

# City of Capitola

## Planning Commission Meeting Agenda

### Thursday, October 03, 2024 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Courtney Christiansen

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

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

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

[A.](#) Additional Materials Item 6A - correspondence received

[B.](#) Additional Materials Item 6C - correspondence received

#### 3. Oral Communications

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

#### 4. Planning Commission/Staff Comments

#### 5. Consent Calendar

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

[A.](#) Approval of September 19, 2024 Special Planning Commission Meeting Minutes

[B.](#) **510 Escalona Drive**

**Project Description:** Application #24-0247. APN: 036-121-18. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing residence and the construction of a new two-story, single-family residence and detached single-story ADU. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider Application #24-0247 and approve the project based on the attached Conditions and Findings for Approval.

## 6. Public Hearings

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

### A. 1210 41st Avenue

**Project Description:** Application #24-0154 A request to modify the Conditional Use Permit for a grocery store to add offsite sales of distilled spirits. The existing Conditional Use Permit allows offsite sales of beer and wine only. The property is zoned C-C (Community Commercial).

**Recommended Action:** Staff recommends the Planning Commission approve application #24-0154 based on the Conditions and Findings of Approval.

### B. 709 Riverview Drive

**Project Description:** Permit #24-0351 Tree Removal Permit to remove one 85-inch Monterey Cypress tree with a future new residence project in the R-1 (Single-Family Residential) zoning district.

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

**Recommended Action:** Staff recommends the Planning Commission deny the application and advise the applicant to submit a tree removal request for consideration in conjunction with a complete application for a new residence.

**Alternative:** Approve application #24-0351 based on the Findings and with the Conditions of Approval listed below.

### C. Citywide Zoning Code Update

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

**Recommended Action:** Staff recommends the Planning Commission adopt a resolution recommending the City Council adopt the proposed Design Review Zoning Code Amendments and the proposed Density Bonus Code Amendments.

## 7. Director's Report

## 8. Adjournment – Adjourn to the next regularly scheduled meeting of the Planning Commission on November 7, 2024 at 6:00 PM.

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### How to View the Meeting

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

Other ways to Watch:

Spectrum Cable Television channel 8

Community Television YouTube

Channel: [https://www.youtube.com/channel/UCH\\_hHwkXLnSvpBFG2fd12yA](https://www.youtube.com/channel/UCH_hHwkXLnSvpBFG2fd12yA)

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

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

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

Meeting ID: 844 1230 2975

Meeting Passcode: 161805

**How to Provide Comments to the Planning Commission**

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

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

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

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

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

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

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

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

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



May 2, 2024

City of Capitola  
Katie Herlihy, AICP  
420 Capitola Avenue  
Capitola, CA 95010

**Subject: Mitigation of the Grocery Outlet Operational Impact**

Dear Ms. Herlihy:

Thank you very much for responding to Supervisor Manu's e-mail and for the invitation to speak at an upcoming City Council meeting. The homeowners adjacent to the rear of the Grocery Outlet store location are seeking City help to put in place operational guidelines and limits to mitigate the negative impact caused by the store's operation.

This is truly a quality-of-life issue affecting nearby residents and in particular, seniors living in the Trade Winds Park. Listed below are operational steps that Grocery Outlet could, and should, take to ensure a healthy and reasonable coexistence.

- Noisy equipment, such as refrigerators, freezers, speakers, etc. should be placed inside the store and not in the rear of the store building next to residents.
- Garbage dumpsters should be locked after hours and placed away from the back wall separating the parking lot from residents' homes. Collection of garbage should occur no earlier than 7:00 AM and before 5:00 PM.
- Grocery Outlet should maintain the same hours of operation followed by New Leaf Market, 8:00 AM – 9:00 PM. This is essential to limit noise to an acceptable level.
- The store's cardboard box crushing machine, which causes significant noise, should only be used between the hours of 8:00 AM and 5:00 PM
- Store employees should not congregate in the back parking lot during breaks and refrain from playing loud music in vehicles or otherwise making excessive noise outside the store.
- Vendor delivery trucks should not, at any time, idle in the parking lot at the rear of the store. This causes excessive noise and the exhaust fumes create a significant health hazard for the residents on the other side of the dividing wall.

- Outdoor seating and grocery carts should remain near the front entrance of the store and not located in the back parking lot area.

These operating procedures and rules should be documented by store management and distributed to all employees. Regular reminders to employees should also be standard practice. Enforcement of the above listed items should be the responsibility of store management. However, I ask that City staff monitor compliance and respond to residents' identification of violations.

Finally, I wish to again thank you and the City Council for allowing the impacted residents to inform and speak to you regarding this issue and for taking action to seek a resolution.

Sincerely,

*Fariba Ghahremani*  
 Fariba Ghahremani  
 4160 Jade St. # 11  
 Capitola, CA 95010

*Wendy Chop Face #12*  
*See #1000 #8*  
*Carol + STEVE 2 doors*  
*#6*

*Philip Joseph #11*  
*Janet Raitter #110*  
*John Raitter #110*  
*Thomas E. Taylor #12*  
*Connie*  
*John Justice #9*  
*Justice #9*  
*Mary Bevington #3*  
*Shirley McLeod #16*  
*Jo Maus #13*  
*Ken Maus #13*

*Suzanne #5*  
*Kay Nagasaki #2*  
*Gene & Bonny #106*  
*Gaye Leisner*  
*Jarred Crosby #15*  
*Priscilla Matheny #113*  
*Deborah Everett #17*  
*Alan Price #17*  
*David Keller #114*  
*Diane Juffes #109*

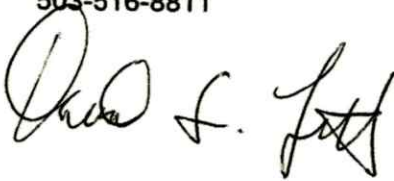
To Whom it may concern-

Please take this request to heart. My father's home is directly behind the old New Leaf loading dock. It has long been a sore spot and the notion that it might get worse (with a larger business such as Grocery Outlet) really is a cause for concern. He is 90 years old and the last thing we want at this stage in his life is a decline in his quality of life. In between the sounds of grocery carts and clanging bins, trucks beeping at 5AM and the loud and often vulgar chatter of employees on break, the idea that the annoying and intrusive activity on the other side of the wall could continue and possibly even get worse is untenable.

Thank You

David Little (for Donald Little Space 10)

503-516-8811

A handwritten signature in black ink, appearing to read "David L. Little". The signature is written in a cursive style with a large initial "D" and "L".

**Wyatt, Rosie**

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**From:** Peter Wilk <petergwilk@gmail.com>  
**Sent:** Saturday, September 28, 2024 1:17 PM  
**To:** PLANNING COMMISSION; Herlihy, Katie (kherlihy@ci.capitola.ca.us)  
**Subject:** Code update - Design review

Arguments for leaving a professional architect off the design review process:

1. Not a problem that needs fixing. We have been without an architect in the preliminary design review for the majority of my tenure as a planning commissioner. I believe the system has worked properly during that time. I have not heard complaints from either staff or applicants that the system is broken and needs fixing.
2. Delay. Reintroducing a volunteer architect to be involved in the process will create delays in the approval process based on their availability. The REQUIRED architect holds the entire approval process hostage.
3. Cost. Introducing a paid consultant introduces unnecessary cost to the applicant. They must pay for unwanted advice on their creative process.
4. Subjectivity. At a time where our housing element training has emphasized establishing OBJECTIVE requirements, introducing an architect's design opinion creates arbitrary SUBJECTIVE requirements which is counterproductive to promoting housing. The process already includes review by public works, housing inspection, community development, water and other agencies, as well as the 5 independent planning commissioners. There are plenty of reviewers to ensure that the applicant is fully compliant to the objective code requirements and General Plan intent.
5. Brown Act violation. Legal has weighed in stating that adding a preliminary design review meeting requires public noticing, a significant process delay. They have suggested a legal workaround that will skirt the requirement but not meet the spirit of Brown Act. If there is going to be a meeting wherein subjective design review is included (rather than just a requirements review), then the public has the right to weigh in. Why should an architect have the only preliminary say regarding the appropriateness and quality of a design? I can think of many former commissioners and council members that have just as strong opinions on what is subjectively appropriate for Capitola.
6. Public outreach. When this topic was discussed in detail during the May 2024 planning commission meeting, the main concern seemed to be that the public did not get to review the design in enough time to have their concerns properly addressed. The solution seemed to evolve into establishing a "pre-commission" meeting rather than just providing proper noticing. Someone suggested that the plans be posted earlier in the process, the "Berkeley solution". This seems sufficient to me.
7. Architects input. At the May meeting, input from architects who have been through the process were requested:

Derek Van Alstine: Per Katie Herlihy, Derek indicated that the value of the independent architect's input was a mixed bag, sometimes helpful, sometimes not.

Dennis Norton. Was happy with the old process wherein there was a volunteer architect. He felt that it did not cause delay and that there was no pressure to take the suggestions that the architect proposed. I personally wonder if that is true for external architects who are not as familiar with our system as Dennis is. He also asked not to add any more layers of government to the process.

Brian Kemp: Claimed that Capitola has more review than anybody. It hinders creativity and that he has spent months waiting for a review window. The consultant may be helpful on commercial stuff but not for single family homes.

I believe that the City of Capitola should help applicants achieve their dreams as they invest in our community. I believe that due to delays, unwanted subjective requirements and cost, this proposed new process is a hindrance toward that goal.

**Wyatt, Rosie**

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**From:** Santa Cruz YIMBY <santacruzylimby@gmail.com>  
**Sent:** Tuesday, October 1, 2024 7:53 AM  
**To:** PLANNING COMMISSION  
**Cc:** Herlihy, Katie (kherlihy@ci.capitola.ca.us); hello@santacruzylimby.org  
**Subject:** [PDF] Input to Planning Commission meeting on Oct 3, 2024  
**Attachments:** Santa Cruz YIMBY input to 6.C Planning Commission Oct 3.pdf

Hello,

Please find attached our comments on item #6C on your October 3, 2024 meeting agenda.

Sincerely,  
Janine Roeth  
Ryan Meckel  
Rafa Sonnenfeld  
leads, Santa Cruz YIMBY





To: Capitola Planning Commissioners  
 RE: Item #6C on October 3, 2024 Agenda  
 September 30, 2024

Dear Commissioners,

Thank you for your ongoing efforts to update Capitola's zoning code. These updates are essential to reducing barriers to housing production and encouraging more development over the coming years. Santa Cruz YIMBY has the following feedback on the proposed zoning amendments, Item #6C on October 3, 2024 Agenda.

**Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits)**

Implementing right-sized reviews and approvals, along with clear objective criteria, is key to making housing development quicker and easier while addressing Capitola's housing needs.

Requiring Planning Commission involvement and a city-contracted design professional for many projects introduces delays and creates uncertainty, which ultimately increases both the cost and complexity of development. Section 17.120.050.E.2.c specifies the involvement of a "city-contracted design professional," for mixed use developments, and continues this practice for multifamily housing developments, even if they are consistent with zoning or utilize a state density bonus. However, state law limits design changes to projects already consistent with local zoning or that take advantage of a state density bonus. Requiring developers to pay for a city-selected design professional to produce a report suggesting design changes that are not legally required serves no public purpose, discourages housing development, and increases both the costs and risks involved.

Moreover, the proposed updates do not define a ministerial approval process. Given that Capitola is subject to [SB423](#) due to slow progress on RHNA goals, it is crucial to define ministerial approval for compliant projects. There is also ambiguity regarding who is responsible for determining compliance with objective standards.

The design review criteria in Chapter 17.120 still contain a significant amount of subjective language, which can lead to uncertainty and further delays. We recommend refining these criteria to incorporate more objective criteria or reference to objective standards to ensure a predictable and efficient process.



### Chapter 18.03 (Residential Density Bonus)

Your proposed update aligns Capitola zoning code with the State Density Bonus Law (SDBL). Section 18.03.030.D.2.5, indicates that density bonuses or other incentives must be consistent with the LCP, with the exception of density itself. However, we note that Attachment C doesn't indicate how Capitola's Density Bonus zoning code amendments overall are consistent with the Local Coastal Program (LCP). We recommend modifying the zoning amendment with language like [Santa Cruz's zoning code \(24.16.242\)](#), to ensure clarity (emphasis added):

*2. For development within the coastal zone, the requested density bonus and any requested incentive, concession, waiver, modification, modified parking standard, or commercial development bonus shall be consistent with state density bonus criteria. All applicable requirements of the certified Santa Cruz local coastal program shall be met (including but not limited to sensitive habitat, agriculture, public viewshed, public recreational access, and open space), **with the exception of the numeric standards changed through state density bonus provisions.***

Thank you for considering these comments.

Sincerely,

Janine Roeth  
Rafa Sonnenfeld  
Ryan Meckel

*Santa Cruz YIMBY Mission: We envision a community where our neighbors of all ages, cultures, abilities, and incomes, can make Santa Cruz County their home. In response to the ever-increasing cost of living, we advocate for more affordable housing to meet the needs of our growing population.*

*Santa Cruz YIMBY is a chapter of YIMBY Action, a 501(c)(4) nonprofit organization.*

# City of Capitola Special Planning Commission Meeting Minutes



**Thursday, September 19, 2024 – 5:00 PM**

City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Chairperson:** Courtney Christiansen

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

**1. Roll Call and Pledge of Allegiance – The meeting was called to order at 5:00 PM. In attendance:** Commissioners Estey, Wilk, Vice Chair Jensen, and Chair Christiansen. Commissioner Westman was absent.

**2. Additions and Deletions to the Agenda**

- A. Additional Materials - Item 6A - Correspondence Received
- B. Additional Materials – Item 6A – Updated Attachment 1, Exhibit A

**3. Oral Communications**

- Goran Klepic
- Michelle Marie Seson
- Mike Bonet
- Marlene Foss
- Alice Seson

**4. Planning Commission/Staff Comments**

Director Herlihy commented on the Wharf Grand Opening Celebration on September 25th and on the RTC southbound onramp closure at Bay Ave.

Commissioner Estey asked if alternative routes would be advised, preferably not past the middle school.

**5. Consent Calendar**

- A. Approval of July 23, 2024 Special Planning Commission Meeting Minutes
- B. Approval of August 8, 2024, Special Planning Commission Meeting Minutes
- C. Approval of August 15, 2024, Planning Commission Meeting Minutes

*Motion to approve Items 5A – 5C: Commissioner Wilk*

*Seconded: Commissioner Estey*

*Voting Yea: 4-0*

*Absent: Westman*

**6. Public Hearings**

- A. Citywide Zoning Code Update  
Project Description: Application #24-0026 for Amendments to Capitola Municipal Code Title 17: Zoning Code, Chapter 18.03: Density Bonus, and the Zoning Map, collectively known as the “Zoning Code Amendments”. The proposed Zoning Code Amendments will impact the development standards and regulations for properties citywide. The Zoning Code and Zoning



Map are part of the City’s Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Adopt the resolution recommending the City Council adopt the proposed Zoning Code Amendments.

*Ben Noble, consultant, and Sean Sesanto, Associate Planner, presented the staff report. The main topics of this presentation were the second-story decks and balconies, demolition and replacement of dwelling units, and the design review process. Staff clarified that the RM (Residential Multifamily) Zone and the Incentives for Community Benefits related to the mall will be updated in the 2025 Zoning Code updates and are not included in the 2024 updates.*

*The Commission requested that staff clarify that the proposed amendments have removed the density increases for RM Zones and inquired about resident noticing. The Commission debated the merits of delaying their discussion on the design review process to the next meeting due to the absence of Commissioner Westman.*

*Motion to adopt a resolution recommending that the City Council adopt the proposed Zoning Code amendments, except for the amendments related to the Design Review Process (Section 17.108.040 A and B and Section 17.120.040 F: Commissioner Jensen*

*Seconded: Chair Christensen  
 Voting Yea: Estey, Jensen, Christiansen  
 Voting No: Wilk  
 Absent: Westman*

*Motion to continue the discussion of the design review process, sections 17.108.040 A and B and 17.120.040 F at the October 3<sup>rd</sup>, 2024, meeting: Commissioner Estey*

*Seconded: Vice Chair Jensen  
 Voting Yea: Estey, Jensen, Christiansen  
 Voting No: Wilk  
 Absent: Westman*

**7. Director's Report**

Director Herlihy provided an update on the following upcoming Planning Commission agenda items:

- Tree removal at 709 Riverview Dr
- 1210 41st Ave - Grocery Outlet
- 510 Escalona Dr

In addition, Director Herlihy provided a reminder that the southbound Highway 1 ramp at Bay Ave will be closed for two months, starting September 29. The Capitola Wharf arch has been installed and the Grand opening will be September 25th. The City’s sidewalk project for the Upper Parking Lot has progressed, concrete has been poured. The Rispin Park Project should be completed by end of October. Finally, she issued a reminder that applications are being accepted for the Planning Commission.

**8. Adjournment –** The meeting was adjourned at 5:48 PM. The next regularly scheduled meeting of the Planning Commission is on October 3rd, 2024, at 6:00 PM.

**ATTEST:**

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Rosie Wyatt, Acting Deputy Clerk

# Capitola Planning Commission

## Agenda Report

**Meeting:** October 3, 2024

**From:** Community Development Department

**Address:** 510 Escalona Drive



**Project Description:** Application #24-0247. APN: 036-121-18. Design Permit and Accessory Dwelling Unit (ADU) Permit for the demolition of an existing residence and the construction of a new two-story, single-family residence and detached single-story ADU. The project is located within the R-1 (Single-Family Residential) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

**Recommended Action:** Consider Application #24-0247 and approve the project based on the attached Conditions and Findings for Approval.

**Property Owner:** Neil Angelillo

**Representative:** Cheryl Haskell, Filed: 06/21/24

**Background:** On August 14, 2024, Development and Design Review Staff reviewed the application and provided the applicant with the following direction:

Public Works Representative, Erika Senyk: Commented that the loose rock proposed in front of the property should be replaced with a material that will not spread into the improved roadway and become an issue.

Building Official, Eric Martin: Advised the applicant to consider how the laundry area would be ventilated to the outside.

Associate Planner, Sean Sesanto: Supported the Public Works comment to select an alternative ground cover rather than the proposed pea gravel within and immediately adjacent to the public right of way. He also suggested the applicant verify the proposed sweet bay tree would not interfere with the proposed ADU. Mr. Sesanto noted the code required a privacy screen on the rear upper deck, but otherwise observed that windows and decks were designed to limit impacts to adjacent properties.

Following the Development and Design Review meeting, the applicant resubmitted plans replacing the pea gravel with permeable pavers, adding privacy screening to the rear deck, clarifying setbacks, and removing the outdoor kitchen improvements.

**Development Standards:** The following table outlines the zoning code requirements for development in the R-1 Zoning District.

Development Standards	
Building Height	
<b>R-1 Regulation</b>	<b>Proposed</b>
25 ft.	24 ft. 5 in.
Floor Area Ratio (FAR)	
	<b>Proposed</b>
<b>Lot size</b>	4,000 sq. ft.
<b>Maximum Floor Area Ratio</b>	54% (Max 2,160 sq. ft.)
<b>First Story Floor Area</b>	SFD: 1,266 sq. ft.

	ADU: 537 sq. ft.	
Second Story Floor Area	SFD: 863 sq. ft. 100 sq. ft. deck area exempt	
<b>Total FAR</b>	66.7% (2,669 sq. ft.) Effective with ADU guaranteed allowance: 54% (2,160 sq. ft.)	
<b>Setbacks</b>		
	<b>R-1 regulation</b>	<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 ft.	15 ft.
<b>Front Yard 2<sup>nd</sup> Story &amp; Garage</b>	20 ft.	Primary: 20 ft. Garage: 20 ft.
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width Lot width 40 ft. 4 ft. min.	West: 5 ft. East: 4 ft.
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width Lot width 40 ft. 6 ft. min.	East: 6 ft. West: 6 ft.
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of parcel depth Lot depth 100 ft. 20 ft. min.	34 ft. 11 in.
<b>Rear Yard 2<sup>nd</sup> Story</b>		29 ft. 11 in.
Encroachments		
<b>Attached Accessory Dwelling Unit</b>		
	<b>ADU Regulation</b>	<b>Proposed</b>
Height	Detached ADU: 22 ft.	12 ft. 10 in.
Front	Same as Primary	78 ft. 6 in.
Side 1 <sup>st</sup> Story	4 ft.	East: 4 ft. West: 4 ft.
Rear 1 <sup>st</sup> Story		Rear: 4 ft.
<b>Parking</b>		
SFD: 2 spaces ADU: None required	<b>Required</b>	<b>Proposed</b>
	2 spaces total, 1 covered	2 spaces total, 1 covered
<b>Underground Utilities: Required with 25% increase in area</b>		Required

**Discussion:** The subject property is located within the Depot Hill neighborhood, surrounded by one- and two-story single-family residences. The site currently includes a 1920s era single-story cottage and a one-and-a-half story accessory structure. Neither structure has been identified as a historic resource.

**Design Permit:** The proposal demolishes an existing residence and constructs a new 2,129 square foot single-family residence and a new detached 537 square foot accessory dwelling unit. The primary dwelling and ADU are designed in matching style. Both units utilize horizontal fiber cement lap siding, low-pitch gable rooflines, and colonial pattern windows. The primary dwelling features brick veneer porch columns and standing metal seam roof accents.

The project includes an accessory dwelling unit subject only to limited standards and is eligible for the guaranteed allowance, allowing the project to exceed the maximum allowed floor area ratio equal to the size of the ADU or up to 800 square feet, whichever is less. The project exceeds the Floor Area Ratio by approximately 506 square feet, which is consistent with this standard.

**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. Planning staff has prepared specific analysis for the following list of Design Review Criteria that are more directly applicable to the proposed project. The complete list of Design Review Criteria is included as Attachment #2.

- F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

The project has been designed in consideration of surrounding uses and minimizes privacy impacts. The rear upper-story deck includes privacy screening facing side property lines.

- 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.

All Outdoor lighting shall comply with all relevant standards pursuant to Capitola Municipal Code (CMC) Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.

Second-Story Decks: The project includes two small, upper-story decks on the front and rear of the new dwelling. Rear decks must include permanent privacy screening parallel to side property lines which face adjacent single-family dwellings, pursuant to §17.16.030(B)(11). Both comply with deck-specific setbacks. The rear deck has exposure to both adjacent properties; therefore, both sides require screening. The rear deck utilizes full-height louvered slats as a privacy screen.

Parking: The primary dwelling includes one garage space and one driveway space, which meets the parking requirement for the primary dwelling. Accessory dwelling units subject only to limited standards are not required to provide additional parking.

Trees: Pursuant to §12.12.190(C), applications for new construction and major remodels trigger a canopy coverage review. The project proposed three new trees, including a Mexican redbud, desert willow, and sweet bay. The proposed plantings secure the 15% canopy coverage requirements for new construction.

**CEQA:** §15303(a) of the CEQA Guidelines exempts a single-family residence and second dwelling unit in a residential zone. No adverse environmental impacts were discovered during review of the proposed project.

### **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 and the Planning Commission have reviewed the project. The proposed single-family residence and detached accessory dwelling unit comply with the development standards of the R-1 (Single-Family Residential) zoning district. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

Community Development Staff and the Planning Commission have reviewed the application for the proposed residence and ADU. The project complies with all applicable provisions of the zoning code and municipal code.

- C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).** Section §15303(a) of the CEQA Guidelines exempts a single-family residence, or a second dwelling unit and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves the demolition of an existing a single-family residence and construction of a new single-family residence and new accessory dwelling unit. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.
- 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.**  
Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence and ADU will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
- E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).**  
The Community Development Staff and the Planning Commission have reviewed the application. The proposed residence and ADU complies with all applicable design review criteria in Section 17.120.070.
- F. The proposed project maintains the character, scale, and development pattern of the neighborhood.**  
Community Development Staff and the Planning Commission have all reviewed the application for the new single-family residence detached accessory dwelling unit. The primary dwelling and ADU are designed in matching style with horizontal fiber cement lap siding, low-pitch gable rooflines, and colonial pattern windows. The primary dwelling features brick veneer porch columns and standing metal seam roof accents. The project balances a mix of contemporary and classic design elements which will maintain the overall character and scale of the neighborhood.

**Limited Standards ADU Permit Findings:**

- A. The ADU provides a minimum rear and side setback of four feet.**  
The proposed ADU is four feet from rear and side property lines.
- B. The ADU does not exceed eight hundred square feet in size.**  
The proposed ADU is 537 square feet.
- C. The ADU has a maximum height of sixteen feet.**  
The proposed ADU does not exceed sixteen feet in height.

**Coastal Development Permit Findings:**

- A. The project is consistent with the LCP land use plan, and the LCP implementation program.**  
The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.
- B. The project maintains or enhances public views.**  
The proposed project is located on private property at 510 Escalona Drive. The project will not negatively impact public landmarks and/or public views.
- C. The project maintains or enhances vegetation, natural habitats and natural resources.**  
The site is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation consistent with the allowed use and will not have an effect on natural habitats or natural resources.

**D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.**

The project involves residential project will not negatively impact low-cost public recreational access.

**E. The project maintains or enhances opportunities for visitors.**

The project involves a residential project will not negatively impact visitor serving opportunities.

**F. The project maintains or enhances coastal resources.**

The project will not negatively impact coastal resources.

**G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.**

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

**H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).**

The project involves a new single-family residence and detached accessory dwelling unit on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

**Conditions of Approval:**

1. The project approval includes the demolition of an existing residence and accessory structure and the construction of a 2,132 square-foot single-family residence and 537 square-foot, detached accessory dwelling unit. The maximum Floor Area Ratio for the 4,000 square foot property is 54% (2,160 square feet). The total FAR of the project is 66.7% with a total of 2,669 square feet. The project is subject to the guaranteed allowance for the 537 square-foot ADU. With the guaranteed allowance, the effective FAR is 54%, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 3, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
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 time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. 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.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property

owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #24-0247 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. 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.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. 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.
15. 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
16. 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. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. 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.



18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
23. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
24. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
  - a. The accessory dwelling unit may not be used for vacation rentals; and
  - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
  - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

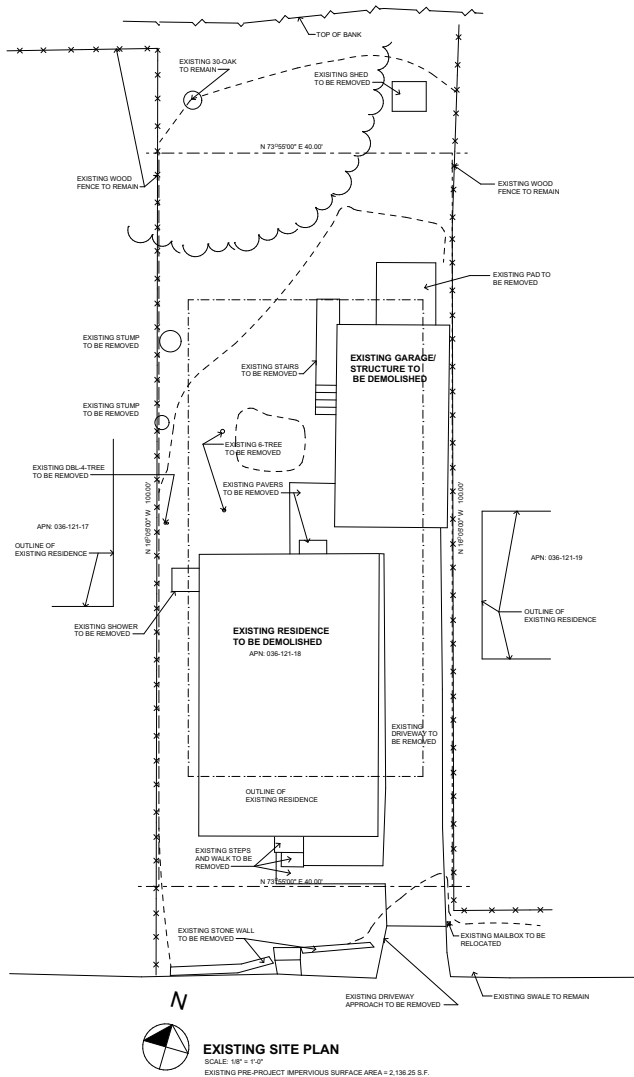
**Attachments:**

1. 510 Escalona Drive – Plan Set
2. Design Review Criteria

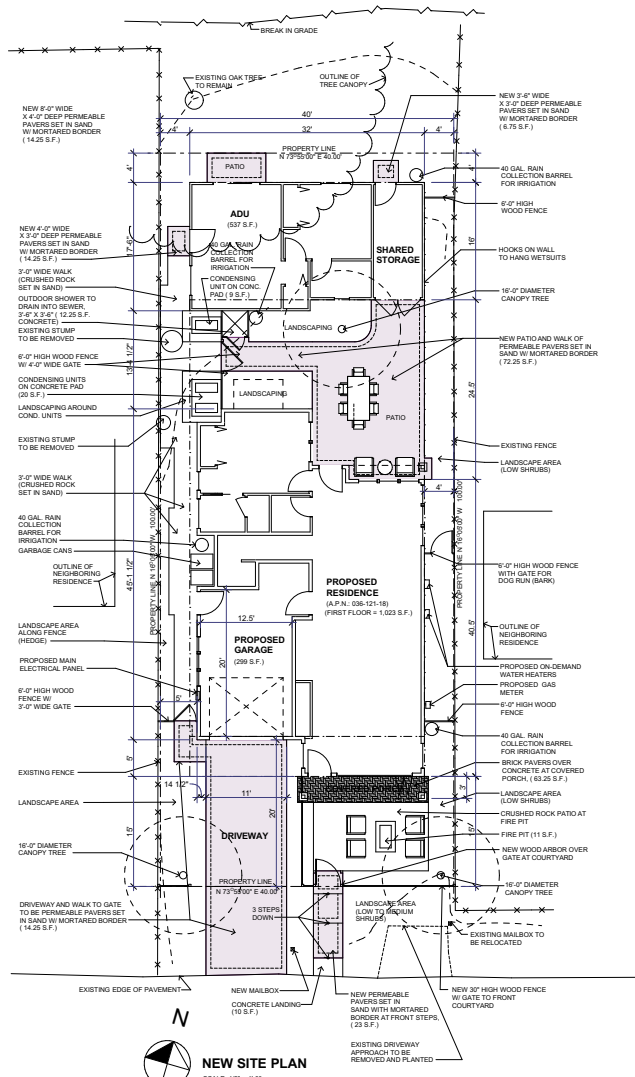
Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

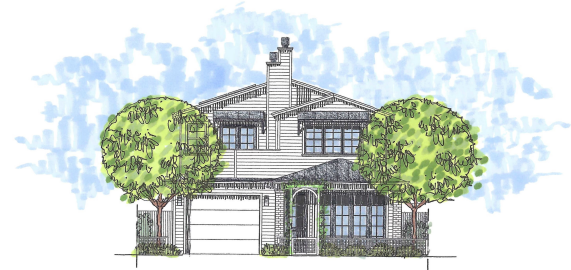
Approved By: Katie Herlihy, Community Development Director



**EXISTING SITE PLAN**  
SCALE: 1/8" = 1'-0"  
EXISTING PRE-PROJECT IMPERVIOUS SURFACE AREA = 2,136.25 S.F.



**NEW SITE PLAN**  
SCALE: 1/8" = 1'-0"  
SCALE FOOTAGES:  
MAIN HOUSE:  
FIRST FLOOR (CONDITIONED) = 1,023 S.F.  
SECOND FLOOR (CONDITIONED) = 728 S.F.  
TOTAL CONDITIONED SPACE = 1,821 S.F.  
GARAGE = 299 S.F.  
TOTAL GROSS SQUARE FOOTAGE = 2,120 S.F.  
MAXIMUM FAR = 2.124 S.F.  
DETACHED ADU:  
FIRST FLOOR (CONDITIONED) = 428 S.F.  
SHARED STORAGE (UNCONDITIONED) = 111 S.F.  
TOTAL GROSS SQUARE FOOTAGE = 537 S.F.  
TOTAL PROPOSED (POST-PROJECT) IMPERVIOUS SURFACE AREA:  
MAIN HOUSE FIRST FLOOR = 1,023 S.F.  
MAIN GARAGE = 299 S.F.  
ADU SHARED STORAGE = 537 S.F.  
IMPERVIOUS PAVING = 318.25 S.F.  
TOTAL = 2,175.25 S.F.



**SOUTH ELEVATION/ STREET VIEW MAIN HOUSE**  
SCALE: 1/8" = 1'-0"

MARK	DATE	DESCRIPTION

**CT HD**  
Cheryl Thompson  
Haskell Design

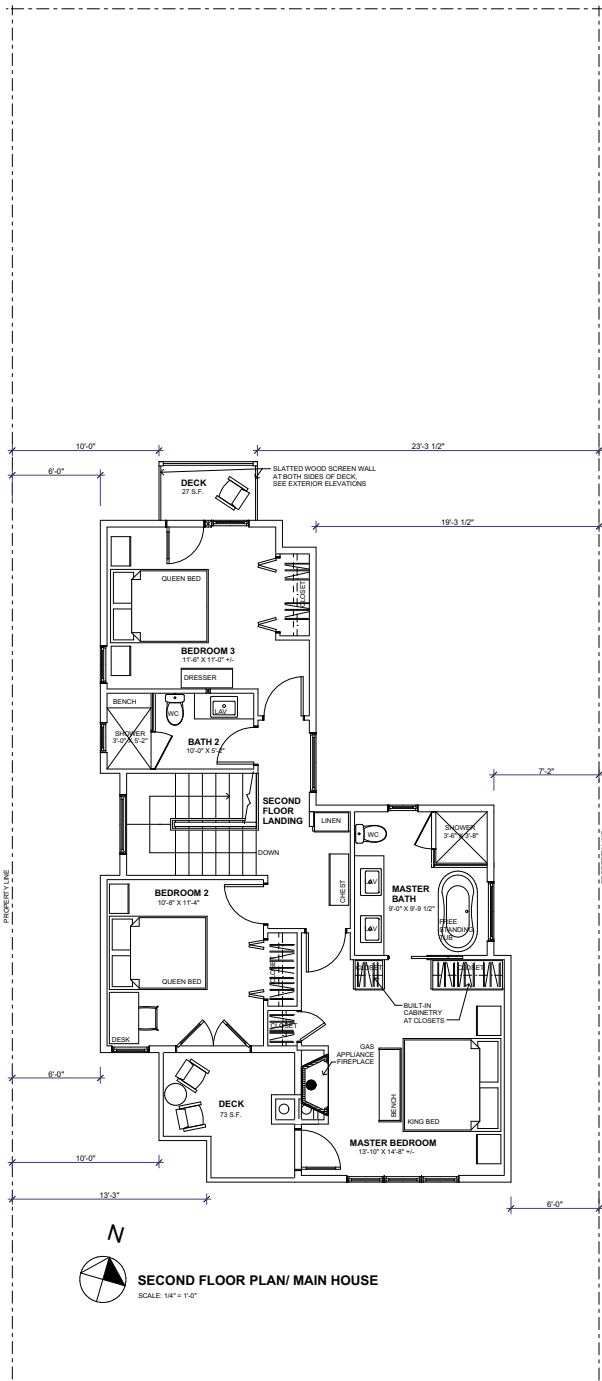
REGISTERED ARCHITECT  
No. C 22261  
STATE OF CALIFORNIA

Cheryl Thompson Haskell Design, LLC  
4440 N. Wilson Ave.  
Fresno, California 93704  
(559) 999-8231  
E-Mail: cheryl@ch-design.com  
Cheryl L. Haskell C 22201

PROJECT: SINGLE FAMILY RESIDENTIAL FOR NEIL AND MARIANNE ANGELILLO 610 ESCALONA DRIVE CARPTOLA, CA, 95010

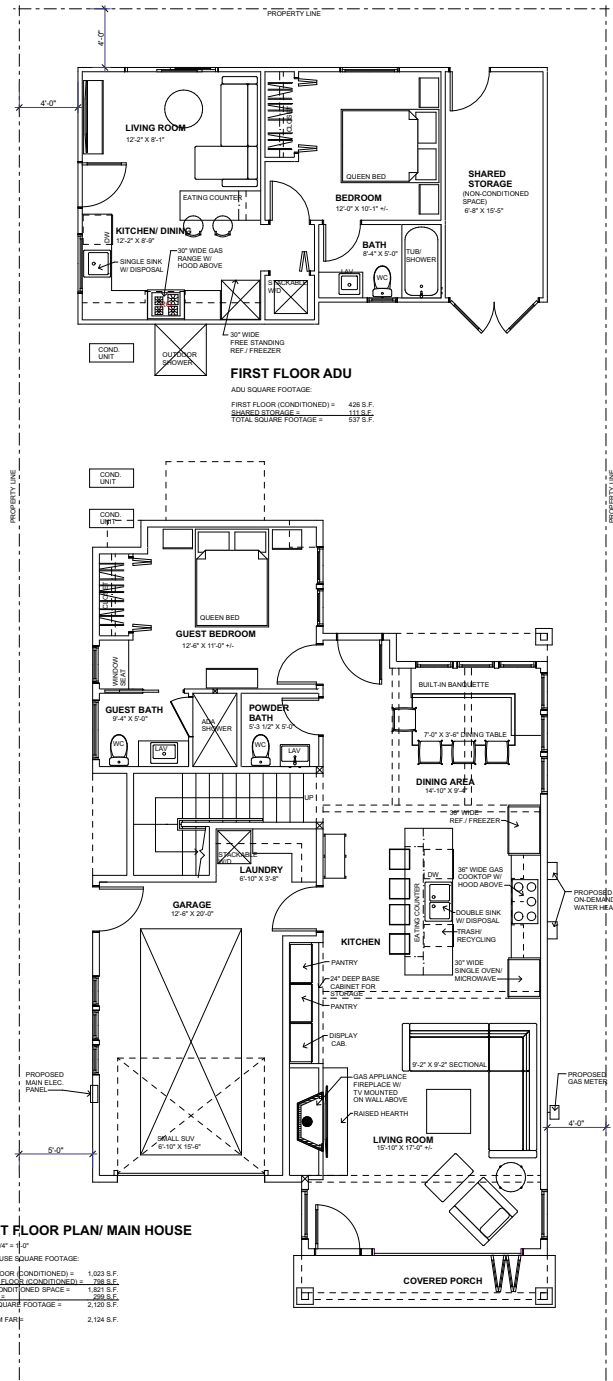
OWNER: NEIL AND MARIANNE ANGELILLO CONTRACTOR:

JOB NO: 24202 DATE: 8/26/24



**SECOND FLOOR PLAN/ MAIN HOUSE**

SCALE: 1/4" = 1'-0"



**FIRST FLOOR PLAN/ MAIN HOUSE**

SCALE: 1/4" = 1'-0"  
MAIN HOUSE SQUARE FOOTAGE:  
FIRST FLOOR (CONDITIONED) = 1,023 S.F.  
SECOND FLOOR (CONDITIONED) = 738 S.F.  
TOTAL CONDITIONED SPACE = 1,761 S.F.  
GARAGE = 258 S.F.  
TOTAL SQUARE FOOTAGE = 2,019 S.F.  
MAXIMUM F.P.A. = 2,104 S.F.

**FIRST FLOOR ADU**

ADU SQUARE FOOTAGE:  
FIRST FLOOR (CONDITIONED) = 428 S.F.  
SHARED STORAGE = 111 S.F.  
TOTAL SQUARE FOOTAGE = 539 S.F.

MARK	DATE	DESCRIPTION



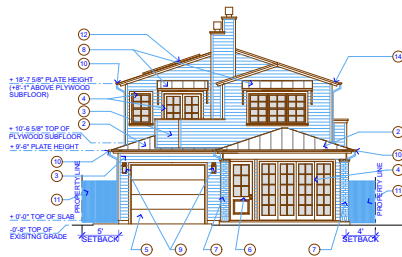
Cheryl Thompson Haskett Design, LLC  
4440 N. Wilson Ave.  
Fresno, California 93704  
(559) 999-8231  
E-Mail: cheryl@cthd-design.com  
Cheryl L. Haskett C 22201

PROJECT: SINGLE FAMILY RESIDENTIAL FOR NEIL AND MARIANNE ANGELILLO  
610 ESCALONA DRIVE  
CARTOLTA, CA 95010

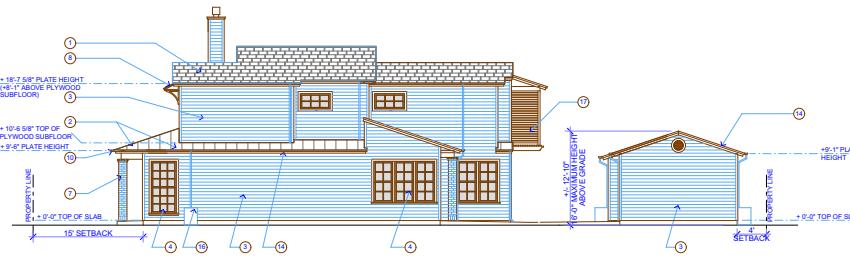
OWNER: NEIL AND MARIANNE ANGELILLO CONTRACTOR:

JOB NO: 24202 DATE: 8/26/24

FLOOR PLANS

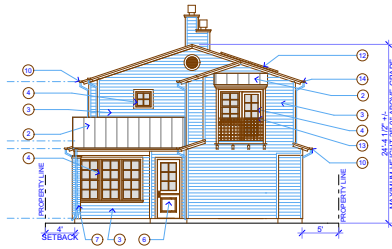


**SOUTH ELEVATION/ STREET VIEW MAIN HOUSE**



**EAST ELEVATION/ MAIN HOUSE**

**EAST ELEVATION/ ADU**

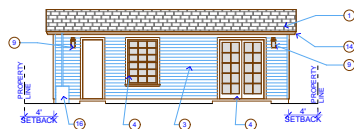


**NORTH ELEVATION/ MAIN HOUSE**

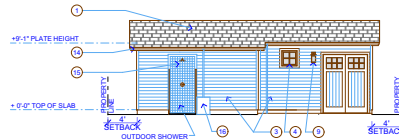


**WEST ELEVATION/ ADU**

**WEST ELEVATION/ MAIN HOUSE**



**NORTH ELEVATION/ ADU**



**SOUTH ELEVATION/ ADU**

**EXTERIOR ELEVATIONS**

SCALE: 1/8" = 1'-0"

**EXTERIOR FINISH SCHEDULE**

1	DARK CHARCOAL COMPOSITION SHINGLE ROOFING
2	BLACK STANDING SEAM METAL ROOFING
3	FIBER CEMENT LAP SIDING TO BE PAINTED
4	EXTRUDED ALUMINUM CLAD WOOD WINDOWS AND PATIO DOORS
5	INSULATED METAL SECTIONAL GARAGE DOOR TO BE PAINTED
6	STAIN GRADE WOOD FRENCH DOOR TO BE STAINED
7	BRICK VENEER AT COLUMN
8	METAL AWNING WITH STANDING SEAM METAL ROOFING. PAINT AWNING BLACK TO MATCH STANDING SEAM ROOF
9	DECORATIVE WALL MOUNT LIGHT FIXTURE. EXTERIOR LIGHTING TO COMPLY WITH ALL RELEVANT STANDARDS PURSUANT TO CAPITOLA MUNICIPAL CODE SECTION 17.06.110. ALL OUTDOOR LIGHTING SHALL BE SHIELDED AND DIRECTED DOWNWARD SUCH THAT THE LIGHTING IS NOT DIRECTLY VISIBLE FROM THE PUBLIC RIGHT OF WAY/ADJOINING PROPERTIES.
10	5" DIA. HALF ROUND EXTRUDED ALUMINUM GUTTER WITH 2" DIA. ROUND DOWNSPOUTS, COLOR TO MATCH ROOFING
11	WOOD FENCE TO BE STAINED
12	PHOTOVOLTAIC ARRAY MOUNTED ON ROOF
13	WOOD RAILING TO BE PAINTED
14	PAINT GRADE WOOD FASCIA
15	TILE AT WALL FOR OUTDOOR SHOWER
16	DOWNSPOUT DAYLIGHTS INTO RAIN COLLECTION BARREL FOR IRRIGATION
17	3/4" X 3" WITH 3/4" SPACING PAINT GRADE WOOD SLATS ON FRAME AT SIDE WALL OF BALCONY FOR PRIVACY SCREENING

MARK	DATE	DESCRIPTION

**CT HD**  
Haskell Design  
Cheryl Thompson



Cheryl Thompson Haskell Design, LLC  
440 N. Wilson Ave.  
Fresno, California 93704  
(559) 999-8231  
E-Mail: cheryl@cthd-design.com  
Cheryl L. Haskell C 22201

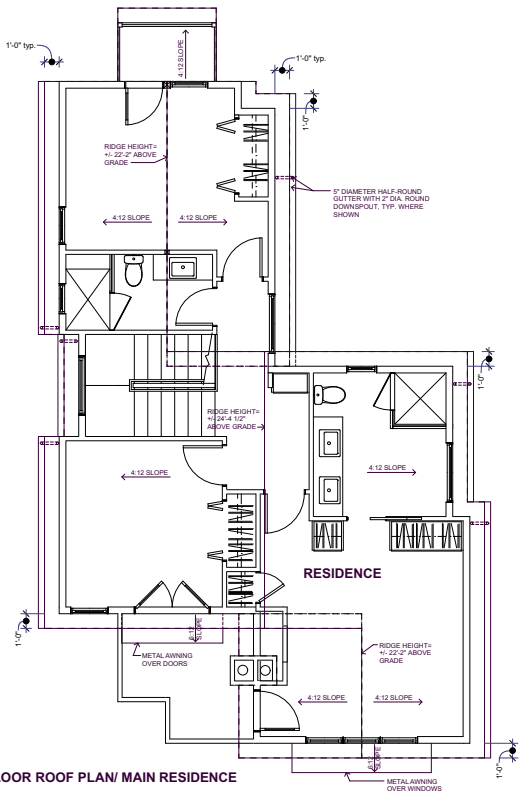
PROJECT: SINGLE FAMILY RESIDENTIAL FOR NEIL AND MARIANNE ANGELILLO  
610 ESCALONA DRIVE  
CAPITOLA, CA 95010

OWNER: NEIL AND MARIANNE ANGELILLO CONTRACTOR:

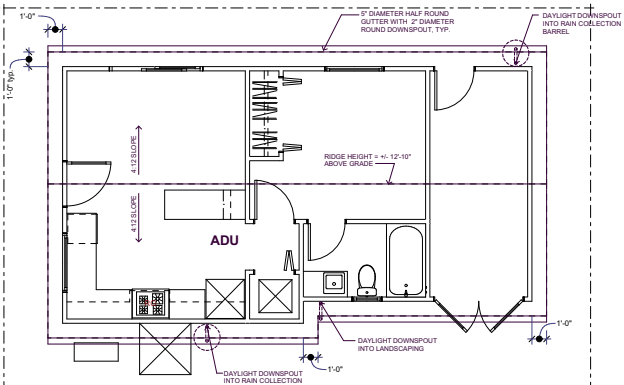
JOB NO: 24202 DATE: 8/26/24

EXTERIOR ELEVATIONS

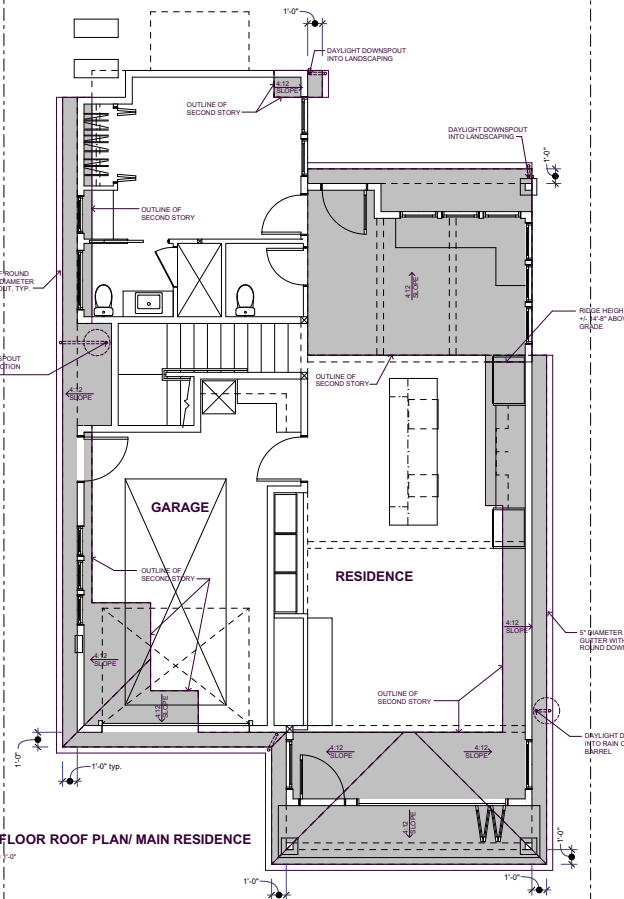
A-3



**SECOND FLOOR ROOF PLAN/ MAIN RESIDENCE**  
SCALE: 1/4" = 1'-0"



**FIRST FLOOR ROOF PLAN/ ADU**  
SCALE: 1/4" = 1'-0"



**FIRST FLOOR ROOF PLAN/ MAIN RESIDENCE**  
SCALE: 1/4" = 1'-0"



MARK	DATE	DESCRIPTION

**CT HD**  
Haskell Design  
Cheryl Thompson



Cheryl Thompson Haskell Design, LLC  
4440 N. Wilson Ave.  
Fresno, California 93704  
(559) 999-8231  
E-Mail: cheryl@cthd-design.com  
Cheryl L. Haskell C 22201

PROJECT: SINGLE FAMILY RESIDENTIAL FOR  
NEIL AND MARIANNE ANGEILLO  
610 ESCALONA DRIVE  
CARTOLA, CA. 95010

ENGINEER:

OWNER: NEIL AND MARIANNE ANGEILLO

CONTRACTOR:

JOB NO: 24202

DATE: 8/26/24

ROOF PLANS

A-4



**GG LANDSCAPE ARCHITECTURE, Inc.**

6702 N. CEDAR AVE. STE. 205  
FRESNO, CA 93710  
509.313.3891

GABRIELLA@GGLANDSCAPEARCH.COM



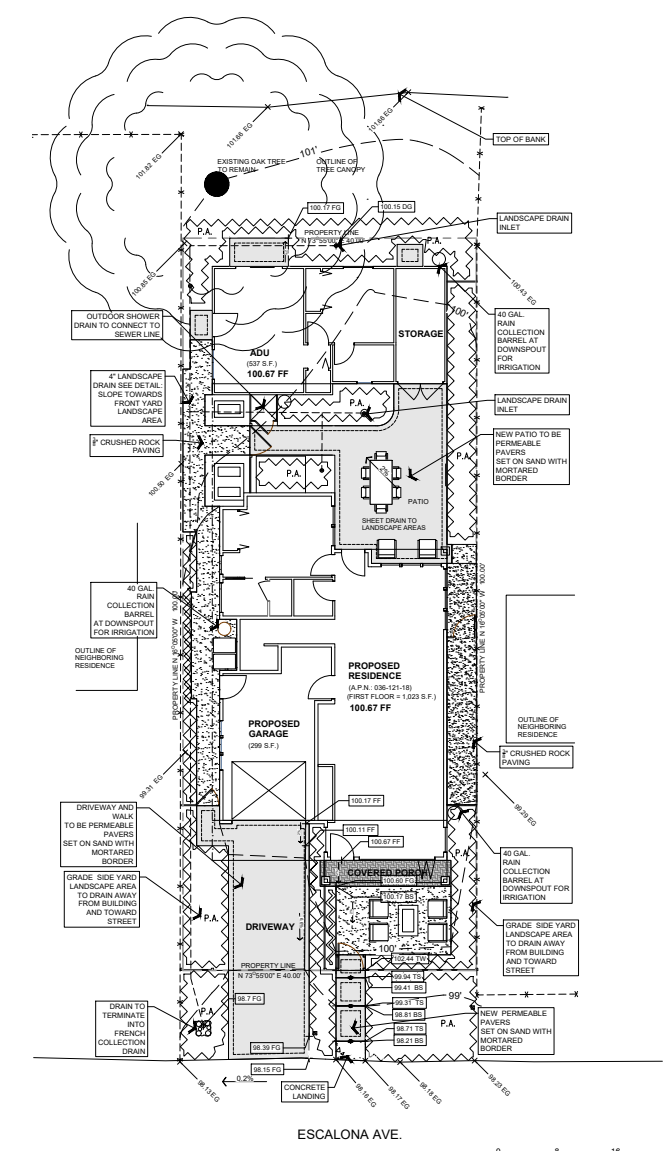
ALL DRAWINGS AND WRITTEN MATERIALS APPEARING HEREIN NOTWITHSTANDING THE ORIGINAL WORK OF THE DESIGNER AND THE SAME MAY NOT BE REPRODUCED, COPIED, COPIED, OR OTHERWISE USED WITHOUT THE WRITTEN CONSENT OF THE DESIGNER. GG LANDSCAPE ARCHITECTURE, INC. ALL RIGHTS RESERVED.

REVISIONS	

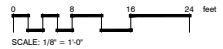
DRAINAGE PLAN

DRAWING TITLE:  
SINGLE FAMILY RESIDENTIAL FOR  
Neil and Marianne Angello  
510 Escalona Dr.  
Capitola, CA 95010  
PLAN CHECK # 24-000X

DATE: 7/17/24  
JOB NO.: 24-126  
SHEET:  
L-1



DRAINAGE PLAN



LEGEND

SYM.	DESCRIPTION
F.G.	FINISH GRADE
F.C.	FINISH CONCRETE
F.L.	FLOW LINE
G.B.	GRADE BREAK
T.C.	TOP OF CURB
R.E.	RM ELEVATION
I.E.	INVERT ELEVATION
T.W.	TOP OF WALL
T.Co	TOP OF COPE
B.W.	BOTTOM OF WALL
D.G.	DRAIN INLET
H.P.	HIGH POINT
T.S.	TOP OF STEP
B.S.	BOTTOM OF STEP
EG	EXISTING GRADE
PA	PLANTING AREA

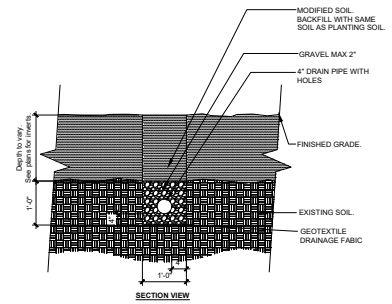
P.A. LOW WATER SHRUB AREA

NOTES

- CONTRACTOR TO VERIFY EXISTING GRADES WITH CIVIL ENGINEER.
- CONTRACTOR SHALL NOTIFY LANDSCAPE ARCHITECTS OF ANY DISCREPANCIES IN THE FIELD PRIOR TO POURING FOOTINGS AND/OR CONCRETE.
- OWNER HAS ROUGH GRADED THE SITE AND CONTRACTOR IS RESPONSIBLE FOR ALL REMAINING ROUGH GRADING, IMPORT, EXPORT AND FINISH GRADING WORK ACTIVITIES AS REQUIRED.
- CONCRETE TO SLOPE FROM FOUNDATION TOWARDS DRAIN INLETS AND DRAINAGE SWALES AT A MINIMUM RATE OF 1/8" PER FOOT. INSTALL CONCRETE FORMS WITH LOW, SMOOTH GRADIENTS TO ELIMINATE DIPS, RIDGES, ABRUPT CHANGES OF GRADE, AND SHARP TRANSITIONS.
- SITE RUNOFF SHALL NOT DRAIN ONTO ADJACENT PARCELS.
- PLANS SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS IN THE CITY OF CAPITOLA MUNICIPAL CODE CHAPTER 13-16 STORM WATER POLLUTION PREVENTION AND PROTECTION.
- WATER SHALL BE COLLECTED FROM DOWNSPOUTS IN 40 GALLON RAIN BARRELS AND UTILIZED FOR SUPPLEMENTAL, IRRIGATION ON SITE. SEE PLAN FOR RAIN BARREL LOCATIONS.

IMPERVIOUS PAVING

IMPERVIOUS SF: 2175.25 SF SEE BREAK DOWN ON SITE PLAN A-1  
LESS THAN 2500 SF  
STORMWATER EXEMPT



NOTES:  
1- SLOPE DRAIN PIPE A MINIMUM OF 1% TOWARD THE OUTFALL OR AS SHOWN ON PLANS.

1 DRAIN PIPE

3/4" = 1'-0"

P-REP-11





**GG LANDSCAPE ARCHITECTURE, Inc.**

6702 N. CEDAR AVE. STE. 205  
FRESNO, CA 93710  
559.313.3891

GABRIELLA@GGLANDSCAPEARCH.COM



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REVISIONS	

PLANTING PLAN

DRAWING TITLE:  
SINGLE FAMILY RESIDENTIAL FOR  
Neil and Marianne Angello  
510 Escalona Dr.  
Capitola, CA 95010  
PLAN CHECK # 24-000X

DATE: 7/17/24  
JOB NO.: 24-126  
SHEET:  
L-2

**GENERAL LANDSCAPE NOTES**

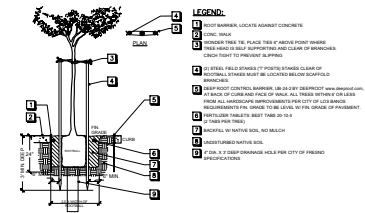
- All plantings shall be installed in accordance with all Federal, State, and Local Codes and nursery and manufacturers specifications. Notify Architect immediately in writing prior to signing of a contract with the owner of any conflicts. Conflicts noted after contract signing or after commencement of work shall be the sole responsibility of the Landscape Contractor.
- The features are shown schematically for graphic clarity - prior to planting verify the exact locations with the owner verify all utility lines prior to installation. Field adjustments if conflict exists.
- Final location of all plant materials shall be provided in final landscape planting plan set.
- All existing trees to remain shall be protected from damage during construction. Provide protective barrier throughout construction.
- Root barriers required when trees are five feet or less (10' or less for city trees) from hardscape areas. DEEP ROOT UB24-2 or equal (415)781-9700.
- Landscape areas to be rough graded plus or minus one tenth of a foot. For bioswale areas maintain positive drainage away from all hardscape areas.
- All on-grade planting areas shall be ripped to a depth of 4-6 inches in two directions and receive the following materials per 1,000 square feet of planting area:  
3 cubic yards; Kellogg's 'Nitro-humus' or Equal  
15 pounds; 12-12-12 Commercial Fertilizer  
10 pounds; Soil Sulfur  
50 pounds; Humate  
Earthwise Organics  
6943 N. Golden State Blvd.  
Fresno, CA 93722-9594  
(559)275-3300
- Prior to top dressing, use pre-emergent herbicide, "Ronstar" or equal at a rate specified by the manufacturer for all shrub/tree planting areas. Avoid pre-emergent herbicide in turf and annual color areas.
- Planting beds shall be top dressed with 2" mulch. Contractor shall submit sample for approval by Landscape Architect.
- I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plans.
- For soils less than 6% organic matter in the top 6 inches of soil, compost at a rate of a minimum of four cubic yards per 1,000 square feet of permeable area shall be incorporated to a depth of six inches into the soil.

**PLANT SCHEDULE**

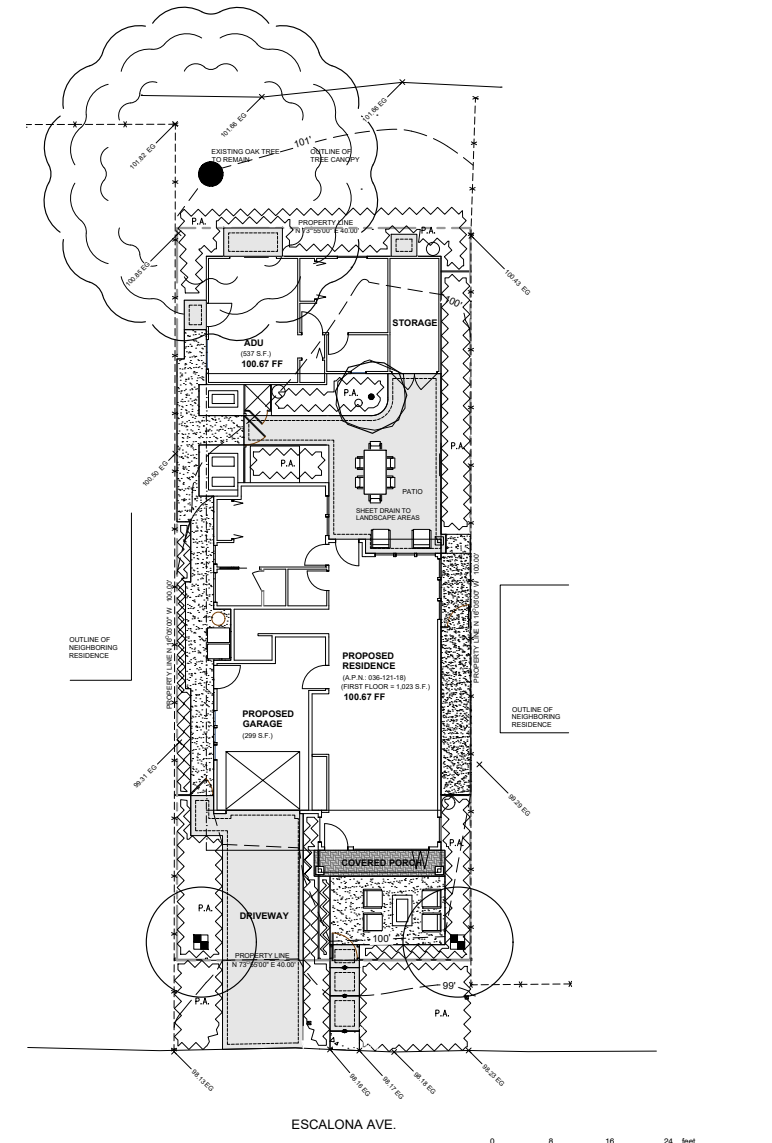
SYMBOL	CODE	BOTANICAL / COMMON NAME	SIZE	QTY	REMARKS	WATER USE
<b>TREES</b>						
	CER MXN	Cercis canadensis mexicana / Mexican Redbud	24"	2	314 SF	Low
	LAU NOB	Laurus nobilis / Sweet Bay	15 gal.	1	491 SF	Low

TOTAL TREE COVERAGE SF: 1119 SF  
TOTAL LOT SF: 4,000  
PERCENTAGE COVERAGE: 28%

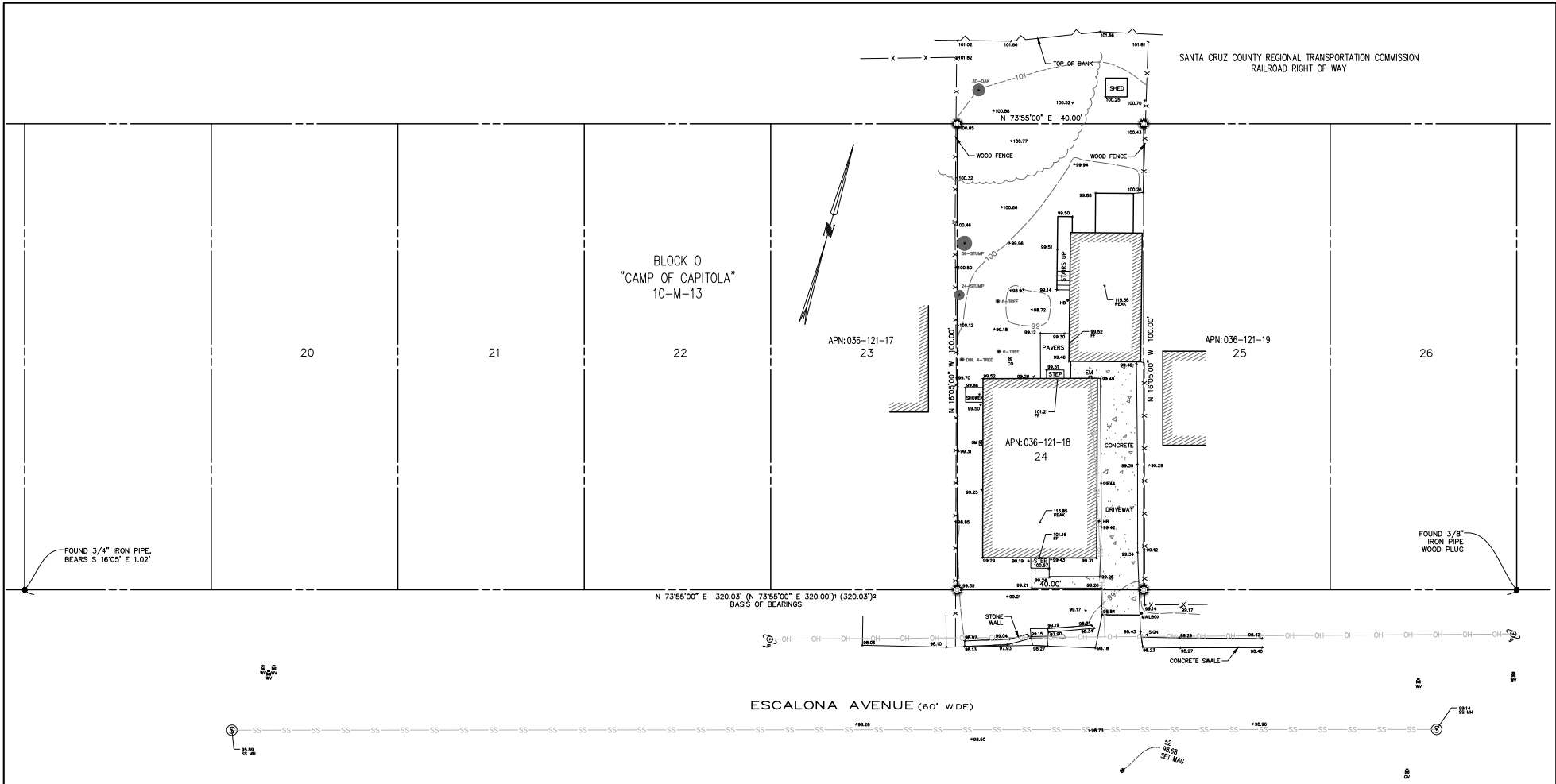
LOW WATER SHRUB AREA



**2 TREE WITH ROOT BARRIER**  
NTS



LANDSCAPE PLAN



**BASIS OF BEARINGS**

BEARINGS FOR THIS SURVEY ARE BASED ON THE NORTHERN SIDELINE OF ESCALONA AVENUE AS SHOWN ON THAT MAP FILED IN VOLUME 119 OF MAPS AT PAGE 27, SANTA CRUZ COUNTY RECORDS AND WAS ESTABLISHED BETWEEN FOUND MONUMENTS AS SHOWN HEREOF.

NORTH 73°55'00" EAST

**BASIS OF ELEVATIONS**

ELEVATIONS FOR THIS SURVEY ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988 AND WAS ESTABLISHED BY A REAL TIME KINEMATIC (RTK) GPS SET TO CONTROL POINT #52 SET AS A PART OF THIS SURVEY.

ELEVATION CONTROL POINT #52 = 98.68 (NAVD88)

**RECORD BOUNDARY NOTE**

THE RECORD BOUNDARY SHOWN IS BASED ON FOUND MONUMENTS. A TITLE REPORT WAS NOT PROVIDED FOR THE PREPARATION OF THIS MAP. EASEMENTS SHOWN ARE PER RECORD DATA AS NOTED HEREOF. PARCELS MAY BE SUBJECT TO EASEMENTS AND RIGHT OF WAYS OF RECORD THAT ARE NOT SHOWN ON THIS MAP.

**TREE NOTE**

TREE DIAMETERS ARE MEASURED AT APPROXIMATELY CHEST HEIGHT. USE CAUTION WHEN DESIGNING CLOSELY TO TREE TRUNKS BY TAKING INTO CONSIDERATION THE POSSIBLE "SPREAD" OR "LEAN" OF TREES.

**UTILITY NOTE**

UTILITY LOCATIONS ARE APPROXIMATE. UTILITIES SHOWN ON THIS MAP WERE DETERMINED FROM SURFACE EVIDENCE OF UNDERGROUND LOCATIONS, DURING A SURVEY BY ALPHA LAND SURVEYS IN JANUARY 2024.

**SURVEYORS NOTE**

A CORNER RECORD MAP IS BEING FILED WITH THE SANTA CRUZ COUNTY SURVEYORS OFFICE IN CONJUNCTION WITH THIS SURVEY.

**LEGEND**

- PROPERTY LINE
- CONTOUR INTERVAL, MAJOR
- CONTOUR INTERVAL, MINOR
- DRIP LINE
- FENCE LINE
- OVERHEAD UTILITY LINE
- UNDERGROUND SEWER LINE
- TOP OF BANK
- DISTANCE MEASURED
- RECORD DATA PER 10-M-13
- RECORD DATA PER 119-M-27
- FOUND MONUMENT, AS NOTED
- SET 1/2" IRON PIPE, LS 9301
- PROJECT BENCHMARK
- TREE, AS NOTED
- SPOT ELEVATION

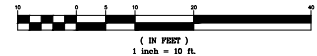
CONTOUR INTERVAL = 1 FOOT  
DIMENSIONS ARE SHOWN IN FEET AND DECIMALS THEREOF

- PROPERTY LINE
- CONTOUR INTERVAL, MAJOR
- CONTOUR INTERVAL, MINOR
- DRIP LINE
- FENCE LINE
- OVERHEAD UTILITY LINE
- UNDERGROUND SEWER LINE
- TOP OF BANK
- DISTANCE MEASURED
- RECORD DATA PER 10-M-13
- RECORD DATA PER 119-M-27
- FOUND MONUMENT, AS NOTED
- SET 1/2" IRON PIPE, LS 9301
- PROJECT BENCHMARK
- TREE, AS NOTED
- SPOT ELEVATION

**ABBREVIATIONS**

- APN ASSESSORS PARCEL NUMBER
- CO CLEANOUT
- DOC DOCUMENT
- EM ELECTRIC METER
- FF FINISHED FLOOR
- GM GAS METER
- HB HOSE BIB
- UP UTILITY POLE
- SS SANITARY SEWER
- WM WATER METER
- WV WATER VALVE

**GRAPHIC SCALE**



*Signature*

SANTA CRUZ COUNTY APN: 036-121-18

**ALPHA LAND SURVEYS, INC.**

4444 SCOTT'S VALLEY DR. #7 SCOTT'S VALLEY, CA 95068 (831) 436-4453	P.O. BOX 1146 MORGAN HILL, CA 95038 (831) 436-4453	TOPOGRAPHIC MAP AND BOUNDARY SURVEY 510 ESCALONA AVENUE CITY OF CAPITOLA	SHEET 1 OF ONE
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DATE: 2/7/2024 JOB#: 2024-022



## 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:** October 3, 2024

**From:** Community Development Department

**Address:** 1210 41<sup>st</sup> Avenue



**Project Description:** Application #24-0154 A request to modify the Conditional Use Permit for a grocery store to add offsite sales of distilled spirits. The existing Conditional Use Permit allows offsite sales of beer and wine only. The property is zoned C-C (Community Commercial).

**Recommended Action:** Staff recommends the Planning Commission approve application #24-0154 based on the Conditions and Findings of Approval.

**Property Owner:** 41<sup>st</sup> Avenue, LLC

**Representative:** Steve Rawlings for Grocery Outlet, Filed: 07.24.2024

**Background:** City records show that the New Leaf Community Market has continuously operated in the Begonia Plaza Shopping Center at 1210 41<sup>st</sup> Avenue since the early 1990s.

The California Department of Alcoholic Beverage Control (ABC) records show that New Leaf has had a Type 20 license since 1993. A Type 20 license allows the retail offsite sale of beer and wine.

New Leaf Community Market is in the process of a relocation from 1210 41<sup>st</sup> Avenue to the former Lucky Supermarket location at Kings Plaza Shopping Center. Grocery Outlet is in the process of establishing occupancy at the 1210 41<sup>st</sup> Avenue location after New Leaf relocates.

On July 24, 2024, the applicant applied on behalf of Grocery Outlet to modify the Conditional Use Permit (CUP) and obtain a Type 21 license from ABC to add the sale of distilled spirits along with beer and wine for offsite consumption.

**Discussion:** The existing structure at 1210 41<sup>st</sup> Avenue is a one-story commercial building with one tenant space. The building is 15,615 square feet. The Begonia Plaza has three buildings. The subject building is the largest tenant space and the only building that is used by a single tenant. The two other buildings have multiple, smaller tenants and include a mix of restaurant, retail, medical, and personal service uses. The Plaza has two vehicular driveways that access 41<sup>st</sup> Avenue.

### Conditional Use Permit

Pursuant to 17.124.060, when evaluating a CUP, the Planning Commission must consider the following characteristics of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- B. Availability of adequate public services and infrastructure.
- C. Potential impacts to the natural environment.
- D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

And, pursuant to 17.124.070, the Planning Commission must make the following findings when approving a CUP:

- A. The proposed use is allowed in the applicable zoning district.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.
- 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.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

In issuing a conditional use permit, the Commission may attach conditions to achieve consistency with the general plan, zoning code, and any applicable specific plan or area plan adopted by the City Council.

Police Department Review

Captain Ryan reviewed the application and had no comments.

Parking

The Begonia Plaza has a total of 162 striped parking spaces. The proposed change in alcohol sales has no impact to parking demand.

Signs

No signs are proposed with this application. The Begonia Plaza has a Master Sign Program on file with the city. Any new signs for Grocery Outlet will need to comply with the Master Sign program and follow the applicable permit process.

Prior Complaints

Planning staff received a complaint from nearby residents that there is an unsecured yard area where loitering and disturbances have occurred at the north side of the building. The applicant has agreed to install a section of six-foot-tall fence or wall to secure the area (condition #2).

Planning staff has also received numerous complaints over the years about early trash pickup by Green Waste and noise from an onsite trash compactor. Franchise trash haulers are exempt from the Noise Ordinance pursuant to section 9.12.080. Regardless, staff has communicated the issue to Green Waste management. Green Waste has reportedly rerouted this pickup to after 8 am. Additionally, staff has included a condition to limit the hours of use of the compactor to between 8 am – 6 pm (condition #17).

CEQA

The project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves minor changes to operations and amending a conditional use permit within an existing commercial space. No adverse environmental impacts were discovered during project review by either Planning Department Staff or the Planning Commission.

**CONDITIONS OF APPROVAL**

1. The project approval consists of a Conditional Use Permit modification to allow the Grocery Outlet grocery store at 1210 41<sup>st</sup> Avenue to offer distilled spirits for retail sale and offsite consumption. The proposed project is approved as reviewed and approved by the Planning Commission on October 3, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The applicant shall install a six-foot tall fence, wall, or gate to secure the side yard area at the north side of the building, prior to opening the Grocery Outlet.

### Conditional Use Permit Conditions

3. The outdoor display area is located at the south-west entrance of the building. The operator may utilize a 56 square foot area for outdoor display. The area must be clearly delineated to identify the area permitted within the conditional use permit for outdoor display. No goods or materials utilized for the display may be located outside the delineated area. The area may only be expanded with the approval of a modification to the CUP by the Planning Commission.
4. The outdoor display merchandise shall only be the merchandise of the grocery store tenant. The outdoor display area shall be managed and operated by the grocery store tenant. The outdoor display conditional use permit is not transferable for use by other properties or businesses.
5. All outdoor display merchandise shall only be displayed during business hours.
6. The outdoor display shall not obstruct pedestrian, bicycle, vehicular, or emergency services access and shall maintain four (4) feet of unobstructed access provided, however, that the width of the clear area shall in all events meet all applicable state and federal regulations and building codes, including all barrier-free and ADA requirements.
7. Outdoor vending machines and drop boxes or donation bins shall be prohibited.
8. The outdoor displays shall not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display item(s) or simply indicates a "sale" on the item(s) limited to 8.5" x 11".
9. All outdoor displays and outdoor seating shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires. Any cracked, broken surfaces, or other unmaintained or damaged portion of a display shall be repaired or replaced or removed within thirty (30) days. No display shall contain obscene, indecent or immoral matter.
10. The outdoor displays must be self-supporting, stable and weighted or constructed to withstand being overturned by wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, trees or any merchandise or products displayed outside permanent buildings.
11. The outdoor dining seating area is quasi-public and available for use by patrons of the Begonia Shopping Plaza.
12. No amplified entertainment is approved within this permit. An Entertainment Permit is required for any music or entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department.
13. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
14. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
15. The applicant shall maintain a current business license while operating the business.

16. Hours for deliveries to the store shall be limited to 8:00 A.M. – 8:00 P.M. Monday through Friday, to minimize noise impacts to neighboring residents. Delivery vehicles shall not be permitted to remain at idle during non-delivery hours.
17. Trash enclosures shall be gated and maintained to provide a clean and sanitary area. Use of the compactor shall be limited to the hours of 8:00 A.M. – 6:00 P.M.
18. No roof 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.
19. The applicant shall comply with the Municipal Code Section 8.36 Environmentally Acceptable Packaging Materials.

### Findings

- A. The proposed use is allowed in the applicable zoning district.**  
Sales of alcohol is permitted through a conditional use permit in the C-C zoning district.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**  
A retail grocery store with alcohol sales, as conditioned, is consistent with the Zoning Ordinance, General Plan, and Local Coastal Plan.
- 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.**  
1210 41<sup>st</sup> Avenue is located in the 41<sup>st</sup> Avenue Commercial District, an area capable of handling larger vehicular volume, has plentiful parking, and suburban commercial developments that serve a variety of eating and drinking establishments and larger scale retail spaces. Allowing expanded alcohol sales within an existing grocery store building is compatible with existing and planned uses.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**  
Sales of alcohol by Grocery Outlet will not be detrimental to the public health, safety, and welfare. Similar services are currently operating in Capitola and surrounding communities.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**  
1210 41<sup>st</sup> Avenue is properly located within the 41<sup>st</sup> Avenue Commercial District area and adequately served by services and infrastructure.
- F. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination. This project involves a minor modification to the items offered for retail sales. No adverse environmental impacts were discovered during review of the proposed project.

### Attachments:

1. Tenant Space Floor Plan
2. Operational Statement – Grocery Outlet

Report Prepared By: Brian Froelich, Senior Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director







**Statement of Business Operations  
For Conditional Use Permit for Type 21 ABC License  
1210 41st Avenue, Capitola, CA  
April 1, 2024**

Grocery Outlet proposes to open a 14,495 square foot store in a space that had been occupied by New Leaf Community Market. The request is to allow Grocery Outlet to sell beer, wine, and distilled spirits for off-site consumption (ABC Type 21 License).

Grocery Outlet offers fantastic bargains and deals on a variety of products including grocery, frozen foods, deli items, vitamins, health and beauty items, housewares, gift items and much, much more. Brand names for less is the name of the game and smart shoppers get incredible savings over regular store prices every day when they shop Grocery Outlet. Grocery Outlet gets products by searching the nation's major manufacturers for amazing one-time buys resulting from excess production, packaging/design changes, and special promotions. Grocery Outlet's assortment of product changes frequently because of the nature of the one-time buys.

As such, Grocery Outlet stores are "destination stores". Although the sale of alcohol is approximately 4-5% of total sales, the customers desire the convenience of being able to purchase alcoholic beverages together with the typical grocery items. This convenience is imperative to Grocery Outlet's ability to serve and attract customers. With the addition of distilled spirits, the display area for alcoholic beverages will remain the same size. Some of the existing shelf space used for beer and wine will be used for the display of spirits. Moreover, Grocery Outlet believes that offering a full assortment of products typically found in grocery stores is beneficial to the neighborhood and city. As a destination store, Grocery Outlet typically has customers who shop from outside the city.

Grocery Outlet owns over 250 stores in California that sell alcohol. Operators and their employees of all the locations are careful to make sure the store is always clean, neat, and free from debris. Grocery Outlet has had no significant issues raised by local law enforcement agencies with respect to alcoholic products or public disturbances. Grocery Outlet is fully aware of the unique responsibilities of operating a store associated with alcoholic beverage sales.

The store is open from 6 AM to 11 PM daily. The store is staffed with approximately 35 employees; approximately 12 employees are on-site at any given time during store operations. As related to alcohol sales, all register clerks are trained in proper alcoholic beverage sales rules,

including use of Point-of-Sale required identification age verification. All clerks have read and signed the Alcoholic Beverage Control's Clerk's Affidavit. These affidavits are kept on file by the store operator. For security, Grocery Outlet has a minimum 16 camera system which has a view of all parts of the store, including the alcoholic beverage display area. The video system has a 30-day retrieval function that can track previous days' activity.

As noted above, the sale of beer, wine, and distilled spirits will constitute about 4-5% of total sales. The alcoholic beverage display of approximately 731 square feet is highlighted on the floor plan included with this application. The alcoholic beverage display area is 7.57% of the total square footage of the Grocery Outlet premises.

# Capitola Planning Commission

## Agenda Report



**Meeting:** October 3, 2024

**From:** Community Development Department

**Address:** 709 Riverview Drive

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**Project Description:** Permit #24-0351 Tree Removal Permit to remove one 85-inch Monterey Cypress tree with a future new residence project in the R-1 (Single-Family Residential) zoning district.

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

**Recommended Action:** Staff recommends the Planning Commission deny the application and advise the applicant to submit a tree removal request for consideration in conjunction with a complete application for a new residence.

**Alternative:** Approve application #24-0351 based on the Findings and with the Conditions of Approval listed below.

**Property Owner:** Brad Suchomel

**Representative:** Brad Suchomel, filed 09.04.2024

**Background:** The applicant is proposing to remove a healthy, 85-inch Monterey Cypress tree from the rear yard of the property. The applicant reported that the tree interferes with the location of their intended new residence, and they are requesting a determination from the Planning Commission of whether the tree can be removed along with a future development proposal. The applicant's goal is to obtain a determination on the tree prior to expending additional time and resources to prepare formal plans for review. The applicant has provided a statement of intent in attachment 3.

**Discussion:** The property at 709 Riverview Drive is a 5,367 square foot, mid-block rectangular lot within the Riverview neighborhood that is surrounded by one- and two-story single-family residences. The lot currently contains a modest ranch-style home built in 1952 with an attached garage. The applicant asserts an intention to demolish the existing building and construct a new residence in conjunction with a future Design Permit application. The applicant provided a preliminary site plan and conceptual footprint of the future new residence to show the proximity to the tree (attachment 1).

### Arborist Report

The applicant commissioned an arborist report prepared by Kurt Fouts and dated September 9, 2024. The report identifies the tree as an 85-inch Monterey Cypress (*Hesperocyparis macrocarpa*) that would benefit from pruning and maintenance but is otherwise in good health. The arborist estimates that the tree is 75 feet tall, has a canopy spread of 60 feet, and is between 50-60 years old. Monterey Cypress trees can live to be 200 years old but typically have a lifespan of less than 100 years.

### Community Tree and Forest Management Ordinance

Tree removal in Capitola follows two different processes. When a tree removal application is received staff will inspect the tree(s) to determine if they are damaging structures or present an immediate danger. The full findings for tree removal can be found at 12.12.180C and include the health or conditions of tree concerning disease infestation, or danger of falling, safety consideration, or situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services. If staff cannot make the required findings, then an arborist report is commissioned to provide an expert opinion.

When tree removal is proposed in conjunction with a development application, the Planning Commission has full authority to approve or deny the tree removal and is not bound by the same findings. The Planning Commission routinely evaluates canopy coverage, proposed landscape, and development plans in a holistic approach to reach a determination for proposed tree removal in the context of the proposed development project. The Planning Commission may also consider other factors such as the age of existing trees, useful lifespan of proposed structures, best arboricultural practices, and better outcomes for a project and the community.

Pursuant to Section 12.12.180D, the city's goal is to maintain at least 15% canopy coverage for individual properties. Staff reviews existing and proposed tree canopy during the plan review process of development projects. On the subject property, the existing canopy coverage is 2,745 square feet, which is 51% of the property. If the Monterey Cypress tree were removed the canopy coverage would be reduced to 9% and mitigation plantings would be required to achieve the 15% canopy coverage goal. If the Planning Commission allows approval of the tree removal, staff is recommending that two, 24-inch box trees be included with the landscape plan for the future Design Permit (condition #2) and the removal be contingent on approval of a Design Permit for a new residence (condition #3).

### Considerations

- The tree is a large specimen at 85 inches and has a canopy spread of 60 feet.
- General ISA (International Society of Arboriculture) practices define the critical root zone as following the drip line (canopy).
- The property's buildable area (lot area excluding setback area) is 2,695 square feet.
- The critical root zone covers 1,100 square feet or 41% of the buildable area.
- Accommodation of the tree would require major efforts to design around the tree and/or the use an atypical foundation type (piers) to minimize impacting the critical root zone.
- The tree is past the mid-point of its typical lifespan.

### Recommendation

The current request is for the Planning Commission to permit the removal of a tree due to a future development application. Any conceivable single-family home design on this property will include either an application for removal or a need for significant pruning of the tree. Staff is concerned that the current request is premature and would require action on only a portion of a future development application without having the benefit of reviewing the application in its entirety. Staff recommends the Planning Commission deny the request, defer action now, and make a fully informed decision regarding the tree removal during the review of the future project application.

### Alternative

If the Planning Commission approves the application, staff recommends the draft findings and conditions of approval included below be included in the motion.

**CEQA:** Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence and accessory structures in a residential zone and 15304 exempts landscaping projects for single-family homes. This project involves the future demolition of an existing single-family residence and construction of a new single-family residence with new landscaping within the R-1 (single-family residence) Zoning District.

### **Conditions of Approval:**

1. This approval consists of the removal of one 85-inch Monterey Cypress tree. The tree removal is approved as indicated on the conceptual site plan reviewed and approved by the Planning Commission on October 3, 2024. The conceptual building footprint shown on the plan is included for reference only and is not part of this approval.

2. The tree may not be removed until the applicant secures Design Permit approval for a new residence.
3. The applicant shall propose two 24-inch box-sized replacement trees at a 2:1 ratio with the plans for Design Permit. The replacement trees shall not be fruit trees. The proposed landscape plan shall demonstrate compliance with the 15% canopy coverage requirement.
4. This approval is issued pending the approval of a Design Permit for a new residence. This permit shall expire two years from the date of issuance if a Design Permit for a new residence is not secured by the applicant.

**Tree Removal Findings:**

- A. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance including the city goal of 15 percent canopy coverage.**

Community Development Department Staff and the Planning Commission have both reviewed the proposed tree removal and conceptual building footprint project. The project will involve demolition, regrading, and a new foundation. The project will require discretionary review by the Planning Commission. The application, subject to the conditions imposed, will secure the purposes of the Community Tree and Forest Management Ordinance to meet the city goal of 15 percent canopy coverage.

- B. The project secures the overall goals of the Community Tree and Forest Management Ordinance to protect and increase the level of tree cover on public and private lands within the city, maintain trees in a healthy and non-hazardous condition, and promote planting of additional trees to increase tree cover (hereby referred to as canopy coverage) throughout the city.**

The proposal would result in a renewed landscape plan that would be adapted to the future new residence. At maturity the mitigation plantings would exceed the minimum goal for properties of 15% canopy coverage.

- C. The project secures the policy of the city to encourage new tree planting on public and private property and to cultivate a flourishing community forest.**

The proposal would remove one tree and add two new trees. The new trees would be adapted to the new development and would have a longer lifespan than the Monterey Cypress tree that is currently in the middle of its life cycle.

- D. On individual lots, it is the goal of the city to maintain fifteen percent coverage of tree canopy, consisting of flowering, deciduous, and evergreen trees, to be enforced on an on-going basis via the design review process.**

The proposal, subject to the conditions imposed, would secure the goal of maintaining canopy coverage on individual lots with trees that are more compatible with the future development.

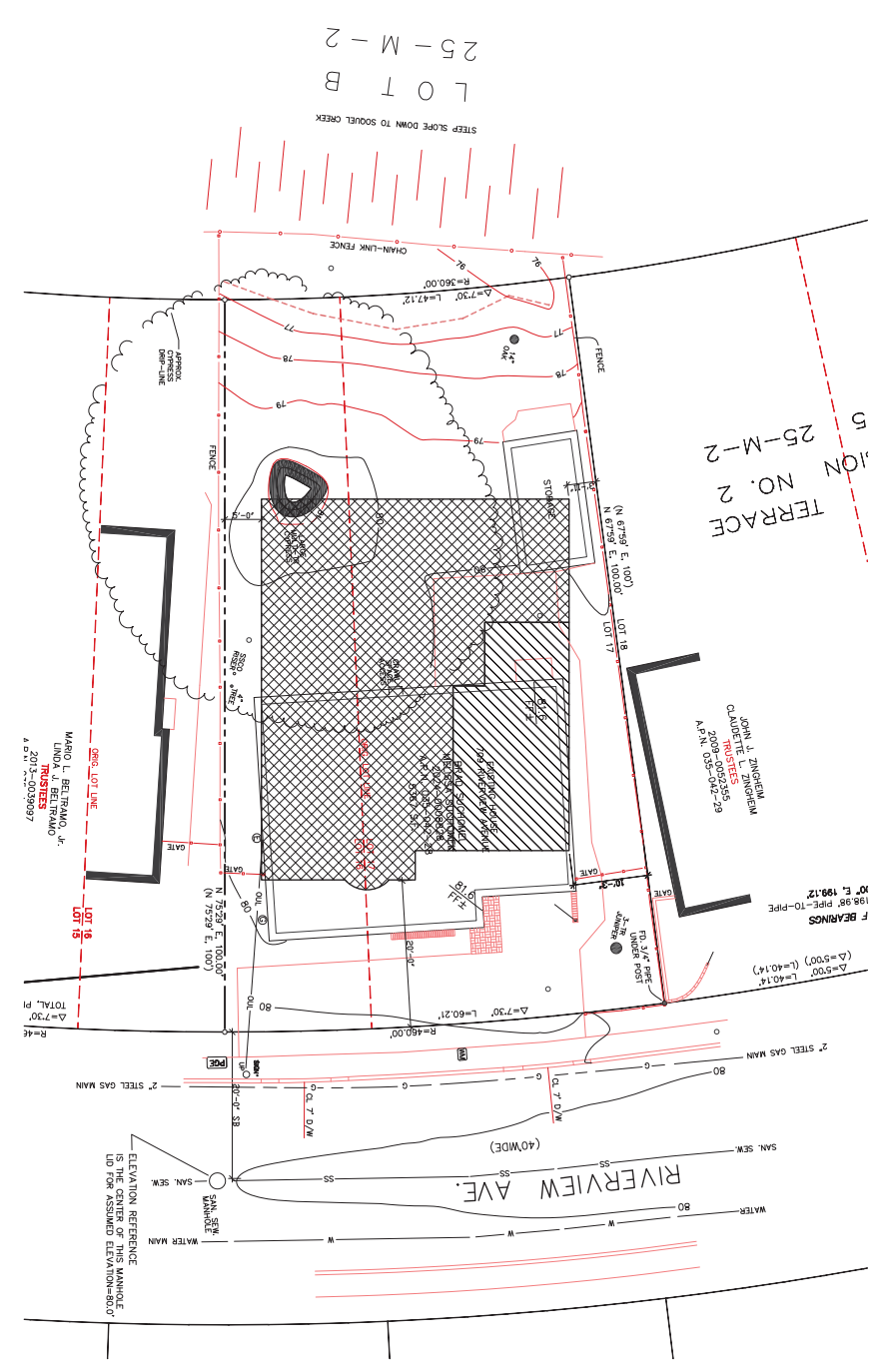
**Attachments:**

1. 709 Riverview Drive – Concept Site Plan
2. Arborist Report – Kurt Fouts, dated 9/9/2024
3. Owner’s Statement

Report Prepared By: Brian Froelich, Senior Planner

Reviewed By: Rosie Wyatt, Acting Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director



NOTE:  
SLOPE ALL GRADE AWAY  
FROM STRUCTURE @5% FOR 10'-0"

SITE PLAN  
SCALE: 1/8"=1'-0"



SHEET 2 OF 4 SHEETS	DATE 08/28/24	JOB NO. 709RIV	DRAWN GG	SCALE 1/8"=1'-0"	PROJECT SUCHOMEL RESIDENCE 709 RIVERVIEW DR CAPITOLA, CA 95010 APN 035-042-28	DESIGNER DENNIS NORTON HOME DESIGN AND PROJECT PLANNING 712 C CAPITOLA AVENUE, CAPITOLA, CALIFORNIA 95010 PHONE: 831 476 2616 FAX: 831 476 2616 WEBSITE: www.dennisonortondesign.com	REVISIONS BR-

***ARBORIST REPORT-***  
Evaluation of a Monterey Cypress

709 Riverview Drive  
Capitola, CA 95010

9/9/2024

Prepared for:

Brad Suchomel  
709 Riverview Drive  
Capitola, CA, 95010

Prepared by:



ISA Certified Arborist WE0681A  
ISA Tree Risk Assessment Qualification (TRAQ)

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### Attachments:

- Assumptions and Limiting Conditions



## Background

I was contacted by Mr. Brad Suchomel, to give a general evaluation of a Monterey Cypress tree growing on his property at 709 Riverview Drive, Capitola, address any areas of concern, and provide management recommendations. Mr. Suchomel is planning site improvements to the property and wants to know if the cypress is suitable for inclusion in his project.

On 8/6/2024, I examined the tree onsite.

## Summary of Findings

The mature Monterey cypress is in good health, limbs are well attached, the tree appears stable, and is a good candidate for retention in the development project.

An assessment of the trees current condition, a discussion of my findings, and the reasons for my recommendation are dicussed in more detail in the report that follows.

## OBSERVATIONS

The mature Monterey cypress, (*Hesperocyparis macrocarpa*), has a trunk diameter of 85-inches, is 75-feet tall and has a diameter canopy spread of 60-feet. Based on its trunk diameter the cypress meets the City of Capitola criteria as a *protected tree*, and is regulated by the city. Such trees are protected and require submittal of a tree removal permit application if removal of the tree is desired.

Growing conditions for the cypress are close to optimal with no competition from other trees and a good water source, (Soquel Creek), nearby. Because of these conditions, the cypress appears vigorous and likely grows at a fast rate. Based on these observations, I estimate that the age of the tree is between 50 – 60 years old.

The tree grows in the back yard of the home, (Image #1).



Image #1 – Cypress tree canopy growing above home. View from the front yard.



The tree grows on level ground. West of the tree, the property slopes down to the rear fence line. The cypress grows about 8-feet from the southern property line and is the same distance from the existing home. The canopy overhangs the adjacent property by about 15-feet, (Image #2).



**Image #2 – Cypress tree, looking east, with existing home in background. Note canopy overhangs adjacent home. West of the tree, the property slopes down.**



A dense groundcover of English ivy grows under the tree's canopy, (Image #3). The tree has a large rooting area of undisturbed soil to collect water and sustain its growth.



Image #3 – Cypress with English ivy ground cover growing beneath the canopy area.

Several surface roots from 4" to 10" in diameter were seen growing on the east, south and west sides of the tree.

**Health** - The tree has a dense foliar canopy, with a minor amount of dieback in the interior of the tree, most likely due to shading from a lack of sunlight. I noted new tip growth throughout the tree.

No significant insects or fungal pathogens were found. The cypress is growing vigorously, and overall, on a scale of (good, fair, or poor), I rate the tree's health as good.



**Structure** - The cypress has multiple trunks. The trunks are layered against each other, with one set of trunks originating near the base of the tree, and a second set beginning at about 5 – 6-feet above grade. Multiple trunks are considered a structural defect; however this growth habit is typical of the species, and I did not note other defects that when combined with multiple trunks would create a cause for concern, (Image #4).



Image #4 – Note multiple trunks growing near the base of the tree and a second set higher up.

The lower trunks tended to grow more laterally, with their lowest branches 10 – 12-feet above grade. Most of the trunks that originated higher on the tree grow more vertically.



I inspected the limb to trunk attachments on the larger scaffolds and they appeared sound. The limbs had ample amounts of attachment wood, and the angles of attachment were proper for good stability, (Image #5).



Image #5 – Note the extra attachment wood around the limb, (circled).



I noted a large, (14" diameter X 5-feet), deadwood stub in the center of the tree, (Image #6).



Image #6 – Note deadwood stub, (circled).

This stub was pruned many years ago and any live growth that remained on its lower limbs has since died back, or been removed.

I also noted several limb stubs (limbs with no live growth), from 4" – 6" in diameter and between 2 – 6- feet in length.

Using a rubber mallet, I did a sounding, (tapping on the trunk), around the circumference of the tree in the lower trunk area. I perform a sounding to listen for hollow sounds indicating cavities. No cavities were noted, and I did not find any significant decay that could affect the integrity of this tree.

I noted that some recent pruning cuts were made in limbs from 4 to 8-inches in diameter. The pruning cuts were in the lower part of the tree, and were most likely made to provide better ground clearance. The cuts were well executed, and made to industry standards.

I noted that the more horizontal growing limbs have been shortened, (to decrease mechanical stress), and the canopy outline was even throughout, with no limbs growing beyond the general canopy outline.

Overall, I rate the structure of the tree as fair to good, on a scale of (good, fair, or poor).



## DISCUSSION

The cypress is in good health, limbs are well attached, the tree appears stable, and is a good candidate for retention in the development project.

Some pruning work should be done to improve the trees long term health, to provide clearance from the neighboring home, (Image #7), and may be necessary to create clearance for the proposed development.



**Image #7 – Note limb growth on or near neighbors roof. The limbs growing close to the home should be shortened.**

The large stub shown in image #5 should be inspected for signs of decay. If none are found it can be retained, or if pruned, a cut should be made above the live branch growing to the north. The other deadwood stubs I noted, should be pruned back to a live side branch.

If any of the new development encroaches closer to the tree than the existing home, mitigation to offset the loss of roots should entail hand digging and root pruning.



## RECOMMENDATIONS

1. Have the large deadwood stub in the center of the tree inspected for decay.
2. Perform minor tree pruning. Remove deadwood stubs, and clearance prune tree a minimum of 5-feet from neighboring home.
3. If any of the new development encroaches closer to the tree than the existing home, mitigation to offset the loss of roots should entail hand digging and root pruning.

Respectfully submitted,

*Kurt Fouts*

Kurt Fouts    ISA Certified Arborist    WE0681A  
ISA Tree Risk Assessment Qualification (TRAQ)



826 Monterey Avenue  
Capitola, CA 95010  
831-359-3607  
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ASSUMPTIONS AND LIMITING CONDITIONS

1. Any legal description provided by the appraiser/consultant is assumed to be correct. No responsibility is assumed for matters legal in character nor is any opinion rendered as the quality of any title.
2. The appraiser/consultant can neither guarantee nor be responsible for accuracy of information provided by others.
3. The appraiser/consultant shall not be required to give testimony or to attend court by reason of this appraisal unless subsequent written arrangements are made, including payment of an additional fee for services.
4. Loss or removal of any part of this report invalidates the entire appraisal/evaluation.
5. Possession of this report or a copy thereof does not imply right of publication or use for any purpose by any other than the person(s) to whom it is addressed without written consent of this appraiser/consultant.
6. This report and the values expressed herein represent the opinion of the appraiser/consultant, and the appraiser/consultant's fee is in no way contingent upon the reporting of a specified value nor upon any finding to be reported.
7. Sketches. Diagrams. Graphs. Photos. Etc., in this report, being intended as visual aids, are not necessarily to scale and should not be construed as engineering reports or surveys.
8. This report has been made in conformity with acceptable appraisal/evaluation/diagnostic reporting techniques and procedures, as recommended by the International Society of Arboriculture.
9. When applying any pesticide, fungicide, or herbicide, always follow label instructions.
10. No tree described in this report was climbed, unless otherwise stated. We cannot take responsibility for any defects which could only have been discovered by climbing. A full root collar inspection, consisting of excavating around the tree to uncover the root collar and major buttress roots, was not performed, unless otherwise stated. We cannot take responsibility for any root defects which could only have been discovered by such an inspection.

CONSULTING ARBORIST DISCLOSURE STATEMENT

Arborists are tree specialists who use their education, knowledge, training, and experience to examine trees, recommend measures to enhance the beauty and health of trees, and attempt to reduce risk of living near trees, Clients may choose to accept or disregard the recommendations of the arborist, or to seek additional advice.

Arborists cannot detect every condition that could possibly lead to the structural failure of a tree. Trees are living organisms that fail in ways we do not fully understand. Conditions are often hidden within trees and below ground. Arborists cannot guarantee that a tree will be healthy or safe under all circumstances, or for a specified period of time. Likewise, remedial treatments, like medicine, cannot be guaranteed.

Trees can be managed, but they cannot be controlled. To live near trees is to accept some degree of risk. The only way to eliminate all risk associated with trees is to eliminate all trees.



To Planning Commission:

Regarding the matter of the removal of the Monterey Cypress at 709 Riverview Drive, initially I wanted to keep the tree, but after reviewing different options for placement of a house on the lot it became clear the tree was in the way. I also started to think about what would happen if the tree of that size blew over or dropped a large limb and I became concerned about its potential to cause serious damage or injury so I decided to pursue removing it instead.

I attempted to obtain a permit for the tree's removal, but the city of Capitola doesn't have a provision for removing a Monterey Cypress tree unless the tree is in poor health. I was told I could appeal to the planning commission for the tree's removal after submitting plans for development. However, I didn't want to invest a lot of time and money in plans that won't work if the tree can't be removed. This is why I am appealing to the planning commission at this early stage of the development process. The ideal time to remove this large tree will be after the existing home is demolished and before the new home is started.

Brad Suchomel

# Capitola Planning Commission

## Agenda Report



**Meeting:** October 3, 2024

**From:** Community Development Department

**Address:** Citywide Zoning Code Update

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

**Recommended Action:** Staff recommends the Planning Commission adopt a resolution recommending the City Council adopt the proposed Design Review Zoning Code Amendments and the proposed Density Bonus Code Amendments.

**Location:** The proposed design review Zoning Code Amendments apply to properties citywide.

**Representative:** Ben Noble Consultant

Sean Sesanto, Associate Planner

**Background:** On September 19, 2024, the Planning Commission adopted a resolution recommending the City Council adopt Zoning Code Amendments to implement the Housing Element. This recommendation included all proposed 2024 Zoning Code Amendments except for changes to the design review process. The Planning Commission voted to delay the recommendation on amendments to the Design Review process to allow for further Planning Commission discussion of these amendments at the October 3, 2024, meeting.

**Discussion:** Attachment 1 contains a draft Planning Commission resolution recommending the City Council adopt the proposed Design Review amendments. Exhibit A to Attachment 1 contains the proposed amendments to Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits). The proposed amendments are the same as the design review amendments shared with the Planning Commission on Wednesday, September 18 (green highlight version).

The proposed amendments address the following aspects of the design review process:

- **Public Notice:** For design permit applications reviewed by the Planning Commission, the applicant must post a notice of submitted application on the site before the City deems the application complete.
- **Staff Review:** City staff reviews application for conformance with design review criteria and/or objective standards and recommends project changes to the applicant before the Planning Commission meeting, if needed. Recommendations are advisory and meetings are not subject to the Brown Act. City staff reports to the Planning Commission recommendations and project changes, if any.
- **Design Professional Review:** A City-contracted design professional participates in the design review process for all new single-family homes and multifamily, mixed-use, and non-residential structure; upper-floor additions to single-family homes and multifamily structures; and additions to nonresidential structures that exceed specified thresholds.

As discussed at the September 19, 2024, meeting, the proposed amendments aim to implement prior Planning Commission direction without creating a new committee subject to Brown Act public meeting and notice requirements.

Table 1 summarizes and compares the role of outside design professionals (non-staff) in the review of design permit applications under the prior code (pre-2021), the existing code, and the proposed amendments. Under the prior code (pre-2021), an architect and landscape architect reviewed all design permit applications as part of the Architecture and Site Review Committee. Under the existing code, a City-Contracted design professional reviews all new commercial and new multifamily applications and prepares a written report. The cost of this review is paid for by the applicant. Within the proposed code amendments, the City would have two contracts for design professionals. One contract for the design review of single-family homes during the staff review process with the cost covered by the City in the form of a stipend. The second for multifamily, mixed-use, and commercial applications with written findings and the cost covered by the applicant. Table 2 compares public notice, meetings, and costs under the prior, existing, and proposed codes.

**Table 1: Design Permit Applications Subject to Outside Designer Review**

	Prior Code	Existing Code	Proposed Code
<b>How it works</b>	All applications reviewed by Architecture and Site Review Committee [1]	All applications reviewed by staff. City-contracted design professional reviews subset of projects.	
<b>When required</b>			
Single-family	All projects	None [2]	Upper floor additions and new homes
Multifamily	All projects	New buildings	Upper floor additions and new building
Mixed-use	All projects	None [2]	New buildings
Non-residential	All projects	New buildings	New buildings and additions that are either 15 percent or more of the floor area of the existing structure and visible from the primary street frontage or 3,000 sq. ft. or more

[1] Architecture and Site Review Committee consists of an architect, landscape architect, building official, community development director or designated planning staff; public works director, historian

[2] The Community Development Director may require City-contracted design professional review for any "significant and/or sensitive project."

**Table 2: Notice, Meeting, and Cost Comparison**

	Prior Code	Existing Code	Proposed Code
Public Notice of Submitted Application	No	No	Yes
Public Notice [2]	Yes	No	No
Brown Act Meeting	Yes	No	No
Applicant Costs			
Single-family	None	N/A	None [1]
Multifamily and Commercial	None	\$2,000 - \$4,000	\$2,000 - \$4,000 [1]
City Costs			
Single-family	\$50 per meeting	N/A	\$50 - \$100 per meeting [1]

Other projects	\$50 per meeting	None	None [1]
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[1] Cost estimates assume City will pay a small stipend for single-family projects (similar to prior code), and applicant will pay third-party review for other projects (similar to existing code). To be determined by City Council.

[2] Does not include noticing required for hearings by the Planning Commission or City Council.

**Next Steps:** The City Council will hold a public hearing to consider the Planning Commission Zoning Code Amendment recommendations on October 24, 2024.

**CEQA:** The proposed Zoning Code Amendments are exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

**Attachments:**

1. Draft Planning Commission Resolution Recommending City Council Approval of the Design Review Zoning Code Amendments
  - Exhibit A: Proposed Zoning Code Amendments
  - Exhibit B: Proposed Density Bonus Code Amendments
  - Exhibit C: LCP Consistency Analysis

Report Prepared By: Ben Noble, Consultant

Reviewed By: Rosie Wyatt, Acting Deputy Clerk

Approved By: Katie Herlihy, Community Development Director

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT  
AMENDMENTS TO CHAPTER 17.108 AND 17.120 IN MUNICIPAL CODE TITLE  
17 (ZONING) AND CHAPTER 18.03 (DENSITY BONUS)**

WHEREAS, on September 19, 2024, the City Council adopted Resolution No. 24-02 recommending the City Council adopt Zoning Code Amendments to implement the Housing Element of the General Plan;

WHEREAS the Housing Element contains programs that call for the City to amend Municipal Code Chapter 18.03 (Density Bonus) to implement Housing Element goals and policies;

WHEREAS the Zoning Code Amendments recommended in Resolution No. 24-02 excluded amendments to design review procedures in Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits) to allow for continued Planning Commission discussion of these amendments;

WHEREAS, on September 19, 2024, the Planning Commission continued the public hearing of the proposed Zoning Code Amendments related to the design review procedures in Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits) to October 3, 2024;

WHEREAS on October 3, 2024, the Planning Commission reviewed the proposed amendments to Zoning Code Chapter 17.108 and 17.120 at which time it considered all evidence presented, both written and oral; and

WHEREAS, the proposed amendments to Zoning Code Chapter 17.108 and 17.120 are exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Planning Commission recommends that the City Council adopt amendments to Capitola Municipal Code Chapter 17.108 and 17.120 set forth in Exhibit 1 attached hereto and incorporated herein.
3. The Planning Commission recommends that the City Council adopt amendments to Capitola Municipal Code Chapter 18.03: Density Bonus set forth in Exhibit 2 attached hereto and incorporated herein.

4. The Planning Commission has considered the Zoning Code Amendments consistency with the certified Local Coastal Program (LCP) and finds the Zoning Code Amendments in conformity with and adequate to carry out the certified Land Use Plan as described in Exhibit 3 attached hereto and incorporated herein.

**SEVERABILITY**

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 3<sup>rd</sup> day of October 3, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

Attest: \_\_\_\_\_

Katie Herlihy, Community  
Development Director



**Chapter 17.108**

**ADMINISTRATIVE RESPONSIBILITY**

Sections:

- 17.108.010 Purpose.
- 17.108.020 Planning agency.
- 17.108.030 Review and decision-making authority.
- 17.108.040 Design review process.

**17.108.010 Purpose.**

This chapter describes the authority and responsibilities of the city council, planning commission, and the community development director in the administration of the zoning code. (Ord. 1043 § 2 (Att. 2), 2020)

**17.108.020 Planning agency.**

The city council, planning commission, and community development director function as the planning agency and as the advisory agency in compliance with Government Code Section 65100. (Ord. 1043 § 2 (Att. 2), 2020)

**17.108.030 Review and decision-making authority.**

Table 17.108-1 shows the review and decision-making authority of the city council, planning commission, and community development director in the administration of the zoning code.

**Table 17.108-1: Review and Decision-Making Authority**

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
<b>Legislative Actions</b>			
Development Agreements	Recommend	Recommend	Decision
General Plan/Coastal Land Use Plan Amendments	Recommend	Recommend	Decision
Zoning Code/Title 17 Amendments	Recommend	Recommend	Decision
<b>Permits</b>			
Administrative Permits	Decision	Appeal	Appeal
Administrative Sign Permits	Decision	Appeal	Appeal
Sign Permits	Recommend	Decision	Appeal
Design Permits	Recommend	Decision	Appeal
Minor Design Permits	Decision	Appeal	Appeal
Coastal Development Permits	See Section 17.44.070(B) (Coastal Development Permit Requirements)		
Conditional Use Permits	Recommend	Decision	Appeal
Historic Resource Demolition Permits [2]	Recommend	Recommend/Decision	Decision/Appeal
Master Use Permits	Recommend	Decision	Appeal
Minor Use Permits	Decision	Appeal	Appeal
Tenant Use Permits	Decision	Appeal	Appeal

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
<b>Other Approvals and Actions</b>			
Conceptual Review	See Chapter 17.114 (Conceptual Review)		
Historic Alteration Permit	Recommend	Decision	Appeal
Minor Modifications	Recommend	Decision	Appeal
Preliminary and Final Development Plans (PD)	Recommend	Recommend	Decision
Reasonable Accommodations	Decision	Appeal	Appeal
Variances	Recommend	Decision	Appeal

Notes:

[1] “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority shall consider and decide appeals of decisions of an earlier decision-making body, in compliance with Chapter 17.152 (Appeals).

[2] The planning commission is the decision-making authority on historic resource demolition permits applications for potential historic resources. The city council is the decision authority on historic resource demolition permits applications for designated historic resources.

(Ord. 1043 § 2 (Att. 2), 2020)

**~~17.108.040—Design review process.~~**

**~~A. Purpose.~~**

- ~~1. The design review process allows for city staff and city contracted design professionals to provide preliminary recommendations to the applicant on design permit applications prior to planning commission review.~~
- ~~2. Through the design review process, city staff and city contracted design professionals shall work with applicants to produce the best possible project design consistent with city policies and regulations prior to a hearing before the planning commission. The design review process does not result in a design permit approval or a specific recommendation to the planning commission for approval or denial of a design permit application.~~

**~~B. Participating Staff and Consultants.~~**

- ~~1. City staff involved in the design review process include city staff representing the planning, public works, and building departments.~~
- ~~2. A city contracted landscape architect, architect, and architectural historian may also participate in the design review process for significant and/or sensitive projects as determined by the community development director. A city contracted architect shall participate in the design review process for all new proposed multifamily and nonresidential construction projects. (Ord. 1043 § 2 (Att. 2), 2020)~~

**Chapter 17.120**  
**DESIGN PERMITS**

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required.
- 17.120.040 Application submittal and review.
- 17.120.050 Design review process.
- 17.120.060 Public notice and hearing.
- 17.120.070 Design review criteria.
- 17.120.080 Findings for approval.
- 17.120.090 Conditions of approval.
- 17.120.100 Appeals and post-decision procedures.

**17.120.010 Purpose.**

This chapter establishes the process to obtain a design permit. A design permit is a discretionary action that enables the city to ensure that proposed development exhibits high-quality design that enhances Capitola’s unique identity and sense of place. The design permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties. (Ord. 1043 § 2 (Att. 2), 2020)

**17.120.020 Types of design permits.**

The zoning code establishes two types of design permits: design permits reviewed and approved by the planning commission and minor design permits reviewed and approved by the community development director. (Ord. 1043 § 2 (Att. 2), 2020)

**17.120.030 When required.**

A. Types of Projects. The types of projects that require a design permit, and the type of design permit for each project, are listed in Table 17.120-1. If a type of development project or activity is not specifically listed in Table 17.120-1, a design permit is not required.

**Table 17.120-1: Projects Requiring Design Permits**

Type of Project	Type of Permit
<b>Single-Family Residential Projects</b>	
Ground-floor additions to existing single-family homes where the addition does not exceed 165 ft. in height, except for exempt additions (Section 17.120.030(B))	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper-floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
<del>All rooftop decks</del>	<del>Design Permit</del>
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
<b>Multifamily Residential Projects</b>	
Ground-floor additions less than 15% of total floor area of an existing multifamily structure	Minor Design Permit

Type of Project	Type of Permit
Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multifamily structure	Design Permit
Upper-floor additions to an existing multifamily structure	Design Permit
New multifamily residential structures	Design Permit
<b>Nonresidential Projects (Including Mixed Use)</b>	
Exterior modifications to an existing structure that do not increase the floor area of the structure	Minor Design Permit
Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures	Minor Design Permit
Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures	Design Permit
Additions less than 15% of the floor area of an existing nonresidential structure where the addition is not visible from the primary street frontage	Minor Design Permit
Additions 15% or more of the floor area of an existing nonresidential structure where the addition is visible from the primary street frontage	Design Permit
Additions to an existing nonresidential structure of 3,000 sq. ft. or more	Design Permit
New nonresidential structures	Design Permit
Custom outdoor dining decks and sidewalk dining areas in the public right-of-way	Design Permit

B. Single-Family Exemptions. The following additions to a single-family dwelling are exempt from the design permit requirement:

1. Ground-floor single-story additions up to four hundred square feet at the rear of the home.
2. Enclosure of an existing recessed entrance up to twenty-five square feet.
3. Enclosure of an existing open porch up to fifty square feet.
4. Installation of bay windows.
5. A single accessory structure that does not exceed one hundred twenty square feet in floor area and ten feet in height with no connection to water or sewer. Two or more accessory structures require a minor design permit.
6. Minor exterior modification or replacement of materials on an existing structure including siding, windows, doors, and roof.
7. Other similar minor additions to a single-family dwelling as determined by the community development director.
8. Upper-floor decks and balconies immediately adjacent to a street or public open space.

C. Nonresidential Exemptions.

1. Prototype outdoor dining decks that comply with Section 17.96.170 (Outdoor dining in public right-of-way) are exempt from the design permit requirement. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1050 § 3, 2021; Ord. 1043 § 2 (Att. 2), 2020)

**17.120.040 Application submittal and review.**

A. General. An application for a design permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information required by the community development department with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.120.080 (Findings for approval).

B. Notice of Submitted Application. All design permit applications with final review by the planning commission require posting of a Notice of Proposed Development. Within thirty days of application submittal, the City shall provide the applicant with the required form and content of the notice. The applicant shall post a notice of proposed development in a conspicuous place on or in front of the project site that is visible to the public from the right of way. Prior to the city deeming a project complete, the applicant shall submit verification to the City that the notice has been posted as required by the City.

CB. Streetscape Illustration. For all proposed new multi-family, mixed-use, and nonresidential buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

DC. Enhanced Visualization. The city may require enhanced project visualization materials (e.g., 3-D renderings, photo-simulations, physical models, expanded streetscape diagrams, viewpoint analysis, story poles) when any of the following apply:

1. The project is proposed within a prominent or highly visible development site as determined by the community development director.
2. The project would be located within or adjacent to vista points or visually sensitive areas as identified in the general plan.
3. The applicant is requesting a variance for height.
4. Substantial changes to the exterior of an existing structure.
5. The community development director determines that enhanced visualization is necessary to determine if the findings for approval can be made for the proposed project.
6. Story poles shall only be required by the planning commission or city council.

~~D. Review by Architectural Historian. Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit). (Ord. 1043 § 2 (Att. 2), 2020)~~

~~17.120.050 – E. Review of design permit application~~Design review process.

1. Review

a. The design review process provides recommendations to an applicant for compliance with applicable city regulations, development standards, objectives standards, and design review criteria in Section 17.120.070 prior to a hearing before the planning commission. Recommendations related to design review criteria are advisory; applicants are encouraged to modify the project design as needed prior to planning commission consideration.

b. City staff shall report to the Planning Commission recommendations provided to the applicant and changes to the project in response to these recommendations, if any.

2. Participating Staff and Consultants.

a. City staff involved in the design review process include city staff representing the planning, public works, and building departments.

b. ~~Architectural Historian. Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit).~~

e. ~~A city-contracted design professional shall participate in the design review process for the following types of applications:~~

i. ~~Upper-floor additions to single-family homes and multifamily structures;~~

ii. ~~New single-family homes and new multifamily, mixed-use, and non-residential structures;~~

iii. ~~Additions to an existing nonresidential structure that are either:~~

~~(a) 15 percent or more of the floor area of the existing structure and visible from the primary street frontage; or~~

~~(b) 3,000 sq. ft. or more.~~

~~of A. Review Required. All design permit applications shall be reviewed by city staff and city-contracted design professionals as specified in Section 17.108.040 prior to review and action on the application by the planning commission.~~

~~B. Purpose of Review. The purpose of the design review process is to provide recommendations to the applicant on the design of the project based on design review criteria in Section 17.120.070. Applicants are encouraged to consider comments from the design review process and modify the project design as needed prior to planning commission consideration of the application. (Ord. 1043 § 2 (Att. 2), 2020)~~

#### **17.120.060 Public notice and hearing.**

A. Design Permits. The planning commission shall review and act on a design permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

B. Minor Design Permits. Public notice of a pending action on a minor design permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The community development director shall hold a public hearing for a minor design permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of pending action for minor use permits and minor design permits). (Ord. 1043 § 2 (Att. 2), 2020)

#### **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 contributes 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 are compatible with the scale of nearby buildings and comply with applicable development standards specific to the applicable zoning district. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

C. Historic Character. Renovations and additions to historic structures respect and preserve the existing integrity of the structures, consistent with Chapter 17.84 (Historic Preservation), historic. ~~historie~~. New structures and additions or modifications to non-historic structures ~~reflect and~~ complement the ~~historie~~ character and development pattern of nearby ~~historic resources and districts, 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 minimize privacy impacts on adjacent properties and provide 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 improved connection to the public right-of-way 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 and complies with all applicable standards of Chapter 17.72 (Landscaping). Tree plantings and removals are consistent with Chapter 12.12 (Community Tree and Forest Management).

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 landscaped front yards that incorporate natural vegetations and 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 and comply with all applicable standards of Chapter 17.80 (Signs).

Q. Lighting. Exterior lighting is an integral part of the project designed, with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties, and to comply with applicable provisions of Section 17.93.100 (Outdoor Lighting).

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, and complies with all applicable standards including, but not limited to Chapter 17.52 (Accessory Structures and Uses).

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. (Ord. 1043 § 2 (Att. 2), 2020)

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.

**17.120.080 Findings for approval.**

To approve a design permit application, the review authority shall make all of the following 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.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code, including but not limited to objective standards and design review criteria.

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

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.

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

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. (Ord. 1043 § 2 (Att. 2), 2020)

**17.120.090 Conditions of approval.**

The planning commission or community development director may attach conditions of approval to a design permit to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council. (Ord. 1043 § 2 (Att. 2), 2020)

**17.120.100 Appeals and post-decision procedures.**

A. Planning commission decisions on design permits may be appealed to the city council as described in Chapter 17.152 (Appeals).

B. Community development director decisions on minor design permits may be appealed to the planning commission as described in Chapter 17.152 (Appeals).

C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to design permits. (Ord. 1043 § 2 (Att. 2), 2020)





## Chapter 18.03

### RESIDENTIAL DENSITY BONUS

**Sections:**

- ~~18.03.010 — Applicability.~~
- ~~18.03.020 — Purpose.~~
- ~~18.03.030 — Density bonus.~~
- ~~18.03.040 — California Coastal Act.~~
- ~~18.03.050 — Concession or incentive.~~
- ~~18.03.060 — Waiver or reduction.~~
- ~~18.03.070 — Parking.~~
- ~~18.03.080 — Projects within affordable housing overlay zones.~~
- ~~18.03.090 — Application.~~
- ~~18.03.100 — Findings for approval of density bonus, concessions, incentives, waivers, or reductions.~~
- ~~18.03.110 — Successor Government Code provisions.~~

**18.03.010 — Applicability.**

The regulations set forth in this chapter apply in all RM (multiresidential) districts and in all CC, CR, CN and PO (commercial) districts. (Ord. 938 § 1, 2009)

**18.03.020 — Purpose.**

The residential density bonus provisions of this chapter are intended to provide incentives for the production of housing for very low, lower income, and moderate income or senior households in accordance with Sections 65915 and 65917 of the California Government Code. In enacting this chapter, it is the intent of the city of Capitola to facilitate the development of affordable housing and to implement the goals, objectives, and policies of the city's housing element. (Ord. 938 § 1, 2009)

**18.03.030 — Density bonus.**

A separate application by an applicant for a residential development project of five or more units, including such residential development projects that include as a component of the development a land donation or construction of a child care facility, or a senior citizen housing development as defined in California Civil Code Section 51.3, is eligible for a density bonus consistent with the requirements of California Government Code Section 65915. An applicant for a density bonus may also request concessions, incentives, reductions, or waivers consistent with the requirements of Sections 65915(d) and 65915(e).

The applicant may request a lesser density bonus than that which is available to the project under Section 65915; however, the city shall not be required to similarly reduce the number or type of units required to be provided pursuant to Sections 65915(b), 65915(c), and 65915(f). In calculating the density bonus for a project, each project shall be entitled to only one density bonus as provided in Section 65915(b)(2), and density bonuses from more than one category may not be combined. When calculating the number of required affordable units to qualify a project for a density bonus, any calculations resulting in fractional units shall be rounded up to the next larger integer. (Ord. 938 § 1, 2009)

**18.03.040 — California Coastal Act.**

Nothing in this section shall be construed to supersede or in any way alter or lessen the effect or application of the California Coastal Act (Division 20 (commencing with Section 3000) of the Public Resources Code). (Ord. 938 § 1, 2009)

**18.03.050 — Concession or incentive.**

For purposes of this section, a concession or incentive shall mean a regulatory concession or incentive as defined in Section 65915(k) and as permitted by Section 65915(d). Developers requesting concessions and incentives shall submit a pro forma that demonstrates to the city that the requested concession or incentive results in identifiable, financially sufficient, and actual cost reductions to the project as required by Section 65915(k) and that the incentive or concession is required to provide for affordable housing costs. Nothing in this section requires the provision of

~~direct financial incentives for the residential development project, including but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements. The city at its sole discretion may choose to provide such direct financial incentives. Any such incentives may require payment of prevailing wages by the residential development project if required by state law. All concessions or incentives shall require the approval of the planning commission. (Ord. 938 § 1, 2009)~~

**18.03.060 — Waiver or reduction.**

~~For purposes of this section, a waiver or reduction shall mean a change to a development standard that would otherwise have the effect of physically precluding the construction of a development with any density bonus, concessions, or incentives permitted by this section. For purposes of this section, a development standard is as defined in Section 65915(o)(1). (Ord. 938 § 1, 2009)~~

**18.03.070 — Parking.**

~~Upon the written request of the developer, for a development project that qualifies for a density bonus, the city shall not require parking ratios that exceed the ratios identified in Section 65915(p)(1). For purposes of this section, on-site parking may be provided through tandem parking or uncovered parking but not on street parking. (Ord. 938 § 1, 2009)~~

**18.03.080 — Projects within affordable housing overlay zones.**

~~If the development project is within an affordable housing overlay (AHO) district as defined and implemented in Section 17.40.020, the city may grant a density bonus greater than allowed by this section, if the applicant meets the AHO standards. A residential development project may utilize the AHO as an alternative to the use of state density bonus or may choose to utilize a state density bonus permitted by Section 65915 but may not utilize both the AHO and state density bonuses. (Ord. 938 § 1, 2009)~~

**18.03.090 — Application.**

~~An application for a density bonus, incentive, concession, waiver, modification, or revised parking standard pursuant to this section shall be submitted in conjunction with the first application for the development project and shall be processed concurrently with all other applications required for the project by the Capitola Municipal Code. The cost of reviewing any required data submitted as part of the application in support of a request for a concession or incentive, including but not limited to the cost to the city of hiring a consultant to review said data, shall be borne by the applicant. The application shall be submitted on a form provided by the city and shall include, at a minimum, the following information:~~

~~A. A site plan showing the total number of units, the number and location of the affordable or senior units qualifying the project for a density bonus, and the number and location of the proposed density bonus units;~~

~~B. The level of affordability of any proposed affordable units and their conformance with Section 65915(e);~~

~~C. A description of any requested incentives, concessions, waivers, or reductions of development standards, or modified parking standards. An application for an incentive or concession shall also include a pro forma demonstrating to the city that the requested concession or incentive results in an identifiable, financially sufficient, and actual cost reduction. Where the applicant is requesting the reduction or waiver of a development standard, the applicant shall submit evidence demonstrating that the application of the development standard would physically preclude construction of the project at the densities or with the concessions or incentives that the project is entitled to under this section.~~

~~D. If a density bonus is requested for a land donation pursuant to California Government Code Section 65915(g), the application shall show the location of the land to be dedicated and provide evidence that the requirements of Section 65915(g) have been met, thus entitling the project to the requested density bonus.~~

~~E. If a density bonus is requested for construction of a child care facility pursuant to California Government Code Section 65915(h), the application shall show the location and square footage of the proposed facility and provide evidence that the requirements of Section 65915(h) have been met, thus entitling the project to the requested density bonus. (Ord. 938 § 1, 2009)~~

**~~18.03.100—Findings for approval of density bonus, concessions, incentives, waivers, or reductions.~~**

~~A. Before approving a request for a density bonus, incentive, concession, parking reduction, or waiver, the review authority shall make the following findings, as applicable:~~

- ~~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(e); and includes a financing mechanism for all implementation and monitoring costs.~~
- ~~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.~~
- ~~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.~~
- ~~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.~~
- ~~5. If the incentive or concession includes mixed uses, all of the findings included in Section 65915(k)(2) can be made.~~
- ~~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.~~

~~B. The review authority may deny a request for an incentive or concession for which the findings set forth in subsection A of this section can be made only if it makes a written finding, based upon substantial evidence, of one of the following:~~

- ~~1. The incentive or concession is not required to provide for affordable rents or affordable ownership costs, as provided in Section 65915(d)(1)(A); or~~
- ~~2. The incentive or concession would have a specific adverse impact upon public health or safety, or the physical environment, or on any real property that is listed in the California Register of Historic Resources, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, “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 that the application was deemed complete; or~~
- ~~3. The concession or incentive would be contrary to state or federal law.~~

~~C. The review authority may deny a request for a waiver or reduction for which the findings set forth in subsection A of this section can be made only if it makes a written finding, based upon substantial evidence, of one of the following:~~

- ~~1. The modification would have a specific adverse impact upon health, safety, or the physical environment, and there is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the development unaffordable to low, very low and moderate income households. For the purpose of this subsection, “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 that the application was deemed complete; or~~
- ~~2. The modification would have an adverse impact on any real property that is listed in the California Register of Historic Resources; or~~
- ~~3. The waiver or reduction would be contrary to state or federal law.~~

~~D. The review authority may deny a density bonus, incentive, or concession that is based on the provision of child-care facilities and for which the required findings can be made only if it makes a written finding, based on substantial evidence, that the city already has adequate child-care facilities. (Ord. 938 § 1, 2009)~~

**18.03.110—Successor Government Code provisions:**

~~All references to sections of the Government Code include all successor sections.~~

**Table 14.16.030-1 Summary of State Density Bonus Requirements**

~~The state density bonus law is codified at California Government Code Section 65915. In general, it requires the city to grant a density bonus, as well certain concessions and incentives, to qualifying residential development projects. The following chart provides a general overview of the requirements:~~

<b>Type of Units*</b>	<b>% of Dedicated Units</b>	<b>Density Bonus**</b>	<b>Concessions or Incentives***</b>
<del>Lower Income</del>	<del>10%</del>	<del>20%</del>	<del>1-</del>
<del>(1.5% increase in density bonus for every 1% of dedicated units over 10% threshold (max 35% density bonus)-</del>			
<del>-</del>	<del>20%</del>	<del>35%</del>	<del>2-</del>
<del>-</del>	<del>30% or above</del>	<del>35%</del>	<del>3-</del>
<del>Very Low Income</del>	<del>5%</del>	<del>20%</del>	<del>1-</del>
<del>(2.5% increase in density bonus for every 1% increase in dedicated units over 5% threshold (max 35% density bonus)-</del>			
<del>10%</del>	<del>33%</del>	<del>2-</del>	<del>-</del>
<del>11%</del>	<del>35%</del>	<del>-</del>	<del>-</del>
<del>15% or above</del>	<del>35%</del>	<del>3-</del>	<del>-</del>
<del>Moderate Income (common interest development**** only where all of the units are offered for sale)</del>	<del>10%</del>	<del>5%</del>	<del>1-</del>
<del>(1% increase in density bonus for each 1% increase in dedicated units over 10% threshold (max 35% density bonus)-</del>			
<del>-</del>	<del>20%</del>	<del>15%</del>	<del>2-</del>
<del>-</del>	<del>30%</del>	<del>25%</del>	<del>3-</del>
<del>-</del>	<del>40% or above</del>	<del>35%</del>	<del>3</del>

~~\*—Section 65915 applies only to proposed developments of five or more units.~~

~~\*\*—Section 65915(f) defines a “density bonus” as “a density increase over the otherwise maximum allowable residential density as of the date of the application by the applicant to the city.” Section 65915(e)(2) defines “maximum allowable residential density” as “the density allowed under the zoning ordinance and land use element of the general plan, or, if a range of density is permitted, means the maximum allowable density for the specific zoning range and land use element of the general plan applicable to the project. Where the density allowed under the zoning ordinance is inconsistent with the density allowed under the land use element of the general plan, the general plan density shall prevail.”~~

~~\*\*\*—A concession or incentive may be requested only if an application is also made for a density bonus, pursuant to Sections 65915(a) and 65915(d)(1). Concessions or incentives may be selected from only one category (very low,~~

~~low, or moderate). No concessions or incentives are available for land donation or senior housing. Day care centers may have one concession or a density bonus, at the city's option, but not both.~~

~~\*\*\* Pursuant to California Civil Code Section 1351, a "common interest development" means a community apartment project, a condominium project, a planned development, and a stock cooperative.~~

~~In addition, a developer/applicant can also qualify for a mandated density bonus in the following way:~~

<b>Project</b>	<b>Threshold</b>	<b>Density Bonus</b>	<b>Concession or Incentive</b>
Senior Housing (not-affordable)	35 Units dedicated to senior housing as defined in Civil Code §§ 51.3 & 51.12	20% of senior units	0

~~(Ord. 938 § 1, 2009)~~

**Sections:**

- 18.03.010 – Purpose
- 18.03.020 – Definitions
- 18.03.030 – Application Procedures
- 18.03.040 – General Provisions
- 18.03.050 – Affordable Unit Design and Construction
- 18.03.060 – Regulatory Agreements
- 18.03.070 – Interpretation

**18.03.010 – Purpose**

This chapter establishes procedures to implement State Density Bonus Law, as set forth in California Government Code Sections 65915-65918, as may be amended from time to time. State Density Bonus Law provides density bonuses and other incentives to facilitate production of affordable and senior housing. This chapter also implements General Plan Housing Element policies to provide additional housing in Capitola for lower-income households, seniors, and persons with special needs.

**18.03.020 – Definitions**

- A. State Density Bonus Law. Definitions in State Density Bonus Law apply to the terms in this chapter.
- B. "Other Incentives". As used in this chapter, the term "other incentives" includes the following:
  1. Incentives and concessions (Government Code Section 65915(k)).
  2. Waiver or reduction of development standards (Government Code Section 65915(e)).
  3. Reduced parking ratios (Government Code Section 65915(p)).

**18.03.030 – Application Procedures**

- A. Concurrent Request. An applicant shall request a density bonus and other incentives concurrently with the first permit application required by the City for the housing development.

**B. Submittal Requirements.** An application for a density bonus and other incentives shall be filed on the form provided by the Community Development Department, together with all required information, materials and application fees.

**C. Application Review.**

1. The City shall review a request for a density bonus and other incentives concurrently with the permit application required for the housing development.
2. The City shall notify the applicant whether the application is complete in a manner consistent with the timelines specified in Government Code Section 65943.
3. When the City deems the application complete, the City shall provide the applicant with a determination of the following:
  - a. The amount of density bonus, calculated pursuant to Government Code Section 65915(f), for which the applicant is eligible.
  - b. If the applicant requests a parking ratio pursuant to Government Code Section 65915(p), the parking ratio for which the applicant is eligible.
  - c. If the applicant requests incentives and concessions pursuant to Government Code Section 65915(d) or waivers pursuant to Government Code Section 65915(e), whether the applicant has provided adequate information for the City to review and take action on the requested incentives and/or waivers.

**D. City Action.**

**1. General.**

- a. The City shall consider a request for a density bonus and other incentives concurrently with the permit application required for the housing development. The same review authority that acts on the permit application shall also act on density bonus and other incentive request.
- b. For permit applications that require a public hearing, a staff report shall describe project conformance with State Density Bonus Law as demonstrated by application materials submitted pursuant to Section 18.030.040.B (Submittal Requirements).

**2. Incentives and Concessions.** The City shall grant an incentive or concession (Government Code Section 65915(k)) requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:

- a. The proposed incentive or concession does not result in identifiable and actual cost reductions to provide for affordable housing costs, as defined in Health and Safety Code Section 50052.5; or for affordable rents, as defined in Health and Safety Code Section 50053.
- b. The proposed incentive or concession would be contrary to state or federal law; or
- c. The proposed incentive or concession would:
  - (1) Have a specific, adverse impact, as defined in Government Code Section 65589.5(2)(d), upon the public health or safety or on any real property that is listed in the California Register of Historic Resources; and
  - (2) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.

3. **Waiver or Reduction in Development Standards.** The City shall grant a waiver of development standards (Government Code Section 65915(e)) requested by the applicant unless it makes a written finding, based upon substantial evidence, of any of the following:
    - a. The proposed waiver would be contrary to state or federal law.
    - b. The proposed waiver would have an adverse impact on any real property listed in the California Register of Historic Resources.
    - c. The proposed waiver would:
      - (1) Have a specific, adverse impact, as defined in Government Code Section 65589.5(2)(d), upon the public health or safety; and
      - (2) There is no feasible method to satisfactorily mitigate or avoid the specific adverse impact without rendering the housing development unaffordable to low- and moderate-income households.
  4. **Child Care Centers.** If a child care center complies with the requirements of Government Code Section 65915(h), the decision-making body may deny a density bonus or incentive that is based on the provision of child care facilities only if it makes a written finding, based on substantial evidence, that the City already has adequate child care facilities.
  5. **Coastal Zone.** For a housing development within the coastal zone, the review authority must find that the requested density bonus or other incentive is consistent with the certified Local Coastal Program, with the exception of density. The granting of a density bonus or an incentive shall not be interpreted, in and of itself, to require a local coastal plan amendment.
- E. Appeals.** Appeals of the permit decision required for the housing development shall include all requests under State Density Bonus Law.

#### **18.03.040 – General Provisions**

##### **A. Density Bonus Calculation.**

1. All density bonus calculations resulting in fractional units are rounded up to the next whole number.
2. In determining the number of affordable units required to qualify for a density bonus, units added by a density bonus are not included in the calculations.

##### **B. One Density Bonus Allowed.**

1. Except where a housing development is eligible for an additional bonus pursuant to Government Code Section 65915(v), each housing development is entitled to only one density bonus.
2. If a housing development qualifies for a density bonus under more than one category, the applicant shall identify the category under which the density bonus is requested to be granted.

##### **C. Density Bonus Amount.**

1. The applicant may accept a lesser percentage of density bonus than the housing development is entitled to, or no density bonus, but no reduction is permitted in the percentages of affordable units required by State Density Bonus Law.
2. Regardless of the number of affordable units, no housing development is entitled to a density bonus greater than what is authorized under State Density Bonus Law.

##### **D. Inclusionary Requirement.**

1. On-site units that satisfy the City's inclusionary housing requirements in Municipal Code Chapter 18.02



(Affordable (Inclusionary) Housing) and will be constructed concurrently with the housing development may qualify the housing development for a density bonus if those units meet the requirements of State Density Bonus Law.

2. Payment of fees in lieu of providing affordable units under Municipal Code Section 18.02.050 (In-lieu housing fees and alternative compliance options) does not qualify a housing development for a density bonus.

**E. Financial Incentives.**

1. Nothing in this chapter requires the provision of direct financial incentives from the City for the housing development, including, but not limited to, the provision of financial subsidies, publicly owned land, fee waivers, or waiver of dedication requirements.
2. The City, at its sole discretion, may choose to provide such direct financial incentives.

**18.03.050 – Affordable Unit Design and Construction**

**A. Timing.** Building permits, final inspections, and certificates of occupancy shall be issued concurrently for the market rate units and for all affordable units that qualified the project for a density bonus, incentive, waiver, or parking reduction.

**B. Appearance and Quality.**

1. Affordable units shall be comparable in exterior appearance and overall quality of construction to market rate units in the same housing development.
2. Interior finishes and amenities may differ from those provided in the market rate units, but neither the workmanship nor the products may be of substandard or inferior quality as determined by the City.

**C. Unit Size.** To comply with fair housing laws, the affordable units shall contain the same proportional mix of bedroom sizes as the market-rate units.

**D. Access to Amenities.** In mixed-income buildings, the occupants of the affordable units shall have the same access to the common entrances and to the common areas, parking, and amenities of the project as the occupants of the market-rate housing units.

**E. Location within Building.** Affordable units shall be located throughout a building and not isolated on one floor or to an area on a specific floor.

**18.03.060 – Regulatory Agreements**

**A. General.**

1. If a density bonus or other incentive is approved pursuant to this chapter, the applicant shall enter into a binding affordable housing agreement or restrictive covenant, as described below, with the City. This agreement or covenant shall implement State Density Bonus Law and ensure compliance with this chapter.
2. The agreement or covenant shall be in a form approved by the City Attorney and executed by the City Manager or their designee.
3. The agreement or covenant shall be binding on all future owners and successors in interest.
4. The applicant shall record the agreement or covenant against the housing development prior to final or parcel map approval, or, where a map is not being processed, prior to issuance of building permits for the housing development.

**B. Rental Projects:** For affordable rental projects, the applicant shall enter into an affordable housing agreement with the City that:

1. Requires the continued affordability of all rental units that qualified the applicant for the density bonus or other incentive for a minimum of 55 years or a longer period of time if required by the construction or mortgage financing assistance program, mortgage insurance program, or rental subsidy program;
2. Identifies the type, size and location of each affordable unit;
3. Specifies the eligible occupants;
4. Specifies phasing of the affordable units in relation to the market-rate units; and
5. Contains other relevant provisions approved by the City Attorney.

**C. For-Sale Projects.**

1. For projects with affordable for-sale units, the applicant shall enter into an affordable housing agreement with the City that requires the following:
  - a. The initial purchasers of those for-sale units that qualified the applicant for the density bonus or other incentive shall be persons and families of lower or moderate income, as applicable; and
  - b. If any for-sale unit is not purchased by an income-qualified household within 180 days after the issuance of the certificate of occupancy, then the unit(s) must be sold pursuant to a contract that satisfies the requirements of Revenue and Taxation Code Section 402.1(a)(10) to a qualified non-profit housing corporation as defined in State Density Bonus Law and that the units are offered at an affordable housing cost, as that cost is defined in Health and Safety Code Section 50052.5.
2. The agreement shall contain other relevant provisions approved by the City Attorney.
3. The City shall enforce an equity sharing agreement consistent with State Density Bonus Law unless it conflicts with the requirements of another public funding source or law.

**D. Market-Rate Senior Projects.** For market-rate senior projects, the applicant shall enter into a restrictive covenant with the City to require the housing development to be operated as "housing for older persons" consistent with state and federal fair housing laws.

**18.03.070 – Interpretation**

If any portion of this chapter conflicts with State Density Bonus Law or other applicable state law, state law shall supersede this chapter. Any ambiguities in this chapter shall be interpreted to be consistent with State Density Bonus Law. Statutory references in this ordinance include successor provisions.

## Zoning Code Amendments Consistency with LCP Land Use Plan

The proposed Zoning Code Amendments implement programs in Capitola's 2023-2031 Housing Element. Capitola committed to completing these amendments to comply with state housing laws. Many of these amendments locally codify existing state law, including provisions related to no net loss of housing element sites, housing on education and religious sites, emergency shelters, and special needs housing. Other amendments reduce barriers to housing production as required by state law, including barriers associated with parking requirements and small parcel sizes.

The proposed Zoning Code Amendments also address additional issues that have arisen since the Zoning Code was last updated, but which are not required by the Housing Element.

The majority of proposed Zoning Code Amendments do not change allowed development or uses in any manner that could impact coastal resources or conflict with the certified LCP. These amendments are consistent with the certified LCP and Coastal Act. Two proposed amendments that do warrant LCP consistency discussion are the accessory dwelling unit waiver provisions and changes to required on-site parking space.

### Accessory Dwelling Unit CDP Waivers

Section 17.74.030.E adds language to the accessory dwelling unit chapter allowing the City to issue a CDP waiver for a proposed accessory dwelling unit in the coastal zone, including in locations in appealable and non-appealable to the Coastal Commission. To be eligible for a waiver, the proposed accessory dwelling unit may not be in an area subject to coastal hazards, within 200 feet of a cliff edge, or in an environmentally sensitive habitat area. The City also must determine that the accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City's certified Local Coastal Program.

This waiver process is consistent with the January 21, 2022 Coastal Commission memorandum on implementing new accessory dwelling unit law. This memorandum states "If a local government's LCP includes a waiver provision, and the proposed J/ADU meets the criteria for a CDP waiver, the local government may issue a CDP waiver for the proposed J/ADU." The memorandum further states that a waiver may be allowed for accessory dwelling units that are "sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is not impacted, etc.)". Lastly, the memorandum states that because public hearings are not required for accessory dwelling units, CDP waivers may be appropriate in both appealable and non-appealable areas.

For the reasons above, the waiver process is consistent with the following LCP policies:

- **Policy VI-2:** It shall be the policy of the City of Capitola to protect, maintain and, where possible, enhance the environmentally sensitive and locally unique habitats within its coastal zone, including dedication and/or acquisition of scenic conservation easements for protection of the natural environment. All developments approved by the City within or adjacent to these areas must be found to be protective of the long-term maintenances of these habitats.

- **Policy VII-1:** It shall be the policy of the City of Capitola to adequately plan for natural hazards in new development, reduce risks to life and property, and revise all plans and Zoning Ordinances to be in conformance with all the policies of the Coastal Act relating to hazards and shoreline structures.

### Parking Standards

Table 17.76-2 reduces the number of required on-site parking spaces for single-family dwellings, multifamily dwellings, senior housing, and residential care facilities. These changes were made to comply with Housing Element programs that call for the City to reduce parking requirements that constrain housing production, including housing for special needs populations.

Proposed new parking standards aim to reduce housing constraints (as required by state housing laws) while also protecting coastal access, facilitating transit service, and minimize vehicle miles traveled consistent with Coastal Act policies. New parking standards allow for the density of development permitted by the General Plan, but also require a reasonable supply of new on-site parking to maintain street parking availability for visitors. For this reason, the revised parking standards are consistent with the following LCP policies:

- **Coastal Act Policy 30252:** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings ...
- **Coastal Act Policy 30253:** New development shall do all of the following: ... (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- **Policy I-1:** It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.