall be in compliance with the timberland preserve zone uses set forth in Section 17.43.030.
 - F. The land area concerned shall be in the ownership of one person, as defined in Section 38106 of the Revenue and Taxation Code, and shall be comprised of single or continuous parcels consisting of at least five acres in area.

(Ord. 99 § 1 (part), 1980)

17.43.070 Rezoning from timberland preserve to an alternative zone district.

Rezoning of the land from timberland preserve (TPZ) to another zoning district shall be in conformance with the requirements of the Forest Taxation Reform Act of 1976, in addition to any other applicable rezoning requirements.

(Ord. 99 § 1 (part), 1980)

17.43.080 Land divisions of TPZ parcels.

- A. Parcels zoned as timberland preserve under this chapter may not be divided into parcels containing less than one hundred sixty acres unless the owners of resulting parcels submit a joint timber management plan prepared or approved as to content by a registered professional forester and such owners enter into a binding contract with the city council to manage and harvest timber on the timberland jointly, and are bound by the provisions of such management plan for a minimum period of twenty years. Any such divisions shall require approval by a four-fifths vote of the city council; and
- B. Any land division pursuant to subsection A of this section shall not create parcels smaller than forty acres, except pursuant to an approved planned unit development that conforms to the conditional densities and special findings required by Chapter 17.54.

(Ord. 99 § 1 (part), 1980)

Chapter 17.44 GENERAL AND SPECIAL PROVISIONS

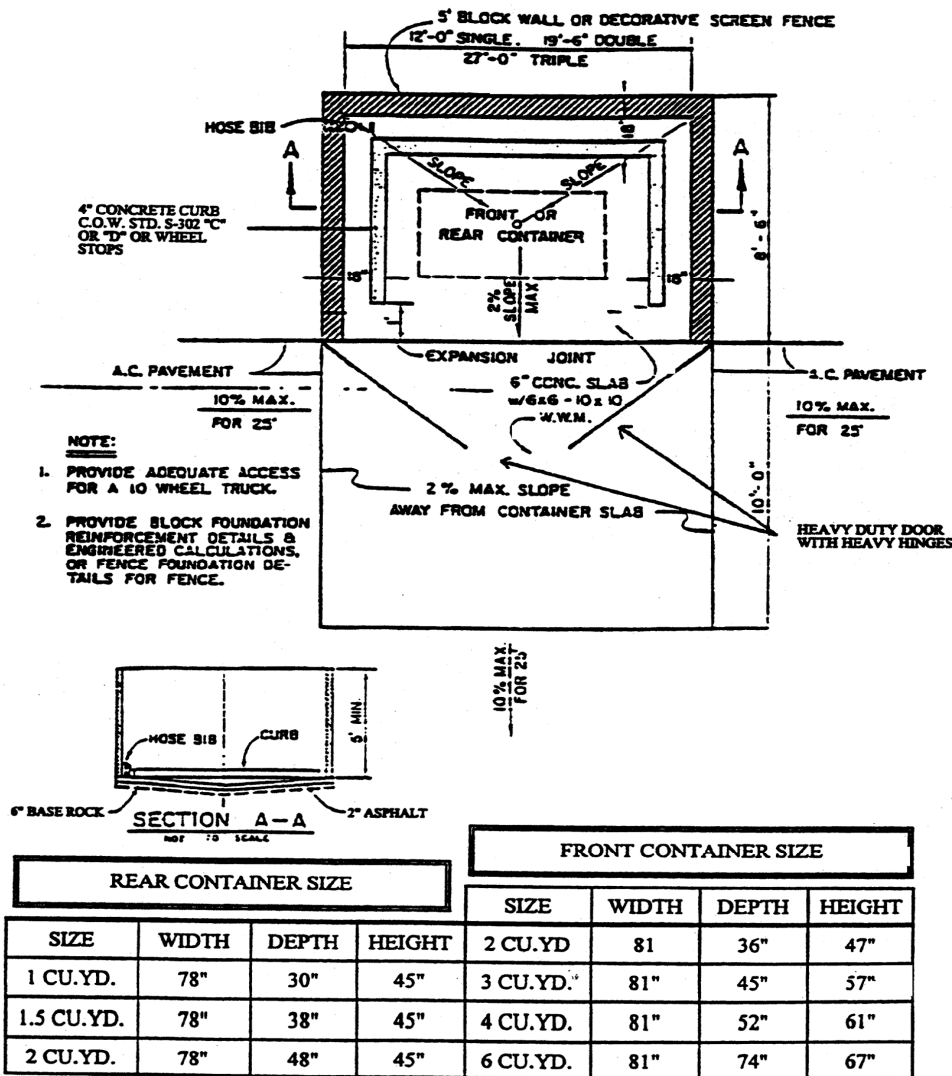
17.44.020 Commercial and industrial performance standards.

- A. **Specific Purposes.** The performance standards established in this section apply in all commercial and industrial zones. These standards are intended to assure that all commercial and industrial operations carried out in the city are conducted in such a manner so as to avoid any nuisance, hazard or commonly recognized offensive condition or characteristic adverse to the public health, safety and general welfare.
- B. **Prohibition of Dangerous or Objectionable Elements.** No land or building shall be used or occupied in any manner so as to create any dangerous, injurious, noxious or otherwise objectionable explosive or other hazard. Nor shall any use create noise or vibration, smoke, dust, odor or other form of air pollution; heat, cold or dampness; electrical or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition or element in such a manner or in such amount as to unreasonably adversely affect the surrounding area or adjoining premises.
- C. **Performance Standards.** The following performance standards shall apply to all uses of property in the commercial and industrial zoning districts specified in Chapters 17.20, 17.22, 17.24, 17.26 and 17.28 of this title.
 - 1. **Fire and Explosive Hazards.** All activities involving storage of flammable or explosive materials shall comply with applicable Uniform Fire Codes and Chapter 13.12 of this code.
 - 2. **Radioactive or Electrical Disturbance.** No activities shall be permitted which utilize fissionable or radioactive materials. Activities shall not be permitted which emit electrical disturbance affecting the operation of any equipment other than that of the creator of such disturbance.
 - 3. **Noise.** At the lot line of all uses specified in Chapters 17.20, 17.22, 17.24, 17.26 and 17.28 of this title, the maximum sound generated by any user shall not exceed seventy-five dbA when adjacent users are industrial or wholesale users. When adjacent to offices or retail, the sound level shall be limited to seventy dbA. When users are adjacent or contiguous to residential, park or institutional uses, the maximum sound level shall not exceed sixty dbA. Excluded from these standards are occasional noises which are specifically exempted under Section 5.17.030.
 - 4. **Vibration.** No vibration shall be permitted which is discernible without instruments at the lot line of the establishment or use.
 - 5. **Smoke.** No emission shall be permitted at any point, from any chimney or otherwise, of visible grey smoke of a shade equal to or darker than No. 2 on the Power's Micro Ringelmann Chart, published by McGraw-Hill, Inc.
 - 6. **Odors, Flying Ash, Dust, Fumes, Vapors, Gases and Other Forms of Air Pollution.** All uses shall conform with applicable standards established by the Association of Monterey Bay Area Governments (AMBAG), adopted herein by reference.
 - 7. **Glare.** No direct or sky-reflected glare, whether from floodlights or from high-temperature processes such as combustion or welding or otherwise, shall emanate from any establishment or use so as to be visible at a distance of five hundred feet from said establishment or use.
 - 8. **Liquid or Solid Wastes.** All liquid and solid waste discharge shall be in compliance with Chapter 13.04 of this code.

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9. Traffic. No use shall generate vehicular traffic which would cause an adjacent arterial or collector road to exceed a traffic-carrying capacity of Level of Service C without providing appropriate mitigation measures in the form of roadway improvements, traffic-control devices, restrictions on hours of operation or staggered work hours. Traffic-generating potential shall be determined by use of Caltrans trip-generation studies or other information acceptable to the director of public works. In the event an adjacent arterial or collector is already below Level of Service C, appropriate mitigations shall offset any significant impact on the traffic-carrying capacity of the road.
 10. Trash Collection and Other Service Areas. Trash containers and service loading docks should be conveniently located and sized but must not interfere with other circulation or parking on the site. Trash containers should be located away from public streets and store entrances and should be completely screened with materials similar to or compatible with buildings located on the same site, or as otherwise provided in the district regulations. If required as part of a discretionary permit process, all outdoor refuse collection areas shall be enclosed per city-approved standard details as illustrated in Figure 17.44.020 unless an enclosure is in use on June 1, 1996, which meets the approval of the disposal company servicing the business, does not violate health and safety, and has been previously approved by the city.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.96 § 1, 1996; Ord. 174, § 3(part), 2-4-2004)

Figure 17.44.020 Standard Trash Enclosure*



*Existing Enclosures must be used and maintained in a clean and safe condition.

17.44.030 Off-street parking and loading requirements.

- A. Purposes. These parking and loading requirements are intended to prevent traffic congestion and traffic hazards in the city and to add to the safety and convenience of its citizens by incorporating adequate, attractively designed and functional facilities for off-street parking as an integral part of every land use in the city. Off-street parking and loading facilities are required to be provided incidental to new land uses and major alterations and enlargements of existing land uses. The number of parking spaces and the number of loading areas prescribed in this section or to be prescribed by the planning commission shall be in proportion to the need for such facilities created by the particular type of land use. Off-street parking and loading areas are to be designed in a manner which will ensure their usefulness, protect the public safety and, where appropriate, insulate surrounding land uses from their impact.

B. Definitions:

1. "Driveway" means a roadway or access way connecting a public or private street with the required parking space(s), dwelling or other structure of an individual parcel.
2. Garage, Private. "Private garage" means an accessory structure or a portion of a ~~main~~-primary structure designed for the storage of motor vehicles, boats or trailers, having permanent roof and designed to be enclosed on all sides. The minimum size of a private garage shall be twenty-two feet by twenty-two for two cars and twenty-two feet by twelve feet for one car.
3. Garage, Public. "Public garage" means a structure or portion thereof, other than a private garage, used for the storage, sale, care, repair or refinishing of motor vehicles or trailers.
4. "Off-street loading facilities" means a site or a portion of a site devoted to loading or unloading motor vehicles, trucks or tractor-trailers, including loading berths, aisles, access drives and landscaped areas.
5. "Off-street parking facilities" means a site or portion of a site devoted to the off-street parking of motor vehicles, including parking spaces, aisles, access drives and landscaped areas.
6. "Parking space" means an area reserved for parking a motor vehicle, trailer, mobile home, airplane or boat, while it is not in use. The area must be accessible from a driveway. The size of the area must be suitable for the vehicle served but not less than eight and one-half feet wide by eighteen feet long.

C. Off-Street Parking Facilities Required.

1. In all districts, for every use, parking shall be provided at the time of initial occupancy of a site. When structures in any district are reconstructed, enlarged, structurally altered, changed in occupancy to a more intensive use category or otherwise increased in capacity, such off-street parking facilities shall be provided only for that portion of the structure constituting the increase in capacity. The exception to this requirement is when the pre-existing number of parking spaces is greater than the number prescribed in this section, in which instance the number in excess of the prescribed minimum shall be counted in calculating the number provided to serve the major alteration or enlargement, as defined in subdivision 3 of this subsection.
2. If, in the application of the requirements of this section, a fractional number is obtained, one parking space shall be provided for a fraction of one-half or more and no parking space shall be required for a fraction less than one-half.
3. If more than one use is located on a site, the number of parking spaces required shall be equal to the sum of the requirements prescribed in this section for each use or major alteration or enlargement. For the purposes of this section, the term "major alteration or enlargement" means a change of use or an addition which would increase the number of parking spaces required by more than ten percent of the total number required. The number of parking spaces provided for a major alteration or enlargement of a site or structure shall be in addition to the number existing prior to the alteration, subject to subdivision 1 of this subsection, unless otherwise modified by the planning commission.
4. The off-street parking facility requirements of this section shall be satisfied by the permanent allocation of the prescribed number of spaces for each use in a common parking facility; provided, that the total number of spaces shall not be less than the sum of the individual requirements and provided further, that an easement for parking facility is filed with the Santa Cruz County recorder prior to application for a building permit.
5. In any commercial or industrial district, the off-street parking and loading regulations may be modified by the planning commission upon approval of a use permit if the site has a width of sixty feet or less and has existing structures on the site.

- D. Variances to Off-Street Parking Space Requirements. Notwithstanding the provisions of Section 17.50.010 of this title, a variance to the off-street parking requirements prescribed in this section may be granted for nonresidential developments in order that some or all of the required parking spaces be located off-site, including locations in other jurisdictions, or that in-lieu fees or facilities be provided instead of the required parking spaces, if both of the following conditions are met:
1. The variance will be an incentive to and a benefit for the nonresidential development.
 2. The variance will facilitate access to the nonresidential development by patrons of public transit facilities, particularly guideway facilities.
- E. Use for Advertising Prohibited.
1. No off-street parking or loading facility related to any commercial or industrial use in any zoning district shall be used for the stopping, standing or parking of any vehicle for the purpose of advertising or displaying such vehicle for sale.
 2. In residential districts, no off-street parking space, driveway or front yard shall be used for the stopping, standing or parking of any vehicle for the purpose of advertising or displaying such vehicle for sale; except, that the occupant of said property may park one vehicle owned by such occupant, displayed for sale and bearing a sign not exceeding two square feet in area restricted to the sale of the vehicle upon which it is posted.
- F. Schedule of Off-Street Parking Space Requirements.

USE	PARKING SPACES REQUIRED
Single-family dwellings	Each dwelling unit shall have a two-car garage, plus one additional covered or uncovered parking space (a minimum of three parking spaces).
Multi-family dwellings	Two parking spaces for each dwelling unit; plus one additional parking space for every five units, or fraction thereof.
Business, professional modified and trade schools and colleges, and crafts, music and dancing schools	Two spaces for each five hundred square feet of gross floor area unless approved by the planning commission.
Commercial service modified enterprises, repair shops, wholesale establishments and retail stores which handle only bulky merchandise such as furniture and household appliances	One space for each five hundred square feet of gross floor unless approved by the planning commission.
Automotive repair and related services	One space for each two hundred fifty square feet of gross floor area.
Business and professional offices area	One space for each two hundred fifty square feet of gross floor area.
Medical and dental office/clinic	Five spaces for each doctor/dentist or one space for each two hundred square feet of gross floor area, whichever is greater, plus additional spaces as may be required for employees and/or conference activities.
Motels, hotels, lodging houses, bed and breakfast establishments, and private clubs providing sleeping accommodations	One space for each living unit or bedroom, whichever is greater, plus one space for each six hundred square feet of office and storage.
Restaurants, bars, soda fountains, cocktail lounges, cafes, night clubs, cafeterias and similar establishments serving food	One space for each sixty square feet of floor area for public accommodation plus one space for each two

	hundred fifty square of non public accommodation floor area
Research and development, including computer assembly, circuit board assembly and related activities	One space for each two hundred fifty square feet of gross floor area to be provided with initial construction. An additional number of spaces shall be provided so that the total number of spaces is equal to one space per each one hundred square of gross floor area. The additional parking will be parking at a later when needed.
Mini Storage	Four spaces plus additional spaces as may be required by the planning commission.
Churches, theaters, assembly halls, convention centers, auditoriums, dance halls, lodges, social halls, mortuaries and funeral homes	One space per each three and one half fixed seats or one space per fifty square feet of gross floor area, whichever is greater.
Warehouses, storage buildings and storage facilities that must be combined with commercial or industrial uses	One space for each one thousand square feet of gross floor area.
Hospitals, sanitariums, nursing homes and charitable and religious institutions providing sleeping accommodations	One space for each three beds. Where needed, additional spaces for employee parking may be required by the planning commission.
Libraries, museums, art galleries and similar uses	One space for each employee plus additional number of space as may be prescribed by the planning commission.
Open air commercial uses, nurseries, motor vehicle sales lots	One space per one thousand square feet of lot area devoted to sales.
Day care center	One space for each three hundred square feet of gross floor area.
Public and private elementary and junior high schools	Ten spaces plus one space per classroom, plus sufficient space for safe and convenient loading and unloading of students. Where needed, additional spaces for student parking may be prescribed by the planning commission.
Public or private high schools or colleges	One space per ten students plus one per classroom. One space per one employee, including teachers and administrators, plus sufficient space for safe and convenient loading and unloading of students.
Retail sales uses	One space for each two hundred fifty square feet of gross floor area.
Other uses not specified	The number of parking spaces required for any use not specified shall be determined by the planning commission.

If it can be shown that a use does not expect to utilize the required number of spaces and assurance is given by recorded instrument or by other means that the required number of spaces will be provided when the use or circumstances of occupancy change, then a conditional use permit may be granted by the planning commission, pursuant to Section 17.50.020 of this title, allowing for a reduction in the number of required parking spaces. The use permit shall be conditioned on the necessary number of spaces being provided when the use or circumstances

of occupancy change and on the giving of a recorded instrument to that effect which shall be recorded at the Santa Cruz County recorder's office.

- G. Standards of Commercial Off-Street Parking Facilities. For further clarification of parking standards and requirements, please refer to Figures 17.44.030A and B. For existing parking lots which do not conform to the compact parking standards, see Section 17.48.080.
1. Each full-sized parking space shall not be less than twenty feet in length and nine feet in width, exclusive of aisles and access drives. When the overhang is provided, the parking stall shall be seventeen feet, plus a three-foot overhang area, which shall be paved, rock lined, concrete or landscaped with low growing plants or ground covers. The overhang area shall be edged with continuous cubing of six inches in height. No light standards or fixed objects are allowed in this overhang area. A three-foot overhang and a four-foot-wide sidewalk is required if the parking space is adjacent to a building.
 2. Each compact parking space shall not be less than nine feet in width and sixteen feet in length, exclusive of aisles and access drives. When an overhang is provided, the parking stall shall be thirteen feet, plus a three footed paved, rock-lined, or concrete overhang area, which may be landscaped with low growing plants or ground covers. The overhang shall be edged with continuous cubing of six inches in height. No light standards or fixed objects are allowed in this overhang area. A three-foot overhang and a four-foot-wide sidewalk is required if the parking space is adjacent to a building.
 3. Entrances and exits to parking facilities shall be provided at locations approved by the city engineer.
 4. The parking area, aisles and access drives shall be treated so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water.
 5. Six-inch high concrete curbs, or other material approved by the city engineer, shall separate all paved and landscaped areas.
 6. Ten percent of the required parking area shall be landscaped; the landscaping shall be evenly distributed throughout the parking area and adjacent to buildings. Minimum planter width shall be five feet.
 7. Landscaped areas within or adjacent to the parking area shall provide for a minimum of one shade tree for every four parking stalls. Depending on the parking dimensions, layout type and size of shade tree, this requirement may be modified by the planning director.
 8. Concrete curbing shall be used as wheel stops. The use of bumper blocks is discouraged and can be approved only by the planning commission after findings of unusual circumstances which warrant their use.
 9. If the parking area is illuminated, lighting shall be deflected away from any abutting residential sites. Parking lot lighting should be low profile, with standards of anodized bronze aluminum or other material approved by the design review board.
 10. In any commercial or industrial district where a parking area is located across a street or alley from or immediately adjacent to, a residential district, a landscape strip not less than five feet in depth shall be planted and permanently maintained along the abutting property line of the parking area.
 11. Twenty percent of the spaces for off-street parking may be compact spaces. This section shall be applicable only if ten or more spaces are required.
 12. Each compact space shall be marked in accordance with the following standard: The word "COMPACT" shall be placed in a permanent manner on the pavement at the center of the entrance to each designated space. The letters shall be white in color and eight inches or more in height on the pavement.

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13. Handicapped parking spaces shall be provided as specified in state law.
 14. Parking lot design shall conform to the current edition of the American Association of State Highway and Transportation Officials (AASHTO) "Single Unit Demand Design Criteria" and to the current edition of the Transportation and Traffic Engineering Handbook (Institute of Transportation Engineers).
 15. All striping shall be a minimum of four inches in width. Signing and striping shall conform to state standards. All parking spaces in parking lots shall be striped.
- H. Parking Lot Design. Figures 17.44.030A and B provided in this section shall be used as guides in the development and arrangement of parking spaces and parking areas.
- I. Location of Off-Street Parking Facilities. In all residential and open-space districts, off-street parking facilities prescribed in this section shall be located on the same site as the use for which the spaces are required or on an adjoining site or a site separated only by an alley from the use for which the spaces are required.

Figure 17.44.030A Parking Stall Geometrics

Figure 17.44.030B Parking Lot Layout

In all commercial and industrial districts where on-site location cannot be provided, off-street parking facilities prescribed in this section shall be located within three hundred feet of the use for which the spaces are required, measured by the shortest route of pedestrian access.

- J. Standards for Residential Parking Facilities.
1. Parking of motor vehicles, trailers, campers, recreational vehicles, boats or airplanes in front yards of any lot or exterior side yards of corner lots, shall be restricted to driveways and parking spaces.
 2. Driveways and parking spaces in any residential zone district shall not proportionately occupy more than three hundred square feet per each ten feet of required setback.
 3. In any residential district, it is unlawful to park more than five motor vehicles, mobile homes, trailers, airplanes or boats or any combination thereof exceeding five, for a period of time in excess of twenty-four hours in front yards of any lots or exterior side yard of corner lots whether or not located in a required setback, when visible from a public or private street.
 4. One uncovered required parking space may be provided in a tandem arrangement for a single-family dwelling. A tandem space shall not obstruct access to more than one of the required spaces.
- L. Off-Street Loading Required.
1. All multifamily dwellings containing fifty or more rental units shall provide one off-street loading space. Each such space shall be at least forty-five feet long and twelve feet wide, exclusive of necessary area for maneuvering, ingress and egress.
 2. All retail business uses, wholesale or warehouse establishments and industrial uses containing less than ten thousand square feet of gross floor area shall provide one off-street loading space. Each such space shall be at least thirty feet long and twelve feet wide, exclusive of necessary area for maneuvering, ingress and egress.
 3. All retail business uses, wholesale or warehouse establishments and industrial uses containing ten thousand or more square feet of gross floor area shall provide the number of off-street loading spaces specified below. Each such space shall be at least forty-five feet long and twelve feet wide, exclusive of necessary area for maneuvering, ingress and egress.

Square Feet in Gross Floor Area	Number of Spaces
10,000 up to and including 50,000	1
50,001 up to and including 200,000	2
200,001 up to and including 300,000	3

One additional space shall be required for each additional one hundred thousand square feet above three hundred thousand square feet of gross floor area.

M. Standards for Off-Street Loading Facilities. Off-street loading facilities provided in compliance with subsection L of this section shall conform to the following standards:

1. Each loading space shall be at least thirty feet long or forty-five feet long as provided in subsection L and twelve feet wide, exclusive of necessary area for maneuvering, ingress and egress.
2. Sufficient distances for turning and maneuvering vehicles shall be provided on the site.
3. Each loading area shall be accessible from a street or alley.
4. Entrances and exits shall be provided at locations approved by the city engineer.
5. The loading area, aisles and access drives shall be paved so as to provide a durable, dustless surface and shall be so graded and drained as to dispose of surface water.
6. A loading area shall not be located in a required front or side yard, nor shall it be visible from a public street or private residential property from ground level adjacent to the site of the loading facility.
7. Off-street loading facilities prescribed in Section 17.46.080 shall be located on the same site with the use for which the areas are required or on an adjoining site.

N. Existing Uses. No existing use of land or structure shall be deemed to be a nonconforming use or a nonconforming structure solely because of the lack of off-street parking facilities or off-street loading facilities prescribed in this section, provided, that facilities being used for off-street parking and loading shall not be reduced in capacity to less than the number of spaces or loading areas prescribed in this section or reduced in area to less than the minimum standards prescribed in this section.

O. Designation of Off-Street Parking and Loading. When off-street parking facilities or off-street loading facilities are provided, in compliance with the requirements of this section, on a site other than the site on which the use or structure to be served by the parking and loading facilities is located, an agreement shall be recorded in the Santa Cruz County recorder's office designating the off-street parking or the off-street loading and the use or structure to be served, with legal descriptions of both sites, and certifying that the off-street parking facility or the off-street loading facility shall not be used for any other purpose unless the restriction is removed by resolution of the planning commission. No building permit shall be issued until an attested copy of the recorded agreement has been filed with the building inspector. Upon submission of satisfactory evidence that other off-street parking facilities or off-street loading facilities have been provided in compliance with the requirements of this section, or that the use has ceased or the structure has been removed or altered so as no longer to require the off-street parking or off-street loading facility, the planning commission shall by resolution remove the restriction.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989; Ord. 16.82 § 2, 1991; Ord. 16-113 § 4, 2002; Ord. 16.116, § 2, 3-4-2004; Ord. 16.123, §§ 51, 52, 9-5-2007)

17.44.040 Prezoning of unincorporated territory.

The city may prezone unincorporated territory adjoining the city for the purpose of determining the zoning that will apply to such property in the event of subsequent annexation to the city. The method of accomplishing such prezoning shall be as provided by Chapter 17.52 of this title, for zoning within the city. Such zoning shall become effective at the same time that the annexation becomes effective.

(Ord. 16.76 § 1 (part), 1989)

17.44.050 Underground utilities.

A. Undergrounding of Utilities Required.

1. All electrical transmission and/or distribution lines, communication lines and appurtenances, including all public utility systems and service facilities therefor, and also all telegraph and cable television (CATV) distribution or transmission facilities, shall be located and installed underground on all lands and zoning districts within the city, except as hereinafter specifically permitted.
2. No person shall directly or indirectly erect, construct or fabricate any building or structure, or install any pole or poles, for the purpose of operating or maintaining any overhead electric transmission and/or distribution line or lines, and/or any overhead communication line or lines, or any appurtenant structure or part thereof, except as follows:
 - a. Existing overhead electric and communication lines, poles and transformers destroyed by fire, flood, wind, falling trees or similar events may be replaced overhead.
 - b. Temporary electric and communication lines, poles and transformers may be erected to serve construction projects or emergency situations for periods not to exceed six months, unless such time is extended by the chief building inspector.
 - c. Overhead electric distribution lines, communication lines, poles and transformers may be replaced at the same location with facilities of greater capacity where such facilities are not already included in an existing conversion program adopted by the city.
 - d. Pad-mounted transformers, service pedestals, meter cabinets, surface-mounted switches and concealed ducts may be installed, so long as they are used solely in connection with, and as appurtenances to, an underground distribution system or facilities.
 - e. Poles supporting electric transmission lines, and the electric transmission lines supported by such poles, may be erected where the voltage carried by such lines is more than 34.5 kV.
 - f. Poles supporting street lights and the electric lines within said poles may be erected.
3. No use shall be made of any land, building or structure in the city, or in any zoning district or area thereof, for any electric transmission or distribution lines, or communication lines and appurtenances, except as set forth in this section.

B. Exceptions. Variances to the regulations set forth in this section governing the undergrounding of public utilities may be granted by the planning commission in accordance with Section 17.50.010 of this title.

(Ord. 16.76 § 1 (part), 1989)

17.44.060 Condominium conversions and condominiums.

- A. Intent. Residential condominiums provide for individual ownership of separate dwelling units which usually are proximate to one another. The area surrounding the dwelling units is a common area that is managed and maintained by the individual owners of dwelling units in accordance with the rules of an associated agreement. This mix of individual and common ownership is different from detached single-family residences and apartment house use; in single-family homes-dwellings the dwelling is physically separate and the yard areas are under the more or less complete control of the owner; in conventional apartments there is an implied guarantee of continuous and effective management of the project. The occupant is not the owner of the unit and does not have the financial commitment or problems of use, maintenance or resale associated with ownership. The unique nature of condominium projects tends to magnify the effects associated with higher urban densities to the point where they may have deleterious effects upon the occupant, seller and buyer, who often do not appreciate the implications of condominium living and ownership; this may lead to conditions of mismanagement, neglect and blight that affect the public health, safety, welfare and economic prosperity of the larger community. To ensure that such problems are avoided in both the short and long term, it is the express intent of the city to treat such projects differently from other multiple-family dwelling developments of other structures which are not residential condominium projects. It is found that the implementation of this section requires adoption of special requirements contained in this section for new condominium developments and the conversion of existing community apartment projects to residential condominiums.
- B. Purpose. The purpose of this section is to:
1. Establish requirements and procedures to be followed for the review and approval or disapproval of:
 - a. New condominium project development, and
 - b. The conversion of existing multiple-family rental housing to residential condominiums;
 2. Establish criteria for new condominium developments and condominium conversion projects by requiring conformance to the city's building code and other development standards set forth in this section;
 3. Ensure that the developer of the project provides adequate private outdoor living space, storage and parking space, open space and other amenities;
 4. Provide for planning, unforeseen change and compliance with the city's General Plan and housing element;
 5. Provide:
 - a. A desirable balance of rental and ownership housing within the city, and
 - b. A variety of individual choice of tenure, type, price and location of housing;
 6. Ensure that the project sponsor is attentive to the performance characteristics of the structure and mitigates such problems as vibration and noise transmission which may not be apparent to the buyer without living in the unit but which, if not adequately attenuated, may nevertheless render the living environment within the project insufferable and the transfer of unit ownership difficult;
 7. Ensure that the project sponsor uses contemporary and environmentally sensitive concepts of site planning and architectural design in the construction of a new condominium project and ensure that the project, once completed, maintains its integrity, not only to preserve the long-term financial commitment of the unit owner but to optimize the utilitarian and aesthetic qualities that make the project a viable home for the owner long into the future.

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- C. Definitions. For the purposes of this section, certain words and phrases are defined and certain provisions shall be construed as set forth in this subsection unless it is apparent from their context that a different meaning is intended.
1. "Association" means an organization composed of persons who own a condominium unit(s) or right of exclusive occupancy in a community apartment, and who are organized to operate and maintain common areas for condominiums.
 2. "Common area" means the area that is available to the common use of unit owners in an entire project, excepting the individual units therein.
 3. "Community apartment" means one residential unit within a community apartment project. For the purposes of this section "community apartment" means the same thing and shall be treated in the same manner as a unit as defined in subdivision 17 of this subsection.
 4. "Community apartment project," as defined in Section 11004 of the Business and Profession Code, means a development of real property in which an undivided interest in the land is coupled with the right of exclusive occupancy of a designated residential unit located thereon or therein. For the purposes of this title, "community apartment" means the same thing and shall be treated the same way as a residential condominium, as defined in subdivision 14 of this subsection.
 5. "Condominium" means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property, together with a separate interest in space in a residential building such as an apartment. A condominium may include, in addition, a separate interest in other portions of such real property.
 6. "Condominium documents" means the covenants, conditions and restrictions, the description of the project elements and any other documents establishing a plan for condominium ownership.
 7. "Conversion" means a change in the type of ownership of a parcel or parcels of real property, together with the existing attached structures, to that defined as a condominium development or a community apartment project regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.
 8. "Covenants, conditions and restrictions" means a written declaration relating to the maintenance, operation, duties and responsibilities of the common owners of the project and may include, but is not limited to those restrictions provided for in Section 1355 of the California Civil Code and as such may hereafter be amended.
 9. "Developer" means the owner or subdivider of real property with a controlling proprietary interest in the proposed project.
 10. "Open space" means open space on the project (exclusive of the required front setback area) which is to be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants of units on the project and to which such occupants shall have the exclusive right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings and landscaped areas may be included as open space.
 11. "Owner" means the owner of a residential condominium unit.
 12. "Project" means the entire parcel of real property divided or to be divided into condominiums, including all structures thereon.
 13. "Project elements" means condominium units which are to be conveyed, the areas and spaces which are to be assigned to such units and the common areas (including improvements) which are to be shared by the owners of all units.
 14. "Residential condominium" means a condominium for residential purposes.

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15. "Subdivision Map Act" means Division 2 of Title 7 of the California Government Code, commencing with Section 66410 et seq. and as may hereafter be amended.
 16. "Subdivision ordinances" means those ordinances contained in Title 16 of this code and as may hereafter be amended.
 17. "Unit" means the element of a residential condominium project which is not owned in common with the owners of other condominiums in the project or is an apartment in a community apartment project to which an owner of an undivided interest in common in a community apartment project has a right of exclusive occupancy.
- D. General Provisions. The following provisions shall apply to all condominium developments:
1. A condominium development may be located in any zoning district upon the granting of a use permit in accordance with the provisions of this section and Section 17.50.020 of this title.
 2. A condominium development shall include only uses which are either permitted or conditional uses in the zoning district in which the development is located.
 3. In residential condominium developments, the density may not exceed the density prescribed for the zoning district in which the development is located.
- E. Use Permit Application Required. The developer of a new condominium project or a developer who desires to convert an existing multiple-family rental housing or a nonresidential structure to a residential condominium shall first submit an application for a use permit to the planning department. The application shall include, but not be limited to, the following:
1. Written authorization from all owners of parcels within the boundaries of the development;
 2. A complete legal description of the property, including a delineation of the project boundary and a tabulation of gross and net land area, including a title report. The project boundary map should show the existing topography of the site and the location of all existing easements, structures and other improvements. Significant surface features within the development area, including but not limited to natural ground cover, trees more than six inches in diameter (trunk diameter, variety and size), water courses, rock outcroppings and soil cover, should be included in the description. In addition, the description should include the proposed circulation system, showing the location of all streets (public and private), pedestrian pathways and other circulation facilities;
 3. A detailed grading plan, including a transverse and longitudinal section showing natural and proposed grades, including all cut-and-fill slopes and the location of retaining walls, and methods of erosion control;
 4. Proposed land uses, including building locations and types, floor plans, number of units, building elevations (all sides), open space, recreation area, off-street parking, loading and service areas, a conceptual landscaping plan for the project as a whole, a lighting plan, the approximate number and characteristics of the population anticipated and the relationship of the project to surrounding land uses;
 5. A data table showing how the project compares to the minimum standard for the residential district in which it would be located;
 6. Typical detailed sections of the types of wall, floor and ceiling construction that would be used in both common and interior partition walls within the condominium project, including either published data from a recognized and approved testing laboratory or a statement from a licensed acoustical engineer or the city building official as to sound transmission control ("STC," as defined in Chapter 35 of the Uniform Building Code);

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7. A statement of special or unusual seismic, soil or geologic conditions within the development area, if applicable;
 8. A development schedule indicating anticipated dates of construction, including any proposed project phasing;
 9. Any additional information as required by the planning director or planning commission.
- F. Modification of Requirements. Recognizing that the conversion of existing multiple-family residential structures to condominium usage presents unique problems with respect to the requirements of this section, the planning commission is empowered to vary any and all requirements contained herein, provided, that said modifications are consistent with the public health, safety and welfare and will not contravene the purposes and intent of this section. Project characteristics of critical importance in making this determination are the structure(s) and the degree to which the proposal varies from the required standards for the following: parking, private open space, storage space, sound transmission characteristics, fire protection and development criteria.

The planning commission is also empowered to impose conditions on any approval which would require that specified changes designed to bring a structure into compliance with the condominium development standards contained herein be made to the structure proposed for conversion.

Requirement for subdivision application for construction or conversion of a condominium project shall be accompanied by a tentative map application pursuant to Title 16 of this code, unless waived pursuant to Government Code Section 66428.

- G. Development Standards. The following development standards shall apply to all condominium development unless otherwise modified by the planning commission:
1. Parking: All condominium developments shall conform to the parking requirements of this title.
 2. Open space: Each unit within the project shall have an appurtenant private patio, deck, balcony, atrium or solarium with a minimum area of one hundred fifty square feet. Such space shall be designed for the sole enjoyment of the unit owner, shall have at least two weatherproofed electrical convenience outlets and shall have a shape and size that would allow for optimum usable space. Such space shall be at the same level as and immediately accessible from, a room within the unit. The planning commission may allow variations from the above dimensional standards where it can be shown that the required private open space meets the intent and purpose of this section.
 3. Storage space: In addition to guest, linen, food pantry and clothes closets customarily provided, each unit within the project shall have at least two hundred cubic feet of enclosed, weatherproofed and lockable private storage space. The location and design of such space shall be approved by the planning commission and shall not be divided into two or more locations. If such space is located within a common area within the project, the association shall be responsible for the care and maintenance of the exterior surface of the space in order to assure that the surface is maintained in a manner compatible with the architectural treatment of the project.
 4. Sound transmission: All permanent mechanical equipment such as motors, compressors, pumps and compactors which is determined by the building official to be a source of structural vibration or structure-borne noise shall be shock mounted with inertia blocks or bases and/or vibration isolators in a manner approved by the building official. Common walls and floors between units shall comply with the city's ordinances governing noise resistance for newly constructed common walls and floors.
 5. Fire prevention: Every dwelling unit shall be provided with a smoke detector conforming to Uniform Building Code standards. The detector shall be mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes. Where sleeping rooms are on an upper level, the detector shall be placed at the center of the ceiling directly above the

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- stairway. All detectors shall be located within twelve inches of the ceiling. When activated, the detector shall provide an alarm in the dwelling unit. Draft stops shall be placed in all attics that are determined to be accessible by the building official.
6. Condition of equipment and appliances: Regarding conversion, the developer shall provide a one-year warranty to the buyer of each unit at the close of escrow on any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks and air conditioners that are provided. At such time as the homeowners' association takes over management of the development, the developer shall provide a one-year warranty to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association are in operable working condition.
 7. Condition of paved areas: Regarding conversion, the developer will make any repairs needed so that the public works department can determine that any paved areas are in satisfactory condition.
 8. Condominium development criteria: The following criteria shall be considered in reviewing the overall design and site layout of the project:
 - a. The project should have a comprehensive and integrated design, providing its own open space, off-street parking and amenities for contemporary living. Insofar as the scale of the project allows, open space, walkways and other areas for people should be separated from parking areas, driveways and areas for automobiles.
 - b. Architectural unity and harmony should be achieved both within the project and between the project and the surrounding community so that it does not constitute an adverse disruption to the established fabric of the community.
 - c. The layout of structures and other facilities should minimize street, driveway, curb cut, utility and other public or quasi-public improvements. Additionally, structures should be designed to minimize, within the context of accepted architectural practice, the consumption of natural resources, either directly or indirectly, e.g., gas, water and electricity.
 9. Other facilities: Consideration shall be given by the planning commission to the inclusion of the following facilities in the project:
 - a. A laundry area shall be provided in each unit or if common laundry facilities are provided, then such facilities shall be subject to the review of the planning commission as to their adequacy.
 - b. In addition to any other parking requirements, at least one space per five units shall be provided for the enclosed storage of recreational vehicles and boats in new construction only. If the requirement cannot be met, a provision shall be placed in the covenants, conditions and restrictions (CC&Rs) precluding the parking of recreational vehicles and boats on the site. Such parking area shall be enclosed.
 - H. Approval of Tentative and Final Map. Pursuant to Section 66427 of the Government Code, the city council or planning commission shall not refuse approval of the tentative or final map of a condominium conversion project because of design or location of the buildings shown on the map or plan which are in conformance with the provisions of this section, or because of the manner in which the airspace is to be divided in conveying units within the condominium.
 - I. Approval of Declaration of Covenants, Conditions and Restrictions (CC&Rs) and Project Elements. To achieve the purpose of this section, the planning commission shall require that a declaration of covenants, conditions and restrictions (CC&Rs) and project elements relating to the management of the common area and facilities be approved by the planning department and city attorney prior to the approval of the final map. In addition to such covenants, conditions and restrictions that may be required by the Department of Real Estate of the State of California pursuant to Section 1350, et seq. of the California Civil Code or other state laws or policies, such declaration shall be subject to recording and shall provide for the following, none of which, when

approved by the planning department or city attorney, shall be amended, modified or changed without first obtaining the written consent of the planning department and city attorney and all of which shall contain a statement to that effect.

1. Conveyance of private open space: The surface area and appurtenant airspace of private open-space areas, including but not limited to the private patio, deck, balcony, solarium or atrium required by this section, and any integral portion of that space that may exceed the minimum area requirements, shall be described and conveyed in the grant deed as an integral part of the unit.
2. Conveyance of private storage areas: The surface and appurtenant airspace of private storage spaces required by this section shall be described and conveyed in the deed as an integral part of the unit.
3. Assignment of off-street parking: Required off- street parking spaces shall be permanently, irrevocably and specifically assigned to particular units within the project on the basis of the parking spaces required per unit pursuant to Section 17.44.030 of this chapter. To the maximum practicable extent, the spaces assigned to each unit shall be contiguous. In no case shall the private storage area of one unit overhang or take its access from the required off-street parking space of another unit. All studio and one-bedroom units shall be assigned one parking space and may rent additional spaces from the association as available. All occupants of a unit with two or more bedrooms may rent one parking space back to the association. All parking spaces, except those specifically designated for parking recreational vehicles, shall be used solely for the purpose of parking motor vehicles and shall not be used for trailers, unmounted campers or similar recreational vehicles.
4. Right of public entry to common area: Officers, agents and employees of the city, the county, the state and the Government of the United States and any department, bureau or agency thereof, shall have the right of immediate access to all common areas of the project at all times for the purpose of preserving the public health, safety and welfare, except in those instances where a common area is accessible only through a private unit.
5. Maintenance of common areas: In order to protect the public health, safety and welfare, provision shall be made for annual assessments for capital improvements. The amount of the regular annual assessment and the procedure for its change shall be specified. The manner in which special assessments may be levied for the construction, reconstruction, repair or replacement of a capital improvement upon the common area shall be specified. Both annual and special assessments may be collected on a monthly basis. The remedies which the association may bring for the nonpayment of assessments shall be specified and may include penalties for late payment.
6. Utility easements over private streets and other areas: If the condominium project contains private streets, paths or roadways, provision shall be made for public utility easements over the entire private street, path or roadway network. The planning commission may also require public utility easements adjacent to public streets or over other portions of the project to accommodate fire hydrants, water meters, street furniture, storm drainage, sanitary sewers, water and gas mains, electrical lines and similar public improvements and utilities. The planning commission may also require access routes necessary to assure that fire-fighting equipment can reach and operate efficiently in all areas of the project.
7. Access for construction, maintenance or repairs: Each owner and the association shall have an easement for entry upon any privately owned unit, where necessary, in connection with construction, maintenance or repair for the benefit of the common area or the owners of the units in common.
8. Contract termination right: Unless otherwise prohibited by law or any local, state or federal regulation, the association shall have the right to terminate the contract of any person or organization engaged by the developer to perform management or maintenance duties three months after the association assumes control of the project, or at that time to renegotiate any such contracts.

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9. Provision for equity in sales: The conditions, covenants and restrictions (CC&Rs) shall contain a provision that the sale of any unit shall not be prevented because of the age, sex or family composition of any potential buyer.
- J. Additional Requirements. In addition to the requirements for a major subdivision, the application for the subdivision of existing multiple-family rental housing as a condominium conversion shall be subject to the additional requirements set forth in subsections K through O of this section.
- K. Code Inspection, Compliance and Disclosure. All units to be under separate ownership or lease after conversion shall be inspected by the city prior to city approval of the final map. Separate ownership shall mean a condominium unit where the entire fee is in one entity, whether individually, in joint tenancy or as tenants in common. All units shall be brought into compliance with the Uniform Building Code effective at the time the units were first constructed. A form containing pertinent information regarding the project, including age and physical and spatial amenities within and in proximity to the condominium complex, shall be filed with and approved by the planning director and shall be provided to prospective condominium buyers.
- L. Utilities. All units to be subdivided shall be provided with separate gas and electric meters and provision shall be made for individual shutoff valves. All units shall also be provided with separate water meters and shutoff valves or with separate shutoff valves for all fixtures in each unit. If it is not possible to have separate water meters, provision shall be made for the equitable sharing of water costs.
- M. Public Report Application. A copy of the proposed application submitted by the applicant to the Department of Real Estate of the state for a subdivision public report on the current forms required by the Department of Real Estate shall be submitted to the city planning department, together with the submittal of the tentative map. Such application need not contain exhibits regarding the availability of utility services or the organizational documents of the project. However, the application for the final subdivision map shall include a full and complete copy of all information submitted to the department of real estate by the applicant.
- N. Notification to Tenants.
1. Developers of condominium conversions shall submit to the planning department the following:
 - a. With the use permit application, a list of the names and addresses of the residents of each unit in the conversion project, certified as to accuracy by the developer as of the date of the application. The developer shall immediately notify the city of any change in the names or addresses on the list as they occur;
 - b. Prior to filing a tentative subdivision map, certification that all notices required to be given to and received prior to the filing of such map have been given in the manner and within the time limits specified or referenced in Government Code Section 66427.1 and all other notification requirements of the Subdivision Map Act as amended from time to time.
 - c. Prior to approval of a final subdivision map, certification that all notices specified or referenced in Government Code Section 66427.1 in connection with approval of such map have been given to the persons in the manner and within the time limits specified or referenced therein.
 2. The city shall provide notification of the public hearing before the planning commission on the use permit and subdivision applications to the tenants of the units in the conversion project pursuant to Section 17.50.090 of this title, as well as to all other persons therein prescribed.
 3. A copy of the written staff report shall be delivered to the subdivider and to each tenant of the subject property at least three days prior to any hearing on the tentative map.
- O. Pest Infestation and Dry Rot Report. The developer shall, prior to approval of the final map, submit to the planning department a copy of the structural pest infestation and dry rot report for all buildings within the proposed project. This report shall be made available to all prospective buyers by the developer.
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Any and all actual structural damage shall be repaired or financial provision made for appropriate repair within a specific time period, prior to the approval of final map or properly bonded under the Subdivision Map Act.

- P. Effect On Housing Stock. In reviewing requests for conversion of existing apartment buildings to condominiums, the city shall consider the following:
1. Whether the amount and impact of the displacement of tenants would be detrimental to the health, safety or general welfare of the community;
 2. The role that the apartment structure plays in the existing rental housing market;
 3. The effect of the conversion on the need and demand for low-cost housing (both rental and ownership housing).

In no case shall apartment conversions be allowed if the rental vacancy rate is below four percent, as determined by the planning department.

- Q. Advertising. The developer shall make no advertising use of any city approval of use, subdivision or occupancy for the project.
- R. Required Findings. Pursuant to Government Code Section 66427.1 as it presently exists or may hereafter be amended, approval of the final map of a conversion of residential real property to a condominium project shall be withheld unless the city council makes all findings required by that section and further finds that:
1. The proposed conversion will not have an adverse effect on the diversity of housing types available in the city.
 2. The proposed conversion will not displace a significant percentage of tenants and deplete low-income and moderate- income rental units from the city's housing stock at a time when no equivalent condominium housing is readily available in the city.
 3. The proposed conversion would not be detrimental to the health, safety or general welfare of the community and is consistent with the city's General Plan, particularly the housing element.
 4. The overall design and construction of the development meets the standards outlined herein.
- S. Appeals. Any person who is dissatisfied with any decision made by the planning commission may appeal the same in accordance with the procedures established in Section 17.50.060 of this title.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 3, 1991)

17.44.070 Mobile home park conversion regulations.

- A. Purpose and Findings. The city council finds, determines and declares that:
1. Chapter 9.16 (Mobile Home Park Rent Stabilization) of this code was enacted to protect the owners of mobile homes who reside in mobile home parks from unreasonable and excessive space rent increases and/or assessments, while at the same time providing owners of mobile home parks with a just and reasonable return on their investment. The findings, determinations and declarations contained in Chapter 9.16 are incorporated herein and made a part of this section.
 2. This section is intended as the logical extension of the purpose and findings contained in Chapter 9.16 in that the unrestricted conversion of such mobile home parks to other uses can further diminish the availability of mobile home parks and space rentals, can interfere with existing tenants' quiet enjoyment of their mobile homes and can subject such tenants to the costs and inconvenience of relocation.

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3. The protection of mobile home park stock, mobile home residents and potential purchasers of mobile homes warrants the implementation of the safeguards contained in this section. Such safeguards are permissible pursuant to California Government Code Sections 65863.7 and 66427.4 and California Civil Code Section 798.56(f).
- B. Definitions. For the purposes of this section, the following words are defined as follows:
1. "Conversion" means the change in use from a mobile home park to any other use (including, without limitation, those uses described in California Civil Code Section 798.10) or the closure of a mobile home park or the cessation of the use of the land as a mobile home park.
 2. "Owner" means the owner, lessor or designated agent of a park.
 3. "Park" means a mobile home park which rents spaces for mobile home dwelling units.
 4. "Reasonable costs of relocation" means the costs involved in the relocation of each resident from a mobile home park which is being converted pursuant to this section.
 5. "Resident" means the owner of a mobile home dwelling unit who is renting space from the owner of a park.
- C. Applications for Mobile Home Park Conversions.
1. The use of property as a mobile home park shall not be changed for the purpose of conversion to any other land use until application for a mobile home park conversion has been approved by the planning commission or by the city council following an appeal.
 2. No building permit shall be issued on property occupied by a mobile home park or any portion thereof, for any other use that would constitute a conversion as defined in this section until approval for mobile home park conversion has been obtained pursuant to this section.
 3. Applications for a mobile home park conversion shall be made to the planning director with the filing fee prescribed by resolution of the city council. The application shall contain the following information:
 - a. Plans indicating the use for which an application for conversion is made;
 - b. The timetable for conversion of the park;
 - c. The total number of spaces within the park, the number of spaces occupied, the length of time each space has been occupied by the present tenant and the monthly rent currently charged;
 - d. The names and current addresses of each park resident;
 - e. The report regarding the impact of the conversion upon the displaced residents of the mobile home park to be converted or closed which is required by Government Code Section 65863.7 (attached to the application);
 - f. The report regarding the impact of the conversion upon the displaced residents of the mobile home park to be converted or closed which is required by Government Code Section 66427.4 (attached to the application);
 - g. A statement indicating whether there has been an adjudication of bankruptcy involving the park and, if so, whether the closure of the mobile home park or cessation of use of the land as a mobile home park results therefrom and the specific information supporting any such assertion(s) or conclusion(s).
 4. An application for a mobile home park conversion shall be subject to all other applicable laws, rules and/or regulations of the city and the state, including, but not limited to, Government Code Sections 65863.7 and 66427.4 and the provisions of the California Environmental Quality Act (California Public Resources Code section 21000, et seq.). This section is intended to be no more stringent or exacting

than allowed by applicable state law. In the event that any provision of this section is determined to be in conflict with an applicable state law, such state law shall be controlling.

5. At least thirty days prior to a hearing or any other action on the application, the city shall notify the applicant in writing of the provisions of Civil Code Sections 798.55 and 798.56, Government Code Sections 65863.7 and 66427.4, and all applicable state and local requirements which impose upon the applicant the duty to notify residents of the mobile home park of the proposed change in use and shall specify in said notice the manner in which the applicant shall verify that residents have been so notified of the proposed change in use. Neither a hearing on the application nor any other action thereon shall be taken by the city before the applicant has satisfactorily verified that the residents of the park have been so notified in the manner prescribed by said city notice.

D. Procedures for Review.

1. After receiving the city notice described in subsection C5 of this section, the applicant shall be responsible for providing all required reports, notices and the like to the residents as may be required by law, including, without limitation, the reports and notices required by California Civil Code Sections 798.55 and 798.56 and Government Code Sections 65863.7 and 66427.4.
2. Within sixty days following the submission of all required information in connection with an application for a mobile home park conversion, including the notices and verifications of notice required by subsection C5 of this section, the application shall be set for public hearing before the planning commission. The public hearing shall be opened, conducted and closed within that sixty day period. However, an extension or extensions cumulatively totaling no more than sixty additional days may be granted if mutually agreed to by the planning commission and the applicant.
3. The planning commission shall, within thirty days after the close of the public hearing, take final action on the application.
4. The planning commission shall approve, conditionally approve or deny a conversion application involving a proposed change of use (other than the simple closure of the mobile home park or cessation of the use of the land as a mobile home park) pursuant to its inherent implied and express local land use authority under both state and local law. The planning commission shall not deny but shall approve or conditionally approve (pursuant to subsection F of this section) a conversion application involving the simple closure of the mobile home park or cessation of the use of the land as a mobile home park, with no intended new use other than the closure or cessation; provided that the applicant has properly complied with the requirements of this section.
5. Any applicant, or any other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the planning commission may appeal the act or determination to the city council in accordance with Section 17.50.060 of this title. For this purpose, the procedures therein set forth are incorporated herein and made a part of this section.

E. Findings. The planning commission, in considering an application for a conversion permit, shall accept and hear evidence, shall consider such evidence, and shall make written findings based on such evidence regarding each of the following factors (and any other factors as it deems appropriate):

1. Whether the reports submitted with the conversion application (pursuant to subsection C of this section) have been properly completed, and whether those reports evidence an adverse impact upon the displaced residents of the mobile home park which will be caused by the proposed conversion;
2. Whether there will exist at the time of conversion sufficient mobile home space availability within the city and/or surrounding areas to accommodate the mobile homes to be displaced by reason of the conversion;

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3. Whether the age, type and style of mobile homes within the park proposed for conversion are such that the mobile homes are able to be moved and accepted into other parks within the city or surrounding areas if such relocation of individual mobile homes is anticipated;
 4. If the proposed conversion is to another residential use, whether the residents of the mobile home park will have first opportunity to purchase, if for sale, or occupy the new units and whether the construction schedule will result in unreasonably long term displacements;
 5. Whether closure of the mobile home park or cessation of the use of the land as a mobile home park results from an adjudication of bankruptcy and the evidence supporting each finding;
 6. Whether the proposed conversion is consistent with the city's General Plan, specific plan and/or zoning ordinance;
 7. Whether the proposed conversion will be detrimental to the public health, safety and general welfare;
 8. Whether all reports and notices required by law have been properly prepared and properly served.

Any proposed conversion of a mobile home park shall be consistent with and in conformance with, the city's General Plan, applicable specific plan and/or zoning ordinance, as well as all other applicable state and local regulations.

- F. Conditions. In approving a mobile home park conversion, the city may attach reasonable conditions in order to mitigate the impacts associated with the conversion. However, such conditions shall not exceed the reasonable costs of relocation. Such conditions may include, without limitation, the following:
 1. An effective date of the approval of the conversion of not less than six months from the date of the conversion application approval (as required by California Civil Code Section 798.56(f)) so as to provide sufficient time for the relocation of the mobile homes to other parks;
 2. Full payment by the owner to each mobile home park resident of the resident's reasonable costs of relocation related to the conversion of the park;
 3. In order to facilitate the intentions of the residents and owners with regard to a proposed conversion, the parties may agree to mutually satisfactory conditions. To be valid, however, such an agreement shall be in writing, shall include a provision stating that the resident is aware of the provisions of this section, shall include a copy of this section as an attachment and shall include a provision in at least ten point type which clearly informs the resident that he has the right to seek the advice of an attorney of his choice prior to signing the agreement with regard to his rights under such agreement and shall be drafted in the form and content otherwise required by applicable state law.
- G. Application. The provisions of this section shall not apply if it is finally determined that the closure of a mobile home park or cessation of the use of the land as a mobile home park results from an adjudication of bankruptcy.
- H. Prohibition of Waiver of Rights—Sanctions. It shall be unlawful for an owner to require that any resident or prospective resident, waive his or her rights under this section as a condition of tenancy. Any owner who wilfully and knowingly violates this subsection shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars or by imprisonment for not more than six months or by both such fine and imprisonment.

(Ord. 16.76 § 1 (part), 1989)

17.44.080 Tree protection regulations.

- A. Purpose and Intent. The city is forested with several varieties of native and significant trees which contribute greatly to the value of the land in the city and the preservation of which is necessary for the health, safety

and welfare of the citizens of the city. It is the intent of this section to: (1) regulate the removal of protected trees within the city in order to preserve scenic beauty, and a diverse ecosystem, prevent erosion of topsoil, protect against flood hazard and risks of land slides, counteract pollutants in the area, maintain the climatic balance, decrease wind velocities; (2) retain as many trees as possible consistent with the reasonable enjoyment of private property. (3) preserve significant, healthy trees when development of property is proposed; and, (4) protect trees designated for preservation during the construction of new development projects.

B. Definitions. The terms used herein have the following meanings:

1. "Certified arborist" means an arborist who has experience in the Santa Cruz County area in preparing tree reports and has valid certification credentials. A list of certified arborists who meet these criteria shall be maintained by the planning department.
2. "City arborist" means a certified arborist retained by the City of Scotts Valley to provide professional arboricultural services to the city.
3. "Damage" means any action undertaken which may cause the death or significant injury, or which places a protected tree in a hazardous condition or in an irreversible state of decline. This includes but is not limited to tree cutting, excessive foliar crown removal, topping, girdling, or poisoning, or trenching, compacting or excavating within a tree's root zone.
4. "Drip line" means a line which may be drawn on the ground around a tree directly under its outermost branch tips and which identifies that location where rainwater tends to drop from the tree.
5. "Foliar crown" means the leaves and branches of a tree; the upper portion of a tree from the lowest branch on the trunk to the top of the tree.
6. "Heritage trees" means trees which have been identified because of unique quality and/or size as the most significant and noteworthy in the city and which have been listed in an adopted resolution of the city council as to common name, location and the reason for listing.
7. "Protected tree" means a standing or upright tree meeting any one of the following:
 - a. Any tree having a main stem or trunk which measures twenty-five inches or greater in circumference (eight 8 inches in diameter, approximately) measured fifty-four inches above natural grade, located in a hillside residential zone where the slope of the area within twenty feet of where the tree is located exceeds twenty percent;
 - b. Any tree which existed at the time of any approval granted under any zoning ordinance in effect prior to the adoption of the ordinance codified in this title and which was required to be preserved as part of such approval;
 - c. Any tree required to be planted as condition of any approval under this title;
 - d. Any tree that was or is required to be planted as a replacement for any unlawfully removed tree;
 - e. Any oak tree having a main stem or trunk which measures twenty-five inches or greater in circumference (eight inches diameter, approximately) measure fifty-four inches above natural grade. Any multi-trunk oak with an individual trunk of over twelve inches in circumference (four inches diameter, approximately) measured fifty-four inches above the natural grade;
 - f. Any street tree, as defined in subsection B.9, regardless of size;
 - g. Heritage tree, as adopted in a resolution approved by the city council and shown on the map on file in the planning department;
 - h. All trees which have a forty-inch or greater circumference of any trunk measured fifty-four inches above the natural grade or, in the case of multi-trunk tress, a total of above the natural grade.

This provision shall not apply to the following trees: eucalyptus (blue gum), fruit trees and acacias. It also shall not apply to any bat laurel below and located within the drip line of any established oak tree.

8. "Pruning or trimming" means the removal of superfluous parts, branches or shoots from a plant or tree for better shaped or more fruitful growth.
 9. "Street tree" means any tree within five feet of public or private street or right-of-way.
 10. "Tree" means a woody perennial plant characterized by having a main stem or trunk or a multi-stemmed trunk system with more or less definitely formed crown, usually over ten feet high at maturity. This definition shall not include trees planted, grown and held for sale by licensed nurseries or the first removal or transplanting of such trees pursuant to and as part of the operation of a licensed nursery business.
 11. "Tree removal" means the killing of a tree by any means.
 12. "Tree root zone" means an area extending five feet beyond the tree's drip line.
- C. Protection of Trees. No person shall willfully cause or permit any condition which may damage a protected tree, including but not limited to the following:
1. Maintenance of a tree irretrievably infested or infected with insects or disease that could be detrimental to the health of any adjacent protected tree.
 2. Alteration of natural grade around any protected tree that impacts the flow of air, moisture or nutrients, or degrades the function of feeding or structural roots of a protected tree. This regulation does not include landscaping improvements which were approved by the city with an original development approval. Landscaping projects which are not subject to city review for existing development are not subject to this requirement unless a project was approved with conditions regarding location of landscaping or protection of trees.
 3. Storage of building materials or parking of vehicles or equipment within the root zone of a protected tree during development, unless specifically authorized by the city and under the direction of a certified arborist.
 4. Application of any substance which might be detrimental to the health of any protected tree.
 5. Driving metal stakes into tree trunks or stems or the root zone for any purpose other than to support a protected tree.
 6. Open flames within fifteen feet of the foliar canopy or trunk of a protected tree.
- D. Tree Removals Subject to Obtaining a Permit. Except as otherwise provided in subsection E, it is unlawful for any person to damage, destroy or remove, or cause to be damaged, destroyed or removed, any protected tree defined in subsection B.7, upon any private or public property in the city without first having obtained a permit to do so issued pursuant to this chapter. Exceptions to obtaining a permit provided in subsection E.
- E. Exceptions. The permit requirement set forth in subsection D shall not apply to any of the following:
1. Emergencies. If the condition of a tree presents an immediate hazard to life or property, or if the city has determined that a tree is a hazard to other protected trees via infestation or disease which presents an imminent hazard to other protected trees in the vicinity, it may be removed without a permit on order of the city manager, the city engineer, building inspector, community development director, a peace officer employed by the Scotts Valley police department, or an employee of the Scotts Valley Fire Protection District acting in the course and within the scope of employment. The community development director shall require a written determination from a certified arborist to confirm the immediate or imminent hazard of the tree when the situation warrants such confirmation.

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2. City Employees. Employees of the city may without a permit take such action with regard to trees on city-owned property as may be necessary to maintain safety unless such trees are designated as Heritage trees. If a Heritage tree is to be removed, a tree removal permit is required pursuant to subsection D and G unless an emergency exists pursuant to subsection E.1.
 3. Public Utilities. Public utilities subject to the jurisdiction of the state public utilities commission may without a permit take such action as may be necessary to comply with the safety regulations of the public utilities commission and as may be necessary to maintain a safe operation of their facilities.
 4. Project Approval. Where removal of a tree has been specifically authorized as part of any development application approved by the planning commission or city council under any other provision of this title, no additional permit shall be required for removal of such tree. Tree removal request shall be included as part of the development application, including an arborist's report, and shall be approved by the planning commission or city council. The development review process shall include a review of the information and requirements set forth below for the purpose of preserving healthy trees, trees that contribute to the overall aesthetic quality of an area, and to preserve significantly sized trees that are important to the overall landscape of an area. The development application shall the following information, and prior to deeming an application complete, shall be subject to the following process for review:
 - a. All development plans, and landscaping and irrigation plans shall show all trees and indicate size and species with locations, drip lines and tree root zones properly surveyed.
 - b. The city arborist shall perform a resource evaluation, tree survey, and/or impact report using the plans provided by the applicant. The city arborist shall make recommendations for trees requiring removal or appropriate for preservation. The report shall include procedures for pre-construction treatment and alternative construction methods. In addition, requirements for Preservation and Maintenance, contained in sub-section I shall be considered and appropriate conditions for long term maintenance of preserved trees shall be evaluated.
 - c. Tree preservation measures shall be incorporated as conditions of permit approval.
 - d. The city arborist shall place a monetary value on trees preserved on development sites and a surety bond in an amount equal to the value of the preserved trees shall be deposited with the city. If damaged occurs to the preserved trees during development and/or construction, funds will be drawn from the deposited amount. Funds remaining in the account will be returned to the applicant upon final inspection of the project.
 - e. During the pre-construction phase of development the city arborist shall inspect tree protection fencing and the completion of pre-construction treatments. This inspection shall be completed prior to the issuance of any grading or building permits.
 - f. The city arborist shall routinely inspect the development site through the term of the project.
 - g. The cost of the city arborist review and implementation of conditions, site inspection and related work shall be borne by the applicant.
 - F. City-Required Removal of Trees. On order of the city manager, city engineer, building inspector, community development director, peace officer employed by the City of Scotts Valley police department or an employee of the fire district, a dead or diseased non-heritage tree may be required to be removed if it is determined to be a potential threat or if its removal is determined to be beneficial to the health and safety of surrounding vegetation or property.
 - G. Applications. Application for a tree removal permit for any tree protected in this section shall be filed with the city planning department on forms prescribed by the community development director, and shall be accompanied by a fee as set forth by resolution of the city council. The application shall contain the number

and location of each tree to be removed, the type and approximate size of the tree, the reason for removal, and such additional information as the community development director may require. The city shall mail notices to at least the five closest neighboring property owners, the Scotts Valley planning commissioners and others deemed necessary by the community development director. The planning staff will determine who will receive the notice.

H. Processing of and Determinations on Tree Removal Permits.

1. Permit. Applications for removal of all protected trees except Heritage trees shall be reviewed and determined by the planning director. Permit application for removal of Heritage trees shall be reviewed and determined by the planning commission.
2. Criteria. Each application for a tree removal permit shall be reviewed and a decision rendered on approval or denial (in whole or in part) on the basis of following criteria:
 - a. The condition of the tree with respect to disease, danger of falling, proximity to existing or proposed structures, and interference with existing utility services;
 - b. The topography of the land and the effect of the tree removal upon erosion, soil retention and the diversion or increased flow of surface waters;
 - c. The number, species, size and location of existing trees in the area and the effect the removal would have upon shade, sunlight, privacy, scenic beauty, wildlife, noise, air quality, wind, health, safety, prosperity, historic values and general welfare of the area and the city as a whole.
3. Additional Recommendations. The community development director or planning commission may refer the application to another department, commission or person for a report and recommendation. They may also require the applicant to furnish a written report from a certified arborist as identified on the list maintained by the planning department, such report to be obtained at the expense of the applicant.
4. Dead or Diseased Tree(s).
 - a. If a property owner is required to presents a written report from a certified arborist, which identifies a tree(s) as dead or diseased and recommends removal, no fee shall be charged if such disease is considered terminal or can be spread to other trees causing further damage, disease or death.
 - b. If a property owner has been directed by city staff to remove a potentially destructive, dead or diseased tree, no tree removal permit shall be required.
 - c. If a request is filed to remove a dead tree, such tree shall be inspected by the community development director, and if determined to be dead, no fee for a permit to remove such tree shall be required nor shall any of the procedures for dead trees shall be processed within three (3) business days. Failure to process the permit within three (3) days results in approval of the permit and the tree can be removed.
5. Decision by Community Development Director of Planning Commission on Permits and Replacement Tree(s) Requirements.
 - a. The community development director shall render a decision on the permit in accordance with the adopted processing schedule maintained by the planning department. The director may grant or deny the application or grant the same with conditions, including, but not limited to, the condition that one or more replacement trees be planted of a species and size, at on or off site location(s) as designated by the community development director. Any such replacement trees shall be planted and maintained on the same site at the expense of the applicant. When a site is not of a sufficient size or other factors determined by the community development director

warrant placement of trees off-site, such replacement tree(s) shall be substituted by payment of a fee to the city's tree replacement fund. When a permit is granted, denied or conditions attached, the community development director shall provide the applicant with a written statement of the reasons for said grant, denial or conditions based on the criteria of this subsection.

- b. [Reserved.]
 - c. The planning commission may request a tree removal permit to be reviewed by the planning commission during the initial notice period or by an appeal of the community development director's decision on a tree removal permit. If such request is made during the initial notice period, the community development director shall place such permit on the next available planning commission agenda. No action on the permit can be taken until the permit is reviewed and an action is taken by the planning commission. Action by the planning commission shall be in accordance with the criteria for approval of a tree removal permit as contained subsection H.2. Notwithstanding any other provision of this code, the decision of the planning commission on any tree removal permit shall be final.
 - d. An application to remove any heritage tree shall be considered by the planning commission at a public hearing schedule for the next available planning commission meeting from the date the permit is filed. Notice of the public hearing shall be given pursuant to Section 17.50.090 of this title. The planning commission may grant or deny the application or grant the same with conditions, including, but not limited to, the condition that one or more replacement trees be planted of a species and size and at locations as designated by the planning commission. Any such replacement trees shall be obtained and planted at the expense of the applicant. When a permit is granted, denied or conditions attached, the planning commission shall provide the applicant with a written statement of the reasons for said grant, denial or conditions based on the criteria of this subsection. Notwithstanding any other provision of this code, the decision of the planning commission shall be final.
 - e. Notice of the community development director's or planning commission's decision on any application for a tree removal permit shall be made by first class mail, postage prepaid, to the owners of the five closest neighboring properties, or others as required in subsection G and to any other person who has filed with the community development director a written request for such notice.
6. Denial of Tree Removal Permits. If a tree removal permit is denied by the community development director or planning commission, a re-application for removal of the tree(s) may be made at any time if conditions change or significant new information becomes available.
- I. Preservation and Maintenance.
- 1. The existing ground surface in the tree zone of any protected trees shall not be cut, filled, compacted or paved as a part of any new development project unless specifically recommended by a certified arborist. Specific attention to paving or covering soil within the tree zone of the any protected trees shall be evaluated to ensure the long term health of the tree(s). All cut fill, compaction and paving within the tree root zone of any protected tree shall be reviewed by a certified arborist and appropriate recommendations made based upon the conditions relative to the particular site and the condition and type of tree being affected. When conditions are applied to new development projects for preservation of specific tree(s), such conditions shall be applied to the future preservation and maintenance of the tree(s) after construction is complete.
 - 2. When a proposed development complies with subsection E.4 and still encroaches into the tree root zone of any protected tree, special construction techniques shall be employed to permit the roots to

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- remain undisturbed. The special construction techniques, as recommended by a certified arborist, may be required to be submitted with the application for building permits.
3. Excavation adjacent to any protected tree shall not be permitted where material damage to the root system will result. In questionable situations, the applicant shall provide substantiated documentation acceptable and satisfactory to the certified arborist and the community development director showing that the trees will be properly protected. Posting of a bond to insure tree protection may be required at the discretion of the community development director.
 4. Chain link fencing with posts sunk in the ground or other fencing method approved by the city arborist shall be installed in locations surrounding tree(s) to be preserved during all construction activities on site. The location of the fencing shall be as determined by the certified arborist and community development director. Such fencing shall be installed by the applicant and inspected prior to issuance of a grading and building permit.
 5. Landscaping and irrigation plans within the tree root zone of any protected tree(s) shall be reviewed and recommended by a certified arborist.
- J. Appeal.
1. The applicant or any other interested person may appeal the decision of the community development director to the planning commission whose decision shall be final. Notice of the hearing shall be provided in the same manner as notice in subsection G. Notice of the planning commission's decision shall be forwarded to applicant within twenty-one days of the date of the decision.
 2. Where an application for a tree removal permit has been granted and the community development director determines that the tree in question presents a clear and immediate threat of causing injury to persons or property, the community development director may issue the tree removal permit prior to expiration of the appeal period.
- K. Designation of Heritage Trees. Any member of the public may petition the city council in writing to designate a tree or group of trees of the heritage tree inventory and the city council shall consider the request. A tree or group of trees may be designated as heritage tree(s) by resolution of the city council upon their finding that the tree(s) is/are of outstanding value because of any of the following reasons: age, size, aesthetics, history, uniqueness, tradition, or location. Trees designated as heritage trees shall be included in the heritage tree inventory.
- L. Removal from Heritage Tree Inventory. A tree or trees shall be removed from the heritage tree inventory upon adoption of a resolution by the city council based on findings of the city arborist that:
1. The tree or trees is/are dead, or
 2. The tree or trees is/are irreparably damaged so that they will not survive, or
 3. The tree or trees is/are damaged, diseased, infested or infected so that they are a hazard to public health and safety or to other trees, or
 4. The tree or trees has/have been removed with the required tree removal permit for one of the above reasons, or
 5. The tree or trees longer retain or hold the value for which they were placed upon the heritage tree list.
- M. No Liability Upon City. Nothing in this section shall be deemed to impose any liability upon the city or upon any of its officers or employees, nor to relieve the owner or occupant of any private property from the duty to keep in safe condition any trees and shrubs upon his property or upon a public right-of-way over his property.

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- N. Enforcement. The community development director of the city, and his/her duly authorized representatives, are authorized and directed to enforce all the provisions of this chapter. Whenever activity is being done in violation of this chapter, the community development director may order the work stopped by notice in writing served on any persons engaged in such activity and such persons shall stop immediately until authorized by the community development director to proceed with such activity.
- O. Violations—Penalties. The violation of any provision contained in this chapter is declared to be unlawful and shall constitute a misdemeanor and a public nuisance, subject to the penalties as prescribed in Chapter 1.08 of this code. Such penalties may be waged also against a certified arborist or contractor who performed work in violation of this section. In addition thereto, any person unlawfully removing, destroying or damaging any protected tree shall be penalized as follows:
1. Replacing the unlawfully removed tree with one or more new trees which, in the opinion of the community development director or planning commission, will provide equivalent aesthetic quality in terms of size, height, location, appearance, age and other characteristics of the unlawfully removed tree. Such trees may be required to be located either on or off of the site where the tree was removed.
 2. Where similar replacement trees will not provide reasonably equivalent aesthetic quality because of the size, height, location, appearance, age and other characteristics of the unlawfully removed or damaged tree, the community development director shall calculate the value of the removed tree in accordance with the latest edition of the Guide for Establishing Values of Trees and Other Plants, as prepared by the council of tree and landscape appraisers. Upon the determination of such value, the community development director may require either a cash payment to the city, and/or the planting of replacement trees as designated by the community development director, or any combination thereof, in accordance with the following:
 - a. To the extent that a cash payment is required for any portion or all of the value of the removed tree, and
 - b. To the extent that the planting of replacement trees is required, the retail costs of such trees, as shown by documentary evidence satisfactory to the community development director, shall be offset against the value of the removed or damaged tree, but no credit shall be given for transportation, installation, maintenance and other costs incidental to the planting and care of the replacement trees.
 3. Where a violation(s) of this section has previously occurred with the same property owner, agent, certified arborist or contractor or advance knowledge of the requirements of this section have been provided to the property owner, agent or certified or contractor, the community development director or planning commission, at their discretion, shall require payment of a penalty fee pursuant to subsection O.2.
 4. In the event a violation is performed under the direction of a certified arborist, the certified arborist shall be removed from the city's list for a minimum of one year. If the certified arborist wishes to be placed back on the list after one year, a written confirmation of agreement to abide by these regulations shall be submitted and approved by the community development director. Repeat violations of these regulations by a certified arborist is basis to permanently remove the certified arborist from the City's lists.
 5. All applications and permit fees paid to the city shall be forfeited.

(Ord. 16.94 § 1; Ord. 16.104 § 2, 1998; Ord. 16-114 § 4, 2002; Ord. 16.123, § 54, 9-5-2007)

17.44.100 Congregate senior housing facilities.

- A. Applicability. A congregate senior housing facility may be established on any site that is within the planning area of the General Plan designated for medium high density (or greater) residential use and which the General Plan further designates as a "special consideration area" for a congregate senior housing facility upon securing a conditional use permit therefor from the planning commission, provided the project consists of five or more dwelling units.
- B. Definition. "Congregate senior housing facilities" means a housing project or portion thereof, designed to serve the housing needs of a particular segment or group of elderly persons. Such projects frequently include nonresidential facilities such as stores, garages, dining rooms, recreation facilities, chapels, health and related services and functions to provide for the needs of the residents.
- C. Provisions For Density Bonuses. In evaluating any use permit application for congregate facilities, the planning commission shall allow a density bonus for any such project in accordance with the formula established below, where the developer agrees to construct at least twenty five percent of the total units for persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or ten percent of the total units for lower income households, as defined in Section 50079.5 of the Health and Safety Code, or fifty percent of the total units for "qualifying residents" as defined in Section 51.2 of the Civil Code. The planning commission shall determine the size of the density bonus based on the size of the project and its location.
 - 1. No density bonus shall be less than twenty five percent of the maximum allowable residential density otherwise permitted under the applicable zoning district regulations and land use element of the General Plan.
 - 2. The density bonus shall not be included when determining the number of housing units which is equal to ten or twenty five or fifty percent of the total units referenced above.
 - 3. Subject to the provisions of subdivisions 1 and 2 of this subsection a density bonus of up to seven units for every unit to be constructed and committed for one or more of the income groups referenced above shall be allowed subject to a maximum density bonus equivalent to 2.5 times the maximum number of units otherwise permitted under the applicable zoning district regulations and land use element of the General Plan, provided that the maximum density, including density bonuses in any General Plan designation area, shall be no greater than thirty-five units per acre.
 - 4. Within the parameters specified in subdivision 3 of this subsection, the planning commission shall determine the density bonus to be allowed by giving due consideration to the size of the site, the character of the surrounding area and uses located therein, the proximity of the site to shopping centers and major arterials, the accessibility of the site, the proximity of the site to recreational areas and medical facilities, the topography of the site and any other factors that may be pertinent to a proper evaluation of the density bonus to be allowed.
- D. Design Criteria and Performance Standards. Design criteria and performance standards for the zoning district regulations applicable to the site shall be satisfied, except as modified herein.
 - 1. Minimum unit size:
 - a. Studio, 400 square feet,
 - b. One bedroom, 600 square feet,
 - c. Two bedroom, 800 square feet;
 - 2. All units shall consist of studios and/or one- bedroom or two bedroom dwelling units;

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3. Kitchen facilities. Minimum kitchen facilities shall contain a small one basin sink, a half size (nine cubic foot) refrigerator and two burner stove top;
 4. Individual bathrooms shall be required for all units and shall meet the following standards:
 - a. Handrail shall be provided in bathroom,
 - b. Nonskid surfaces shall be installed for floors, tubs and showers,
 - c. Each bathroom shall be equipped with a tub or shower,
 - d. All showers shall contain a built in seat with grab bars for safety purposes;
 5. Each unit shall be equipped with an intercom system that will allow for two way communication with the central management area;
 6. Handrails shall be provided the full length of all hallways on both sides, with occasional seating if hallway length exceeds fifty feet;
 7. Transportation services. Van services shall be provided in accordance with a program designed and maintained to meet the reasonable transportation needs of the residents of the project. The planning commission shall approve the transportation services plan proposed for the congregate senior housing facility;
 8. Adequate organized physical activity or activities shall be provided on site;
 9. Peepholes shall be required in all unit entryway doors;
 10. Twenty four hour security staff shall be provided for the site;
 11. All building exteriors and exterior walkways shall be well lit, but glare shall not be directed onto adjacent properties or streets;
 12. A minimum of two emergency pull cords or buttons shall be provided for each unit, one of which shall be located in the bathroom near the toilet, tub or shower;
 13. Management must possess a thorough knowledge of the needs of the elderly as well as expertise in property management;
 14. A central management area shall be provided in the facility. This area shall be equipped to handle communications from residents on a twenty four hour per day basis;
 15. A minimum of two hot meals per day shall be provided;
 16. A snack bar shall be located in or adjacent to the central dining area where sandwiches, fruit, soft drinks and assorted items can be purchased;
 17. An area shall be located on the premises where sundry items such as soap, toilet paper, paper towels, toothpaste and similar items can be purchased;
 18. Areas of a room must be provided for group meetings, social interaction, exercising and/or other activities;
 19. All entrances and exits, including to and from dwelling units, shall be wheelchair accessible from outside and inside the building;
 20. Parking for residential, staff and visitor purposes shall be in the ratio of one space for every three units with sufficient space set aside to increase parking to a ratio of one space per two units;
 21. All units shall be wheelchair adaptable;

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22. All services, amenities and other features of the facility, in addition to rent levels, shall be disclosed in writing to a prospective tenant prior to the execution of any rental or lease agreement;
 23. All units shall be available for rental congregate senior housing only.
- E. Agreement Required. Prior to the issuance of any building or grading permit for the project, the applicant shall enter into an agreement with the city:
1. Whereby the requisite number of units to be committed to the purposes specified in subsection C of this section shall be committed indefinitely;
 2. Which requires the applicant to pay for the cost of an appropriate rental and monitoring program that will ensure that the requisite number of units to be committed for the applicable purposes specified in subsection C of this section are utilized appropriately;
 3. Whereby the rental and monitoring program referenced in subdivision 2 of this subsection shall be satisfied, at the option of the city, by the execution of an agreement between the city and the Santa Cruz County housing authority (or similar public housing agency) for the institution and maintenance of a rental processing and monitoring program, with the applicant being required to enter into appropriate agreements with the Santa Cruz County housing authority (or similar housing agency) consistent and in accordance therewith;
 4. Which requires that the provisions of any agreement specified in subdivisions 1 through 3 of this subsection shall be treated as conditions running with the land, shall be binding on and inure to the benefit of any successor(s) in interest of the parties thereto, shall be referenced in any deed or other document whereby the land or any interest, right and/or title therein is transferred or otherwise conveyed to any other person and shall be recorded in the Santa Cruz County recorder's office;
 5. Which contains appropriate provisions relating to enforcement of the terms and conditions thereof by the city and/or the Santa Cruz County housing authority (or similar public housing agency).
- Any such agreements shall be approved by the city attorney and city council.
- F. Other Requirements.
1. The design criteria and performance standards specified in subsection D of this section are intended to and shall apply to all congregate senior housing facilities except to the extent that such criteria and standards are preempted now or in the future by applicable provisions contained in any statute, rule or regulation of the state of California, including without limitation any such provisions set forth in Title 24 of the California Administrative Code. The design criteria and performance standards set forth in subsection D of this section are intended to and shall supplement the provisions of any state or local statute ordinance, rule or regulation otherwise applicable to congregate senior housing facilities.
 2. The provisions of any use permit issued hereunder shall be considered to constitute covenants and/or conditions running with the land and the use permit shall be recorded at the Santa Cruz County recorder's office prior to issuance of any building or grading permit.

(Ord. 16.76 § 1 (part), 1989)

17.44.110 Emergency shelters.

- A. Purpose. The purpose of these regulations is to provide operational and management standards for emergency shelters. The regulations contained herein are intended to establish compatibility with surrounding uses.

- B. Standards. In addition to development standards in the applicable zoning district, emergency shelters shall comply with the following standards. ~~Operational standards and management standards for emergency shelters. Emergency shelters shall be subject to and comply with the following standards and regulations:~~
1. Length of Stay. The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.
 1. ~~Limited terms of stay. The facility shall operate on a first come, first serve basis with clients only permitted on-site and admitted to the facility between 6:00 p.m. and 7:00 a.m. (PDT), and 5:00 p.m. and 7:00 a.m. (PST). Clients must vacate the facility by 8:00 a.m. and have no guaranteed bed for the next night. A curfew of 10:00 p.m. (or earlier) shall be established and strictly enforced. Clients shall not be admitted after the curfew.~~
 22. Siting. To avoid over concentration of emergency shelter facilities, a minimum distance of three hundred feet shall be maintained from any other emergency shelter, as measured from the property line.
 3. ~~Restroom Facilities. Service providers shall provide sufficient numbers of male and female toilets/restrooms for clients and prospective clients to have access to use on a twenty-four-hour basis. For group housing and other similar shelter programs, adequate private male and female showers shall be provided along with lockers for clients to temporarily store their belongings.~~
 4. ~~Outdoor Storage. Any outdoor storage, including but not limited to, items brought on-site by clients for overnight stays, shall be screened from public view by a minimum six-foot tall decorative wall or fence. Shopping carts are not permitted on-site.~~
 35. Waiting Areas. ~~Adequate w~~Waiting areas must be provided within the premises for clients and prospective clients including of at least ten square feet per bed and a ~~minimum of one hundred square feet to ensure that public sidewalks or private walkways are not used as queuing or waiting areas regardless of the number of beds. Facility improvements shall comply with the Scotts Valley Municipal Code and the most current adopted Building and Safety Code, specific to the establishment of dormitories.~~
 46. Off-Street Parking. An emergency shelter facility shall provide off-street parking at the ratio of ~~one space per three beds, and/or 1.0 per bedroom designated as a family unit with children, plus one space per staff member~~ when the greatest number of employees are on duty. ~~Service providers are responsible to provide and maintain adequate parking and freight loading facilities for employees, clients, and other visitors who drive to the premises.~~
 57. Bicycle Parking. Secure bicycle rack parking shall be provided at the facility at a rate of one space per three staff members when the greatest number of employees are on duty ~~space per three beds.~~
 68. Lighting. ~~Adequate e~~External lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of intensity compatible with the neighborhood.
 7. ~~9.~~ Additional Service Areas. The facility may provide the following services in a designated area separate from sleeping areas:
 - a. ~~A recreation area inside the shelter or in an outdoor area visually separated from public view by a minimum six-foot tall visually screening decorative wall or fence.~~
 - b. ~~A counseling center for job placement, education, health care, legal services, or mental health services.~~
 - c. ~~Kitchen and dining area.~~
 - d. ~~Client storage area.~~

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- ~~10. Outdoor Activity. For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of 9:00 a.m. and 10:00 p.m. (PDT and PST)~~
 - ~~11. Refuse. Emergency shelters shall provide a refuse storage area that is in accordance with the requirements of the public works department.~~
 - ~~12. Business License. Emergency shelter operators shall obtain a city business license. Onsite Management. The emergency shelter shall provide onsite management during all hours of operation.~~
 - ~~13. Shelter Management Plan. A shelter management plan shall be submitted as part of the permit application, which addresses all the following:~~
 - ~~a. All graffiti on the premises shall be removed by the shelter operator within twenty-four hours.~~
 - ~~b. Installation of anti-loitering signs.~~
 - ~~c. Service providers shall maintain sufficient monetary resources to enable them to operate the facility per the shelter management plan, and shall demonstrate to the city prior to approval of the permit application that such funds shall be available for use upon first occupancy of the proposed shelter and shall reasonably be expected to be available for the life of the project.~~
 - ~~d. A minimum one staff member per fifteen beds shall be awake and on-duty when the facility is open. Facility staff shall be trained in operating procedures, safety plans, and assisting clients. The facility shall not employ staff members who have been convicted of a felony or who are required to register as a sex registrant under Penal Code 290.~~
 - ~~e. Service providers shall maintain up-to-date information and referral sheets to give clients and other persons who, for any reason, cannot be served by the emergency shelter.~~
 - ~~f. Service providers shall provide criteria to screen clients for admittance eligibility, with the objective to provide first service to individuals with connections to Scotts Valley.~~
 - ~~g. Service providers shall continuously monitor waiting areas to inform prospective clients whether they can be served within a reasonable time. If they cannot be served by the provider because of time or resource constraints, the monitor shall inform the client of alternative programs and locations where he or she may seek similar service.~~
 - ~~h. Service providers will educate on-site staff to provide adequate knowledge and skills to assist clients in obtaining permanent shelter and income, including referrals to outside assistance agencies. An annual report on this activity will be provided to the city.~~
 - ~~i. Service providers shall provide the timely removal of litter attributable to clients within the vicinity of the facility every twenty-four-hour period.~~
 - ~~j. Service providers will maintain good communication and have procedures in place to respond to operational issues which may arise from the neighborhood, city staff, or the general public.~~
 - ~~k. Service providers shall establish standards for responding to emergencies and incidents expelling clients from the facility. Re-admittance policies for clients who have previously been expelled from the facility shall be established.~~
 - ~~l. Alcohol and illegal drug use is prohibited on-site. Service providers shall expel clients from the facility if found to be using alcohol or illegal drugs.~~
 - ~~m. The facility shall implement other conditions and/or measures as determined by the city, in consultation with other city/county agencies necessary to ensure that management and/or clients of the emergency shelter maintain the quiet, safety, and cleanliness of the premises and the vicinity of the use.~~

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844. Code Requirements. The facility shall comply with all other laws, rules, and regulations that apply including, but not limited to, building and fire codes. The facility shall be subject to city inspections prior to the commencement of operation. ~~In addition, the city may inspect the facility at any time for compliance with the facility's management plan and other applicable laws and standards.~~

(Ord. No. 16-138, § 4, 7-15-2015)

17.44.120 Cultural resource preservation commission.

- A. Establishment of the Commission. For the protection of cultural resources, both historic and prehistoric, the city shall establish a cultural resource preservation commission (CRPC). It shall be responsible for safeguarding the city's prehistory and history in accordance with Sections 17.44.130 and 17.44.140 of this chapter.
- B. Membership of the Commission. This commission shall have seven members who shall be the five members of the city's planning commission and two cultural members who shall be residents of the planning area of Scotts Valley and have exceptional knowledge of the history or prehistory of the area. One of the two cultural members shall be nominated for appointment by the Santa Cruz Archaeological Society and one member shall be nominated for appointment from the Scotts Valley Historical Society. They shall each be confirmed or denied appointment by the city council. If denied appointment, the nominating agency may propose another candidate until someone is properly selected.
- C. Powers and Duties. When the CRPC meets, it shall have the same powers to condition a project as the planning commission within those matters prescribed in Sections 17.44.130 and 17.44.140. Conditions on projects determined by the seven-member CRPC cannot be altered by the planning commission later meeting on the same project as the planning commission, but the planning commission may reconvene the CRPC for further discussion of any project, prior to final approval.
- D. Terms. Each member of the CRPC shall be appointed to a four-year term. From the effective date of this chapter the first term of the member from the Scotts Valley Historical Society shall be two years.
- E. Vacancies. A vacant position will be filled for the remainder of the original term in the same manner as a regular nomination.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.101 § 1, 1996)

17.44.130 Cultural resource preservation.

- A. Policy and Purposes. Pursuant to the California Environmental Quality Act, it is incumbent upon the city as a public agency to protect the interest of the public by providing for the identification, protection, enhancement, perpetuation and use of archaeological resources and sites within the city that reflect special elements of the city's prehistoric and historic archaeological heritage. The city council finds and declares that the sites of these resources (hereinafter alternatively referred to as "cultural resources" and "cultural resource sites") are unique, nonrenewable, irreplaceable and significant areas containing evidence of past human activity; and that such sites constitute a precious prehistoric and historic heritage, which is (or is in danger of) rapidly disappearing as a result of public and private land development and/or modification activities. It is the policy of the city to preserve and protect these resources because of their cultural, educational and scientific values; and to recognize that these resources are rightfully the legacy of future generations.
 - 1. The city council, concurring with the State Legislature, finds and declares that:

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- a. The safeguarding of the city's heritage as embodied and reflected in such resources is a matter of city- wide concern.
 - b. It is the intent of the city council to encourage public knowledge, understanding and appreciation of the city's past.
 - c. There is a need to foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources.
 - d. It is necessary to promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the city.
 - e. There is a need to enhance property values and to increase economic and financial benefits to the city and its inhabitants.
 - f. It is necessary to protect and enhance the city's attraction to tourists and visitors (thereby stimulating business and industry).
 - g. There is a need to identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses.
 - h. Every citizen has a right and a responsibility to contribute to the preservation and enhancement of our cultural heritage.
 - i. It is the intent of the city council that the city regulate activities of private individuals, corporations and public agencies which are found to affect the purposes of this section so that major consideration is given to preventing damage to cultural resources.
2. The city council, concurring with the State Legislature, further finds and declares that it is the policy of the city to:
 - a. Integrate the preservation of archaeological resources and the extraction of relevant data from such resources into public and private land-management and development processes;
 - b. Develop and maintain a cultural resource conservation and protection environment now and in the future and take all actions necessary to protect and enhance the cultural resource heritage of the city;
 - c. Ensure that the long-term protection of the cultural resource heritage shall guide public decision;
 - d. Require consideration of protection of cultural resources as well as economic and technical factors and long-term benefits and costs in addition to short-term benefits and costs; and consider alternatives to proposed actions affecting the cultural resource heritage of the city in land-use management and development activities.
 3. Nothing contained herein shall supersede the powers of other local legislative or regulatory bodies or relieve any person of responsibility for complying with the requirements of any other state statutes or municipal ordinances or regulations.
- B. Scope of Application—Construction—Limitation. This section shall apply to archaeological resources and sites only, both historic and prehistoric, as defined and referenced herein and shall have no application to historic landmarks (which are the subject of separate treatment and regulation pursuant to Section 17.44.140 of this chapter).

This section shall be construed and applied in a manner designed to achieve its purposes, subject to the limitation that it shall not be construed or applied in any manner or fashion that is violative of or contrary to or be held to demand requirements or conditions or the expenditure of funds in excess of or contrary to, the provisions of controlling state law, including without limitation, and where applicable, the provisions of Section 21083.2 of the Public Resources Code.

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- C. Definitions. Unless the context requires otherwise, the following definitions shall be used in the interpretation of this section:
1. "Alteration" means any change, modification, alteration, disruption or disturbance of land or earth materials, such as rock or soil, involving the movement or removal of more than four cubic yards, including but not limited to excavation, filling, grading, surface grading, land clearing, topsoil removal, trenching, construction or other ground disturbance, through public or private action, resulting in an impact, either direct or indirect, on a cultural resource.
 2. "Archaeological excavation" means removal of the soil from its matrix in order to discover and retrieve archaeological data from beneath the ground, thereby revealing a three-dimensional structure of the data and matrix, both vertically and horizontally.
 3. "Archaeological resource" means cultural resource.
 4. Archaeological Resource Site. See "Designated cultural resource site."
 5. "Artifact" means material remains which provide evidence of the activities of prehistoric culture or historic occupation.
 6. "Burial" means the process of placement of human remains in a grave inside or outside of a burial park, or the results of such process.
 7. "City" means the City of Scotts Valley.
 8. "Commission" means the Cultural Resource Preservation Commission of the City of Scotts Valley.
 9. "Cultural resource" means any material remains of past human life or activities which are of historic or prehistoric value or interest. Cultural resources remain from the prehistoric and historic periods and occur either below or above the ground.
 - a. "Historic cultural resource(s)" means any archaeological site, including but not limited to, structural ruins, roadways, trails or transportation networks, cemeteries, artifact caches, bones, ceramics or other physical manifestations significant to an understanding of historic settlement and development, which has existed from or after the beginning of written recorded history for the area (which is generally considered to be circa 1750).
 - b. "Prehistoric cultural resource(s)" means any archaeological site, including but not limited to any mound, midden, cave, place of settlement, burial ground, ceremonial site, mine, trail, rock art or other feature or location of prehistoric native Californians. The material remains of prehistoric cultures include, but are not limited to, stone tools, weapons, human skeletal materials, graves, walls and other natural or manmade objects or features significant to the area's prehistoric past. "Prehistoric" refers to anything which existed before the beginning of written recorded history for the area.
 10. "Cultural resource alteration permit" means a permit required before alterations to known cultural resources can be undertaken or when potentially significant resources are in danger of being affected by human activity. The permit establishes conditions which shall be met before project development may be undertaken or resumed.
 11. "Cultural resource consultant" means an appropriately qualified archaeologist or historic archaeologist who has appropriate expertise in field research and management of cultural resources as herein defined and in other pertinent disciplines and who has a demonstrable familiarity with the prehistory and history of the city and region. This person shall be qualified to undertake specialized archival research, field identification and scientific exploration of cultural resources. The consultant shall be qualified to make appropriate management recommendations based on the provisions of this section and other applicable local, state and/or federal laws, rules and/or regulations.

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12. "Cultural resources inventory" means a regularly updated listing of parcels identified by current Assessor's Parcel Number that are located within five hundred feet of a known archaeological site. The cultural resource preservation commission is responsible for the maintenance of such inventory. In conformance with the State Attorney General's advisement to the State Historic Preservation Officer regarding protection of fragile cultural resources from vandalism, the identification listing is made available to the public only on a need-to-know basis.
 13. "Cultural resource report" means the types of cultural resource reports which can be prepared as part of the cultural resource evaluation process and includes:
 - a. "Preliminary cultural resource report" means and includes an archival search in the state records on file with the California Archaeological Inventory and a surface reconnaissance of property under review. The work is conducted by or under the supervision of a qualified cultural resource consultant to determine the presence or absence of cultural resources on the property under review. This report is a prerequisite to issuing a cultural resource alteration permit.
 - b. "Comprehensive cultural resource report" means comprehensive investigation of cultural resources following a positive preliminary cultural resource report. It is a prerequisite to issuing a cultural resource alteration permit. The purpose of this report is to further define the cultural resource as to physical extent, age, significance and the like and to outline mitigation measures which avoid or minimize adverse impacts on the cultural resource. This report shall include an inventory and recommendations for long-term storage.
 14. "Cultural resources sensitivity area" means areas of the city where cultural resources are known and/or predicted. Cultural resources sensitivity areas are designated on a regularly updated map. Such updating is done in consultation with a cultural resource consultant. This map is on file in the planning department; the city is constrained from allowing the sensitivity map to enter the public domain. The cultural resource preservation commission is responsible for the maintenance of this map.
 15. Cultural Significance.
 - a. A cultural resource may be deemed to be significant if it has identification or association with persons, eras or events that have contributed to local, regional, state or national history or prehistory in a distinctive or important way; or if it has yielded or is substantially likely to yield information of value about history, technology, architecture, culture or aesthetics; or if it provides for existing and future generations an example of the physical surroundings in which past generations worked.
 - b. The factor of age alone does not necessarily confer archaeological value or interest upon a resource. However, age may have such effect if a more distinctive or important example thereof no longer exists.
 16. "Designated cultural resource site" means a parcel or part thereof which contains a cultural resource and any abutting parcel or part thereof constituting part of the premises which contains the cultural resource and which has been designated as a designated cultural resource site pursuant to this section.
 17. "Discovered cultural resource" means any artifact or other evidence of a cultural resource, including human remains, which reasonably appears to exceed fifty years of age that is discovered at any time during preparation for or during the process of excavation or during natural erosion processes or other ground disturbance.
 18. "Excavation" means the removal of soil from its matrix.
 19. Excavation Plan. As defined by the Resources Agency of the State of California in the California Environmental Quality Act (CEQA), Appendix K, Archaeological Impacts (effective August 1, 1983), an excavation plan may:

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- a. List and briefly discuss the important information the archaeological resources contain or are likely to contain;
 - b. Explain how the information should be recovered to be useful in addressing scientifically valid research questions and other concerns dealing with significant cultural objects;
 - c. Explain the methods of analysis and, if feasible, the proposed manner of display of excavated materials;
 - d. Provide for final report preparation and distribution; and
 - e. Explain the estimated cost and time required to complete all activities undertaken under the plan.
20. Ground Disturbance. See "Alteration."
 21. "Human remains" means the body or any part thereof, of a deceased human being in any stage of decomposition.
 22. "Improvement" means any building, structure, place, parking facility, fence, gate, wall, work of art or other object constituting a physical betterment of real property or any part of such betterment.
 23. Interment. See "Burial."
 24. "Knowingly" means a person who disturbs, excavates or causes to be disturbed or excavated a cultural resource shall be deemed to have done so "knowingly" if the person knew or reasonably should have known, that the area contained artifacts, remains or other evidence of a cultural resource. The city shall institute procedures for notifying property owners of the presence of cultural resources.
 25. "Land clearing" means the removal of vegetation down to duff or bare soil by any method.
 26. "Local interest group" means any organized body of persons who have a recognized interest in the cultural resources within the city. These groups include, but are not limited to, the Scotts Valley Historical Society, the Santa Cruz Archaeological Society, the Society for California Archaeology, and Native American groups as defined in California Senate Bill 297 and others who identify their interest in a particular resource or project.
 27. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of cultural resources intended to maintain and perpetuate existing cultural resources for the benefit of future generations carried out in conformance with current state and federal historic preservation practices.
 28. "Property owner" means the owner, builder, developer or lessee or any agent thereof, of property on which a cultural resource is located.
 29. "Protection" means the introduction of measures intended to arrest natural and man-induced processes of destruction or decay of existing cultural resources carried out in conformance with current state and federal historic preservation practices.
 30. "Recorded cultural resource" means a cultural resource which has been officially recorded on the California Archaeological Inventory or which has been designated as a designated cultural resource site pursuant to this section.
 31. "Structure" means an object directly or indirectly fixed or attached to the ground which is built or constructed by man. A structure includes, but is not limited to, buildings, edifices, bridges, signs, fences, foundations, walks, kiosks, arches, fountains, walls and building appendages, such as marquees, awnings, canopies and lighting fixtures.

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- D. Powers and Duties of the Cultural Resource Preservation Commission. The commission shall have the following powers and duties:
1. Undertake to establish and maintain a list of sites having a special archaeological interest or value. This list may include single sites, portions of sites or groups of sites;
 2. Adopt specific guidelines for evaluating the designation of cultural resources;
 3. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by the city or state, as they affect the significant and unique cultural resources of the city;
 4. Adopt prescriptive standards to be used by the cultural resource preservation commission in reviewing applications for permits to construct, change, alter, modify, remove or significantly affect any cultural resource;
 5. Recommend to the city council the purchase of fee or less-than-fee interests in property for the purposes of cultural resources preservation;
 6. Investigate and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote cultural resource preservation in the city;
 7. Review preliminary cultural resource reports and applications for cultural resource alteration permits. Approve or disapprove, in whole or in part, applications for permits pursuant to the provisions set forth in Subsections J and K of this section;
 8. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements and other similar documents which affect cultural resources. The commission shall forward its comments, as appropriate, to the decision-making body;
 9. Inspect sites of discovered cultural resources upon notification by the planning director and/or review the recommendations of the cultural resource consultant regarding the management of discovered cultural resource sites;
 10. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic preservation;
 11. Adopt procedural rules for the conduct of its business in accordance with the provisions of this section;
 12. Keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall constitute public records, except that in conformance with the policies of the State Historic Preservation Office referring to protection of cultural resources from vandalism, the exact location of an archaeological resource will not be identified in any reports made available for general public review;
 13. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, landscaping or maintenance of any cultural resource;
 14. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to cultural resources;
 15. Recommend established significant cultural resources for inclusion as amendments to the city's General Plan;
 16. Adopt specific guidelines for the selection of cultural resource consultants;

All guidelines and rules of procedure adopted by the cultural resource preservation commission shall be approved by resolution of the city council prior to their effectiveness. All guidelines, rules of procedure and other matters adopted by the commission under the same provision of Ordinance No. 16.70 and in effect immediately

prior to the effective date of the ordinance codified in this title shall continue in full force and effect until amended, modified or repealed hereafter.

E. Cultural Resource Site Designation Procedures. Designated cultural resource sites shall be established in the following manner:

1. Any person or group may request the designation of an area or place as a designated cultural resource site by submitting an application for such designation to the cultural resource preservation commission. The commission may also initiate such proceedings on its own motion. An application shall contain the name(s) and address(es) of the applicant, property owner and occupant, as appropriate, as well as such information as is required by the commission in order to enable it to conduct an informed initial study.
2. The cultural resource preservation commission shall conduct an initial study of the proposed designation and make a preliminary determination, based on such documentation as it has, as to its appropriateness for consideration. If the commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing to be held within thirty-five days of the date of its determination.
3. The cultural resource preservation commission's decision to schedule or not to schedule a public hearing shall be in writing and shall be filed with the planning director, the building official and the city clerk. Notice of a decision not to schedule a public hearing shall be given by mail to the applicant at the address shown on the application.
4. In the case of a determination to schedule a public hearing, notice of the proposed designation and hearing shall be given in accordance with and pursuant to the provisions of Section 17.50.090 of this title.
5. At the conclusion of the public hearing, but in no event more than thirty days from the date set for the commencement thereof, the cultural resource preservation commission shall approve in whole or in part, or disapprove in whole or in part, the application in writing.
6. Within ten days after approval of such designation, the cultural resource preservation commission shall cause to be sent to the applicant, owner and/or occupant, as appropriate, of the property so designated, by registered or certified mail, a copy of the designation and a letter outlining the basis for such designation and the obligations and restrictions which result from such designation. These documents shall also be filed with the planning director, the building official and the city clerk within said period.

Within ten days after the disapproval of such application, the cultural resource preservation commission shall cause to be filed with the planning director, the building official and the city clerk, and to be sent to the applicant, owner and/or occupant, as appropriate, of the property proposed for designation, notice of denial of cultural resource site designation.

7. All notices required herein shall be addressed to an applicant, property owner or occupant as his or her name and address appear on the application. In the case of a property owner, notice shall also be sent to him or her as his or her name and address appear on the latest equalized assessment roll of the Santa Cruz County assessor's office where they are different from the name and address shown on the application, unless the property owner has signed the application. All notices to such persons shall be sent by registered or certified mail, postage prepaid. The notification requirements in this subdivision are supplemental to any other applicable provisions herein.
8. Failure to send any notice to any owner of property proposed for designation, where the address of such owner is not a matter of public record and failure to send any notice to any other person shall not invalidate any proceedings in connection with the proposed designation. The cultural resource

preservation commission may also give such other additional notice as it may deem desirable and practicable.

9. Further, as soon thereafter as is reasonably possible, the cultural resource preservation commission shall notify the planning department, the building official and the city clerk of the official designation and shall also file with the recorder of deeds of Santa Cruz County a certified copy of the designation and a summary of the effect such designation will have.
10. Once a public hearing has been scheduled by the cultural resource preservation commission to consider the designation of a proposed designated cultural resource site, no building, alteration, demolition or removal permits shall be issued for and no construction, reconstruction, alteration, demolition or removal activity shall take place with respect to, the site proposed for designation pending a final determination of the matter by the commission or pending final determination by the city council of any appeal therefrom.

F. Cultural Resource Reports Required.

1. Preliminary cultural resource report. In accordance with guidelines adopted by the cultural resource preservation commission and as supervised by a cultural resource consultant, a preliminary cultural resource report shall be prepared for any private or public project which is located within a mapped cultural resources sensitivity area. This report shall be required by the planning department prior to any determination of environmental impact. Upon completion of this report, the planning director shall cause it to be submitted to the commission for its review and approval. The review and approval of this report shall occur within thirty days of its submission to the commission by the planning director.

In the event the approved report contains positive findings indicating the presence of a potentially significant cultural resource, the commission shall require the preparation of a comprehensive cultural resource report.

In the event the approved report indicates that the site does not contain a potentially significant cultural resource, the project shall be allowed to proceed without further application of the provisions of this section.

2. Comprehensive Cultural Resource Report. In accordance with guidelines adopted by the cultural resource preservation commission and as supervised by a cultural resource consultant, a comprehensive cultural resource report shall be prepared prior to the issuance of any private or public project permits when a project site contains a potentially significant cultural resource, as indicated by inclusion to the cultural resources inventory and/or current inventories of recorded cultural resources, or based upon a positive preliminary cultural resource report.

- G. Cost of Reports. The costs of any preliminary or comprehensive cultural resource report shall be borne by the developer, who shall enter into an appropriate agreement with a cultural resource consultant to be selected by the city (consistent with guidelines adopted by the cultural resource preservation commission) with respect to the preparation of any such reports. The agreement shall recognize that the consultant is to be hired by the city but paid by the developer only.

- H. Project Approval. The city shall not approve projects as proposed if there are feasible alternatives or feasible mitigation measures available which would substantially lessen the significant impacts on cultural resources. The city shall require the mitigation or avoidance of significant effects on cultural resources of projects it approves or carries out where this is feasible.

The procedures required by this section are intended to assist the city in systematically identifying both the significant effects of proposed projects and the feasible alternatives or feasible mitigation measures which will avoid or substantially lessen such significant effects.

City agencies shall integrate the requirements of this section with planning and environmental review procedures otherwise required by law or local practice so that all such procedures, to the maximum feasible extent, run concurrently rather than consecutively.

Whenever a significant cultural resource is discovered during the planning process, the planning department shall ensure that the permits subsequently issued shall contain whatever conditions are necessary to promote the purposes of this section, as determined by the cultural resource preservation commission in accordance with the provisions hereof. The planning department shall encourage developers to design their projects in a manner consistent with the purposes and intent of this section and in accordance with mitigation measures and conditions previously approved by the commission for projects on similar sites, where appropriate. In order to assist the city in carrying out the intent and purposes of this section, all development permits issued by the city for projects located in a mapped sensitivity area which involve ground disturbance activity shall include a provision that if previously undiscovered cultural resources are encountered during the course of excavation or development, all applicable provisions of this section shall be followed.

- I. Cultural Resource Alteration Permit Required. It is unlawful for any person to demolish, alter, remove or relocate any recorded cultural resource, designated cultural resource site or discovered cultural resource, or any portion thereof, or to alter any area which has been identified in any preliminary or comprehensive cultural resource report as containing a potentially significant cultural resource without first obtaining written approval to do so in the manner provided in this section, nor shall the building official or planning commission grant any permit to carry out such work without the prior written approval of the commission first being given. It shall also be unlawful for any person to violate, allow or cause the violation of any condition of a permit issued pursuant to the provisions of this section.

A cultural resource alteration permit shall be required for relocation, removal, alteration or demolition of any recorded cultural resource, designated cultural resource site or area which has been identified in any preliminary or comprehensive cultural resource report as containing a potentially significant cultural resource.

- J. Procedure for Permit Issuance. The following procedures shall apply in processing applications for approval of work covered by this section:
1. An application for a cultural resource alteration permit for approval of any work covered by this section, on a form approved by the cultural resource preservation commission, shall be filed with the planning director.
 2. The application shall set forth the name and address of the applicant and the property owner (if different from the applicant), shall specify the Santa Cruz County Assessor's Parcel Number of the property involved and shall contain a clear statement of the work proposed to be done and shall contain such other information as may be required by the cultural resource preservation commission in order to enable it to properly process the permit.
 3. The application shall also include a copy of the preliminary and comprehensive cultural resource reports. In addition, it shall include a written excavation plan if impact on potentially significant cultural resources is deemed unavoidable.
 4. In conformance with the policies of the State Historic Preservation Office referring to protection of cultural resources from vandalism, city staff shall not identify the exact location of an archaeological resource in any reports made available for general public review. Such information provided by the applicant or others involved with a permit will be marked "Not For Public Review" and kept for use only by staff and others having a bona fide need for the information, as determined by the planning director.
 5. Upon receipt of the application, the cultural resource preservation commission shall set the matter for public hearing within thirty-five days. The commission shall provide notice of the hearing consistent with the requirements for notice specified and referenced in subsections E4 and E7 and of this section.

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6. At the conclusion of the hearing, but in no event more than thirty days from the date set for the commencement thereof, the cultural resource preservation commission shall approve, conditionally approve or deny the application with specification as to the reasons and findings therefor. If the application is approved or conditionally approved, the commission shall issue the cultural resource alteration permit and specify thereon any conditions imposed.
 7. Conditions that may be imposed by the cultural resource preservation commission include, but are not limited to, preservation of the surface or subsurface resource through project design or restrictions on use and/or grading, such as restricting improvement and grading activities to portions of the parcel not containing the resource or covering the resource with earthfill where appropriate, to such a depth that the resource will not be disturbed by development.
- K. Cultural Resource Alteration Permit—Findings Required. Prior to approval or conditional approval of an application for a cultural resource alteration permit, the cultural resource preservation commission shall find that:
1. The action proposed is consistent with the purposes of cultural resource preservation as set forth in this title; and
 2. The action proposed retains the archaeological value and significance of the cultural resource.
- L. Revocation of Permit.
1. Violation of any of the conditions of a cultural resource alteration permit committed, allowed or caused by the person to whom it is issued shall constitute grounds for revocation or suspension thereof, or other appropriate action as herein set forth.
 2. In the event any of the conditions of a cultural resource alteration permit are violated or allowed or caused to be violated by the person to whom it is issued, the planning director may issue a cease and desist order directing that all activities for which the permit was issued shall be discontinued immediately.
 3. The planning director shall thereupon schedule a public hearing before the cultural resource preservation commission for consideration of revocation of the permit or other appropriate action with respect thereto.
 4. The hearing shall be conducted within thirty days of issuance of the cease and desist order. Notice of the hearing shall be given consistent with the requirements for notices referenced in subsection J5 of this section.
 5. At the hearing, the cultural resource preservation commission shall consider whether any violation of the conditions of the permit occurred and, if so, the extent of any damage that may have been caused to the cultural resource. The commission may also consider any report and recommendations of a cultural resource consultant as to the necessity and type of corrective action to be taken to mitigate the effects of any damage to the cultural resource.
 6. At the conclusion of the hearing, which shall occur not later than thirty days after its commencement, the cultural resource preservation commission shall determine whether a violation occurred and, if so, the appropriate corrective measures to be undertaken by the permittee. The commission shall further determine whether to revoke or suspend the permit or impose additional conditions thereon, as appropriate. The commission shall adopt findings in support of its decision.
- M. Discovered Cultural Resources.
1. In the event bones or other human remains or artifacts clearly associated with a human interment are discovered, the person making the discovery shall immediately notify the Santa Cruz County sheriff-coroner. Any person who under any circumstances discovers any human remains and/or artifacts or

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- other evidence of a cultural resource site which reasonably appears to exceed fifty years of age shall notify the planning department immediately.
2. Upon notification of the discovery, the planning director shall immediately notifying the property owner that no alteration or ground-disturbance activity (or no further activity of such nature) may take place on the site of the discovery for a period of forty-five days, unless sooner notified to the contrary. The planning director shall arrange for a personal inspection of the property with a cultural resource consultant. This inspection shall take place within five working days after the planning director has been notified of the discovery. The planning director shall notify both the property owner and the members of the cultural resource preservation commission of the date and time of the inspection. Members of the commission may accompany the planning director and the cultural resource consultant on the property. The purpose of the inspection shall be to determine whether the discovery is a potentially significant cultural resource. The cultural resource consultant shall prepare a preliminary cultural resource report indicating appropriate findings and submit it to the planning director.
 3. The preliminary cultural resource report shall be submitted to the cultural resource preservation commission for its review and approval, disapproval or modification in the same manner and subject to the same time limitations as specified in subsection F of this section; provided, however, that if there is a current and lawful development activity in progress on the site of the discovery that is being delayed by the restriction hereunder on further activity, the planning director and the commission shall undertake diligent efforts to secure and complete review of the preliminary cultural resource report in as short a period of time as is reasonably possible. (This provision shall be considered directory only.)
 4. In the event the preliminary cultural resource report, as approved by the cultural resource preservation commission, declares that the discovery is not a potentially significant cultural resource, the planning director shall immediately notify the property owner of such determination and all restrictions theretofore imposed shall be removed.
 5. If the preliminary cultural resource report, as approved by the cultural resource preservation commission, declares that the discovery is a potentially significant cultural resource, the director shall immediately notify the property owner of this determination and that no alteration or ground-disturbance activity (or no further activity of such nature) may take place except as authorized by a cultural resource alteration permit (which may be issued, as appropriate, only after preparation of a comprehensive cultural resource report).
 6. All notices referenced in this section shall be in writing and copies shall be given to the cultural resource preservation commission.
 7. Should the discovery be of potential importance to living Native Americans, a representative of the local Native American community shall be given an opportunity to inspect the find and submit comments regarding its disposition.
- N. Unsafe or Dangerous Conditions. None of the provisions of this section shall be construed to prevent construction, reconstruction, alteration, removal, demolition or relocation necessary to correct any unsafe or dangerous condition of any property or part thereof, when the building official certifies to the commission that such action is required for public safety purposes. To the extent reasonably feasible, however, any such action shall adhere to the requirements and intent of the provisions of this section.
- O. Notification by Building Official. The building official shall report to the planning director any application for a permit to work on any designated cultural resource site or on any other area referenced in subsection I of this section.
- P. Ordinary Agricultural or Gardening Activity Excepted. Nothing in this section shall be construed to prevent ordinary agricultural or gardening activity.
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Q. Fraudulent Transfer.

1. It shall be unlawful for any person to place, install, plant or otherwise transfer to any property any artifacts, remains or other evidence, whether real or manufactured, of a cultural resource for the purpose of requiring the property owner to comply with the provisions of this section.
2. It shall be unlawful for any person to remove from any property any artifacts, remains or other evidence of a cultural resource for the purpose of avoiding compliance with the provisions of this section. This prohibition shall be considered as supplementary to all other prohibitions of this section.

R. Appeals. The following actions of the commission may be appealed by any interested party to the city council, pursuant to Section 17.50.060 of this title, by filing a notice of appeal with the city clerk within ten days following the date of the action to be appealed:

1. The commission's decision not to hold a public hearing on an application for designation of a designated cultural resource site;
2. A determination made after a public hearing to designate or not to designate a designated cultural resource site;
3. The commission's decision to grant, deny, revoke, suspend or otherwise deal with a permit;
4. Any other decision or determination made by the commission.

S. Integration with Other Processes, Procedures and Requirements. Procedures and processes required by this section are supplemental to any other requirements, processes and procedures prescribed by any other local, state and/or federal law, rule or regulation. The requirements, procedures and processes established by this section shall, to the maximum extent feasible, be integrated with all others that may be applicable in order that they may run concurrently, rather than consecutively.

T. Fees and Cost. Fees and/or costs deemed necessary for the administration and implementation of this section shall be set by resolution of the city council.

U. Enforcement and Penalties.

1. Enforcement. In addition to remedies provided by any other provisions of law, the planning director shall have the authority to implement the enforcement of the provisions of this section by any of the following means:
 - a. Serving notice requiring the correction of any violation of this section upon the owner agent, occupant or tenant of the improvement, building, structure or land;
 - b. Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this section, and the city attorney is hereby authorized to institute any actions to that end;
 - c. Calling upon the chief of police and officers of the police department to assist in the enforcement of this section.

In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this section.

2. Penalties. Any person violating any provision of this section shall be guilty of a misdemeanor and upon conviction therefor shall be fined in an amount not more than one thousand dollars or by imprisonment of not more than six months or both. Each day in which a violation of any provision of this section occurs or continues shall constitute a separate violation.

(Ord. 16.76 § 1 (part), 1989)

17.44.140 Historic landmark preservation.

- A. Purpose. It is found that the protection, enhancement, perpetuation and use of improvements, buildings, structures, signs, objects and features of historic, architectural, artistic, cultural, engineering, aesthetic, political, social and other significance located within the city are of cultural and aesthetic benefit to the community. It is further found that the economic, cultural and aesthetic standing of this city will be enhanced by respecting the heritage of the city. The purposes of the provisions in this section are to:
1. Designate, preserve, protect, enhance and perpetuate those historic structures and sites, places and/or improvements contributing to the cultural and aesthetic benefit of the city, the county, the state or the nation;
 2. Foster civic pride in the beauty and accomplishments of the past;
 3. Stabilize and improve the economic value of certain historic structures and neighborhoods in which they are located;
 4. Protect and enhance the city's cultural and aesthetic heritage;
 5. Promote and encourage continued private ownership and use of such buildings and other structures now so owned and used, to the extent that the objectives listed above can be obtained;
 6. Promote the enjoyment and use of cultural resources appropriate for the education and recreation of the people of the city;
 7. Protect and enhance the city's attraction to tourists and visitors (thereby stimulating business and industry);
 8. Preserve diverse and harmonious architectural styles and design preferences reflecting phases of the city's history.
- B. Scope of Application. This section shall apply to all historic landmarks within the city that are designated pursuant to the provisions hereof. This section shall not apply, however, to archaeological resources (which are dealt with separately in Section 17.44.130 of this chapter).
- C. Definitions.
1. "Alteration" means any exterior change or modification, through public or private action, of any historic landmark, including but not limited to exterior changes to or modifications of structures, architectural details or visual characteristics such as paint color and surface texture, grading, surface paving, construction of new structures and the placement or removal of any exterior objects such as signs, plaques, light fixtures, walls, fences, steps and the like affecting the exterior visual qualities of the property.
 2. "Commission" means the cultural resource preservation commission of the City of Scotts Valley.
 3. "Consultant" means an appropriately qualified person (architect, architectural historian, historian, archaeologist, historic archaeologist, engineer and the like) who has appropriate expertise in historic landmark designation and/or preservation and/or other disciplines that may be pertinent to the subject matter.
 4. "Exterior architectural feature" means architectural elements embodying style, design, general arrangement and components of all of the outer surfaces of an improvement, including but not limited to the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.
 5. "Historic landmark" means an improvement, building structure, sign, feature, site, place, area or other object of special historical, cultural, architectural or engineering character, interest or value as part of

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- the development, heritage or history of the city, the county, the state or the nation (excluding archaeological resources, which are recognized as a distinct cultural resource pursuant to Section 17.44.130 of this chapter and separately dealt with and treated therein) and which has been designated as such pursuant to the provisions of this title.
6. "Improvement" means any building, structure, sign, place, parking facility, fence, gate, wall or other object constituting a physical betterment of real property or any part of such betterment.
 7. "Object" means a material thing of functional, aesthetic, cultural, educational, historical, architectural, symbolic or scientific value which is usually, by design or nature, movable.
 8. "Preservation" means the identification, study, protection, restoration, rehabilitation or enhancement of historic landmarks.
 9. "Structure" means an object directly or indirectly fixed or attached to the ground which is built or constructed by man. A structure includes, but is not limited to, buildings, edifices, bridges, signs, fences, foundations, walks, kiosks, arches, fountains, walls and building appendages, such as marquees, awnings, canopies and lighting fixtures.
- D. Powers and Duties of the Cultural Resource Preservation Commission. The commission shall have the following powers and duties:
1. Establish criteria and conduct or cause to be conducted a comprehensive survey of properties within the boundaries of the city that may contain potential historic landmarks. Publicize and periodically update survey results;
 2. Adopt specific guidelines for designation of historic landmarks;
 3. Maintain a local register of historic landmarks within the city;
 4. Approve or disapprove, in whole or in part, applications for historic landmark designation pursuant to subsections E and F of this section;
 5. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the city, county, state or federal government as they relate to historic landmarks within the city;
 6. Adopt prescriptive standards for the use of the cultural resource preservation commission in reviewing applications for permits to change, alter, modify, remodel, remove or significantly affect any historic landmark, and determine the presence of an immediate and substantial hardship;
 7. Recommend to the city council the purchase of fee or less-than-fee interests in property for purposes of historic landmark preservation;
 8. Investigate and report to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic landmark preservation in the city;
 9. Coordinate and monitor activities relating to preservation, restoration, maintenance and operation of historic landmarks under the ownership of the city;
 10. Approve or disapprove, in whole or in part, all applications for permits pursuant to the provisions of this section;
 11. Review all environmental assessments, environmental impact reports, environmental impact statements and other similar documents as set forth in this section pertaining to historic landmarks within the city. The cultural resource preservation commission shall forward its comments to the decision-making body;

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12. Retain consultants and conduct studies related to the purposes of this section, as the commission deems desirable or necessary, except that all expenditures of city funds are subject to prior approval by the city council;
 13. Adopt guidelines relating to the selection of consultants;
 14. Cooperate with local, county, state and federal governments in the pursuit of the objectives of historic landmark preservation;
 15. Adopt procedural rules for the conduct of its business in accordance with the provisions of this section;
 16. Keep minutes and records of all meetings and proceedings, including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall constitute public records;
 17. Render advice and guidance, upon the request of a property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any historic landmark, landmark site or neighboring property within public view;
 18. Participate in, promote and conduct public informational, educational and interpretive programs pertaining to historic landmarks;
 19. Perform any other functions that may be designated by resolution or motion of the city council.

Any rules of procedure and any guidelines adopted by the commission must be approved by resolution of the city council prior to their effectiveness. All guidelines, rules of procedure and other matters adopted by the commission under the same provision of Ordinance No. 16.67 and in effect immediately prior to the effective date of the ordinance codified in this title shall continue in full force and effect until amended, modified or repealed hereafter.

E. Historic Landmark Designation Criteria. For the purposes of this section, an improvement may be designated a historic landmark pursuant to subsection F of this section if it has qualities that relate to the following factors:

1. Identification or association with persons, eras or events that have contributed to local, regional, state or national history in a distinctive or important way;
2. Identification as or association with a distinctive or important work or vestige:
 - a. Of an architectural style with historic value, design or method of construction, or
 - b. Of a notable architect, engineer, builder, artist or craftsman, or
 - c. The totality of which comprises a distinctive or important work or vestige whose component parts may lack the same attributes, or
 - d. That has yielded or is substantially likely to yield information of value about history or culture, or that provides for existing and future generations an example of the physical surroundings in which past generations lived and worked;
3. Exemplification or reflection of special elements or characteristics of local, regional, state or national cultural, social, economic, political, aesthetic, engineering or architectural history.

The factor of age alone does not necessarily confer a special historical, cultural or architectural value or interest upon an improvement, but it may have such effect if a more distinctive or important example thereof no longer exists.

F. Historic Landmark Designation Procedures. Historic landmarks shall be established in the following manner:

1. Any person or group may request the designation of an improvement as a historic landmark by submitting an application for such designation to the cultural resource preservation commission. The

commission may also initiate such proceedings on its own motion. An application shall contain the name and address of the applicant, property owner and occupant, as appropriate, as well as such information as is required by the commission in order to enable it to conduct an informed initial study.

2. The cultural resource preservation commission shall conduct an initial study of the proposed designation and shall make a preliminary determination, based on such documentation as it has, as to its appropriateness for consideration. If the commission determines that the application merits consideration, but only if it so determines, it shall schedule a public hearing to be held within thirty-five days of the date of its determination.
3. The cultural resource preservation commission's decision to schedule or not to schedule a public hearing shall be in writing and shall be filed with the planning director, the building official and the city clerk. Notice of a decision not to schedule a public hearing shall be given by mail to the applicant at the address shown on the application.
4. In the case of a determination to schedule a public hearing, notice of the proposed designation and hearing shall be given in accordance with and pursuant to the provisions of Section 17.50.090 of this title.
5. At the conclusion of the public hearing, but in no event more than thirty days from the date set for the commencement of the public hearing, the cultural resource preservation commission shall approve in whole or in part, or disapprove in whole or in part, the application in writing.
6. Within ten days after approval of such designation, the cultural resource preservation commission shall cause to be sent to the applicant(s), owner(s) and/or occupant(s), as appropriate, of the property so designated, by registered or certified mail, a copy of the designation and a letter outlining the basis for such designation and the obligations and restrictions which result from such designation. These documents shall also be filed with the planning director, the building official and the city clerk within said period.

Within ten days after the disapproval of such application, the cultural resource preservation commission shall cause to be filed with the planning director, the building official and the city clerk and to be sent to the applicant(s), owner(s) and/or occupant(s), as appropriate, of the property proposed for designation, notice of such denial of historic landmark designation.

7. All notices required herein shall be addressed to an applicant, property owner or occupant as his or her name and address appear on the application. In the case of a property owner, notice shall also be sent to him or her as his or her name and address appear on the latest equalized assessment roll of the Santa Cruz County assessor's office where they are different from the name and address shown on the application, unless the property owner has signed the application. All notices to such persons shall be sent by registered or certified mail, postage prepaid. The notification requirements in this subdivision are supplemental to any other applicable provisions herein.
8. Failure to send any notice to any owner of property proposed for designation where the address of such owner is not a matter of public record, and failure to send any notice to any other person, shall not invalidate any proceedings in connection with the proposed designation. The cultural resource preservation commission may also give such other additional notice as it may deem desirable and practicable.
9. Further, as soon thereafter as is reasonably possible, the cultural resource preservation commission shall notify the planning department, the building official and the city clerk of the official designation and shall also file with the recorder of deeds of Santa Cruz County and the assessor of Santa Cruz County a certified copy of the designation and a summary of the effect such designation will have.
10. Once an application has been submitted to the cultural resource preservation commission (or submitted by the commission on its own initiative) to consider the designation of a proposed historic

landmark, no building, alteration, demolition or removal permits shall be issued for and no reconstruction, alteration, demolition or removal of or with respect to, an improvement proposed for historic landmark designation shall occur pending a final determination of the matter by the commission or pending final determination by the city council of any appeal therefrom.

- G. Historic Landmark Alteration or Demolition Permit Required. It is unlawful for any person to tear down, demolish, alter, reconstruct, remove or relocate any improvement or any portion thereof, which has been designated a historic landmark pursuant to the provisions of this section, or to alter in any manner any exterior architectural feature of such an historic landmark, without first obtaining written approval to do so, as required herein, in the manner provided in this section, nor shall the building official or planning commission grant any permit to carry out such work on a designated historic landmark without the prior written approval of the cultural resource preservation commission having first been given, as required herein. It shall also be unlawful for any person to violate, or to allow or cause the violation of, any condition of a permit issued pursuant to the provisions of this section.
1. A historic landmark alteration permit shall be required for relocation of a designated historic landmark or for any alteration to a designated historic landmark that involves change in design, replacement of construction material or change in external appearance, or for any reconstruction thereof. Normal maintenance and repair are excepted pursuant to the provisions of subsection N of this section.
 2. A historic landmark demolition permit shall be required in order to tear down or demolish any designated historic landmark.
- H. Procedure for Permit Issuance. The following procedures shall apply in processing applications for approval of work covered by this section:
1. An application for a historic landmark alteration or demolition permit, as appropriate, for approval of any work covered by this section, on a form approved by the cultural resource preservation commission, shall be filed with the planning director.
 2. The application shall set forth the name and address of the applicant and the property owner (if different from the applicant); shall specify the exact location of the designated historic landmark involved; shall contain a clear statement of the work proposed to be done; and shall contain such other information as may be required by the cultural resource preservation commission in order to enable it to properly process the permit.
 3. Upon receipt of the application, the cultural resource preservation commission shall set the matter for public hearing within thirty-five days. The commission shall provide notice of the hearing consistent with the requirements for notice specified and referenced in subsections F4 and F7 of this section.
 4. At the conclusion of the hearing, but in no event more than thirty days from the date set for the commencement thereof, the cultural resource preservation commission shall approve, conditionally approve or deny the application with specification as to the reasons and findings therefor. If the application is approved or conditionally approved, the commission shall issue the historic landmark alteration or demolition permit, as appropriate and specify thereon any conditions imposed.
- I. Historic Landmark Alteration Permit—Findings Required. Prior to approval or conditional approval of an application for an historic landmark alteration permit, the cultural resource preservation commission shall find that:
1. The action proposed is consistent with the purposes of historic preservation as set forth in subsection A of this section; and
 2. The action proposed retains the historic architectural value and significance of the designated historic landmark, and retains the texture and material of the building, structure or improvement in question or its appurtenant fixtures and exterior architectural features;

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3. The action proposed is compatible with the position of such building, structure or improvement in relation to the street or public way and to other buildings and structures in the neighborhood; or
 4. As an alternative to the findings specified in subdivisions 1 through 3 of this subsection the applicant has demonstrated that denial of the application will result in immediate or substantial hardship pursuant to subsection L of this section.
- J. Historic Landmark Demolition Permit—Findings. Prior to approval or conditional approval of an application for an historic landmark demolition permit, the cultural resource preservation commission shall find that the applicant has demonstrated that denial of the application will result in immediate or substantial hardship pursuant to subsection L of this section.
- K. Unsafe or Dangerous Conditions. None of the provisions of this section shall be construed to prevent reconstruction, alteration, removal, demolition or relocation necessary to correct any unsafe or dangerous conditions of any designated historic landmark or part thereof, when the building official certifies to the cultural resource preservation commission that such action is required for public safety purposes and that such conditions cannot be corrected through use of the California Historical Building Code.
- L. Showing of Hardship. The cultural resource preservation commission may approve a permit to carry out reconstruction, alteration, relocation or demolition of a historic landmark if the applicant presents facts clearly demonstrating to the satisfaction of the commission at the public hearing that failure to receive such approval will cause an immediate and substantial hardship. If hardship is found to exist under this subsection, the commission shall make a finding to that effect and shall also specify the facts relied upon in making such finding.
- M. Notification by Building Official. The building official shall immediately report any application for a permit to work on a designated historic landmark to the planning director; and shall immediately report to him all applications for demolition permits regardless of whether or not they pertain to a designated historic landmark. All such applications shall immediately be forwarded by the planning director to cultural resource preservation commission members.
- N. Ordinary Maintenance and Repair. Nothing in this section shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any designated historic landmark that does not involve a change in design, material or external appearance thereof.
- O. Discovered Potential Historic Landmark. A person who under any circumstances discovers any improvement and/or structure as herein defined which reasonably appears to be a potential historic landmark shall notify the planning department immediately.

Upon notification of the discovery, the planning director shall immediately notify the property owner that no further alteration, demolition, removal or building activity may take place with respect to the discovery for a maximum period of fifteen days or until further notification, whichever first occurs. The planning director shall arrange for a personal inspection of the property with a consultant. This inspection shall take place within ten working days after the planning director has been notified of the discovery. The planning director shall notify both the property owner and the members of the cultural resource preservation commission of the date and time of the inspection. Members of the commission may accompany the planning director and the consultant on the property. The purpose of the inspection shall be to determine whether the discovery is a potential historic landmark meriting designation hereunder.

If the consultant reports to the planning director that the discovery is a potential historic landmark, the director shall so notify the property owner and shall also notify him that no further alteration activity may take place until further notice from the planning director or the expiration of thirty days, whichever sooner occurs. However, the potential historic landmark may thereafter be subject to the provisions of subsection F regarding designation of historic landmarks and, if so, may be subject to further restrictions as therein provided.

- P. Revocation of Permits.

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1. Violation of any of the conditions of any historic landmark alteration or demolition permit committed, allowed or caused by the person to whom it is issued shall constitute grounds for revocation or suspension thereof, or other appropriate action as herein set forth.
 2. In the event any of the conditions of such permit are violated or allowed or caused to be violated by the person to whom it is issued, the planning director may issue a cease and desist order directing that all activities for which the permit was issued shall be discontinued immediately.
 3. The planning director shall thereupon schedule a public hearing before the cultural resource preservation commission for consideration of revocation of the permit or other appropriate action with respect thereto.
 4. The hearing shall be conducted within thirty days of issuance of the cease and desist order. Notice of the hearing shall be given consistent with the requirements for notices referenced in subsection H3 of this section.
 5. At the hearing, the cultural resource preservation commission shall consider whether any violation of the conditions of the permit occurred and, if so, the extent of any damage that may have been caused to the designated historic landmark. The commission may also consider any report and recommendations of the consultant as to the necessity and type of corrective action to be taken to mitigate the effects of any damage to the designated historic landmark.
 6. At the conclusion of the hearing, which shall occur not later than thirty days after its commencement, the cultural resource preservation commission shall determine whether a violation occurred and, if so, the appropriate corrective measures to be undertaken by the permittee. The commission shall further determine whether to revoke or suspend the permit or impose additional conditions thereon, as appropriate. The commission shall adopt findings in support of its decision.
- Q. Appeals. The following actions of the cultural resource preservation commission may be appealed by any interested party to the city council:
1. The cultural resource preservation commission's decision not to hold a public hearing on an application for designation of an historic landmark;
 2. A determination made after a public hearing to designate or not to designate a proposed historic landmark;
 3. The cultural resource preservation commission's decision to grant, deny, revoke, suspend or otherwise deal with a permit;
 4. Any other decision or determination made by the cultural resource preservation commission.
- Any interested party may appeal by filing a notice of appeal with the city clerk pursuant to Section 17.50.060 of this title within ten days following the date of the action or determination to be appealed.
- R. Integration With Other Processes, Procedures and Requirements. Procedures and processes required by this section are supplemental to any other requirements, processes and procedures prescribed by any other local, state and/or federal law, rule or regulation. The requirements, procedures and processes established by this section shall, to the maximum extent feasible, be integrated with all others that may be applicable in order that they may run concurrently rather than consecutively.
- S. Fees and Costs. Fees and/or costs deemed necessary for the administration and implementation of this section shall be set by resolution of the city council.
- T. Enforcement and Penalties.

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1. Enforcement. In addition to remedies provided by any other provisions of law, the planning director shall have the authority to implement enforcement of the provisions of this section by any of the following means:
 - a. Serving notice requiring the removal of any violation of this section upon the owner, agent, occupant or tenant of the improvement, building, structure or land;
 - b. Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this section, and the city attorney is hereby authorized to institute any actions to that end;
 - c. Calling upon the chief of police and officers of the police department to assist in the enforcement of this section.

In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this section.

2. Penalties. Any person violating any provisions of this section shall be guilty of a misdemeanor and upon conviction therefor shall be fined in an amount not more than one thousand dollars or by imprisonment of not more than six months or both. Each day in which a violation of any provision of this section occurs or continues shall constitute a separate violation.

(Ord. 16.76 § 1 (part), 1989)

17.44.150 External antennae.

- A. Statement of Findings. The use of external antennae for reception or transmission of radio and television signals is increasing throughout the city due to technological advances of such equipment; although such equipment is large, cumbersome and can be aesthetically unattractive, it appears to be a necessary and desirable accessory use of property within the city. At the present time the size, location and appearance of such equipment are not adequately addressed in the zoning regulations in effect in the city. In the absence of regulation, the placement of unattractive equipment in various locations would interfere with the use, possession and enjoyment of adjacent property and the public peace, health, safety and general welfare require enactment of the ordinance codified in this section to regulate the use of external antennae rather than prohibit them.
- B. Definitions.
 1. "External antenna" means a structure which is external to or attached to the exterior part of any building or structure, and which is composed of any system of wires, poles, rods, reflecting discs or similar devices used for the transmission or reception of signals or electromagnetic waves for radio or television purposes including, without limitation, satellite earth station antennae.
 2. "Satellite earth station antenna" means a structure composed of any system of wires, poles, rods, reflecting discs or similar devices used for the purpose of receiving or transmitting electromagnetic waves for radio or television purposes and includes, but is not limited to, "dish" antennae and devices having active elements extending in any direction, and directional beam-type arrays having elements carried by and disposed from a generally horizontal boom which may be mounted upon and rotated through the boom and antenna support, all of which elements are deemed to be a part of the antenna.
- C. Restrictions and Standards. The following regulations shall apply to the maintenance of external antennae in all zone districts:

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1. External antennae shall not be visible from a public or private street; shall have an immediate screening to protect the adjacent properties. Screening may be structural screens mounted on the ground or on structures, vine-covered fences, compact hedges or the like. Screening for all antennae shall be reviewed and approved by the planning director (hereinafter referenced as "director"). Screening, however, shall not be required in a fashion that obstructs proper reception or transmission of signals.
 2. External antennae shall not be located in any front yard; or within any area between a public or private street and the ~~main~~-primary structure on the site (unless unusual or unique site conditions preclude location in any other area).
 3. No antenna shall exceed six feet in height, plus one additional foot in height for each additional three feet of setback from the property line or lines adjacent to the antenna, up to a maximum height of ten feet. The height of the antenna shall be the total maximum height to which it is capable of being extended.
 4. External antennae shall not be located closer to the property line than the required setback.
 5. Roof-mounted antenna shall be limited to twenty- four inches in diameter and shall not be higher than the maximum height for structures allowed by the applicable district regulations.
 6. External antennae shall not be located in parking or driveway areas.
 7. External antennae shall be considered an accessory use.
- D. Application for External Antenna Permit. Prior to installing an external antenna regulated by this section, an application (on a form approved by the director) for an external antenna permit (hereinafter referenced as "permit") shall be submitted to the planning department. The application shall include all information therein requested including, but not limited to, elevations and a site plan showing the proposed location of the external antenna, the location of all relevant improvements existing on the site, and the location of adjacent public or private streets, roads, alleys, rights-of-way and the like.
- E. Review of Application; Conditions. The director of planning shall review and approve, conditionally approve or disapprove all applications for a permit. The director shall review each application for compliance with the provisions of this section and, as appropriate, may modify the proposed antenna, its location and/or its screening. The director may attach such conditions to approval of an application as he deems appropriate, in the exercise of reasonable discretion, to secure compliance with the purpose and intent of the provisions of this section.
- F. Approval, Conditional Approval or Disapproval of Application. The approval, conditional approval or disapproval of an application for a permit shall be set forth in writing by the director and shall specify in the case of approval that the application is in compliance with the provisions of this section and the conditions attached to the approval, if any, and shall specify the reasons for disapproval in the event the application is disapproved. A copy of the written decision shall forthwith be given to the applicant.
- G. Notice to Adjacent Property Owners. If an application is approved by the director, notice shall forthwith be sent to the adjacent property owners (as their names and addresses appear on the latest equalized assessment roll of the Santa Cruz County assessor's office) and occupants thereof, if different from the owners, informing them that an application has been approved and specifying the date of approval, the property involved, the conditions of approval, if any, and that any aggrieved person may appeal the decision to the planning commission by filing an appeal with the planning department within twenty-one days of the date of approval.
- H. Approval of Application; Permit Issuance; Stay. Following approval or conditional approval of an application, no permit shall be issued until the expiration of the period for appeal of said decision; provided, however,

that if an appeal is filed in a timely fashion, no permit shall be issued pending final determination by the planning commission of the appeal.

- I. Revocation of Permit. Violation of any of the provisions of this section or of any conditions of a permit committed, allowed or caused by the person to whom a permit has been issued, shall constitute grounds for revocation of a permit or other appropriate action as herein set forth.
- J. Cease and Desist Order. In the event any such violation occurs, the director may issue a cease and desist order to the permittee directing that all activities for which the permit was issued shall be discontinued immediately.
- K. Hearing on Revocation; Notice; Findings.
 - 1. The director shall thereafter schedule a hearing before himself on revocation of the permit. The hearing before the director shall be held within twenty days of the issuance of the cease and desist order. Notice of the time, date and place of the hearing, specifying the reason(s) therefor, shall be sent by certified mail, postage prepaid, for the permittee as his name and address appear on the permit, at least ten days prior to the date of the hearing. The hearing shall be open to the public and notice thereof shall also be published in a newspaper of general circulation within the city and posted at City Hall in an appropriate place for posting of public notices, at least ten days prior to the date of the hearing.
 - 2. At the hearing, the director shall determine, after all evidence and testimony has been presented (including that which is offered by or on behalf of the permittee), whether a violation has occurred and, if so, he shall determine whether to revoke the permit, impose appropriate conditions, and/or the appropriate corrective measures to be undertaken. The decision of the director shall be set forth in writing and shall specify appropriate findings in support thereof, and shall forthwith be given to the permittee and any interested persons who have filed a written request for a copy with the planning department.
 - 3. Any decision of the director finding that a violation has occurred shall be stayed in the event an appeal is filed in a timely fashion; and, if so, shall be further stayed until the appeal is finally determined by the planning commission.
- L. Appeals to Planning Commission. Any decision of the director under the provisions of this section, may be appealed to the planning commission by any person aggrieved thereby, by filing a written notice of appeal with the planning department within twenty-one days of the date of the decision sought to be appealed. The notice shall specify decision being appealed and the reason(s) therefor.
- M. Setting Hearing Before Commission; Notice. Upon receipt by the planning department of a written notice of appeal, the director shall cause a hearing to be set before the planning commission within thirty days thereafter. Notice of the date, time and place of the hearing shall be mailed to the permittee, published and posted in the same manner and subject to the same time periods as specified in subsection K of this section with respect to notice of a revocation hearing before the director.
- N. Decision of the Planning Commission. At the conclusion of its hearing, the planning commission shall approve, modify or reverse the decision of the director. The planning commission, as appropriate, may add to or modify the conditions of any decision of the director approving or conditionally approving an application for a permit. The decision of the planning commission shall be rendered at the conclusion of its hearing (which may be continued from time to time, but in no event shall it extend beyond thirty days from the date it commenced). The decision shall be in writing and shall contain appropriate findings to support it. A copy of the written decision shall be given forthwith to the applicant or permittee and to any person who has filed a written request with the planning department for a copy thereof.
- O. Decision of the Planning Commission Final. The decision of the planning commission with respect to the appeal of any decision of the director under the provisions of this section, shall be final.

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- P. Decision of Director Final if no Appeal is Filed. The decision of the director with respect to any matter under the provisions of this section shall become final in the event an appeal is not made in a timely fashion.
- Q. Fees to be Set by Resolution of the City Council. The fees, if any, to be established for any permit or proceeding hereunder shall be established by resolution of the city council. In the event a fee is so established, the fee specified shall be paid when the application or appeal to which it relates is filed.
- R. Building Permit Required. Following issuance of an external antenna permit, a building permit shall be obtained prior to installation as required.
- S. Maintenance of Antenna. All satellite earth antennas installed pursuant to a permit issued hereunder, shall be properly maintained including, without limitation, the approved screening therefor, in order to ensure continued compliance with the purposes and intent of this section.
- T. Existing Antennae; Repair or Replacement. The provisions of this section shall not apply to any external antenna (as defined herein) in existence on the date of adoption of this ordinance; provided, however, that the provisions of this section shall apply and an external antenna permit shall be required, in the event said antenna is to be replaced, removed to a different location, or substantially altered. A substantial alteration shall mean an alteration whose cost exceeds twenty-five percent of the existing fair market value of the antenna.
- U. Violation; Infraction. Any person who violates any provision of this section shall be guilty of an infraction, and shall be subject to all provisions of Section 1.08.010 of this code relating to the treatment and punishment therefor.

(Ord. 16.77 (part), 1989)

17.44.170 ~~Transitional housing~~Reserved.

- ~~A. No person shall operate a transitional housing facility without obtaining a conditional use permit in accordance with Section 17.50.020. In addition the applicant will supply the following information:~~
- ~~1. A letter of certification of final approval from the state or county licensing authority;~~
 - ~~2. A site plan of the property showing parking, outdoor exercise area, and fencing;~~
 - ~~3. A letter from the fire department approving the safety of the structure for the use;~~
 - ~~4. A letter application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and~~
 - ~~5. Landscaping and other information as required by the community development director.~~
 - ~~6. Show that there is one parking space for each single resident and/or one space for each family unit living in the facility.~~

~~(Ord. No. 16-138, § 13, 7-15-2015)~~

17.44.180 Employee housing.

- A. Qualified Employee Housing Defined. As used in this section, "qualified employee housing" means accommodations for employees as defined in Section 17008 of the California Health and Safety Code which has qualified or where the owner intends to qualify for a permit to operate under the Employee Housing Act (Health and Safety Code Section 17000 et seq.).

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- B. Housing for Six or Fewer Employees. Qualified employee housing providing accommodations for six or fewer employees, pursuant to Health and Safety Code Section 17021.5(b), shall be deemed a single-family dwelling and is allowed in residential zoning districts.
 - C. Housing for Seven or More Employees. Qualified employee housing providing accommodations for seven or more employees and consisting of no more than 36 beds in group quarters or 12 units or spaces designed for use by a single family or household, pursuant to Health and Safety Code Section 17021.6(b), shall be deemed an agricultural land use and is allowed as such in zoning districts where agriculture is a permitted land use.
 - D. Standards. Qualified employee housing is subject to all City standards and regulations generally applicable to other residential dwellings of the same type in the same zoning district.

Title 17 - ZONING
Chapter 17.45 SURFACE MINING AND RECLAMATION

Chapter 17.46 EXCEPTIONS AND MODIFICATIONS

17.46.010 Applicability of chapter.

The requirements and regulations specified in this title shall be subject to the following exceptions, modifications and interpretations.

(Ord. 16.76 § 1 (part), 1989)

17.46.020 Building lines.

Where the topography or other special circumstance of the area may call for a building line contrary to the requirements of any district under this title, the planning commission may establish building lines for the location of future buildings; provided, that they shall be shown on the zoning map followed by the designation OBL (Official Building Line).

(Ord. 16.76 § 1 (part), 1989)

17.46.030 Special uses requiring use permits.

- A. No dancehall, roadhouse, nightclub, commercial club or any amusement or recreation, or any place where live entertainment is provided, shall be established in any district closer than two hundred feet from the boundary of any residential or open space district unless a use permit is first secured in each case.
- B. Radio and television transmission towers, wireless communication facilities and accessory uses thereto, but not including radio and television broadcasting studios, shall be allowed in any nonresidential district, subject to securing a use permit in each case.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.97 § 1, 1996)

17.46.040 Private stables.

The following regulations shall apply in all cases for the maintenance of private stables.

- A. The minimum lot upon which a horse may be kept is forty thousand square feet. One additional horse may be kept for each additional twenty thousand square feet above the square foot minimum.
- B. Corrals and stables shall be located on the rear half of the lot and not closer than forty feet from any property line and/or dwelling on the same or adjacent property.
- C. Contiguous parcels which are leased pursuant to a written or oral rental agreement may not be considered as a part of the minimum lot area requirements hereof.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.77 (part), 1989)

17.46.050 Height limits.

- A. Towers, spires, or cupolas for the housing of equipment used solely to operate and maintain a building; chimneys, water tanks, flagpoles, monuments, noncommercial radio and television aerials and transmission

towers, fire towers and similar structures and necessary mechanical appurtenances covering not more than ten percent of the ground area covered by a ~~main~~-primary structure may be erected to a height not more than twenty-five feet above the height limit prescribed by the regulations for the district in which the site is located. Utility poles and commercial towers shall not be subject to the height limits prescribed in the district regulations.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 4, 1991)

17.46.060 Area requirements.

- A. The use of land as permitted for the district in which it is located shall be permitted on a building site of less area, width, depth or frontage than that required by the regulations for such district, providing such was a separate lot or parcel of record or was shown on a map of a recorded subdivision on the effective date of the ordinance codified in this title.
- B. A lot shall not be subsequently divided so as to reduce the lot area, width, depth or frontage below the requirements of this title for the zoning district in which it is located.
- C. Site area, width, depth and frontage requirements of this title shall not apply to sites used for public utility pumping stations, power stations, public utility installations and drainage ways, which shall require a use permit. Such requirements shall be determined by conditions of the use permit granted for the use.
- D. The percentage of the site area covered by structures shall be measured by dividing the number of square feet of horizontal area covered by structures, open or enclosed, by the total horizontal area within the property lines of the site.
- E. On a cul-de-sac turnaround or a curved street with a radius of curvature of two hundred feet or less, a site may have a frontage of not less than forty feet.
- F. Flag lots.
 - 1. The creation of flag lots may be permitted in any Single-family Residential R-1 district upon specific approval of the city council (see Figure 17.46.060 Flag Lot Diagram), after report and recommendation of the planning commission. To be considered for approval, a proposed flag lot shall meet, while excluding the flag/access easement area itself, all requirements of width, depth and area specified for lots in the district in which it is located and shall not, by its creation, result in any other lot failing to meet the width, depth and area requirements of its district. The lot must be served by a corridor (flag area) which shall be defined as that portion of the lot fronting on the street and having a width of less than the minimum required lot frontage for the district and which also meets the following conditions:
 - a. Has not less than twelve feet frontage;
 - b. Is nowhere less than twelve feet in width;
 - c. Is not more than one hundred fifty feet in length; and,
 - d. Is suitable throughout its length for access by emergency vehicles;
 - 2. The end of the flag/access easement area shall constitute the front yard of the lot. Lot area and the front yard setback shall be measured from this line, provided, that the minimum required setback must be maintained from any other lot line between the structure and the street upon which the flag area fronts.
 - 3. The flag lot shall not result in more than four adjacent driveways in any two hundred feet along the frontage street.

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4. The flag lot must not otherwise be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.
 5. The new lot lines created shall be at right angles to the existing property lines. Angling lot lines or irregular lot lines to reduce the length of the flag is not consistent with the lot division standards.
 6. Each flag lot and the lot in front of the flag lot must contain at least the required minimum site area required by the zoning district. The area of flag/access easement shall be included with the front lot and shall not be excluded in calculating the size of the front lot. Any paving located within the flag/access easement shall be included in the site coverage calculations for the front lot. The front lot shall conform with the parking and driveway area allowances specified in SVMC Section 17.44.030J.
 7. All new or existing structures shall conform to the required setbacks after the creation of the new lot. No subdivision will be approved that will create a nonconforming setback to an existing or proposed structure.
 8. Where both parcels take access off the same street, new driveways shall be combined with an existing driveway, where feasible to limit the amount of impervious surfaces and the number of access points on streets.
 9. Flag lots shall have the street address clearly visible from the street to identify a dwelling that is set back from the street.

(Ord. 16.76 § 1(part), 1989; Ord. 16.80 § 2, 1990; Ord. No. 16.119, § 1, 6-1-2005)

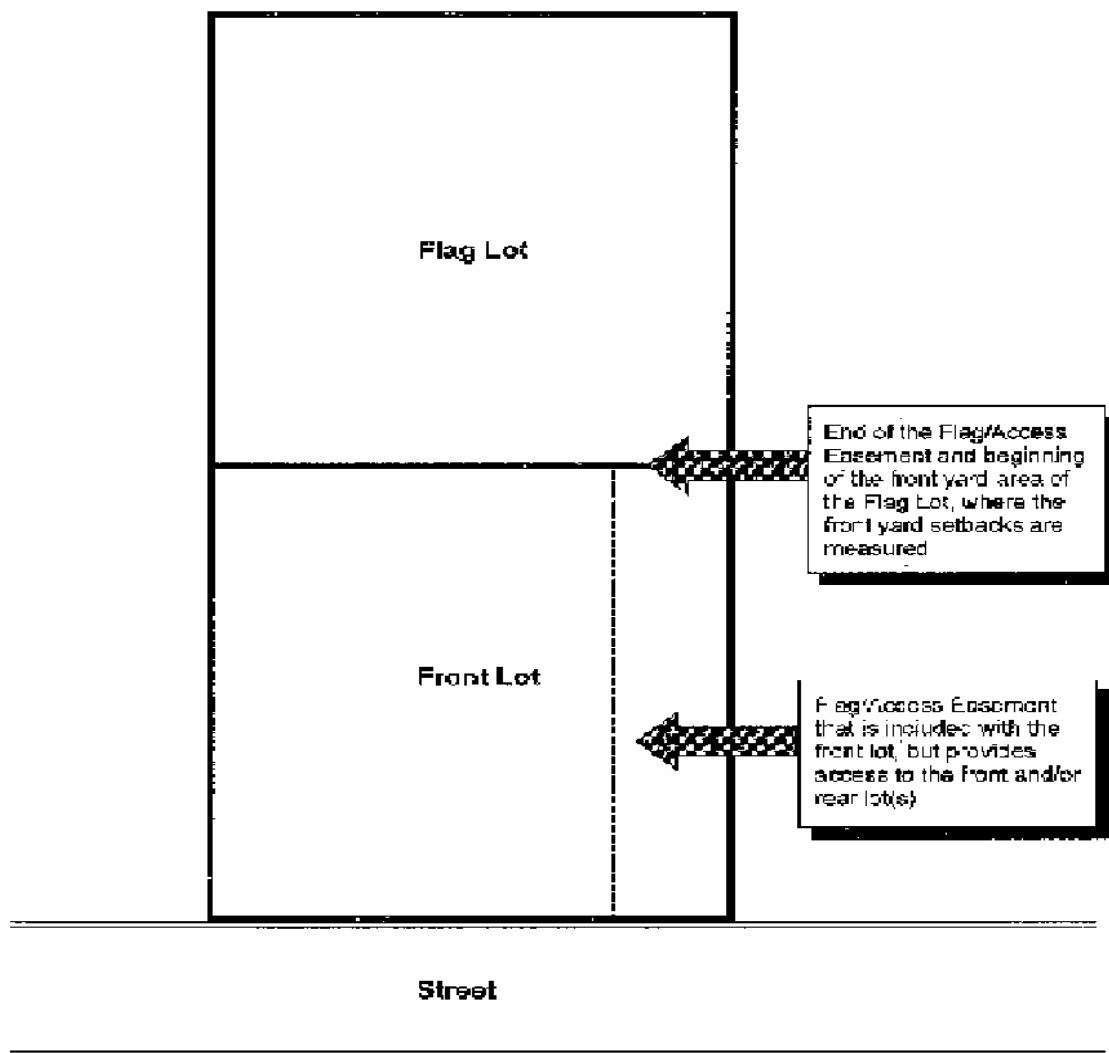


Figure 17.46.060 Flag Lot Diagram

17.46.070 Yard exceptions and modifications.

- A. On a residentially zoned site situated between sites improved with buildings, the minimum front yard depth shall be the average depth of the front yards on the improved sites adjoining the side lines of the site.
- B. Where a site is not situated between sites improved with buildings and where sites comprising forty percent of the frontage on a block are improved with buildings, the minimum front yard depth shall be the average of the existing front yard depths on the block.
- C. In computing average front yard depths, the figure of thirty feet shall be used in lieu of any front yard depth greater than thirty feet.

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- D. Where an official plan line has been established by the city, the required yards on the street side of any lot shall be measured from such official plan lines, and in no case shall the provisions of this title be construed as permitting any structure to extend beyond such official plan line.
- E. Architectural features including sills, chimneys, cornices, bay windows and eaves may extend into a required side yard no more than fifty percent of the required side yard nor more than two feet into a required front or rear yard.
- F. Open unenclosed, uncovered balconies, porches, decks, platforms, stairways and landing places may extend into any required front or rear yard not more than six feet nor more than three feet into any required side yard.
- G. In cases where the rear lot line abuts the side lot line of a key lot, a rear yard of fifteen feet shall be maintained from the rear lot line of such abutting lot.
- H. In cases where a building site is less than sixty feet in width, a side yard of not less than five feet shall be required, except in commercial districts.
- I. The minimum exterior side yard on a corner lot shall be ten feet.
- ~~J. Except in C, RM, RH and I districts, accessory structures may be located in a required rear yard, provided, that they shall not be located closer than three feet to the rear or side property lines. The partial or complete conversion of a one- or two- story detached accessory structure into a secondary dwelling unit or guesthouse is prohibited.~~
- JK. Where there is more than one structure on a site exceeding sixteen feet in height, the minimum distance between the structures shall be ten feet. The minimum distance between such structures shall be increased one foot for every two feet of height above sixteen feet of height of the lowest of such structures.
- ~~KL. On the street side of a reversed corner lot, the side yard shall not be less than one-half of the required front yard of the adjoining key lot.~~
- ~~M. On a reversed corner lot, an accessory structure shall be located not closer to the rear property line than the required side yard on the adjoining key lot and not closer to the side property line adjoining the street than the required front yard of the adjoining key lot.~~
- ~~N. No accessory structure shall be located within six feet of the side lines of the front half of any adjacent lot. The partial or complete conversion of an existing one- or two- story detached accessory structure with six (6) feet reduced yard setbacks (located in the front half of the property) into a secondary dwelling unit or guesthouse is prohibited. The conversion of an existing, legal, nonconforming detached accessory structure with yard setbacks greater than six (6) feet but less than the required yard setbacks for the main dwelling, into a secondary dwelling unit or guesthouse, may be allowed with Use Permit approval from the Planning Commission at a public hearing, in accordance with Section 17.50.020 of the City's Municipal Code.~~
- ~~O. Detached accessory structures shall not be located within six feet of any alley. The partial or complete conversion of such structures into a secondary dwelling unit or guesthouse is prohibited.~~
- ~~P. In cases where an accessory building is attached to the main building, it shall be considered a part thereof.~~
- ~~Q. Except in commercial and industrial zoning districts, detached accessory buildings, may be located in the required rear yard, provided, that not more than twenty percent of the area of the required rear yard shall be covered by structures.~~
- LR. In all cases where the front and rear property lines of a lot abut a street (a double frontage lot), ~~the main buildings and accessory buildings thereon~~ shall not be located closer to either street than the required front yard; provided, however, that in all cases where either street upon which the lot abuts is a street to which access to the subject lot has been legally precluded, then the setback required shall apply only from the street from which access is allowed.
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~~MS.~~ In cases where the elevation of the front half of the lot at a point fifty feet from the centerline of the traveled roadway is seven feet above or below the grade of the centerline (fourteen percent or greater slope), a private garage attached or detached may be built to within five feet of the front property line.

~~T. The maximum building height of a detached accessory structure with reduced yard setbacks (in conformance with Sections 17.46.070J. and 17.46.070N. of the City's Municipal Code) shall be 18 feet.~~

(Ord. 16.76 § 1(part), 1989; Ord. 16.77(part), 1989; Ord. 16.115, § 20, 6-4-2003)

17.46.080 Swimming pools, spas and hot tubs.

- A. Every person who owns or possesses any premises where there is a swimming pool, or in-ground spa shall maintain a fence, wall or structure at least five feet high, completely enclosing the swimming pool or in-ground spa pursuant to the requirements of the California Building Code or other applicable building code. Fencing or enclosures for above ground spas or hot tubs shall be in accordance with the applicable building code.
- B. Swimming pools and spas are prohibited in the required front yard of all residential districts. Swimming pools and in-ground spas shall be located a minimum of five feet from the rear or side property line. Mechanical and/or air handling equipment for maintenance, temperature control and chemical balance of a swimming pool and/or spa shall be located a minimum of three feet from any property line and shall be entirely enclosed to muffle the noise.

(Ord. 16-112 § 9, 2000)

17.46.090 Moving of buildings.

- A. No person or persons shall move or cause to be moved any building or structure without first obtaining a permit from the planning department.
- B. An application shall be made showing the existing location of the structure to be moved together with the location to which it is proposed to be moved and its intended use.
- C. If the planning department finds that the proposed structure to be moved and the intended use are within the zoning requirements, a permit shall be issued for moving the building.
- D. If the planning department finds that the building to be moved is of substandard construction or unsound structurally, no permit shall be issued unless the person who wishes to move the building agrees to reconstruct the building or to otherwise structurally alter the building at its new location so as to bring the structure into compliance with the standards of the Uniform Building Code. In the event of the latter situation, the building inspector shall ascertain the amount of performance bond necessary to bring the structure into compliance with the Uniform Building Code and shall notify the applicant of the amount of the bond. No permit shall be issued in such situation unless and until an appropriate bond issued by a reputable surety authorized to do business in the state is filed with the planning department in favor of the city, in the designated amount. Any such performance bond shall be approved by the city attorney prior to its acceptance. In lieu of a performance bond, equivalent security may be accepted upon approval of the city attorney as to form and content.
- E. All structures, other than single-family residences, to be relocated within the city shall be subject to design review board approval to assure that the structure is compatible with the design characteristics of the neighborhood in which it is proposed to be located.

(Ord. 16.76 § 1 (part), 1989)

17.46.100 Kennels and small animal hospitals.

The following regulations shall apply in all cases for the maintenance of kennels or small animal hospitals.

- A. The premises where kennels or small animal hospitals are maintained shall be entirely enclosed by a nontransparent fence a minimum of six feet in height.
- B. The actual enclosure in which animals are treated or maintained shall be at least seventy-five feet from any residence.
- C. The premises shall be kept in a neat and sanitary manner by the daily removal of offal and the use of sprays and disinfectants to prevent an accumulation of flies, the spread of disease or offensive odor.

(Ord. 16.76 § 1(part), 1989)

17.46.110 Fences, walls and ornamental structures.

- A. Fences may be embellished with arbors and trellises when the overall height of the fence, including the trellis or arbor, meets the height limits set forth in Table 17.46.110.G. Arbors are allowed in the required side and rear yards. Arbors are allowed in the required front yard setback if they are less than twenty square feet in roof area and placed so as not to block the line of sight. Arbors over twenty square feet in roof area or over eight feet in height and not more than ten feet in height, proposed within a front yard setback, may be approved by the planning commission through design review (see Section 17.50.030 D).
- B. Light posts, mail boxes and related ornamental structures may be installed in front yards as long as the structure is less than two feet in width and eight feet in height, if an arbor or trellis see Section 17.46.110 A.
- C. Fences and walls, or any combination thereof are allowed in all zoning districts subject to the type, height and related permitting regulations as specified in Table 17.46.110.G below.
- D. Heights of fences and walls shall be determined based upon the adjacent grade of the fence or wall, unless the grade adjacent to a fence or wall varies from side to side or along the length of the fence or wall. Whenever the grade adjacent to a fence or wall varies, the lowest grade surface adjacent to the fence or wall shall be used as the base to determine fence height.
- E. No fence, wall or hedge located within a triangle having sides fifty feet in length from a street intersection, as measured from intersecting curb lines or intersecting edges of the street pavement where no curb exists, shall exceed three feet in height above the established grade of the adjoining street (see Figure 17.46.110.H).
- F. Fences and retaining walls taller than three feet may be allowed in the front yard of a residentially zoned lot subject to obtaining a Special Fence Permit as provided in Section 17.50.050.

Table 17.46.110 F. Fencing Locations, Heights, Types, Height Adjustments and Other Restrictions

Zoning District	Location	Height	Fencing Types, Special Height Adjustments and Other Requirements
All Residential (R) and Open Space (OS) zones	Front Yard	3	Fence Type: May be open, view or solid. Height Adjustment: 1. Fences and retaining walls taller than three feet in a front yard setback may be considered through approval of a Special Permit as established in Section 17.50.050.
	Interior Side or Rear Yard	8, subject to limitations in	Fencing Type: May be open, view or solid. Fences Over Six Feet in Height: Any portion of a fence over six feet tall shall be open or view fence type, unless there is a grade difference of no more than two feet between adjoining properties then the fence can be all solid type fencing.

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		next column	Height Adjustment: Whenever the grade between adjoining properties exceeds two feet, the fence may be taller than eight feet in height as measured from the lower property elevation, if approved by the planning commission through design review (See Section 17.50.030 D).
	Exterior Side or Rear Yard	8 subject to limitations in next column	Fencing Type: May be open, view or solid. Side Yard Fences Over 3 Feet Tall: Whenever a fence over three feet in Height is located in an exterior side yard, a minimum three foot setback shall be provided between the property line and the fence. The side yard fence setback area shall be landscaped and irrigated with evergreen, drought tolerant plants of varying height. The landscaping plan shall be approved by the community development director. Height Adjustment: The eight foot height limit may be increased if special design features are included on or near the fence and if approved by the planning commission through design review (See Section 17.50.030 D).
All other zones (Commercial, Industrial and Public/Quasi Public)	Front Yard	3	Fence Type: May be open, view or solid. Height Adjustment: View fences may be allowed with increased heights up to eight feet if specific storage, display or security needs for outdoor storage of products or equipment is associated with the business and the design and appearance of the fencing is approved by the planning commission through Design review (See Section 17.50.030 D).
	Interior Side or Rear Yard	8	See interior side yard fences for residential uses listed above. Same height limitations and restrictions apply.
	Exterior Side or Rear Yard	8	See exterior side yard fences for residential uses listed above. Same height limitations and restrictions apply.

G. Sight safety distance shall be determined by the figure below:

Figure 17.46.110 G Sight Distance Across Street Comer

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 5, 1991; Ord. 16.99 § 1, 1996; Ord. 16.107 § 1, 1999; Ord. 16-112 § 10, 2000; Ord. 16-113 § 5, 2002; Ord. No. 16.118, § 1, 2-2-05)

17.46.120 Animal raising.

The following regulations shall apply in all cases where poultry, birds, rabbits or fur-bearing animals in any number and for any purpose are raised, kept or maintained.

- A. All dead animals or birds and offal shall be removed and disposed of, and sprays and disinfectants shall be used so as to prevent the accumulation or spread of disease, flies or offensive odors.

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- B. Where in excess of fifty birds are maintained in one block within a distance of one-quarter of a mile from any residence, ground sprays or ground cover shall be used to prevent the accumulation and spread of dust.

(Ord. 16.76 § 1 (part), 1989)

17.46.125 Beekeeping permits issued by the community development director.

A. Authority and Purpose.

1. The purpose of the beekeeping permit is to provide appropriate review and consideration of small scale beekeeping under the direction of the community development director or their designee, and to ensure that beekeeping on certain-sized parcels in single-family residential zones will not be detrimental or injurious to property and improvements and to the health, safety, and welfare of persons residing or working in the neighborhood of the proposed use.
2. Beekeeping requires review and approval of a beekeeping permit before any beekeeping on the subject property.

B. Definitions. The terms used herein have the following meanings:

"Apiary" means a place where bees, hive boxes, and related appliances wherever the same are kept, located, or found, especially a colony of bees kept for their honey.

"Bee colony" is a group of bees which consist of the queen, the drones, and the worker which live in a hive box or similar receptacle.

"Beekeeping" (or apiculture, from Latin *apis*, bee) is the maintenance of honey bee colonies, commonly in hives, by humans. A beekeeper (or apiarist) keeps bees in order to collect honey and beeswax, for the purpose of pollinating vegetation, or to produce bees for sale to other beekeepers.

"Bees" means honey-producing insects of the species *apis mellifica*, including the adults, eggs, larvae, pupae or other immature states thereof, together with such materials as are deposited into hives by the adults, except honey and rendered beeswax. Bees are a monophyletic lineage within the superfamily Apoidea, presently classified by the unranked taxon name Anthophila.

"Hive" is the same definition as bee colony.

"Hive box" means any box, receptacle, or container made or prepared for the use of bees, or similar container of which bees have taken possession. A hive box is usually called a Langstroth deep or super, and is roughly 19.75 inches long, 16.5 inches wide, and 9.5 inches tall. It contains ten frames of foundation on which the bees build comb for producing brood and food. A hive box needs some kind of top board, some kind of bottom board, and an entrance which is usually incorporated in the bottom board.

C. Applications and Submittal Requirements.

1. Application for a beekeeping permit shall be made on a form prescribed for this purpose by the city and shall be filed with the planning department, accompanied by the filing fee.
2. The application shall be accompanied by such maps, site plans, and other drawings, or information required or necessary to enable the community development director to make the determinations as set forth herein. The application form provided by the planning department shall provide a list of submittal requirements.
3. The filing fee for an application shall be as set forth by resolution of the city council.

D. Application Processing Procedures and Notice.

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1. The application shall be subject to review by the planning department to determine if the application is complete.
 2. Upon deeming the application complete, the planning department shall send a notice to the applicant, property owner, the owners and tenants of property of the five parcels located closest to the subject property, and to all members of the planning commission. The notice shall indicate the date upon which the community development director will act on the permit and the intended action to be taken by the community development director. Such notices shall be mailed, via first class mail, a minimum of fifteen days prior to date that action is to be taken.
- E. Development Standards. The community development director shall determine from data submitted whether the proposed beekeeping use and any related structures proposed for the beekeeping use will meet the development standards prescribed below, as determined by the community development director.
1. One bee colony and/or hive box will be allowed in single-family residential parcels which are greater than ten thousand square feet in size. Single-family residential parcels which are greater than forty thousand square feet may have up to two bee colonies and/or hive boxes;
 2. No bee colony and/or hive box shall be located closer than twenty-five feet from any side or rear property line or adjacent residence or business;
 3. Bee colonies and/or hive boxes shall be located in the rear of the property to the extent practical and feasible, as determined by the community development director; and
 4. All properties on which a bee colony and/or hive box are kept must provide for adequate water sources on the property.
- F. Required Findings. The application may be approved as submitted, disapproved, conditionally approved; or, the community development director may refer the requested beekeeping permit to the planning commission for consideration. The following finding shall be made by the community development director and/or planning commission: The proposed beekeeping use, location of the bee colony/hive box, its effect, and the resulting number of beekeeping permits in a neighborhood will not be detrimental or injurious to property and improvements, and to the health, safety, and welfare of persons residing or working in the neighborhood of the proposed use.
- G. Appeals. Appeal from the determination by the community development director shall be to the planning commission in accordance with the procedures and subject to the provisions set forth in Section 17.50.060 of this chapter.
- H. Penalty. Every person violating any provision of this section shall be guilty of a misdemeanor and subject to Title 4 of the Municipal Code.

(Ord. 16.130, § 4, 8-18-2010)

17.46.130 ~~Reserved~~ Accessory Structures.

- A. Applicability. This section applies to all accessory structures except for fences, walls and ornamental structures as provided in Section 17.46.110 and accessory dwelling units (ADUs) as provided in Chapter 17.57.
- B. All Zoning Districts.
1. Accessory structures that comply with this section are permitted in all zoning districts.

2. An accessory structure shall comply with all regulations applicable to the primary structure on the site unless specifically stated otherwise in this section or elsewhere in this title.
3. An accessory structure shall be clearly incidental and subordinate to the primary structure on the site.
4. An accessory structure shall be located on the same parcel as the primary structure.
5. An accessory structure attached to a primary structure shall be considered a part of the primary structure and shall comply with development standards applicable to the primary structure.

C. Residential Zoning Districts.

1. Development Standards. Accessory structures in residential zoning districts shall comply with the standards in Table 17.46-1.

Table 17.46-1: Accessory Structure Standards in Residential Zoning Districts

	<u>Zoning District</u>	
	<u>R-1, R-R, R-MT</u>	<u>R-M, R-H, R-VH</u>
<u>Property Line Setbacks (min)</u>		
<u>Front and Street Side</u>	<u>Same as primary dwelling</u>	
<u>Rear and Interior Side</u>	<u>3 ft. for structures less than 8 ft. in height and 120 sq. ft. in size.</u> <u>Same as primary dwelling for all other structures. [1]</u>	
<u>Height (max)</u>		
<u>Structure complies with district yards</u>	<u>18 ft. on lots less than 10,000 sq. ft. [6]</u> <u>25 ft. on lots 10,000 – 20,000 sq. ft. [6]</u> <u>35 ft. on lots more than 20,000 sq. ft. [6]</u>	<u>18 ft. [2]</u>
<u>Structure does not comply with district yards</u>	<u>10 ft.</u>	
<u>Site Coverage (max) [5]</u>	<u>50%</u>	<u>55%</u>
<u>Floor Area (max)</u>		
<u>Structure complies with district yards</u>	<u>1,200 sq. ft. [3]</u>	<u>No maximum, subject to design review [2]</u>
<u>Structure does not comply with district yards</u>	<u>120 sq. ft.</u>	
<u>Number of Structures per Lot (max)</u>		
<u>Habitable structures</u>	<u>2 structures [4]</u>	<u>No maximum, subject to design review [2]</u>
<u>Non-habitable structures</u>	<u>No maximum</u>	
<u>Distance Between Structures (min)</u>		
<u>Structures less than 16 ft.</u>	<u>As required by building code</u>	
<u>Structures 16 ft. or more</u>	<u>10 ft. plus 1 ft. for every 2 ft. of height above 16 ft. of lowest structure</u>	

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] An accessory structure greater than 1,200 square feet is allowed if the property owner records a deed restriction that limits the floor area of any portion of the accessory structure later converted to an ADU to no more than 1,000 square feet. The floor area of an accessory structure subject to such a deed restriction shall not exceed 100 percent of the primary dwelling floor area.

[4] Includes accessory dwelling units.

[5] Applies to all impervious surfaces on lot.

[6] In no case may an accessory structure exceed the height of the primary dwelling on the lot.

2. Reverse Corner Lots. On a reversed corner lot, an accessory structure 10 feet or more in height and/or 120 sq. ft. in size shall comply with the following minimum setbacks:

a. Rear property line: Same as the required side yard on the adjoining key lot.

b. Side property line adjoining the street: Same as the required front yard of the adjoining key lot.

3. Alleys. An accessory structure shall be setback a minimum of 6 feet from an alley.

4. Double-Frontage Lots. An accessory structure on a double frontage lot shall comply with Section 17.46.070.L.

5. Hillside Lots.

a. See 17.46.070.M for front setback standards for garages on sloped lots.

b. See 17.40.060 for design criteria in the hillside residential combining district.

6. Design of Site-built Accessory Structures. In the R-1, R-R, and R-MT zoning districts, the roof forms and pitches and exterior building materials and colors of site-built accessory structures shall be architecturally compatible with those of the primary dwelling, to the extent practical and feasible as determined by the Community Development Director, subject to review and approval by the Community Development Director.

D. Non-Residential Zoning District.

1. Accessory structures in non-residential zoning districts are subject to the same development standards as primary structures in the applicable zoning district.

2. See "accessory use" definition in 17.04.240 for limitations on the floor area of incidental uses in commercial and industrial zoning districts.

E. Habitable Accessory Structures.

1. An accessory structure with habitable space must either:

a. Contain a bathroom and kitchen facility and comply with the City's accessory dwelling unit requirements in Chapter 17.57; or

b. Contain no plumbing connections or fixtures.

2. Habitable accessory structures with plumbing connections or fixtures but without kitchen facilities are not allowed.

17.46.140 Temporary construction offices.

A trailer may be used as a temporary construction office in any commercial or industrial district upon compliance with the following regulations.

- A. A temporary trailer permit shall be obtained upon approval of the planning department.
- B. Use of the trailer shall be terminated and the trailer shall be removed from the site six months after the temporary permit is granted or within fifteen days of final building inspection, whichever is the first to occur, provided, that the term of use may be extended in the same manner as a use permit is extended for an additional period not to exceed six months. In no event shall the use of the trailer exceed a period of one year.
- C. A deposit of cash, bond and/or certificate of deposit in a sum to be determined by the building official shall be required to guarantee the removal of the portable trailer.
- D. A temporary trailer shall be permitted only after the issuance of a valid building permit for work to be done on the site where the construction office will be located.
- E. No residential use shall be made of the temporary trailer except in commercial districts as provided in subsection F of this section.
- F. Recreational vehicles/trailers may be utilized as temporary living quarters only for construction of public or nonprofit facilities, churches and schools located in the commercial district only as long as the following minimum standards are satisfied, which shall be in addition to the other standards, conditions and provisions set forth above in subsection A through D (which shall also apply):
 - 1. A maximum of five temporary trailers/recreational vehicles shall be placed on any one site.
 - 2. No temporary living quarters shall be located within three hundred feet of any existing residence.
 - 3. All temporary living quarters shall connect to utilities (i.e., sewer, water and electricity) in conformance with the Uniform Building Code. No holding tanks, temporary septic systems or the like shall be permitted.
 - 4. A permit shall be required prior to placement of recreational vehicles/trailers. The permit shall be issued by the planning director. In issuing such permit the planning director may impose reasonable conditions to ensure that the placement of recreational vehicles/trailers conforms to health and safety standards. The planning director may deny the permit if the director finds that the temporary living quarters may be detrimental to the health, safety or welfare of the neighborhood.
 - 5. The minimum site area for the use of temporary living quarters on a jobsite shall be one-and-one-half acres.
 - 6. If conditions are not adhered to or written complaints are received, the planning director may revoke the permit or add conditions to the permit in the interest of public health, safety or welfare.
 - 7. Applicant and/or property owner shall sign a binding agreement to vacate the property and cease the activity within five days of written request by the planning director. In the event there is an immediate threat to public health, safety or welfare, the planning director may require the use to cease immediately.
 - 8. The temporary living quarters shall be located on the site on which the construction will occur.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.80 § 1, 1990)

17.46.150 Covenants for easements.

- A. Creation of Easement by Covenant. In addition to any other method for the creation of an easement, an easement for parking, ingress, egress, emergency access, light and air access, landscaping or open space purposes may be created by a recorded written covenant of easement made by an owner of real property to the city pursuant to this section. The purpose of the covenant is to implement the goals and policies of the General Plan.
- B. Contents of Covenant. The covenant of easement shall contain the following:
 - 1. The legal description of the real property to be burdened by the covenant of easement and the real property to be benefited thereby;
 - 2. The legal description or a scale drawing of the easement showing the location of the easement on the restricted property;
 - 3. The purpose for which the covenant of easement is made;
 - 4. The terms, conditions or limitations, if any, imposed upon the use of the easement;
 - 5. An identification of the approval, permit or designation granted by the city which relied upon or required the covenant;
 - 6. A statement that the covenant of easement is made pursuant to this section.
- C. Common Ownership Required. At the time of recording the covenant of easement, all of the real property benefitted or burdened by the covenant shall be in common ownership.
- D. Execution and Recording. The covenant of easement shall be duly executed by the owner(s) of the real property to be restricted and shall be recorded by the city in the office of the recorder of the county of Santa Cruz. The cost of recordation shall be borne by the owner(s) of the real property to be restricted by the covenant.
- E. Effect of Recording. The covenant of easement shall be effective when recorded and shall act as an easement pursuant to Chapter 3 (commencing with Section 801) of Title 2 of Part 2 of Division 2 of the State Civil Code, except that it shall not merge into any other interest in the real property. From and after the time of its recordation, the covenant shall impart notice thereof to all persons to the extent affordable by the recording laws of the state. Section 1104 of the California Civil Code shall be applicable to a conveyance of the affected real property.
- F. Enforcement. A covenant of easement executed and recorded pursuant to this section shall be enforceable by the city and/or the successors in interest to the real property benefitted by the covenant; and the burdens of the covenant shall be binding upon the successors in interest to the real property burdened thereby, and the benefits of the covenant shall inure to the successors in interest to the real property benefitted thereby. Nothing in this section shall create in any person other than the city and the owner of the real property benefitted or burdened by the covenant standing to enforce or to challenge the covenant or any amendment thereto or release therefrom.
- G. Release of Covenant. A covenant of easement made pursuant to the provisions of this section shall be released upon a determination by the city council that the restriction of the real property burdened by the covenant is no longer necessary to achieve the land use goals of the city, all pursuant to the procedure herein below specified.
 - 1. Upon the application of any person (whether or not that person has title to the affected real property) filed with the city clerk, accompanied by payment of any fee established by resolution of the city council or upon the city council's own initiative, the matter of release of the covenant shall

automatically be referred to the planning commission for report and recommendation to the city council following a public hearing conducted by said commission. The commission shall make its report and recommendation to the city council within forty-five days of the reference date. The public hearing conducted by the commission shall be noticed in accordance with the provisions of Section 17.50.090 of this title.

2. Upon receipt of the report and recommendation of the planning commission, the city council shall schedule a public hearing on the matter of the release of the covenant of easement within thirty days. The hearing shall be noticed in accordance with the provisions of Section 17.50.090 of this title. The hearing may be continued from time to time but shall be concluded within thirty days of the hearing date, except as the time may be extended upon written consent of the applicant. Upon a determination of the city council that the restrictions on the real property burdened by covenant of easement is no longer necessary to achieve the land use goals of the city, the covenant of easement shall be released; otherwise, it shall not be released. The decision of the city council shall be in writing and shall be supported by adequate findings. Notice of the decision shall forthwith be given to the applicant and to the owner(s) of the affected real property.
3. If the covenant of easement is to be released, a release shall forthwith be recorded by the city in the office of the recorder of the county of Santa Cruz. Upon recordation of the release, the covenant of easement shall be of no further force or effect.
4. Fees to cover the reasonable cost of processing the release, including, without limitation, the costs of administering the provisions of this section, shall be set by resolution of the city council and shall be paid by the applicant at the time of filing of the application.

H. Authority for Section. This section is adopted pursuant to and in accordance with the provisions of Article 2.7 (commencing with Section 65870) of Chapter 4 of Division 1 of Title 7 of the Government Code.

(Ord. 16.76 § 1 (part), 1989)

17.46.160 Construction standards.

- A. Dust. Dust from grading and construction operations must be controlled. The permittee may be required to keep adequate equipment on the construction site to prevent dust problems.
- B. Hours of Operation. All construction activity shall be limited to the hours between eight a.m. and six p.m., Monday through Friday, and nine a.m. through five p.m. on Saturday. No construction activity is allowed on Sunday.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.50 ADMINISTRATIVE PROCEDURES, REQUIRED PERMITS AND APPEALS

17.50.010 Variances.

- A. Purpose. The purpose of the variance procedure is to allow variation from the strict application of the terms of this title. These variances may be allowed in order to prevent or lessen such practical difficulties and unnecessary hardships inconsistent with the objectives of the zoning title as would result from a strict or literal interpretation and enforcement of the regulations prescribed by this title. These difficulties or hardships may be caused by the size, shape or dimensions of a site, the location of existing structures thereon, or from geographic, topographic or other physical conditions on the site or in the immediate vicinity. Except as otherwise specifically provided in this title to the contrary, variances may be granted to the application of any of the regulations of this title. Variances shall not be granted for the purpose of allowing a use not permitted in the zoning district.
- B. Authority. The planning commission shall have the authority, subject to the provisions of this chapter, to grant such variances from the provisions of this title as may be in harmony with its general purpose and intent, so that the spirit of this title and the General Plan upon which it is based shall be observed and the public safety and welfare secured.
- C. Application.
 - 1. Application shall be made to the planning commission on a form prescribed for that purpose by the city. The application shall be filed with the planning department and shall contain the following information:
 - a. The name and address of the applicant;
 - b. The description of the property involved and the street address, if any;
 - c. All details of the proposed construction or use of such property, including information as to special circumstances, necessity, desirability and effect upon neighboring property and inhabitants;
 - d. Evidence that the applicant is the owner or purchaser under contract of the property involved, is the owner of a leasehold interest, or has the written permission of the owner to make application; and
 - e. Such other information as may be required by the planning department.

All plans, drawings, photos, reductions and other information that may be required shall be submitted to the planning department before the application is officially accepted as complete. A list of required information shall be available in the planning department or on the application form.
 - 2. The filing fee shall be as set forth by resolution of the city council.
 - 3. All applications shall be reviewed by the planning department within thirty days after they are received to determine whether they can be officially accepted as complete. If they are not complete, the planning department staff shall notify the applicant what additional information is needed.
- D. Public Hearing By Planning Commission.

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1. Notice of Hearing. Notice of public hearing of the application shall be given pursuant to the requirements described in Section 17.50.090 of this chapter.
 2. Public Hearing Procedure. The planning commission shall consider the application for the variance at a public hearing, to be held not later than forty days following the date the application is accepted as complete. The variance shall become effective upon the expiration of the "Time Limit on Notice of Appeal" as provided in Section 17.50.060 F unless an appeal has been filed with the City Council in accordance with procedure set forth in Section 17.50.060 of this chapter.
- E. Necessary Findings. The planning commission shall grant a variance only when all of the following findings are made:
1. A hardship peculiar to the property and not created by any act of the owner, exists;
 2. That because of exceptional or extraordinary circumstances of subject property, including size, shape, topography, location or surroundings, the strict application of the terms of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classifications;
 3. That the granting of the variance will be in harmony with the general intent and purpose of zoning objectives and will not be materially detrimental to public health, safety or welfare or injurious to property or improvements in the vicinity;
 4. That the granting of such variance shall not constitute a grant of special privilege inconsistent with the limitations upon other property in the vicinity and under identical zone classifications.
- F. Conditions. A variance may be revocable, may be granted for a limited time or may be granted subject to such conditions as the planning commission may prescribe. In the event of a violation of any condition imposed on the variance, the planning department shall notify the property owner of such violation and shall give the owner a reasonable time within which to correct the violation. Failure of the owner to correct a violation within the time allowed shall be grounds for revocation of the variance. A variance applies only to the property for which it has been granted and may not be transferred to any other property.
- G. New Application.
1. A variance shall lapse and become void two (2) years following the date on which the variance became effective unless by condition of variance, a greater time is allowed or unless prior to the expiration of the variance, a building permit is issued by the building inspector and construction is commenced and diligently pursued toward completion on the site which was the subject of the application. Variances may be extended for an additional period of up to one (1) year, provided that prior to its expiration an application for extension is filed with the planning commission. The planning commission may grant or deny a request for extension, based on its judgment as to whether the reasons and justifications for extension are compelling and such extension will not be detrimental to the public health, safety and welfare. When granting a request for extension, the planning commission may add conditions or modify conditions of approval applied to the original application.
 2. Following the denial of a variance application or the revocation of a variance, no application for the same or substantially the same request shall be filed within one year of the date of denial or revocation of the variance, unless explicitly authorized by the planning commission or the denial or revocation is declared to be without prejudice to the filing of a new application within one year.
- H. Revocation.
1. Any variance granted may be revoked by the planning commission after appropriate proceedings as herein provided upon a finding that any term or condition of the variance is not being satisfied. Such revocation may be initiated by the planning commission or by the planning director. The planning commission shall then set the matter for public hearing, giving notice thereof as prescribed in Section

17.50.090 of this chapter. At the time set for hearing, the commission shall receive pertinent evidence concerning the alleged violations and, upon conclusion of the hearing, shall on the basis of all the evidence and testimony submitted render its decision. The decision of the commission shall be final unless appealed to the city council.

2. If the variance revocation is appealed to the city council, the written findings of fact on the alleged violations shall be submitted to the council along with the planning commission decision, whereupon the city council shall set the matter for hearing within thirty days thereof, giving notice of the hearing as prescribed in Section 17.50.090 of this chapter. At the hearing, the city council shall consider the commission's recommendation and at the conclusion thereof may sustain, modify, reject or overrule, wholly or partly, any decision of the commission on revocation. The decision of the city council shall be final.
- I. Decision—Findings—Continuance of Hearing. Any decision hereunder by the planning commission or by the city council on appeal shall be in writing and shall be supported by adequate findings as required by law, and a copy of such decision and findings shall forthwith be provided to the applicant and/or appellant, as the case may be, following the conclusion of the hearing on the matter. Any hearing held hereunder may be continued from time to time as necessary, except as may otherwise be provided in this title.
- J. Appeal. All decisions of the planning commission hereunder shall become final at the expiration of the "Time Limit on Notice of Appeal" as provided in Section 17.50.060 F unless an appeal is filed within this period of time with the city clerk. All such appeals shall be subject to the provisions of Section 17.50.060 of this chapter.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 11, 1991; Ord. 16.84 § 4, 1992; Ord. No. 16-122, § 4, 5-3-2006)

17.50.015 Large family child care homes.

No person shall operate a large family child care home without obtaining a large family child care home permit in compliance with the standards set forth within this subsection.

1. Any person seeking a large family child care home permit shall submit an application for such permit to the community development director, including a site plan, setting forth any such reasonable required information that the community development director shall request, on application forms created by the community development director that reflect the standards in subsection (4) and (5) of this section and encourage the applicant to hold an informational neighborhood meeting prior to the submittal of the application. The community development director shall process the permit as economically as possible, and fees charged for review shall not exceed the costs of the review and permit process. The community development director shall act on the application within forty-five days of the date it is deemed complete. If a hearing is requested pursuant to subsection (3) of this section, the community development director may postpone decision on the application for up to sixty days from the date the application is deemed complete.
2. At least ten days prior to the date on which the community development director will make a decision on an application for a large family child care home, the community development director shall give notice of the proposed use by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a one hundred foot radius of the exterior boundaries of the proposed large family child care home.
3. No hearing shall be held before a decision is made on the application, unless a hearing is requested by the applicant or other affected person. (For purposes of this subsection, "affected person" means a person who owns property or lives within a one hundred foot radius of the proposed large family child care home.) If a hearing is requested, it shall be conducted by the planning commission, and the

community development director shall give notice of the hearing by mail or delivery to all owners shown on the last equalized assessment roll as owning real property within a one hundred radius of the exterior boundaries of the proposed large family child care home.

4. The community development director, planning commission or the city council shall grant a large family child care permit to the applicant upon finding that the proposed large family child care home:
 - a. Conforms with all applicable city restrictions and regulations on yards, building height, setback, and lot coverage standards in the zone in which the residence is located. Legally nonconforming structures and uses shall be deemed to conform for purposes of this finding.
 - b. Is either situated on a lot zoned for single family dwellings or meets a minimum standard of seventy-five square feet of outdoor activity space for each child. The outdoor area must be owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners.
 - c. Is not located within a five hundred foot radius of the exterior boundaries of any existing large family child care home or child care center.
 - d. Provides a least two parking spaces for customers during the family day care home's hours of operation, and provides parking for any employees of one off street parking space for employees who are not permanently residing at the house. The parking spaces shall be in a manner to be readily and safely utilized by the customer(s). The required parking spaces may be located on the street along the property frontage (off-site) or on the driveway (on-site). The following are examples of acceptable parking areas:
 1. On street parking areas along the property frontage,
 2. Guest parking spaces reserved for the use of the dwelling unit, or
 3. A private driveway exclusively serving a single dwelling unit such as a single family home.
 - e. Complies with the following limitations when the dwelling unit is provided with a private driveway and/or garage:
 1. If the driveway is specified as the parking area for the use of the large family child care home, the driveway shall remain clear and available for customer(s) during the hours of operation; the parking spaces shall not be used by the property owner or child care home operator or employees during the hours of operations,
 - f. Provides adequate access to the facility with minimal disruption to local traffic and circulation, including safe and adequate drop-off/pick-up areas, such as curb spaces and driveway areas that are of sufficient size and are located to avoid interference with traffic and to provides for the safety of children,
 - g. Seeks, by design and layout of the site and considerate operational plans, to avoid noise which may be a nuisance to neighbors, consistent with local noise ordinances implementing the noise element of the general plan and taking into consideration the noise levels generated by children. Site plans revisions may be required by the community development director to minimize noise impacts, such as location of outside play areas, height and location of fences, and similar measures.
5. As conditions of approval, the applicant shall be required to:
 - a. Comply with applicable building codes,
 - b. Comply with any standards promulgated by the State Fire Marshall pursuant to subdivision (d) of Section 1597.46 of the California Health and Safety Code related to large family child care homes

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- and dwelling units, and submit a letter from the fire district approving the safety of the structure for use as a large family child care home pursuant to these standards,
- c. Be licensed or deemed to be exempt from licenser by the State of California for a large family child care home.
 - d. Comply with any conditions imposed by the community development director deemed necessary to satisfy the requirements of subsection (4) of this section.
6. The applicant or other affected person may appeal the decision. The procedures for appealing the decision shall be that the applicant or affected party must submit a written appeal to the community development director within fourteen calendar days of the decision. The appellant shall pay the cost of the appeal.
 7. A large family child care home permit shall expire if the use is not in operation for a period of one year.
 8. Large family child care home permits may, with thirty days notice, be revoked by the community development director if there are any violations to the permit issued.
 9. Large family child care homes that are licensed by the state at the time this ordinance is codified will have six months from the date of codification to register with the city as an existing non conforming use. There will be no fee for registering.

(Ord. 16.124, § 1, 9-19-2007)

17.50.020 Conditional use permits.

- A. Purpose. Use permits may be revocable, conditional or valid for a term and may be issued for any of the uses or purposes for which such permits are required or permitted by the terms of this title. Due to their unusual characteristics, conditional uses require special consideration so that they may be located properly with respect to the objectives of the zoning ordinance and with respect to their effects on surrounding properties. In order to achieve these purposes and provide the district use regulations the necessary flexibility, the planning commission is empowered to grant and to deny applications for use permits and to impose such reasonable conditions in connection with a use permit as it deems necessary to secure the purposes of this title. The planning commission may require in connection therewith guarantees and evidence that such conditions will be satisfied.
- B. Application.
 1. Application shall be made to the planning commission on a form prescribed for that purpose by the city. The application shall be filed with the planning department and shall contain the following information:
 - a. The name and address of the applicant;
 - b. The description of the property involved and the street address, if any; assessor's parcel numbers shall suffice for purposes of this section unless only a portion of the parcel is intended for use; in such event, a metes and bounds description of the area proposed to be developed will be required;
 - c. An indication of the precise interest of the applicant in the property;
 - d. Plans and elevations necessary to show the detail of the proposed use or building; and
 - e. Such other information as may be required by the planning department.

All plans, drawings, photos, reductions and other information that may be required shall be submitted to the planning department before the application is officially accepted as complete. A

list of required information shall be available in the planning department or on the application form.

2. The filing fee shall be as set by resolution of the city council.
 3. All applications shall be reviewed by the planning department within thirty days after they are received to determine whether they can be officially accepted as complete. If they are not complete, the planning department staff shall notify the applicant what additional information is needed.
- C. Public Hearing by Planning Commission.
1. Notice of Hearing. Notice of public hearing of the application shall be given pursuant to the requirements described in Section 17.50.090 of this chapter.
 2. Public Hearing Procedure. The planning commission shall consider the application for a conditional use permit at a public hearing, to be held not later than forty days following the date the application is accepted as complete. The conditional use permit shall become effective upon the expiration of the "Time Limit on Notice of Appeal" as provided in Section 17.50.060 F unless an appeal has been filed with the city council in accordance with the procedure set forth in Section 17.50.060 of this chapter.
- D. Necessary Findings. The planning commission may grant an application for a use permit as applied for or in modified form, if on the basis of the application and the evidence submitted the following findings are made:
1. The proposed location of the conditional use is in accordance with the objectives of the zoning ordinance and the purposes of the district in which the site is located.
 2. The establishment, maintenance or operation of the use or building will not, under the 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 use or be detrimental or injurious to property and improvements in the neighborhood or to the general welfare of the city.
- E. Transferability. A use permit shall run with the land and shall continue to be valid upon a change of ownership of the site or structure which is the subject of the use permit unless a shorter time is allowed by condition of approval, the use permit shall be valid for one year after the use has ceased.
- F. New Application.
1. A use permit approval shall become void one year following the date on which the use permit became effective unless, by condition of the use permit, a great time is allowed or unless, prior to the expiration of one year, a building permit is issued by the building inspector and construction is commenced and diligently pursued toward completion on the site which was the subject of the use permit application. Use Permit approval may be extended for an additional period of up to one year, provided that prior to its expiration one year from the effective date, an application for extension is filed with the planning commission. The planning commission may grant or deny a request for extension, based on its judgment as to whether the reasons and justifications for extension are compelling and such extension will not be detrimental to the public health, safety and welfare. When granting a request for extension, the planning commission may add conditions or modify conditions of approval applied to the original application.
 2. Following the denial of a use permit application or the revocation of a use permit, no application for a use permit for the same or substantially the same use on the site shall be filed within one year from the date of denial or revocation of the use permit, unless explicitly authorized by the planning commission, or denial or revocation of the use permit is declared to be without prejudice to the filing of a new application within one year.
- G. Revocation.

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1. Any use permit granted may be revoked by the planning commission after appropriate proceedings as provided herein upon a finding that any term or condition of the use permit is not being met. Such revocation may be initiated by the planning commission or by the planning director. The planning commission shall then set the matter for public hearing, giving notice thereof as prescribed in Section 17.50.090 of this chapter. At the time set for hearing, the commission shall receive pertinent evidence concerning the alleged violations and, upon conclusion of the hearing, shall on the basis of all evidence and testimony submitted render its decision. The decision of the commission shall be final unless appealed to the city council.
 2. If the revocation is appealed to the city council, written findings of fact on the alleged violations shall be submitted to the city council along with the planning commission decision, whereupon the city council shall set the matter for hearing within thirty days thereof. At the hearing, the city council shall consider the commission's decision and at the conclusion thereof may sustain, modify, reject or overrule, wholly or partly, any decision of the commission on revocation. The decision of the city council shall be final.
- H. Decision—Findings—Continuance of Hearing. Any decision hereunder by the planning commission or by the city council on appeal shall be in writing and shall be supported by adequate findings as required by law, and a copy of such decision and findings shall forthwith be provided to the applicant and/or appellant, as the case may be, following the conclusion of the hearing on the matter. Any hearing held hereunder may be continued from time to time as necessary, except as may otherwise be provided in this title.
- I. Appeal. All decisions of the planning commission hereunder shall become final at the expiration of the "Time Limit on Notice of Appeal" as provided in Section 17.50.060 F unless an appeal is filed within this period of time with the city clerk. All such appeals shall be subject to the provisions of Section 17.50.060 of this chapter.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.82 § 12, 1991; Ord. 16.84 § 5, 1992; Ord. No. 16-122, §§ 5, 6, 5-3-2006)

17.50.030 Design review procedures.

- A. Authority and Purpose.
1. A design review process is established to carry out the objectives of the city's general plan and related zoning ordinances and to ensure that permits for construction as set out hereinafter will be carried out in a manner which is not detrimental to the surrounding uses and is consistent with the overall planning goals of the city. Any reference in this code to the "design review board" shall, in accordance with Section 2.16.050, be a reference to the planning commission.
 2. The following required permits shall not be issued for the following uses until design review approval has been obtained:
 - a. Uses requiring design review approval in the zoning district regulations;
 - b. All permanent signs as required in the zoning district regulations and as required in Chapter 17.56 of this title;
 - c. Any other project referred to the design review process by the planning director.
- B. Applications.
1. Application for design review approval shall be made on a form prescribed for this purpose by the city and shall be filed with the planning department, accompanied by the filing fee referenced below.

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2. The application shall be accompanied by such maps, colors to be used, material board, location and types of all signs to be placed on the buildings, site plans, all elevations and other drawings as are necessary to enable the planning commission to make the determinations as set forth herein.
 3. The filing fee for an application shall be as set forth by resolution of the city council.
- C. Submittal Requirements. The applicant shall submit the following drawings, as appropriate, along with the application for review:
1. A site plan, drawn to scale, showing the proposed layout of structures and other improvements, including, where appropriate, driveways, pedestrian walks, off-street parking and off-street loading areas, landscaped areas, fences and walls. The site plans shall indicate the locations of entrances and exits, the direction of traffic flow in and out of off-street parking and loading areas, the location of each parking space and each loading area, critical dimensions and the type of trash enclosure to be used;
 2. Architectural drawings drawn to scale showing all elevations of the proposed structures as they will appear upon completion. All exterior surface materials and their colors shall be specified and the size, locations, material, colors and illumination of all signs shall be indicated;
 3. A landscape plan for the site of a structure of use showing the locations of existing trees proposed to be retained on the site, the location and design of landscaped areas and the varieties of plant materials to be planted and all other landscape features.
- D. Standards for Review. All design review manuals approved or adopted by the council as city policy shall be used by the planning commission as a guideline for review of applications before it. A list of these manuals shall be kept on file in the office of the planning department. The manuals are intended to help the applicant become aware of the issues that the planning commission considers important in the design of a project. In implementing the purposes of these manuals, the planning commission shall consider in each specific case any or all of the following items as may be appropriate:
1. The siting of any structure on the property as compared to the siting of other structures in the immediate neighborhood;
 2. Materials, colors, proportion, mass and detail. All structures shall be in good proportion, have simplicity of mass and detail and be compatible in appearance with surrounding structures. There shall be an appropriate use of materials; colors shall be appropriate within the context of use and should blend with surrounding structures;
 3. The size, location, design, color, number, lighting and materials of all signs and outdoor advertising structures. No sign shall be approved in excess of the maximum limits set by this title, but the size or number of signs in any area subject to design control may be reduced below this maximum number or limit;
 4. Landscaping and Irrigation. Landscaping and irrigation plans shall be required on the site. Landscaping shall be in keeping with the character or design of the building. Existing trees shall be preserved wherever possible;
 5. The size, location and arrangement of on-site parking and paved areas;
 6. Ingress, Egress and Internal Traffic Circulation. All the above factors shall be related to the setting or established character of the neighborhood or surrounding area.
 7. Height and access to sunlight, setbacks, landscaping and use of materials for articulation and visual relief for fences and walls over eight feet tall or fences over three feet tall in front yards when across from Hwy. 17.
 8. Arbors in front yards, over twenty square feet in roof area or between eight and ten feet in height: the design compatibility with the ~~main~~-primary structure and structures in the neighborhood, the mass and

scale of the arbor, line of sight visibility for pedestrians and motorists in addition to other applicable standards of this section.

E. Required Findings.

1. -The planning commission shall determine from data submitted whether the proposed building, structure or other improvement will meet the design standards prescribed in this section and in this title. -The application may be disapproved, may be approved as submitted or may be conditionally approved. The approval shall be noted by an endorsement of the planning department on the submitted plans as approved.
2. For a proposed multi-unit residential project, the planning commission shall approve design review if the project complies with:
 - a. The Multi-Unit Residential Design Standard as adopted by City Council resolution; and
 - b. All other applicable objective standards, including standards in this title, the General Plan, and any applicable specific plan.

F. Expiration. Design approval shall lapse and become null and void two years following the effective of the design review permit date unless by a condition of the design permit, a greater time is allowed or unless a building permit is issued by the building division and construction is commenced and diligently pursued toward completion. Design approval may be extended for an additional period of up to one year, provided that prior to its expiration, an application for renewal is filed with the planning commission. In case of an application that requires approval of the city council, planning commission approval shall expire at the same time the city council approval expires. The planning commission may grant or deny a request for renewal, based on its judgment as to whether the reasons and justifications for renewal are compelling. When granting a request for renewal, the planning commission may add conditions or modify conditions of approval applied to the original application.

G. Appeals. Appeal from the determination by the planning commission shall be to the city council in accordance with the procedures and subject to the provisions set forth in Section 17.50.060 of this chapter.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.79 § 1, 1990; Ord. 16.82 § 13, 1991; Ord. 16.87 § 3 (part), 1993; Ord. 30.9 § 2, 1996; Ord. 16-112 § 11, 2000; Ord. No. 16-122, § 7, 5-3-2006)

17.50.035 Ministerial design review.

- A. Purpose. Ministerial design review is a by-right approval process to determine project compliance objective standards.
- B. Review Authority. The community development director shall review and act on design review applications or may may refer the application to the planning commission for review and final decision.
- C. Application Submittal and Review. A ministerial design review application shall be made using a form provided by the planning department, together with all required information, materials, and application fees.
- D. Public Notice and Hearing.
 1. The Planning Commission shall consider a ministerial design review application at a hearing with notice given as described in Section 17.50.090 of this chapter.
 2. After receiving public comment and considering the proposed project, the planning commission must either approve the application, deny the application, or continue the hearing to a future date.

3. The hearing may be continued only if additional information is needed to determine project conformance with objective standards. A hearing may be continued one time after which the planning commission must render a decision.

E. Decision. The Planning Commission shall approve a ministerial design review application if the project complies with all applicable objective standards in the general plan, any applicable specific plan, and the municipal code.

F. Appeals.

1. Ministerial design review decisions may be appealed as provided in Section 17.50.060 of this chapter.

2. The subject of appeal is limited to the determination of project conformance with applicable objective standards.

17.50.040 Home occupations.

The purpose of this chapter is to provide opportunities for limited commercial and business activities within residential neighborhoods, provided the activities are compatible with, and do not detract from the peace, quiet, character, and quality of the city's residential areas.

Home occupations shall require a business license secured from the city and are allowed in any residential premises or dwelling in any residentially zoned district subject to the following regulations:

- A. No premises shall be used for a home occupation unless the user has a business license for a home occupation;
- B. The home occupation shall be clearly incidental to the use of the structure as a residential premises or dwelling;
- C. No one other than a resident of the residential premises or dwelling shall be regularly employed in the conduct of a home occupation;
- D. The equipment, materials, machinery or mechanical devices used shall have no discernible impact on the adjacent properties;
- E. The conduct of the home occupation shall not create pedestrian, automobile or truck traffic in the vicinity of the residential premises or dwelling in excess of the amount created by nearby residential properties;
- F. There shall be no use of commercial vehicles for delivery of materials or supplies to or from the premises other than usual parcel deliveries and no deliveries or customer visits between the hours of ten p.m. and eight a.m.;
- G. There shall be no operation of the home occupation or storage of materials or supplies, indoors or outdoors, in a manner which is visible from adjacent properties, walkways or streets;
- H. No advertising signs or devices other than a name plate may be displayed and the name plate shall not exceed one square foot in area and must be affixed to the residential premises or dwelling;
- I. No more than one business vehicle with a manufacturer's gross vehicle weight of more than one ton shall be kept outside the garage at the residential premises or dwelling. All parking shall be in conformance with the city's off-street parking regulations and semi-tractor trailers are strictly prohibited;
- J. No home occupation shall alter the residential character of any portion of the property;
- K. No home occupation shall be permitted which has a building/fire code rating of B2 or greater or which requires a hazardous materials permit; and

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- L. Any home occupation must conform to the commercial/industrial standards contained in Section 17.44.020 of this title including Section 17.44.020(C)(3) relating to noise standards.

(Ord. 16.76 § 1 (part), 1989; Ord. 16.90 § 1, 1994)

17.50.050 Special Permits Issued by Community Development Director.

A. Authority and Purpose.

1. A special permit process is established to carry out the objectives of the city's general plan and related zoning ordinances and to ensure that permits for construction as set out hereinafter will be carried out in a manner which is not detrimental to surrounding uses, site improvements, safety and is consistent with the overall planning goals of the city. The purpose of the special permit process is to allow for small projects to be reviewed for conformity with the zoning ordinance with appropriate review and consideration under the direction of the community development director or their designee.
2. The following uses or construction are subject to approval of a special permit prior to installation:
 - a. Fences taller than three feet, but no taller than six feet, or retaining walls taller than three feet within the front yard setback of a residentially zoned parcel subject to meeting one or more of the following eligibility criteria:
 1. The site conditions warrant use of a taller fence or retaining wall due to slope conditions which require erosion control or stabilization, or for vehicular access;
 2. The site has an unusual shape or size or where the site conditions warrant use of the front yard for the exclusive personal use of the occupants where no other yard space is available for such use;
 3. The site is located in an area of excessive noise which deprives the occupants of the use of the site in a manner enjoyed by other properties in the neighborhood (such as from commercial uses and Hwy. 17);

B. Applications and Submittal Requirements.

1. Application for special permit review shall be made on a form prescribed for this purpose by the city and shall be filed with the planning department, accompanied by the filing fee referenced below.
2. The application shall be accompanied by such maps, site plans, colors and materials, elevations, landscape plans, and other drawings, reports or environmental information required or necessary to enable the community development director to make the determinations as set forth herein. The application form provided by the planning department shall provide a list of submittal requirements.
3. The filing fee for an application shall be as set forth by resolution of the city council.

C. Application Processing Procedures and Notice.

1. The application shall be subject to review by the planning department to determine if the application is complete.
2. Upon deeming the application complete, the planning department shall send a notice to the applicant, property owner, the owners of property located within a 100 foot radius of the property lines of the site and to all members of the planning commission. The notice shall indicate the date upon which the community development director will act on the permit and the intended action to be taken by the community development director. Such noticed shall be mailed, via first class mail, a minimum of 15 days prior to date that action is to be taken.

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- D. *Standards for Review.* All special permits shall be reviewed for consistency with the city's general plan and the requirements of the zoning ordinance. The community development director shall consider the standards for review as contained in Section 17.50.030 regarding design review that are applicable to the type of special permit being requested.
- E. *Development Standards.* Each application for a special permit shall be reviewed for conformance with minimum special design standards applicable to the type of permit as specified below.
1. Fences and Retaining Walls:
 - a. The fence/wall shall be set back a minimum of three feet from the property line to provide space for landscaping between the fence/wall and the property line.
 - b. Use of chain link fencing shall be discouraged in areas except where it is not visible or where such fencing can be landscaped with evergreen vines;
 - c. The proposed fence/wall design incorporates architectural design features such as decorative wood patterns, landscaping, brick, stone and other materials or design elements to make the fence/wall attractive in appearance and less obtrusive;
 - d. The proposed fence/wall incorporates horizontal or vertical articulation features, which minimize any potential corridor or tunnel effect;
 - e. The proposed fence/wall does not impact neighboring properties by significantly blocking access to sunlight.
- F. *Required Findings.* The community development director shall determine from data submitted whether the proposed building, structure or other improvements will meet the standards for review prescribed in this section. The application may be disapproved, may be approved as submitted, conditionally approved or the community development director may refer the special permit request to the planning commission for consideration. The approval shall be noted by an endorsement of the planning department on the submitted plans as approved. The following findings shall be made by the community development director:
- a. The standards for review provided in Section 17.50.030.D shall be met as applicable to the proposed special permit;
 - b. For fences and retaining walls over three feet in the front yard setback, the following additional findings shall be made:
 1. The proposed fence or retaining wall shall be located in a manner to provide safe ingress and egress for the site and adjacent properties;
 2. The effect of the proposed fence or retaining wall shall not be harmful to the character of the neighborhood;
 3. The length and or location of the proposed fence or wall shall be harmonious with the character of the area;
 4. The impact of the fence or wall is minimized by the presence of areas of unimproved right-of-way between the fence or wall and the improved right of way.
 - c. For retaining walls over three feet in the front yard setback, the following additional findings shall be made:
 1. A series of retaining walls may be allowed where the exposed portion of any retaining wall does not exceed three feet in height;
 2. Between each retaining wall, landscaping shall be provided to soften the appearance of the height of the retaining wall.

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- G. *Lapse of Special Permit Approval.* Special Permit approval shall lapse and become null and void from the period of time granted on the permit as determined by the community development director unless prior to expiration of said period, a building permit is issued and construction has commenced and is diligently pursued toward completion. If a building permit is not required, construction shall be commenced and diligently pursued toward completion. An extension of an additional period of up to one year may be granted by the community development director, provided that prior to its expiration, an application for renewal is filed with the planning department. The community development director may grant or deny a request for renewal, based on their judgment as to whether the reasons and justifications for renewal are compelling. When granting a request for renewal, the community development director may add conditions or modify conditions of approval applied to the original application.
- H. Appeals. Appeal from the determination by the community development director shall be to the planning commission in accordance with the procedures and subject to the provisions set forth in Section 17.50.060 of this chapter.

(Ord. No. 16.118, § 2, 2-2-05)

17.50.060 Appeals.

- A. Appeals to Planning Commission. An appeal may be taken to the planning commission by the applicant or any interested person from the whole or any portion of an administrative determination or decision made by an official of the city pursuant to any of the provisions of this chapter.
- B. Appeals to City Council. An appeal may be taken to the city council by the applicant or any interested person from the whole or any portion of a decision made by the planning commission, design review board, committee or commission, officer or board of the city authorized to enforce or administer this title, pursuant to any of the provisions of this chapter, excluding tree removal permits.
- C. Notice of Appeal—Filing Fee. All appeals under this chapter shall be made by filing a notice of appeal clearly identifying the determination or decision from which the appeal is taken and stating the grounds for the appeal. The notice of appeal shall be accompanied by the payment of a filing fee in such amount as established from time to time by resolution of the city council.
- D. Filing Notice of Appeal.
1. The notice of an appeal to the planning commission shall be filed with the secretary of the planning commission.
 2. The notice of an appeal to the city council shall be filed with the city clerk.
- E. [Reserved.]
- F. Time Limit on Notice of Appeal. The appellant shall file the notice of appeal and pay the filing fee thereon with fourteen calendar days after the date of the decision.
- G. Effect of Filing Notice of Appeal. The filing of a notice of appeal shall stay the issuance of any permit, variance, or other entitlement provided by the terms of Title 17, as well as the effectiveness of the determination or act appealed, until such time as the matter is determined on appeal.
- H. Review by Planning Commission.
1. Scheduling of Hearing; Notice. Upon receipt of the notice of appeal and payment of the filing fee, the secretary of the planning commission shall schedule the matter for hearing at the next available regular meeting of the planning commission to be held within thirty calendar days after the date on which the notice of appeal is filed and the fee paid. The secretary of the planning commission shall give notice of the date, time and place of the hearing to the appellant, and to the applicant if other than the

appellant, not less than ten days prior to the hearing, unless such notice is waived by the party entitled to receive the same. If a public hearing is conducted on the appeal, notice shall be given in accordance with Section 17.50.090 of this chapter.

2. Conduct of Hearing by Planning Commission. The planning commission shall conduct a de novo review on the appeal. No public hearing shall be required unless the administrative determination or decision was made in connection with a proceeding which required a public hearing; provided, however, that nothing herein shall prevent the planning commission, in its sole discretion, from receiving testimony or other evidence from any person pertaining to the subject matter of the appeal at the time the hearing is held.
3. Decision by Planning Commission. The planning commission may affirm, reverse or modify in whole or in part the determination or decision which is the subject of the appeal, and may refer the matter back to the original maker of the determination or decision for such further action as may be directed by the commission. Where an appeal has been filed pertaining to only a portion of a determination or decision, the planning commission shall have authority to review the entire matter and may affirm, reverse or modify in whole or in part the determination or decision which is the subject of the appeal, and may refer the matter back to the original maker of the determination or decision for such further action as may be directed by the commission. The decision of the planning commission shall be rendered by the planning commission not later than the second regularly scheduled meeting after the hearing commenced, unless by mutual agreement of the planning commission and applicant the period of time for rendering a decision is extended. The decision of the planning commission shall be in writing and shall be supported by adequate findings. The planning commission shall forthwith transmit a copy of the decision to the applicant and appellant.

I. Review by City Council.

1. Schedule of Hearing; Notice. Upon receipt of the notice of appeal and payment of the filing fee, the city clerk shall schedule the matter for hearing at the next available regular meeting of the city council to be held within thirty calendar days after the date on which the notice of appeal is filed. The city clerk shall give notice of the date, time and place of the hearing to the appellant, and to the applicant if other than the appellant, not less than ten days prior to the hearing, unless such notice is waived by the party entitled to receive the same. If a public hearing is conducted on the appeal, notice shall be given in accordance with Section 17.50.090 of this chapter.
2. Conduct of Hearing by City Council. The city council shall conduct a de novo review on the appeal. No public hearing shall be required unless the decision by the planning commission was made in connection with a proceeding which required a public hearing; provided, however, that nothing herein shall prevent the city council, in its sole discretion, from receiving testimony or other evidence from any person pertaining to the subject matter of the appeal at the time the hearing is held.
3. Decision by City Council. The city council may affirm, reverse or modify the decision of the planning commission, and may refer the matter back to the planning commission for such further action as may be directed by the council. Where an appeal has been filed pertaining to only a portion of a decision by the planning commission, the city council shall have authority to review the entire matter and may affirm, reverse or modify all or any other portion of the decision notwithstanding the fact that no appeal has been taken therefrom. The city council shall forthwith transmit a copy of its decision to the applicant, the appellant and the body whose action is appealed. The decision of the city council shall be in writing, shall be supported by adequate findings and shall be final.

- J. Hearing on Appeal. The city council shall have the power to continue any hearing on an appeal from time to time; provided, however, that a decision shall be rendered by the city council not later than their second regularly scheduled meeting after the hearing commenced, unless by mutual agreement of the city council and the applicant the period of time for rendering a decision is extended. When the period of time is

extended, the decision of the council shall be rendered not later than the end of the extension period. In any event, upon rendering a decision, written notice thereof shall forthwith be given to the appellant and to the applicant, if different from the appellant.

(Ord. 16.82 § 7, 1991; Ord. 16.84 § 6, 1992; Ord. 16.123, §§ 55—57, 9-5-2007)

17.50.070 Notice of hearing on appeal— Generally.

Except as to those specified in Section 17.50.060 of this chapter or any other provision of this title, notice of any hearing on appeal under this title shall be given in accordance with and pursuant to the provisions of Section 17.50.090 of this chapter.

(Ord. 16.76 § 1 (part), 1989)

17.50.080 Special consideration of appealable actions.

Notwithstanding any other provision of this title or any other ordinance or resolution of the city, all acts or determinations which are appealable, as referenced in Section 17.50.060A and B, to the city council shall be considered and acted on by the city council upon the request of any member of the city council, provided, that such a request, outlining the reasons why such special consideration of the matter is appropriate, is filed in writing with the city clerk within the time period provided for filing an appeal as specified in Section 17.50.060 of this chapter. Without in any way limiting the foregoing, the provisions of Section 17.50.060 of this chapter relating to the processing and disposition of an appeal, including, without limitation, notification and the time period for rendering a decision, shall apply; provided, however, that no hearing shall be held on the sufficiency of the request. The council member requesting such special consideration shall not be considered an appellant, shall not have to pay any filing fee and shall be considered fully qualified to act on all such matters. The filing of any such request for special consideration shall have the effect of staying the issuance of any permit or variance provided by the terms of this title, as well as the effectiveness of the act or determination involved, until the matter is disposed of as provided in Section 17.50.060 of this chapter.

(Ord. 16.76 § 1 (part), 1989)

17.50.090 Notice of public hearing procedures—Mail or delivery.

- A. Whenever any provision of this title requires notice of public hearing to be given in accordance with the provisions of this section, the city clerk shall cause notice thereof to be mailed or delivered at least ten days prior to the hearing to:
1. The owner of the subject real property (or the owner's duly authorized agent) and the project applicant. In the case of an appeal, in addition to the foregoing persons, notice shall also be given to the appellant and the commission, board, committee or officer whose act or determination is appealed;
 2. Each local agency expected to provide water, sewage, streets, roads, schools or other essential facilities or services to the project whose ability to provide those facilities and services might be significantly affected;
 3. Any person who has filed a written request for notice with the city clerk. Any such request shall be renewed annually;
 4. All owners of real property as shown on the latest equalized assessment roll within three hundred feet of the real property that is the subject of the hearing. In lieu of utilizing the assessment roll, the records

of the county assessor or tax collector which contain more recent information than the assessment roll may be utilized. If the number of owners to whom notice would be mailed or delivered pursuant to this subdivision or subdivision 1 of this subsection, is more than one thousand, in lieu of mailed or delivered notice, notice may be provided by one publication of a display advertisement of at least one eighth page in at least one newspaper of general circulation within the city at least ten days prior to the hearing;

5. If the notice is mailed or delivered pursuant to subdivision 4 of this subsection, the notice shall also either:
 - a. Be published once in at least one newspaper of general circulation within the city at least ten days prior to the hearing, or
 - b. Be posted at least ten days prior to the hearing in at least three public places within the city, including one public place in the area affected by the proceeding.
- B. The notice shall include the date, time and place of the public hearing, the identity of the hearing body or officer, a general explanation of the matter to be considered and a general description, in text or by diagram, of the location of the real property, if any, that is the subject of the hearing.
- C. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.
- D. The failure of any person or entity to receive notice given pursuant to this section shall not constitute grounds for any court to invalidate the action for which notice was given.

(Ord. 16.76 § 1 (part), 1989)

17.50.100 Notice of public hearing— Publication or posting.

- A. Whenever any provision of this title requires notice of public hearing to be given in accordance with the provisions of this section, the city clerk shall cause notice thereof to be published once in at least one newspaper of general circulation within the city at least ten days prior to the hearing, or if there is no such newspaper of general circulation, the notice shall be posted at least ten days prior to the hearing in at least three public places within the city.
- B. The notice shall include the information specified in subsection B of Section 17.50.090 of this chapter.
- C. In addition to the notice required by this section, the city may give notice of the hearing in any other manner it deems necessary or desirable.

(Ord. 16.76 § 1 (part), 1989)

17.50.110 Authority of the city council.

Upon hearing the appeal, the city council, as final appellate body, shall consider the record and such additional evidence as may be offered and shall find whether, in its opinion, error was made. The city council may, within the terms of this title, affirm, reverse or modify the action appealed as it deems just and equitable and may exercise all rights of any other officer, commission, board or committee. The city council shall forthwith transmit a copy of its decision to the applicant, the appellant and the body whose action is appealed. The decision of the city council shall be in writing, shall be supported by adequate findings and shall be final.

(Ord. 16.76 § 1 (part), 1989)

Chapter 17.54 ADMINISTRATION, INTERPRETATION AND ENFORCEMENT

17.54.010 Administration, interpretation and enforcement.

- A. All department officials and public employees of the city vested with the duty or authority to issue permits, certificates or licenses shall conform to the provisions of this title and shall issue no permit, certificate or license for uses, buildings or purposes in conflict with the provisions of this title; and any such permit, certificate or license issued in conflict with the provisions of this title, intentionally or otherwise, shall be null and void.
- B. The planning director and planning commission, with the assistance of the city attorney, shall be responsible for the administration, interpretation, enforcement and correction of violations of the provisions of this title, subject to the provisions of Section 17.54.060 of this chapter.
- C. It shall be the duty of the building official to review each application for a building permit and to refuse to issue a permit for the erection, construction, reconstruction, moving, conversion, alteration or addition to any building or structure or the use of any building, land or premises, not in conformity with the provisions of this title. The issuance of a building permit shall not, however, stop the city from enforcing any of the provisions of this title, nor shall said building permit constitute a waiver of any provision of this title or any permit required under the provisions of Chapter 17.50 or any other chapter of this title.

(Ord. 16.76 § 1(part), 1989)

17.54.020 State law applicable.

The provisions of this title shall be subordinate to and superseded by the controlling provisions of any applicable state law or laws in the event of conflict as said state law or laws presently exist or may hereafter be amended.

(Ord. 16.76 § 1(part), 1989)

17.54.030 Abatement of nuisance.

Any building or structure set up, erected, constructed, altered, enlarged, converted, moved or maintained contrary to the provisions of this title and any use of any land, building or premises established, conducted, operated or maintained contrary to the provisions of this title, shall be and the same is declared to be unlawful and a public nuisance and the city attorney shall, upon order of the city council or upon the written request of the planning director or planning commission, immediately commence action or proceedings for the abatement and removal and enjoinder thereof in the manner provided by law, and shall take such other steps and shall apply to such courts as may have jurisdiction to grant such relief as will abate and remove such building or structure and restrain and enjoin any person, firm or corporation from setting up, erecting, building, maintaining or using any such building or structure or using property contrary to the provisions of this title. The remedies provided for herein shall be cumulative and not exclusive.

(Ord. 16.76 § 1(part), 1989)

17.54.040 Enforcement.

In addition to remedies provided by any other provisions of law, the planning director shall have the authority to implement the enforcement of the provisions of this title by any of the following means:

- A. Serving notice requiring the correction of any violation of this title upon the owner, agent, occupant or tenant of the improvement, building, structure or land;
- B. Calling upon the city attorney to institute any necessary legal proceedings to enforce the provisions of this title, and the city attorney is hereby authorized to institute any actions to that end;
- C. Calling upon the chief of police and officers of the police department to assist in the enforcement of this title.

In addition to any of the foregoing remedies, the city attorney may maintain an action for injunctive relief to restrain or enjoin or to cause the correction or removal of any violation of this title.

(Ord. 16.76 § 1(part), 1989)

17.54.050 Violations constituting misdemeanor or infraction offense—Penalties.

- A. The violation of any provision contained in this Title 17 is declared to be unlawful and shall constitute a misdemeanor and a public nuisance subject to the penalties as prescribed in Chapter 1.08 of this code, unless such violation is designated in subsection B of this section as an infraction offense.
- B. The violation of any regulations contained in the following chapters and sections is declared to be unlawful and shall constitute an infraction and a public nuisance, subject to the penalties as prescribed in Chapter 1.08 of this code:
 - 1. Chapter 17.~~5741~~ (~~Secondary dwelling units and guesthouses~~Accessory dwelling units);
 - 2. Chapter 17.58 (Junior accessory dwelling units);
 - 32. Section 17.44.030 (Off-street parking and loading requirements);
 - 43. Section 17.44.080 (Tree protection regulations);
 - 54. Chapter 17.56 (Sign regulations);
 - 65. Section 17.44.150 (External antennae);
 - 76. Section 17.46.040 (Private stables);
 - 87. Section 17.46.050 (Height limits);
 - 98. Section 17.46.080 (Swimming pools, spas, and hot tubs);
 - 109. Section 17.46.100 (Kennels and small animal hospitals);
 - 119. Section 17 46.110 (Fences, walls and ornamental structures);
 - 124. Section 17.46.140 (Temporary construction offices);
 - 132. Section 17.46.160 (Construction standards);
 - 13. Section 17.50.040 (Home occupations).

(Ord. 16.76 § 1(part), 1989; Ord. 16.82 § 6, 1991; Ord. 16.115, § 21, 6-4-2003)

17.54.060 Severability.

If any chapter, section, subsection, sentence, clause or phrase of this title is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this title. The city council hereby declares that it would have passed and adopted this title and each chapter, section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses or phrases might be declared invalid or unconstitutional.

(Ord. 16.76 § 1(part), 1989)

Chapter 17.60 REQUESTS FOR REASONABLE ACCOMMODATION

17.60.010 Purpose and intent.

In accordance with federal and state fair housing laws, it is the purpose of this chapter to provide reasonable accommodations in the city's zoning and land use regulations, policies, and practices when needed to provide an individual with a disability equal opportunity to use and enjoy a dwelling.

In order to make specific housing available to an individual with a disability, any person may request a modification or exception to the rules, standards, practices, and land use regulations, and policies for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a persons with a disability equal opportunity to housing of their choice.

A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having such impairment or anyone who has a record of such impairment. This chapter applies only to those persons who are defined as disabled under the Acts.

(Ord. No. 16-137, 7-15-2015)

17.60.020 Definitions.

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

"Disabled person" means a person who has a medical, physical or mental condition that limits a major life activity, as those terms are defined in California Government Code section 12926, anyone who is regarded as having such a condition or anyone who has a record of having such a condition. It includes a person or persons, or an authorized representative of a disabled person. The term disabled person does not include a person who is currently using illegal substances, unless he or she has a separate disability (42 U.S.C. 3602(h)).

"Fair housing laws" or "the Acts" means (1) the federal Fair Housing Act (42 U.S.C. § 3601 and following) and (2) the California Fair Employment and Housing Act (Gov't. Code § 12955 and following), including amendments thereto.

"Reasonable accommodation" means providing disabled persons flexibility in the application of land use and zoning regulations and procedures, or even waiving certain requirements, when necessary to eliminate barriers to housing opportunities. It may include such things as yard area modifications for ramps, handrail s or other such accessibility improvements; hardscape additions, such as widened driveways, parking area or walkways; building additions for accessibility; tree removal; or reduced off-street parking where the disability clearly limits the number of people operating vehicles. Reasonable accommodation does not include an accommodation which would (1) impose an undue financial or administrative burden on the city or (2) require a fundamental alteration in the nature of the city's land use and zoning program.

(Ord. No. 16-137, 7-15-2015)

17.60.030 Review authority.

- A. Community Development Director or Designee. The community development director or designee has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter. The community development director or designee may refer the matter to the planning commission, at his or her discretion, when a reasonable

accommodation request includes the following items, but not limited to: any encroachment into the setback areas, results in a building size increase above what is permitted in the applicable zoning district with respect to height, lot coverage, or whenever a reduction in required parking is requested.

- B. Planning Commission. The planning commission has the authority to review and decide upon requests for reasonable accommodation, including whether the applicant is a disabled person within the meaning of this chapter, when referred by the community development director.

(Ord. No. 16-137, 7-15-2015)

17.60.040 Noticing.

A public hearing is not required for a reasonable accommodation request reviewed and decided upon by the community development director. Upon deeming the application complete, the planning department shall send a notice to the applicant, property owner, the owners and tenants of property of the five parcels located closest to the subject property, and to all members of the planning commission. The notice shall indicate the date upon which the community development director will act on the permit and the intended action to be taken by the community development director. Such notices shall be mailed, via first class mail, a minimum of fifteen days prior to date that action is to be taken. Requests for reasonable accommodation subject to review and decision by the planning commission shall require a public hearing pursuant to the advance noticing requirements of Chapter 17.50 of the Scotts Valley Municipal Code.

(Ord. No. 16-137, 7-15-2015)

17.60.050 Application and submittal requirements.

- A. Application. The applicant shall submit a request for reasonable accommodation on a form provided by the City of Scotts Valley planning department. The application shall include the following information, and shall be filed with the planning department, accompanied by any required fee:
1. The applicant's name, address and telephone number;
 2. Address of the property for which the request is being made;
 3. The name and address of the property owner, and the owner's written consent to the application;
 4. The current use and/or activity of the property;
 5. A description of the basis that the individual is considered disabled under the fair housing laws: identification and description of the disability which is the basis for the request for accommodation, including current, written medical certification and description of disability and any effects on the person 's medical, physical or mental limitations;
 6. The policy, program, regulation or standard adopted by the City of Scotts Valley applicable to the request for accommodation, including the development standard or regulation from which reasonable accommodation is being requested;
 7. A description of the specific accommodation request;
 8. A description of the basis by which the accommodation is reasonable and necessary for the needs of the affected disabled person(s);
 9. Copies of plans, drawings, pictures, and/ other supporting data that provide sufficient information to render a decision (plans and drawings will be to standard scale);

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10. Other reasonable requests for information requested by the city to facilitate the rendering of a decision, consistent with fair housing laws.
- B. Review with other Related Applications. If the development, project or proposal for which the reasonable accommodation is being requested also requires some other discretionary approval (such as conditional use permit and/or design review), then the applicant shall submit the reasonable accommodation application for a determination by the community development director, at the same time with the other applications.
 - C. Required Fees. Any fee required for an application for reasonable accommodation shall be set by resolution of the city council.

(Ord. No. 16-137, 7-15-2015)

17.60.060 Standards.

The decision to approve, approve with conditions, or deny an application for reasonable accommodation shall be based on a finding of consistency within the meaning of this chapter and shall take into consideration all of the following factors:

- A. Required Findings.
 1. The housing or housing related facilities will be used by an individual with a disability under the Acts;
 2. The requested accommodation is necessary to make specific housing available to an individual with a disability under the Act;
 - ~~3. The requested accommodation would impose an undue financial or administrative burden on the city; and~~
 - ~~4. The requested accommodation does not negatively affect the character of the zoning district and intent of adopted city, policies, regulations, programs or laws.~~
- B. Development Standards and Conditions.
 1. An approved request for reasonable accommodation is subject to the applicant's compliance with all other applicable zoning regulations.
 2. An approved reasonable accommodation request under this chapter is considered a personal request for accommodation by the applicant and shall not run with the land. The reasonable accommodation shall terminate upon any sale, transfer, lease or other conveyance of the property.
 3. Where appropriate, the applicable reviewing authority may condition its approval on any or all of following:
 - a. Periodic inspection of the location, as specified in the application, to verify continued compliance with the provisions of this section and any conditions of approval;
 - b. Prior to any sale, transfer, lease or other conveyance of the property, or at the time the need for the reasonable accommodation is no longer necessary, the owner of the property shall bring the property into conformance with the city's Zoning Code to the extent that relief was provided under the Zoning Code as part of the request for reasonable accommodation;
 - c. Time limits and/or expiration of the approval if it can be determined that the Applicant's reasons for approving the accommodation no longer exists;

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- d. Recordation of a deed restriction requiring removal of the accommodating feature once the need for it no longer exists;
 - e. Methods, design considerations and features that reduce the impact on surrounding uses;
 - f. Methods, design considerations and features the preserve the integrity of the property and structures;
 - g. Other reasonable accommodations providing an equivalent level of benefit they will not result in an encroachment into required setbacks, permitted exceedance of height limits, lot coverage or floor area ratio requirements specified for the applicable zoning district; and,
 - h. Other conditions necessary to protect the public health, safety and welfare of Scotts Valley residents.

(Ord. No. 16-137, 7-15-2015)

17.60.070 Decisions.

- A. Decision by Community Development Director. The community development director shall render a decision (or refer the matter to the planning commission) within thirty days after the planning department determines the application is complete, per application requirements set forth in Section 17.60.050.A. of this chapter. The application shall be approved, approved with conditions, or denied, based on the findings set forth in Section 17.60.060. The city shall notify the applicant of the decision. The written decision shall explain in detail the basis of the decision, including the community development director's finding on the factors stated in Section 17.60.060.
- B. Decision by Planning Commission. If the application for reasonable accommodation is referred to, or reviewed by, the planning commission, a decision to approve, approve with conditions or deny the application shall be decided at the scheduled public hearing, based on the findings set forth in Section 17.60.060.

(Ord. No. 16-137, 7-15-2015)

17.60.080 Appeals.

Any decision on an application under this chapter shall be subject to appeal pursuant to Section 17.50.060 (Appeals) of the Scotts Valley Municipal Code.

(Ord. No. 16-137, 7-15-2015)

Chapter 17.62 DENSITY BONUS

17.62.010 Purpose

This chapter establishes procedures to implement State Density Bonus Law, as set forth in California Government Code Sections 65915-65918. State Density Bonus Law provides density bonuses and other incentives to facilitate production of affordable and senior housing. This chapter also implements General Plan Housing Element policies to provide additional housing in Scotts Valley for lower-income households, seniors, and persons with special needs.

17.62.020 Definitions

- A. State Density Bonus Law. Definitions in State Density Bonus Law apply to the terms in this chapter.
- B. "Other Incentives." As used in this chapter, the term "other incentives" includes the following:
 - 1. Incentives and concessions (Government Code Section 65915(k)).
 - 2. Waiver or reduction of development standards (Government Code Section 65915(e)).
 - 3. Reduced parking ratios (Government Code Section 65915(p)).

17.62.030 Application Procedures

- A. Concurrent Request. An applicant shall request a density bonus and other incentives concurrently with the first permit application required by the City for the housing development.
- B. Submittal Requirements. An application shall include following information and materials:
 - 1. For a density bonus:
 - a. Summary table showing:
 - (i) Maximum density (in units per acre) on the site permitted by the Zoning Code and General Plan excluding any density bonus units.
 - (ii) Maximum number of dwelling units on the site permitted by the zoning and general plan excluding any density bonus units.
 - (iii) Proposed affordable units by income level
 - (iv) Proposed bonus percentage.
 - (v) Number of density bonus units proposed.
 - (vi) Total number of proposed dwelling units.
 - (vii) Resulting density in units per acre.
 - b. For projects in a General Plan land use designation with no maximum units per acre standard, a completed Maximum Allowable Density Worksheet available from the Community Development Department.

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- c. The subparagraph of Government Code Section 65915(b)(1) under which the housing development qualifies for a density bonus and documentation demonstrating that the housing development is eligible for a bonus under that subparagraph.
 - d. If the applicant seeks an additional bonus, the subparagraph of Government Code Section 65915(v)(1) under which the housing development qualifies for an additional density bonus and reasonable documentation demonstrating that the housing development is eligible for the additional bonus under that subparagraph.
 - e. A site plan, drawn to scale, showing the number and location of all proposed units, designating the location of affordable units and density bonus units.
 - f. A description of all dwelling units existing on the site in the five-year period preceding the application submittal date and identification of any units:
 - (i) Rented in the five-year period;
 - (ii) Subject to a recorded covenant, ordinance, or law restricting rents to levels affordable to households of lower or very low income; or
 - (iii) Subject to any form of rent or price control.
 - g. If dwelling units on the site are currently rented, income and household size of all residents of currently occupied units, if known. If dwelling units on the site were rented in the five-year period but are not currently rented, the income and household size of residents occupying the dwelling units when the site contained the maximum number of dwelling units, if known.
 - h. The phasing of the construction of the affordable housing units in relation to the nonrestricted units in the housing development.
 - i. If a density bonus is requested for a land donation, the location of the land to be dedicated, proof of site control, and documentation that each of the requirements included in Government Code Section 65915 (g) can be met.
2. For incentives and concessions (Government Code Section 65915(k)):
- a. The number of requested incentives.
 - b. The existing requirement and requested modification to the requirement.
 - c. Except where mixed-use zoning is requested as an incentive, reasonable documentation to show that each requested incentive will result in identifiable and actual cost reductions to provide for affordable housing costs or rents.
 - d. If mixed-use zoning is a requested incentive, reasonable documentation that:
 - (i) Nonresidential land uses will reduce the costs of the housing development;
 - (ii) Nonresidential land uses are compatible with the housing development and the existing or planned development in the area where the housing development will be located, and
 - (iii) Mixed-use zoning will provide for affordable housing costs and rents.
3. For a waiver or reduction of development standards (Government Code Section 65915(e)):
- a. The proposed waivers or reductions of development standards.
 - b. Reasonable documentation that the existing standard physically precludes the construction of the housing development at its proposed density.

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4. For reduced parking ratios (Government Code Section 65915(p)).
 - a. The number of parking spaces required for the proposed project by the Zoning Code.
 - b. The reduced number of parking spaces proposed.
 - c. The paragraph under Government Code Section 65915(p) (or other statute) under which the housing development qualifies for the parking reduction.
 - d. Reasonable documentation that the housing development is eligible for the requested parking reduction.
 5. For a density bonus or incentives for a child care facility (Government Code Section 65915(h)):
 - a. Reasonable documentation that all of the requirements included in Government Code Section 65915(h) can be met.
 6. For a density bonus or incentives for a condominium conversion (Government Code Section 65915.5)):
 - a. Reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
 7. For a commercial development bonus (Government Code Section 65915.7):
 - a. Reasonable documentation that all of the requirements included in Government Code Section 65915.5 can be met.
 8. For any density bonus or other incentives where the housing development would replace an affordable unit (Government Code Section 65915(c)(3)(A)):
 - a. Reasonable documentation that all of the requirements included in Government Code Section 65915(c)(3)(A) can be met.

C. Application Review.

1. The City shall review a request for a density bonus and other incentives concurrently with the permit application required for the housing development.
2. The City shall notify the applicant whether the application is complete in a manner consistent with the timelines specified in Government Code Section 65943.
3. When the City deems the application complete, the City shall provide the applicant with a determination of the following:
 - a. The amount of density bonus, calculated pursuant to Government Code Section 65915(f), for which the applicant is eligible.
 - b. If the applicant requests a parking ratio pursuant to Government Code Section 65915(p), the parking ratio for which the applicant is eligible.
 - c. If the applicant requests incentives and concessions pursuant to Government Code Section 65915 (d) or waivers pursuant to Government Code Section 65915(e), whether the applicant has provided adequate information for the City to review and take action on the requested incentives and/or waivers.

D. City Action.

1. General.

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- a. The City shall act on a request for a density bonus and other incentives concurrently with the permit application required for the housing development. The same review authority that acts on the permit application shall also act on density bonus and other incentive request.
 - b. For permit applications that require a public hearing, a staff report shall describe project conformance with State Density Bonus Law as demonstrated by application materials submitted pursuant to Section 18.030.040.B (Submittal Requirements).
 - 2. Incentives and Concessions. The City shall grant an incentive or concession (Government Code Section 65915(k)) requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - a. The proposed incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053.
 - b. The proposed incentive or concession would be contrary to state or federal law; or
 - c. The proposed incentive or concession would:
 - (i) Have a specific, adverse impact, as defined in Government Code Section 65589.5(2)(d), upon the public health or safety or on any real property that is listed in the California Register of Historic Resources; and
 - (ii) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.
 - 3. Waiver or Reduction in Development Standards. The City shall grant a waiver of development standards (Government Code Section 65915(e)) requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
 - a. The proposed waiver would be contrary to state or federal law.
 - b. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources.
 - c. The proposed waiver would:
 - (i) Have a specific, adverse impact, as defined in Government Code Section 65589.5(2)(d), upon the public health or safety; and
 - (ii) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.
 - 4. Child Care Centers. If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate child care facilities.
 - 5. Coastal Zone. For a housing development within the coastal zone, the review authority must find that the requested density bonus or other incentive is consistent with the certified Local Coastal Program, with the exception of density. The granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
 - E. Appeals. Appeals of the permit decision required for the housing development shall include all requests under State Density Bonus Law.

17.62.040 General Provisions

A. Density Bonus Calculation.

1. All density bonus calculations resulting in fractional units are rounded up to the next whole number.
2. In determining the number of affordable units required to qualify for a density bonus, units added by a density bonus are not included in the calculations.

B. One Density Bonus Allowed.

1. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus.
2. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

C. Density Bonus Amount.

1. The applicant may accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction is permitted in the percentages of affordable units required by State Density Bonus Law.
2. Regardless of the number of affordable units, no housing development is entitled to a density bonus greater than what is authorized under State Density Bonus Law.

D. Inclusionary Requirement.

1. On-site units that satisfy the City's inclusionary housing requirements in Municipal Code Chapter 14.01 (Redevelopment Agency Affordable Housing Production Requirements) and will be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of State Density Bonus Law.
2. Payment of fees in lieu of providing affordable units under Municipal Code Section ~~14~~14.02.050 (In-lieu housing fees and alternative compliance options) does not qualify a housing development for a density bonus.

E. Financial Incentives.

1. Nothing in this chapter requires the provision of direct financial incentives from the City for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements.
2. The City, at its sole discretion, may choose to provide such direct financial incentives.

17.62.050 Affordable Unit Design and Construction

A. Timing. Building permits, final inspections, and certificates of occupancy shall be issued concurrently for the market rate units and for all affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction.

B. Appearance and Quality.

1. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development.

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- 2. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.
 - C. Unit Size. To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units.
 - D. Access to Amenities. In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units.
 - E. Location within Building. Affordable units shall be located throughout a building and not isolated on one floor or to an area on a specific floor.

17.62.060 Regulatory Agreements

A. General.

- 3. If a density bonus or other incentive is approved pursuant to this chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the City. This agreement or covenant shall implement State Density Bonus Law and ensure compliance with this chapter.
- 4. The agreement or covenant shall be in a form approved by the City Attorney and executed by the City Manager or their designee.
- 5. The agreement or covenant shall be binding on all future owners and successors in interest.
- 6. The applicant shall record the agreement or covenant against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development.

B. Rental Projects. For affordable rental projects, the applicant shall enter into an affordable housing agreement with the City that:

- 1. Requires the continued affordability of all rental units that qualified the applicant for the density bonus or other incentive for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program;
- 2. Identifies the type, size and location of each affordable unit;
- 3. Specifies the eligible occupants;
- 4. Specifies phasing of the affordable units in relation to the market-rate units; and
- 5. Contains other relevant provisions approved by the City Attorney.

C. For-Sale Projects.

- 1. For projects with affordable for-sale units, the applicant shall enter into an affordable housing agreement with the City that requires the following:
 - a. The initial purchasers of those for-sale units that qualified the applicant for the density bonus or other incentive shall be persons and families of lower or moderate income, as applicable;
 - b. If any for-sale unit is not purchased by an income-qualified household within 180 days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a

contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5; and

c. The units will be resold only to households of lower or moderate income for a minimum of 45 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or homebuyer assistance program.

2. The agreement shall contain other relevant provisions approved by the City Attorney.

3. The City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it conflicts with the requirements of another public funding source or law.

D. Market-Rate Senior Projects. For market-rate senior projects, the applicant shall enter into a restrictive covenant with the City to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

17.62.070 Interpretation

If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

17.62.010 Intent and purpose.

~~This density bonus ordinance is intended to provide incentives for the production of affordable housing, senior housing and the development of child care facilities. In offering these incentives, this chapter is intended to implement the goals, objectives, and policies of the city's General Plan and to further implement and be subject to the requirements of state law (Government Code Sections 65302, 65913, and 65915—65918 et seq.). In the event that any provision in this chapter conflicts with state law, state law shall prevail.~~

~~(Ord. No. 16-136, 7-15-2015)~~

17.62.020 Definitions.

~~The following terms used in the section shall be defined as follows:~~

~~"Affordable housing/affordable housing unit" means a housing unit which is available for sale to moderate income households or for rent to low and/or very low income households, as those terms are defined in this section.~~

~~"Affordable rent" means a monthly rent charged to low and very low income households for housing units as calculated in accordance with Section 50053 of the Health and Safety Code.~~

~~"Child care facility" means a facility that provides non-medical care and supervision of minor children for periods of less than twenty-four hours and is licensed by the California State Department of Social Services, further subject to the definition in California Government Code Section 65915(h)(4).~~

~~"Condominium" means a form of housing tenure and other real property where a specified part of real estate, usually of an apartment house, is individually owned. Use of land access to common facilities in the piece such hallways, heating system, elevators, and exterior areas are executed under legal rights associated with the~~

individual ownership. These rights are controlled by the association of owners that jointly represent ownership of the whole piece.

"Density bonus" means a density increase for residential units over the otherwise allowed residential density under the applicable zoning and land use designation on the date an application is deemed complete.

"Density bonus housing agreement" means a legally binding agreement between a developer and the city to ensure that continued affordability of the affordable housing units required by this chapter persists and the units are maintained in accordance with this chapter.

"Density bonus units" means those additional residential units granted pursuant to the provisions of this chapter.

"Housing authority" means an appointed body of the City of Scotts Valley authorized to engage in or assist in the development or operation of affordable housing.

"Housing development" means a development project for five or more residential units. Within this chapter, it shall also include a subdivision or common interest development, a project which rehabilitates and converts a commercial building to a residential use and a condominium conversion of an existing multi-family building.

"Incentives or concessions" means regulatory concessions which include, but are not limited to, the reduction of site development standards or zoning code requirements, approval of mixed-use zoning in conjunction with the housing development, or any other regulatory incentive which would result in identifiable, financially sufficient, and actual cost reductions that are offered in addition to a density bonus.

"Initial subsidy" means the fair market value of the home at the time of initial sale minus the initial sale price to the moderate-income household, plus the amount of any down-payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value. (e.g., X (fair market value of the home to be purchased) $- Y$ (the price the moderate income family paid for the home) $+ Z$ (amount of any down-payment assistance) = Initial Subsidy).

"Low income household" means a household whose income does not exceed eighty percent of the area median income for Santa Cruz County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50079.5 of the California Health and Safety Code.

"Moderate income household" means a household whose gross income does not exceed 120 percent of the area median income for Santa Cruz County as published and periodically updated by the State Department of Housing and Community Development pursuant to Sections 50079.5 and 50052.5 of the California Health and Safety Code.

"Proportionate share of appreciation" means the ratio of the local government's Initial Subsidy as defined above to the fair market value of the home at the time of initial sale. (e.g. X (initial subsidy) $/ Y$ (fair market value) = Proportionate Share of Appreciation).

"Senior citizen housing development" means a residential development developed, substantially rehabilitated or renovated, and having at least thirty-five dwelling units for senior citizens in compliance with the requirements of Section 51.3 and 51.12 of the California Civil Code, or a mobile home park that limits residency based on age requirements for housing for older persons pursuant to Section 798.76 or 799.5 of the Civil Code.

"Very low income household" means a household whose income does not exceed fifty percent of the area median income for Santa Cruz County, as published and periodically updated by the State Department of Housing and Community Development pursuant to Section 50105 of the California Health and Safety Code.

(Ord. No. 16-136, 7-15-2015)

17.62.030 Types of bonuses and incentives allowed.

- A. ~~Very Low and Low Income Housing and Senior Citizen Housing.~~ Upon written request to the city, an applicant for a housing development is eligible for one density bonus of at least twenty percent, but no more than thirty-five percent over the maximum residential density (except in the case of senior citizen housing, as provided below), provided that the applicant agrees to construct the housing development in accordance with one of the following criteria:
- ~~1. Very Low Income Households: Five percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to very low-income households; or~~
 - ~~2. Low Income Households: Ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable rent or ownership costs to low-income households; or~~
 - ~~3. Senior Citizen Housing Development: For senior citizen housing developments, the density bonus shall be twenty percent of the number of senior housing units provided. For "congregate senior housing facilities" (as defined in Section 17.44.100.B. of the Scotts Valley Municipal Code), refer to Section 17.44.100.C for specific density bonus provisions.~~
- B. ~~Moderate Income Housing.~~ Upon written request to the city, an applicant for a housing development is eligible for one density bonus of five percent over the maximum residential density if the applicant agrees to construct the housing development in accordance with all of the following criteria:
- ~~1. At least ten percent of the total dwelling units, excluding any units permitted by the density bonus, are provided at affordable ownership costs to moderate-income households; and~~
 - ~~2. The housing development is common interest project as defined by Section 1351 of the California Civil Code; and~~
 - ~~3. All of the dwelling units in the housing development are offered for sale to the public.~~
- C. ~~Higher Density Bonus for Greater Contribution of Affordable Units.~~ Upon written request to the city, an applicant for a housing development that is eligible for a density bonus based upon the contribution of affordable units, may receive a higher amount of density bonus if the percentage of very low-, low-, and moderate-income housing units exceeds the base percentage established in subsection A. or B. of this section, as follows:
- ~~1. Very Low Income Units. For each one percent increase above five percent in affordable units for very low-income households, the density bonus shall be increased by two and one-half percent up to a maximum of thirty-five percent, as specified in Table 17.62.030.C.1, below~~

Table 17.62.030.C.1 Percent of Density Bonus For Greater Contribution of Very Low Income Units	
Percentage of Very Low Income Units	Percentage of Density Bonus
5%	20%
6%	22.5%
7%	25%
8%	27.5%
9%	30%
10%	32.5%

11%	35%
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2. ~~Low-Income Units. For each one percent increase above ten percent in the affordable units for low-income households, the density bonus shall be increased by one and one-half percent up to a maximum of thirty-five percent, as specified in Table 17.62.030.C.2, below:~~

Table 17.62.030.C.2 Percent of Density Bonus For Greater Contribution of Low-Income Units	
Percentage of Low-Income Units	Percentage of Density Bonus
10%	20%
11%	21.5%
12%	23%
13%	24.5%
14%	26%
15%	27.5%
16%	29%
17%	30.5%
18%	32%
19%	33.5%
20%	35%

3. ~~Moderate-Income Units. For each one percent increase above ten percent in affordable units offered for sale to moderate-income households, the density bonus shall be increased by one percent up to maximum thirty-five percent, as specified in Table 17.62.030.C.3, below:~~

Table 17.62.030.C.3 Percent of Density Bonus For Greater Contribution of Moderate-Income Units	
Percentage of Moderate-Income Units	Percentage of Density Bonus
10%	5%
11%	6%
12%	7%
13%	8%
14%	9%
15%	10%
16%	11%
17%	12%
18%	13%
19%	14%
20%	15%

21%	16%
22%	17%
23%	18%
24%	19%
25%	20%
26%	21%
27%	22%
28%	23%
29%	24%
30%	25%
31%	26%
32%	27%
33%	28%
34%	29%
35%	30%
36%	31%
37%	32%
38%	33%
39%	34%
40%	35%

D. ~~Continued Affordability. Affordable units qualifying a housing development for a density bonus shall remain affordable as follows:~~

1. ~~Very low-income and low-income household units shall remain affordable to the designated income group for a minimum of fifty-five years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.~~
2. ~~Moderate-income household units shall remain affordable for a minimum of fifty-five years, or for a longer period of time if required by any construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program applicable to the dwelling units.~~

E. ~~Specification of Basis for Density Bonus. Each applicant who requests a density bonus pursuant to this Section shall elect whether the bonus will be awarded on the basis of subsection A.1., A.2., A.3., or B. of this section. Each housing development is entitled to only one density bonus, which may be selected based on the percentage of very low-income affordable housing units, low-income affordable housing units, moderate-income affordable housing units, or the development's status as a senior citizen housing development. Density bonuses from more than one of these categories may not be combined.~~

F. ~~Provisions for Resale of Units. An applicant shall agree to, and the city shall ensure that, the initial occupant of all for-sale units that qualified the applicant for the award of the density bonus are persons and families of very low, low, or moderate income, as required, and that the units are offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code. The local government shall enforce any equity sharing agreement, unless it is in conflict with the requirement of another public funding source or law. The following apply to the equity sharing agreement:~~

1. Upon resale, the seller of the unit shall retain the value of any improvements, the down payment, and the seller's proportionate share of appreciate. The city shall recapture any initial subsidy and its proportionate share of appreciation, which amount shall be used within five years for any of the purposes described in subdivision (c) of Section 33334.2 of the Health and Safety Code that promote home ownership.
2. For purposes of this subsection, the city's initial subsidy shall be equal to the fair market value of the home at the time of initial sale minus the initial sale price to the very low, low, moderate income household, plus the amount of any down payment assistance or mortgage assistance. If upon resale the market value is lower than the initial market value, then the value at the time of the resale shall be used as the initial market value.
3. For purposes of this subsection, the city's proportionate share of appreciation shall be equal to the ratio of the city's initial subsidy to the fair market value of the home at the time of initial sale.

(Ord. No. 16-136, 7-15-2015)

17.62.040 Density bonus for donations of land.

- A. Land Suitability. Upon written request, when an applicant for a tentative map, subdivision map, parcel map, or other residential development donates developable land to the city in accordance with this section, the applicant shall be entitled to a density bonus. Applicants donating developable land to the city shall be eligible for a fifteen percent density bonus at the site of the housing development if the donated land is suitable for the construction of very low income units equaling at least ten percent of the market rate units being constructed for the project. For each one percent increase above the minimum ten percent, the density bonus shall be increased by one percent, up to a maximum of thirty five percent. This increase shall be in addition to any increase in density mandated by Section 17.62.030, up to a maximum combined mandated density increase of thirty five percent if an applicant seeks both the increase required pursuant to this section and Section 17.62.030.
- B. Qualification Criteria. To qualify for the additional density bonus described in subsection A. of this section, the donation of developable land must meet all the following criteria:
 1. The tentative map, subdivision map, parcel map, or other residential development must otherwise be subject to a density bonus pursuant to Section 17.62.030 of this chapter; and
 2. The land must be transferred no later than the date of the approval of the final subdivision map, parcel map, or housing development application; and
 3. The developable acreage and zoning classification of the land being transferred must be sufficient to permit construction of dwelling units affordable to very low income households in an amount not less than ten percent of the total number of market rate dwelling units in the proposed development (i.e., the proposed development before the addition of any density bonus); and
 4. The donated land is at least one acre in size or is large enough to permit development of at least forty units, has the appropriate general plan land use designation, has the appropriate zoning and development standards for affordable housing and, at the time of project approval is, or at the time of construction will be, served by adequate public facilities and infrastructure; and
 5. No later than the date of approval of the final map, parcel map, or other development application for the housing development, the donated land must have all of the applicable permits and approvals (other than building permits) necessary for the development of the very low income housing units on the donated land, except that the city may subject the proposed housing development to subsequent

design review to the extent authorized by California Government Code Section 65583.2 Subsection (i) if the design is not reviewed by the city prior to the time of transfer; and

6. The donated land is subject to a deed restriction ensuring continued affordability of the very low income units consistent with Subsection 17.62.030D. of this article, which deed restriction shall be recorded upon the donated property at the time of its transfer; and

7. The land will be transferred to the city or to a housing developer approved by the city. The city reserves the right to require the applicant to identify a developer and to require that the land be transferred to the developer; and

8. The land is within the boundary of the proposed housing development or within one-fourth mile of the boundary of the proposed housing development; and,

9. No later than the date of approval of the final map, parcel map, or other development application for the housing development, a proposed source of funding for the construction of the very low-income housing units shall be identified.

C. **Density Bonus Based on Greater Suitability of Land for Very Low-Income Housing.** For each one percent increased above the minimum ten percent in the number of very low-income housing units that can be accommodated on the donated land, the maximum density bonus shall be increased by one percent, up to a maximum of thirty-five percent, as specified in Table 17.62.040.C, below:

Table 17.62.040.C	
Percent of Additional Density Bonus for Additional Very Low-Income Units on Donated Land	
Percentage of Very Low-Income Units that can be Accommodated on Donated Land	Percentage of Additional Density Bonus
10%	15%
11%	16%
12%	17%
13%	18%
14%	19%
15%	20%
16%	21%
17%	22%
18%	23%
19%	24%
20%	25%
21%	26%
22%	27%
23%	28%
24%	29%
25%	30%
26%	31%
27%	32%

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28%	33%
29%	34%
30%	35%

(Ord. No. ~~16-136~~, 7-15-2015)

~~17.62.050 Condominium conversions.~~

- A. ~~Applicable requirements and procedures for the review and approval or disapproval of the conversion of existing multi-family rental housing to residential condominiums are provided in Section 17.44.060, Condominium Conversions and Condominiums, of the Scotts Valley Municipal Code.~~
- B. ~~An applicant for a conversion of existing rental apartments to condominiums is eligible for either a density bonus or other incentives of equivalent financial value, at the option of the city, if the applicant agrees to provide: 1) at least thirty-three percent of the total units of the proposed condominium project to persons and families of low or moderate income as defined in Section 50093 of the Health and Safety Code, or 2) at least fifteen percent of the total units of the proposed condominium project to low-income households as defined in Section 50079.5 of the Health and Safety Code, and 3) the applicant agrees to pay for the reasonably necessary administrative costs incurred by the city pursuant to this section.~~
- C. ~~Condominium conversions qualified under subsection A. of this section, may receive one of the following, at the city's option:~~
1. ~~A flat density bonus of twenty-five percent to be provided within the existing structure or structures proposed for conversion, excepting that a condominium conversion is ineligible for this bonus if the apartments to be converted originally received a density bonus or incentives pursuant to any other provisions of this article or pursuant to California Government Code Section 65915. An applicant may choose to implement a lower density bonus.~~
 2. ~~Incentives of equivalent financial value in the form of a reduction or waiver of requirements or fees which the city might otherwise apply as conditions of conversion approval. "Other incentives of equivalent financial value" shall not be construed to require the city to provide cash transfer payments or other monetary compensation to the condominium conversion project or its applicant.~~
- D. ~~The city reserves the right to place such reasonable conditions of the granting of a density bonus or other incentives of equivalent financial value pursuant to this section as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchases who are persons and families of low and moderate income or lower income households.~~
- E. ~~Condominium conversions are eligible only for the granting of a density bonus or incentive of equivalent value pursuant to this section, which bonus or incentive may not be granted in addition to, or combined with, any other incentives, concessions, density bonuses or waivers and reductions of development standards pursuant to other sections of this article. Nothing in this section shall be construed to require the city to approve a proposal to convert rental apartments into condominiums.~~
- F. ~~An applicant shall be ineligible for a density bonus or any other incentives or concessions if the condominium project is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the~~

~~proposed condominium project replaces those units, as defined in Subsection 17.62.070.G, and either of the following applies:~~

- ~~1. The proposed condominium project, inclusive of the units replaced, contains affordable units at the percentages set forth in Subsection 17.62.050.A.~~
- ~~2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.~~

~~G. Subsection 17.62.050.F does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by the city before January 1, 2015.~~

~~{Ord. No. 16-136, 7-15-2015}~~

~~17.62.060 Childcare facilities.~~

~~A. A housing development that is eligible for a density bonus pursuant to Section 17.62.030 of this article, and also includes a childcare facility qualified under this section is eligible for either of the following, at the option of the city, if requested in writing by the applicant:~~

- ~~1. An additional density bonus that is an amount of square feet of residential space that is equal to or greater than the amount of square feet in the childcare facility; or~~
- ~~2. An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.~~

~~B. A childcare facility will only qualify the housing development for an additional density bonus or incentive or concession if it is: 1) located on the premises of, as part of, or adjacent to the housing development, and 2) the housing development is otherwise eligible for a density bonus pursuant to Section 17.62.030 of this article. As a condition of approving the additional density bonus for the housing development, the childcare facility must meet all of the following criteria:~~

- ~~1. The childcare facility may be used only for childcare for a period of time that is as long as or longer than the period of time during which the affordable units are required to remain affordable as stated in deed restrictions and pursuant to Subsection 17.62.030.D of this article; and~~
- ~~2. Of the children who attend the childcare facility, the percentage of children of very low income households, low income households, or moderate income households shall be equal to or greater than the percentage of dwelling units that are proposed to be affordable to very low income households, low income households, or moderate income households pursuant to Section 17.62.030 of this article.~~

~~C. Notwithstanding any requirement of this section, the city shall not be required to provide a density bonus or concession or incentive for a childcare facility if it makes a written finding, based upon substantial evidence, that the community already has adequate childcare facilities.~~

~~{Ord. No. 16-136, 7-15-2015}~~

~~17.62.070 General provisions governing density bonus calculations.~~

~~A. For the purposes of any provisions in this article, an applicant may elect to accept a lesser percentage of density bonus than that to which the housing development is eligible.~~

~~B. When calculating the number of permitted density bonus units, any calculations resulting in fractional units shall be rounded up to the next larger whole number.~~

- C. For the purpose of calculating a density bonus, the dwelling units shall be on contiguous sites that are the subject of one development application, but do not have to be based upon individual subdivision maps or parcels. The density bonus shall be permitted in geographic areas of the housing development other than the areas where the affordable units are located.
- D. For the purposes of this article, the "total units" or "total dwelling units" in a housing development does not include those units added by any density bonus.
- E. Regardless of the number or extent of affordable units, senior housing, land dedication, childcare facilities or other qualifications for a density bonus provided in any single housing development, no housing development may be entitled to a total density bonus of more than thirty five percent. Table 17.62.070.E provides a summary of density bonus by type of affordable housing unit.

Table 17.62.070.E Density Bonus Summary				
Types of Affordable Units Providing Eligibility for a Density Bonus	Minimum Percent	Bonus Granted	Additional Bonus for Each 1% Increase in Affordable Units	Percent of Affordable Units Required for Maximum 35% Bonus
<i>Affordable Housing Type:</i>				
Very Low Income	5%	20%	2.5%	11%
Low Income	10%	20%	1.5%	20%
Moderate Income	10%	5%	1%	40%
Senior Citizen Housing	Qualified Development	20% of the units	—	—
<i>Land Donation for Very Low Income Housing:</i>				
Land Donation for Very Low Income Housing	Land donated can accommodate 10% of market rate units, plus housing development qualified for density bonus as an affordable or senior project	15%	1%	30% of market rate units (assuming housing development provides 5% very low income units)
<i>Condominium Conversions:</i>				
Low Income	15%	25% ¹	—	—
Low/Moderate Income	33%	25% ¹	—	—
<i>Childcare Facility:</i>				

Childcare Facility	Housing Development qualifies for density bonus as an affordable or senior project	Square feet in childcare facility ¹	—	—
Note: ¹ Maximum of 25% bonus for condominium conversions, or an incentive of equal value, at the city's option.				

~~F. An applicant shall be ineligible for a density bonus or any other incentives or concessions if the housing development is proposed on any property that includes a parcel or parcels on which rental dwelling units are or, if the dwelling units have been vacated or demolished in the five-year period preceding the application, have been subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of lower or very low income; subject to any other form of rent or price control through a public entity's valid exercise of its police power; or occupied by lower or very low income households, unless the proposed housing development replaces those units, and either of the following applies:~~

- ~~1. The proposed housing development, inclusive of the units replaced pursuant to this section, contains affordable units at the percentages set forth in Section 17.62.030.~~
- ~~2. Each unit in the development, exclusive of a manager's unit or units, is affordable to, and occupied by, either a lower or very low income household.~~

~~G. For the purposes of this paragraph, "replace" shall mean either of the following:~~

- ~~1. If any dwelling units described in Subsection 17.62.030.F, above, are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those household in occupancy. For unoccupied dwelling units in a development with occupied units, the proposed housing development shall provide units of equivalent size or type, or both, to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category in the same proportion of affordability as the occupied units. All replacement calculations resulting in fractional units shall be rounded up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least fifty-five years. If the proposed development is for sale units, the units replaced shall be subject to Subsection 17.62.030.F, above.~~
- ~~2. If all dwelling units have been vacated or demolished within the five-year period preceding the application, the proposed housing development shall provide at least the same number of units of equivalent size or type, or both, as existed at the highpoint of those units in the five-year period preceding the application to be made available at affordable rent or affordable housing cost to, and occupied by, persons and families in the same or lower income category as those persons and families in occupancy at that time, if known. If the incomes of the persons and families in occupancy at the highpoint is not known, then one-half of the required units shall be made available at affordable rent or affordable housing cost to, and occupied by, very low income persons and families and one-half of the required units shall be made available for rent at affordable housing costs to, and occupied by, low-income persons and families. All replacement calculations resulting in fractional units shall be rounded~~

up to the next whole number. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restrictions for at least 55 years. If the proposed development is for sale units, the units replaced shall be subject to Subsection 17.62.020.F.

H. Subsection 17.62.030.F does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by the city before January 1, 2015.

(Ord. No. 16-136, 7-15-2015)

17.62.080 Incentives and concessions for affordable housing.

A. Definition of a Qualified Incentive or Concession. A qualifying project shall be entitled to at least one but no more than three of the following incentives identified by state law:

1. A reduction in the parcel development standards (e.g. coverage, setback, zero lot line and/or reduced parcel sizes, architectural design requirements and/or parking requirements). Development standard means any ordinance, general plan element, specific plan, condition, law, policy, resolution, or regulation. In no case may the city apply a development standard that will have the effect of precluding the construction of affordable units. A waiver or modification to development standards may be requested by the applicant, and shall be approved unless such waiver or modification creates an adverse impact as described in subsection C.2., below.
2. Approval of mixed use zoning in conjunction with the housing project if nonresidential land uses will reduce the cost of the housing project, and the nonresidential land uses are compatible with the housing project and existing or planned development in the area where the proposed development will be located.
3. Other regulatory incentives or concessions proposed by the applicant or the city that will result in identifiable, financially sufficient and actual cost reductions.

B. Number of Incentives. The number of incentives shall be based on the percentage of affordable units in the project as follows, and summarized in Table 17.62.080.B, below:

1. One incentive or concession shall be entitled for projects where at least five percent of the total units are for very low income households, ten percent of the total units are for low income households, or ten percent of the total units in a common interest development are sold to moderate income households.
2. Two incentives or concessions shall be entitled for projects where at least ten percent of the total units are for very low income households, twenty percent of the total units are for low income households, or at least twenty percent of the total units in a common interest development are sold to moderate income households.
3. Three incentives or concessions shall be entitled for projects where at least fifteen percent of the total units are for very low income households, thirty percent of the total units are for low income households, or thirty percent of the total units in a common interest development are sold to moderate income households.

Table 17.62.080.B Density Bonus Incentives and Concessions Summary			
Affordable Units of Category	Percent of Affordable Units		
Affordable Housing Types:			

Very Low Income	5%	10%	15%
Low Income	10%	20%	30%
Moderate Income	10%	20%	30%
Maximum incentive(s)/concession(s)^{1, 2, 3}	1	2	3
Notes:¹—An incentive or concession may be requested only if an application is also made for a density bonus. ²—Incentives or concessions may be selected from only one category (very low, low, or moderate). ³—No incentives or concessions are available for land donation.			

- ~~C. Findings to Deny Incentive or Concession. The city shall grant the incentive or concession requested by the applicant unless the city makes a written finding based upon substantial evidence of any of the following:~~
- ~~1. The incentive or concession is not required in order to provide for affordable housing costs or for affordable rents for the restricted units; or~~
 - ~~2. The concession or incentive would have a specific adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse without rendering the development unaffordable to low- and moderate- income households. A specific adverse impact means a significant, unavoidable impact, as provided in written standards, policies, or conditions; or,~~
 - ~~3. The incentive or concession would be contrary to state or federal law.~~
- ~~D. Exceptions. This section does not limit or require the provision of direct financial incentives for the housing development, including the provision of publicly owned land, by the city or the waiver of fees or dedication requirements. Nor does any provision of this Section require the city to grant an incentive or concession found to have a specific adverse impact.~~
- ~~E. Amendment, Zone Change. The granting of a concession or incentive shall not be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.~~

~~(Ord. No. 16-136, 7-15-2015)~~

~~17.62.090 Waivers and modifications of development standards.~~

- ~~A. Applicants granted a density bonus pursuant to Section 17.62.030 of this article may, by written proposal, seek a waiver, modification or reduction of development standards that would otherwise have the effect of physically precluding the construction of the housing development at the densities or with the concessions or incentives permitted pursuant to this article. The applicant may also request a meeting with the city to discuss such request for waiver and modifications.~~
- ~~B. In order to obtain a waiver or modification of development standards, the applicant shall show that the development standards will have the effect of precluding the construction of a housing development meeting the criteria of Section 17.62.030 of this article, at the densities or with the concessions or incentives permitted by this article.~~
- ~~C. A proposal for the waiver or reduction of development standards pursuant to this section shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to Section 17.62.080 of this article.~~

~~D. — The city may deny a request for any waiver, modification or reduction of development standards if the wavier, modification or reduction would have a specific adverse impact.~~

~~(Ord. No. 16-136, 7-15-2015)~~

~~17.62.100 Parking incentives.~~

~~Upon the written request of the applicant for a housing development meeting the criteria for a density bonus under Section 17.62.030 of this article, the city shall not require a vehicular parking ratio that exceeds the following:~~

- ~~A. — Zero to one bedroom units: One onsite parking space.~~
- ~~B. — Two to three bedroom units: Two onsite parking spaces.~~
- ~~C. — Four and more bedroom units: Two and one-half parking spaces.~~

~~Guest parking and handicapped parking shall be included within the maximum number of spaces that may be required. If the total number of parking spaces required for a housing development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this section, a housing development may provide onsite parking through tandem parking or uncovered parking, but not through on-street parking. For purposes of this article, the parking ratios set forth in this section shall be deemed a concession or incentive available to the applicant under Section 17.62.080 of this article.~~

~~(Ord. No. 16-136, 7-15-2015)~~

~~17.62.110 Standards for density bonus housing developments.~~

- ~~A. — Affordable units qualifying a housing development for a density bonus shall be reasonably dispersed throughout the housing development and compatible with the design of market rate units in terms of appearance, materials, and finished quality. The applicant may reduce the interior amenities and square footage of inclusionary units, provided all units conform to all other requirements of this Municipal Code.~~
- ~~B. — For developments with multiple market rate units containing differing numbers of bedrooms, affordable units qualifying a housing development for a density bonus shall be representative of the market rate unit mix.~~
- ~~C. — All building permits for affordable units qualifying a housing development for a density bonus shall be issued concurrently with, or prior to, issuance of building permits for the market rate units, and the affordable units shall be constructed concurrently with, or prior to, construction of the market rate units. Occupancy permits and final inspections for affordable units qualifying a housing development for a density bonus shall be approved concurrently with, or prior to, approval of occupancy permits and final inspections for the market rate units.~~

~~(Ord. No. 16-136, 7-15-2015)~~

~~17.62.120 Application requirements.~~

- ~~A. — An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted with the first approval of the housing development and processed concurrently with all other applications required for the housing development.~~
- ~~B. — For affordable units qualifying the housing development for a density bonus, the application shall include the following information:~~

-
1. ~~A site plan identifying the base project without the density bonus, number and location of all inclusionary units, affordable units qualifying for the project for a density bonus, and proposed density bonus units; and~~
 2. ~~Proposed category(ies) qualifying the housing development for a density bonus; and~~
 3. ~~Level of affordability of all affordable and inclusionary units and proposals for ensuring affordability, if applicable; and,~~
 4. ~~A description of any requested incentives, concessions, waivers or modifications of development standards, or modified parking standards.~~
 5. ~~If a density bonus or concession is requested for a land donation, the application shall show the location of the land to be dedicated and provide evidence that each of the findings included in Section 17.62.040 of this article can be made.~~
 6. ~~If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, the application shall demonstrate that the project meets the qualifications and findings stated in Section 17.62.050 of this article.~~
 7. ~~If a density bonus or concession is requested for a childcare facility, the application shall show the location and square footage of the childcare facility and provide evidence that the findings included in Section 17.62.060 of this article can be made.~~
- C. ~~Upon submission of the application to the city, the community development director or designee shall determine if the application is complete and conforms to the provisions of this article. No application for a first approval for a housing development requesting a density bonus, incentives, concessions, or waivers may be deemed complete unless an affordable housing plan is submitted conforming to the provisions of this article.~~
- D. ~~A request for a minor modification of an approved application may be granted by the city manager or designee if the modification is substantially in compliance with the original application and the conditions of approval. Other modifications to the affordable housing plan shall be processed in the same manner as the original application.~~
- ~~(Ord. No. 16-136, 7-15-2015)~~

17.62.130 Application review.

- A. ~~An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this article shall be reviewed as part of the first approval of the housing development by the approval body with authority to approve the housing development, unless additional review by the planning commission or city council is required. An applicant proposing a housing development pursuant to this article may submit a preliminary application prior to the submittal of any formal request for approval of a housing development.~~
- B. ~~Within ninety days of receipt of the preliminary application the city shall provide to an applicant, a letter which identifies project issues of concern (the maximum financial assistance that the community development director can support when making a recommendation to the city council), and the procedures for compliance with this article. The community development director shall inform the applicant that the requested additional incentives shall be recommended for consideration with the proposed housing development, or that alternative or modified additional incentives pursuant to Section 17.62.080 of this article shall be recommended for consideration in lieu of the requested incentives. If alternative or modified incentives are recommended by the community development director, the recommendation shall establish~~

how the alternative or modified incentives can be expected to have an equivalent affordability effect as the requested incentives.

- C. ~~Before approving an application for a density bonus, incentive, concession, waiver, or modification, the approval body shall make the following findings:~~
1. ~~The housing development is: a) eligible for a density bonus, and/or b) any concessions, incentives, waivers, modifications, or reduced parking standards requested conform to all requirements of this article, and c) supported by a financing mechanism for all implementation and monitoring costs.~~
 2. ~~If the density bonus is based all or in part on dedication of land, the application meets the qualifications and findings stated in Section 17.62.040 of this article.~~
 3. ~~If the density bonus or incentives of equivalent financial value are based upon a condominium conversion with affordable units or senior citizen housing, that the application meets the qualifications and findings stated in Section 17.62.050 of this article.~~
 4. ~~If the density bonus, incentive, or concession is based all or in part on the inclusion of a childcare facility, the application meets the qualifications and findings stated in Section 17.62.060 of this article.~~
 5. ~~If a waiver or modification is requested, the applicant has shown that the waiver, modification or reduction of development standards meets the qualifications and findings stated in Section 17.62.090 of this article.~~
- D. ~~If the findings stated in subsection C of this section can be made, and a request for an incentive or concession is otherwise consistent with this article, the approval body may deny a concession or incentive based upon written findings of any of the factors stated in Section 17.62.080 of this article for the denial or disqualification of a concession or incentive.~~
- E. ~~If the required findings stated in Section 17.62.080.C can be made, and a request for a waiver or modification is otherwise consistent with this article, the approval body may deny the requested waiver or modification based upon written findings of any of the factors stated in Section 17.62.090 of this article for the denial or disqualification of a waiver or modification.~~
- F. ~~Nothing in this section shall be interpreted to require the city to grant an incentive or concession or to waive or reduce development standards if that incentive, concession, waiver, or reduction has a specific adverse impact upon health, safety, or the physical environment, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact.~~
- G. ~~Any decision regarding a density bonus, incentive, concession, waiver, modification, or revised parking standard may be appealed pursuant to Chapter 17.50 of the Scotts Valley Municipal Code. In accordance with state law, neither the granting of a concession or incentive, nor the granting of a density bonus, shall be interpreted, in and of itself, to require a general plan amendment, zoning change, or other discretionary approval.~~

(Ord. No. 16-136, 7-15-2015)

~~17.62.140 Developer affordable housing agreement.~~

- A. ~~Applications requesting a density bonus shall agree to enter into a density bonus housing agreement with the city. The terms of the draft agreement shall be reviewed and revised as appropriate by the community development director, who shall formulate a recommendation to the planning commission for final approval. A density bonus housing agreement shall be made a condition of the discretionary planning permits for all housing developments pursuant to this article and shall be recorded as a restriction on any parcels on which the affordable units or density bonus units will be constructed.~~

~~B. — The density bonus housing agreement shall be recorded prior to final or parcel map approval, or, where the housing development does not include a map, prior to issuance of a building permit for any structure in the housing development. The density bonus housing agreement shall run with the land and bind future owners and successors in interest.~~

(Ord. No. 16-136, 7-15-2015)

Proposed Zoning Code Amendments

Topic	Housing Element Program	Code Location	Amendment Description
By-Right Development	H-1.2	17.41 17.50.035	Creates new housing element opportunity site (HE) combining district that applies to housing element opportunity sites where qualifying housing development must be allowed by right. Creates new ministerial design review process for by-right approvals to confirm project conformance with objective standards.
Accessory Dwelling Units	H-1.5	17.41; 17.57 17.58	Replaces existing secondary dwelling unit provisions with new accessory dwelling unit chapter to comply with state ADU law.
Design Review	H-2.2	17.50.030.E	Requires planning commission approval of design review applications for multi-unit residential projects if the project conforms with applicable objective standards
Reasonable Accommodation	H-3.4	17.60.060.A	Removes subjective findings required to approve modification to a development standard needed to accommodate a person with disability.
Definition of "Family"	H-3.7	17.04.090	Revises definition of family to comply with state and federal fair housing laws.
Agricultural and Employee Housing	H-3.8	17.44.180	Allows employee housing in residential and agricultural zoning districts consistent with the California Employee Housing Act.
Emergency Shelters (Homeless Shelters)	H-3.9	17.04.080; 17.44.110	Revises definition and standards for emergency shelters to comply with state law.
Density Bonus Ordinance	H-3.10	17.62	Replaces existing density bonus chapter with new chapter to comply with state law and better accommodate changes to state law over time
Low Barrier Navigation Centers	H-3.11	17.04.150; 17.20.020; 17.22.020	Defines low barrier navigation center, adds a permitted use in C-S and C-SC zoning districts
Single-Room Occupancy Units	H-3.13	17.04.070; 17.04.220	Defines single-room occupancy units, includes in definition of multifamily dwellings
Supportive Housing	H-3.15	17.20.020; 17.22.020	Adds supportive housing as a permitted use in C-S and C-SC zoning districts
Group Homes	H-3.16	17.04.070; 17.04.100	Includes group homes in definition of single-family and multifamily dwellings.
Accessory Structures	N/A	17.46.130	Revises accessory structure standards in light of state-mandated ADU standards.

**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
Detached ADU			
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.*		
Attached ADU	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> 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> 1,000 sq. ft. for <u>2+ bdrm</u>		

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

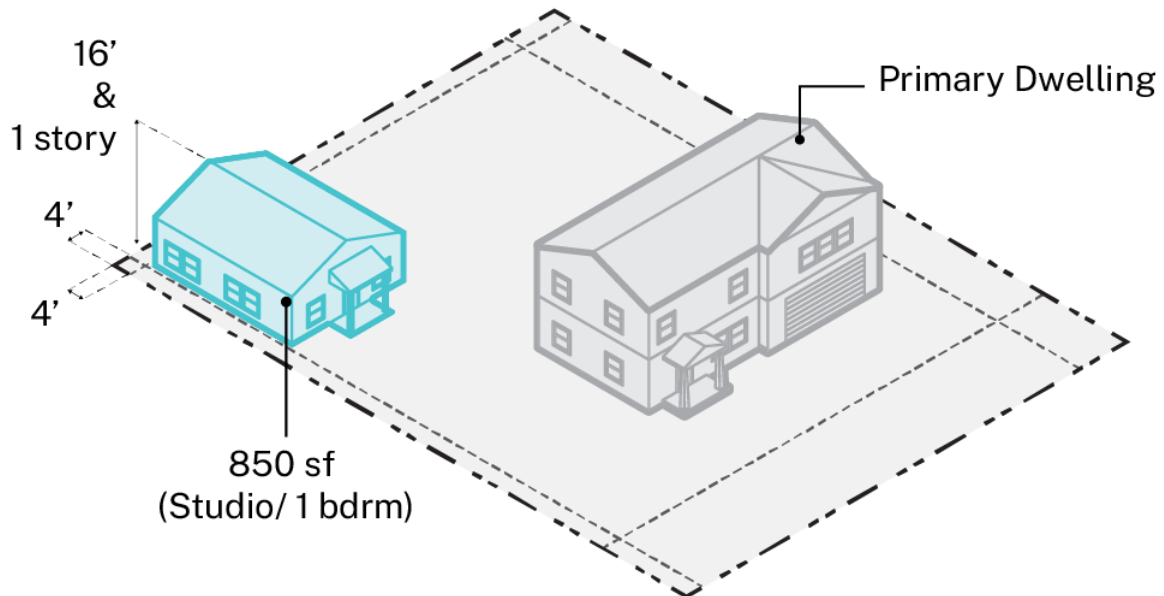
For reference, in the R-1-10 zoning district the minimum rear yard is 15 feet and the minimum side yard is 10 feet or 10 percent of the lot width, whichever is less. All primary dwelling units must comply with these minimum yards.

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.

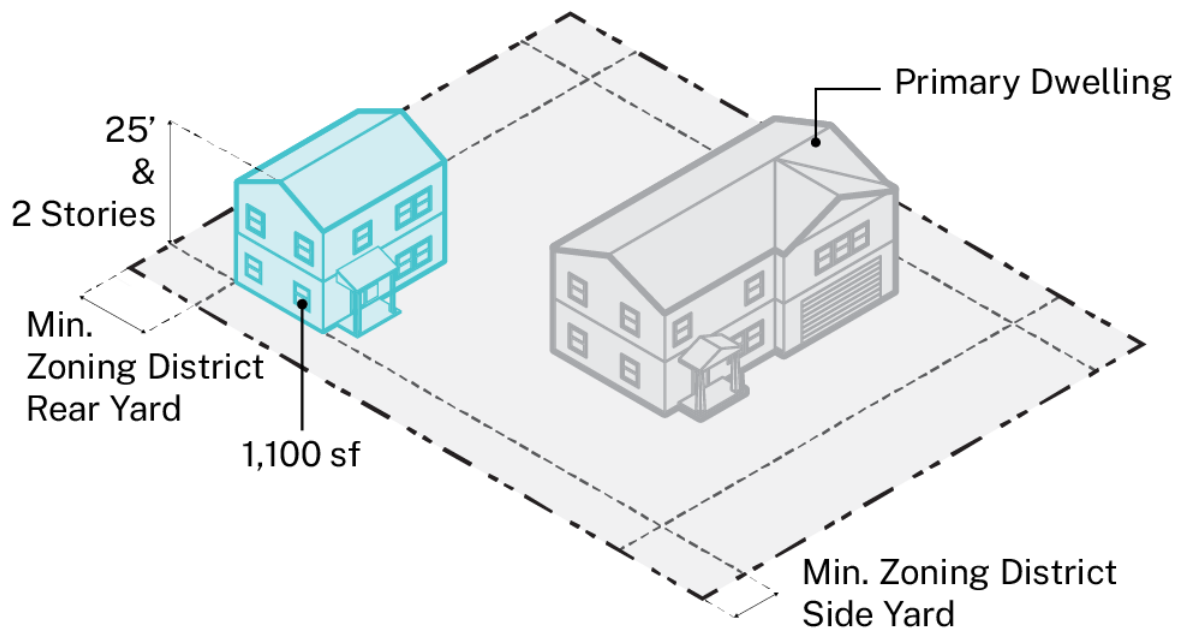
This approach would encourage detached ADUs to comply with property line setbacks that apply to single-family homes, minimize impacts on adjacent properties, reinforce existing neighborhood development patterns, and align with the City's standards for SB 9 projects.

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
Setbacks (min)		
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. Same as primary dwelling for all other structures. [1]	
Height (max)		
Structure complies with district yards	18 ft. on lots less than 10,000 sq. ft. 25 ft. on lots 10,000 – 20,000 sq. ft. 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.	
Site Coverage (max)	50% for all impervious surfaces on lot	
Floor Area		
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.	
Number of structures per lot (max)		
Habitable structures	2 structures [4]	No maximum, subject to design review [2]
Non-habitable structures	No maximum	
Distance Between Structures		
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:

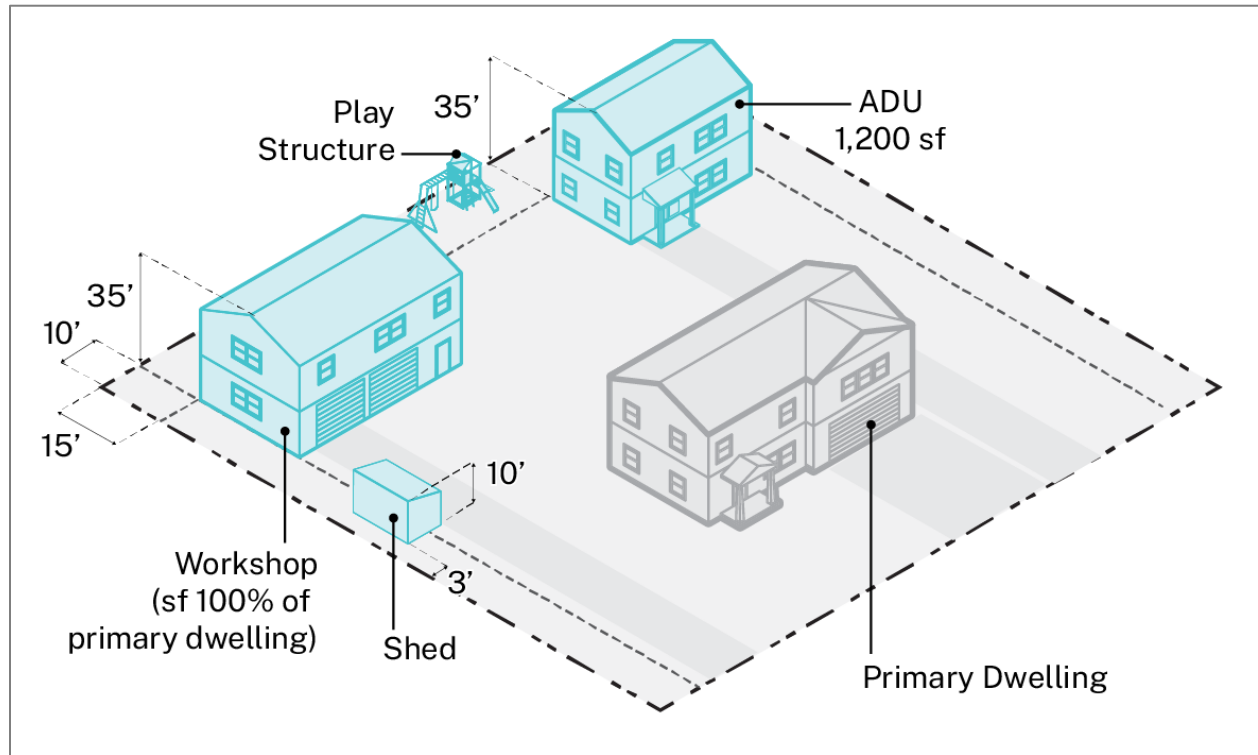
[1] No minimum setbacks for landscaping features such as planter boxes and open trellises, and children's play equipment, movable dog houses, and similar movable objects.

[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.

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

To: Planning Commission

From: Sarah Wikle, Senior Planner

Date: October 10, 2024

Subject: Informational Presentation on Status of Use Permit Amendment U222-004.1 to allow for live music entertainment on a property in the C-S Zoning District located at 75 Mount Hermon Road (APN: 021-271-04).

BACKGROUND

In August 2022, the Planning Commission approved Resolution No. 1775, approving a Use Permit (U22-004) to allow for the operation of a $\pm 1,000$ square foot wine tasting room in an existing commercial tenant space at 75 Mount Hermon Road, Unit C.

On August 8, 2024, the Planning Commission adopted Resolution No. 1800, approving a Use Permit Amendment (U22-004.1) to allow for live music entertainment with acoustic and amplified indoor/outdoor music during specified hours of operation at the wine tasting room with the following additions to the Conditions of Approval:

- Clarify Condition of Approval No. 14 to note: "If additional complaints are received by the City 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."
- Add a Condition of Approval to prohibit percussion instruments from live music events
- Add a Condition of Approval to require noise testing to ensure exterior noise levels do not exceed 60 dBA at the rear property line/rear patio areas of the residential units on Lundy Lane

The Planning Commission also requested that the project be brought back to the Planning Commission for an update from Staff at the October 10 Planning Commission meeting to ensure that the conditions of approval have been implemented and that the amendments satisfactorily address concerns related to excess noise.

PROJECT UPDATES

Since the August 8, 2024, Planning Commission meeting, the applicant has met with the residential neighbors along the rear of the property off Lundy Lane and conducted sound testing to ensure that noise levels are complaint with City requirements. Additionally, the applicant has implemented other noise mitigation strategies, including installation of materials to assist with dampening noise levels in the patio area and redirecting performances towards Mount Hermon Road. Once noise testing was completed, the applicant began hosting events, with multiple events during the month of September and October.

Staff has been in contact with the applicant and neighbors adjacent to the project site. Overall, the noise mitigation strategies have resulted in reductions to noise from live music events for the residents along Lundy Lane. Since the August meeting, staff has not received any complaints regarding live music events at this location.

Based on conversations with the applicant and adjacent residents, no additional Planning Commission action is necessary at this time. As noted in Condition of Approval No. 14 above, if additional complaints are received, the Community Development Director is authorized to suggest additional mitigation strategies for noise reduction. Depending on the nature of the complaint, the matter can be referred back to the Planning Commission for additional direction/action.

ATTACHMENTS

1. PC Staff Report for U22-004.1 (dated August 8, 2024)

**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:

Lori Gentile, Chair

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.

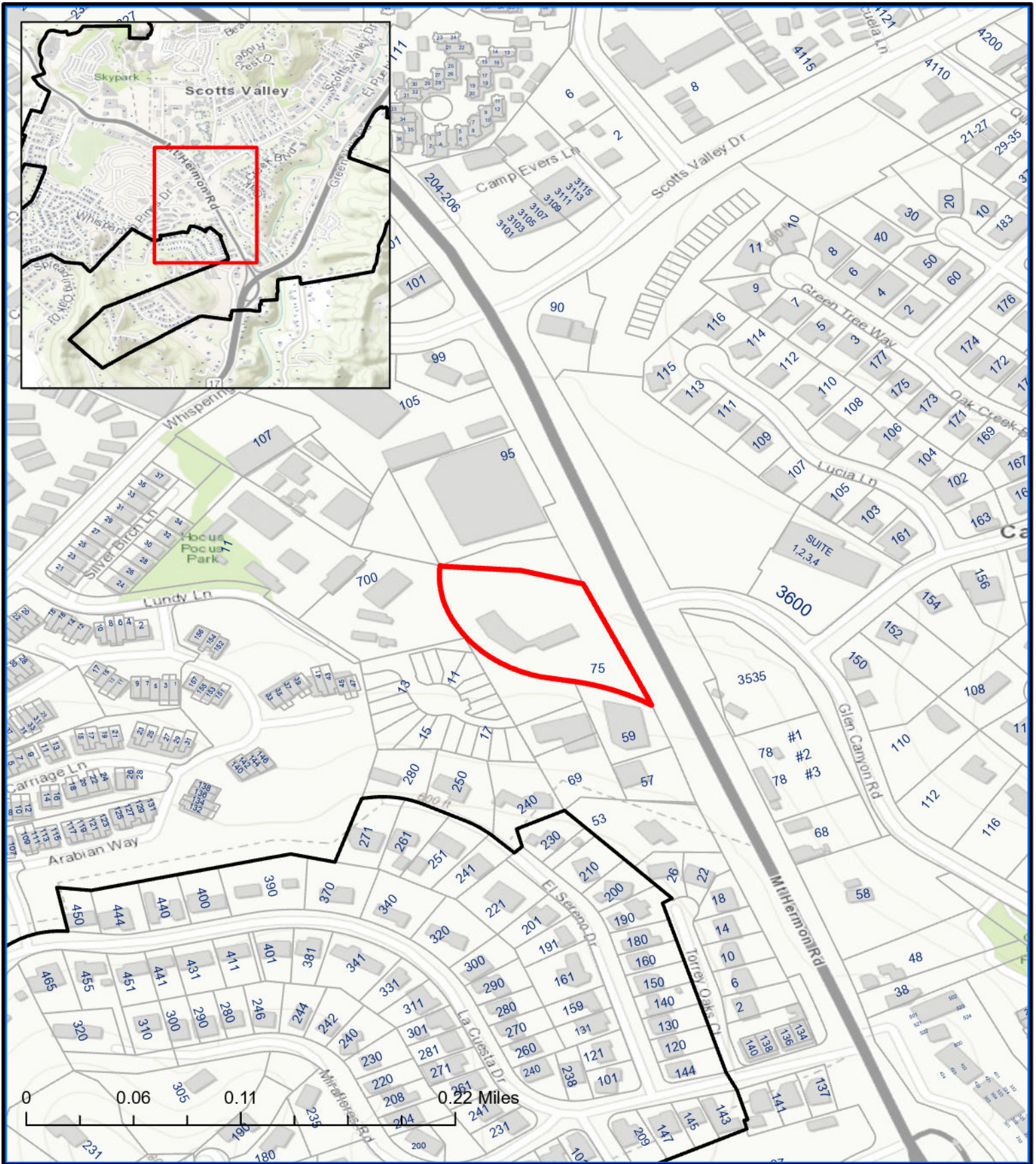
PLANNING DEPARTMENT

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 • <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@scottsvally.gov

- ☐ **Site Plan** – Drawn to scale (minimum $\frac{1}{8}" = 1'$ or $1" = 10'$):
 - _____ topography (2-foot or 5-foot contour intervals)
 - _____ average slope [slope = $0.00229 \times$ contour interval (feet) $\times$ 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
Website: 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
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



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.

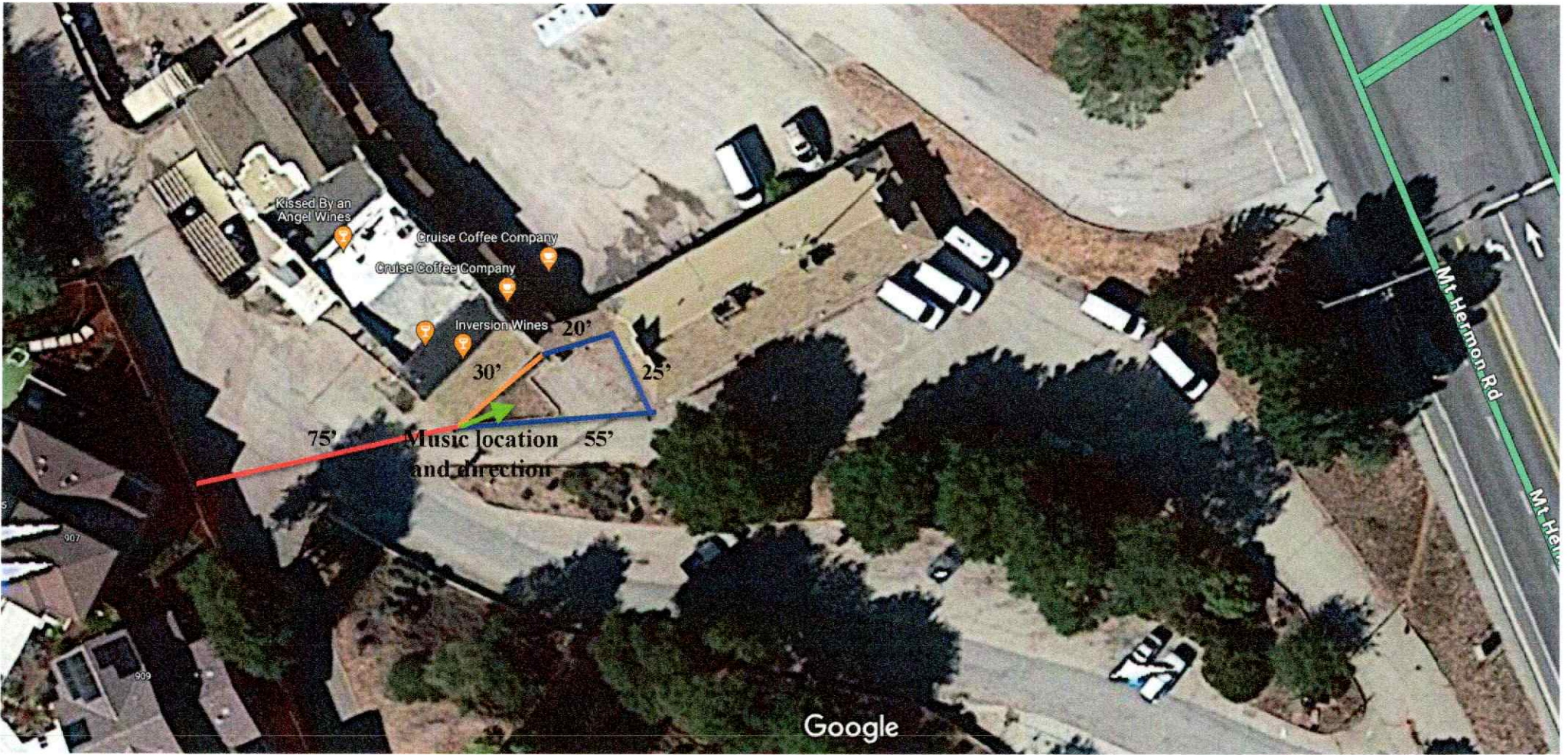
We also plan to have occasional live music in the enclosed outdoor patio to provide wine tasting ambiance. Any live music would be played in the direction of Mount Hermon Road (see attached diagram). The live music would mostly coincide with the warmer and dryer part of the year (late spring, summer, 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

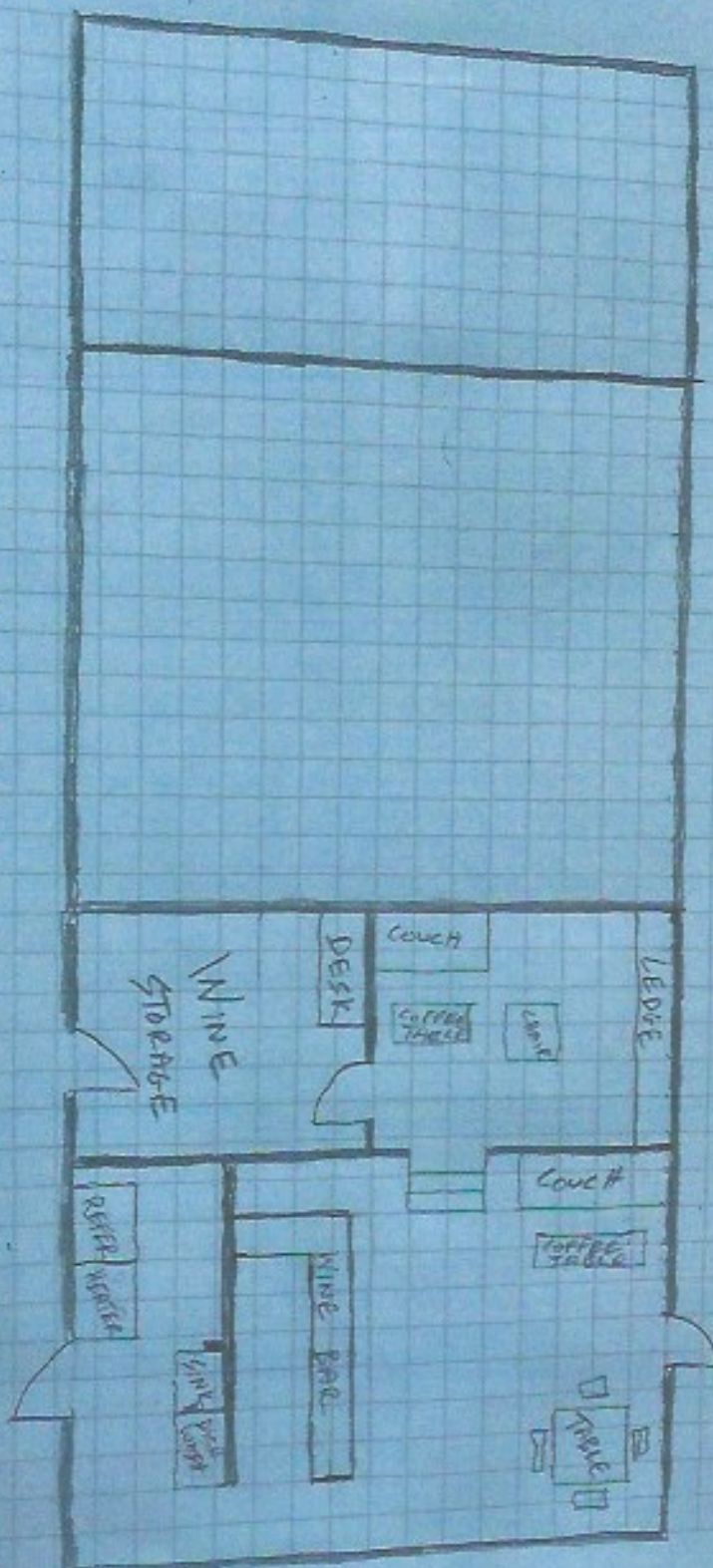
Live traffic

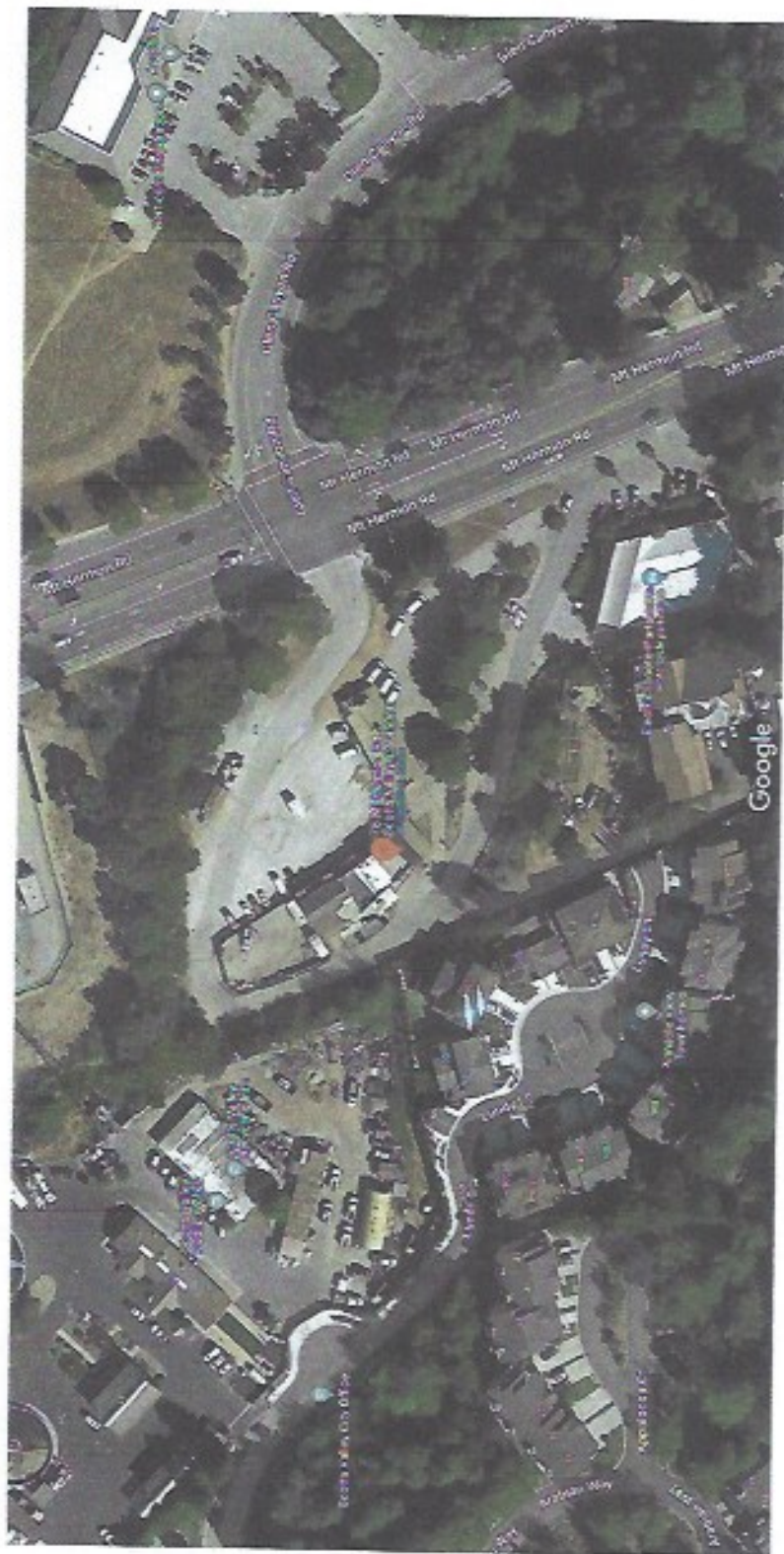
Fast

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

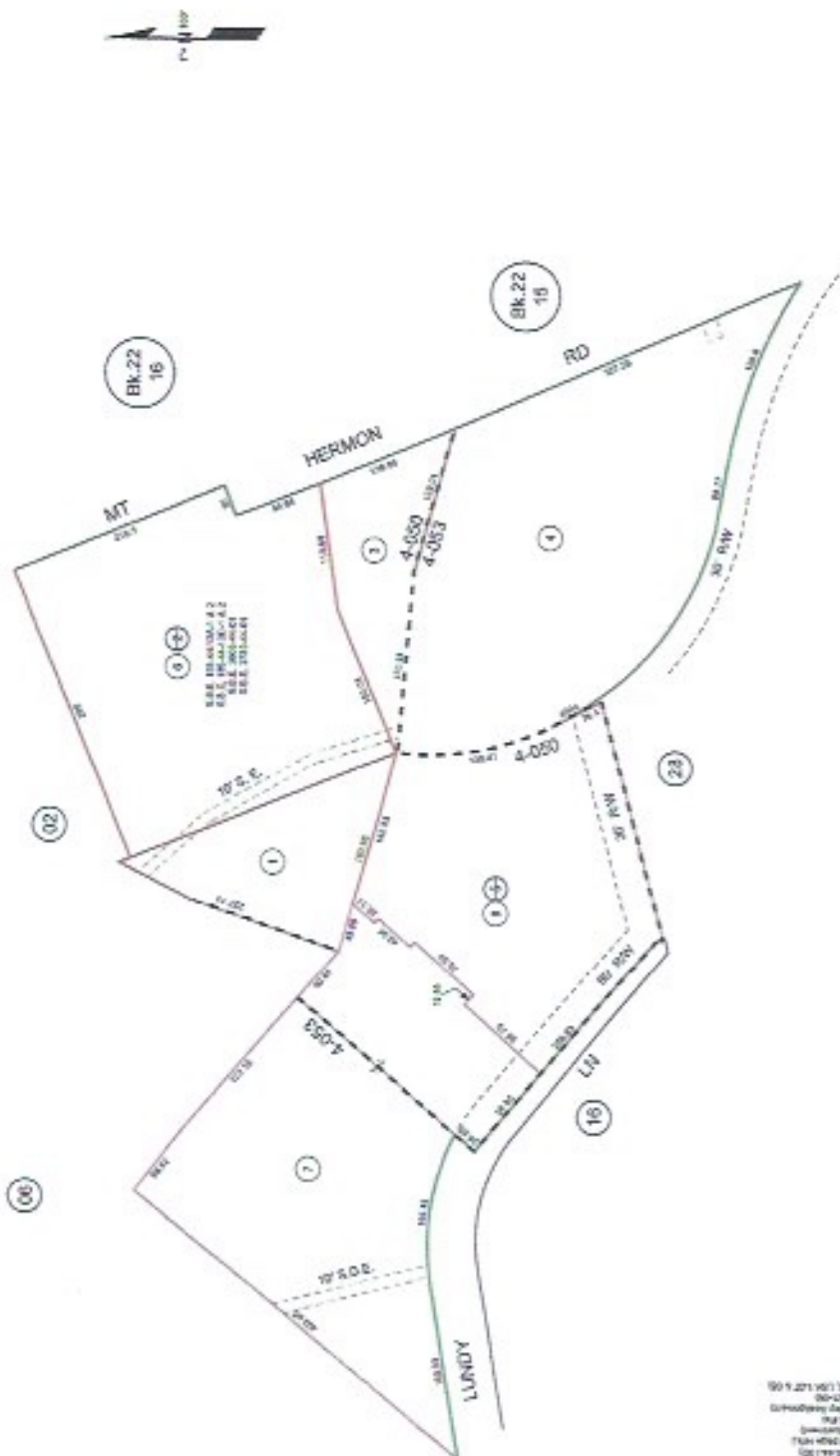
FOR TAX PURPOSES ONLY

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CITY OF SCOTTS VALLEY

Tax Area Code
 4-050 4-053

21-27



Assessor's Map No. 21-27
 City of Scotts 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
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

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.

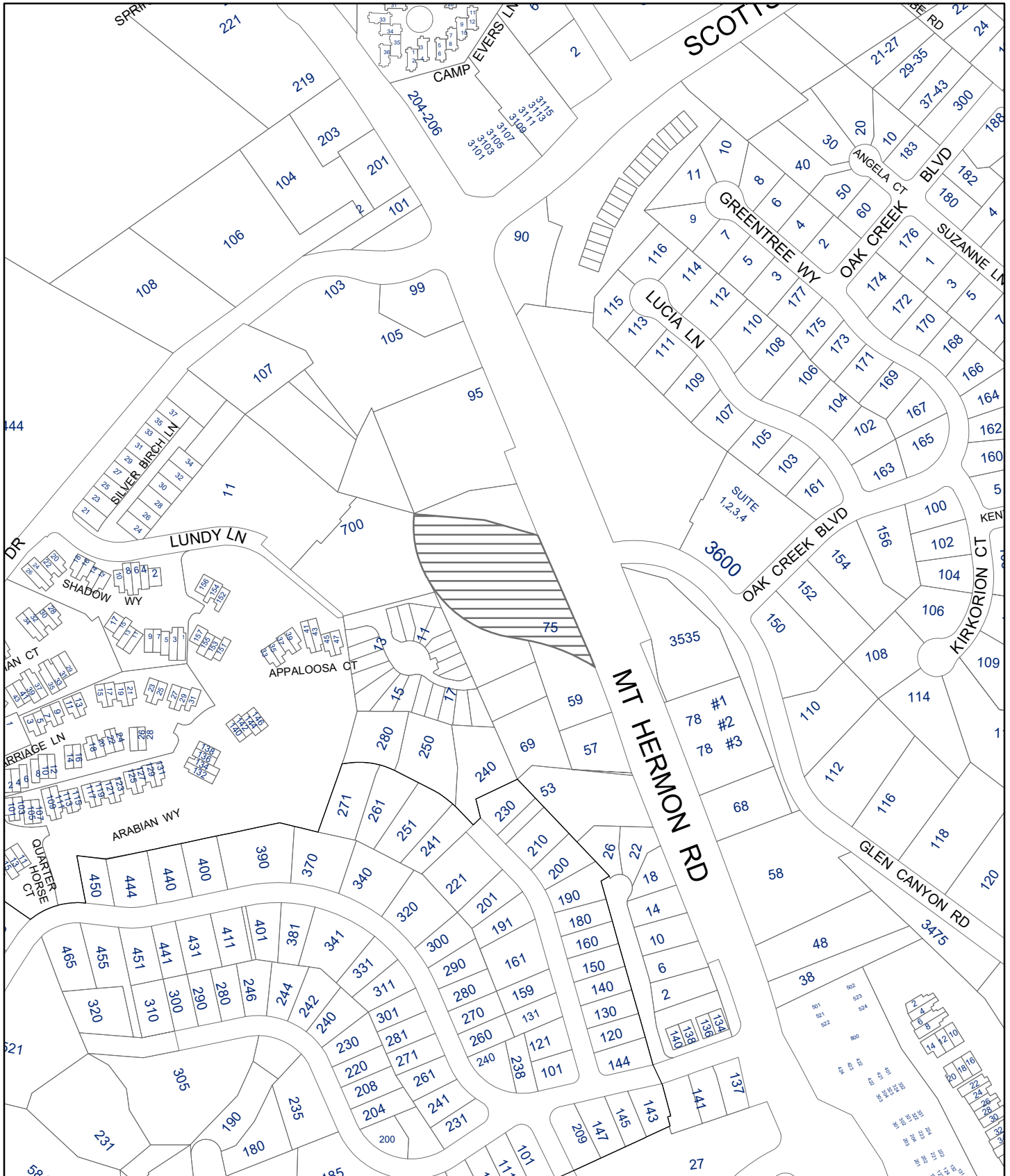
9. All new electrical, mechanical and plumbing or structural modifications will require a Building Permit and comply with 2019 CBC, CMC, CEC and Energy and Green Building Codes.
10. If any of improvements are done, 20% of construction budget will be required for Accessibility upgrades.
11. The applicant 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.

John Kontoudakis, Property Owner

Date

Location Map

75 Mount Hermon / APN 021-271-04



0

0.125

0.25

Miles



Project Site
0026

008

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

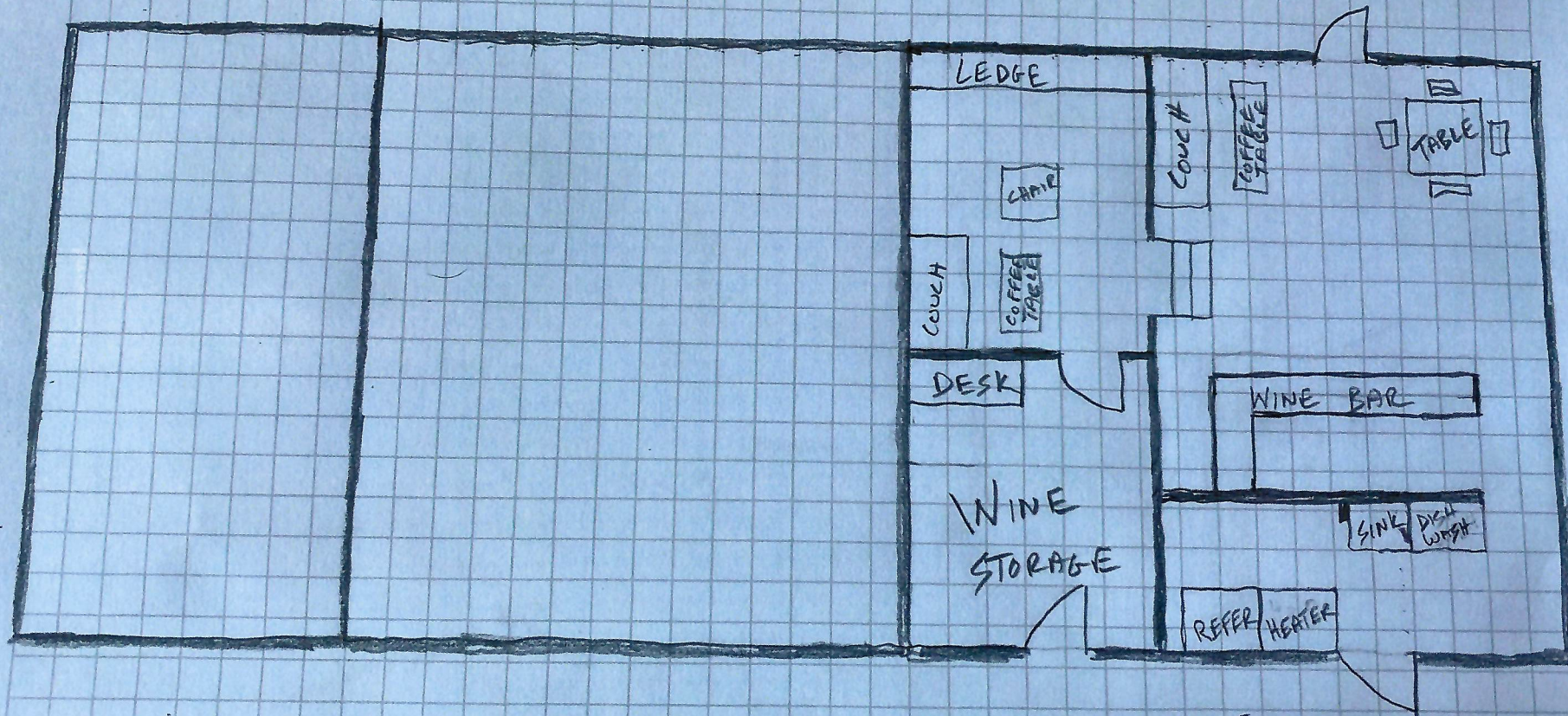
The entirety of Unit C (approximately 1,000 square feet) will be used for wine storage and tasting. The parking lot is pre-existing and no further parking will be proposed. No residential units are associated with this site.

A stylized graphic of a mountain range with three peaks, rendered in a light gray color. The mountains are positioned behind the text, creating a layered effect.

inversion wines

"INVERSION" BY COASTAL RANGE VINEYARDS

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1 SQ = 2 FT