

# City of Capitola

## Planning Commission Meeting Agenda

### Thursday, January 19, 2023 – 7:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Peter Wilk

**Commissioners:** Courtney Christiansen, Susan Westman, Paul Estey, Gerry Jensen

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*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, Susan Westman, Gerry Jensen, Paul Estey, Peter Wilk

#### 2. New Business

- A. Swearing-in of New Planning Commissioners
- B. Nomination and Election of Chair and Vice Chair

#### 3. Oral Communications

##### A. Additions and Deletions to the Agenda

##### B. Public Comments

*Please review the Notice of Remote Access for instructions. Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes. 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.*

##### C. Commission Comments

##### D. Staff Comments

#### 4. 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 members of the public or 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. 517 Oak Drive

**Permit Number: #22-0394**

**APN: 035-082-06**

Variance for the required parking dimensions to construct first-story additions without meeting current parking standards. The project is located in the R-1 (Single-Family Residential) zoning district.

The project is located in the Coastal Zone but does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption

## 5. 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. 4401 & 4525 Capitola Road**

**Permit Number: #22-0244**

**APN: 034-123-05 & 034-124-18**

Design Permit, Conditional Use Permit, Density Bonus, and Coastal Development Permit request for a 36-unit, 100% affordable housing project on an approximate 0.81-acre site on the northeast corner of Capitola Road and 44th Avenue. The project includes a mix of 1-bedroom, 2-bedroom and 3-bedroom apartment units, configured in two 3-story buildings. The project includes a density bonus request pursuant to California Government Code sections 65915 – 65918.

Environmental Determination: Categorical Exemption 15332 - In-fill Development

Applicant: CRP Affordable Housing & Community California, LLC

### **B. Introduction to Housing Element Update**

**Permit Number: #23-0019**

**APN: Citywide**

Environmental Determination: Categorical Exemption 15332 - In-fill Development

Applicant: CRP Affordable Housing & Community California, LLC

## 6. Director's Report

## 7. Commission Communications

## 8. Adjournment

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## Notice of In-Person & Remote Access

**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/channel/UCJqSsB5qgoS7CcD8lq9Yw1g/videos>

### **To Join Zoom Application or Call in to Zoom:**

- Meeting link:  
<https://us02web.zoom.us/j/84769092900?pwd=anpVWVlQamFzT3BGUm54QStJWtdwQT09>
- Or dial one of these phone numbers: **1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799**

- Meeting ID: **847 6909 2900**
- Meeting Passcode: **379704**

**To make a remote public comment:**

- Via Zoom Application: Use participant option to “raise hand”. The moderator will unmute you.
- Via Zoom phone call: Dial **\*9** on your phone to “raise hand”. The moderator will unmute you.

**Appeals:** The following decisions of the Planning Commission can be appealed to the City Council within ten (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 five hundred dollar (\$500) 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 7 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](http://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.

**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](http://www.cityofcapitola.org)

# Capitola Planning Commission Agenda Report

**Meeting:** January 19, 2023

**From:** Community Development Department

**Topic:** 517 Oak Drive



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**Permit Number: #22-0394**

**APN: 035-082-06**

Variance for the required parking dimensions to construct first-story additions without meeting current parking standards. The project is located in the R-1 (Single-Family Residential) zoning district.

The project is located in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Michael & Sara Moore

Representative: Michael & Sara Moore, Filed: 10.20.22

**Recommendation:** Continue the item to the February 2, 2023, Planning Commission meeting.

# Capitola Planning Commission

## Agenda Report

**Meeting:** January 19, 2023

**From:** Community Development Department

**Address:** 4401 & 4525 Capitola Road



**Permit Number: #22-0244**

**APN: 034-123-05 & 034-124-18**

Design Permit, Conditional Use Permit, Density Bonus, and Coastal Development Permit request for a 36-unit, 100% affordable housing project on an approximate 0.81-acre site on the northeast corner of Capitola Road and 44<sup>th</sup> Avenue. The project includes a mix of 1-bedroom, 2-bedroom and 3-bedroom apartment units, configured in two 3-story buildings. The project includes a density bonus request pursuant to California Government Code sections 65915 – 65918.

Environmental Determination: Categorical Exemption 15332 - In-fill Development

Applicant: CRP Affordable Housing & Community California, LLC

### Applicant Proposal

The project consists of a Design Permit, Conditional Use Permit, Coastal Development Permit, and a Density Bonus request for construction of a 36-unit, affordable housing project on an approximate 0.81-acre site on the northeast corner of Capitola Road and 44<sup>th</sup> Avenue in the city of Capitola. Four existing office buildings, totaling approximately 3,700 square feet would be demolished to accommodate the project. The project consists of a mix of 1-bedroom, 2-bedroom and 3-bedroom apartment units, configured in two, 3-story buildings, totaling 32,475 square feet. The project will be a 100% affordable rental housing project. The breakdown of unit type and affordability category is in the table below.

### Affordability Unit Mix/Income Levels

<u>Unit Size:</u>	<u>%AMI</u>	<u>Units</u>	<u>Gross Rents</u>	<u>Utility Allowance</u>	<u>Monthly Net Rent</u>	<u>Income Limits</u>	<u>Income Level</u>
1BR/1BA	80%	10	\$2,333	\$81	\$2,252	\$93,320	Low-Income
1BR/1BA	30%	5	\$874	\$81	\$793	\$34,995	Extremely Low-Income
2BR/1BA	30%	9	\$1,050	\$112	\$938	\$42,000	Extremely Low-Income
3BR/2BA	30%	11	\$1,213	\$144	\$1,069	\$48,525	Extremely Low-Income
3BR/2BA	MGR*	1	\$0	\$0	\$0	\$0	N/A

**Total Units**

**36**

The project will also provide approximately 1,270 square feet of support uses, including a community room, a laundry room, a lobby, a mail room and a manager's office. The project includes a landscaped exterior plaza with a dedicated children's play area and 36 parking spaces within a surface parking lot.

The applicant requests a Density Bonus pursuant to California Government Code sections 65915 – 65918. Under Density Bonus Law, the applicant is utilizing concessions and waivers related to parking, setbacks, and daylight plane, increase in allowable compact parking space ratio, relief from objective design standards regarding building entrance orientation and massing, and increase in building height (from 27 to 36 feet). (Attachment 1 - Project Plans).

Concessions and waivers override local development standards and are required by State law in order to remove barriers to affordable housing production. The City’s regulatory role for Density Bonus projects is therefore focused on determining Density Bonus eligibility, overall functionality, and basic accommodation of safety standards rather than across-the-board compliance with local development standards. Eligible projects can request accommodation in the form of concessions and waivers to allow project feasibility without the necessity of variances or code amendments. Further, eligible projects are allowed these benefits by-right.

An incentive or concession can be defined as “a reduction in site development standards or a modification of zoning code or architectural design requirements, such as a reduction in setback or minimum square footage requirements; or approval of mixed use zoning; or other regulatory incentives or concessions which actually result in identifiable and actual cost reductions.” (Gov. Code § 65915, subd. (k)(1).) Incentives are presumed to result in cost reductions. In order to overcome this presumption, a city must make a showing of substantial evidence to the contrary. A developer is not required to demonstrate on the front end that any requested incentive will result in actual cost reductions. Projects that are 100% affordable qualify for four waivers.

A waiver or reduction of development standards is also required for any other development standard that would physically prevent the project from being built at the permitted density and with the granted concessions/incentive. There is no limit to the amount of waivers a project can have. Special parking requirements are technically considered an additional form of assistance in addition to incentives/concessions.

Project Description

The 0.81 acre project site is located at the northeast corner of 44<sup>th</sup> Avenue and Capitola Road in the MU-N (Mixed Use Neighborhood) Zoning District. The site is sparsely developed with four existing two-story, office buildings and surface parking. Surrounding land uses and structures include a mix of multi-family developments, a church, and professional offices. The project site includes two parcels of land. If approved, the parcels would be required to be merged (condition 34).

The proposed three-story buildings are laid out in an L-shape on the property with the longest building façade facing Capitola Avenue. Vehicular access to the property is split into two parking lots, one accessing Capitola Avenue and the other accessing 44<sup>th</sup> Avenue.

The proposal includes a mix of one, two, and three bedrooms units. All ground floor units will be accessible units to remove the cost of elevator installation.

The project features amenity spaces accessible from the ground floor that include: a community kitchen, administrative office, mail room, and central laundry. Exterior amenities include: a landscaped plaza, children’s play area, and short and long term bike parking/storage areas.

The applicant has proposed sustainability features including low water use landscaping, solar arrays on the roof, on-site storm water bio retention areas, EV charging and EV-ready parking spaces.

The architectural style is described as coastal contemporary with pitched gable roofs, articulated facades and patios/balconies. The use of two buildings and the single story community building between the residential buildings reduces the visual mass when viewed from Capitola Avenue.

**Background**

The existing professional office building development was approved by the Planning Commission in 1984 and was built in 1985. The development included four office building with lofts. No major changes to the property have occurred since the original construction.

On June 29, 2022, the Planning Department received the subject application.

### Development and Design Review

On December 14, 2022, Development and Design Review staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: Commented that the storm drainage plan check was completed and accepted a revised sidewalk design at the driveway along 44<sup>th</sup> Avenue.

Building Official, Robin Woodman: Asked the architect if the buildings were required to have elevators and noted that the trash enclosure floor drain would be required to connect to the sanitary sewer.

Senior Planner, Brian Froelich: Commented that the parking lot accessed from Capitola Road had a “No Parking” area that would serve as a turnaround for passenger vehicles and noted minor corrections needed on plan sheet G1.0.

Following the meeting, the applicant updated the plans and confirmed that elevators were not required for the project.

### Development Standards

The following table outlines the zoning code requirements for development in the Mixed Use Neighborhood (MU-N) Zoning District. The proposed project complies with the standards of the MU-N zone or requests concessions/waivers under Density Bonus law as noted below.

	MU-N	Proposed	Compliance
<b>Site Requirements</b>			
Floor Area Ratio, Maximum	1.0 35,588 sf	0.91 32,475 sf	Yes
Parking	2.5 per unit, 1 covered 90 total Max. 30% compact 2 EV	36 uncovered - 42% compact 2 EV 13 EV ready	With concession for number of spaces. With concession for ratio of compact spaces.
<b>Structure Requirements</b>			
<b>Setbacks</b>			
Front (44 <sup>th</sup> Ave.)	0-15 ft.	9 ft. 6 in.	Yes
Rear	20% of lot depth 60 ft.	73 ft.	Yes
Interior Side	10% of lot width 11 ft. 10 in.	5 ft.	With concession.
Street Side	Min: 0 ft. Max: 15 ft.	15 ft.	Yes
Height, Maximum	27 ft.	36 ft.	With waiver.



Residential Transition Standards – Daylight Plane	No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback (11 ft. 10 in.) from the residential property line and extending into the parcel at an angle of forty-five degrees.	Building B 3 <sup>rd</sup> floor encroaches into the daylight plane.	With waiver.
Landscaped Open Space	5%	22%	Yes

### Discussion

This report outlines the project’s consistency with the zoning ordinance or applicable state law and further describes the proposed development; evaluates the project architecture, landscaping, trees, transportation; and provides a summary of the environmental review process that was completed for the project.

### State Density Bonus

The California Density Bonus Law (Government Code 65915-65918) was first enacted in 1979. Since 2019, the Legislature has aggressively amended and expanded the law with increased options and benefits for developers and reduced regulatory authority for local government. The subject property is in the MU-N zoning district and allows for multi-family uses with approval of a Conditional Use Permit. The MU-N zone regulates FAR (Floor Area Ratio), setbacks, and height but does not limit density directly. Therefore, the developer is not requesting consideration of additional density but other allowed benefits that are also included under Density Bonus Law. (Attachment 6 - Government Code 65915-65918)

The law previously allowed developers to request concessions and/or waivers from local government if the developer demonstrated that the associated costs were prohibitive to the project. Now the burden of proof is on local government to demonstrate that the requested concession or waiver, based on substantial evidence, does not result in actual cost reductions. This change raises the bar significantly by assuming requested concessions and waivers are necessary for project feasibility. Further, a local agency cannot deny requests for concessions unless the jurisdiction has fulfilled the current Regional Housing Needs Assessment (RHNA) numbers. At the close of 2021, Capitola had permitted 42 of the 143 allocated through RHNA and estimates up to a dozen more units were permitted in 2022; therefore, concessions may be requested.

### Concessions

With the provision of 100% affordable units, the project is eligible for concessions, which are considered a reduction in site development standards or a modification of zoning code requirements or architectural design requirements that result in identifiable and actual cost reductions for the project (Government Code § 65915). Below is a summary of the proposed concessions:

- Daylight plane - encroachment for Building B
- Side setback reduction - five feet where 11 feet 10 inches is required
- Parking Ratio - 1:1 parking space per unit where 1:2.5 is standard
- Percentage of compact parking – 42% where 30% is the standard

Pursuant to Government Code § 65915(d), the City is required to grant the requested concessions unless it makes a written finding based on substantial evidence that: 1) the concession does not result in identifiable and actual cost reductions to provide for the affordable housing; 2) the concession would create a specific adverse impact to health, safety, the physical environment or historic resources for which there is no feasible mitigation; or 3) the concession is contrary to federal or state law. A “specific, adverse

impact” means “a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.” (§ 65589.5(d)(2).) Conditions that would have a specific, adverse impact upon the public health and safety “arise infrequently.” In addition, Government Code section 65915, subdivision (r) states: “this chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.”

It is staff’s assessment that the requested concessions are appropriate and will result in identifiable and actual cost reductions consistent with the State Density Bonus Law and the City’s ministerial requirements with respect to those requests. The project is also conditioned to comply with the provisions for affordable housing under Government Code § 65915.

Waivers

In addition to the permitted number of concessions based on the project’s affordability mix, an applicant may also propose a waiver or reduction of any development standard that would have the effect of physically precluding the construction of the project at the densities or with the concessions permitted under state law. A proposal for a development standard waiver does not reduce the number of concessions to which the applicant is otherwise entitled. (Gov. Code, § 65915(e)(1).) A “development standard” is defined as “a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.” Below is a summary of the proposed waivers:

- Building height - 36 feet where 27 feet is standard
- Mitigation tree size – less than required 24 inch box
- Entry design facing street – entries do not face street
- Massing breaks – design does not providing eight foot recesses every 50 feet of building facade

Pursuant to Government Code § 65915(e), the City cannot apply any development standard to a project that will physically preclude construction of a development that includes the required percentage of affordable units at the eligible density bonus or with the permitted concessions. Therefore, the City must grant a proposal for a waiver or reduction of development standards unless the proposal would: 1) have a specific, adverse impact to health or safety for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact; 2) have an adverse impact on any real property that is listed in the California Register of Historical Resources; or 3) be contrary to federal or state law. It is staff’s assessment that the proposed waivers will not result in any of the above adverse impacts and are appropriate to ensure that construction of the project as proposed is not physically precluded.

Conditional Use Permit Considerations

Pursuant to Section 17.124.060 of the Capitola Municipal Code, when evaluating a CUP, the Planning Commission shall consider the following characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

Staff Analysis: Residential housing operates 24 hours per day. The project will have a manager’s unit and the site manager will operate in an office in the community building. This is primarily an internal facing function that will infrequently require visits from maintenance contractors, new tenants, and other similar property management meetings. Proposed exterior lighting complies with city standards and will be shielded to mitigate light cast onto neighboring properties. The project would not result in any significant effects relating to traffic, as further described in the traffic section below.

B. Availability of adequate public services and infrastructure.

Staff Analysis: Public services and infrastructure are available at the site. The property owner and/or City staff have been in contact with Soquel Creek Water District, County Sanitation, and Central Fire District to ensure adequate public services and infrastructure for the use. Prior to issuance of building permit, the applicant must provide will serve letters from the water district and sanitation (condition 20).

C. Potential impacts to the natural environment.

Staff Analysis: The proposed project is exempt under California Environmental Quality Act (CEQA) Section 15332, which is described in the CEQA section below.

D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

Staff Analysis: The project site is generally flat and is located centrally in the city with access to adequate roads, infrastructure and public transit. The two lots are required to be merged prior to issuance of a Building Permit and are collectively of sufficient size and shape to accommodate the proposed development.

#### Height and Residential Transitions Standards

Pursuant to Municipal Code Section 17.48.020.A, height is measured as the vertical distance from the assumed ground surface to the highest point of the building. The existing topography has a very slight upslope of two feet from south to north and can be described as flat. The proposed grading plan shows cut and fill to further level the site. Thus the building's height is perceived similarly from all sides. The applicant proposes a waiver to maximum height of 27 feet for the MU-N district to 36 feet, which accommodates three floors and an articulated roof design. Building A of the proposed design complies with the transitional standards as outlined below, but Building B is included in a request for a concession to the daylight plan standard.

The standard for Daylight Plane is as follows: No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees.

Staff Analysis: The applicant has requested use of a concession at the narrow end, north side of Building B to encroach within the daylight plane. Specifically, two bedrooms and one bathroom on the third floor project into the daylight plane area. All other buildings and portions of buildings comply with the daylight plane standard.

#### Parking

The proposed parking lots are located to the side and rear of the multi-family buildings, which is preferred per Section 17.20.040 E. The zoning ordinance requires two and a half parking spaces per multi-family unit, which would be 90 parking spaces for the proposed project. The applicant is proposing to utilize a concession to reduce parking standards to one vehicle parking space per unit (36 total). The applicant is also proposing a percentage of compact parking spaces of 42% where the standard is 30%. These constitute the most significant deviations requested from typical standards for the project. The Density Bonus Law (Government Code 65915 – 65918) discusses parking throughout in describing the use of concessions, waivers, and impact to project feasibility. The Legislature has targeted first density, and now parking and height, as development standards that are often barriers to production of affordable housing and has incorporated specific tools for developers. The applicant understands the importance of providing parking and making the project both feasible, functional for tenants, and acceptable to the community. They have accordingly provided EV ready parking and bike parking in excess of standards. The requested concession for reduction in the parking ratio for the project will allow for the construction of the proposed

affordable units and would result in a building design and construction efficiencies that could otherwise not be accommodated; it enables the developer to maximize the use of the lot for residential development and to construct the proposed project with the proposed number of affordable housing units, without which the development would be physically precluded [Government Code 65915 (p)(6)].

### Design Review and Objective Standards

The proposed architectural design is “Coastal Contemporary”, with materials consisting of stucco, lap siding, white vinyl windows, wood and perforated metal trim elements, and composite shingle roof. The community building has antique bronze storefront finish with a mono plane roof line. The residential buildings incorporate a façade roofline with gable ends and sloping elements. The center area of the roof is flat and will house mechanical equipment and PV panels.

Multifamily residential projects necessitate review of the design by a city-contracted design professional and issuance of a design permit by the Planning Commission. RRM Design was contracted by city staff to complete the third-party review of the project for an overall architectural evaluation and review of the city’s Objective Standards for Multifamily Residential in Chapter 17.82. RRM reviewed the design twice. The applicant addressed most of the comments from the first round of review. RRM’s final review memo is attachment 4. The only comments that the applicant could not address is summarized below:

- Consider opportunities to relocate primary unit entries to face the street and/or other building entries in order to enhance the street character (OS 17.82.060C.1).

The applicant is using a Density Bonus waiver for this comment noting that the ground floor units are accessible to avoid the cost of elevators for the project. Accessible entries that faced the street would require accessible walkways that are also incompatible with the designed storm drain retention areas.

### Signs

The application does not include signs. A separate application for a Master Sign Permit may be submitted by the applicant for Planning Commission review. Total signage is limited to 20 square feet.

### Landscaping

Under CMC 17.72.050, parcels within the MU-N zoning district must have a minimum of five percent landscape area (1,779 square feet). The proposed overall site plan includes 7,837 square feet of landscaped area, so complies with the landscaped area requirement. The landscape irrigation system is required to be on a separate dedicated water meter (Section 17.72.050 B2)

The applicant demonstrated compliance with the Soquel Creek Water District’s Maximum Allowable Water Use as required by Section 17.72.060 B1 (plan sheet L-3.0).

The new parking lots add 36 new parking spaces and are required to be 15% landscaped with one shade tree per every five parking spaces. The applicant is proposing 15 trees in proximity to the parking lots to meet this requirement. The proposed parking lot areas are 11,850 square feet. The applicant is proposing trees in the new parking lot area that will provide 3,360 square feet (28%) of canopy at maturity, exceeding the requirement.

### Trees

The site contains 26 existing trees and the applicant is proposing removal of 23. The existing trees range in size from four to 14 inches diameter at breast height (DBH) with the exception of one 36 inch white ash tree.

The trees proposed for removal are in locations critical to the project feasibility (circulation, buildings and drainage) and are not particularly unique specimens other than the 36 inch white ash. Mitigation planting

is typically a 2:1 ratio of 24" box trees. The applicant has requested a waiver to the typical mitigation and instead proposes a landscape plan that includes 26 total replacement trees and will provide 44% canopy coverage at maturity, which far exceeds the city's goal of 15% canopy for each parcel. The applicant notes that committing to the cost of larger trees at installation could make the project less feasible.

### Storm Drainage

By size the project would typically be categorized as a Tier 4 project, per the City's Stormwater Technical Guide. Tier 4 development projects include new/replaced impervious area between greater than 22,500 square feet. However, the project site is connected to an underground storm drain that discharges directly to marine nearshore waters, which recategorizes the design as a Tier 3 project. Tier 3 projects must design for the following:

- Treat runoff onsite with an appropriately sized retention system.
- Prevent any offsite discharge for 95<sup>th</sup> percentile rainfall events.
- Low Impact Design, which directs runoff from impervious surface to bio retention and landscape areas.

The project was plan checked by consultant, HydroScience Engineers Inc. to ensure compliance with Tier 3 requirements:

- Seven bioretention basins that captures all new impervious surface drainage and 50% of the replaced impervious surface.
- The total volume of bioretention can accommodate a storm event that delivers 2.1 inches of rain.

HydroScience Inc. concluded that the design meets Tiers 3 standards and provided recommended conditions of approval.

### Traffic Analysis

The project would not result in any significant effects relating to traffic. The project is a 100% affordable housing project, which is screened out (exempt) from traffic-vehicle miles traveled (VMT) review. The City's adopted VMT threshold and accompanying guidelines follow CEQA Guidelines Section 15063(c)(3)(C) and the Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, which allows for development of "screening criteria" that can be used to identify projects that are not expected to cause a significant impact on transportation without conducting a detailed VMT analysis. Affordable residential development is screened out; the OPR Technical Advisory provides data to support the conclusion that adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Accordingly, Capitola's screening criteria provides that projects that are a 100% affordable residential development or the residential component of a mixed-use development, in infill locations shall be assumed to have a less than significant impact on transportation for CEQA purposes. The project is both a 100% affordable residential project and located in an infill location.

Notwithstanding the exempt status of affordable housing projects regarding VMT, the city commissioned a project-specific traffic analysis by Dudek (attachment #3). The project was evaluated in accordance with the standards of the City of Capitola's General Plan. The traffic analysis is based on the older methodology of evaluation, Level of Service (LOS). CEQA no longer focuses on LOS-based analyses because such analyses tend to result in mitigation measures calling for new or expanded roadways, which leads to more VMT and Greenhouse Gas (GHG) emissions. Staff commissioned the analysis for this project not for CEQA purposes, but as a way to understand the proportionality of impacts at the most impacted intersection.

The results of the traffic analysis concluded that the LOS related impacts of the proposed project would be less than significant. The project creates a net of seven vehicle trips during the AM peak and a net of 8 trips during the PM peak period compared to the existing offices. Dudek also concluded that the greatest impact to wait times at the intersection of 45<sup>th</sup> Avenue and Capitola Road would be a maximum increase of 1.8 seconds during the PM peak period.

### Sustainability Features

The applicant proposes to incorporate the following sustainability features into the project:

- Two EV chargers
- 13 EV-ready parking spaces
- Solar Panels
- Low water use landscaping
- Storm water retention system

### **CEQA**

Section 15332 of the CEQA Guidelines exempts infill development projects that meet certain criteria.

The city contracted with environmental consultant Dudek to prepare a detailed environmental analysis under CEQA for the proposed project (attachment #5). Aside from the concessions and waivers allowed via Density Bonus Law, the project is consistent with both the general plan and zoning ordinance. The site is within city limits and is surrounded by developed sites and urban uses. No known habitat or rare or threatened species have been identified on the subject site. Potential for traffic, noise, air quality, water quality, and cultural resources impacts were all evaluated and will be effectively mitigated by following current City codes and the recommended project conditions of approval. The site is well served by available public utilities and services.

Therefore, the City has documented that the project qualifies for the Categorical Exemption found in CEQA Guidelines section 15332, the infill exemption, and that none of the potential exceptions to the use of a categorical exemption apply to this project or the project site.

### **Recommendation**

Staff recommends that the Planning Commission take the following actions:

1. Find that the Project is exempt from the California Environmental Quality Act (CEQA) pursuant to State CEQA Guidelines Section 15332 (In-Fill Development);
2. Approve the Conditional Use Permit pursuant to the findings and analysis included in this Staff Report and subject to the included Conditions of Approval;
3. Approve the Density Bonus request for concessions and waivers under State Density Bonus Law based on the findings and analysis included in this Staff Report and subject to the included Conditions of Approval;
4. Approve the Design Permit including the proposed water feature, pursuant to the findings and analysis included in this Staff Report and subject to the included Conditions of Approval;

And;

5. Approve the Coastal Development Permit pursuant to the findings and analysis included in this Staff Report and subject to the included Conditions of Approval

## Public Noticing

The meeting agenda and Planning Commission report were posted on the city website and the project was announced in the Santa Cruz Sentinel. All property owners and tenants within a 300 foot radius and other interested stakeholders were notified of this meeting.

## Recommended Conditions of Approval

### General Conditions

1. The project approval consists of a Conditional Use Permit, Design Permit, State Density Bonus and Coastal Development Permit for the construction of a multifamily at 4401 and 4525 Capitola Road. The application #22-0244 was approved by Planning Commission on January 23, 2023.
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. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet or G sheets of the construction plans.
4. During construction, any construction activity shall be subject to a construction 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.
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 obtained an approved building permit commenced construction before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
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. The project applicant shall designate a "disturbance coordinator" who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. A name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.
9. Green Waste is the City's exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.

### Conditional Use Permit Conditions

10. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
11. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view and inside the trash enclosure on non-collection days.
12. Bicycle parking is required to be accommodated with 14 short term bike parking spaces and 36 long term bike parking spaces. The design and specifications of the bike parking spaces shall be further detailed in the plans for Building Permit plan check.
13. Amplified sound is limited to interior areas only.

### Planning Department Conditions

14. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
15. Prior to issuance of building permit, all Planning fees associated with permit #22-0244 shall be paid in full.
16. Air-conditioning equipment or other roof top equipment shall be screened from view and fall within allowable city permitted decibel levels. Additional detail showing equipment heights and any mechanical screens shall be shown on the building permit plans.
17. The trash enclosure shall be covered, gated, and maintained to provide a clean and sanitary area. The trash enclosure construction shall be completed, prior to final inspection.
18. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. All building and parking lot lighting shall be shielded to prevent light from shining in the neighboring properties and be Dark Sky compliant. The applicant shall provide a lighting plan and photometric plan with the submittal of plans for building permit plan check.
19. No rooftop equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with the building permit submittal.
20. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District and Central Fire Protection District.
21. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Capitola, its agents, officers, and employees from any claim, action, or proceeding against the City of Capitola or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the Applicant's or permittee's defense of said claims, actions or proceedings.



22. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property and any new utility lines will be underground to the nearest utility pole.
23. Prior to occupancy, the Landscape Architect shall certify in writing that the landscaping and irrigation has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Community Development Director.
24. If prehistoric or historic-period cultural materials are unearthed during ground-disturbing activities, it is recommended that all work within 100' of the find be halted until a qualified archaeologist and Native American representative can assess the significance of the find. Prehistoric materials might include obsidian and chert-flaked stone tools (e.g., projectile points, knives, scrapers) or tool-making debris; culturally darkened soil ("midden") containing heat-affected rocks and artifacts; stone milling equipment (e.g., mortars, pestles, handstones, or milling slabs); and battered-stone tools, such as hammerstones and pitted stones. Historic-period materials might include stone, concrete, or adobe footings and walls; filled wells or privies; and deposits of metal, glass, and/or ceramic refuse. If the find is determined to be potentially significant, the archaeologist, in consultation with the Native American representative, will develop a treatment plan that could include site avoidance, capping, or data recovery.
25. In the event of the discovery of human remains during construction or demolition, there shall be no further excavation or disturbance of the site within a 50' radius of the location of such discovery, or any nearby area reasonably suspected to overlie adjacent remains. The Santa Cruz County Coroner shall be notified and shall make a determination as to whether the remains are Native American. If the Coroner determines that the remains are not subject to his/her authority, he/she shall notify the Native American Heritage Commission, which shall attempt to identify descendants of the deceased Native American. If no satisfactory agreement can be reached as to the disposition of the remains pursuant to this State law, then the landowner shall reinter the human remains, and items associated with Native American burials on the property in a location not subject to further subsurface disturbance. A final report shall be submitted to the City's Community Development Director prior to release of a Certificate of Occupancy. This report shall contain a description of the mitigation programs and its results, including a description of the monitoring and testing resources analysis methodology and conclusions, and a description of the disposition/curation of the resources. The report shall verify completion of the mitigation program to the satisfaction of the City's Community Development Director.
26. In the event that a fossil is discovered during construction of the project, excavations within 50' of the find shall be temporarily halted or delayed until the discovery is examined by a qualified paleontologist, in accordance with Society of Vertebrate Paleontology standards. The City shall include a standard inadvertent discovery clause in every construction contract to inform contractors of this requirement. If the find is determined to be significant and if avoidance is not feasible, the paleontologist shall design and carry out a data recovery plan consistent with the Society of Vertebrate Paleontology standards.
27. To the extent practicable, tree removal shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If tree removal cannot be performed during this period, precutting surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests—with particular emphasis on nests of migratory birds—if tree cutting will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate city staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100'

for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for three days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

28. No signs are approved as part of this application. A Sign Permit application shall be submitted in compliance with Chapter 17.80 of the zoning ordinance and shall include all signage proposed for the project site.
29. Inspections by the Planning Department are required for the foundation, final framing, prefinal after application of exterior materials, and final inspection.
30. Separate containers for recyclables, organics, and waste shall be placed in all common areas, including all gathering areas, such as eating areas and community room.
31. A separate water service and water meter for irrigation will be required.
32. The applicant shall provide two electric vehicle charging stations with the plans for building permit plan check.
33. The property at 4401 & 4252 Capitola Road shall be deed restricted to provide continued affordability of 100% low-income affordable housing rental units in the approved ratio and affordability categorized for a period of no less than 55 years. Low-income household cannot exceed 80% of the median family income level for Santa Cruz County as published by California Department of Housing and Community Development. The owner shall enter into an agreement with the City so as to assure compliance with the provisions of the State Density Bonus affordable housing requirement for all units on site to be deed restricted as a low-income rental as defined in Section 50053 of the Health and Safety Code. The deed restriction shall be in a form suitable for recordation as authorized by the Community Development Director and City Attorney.
34. Prior to issuance of building permits, parcels 034-123-05 & 034-124-18 shall be merged and all final documentation recorded with Santa Cruz County. The applicant shall, at their sole cost, diligently prepare plat maps, legal descriptions, grant deeds, and any other necessary documentation to execute the lot merger.

#### Public Works Department Conditions

35. Prior to filing an application for a building permit the applicant shall prepare and submit a plat map showing the original parcels (APN: 034-123-05 and APN: 034-124-18) and the parcel being combined by the lot merger with pertinent supporting data. Said map shall be filed with the Public Works Department with the appropriate review fees for review by the City Surveyor. Said plat map shall be prepared by a licensed land surveyor who shall be responsible for responding to comments until the map is acceptable to the Public Works Department. The final accepted map shall be recorded with the Santa Cruz County Recorder.
36. Prior to the issuance of the building permit the applicant shall submit plans detailing all improvements or modifications that impact or interface with the public right of way. At a minimum these details will include the limits of any existing or proposed curb drains, ADA compliant driveway approach, or any other modification to the curb/gutter/sidewalk. The extent of all improvements or modifications shall be limited to those areas fronting the property boundaries (44<sup>th</sup> Avenue and Capitola Road) and shall not impact the frontage of any adjacent parcels.
37. 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.

38. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. The sidewalk along the Capitola Road frontage shall entirely be replaced eliminating all identified ADA barriers: cross slopes exceed 2%, lips greater than ¼ - ½ inch between sections, curb ramp cross/running/landing slopes, lack of minimum clearance at utility poles and signs. The driveway approach on 44<sup>th</sup> Avenue – north wing running slope shall be limited to those areas fronting the property boundary and shall not impact the frontage of any adjacent parcels.
39. Prior to issuance of a building permit the applicant shall incorporate the following design recommendations per the November 17, 2022, Dudek Traffic Analysis:
  - a. The relocated continental crosswalk on the west leg of the intersection shall be placed at a 90-degree angle with the roadway. The existing raised median on Capitola Road shall be modified to integrate the crosswalk. The crosswalk shall be designed per City and ADA standards.
  - b. A hammer head turnaround shall be placed at the north end of the east parking lot so that vehicles can turn around on site instead of backing into the intersection.
40. Prior to issuance of building permits, the Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans.
41. Prior to issuance of building permits, the applicant shall submit a stormwater temporary construction sediment and erosion control plan, (BMPs) e.g., wattle location, storm drain protection, construction entrance, washout areas, contain trash/debris, stockpile protection and details, location of portable toilet and containment/protection, etc. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction; and shall be maintained throughout project duration.
42. Prior to any land disturbance, applicant shall notify the Public Works Department 24 hours in advance for a pre-site inspection to be conducted by the grading official to verify initial compliance with the approved stormwater temporary construction erosion and sediment control plan. All temporary sediment and erosion control best management practices (BMPs) shall be maintained throughout the project duration.
43. No material or equipment storage may be placed in the road right-of-way.
44. Keep work site clear of debris & be aware of tracking mud, dirt, gravel into the street, and sweep daily, cover all stockpiles and excavation spoils. Practice good housekeeping BMPs.
45. Prior to issuance of building permits, the applicant shall submit a Stormwater Control Plan, Bioretention Construction Checklist, and detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer as submitted on November 30, 2022, and conditionally approved by HydroScience Engineers on December 9, 2022, in accordance with the current Post Construction Requirements (PCRs) for a Tier 2 project for review and approval by the Public Works Director.
46. The Engineer of Record shall inspect and provide record drawings of construction of stormwater management improvements and certify to the City that the construction meets the intent of the approved design drawings, Stormwater Control Plan, and City Post Construction Requirements.
47. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review, approval and recorded in the Office of the County Recorder by the Public Works Director.

48. Prior to final occupancy approval the applicant shall enter into and record in the Office of the County Recorder, any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of the stormwater treatment BMPs.
49. The drain within the dumpster enclosure shall be connected to the sanitary sewer with the review and approval of Santa Cruz County Sanitation.

### Conditional Use Permit Findings

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

Multifamily housing is a conditional use in the MU-N zone. The design and use incorporate mitigations and conditions to result in a reduced impact. The project complies with state law or local codes, as required, and provides needed affordable units in Capitola.

**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.**

The proposed use, as conditioned, is consistent with local long range and implementation planning documents.

**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.**

The project will have a minimal effect on trip generation and improve the jobs to housing ratio in the region, which according the OPR, will have a net beneficial effect on traffic and greenhouse gas emissions.

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

The proposed project will not have an impact to public, health, safety, and welfare. The building provides required affordable housing and RHNA units, will be fire sprinkled, and will be served by all necessary public utilities.

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

The proposed use is appropriately located and generally mitigated from impacts to adjacent residential uses. The project is within a 0.75 miles to SR1 and within 200 feet of bus route 55. The property will be served by all utilities.

### Design Permit Findings

**A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development staff, the Development and Design Review Committee, consultant RRM and the Planning Commission have all reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The project meets the Design Review Criteria.

**B. The proposed project complies with all applicable provisions of the zoning code and municipal code.**

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 32,475 square foot multi-family development complies with all development standards of the MU-N zoning district and/or applicable state law.

**C. The proposed project has been reviewed in compliance with the California Environmental**

**Quality Act (CEQA).**

Section 15332 of the CEQA Guidelines exempts infill development projects that meet certain criteria. The city contracted with environmental consultant Dudek to prepare a detailed environmental analysis under CEQA for the proposed project (attachment 2). The project is consistent with the general plan, zoning ordinance or applicable state law. The site is within city limits and is surrounded by developed sites and urban uses. No known habitat or rare or threatened species have been identified on the subject site. Potential for traffic, noise, air quality and water quality were all evaluated and will be effectively mitigated by following current city codes and the recommended project conditions of approval. The site is well served by available public utilities and services.

**D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.**

The proposed multifamily development will not have an impact to public, health, safety, and welfare. The building will be fire sprinkled and will be served by all necessary public utilities.

**E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**

Community Development Staff, the Design and Development Review Committee, design consultant RRM and the Planning Commission have all reviewed the project. The proposed 32,475 square foot multifamily development and supporting improvements comply with the applicable design review criteria and as described by RRM.

**F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.**

The project site is in a mixed use zone with professional office, single family and multi family uses in nearby proximity. The design complies with local standards with the exception of state permitted concessions and waivers. The proposed use does not introduce any new or unusual impacts.

**Coastal Findings**

1. **The project is consistent with the LCP land use plan, and the LCP implementation program.**  
The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
2. **The project maintains or enhances public views.**  
The proposed project has no permanent impact on view or coastal access.
3. **The project maintains or enhances vegetation, natural habitats and natural resources.**  
The proposed project has no impact on coastal vegetation, habitats, or resources.
4. **The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**  
The project has no impact on recreation access or cost.
5. **The project maintains or enhances opportunities for visitors.**  
The project has no impact on visitors and opportunity.
6. **The project maintains or enhances coastal resources.**  
The proposed multifamily project has no negative impact on coastal resources.
7. **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 multifamily project allows Capitola to produce needed affordable housing units in an area that is zoned for this type of use. The project is consistent with the LCP.

8. **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 will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. The project allows the city to produce affordable housing and deliver required RHNA units to the region.

Report prepared by: Brian Froelich

**Attachments:**

1. Project Plans – November 30, 2022
2. CEQA Draft NOE prepared by Dudek – November 14, 2022
3. Transportation Study prepared by Dudek – November 17, 2022
4. RRM Final Design Review Memo – November 18, 2022
5. Applicant's Attorney Memo re: Density Bonus – October 21, 2022
6. California Density Bonus Law (Government Code 65915-65918)
7. Design Review Criteria

# THE BLUFFS AT 44TH

4401 CAPITOLA ROAD, CAPITOLA, CA 95010

PLANNING RESUBMITTAL SET

11/30/2022





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THE BLUFFS AT 44TH  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
CRP AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT  
4495 MORENA BLVD, SUITE 109, SAN DIEGO, CA 92117

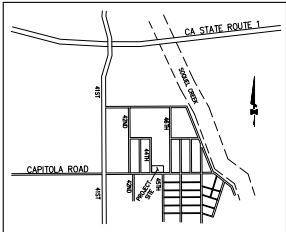
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PROJECT INFORMATION

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

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VICINITY MAP



PROJECT SUMMARY

THE BLUFFS AT 44TH, LOCATED ON A 0.82-ACRE SITE ON THE NORTH-EAST CORNER OF CAPITOLA ROAD AND 44TH AVENUE IN CAPITOLA, CA WILL FEATURE 36 UNITS OF AFFORDABLE FAMILY HOUSING IN TWO SEPARATE 3-STORY BUILDINGS ON A BEAUTIFULLY LANDSCAPED SITE. THE UNITS ARE A MIX OF 1-BEDROOM, 2-BEDROOM AND 3-BEDROOM APARTMENTS, AND ARE CONFIGURED IN TWO 3-STORY NON-ELEVATOR BUILDINGS. ALL UNITS ARE TO BE FOR RENT ONLY AND AFFORDABLE UNITS AS DEFINED BY CALIFORNIA GOVERNMENT CODE SECTIONS 65915-65918. AFFORDABILITY LEVELS WILL BE AT THE INCOME LEVELS SHOWN BELOW:  
10 UNITS AT "LOW-INCOME"  
25 UNITS AT "EXTREMELY LOW-INCOME"  
1 MANAGER UNIT

ALL GROUND FLOOR UNITS WILL BE ACCESSIBLE OR ADAPTABLE FOR PERSONS WITH DISABILITIES AND THE UPPER TWO FLOORS ARE SERVED BY THREE OPEN STAIRS. THERE IS ON-GRADE PARKING FOR 36 CARS LOCATED IN WEST AND EAST PARKING LOTS WITH ACCESS DRIVES FROM BOTH 44TH AVENUE AND CAPITOLA ROAD. THE BUILDINGS SERVE TO FRAME A PROTECTED CENTRAL OPEN SPACE AND COMMUNITY SOCIAL "CORE". THE PROJECT FEATURES RESIDENTIAL AMENITY SPACE ON THE FULLY-ACCESSIBLE GROUND LEVEL INCLUDING A COMMUNITY CENTER WITH KITCHEN, ADMINISTRATIVE OFFICES, RESIDENTIAL SERVICES, MAIL ROOM AND CENTRAL LAUNDRY ROOM. THERE IS A LANDSCAPED EXTERIOR PLAZA WITH ADJACENT DEDICATED CHILDREN'S PLAY AREA. THE SITE WILL EMPLOY SUSTAINABLE GREEN FEATURES INCLUDING DRIP IRRIGATION, LOW-WATER-USE LANDSCAPING, ON-SITE STORM-WATER BIOSWALES, AND SHADE TREES AT PARKING AND DRIVES. THE BUILDINGS WILL BE ENERGY-EFFICIENT AND GREEN-HOUSE-GAS-REDUCING ALL-ELECTRIC DESIGN WITH ENERGY STAR APPLIANCES, LED LIGHTING AND GENEROUS ROOF AREA AVAILABLE FOR SOLAR PHOTO-VOLTAIC PANELS. THE ARCHITECTURAL STYLE REFLECTS A TRADITIONAL RESIDENTIAL CHARACTER WITH PITCHED GABLE ROOFS AND WELL-ARTICULATED PATIOS AND BALCONIES TO ACTIVATE THE MAIN CAPITOLA ROAD ELEVATION. THE ATTACHED COMMUNITY BUILDING MODULATES DOWN TO A SINGLE-STORY MASSING ALONG THE PROJECT FRONTAGE TO CREATE A WELCOMING, ACTIVE PRESENCE ON THE STREET. THE PROJECT SEEKS TO PROVIDE MUCH-NEEDED AFFORDABLE FAMILY HOUSING LOCATED NEAR TRANSIT AND TO FIT RESPECTFULLY INTO AN ESTABLISHED RESIDENTIAL / COMMERCIAL NEIGHBORHOOD IN CAPITOLA.

SITE ZONE SUMMARY

PROJECT ADDRESS: 4401 CAPITOLA RD, CAPITOLA, CA 95010  
034-124-021  
APN: R2  
OCCUPANCY: TYPE V-A  
CONSTRUCTION TYPE: MIXED USE NEIGHBORHOOD (MU-N)  
PROPOSED ZONING: 0.82 AC / 35,600 SF  
SITE AREA: 32,475 SF  
TOTAL BUILDING AREA: 0.88  
PROPOSED FAR: 44 DU/AC  
PROPOSED DENSITY: 36  
UNIT COUNT: 36  
BUILDING HEIGHT: 36FT, 3-STORY  
PARKING COUNT: 36 (6 ACCESSIBLE STALLS)  
BIKE PARKING COUNT: 14 SHORT-TERM BIKE PARKINGS  
36 LONG-TERM BIKE PARKINGS

AFFORDABLE HOUSING INCENTIVES / WAIVERS

CONCESSIONS:  
• PARKING (2.5 SPACES PER UNIT), AND  
• DAYLIGHT PLANE TRANSITION, AND  
• THE ADA SIDEWALK EXTENDING BEYOND THE PROPERTY FRONTAGE.

WAIVERS:  
• REDUCED 11.8 FOOT SETBACK TO 5 FOOT AT NORTH PROPERTY LINE;  
• HEIGHT OF 36 FEET WHERE 27 IS THE MAXIMUM;  
• ROOF PITCH MINIMUM 5:12;  
• SIDEWALK SETBACK TO ALLOW 10 FOOT SIDEWALK;  
• MAX 30% COMPACT PARKING;  
• ALLOW REDUCTION OF MASSING RELIEF.

DENSITY & UNIT MIX

PROPOSED DENSITY:  
36 UNITS PROPOSED (44 DU/AC)

UNIT MIX				TYPE V RESIDENTIAL BUILDING A SUMMARY		TYPE V RESIDENTIAL BUILDING B SUMMARY		
NAME	COUNT	# OF BEDS	AVERAGE UNIT AREA	UNIT MIX	NAME	AREA	NAME	AREA
1A	15	1 BEDROOM	605	41.7%	RESIDENTIAL AREA	18,000	RESIDENTIAL AREA	10,100
2A	6	2 BEDROOM	765 / 825	16.7%	CORRIDORS / STAIR	1,560	CORRIDORS / STAIR	780
2B	3	2 BEDROOM	790	8.3%	ELECTRICAL ROOM AND OTHERS	215	ELECTRICAL ROOM AND OTHERS	110
3A	12	3 BEDROOM	975 / 1,050	33.3%	TOTAL	19,775	TOTAL	10,990
TOTAL	36		780	100%				

\* 100% OF UNITS TO BE VERY-LOW OR LOW INCOME AFFORDABLE UNITS  
UNIT MIX PER TCAC FAMILY PROJECT STANDARDS:  
25% MIN. 3 BEDROOM OR LARGER, PLUS  
25% MIN. 2 BEDROOM OR LARGER  
REQUIRED  
UNIT SIZE MIN. PER TCAC:  
1 BEDROOM 450 SF. MIN.  
2 BEDROOM 700 SF. MIN.  
3 BEDROOM 900 SF. MIN.

MANAGER'S UNIT PER TCAC:  
16 OR MORE, UP TO 160 AFFORDABLE AND MARKET RATE UNITS MUST HAVE 1 ON-SITE MANAGER'S UNIT  
1 MANAGER'S UNIT PROVIDED, AS A PART OF 36 UNITS OVERALL

MOBILITY UNIT REQUIREMENT PER TCAC:  
15% MIN. MOBILITY UNITS \* 36 UNITS = 6 UNITS MIN.  
10% MIN. COMMUNICATIONS UNITS \* 36 UNITS = 4 UNITS MIN.  
ALL OTHER UNITS TO BE ADAPTABLE UNITS

OTHER REQUIREMENTS PER TCAC:  
LAUNDRY ROOM:  
NO FEWER THAN ONE WASHER/DRYER PER 10 UNITS  
4 WASHER/DRYERS MIN. REQUIRED  
4 WASHER/DRYERS MIN. PROVIDED  
COMMON AREA:  
31-60 UNITS SHALL PROVIDE 1,000 SF MIN. COMMON AREA AMENITIES  
1,710 SF COMMON BUILDING - 100 SF LAUNDRY ROOM - 270 SF BIKE SHELTER  
= 1,340 SF COMMON AREA AMENITY PROVIDED

TYPE V COMMUNITY BUILDING SUMMARY	
NAME	AREA
COMMUNITY ROOM	575
RESIDENTIAL SERVICE / RECEPTION	110
MANAGER OFFICE	180
LOBBY	220
MAIL ROOM	75
REST ROOM	79
STORAGE	85
LAUNDRY ROOM	100
JAN	25
BIKE SHELTER	270
TOTAL	1,710

PARKING SUMMARY

PARKING REQUIREMENT PER AFFORDABLE HOUSING REGS. PARKING SHALL BE PROVIDED 1.5 SPACES PER UNIT USING A WAIVER TO REDUCE PARKING TO 1 SPACE PER UNIT. PARKING WILL BE MANAGED / ASSIGNED.

RESIDENTIAL ACCESSIBLE PARKING  
PER CBC 11B-208.2.3.1 & 208.2.3.2:  
WHERE AT LEAST ONE PARKING SPACE IS PROVIDED FOR EACH RESIDENTIAL UNIT, AT LEAST ONE ACCESSIBLE PARKING SPACE SHALL BE PROVIDED FOR EACH RESIDENTIAL UNIT WITH MOBILITY FEATURES.

36 UNITS X 15% MIN. MOBILITY UNIT REQUIRED PER TCAC = 5.4 OR 6 MOBILITY UNITS  
6 ACCESSIBLE STALLS REQUIRED

RESIDENTIAL EV PARKING  
PER CALGREEN 4.106.4.2.2 FOR NEW MULTIFAMILY DWELLINGS WITH MORE THAN 20 UNITS:  
10% OF THE TOTAL NUMBER OF PARKING SPACES SHOULD BE EV CAPABLE (FUTURE EV). 25% SHOULD BE EV READY ( FUTURE EV).  
5% SHOULD BE PROVIDED EV CHARGERS.  
36 RESIDENTIAL STALLS PROVIDED X 5% = 1.8 OR 2 EV CHARGERS REQUIRED

PROVIDED PARKING SCHEDULE		MIN. PARKING STALL SIZE: (PER CMC 17.76.060)	
DESCRIPTION	COUNT	STANDARD STALL:	9'-0" X 18'-0"
ACCESSIBLE STANDARD	9'X18'	ACCESSIBLE STALL:	9'-0" X 18'-0"
ACCESSIBLE VAN (INCLUDE 1 EV VAN)	9'X18'	COMPACT STALL:	8'-0" X 14'-0" (+2' OVERRUN)
EV STANDARD	9'X18'		
STANDARD (INCLUDE 13 FUTURE EV)	9'X18'	DRIVE AISLE SIZE:	2-WAY DRIVE AISLE WIDTH: 22'-0" (WEST PARKING)
COMPACT	8'X14' (+2' OVERRUN)		2-WAY DRIVE AISLE WIDTH: 24'-0" (EAST PARKING)
TOTAL	36		

BICYCLE PARKING SUMMARY

BICYCLE PARKING REQUIREMENT: (PER CMC 17.76.080)  
SHORT-TERM SPACES: 10% OF REQUIRED AUTOMOBILE SPACES; MINIMUM OF 4 SPACES.  
10% \* 36 UNITS = 4 SHORT-TERM SPACES REQUIRED  
LONG-TERM SPACES: 1 SPACES PER UNIT  
1 \* 36 UNITS = 36 LONG-TERM SPACES REQUIRED

BICYCLE PARKING PROVIDED:  
SHORT-TERM SPACES: 14 SHORT-TERM BIKE PARKING SPACES PROVIDED  
LONG-TERM SPACES: 36 LONG-TERM BIKE PARKING SPACES PROVIDED

ZONING COMPLIANCE SUMMARY

	REQUIRED	PROPOSED
DENSITY	N/A	44 DU/AC
FAR	0.8	0.8
HEIGHT (FT) & STORIES	27 FT PER ZONING	UP TO 36 FT / 3 STORIES
SETBACK		
FRONTAGE	MIN: 0 FT. FROM PROPERTY LINE OR 10 FT. FROM CURB, WHICHEVER IS GREATER. MAX: 25FT	8 FT
STREET SIDE	MIN: 0 FT. FROM PROPERTY LINE OR 10 FT. FROM CURB, WHICHEVER IS GREATER. MAX: 25FT	10 FT
SIDE	MIN: 10% OF LOT WIDTH (12 FT)	5 FT
LOT DIMENSIONS		
MINIMUM SIZE	3,200 SF	35,600 SF
MINIMUM WIDTH / DEPTH	40 FT / 80 FT	120 FT / 300 FT
LOT COVERAGE		N/A
OPEN SPACE	NO REQUIREMENT FOR OPEN SPACE MINIMUM	N/A
PERCENT LANDSCAPE COVERAGE	N/A	N/A
GROUND FLOOR TRANSPARENCY	N/A	N/A
FRONT SETBACK LANDSCAPE	N/A	N/A
PARKING	2.5 CARS PER UNIT ( 1 COVERED)	36 PARKING SPACES, 1 CAR PER UNIT
BICYCLE PARKING	SHORT-TERM SPACES: 10% OF REQUIRED AUTOMOBILE SPACES; MINIMUM OF 4 SPACES LONG-TERM SPACES: 1 PER UNIT	36 LONG-TERM BICYCLE PARKING 14 SHORT-TERM BICYCLE PARKING
EV PARKING MINIMUM	N/A	2 EV PARKING (INCLUDE 1 EV VAN) 13 FUTURE EV PARKING

TCAC COMPLIANCE SUMMARY

	REQUIRED	PROPOSED
BEDROOMS	25% TWO BEDROOMS OR LARGER 25% THREE BEDROOMS OR LARGER	25% TWO BEDROOMS OR LARGER 33.3% THREE BEDROOMS OR LARGER
UNIT SIZES	1 BEDROOM - 450 SF MIN 2 BEDROOM - 700 SF MIN 3 BEDROOM - 900 SF MIN	1 BEDROOM - 605 SF MIN 2 BEDROOM - 765 / 790 / 825 SF MIN 3 BEDROOM - 975 / 1,050 SF MIN
PLAY/RECREATIONAL FACILITIES	AREA FOR 2-12 YRS OUTDOOR 600 SF MIN. 13-17 YRS AVAILABILITY	930 SF PROVIDED
COMMON AREA	1,000 SF MIN.	1,340 SF
LAUNDRY FACILITIES	1 W/D PER 10 UNITS	4 W/D
DISHWASHERS	REQUIRED EXCEPT STUDIOS/SRO	PROVIDED IN ALL UNITS

PROJECT TEAM

DEVELOPER:  
CRP AFFORDABLE HOUSING AND COMMUNITY DEVELOPMENT  
4455 MORENA BLVD., SUITE 107  
SAN DIEGO, CA 92117  
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GBASCOM@CRPAFFORDABLE.COM

SURVEYOR / CIVIL  
BKF ENGINEERS  
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RLINDLEY@STUDIOT-SQ.COM

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CW FIRE CONSULTING, INC.  
19392 UNION SCHOOL RD.  
REDDING, CA 96003  
CONTACT: BRIAN WILLIAMS  
BRIAN@CWFIRECONSULTING.COM

LANDSCAPE:  
SSA LANDSCAPE ARCHITECTS  
303 POTRERO STREET, SUITE 40-C  
SANTA CRUZ, CA 95060  
CONTACT: CHRISTIAN HARRIS  
831.459.0455  
CHRISTIAN.HARRIS@SSA.LA.COM

DRY UTILITIES:  
TARRAR UTILITY CONSULTANTS, INC.  
813 FIRST STREET  
BRENTWOOD, CA 94513  
CONTACT: ANTHONY REYES  
925.240.2595  
ANTHONY@TARRAR.COM

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A1.1 BUILDING A - 1ST FLOOR PLAN	C4.0 STORMWATER CONTROL PLAN
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A5.0 UNIT PLANS	
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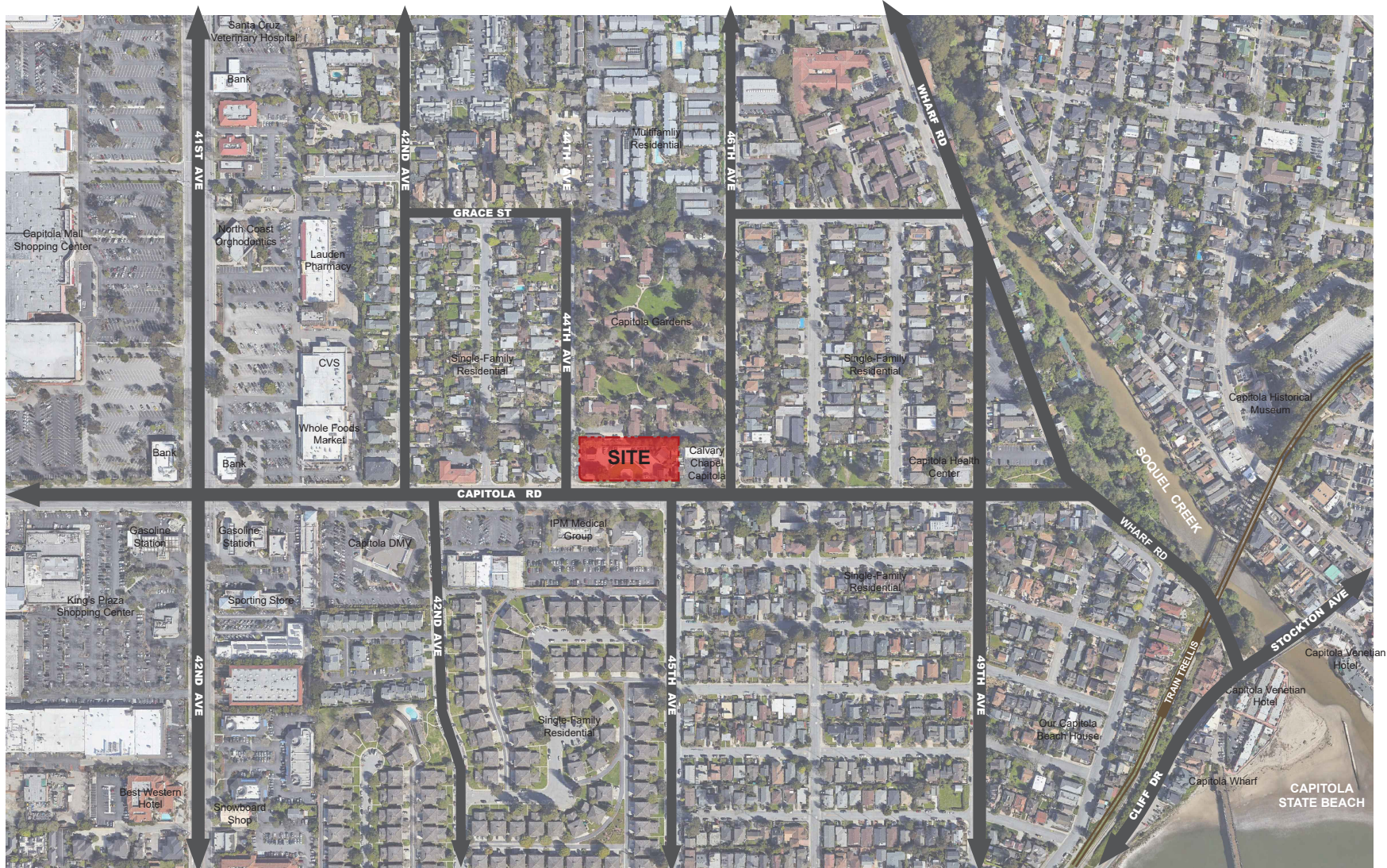


**STUDIO  
T SQUARE**

- : Architecture
- : Planning
- : Urban Design
- : 1970 Broadway #615
- : Oakland, California 94612
- : (510) 451 - 2850

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**THE BLUFFS AT 44TH**  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
**CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT**  
4495 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117



Sheet Title:  
**SITE CONTEXT**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

**G2.0**

**REFERENCED TITLE INSURANCE POLICY**

TITLE COMPANY: FIRST AMERICAN TITLE INSURANCE COMPANY  
 806 THIRD AVENUE, 15TH FLOOR  
 NEW YORK, NY 10017

TITLE REPORT NO.: 3020-1118908  
 TITLE REPORT DATE: MARCH 04, 2022

TITLE VESTED IN: CLAUDIA JOY CAULDE AND DANA M. CAULDE, WIFE AND HUSBAND AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, AS TO AN UNDIVIDED 50% INTEREST AND JOSEPH E. TRABERT, TRUSTEE OF THE JOSEPH E. TRABERT TRUST DATED 12/20/90 AS TO AN UNDIVIDED 50% INTEREST

NATURE OF TITLE: FEE SIMPLE

PROPERTY ADDRESS(ES): 4401 CAPITOLA ROAD, CAPITOLA, CA  
 ASSESSOR'S PARCEL NO.: 034-123-05 & 034-124-18

**PROPERTY DESCRIPTION**

REAL PROPERTY IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

PARCEL "A" OF THE PARCEL MAP, IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA, PER THE MAP FILED MAY 31, 1974, IN BOOK 25, PAGE 68 OF PARCEL MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAO COUNTY.

**EXCEPTIONS TO COVERAGE**

- GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022, A LIEN NOT YET DUE OR PAYABLE. **NOT A SURVEY ITEM.**
  - GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022. FIRST INSTALLMENT: \$12,498.52, PAID. PENALTY: \$12,498.52, OPEN. SECOND INSTALLMENT: \$0.00. PENALTY: \$0.00, OPEN. TAX RATE AREA: 03110. A. P. NO.: 034-123-05. (PORTION OF COMMUNITY FACILITIES DISTRICT INCLUDED) AFFECTS A PORTION OF SAID LAND. **NOT A SURVEY ITEM.**
  - GENERAL AND SPECIAL TAXES AND ASSESSMENTS FOR THE FISCAL YEAR 2021-2022. FIRST INSTALLMENT: \$25,650, PAID. PENALTY: \$25,650, OPEN. SECOND INSTALLMENT: \$0.00. PENALTY: \$0.00, OPEN. TAX RATE AREA: 03110. A. P. NO.: 034-124-18. (PORTION OF COMMUNITY FACILITIES DISTRICT INCLUDED) AFFECTS A PORTION OF SAID LAND. **NOT A SURVEY ITEM.**
  - THE LIEN OF SPECIAL TAX ASSESSED PURSUANT TO CHAPTER 2.5 COMMENCING WITH SECTION 53311 OF THE CALIFORNIA GOVERNMENT CODE FOR COMMUNITY FACILITIES DISTRICT NO. 2016-1, AS ENCLOSED BY NOTICE OF SPECIAL TAX LIEN RECORDED AUGUST 18, 2016 AS INSTRUMENT NO. 2016-003073 OF OFFICIAL RECORDS. **NOT A SURVEY ITEM.**
  - THE LIEN OF SUPPLEMENTAL TAXES, IF ANY, ASSESSED PURSUANT TO CHAPTER 3.5 COMMENCING WITH SECTION 75 OF THE CALIFORNIA REVENUE AND TAXATION CODE. **NOT A SURVEY ITEM.**
  - THE FACT THAT THE LAND LIES WITHIN THE BOUNDARIES OF THE CAPITOLA REDEVELOPMENT PROJECT AREA, AS DISCLOSED BY THE DOCUMENT RECORDED JUNE 25, 1982 AS INSTRUMENT NO. 24832 IN BOOK 3456 PAGE 534 OF OFFICIAL RECORDS. **SUBJECT SITE IS LOCATED WITHIN THE CAPITOLA REDEVELOPMENT PROJECT AREA. SEE ABOVE DOCUMENT FOR PARTICULARS.**
  - AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED APRIL 25, 1966 AS BOOK 3969 PAGE 836 OF OFFICIAL RECORDS. IN FAVOR OF: PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC BELL. AFFECTS: AS DESCRIBED THEREIN. **EASEMENT PLOTTED; SEE MAP TO THE RIGHT OF THIS SHEET.**
  - AN EASEMENT FOR PUBLIC UTILITIES AND INCIDENTAL PURPOSES, RECORDED APRIL 25, 1966 AS BOOK 3969 PAGE 836 OF OFFICIAL RECORDS. IN FAVOR OF: PACIFIC GAS AND ELECTRIC COMPANY AND PACIFIC BELL. AFFECTS: AS DESCRIBED THEREIN. **EASEMENT PLOTTED; SEE MAP TO THE RIGHT OF THIS SHEET.**
  - WE FIND NO OUTSTANDING VOLUNTARY LIENS OF RECORD AFFECTING SUBJECT PROPERTY. AN INQUIRY SHOULD BE MADE CONCERNING THE EXISTENCE OF ANY UNRECORDED LIEN OR OTHER INCUMBRANCE WHICH COULD GIVE RISE TO ANY SECURITY INTEREST IN THE SUBJECT PROPERTY. **NOT A SURVEY ITEM.**
  - WATER RIGHTS, CLAIMS OR TITLE TO WATER, WHETHER OR NOT SHOWN BY THE PUBLIC RECORDS. **NOT A SURVEY ITEM.**
  - RIGHTS OF PARTIES IN POSSESSION. **NOT A SURVEY ITEM.**
- BOLD AND ITALICIZED TEXT ARE THE SURVEYOR'S COMMENTS.*

**TABLE A**

- ADDRESS FOR SUBJECT PROPERTY IS 4401 CAPITOLA ROAD, CAPITOLA, CALIFORNIA 95010
- FLOOD ZONE DESIGNATION: ZONE X AREAS OF MINIMAL FLOOD HAZARD PER FLOOD INSURANCE RATE MAP (FIRM), NO. 0603033, COUNTY MAP 0603033 (COUNTY OF SAN MATEO), PAGES 0262, 0263, 0264, 0265, 0266, 0267, 0268, 0269, 0270, 0271, 0272, 0273, 0274, 0275, 0276, 0277, 0278, 0279, 0280, 0281, 0282, 0283, 0284, 0285, 0286, 0287, 0288, 0289, 0290, 0291, 0292, 0293, 0294, 0295, 0296, 0297, 0298, 0299, 0300, 0301, 0302, 0303, 0304, 0305, 0306, 0307, 0308, 0309, 0310, 0311, 0312, 0313, 0314, 0315, 0316, 0317, 0318, 0319, 0320, 0321, 0322, 0323, 0324, 0325, 0326, 0327, 0328, 0329, 0330, 0331, 0332, 0333, 0334, 0335, 0336, 0337, 0338, 0339, 0340, 0341, 0342, 0343, 0344, 0345, 0346, 0347, 0348, 0349, 0350, 0351, 0352, 0353, 0354, 0355, 0356, 0357, 0358, 0359, 0360, 0361, 0362, 0363, 0364, 0365, 0366, 0367, 0368, 0369, 0370, 0371, 0372, 0373, 0374, 0375, 0376, 0377, 0378, 0379, 0380, 0381, 0382, 0383, 0384, 0385, 0386, 0387, 0388, 0389, 0390, 0391, 0392, 0393, 0394, 0395, 0396, 0397, 0398, 0399, 0400, 0401, 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4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
**CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT**  
4455 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117

Sheet Title:  
**SITE PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No.:

**A1.0**



**LEGEND**

- residential
- interior circulation
- building services
- amenities
- management
- landscape
- parking
- walkway

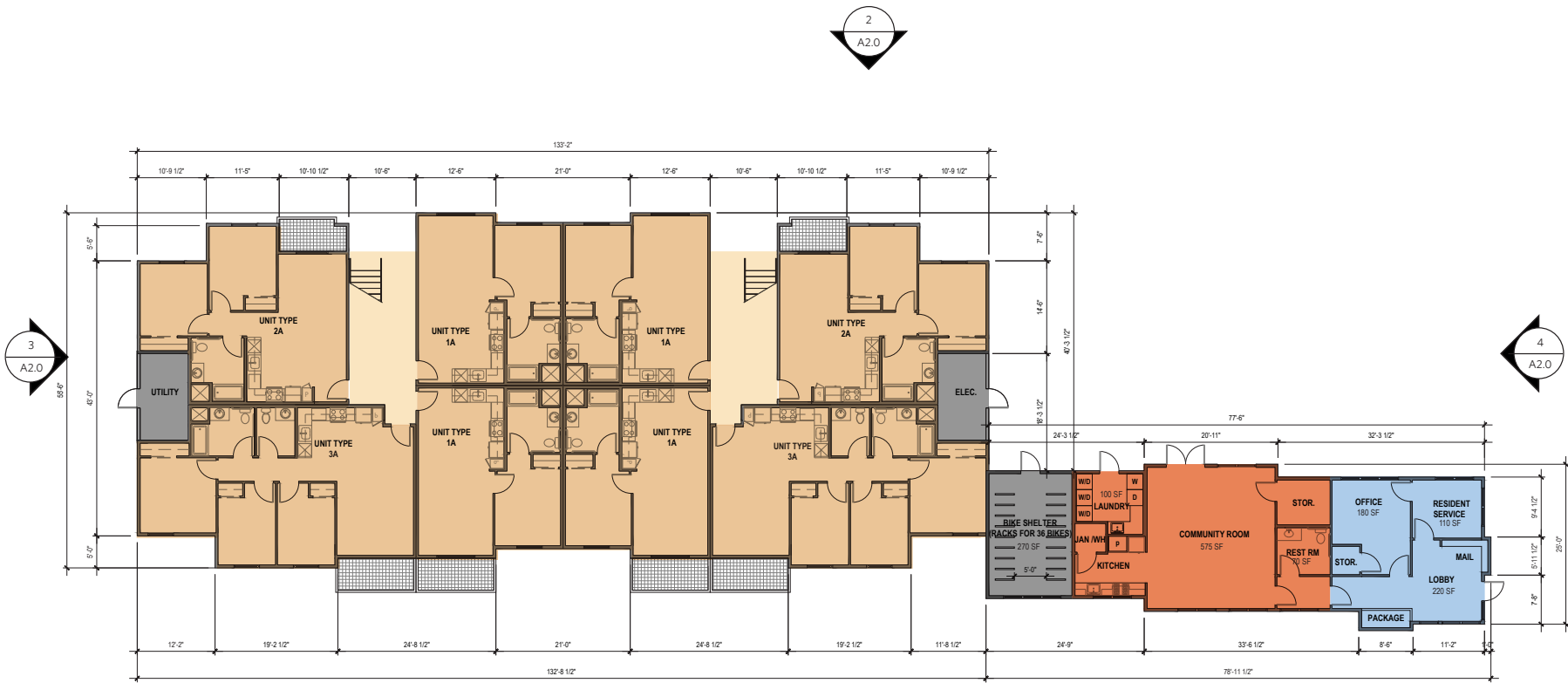


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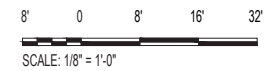


**1ST FLOOR PLAN**  
(BUILDING A)

Sheet Title:  
**BUILDING A -  
1ST FLOOR PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:



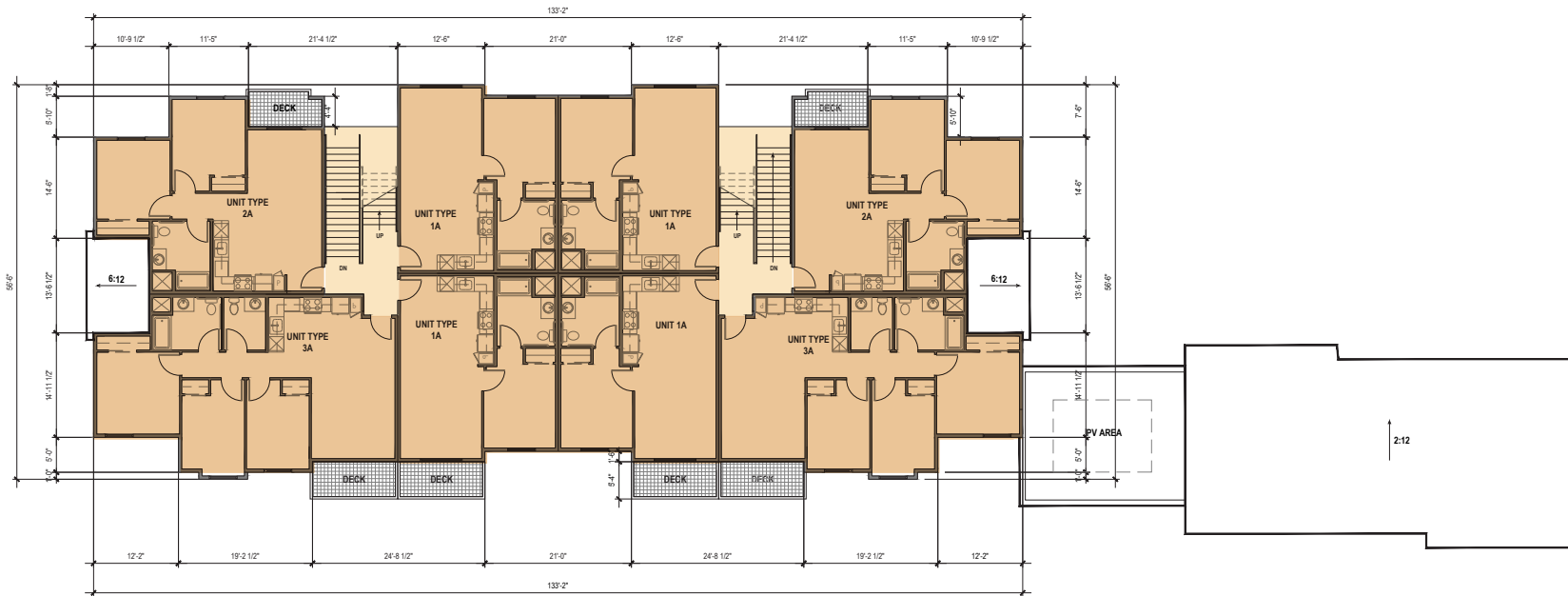
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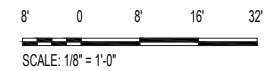
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**2ND FLOOR PLAN**  
(BUILDING A)



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Sheet Title:  
**BUILDING A -  
2ND FLOOR PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

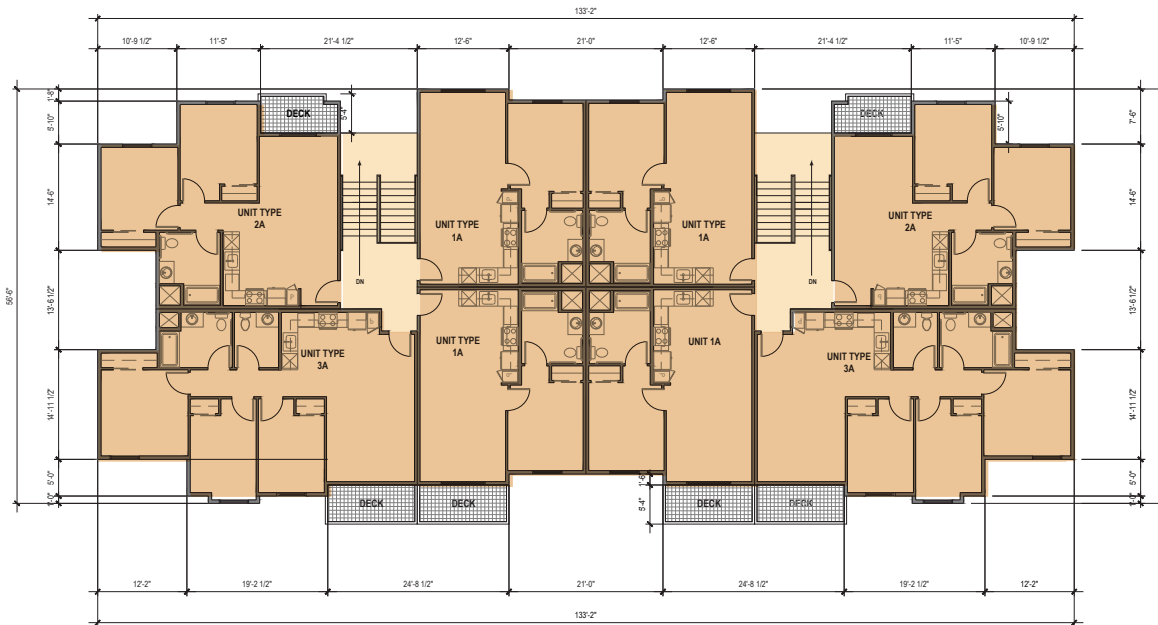
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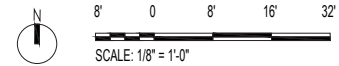
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**3RD FLOOR PLAN**  
(BUILDING A)



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Sheet Title:  
**BUILDING A -  
3RD FLOOR PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

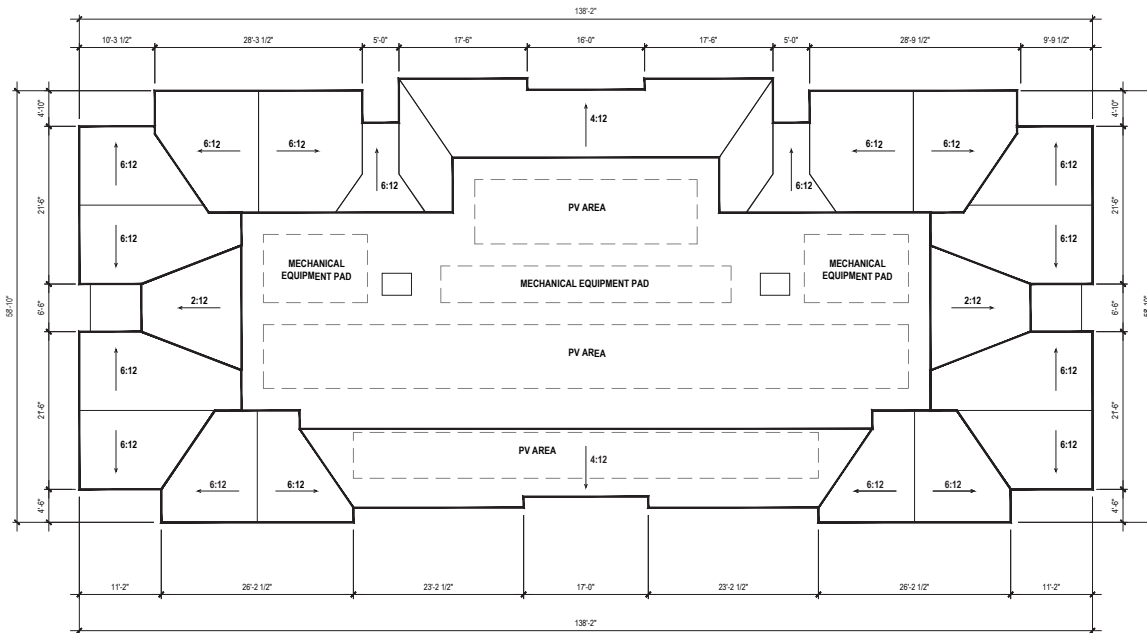
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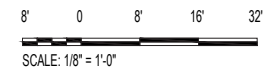
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**ROOF PLAN**  
(BUILDING A)



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Sheet Title:  
**BUILDING A -  
ROOF PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

**A1.4**



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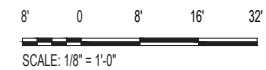
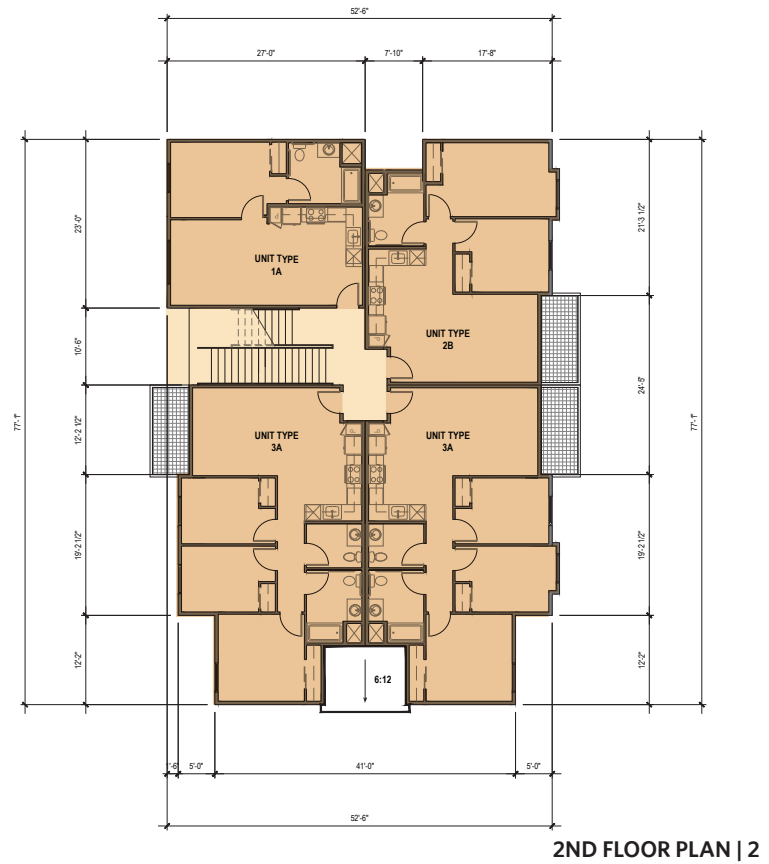
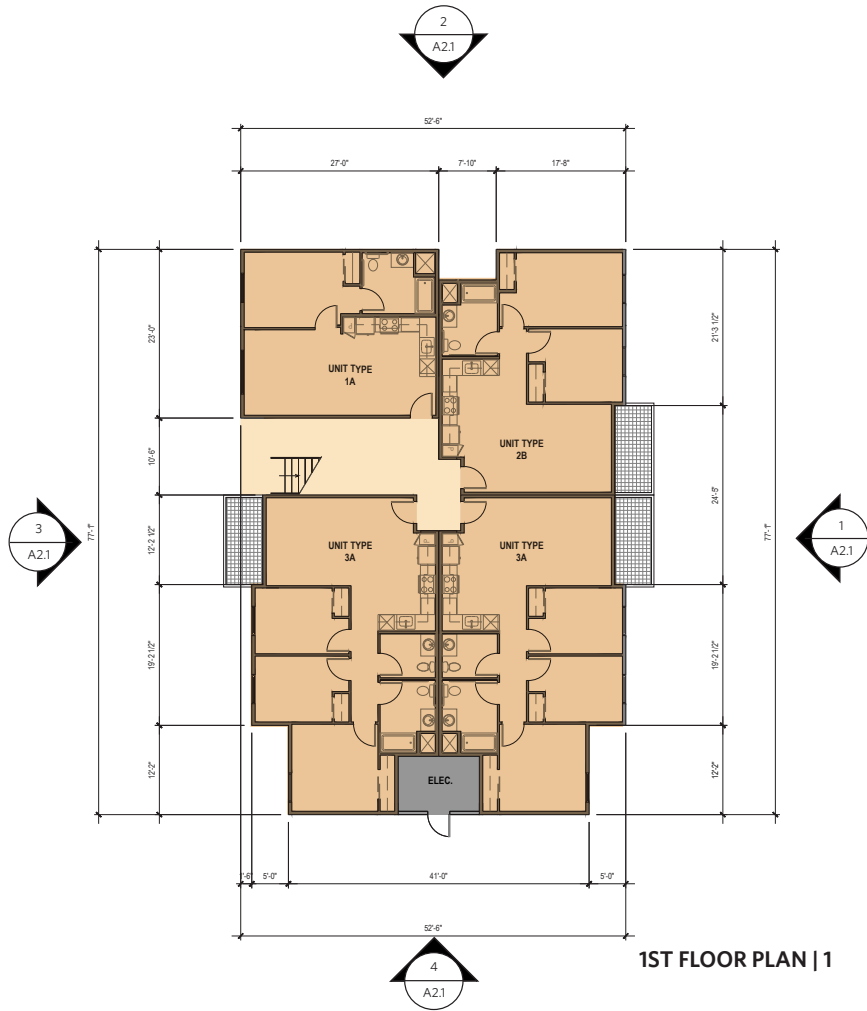
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Sheet Title:  
**BUILDING B -  
1ST & 2ND  
FLOOR PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

**A1.5**







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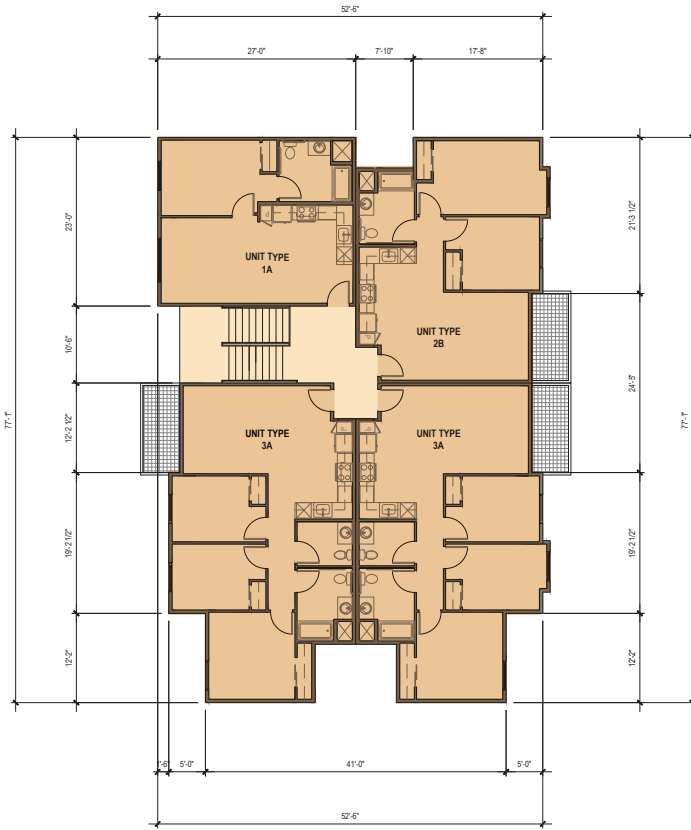
**THE BLUFFS AT 44TH**  
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COMMUNITY DEVELOPMENT**  
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Sheet Title:  
**BUILDING B -  
3RD & ROOF  
FLOOR PLAN**

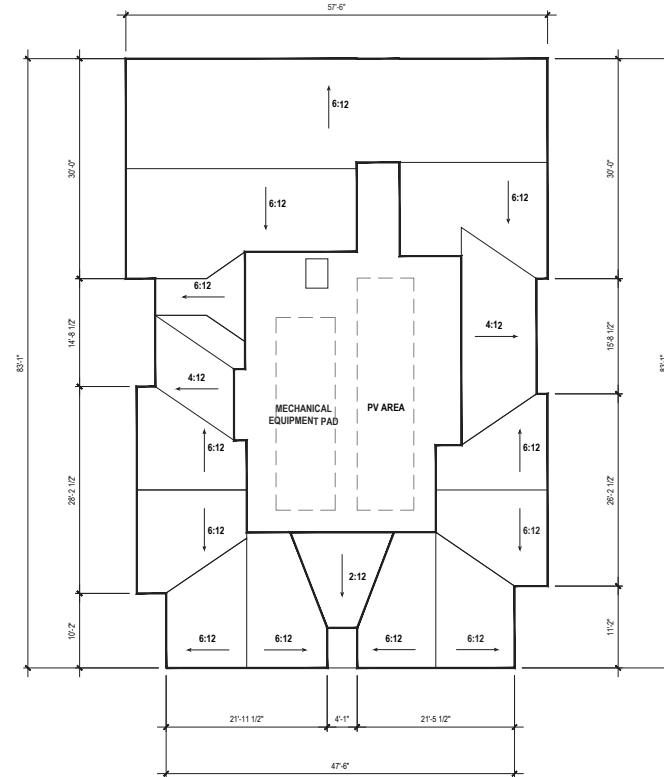
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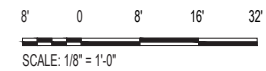
**A1.6**



**3RD FLOOR PLAN | 1**  
(BUILDING B)



**ROOF FLOOR PLAN | 2**





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**SOUTH ELEVATION | 1**



**NORTH ELEVATION | 2**



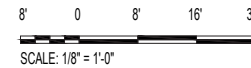
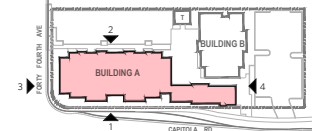
**WEST ELEVATION | 3**



**EAST ELEVATION | 4**

**MATERIAL LEGEND (SEE SHEET A4.2)**

- 1A. STUCCO FINISH - 9240 IVORY
- 1B. STUCCO FINISH - 9222 OYSTER SHELL
- 1C. STUCCO FINISH - 9225 CHINCHILLA
- 2A. FIBER CEMENT PANEL - KM 4539 CIGAR BOX
- 3A. FIBER CEMENT SIDING - KM 203 SWISS COFFEE
- 3B. FIBER CEMENT SIDING - KM 305 IRONWOOD
- 4A. VINYL WINDOW, TYP. - WHITE
- 4B. STOREFRONT, TYP. - DARK BRONZE
- 4C. TRASH ENCLOSURE GATE - DARK GRAY
- 5A. COMPOSITE SHINGLE ROOF
- 5B. CORRUGATED METAL ROOF (TRASH ENCLOSURE)
- 6A. WOOD PLASTIC COMPOSITE BRISE-SOLEIL
- 6B. COMPOSITE RAILING
- 6C. PERFORATED METAL PANEL
- 6D. WOOD FENCE (SITE FENCE)
- 6E. CHIAN LINK FENCE (PLAY AREA FENCE)



Sheet Title:  
**BUILDING A  
ELEVATIONS**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

**A2.0**



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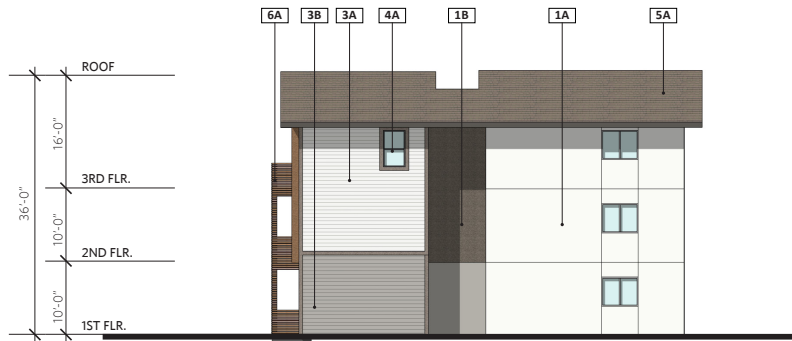
**EAST ELEVATION | 1**



**SOUTH ELEVATION | 2**



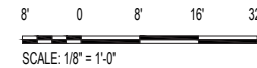
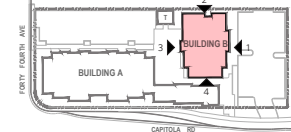
**WEST ELEVATION | 3**



**NORTH ELEVATION | 4**

**MATERIAL LEGEND** (SEE SHEET A4.2)

- 1A. STUCCO FINISH - 9240 IVORY
- 1B. STUCCO FINISH - 9222 OYSTER SHELL
- 1C. STUCCO FINISH - 9225 CHINCHILLA
- 2A. FIBER CEMENT PANEL - KM 4539 CIGAR BOX
- 3A. FIBER CEMENT SIDING - KM 23 SWISS COFFEE
- 3B. FIBER CEMENT SIDING - KM 305 IRONWOOD
- 4A. VINYL WINDOW, TYP. - WHITE
- 4B. STOREFRONT, TYP. - DARK BRONZE
- 4C. TRASH ENCLOSURE GATE - DARK GRAY
- 5A. COMPOSITE SHINGLE ROOF
- 5B. CORRUGATED METAL ROOF (TRASH ENCLOSURE)
- 6A. WOOD PLASTIC COMPOSITE BRISE-SOLEIL
- 6B. COMPOSITE RAILING
- 6C. PERFORATED METAL PANEL
- 6D. WOOD FENCE (SITE FENCE)
- 6E. CHIAN LINK FENCE (PLAY AREA FENCE)



**THE BLUFFS AT 44TH**  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
**CRP AFFORDABLE HOUSING AND  
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Sheet Title:  
**BUILDING B  
ELEVATIONS**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

**A2.1**



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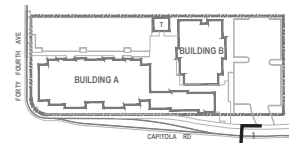
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4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT  
4455 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117

Sheet Title:  
RENDERING

CONCEPTUAL RENDERING | 1



Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No:

A4.0



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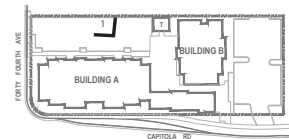
: Architecture  
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CONCEPTUAL RENDERING | 1



Sheet Title:  
RENDERING

Job No. 21041  
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A4.1



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Sheet Title:  
**MATERIALS AND  
COLORS**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No.:

A4.2



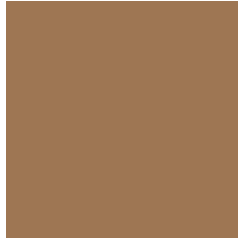
**1A. STUCCO FINISH**  
Omega Products  
Color: 9240 Ivory



**1B. STUCCO FINISH**  
Omega Products  
Color: 9222 Oyster Shell



**1C. STUCCO FINISH**  
Omega Products  
Color: 9225 Chinchilla  
(Trash Enclosure)



**2A. FIBER CEMENT PANEL**  
Kelly Moore  
Color: KM4539 Cigar Box



**3A. FIBER CEMENT LAP SIDING**  
James Hardie - HardiePlank  
Color: KM 23 Swiss Coffee



**3B. FIBER CEMENT LAP SIDING**  
James Hardie - HardiePlank  
Color: KM 305 Ironwood



**4A. VINYL WINDOW, TYP.**  
Milgard, Style Line Series  
Color: White



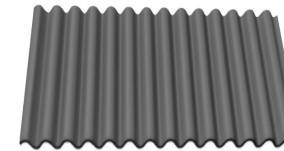
**4B. STOREFRONT**  
Color: Dark Bronze



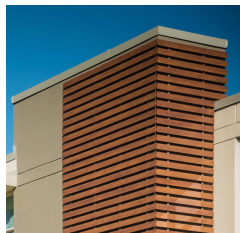
**4C. TRASH ENCLOSURE GATE**  
Color: Dark Grey



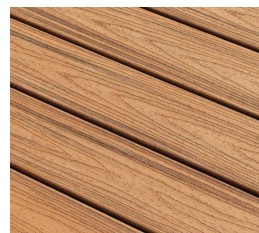
**5A. COMPOSITE SHINGLE ROOF**  
CertainTeed, Landmark Series  
Color: Weathered Wood



**5B. CORRUGATED METAL ROOF**  
AEP SPAN  
Color: Slate Gray  
(Trash Enclosure)



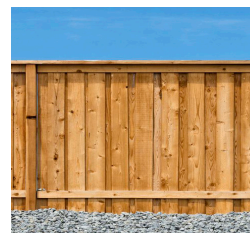
**6A. WOOD PLASTIC COMPOSITE  
BRISE-SOLEIL**  
LongBoard, Link & Lock Series  
/ Trex TBD



**6B. COMPOSITE RAILING**  
Trex, Transcend Series  
6" Horizontal Composite Board  
Color: Tiki Torch



**6C. PERFORATED METAL PANEL**



**6D. WOOD FENCE**  
Color: Natural Cedar  
(Site Fence)



**6E. CHAIN LINK FENCE**  
Color: Black  
(Children Play Area Fence)



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Architecture  
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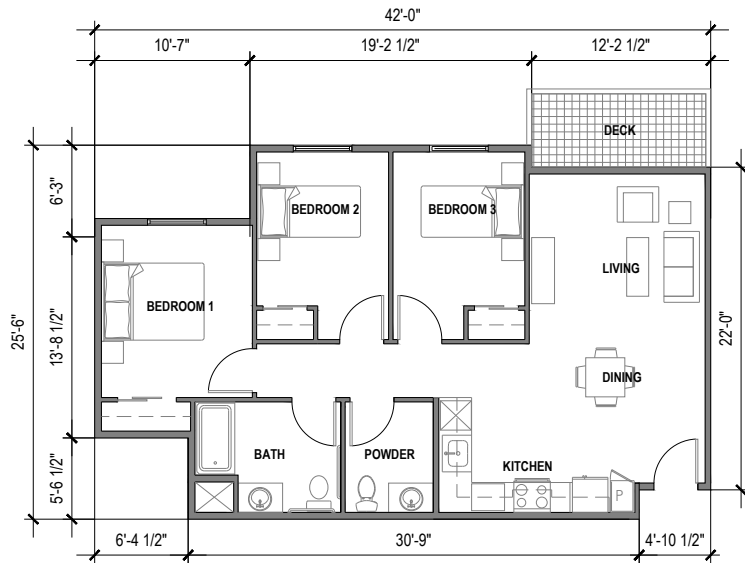
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**CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT**  
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Sheet Title:  
UNIT PLANS

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

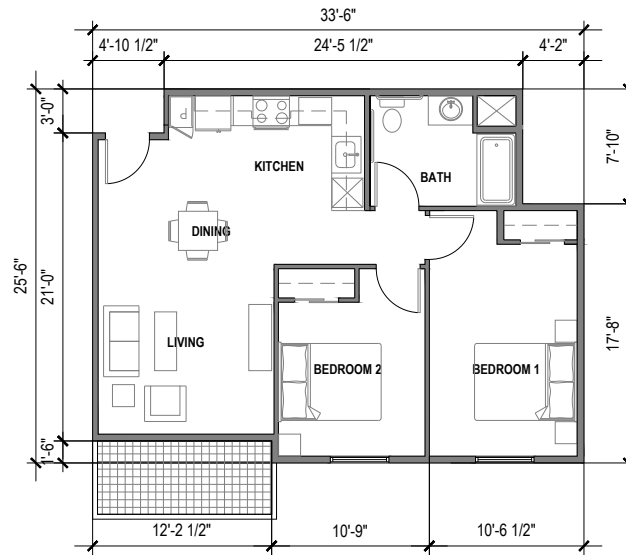
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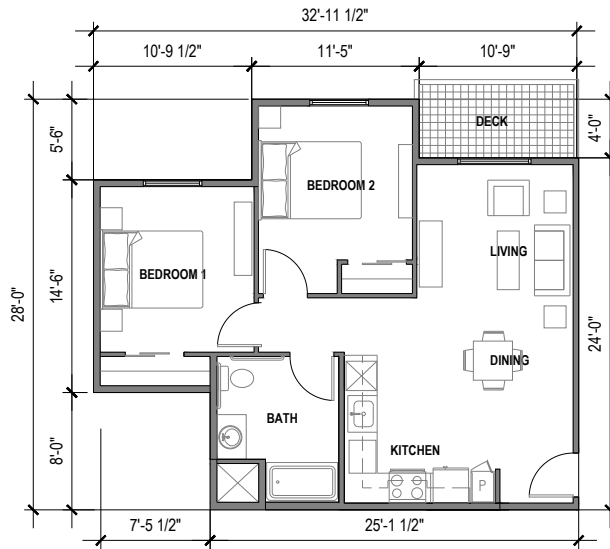


**3A**  
GSF = 955 SF  
DECK = 60 SF

**3A.1**  
GSF = 990 SF  
DECK = 60 SF

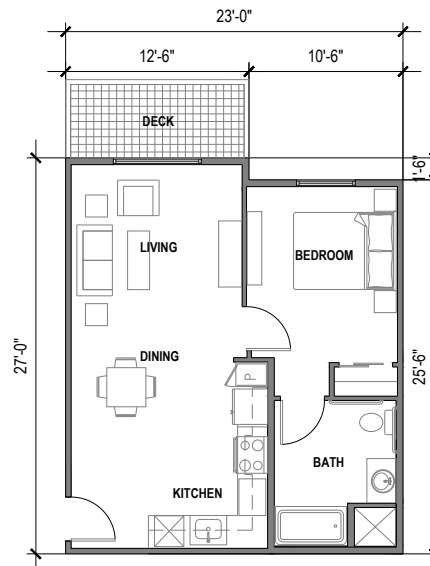


**2B**  
GSF = 790 SF  
DECK = 60 SF

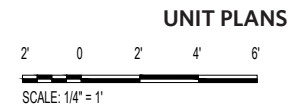


**2A**  
GSF = 745 SF  
DECK = 50 SF

**2A.1**  
GSF = 810 SF  
DECK = 50 SF



**1A**  
GSF = 605 SF  
DECK = 60 SF





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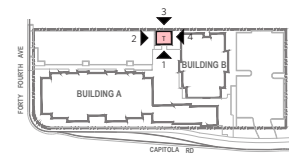
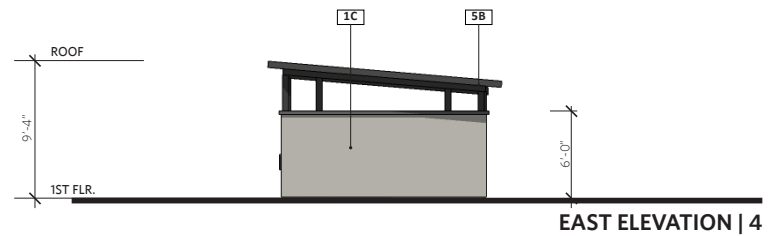
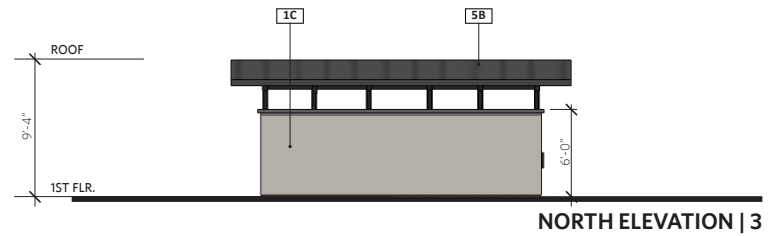
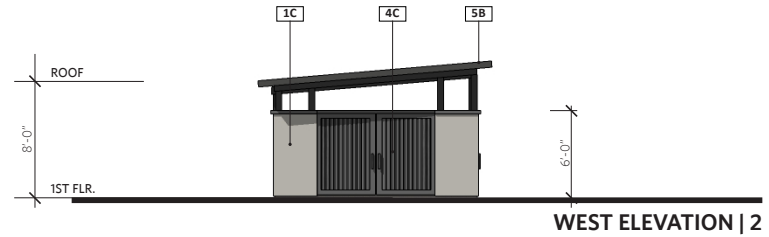
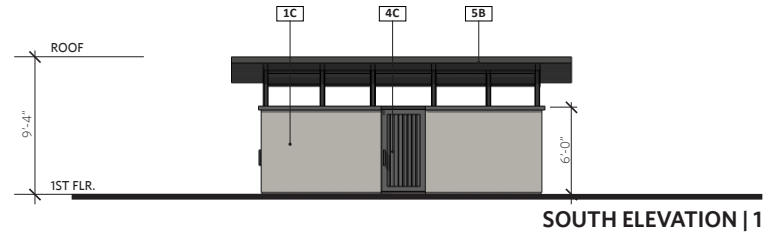
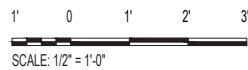
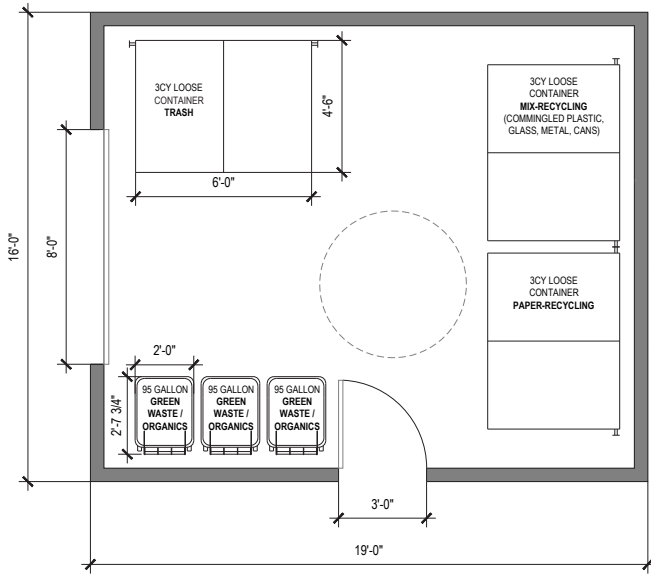
**THE BLUFFS AT 44TH**  
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4455 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117

Sheet Title:  
**TRASH  
ENCLOSURE**

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

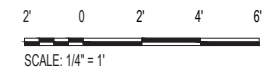
Sheet No:

**A6.0**



**MATERIAL LEGEND**

- 1C. STUCCO FINISH - 9225 CHINCHILLA
- 4C. TRASH ENCLOSURE GATE
- 5B. CORRUGATED METAL ROOF







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SUITE 600  
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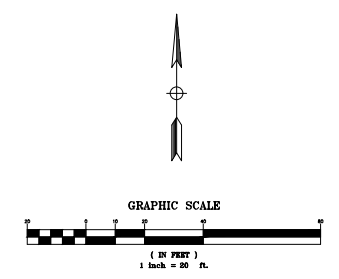
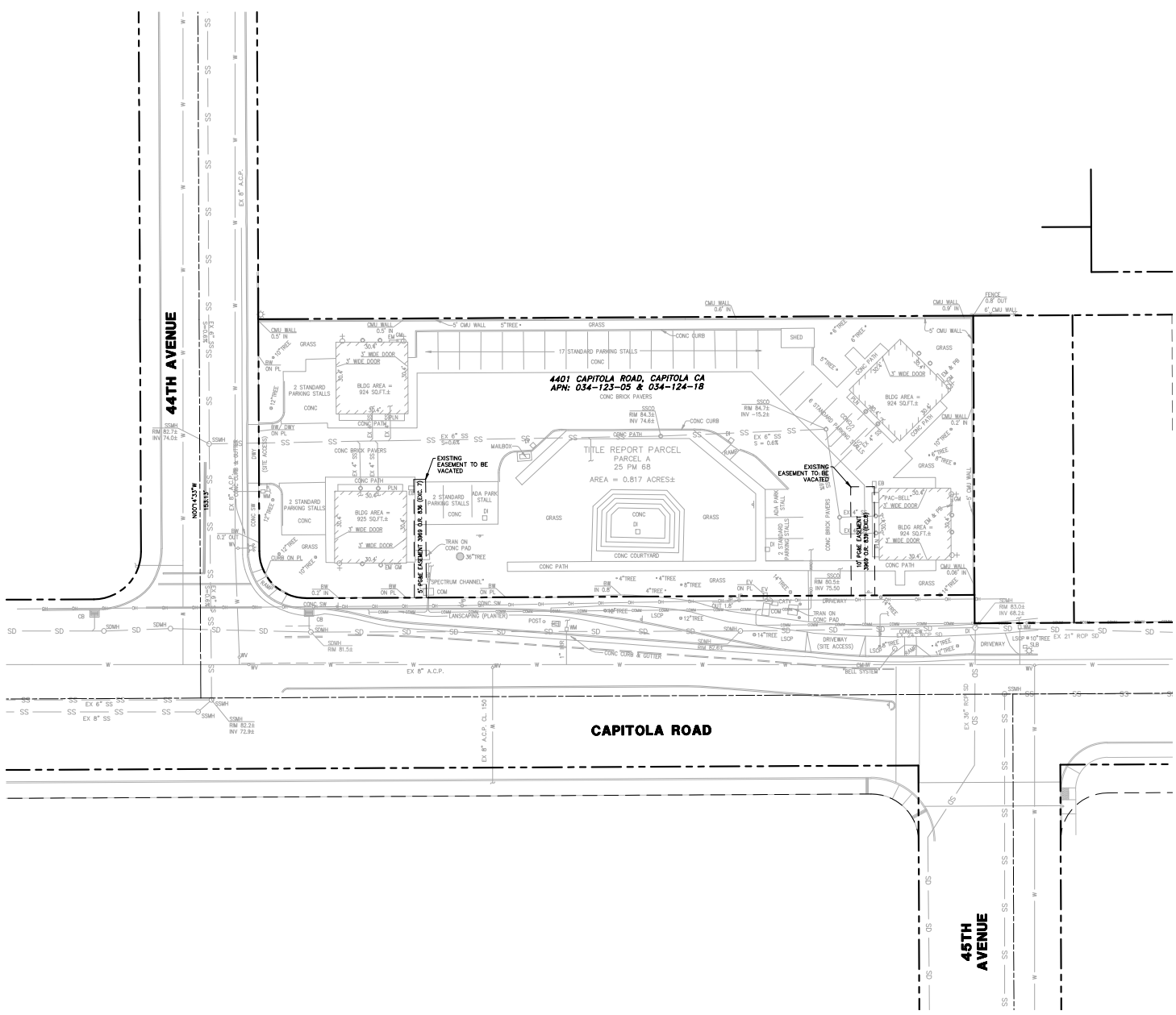
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**EXISTING  
CONDITIONS**

Job No. 20220426  
Date: 11/30/2022  
Scale: 1"=20'  
Drawn By: BE

Sheet No.:

**C1.0**

LEGEND	
PROPERTY LINE	---
STREET CENTERLINE	---
EASEMENT LINE	---
VERTICAL CURB & GUTTER	---
STORM DRAIN LINE	SD --- SD
SANITARY SEWER LINE	SS --- SS
DOMESTIC WATER LINE	W --- W
NATURAL GAS LINE	G --- G
IRRIGATION LINE	IRR --- IRR
FIRE WATER LINE	FW --- FW
OVER HEAD LINE	OH --- OH
JOINT TRENCH LINE	JT --- JT
STORM DRAIN MANHOLE	SDMH ○
SANITARY SEWER MANHOLE	SSMH ○
CATCH BASIN	CB □
DRAIN INLET	DI □
STORM DRAIN/SANITARY SEWER CLEANOUT	SDCO/SSCO ○
INVERT ELEVATION	INV XXX.XX
RM ELEVATION	RM XXX.XX
WATER VALVE	*
FIRE HYDRANT	FH □
WATER METER	WM □
JOINT POLE	JP ---
SIGN	---
STREETLIGHT	SL □
STREET LIGHT PULL BOX	SLPB □
ELECTRIC VAULT	EV □
SPOT ELEVATION	+46.21
COMMUNICATION BOX	COM □
ELECTRIC METER	EM □
GAS METER	GM □



PROJECT NAME: BLUFFS AT 44TH (4401 CAPITOLA ROAD) (4401 CAPITOLA ROAD) (4401 CAPITOLA ROAD) (4401 CAPITOLA ROAD) (4401 CAPITOLA ROAD)  
 PROJECT NO.: 20220426  
 SHEET NO.: C1.0  
 DATE: 11/30/2022  
 DRAWN BY: BE  
 CHECKED BY: [blank]  
 SCALE: 1"=20'  
 PROJECT LOCATION: 4401 CAPITOLA ROAD, CAPITOLA, CA 95010



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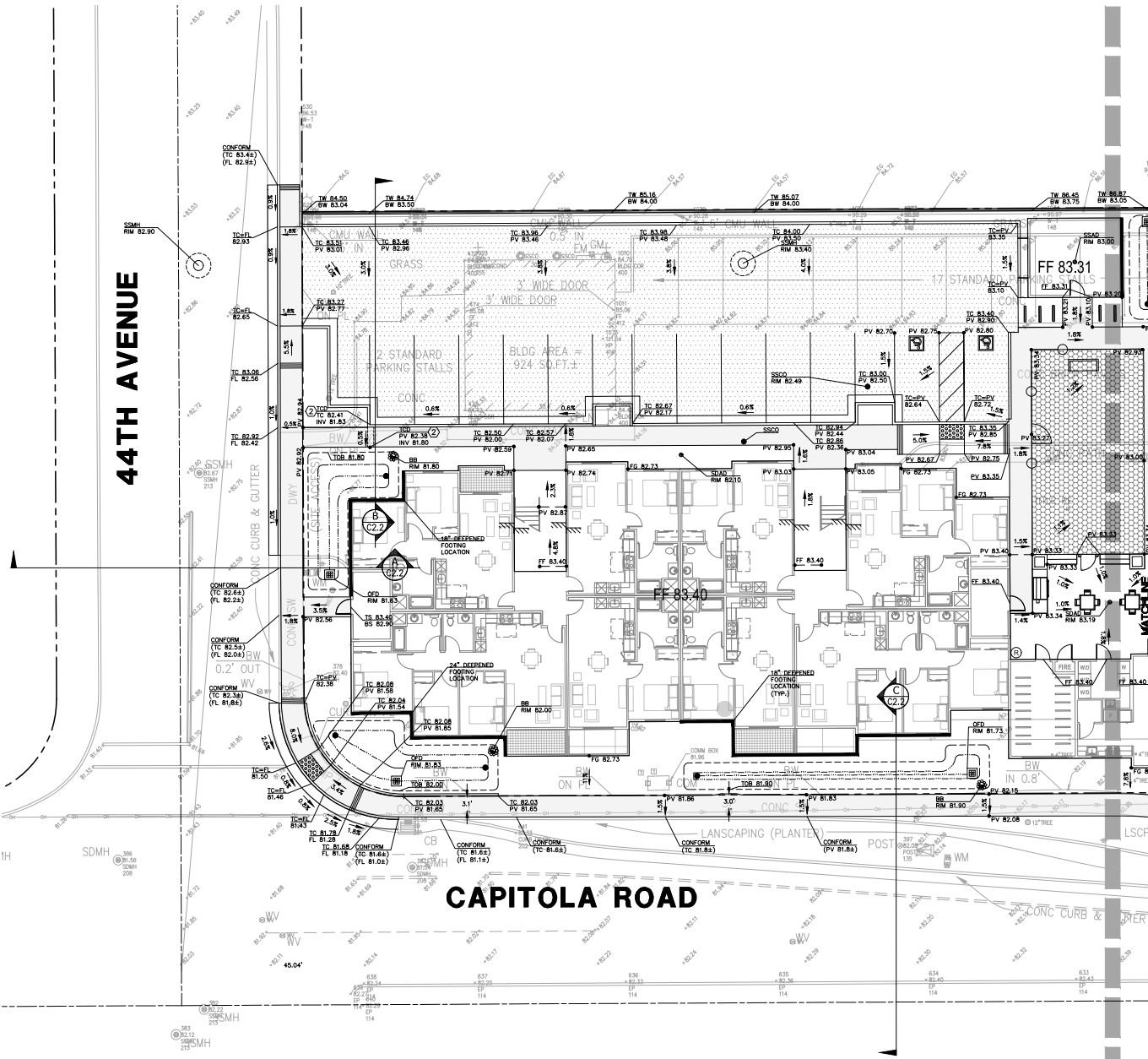


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Sheet Title:  
**GRADING & DRAINAGE PLAN**

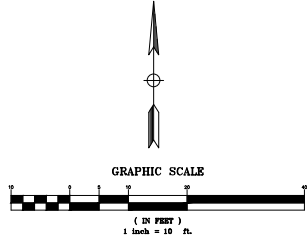
Job No. 20220426  
 Date: 11/09/2022  
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 Drawn By: BE

Sheet No. **C2.0**



LEGEND	
PROPERTY LINE	---
STREET CENTER LINE	---
BIORETENTION BASIN	
VERTICAL CURB	
VERTICAL CURB & GUTTER	
FINISH GRADE ELEVATION	FG XXXX
FINISH FLOOR ELEVATION	FF XXXX
THROUGH CURB DRAIN	TCD
TOP OF WALL ELEVATION	TW XXXX
BOTTOM OF WALL ELEVATION	BW XXXX
TOP OF CURB ELEVATION	TC XXXX
TOP OF BASIN ELEVATION	TOB XXXX
FLOW LINE ELEVATION ELEVATION	FL XXXX
HIGH POINT	HP XXXX
LOW POINT	LP XXXX
PAVEMENT ELEVATION	PV XXXX
GRADE TO DRAIN	
SLOPE/DIRECTION OF FLOW	
RETAINING WALL	
CONCRETE SIDEWALK	
RESILIENT SURFACING SEE LANDSCAPE PLANS FOR DETAILS	
ASPHALTIC CONCRETE	
TRANSFORMER	T

- KEYNOTES**
1. "NO PARKING" STALL TO BE USED FOR PASSENGER VEHICLE TURNAROUND. SIGNAGE TO BE COORDINATED AT FUTURE DESIGN STAGE.
  2. INSTALL THROUGH CURB DRAIN. SEE SHEET C2.2 FOR DETAIL.







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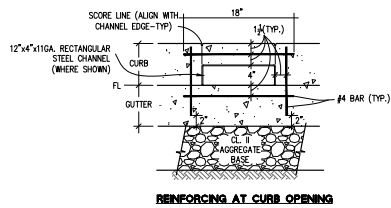
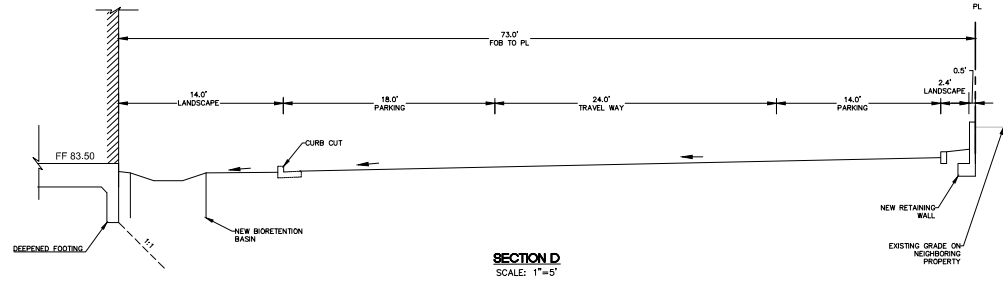
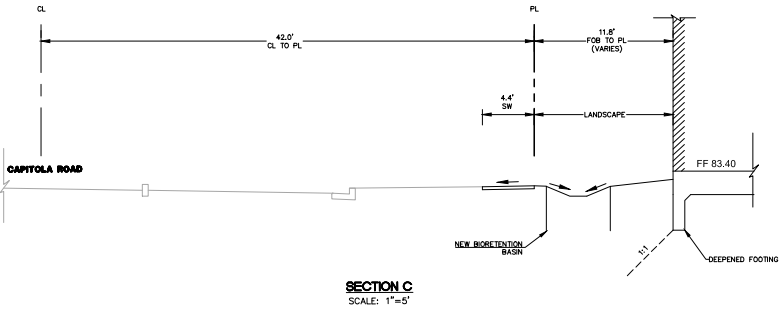
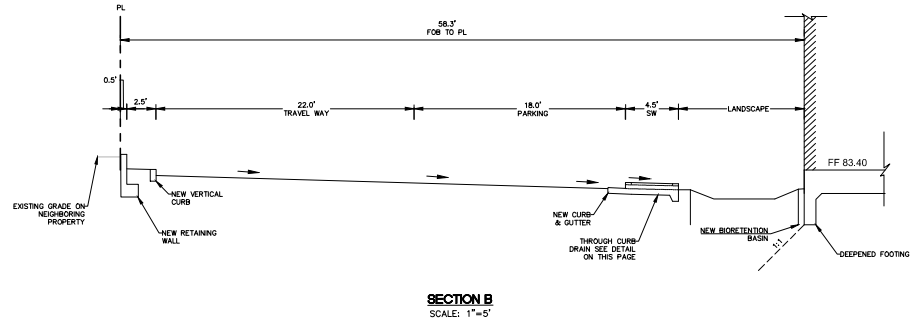
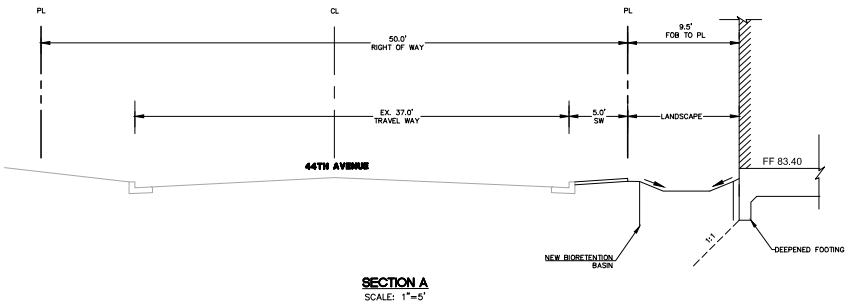
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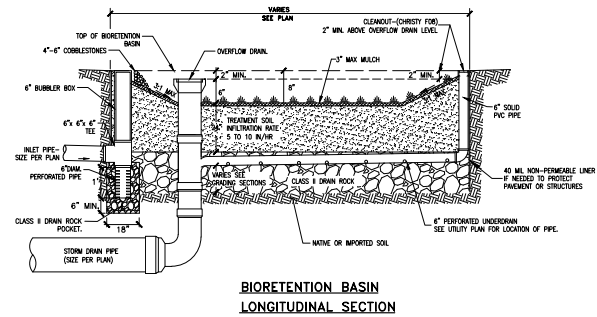
Job No. 20220426  
Date: 11/30/2022  
Scale: AS SHOWN  
Drawn By: BE

Sheet No:

C2.2



THROUGH CURB DRAIN DETAIL



PROJECT NAME: 1730 N. FIRST STREET, SUITE 600, SAN JOSE, CA 95112  
 PROJECT NO.: 20220426  
 SHEET NO.: C2.2  
 DATE: 11/30/2022  
 DRAWN BY: BE  
 CHECKED BY: [Blank]  
 PROJECT ENGINEER: [Blank]



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Sheet Title:  
**UTILITY PLAN**

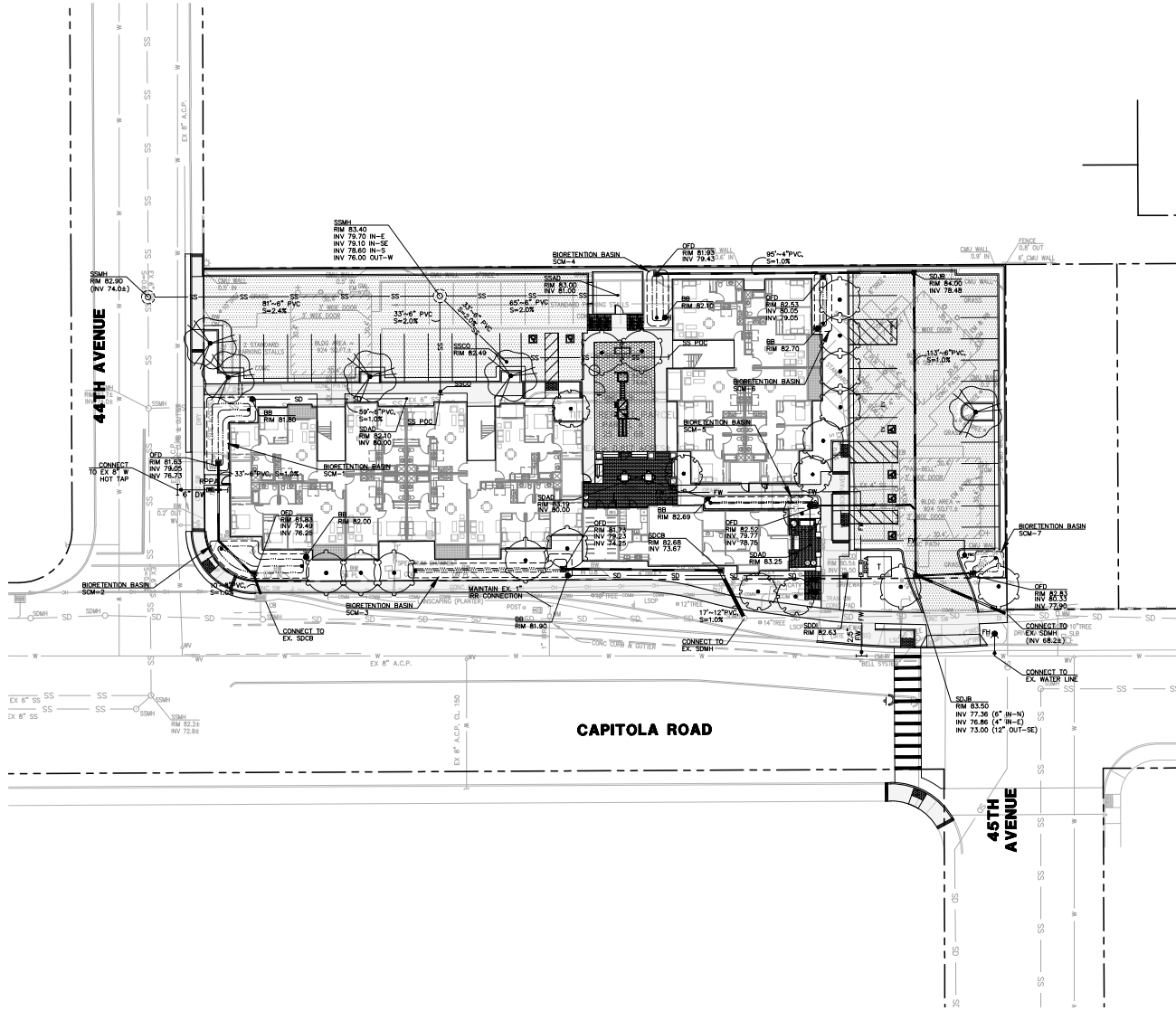
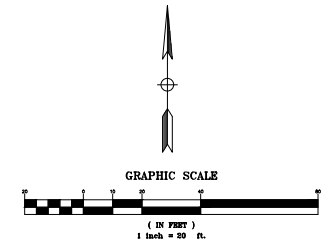
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 Scale: 1"=20'  
 Drawn By: BE

Sheet No.:

**C3.0**

**LEGEND**

PROPERTY LINE	---
PERFORATED PIPE	---
BIORETENTION BASIN	○
STORM DRAIN (UNTREATED)	SD
STORM DRAIN (TREATED)	SD
SANITARY SEWER	SS
DOMESTIC WATER	W
IRRIGATION	IRR
FIRE WATER	FW
JOINT TRENCH	JT
STORM DRAIN MANHOLE	SDMH
SANITARY SEWER MANHOLE	SSMH
OVERFLOW DRAIN/DROP INLET	OFD
STORM DRAIN JUNCTION BOX	SDJB
CATCH BASIN	CB
AREA DRAIN	AD
BUBBLER BOX	BB
STORM DRAIN/SANITARY SEWER CLEANOUT	SDSC
INVERT ELEVATION	INV 36.05
RM ELEVATION	RM 36.05
WATER VALVE	•
FIRE HYDRANT	FH
WATER METER	WM
BACKFLOW PREVENTION	BFP
REDUCED PRESSURE PRINCIPLE ASSEMBLY	RPPA
RETAINING WALL	---
CONCRETE SIDEWALK	---
PAVERS (SEE LANDSCAPE PLANS)	---
RESILIENT SURFACING (SEE LANDSCAPE PLANS FOR DETAILS)	---
ASPHALTIC CONCRETE	---
TRANSFORMER	T



PROJECT NAME: 1730 N. FIRST STREET, SUITE 600, SAN JOSE, CA 95112  
 PROJECT NO.: 20220426  
 DATE: 11/30/2022  
 DRAWN BY: BE  
 CHECKED BY: [blank]  
 SCALE: 1"=20'  
 SHEET NO.: C3.0  
 TOTAL SHEETS: 3



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Sheet Title:

**STORMWATER CONTROL PLAN**

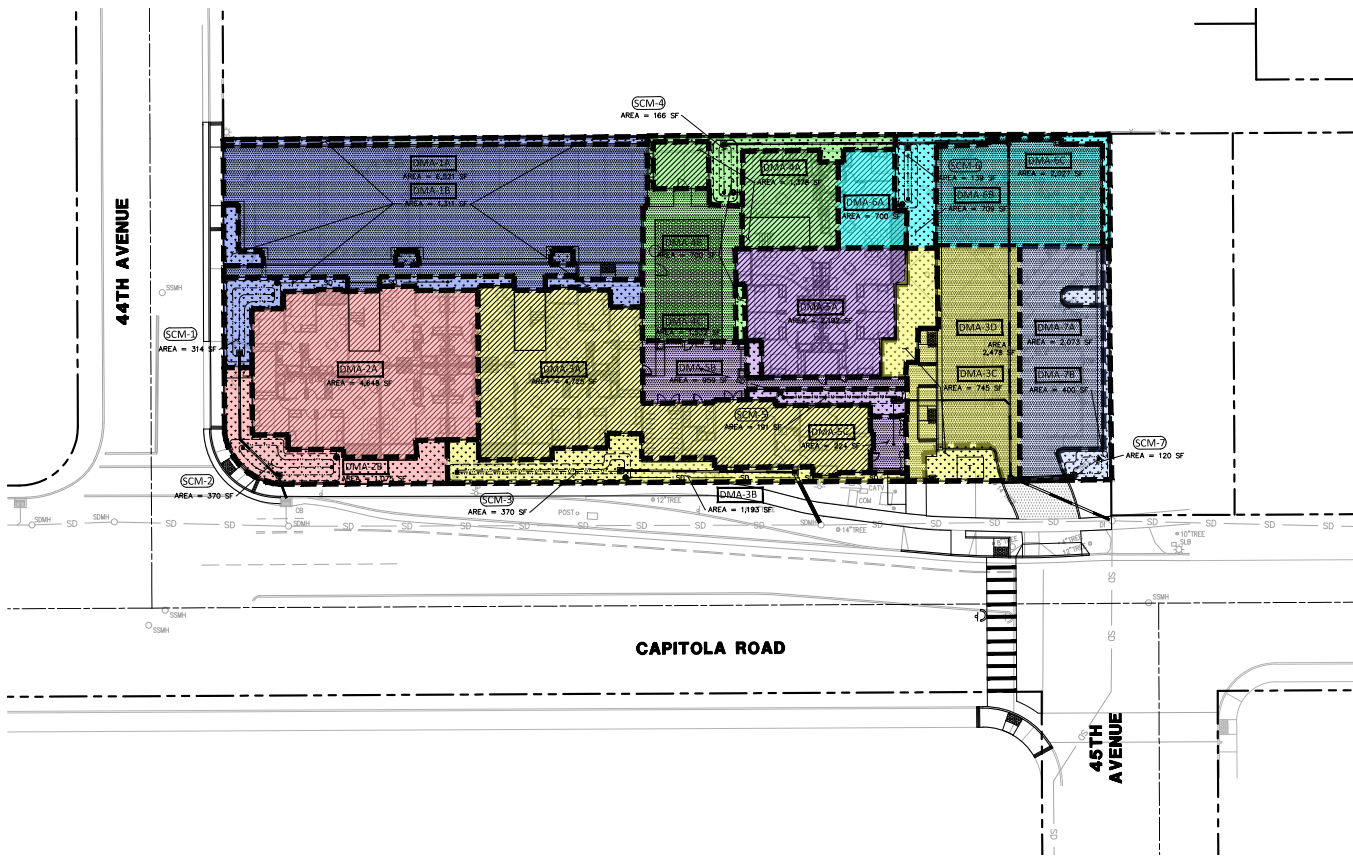
Job No. 20220426  
Date: 11/30/2022  
Scale: 1"=20'  
Drawn By: BE

Sheet No:

**C4.0**

**LEGEND**

- PROPERTY LINE
- DRAINAGE AREA BOUNDARY
- BIORETENTION BASIN
- PROPOSED STORM DRAIN (UNTREATED)
- PROPOSED STORM DRAIN (TREATED)
- OVERFLOW DRAIN/DROP INLET
- STORM DRAIN JUNCTION BOX
- AREA DRAIN
- BUBBLER BOX
- STORM DRAIN/SANITARY SEWER CLEANOUT
- DRAINAGE AREA
- TREATMENT AREA
- RETAINING WALL
- HARDSCAPE - CONCRETE/ASPHALT
- HARDSCAPE - ROOF
- LANDSCAPE AREA
- SCM-1 TRIBUTARY AREA
- SCM-2 TRIBUTARY AREA
- SCM-3 TRIBUTARY AREA
- SCM-4 TRIBUTARY AREA
- SCM-5 TRIBUTARY AREA
- SCM-6 TRIBUTARY AREA
- SCM-7 TRIBUTARY AREA



**REQUIREMENT CRITERIA**

- TIER 1. RUNOFF REDUCTION
  - SITE IMPERVIOUS SURFACE IS OPTIMIZED.
- TIER 2. WATER QUALITY TREATMENT
  - BIORETENTION AREA IS PROVIDED (MINIMUM 4% OF NEW IMPERVIOUS SURFACE)
- TIER 3. RETENTION REQUIREMENT
  - SEE CALCULATION TO THE RIGHT.
- TIER 4. PEAK FLOW MANAGEMENT
  - EXEMPT. LOCATED IN WATERSHED MANAGEMENT ZONE 4 AND PROJECT DISCHARGES TO OCEAN.

**TIER 3: RETENTION REQUIREMENT**

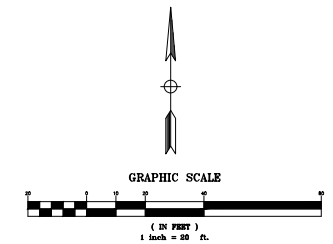
TOTAL PROJECT AREA: 35,590 SF  
PROPOSED PROJECT IMPERVIOUS AREA: 6,133 SF  
PROPOSED PROJECT IMPERVIOUS AREA: 28,457 SF

BASED ON THE CENTRAL COAST STORM WATER CONTROL SIZING CALCULATOR VERSION 3/28/2017 THIS PROJECT FULFILLS THE RETENTION AREA REQUIREMENTS. THE RETENTION REQUIREMENT IS AS FOLLOWS:

SCM NAME	MIN. REQUIRED STORAGE VOLUME (FT³)	DEPTH BELOW UNDERDRAIN (FT)
SCM-1	157	1.25
SCM-2	48	1.00
SCM-3	268	1.81
SCM-4	123	1.86
SCM-5	80	1.04
SCM-6	186	3.35
SCM-7	48	1.00

**TIER 2 WATER QUALITY TREATMENT SUMMARY**

DRAINAGE AREA	IMPERVIOUS SURFACE (S.F.)	SCM AREA REQUIRED (4% OF NEW IMPERVIOUS SURFACE, S.F.)	SCM AREA PROVIDED (S.F.)
SCM-1	6521	261	314
SCM-2	4648	186	370
SCM-3	7203	288	370
SCM-4	2910	116	166
SCM-5	3375	135	191
SCM-6	2727	109	139
SCM-7	2073	83	120
<b>TOTAL</b>	<b>29457</b>		





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 Planning  
 Urban Design  
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1730 N. FIRST STREET  
 SUITE 600  
 SAN JOSE, CA 95112  
 (408) 467-9100  
 www.bkf.com

Sheet Title:

**FIRE ACCESS EXHIBIT**

Job No. 20220426  
 Date: 11/30/2022  
 Scale: 1"=20'  
 Drawn By: BE

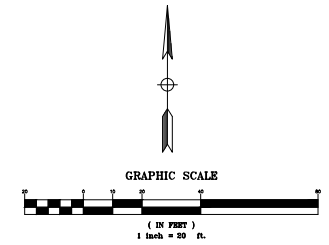
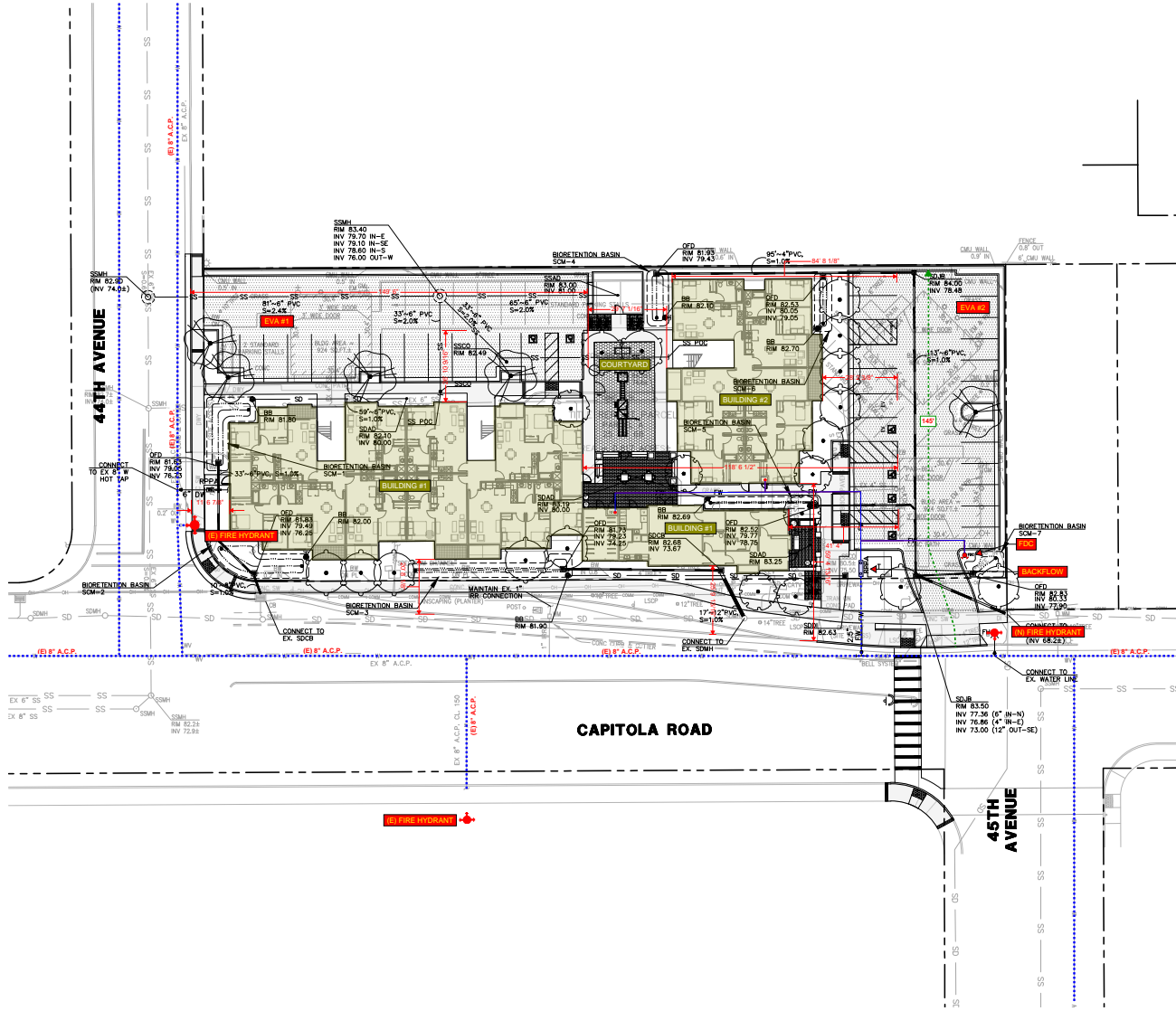
Sheet No.:

C5.0

**LEGEND**

PROPERTY LINE	---
PERFORATED PIPE	---
BIORETENTION BASIN	⬭
STORM DRAIN (UNTREATED)	SD
STORM DRAIN (TREATED)	SD
SANITARY SEWER	SS
DOMESTIC WATER	W
IRRIGATION	IRR
FIRE WATER	FW
JOINT TRENCH	JT
STORM DRAIN MANHOLE	SDMH
SANITARY SEWER MANHOLE	SSMH
OVERFLOW DRAIN/DROP INLET	OFD
STORM DRAIN JUNCTION BOX	SDJB
CATCH BASIN	CB
AREA DRAIN	AD
BUBBLER BOX	BB
STORM DRAIN/SANITARY SEWER CLEANOUT	SDSC
INVERT ELEVATION	INV 36.05
RM ELEVATION	RM 36.05
WATER VALVE	WV
FIRE HYDRANT	FH
WATER METER	WM
BACKFLOW PREVENTION	BFP
REDUCED PRESSURE PRINCIPLE ASSEMBLY	RPPA
RETAINING WALL	---
CONCRETE SIDEWALK	---
PAVERS (SEE LANDSCAPE PLANS)	---
RESILIENT SURFACING (SEE LANDSCAPE PLANS FOR DETAILS)	---
ASPHALTIC CONCRETE	---
TRANSFORMER	T

ATTACHMENT -A-



PROJECT NAME: BLUFFS AT 44TH (C5.0) - FIRE ACCESS EXHIBIT  
 DATE: 11/30/2022  
 DRAWN BY: BE  
 CHECKED BY: [blank]  
 PROJECT NO: 20220426

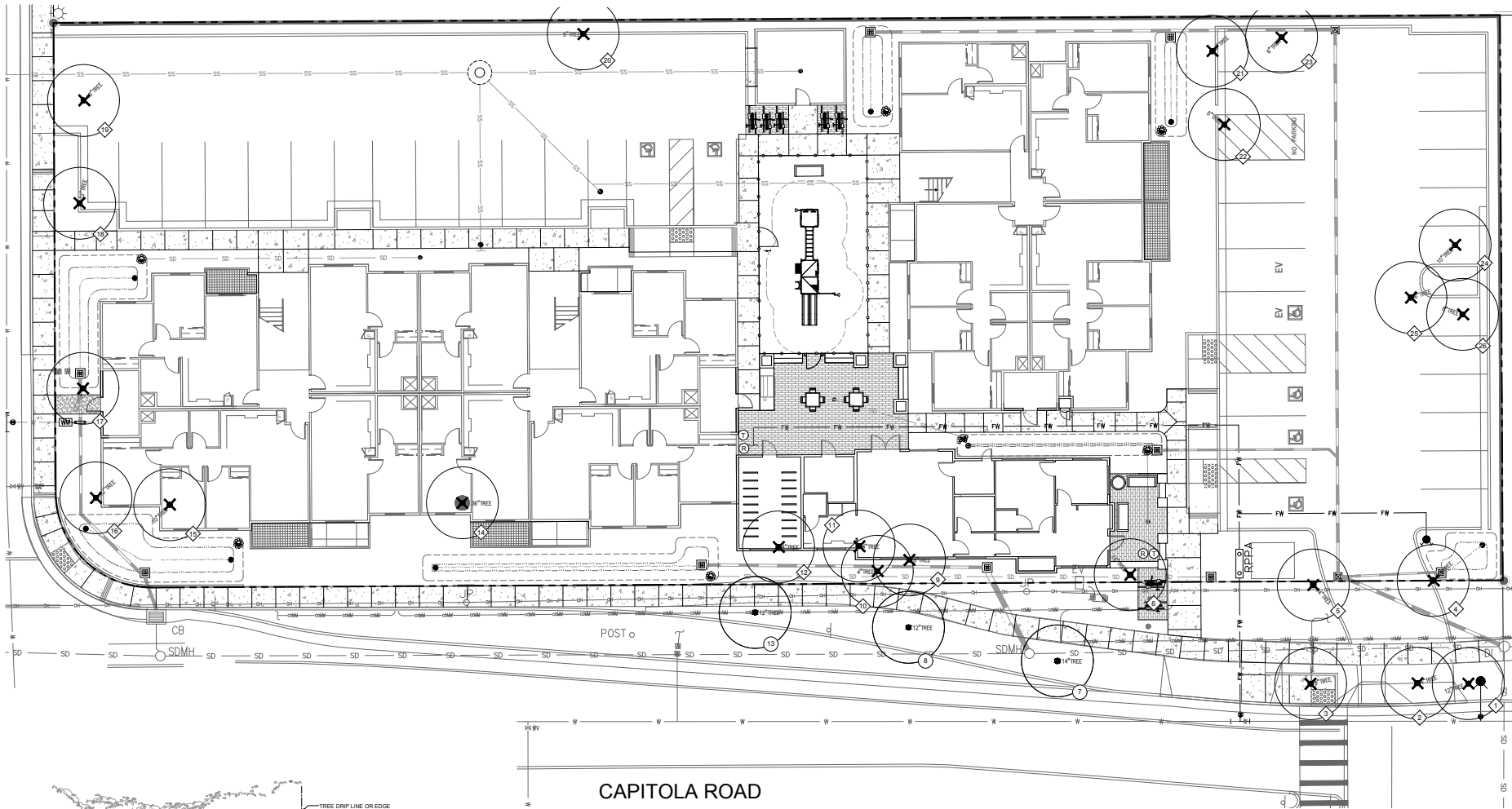


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**CAPITOLA ROAD**

**GRAPHIC LEGEND**

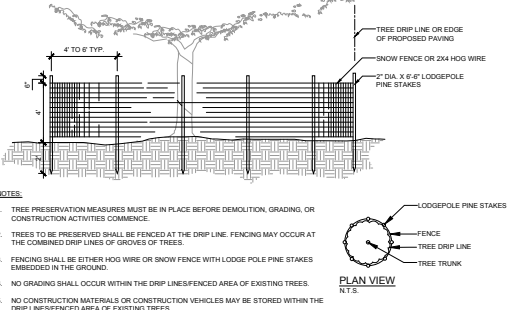
SYMBOL	DESCRIPTION
X	REMOVE (E) TREE
○	PRESERVATION SYMBOL
◇	DEMOLITION SYMBOL

**TREE REPLACEMENT**

NUMBER OF OVERALL TREES REMOVED	23
NUMBER OF ORDNANCE TREES REMOVED (>6")	23
NUMBER OF TREES PROPOSED	26
PROPOSED TREE CANOPY COVERAGE AT MATURITY	15,582 SF

**EXISTING TREE INVENTORY**

TAG #	TREE SPECIES	DBH (IN)	CONDITION	STATUS	REMARKS
1	FRAXINUS AMERICANA	36	GOOD	REMOVE	
2	BETULA PENDULA	10	POOR/MODERATE	REMOVE	
3	PLATANUS X ACERIFOLIA	12	POOR/MODERATE	REMOVE	
4	PLATANUS X ACERIFOLIA	4	MODERATE	REMOVE	
5	PLATANUS X ACERIFOLIA	8	MODERATE	REMOVE	
6	PLATANUS X ACERIFOLIA	14	MODERATE	REMOVE	
7	PLATANUS X ACERIFOLIA	14	MODERATE	RETAIN	
8	PLATANUS X ACERIFOLIA	14	MODERATE	RETAIN	
9	PLATANUS X ACERIFOLIA	14	MODERATE	RETAIN	
10	PLATANUS X ACERIFOLIA	14	MODERATE	RETAIN	
11	PLATANUS X ACERIFOLIA	12	MODERATE	RETAIN	
12	BETULA PENDULA	8	POOR/MODERATE	REMOVE	
13	BETULA PENDULA	4	POOR/MODERATE	REMOVE	
14	BETULA PENDULA	4	POOR/MODERATE	REMOVE	
15	BETULA PENDULA	4	POOR/MODERATE	REMOVE	
16	BETULA PENDULA	6	POOR/MODERATE	REMOVE	
17	BETULA PENDULA	10	POOR/MODERATE	REMOVE	
18	BETULA PENDULA	6	POOR/MODERATE	REMOVE	
19	BETULA PENDULA	8	POOR/MODERATE	REMOVE	
20	PLATANUS X ACERIFOLIA	12	MODERATE	RETAIN	



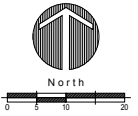
- NOTES**
- TREE PRESERVATION MEASURES MUST BE IN PLACE BEFORE DEMOLITION, GRADING, OR CONSTRUCTION ACTIVITIES COMMENCE.
  - TREES TO BE PRESERVED SHALL BE FENCED AT THE DRIP LINE. FENCING MAY OCCUR AT THE COMBINED DRIP LINES OF GROVES OF TREES.
  - FENCING SHALL BE EITHER HOG WIRE OR SNOW FENCE WITH LODGE POLE PINE STAKES EMBEDDED IN THE GROUND.
  - NO GRADING SHALL OCCUR WITHIN THE DRIP LINE/FENCED AREA OF EXISTING TREES.
  - NO CONSTRUCTION MATERIALS OR CONSTRUCTION VEHICLES MAY BE STORED WITHIN THE DRIP LINE/FENCED AREA OF EXISTING TREES.

**TREE PRESERVATION**  
SCALE: 1/4" = 1'-0"

Sheet Title:  
**TREE INVENTORY PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale: 1" = 10'-0"  
Drawn By: JB

Sheet No. \_\_\_\_\_



L-1.0



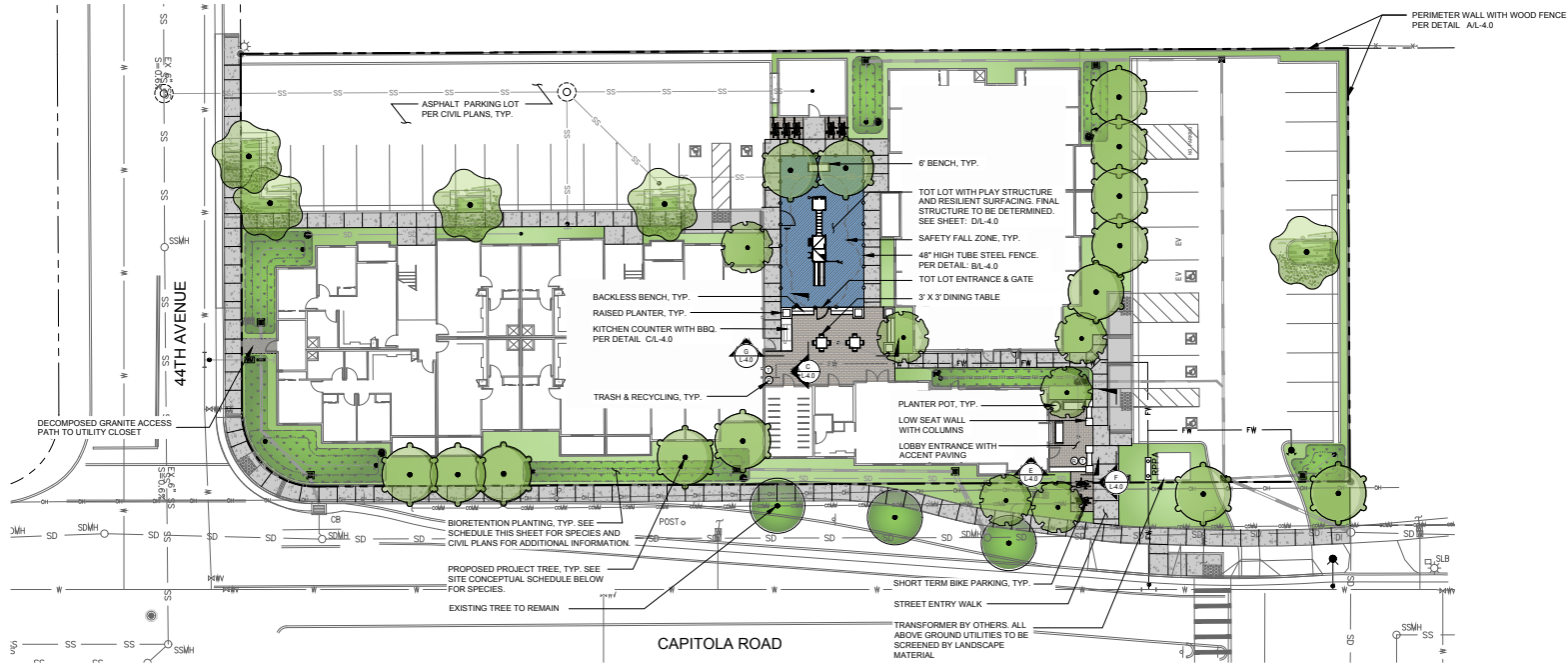


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**PLANTING NOTES**

- ALL LANDSCAPE AREAS TO BE TOP DRESSED WITH 3" THICK LAYER OF BARK MULCH. MULCH SHALL BE REDWOOD, FIR, CEDAR, OR A COMBINATION OF THESE. THE COMPOSITION OF THE MULCH SHALL BE A MIX OF SHREDDED BARK, WOOD AND SAWDUST. 0.4" EQUAL TO: "WONDER MULCH" BY VISION RECYCLING, FREMONT, CA (510) 385-0255 CONTACT: ANDREW TUCKMAN  
GORILLA HAIR MULCH AND BARK CHIPS SHALL NOT BE USED OR ACCEPTED. CONTRACTOR TO PROVIDE SAMPLE TO LANDSCAPE ARCHITECT FOR APPROVAL PRIOR TO PURCHASING.
- THE TOP SECTION OF ALL LANDSCAPE AREAS SHALL BE COMPRISED OF AN APPROVED TOP SOIL MIX, WHICH CAN BE EITHER IMPORTED OR AMENDED NATIVE MATERIAL. PER SPECIFICATIONS. ONCE THE TOP SOIL MATERIAL IS IN PLACE, A SOIL FERTILITY TEST WILL BE COMPLETED BY THE CONTRACTOR TO DETERMINE THE APPROPRIATE ADDITIVE SCHEDULE PER SPECIFICATIONS.
- PLANT QUANTITIES, IF SHOWN IN LEGEND, ARE FOR BID ONLY. CONTRACTOR SHALL VERIFY QUANTITIES.
- CONTRACTOR SHALL SET OUT PLANT MATERIAL AS PER PLAN AND RECEIVE APPROVAL FROM THE OWNER'S REPRESENTATIVE WITH RESPECT TO PLANT HEALTH AND LOCATION PRIOR TO INSTALLATION. CONTRACTOR SHALL GIVE MINIMUM 3 WORKING DAYS NOTICE FOR OBSERVATION AND SHALL HAVE ALL PLANT MATERIAL IN SPECIFIED LOCATIONS FOR REVIEW AT ONE TIME. CONTRACTOR SHALL REPLACE ANY MATERIAL AS DIRECTED BY COUNTY REPRESENTATIVE.
- CONTRACTOR SHALL REFER TO PLANTING DETAILS AND SPECIFICATIONS PRIOR TO BIDDING AND CONSTRUCTION FOR ADDITIONAL INFORMATION ON AMENDMENT, OBSERVATIONS, SUBMITTALS ETC.
- A MINIMUM 3-FOOT CLEAR AREA SHALL BE PROVIDED AND MAINTAINED AROUND ALL FIRE HYDRANTS AND FIRE APPLIANCES.
- ALL ABOVE GROUND UTILITIES TO BE SCREENED BY LANDSCAPE MATERIAL. SEE ADJACENT PLANT SCHEDULE FOR PROPOSED PLANT SPECIES.

**IRRIGATION SYSTEM**

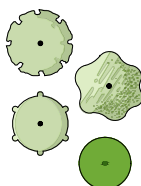
NOTE: OWNER SHALL PROVIDE AN AUTOMATIC IRRIGATION SYSTEM TO EFFECTIVELY WATER ALL PLANTING AREAS SHOWN ON THE CONCEPTUAL LANDSCAPE PLAN. THE DESIGN OF THE IRRIGATION SYSTEM SHALL CONSIST OF DRIP IRRIGATION, BUBBLERS AND LOW FLOW SPRAY HEADS THAT WILL SUFFICIENTLY IRRIGATE THE PROPOSED PLANT MATERIAL. IN COMPLIANCE WITH CALIFORNIA'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AB 1881, COUNTY OF SANTA CRUZ AND SOQUEL CREEK WATER DISTRICT REQUIREMENTS.

HYDROZONES WILL BE DESIGNATED BASED ON SOLAR EXPOSURE, PLANT WATER USE REQUIREMENTS, SOIL TYPE, AND MICROCLIMATES

**WELO NOTES**

- A HORTICULTURAL SOIL ANALYST TEST SHALL BE CONDUCTED AT A MINIMUM OF 4 LOCATIONS IN PLANTING AREAS IN ADDITION TO AN ANALYSIS OF ANY TOP SOIL IMPORTED TO PROJECT PLANTING AREAS. CONTRACTOR TO FOLLOW AMENDMENT RECOMMENDATIONS FROM A QUALIFIED SOILS LABORATORY BASED ON TEST RESULTS. THOROUGHLY MIX SOIL ADDITIVES INTO TOP 6" OF SOIL BY ROTOTILLING AT LEAST ONCE IN EACH DIRECTION.
- SOIL AMENDMENT AND COMPOST TO BE ADDED TO PLANTING AREAS AT A RATE OF 4 CUBIC YARDS PER 1,000 SF. INCORPORATED TO A DEPTH OF SIX INCHES INTO THE SOIL.
- A MINIMUM (3") LAYER OF MULCH SHALL BE APPLIED ON ALL EXPOSED SOIL SURFACES OF PLANTING AREAS EXCEPT IN TURF AREAS. REFER TO PLANTING NOTES ABOVE FOR MULCH SPECIFICATION.
- REFER TO CIVIL IMPROVEMENT PLANS FOR PLANTING AREA GRADING.
- A LANDSCAPE IRRIGATION AUDIT SHALL BE CONDUCTED BY AN IRRIGATION AUDITOR.

**CONCEPTUAL PLAN SCHEDULE**



TREES	WUCLS	QUANTITY
CERCIS CANADENSIS / FOREST PANSY / FOREST PANSY REDBUD	M	8
PISTACIA CHINENSIS / CHINESE PISTACHE	L	5
TRISTANTIA LAURINA 'ELEGANT' / ELEGANT WATER GUM	M	12
EXISTING TREE TO REMAIN	M	4

SHRUB/PERENNIAL

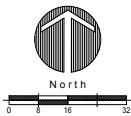
	WUCLS	QUANTITY
ACHILLEA MILLEFOLIUM / COMMON YARROW	L	6,048 SF
ACHILLEA X MOONSHINE / MOONSHINE YARROW	L	
ARCTOSTAPHYLOS X PACIFIC MIST / PACIFIC MIST MANZANITA	L	
CALAMAGROSTIS FOLIOSA / FLEET GRASS	M	
CEANOETHUS X DARK STAR / DARK STAR WILD LILAC	L	
IRIS DOUGLASSIANA / DOUGLAS IRIS	L	
LANTANA X NEW GOLD / NEW GOLD LANTANA	M	
MYRTICA CALIFORNICA / PACIFIC WAX MYRTLE	L	
NEPETA X WALKERS LOW / WALKERS LOW CATMINT	L	
PEROVSKIA ATRIPILICIFOLIA / RUSSIAN SAGE	L	
RHAMNUS CALIFORNICA 'MOUND SAN BRUNO' / MOUND SAN BRUNO COFFEEBERRY	L	
RIBES SANGUINEUM GLUTINOSUM / RED FLOWERING CURRANT	L	
SALVIA SPATHACEA / HUMMINGBIRD SAGE	L	
SANTOLINA CHAMÆCYPARISSUS / LAVENDER COTTON	L	

BIRDWALE

	WUCLS	QUANTITY
CAREX DRIFUSA / EUROPEAN GREY SEDGE	L	1,791 SF
FESTUCA MAIREI / ATLAS FESCUE	L	
HELICTOTRICHON SEMPERVIRENS / BLUE CAT GRASS	L	
JUNCUS PATESI / CALIFORNIA GRAY RUSH	L	

**SITE LEGEND**

SYMBOL	DESCRIPTION
[Concrete texture]	PROPOSED CONCRETE WALKWAY
[Accent paving texture]	PROPOSED ACCENT PAVING
[Stabilized decomposed granite texture]	PROPOSED STABILIZED DECOMPOSED GRANITE PAVEMENT
[Resilient safety surfacing texture]	RESILIENT SAFETY SURFACING



Sheet Title:  
**LANDSCAPE CONCEPT PLAN**

Job No. 21041  
Date: 11/30/2022  
Scale: 1/16" = 1'-0"  
Drawn By: JB

Sheet No.:

L-2.0



OUTDOOR BBQ WITH FIBER CEMENT LAP SIDING TO MATCH ARCHITECTURE



OUTDOOR KITCHEN CONCRETE COUNTER TOP



MOVEABLE STEEL CHAIRS, LANDSCAPE FORMS - CHAIR 21



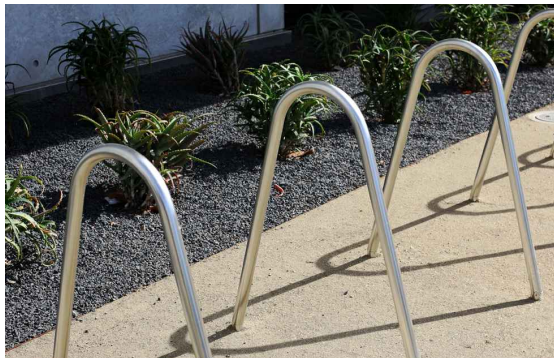
6FT BACKLESS BENCH, DUMOR BENCH 472



TRASH RECEPTACLE, DUMOR 474



6FT BACKED BENCH, DUMOR BENCH 473



TEMPORARY BIKE PARKING, STAINLESS STEEL TUBING - LANDSCAPE FORMS 'BOLA'



PLANTING POT, ARCHIPOT 'LEGACY ROUND TALL PLANTER'



BOARD FORM FINISH CONCRETE SEAT WALL



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Sheet Title:

LANDSCAPE  
MATERIAL  
BOARD

Job No. 21041  
Date: 11/30/2022  
Scale: 1/16" = 1'-0"  
Drawn By: JB

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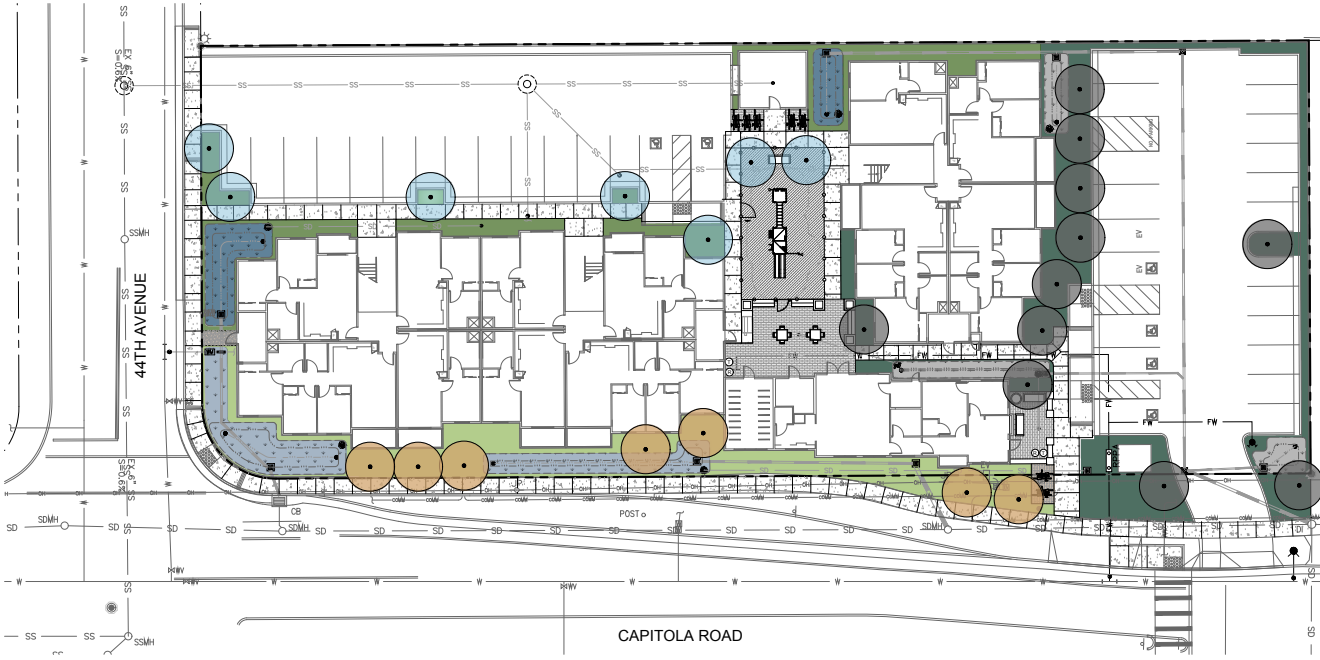
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IRRIGATION SCHEDULE

SYMBOL	MANUFACTURER/MODEL/DESCRIPTION	QTY	PSI	DETAIL
	RAIN BIRD R-VAN14 1812-SAM-P45 SHRUB ROTARY 8'-14' 45-270 DEGREES AND 360 DEGREES. HAND ADJUSTABLE MULTI-STREAM ROTARY W/1800 SHRUB SPRAY BODY ON 1/2" POP-UP. WITH CHECK VALVE AND 45 PSI IN-STEM PRESSURE REGULATOR. 1/2" NPT FEMALE THREADED INLET.	-	45	HL-4.1
	RAIN BIRD RWS-B-C 1400 SERIES ROOT WATERING SYSTEM WITH 4.0" DIAMETER X 36.0" LONG WITH LOCKING GRATE. SEMI-RIGID MESH TUBE, AND CHECK VALVE. RAIN BIRD BUBBLERS OPTION AS INDICATED. 1401 0.25 GPM, 1402 0.5 GPM, 1404 1.0 GPM, 1408 2.0 GPM.	-	45	IL-4.1
	RAIN BIRD KCZ-100-PRB-COM WIDE FLOW DRIP CONTROL KIT FOR COMMERCIAL APPLICATIONS. 1" BALL VALVE WITH 1" PRESS VALVE AND 1" PRESSURE REGULATING 40PSI QUICK-CHECK BASKET FILTER. 0.3 GPM/20 GPM.	-	-	AL-4.2
	AREA TO RECEIVE DRIP EMITTERS RAIN BIRD XB-PC SINGLE OUTLET, PRESSURE COMPENSATING DRIP EMITTERS. FLOW RATES OF 0.5 GPH@1.5 PSI, 1.0 GPH@BLACK, AND 2.0 GPH@RED. COMES WITH A SELF-PIERCING BARB INLET X BARB OUTLET.	-	-	BL-4.2
	RAIN BIRD PRS-D 1" 1-1/2" 2" PLASTIC INDUSTRIAL VALVES. LOW FLOW OPERATING CAPABILITY. GLOBE CONFIGURATION. WITH PRESSURE REGULATING MODULE AND SCRUBBER TECHNOLOGY FOR RELIABLE PERFORMANCE IN DIRTY WATER IRRIGATION APPLICATIONS.	-	-	EI-4.1
	RAIN BIRD 44-LRC 1" BRASS QUICK-COUPING VALVE. WITH CORROSION-RESISTANT STAINLESS STEEL SPRING. LOCKING THERMOPLASTIC RUBBER COVER. AND 2-PIECE BODY.	-	-	GL-4.1
	SHUT OFF VALVE KBI BTU-E PVC BLOCKED TRUE UNION BALL VALVE 1/2" TO 2" SAME SIZE AS PIPE	-	-	FL-4.1
	GRISWOLD DWS 27 BRASS, IN-LINE, ON-OFF, SOLENOID CONTROL VALVE. NORMALLY CLOSED. AVAILABLE IN 3/4", 1", 1-1/4", 1-1/2", AND 2". IDEAL FOR USE WITH RECLAIMED OR "DIRTY" WATER. SELF-CLEANING, SLOW-CLOSING AND OPENING FEATURE.	-	-	DL-4.1
	FESCO 85EYL 1" REDUCED PRESSURE BACKFLOW PREVENTER	-	-	BL-4.1
	RAIN BIRD ESP/PLM2P-LXMMS2 WI (3) ESP/PLM2P 12-STATION, TRADITIONALLY WIRED, PRO SMART COMMERCIAL CONTROLLER. (1) ESP/PLM2P 12-STATION, PRO SMART, (MODULE INCLUDED) INDOOR/OUTDOOR, PLASTIC WALL-MOUNT ENCLOSURE WI (3) ESP/PLM2P 12-STATION EXPANSION MODULES.	-	-	CL-4.2
	CREATIVE SENSOR TECHNOLOGY FSI T15-001 1.5" PVC TEE TYPE FLOW SENSOR W/SOCKET ENDS. CUSTOM MOUNTING TEE AND ULTRA LIGHTWEIGHT IMPELLER ENHANCES LOW FLOW MEASUREMENT. 2 WIRE DIGITAL OUTPUT COMPATIBLE WALL IRRIGATION CONTROLLERS. FLOW RANGE 1.8 GPM - 108 GPM.	-	-	DL-4.1
	IRRIGATION LATERAL LINE: PVC SCHEDULE 40	-	-	AL-4.1
	PIPE SLEEVE: PVC CLASS 315 SDR 13.5	-	-	

HYDROZONE SCHEDULE

HYDROZONE	PLANT WATER USE	IRRIGATION METHOD	PLANT FACTOR (PF)	HYDROZONE AREA (SQ. FT.) (HA)	PF X HA (SQ.FT)	IRRIGATION EFFICIENCY (IE)	PF X HA / (IE)
1	LOW	DRIP	0.3	1,140	342	0.81	422.22
2	LOW	DRIP	0.3	482	144.6	0.81	178.52
3	MOD	BUBBLERS	0.5	175	87.5	0.81	108.02
4	MOD	DRIP	0.5	1,663	831.5	0.81	1,026.54
5	LOW	DRIP	0.3	859	257.7	0.81	318.15
6	MOD	BUBBLERS	0.5	175	87.5	0.81	108.02
7	LOW	DRIP	0.3	2,377	713.1	0.81	880.37
8	LOW	DRIP	0.3	450	135	0.81	168.67
9	MOD	BUBBLERS	0.5	300	150	0.81	185.19
TOTALS				7,621			3,393.70

HYDROZONE LEGEND

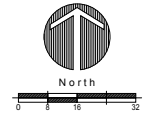
HYDROZONE #	SYMBOL	DESCRIPTION	LANDSCAPE AREA
HYDROZONE 1		NORTHERN ASPECT - SHRUBS & GROUNDCOVERS	1,140 SF
HYDROZONE 2		NORTHERN ASPECT - BIORETENTION	482 SF
HYDROZONE 3		NORTHERN ASPECT - TREES	175 SF
HYDROZONE 4		SOUTHERN ASPECT - SHRUBS & GROUNDCOVERS	1,663 SF
HYDROZONE 5		SOUTHERN ASPECT - BIORETENTION	859 SF
HYDROZONE 6		SOUTHERN ASPECT - TREES	175 SF
HYDROZONE 7		PARKING LOT / EAST ENTRANCE - SHRUBS AND GROUNDCOVERS	2,297 SF
HYDROZONE 8		PARKING LOT / EAST ENTRANCE - BIORETENTION	450 SF
HYDROZONE 9		PARKING LOT / EAST ENTRANCE - TREES	300 SF

IRRIGATION STATEMENT

CONTRACTOR TO PROVIDE AN AUTOMATIC IRRIGATION SYSTEM TO EFFECTIVELY WATER ALL PLANTS SHOWN ON LANDSCAPE PLAN. THE DESIGN OF THE IRRIGATION IMPROVEMENTS SHALL CONSIST OF DRIP IRRIGATION AND LOW FLOW ROTARY NOZZLES THAT WILL SUFFICIENTLY IRRIGATE THE PROPOSED PLANT MATERIAL IN COMPLIANCE WITH CALIFORNIA'S UPDATED MODEL WATER EFFICIENT LANDSCAPE ORDINANCE AB 1881 AND CITY OF CAPITOLA REQUIREMENTS. HYDROZONES WILL BE DESIGNATED BASED ON SOLAR EXPOSURE, PLANT WATER REQUIREMENTS, SOIL TYPE, AND MICROCLIMATES.

WATER USE CALCULATION

$$\begin{aligned}
 \text{MAWA} &= (ET_0) (0.62) [(0.55 \times \text{LA}) + (0.3 \times \text{SLA})] \\
 &= (36.6) (0.62) [(0.55 \times 7,621) + (0.3 \times 0)] \\
 &= (22.69) (4,191.55) \\
 &= 95,106.27 \\
 \text{ETWU} &= (ET_0) (0.62) [(PF \times \text{HA}) + \text{SLA}] \\
 &= (36.6) (0.62) [(3,393.70) + 0] \\
 &= (22.69) (3,393.70) \\
 &= 77,003.05 \\
 \text{MAWA} &= 95,106.27 \text{ GAL/YEAR} \\
 \text{ETWU} &= 77,003.05 \text{ GAL/YEAR}
 \end{aligned}$$



Sheet Title:

HYDROZONE PLAN

Job No. 21041  
 Date: 11/30/2022  
 Scale: 1/16" = 1'-0"  
 Drawn By: JB

Sheet No.

L-3.0

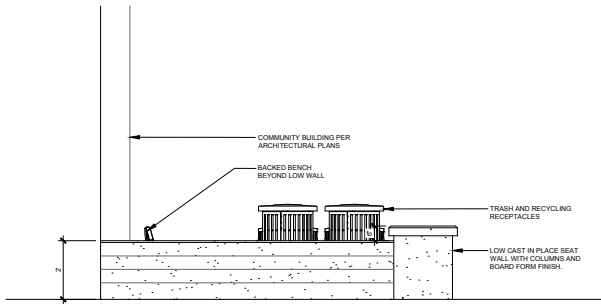


**STUDIO  
T SQUARE**

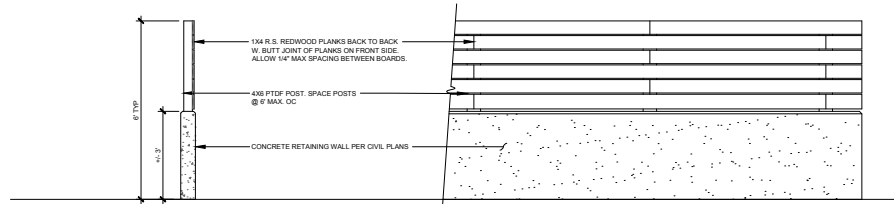
Architecture  
Planning  
Urban Design  
1970 Broadway #615  
Oakland, California 94612  
(510) 451-2850

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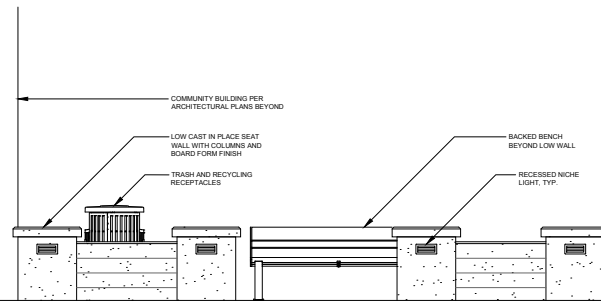
**BLUFFS AT 44TH**  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
**CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT**  
4495 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117



**E ENTRY COURTYARD ELEVATION A**  
SCALE: 1/2" = 1'-0"



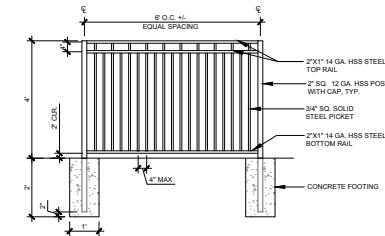
**A WOOD FENCE ON PERIMETER WALL**  
SCALE: 1/2" = 1'-0"



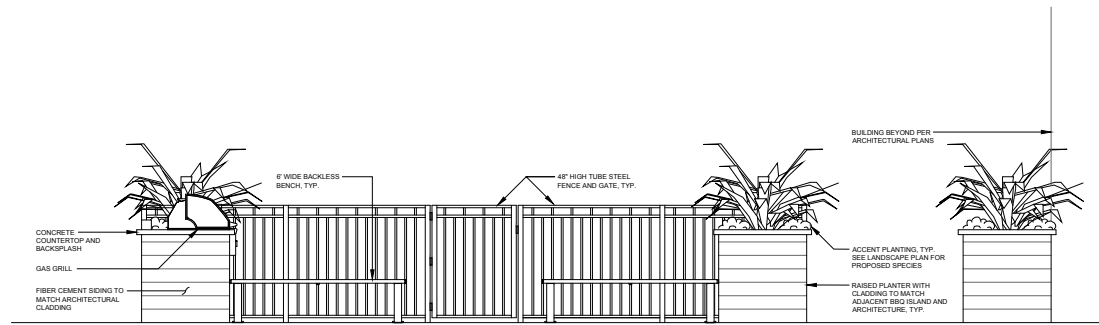
**F ENTRY COURTYARD ELEVATION B**  
SCALE: 1/2" = 1'-0"



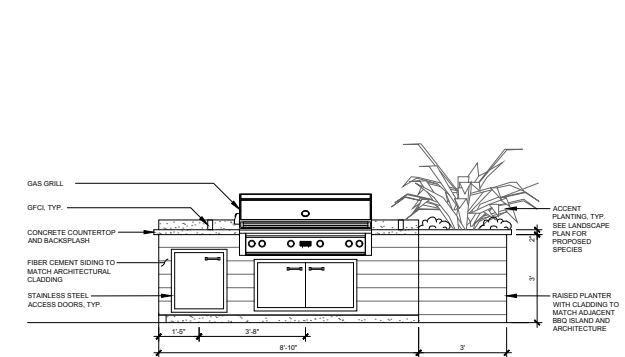
**D TOT LOT PLAY STRUCTURE**  
SCALE: N.T.S.



**B 48" HIGH TUBE STEEL FENCE**  
SCALE: 1/2" = 1'-0"



**G COMMON AREA COURTYARD ELEVATION**  
SCALE: 1/2" = 1'-0"



**C OUTDOOR KITCHEN ISLAND**  
SCALE: 1/2" = 1'-0"

Sheet Title:  
**CONCEPTUAL  
LANDSCAPE  
DETAILS**

Job No. 21041  
Date: 11/30/2022  
Scale: 1/16" = 1'-0"  
Drawn By: JB

Sheet No:

L-4.0

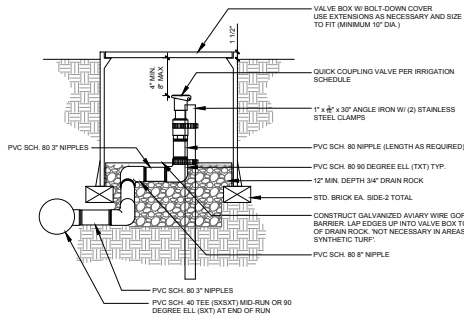


STUDIO T SQUARE

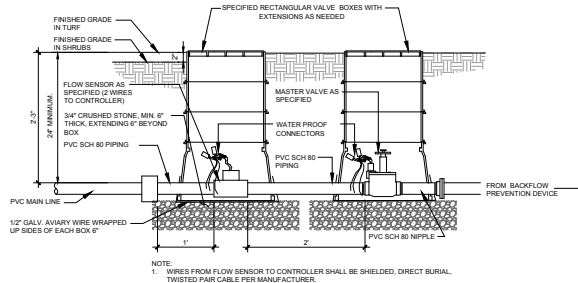
Architecture  
Planning  
Urban Design  
1970 Broadway #615  
Oakland, California 94612  
(510) 451-2850

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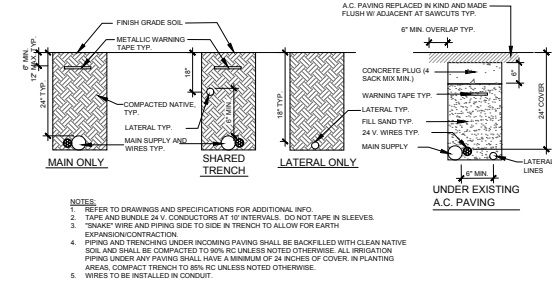
BLUFFS AT 44TH  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT  
4495 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117



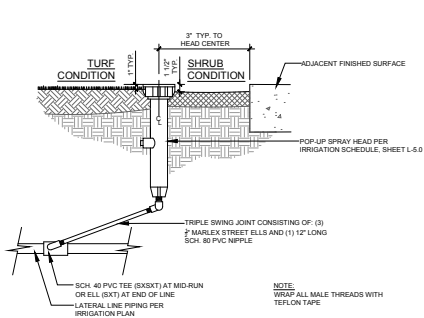
**G QUICK COUPLING**  
SCALE: 1" = 1'-0"



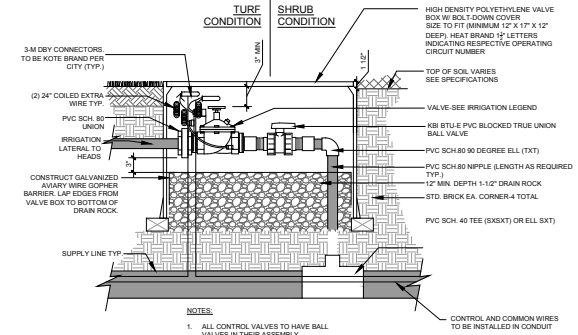
**D MASTER CONTROL VALVE & FLOW SENSOR ASSEMBLY**  
SCALE: 1" = 1'-0"



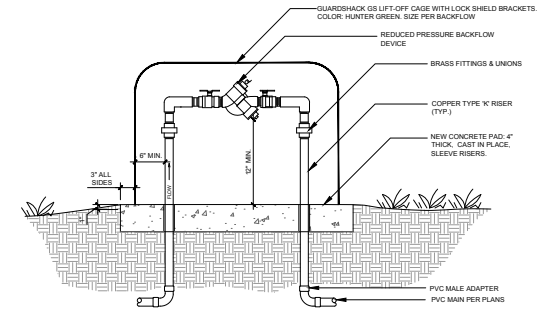
**A TRENCHING**  
SCALE: N.T.S.



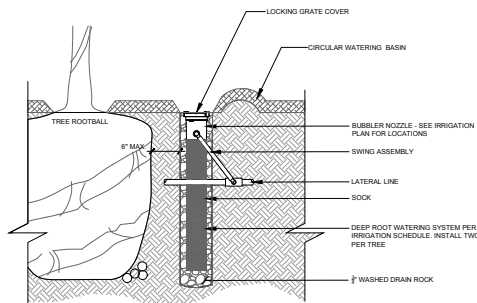
**H POP-UP SPRAY HEAD**  
SCALE: 1" = 1'-0"



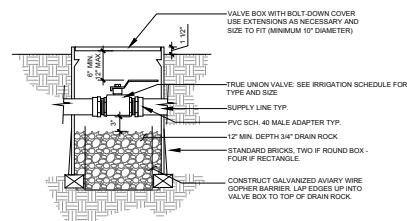
**E REMOTE CONTROL VALVE**  
SCALE: 1" = 1'-0"



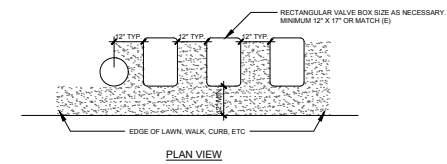
**B BACKFLOW PREVENTER**  
SCALE: 1" = 1'-0"



**I TREE BUBBLER**  
SCALE: 1" = 1'-0"



**F BALL VALVE**  
SCALE: 1" = 1'-0"



**C VALVE BOX LAYOUT**  
SCALE: 1/2" = 1'-0"

Sheet Title:  
**CONCEPTUAL LANDSCAPE DETAILS**

Job No. 21041  
Date: 11/30/2022  
Scale: 1/16" = 1'-0"  
Drawn By: JB

Sheet No:

L-4.1



STUDIO T SQUARE

Architecture  
Planning  
Urban Design  
1970 Broadway #615  
Oakland, California 94612  
(510) 451-2850

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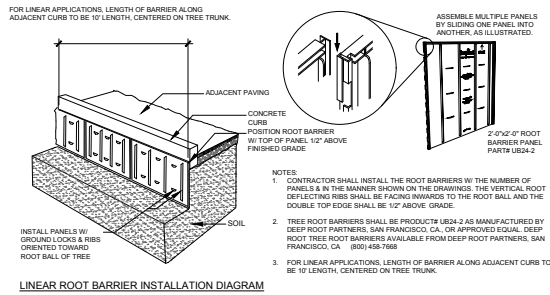
BLUFFS AT 44TH  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010  
CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT  
4455 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117

Sheet Title:  
**CONCEPTUAL LANDSCAPE DETAILS**

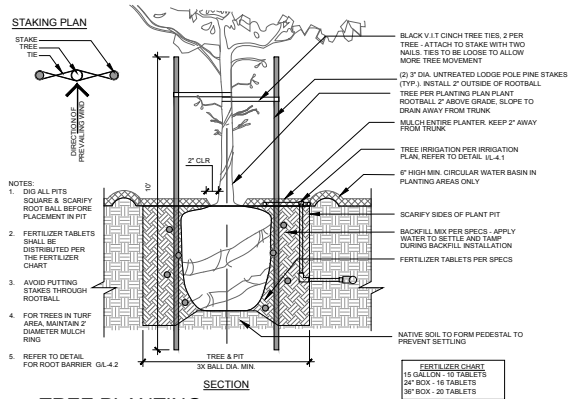
Job No. 21041  
Date: 11/30/2022  
Scale: 1/16" = 1'-0"  
Drawn By: JB

Sheet No:

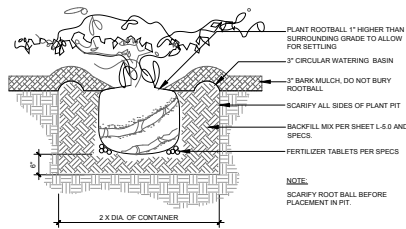
L-4.2



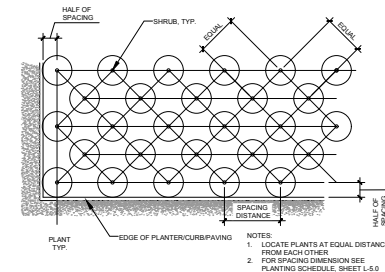
**G ROOT BARRIER**  
SCALE: 1/2" = 1'-0"



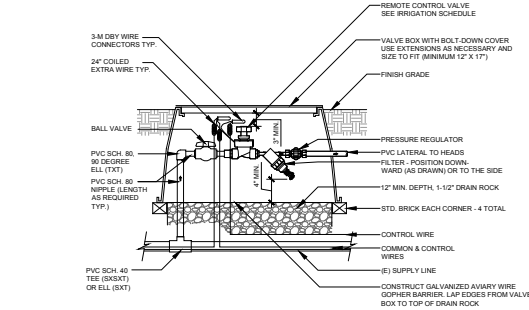
**D TREE PLANTING**  
SCALE: N.T.S.



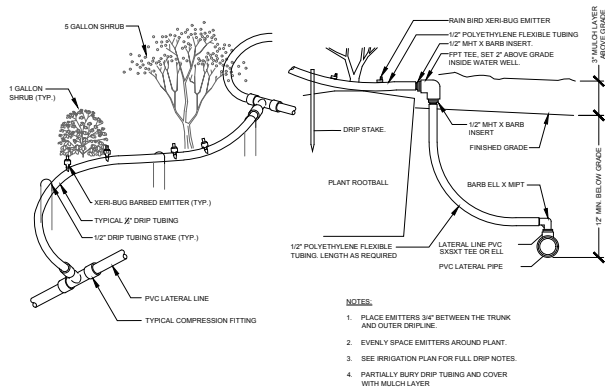
**E SHRUB PLANTING**  
SCALE: N.T.S.



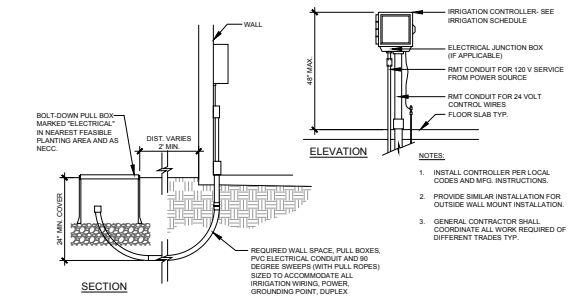
**F GROUNDCOVER AND SHRUB SPACING**  
SCALE: N.T.S.



**A DRIP ZONE REMOTE CONTROL VALVE KIT**  
SCALE: 1/2" = 1'-0"



**B TYPICAL DRIP TUBING LAYOUT**  
SCALE: 1/2" = 1'-0"



**C WALL MOUNT CONTROLLER**  
SCALE: 1/2" = 1'-0"



**STUDIO  
T SQUARE**

: Architecture  
: Planning  
: Urban Design  
: 1970 Broadway #615  
: Oakland, California 94612  
: (510) 451 - 2850

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**Parking Lot**  
Gardco Ecoform  
w/ 16' pole - bronze

1 ●



**Pedestrian**  
Gardco PureForm  
w/ 12' pole - bronze

2 ●



**Wall-mount (+ 8' or 10')**  
Gardco GeoForm - bronze

3 ■



**Porch Light (+ 8')**  
Kuzco Carson - bronze

4 ■

**All fixtures:**  
- Bronze finish  
- LED w/ 3,000K color temp

FORTY FOURTH AVE



CAPITOLA RD



16' 0 16' 32' 48'

SCALE: 1/16" = 1'-0"

THE BLUFFS AT 44TH  
4401 CAPITOLA ROAD, CAPITOLA, CA 95010

CRP AFFORDABLE HOUSING AND  
COMMUNITY DEVELOPMENT  
4455 MORENA BLVD, SUITE 108, SAN DIEGO, CA 92117

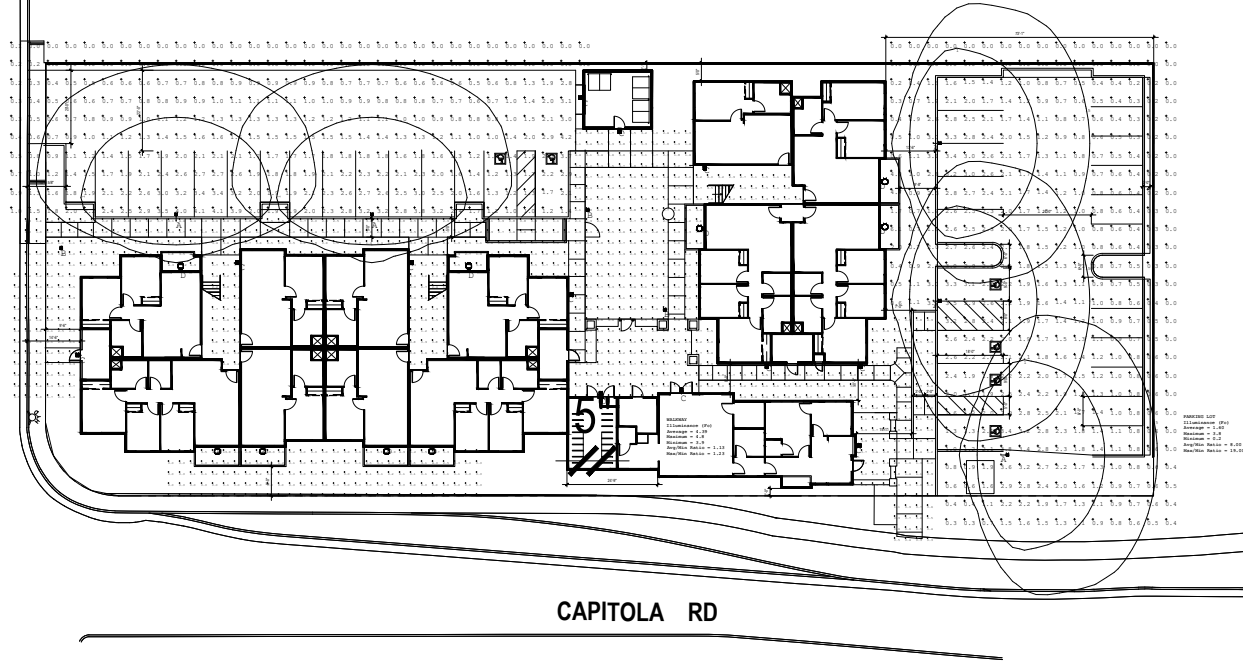
Sheet Title:  
SITE LIGHTING

Job No. 21041  
Date: 11/30/2022  
Scale:  
Drawn By:

Sheet No.:

LTG-1

FORTY FOURTH AVE



CAPITOLA RD

SCALE: 1" = 16'

PLAN VIEW

Luminaire Schedule								
Symbol	Qty	Label	Arrangement	Description	LLF	Luminaire Lumens	Luminaire Watts	Total Watts
	9	D	Single	KUZCO EW61806-BK	0.900	747	11.2	100.8
	12	C	Single	GARDCO GBM-A06-830-3	0.900	2540	16.3	195.6
	3	B	Single	GARDCO PPT-196L-450-WW-G2-3-UNV	0.900	2208	20.9	62.7
	5	A	Single	GARDCO ECF-S-32L-365-WW-G2-4	0.900	5637	40	200

Calculation Summary							
Label	CalcType	Units	Avg	Max	Min	Avg/Min	Max/Min
PARKING LOT	Illuminance	Fc	1.60	3.8	0.2	8.00	19.00
WALKWAY	Illuminance	Fc	4.39	4.8	3.9	1.13	1.23

Note: Unless otherwise specified, the lamp lumen depreciation (LLD) for legacy sources used in these calculations is based on published mean lumen ratings by major lamp manufacturers: 0.80 LLD for pulse start metal halide; 0.90 LLD for high pressure sodium; 0.90 LLD for linear T8 and T5 fluorescent; 0.86 LLD for compact fluorescent and induction; 0.88 LLD for Corvo and Elite lamps; 0.94 LLD for all LED sources. Unless otherwise noted, 0.90 luminaire dirt depreciation (LDD) is commonly applied. In cases where appropriate, ballast factor (BF) is applied. Additional user defined factors (UDF) may be applied if necessary to represent luminaire performance to a higher degree of accuracy. Total light loss factor (LLF) is the product of all multiplied loss factors.

**LIGHTING PLAN - PHOTOMETRIC ANALYSIS - LAYOUT VERIFICATION**  
 (ALL VALUES SHOWN ARE MAINTAINED HORIZONTAL FOOTCANDLES AT FINISHED GRADE, U.O.N.)

PRELIMINARY - NOT FOR CONSTRUCTION  
 NOT FOR QUOTING PURPOSES

**Associated Lighting Representatives, Inc.**  
 10000 E. 15th Ave, Suite 100  
 Denver, CO 80232  
 Phone: 303.751.1111  
 Fax: 303.751.1112  
 Email: info@arlighting.com

**ICB2**  
 ILLUMINANCE CONSULTING BUREAU  
 10000 E. 15th Ave, Suite 100  
 Denver, CO 80232  
 Phone: 303.751.1111  
 Fax: 303.751.1112  
 Email: info@icb2.com

**Lighting Analysis**  
 10000 E. 15th Ave, Suite 100  
 Denver, CO 80232  
 Phone: 303.751.1111  
 Fax: 303.751.1112  
 Email: info@lightinganalysis.com

PROJECT NO: 210011840  
 CLIENT: JOHN GOULD  
 PROJECT: ASSOCIATED LIGHTING REPRESENTATIVES INC  
 DESIGNER: OLIVIERO TORRESQUEZ  
 DATE: 11.2022

THE BLUES  
 401 CAPITOLA ROAD, CAPITOLA, CA  
 PROJECT NO: 210011840  
 DATE: 11.2022

SCALE: 1" = 16'



**CITY OF CAPITOLA  
Notice of Exemption**

**To:**  Clerk of the Board  
County of Santa Cruz  
Governmental Center  
701 Ocean Street  
Santa Cruz, CA 95060

Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

**From:** City of Capitola, Community Development Department, 420 Capitola Avenue, Capitola, CA 95010

**Project Title:** The Bluffs at 44th

**Project Address:** 4401 Capitola Road

**Assessor's**

**Parcel No.:** 034-123-05 and 034-124-18

**Project Location:** City of Capitola (see Figure 1)

**County of:** Santa Cruz

**Project Description:** The project consists of a Coastal Development Permit, Design Permit, Conditional Use Permit and Density Bonus request for construction of a 36-unit, affordable housing project on an approximate 0.81-acre site on the northeast corner of Capitola Road and 44<sup>th</sup> Avenue in the city of Capitola. Four existing office buildings, totaling approximately 3,700 square feet would be demolished to accommodate the project. The project consists of a mix of 1-bedroom, 2-bedroom and 3-bedroom apartment units, configured in one 3-story building, totaling 30,215 square feet. The project will be a 100% affordable housing project, including 30 low income units, 3 very low and 3 extremely low income units. The project will also provide approximately 1,270 square of support uses, including a community room, a laundry room, a lobby, a mail room and a manager’s office. The project includes a landscaped exterior plaza with a dedicated children’s play area and 36 parking spaces within a surface parking lot.

The project includes a density bonus request pursuant to California Government Code sections 65915 – 65918. The project applicant has requested two concessions related to sidewalks and frontage massing relief, and has requested five waivers, including reduction of required parking, increase in allowable compact parking, increase in building height (from 27 to 36 feet), decrease in the drive aisle width and reduction of the required side yard setback (from 10 To 5 feet).

**Name of Person or Agency Carrying Out Project:** CRP Affordable Housing and Community Development, 4455 Morena Blvd., Suite 107, San Diego, CA 92117

**Name of Public Agency Approving Project:** City of Capitola

**Exempt Status: (check one)**

- Ministerial Project (Section 21080(b)(1); 15268).
- Categorically Exempt (Section 15332).
- Declared Emergency (Section 21080(b)(3); 15269(a)).
- Emergency Project (Section 21080(b)(4); 15269(b)(c)).
- Statutory Exemption (Code/Section \_\_\_\_\_).
- The project clearly will not have a significant effect on the environment (15061(b)(3)).

**Reasons why project is exempt:** CEQA provides “categorical exemptions” which are applicable to categories of projects and activities that the Natural Resources Agency has determined generally do not pose a risk of significant impacts on the environment. The Class 32 categorical exemption is for “infill development” projects that meet the following criteria:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations;
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses;
- (c) The project site has no value as habitat for endangered, rare or threatened species;
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and
- (e) The site can be adequately served by all required utilities and public services.

The proposed project meets all of the foregoing criteria to claim the application of the infill exemption as summarized below, which is based on a detailed review of how the project meets the above criteria and does not meet any of the exceptions to an exemption.

- (a) The project is consistent with General Plan and zoning land use designations and all applicable General Plan policies and zoning regulations. The property is designated Neighborhood Mixed Use (MU-N) in the City’s General Plan and also is zoned Neighborhood Mixed Use (MU-N). The MU-N General Plan designation applies to pedestrian-oriented mixed-use areas with an emphasis on resident-serving stores and services. Multi-family developments are permitted in the MU-N designation, as well as other residential, commercial and community uses. The project is consistent with permitted uses in this land use designation and has a floor area ratio (FAR) of 0.88, which is consistent with the maximum permitted FAR in the MU-N designation of 1.0. The proposed project also is consistent with the policies of the General Plan.

Multi-family residential projects are permitted in the MU-N zone district with a Conditional Use Permit. The proposed project is consistent with all development standards of the MU-N zone. However, the applicant is requesting waivers to building height, parking requirements and side yard setbacks, as well as concessions to sidewalk width and frontage massing, as part of the density bonus request pursuant to provisions in state law. Therefore, the project is consistent with zoning regulations pursuant to provisions under the State Density Bonus law, which allow for waivers and concessions to the City’s zoning regulations, which would not render the project inconsistent with City zoning requirements. The court decision in *Wollmer v. City of Berkeley* expressly held that the waivers a city was required to grant for a Density Bonus-eligible project did not result in planning and zoning inconsistencies that disqualified the project from the categorical exemption for infill development, because the mandatory nature of the waivers meant that those standards were inapplicable to the project.

Therefore, The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.

- (b) The 0.81-acre site is located within City limits, is less than 5 acres in size, and is surrounded by existing developed urban residential uses adjacent to the site and commercial uses across the street along Capitola Road.
- (c) The project site is developed with four small one- and two- story office buildings, totaling approximately 3,700 square feet, and is entirely covered with existing pavement or structures with some ornamental landscaped trees. The site is not within mapped areas of potential sensitive habitat as depicted in the City’s General Plan, and there are no known endangered or threatened species on or adjacent to the site due to the site’s location within a developed urban area. Thus, the project has no value as habitat for endangered, rare, or threatened species.
- (d) The project would not result in any significant effects relating to traffic, noise, air quality, or water quality. The project is a 100% affordable housing project, which is screened out from traffic-vehicle miles traveled (VMT) reviews. The City’s adopted VMT threshold and accompanying guidelines follow CEQA Guidelines Section 15063(c)(3)(C) and the Office of Planning and Research (OPR) Technical Advisory on Evaluating Transportation Impacts in CEQA, which allows for development of “screening criteria” that can be used to identify projects that are not expected to cause a significant impact on transportation without conducting a detailed VMT analysis. Affordable residential development is screened out; the OPR Technical Advisory provides data to support the conclusion that adding affordable housing to infill locations generally improves jobs-housing match, in turn shortening commutes and reducing VMT. Accordingly, the Capitola’s screening criteria provides that projects that are a 100% affordable residential development or the residential component of a mixed-use development, in infill locations shall be assumed to have a less than significant impact on transportation. The project is both a 100% affordable residential project and located in an infill location.

The project would not result in a substantial increase in permanent or temporary noise levels. Review of project construction and operations concluded that the project would not result in a substantial increase in permanent or temporary noise levels, and existing City regulations include performance standards that prohibit generation of loud, boisterous, irritating, penetrating, or unusual noise that is defined and regulated in the Capitola Municipal Code.

Air pollutant emissions generated during project construction and operation would not exceed significance thresholds established for different criteria pollutants by the Monterey Bay Air Resources District (MBARD). Emissions from construction activities represent temporary impacts that are typically short in duration, depending on the size, phasing, and type of project, and MBARD CEQA Guidelines indicate that projects with grading of less than 2.1 acres per day would not result in significant emissions. The project site is less than 1 acre in size. In addition, the project size (36 apartment units) is below the screening level for residential apartment uses that has been identified by the MBARD as being potentially significant

The proposed project does not involve any discharges that would violate any water quality standards or waste discharge requirements, and would not result in significant impacts to water quality. The project is currently developed, and impervious surfacing would not significantly increase with the proposed project. The project would be designed to comply

with regulations contained in the City’s Municipal Code regarding stormwater runoff water quality impacts. A stormwater plan review has since completed, and concluded that the project complies with City requirements.

The site can be adequately served by all required utilities and public services, as existing utility infrastructure already serves the project area. All existing public services and utilities area adequate to serve the project. In addition, the project includes drip irrigation, low-water use landscaping, and the apartment building will be an energy-efficient with energy star appliances, LED lighting and generous roof area available for solar photo-voltaic panels.

The City has further considered whether the project is subject to any of the exceptions to the use of a categorical exemption found at CEQA Guidelines Section 15300.2. This section prohibits the use of categorical exemptions under the following circumstances:

- (a) for certain classes of projects (3, 4, 5, 6 and 11) due to location;
- (b) when the cumulative impact of successive projects of the same type in the same place, over time, is significant;
- (c) where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances;
- (d) where the project may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway;
- (e) where the project is located on a state designated hazardous waste site; and
- (f) where the project may cause a substantial adverse change in the significance of a historical resource.

Section 15300.2(a) does not apply to this project because the Class 32 category of projects is not excluded on the basis of location.

There is no evidence of a potential significant cumulative impact (b) because successive projects of the same type in the same place have not been approved and are not proposed. Additionally, there is no evidence to conclude that significant impacts would occur based on past project approvals in the surrounding area or that the proposed project’s impacts are cumulatively considerable when evaluating any cumulative impacts associated with air quality, noise, transportation or water quality as a result of other approved projects in the surrounding area. Other development projects in the vicinity of the project have been limited and/or small-sized projects and would not result in project-level or cumulatively significant impacts. Therefore, this exception does not apply.

The project would not result in any significant effects on the environment due to unusual circumstances (c). The project site’s immediate area has similar General Plan and zoning designations as the project property. There are no “unusual circumstances” that differentiate the project or project site from the general class of similarly situated projects. For example, other properties in the project vicinity along Capitola Road have developed or could develop a similar affordable housing project, utilizing waivers and concessions permitted under the provisions of the state density bonus law. The project is located in a developed urban neighborhood and is directly surrounded by urban uses, including existing multi-

family housing, and sensitive resources are not present. There are no features that distinguish the project or project site from other properties in the area.

For these reasons, the project would not result in any significant effects on the environment due to unusual circumstances, and exception (c) does not apply to the project.

The project will not result in damage to scenic resources or a scenic highway (d). There are no designated state scenic highways within the City, and the project site is not located near a highway officially designated as a state scenic highway. Highway 1 north of the project site is an eligible state scenic highway; however, the project site is not visible from the highway due to distance from the highway and intervening development. Therefore, the project would not result in damage to scenic resources within a state scenic highway. Thus, this exception does not apply to the project.

The site is not a hazardous waste site (e). The project site is not located on any of the California Department of Toxic Substance Control lists of hazardous materials sites. There are no known former or current hazardous materials release sites on or adjacent to the project site. Therefore, the project site is not included on any list compiled pursuant to Government Code §65962.5 and this exception does not apply to the project.

The existing structures on the project site were developed in 1985 and are not of the age to be considered historical resources, the project site is not located within a designated historic district. An archaeological records search conducted for the proposed project did not identify potential prehistoric or historic cultural resources on or adjacent to the project site. Therefore, the project would not result in a substantial adverse change to the significance of a historical resource, and this exception does not apply to the project.

Therefore, the City is able to document that the project qualifies for the Categorical Exemption found at CEQA Guidelines section 15332, the infill exemption, and that none of the potential exceptions to the use of a categorical exemption apply to this project or the project site.

**Lead Agency**

**Contact Person:** Brian Froelich, Senior Planner

**Phone:** (831) 475-7300 x 259

**Department:** Community Development

**Address:** 420 Capitola Avenue  
Capitola, CA 95010

**Signature:** \_\_\_\_\_

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

**Title:** Senior Planner

- Signed by Lead Agency
- Signed by Applicant

**If filed by applicant:**

1. Attach certified document of exemption finding.
2. Has a notice of exemption been filed by the public agency approving the project?  Yes  No

Date Received for filing at County Clerk: \_\_\_\_\_

Date Received for filing at OPR: \_\_\_\_\_



**MEMORANDUM**

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**To:** Brian Froelich, AICP, Senior Planner, City of Capitola  
 Jessica Kahn, Public Works Director, City of Capitola

**From:** Dennis Pascua, Transportation Services Manager

**Subject:** 4401 Capitola Road: 45<sup>th</sup> Avenue/Capitola Road Traffic Analysis

**Date:** November 17, 2022

**cc:** Stephanie Strelow, Principal

**Attachment(s):** Project site plan  
 Traffic counts  
 LOS worksheets  
 Traffic signal warrant

---

The following traffic analysis of the intersection of 45<sup>th</sup> Avenue/Capitola Road has been prepared to determine the level of service (LOS) and queuing operations of the intersection without (existing conditions) and with the proposed affordable housing project at 4401 Capitola Road (proposed project). The traffic analysis has been prepared consistent with the requirements of the City of Capitola (City) Public Works Department and the City’s General Plan Mobility Element (adopted June 2014).

Goal MO-3 of the Mobility Element is “Provide a roadway system that enhances mobility and protects residential neighborhoods.” The following policies are pertinent to this analysis:

**Policy MO-3.3 Level of Service Standard.** Continue to maintain the established level of service C or better at intersections throughout Capitola, with the exception of the Village area, Bay Avenue, and 41<sup>st</sup> Avenue.

**Policy MO-3.4 Reduced Standards.** Accept a lower level of service and higher congestion at major regional intersections if necessary improvements are considered infeasible, as determined by the Public Works Director, or result in significant, unacceptable environmental impacts.

# 1 Project Description

The proposed project would develop 36 affordable multifamily dwelling units (DU) on the property at 4401 Capitola Road, on the northwest corner of the intersection of 45<sup>th</sup> Avenue/Capitola Road. Currently there are four standalone office buildings on the site ranging between 924 and 925 square feet (SF) each, for a total office square footage of 3,697 SF. These office buildings will be demolished in order to construct the proposed project. There will be two parking lots on the project site. A 15-space lot will be provided on the northwest portion of the site, with driveway access on 44<sup>th</sup> Avenue, and a 21-space lot will be provided on the east side of the site, with driveway access on the

north leg of the 45<sup>th</sup> Avenue/Capitola Road intersection. This driveway will be constructed next to an existing residential driveway of a single-family home. In order to properly place the new driveway on the north leg of the intersection, the existing continental crosswalk will be relocated slightly to the west. The crosswalk relocation will require modification of the existing median on Capitola Road. The project site plan is attached.

## 2 Project Trip Generation

The following discussion provides an overview of the trip generation, distribution and assignment of traffic associated with the proposed project.

### 2.1 Trip Generation

Trip generation estimates for the project are based on daily and AM and PM peak hour trip generation rates obtained from the Institute of Transportation Engineers (ITE) *Trip Generation, 11<sup>th</sup> Edition* (ITE 2021), using the Affordable Housing (ITE Code 223) and Small Office Building (ITE Code 712) rates. The proposed project trip generation estimates are tabulated in Table 1 below.

**Table 1. Project Trip Generation Estimates**

Land Use	ITE Code	Size/Units	Daily	AM Peak Hour			PM Peak Hour		
				In	Out	Total	In	Out	Total
<b>TRIP RATES<sup>1</sup></b>									
Affordable Housing	223	per DU	4.81	0.10	0.26	0.36	0.27	0.19	0.46
Small Office Building	712	per TSF	14.39	1.37	0.30	1.67	0.73	1.43	2.16
<b>TRIP GENERATION</b>									
Affordable Housing (project)	223	36 DUs	173	4	9	13	10	7	17
Small Office Buildings (to be removed)	712	-3.697 TSF	-53	-5	-1	-6	-3	-5	-8
<b>Total NET Trip Generation</b>			<b>120</b>	<b>-1</b>	<b>8</b>	<b>7</b>	<b>7</b>	<b>1</b>	<b>8</b>

**Notes:** DU = dwelling unit; TSF = thousand square feet

<sup>1</sup> Trip rates from Trip Generation, 11th Edition, Institute of Transportation Engineers, 2021.

As detailed above, the proposed project would generate 173 daily trips, 13 AM peak hour trips (4 inbound and 9 outbound), and 17 PM peak hour trips (10 inbound and 7 outbound). The existing office buildings generate 53 daily trips, 6 AM peak hour trips (5 inbound and 1 outbound), and 8 PM peak hour trips (3 inbound and 5 outbound). With the removal of the existing office buildings, the net trips generated by the project are 120 daily trips, 7 AM peak hour trips (-1 inbound and 8 outbound), and 8 PM peak hour trips (7 inbound and 1 outbound).



## 2.2 Trip Distribution and Assignment

Project trip distribution assumptions are based on logical travel paths to and from the project site and consideration of the traffic distribution patterns in the area. For the purposes of this analysis, the following distribution has been assumed:

- 80% to the west, towards 41<sup>st</sup> Avenue
- 20% to the east, towards Wharf Road

## 3 Traffic Analysis

The following details the peak hour traffic counts collected at 45<sup>th</sup> Avenue/Capitola Road, and the LOS and queuing analysis at the intersection.

### 3.1 Traffic Counts

Weekday AM (7:00 a.m. to 9:00 a.m.) and PM (4:00 p.m. to 6:00 p.m.) peak period traffic counts at the 45<sup>th</sup> Avenue/Capitola Road intersection were collected on Thursday, November 3, 2022, during a typical weekday while area schools were in session. Additionally, pedestrians and bicyclists that crossed the intersection were also counted. The raw traffic counts are attached.

Based on the traffic counts, the AM peak hour was from 8:00 a.m. to 9:00 a.m. and a total of 650 vehicles, 5 bicyclists, and 5 pedestrians passed through the intersection. The PM peak hour was from 4:30 p.m. to 5:30 p.m. and a total of 1,148 vehicles, 15 bicyclists, and 29 pedestrians passed through the intersection.

### 3.2 Levels of Service

Level of service (LOS) is commonly used as a qualitative description of intersection operations based on the design capacity of the intersection configuration, compared to the volume of traffic using the facility. The City's intersection evaluation methodology to assess transportation impacts and traffic operating conditions is based on the *Highway Capacity Manual* (HCM). The HCM analysis methodology describes the operation of an intersection using a range of LOS from LOS A (free-flow conditions) to LOS F (severely congested conditions), based on the corresponding control delay experienced per vehicle based on the worst turning movement for unsignalized intersections.

The Synchro 11 software package was used to determine intersection LOS, consistent with the HCM 6 methodologies. Table 2 shows the LOS values by delay ranges for unsignalized and signalized intersections under the HCM methodology. It should be noted that the intersection of 45<sup>th</sup> Avenue/Capitola Road is unsignalized with stop-control on all approaches (i.e., all-way stop-control – AWSC).

**Table 2. Levels of Service for Signalized and Unsignalized Intersections**

Level of Service	Unsignalized Intersections Control Delay (in seconds per vehicle)	Signalized Intersections Control Delay (in seconds per vehicle)
A	< 10.0	< 10.0
B	> 10.0 and < 15.0	> 10.0 and < 20.0
C	> 15.0 and < 25.0	> 20.0 and < 35.0
D	> 25.0 and < 35.0	> 35.0 and < 55.0
E	> 35.0 and < 50.0	> 55.0 and < 80.0
F	> 50.0	> 80.0

Source: HCM 6 (Transportation Research Board 2016).

An intersection LOS analysis was prepared for the Existing (2022) and Existing plus Project conditions using HCM 6 methodology via the Synchro software. Table 3 shows the results of the Existing plus Project LOS analysis.

**Table 3. Existing plus Project Peak Hour Intersection Levels of Service**

Intersection	Control	Existing				Existing plus Project			
		AM Peak		PM Peak		AM Peak		PM Peak	
		Delay <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>1</sup>	LOS <sup>2</sup>
45 <sup>th</sup> Ave/Capitola Rd	AWSC <sup>3</sup>	11.1	B	34.6	D	11.2	B	36.4	E

**Notes:**

- <sup>1</sup> Delay in seconds per vehicle
- <sup>2</sup> Level of service (LOS)
- <sup>3</sup> All-Way Stop-Control

As shown in the table, in the AM peak hour the intersection currently operates with satisfactory LOS (LOS B). With addition of project traffic, the intersection would continue to operate with satisfactory conditions at LOS B. The project would add 0.1 seconds of delay in the AM peak hour. However, in the PM peak hour, the intersection is currently operating with unsatisfactory conditions (i.e., worse than LOS C as noted in the City’s General Plan) at LOS D. With addition of project traffic, the intersection would worsen to LOS E in the PM peak hour. The project would add 1.8 seconds of delay. Detailed LOS calculation sheets are attached.

**Traffic Signal Warrants**

Typically, when unsignalized intersections are operating at unsatisfactory LOS conditions, a traffic signal warrant analysis is conducted based on the peak hour traffic volumes delayed at the intersection. The peak hour traffic signal warrant is based on the California Manual of Uniform Traffic Control Devices (MUTCD), Figure 4C-3. Warrant 3, Peak Hour. Based on the peak hour traffic signal warrant run for the existing (without project) condition, a traffic signal would be warranted. However, it should be noted that signal warrants are not the sole determinant of whether a traffic signal should be installed. Area context and engineering judgement should also be considered.

### 3.3 Queues

A queuing analysis was conducted based on the HCM methodology utilized for the LOS analysis. The analysis calculated the 95<sup>th</sup> percentile (design) queues for each intersection approach lane. Table 4 presents the results of the queuing analysis in terms of the length of queue (in feet) and the number of vehicles in the queue based on a length of 25 feet per car (used in the HCM). The queuing results are contained in the LOS worksheets which are attached.

**Table 4. Peak-Hour Queuing Summary for Existing plus Project Condition**

Inter-section	Mvmnt	Available Stacking Distance in Feet (in # of vehicles) <sup>1 2</sup>	Existing		Existing plus Project	
			95 <sup>th</sup> Percentile Queue in Feet (in # of vehicles) <sup>2</sup>			
			AM Peak	PM Peak	AM Peak	PM Peak
45 <sup>th</sup> Ave/ Capitola Rd	NB LTR	--	18' (0.7 veh)	43' (1.7 veh)	18' (0.7 veh)	43' (1.7 veh)
	SB LTR	45' (1.8 veh)	<i>does not exist</i>		0' (0.0 veh)	0' (0.0 veh)
	EB LT	765' (30.6 veh)	30' (1.2 veh)	<b>373' (14.9 veh)</b>	30' (1.2 veh)	<b>385' (15.4 veh)</b>
	EB R	765' (30.6 veh)	3' (0.1 veh)	10' (0.4 veh)	3' (0.1 veh)	10' (0.4 veh)
	WB LTR	890' (35.6 veh)	73' (2.9 veh)	68' (2.7 veh)	73' (2.9 veh)	70' (2.8 veh)

**Notes:** NB = northbound; SB = southbound; EB = eastbound; WB = westbound; L = left; T = through; R = right. **Bold:** Highest queue.

<sup>1</sup> Estimated/assumed for the purposes of this analysis

<sup>2</sup> One vehicle length is estimated to be 25 feet per HCM

Based on the table, the 95<sup>th</sup> percentile queues on all approaches are currently contained within their existing stacking areas, and do not impact downstream major intersections. Some minor intersections on Capitola Road are blocked by the queues on the eastbound approach (left/through lane) during the PM peak hour. Approximately 15 vehicles (or 373 feet) have a peak 95<sup>th</sup> percentile queue (one-time in the hour) on the eastbound approach. With the addition of project traffic, that queue would increase by 0.5 vehicles (or 12 feet).

## 4 Findings and Recommendations

Based on the traffic analysis of the proposed 36 DU affordable housing project on the intersection of 45<sup>th</sup> Avenue/Capitola Road, the following findings and recommendations are made:

- The proposed project would generate 173 daily trips, 13 AM peak hour trips (4 inbound and 9 outbound), and 17 PM peak hour trips (10 inbound and 7 outbound). The existing office buildings generate 53 daily trips, 6 AM peak hour trips (5 inbound and 1 outbound), and 8 PM peak hour trips (3 inbound and 5 outbound). With the removal of the existing office buildings, the net trips generated by the project are 120 daily trips, 7 AM peak hour trips (-1 inbound and 8 outbound), and 8 PM peak hour trips (7 inbound and 1 outbound).
- Based on the traffic counts, the AM peak hour was from 8:00 a.m. to 9:00 a.m. and a total of 650 vehicles, 5 bicyclists, and 5 pedestrians passed through the intersection. The PM peak hour was from 4:30 p.m. to 5:30 p.m. and a total of 1,148 vehicles, 15 bicyclists, and 29 pedestrians passed through the intersection.

- In the PM peak hour, the intersection of 45<sup>th</sup> Avenue/Capitola Road is currently operating with unsatisfactory conditions (i.e., worse than LOS C as noted in the City's General Plan) at LOS D. With addition of project traffic, the intersection would worsen to LOS E in the PM peak hour. The project would add 1.8 seconds of delay. As noted above, the General Plan allows for a reduced (LOS) standard as determined by the Public Works Director.
- Based on the peak hour traffic signal warrant run for the existing (without project) condition, a traffic signal would be warranted. However, it should be noted that signal warrants are not the sole determinant of whether a traffic signal should be installed. Area context and engineering judgement should also be considered.
- Some minor intersections on Capitola Road are blocked by the queues on the eastbound approach (left/through lane) during the PM peak hour. Approximately 15 vehicles (or 373 feet) have a peak 95<sup>th</sup> percentile queue (one-time in the hour) on the eastbound approach. With the addition of project traffic, that queue would increase by 0.5 vehicles (or 12 feet).
- Based on review of the site plan, the following design considerations are recommended:
  - The relocated continental crosswalk on the west leg of the intersection shall be placed at a 90-degree angle with the roadway. This may require modification of the existing raised median on Capitola Road. The crosswalk shall be designed per City and ADA standards.
  - A hammer head turnaround shall be placed at the north end of the east parking lot so that vehicles can turn around on site instead of backing into the intersection. The City may waive certain landscaping requirements in the parking lot to achieve this design.



STUDIO T SQUARE

: Architecture  
: Planning  
: Urban Design  
: 1970 Broadway #615  
: Oakland, California 94612  
: (510) 451 - 2850

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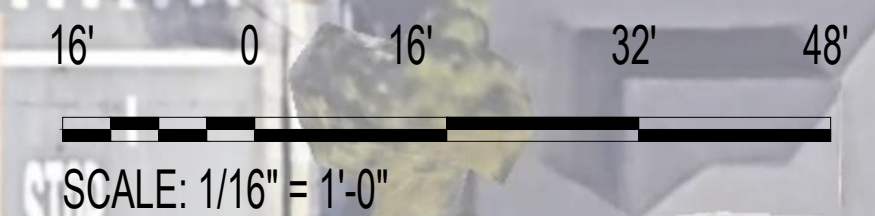


4401 CAPITOLA DR  
CAPITOLA, CA 95010

Sheet Title:  
SITE PLAN

Job No. 21041  
Date: 09/02/2022  
Scale:  
Drawn By:

Sheet No:



# National Data & Surveying Services Intersection Turning Movement Count

Item 5 A.

Location: 45th Ave & Capitola Rd  
 City: Capitola  
 Control: 3-Way Stop(NB/EB/WB)

Project ID: 22-080320-001  
 Date: 11/3/2022

## Data - Totals

NS/EW Streets:	45th Ave				45th Ave				Capitola Rd				Capitola Rd					
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU		
7:00 AM	0	1	0	0	0	0	0	0	0	1	1	0	0	1	23	0	0	52
7:15 AM	5	0	1	0	0	0	0	0	0	17	1	0	7	40	0	0	71	
7:30 AM	5	0	9	0	0	0	0	0	0	17	4	0	4	32	0	0	71	
7:45 AM	10	0	10	0	0	0	0	0	0	29	0	0	14	46	0	0	109	
8:00 AM	9	0	20	0	0	0	0	0	0	37	4	0	9	48	1	0	128	
8:15 AM	12	0	17	0	0	0	0	0	0	45	3	0	9	75	0	0	161	
8:30 AM	11	0	24	0	0	0	0	0	0	46	6	0	24	78	0	0	189	
8:45 AM	12	0	13	0	0	0	0	0	0	46	8	0	19	74	0	0	172	
<b>TOTAL VOLUMES :</b>	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL	
<b>APPROACH %'s :</b>	72	0	99	0	0	0	0	0	0	249	29	0	87	416	1	0	953	
	42.11%	0.00%	57.89%	0.00%					0.00%	89.57%	10.43%	0.00%	17.26%	82.54%	0.20%	0.00%		
<b>PEAK HR :</b>	<b>08:00 AM - 09:00 AM</b>																<b>TOTAL</b>	
<b>PEAK HR VOL :</b>	44	0	74	0	0	0	0	0	0	174	21	0	61	275	1	0	650	
<b>PEAK HR FACTOR :</b>	0.917	0.000	0.771	0.000	0.000	0.000	0.000	0.000	0.000	0.946	0.656	0.000	0.635	0.881	0.250	0.000	0.860	
	0.843								0.903				0.826					
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU		
4:00 PM	15	0	30	0	0	0	0	0	0	137	11	0	11	70	0	0	274	
4:15 PM	8	0	37	0	0	0	0	0	0	125	7	0	17	54	0	0	248	
4:30 PM	9	0	46	0	0	0	0	0	0	145	21	0	13	67	0	0	301	
4:45 PM	13	0	49	0	0	0	0	0	0	132	25	0	17	61	0	0	297	
5:00 PM	6	0	41	0	0	0	0	0	0	147	17	0	8	52	0	0	271	
5:15 PM	11	0	39	0	0	1	0	0	0	135	16	0	9	68	0	0	279	
5:30 PM	10	0	34	0	0	0	0	0	0	125	21	0	13	49	0	0	252	
5:45 PM	13	0	22	0	0	0	0	0	0	129	9	0	17	47	0	0	237	
<b>TOTAL VOLUMES :</b>	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL	
<b>APPROACH %'s :</b>	85	0	298	0	0	1	0	0	0	1075	127	0	105	468	0	0	2159	
	22.19%	0.00%	77.81%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	89.43%	10.57%	0.00%	18.32%	81.68%	0.00%	0.00%		
<b>PEAK HR :</b>	<b>04:30 PM - 05:30 PM</b>																<b>TOTAL</b>	
<b>PEAK HR VOL :</b>	39	0	175	0	0	1	0	0	0	559	79	0	47	248	0	0	1148	
<b>PEAK HR FACTOR :</b>	0.750	0.000	0.893	0.000	0.000	0.250	0.000	0.000	0.000	0.951	0.790	0.000	0.691	0.912	0.000	0.000	0.953	
	0.863				0.250				0.961				0.922					

# National Data & Surveying Services Intersection Turning Movement Count

Item 5 A.

Location: 45th Ave & Capitola Rd  
 City: Capitola  
 Control: 3-Way Stop(NB/EB/WB)

Project ID: 22-080320-001  
 Date: 11/3/2022

## Data - Bikes

NS/EW Streets:	45th Ave				45th Ave				Capitola Rd				Capitola Rd					
AM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU		
7:00 AM	0	1	0	0	0	0	0	0	0	1	1	0	0	1	0	0	0	5
7:15 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	1	0	0	0	1
7:30 AM	0	0	1	0	0	1	0	0	0	0	0	0	1	2	0	0	0	5
7:45 AM	0	0	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	1
8:00 AM	0	0	1	0	0	0	0	0	0	1	0	0	0	1	0	0	0	3
8:15 AM	0	0	1	0	0	0	0	0	0	0	0	0	1	0	0	0	0	2
8:30 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
8:45 AM	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0	0
<b>TOTAL VOLUMES :</b>	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL	
<b>APPROACH %'s :</b>	0	0	3	0	0	1	0	0	0	3	1	0	5	4	0	0	17	
	0.00%	0.00%	100.00%	0.00%	0.00%	100.00%	0.00%	0.00%	0.00%	75.00%	25.00%	0.00%	55.56%	44.44%	0.00%	0.00%		
<b>PEAK HR :</b>	<b>08:00 AM - 09:00 AM</b>																<b>TOTAL</b>	
<b>PEAK HR VOL :</b>	0	0	2	0	0	0	0	0	0	1	0	0	1	1	0	0	5	
<b>PEAK HR FACTOR :</b>	0.000	0.000	0.500	0.000	0.000	0.000	0.000	0.000	0.000	0.250	0.000	0.000	0.250	0.250	0.000	0.000	0.417	
	0.500								0.250				0.500					
PM	NORTHBOUND				SOUTHBOUND				EASTBOUND				WESTBOUND				TOTAL	
	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU		
4:00 PM	2	0	0	0	0	0	0	0	1	0	0	0	0	0	0	0	3	
4:15 PM	1	0	0	0	0	0	0	0	0	0	0	0	1	4	0	0	6	
4:30 PM	2	0	0	0	0	0	0	0	0	1	0	0	0	2	0	0	5	
4:45 PM	0	0	0	0	0	0	0	0	0	0	0	0	0	2	0	0	2	
5:00 PM	0	0	0	0	0	0	0	0	0	1	1	0	0	0	0	0	2	
5:15 PM	1	0	1	0	0	0	0	0	0	3	0	0	0	1	0	0	6	
5:30 PM	0	0	1	0	0	0	0	0	0	0	1	0	1	0	0	0	3	
5:45 PM	1	0	0	0	0	0	0	0	0	1	0	0	1	1	0	0	4	
<b>TOTAL VOLUMES :</b>	NL	NT	NR	NU	SL	ST	SR	SU	EL	ET	ER	EU	WL	WT	WR	WU	TOTAL	
<b>APPROACH %'s :</b>	7	0	2	0	0	0	0	0	1	6	2	0	3	10	0	0	31	
	77.78%	0.00%	22.22%	0.00%					11.11%	66.67%	22.22%	0.00%	23.08%	76.92%	0.00%	0.00%		
<b>PEAK HR :</b>	<b>04:30 PM - 05:30 PM</b>																<b>TOTAL</b>	
<b>PEAK HR VOL :</b>	3	0	1	0	0	0	0	0	0	5	1	0	0	5	0	0	15	
<b>PEAK HR FACTOR :</b>	0.375	0.000	0.250	0.000	0.000	0.000	0.000	0.000	0.000	0.417	0.250	0.000	0.000	0.625	0.000	0.000	0.625	
	0.500								0.500				0.625					

# National Data & Surveying Services Intersection Turning

Item 5 A.

## Movement Count

Location: 45th Ave & Capitola Rd  
City: Capitola

Project ID: 22-080320-001  
Date: 11/3/2022

### Data - Pedestrians (Crosswalks)

NS/EW Streets:	45th Ave		45th Ave		Capitola Rd		Capitola Rd		
AM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
7:00 AM	0	0	0	0	0	0	0	1	1
7:15 AM	0	0	1	0	0	0	0	0	1
7:30 AM	0	0	0	0	0	0	1	0	1
7:45 AM	0	0	0	0	0	0	0	1	1
8:00 AM	0	0	0	0	0	0	0	0	0
8:15 AM	0	0	0	0	0	0	1	0	1
8:30 AM	0	0	0	0	0	1	1	0	2
8:45 AM	0	0	0	1	0	0	1	0	2
<b>TOTAL VOLUMES :</b>	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
<b>APPROACH %'s :</b>	0	0	1	1	0	1	4	2	9
			50.00%	50.00%	0.00%	100.00%	66.67%	33.33%	
<b>PEAK HR :</b>	<b>08:00 AM - 09:00 AM</b>								TOTAL
<b>PEAK HR VOL :</b>	0	0	0	1	0	1	3	0	5
<b>PEAK HR FACTOR :</b>			0.250		0.250		0.750		0.625

PM	NORTH LEG		SOUTH LEG		EAST LEG		WEST LEG		TOTAL
	EB	WB	EB	WB	NB	SB	NB	SB	
4:00 PM	0	0	0	1	0	3	2	0	6
4:15 PM	0	0	0	0	0	0	1	3	4
4:30 PM	0	0	0	1	0	1	2	3	7
4:45 PM	0	0	4	1	2	2	0	1	10
5:00 PM	0	0	0	1	0	0	0	0	1
5:15 PM	0	0	0	0	2	0	2	7	11
5:30 PM	0	0	4	0	2	0	1	3	10
5:45 PM	0	0	0	0	0	0	0	1	1
<b>TOTAL VOLUMES :</b>	EB	WB	EB	WB	NB	SB	NB	SB	TOTAL
<b>APPROACH %'s :</b>	0	0	8	4	6	6	8	18	50
			66.67%	33.33%	50.00%	50.00%	30.77%	69.23%	
<b>PEAK HR :</b>	<b>04:30 PM - 05:30 PM</b>								TOTAL
<b>PEAK HR VOL :</b>	0	0	4	3	4	3	4	11	29
<b>PEAK HR FACTOR :</b>			0.350		0.438		0.417		0.659



# National Data & Surveying Services **Intersection** Item 5 A.

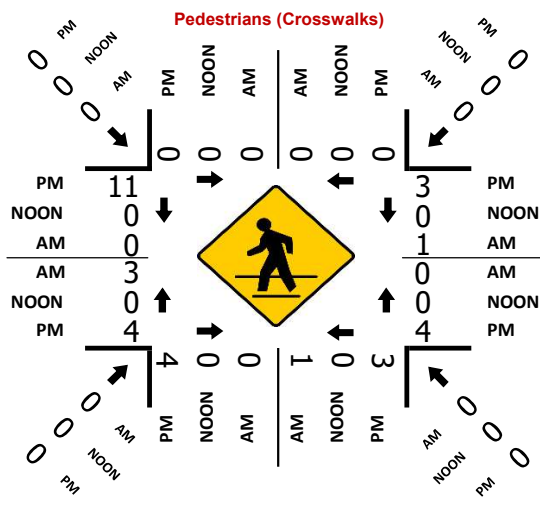
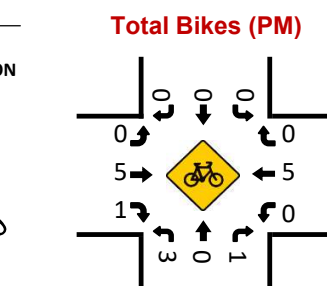
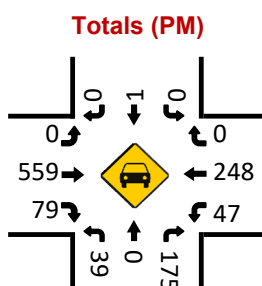
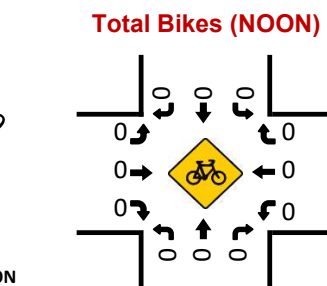
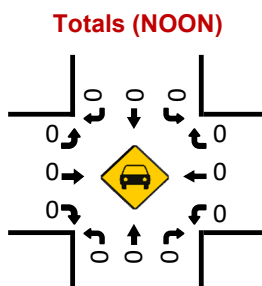
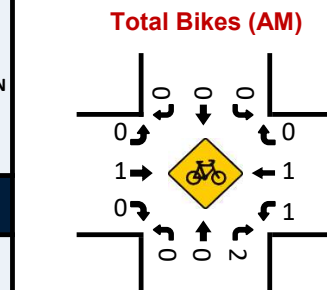
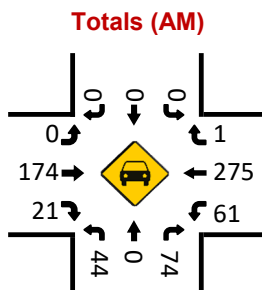
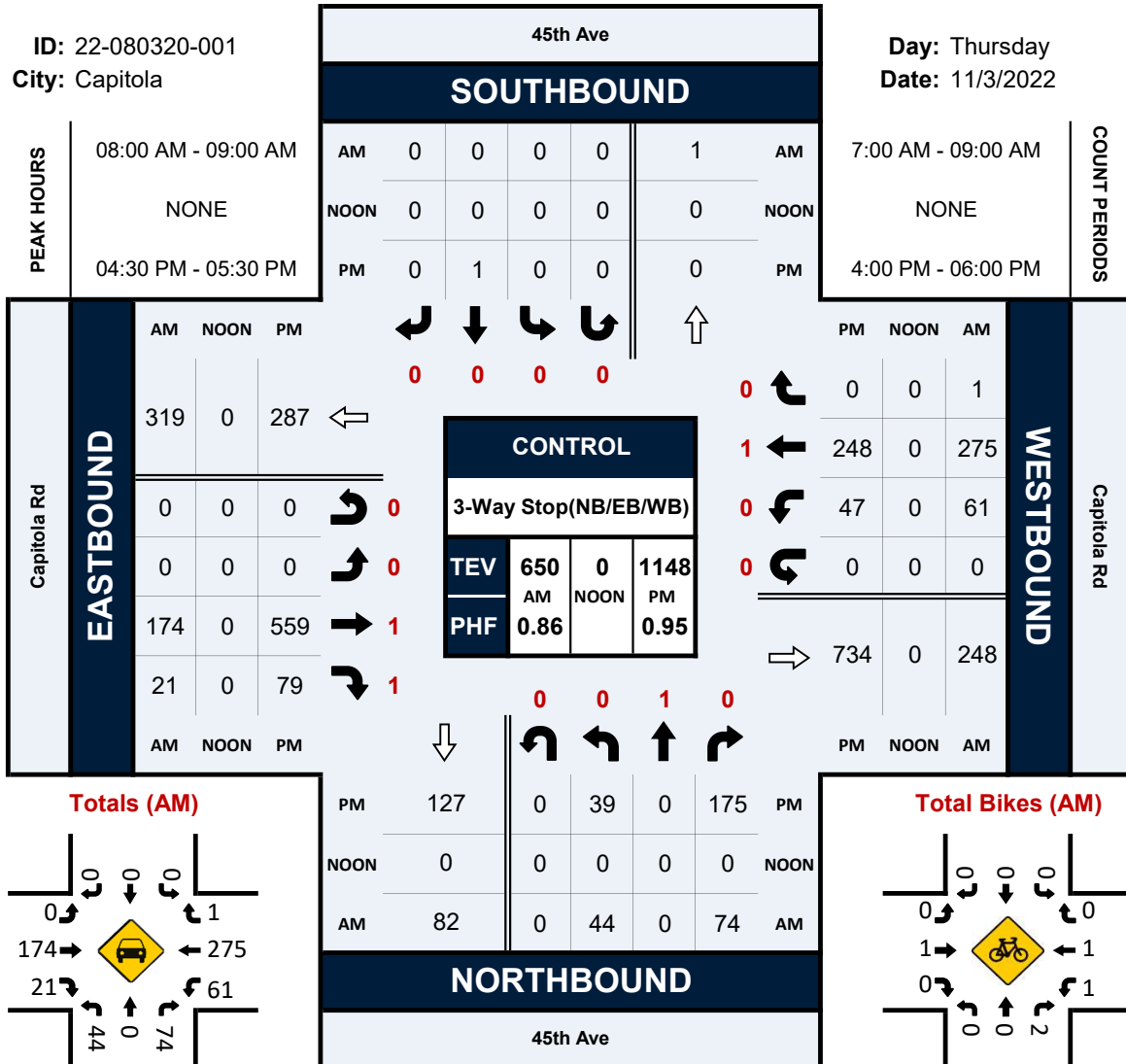
## 45th Ave & Capitola Rd

# Turning Movement Count

Peak Hour Turning Movement Count

ID: 22-080320-001  
City: Capitola

Day: Thursday  
Date: 11/3/2022



Intersection	
Intersection Delay, s/veh	11.1
Intersection LOS	B

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	174	21	61	275	44	74
Future Vol, veh/h	174	21	61	275	44	74
Peak Hour Factor	0.86	0.86	0.86	0.86	0.86	0.86
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	202	24	71	320	51	86
Number of Lanes	1	1	0	1	1	0

Approach	EB	WB	NB
Opposing Approach	WB	EB	
Opposing Lanes	1	2	0
Conflicting Approach Left		NB	EB
Conflicting Lanes Left	0	1	2
Conflicting Approach Right	NB		WB
Conflicting Lanes Right	1	0	1
HCM Control Delay	9.8	12.5	9.3
HCM LOS	A	B	A

Lane	NBLn1	EBLn1	EBLn2	WBLn1
Vol Left, %	37%	0%	0%	18%
Vol Thru, %	0%	100%	0%	82%
Vol Right, %	63%	0%	100%	0%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	118	174	21	336
LT Vol	44	0	0	61
Through Vol	0	174	0	275
RT Vol	74	0	21	0
Lane Flow Rate	137	202	24	391
Geometry Grp	2	7	7	5
Degree of Util (X)	0.193	0.293	0.031	0.509
Departure Headway (Hd)	5.058	5.21	4.505	4.694
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	705	688	790	766
Service Time	3.117	2.963	2.257	2.74
HCM Lane V/C Ratio	0.194	0.294	0.03	0.51
HCM Control Delay	9.3	10.1	7.4	12.5
HCM Lane LOS	A	B	A	B
HCM 95th-tile Q	0.7	1.2	0.1	2.9

Intersection	
Intersection Delay, s/veh	34.6
Intersection LOS	D

Movement	EBT	EBR	WBL	WBT	NBL	NBR
Lane Configurations	↑	↑		↑	↑	
Traffic Vol, veh/h	599	79	47	248	39	175
Future Vol, veh/h	599	79	47	248	39	175
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.95
Heavy Vehicles, %	2	2	2	2	2	2
Mvmt Flow	631	83	49	261	41	184
Number of Lanes	1	1	0	1	1	0

Approach	EB	WB	NB
Opposing Approach	WB	EB	
Opposing Lanes	1	2	0
Conflicting Approach Left		NB	EB
Conflicting Lanes Left	0	1	2
Conflicting Approach Right	NB		WB
Conflicting Lanes Right	1	0	1
HCM Control Delay	50.4	14.3	12.6
HCM LOS	F	B	B

Lane	NBLn1	EBLn1	EBLn2	WBLn1
Vol Left, %	18%	0%	0%	16%
Vol Thru, %	0%	100%	0%	84%
Vol Right, %	82%	0%	100%	0%
Sign Control	Stop	Stop	Stop	Stop
Traffic Vol by Lane	214	599	79	295
LT Vol	39	0	0	47
Through Vol	0	599	0	248
RT Vol	175	0	79	0
Lane Flow Rate	225	631	83	311
Geometry Grp	2	7	7	5
Degree of Util (X)	0.373	0.988	0.114	0.495
Departure Headway (Hd)	5.967	5.64	4.931	5.738
Convergence, Y/N	Yes	Yes	Yes	Yes
Cap	601	643	726	627
Service Time	4.024	3.375	2.666	3.785
HCM Lane V/C Ratio	0.374	0.981	0.114	0.496
HCM Control Delay	12.6	56	8.3	14.3
HCM Lane LOS	B	F	A	B
HCM 95th-tile Q	1.7	14.9	0.4	2.7

Intersection	
Intersection Delay, s/veh	11.2
Intersection LOS	B

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↔	↔		↔			↔			↔	
Traffic Vol, veh/h	2	174	21	61	275	0	44	0	74	1	0	4
Future Vol, veh/h	2	174	21	61	275	0	44	0	74	1	0	4
Peak Hour Factor	0.92	0.86	0.86	0.86	0.86	0.92	0.86	0.92	0.86	0.92	0.92	0.92
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	2	202	24	71	320	0	51	0	86	1	0	4
Number of Lanes	0	1	1	0	1	0	0	1	0	0	1	0

Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	2	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	2	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	2
HCM Control Delay	9.9	12.6	9.4	8.3
HCM LOS	A	B	A	A

Lane	NBLn1	EBLn1	EBLn2	WBLn1	SBLn1
Vol Left, %	37%	1%	0%	18%	20%
Vol Thru, %	0%	99%	0%	82%	0%
Vol Right, %	63%	0%	100%	0%	80%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	118	176	21	336	5
LT Vol	44	2	0	61	1
Through Vol	0	174	0	275	0
RT Vol	74	0	21	0	4
Lane Flow Rate	137	204	24	391	5
Geometry Grp	2	7	7	5	2
Degree of Util (X)	0.194	0.297	0.031	0.511	0.008
Departure Headway (Hd)	5.079	5.231	4.519	4.71	5.165
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	703	683	787	762	685
Service Time	3.141	2.988	2.277	2.76	3.254
HCM Lane V/C Ratio	0.195	0.299	0.03	0.513	0.007
HCM Control Delay	9.4	10.2	7.4	12.6	8.3
HCM Lane LOS	A	B	A	B	A
HCM 95th-tile Q	0.7	1.2	0.1	2.9	0

Intersection	
Intersection Delay, s/veh	36.4
Intersection LOS	E

Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations		↖	↗		↔			↔			↔	
Traffic Vol, veh/h	5	599	79	47	248	1	39	0	175	1	0	3
Future Vol, veh/h	5	599	79	47	248	1	39	0	175	1	0	3
Peak Hour Factor	0.95	0.95	0.95	0.95	0.95	0.92	0.95	0.95	0.95	0.95	0.95	0.95
Heavy Vehicles, %	2	2	2	2	2	2	2	2	2	2	2	2
Mvmt Flow	5	631	83	49	261	1	41	0	184	1	0	3
Number of Lanes	0	1	1	0	1	0	0	1	0	0	1	0

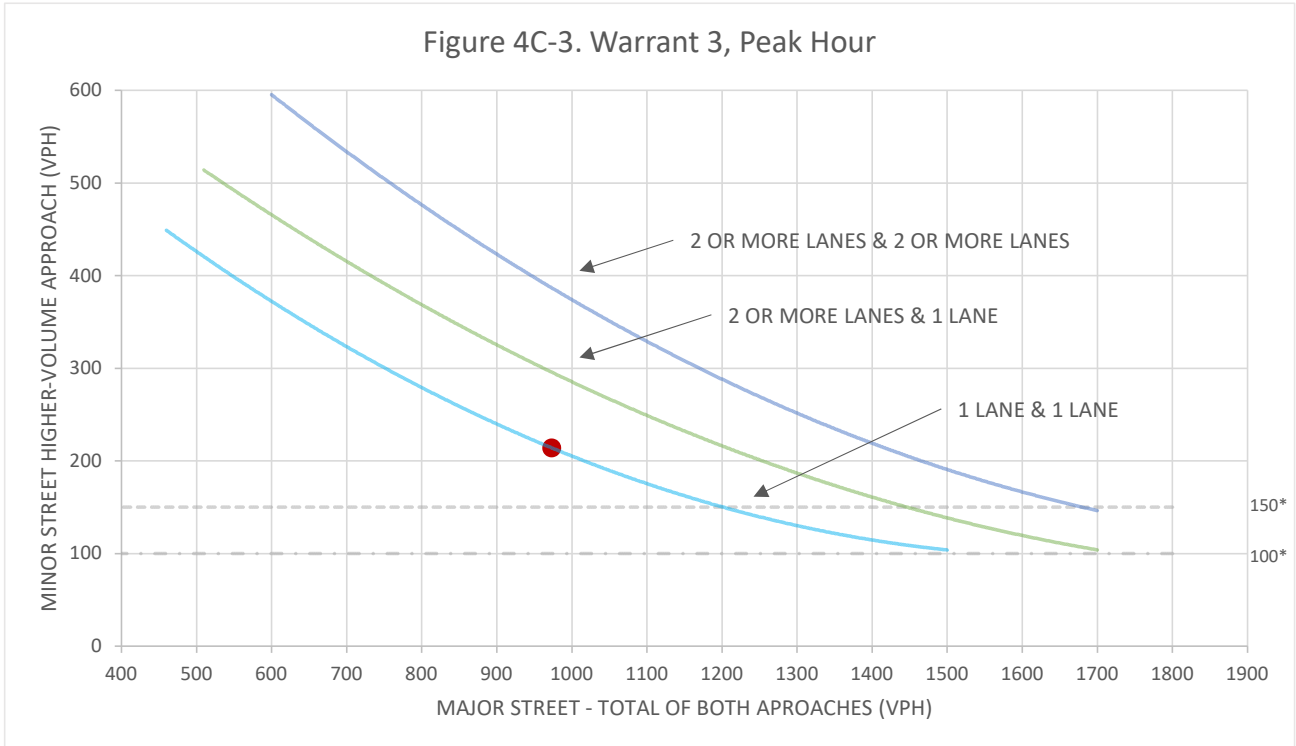
Approach	EB	WB	NB	SB
Opposing Approach	WB	EB	SB	NB
Opposing Lanes	1	2	1	1
Conflicting Approach Left	SB	NB	EB	WB
Conflicting Lanes Left	1	1	2	1
Conflicting Approach Right	NB	SB	WB	EB
Conflicting Lanes Right	1	1	1	2
HCM Control Delay	53.4	14.5	12.7	9.9
HCM LOS	F	B	B	A

Lane	NBLn1	EBLn1	EBLn2	WBLn1	SBLn1
Vol Left, %	18%	1%	0%	16%	25%
Vol Thru, %	0%	99%	0%	84%	0%
Vol Right, %	82%	0%	100%	0%	75%
Sign Control	Stop	Stop	Stop	Stop	Stop
Traffic Vol by Lane	214	604	79	296	4
LT Vol	39	5	0	47	1
Through Vol	0	599	0	248	0
RT Vol	175	0	79	1	3
Lane Flow Rate	225	636	83	312	4
Geometry Grp	2	7	7	5	2
Degree of Util (X)	0.376	1.001	0.114	0.499	0.008
Departure Headway (Hd)	6.007	5.666	4.953	5.768	6.753
Convergence, Y/N	Yes	Yes	Yes	Yes	Yes
Cap	597	642	723	623	526
Service Time	4.067	3.404	2.691	3.819	4.85
HCM Lane V/C Ratio	0.377	0.991	0.115	0.501	0.008
HCM Control Delay	12.7	59.3	8.3	14.5	9.9
HCM Lane LOS	B	F	A	B	A
HCM 95th-tile Q	1.7	15.4	0.4	2.8	0

<b>Project</b>	4401 Capitola Road
<b>Scenario</b>	Existing Conditions
<b>Peak Hour</b>	PM

<b>Intersection #</b>	1
<b>Major Street</b>	Capitola Avenue
<b>Minor Street</b>	45th Avenue

<b>N-S</b>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
<b>E-W</b>	<input type="checkbox"/>	<input checked="" type="checkbox"/>



Source: California Manual on Uniform Traffic Control Devices, Caltrans, 2014.

\*Note: 150 vph applies as the lower threshold volumes for a minor-street approach with two or more lanes and a 100 vph applies as the lower threshold volumes for a minor-street approach with one lane.

	Major Street	Minor Street	Warrant Met?
	Capitola Avenue	45th Avenue	
<b>Number of Approach Lanes</b>	1	1	<b>Yes</b>
<b>Traffic Volume (VPH)*</b>	973	214	
*Note: Traffic volume for the Major Street approach is the total volume of both approaches. Traffic volume for the Minor Street is the highest volume approach.			



# MEMORANDUM

<b>Date:</b> November 18, 2022	
<b>To:</b> Brian Froelich, Senior Planner	<b>Organization:</b> City of Capitola
<b>From:</b> RRM Design Group	<b>Title:</b> Design Review Team
<b>Project Name:</b> The Bluffs at 44 <sup>th</sup>	<b>Project Number:</b> 1783-02-CU21(22-07)
<b>Topic:</b> The Bluffs at 44 <sup>th</sup> (4401 Capitola Road) – Second Review	

Dear Brian,

We have reviewed the revised design (dated September 30, 2022) for the proposed The Bluffs at 44<sup>th</sup> project based on our previous design comments provided on July 28, 2022 and based upon the City of Capitola Objective Standards (OS) Ordinance, found within Chapter 17.92 – Objective Standards for Multifamily and Mixed-Use Residential Development within the City Municipal Code.

Revised project documents reviewed include G0.0 Cover Page, G1.0 Project Information, G2.0 Site Context, G3.0 Survey, A1.0 Site Plan, A1.1 Building A - 1<sup>st</sup> Floor Plan, A1.2 Building A - 2<sup>nd</sup> Floor Plan, A1.4 Building A - 3<sup>rd</sup> Floor Plan, A1.4 Building A - Roof Plan, A1.5 Building B – 1<sup>st</sup> and 2<sup>nd</sup> Floor Plan, A1.6 Building B – 3<sup>rd</sup> and Roof Floor Plan, A2.0 Building A Elevations, A2.1 Building B Elevations, A4.0 Rendering, A4.1 Rendering, A4.2 Materials and Colors, A5.0 Unit Plans, A6.0 Trash Enclosure, C1.0 Existing Conditions, C2.0 Grading and Drainage Plan, C2.1 Grading and Drainage Plan, C2.2 Sections, C3.0 Utility Plan, C4.0 Stormwater Control Plan, C5.0 Fire Access Exhibit, L-1.0 Tree Inventory Plan, L2.0 Landscape Concept Plan, L-2.1 Landscape Material Board, L-3.0 Hydrozone Plan, L-4.0 Conceptual Landscape Details, L-4.1 Conceptual Landscape Details, L-4.2 Conceptual Landscape Details, and LTG-1 Site Lighting.

In addition to the revised plan set, the Studio T Square RE: 4401 Capitola Road - #22-0244, Response to Plan Review Comments dated 7/28/2022 letter (dated 10/06/2022) and the Meyers | Nave 4401 Capitola Drive Affordable Housing Project, Request for Incentives, Concessions, and Waivers Pursuant to the California Density Bonus Law (Government Code , § 65915, et seq) letter (dated 10/21/2022) were also reviewed.

**Previous Design Recommendations**

The following design recommendations were previously provided to ensure the project responded to the proposed “Contemporary Coastal” architecture style in a manner that enhanced the overall project design, while ensuring consistency with the applicable CMC Chapter 17.92 Objective Design Standards.

*Site Planning*

1. Ensure that the existing sidewalk meets the minimum sidewalk requirement, and if not, the applicant should look for opportunities to incorporate the standard.
  - *The applicant has addressed the previous comment. The applicant is utilizing an allowed concession under Government Code Section 65915(d)(2)(D), as noted in the Meyers | Nave letter, to maintain and utilize the existing sidewalk.*
2. Verify that the number of street trees provided meets the street tree requirement in accordance with OS 17.82.040.B.2.a.
  - *The applicant has appropriately addressed the previous comment. Per OS 17.82.040.B.2.a., the project proposes nine (9) new trees and will maintain three (3) existing trees for a total of 12 trees, exceeding the 10 trees required.*

*Architecture*

3. Look for opportunities to incorporate a more prominent recess element in accordance with the Objective Standard.
  - *The applicant has addressed the previous comment. The applicant is utilizing an allowed concession under Government Code Section 65915(d)(2)(D), as noted in the Meyers | Nave letter, to relax the major massing relief required under OS 17.82.070.B.1.b.*
4. Ensure that the proposed North Elevation meets the requirements of OS 17.82.070.B.
  - *The applicant has appropriately addressed the previous comment. The North Elevation of Building A and the North, West, and East Elevations of Building B do not face a street frontage and therefore OS 17.82.070.B.1.b does not apply.*
5. Consider bringing forth additional similar stylistic elements from the street facing South Elevation such as continuous base treatments, gable roof elements, and enhanced colors/materials to the North Elevation, as may be practical (OS 17.82.080.B.6).



- *The applicant has appropriately addressed the previous comment. The non-street frontage elevations have been revised to include similar roof types and treatments, balcony treatments, and colors and materials as the street fronting elevations, creating a more unified and overall enhanced project design, consistent with the design direction found in OS 17.82.080.B.6.*
6. Provide quality architectural design interventions similar as the South Elevation to the West Elevation as it is a street-facing façade (OS 17.82.080.B.6).
    - *The applicant has appropriately addressed the previous comment. Street-facing building ends of Building A and Building B have been revised to include similar roof types and treatments, window accents, and colors and materials as the primary street facing elevations, creating a more unified and overall enhanced project design, consistent with the design direction found in OS 17.82.080.B.6.*
  7. Consider applying similar gable roof treatments to the North Elevation to provide consistency throughout the project design as well as create visual interest (OS 17.82.080.B.4.b).
    - *The applicant has appropriately addressed the previous comment. Roof types and treatments have been revised within the project design to ensure consistent and complementary application on Building A and Building B, consistent with design direction found in OS 17.82.080.B.4.b.*
  8. Consider providing gable roof on the left side of the façade to balance the roofline (OS 17.82.080.B.4).
    - *The applicant has appropriately addressed the previous comment. Roof types and treatments have been revised within the project design to ensure consistent and complementary application on Building A and Building B, consistent with design direction found in OS 17.82.080.B.4.*
  9. Consider opportunities to relocate primary unit entries to face the street and/or other building entries in order to enhance the street character (OS 17.82.060C.1).
    - *The applicant has addressed the comment. Per Studio T Square response letter dated 10/06/2022, in order to meet the street tree requirement under OS 17.82.040.B.2.a., the storm water requirements under Federal and State law, and the accessibility/adaptability requirements for ground floor units, the provision of primary unit entries facing the street is impractical and the project has proposed to locate unit entries at internal corridors of Buildings A and B in response to these design challenges. The applicant should work with City*

*staff to determine the appropriate processing approach to these site design challenges.*

10. Look for opportunities to provide ground floor units with street frontage a street-facing primary unit entry or work with City staff to determine appropriate exceptions to entry-oriented standards (OS 17.82.060.B.3.b).
  - *Refer to Comment #9 response above.*
11. If providing street-fronting unit entries, provide stylistically appropriate elements to define the primary unit entries, such as light fixtures, awnings, and/or various colors and/or materials (OS 17.82.060.C.3).
  - *The applicant has addressed the comment. While no street-fronting, individual unit entries are proposed, balconies, design detailing, accent materials, color/materials, and awnings provided on street-fronting elevations are intended to assist in the definition of individual units within the project design.*
12. Ensure that the trim and/or framing material is projecting from the building wall on the South and West Elevations.
  - *The applicant has addressed the comment. Per Studio T Square response letter dated 10/06/2022, specifications for window trim and spandrel boards are part of siding manufacturer's library of products and are thicker in nature with a more prominent profile, projecting beyond the siding. While applicant has indicated the materials specified will be 'thicker in nature with a more prominent profile, per previous design letter dated 07/28/2022, applicant should ensure that all street facing windows feature trims and/or framing that project at least 2 inches from the building wall are captured going forward, as identified in OS 17.82.080.B.2.*
13. Consider introducing additional façade design elements, such as shutters and/or awnings (OS 17.82.080.B.3).
  - *The applicant has appropriately addressed the comment. Additional façade design elements, including trellises and awnings, have been added at the South Elevation of Building A and the South Elevation of the Community Building, thereby enhancing the overall project design and consistent with OS 17.82.080.B.3.*
14. Look for opportunities to modify the balcony layout in accordance with Objective Standards requirements.

- *The applicant has addressed the comment. Street facing balconies on Building A meet the 20% of the linear frontage requirement of OS 17.82.080.B.3 and also provides varied exterior colors and varied exterior building wall materials. For Building B, no balconies are provided at the street facing South Elevation, however the OS 17.82.080.B.3 requirement is met through provision of varied exterior colors and varied exterior building wall materials.*

15. Verify and ensure that the proposed North Elevation windows are not in direct visibility with neighboring residences (OS 17.82.080.5.c).

- *The applicant has addressed the comment. Proposed windows and balconies on the North Elevation of Building A are approximately 50-feet or greater away from the property line with landscaping that filters views and are not in direct visibility with neighboring residences. No balconies are proposed on the North Elevation of Building B and proposed windows are limited in application and are approximately 5-feet away from the property line with larger mature trees on the neighboring property filtering views. Applicant may consider introducing smaller windows at higher wall height and/or include opaque type glass to further minimize and filter views to neighboring residences at North Elevation of Building B, consistent with OS 17.82.080.5.c.*

### General Comments

16. Ensure that the refuse containers are appropriately screened from public view with solid enclosure (17.82.090.B.1.b).

- *The applicant has appropriately addressed the comment. As indicated on Sheet A6.0, refuse containers will be appropriately screened from public view by a trash enclosure. The trash enclosure is appropriately located internal to the project site and away from the street and has been designed with complementary colors and materials as the primary buildings.*

17. Ensure that all equipment will be adequately screened with sufficient parapet height (17.82.090.B.2.a).

- *The applicant has addressed the comment, indicating that all equipment will be screened in an equipment well shown at the roof level on Sheet A1.4 to ensure it is not visible from street level. Applicant has indicated that due to the upcoming Building Code update, enlarged, all electric mechanical equipment may be needed to serve the project. However, the applicant will*

*work with City staff to ensure the project complies with OS 17.82.090.B.2.a should the need for enlarged equipment arise.*

Overall, we feel the applicant has made significant strides in addressing our previous design related comments from the first plan set submittal and believe the applicant is largely in keeping with the design direction found within the City's Objective Standards Ordinance. We believe by working with staff to address the minor comments remaining, the proposed project will be a welcomed addition to the community while also being consistent with the City's desire for high-quality new developments.

Very truly yours,

**RRM DESIGN GROUP**

October 21, 2022

**Via Electronic Mail Only**

Katie Herlihy, AICP  
Community Development Director  
City of Capitola  
420 Capitola Ave  
Capitola, CA 95010  
E-Mail: kherlihy@ci.capitola.ca.us

**Re: 4401 Capitola Drive Affordable Housing Project  
Request for Incentives, Concessions and Waivers Pursuant to the California  
Density Bonus Law (Government Code, § 65915, et seq.)**

Dear Ms. Herlihy:

We represent CRP Affordable Housing and Community Development (“CRP”), owner of the property located at 4401 Capitola Drive, Capitola, California (the “Property”). As you are aware, CRP is proposing to construct a 36-unit, 100% affordable housing project with associated amenities at the Property (the “Project”). This letter provides an analysis of the Project under the State Density Bonus Law and supports CRP’s requests for incentives, concessions and waivers under the Density Bonus Law. We note that CRP has no legal obligation to provide support for its request for incentives, concessions and waivers under the Density Bonus Law, however, CRP has agreed to provide this analysis for informational purposes to assist the City in its review of the Project. (*Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549.) CRP requests the City grant the concessions and waivers requested for the Project pursuant to Density Bonus Law and approve the Project as proposed.

**I. PROPERTY AND PROJECT BACKGROUND**

The Property is an approximately 0.82 acre (35,300 SF) rectangular-shaped site located on the east side of 44<sup>th</sup> Avenue, north of Capitola Road. The Property is located near public transportation including bus stops directly across the street at 44<sup>th</sup> Avenue and Capitola Road and approximately 1,050 feet west of the Property on Capitola Road between 41<sup>st</sup> and 42<sup>nd</sup> Avenues.

The proposed Project consists of a mix of 1-bedroom, 2-bedroom, and 3-bedroom apartment units, configured in two 3-story buildings. The Project will be a 100% affordable

housing project, including approximately 30 low income units, 3 very low income units and 3 extremely low income units.

## II. STATE DENSITY BONUS LAW

Government Code Section 65915, *et seq.*, commonly referred to as the “Density Bonus Law,” was first enacted in 1979 with the aim to address the shortage of affordable housing in California. (*Latinos Unidos Del Valle De Napa Y Solano v. County of Napa* (2013) 217 Cal.App.4th 1160, 1164.) In essence, when a developer proposes to construct a certain percentage of the units in a housing development for low- or very-low-income households, the city or county must grant the developer (1) a “density bonus,” which allows the developer to increase the density of the development by a certain percentage above the maximum allowable limit under local zoning law; (2) one or more itemized concessions and (3) “waivers or reductions” of “development standards.” (Gov. Code, § 65915(b)(1); *Bankers Hill 150 v. City of San Diego* (2022) 74 Cal. App. 5th 755; see also *Schreiber v. City of Los Angeles* (2021) 69 Cal.App.5th 549, 554-555 (*Schreiber*).)

First, the density bonus allows for additional units above the maximum allowed by zoning, to be added to a project based on the amount of affordable housing included in the project. The higher the percentage of affordable units, the higher the percentage of the density bonus allowing a developer to exceed the zoned density. (*Ibid.*) However, an applicant under a Density Bonus Law application is not required to use the density bonus as part of a density bonus project, but may still apply the incentives, concessions and waivers of development standards allowed under the Density Bonus Law.

Second, the incentives and concessions provided under the Density Bonus Law allow an applicant of a density bonus project to avoid City-required development standards<sup>1</sup> to assist in lowering the cost to build a project that includes affordable housing (Gov. Code, § 65915(d)(1).) An “incentive or concession” is defined as a “reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards . . . that results in identifiable and actual cost reductions.” (*Id.* at subd. (k)(1).) The law states that a “site development standard” includes setbacks, height limitations, and other requirements imposed by “any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.” (*Id.* at subds. (k)(1), (o)(1).) The applicant is not required to prove the requested incentives will lead to cost reductions; the incentive is presumed to result in cost reductions and the city bears the burden to demonstrate otherwise if it intends to deny the incentive. (*Schreiber, supra*, 69 Cal.App.5th at 555.)

Third, a city must accept an applicant requested waiver or reduction of development standards that would have the effect of physically precluding the construction of a development at the density, or with the requested incentives, permitted by the Density Bonus

<sup>1</sup> “‘Concession’ and ‘incentive’ are synonymous in the statute.” (*Schreiber, supra*, 69 Cal.App.5th 555.)

Law. (Gov. Code, § 65915(e)(1).) For example, if a city ordinance imposes a building height limitation, a city must waive that limitation for a development that is eligible for a density bonus if imposing the height limit would physically preclude construction of the proposed building with the requested incentives and at the density allowed by the Density Bonus Law. (*Bankers Hill 150 v. City of San Diego* (2022) 74 Cal.App.5th 755.) There is no financial criteria for granting a waiver. (*Schreiber, supra*, 69 Cal.App.5th 556.) The Density Bonus Law includes very limited exceptions to its requirements and places the burden on a city to establish an exception applies.

### III. CONCESSIONS AND WAIVERS

As discussed above, the Density Bonus Law “incentivizes the construction of affordable housing by allowing a developer to add additional housing units to a project beyond the zoned capacity and secure other incentives in exchange for a commitment from the developer to include deed-restricted affordable units in the project. When a developer meets the requirements of the Density Bonus Law, a local government is obligated to permit increased building density, grant incentives, and waive any conflicting local development standards unless certain limited exceptions apply.” (*Bankers Hill 150, supra*, 74 Cal.App.5th at 763.)

#### A. The Project is Entitled to Up to Four Concessions and Any Necessary Waivers of Development Standards

As provided in Government Code Section 65915(d)(2)(D), because 100% of the units in the Project are designated as affordable to low income residents, the Project is entitled to up to four incentives or concessions. Here, the applicant requests only two concessions, as follows:

1. Use of the existing sidewalk instead of the otherwise required 10-foot wide sidewalk
2. Relaxation of major massing relief of an eight foot (8’) deep recess for every fifty feet (50’) of frontage.

Separate from the density bonus and requests for incentives or concessions, a density bonus applicant may request any number of waivers or reductions of development standards that would “have the effect of physically precluding the construction of a[n eligible] development ... at the densities or with the concessions or incentives permitted by this section.” (Gov. Code, § 65915, subd. (e)(1).) In other words, a density bonus applicant may request a waiver of any development standard (including height) if that development standard prevents the applicant from constructing the affordable housing project as proposed by the applicant. The Density Bonus Law does not set a limit on the number of waivers which can be requested and a request for a development standard waiver does not reduce the number of incentives or concessions to which the applicant is otherwise entitled. (Gov. Code, § 65915(e)(2).) Here, the applicant requests five waivers, as follows:

1. Reduction of the required parking ratio for the project to one (1) parking space per unit
2. Increase in the allowable compact parking ratio from thirty percent (30%) of all required parking spaces to forty-two percent (42%) of required parking spaces
3. Increase in the total building height to thirty-six feet (36') in lieu of the otherwise required twenty-seven feet (27')
4. Decrease in the drive aisle width of the parking area to twenty-two feet (22')
5. Reduction in the required side-yard setback to five feet (5') from the otherwise required ten foot (10') setback.

Each of these concessions and waivers is allowed by the Density Bonus Law and meets the requirements of Density Bonus Law as explained below.

**B. The Requested Concessions and Waivers Satisfy Statutory Requirements for Approval.**

1. Concessions and Incentives

As provided in *Schreiber v. City of Los Angeles* and discussed above, an applicant of a density bonus project is not required to establish that cost reductions will result from the request for incentives or concessions. “By requiring the city to grant incentives *unless* it makes particular findings, the statute places the burden of proof on the city to overcome the presumption that incentives will result in cost reductions. Accordingly, [an applicant is not] required to show, and [a] city [is] not required to affirmatively find, that the incentives would actually result in cost reductions.” (*Schreiber, supra*, 69 Cal.App.5th at 593.) Regardless, the applicant has agreed to provide justification for its requested concessions for the Project, as described below.

(a) Use of the existing sidewalk

The requested concession for use of the existing sidewalk width will allow for the construction of affordable units including larger-sized dwelling units and would result in a building design and construction efficiencies that reduce affordable housing costs; it enables the developer to expand the building envelope so that the proposed number of affordable units can be constructed and the overall space dedicated to residential uses is increased. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of affordable one-, two-, and three-bedroom units.

(b) Relaxation of major massing relief of eight feet

The requested concession for relief in the articulation/massing requirement will allow for the construction of affordable units including larger-sized dwelling units and would result in a building design and construction efficiencies that reduce affordable housing costs; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased. With the



proposed concession, the project will be able to achieve a more efficient design and thereby lowering the cost of providing affordable housing. The increased building envelope also ensures that all dwelling units are of a habitable size while providing a variety of affordable one-, two-, and three-bedroom units.

## 2. Waivers

The Applicant has requested five waivers of development standards for the Project to ensure the Project could be developed at the proposed density within the physical constraints of the Project site.

(a) Reduction of the required parking ratio to one (1) parking space per unit

The requested waiver for reduction in the parking ratio for the project will allow for the construction of the proposed affordable units and would result in a building design and construction efficiencies that could otherwise not be accommodated; it enables the developer to maximize the use of the lot for residential development and to construct the proposed project with the proposed number of affordable housing units, without which the development would be physically precluded.

(b) An increase in the allowable compact parking ratio to forty-two percent (42%) of required parking spaces

The requested waiver for an increase in the allowable compact parking ratio for the project will allow for the construction of the proposed affordable units and would similarly result in a building design and construction efficiencies that could otherwise not be accommodated; it enables the developer to maximize the use of the lot for residential development and to construct the proposed project with the proposed number of affordable housing units, without which the development would be physically precluded.

(c) An increase in the total building height to thirty feet (36')

The requested waiver for an increase in building height will allow for the construction of proposed affordable units. The otherwise required twenty-seven foot height limit would not support the number of proposed affordable units at the size and affordability as currently proposed; it enables the developer to expand the building envelope so that additional affordable units can be constructed and the overall space dedicated to residential uses is increased, without which the development would be physically precluded.

(d) A decrease in the drive aisle width of the parking area to twenty-two feet (22')

The requested waiver for a decrease in the drive aisle for the surface parking for the project will allow for the construction of the proposed affordable units and would result in a

building design and construction efficiencies that could otherwise not be accommodated; it enables the developer to maximize the use of the lot for residential development, expand the building envelope and to construct the proposed project with the proposed number of affordable housing units, without which the development would be physically precluded.

(e) A reduction in the required side-yard setback to five feet (5')

The requested waiver for reduction in the required side yard setback will allow for the construction of the proposed affordable units and would result in a building design and construction efficiencies that could otherwise not be accommodated; it enables the developer to maximize the use of the lot for residential development, expand the building envelope and to construct the proposed project with the proposed number of affordable housing units, without which the development would be physically precluded.

**C. All Findings Under the Capitola Municipal Code Can be Affirmatively Made.**

Pursuant to Capitola Municipal Code Section 18.03.100, prior to approving a request for a density bonus, incentive, concession, parking reduction, or waiver, the review authority must make certain specific findings as provided in Title 18 of the Zoning Code. As described below, all required findings can be affirmatively made:

1. The residential development project is eligible for a density bonus and for any concessions, incentives, waivers, or parking reductions requested; conforms to all standards for affordability required by Section 65915(c); and includes a financing mechanism for all implementation and monitoring costs

As a housing development project in which 100% of the proposed units are dedicated to low income units, very low income units and extremely low income rental units, the project is eligible for a density bonus pursuant to the Density Bonus Law (Gov. Code Section 65915, *et seq.*) and the City's "Residential Density Bonus" ordinance as codified in Municipal Code Section 18.03. As a 100% affordable housing project, the project is entitled to up to four concessions or incentives under Government Code Section 65915(d)(2)(D) and any number of necessary waivers of development standards. All rents will be set at statutory required levels and all units would be deed-restricted to ensure continued affordability of all affordable rental units for 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. The site does not currently contain any residential housing units and thus no rental units would be demolished as part of the project.

2. Any requested incentive or concession will result in identifiable, financially sufficient, and actual cost reductions based upon appropriate financial analysis and documentation required by this section

Pursuant to the recent ruling in *Schreiber v. City of Los Angeles* (2021) 69 Cal. App. 5th (2021), local agencies cannot require density bonus applicants to submit pro formas or other documentation required to prove that requested incentives and concessions are necessary to make the housing development financially feasible. However, for informational purposes, and as described in Section B.1, above, each concession and incentive provides for cost reductions which ensure the development of the affordable housing project at the densities and at the affordability levels proposed by the applicant.

3. If the density bonus is based all or in part on dedication of land, all of the requirements included in Section 65915(g) have been met

No dedication of land pursuant to Government Code Section 65915(g) is proposed as part of the project. The applicant owns the underlying Property and does not seek any additional density under Government Code Section 65915(g).

4. If the density bonus, incentive, or concession is based all or in part on the inclusion of a child care facility, all of the requirements included in Section 65915(h) have been met

No child care facility pursuant to Government Code Section 65915(h) is proposed as part of the project. The applicant does not seek any additional density or concessions under Government Code Section 65915(h).

5. If the incentive or concession includes mixed uses, all of the findings included in Section 65915(k)(2) can be made

The project does not request approval of mixed-use zoning in conjunction with the housing project as an incentive pursuant to Government Code Section 65915(k)(2). No commercial uses are proposed as part of the Project.

6. If a waiver or reduction of a development standard is requested, the development standard would have the effect of physically precluding the construction of the development project at the density or with the incentives or concessions permitted by Section 65915

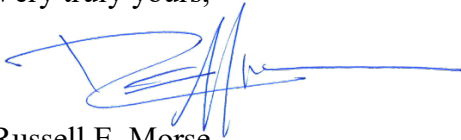
As described in Section B.2, above, each development standard waiver proposed as part of the Project ensures the development of the affordable housing Project at the densities and with the incentives or concessions proposed by the applicant. Without the proposed

waivers of development standards, the development standards would have the effect of physically precluding the construction of the development project.

#### IV. CONCLUSION

We trust the above information will provide the explanation for application of the California Density Bonus Law to the project. We appreciate your continued assistance on this Project. Please do not hesitate to contact us with any questions regarding the contents of this letter.

Very truly yours,



Russell E. Morse

cc: Shawn Cooper, CRP Affordable Housing and Community Development  
Garrett Bascom, CRP Affordable Housing and Community Development

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**GOVERNMENT CODE - GOV**
**TITLE 7. PLANNING AND LAND USE [65000 - 66499.58]** ( Heading of Title 7 amended by Stats. 1974, Ch. 1536. )

**DIVISION 1. PLANNING AND ZONING [65000 - 66301]** ( Heading of Division 1 added by Stats. 1974, Ch. 1536. )

**CHAPTER 4.3. Density Bonuses and Other Incentives [65915 - 65918]** ( Chapter 4.3 added by Stats. 1979, Ch. 1207. )

**65915.** (a) (1) When an applicant seeks a density bonus for a housing development within, or for the donation of land for housing within, the jurisdiction of a city, county, or city and county, that local government shall comply with this section. A city, county, or city and county shall adopt an ordinance that specifies how compliance with this section will be implemented. Except as otherwise provided in subdivision (s), failure to adopt an ordinance shall not relieve a city, county, or city and county from complying with this section.

(2) A local government shall not condition the submission, review, or approval of an application pursuant to this chapter on the preparation of an additional report or study that is not otherwise required by state law, including this section. This subdivision does not prohibit a local government from requiring an applicant to provide reasonable documentation to establish eligibility for a requested density bonus, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p).

(3) In order to provide for the expeditious processing of a density bonus application, the local government shall do all of the following:

(A) Adopt procedures and timelines for processing a density bonus application.

(B) Provide a list of all documents and information required to be submitted with the density bonus application in order for the density bonus application to be deemed complete. This list shall be consistent with this chapter.

(C) Notify the applicant for a density bonus whether the application is complete in a manner consistent with the timelines specified in Section 65943.

(D) (i) If the local government notifies the applicant that the application is deemed complete pursuant to subparagraph (C), provide the applicant with a determination as to the following matters:

(I) The amount of density bonus, calculated pursuant to subdivision (f), for which the applicant is eligible.

(II) If the applicant requests a parking ratio pursuant to subdivision (p), the parking ratio for which the applicant is eligible.

(III) If the applicant requests incentives or concessions pursuant to subdivision (d) or waivers or reductions of development standards pursuant to subdivision (e), whether the applicant has provided adequate information for the local government to make a determination as to those incentives, concessions, or waivers or reductions of development standards.

(ii) Any determination required by this subparagraph shall be based on the development project at the time the application is deemed complete. The local government shall adjust the amount of density bonus and parking ratios awarded pursuant to this section based on any changes to the project during the course of development.

(b) (1) A city, county, or city and county shall grant one density bonus, the amount of which shall be as specified in subdivision (f), and, if requested by the applicant and consistent with the applicable requirements of this section, incentives or concessions, as described in subdivision (d), waivers or reductions of development standards, as described in subdivision (e), and parking ratios, as described in subdivision (p), if an applicant for a housing development seeks and agrees to construct a housing development, excluding any units permitted by the density bonus awarded pursuant to this section, that will contain at least any one of the following:

(A) Ten percent of the total units of a housing development, including a shared housing building development, for rental or sale to lower income households, as defined in Section 50079.5 of the Health and Safety Code.

(B) Five percent of the total units of a housing development, including a shared housing building development, for rental sale to very low income households, as defined in Section 50105 of the Health and Safety Code.

(C) A senior citizen housing development, as defined in Sections 51.3 and 51.12 of the Civil Code, or a mobilehome 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. For purposes of this subparagraph, "development" includes a shared housing building development.

(D) Ten percent of the total dwelling units of a housing development are sold to persons and families of moderate income, as defined in Section 50093 of the Health and Safety Code, provided that all units in the development are offered to the public for purchase.

(E) Ten percent of the total units of a housing development for transitional foster youth, as defined in Section 66025.9 of the Education Code, disabled veterans, as defined in Section 18541, or homeless persons, as defined in the federal McKinney-Vento Homeless Assistance Act (42 U.S.C. Sec. 11301 et seq.). The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years and shall be provided at the same affordability level as very low income units.

(F) (i) Twenty percent of the total units for lower income students in a student housing development that meets the following requirements:

(I) All units in the student housing development will be used exclusively for undergraduate, graduate, or professional students enrolled full time at an institution of higher education accredited by the Western Association of Schools and Colleges or the Accrediting Commission for Community and Junior Colleges. In order to be eligible under this subclause, the developer shall, as a condition of receiving a certificate of occupancy, provide evidence to the city, county, or city and county that the developer has entered into an operating agreement or master lease with one or more institutions of higher education for the institution or institutions to occupy all units of the student housing development with students from that institution or institutions. An operating agreement or master lease entered into pursuant to this subclause is not violated or breached if, in any subsequent year, there are not sufficient students enrolled in an institution of higher education to fill all units in the student housing development.

(II) The applicable 20-percent units will be used for lower income students.

(III) The rent provided in the applicable units of the development for lower income students shall be calculated at 30 percent of 65 percent of the area median income for a single-room occupancy unit type.

(IV) The development will provide priority for the applicable affordable units for lower income students experiencing homelessness. A homeless service provider, as defined in paragraph (3) of subdivision (e) of Section 103577 of the Health and Safety Code, or institution of higher education that has knowledge of a person's homeless status may verify a person's status as homeless for purposes of this subclause.

(ii) For purposes of calculating a density bonus granted pursuant to this subparagraph, the term "unit" as used in this section means one rental bed and its pro rata share of associated common area facilities. The units described in this subparagraph shall be subject to a recorded affordability restriction of 55 years.

(G) One hundred percent of all units in the development, including total units and density bonus units, but exclusive of a manager's unit or units, are for lower income households, as defined by Section 50079.5 of the Health and Safety Code, except that up to 20 percent of the units in the development, including total units and density bonus units, may be for moderate-income households, as defined in Section 50053 of the Health and Safety Code. For purposes of this subparagraph, "development" includes a shared housing building development.

(2) For purposes of calculating the amount of the density bonus pursuant to subdivision (f), an applicant who requests a density bonus pursuant to this subdivision shall elect whether the bonus shall be awarded on the basis of subparagraph (A), (B), (C), (D), (E), (F), or (G) of paragraph (1).

(c) (1) (A) An applicant shall agree to, and the city, county, or city and county shall ensure, the continued affordability of all very low and low-income rental units that qualified the applicant for the award of the density bonus for 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.

(B) (i) Except as otherwise provided in clause (ii), rents for the lower income density bonus units shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(ii) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), rents for all units in the development, including both base density and density bonus units, shall be as follows:

(I) The rent for at least 20 percent of the units in the development shall be set at an affordable rent, as defined in Section 50053 of the Health and Safety Code.

(II) The rent for the remaining units in the development shall be set at an amount consistent with the maximum rent levels for lower income households, as those rents and incomes are determined by the California Tax Credit Allocation Committee.

(2) (A) An applicant shall agree to ensure, and the city, county, or city and county shall ensure, that a for-sale unit that qualified the applicant for the award of the density bonus meets either of the following conditions:

(i) The unit is initially occupied by a person or family of very low, low, or moderate income, as required, and it is offered at an affordable housing cost, as that cost is defined in Section 50052.5 of the Health and Safety Code and is subject to an equity sharing agreement.

(ii) The unit is purchased by a qualified nonprofit housing corporation pursuant to a recorded contract that satisfies all of the requirements specified in paragraph (10) of subdivision (a) of Section 402.1 of the Revenue and Taxation Code and that includes all of the following:

(I) A repurchase option that requires a subsequent purchaser of the property that desires to resell or convey the property to offer the qualified nonprofit corporation the right to repurchase the property prior to selling or conveying that property to any other purchaser.

(II) An equity sharing agreement.

(III) Affordability restrictions on the sale and conveyance of the property that ensure that the property will be preserved for lower income housing for at least 45 years for owner-occupied housing units and will be sold or resold only to persons or families of very low, low, or moderate income, as defined in Section 50052.5 of the Health and Safety Code.

(B) For purposes of this paragraph, a "qualified nonprofit housing corporation" is a nonprofit housing corporation organized pursuant to Section 501(c)(3) of the Internal Revenue Code that has received a welfare exemption under Section 214.15 of the Revenue and Taxation Code for properties intended to be sold to low-income families who participate in a special no-interest loan program.

(C) The local government shall enforce an equity sharing agreement required pursuant to clause (i) or (ii) of subparagraph (A), unless it is in conflict with the requirements of another public funding source or law or may defer to the recapture provisions of the public funding source. The following apply to the equity sharing agreement:

(i) Upon resale, the seller of the unit shall retain the value of any improvements, the downpayment, and the seller's proportionate share of appreciation.

(ii) Except as provided in clause (v), the local government shall recapture any initial subsidy, as defined in clause (iii), and its proportionate share of appreciation, as defined in clause (iv), which amount shall be used within five years for any of the purposes described in subdivision (e) of Section 33334.2 of the Health and Safety Code that promote home ownership.

(iii) For purposes of this subdivision, the local government'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 moderate-income household, plus the amount of any downpayment 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.

(iv) For purposes of this subdivision, the local government's proportionate share of appreciation shall be equal to the ratio of the local government's initial subsidy to the fair market value of the home at the time of initial sale.

(v) If the unit is purchased or developed by a qualified nonprofit housing corporation pursuant to clause (ii) of subparagraph (A) the local government may enter into a contract with the qualified nonprofit housing corporation under which the qualified nonprofit housing corporation would recapture any initial subsidy and its proportionate share of appreciation if the qualified nonprofit housing corporation is required to use 100 percent of the proceeds to promote homeownership for lower income households as defined by Health and Safety Code Section 50079.5 within the jurisdiction of the local government.

(3) (A) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section 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:

(i) The proposed housing development, inclusive of the units replaced pursuant to this paragraph, contains affordable units at the percentages set forth in subdivision (b).

(ii) 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.

(B) For the purposes of this paragraph, "replace" shall mean either of the following:

(i) If any dwelling units described in subparagraph (A) are occupied on the date of application, the proposed housing development shall provide at least the same number of units of equivalent size 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 households in occupancy. If the income category of the household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. For unoccupied dwelling units described in subparagraph (A) in a development with occupied units, the proposed housing development shall provide units of equivalent size 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 the last household in occupancy. If the income category of the last household in occupancy is not known, it shall be rebuttably presumed that lower income renter households occupied these units in the same proportion of lower income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. 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 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) If all dwelling units described in subparagraph (A) 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 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, it shall be rebuttably presumed that low-income and very low income renter households occupied these units in the same proportion of low-income and very low income renter households to all renter households within the jurisdiction, as determined by the most recently available data from the United States Department of Housing and Urban Development's Comprehensive Housing Affordability Strategy database. 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 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(C) Notwithstanding subparagraph (B), for any dwelling unit described in subparagraph (A) that is or was, within the five-year period preceding the application, subject to a form of rent or price control through a local government's valid exercise of its police power and that is or was occupied by persons or families above lower income, the city, county, or city and county may do either of the following:

(i) Require that the replacement units be made available at affordable rent or affordable housing cost to, and occupied by, low-income persons or families. If the replacement units will be rental dwelling units, these units shall be subject to a recorded affordability restriction for at least 55 years. If the proposed development is for-sale units, the units replaced shall be subject to paragraph (2).

(ii) Require that the units be replaced in compliance with the jurisdiction's rent or price control ordinance, provided that each unit described in subparagraph (A) is replaced. Unless otherwise required by the jurisdiction's rent or price control ordinance, these units shall not be subject to a recorded affordability restriction.

(D) For purposes of this paragraph, "equivalent size" means that the replacement units contain at least the same total number of bedrooms as the units being replaced.

(E) Subparagraph (A) does not apply to an applicant seeking a density bonus for a proposed housing development if the applicant's application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

(d) (1) An applicant for a density bonus pursuant to subdivision (b) may submit to a city, county, or city and county a proposal for the specific incentives or concessions that the applicant requests pursuant to this section, and may request a meeting with the city, county, or city and county. The city, county, or city and county shall grant the concession or incentive requested by the applicant unless the city, county, or city and county makes a written finding, based upon substantial evidence, of any of the following:

(A) The concession or incentive does not result in identifiable and actual cost reductions, consistent with subdivision (k), to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(B) The concession or incentive would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or on any real property that is listed in the California Register of Historical Resources and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact without rendering the development unaffordable to low-income and moderate-income households.

(C) The concession or incentive would be contrary to state or federal law.

(2) The applicant shall receive the following number of incentives or concessions:



(A) One incentive or concession for projects that include at least 10 percent of the total units for lower income households, at least 5 percent for very low income households, or at least 10 percent for persons and families of moderate income in a development in which the units are for sale.

(B) Two incentives or concessions for projects that include at least 17 percent of the total units for lower income households, at least 10 percent for very low income households, or at least 20 percent for persons and families of moderate income in a development in which the units are for sale.

(C) Three incentives or concessions for projects that include at least 24 percent of the total units for lower income households, at least 15 percent for very low income households, or at least 30 percent for persons and families of moderate income in a development in which the units are for sale.

(D) Four incentives or concessions for a project meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b). If the project is located within one-half mile of a major transit stop or is located in a very low vehicle travel area in a designated county, the applicant shall also receive a height increase of up to three additional stories, or 33 feet.

(E) One incentive or concession for projects that include at least 20 percent of the total units for lower income students in a student housing development.

(3) The applicant may initiate judicial proceedings if the city, county, or city and county refuses to grant a requested density bonus, incentive, or concession. If a court finds that the refusal to grant a requested density bonus, incentive, or concession is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that has a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to grant an incentive or concession that would have an adverse impact on any real property that is listed in the California Register of Historical Resources. The city, county, or city and county shall establish procedures for carrying out this section that shall include legislative body approval of the means of compliance with this section.

(4) The city, county, or city and county shall bear the burden of proof for the denial of a requested concession or incentive.

(e) (1) In no case may a city, county, or city and county apply any development standard that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted by this section. Subject to paragraph (3), an applicant may submit to a city, county, or city and county a proposal for the waiver or reduction of development standards that will have the effect of physically precluding the construction of a development meeting the criteria of subdivision (b) at the densities or with the concessions or incentives permitted under this section, and may request a meeting with the city, county, or city and county. If a court finds that the refusal to grant a waiver or reduction of development standards is in violation of this section, the court shall award the plaintiff reasonable attorney's fees and costs of suit. This subdivision shall not be interpreted to require a local government to waive or reduce development standards if the waiver or reduction would have a specific, adverse impact, as defined in paragraph (2) of subdivision (d) of Section 65589.5, upon health or safety, and for which there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact. This subdivision shall not be interpreted to require a local government to waive or reduce development standards that would have an adverse impact on any real property that is listed in the California Register of Historical Resources, or to grant any waiver or reduction that would be contrary to state or federal law.

(2) A proposal for the waiver or reduction of development standards pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(3) A housing development that receives a waiver from any maximum controls on density pursuant to clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f) shall only be eligible for a waiver or reduction of development standards as provided in subparagraph (D) of paragraph (2) of subdivision (d) and clause (ii) of subparagraph (D) of paragraph (3) of subdivision (f), unless the city, county, or city and county agrees to additional waivers or reductions of development standards.

(f) For the purposes of this chapter, "density bonus" means a density increase over the otherwise maximum allowable gross residential density as of the date of application by the applicant to the city, county, or city and county, or, if elected by the applicant, a lesser percentage of density increase, including, but not limited to, no increase in density. The amount of density increase to which the applicant is entitled shall vary according to the amount by which the percentage of affordable housing units exceeds the percentage established in subdivision (b).

(1) For housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Low-Income Units	Percentage 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
21	38.75
22	42.5
23	46.25
24	50

(2) For housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Very Low Income Units	Percentage Density Bonus
5	20
6	22.5
7	25
8	27.5
9	30
10	32.5
11	35
12	38.75
13	42.5
14	46.25
15	50

(3) (A) For housing developments meeting the criteria of subparagraph (C) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of senior housing units.

(B) For housing developments meeting the criteria of subparagraph (E) of paragraph (1) of subdivision (b), the density bonus shall be 20 percent of the number of the type of units giving rise to a density bonus under that subparagraph.

(C) For housing developments meeting the criteria of subparagraph (F) of paragraph (1) of subdivision (b), the density bonus shall be 35 percent of the student housing units.

(D) For housing developments meeting the criteria of subparagraph (G) of paragraph (1) of subdivision (b), the following shall apply:

(i) Except as otherwise provided in clauses (ii) and (iii), the density bonus shall be 80 percent of the number of units for lower income households.

(ii) If the housing development is located within one-half mile of a major transit stop, the city, county, or city and county shall not impose any maximum controls on density.

(iii) If the housing development is located in a very low vehicle travel area within a designated county, the city, county, or city and county shall not impose any maximum controls on density.

(4) For housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), the density bonus shall be calculated as follows:

Percentage Moderate-Income Units	Percentage Density Bonus
10	5
11	6

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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
41	38.75
42	42.5
43	46.25
44	50

(5) All density calculations resulting in fractional units shall be rounded up to the next whole number. The granting of a density bonus shall not require, or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, or other discretionary approval.

(g) (1) When an applicant for a tentative subdivision map, parcel map, or other residential development approval donates land to a city, county, or city and county in accordance with this subdivision, the applicant shall be entitled to a 15-percent increase above the otherwise maximum allowable residential density for the entire development, as follows:

Percentage Very Low Income	Percentage 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
28	33
29	34
30	35

(2) This increase shall be in addition to any increase in density mandated by subdivision (b), up to a maximum combined mandated density increase of 35 percent if an applicant seeks an increase pursuant to both this subdivision and subdivision (b). All density calculations resulting in fractional units shall be rounded up to the next whole number. Nothing in this subdivision shall be construed to enlarge or diminish the authority of a city, county, or city and county to require a developer to donate land as a condition of development. An applicant shall be eligible for the increased density bonus described in this subdivision if all of the following conditions are met:

- (A) The applicant donates and transfers the land no later than the date of approval of the final subdivision map, parcel map, or residential development application.
- (B) The developable acreage and zoning classification of the land being transferred are sufficient to permit construction of units affordable to very low income households in an amount not less than 10 percent of the number of residential units of the proposed development.
- (C) The transferred land is at least one acre in size or of sufficient size to permit development of at least 40 units, has the appropriate general plan designation, is appropriately zoned with appropriate development standards for development at the density described in paragraph (3) of subdivision (c) of Section 65583.2, and is or will be served by adequate public facilities and infrastructure.
- (D) The transferred land shall have all of the permits and approvals, other than building permits, necessary for the development of the very low income housing units on the transferred land, not later than the date of approval of the final subdivision map, parcel map, or residential development application, except that the local government may subject the proposed development to subsequent design review to the extent authorized by subdivision (i) of Section 65583.2 if the design is not reviewed by the local government before the time of transfer.
- (E) The transferred land and the affordable units shall be subject to a deed restriction ensuring continued affordability of the units consistent with paragraphs (1) and (2) of subdivision (c), which shall be recorded on the property at the time of the transfer.
- (F) The land is transferred to the local agency or to a housing developer approved by the local agency. The local agency may require the applicant to identify and transfer the land to the developer.
- (G) The transferred land shall be within the boundary of the proposed development or, if the local agency agrees, within one-quarter mile of the boundary of the proposed development.
- (H) A proposed source of funding for the very low income units shall be identified not later than the date of approval of the final subdivision map, parcel map, or residential development application.

(h) (1) When an applicant proposes to construct a housing development that conforms to the requirements of subdivision (b) and includes a childcare facility that will be located on the premises of, as part of, or adjacent to, the project, the city, county, or city and county shall grant either of the following:

- (A) 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.

(B) An additional concession or incentive that contributes significantly to the economic feasibility of the construction of the childcare facility.

(2) The city, county, or city and county shall require, as a condition of approving the housing development, that the following occur:

(A) The childcare facility shall remain in operation for a period of time that is as long as or longer than the period of time during which the density bonus units are required to remain affordable pursuant to subdivision (c).

(B) Of the children who attend the childcare facility, the children of very low income households, lower income households, or families of moderate income shall equal a percentage that is equal to or greater than the percentage of dwelling units that are required for very low income households, lower income households, or families of moderate income pursuant to subdivision (b).

(3) Notwithstanding any requirement of this subdivision, a city, county, or city and county shall not be required to provide a density bonus or concession for a childcare facility if it finds, based upon substantial evidence, that the community has adequate childcare facilities.

(4) "Childcare facility," as used in this section, means a child daycare facility other than a family daycare home, including, but not limited to, infant centers, preschools, extended daycare facilities, and schoolage childcare centers.

(i) "Housing development," as used in this section, means a development project for five or more residential units, including mixed-use developments. For the purposes of this section, "housing development" also includes a subdivision or common interest development, as defined in Section 4100 of the Civil Code, approved by a city, county, or city and county and consists of residential units or unimproved residential lots and either a project to substantially rehabilitate and convert an existing commercial building to residential use or the substantial rehabilitation of an existing multifamily dwelling, as defined in subdivision (d) of Section 65863.4, where the result of the rehabilitation would be a net increase in available residential units. For the purpose of calculating a density bonus, the residential 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 units for the lower income households are located.

(j) (1) The granting of a concession or incentive shall not require or be interpreted, in and of itself, to require a general plan amendment, local coastal plan amendment, zoning change, study, or other discretionary approval. For purposes of this subdivision, "study" does not include reasonable documentation to establish eligibility for the concession or incentive or to demonstrate that the incentive or concession meets the definition set forth in subdivision (k). This provision is declaratory of existing law.

(2) Except as provided in subdivisions (d) and (e), the granting of a density bonus shall not require or be interpreted to require the waiver of a local ordinance or provisions of a local ordinance unrelated to development standards.

(k) For the purposes of this chapter, concession or incentive means any of the following:

(1) A reduction in site development standards or a modification of zoning code requirements or architectural design requirements that exceed the minimum building standards approved by the California Building Standards Commission as provided in Part 2.5 (commencing with Section 18901) of Division 13 of the Health and Safety Code, including, but not limited to, a reduction in setback and square footage requirements and in the ratio of vehicular parking spaces that would otherwise be required that results in identifiable and actual cost reductions, to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(2) Approval of mixed-use zoning in conjunction with the housing project if commercial, office, industrial, or other land uses will reduce the cost of the housing development and if the commercial, office, industrial, or other land uses are compatible with the housing project and the existing or planned development in the area where the proposed housing project will be located.

(3) Other regulatory incentives or concessions proposed by the developer or the city, county, or city and county that result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Section 50052.5 of the Health and Safety Code, or for rents for the targeted units to be set as specified in subdivision (c).

(l) Subdivision (k) 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, county, or city and county, or the waiver of fees or dedication requirements.

(m) This section does not supersede or in any way alter or lessen the effect or application of the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code). Any density bonus, concessions, incentives, waivers or reductions of development standards, and parking ratios to which the applicant is entitled under this section shall be permitted in a manner that is consistent with this section and Division 20 (commencing with Section 30000) of the Public Resources Code.

(n) If permitted by local ordinance, nothing in this section shall be construed to prohibit a city, county, or city and county from granting a density bonus greater than what is described in this section for a development that meets the requirements of this section or from granting a proportionately lower density bonus than what is required by this section for developments that do not meet the requirements of this section.

(o) For purposes of this section, the following definitions shall apply:

(1) "Designated county" includes the Counties of Alameda, Contra Costa, Los Angeles, Marin, Napa, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Santa Clara, Solano, Sonoma, and Ventura.

(2) "Development standard" includes a site or construction condition, including, but not limited to, a height limitation, a setback requirement, a floor area ratio, an onsite open-space requirement, a minimum lot area per unit requirement, or a parking ratio that applies to a residential development pursuant to any ordinance, general plan element, specific plan, charter, or other local condition, law, policy, resolution, or regulation.

(3) "Located within one-half mile of a major transit stop" means that any point on a proposed development, for which an applicant seeks a density bonus, other incentives or concessions, waivers or reductions of development standards, or a vehicular parking ratio pursuant to this section, is within one-half mile of any point on the property on which a major transit stop is located, including any parking lot owned by the transit authority or other local agency operating the major transit stop.

(4) "Lower income student" means a student who has a household income and asset level that does not exceed the level for Cal Grant A or Cal Grant B award recipients as set forth in paragraph (1) of subdivision (k) of Section 69432.7 of the Education Code. The eligibility of a student to occupy a unit for lower income students under this section shall be verified by an affidavit, award letter, or letter of eligibility provided by the institution of higher education in which the student is enrolled or by the California Student Aid Commission that the student receives or is eligible for financial aid, including an institutional grant or fee waiver from the college or university, the California Student Aid Commission, or the federal government.

(5) "Major transit stop" has the same meaning as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(6) "Maximum allowable residential density" or "base density" means the maximum number of units allowed under the zoning ordinance, specific plan, or land use element of the general plan, or, if a range of density is permitted, means the maximum number of units allowed by the specific zoning range, specific plan, or land use element of the general plan applicable to the project. If the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan or specific plan, the greater shall prevail. Density shall be determined using dwelling units per acre. However, if the applicable zoning ordinance, specific plan, or land use element of the general plan does not provide a dwelling-units-per-acre standard for density, then the local agency shall calculate the number of units by:

(A) Estimating the realistic development capacity of the site based on the objective development standards applicable to the project, including, but not limited to, floor area ratio, site coverage, maximum building height and number of stories, building setbacks and stepbacks, public and private open space requirements, minimum percentage or square footage of any nonresidential component, and parking requirements, unless not required for the base project. Parking requirements shall include considerations regarding number of spaces, location, design, type, and circulation. A developer may provide a base density study and the local agency shall accept it, provided that it includes all applicable objective development standards.

(B) Maintaining the same average unit size and other project details relevant to the base density study, excepting those that may be modified by waiver or concession to accommodate the bonus units, in the proposed project as in the study.

(7) (A) (i) "Shared housing building" means a residential or mixed-use structure, with five or more shared housing units and one or more common kitchens and dining areas designed for permanent residence of more than 30 days by its tenants. The kitchens and dining areas within the shared housing building shall be able to adequately accommodate all residents. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(ii) A "shared housing building" may include other dwelling units that are not shared housing units, provided that those dwelling units do not occupy more than 25 percent of the floor area of the shared housing building. A shared housing building may include 100 percent shared housing units.

(B) "Shared housing unit" means one or more habitable rooms, not within another dwelling unit, that includes a bathroom, sink, refrigerator, and microwave, is used for permanent residence, that meets the "minimum room area" specified in Section R304 of the California Residential Code (Part 2.5 of Title 24 of the California Code of Regulations), and complies with the definition of "guestroom" in Section R202 of the California Residential Code. If a local ordinance further restricts the attributes of a shared housing building beyond the requirements established in this section, the local definition shall apply to the extent that it does not conflict with the requirements of this section.

(8) (A) "Total units" or "total dwelling units" means a calculation of the number of units that:

(i) Excludes a unit added by a density bonus awarded pursuant to this section or any local law granting a greater density bonus.

(ii) Includes a unit designated to satisfy an inclusionary zoning requirement of a city, county, or city and county.

(B) For purposes of calculating a density bonus granted pursuant to this section for a shared housing building, "unit" means one shared housing unit and its pro rata share of associated common area facilities.

(9) "Very low vehicle travel area" means an urbanized area, as designated by the United States Census Bureau, where the existing residential development generates vehicle miles traveled per capita that is below 85 percent of either regional vehicle miles traveled per capita or city vehicle miles traveled per capita. For purposes of this paragraph, "area" may include a travel analysis zone, hexagon, or grid. For the purposes of determining "regional vehicle miles traveled per capita" pursuant to this paragraph, a "region" is the entirety of incorporated and unincorporated areas governed by a multicounty or single-county metropolitan planning organization, or the entirety of the incorporated and unincorporated areas of an individual county that is not part of a metropolitan planning organization.

(p) (1) Except as provided in paragraphs (2), (3), and (4), upon the request of the developer, a city, county, or city and county shall not require a vehicular parking ratio, inclusive of parking for persons with a disability and guests, of a development meeting the criteria of subdivisions (b) and (c), that exceeds the following ratios:

- (A) Zero to one bedroom: one onsite parking space.
- (B) Two to three bedrooms: one and one-half onsite parking spaces.
- (C) Four and more bedrooms: two and one-half parking spaces.

(2) (A) Notwithstanding paragraph (1), if a development includes at least 20 percent low-income units for housing developments meeting the criteria of subparagraph (A) of paragraph (1) of subdivision (b) or at least 11 percent very low income units for housing developments meeting the criteria of subparagraph (B) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, and there is unobstructed access to the major transit stop from the development, then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per unit. Notwithstanding paragraph (1), if a development includes at least 40 percent moderate-income units for housing developments meeting the criteria of subparagraph (D) of paragraph (1) of subdivision (b), is located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code, and the residents of the development have unobstructed access to the major transit stop from the development then, upon the request of the developer, a city, county, or city and county shall not impose a vehicular parking ratio, inclusive of parking for persons with a disability and guests, that exceeds 0.5 spaces per bedroom.

(B) For purposes of this subdivision, "unobstructed access to the major transit stop" means a resident is able to access the major transit stop without encountering natural or constructed impediments. For purposes of this subparagraph, "natural or constructed impediments" includes, but is not limited to, freeways, rivers, mountains, and bodies of water, but does not include residential structures, shopping centers, parking lots, or rails used for transit.

(3) Notwithstanding paragraph (1), if a development meets the criteria of subparagraph (G) of paragraph (1) of subdivision (b), then, upon the request of the developer, a city, county, or city and county shall not impose vehicular parking standards if the development meets any of the following criteria:

- (A) The development is located within one-half mile of a major transit stop and there is unobstructed access to the major transit stop from the development.
- (B) The development is a for-rent housing development for individuals who are 55 years of age or older that complies with Sections 51.2 and 51.3 of the Civil Code and the development has either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.
- (C) The development is either a special needs housing development, as defined in Section 51312 of the Health and Safety Code, or a supportive housing development, as defined in Section 50675.14 of the Health and Safety Code. A development that is a special needs housing development shall have either paratransit service or unobstructed access, within one-half mile, to fixed bus route service that operates at least eight times per day.

(4) If the total number of parking spaces required for a development is other than a whole number, the number shall be rounded up to the next whole number. For purposes of this subdivision, a development may provide onsite parking through tandem parking or uncovered parking, but not through onstreet parking.

(5) This subdivision shall apply to a development that meets the requirements of subdivisions (b) and (c), but only at the request of the applicant. An applicant may request parking incentives or concessions beyond those provided in this subdivision pursuant to subdivision (d).

(6) This subdivision does not preclude a city, county, or city and county from reducing or eliminating a parking requirement for development projects of any type in any location.

(7) Notwithstanding paragraphs (2) and (3), if a city, county, city and county, or an independent consultant has conducted an areawide or jurisdictionwide parking study in the last seven years, then the city, county, or city and county may impose a higher vehicular parking ratio not to exceed the ratio described in paragraph (1), based upon substantial evidence found in the parking study, that includes, but is not limited to, an analysis of parking availability, differing levels of transit access, walkability access to transit services, the potential for shared parking, the effect of parking requirements on the cost of market-rate and subsidized developments, and the lower rates of car ownership for low-income and very low income individuals, including seniors and special needs individuals. The city, county, or city and county shall pay the costs of any new

study. The city, county, or city and county shall make findings, based on a parking study completed in conformity with this paragraph, supporting the need for the higher parking ratio.

(8) A request pursuant to this subdivision shall neither reduce nor increase the number of incentives or concessions to which the applicant is entitled pursuant to subdivision (d).

(q) Each component of any density calculation, including base density and bonus density, resulting in fractional units shall be separately rounded up to the next whole number. The Legislature finds and declares that this provision is declaratory of existing law.

(r) This chapter shall be interpreted liberally in favor of producing the maximum number of total housing units.

(s) Notwithstanding any other law, if a city, including a charter city, county, or city and county has adopted an ordinance or a housing program, or both an ordinance and a housing program, that incentivizes the development of affordable housing that allows for density bonuses that exceed the density bonuses required by the version of this section effective through December 31, 2020, that city, county, or city and county is not required to amend or otherwise update its ordinance or corresponding affordable housing incentive program to comply with the amendments made to this section by the act adding this subdivision, and is exempt from complying with the incentive and concession calculation amendments made to this section by the act adding this subdivision as set forth in subdivision (d), particularly subparagraphs (B) and (C) of paragraph (2) of that subdivision, and the amendments made to the density tables under subdivision (f).

(t) When an applicant proposes to construct a housing development that conforms to the requirements of subparagraph (A) or (B) of paragraph (1) of subdivision (b) that is a shared housing building, the city, county, or city and county shall not require any minimum unit size requirements or minimum bedroom requirements that are in conflict with paragraph (7) of subdivision (o).

(u) (1) The Legislature finds and declares that the intent behind the Density Bonus Law is to allow public entities to reduce or even eliminate subsidies for a particular project by allowing a developer to include more total units in a project than would otherwise be allowed by the local zoning ordinance in exchange for affordable units. It further reaffirms that the intent is to cover at least some of the financing gap of affordable housing with regulatory incentives, rather than additional public subsidy.

(2) It is therefore the intent of the Legislature to make modifications to the Density Bonus Law by the act adding this subdivision to further incentivize the construction of very low, low-, and moderate-income housing units. It is further the intent of the Legislature in making these modifications to the Density Bonus Law to ensure that any additional benefits conferred upon a developer are balanced with the receipt of a public benefit in the form of adequate levels of affordable housing. The Legislature further intends that these modifications will ensure that the Density Bonus Law creates incentives for the construction of more housing across all areas of the state.

*(Amended by Stats. 2022, Ch. 653, Sec. 1.5. (AB 2334) Effective January 1, 2023.)*

**65915.1.** For purposes of Section 65915, affordable housing impact fees, including inclusionary zoning fees and in-lieu fees, shall not be imposed on a housing development's affordable units.

*(Added by Stats. 2021, Ch. 346, Sec. 1. (AB 571) Effective January 1, 2022.)*

**65915.2.** If permitted by local ordinance, nothing in Section 65915 shall be construed to prohibit a city, county, or city and county from requiring an affordability period longer than 55 years for any units that qualified the applicant for the award of the density bonus developed in compliance with a local ordinance that requires, as a condition of the development of residential units, that the development include a certain percentage of units that are affordable to, and occupied by, low-income, lower income, very low income, or extremely low income households and that will be financed without low-income housing tax credits.

*(Added by Stats. 2021, Ch. 348, Sec. 1. (AB 634) Effective January 1, 2022.)*

**65915.5.** (a) When an applicant for approval to convert apartments to a condominium project agrees to provide at least 33 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 15 percent of the total units of the proposed condominium project to lower income households as defined in Section 50079.5 of the Health and Safety Code, and agrees to pay for the reasonably necessary administrative costs incurred by a city, county, or city and county pursuant to this section, the city, county, or city and county shall either (1) grant a density bonus or (2) provide other incentives of equivalent financial value. A city, county, or city and county may place such reasonable conditions on the granting of a density bonus or other incentives of equivalent financial value as it finds appropriate, including, but not limited to, conditions which assure continued affordability of units to subsequent purchasers who are persons and families of low and moderate income or lower income households.

(b) For purposes of this section, "density bonus" means an increase in units of 25 percent over the number of apartments, to be provided within the existing structure or structures proposed for conversion.

(c) For purposes of this section, "other incentives of equivalent financial value" shall not be construed to require a city, county, or city and county to provide cash transfer payments or other monetary compensation but may include the reduction or waiver of requirements which the city, county, or city and county might otherwise apply as conditions of conversion approval.

(d) An applicant for approval to convert apartments to a condominium project may submit to a city, county, or city and county a preliminary proposal pursuant to this section prior to the submittal of any formal requests for subdivision map approvals. The city, county, or city and county shall, within 90 days of receipt of a written proposal, notify the applicant in writing of the manner



in which it will comply with this section. The city, county, or city and county shall establish procedures for carrying out this section, which shall include legislative body approval of the means of compliance with this section.

(e) Nothing in this section shall be construed to require a city, county, or city and county to approve a proposal to convert apartments to condominiums.

(f) An applicant shall be ineligible for a density bonus or other incentives under this section if the apartments proposed for conversion constitute a housing development for which a density bonus or other incentives were provided under Section 65915.

(g) An applicant shall be ineligible for a density bonus or any other incentives or concessions under this section 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 subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, and either of the following applies:

(1) The proposed condominium project, inclusive of the units replaced pursuant to subparagraph (B) of paragraph (3) of subdivision (c) of Section 65915, contains affordable units at the percentages set forth in subdivision (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.

(h) Subdivision (g) does not apply to an applicant seeking a density bonus for a proposed housing development if their application was submitted to, or processed by, a city, county, or city and county before January 1, 2015.

*(Amended by Stats. 2014, Ch. 682, Sec. 2. (AB 2222) Effective January 1, 2015.)*

**65915.7.** (a) When an applicant for approval of a commercial development has entered into an agreement for partnered housing described in subdivision (c) to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, the city, county, or city and county shall grant to the commercial developer a development bonus as prescribed in subdivision (b). Housing shall be constructed on the site of the commercial development or on a site that is all of the following:

(1) Within the boundaries of the local government.

(2) In close proximity to public amenities including schools and employment centers.

(3) Located within one-half mile of a major transit stop, as defined in subdivision (b) of Section 21155 of the Public Resources Code.

(b) The development bonus granted to the commercial developer shall mean incentives, mutually agreed upon by the developer and the jurisdiction, that may include, but are not limited to, any of the following:

(1) Up to a 20-percent increase in maximum allowable intensity in the General Plan.

(2) Up to a 20-percent increase in maximum allowable floor area ratio.

(3) Up to a 20-percent increase in maximum height requirements.

(4) Up to a 20-percent reduction in minimum parking requirements.

(5) Use of a limited-use/limited-application elevator for upper floor accessibility.

(6) An exception to a zoning ordinance or other land use regulation.

(c) For purposes of this section, the agreement for partnered housing shall be between the commercial developer and the housing developer, shall identify how the commercial developer will contribute affordable housing, and shall be approved by the city, county, or city and county.

(d) For purposes of this section, affordable housing may be contributed by the commercial developer in one of the following manners:

(1) The commercial developer may directly build the units.

(2) The commercial developer may donate a portion of the site or property elsewhere to the affordable housing developer for use as a site for affordable housing.

(3) The commercial developer may make a cash payment to the affordable housing developer that shall be used towards the costs of constructing the affordable housing project.

(e) For purposes of this section, subparagraph (A) of paragraph (3) of subdivision (c) of Section 65915 shall apply.

(f) Nothing in this section shall preclude any additional allowances or incentives offered to developers by local governments pursuant to law or regulation.

(g) If the developer of the affordable units does not commence with construction of those units in accordance with timelines ascribed by the agreement described in subdivision (c), the local government may withhold certificates of occupancy for the commercial development under construction until the developer has completed construction of the affordable units.

(h) In order to qualify for a development bonus under this section, a commercial developer shall partner with a housing developer that provides at least 30 percent of the total units for low-income households or at least 15 percent of the total units for very low-income households.

(i) Nothing in this section shall preclude an affordable housing developer from seeking a density bonus, concessions or incentives, waivers or reductions of development standards, or parking ratios under Section 65915.

(j) A development bonus pursuant to this section shall not include a reduction or waiver of the requirements within an ordinance that requires the payment of a fee by a commercial developer for the promotion or provision of affordable housing.

(k) A city or county shall submit to the Department of Housing and Community Development, as part of the annual report required by Section 65400, information describing a commercial development bonus approved pursuant to this section, including the terms of the agreements between the commercial developer and the affordable housing developer, and the developers and the local jurisdiction, and the number of affordable units constructed as part of the agreements.

(l) For purposes of this section, "partner" means formation of a partnership, limited liability company, corporation, or other entity recognized by the state in which the commercial development applicant and the affordable housing developer are each partners, members, shareholders or other participants, or a contract or agreement between a commercial development applicant and affordable housing developer for the development of both the commercial and the affordable housing properties.

(m) This section shall remain in effect only until January 1, 2028, and as of that date is repealed.

*(Added by Stats. 2022, Ch. 637, Sec. 1. (AB 1551) Effective January 1, 2023. Repealed as of January 1, 2028, by its own provisions.)*

**65916.** Where there is a direct financial contribution to a housing development pursuant to Section 65915 through participation in cost of infrastructure, write-down of land costs, or subsidizing the cost of construction, the city, county, or city and county shall assure continued availability for low- and moderate-income units for 30 years. When appropriate, the agreement provided for in Section 65915 shall specify the mechanisms and procedures necessary to carry out this section.

*(Added by Stats. 1979, Ch. 1207.)*

**65917.** In enacting this chapter it is the intent of the Legislature that the density bonus or other incentives offered by the city, county, or city and county pursuant to this chapter shall contribute significantly to the economic feasibility of lower income housing in proposed housing developments. In the absence of an agreement by a developer in accordance with Section 65915, a locality shall not offer a density bonus or any other incentive that would undermine the intent of this chapter.

*(Amended by Stats. 2001, Ch. 115, Sec. 14. Effective January 1, 2002.)*

**65917.2.** (a) As used in this section, the following terms shall have the following meanings:

(1) "Eligible housing development" means a development that satisfies all of the following criteria:

(A) The development is a multifamily housing development that contains five or more residential units, exclusive of any other floor area ratio bonus or incentive or concession awarded pursuant to this chapter.

(B) The development is located within one of the following:

(i) An urban infill site that is within a transit priority area.

(ii) One-half mile of a major transit stop.

(C) The site of the development is zoned to allow residential use or mixed-use with a minimum planned density of at least 20 dwelling units per acre and does not include any land zoned for low density residential use or for exclusive nonresidential use.

(D) The applicant and the development satisfy the replacement requirements specified in subdivision (c) of Section 65915.

(E) The development includes at least 20 percent of the units, excluding any additional units allowed under a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter, with an affordable housing cost or affordable rent to, and occupied by, persons with a household income equal to or less than 50 percent of the area median income, as determined pursuant to Section 50093 of the Health and Safety Code, and subject to an affordability restriction for a minimum of 55 years.

(F) The development complies with the height requirements applicable to the underlying zone. A development shall not be eligible to use a floor area ratio bonus or other incentives or concessions provided pursuant to this chapter to relieve the

development from a maximum height limitation.

(2) "Floor area ratio" means the ratio of gross building area of the eligible housing development, excluding structured parking areas, proposed for the project divided by the net lot area. For purposes of this paragraph, "gross building area" means the sum of all finished areas of all floors of a building included within the outside faces of its exterior walls.

(3) "Floor area ratio bonus" means an allowance for an eligible housing development to utilize a floor area ratio over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city or county, calculated pursuant to paragraph (2) of subdivision (b).

(4) "Major transit stop" has the same meaning as defined in Section 21155 of the Public Resources Code.

(5) "Transit priority area" has the same meaning as defined in Section 21099 of the Public Resources Code.

(b) (1) A city council, including a charter city council or the board of supervisors of a city and county, or county board of supervisors may establish a procedure by ordinance to grant a developer of an eligible housing development, upon the request of the developer, a floor area ratio bonus, calculated as provided in paragraph (2), in lieu of a density bonus awarded on the basis of dwelling units per acre.

(2) In calculating the floor area ratio bonus pursuant to this section, the allowable gross residential floor area in square feet shall be the product of all of the following amounts:

(A) The allowable residential base density in dwelling units per acre.

(B) The site area in square feet, divided by 43,560.

(C) 2,250.

(c) The city council or county board of supervisors shall not impose any parking requirement on an eligible housing development in excess of 0.1 parking spaces per unit that is affordable to persons and families with a household income equal to or less than 120 percent of the area median income and 0.5 parking spaces per unit that is offered at market rate.

(d) A city or county that adopts a floor area ratio bonus ordinance pursuant to this section shall allow an applicant seeking to develop an eligible residential development to calculate impact fees based on square feet, instead of on a per unit basis.

(e) In the case of an eligible housing development that is zoned for mixed-use purposes, any floor area ratio requirement under a zoning ordinance or land use element of the general plan of the city or county applicable to the nonresidential portion of the eligible housing development shall continue to apply notwithstanding the award of a floor area ratio bonus in accordance with this section.

(f) An applicant for a floor area ratio bonus pursuant to this section may also submit to the city, county, or city and county a proposal for specific incentives or concessions pursuant to subdivision (d) of Section 65915.

(g) (1) This section shall not be interpreted to do either of the following:

(A) Supersede or preempt any other section within this chapter.

(B) Prohibit a city, county, or city and county from providing a floor area ratio bonus under terms that are different from those set forth in this section.

(2) The adoption of an ordinance pursuant to this section shall not be interpreted to relieve a city, county, or city and county from complying with Section 65915.

*(Added by Stats. 2018, Ch. 915, Sec. 1. (AB 2372) Effective January 1, 2019.)*

**65917.5.** (a) As used in this section, the following terms shall have the following meanings:

(1) "Child care facility" means a facility installed, operated, and maintained under this section for the nonresidential care of children as defined under applicable state licensing requirements for the facility.

(2) "Density bonus" means a floor area ratio bonus over the otherwise maximum allowable density permitted under the applicable zoning ordinance and land use elements of the general plan of a city, including a charter city, city and county, or county of:

(A) A maximum of five square feet of floor area for each one square foot of floor area contained in the child care facility for existing structures.

(B) A maximum of 10 square feet of floor area for each one square foot of floor area contained in the child care facility for new structures.

For purposes of calculating the density bonus under this section, both indoor and outdoor square footage requirements for the child care facility as set forth in applicable state child care licensing requirements shall be included in the floor area of the child care facility.

(3) "Developer" means the owner or other person, including a lessee, having the right under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors to make an application for development approvals for the development or redevelopment of a commercial or industrial project.

(4) "Floor area" means as to a commercial or industrial project, the floor area as calculated under the applicable zoning ordinance of a city council, including a charter city council, city and county board of supervisors, or county board of supervisors and as to a child care facility, the total area contained within the exterior walls of the facility and all outdoor areas devoted to the use of the facility in accordance with applicable state child care licensing requirements.

(b) A city council, including a charter city council, city and county board of supervisors, or county board of supervisors may establish a procedure by ordinance to grant a developer of a commercial or industrial project, containing at least 50,000 square feet of floor area, a density bonus when that developer has set aside at least 2,000 square feet of floor area and 3,000 outdoor square feet to be used for a child care facility. The granting of a bonus shall not preclude a city council, including a charter city council, city and county board of supervisors, or county board of supervisors from imposing necessary conditions on the project or on the additional square footage. Projects constructed under this section shall conform to height, setback, lot coverage, architectural review, site plan review, fees, charges, and other health, safety, and zoning requirements generally applicable to construction in the zone in which the property is located. A consortium with more than one developer may be permitted to achieve the threshold amount for the available density bonus with each developer's density bonus equal to the percentage participation of the developer. This facility may be located on the project site or may be located offsite as agreed upon by the developer and local agency. If the child care facility is not located on the site of the project, the local agency shall determine whether the location of the child care facility is appropriate and whether it conforms with the intent of this section. The child care facility shall be of a size to comply with all state licensing requirements in order to accommodate at least 40 children.

(c) The developer may operate the child care facility itself or may contract with a licensed child care provider to operate the facility. In all cases, the developer shall show ongoing coordination with a local child care resource and referral network or local governmental child care coordinator in order to qualify for the density bonus.

(d) If the developer uses space allocated for child care facility purposes, in accordance with subdivision (b), for purposes other than for a child care facility, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. If the developer fails to have the space allocated for the child care facility within three years, from the date upon which the first temporary certificate of occupancy is granted, an assessment based on the square footage of the project may be levied and collected by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors in accordance with procedures to be developed by the legislative body of the city council, including a charter city council, city and county board of supervisors, or county board of supervisors. The assessment shall be consistent with the market value of the space. A penalty levied against a consortium of developers shall be charged to each developer in an amount equal to the developer's percentage square feet participation. Funds collected pursuant to this subdivision shall be deposited by the city council, including a charter city council, city and county board of supervisors, or county board of supervisors into a special account to be used for child care services or child care facilities.

(e) Once the child care facility has been established, prior to the closure, change in use, or reduction in the physical size of, the facility, the city, city council, including a charter city council, city and county board of supervisors, or county board of supervisors shall be required to make a finding that the need for child care is no longer present, or is not present to the same degree as it was at the time the facility was established.

(f) The requirements of Chapter 5 (commencing with Section 66000) and of the amendments made to Sections 53077, 54997, and 54998 by Chapter 1002 of the Statutes of 1987 shall not apply to actions taken in accordance with this section.

(g) This section shall not apply to a voter-approved ordinance adopted by referendum or initiative.

*(Amended by Stats. 2008, Ch. 179, Sec. 112. Effective January 1, 2009.)*

**65918.** The provisions of this chapter shall apply to charter cities.

*(Added by Stats. 1979, Ch. 1207.)*

## Design Permit Design Review Criteria

17.120.070 Design review criteria. When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

- A. **Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.
- B. **Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.
- C. **Historic Character.** Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.
- D. **Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. **Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. **Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.
- G. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. **Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. **Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.
- J. **Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and

porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.

- K. **Materials.** Building facades include a mix of natural, high quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. **Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. **Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. **Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.
- O. **Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola's distinctive neighborhoods. Multifamily residential projects include public and private open space that is attractive, accessible, and functional. Nonresidential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.
- P. **Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.
- Q. **Lighting.** Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.
- R. **Accessory Structures.** The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties.
- S. **Mechanical Equipment, Trash Receptacles, and Utilities.** Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

# Capitola Planning Commission

## Agenda Report

**Meeting:** January 19, 2023

**From:** Community Development Department

**Address:** Citywide Housing Element



**Permit Number:** 23-0019

**APN:** Citywide

Introduction to Housing Element Update

Environmental Determination: TBD

Property Owner: Citywide

Representative: Brett Stinson and Diane Bathgate, RRM Design Group

**Background:** The City's current, 2015-2023 Housing Element, which was adopted by the City Council in 2015 and certified by the State of California in 2016, is in effect through December 2023. As a result, the City is required by law to update its Housing Element for the 2023-2031 planning period (also known as the sixth cycle) and have the Housing Element adopted and certified by HCD by December 31, 2023. Toward this end, in May 2022, the City Council awarded a contract to RRM Design Group for the preparation of the City's 2024-2031 Housing Element. Since then, RRM Design Group and City staff have commenced preparing the updated Housing Element, and an assessment of existing and projected housing needs, as well as a review of the City's existing Housing Element are underway. In addition, pursuant to applicable State housing law, the City has started its efforts towards achieving and soliciting public participation from all segments of the community in the preparation of the Housing Element.

In accordance with applicable State housing law, local governments are legally required to adopt plans and programs for housing that provide opportunities for and do not unduly constrain housing development. The Housing Element, which is one (1) of the seven (7) State-mandated components of a city's General Plan, is therefore a mechanism by which the State requires local jurisdictions to provide a variety of housing options and strive toward reaching regional housing needs, while maintaining civic and local responsibility toward economic, environmental, and fiscal factors, and community goals stated within adopted General Plan documents. Housing Elements are required to be updated every eight (8) years and are required to be certified by the State of California Department of Housing and Community Development (HCD), in order for HCD to ensure that cities are taking necessary steps to promote the creation of housing for all income categories and of all housing types.

### Discussion:

#### 5<sup>th</sup> Cycle Housing Element Accomplishments

Unlike State housing law, the composition and condition of Capitola's housing stock has remained relatively stable during the past housing cycle. Between 2015-2021, 1 very low income, 2 moderate income units, and 39 above moderate income units were developed in Capitola. Moderate income units include secondary dwelling units and above moderate income units include new and replacement home construction. In addition, Capitola has accomplished the following during the 2015-2023 5<sup>th</sup> cycle:

- Updated the entire zoning code; commercial corridors updated to include mixed-use
- Adopted Objective Design Standards for all multi-family and mixed-use

- Adopted a prototype ADU design (building plan-ready)
- Created an ADU Guidance Document for the public
- Updated Inclusionary Housing Ordinance and housing impact fees
- Funded emergency housing program and rental assistance for low income
- CDBG mobile home rehabilitation programs (8) and down payment assistance program (1)

### **Housing Element Compliance**

Failure to comply with applicable Housing Element law, or to incorporate the abovementioned statutory requirements in a Housing Element, may result in HCD issuing findings of non-compliance and withholding certification of a Housing Element. In such cases, the respective city may be subject to significant consequences, including disqualification from obtaining certain funding grants or bonds from the State of California, suspension or termination of various State-issued proposition funds, potential litigation, the imposition of a moratorium on land use approvals and building permit issuance, the potential loss of post-redevelopment dissolution funds (Housing AssetFunds), and the requirement to update the associated Housing Element on a four (4) year planning cycle, rather than an eight (8) year cycle. In addition to facing significant fines, a court may limit local land use decision-making authority until the jurisdiction brings its Housing Element into compliance. Additionally, the City may lose eligibility for housing-related grant funding such as SB 2 Planning Grants and CalHome funds, among others.

### **Housing Element Key Components**

State law (California Government Code Sec. 65583 et seq) sets forth requirements for Housing Elements and related land use regulations related to housing. The Draft 2023-2031 6<sup>th</sup> cycle Housing Element will include the following components:

- **Background Information:** A housing needs assessment which identifies and analyzes the existing and projected housing needs within the City by examining demographic, employment, and housing trends and conditions, with attention paid to special housing needs (e.g., seniors, large families, persons with disabilities).
- **Constraints on Housing Analysis:** An analysis of existing and potential governmental and nongovernmental barriers to housing development.
- **Housing Resources:** An inventory of resources relevant to meeting the City's housing needs.
- **Housing Plan:** A statement of goals, policies, quantifiable objectives, and financial resources available for the preservation, improvement, and development of housing.
- **Evaluation of Past Performance:** Review of the 2015-2023 5<sup>th</sup> cycle Housing Element to measure progress and effectiveness of housing and outreach policies and programs.
- **Public Participation:** Implement a robust community engagement program, reaching out to all economic segments of the community plus traditionally underrepresented groups.
- **Sites Inventory:** Identify locations of available sites for housing development or redevelopment to ensure there is enough land zoned for housing to meet the future need at all income levels.

### **Housing Element Goals**

The City of Capitola 2023-2031 Housing Element will have the following housing goals:

- **Goal 1:** Protect existing stable, single-family neighborhoods throughout the City.



- Goal 2: Encourage the development of a range of housing types in a range of prices affordable to all Capitola residents.
- Goal 3: Encourage the maintenance and upgrading of existing housing stock to ensure a decent, safe, and sanitary home for all Capitola residents.
- Goal 4: Support federal and State laws that prohibit discrimination of protected classes under State and federal fair housing laws.

### **Regional Housing Needs Allocation (RHNA)**

The Regional Housing Needs Allocation (RHNA) is mandated by State law to quantify the need for housing throughout the State. This informs the local planning process to address existing and future housing needs resulting from projected state-wide growth in population, employment, and households. Every City and County in California must plan for its fair share of the region's housing need, as determined through the RHNA process. HCD identifies the total housing need for each region of the state. In the Monterey Bay region, the Association of Monterey Bay Area Governments (AMBAG) distributes this regional need to local governments. Once a local government has received its RHNA, it must revise its Housing Element to demonstrate how it plans to accommodate its portion of the region's housing need.

AMBAG approved HCD's RHNA units requirement for the 2015-2023 5<sup>th</sup> cycle on June 11, 2014. Capitola's 5<sup>th</sup> cycle RHNA requirement was 143 units, which was the same requirement as the previous 4<sup>th</sup> cycle. AMBAG is requiring 1,336 housing units for the current 2023-2031 6<sup>th</sup> cycle.

It is important to note that the Housing Element is a policy document, and no actual development is proposed as part of the adoption of the housing element. Further implementation actions will need to be undertaken in accordance with state law (Assembly Bill 1398) in order to realize the development of housing units which will be primarily undertaken by private and nonprofit developers on private property.

### **Housing Programs**

During the 2015-2023 5<sup>th</sup> cycle Housing Element update, the City adopted 32 programs that strive to accommodate housing through preservation, improvement, and the development of new housing units. Moreover, opportunity sites identified in the 2015-2023 5<sup>th</sup> cycle Housing Element could provide a total of 75 units for very low- and low-income households which exceeded the 57 unit RHNA requirement by 18 units.

Strategies and programs identified within the Housing Plan focus on the following list. Specific goals, policies, and programs to accomplish each of these will be identified within the Housing Plan section of the draft housing element.

- Conserve and improve existing housing stock;
- Assist in the development of affordable housing;
- Improve the safety, quality, and existing housing condition;
- Facilitate housing development for all income levels and household types, including special needs populations and new affordable housing.
- Remove governmental constraints to housing development; and
- Promote fair housing opportunities for all.

## New Housing Element Requirements

Recent changes to state law have imposed new requirements for the Housing Elements which introduces substantial challenges to the City's ability to identify sites to accommodate their required RHNA allocation. New Housing Element requirements include:

- **Higher RHNA Allocations:** The City's 2015-2023 Housing Element RHNA allocation was 143 units, including 57 lower-income units. Comparatively, the 2023-2031 Housing Element RHNA allocation of 1,336 units, including 712 lower-income units, is approximately 9.3 times higher than the previous element's allocation.
- **Affirmative Further Fair Housing (AFFH):** Assembly Bill (AB 686), passed in 2018, as the statewide framework to affirmatively further fair housing (AFFH) to promote inclusive communities, further housing choice, and address racial and economic disparities through government programs, policies, and operations. AB 686 defines "affirmatively furthering fair housing" to mean "taking meaningful actions, in addition to combating discrimination, that overcome patterns of segregation and foster inclusive communities free from barriers that restrict access to opportunity" for persons of color, persons with disabilities, and other protected classes. The bill added an assessment of fair housing to the housing element which includes the following components: a summary of fair housing issues and assessment of the City's fair housing enforcement and outreach capacity; an analysis of segregation patterns and disparities in access to opportunities, an assessment of contributing factors, and an identification of fair housing goals and actions.
- **Eligible Lower-Income Sites:** There are new regulations on the extent to which the City can reuse sites included in previous Housing Elements and increased scrutiny of small, and non-vacant sites when these sites are proposed to accommodate units for very low- and low-income households.
- **No Net Loss:** A 2017 amendment to Government Code Section 65863 (No Net Loss) requires that jurisdictions preserve sufficient and available sites for lower-income housing throughout the RHNA planning period at all times. The City cannot permit the reduction of residential density for any site unless the reduction is consistent with the adopted General Plan, including the Housing Element. Additionally, if the City allows development of any site with less units by income level than identified in the Housing Element for that site, it must determine if the remaining sites identified in the housing element are adequate to meet that need by income level. If sites identified for lower-income housing are developed with less units than identified in the Housing Element or developed for a higher income group, the City shall either identify and rezone adequate substitute sites or demonstrate that the land inventory already contains adequate substitute sites so that there is no net loss of residential unit capacity.

## Sites Inventory and Density

The City must demonstrate in its Housing Element the ability to meet its RHNA allocation, through the provision of sites suitable for residential development. To meet the assigned housing needs, the Housing Element will identify sites that may be suitable for residential development including vacant and non-vacant sites throughout the City. In addition, the City will include an estimate of Accessory Dwelling Units projected to be constructed during the planning period based on development trends. The sites inventory analysis will demonstrate that the City has adequate capacity to accommodate the RHNA for the 2023-2031 6<sup>th</sup> cycle planning period. The City will also be required to specify the projected housing type/density for each identified site.

## Public Participation

The 2023-2031 Housing Element update process has provided, and will continue to provide, residents and other interested parties with opportunities to review draft documents and proposed policies, and to provide recommendations for consideration by decision-makers pursuant to Government Code §65583. To date, the following public outreach efforts have been made during the update process:

- Online Housing Needs Survey (currently ongoing)
- Stakeholder Interviews

The following public outreach efforts will be conducted throughout the remainder of the update process:

- Planning Commission Study Session (January 19, 2023)
- City Council Meeting (January 26, 2023)
- Community Workshop #1 (January 31, 2023 – tentative)
- Community Workshop #2 (TBD)
- Public Review of Draft Housing Element
- Housing Element Adoption Hearings

## Next Steps

City staff and RRM will coordinate on providing the following for the 6<sup>th</sup> cycle Housing Element Update:

- Proceed with the sites inventory analysis;
- Host two community workshops;
- Draft the Housing Element document and housing programs;
- Periodically report to the Planning Commission for recommendations and input;
- Prepare and refine draft CEQA documents;
- Submit Housing Element to HCD for review;
- Conduct Planning Commission/City Council hearings for adoption of the Housing Element; and,
- Respond to HCD comments for certification by December 31<sup>st</sup>, 2023.

As part of the upcoming process, the draft housing element will be available for public review and will require an initial review period by HCD of 90 days. Subsequent review cycles of review by HCD will be in increments of 30 days.

**Recommendation:** Staff requests the Planning Commission accept the presentation introducing the Housing Element Update, ask clarifying questions related to the presentation, and provide feedback regarding Capitola housing in general, including location, type, and density of future housing.