

City of Capitola

Planning Commission Meeting Agenda

Thursday, September 05, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

Commissioners: Paul Estey, Gerry Jensen, Susan Westman, Peter Wilk

All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Commissioners Courtney Christiansen, Paul Estey, Gerry Jensen, Susan Westman, Peter Wilk

2. Additions and Deletions to the Agenda

3. Oral Communications

Please review the section How to Provide Comments to the Planning Commission for instructions. Oral Communications allows time for members of the public to address the Planning Commission on any Consent Item on tonight's agenda or on any topic within the jurisdiction of the City that is not on the Public Hearing section of the Agenda. Members of the public may speak for up to three minutes unless otherwise specified by the Chair. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue. A maximum of 30 minutes is set aside for Oral Communications.

4. Planning Commission/Staff Comments

5. Consent Calendar

All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.

A. Approval of July 18, 2024, Planning Commission Meeting Minutes

6. Public Hearings

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Planning Commission Questions; 3) Public Comment; 4) Planning Commission Deliberation; and 5) Decision.

A. Citywide Zoning Code Update

Project Description: Application #24-0026 for Amendments to Capitola Municipal Code (CMC) Title 17: Zoning Code, the Capitola Zoning Map, and CMC Chapter 18.03 Residential Density Bonus. The proposed Zoning Code amendments will affect the development standards and regulations for properties citywide. The Zoning Code and Zoning Map are part of the City's Local Coastal Program (LCP), and amendments require certification by the California Coastal

Commission before taking effect in the Coastal Zone.

Recommended Action: Staff recommends the Planning Commission (1) provide feedback to staff on discussion items outlined in the staff report related to the draft Zoning Code amendments and draft Zoning Map Amendments; and (2) continue the discussion on the Zoning Code and Zoning Map amendments to the September 19, 2024, Special Planning Commission hearing.

7. Director's Report

8. Adjournment – Adjourn to the next scheduled Special Meeting of the Planning Commission on September 19, 2024, at 5:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel: <https://www.youtube.com/@cityofcapitolacalifornia3172>

To Join Zoom Application or Call in to Zoom:

Meeting link: <https://us02web.zoom.us/j/84412302975?pwd=NmlrdGZRU2tnYXRjeSs5SIZweUIOQT09>

Or dial one of these phone numbers: 1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799

Meeting ID: 844 1230 2975

Meeting Passcode: 161805

How to Provide Comments to the Planning Commission

Members of the public may provide public comments to the Planning Commission in-person during the meeting. If you are unable to attend the meeting in person, please email your comments to planningcommission@ci.capitola.ca.us and they will be included as a part of the record for that meeting. Emailed comments will be accepted after the start of the meeting until the Chair announces that public comment for that item is closed.

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in submitted writing on an official city application form, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 6 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org/meetings. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: www.cityofcapitola.org.

City of Capitola

Planning Commission Meeting Minutes

Thursday, July 18, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

Commissioners: Paul Estey, Gerry Jensen, Susan Westman, Peter Wilk

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:00 PM. In attendance, Commissioners Estey, Westman, Wilk, Vice Chair Jensen and Chair Christiansen.

2. Additions and Deletions to the Agenda

None.

3. Oral Communications

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4. Planning Commission/Staff Comments

Commissioner Westman commented on a recent application that denied a proposal for a financial services business in a retail location and requested staff to look into modifying the code to prevent this type of application being denied in the future.

5. Consent Calendar

A. Approval of June 6, 2024, Planning Commission Meeting Minutes

B. 604 Escalona Drive

Project Description: Application #24-0165. APN: 036-141-24. Design Permit and Coastal Development Permit for an Accessory Dwelling Unit (ADU) above an existing garage within the R-1 (single-family) zoning district.

Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve application #24-0165 based on the Findings and Conditions of Approval.

Accessory Dwelling Unit Design Permit Findings:

- A. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.**

The proposed ADU exterior design matches all existing primary dwelling materials and colors.

- B. The exterior design is in harmony with, and maintains the scale of, the neighborhood.**

The proposed ADU utilizes materials and a two-story building form are common within the neighborhood. Also, the ADU complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25. Therefore, the exterior design is in harmony with and maintains the scale of the neighborhood. The proposal also includes window treatments to minimize privacy impacts.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**
The proposed project is a single-bedroom ADU on a site that has compliant parking facilities. The ADU will not create excessive noise, traffic, or parking congestion.
- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**
The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.
- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**
The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The yard is well landscaped and provides ample outdoor open space for both units.
- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**
The proposed ADU is over an existing structure. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated in design and with conditions of approval. The location and design of the ADU maintain a compatible relationship with adjacent properties.
- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**
The external staircase to the proposed second-story ADU faces the railway to the rear of the lot, which minimizes privacy impacts to the greatest degree possible. The design of the ADU complements the design of the primary residence with siding materials matching the primary residence and roof pitch complies with the 4:12 requirement.
- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**
The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.
- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**
The project does not impair public views of the ocean or scenic coastal areas.
- J. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**
The applicant is requesting a deviation from one applicable development standards for the orientation of the front entry to ADU. In most cases, the entry facing forward or toward the interior

of the property minimizes privacy impacts. In this case, the rear of the property abuts the railway and the main entry of the ADU facing rear property line minimizes privacy impacts, as required.

Coastal Development Permit Findings:

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**
The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
- B. The project maintains or enhances public views.**
The proposed project is located on private property at 604 Escalona Drive. The project will not negatively impact public landmarks and/or public views.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**
The proposed accessory dwelling unit (ADU) will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources. The area of work is in the rear yard and no major impacts are expected to the front yard landscaping.
- D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**
The project involves an ADU and will not negatively impact low-cost public recreational access.
- E. The project maintains or enhances opportunities for visitors.**
The project involves an ADU and will not negatively impact visitor serving opportunities.
- F. The project maintains or enhances coastal resources.**
The project involves an ADU and will not negatively impact coastal resources.
- G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**
The proposed project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family) zone.
- H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**
The project involves an ADU on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses.

Conditions of Approval

1. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on July 18, 2024. All construction and site improvements shall be completed according to the approved plans.
2. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
3. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. 9.12.010B

Planning Conditions

4. The project approval consists of construction of an upper floor ADU of 400 square-feet over an existing 320 square-foot, two-car garage on the first floor. The maximum Floor Area Ratio for the 4,095-square-foot property is 0.53 (2,170 square feet). The FAR of the project is 39% with a total of 1,604 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
5. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code 17.156.080.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. No other modifications to the approved plans are allowed except as otherwise first reviewed and approved by the Planning Director or the Planning Commission, depending on the scope of the changes. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. Prior to issuance of building permit, all Planning fees associated with permit #24-0165 shall be paid in full.
11. Prior to issuance of a building permit, the following agencies will be routed plans for review and approval: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, the building permit plans must show that any new utility lines or extensions will be installed underground.
13. Exterior lighting shall comply with CMC Section 17.96.110 and be limited to the Building Code required minimum. Fixtures shall be shielded or frosted and directed downward to meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light and prevent light trespass on adjacent lots. Lighting details and fixture cutsheets shall be included with the Building Permit plan submittal.
14. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition plan clearly identifying all areas of walls and floors to be demolished

15. Before obtaining a building permit for an accessory dwelling unit, 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 present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.

Public Works Conditions

16. Submit a temporary construction sediment and erosion control plan (construction bmp's), The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
17. Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans.
18. Prior to issuance of building permits, the applicant shall submit a stormwater applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
19. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
20. Prior to any work in the City Road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

C. 720 Hill Street

Project Description: Application #24-0257. APN: 036-011-28. Two-year entitlement extension request pursuant to section 17.156.080 of the Zoning Ordinance for the Design Permit, Conditional Use Permit, and Tree Removal Permit #21-0122 for the 42-room hotel project located in the Community Commercial (CC) Zoning District.
 Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve the two-year extension requested under application #24-0257.

Motion to approve the Consent Calendar: Commissioner Wilk

Seconded: Commissioner Estey

Voting Yea: 5-0

6. Public Hearings

A. 316 A Capitola Avenue

Project Description: Application #24-0133. APN: 035-181-23. Conditional Use Permit for Trestles Restaurant to include the sale of distilled spirits (Type 47 License). The restaurant is located within the MU-V (Mixed-Use Village) zoning district.
 This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption

Recommended Action: Consider Application #24-0133 and approve the project based on the attached Conditions and Findings for Approval.

Commissioner Wilk recused himself from Item 6A due to the proximity of his residence to this project.

Associate Planner Sesanto presented the staff report.

Vice Chair Jensen asked if staff received any public comment on this project. Associate Planner Sesanto confirmed that staff received no comments.

Chair Christiansen opened and closed the public hearing with no public comment.

Commissioners Westman and Estey, along with Chair Christiansen voiced their support of the application.

Motion: Commissioner Westman

Seconded: Vice Chair Jensen

Voting Yea: 4-0

Abstaining: Commissioner Wilk

Conditional Use Permit Findings:

A. The proposed use is allowed in the applicable zoning district.

Community Development Staff and the Planning Commission have reviewed the project. The general sale of alcohol for on-site consumption is categorized as a conditional use within the MU-V (Mixed-Use Village) zoning district.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

Community Development Staff and the Planning Commission have reviewed the proposed sale of beer, wine, and distilled spirits at an existing restaurant and determined it complies with all development standards and meets the intent and purpose of the MU-V zoning district.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

Community Development Staff and the Planning Commission have reviewed the proposed use and determined it is consistent with the underlying restaurant use and with existing and planned uses in the vicinity.

D. The proposed use will not be detrimental to the public health, safety, and welfare.

Community Development Staff, and the Planning Commission have reviewed the proposed Conditional Use Permit and determined it will not be detrimental to the public health, safety, or welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure

The proposed alcohol use is part of a longstanding restaurant use, which is located within the heavily developed Capitola Village within the city and is adequately served by existing services and infrastructure.

F. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section 15301 of the CEQA Guidelines exempts minor alterations to existing facilities, such as licensing, provided the project involves negligible or no expansion of use. The proposed project involves amending a conditional use permit within an existing commercial space to include the sale of distilled spirits. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

Conditions of Approval:

1. The project approval amends the existing Conditional Use Permit for a restaurant with on-site consumption of beer and wine in addition to beer and wine at 316 A Capitola Avenue. The proposed amendment is approved as outlined in the analysis of the staff report reviewed and

approved by the Planning Commission on July 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The conditional use permit allows the restaurant to operate with a California Department of Alcoholic Beverage Control (ABC), Type 47 license for “on sale general eating place”. The sale of beer, wine, and distilled spirits shall be permitted for on-site consumption. Retail sale of beer and wine for off-site consumption is permissible as an accessory use to the primary restaurant use and must comply with any and all restrictions from the ABC. Subject to Community Development Director determination, alternative ABC licenses may be obtained in lieu of a Type 47, provided they are consistent with a concurrent restaurant use and do not exceed the intent of this approval.
3. The applicant shall maintain an active business license with the City of Capitola.
4. Prior to sale of distilled spirits, all Planning fees associated with permit #24-0133 shall be paid in full.
5. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
6. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code Chapter 17.156.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
9. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

B. 2155, 2165, 2175 41st Avenue

Project Description: Application #24-0258 Master Sign Program application for the retail center in the Regional Commercial (C-R) zoning district.
 Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve application #24-0258 based on the Conditions and Findings of Approval.

Senior Planner Froelich presented the staff report.

Commissioner Estey questioned the details of the applicant and ownership groups, wanting to ensure both were in agreement with the proposal, and Senior Planner Froelich confirmed that they are.

Applicant representative Bryce Berryessa spoke to the Commission regarding certain aspects of the proposal and stated opposition to the condition of requiring raised lettering on the two shield signs.

Chair Christiansen opened and closed the public hearing with no comments.

Commissioner Westman commented on the monument sign, the additional shield signs on the building facade, and supported the applicant’s request to move forward without the condition of requiring raised lettering on the two shield signs.

Commissioner Wilk questioned the history of the master sign program, stating that many signs up and down 41st Ave don't contain raised lettering - Senior Planner Froelich offered an explanation for this.

Commissioner Estey also agreed to remove the condition of the raised sign lettering.

Commissioner Wilk also questioned why the applicant was required to construct two wall signs despite the possibility that another tenant could come in and eventually occupy the second wall sign. He ultimately recommended removing that condition as well. Finally, he also recommended removing the wood topping on the monument sign and limiting the tenant's requirements in the landscape plan.

Chair Christiansen questioned why the building owner was not responsible for ensuring compliance with the Master Sign Program, and Director Herlihy provided an explanation.

Vice Chair Jensen also supported removing the requirement to use raise lettering.

Commissioners Estey, Wilk, and staff discussed the additional wall sign containing artwork.

Motion to approve with modifications to remove the condition to require raised lettering on the wall signs, and to alter the condition stipulating that the applicant “may” install the second wall sign containing artwork: Commissioner Wilk

Seconded: Commissioner Estey

Voting Yea: 5-0

Sign Permit Findings:

- A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**
The proposed signage is consistent with the general plan, local coastal program, and the zoning ordinance with the approval of the Master Sign Program. The Master Sign Program for this retail center allows for a coordinated approach to allow signage for the new tenant space without disrupting the existing symmetry and balance of the established building signage.
- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).**
Chapter 17.80 allows for the establishment of Master Sign Programs to manage multi-tenant properties. Master Sign Programs are specifically allowed to deviate from Chapter 17.80 to achieve a customized approach for signage at unique properties.
- C. The proposed signs will not adversely impact the public health, safety, or general welfare.**
The proposed signs will not have an adverse impact on the public health, safety, or welfare. The signs are non-illuminated and comply with size and placement allowances for the respective tenant space.
- D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.**
The Master Sign Program is intended to address the unique architecture and established symmetrical design of the wall signage at the property. The proposed monument sign has space for four tenant signs and will be stucco painted an off-white color with a wood clad top.

E. The proposed signs are restrained in character and no larger than necessary for adequate identification.

The proposed signage are proportional to the size of the building and the length of the frontage wall. The new signs will not be internally illuminated. Additionally, the new wall sign is over 90 feet from the curb. The size of the wall sign is proportional to the building and location from the primary viewing point. There are three existing channel letter signs that are large ranging from 54 to 67 feet. The MSP requires all future channel letter size to comply with the 2.5 feet height limit.

Conditions of Approval:

1. The project approval consists of a Master Sign Program to establish sign criteria for the retail center at 2155, 2165 and 2175 41st Avenue in the C-R (Regional Commercial) zoning district. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 18, 2024, except as modified through conditions imposed by the Planning Commission during the hearing. The applicant is required to update the master sign program to reflect all conditions imposed by the Planning Commission within 30 days of the program approval.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. All subsequent signs proposed for a development or property subject to an approved master sign program shall comply with the standards and specifications included in the master sign program.
4. Signs consistent with an approved master sign program are permitted with an administrative sign permit.
5. Approval of a master sign program shall supersede the regulations of CMC Chapter 17.80 Signs. Any aspect of the proposed signs not addressed by the master sign program shall comply with CMC Chapter 17.80 Signs.
6. All conduit and raceways associated with lighting and signage shall not be visible.
7. Prior to acceptance of plans for Building Permit plan check, the applicant shall provide the Planning Department with an updated record set of plans that incorporates the final design and conditions following Planning Commission approval.
8. The monument sign shall include wood cladding on the broad sides of the arched top.
- ~~9. The tree logo and/or lettering on The Hook wall sign shall be raised proud of the rest of the sign.~~
10. The landscape plan shall be revised to: (1) incorporate 15-gallon native and drought tolerant shrubs in the front planter to screen the garbage dumpster, (2) add perennial flowers and grasses to soften the streetscape, (3) install clover ground cover at a minimum size of 1 gallon with maximum 12-inch spacing between plants and (4) fill open areas between plants with bark mulch. The landscaping shall be inspected pursuant to condition #13.
11. Any sign illumination shall be downward directed and shielded from direct view, so that the illumination source does not shine into adjacent property or distract motorists or pedestrians.

12. Prior to issuance of individual sign permits, all Planning fees associated with permit #24-0258 shall be paid in full.
13. Prior to issuance of building permit, the applicant shall call for a final inspection of the installed landscape plan and repaired irrigation system. General maintenance on existing landscape is required on an ongoing basis.
14. The monument signs shall use illumination with an external source only. The light fixtures shall be downward directed and have shielded cutoffs so that the source of light is not visible from off property.
15. The wall art sign shall ~~shall~~ may be installed at the same time as The Hook Outlet wall sign and shall be included in the same Building Permit submittal.
16. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
17. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

C. 720 Hill Street

Project Description: Application #24-0156. APN: 036-011-28. Proposed Tentative Parcel Map to split the existing 3.82-acre lot into two lots. The proposed lot sizes are 1.158 acres and 1.924 acres. The property is located within the C-C (Community Commercial) zoning district. This project is not in the Coastal Zone
 Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve the two-lot subdivision requested under application #24-0156.

Senior Planner Froelich noted a correction to the project description on the agenda - the existing lot is 3.082 acres - and presented the staff report.

Chair Christiansen opened and closed the public hearing with no comments.

Motion: Commissioner Wilk

Seconded: Vice Chair Jensen

Voting Yea: 5-0

Findings:

- A. **That the proposed map is consistent with applicable general and specific plans.**
 The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity.
- B. **That the design or improvement of the proposed subdivision is consistent with applicable general and specific plans.**
 The proposed map is consistent with the general plan and zoning ordinance. All measurable standards are accommodated and both lots can accommodate the existing and proposed development without creating nonconformity.
- C. **That the site is physically suitable for the type of development.**

Both resulting properties can accommodate a variety of anticipated commercial developments. The applicant has demonstrated by obtaining approval of a new hotel that all development standards can be met.

D. That the site is physically suitable for the proposed density of development.

Both created parcels are physically suitable for the anticipated development. The existing Quality Inn on Parcel B and the approved hotel on Parcel A utilize less than 50% of the maximum FAR.

E. That the design of the subdivision or the proposed improvements is not likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.

The design of the subdivision follows the existing and approved development pattern on the parcels. The approved hotel permit #21-0122 has several conditions of approval that ensure mitigation of environmental impacts. The proposed Tentative Map does not introduce any new environmental impacts.

Conditions of Approval:

General Conditions

1. The project approval consists of a tentative parcel map for a minor Land Division/ Lot Split to create two lots zoned Community Commercial. The proposed parcels comply with the General Plan, Zoning Ordinance, and meet or exceed all measurable standards. The proposal is tentatively approved as indicated on the Tentative Parcel Map reviewed and approved by the Planning Commission on July 18, 2024.
2. This permit shall expire 24 months from the date of issuance. The applicant shall complete all improvements and furnish the city with all required documents to record the Final Map. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 16.16.140.
3. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

Planning Department Conditions

4. Prior to making any changes to the Tentative Map, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to shall require Planning Commission approval.
5. Prior to issuance of building permit, all Planning fees associated with permit #24-0156 shall be paid in full.
6. Prior to recording the Final Map, the applicant must provide documentation of plan approval by the Central Fire Protection District.
7. The owner shall consult the members and/or managers of the Road and Utility Maintenance Agreement to obtain any necessary modifications to the agreement.

Public Works Department Conditions

8. Prior to the recordation of the Final Map, the applicant shall submit new legal descriptions for each lot for review by the City Engineer.

9. Prior to submittal of the Final Map to the City Engineer for examination, the owner (applicant) shall cause the property to be surveyed by a Licensed Land Surveyor or an authorized Civil Engineer. The submitted map shall show the existence of a monument at all external property corner locations, either found or set. The submitted map shall also show monuments set at each new corner location, angle point, or as directed by the City Engineer, all in conformity with the Subdivision Map Act and the Professional Land Surveyors Act. The survey shall include verification of the size and location of the existing structures by a California-licensed land surveyor.

10. The owner (applicant) shall submit four (4) copies of a Final Map in substantial conformance with the approved Tentative Map, along with the additional documents required by Section 16.78 of the Municipal Code with applicable fees and deposits, to the City Engineer for examination and prior approval. The Final Map shall contain all of the information required in Section 16.78 of the Municipal Code and shall be accompanied by the following items:
 - a. One copy of map checking calculations.
 - b. Preliminary Title Report for the property dated within ninety (90) days of the date of submittal for the Final Map.
 - c. One copy of each map referenced on the Final Map.
 - d. One copy of each document/deed referenced on the Final Map.
 - e. One copy of any other map, document, deed, easement or other resource that will facilitate the examination process as requested by the City Engineer.
 - f. One copy of the approved Tentative Map.

11. Interior monuments shall be set at each lot corner, prior to recordation of the Final Map.

12. The owner (applicant) shall provide Irrevocable Offers of Dedication for all required easements and/or rights-of-way on the Final Map, in substantial conformance with the approved Tentative Map and conditions of approval, prior to Final Map approval.

13. An Encroachment Permit issued by the Public Works Department is required for all work in any portion of the public right-of-way or of a public easement.

14. Prior to Final Map approval, the owner (applicant) shall furnish the City Engineer with satisfactory written commitments from all public and private utility providers serving the subdivision guaranteeing the completion of all required utility improvements to serve the subdivision.

15. The owner (applicant) shall secure all necessary permits from the City and any other public agencies, including public and private utility providers, prior to commencement of construction. Copies of permits other than those issued by the City shall be provided to City Engineer.

16. The owner/applicant shall comply with requirements of Section 13.16.080 of the Municipal Code "Post-construction storm water management". The applicant shall use and maintain Best Management Practices (BMP's) for site design and storm water treatment.

7. Director's Report

Director Herlihy provided the Commission with updates regarding Planning Commission Meeting Minutes procedure, the closure of the south bound ramp of Bay Ave and Highway 1, the Capitola Village sweep for signs and outdoor display compliance, the status of the 6th Cycle Housing Element preliminary approval and upcoming adoption process, asked for confirmation to hold a special meeting on Aug 8th, and provided a preview of the Special Meeting next week on July 23 and other future meetings, and asked Commissioners to put placeholders on dates for potential

meetings on Aug 29th and September 19th. Finally, she reminded the Commission of two community events - July 31st and the September 25th Wharf Grand Opening.

- 8. Adjournment** – *The meeting was adjourned at 7:03 PM to the next special meeting of the Planning Commission on July 23, 2024, at 5:00 PM.*

Capitola Planning Commission

Agenda Report

Meeting: September 5, 2024

From: Community Development Department

Address: Citywide Zoning Code Update



Project Description: Application #24-0026 for Amendments to Capitola Municipal Code (CMC) Title 17: Zoning Code, the Capitola Zoning Map, and CMC Chapter 18.03 Residential Density Bonus. The proposed Zoning Code amendments will affect the development standards and regulations for properties citywide. The Zoning Code and Zoning Map are part of the City's Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Staff recommends the Planning Commission (1) provide feedback to staff on discussion items outlined in the staff report related to the draft Zoning Code amendments and draft Zoning Map Amendments; and (2) continue the discussion on the Zoning Code and Zoning Map amendments to the September 19, 2024, Special Planning Commission hearing.

Location: The draft Zoning Code amendments apply to properties citywide.

Representative: Ben Noble Consultant

Sean Sesanto, Associate Planner

Background: The City is updating the Zoning Code to implement programs in the sixth cycle Housing Element and to address other identified issues. The Planning Commission met on February 1, February 16, May 2, June 6, July 23, and August 15, 2024, to discuss and provide staff direction on required Zoning Code updates relating to the Housing Element and general Zoning Code cleanup. Attachment 1, which lists all proposed Zoning Code amendments, identifies Planning Commission direction received at these meetings.

On August 15, 2024, the Planning Commission received public comment and discussed Zoning Code amendments to increase allowed density in the Multifamily Residential (RM) zone. At this meeting the Planning Commission directed staff to revise the proposed RM zone amendments to consider public comment and not include the amendments to the Multifamily Residential zone in the 2024 updates. The topic will be revisited in 2025 with updated public notice.

Discussion: The purpose of this agenda item is to receive public comment and direction on the draft amendments to the Zoning Code. On August 26, 2024, the public review draft of the amendments to the Zoning Code and Chapter 18.03 was made available in hard copy at Capitola City Hall and the Capitola Library and on the City's website at the following link:

<https://www.cityofcapitola.org/communitydevelopment/page/public-review-drafts-zoning-code-updates>

The public review draft Code Amendments and Zoning Map amendments include all amendments proposed for adoption in 2024. Changes to the Zoning Code amendments previously reviewed by the Planning Commission are indicated in the public review draft with yellow highlights and underline or strikethrough, as follows:

- **Density Bonus (18.03):** New chapter, discussed below.
- **Office Uses in Commercial Zones (17.24.020.C):** Creates more flexibility related to location of occupancy of office space. See discussion below.
- **Second story Decks and Balconies (17.16.030.B.10):** Revises side setback and maximum projection standards. See discussion below.

- **Accessory Dwelling Units (17.74):** Minor changes to maximum number per parcel, separate sale from primary dwelling, height of units subject to limited standards, and deed restriction language to address HCD interpretation of state law.
- **Demolition and Replacement of Dwelling Units (17.96.210):** Adds Housing Crisis Act demolition and replacement requirement that apply to all development
- **Development and Design Review Committee (17.120.050.F):** Clarifies that Committee meetings are advisory and do not require public notice.

Density Bonus: Housing Element Program 2.5 requires the City to update its density bonus ordinance to comply with state law and help facilitate the production of affordable housing.

Under state law, local agencies must grant increased density and other incentives for qualifying affordable and senior housing projects. Municipal Code Chapter 18.03 (Residential Density Bonus) is Capitola's local density bonus ordinance that implements state law. Chapter 18.03 was last updated in 2009, and since that time state density bonus law has changed substantially. Due to the discrepancies between state law and Chapter 18.03, staff uses state law (not Chapter 18.03) when processing density bonus applications.

The draft Zoning Code amendments (Attachment 2) contain a new Chapter 18.03 to replace the City's outdated existing density bonus ordinance. The proposed new Chapter 18.03 specifies the City's process to review and act on the application, and other requirements that warrant additional details in a local density bonus ordinance. Density bonus submittal requirements are specified in a separate department handout (Attachment 3)

Unlike Capitola's existing density bonus ordinance, the new Chapter 18.03 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 18.03 as state law changes over time.

Office Uses in Commercial Zones: On August 15, 2024, the Planning Commission requested further discussion of proposed amendments to use regulations for first floor office uses in the Commercial zoning districts.

During the 2021 comprehensive zoning code update, the city adopted specific regulations related to office space prohibiting the land use on the ground floor in the C-R zone and requiring a conditional use permit for ground floor office space greater than 5,000 square feet in the C-C zone. Since adopting the new regulations, some commercial property owners have reportedly struggled to fill vacancies and have had to turn away interest from business owners with office uses.

On July 23, 2024, the Planning Commission directed staff to prepare Zoning Code amendments to expand locations where ground floor office uses are allowed in the C-R. As found in Section 17.24.020.C, the permit requirements for office uses in the C-R and C-C zones are as follows:

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

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

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

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

Notes:

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

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

2. Existing Office Uses.

- a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use and vacant tenant space where the most recent legal occupant was an office use. The City shall use business license documentation to determine the legal occupancy of tenant space.
- b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24.

Second Story Decks and Balconies: On August 15, 2024, the Planning Commission requested further discussion of standards for second story decks and balconies.

One February 1, 2024, the Planning Commission directed staff to revise standards for second story decks and balconies in 17.16.030.B.10 as follows:

- Clarify that 150 square feet is cumulative of all decks for FAR calculation.
- Allow second-story decks and balconies with a 15-foot front setback instead of 20 feet.
- Within the front 25 feet of a lot, allow second-story decks and balconies with a 15 percent side setback instead of 10 feet.
- Require privacy walls on upper story decks on a case-to-case basis only when needed.
- Add examples of privacy screens to include opaque materials and vegetation.

Staff prepared Zoning Code amendments consistent with these revisions. Since that time, staff received public comment requesting additional revisions to the standards (Attachment 4). Staff has considered these comments and has prepared additional revisions to the standards, shown with yellow highlighting in the draft Zoning Code Amendments. Proposed standards for second story decks and balconies in the R-1 zone, as revised, are as follows:

10. Second-Story Decks and Balconies.

- a. Cumulative upper floor deck area in excess of 150 square feet is included in the floor area ratio calculation.

- b. A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.
- c. A second-story deck or balcony must comply with the minimum parcel line setback requirements in Table 17.16-4

Table 17.16-4: Second Story Deck and Balcony Setbacks

Parcel Line	Minimum Setback
Front	15 ft.
Interior Side	
Decks areas located within 25 feet of the front property line	15% of parcel width
All other decks	10 ft.
Street Side	10 ft.
Rear	25% of lot depth

- d. To address neighbor privacy impacts, the Planning Commission may require permanent privacy screening (e.g., opaque glass, solid materials, vegetation) for an upper floor deck or balcony.
- e. A second-story deck or balcony may not project further than 10 feet from the exterior building wall to which it is attached.
- f. Roof decks are prohibited in the R-1 zoning district.
- g. The elevation of a freestanding deck or platform not attached to a building may not exceed thirty-five inches above the adjoining grade.

Next Steps: The Housing Element requires many of the proposed Zoning Code Amendments to be completed in 2024. Table 3 shows completed meetings and upcoming milestones to complete the Zoning Code amendments. On September 19, 2024 the Planning Commission will consider a draft resolution recommending that the City Council adopt the proposed Zoning Code Amendments.

Table 3: Zoning Code Update Schedule

Milestone	Date
Planning Commission Study Session 1 (completed)	February 1, 2024
Planning Commission Study Session 2 (completed)	February 15, 2024
Planning Commission Study Session 3 (completed)	May 2, 2024
Planning Commission Study Session 4 (completed)	June 6, 2024
Planning Commission Study Session 5 (completed)	July 23, 2004
Planning Commission Hearing 1 (completed)	August 15, 2024
Planning Commission Hearing	September 5, 2024
Planning Commission Hearings (special)	September 19, 2024
City Council Public Hearing	October 10, 2024
City Council Second Reading	October 24, 2024

CEQA: Analysis of potential environmental impacts from proposed Zoning Code amendments will be presented at a future Planning Commission hearing.

Attachments:

1. Zoning Code Amendments Summary Table
2. Public Review Draft of Zoning Code Amendments, Zoning Map Amendments, and CMC Chapter 18.03 Residential Density Bonus Amendments - Available on the City's website at:
<https://www.cityofcapitola.org/communitydevelopment/page/public-review-drafts-zoning-code-updates>
3. Draft Zoning Map Amendment
4. Draft Density Bonus Submittal Checklist
5. Public Comment, Second-story Decks

Report Prepared By: Ben Noble, Consultant

Reviewed By: Julia Gautho, City Clerk

Approved By: Katie Herlihy, Community Development Director

HOUSING ELEMENT IMPLEMENTATION

Topic (Housing Element Program)	Planning Commission Direction	Amendment Location	Amendment Description
Affordable Housing Overlay (1.1)	7/23/24: No comments on draft amendments	Table 17.12-2; 17.36.080.H.1; 17.40.020	Removes the Affordable Housing Overlay from the City's Zoning Ordinance and Zoning Map
Corner Duplexes (1.6)	2/16/24: Allow duplex on all corner lots subject to same development standards as a single-family home.	Table 17.16-1	Duplex homes allowed on corner parcels in the R-1 zone.
Lot Consolidation (1.1)	2/16/24: Develop incentives to encourage lot consolidation as proposed by staff	17.20.040.K; 17.24.030.J:	Increases height and FAR for housing development projects that consolidate adjacent housing element opportunity sites
Replacement Housing (1.2)	Review of draft amendments requested 9/5/24 7/23/24: No comments on draft amendments	17.96.210	New section requiring no net loss of housing units and replacement of affordable units.
Alternative Housing Types (1.5)	2/16/24; 8/15/24: SROs: Maybe promote if we can count towards RHNA; Live/Work: not priority in Capitola; Micro units: Promote close to transit center; Co-housing: check this box if will please HCD; Workforce: add as community benefit	Table 17.16-1; Table 17.76-2; 17.88; 17.160.020.C; 160.020.M	Adds definition of micro-unit, allows increased height and FARs for micro-units, allows 0.5 parking spaces per unit for micro units; Defines cohousing and lists as allowed use in R-1, RM, and MH zones; Adds teacher housing as an available community benefit
Parking – Multifamily (1.6)	2/16/24: 0.5 per unit <350 sf close to transit 1.0 per unit <500 sf 1.5 per unit 500-750 sf 2.0 per unit ≥750 sf No covered or additional guest parking	Table 17.76-2	Reduces parking require for multifamily dwelling based on unit size
Parking – Senior and Special Needs (1.6)	2/16/24: Revise required parking spaces for senior and special needs housing uses as proposed by staff. Consider needed guest parking	Table 17.76-2	Reduces parking required for group housing, residential care facilities, transitional housing, and senior housing

Topic (Housing Element Program)	Planning Commission Direction	Amendment Location	Amendment Description
Housing on Education and Religious Sites (1.8)	5/2/24; 8/15/24: Create site specific standards for affordable housing projects on land owned by religious institutions as allowed under SB 4	17.96.220	Allows affordable housing projects on land owned by religious institutions consistent Government Code Section 65913.16
Density Bonus (2.5, 3.6)	No prior direction – review of draft amendments requested 9/5/24	18.03	Establishes density bonus procedures consistent with recent updates to state law.
Emergency Shelters (3.1)	7/23/24: No comments on draft amendments	Table 17.24-1; 17.96.030; 17.160.020.E.3:	Adds emergency shelter is “P” use in the C-C zone; Revises standards to comply with Government Code Section 65583(a)(4)(B); Adds statement that emergency shelters may include other services such as navigation centers and bridge housing.
Low Barrier Navigation Centers (3.1)	7/23/24: No comments on draft amendments	17.96.200	Adds statement that low barrier navigation centers are allowed by right in areas zoned for mixed use and in nonresidential zones permitting multifamily uses
Transitional Housing (3.2)	7/23/24: No comments on draft amendments	Table 17.16-1, 17.20-2; Table 17.24-1; 17.160.020.T.5:	Maintains transitional housing in definition of Residential Care Facilities; Changes Large Residential Care Facilities from a “C” to a “P” use in the RM and MU-V zones; Adds Large Residential Care Facilities as an allowed use requiring a Conditional Use Permit (“C”); Adds definition of transitional housing in glossary
Supportive Housing (3.2)	7/23/24: No comments on draft amendments	17.96.070	Adds statement that supportive housing is allowed by right in areas zoned for mixed use and in nonresidential zones permitting multifamily uses
Employee Housing (3.3)	7/23/24: No comments on draft amendments	17.160.020.S.5	Adds statement that definition of single-family dwelling includes employee housing for six or fewer persons.
Large Residential Care Facilities (3.4)	7/23/24: No comments on draft amendments	Table 17.16-1, 17.20-2; 17.20.020.F; Table 17.24-1; 17.96.080	Changes Large Residential Care Facilities from a “C” to a “P” use in the RM and MU-V zones; Adds Large Residential Care Facilities as an allowed use requiring a Conditional Use Permit (“C”); Removes Large Residential Care Facility standards
Reasonable Accommodations (3.4)	7/23/24: No comments on draft amendments	17.140.070	Revises criteria for reasonable accommodations.

Topic (Housing Element Program)	Planning Commission Direction	Amendment Location	Amendment Description
Daycares (3.6)	7/23/24: No comments on draft amendments	Table 17.25-1	Changes day care centers from a "C" to an "M" use

Additional Zoning Code Cleanup Amendments

Topic	Planning Commission Direction	Amendment Location	Amendment Description
Design Review Process; Architecture and Site Review Committee	Review of draft amendments requested 9/15/24 2/1/24; 5/2/24: Re-establish the Architecture and Site Review Committee. Clarify if Committee should review all Design Permits for single-family homes, or just major projects, such as new single-family homes. Require public notice of pending application.	17.120	Adds public notice of application submitted for design permit applications reviewed by Planning Commission, adds City-contracted design professional involvement in Development and Design Review Committee meeting with applicant for more significant projects, removed design criteria with existing objective standards.
MU-V, MU-N Driveways/Curb Cuts	7/23/24: No comments on draft amendments	17.20.030.F; 17.20.040.F; 17.76.040.C.3.c	Allows exception to driveway and curb cut standards in MU-V and MU-N to allow for one parking space of up to 14 feet in width. Adds cross reference in 17.76.040 to Section 17.20.030.E.6 (Driveways and Curb Cuts)
Opaque windows on second stories	2/1/24: Clarify that opaque windows may be required on case-by-case basis (not always mandatory)	17.16.B.11.d	Opaque windows may be required by the Planning Commission on case-by-case basis, but are not always required
Location of Retail Cannabis Establishments	7/23/24: Allow retail cannabis in C-C fronting 41 st Avenue	Table 17.24-1; 17.24.020(D)	Allow retail cannabis in C-C fronting 41 st Avenue
First floor offices in the C-R Zone	Review of draft amendments requested 9/5/24	17.24.020.C	Expands allowed location for ground floor office uses in the C-R and C-C zoning districts
CDP Waiver or Exclusion for J/ADUs	7/23/24: No comments on draft amendments	17.44.090.C and 17.74	17.44.090.C: Allows for waiver of CDP in non-appealable areas for ADUs 17.74.030.E.2: Allow waiver of CDP for ADUs that meet criteria
Upper Floor Decks	2/1/24: Clarify 150 square feet is cumulative of all decks for FAR calculation. Allow deck on the second story at 15 feet setback instead of 20 feet. The privacy wall on upper story decks should be on a case-to-case basis changing "shall" to "may" be required by PC. Add examples of privacy screens to include opaque materials and vegetation.	17.16.030.B.11; 17.48.040.B.6	Amendments consistent with PC direction

Topic	Planning Commission Direction	Amendment Location	Amendment Description
Accessory Dwelling Units: State Law Conformance	Included in 7/23/24; Review of draft amendments requested 9/5/24	17.74	Updates state law references, adds that front setback deviation permitted for 800 sq. ft. ADU; Clarifies that exceptions to standards to allow for 800 sq. ft. ADU may only be minimum necessary; Updates allowed height consistent with state law.
Parking for SFD Remodels	Included in 7/23/24 Preliminary Draft Amendments	Table. 17.76-2	As required by state law, adds note that additional parking is not required for additions and remodels to single-family homes that conform with building size standards.
Signs	Included in 7/23/24 Preliminary Draft Amendments	Table 17.80-6	Reduces allow wall sign area in MU-N to match total sign area allowed in MU-N (Table 17.80-1)
Consistent Terminology - CDD	Included in 7/23/24 Preliminary Draft Amendments	17.84.080.C	Replaces "CDD" with "community development director" for code consistency.
Historic Alteration Permits	Included in 7/23/24 Preliminary Draft Amendments	17.84.070.C.2	Fixes numbering error.
Historic Preservation Incentives	Included in 7/23/24 Preliminary Draft Amendments	17.84.090.D	Permit review authority approves permit fee reimbursement when acting on permit application.
Permit Time Limits and Extensions	Included in 7/23/24 Preliminary Draft Amendments	17.56.080; 17.156.080.A	Allows the Planning Commission or City Council to establish an alternative permit expiration date when initially approving the permit. Allows the Planning Commission or City Council to approve two four-year extensions (eight years total) to permits.
Home Occupations	Included in 7/23/24 Preliminary Draft Amendments	17.96.040.A	Allows home occupations that comply with standards by right without an administrative permit.
Wireless Communication Facilities	Included in 7/23/24 Preliminary Draft Amendments	17.104	Update Federal CFR references throughout chapter.
Referral of Applications to Planning Commission	Included in 7/23/24 Preliminary Draft Amendments	17.112.090	New section stating the community development may refer any discretionary decision to the Planning Commission.
Good Standing for Permit Review	Reviewed 8/15/24 – No changes directed.	17.112.020.C.3	Adds that City will not accept application for a property with an active code enforcement action unless correction of violation is included as part of the proposed project.
Glossary - Clerestory Window	Included in 7/23/24 Preliminary Draft Amendments	17.160.020.C	Adds definition of clerestory window.

Topic	Planning Commission Direction	Amendment Location	Amendment Description
Definition – Takeout Food and Beverage	Included in 7/23/24 Preliminary Draft Amendments	17.160.020.E	Excludes bars and lounges from definition of takeout food and beverage establishments.
Roof Decks	Included in 7/23/24 Preliminary Draft Amendments	17.160.020.R.9	Clarifies that roof deck is the occupied roof space located above the top story of a structure.
R-1 Garage Setback	Included in 7/23/24 Preliminary Draft Amendments	17.16.030.B.4	Removes minimum garage set back of 5 feet from front building wall. Minimum 20 foot garage setback from front property line in Table 17.16-2 remains.

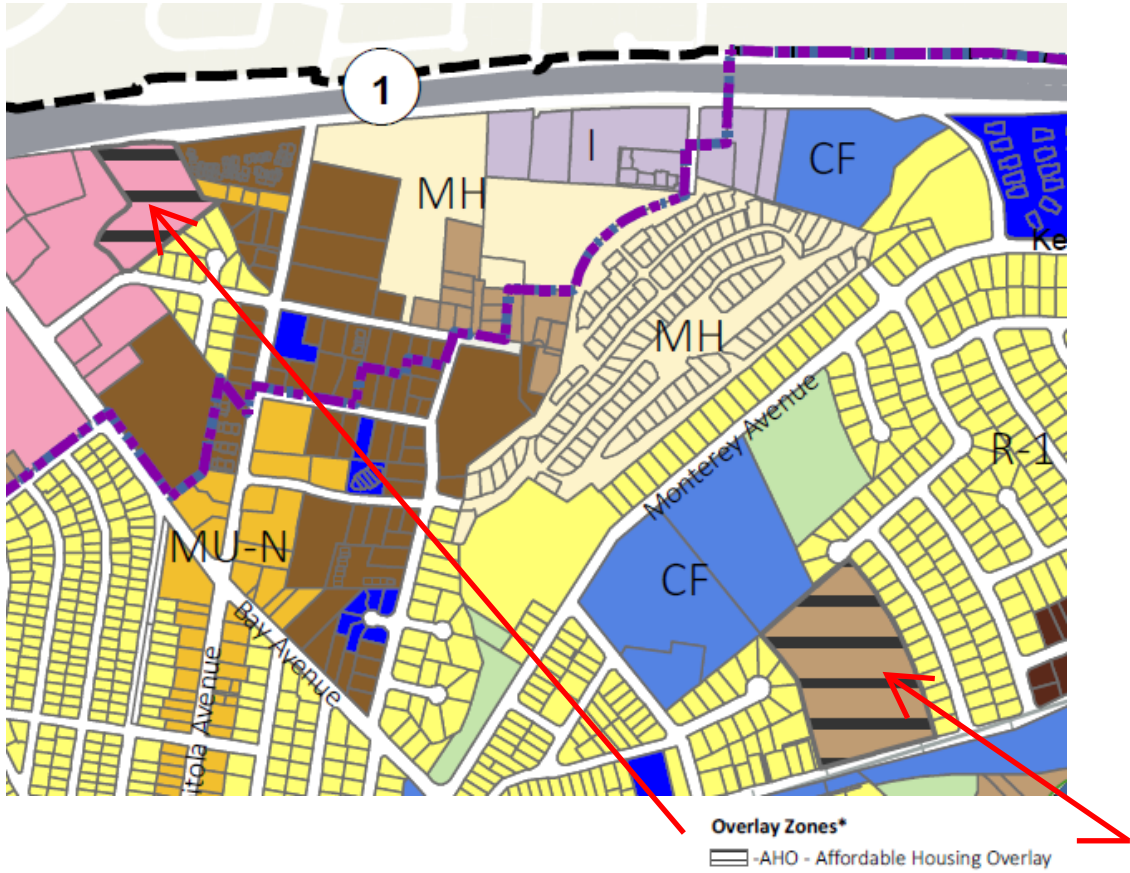
ATTACHMENT 2

The draft amendments to the Zoning Code and Chapter 18.03, published August 26, 2024, are available in the following locations:

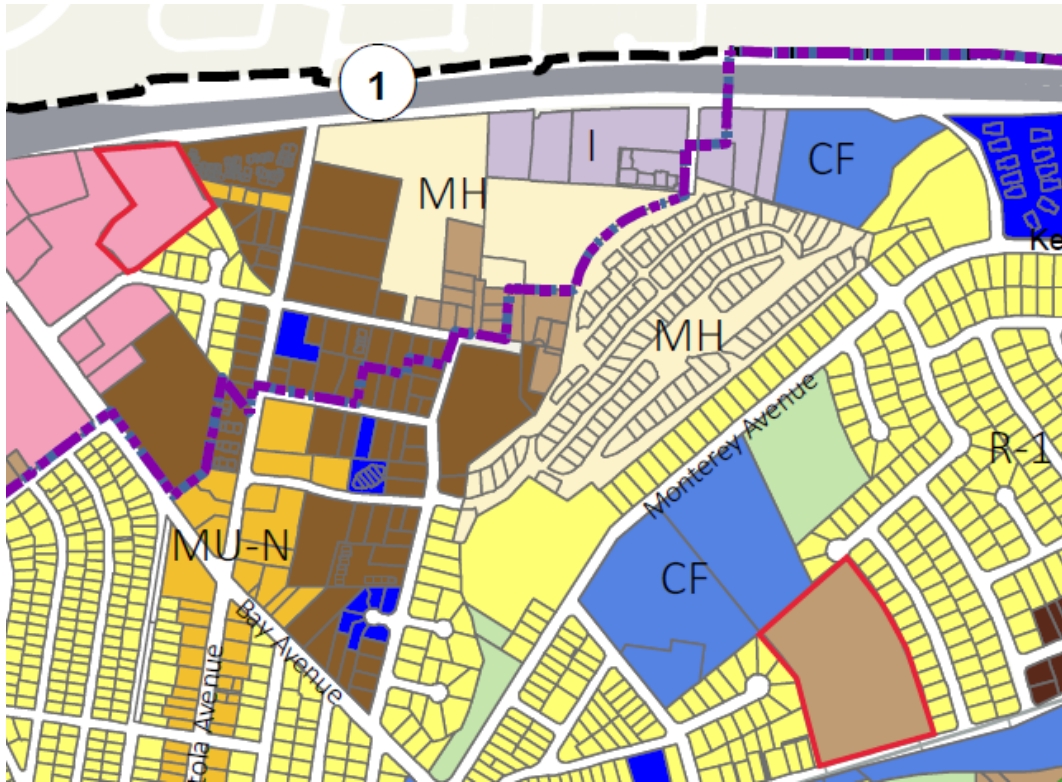
1. Hard Copy at Capitola City Hall
2. Hard Copy at the Capitola Branch Library
3. Available on the City's website at:

<https://www.cityofcapitola.org/communitydevelopment/page/public-review-drafts-zoning-code-updates>

Existing Zoning Map (with AHO Overlay)



Proposed Zoning Map (without AHO Overlay)



- 1. 720 Hill Street
- 2. 600 Park Avenue

Overlay Zones*
~~— AHO - Affordable Housing Overlay~~



DENSITY BONUS SUPPLEMENTAL CHECKLIST

WHAT IS THIS CHECKLIST?

The information listed in this checklist is required to be submitted for all development applications processed under Government Code §65915 (Density Bonus Law). Items in this checklist are in addition to submittal requirements for applicable development application(s) for your project (for example, a Use Permit and Design Review application) and will be processed concurrently.

INSTRUCTIONS

The applicant shall provide one printed hard copy of the information below and one PDF copy on a thumb drive or emailed along with all other required materials from the other applicable development application(s).

DENSITY BONUS SUBMITTAL CHECKLIST ITEMS:

PROJECT DESCRIPTION Write a project description that includes the following information:

- Provide a brief overview of the project in general.
- Does the project propose rental or ownership units?
- Are there any residential units on the property currently or within the last five years? If so, how many units? Please identify if they are rental or ownership units. If rental units, please state what the rent of the units is. Please provide a detailed answer of your research methods and how you reached your conclusion.

PROJECT TABLE Create a table with the following information, as applicable to your project:

- Total number of proposed housing units
 - Number of market rate housing units
 - Number of affordable housing units
 - Number of restricted affordable units for very low income households
 - Number of restricted affordable units for low income households
 - Number of restricted affordable units for moderate income households
- Percentage of total units in the development that are affordable, broken down by affordability level
- Number of senior housing units
 - Include number of restricted affordable senior units proposed and the affordability level
- Density allowed by zoning (dwelling units per acre)
- Proposed density of project (dwelling units per acre)
- Density Bonus percentage requesting
- Size of market rate units (number of studios, one bedroom, two bedroom, etc.)
- Size of affordable units (number of studios, one bedroom, two bedroom, etc.)
- Size of senior units (number of studios, one bedroom, two bedroom, etc.)
- Number of parking spaces required
- Number of parking spaces provided

CONCESSIONS OR INCENTIVES REQUEST If requesting concessions or incentives

- State the number of concessions or incentives requested
- Provide written description of the proposed waivers or reductions.

WAIVER OR REDUCTION OF DEVELOPMENT STANDARDS If requesting waivers or reductions:

- State the number of waivers or reductions requested
- Provide written description of the proposed waivers or reductions.

PARKING RATIOS If requesting parking ratios pursuant to California Government Code Section 65915(p):

- Provide documentation that the proposal meets all of the criteria in the applicable Government Code section, such as showing on a map that there is unobstructed access to a major transit stop from the development or that all units are rental units for lower income families by indicating that a density bonus agreement will be entered into for the project.

July 15, 2024

City of Capitola- Planning Commission and Zoning

To Whom it May Concern,

I am writing to express my concerns about the current deck code in the City of Capitola, which I believe to be overly restrictive and detrimental to practical and aesthetically pleasing deck designs. There are several key issues with the current code that need to be addressed for more sensible and effective regulations.

1. **Setbacks:** The current setback requirements create significant obstacles for smarter building practices and efficient waterproofing. Deck setbacks should align with the first-floor setbacks with height limits applied, allowing decks to sit atop the floor below and drain efficiently without significantly adding to the building’s mass. Here are the current setback requirements:
 - o **Deck setbacks:**
 - Side yard: 10 feet
 - Front yard: 20 feet
 - Rear yard: 25% of lot depth
 - o **Building Setbacks:**
 - Interior Side yard 1st floor: 10% of parcel width
 - Interior Side yard 2nd floor: 15% of parcel width
 - Exterior side yard: 10 feet
 - Front yard: 15 feet (ground floor), 20 feet (garage)
 - Rear yard: 20% of parcel depth, max. 25 feet

The current regulations do not allow decks to sit directly on the floor below and do not differentiate between interior and exterior side yards. If the deck code was modified in April 2023 to address privacy concerns, exterior side yards should be exempt since they do not impact any neighbor's privacy. Allowing decks to sit above the first-floor setbacks with a maximum height of 15 feet at the deck railing would prevent unnecessary bulk.

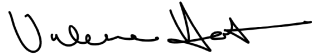
2. **Square Footage:** Counting any deck over 150 sq. ft. as floor area is unnecessary and counterproductive. If massing is a concern, a height limit would address this issue more effectively. The 150 sq. ft. limit also becomes problematic when combined with the 6-foot maximum distance from the building face.

3. **6' Maximum Distance:** Limiting decks to a maximum of 6 feet from the building face is impractical. This barely allows space for chairs and movement. When combined with a 10-foot setback, decks on interior side yards become almost unusable. The 25% rear yard setback further complicates matters, potentially necessitating additional roofing over the first floor. A 6-foot deep deck would need to be 25 feet long to reach the 150 sq. ft. threshold, resulting in a long, narrow deck that is not enjoyable for most people.
4. **Lack of Differentiation Between Yards:** There is no differentiation between interior side yards and exterior/street side yards. Corner lots face unnecessary limitations. Decks on exterior side yards face the street and do not affect neighbors, and should not have any "special" setback requirements. Any concerns about massing can be addressed with a reasonable height limit.
5. **Screening Requirements:** If screening is required, the code should specify clear requirements. The current combination of a 6-foot limit from the building face, restrictive setbacks, and unclear screening requirements creates a claustrophobic deck experience, which is contrary to the purpose of a deck.

In conclusion, these issues with the current deck ordinance need to be addressed to create a more reasonable and practical code that benefits homeowners, designers, and builders. I urge the City to adopt a more sensible code that allows for functional and enjoyable deck spaces.

Thank you for your time and consideration.

Sincerely,



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