

City of Capitola

Planning Commission Meeting Agenda

Thursday, February 01, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

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

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

1. Roll Call and Pledge of Allegiance

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

2. Additions and Deletions to the Agenda

3. Oral Communications

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

4. Planning Commission/Staff Comments

5. Consent Calendar

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

A. Approval of December 7, 2023 Planning Commission Meeting Minutes

B. Approval of January 18, 2024 Planning Commission Meeting Minutes

6. Public Hearings

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

A. Citywide Zoning Code Update

Project Description: Permit #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code ordinance amendments will impact the development standards and regulations for properties citywide. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal

Commission prior to taking effect in the Coastal Zone.

Recommended Action: Provide feedback to staff on zoning discussion items and direct staff to prepare an ordinance to amend Capitola Municipal Code Title 17: Zoning.

7. Director's Report

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

How to View the Meeting

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

Other ways to Watch:

- Spectrum Cable Television channel 8
- City of Capitola, California YouTube Channel: <https://www.youtube.com/@cityofcapitolacalifornia3172>

To Join Zoom Application or Call in to Zoom:

- Meeting link: <https://us02web.zoom.us/j/84412302975?pwd=NmlrdGZRU2tnYXRieSs5SIZweUIOQT09>
- Or dial one of these phone numbers: 1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799
- Meeting ID: 844 1230 2975
- Meeting Passcode: 161805

How to Provide Comments to the Planning Commission

Members of the public may provide public comments to the Planning Commission in-person during the meeting. If you are unable to attend the meeting in person, please email your comments to planningcommission@ci.capitola.ca.us and they will be included as a part of the record for that meeting. Emailed comments will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed. Public comment is not accepted through zoom.

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. The decision of the Planning Commission pertaining to an Architectural and Site Review Design Permit can be appealed to the City Council within the (10) calendar days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be submitted in writing on an official city application form, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item is only appealing a Coastal Development Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that

meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

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

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

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

City of Capitola Planning Commission Meeting Minutes Thursday, December 07, 2023 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Susan Westman

Commissioners: Courtney Christiansen, Paul Estey, Gerry Jensen, Peter Wilk

1. Roll Call and Pledge of Allegiance

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

2. Oral Communications

A. Additions and Deletions to the Agenda

None

B. Public Comments

Goran Klepic, a member of the public, shared that he made a call for service to the Police Department recently stating that he found methamphetamines near Hill St. He is disappointed that he sees this type of illicit material in his community.

C. Commission Comments

Commissioner Wilk commended Senior Planner Froelich on his work on this agenda, saying that Mr. Froelich helped allay his concerns with certain items and issues that concern the Commission.

D. Staff Comments

None

3. Approval of Minutes

A. Approve the November 2, 2023 Planning Commission Meeting Minutes

Motion to approve Item 3A: Commissioner Wilk

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, Chair Westman

4. Consent Calendar

A. 2024 Regular Meeting Schedule

Recommended Action: Adopt the 2024 Regular Meeting Schedule of the Planning Commission.

Motion to approve Consent Calendar Item 4A: Commissioner Wilk

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners Estey, Jensen, Wilk, Vice Chair Christiansen, Chair Westman

B. 417 Capitola Avenue

Permit Number: #22-0330

APN: 035-131-04

Design Permit to demolish an existing commercial building (Baash) and construct a new single-family dwelling with a Variance request for the garage floor area, a Minor Modification request for the maximum driveway width, and exception requests to the rear and side setbacks. The project is located within the MU-N (Mixed Use Neighborhood) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Bombora LLC.

Representative: Dan Townsend – Fuse Architects, Inc., Filed: 7/11/2023

Due to conflicts of interest related to the proximity of the project to the residences of Commissioner Wilk and Commission Westman and an employment conflict for Commission Christiansen, the rule of necessity was invoked. Commissioner Westman drew the shortest straw and participated in the review and discussion of the project.

Motion to continue Item 4B to the next regularly scheduled meeting: Commissioner Estey

Seconded: Commissioner Jensen

Voting Aye: Commissioners, Jensen, Estey, and Chair Westman

Recuse: Commissioner Wilk, Vice Chair Christiansen

5. Public Hearings

A. 200 Monterey Avenue #2

Permit Number: #23-0513

APN: 035-261-07

A Conditional Use Permit application for beer and wine sales at an existing restaurant (Mijo's Taqueria) located in the MU-V (Mixed Use Village) zoning district.

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

Environmental Determination: Categorical Exemption 15301

Property Owner: Sarah Realty, LLC

Representative: Anthony Guajardo Filed: 11.17.23

Senior Planner Froelich presented a staff report describing a proposal to grant a Conditional Use Permit to Mijo's Taqueria allowing the sale of beer and wine at this existing restaurant.

Vice Chair Christiansen asked about the previous tenant's type 41 license, asking whether or not it was transferrable to Mijo's.

Commissioner Jensen asked whether or not these beverages would be opened on-site or if to-go sales would be permitted.

Chair Westman opened the public hearing.

Business Owner Anthony Guajardo thanked the staff and commission for consideration and took questions. Chair Westman asked about the intent to sell to-go beverages, and Mr. Guajardo replied that the intent was for all sales and consumption to occur on-site only.

Chair Westman closed the public hearing. Commissioner Wilk commented on the historical discussion of designating zones in which these types of businesses that sold alcohol could operate. He also discussed the proximity to an ice cream store, where kids may congregate, and wondered if that could pose a problem. He then recalled that a pizza shop in the Mercantile, which is next to an arcade, was recently given a Conditional Use Permit to sell alcohol, so the precedent has been set to allow such business activity in the Village.

The Commissioners, in general, agreed with the proposal and stated their appreciation of the variety of businesses in the Village.

Motion to approve Item 5A: Vice Chair Christiansen

Seconded: Commissioner Wilk

Voting Aye: Commissioners, Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman

Conditions of Approval:

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales at the existing Mijo's Taqueria located at 200 Monterey Avenue Suite #2. No modifications to the exterior or interior of the building are proposed. Parking requirements are not affected by this application. The CUP application #23-0513 was approved by Planning Commission on December 7, 2023.
2. Any significant modifications to the size and appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or site, must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. The applicant shall maintain a current business license to operate the business.
5. Onsite beer and wine consumption shall be limited to inside the restaurant. No beer and wine consumption shall be allowed within the public right-of-way seating areas adjacent to the property.
6. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
7. Signage shall be installed and maintained at all customer exits to the restaurant stating that "consumption of alcohol is prohibited on the sidewalk, street, and beach".
8. No new lighting or signs are approved with this permit.
9. Amplified sound is prohibited outside the building.
10. An onsite restroom shall be available to customers at all times during business hours.
11. Beer and wine sales may occur between 7 a.m. and 10 p.m. seven days a week.
12. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
13. Food and beverage equipment and supplies (including kegs) shall be stored inside the building. Exterior storage is prohibited.

Conditional Use Permit Findings:

- A. The proposed use is allowed in the applicable zoning district.**
Beer and wine sales are permitted through a conditional use permit in the MU-V 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.**
The restaurant space with beer and wine 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.**
Mijo’s Taqueria is an established and compatible business appropriately located within the blend of land uses in the Capitola Village.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**
Sales of beer and wine offered by Mijo’s Taqueria will not be detrimental to the public health, safety, and welfare. Similar services are currently operating in the Capitola Village.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
Mijo’s Taqueria is properly located within the Capitola Village area and has been a business operating in good standing. The property is 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 no new permanent physical improvements and does not require a Building permit. The permit will involve a minor change in operations and utilization of existing spaces. No adverse environmental impacts were discovered during review of the proposed project.

B. 4400 Jade Street – Capitola Community Center

Permit Number: #23-0506

APN: 034-551-02

Design Permit to remodel the Capitola Community Center at Jade Street Park, located within the P/OS (Parks and Open Space) zoning district.

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

Environmental Determination: Categorical Exemption 15301(d & e)

Property Owner: Soquel Union Elementary School District

Representative: Kailash Mozumder, Capitola Public Works Department

Associate Planner Sesanto presented the staff report.

Project architects Jacqui Low and Kate Rhein continued the presentation, offering a history of the building, and describing both the current condition of the building and improvements being proposed. The description included a variety of exterior upgrades being proposed to the siding, roof, and windows, as well as interior upgrades to the HVAC system. The upgrades are necessary from a performance and structural perspective, but also improve the aesthetics and serve to modernize the building.

Kate Rhein provided an insight into the design inspirations, describing the intended purpose of certain design elements, meeting rooms, community spaces, and other aspects of the

proposal. She also described the landscaping plan. Elements of the plan provide improvements to accessibility, sustainability, community engagement, and public art.

Commissioner Estey asked about the change in the building’s energy consumption that will occur with the new heating/HVAC system. He recommended that measures be taken to mitigate the energy challenges created by climate change, and strongly supported the future addition of solar to the roof design. Ms. Low commented that the amp usage is remarkably low for a community building of this type.

Commissioner Wilk asked about the administrative process for this project as it relates to the City Council and Director Herlihy provided some information. Jessica Kahn, Public Works Director, described the Council approval process for this project.

Commissioner Estey asked for a cost assessment for this project. Director Kahn commented that the project is not fully funded, but a cost assessment is available for review and there is an estimate that the project is around 50% funded.

Commissioner Jensen asked about the details of the 5-year time frame as described in the staff report and posed additional questions regarding the approval timeline for this process. Finally, he wanted to clarify that this project is separate from the Universally Accessible Playground Project, which includes funding available.

Motion to approve Item 5B: Commissioner Estey

Seconded: Vice Chair Christiansen

Voting Aye: Commissioners, Estey, Jensen, Wilk, Vice Chair Christiansen, and Chair Westman

Conditions of Approval:

1. The project approval consists of a Design Permit for the renovation and repair to the existing Community Center building. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 7, 2023, 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. 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 Water District, and Central Fire Protection District.
5. During 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 if approved by the building official. §9.12.010B
6. This permit shall expire five years 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.

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 Community Center renovation project complies with the development standards of the P/OS (Parks and Open Space) zoning district.

- 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 Community Center renovation. 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 15301d & e of the CEQA Guidelines exempts renovations and minor additions to existing buildings. This project involves renovation of the Community Center within the P/OS (Parks and Open Space) 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 Community Center renovation project will not be detrimental to the public health, safety, or welfare or materially injurious to the properties 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 Community Center renovation project 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 Community Center renovation project. The design of the building renovations and enhancements will fit in nicely with the existing neighborhood. The project will maintain the character, scale, and development pattern of the neighborhood.

6. Director's Report

Director Herlihy provided an update on the next meeting, reminding the Commission that the seats will change next meeting, and a new Chair and Vice Chair will be appointed.

She then provided an update on the Housing Element, stating that the Element has been submitted and we are waiting for comment or certification.

She then described a land-use study being conducted at the Capitola Mall site.

There is one remaining business that is still not open after damage from the Jan 2023 storms, the Bay Bar. They hope to re-open in the coming weeks.

Soon, staff will provide a plan on the 78 deliverables of the Housing Element plan once it's certified. Commissioner Estey asked if money has been set aside to help with consulting on these deliverables.

Finally, she provided an update on the Wharf Enhancement Project, showing a variety of plans, images, and renderings.

7. Commission Communications

Chair Westman asked a question about some of the tree tagging that is seen along Park Ave. Director Kahn commented that trees have been recently tagged related to the Rail Trail, as well as a PG&E project.

8. Adjournment

The meeting was adjourned at 7:08PM to the next regularly scheduled meeting on January 18th, 2024.

City of Capitola

Planning Commission Meeting Minutes

Thursday, January 18, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

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

1. Roll Call and Pledge of Allegiance

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

2. New Business

Commissioner Wilk moved to nominate Courtney Christiansen as Chair. Commissioner Jensen seconded the motion, and the Commission voted unanimously to appoint Courtney Christiansen as Chair of the Capitola Planning Commission.

Susan Westman moved to nominate Gerry Jensen as Vice Chair. Commissioner Wilk seconded the motion, and the Commission voted unanimously to appoint Gerry Jensen as Vice Chair of the Capitola Planning Commission.

3. Additions and Deletions to the Agenda

Associate Planner Sesanto confirmed that one additional material was added to the agenda - one turning radius site plan for Item 6B.

4. Oral Communications

Goran Kelpic, resident of Santa Cruz County, spoke about a vandalism issue he sees at Jade Street Park.

5. Planning Commission/Staff Comments

Commissioner Wilk commended staff for the recent tree giveaway, stating that while he initially opposed the program, it was a smashing success and he's pleased with the outcome. In addition, he commended the tree replacement program.

He commented about the comments and revisions that staff often provide to applicants within their Conditions of Approval. He urged the rest of the Commission to look more closely at the Conditions to see if they are necessary.

Vice Chair Jensen thanked Susan Westman for her work as Chair over the last year. He commented on the recent storm damage on the Capitola Esplanade. He then recommended that the Commission meet to discuss Commissioner Wilk's concern and other procedural matters including the architecture and site committee.

Commissioner Westman recommended that the Commission meet for a workshop soon to discuss this topic.

Director Herlihy commented that the next Planning Commission has no items currently scheduled for the February 1 meeting and this meeting could be a good candidate for this type of discussion.

Commissioner Westman then proposed that the Commission send Director Herlihy their comments directly via email to ensure that these topics are agendaized and discussed sooner rather than later.

6. Public Hearings

A. 605 Escalona Drive

Project Description: Permit #23-0374. Design Permit for first- and second-story additions with a Variance to the side yard setback on an existing single-family residence located within the R-1 (Single-Family Residential) zoning district, at APN: 036-142-12. 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.

Recommended Action: Consider Permit #23-0374 and either approve the application as proposed or provide direction on reducing the rear massing and continue the application to a future meeting.

Planner Sesanto presented the Staff Report.

Commissioner Wilk asked staff to explain the privacy wall requests that they made of the applicant. Associate Planner Sesanto noted the code requires screening, but the code does not specify a height for the screening. Director Herlihy cited the code section. Commissioner Estey and Vice Chair Jensen asked if any additional comments or feedback were received from neighbors.

Chair Christiansen opened the public hearing.

Property owner Frank Mecozzi spoke about his application, the proposed variance, and other details of the project.

Valerie Hart, designer of the project, spoke about the rear massing variance and the timeline of the design, the character of the structure and neighborhood, and other details of the project.

TJ Welch spoke to support the project, stating that he appreciates seeing a family with kids moving into a neighborhood typically inhabited by older people. He believes the issue regarding the variance was created by the City by changing the zoning of the neighborhood in 1979, not due to anything that the applicants have done. He also supported the idea of reinstating the Architectural and Site Review Committee of old.

Chair Christiansen closed the public hearing.

Commissioner Wilk began the Commission comments by stating his concerns regarding the landscape plan. He asked the applicant if they preferred not to modify the landscaping. Mr. Mecozzi stated that he would leave the landscaping alone in the interest of focusing more of his resources on the permitting and construction of the home itself, rather than the landscaping.

Commissioner Westman supported the project but disagreed with Commissioner Wilk's comment about the landscape plan.

Commissioner Estey agrees that the variance is a non-issue, and the applicants shouldn't be penalized by the City's rezoning back in 1979. He also questioned Ms. Hart's decisions related to the rear massing. His main concern is setting a precedent for future projects. There was a discussion between Ms. Hart and Commissioner Estey related to the design choices regarding the massing.

Vice Chair Jensen commented on the privacy screening height increase proposed by staff. There was a discussion between commissioners regarding code and privacy screening exceptions made to prior projects.

Property owner Jennifer Fribourgh commented about the deck screening height, stating she prefers it to be a normal deck and deferred the height decision to the Commission.

Commissioner Wilk supported reducing the privacy screening to 42 inches and deferring the landscape plan until a later date. Vice Chair Jensen asked about permeability and stormwater rules relating to the landscape.

Director Herlihy spoke about the process the city allows for temporary occupancy prior to the landscape installation being complete.

Commissioner Wilk moved to approve the application as recommended by staff with the exception that the required privacy screening does not need to exceed a height of 42 inches. Vice Chair Jensen seconded.

Motion to approve Item 6A with added condition: Commissioner Wilk

Seconded: Vice Chair Jensen

Voting Yea: Commissioner Estey, Wilk, Vice Chair Jensen, Chair Christiansen

Voting No: Commissioner Westman

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. With approval of a Variance for the first-story side setback, the proposed single-family residence complies with the applicable development standards of the R-1 (Single-Family Residential) zoning district.

- 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 a single-family residence. With approval of a Variance for the first-story side setback, the proposed single-family residence will comply with, 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 15301(e)(2) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible no expansion of use, including additions to existing structures that will not result in an increase of more than 10,000 square feet, provided that (A) the project is in an area where all public services and facilities are available to allow for maximum development permissible in the General Plan and; (B) the area in which the project is located is not environmentally sensitive. The project involves additions to a single-family dwelling within the R-1 (Single-Family Residential) zoning district. The development is permissible in the General Plan and the project is not located in an environmentally sensitive area.

- 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 remodel 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 single-family residence 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 single-family residence. The cottage theme maintains the character of the neighborhood, which has a variety of traditional architectural styles. The project complies with height standards for the zone and is similar in scale to nearby developments on Capitola Avenue.

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 605 Escalona Drive. The project will not negatively impact public landmarks and/or public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 605 Escalona Drive. The home 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 a single-family residence and will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves a single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves a single-family residence and will not negatively impact coastal resources.

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

The proposed 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) zoning district.

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 on an existing commercial lot. The proposed project is consistent with the LCP goals for appropriate coastal development and land uses. The residential use is consistent with allowed uses of the R-1 (Single-Family Residential) zoning district.

Variance Findings:

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: 605 Escalona Drive has an angled front lot line which is not common throughout Capitola. Because side setbacks on four-sided lots are calculated as an average between the front and rear lot widths, required side setbacks are slightly larger (about an inch) due to the angle of the front property line.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: The Depot Hill neighborhood was zoned multi-family from the time of the City Incorporating (1949) until 1979. The change to single-family zoning in 1979 altered the development standards, including setbacks, for the entire neighborhood. There are many structures in the Depot Hill neighborhood with non-conforming setbacks due to the 1979 zone change. The granting of a variance would enable the applicant to construct the proposed additions without moving the garage wall half a foot.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: Several properties in the vicinity have substandard side setbacks similar to the condition found on the subject property. The granting of a variance would enable the applicant to construct the proposed additions without requiring removal of an existing nonconforming garage side wall.

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

Staff Analysis: The proposed additions will meet current development standards, including setbacks. Approval of the variance will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property. The garage is located four-feet, five-inches from the side property line, allowing adequate space during an emergency for access around the home.

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: Two properties along the south side of Escalona Drive have substandard setbacks. Substandard side setbacks are more common on the north side of Escalona Drive, where the average lot widths are narrow. Many properties on the north side of the street have non-conforming side setbacks. The variance acknowledges an existing garage side wall and does not constitute a grant of special privilege.

F. The variance will not have adverse impacts on coastal resources.

Staff Analysis: The property will not impact nearby coastal resources.

Conditions of Approval:

1. The project approval consists of the remodel of an existing single-family dwelling. The maximum Floor Area Ratio for the 6,354 square foot property is 48% (3,050 square feet). The total FAR of the project is 45.6% with a total of 2,896 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 18, 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, all Planning fees associated with permit #23-0374 shall be paid in full.
7. 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.
8. 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.
9. 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.
10. 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).
11. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
12. 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.
13. During construction, 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.
14. Prior to issuance of Certificate of Occupancy, 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.

15. 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 any non-compliance in a timely manner may result in permit revocation.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
19. 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.
20. 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. Outdoor lighting fixture specifications shall be included with the plans submitted for building permit plan check.
21. At time of submittal for demolition and/or building permit review, the applicant shall include a demolition work of scope statement and a demolition plan clearly identifying all areas of walls and floors to be demolished. The City may require a letter from a structural engineer. Any modifications to the demolition plans, including modifications to the scope of work, means and methods of demolition/construction, or changes to the framing, windows, or any other exterior elements shall be submitted to the Building Department for review and approval prior to proceeding with demolition and/or construction. In the course of construction, the City may require additional plans as they deem necessary.
22. The required permanent privacy screen for the upper-story deck does not need to exceed 42 inches in height.

B. 417 Capitola Avenue

Project Description: Permit #23-0330 Design Permit to demolish an existing commercial building (Baash) and construct a new single-family dwelling with a Variance request for the floor area ratio, a Minor Modification request for the maximum driveway width, and exception requests to the rear and side setbacks. The project is located within the MU-N (Mixed Use Neighborhood) zoning district, at APN: 035-131-04. The project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.

Recommended Action: Consider Permit #23-0330 and either approve the project as proposed or provide direction on recommended revisions to the design and continue the application to a future meeting.

Chair Christiansen introduced Item 6B, and Director Herlihy explained the conflicts of interest within this item. Chair Christiansen is employed by the applicant, and Commissioners Wilk and Westman live within 500ft of the site. Due to rule of necessity, one of these Commissioners must participate despite the conflicts in order to maintain a quorum. Chair Christiansen and Commissioner Wilk were recused, and Commissioner Westman participated as determined by random drawing of straws.

Associate Planner Sesanto presented the staff report.

Commissioner Estey asked about feedback that was provided by staff before the item was brought to the Commission.

Vice Chair Jensen opened the public hearing.

Dan Townsend, owner and applicant, thanked staff for their work and briefly spoke about the project.

Commissioner Westman described her concern with the Planning Commission dictating the character and the direction of the City, which she sees as being an eclectic mix of residential and commercial buildings with varying designs. She appreciates certain modern redevelopments that have been completed in the City but has a hard time reconciling this project being constructed on this particular site, given all of the constraints due to size, shape, etc.

Commissioner Estey agreed with Commissioner Westman's concerns and initially shared many of the same concerns, but in the end, appreciated the design and believes it will be a nice addition to the City. His main concern is the juxtaposition between this modern design and the old, unattractive design of City Hall across the street.

Vice Chair Jensen discussed his concerns related to variances and creating precedents that are set by approving projects like this. A discussion ensued regarding the character of the City and the direction that City is going, some of which relate back to the City's strategic plan and long-term vision. Commissioner Westman is concerned for a future Capitola Ave that is filled with 3-story flat roof structures that max out their sites and lack character.

Vice Chair Jensen allowed the applicant to respond to these concerns. Mr. Townsend appreciated the comments and explained the process of coming up with creative solutions to difficult design constraints. He clarified that the application is only seeking 1 variance, as well as minor modifications, but overall stressed that Capitola is a mix of designs of varying inspirations and decades. Dan Gomez, co-applicant and owner, commented on the eclectic mix of character within the City, which they want to protect. However, his opinion is that the mix of old and new is what gives communities charm. He provided some rationale for certain features of the design and commented on the effect that these types of projects have on the community.

Commissioner Estey moved approval of the application as presented by Staff. Seconded by Commissioner Westman.

Motion to approve Item 6B: Commissioner Estey

Seconded: Commissioner Westman

Voting Yea: Commissioner Estey, Westman, Vice Chair Jensen

Abstaining: Commissioner Wilk, Chair Christiansen

Design Permit Findings:

- G. 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. With approval of a Variance for the garage floor area, a Minor Modification for the maximum driveway width, and exception requests for the rear and side setbacks, the proposed single-family residence complies with the applicable development standards of the MU-N (Mixed Use Neighborhood) zoning district.

H. 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 a single-family residence. With approval of a Variance for the garage floor area, a Minor Modification for the maximum driveway width, and exception requests for the rear and side setbacks, the proposed single-family residence will comply with, the project complies with all applicable provisions of the zoning code and municipal code.

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

Section 15303(a) of the CEQA Guidelines exempts the construction of small facilities or structures, including a single-family residence in a residential zone, or up to three single-family residences in an urbanized area, and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves a new single-family residence in an urbanized area, located within the MU-N (Mixed Use Neighborhood) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

J. 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 will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

K. 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 single-family residence complies with all applicable design review criteria in Section 17.120.070.

L. 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 single-family residence. The contemporary design maintains the character of the neighborhood, which has a variety of traditional and modern architectural styles. The project complies with height standards for the zone and is similar in scale to nearby developments on Capitola Avenue.

Coastal Development Permit Findings:

I. 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.

J. The project maintains or enhances public views.

The proposed project is located on private property at 417 Capitola Avenue. The project will not negatively impact public landmarks and/or public views.

K. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 417 Capitola Avenue. The home 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.

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

The project involves a single-family residence and will not negatively impact low-cost public recreational access.

M. The project maintains or enhances opportunities for visitors.

The project involves a single-family residence and will not negatively impact visitor serving opportunities.

N. The project maintains or enhances coastal resources.

The project involves a single-family residence and will not negatively impact coastal resources.

O. 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 MU-N (Mixed Use Neighborhood) zoning district.

P. 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 on an existing commercial lot. The proposed project is consistent with the LCP goals for appropriate coastal development and land uses. The residential use is consistent with allowed uses of the MU-N (Mixed Use Neighborhood) zoning district.

Variance Findings:

G. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: The lot is small by Capitola standards, closer to a half-lot in terms of floor area. The property is also irregular in shape with angled front, side, and rear lot lines. The property is also located within a flood zone, which limits new development of habitable space below the base flood elevation. The ground-floor hallway is located below the base flood elevation, and although counted as a part of the heated space and the floor area ratio, is prohibited from being habitable. Although the code exempts up to 250 square feet of garage area for small lots such as 417 Capitola Avenue, the subject property has a larger two-car garage to meet its full parking requirements.

H. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: Numerous properties within the vicinity and/or same zoning district have limited front setbacks but do not provide covered parking or the full amount of required parking. The subject property has limited adequate space for both parking and driveway access. Development standards and design considerations of the MU-N zone also suggest structures should be located along the street frontage with parking areas away from the public view and primary entrances should be oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment. The applicant is seeking a variance to floor area for the enclosed second parking space in an effort to comply with zoning standards and design considerations.

I. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

Staff Analysis: Numerous properties within the vicinity and/or same zoning district have limited front setbacks but do not provide covered parking or the full amount of required parking. The subject property has limited adequate space for both parking and driveway access. Development standards and design considerations of the MU-N zone also emphasize forward massing along the street with parking areas away from the public view. Granting a variance for the floor area enables the subject property to bring the structure massing towards the street, limit open parking area in the front yard, and still meet all parking requirements.

J. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

Staff Analysis: The project involves a single-family residence and will not negatively impact the public, properties, or improvements in the vicinity or in the same zone as the subject property.

K. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

Staff Analysis: There are several R-1 and MU-N zoned properties in the vicinity that exceed the maximum allowed floor area ratio, even after accounting for garage floor area credits due to lot size. Several properties behind the subject property exceed their allowed FAR, including two on Blue Gum Avenue and another on Riverview Avenue. A mixed-use structure at 411 Capitola Avenue also exceeds the maximum allowed FAR.

L. The variance will not have adverse impacts on coastal resources.

Staff Analysis: The property will not impact nearby coastal resources.

Minor Modification Findings:

A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.

Staff Analysis: The proposed 10-foot, seven-inch driveway is compatible with the immediate surroundings and provides a minimum necessary width for a functioning driveway.

B. The modification will not adversely impact neighboring properties or the community at large.

Staff Analysis: The proposed deviation will not reduce offsite parking and will improve vehicle movement and transition to and from the street.

C. The modification is necessary due to unique characteristics of the subject property, structure, or use.

Staff Analysis: The portion of Capitola Avenue is known for small, narrow properties that warrant additional flexibility regarding dimensional standards. Lot limitations along this portion of Capitola Avenue are already acknowledged in the zoning code, which allows reduced setbacks without the approval of a variance or minor modification. Driveway width limitations are directly related to unique lot dimensions and granting a deviation would enhance driveway function and traffic flow.

D. The modification will be consistent with the purpose of the zoning district, the general plan, local coastal program, and any adopted area or neighborhood plan.

Staff Analysis: The proposed minor modification allows for a driveway that is consistent with residential driveways in Capitola.

E. The modification is consistent with the general plan, local coastal program, and any applicable specific plan or area plan adopted by the city council.

Staff Analysis: The modification is consistent with the general plan and local coastal program.

F. The modification will not establish a precedent.

Staff Analysis: A 10-foot, seven-inch wide driveway will not establish a precedent or special privilege. The driveway is comparable to or narrower than many properties along Capitola Avenue that have driveways.

G. The modification will not adversely impact coastal resources.

Staff Analysis: The proposed driveway and minor modification will not impact coastal resources.

Conditions of Approval:

1. The project approval consists of construction of a new 1,700 square-foot single-family dwelling. The maximum Floor Area Ratio for the 1,700 square foot property is 100% (1,700 square feet). The total FAR of the project is 100% with a total of 1,700 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 18, 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, all Planning fees associated with permit #23-0330 shall be paid in full.
7. 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.
8. 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.
9. 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.
10. 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).

11. Applicant shall notify the Public Works Department 24 hours in advance of the commencement of work. A pre-construction inspection must be conducted by the grading official, or appointed staff to verify compliance with the approved erosion and sediment control plan. All BMPs, sediment and erosion control measures shall be installed prior to the start of construction and shall be maintained throughout project duration.
12. 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.
13. 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.
14. 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.
15. Prior to issuance of building permits, submit a utility plan and sidewalk improvement plan that shows the location of utility vaults, proposed curb cut, cross slope, running slope and elevation of the driveway.
16. Prior to issuance of building permits, submit construction plans showing the area to be used for scaffolding etc. during construction of the 2nd and 3rd story to ensure necessary OSHA clearances from power lines are met.
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. At the time of building permit application for construction within the floodplain or floodway, the applicant shall provide a No Rise Study, performed by a licensed engineer, in which verification of the structure’s impact on the floodplain or floodway is provided.
24. Elevation certificates shall be provided at the following stages of construction: 1) prior to building permit issuance; 2) at the time of rough frame inspection; and 3) prior to the finalization of the building permit. The certificates shall be prepared by a licensed engineer or surveyor. The certificate shall document that all residential occupancies are constructed above the Base Flood Elevation (BFE) as per the latest edition of the FEMA Flood Insurance Rate Map.

7. Director's Report

Director Herlihy gave an update regarding the City's website and where new and existing businesses can find information.

She commented on the Tesla Charging Station near the Burger King at 41st Avenue, which is under construction. She explained why the project did not come before the Commission for approval.

She then updated the Commission about the Housing Element, which was not certified by the State after the most recent submission.

She announced that the building permit was issued for the affordable housing project on Capitola Rd.

She also gave an update about the Wharf, stating that an item will be heard by the Commission in March.

There was an update to the Senior Housing project conceptual design proposal at Capitola Rd and Bulb Ave, which will come to the City Council next week.

She finally gave an update on the recent storm in December 2023 stating that 3 residences were affected. She thanked Vice Chair Jensen for coordinating efforts during and in response to this storm.

Commissioner Estey asked for an update regarding the Capitola Mall site review study. He also had a few questions regarding other comments from the HCD in the Housing Element.

Vice Chair Jensen asked for an update on 600 Park Ave, which is now on the market. He then asked about a rumor he heard about a potential application for a new business in the Capitola Mercantile. He asked about a Public Works-related pumping issue in the aftermath of the December storm. He asked about the Planning Commission's role in the City Council's upcoming strategic plan and Director Herlihy provided an update.

Commissioner Westman asked about the State's new law regarding parking spaces near crosswalks.

9. **Adjournment** – *The meeting was adjourned to the next regularly scheduled meeting of the Planning Commission on February 1, 2024, at 6:00 PM.*

Capitola Planning Commission

Agenda Report

Meeting: February 2, 2024

From: Community Development Department

Address: Citywide Zoning Code Update



Project Description: Permit #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code ordinance amendments will impact the development standards and regulations for properties citywide. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal Commission prior to taking effect in the Coastal Zone.

Recommended Action: Provide feedback to staff on zoning discussion items and direct staff to prepare an ordinance to amend Capitola Municipal Code Title 17: Zoning.

Property Owner: Zoning Code amendments apply to properties citywide.

Representative: Katie Herlihy, Community Development Director

Background: In 2020, the City of Capitola adopted a comprehensive Zoning Code Update which was certified by the Coastal Commission in 2021. In late 2022, additional zoning code amendments were adopted to address new topics of interest and resolve ambiguities. The California Coastal Commission certified the amendments in 2023. Since the 2023 certification, City staff has kept a running list of additional zoning standards which required clarification through future amendments, which is included in Attachment 11.

On November 9, 2021, the City Council unanimously adopted the 6th Cycle Housing Element and submitted the element to the State Department of Housing and Community Development (HCD) for Certification. On January 12, 2024, staff received comments from HCD recommending further items be addressed prior to certification (Attachment 12). The HCD letter specifically comments on the need to "commit to establishing heights that encourage redevelopment" and modifications to Chapter 17.88: Incentives for Community Benefits to "remove governmental constraints to the development of housing".

Program 1.7 (Shopping/Commercial Center Redevelopment): While the element now includes actions to evaluate whether the Capitola Mall site redevelopment is achievable, an evaluation should instead evaluate whether redevelopment will occur in the planning period. In addition, as part of establishing land use policies, zoning and development standards, the Program should commit to establishing heights that encourage redevelopment.

An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... (Gov. Code, § 65583, subd. (a)(5).)

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)

Other Locally Adopted Ordinances – Incentives for Community Benefit: While the element now discusses the discretionary process for incentives, it should still evaluate impacts on

housing supply and cost. The analysis should particularly address the impacts on costs for providing community benefits and add or modify programs, as appropriate.

The Housing Element also includes fifteen zoning items that must be addressed during the current cycle. Staff included a list of the required updates as Attachment 13.

On January 18, 2024, the Planning Commission requested a work session be scheduled to discuss sections of the zoning code that repeatedly come up during the review of applications, including second-story decks, opaque windows, landscaping requirements, and massing. The Commission also requested discussion on the role of staff and the design review committee, as well as broader planning topics such as meeting protocol, builder's remedy, upcoming project lists, and historic preservation.

Discussion: During the February 2, 2024, Planning Commission meeting, the work session will focus on three categories, including 1) planning documents and roles, 2) zoning code update topics, and 3) broader planning discussion items. The following list includes all topics requested by Commissioners for discussion and the corresponding sections of the General Plan or Zoning Code. The relative general plan and zoning code sections are included as attachments.

Planning Documents and Roles

1. §17.04 Purpose and Effect of Zoning Code. Relationship between the [General Plan](#), Local Coastal Program, and [Zoning Ordinance](#).
2. §17.108 Administrative Responsibility. Staff's role in the application review process.
3. §17.108 Administrative Responsibility. Design review process and committee makeup.

Zoning Code Topics

4. §17.88: Incentives for Community Benefits

The chapter establishes incentives of additional height and floor area ratio in exchange for community benefits. Mall redevelopment qualifies as a community benefit. The current code incentives include increasing the height from 40 to 50 feet and floor area from 1.5 to 2.0 on the mall site.

The Housing Element identifies 645 housing units on the mall sites, 419 of which are affordable. The City's housing element consultants confirmed the development of 645 units can be accommodated within a height limit of 50 feet and a FAR of 2.0; however, the project may not be economically feasible with 419 of the units required to be affordable. To make the project economically feasible, additional development must be allowed on the site. The mall owner, through public comment letters on the housing element, has expressed a need for a 75 feet limit to make the project feasible. A height limit of 60 - 75 feet could result in 1,000 - 1,300 total units.

The mall owner also requested an exception within the floor area ratio calculation to exclude parking garages. This modification would incentivize onsite parking. At a time when the state is decreasing/removing parking requirements, having incentives for parking in the code will likely assist in the development of onsite parking. The visual impacts of parking garages can be mitigated through objective design standards.

Staff is requesting direction on maximum building height of 75 feet and a FAR exception for garages.

5. §17.16.030.11 Second Story Decks. Revisit objective review standards.
6. §17.20.010 Mixed Use Village. Vision for the village related to massing, aesthetics, heights, and third-story and rooftop decks.
7. §17.72 Landscaping. Relationship to Soquel Creek Water District Landscaping Standards and what is reviewed within a landscape plan.

8. §13.16 Stormwater relative to drainage and permeable surfaces.
9. §17.48.040 Floor Area and §17.120 Design Permits. Discuss building massing and provide a mix of examples.
10. §17.120 Design Permits. Privacy and opaque windows on the second-story.
11. §17.120 Design Permits. Aesthetic guidelines regarding the “character” of Capitola.
12. §17.128 Variance and relationship to California Government Code section 65906.

Broader Planning Topics

13. Discuss Zoom and Oral Communications 30-minute maximum.
14. Builders remedy -- Clarify the implications of the builders' remedy.
15. Upcoming projects being discussed or businesses coming to the community.
16. Historical Districts, their relationship with FEMA, and whether there is still interest in preserving historical districts and/or historic buildings in Capitola.

Next Steps: Staff will schedule a similar work session to introduce additional amendments identified in the Housing element and by staff. Following the two work sessions, an ordinance to amend the zoning code will be drafted in preparation for public input, Planning Commission recommendation, and City Council Adoption.

CEQA: Not Applicable

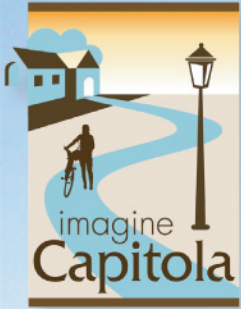
Attachments:

1. General Plan Land Use Element
2. §17.04 Purpose and Effect of Zoning Code.
3. §17.108 Administrative Responsibility.
4. §17.88: Incentives for Community Benefits
5. §17.16.030.11 Second Story Decks
6. §17.20.010 Mixed Use Village
7. §17.72 Landscaping
8. §13.16 Stormwater
9. §17.48.040 Floor Area
10. §17.120 Design Permits
11. §17.128 Variance
12. List of Staff Zoning Code Amendments
13. CA HCD January 12, 2024 Letter
14. List of Housing Element Zoning Code amendments

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Austin Westly, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director



CAPITOLA GENERAL PLAN

Adopted - June 26, 2014
Updated - March 13, 2019



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1

INTRODUCTION

INTRODUCTION

The General Plan provides a vision for the future and establishes a framework for maintaining Capitola’s special identity over the next two to three decades. It establishes goals, policies, and actions that will guide conservation, growth, and enhancement in Capitola over the next 20 to 30 years. This chapter provides an overview of the purpose and contents of the General Plan, as well as a general description of Capitola and the General Plan Update process.

Purpose

In California, General Plans serve as the “blueprint” for all future development in cities. The General Plan provides the fundamental basis for the City’s land use and development policy, and represents the basic community values, ideals, and aspirations to govern a shared environment over the life of the General Plan. The General Plan addresses all aspects of development including land use, environmental management and sustainability, traffic and circulation, housing, parks and recreation, and other topics. The General Plan’s policies are implemented through the Municipal Code, which includes the Zoning Code, Buildings and Construction Code, Subdivision Ordinance, and other City regulations.

California Government Code Section 65300 requires that all jurisdictions adopt a General Plan that is comprehensive, internally consistent, and long-term. Although it is required to address the issues specified by State law, the General Plan is ultimately organized in a way that best suits Capitola. The Plan should be clearly written, available to all those concerned with the community’s development, and easy to administer. This document supersedes the previous General Plan, which was adopted in 1989.

The overall role of the General Plan is to:

- ◆ Define a realistic vision of what the City desires to be in 20 to 30 years.
- ◆ Express policy direction in regard to the physical, social, economic, cultural, and environmental character of the city.
- ◆ Serve as a comprehensive guide for making decisions about land use, mobility, protection of environmental resources, housing, safety, and noise.

- ◆ Provide the legal foundation for zoning, subdivision, and public facilities ordinances; other adopted citywide plans; and compliance with the California Environmental Quality Act (CEQA).
- ◆ Present a clear and easy to understand format that encourages public participation and understanding.

Development and conservation in Capitola's coastal areas is also regulated by Capitola's Local Coastal Program (LCP). All development located in Capitola's coastal zone must be consistent with Capitola's certified LCP in addition to the General Plan.

While this General Plan establishes a 20-30 year planning horizon, it is intended that periodic updates will occur as needed to reflect changing conditions and to keep the General Plan current with state law and the community's visions and values.

Organization and Contents

The General Plan includes this Introduction and five separate elements (with the State-required Safety and Noise elements combined into one element) that establish goals, policies, and actions for each given topic. The elements cover the topics required by California State Government Code Section 65302 as well as topics of particular interest to Capitola.

General Plan Elements

A brief explanation of each General Plan element is provided below:

- ◆ **Land Use Element.** The Land Use Element designates where lands can be developed for specific uses such as residential, commercial, industrial, natural/open spaces, public facilities, and mixed uses. It also provides development regulations for each land use designation and overall land use policies.
- ◆ **Open Space and Conservation Element.** The Open Space and Conservation Element combines two elements required under State law: the Open Space Element and the Conservation Element. It addresses general environmental sustainability and stewardship, climate change and greenhouse gas reduction, air quality, renewable energy sources and energy conservation, biological resources, water quality and conservation, food production, waste reduction, as well as parks and recreation.

- ◆ **Mobility Element.** The Mobility Element specifies the general location and extent of existing and proposed major streets and other transportation facilities. The Element is correlated with the Land Use Element to provide adequate pedestrian, bicycle, motor vehicle, transit, air transportation, and emergency access to serve both new and existing land uses.
- ◆ **Safety and Noise Element.** The Safety and Noise Element provides information about risks in Capitola due to natural and human-made hazards, and contains goals, policies, and actions designed to protect the community and its property from hazards. It specifically addresses risks associated with geologic and seismic hazards, bluff erosion, beach erosion, climate change, flooding and inundation, fire hazards, and hazardous materials. This Element also addresses noise problems, quantifies current and projected noise levels, and establishes noise compatibility guidelines for different land uses.
- ◆ **Economic Development Element.** The Economic Development Element addresses Capitola’s local economy, community identity, and the City’s fiscal health. It identifies economic challenges and opportunities, discusses the green economy, and sets forth policies to promote economic vitality while fulfilling the community’s vision of the City.

The **Housing Element** is provided under separate cover as it is updated more frequently and on a set schedule as required by State law.

Goals, Policies, and Actions

Each element of this General Plan contains background information and a series of goals, policies, and actions. Figure I-1 illustrates that policies and actions are at the same level of importance, and are both intended to support goals. In most cases, goals have both policies and actions. However, it is also possible for a goal to be supported exclusively by policies or actions. The following provides a description of goals, policies, and actions and explains the relationship between them:

- ◆ A **goal** is a description of the general desired result that the City seeks to create through the implementation of its General Plan.
- ◆ A **policy** is a specific statement that regulates activities in the city, guides decision-making, and directs on-going efforts as the City works to achieve a goal. A policy is on-going and requires no further implementation. The General Plan’s

FIGURE I-1 GENERAL PLAN COMPONENTS



policies set out the standards that will be used by City staff, the Planning Commission, and City Council in their review of land development projects and in decision-making about City actions.

- ◆ An **action** is a measure, procedure, or technique intended to help reach a specified goal. The City must take additional steps to implement each action in the General Plan. An action is something that can and will be completed. Taken together, the actions in this General Plan constitute a “to-do list” for the City of Capitola.

These goals, policies, and actions provide guidance to the City on how to direct change and manage its resources over the next 20-30 years.

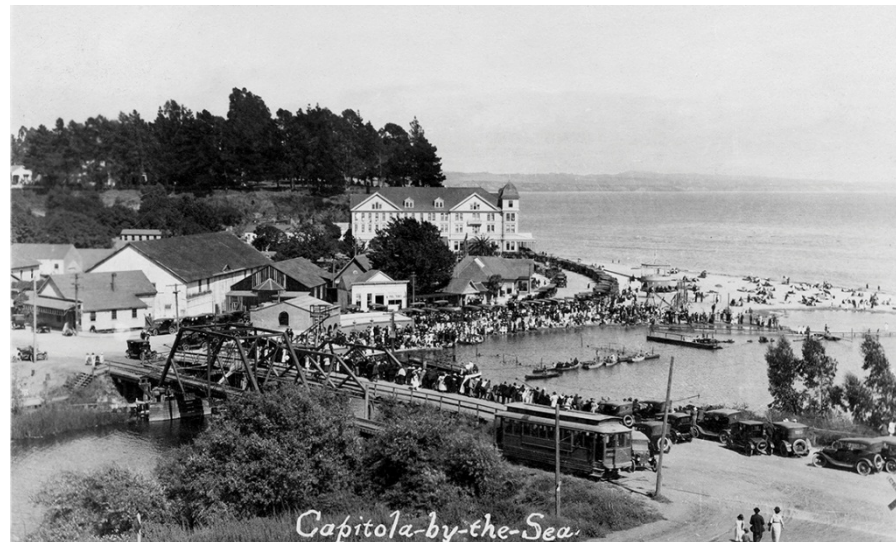
The City and its Planning Area

Capitola is a small coastal community in Santa Cruz County located east of the City of Santa Cruz along Highway 1. With a land area of 1.7 square miles, Capitola is home to a population of around 10,000 residents. Capitola’s regional location is shown in Figure I-2.

Figure I-3 shows Capitola’s city limits and Sphere of Influence (SOI). The SOI is a boundary that typically shows areas that jurisdictions may annex in the future, and for which urban services would be provided. State planning law requires General Plans to include the jurisdiction’s sphere of influence. The SOI boundary also signals to the County and other nearby local and regional authorities that Capitola recognizes that development within this area may have an impact on the future of the city.

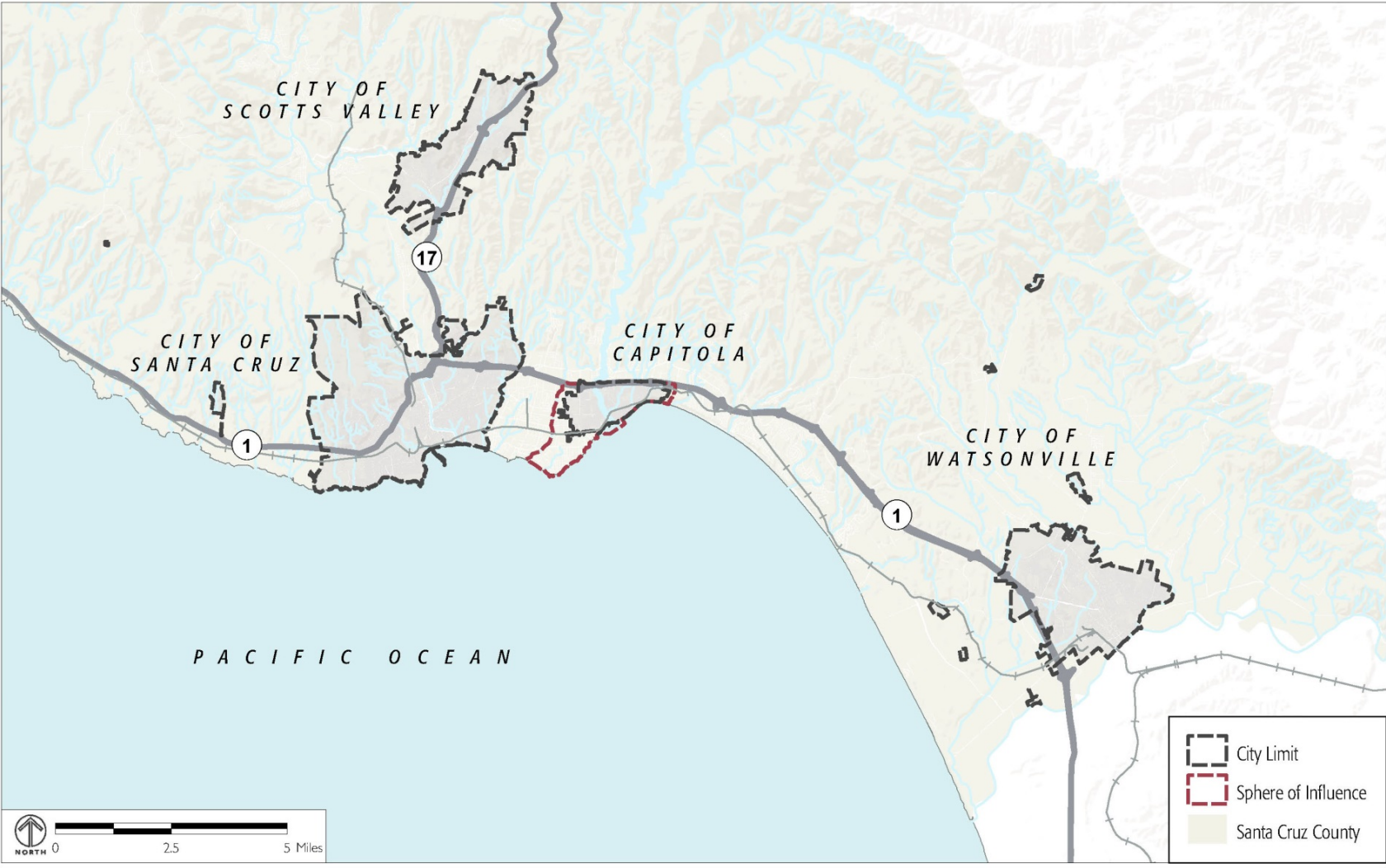
Community Overview

Capitola is a unique coastal community with its own special sense of place. The heart of Capitola is the Village, which features an assortment of single-family and multi-family residences, shops, restaurants, vacation rentals, and recreational amenities. A variety of residential neighborhoods contribute to a distinctive identity



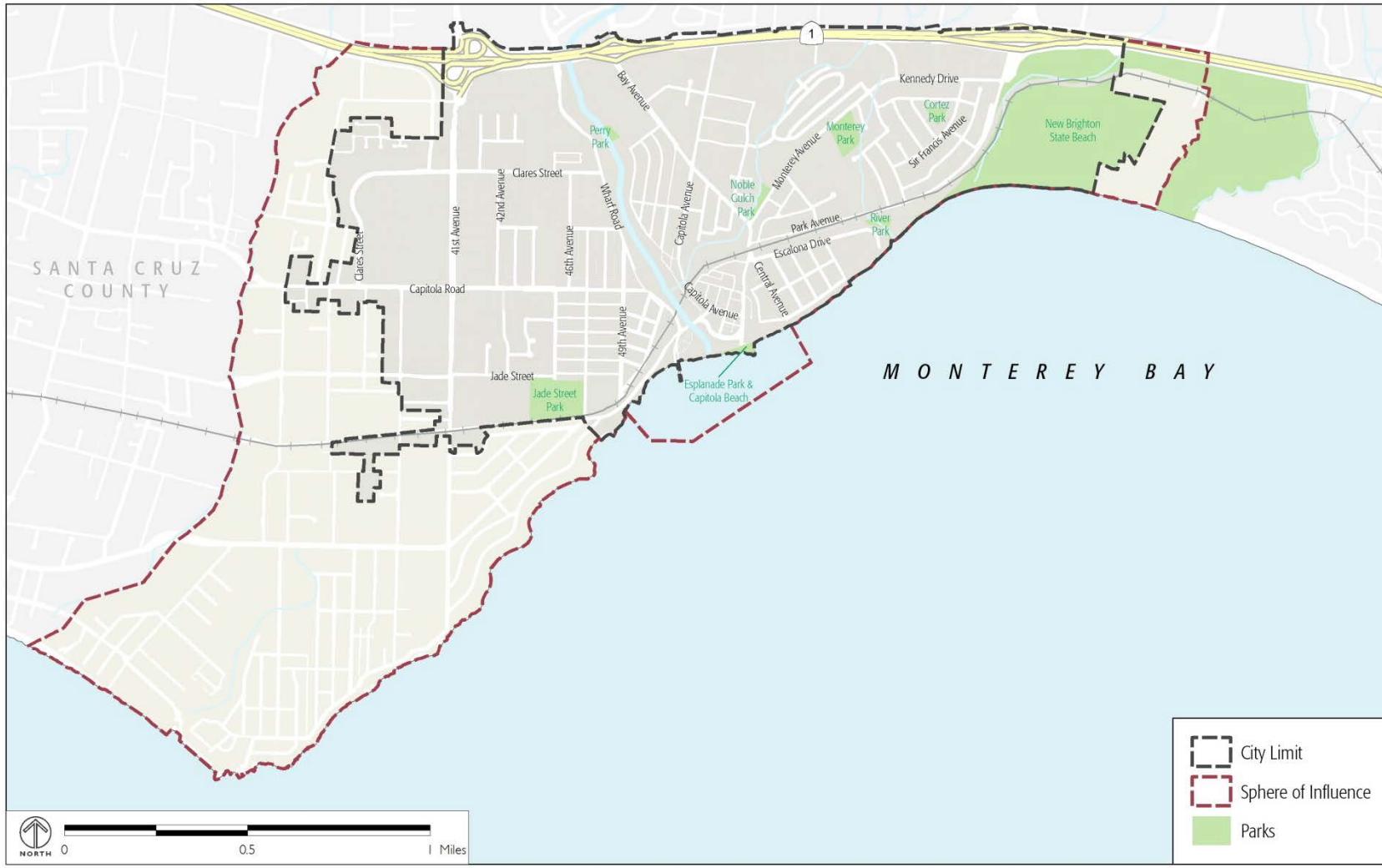
Capitola Village, circa 1920

FIGURE I-2 REGIONAL LOCATION



Source: City of Capitola, 2010.

FIGURE I-3 PLANNING AREAS



Source: City of Capitola, 2010; The Planning Center | DC&E, 2013.

and family-friendly character of the community. Capitola is also home to the Capitola Mall and other region-serving retail establishments along the 41st Avenue corridor. Capitola's rich history, beautiful natural setting, and strong community identity help to create a special place that is highly valued by residents and visitors alike.

Capitola's History

Capitola's rich history provides a foundation to plan for the future. Below is a brief summary of Capitola's history, prepared by former City Historian Carolyn Swift for the General Plan Update.

Pre-History and the Colonial Period

Capitola's earliest history evolved around the wetland at the mouth of Soquel Creek. A tribal unit of about 200 native inhabitants, the Uypi, lived here for thousands of years. The name Soquel derives from these Ohlone people and identifies the range of their settlement along the coast, the creek, and its tributaries. When the Santa Cruz Mission was established in 1791, the Uypi were taken to the mission compound. Their culture persisted, but their traditional home sites were lost.

The territory that defines present-day Capitola was awarded in two Mexican land grants. The 1,473 acre Rancho Arroyo del Rodeo took in the west side of Soquel Creek, including Forty-First Avenue, and was given to Francisco de Sales Rodriguez in 1834. Rancho Soquel, spreading over 1,668 acres, was received in 1833 by Maria Martina Castro Lodge and her husband, Michael.

Early Development

Intelligent and ambitious, Frederick Augustus Hihn (1829-1913) arrived in California from Germany as the Gold Rush began. Settled in Santa Cruz by 1851, he soon owned sizable portions of the Soquel and Arroyo del Rodeo Ranchos. Among his 1856 acquisitions was a two-mile stretch between Borregas Creek and Soquel Creek and another parcel nearby that was part of Rancho Arroyo del Rodeo. This land was to become Capitola.

Construction of the 1857 wharf and the 1876 Santa Cruz-Watsonville Railroad was prompted by Hihn's investments in industry. Freighters made frequent landings at the wharf until the rail line was purchased and improved by Southern Pacific Railroad in 1881. Today, the wharf and trestle border and identify Capitola Village.

As soon as the wagon route to Capitola was linked to a turnpike over the summit in 1858, inland valley residents came to the beach to escape the summer heat. Samuel Alonzo Hall, lessee of the beach flat, recognized an opportunity coming with passenger rail service. Lumber for the trestle was delivered in May 1874, and several weeks later—with Hihn’s approval—Hall opened Camp Capitola. The vacation retreat was named for a heroine in fictional novels by author E.D.E.N. Southworth.

As Capitola profited, Hihn took direct charge of the camp’s development. Lots between Capitola and Cherry Avenues were subdivided in 1882. The first privately owned cottages were typically small, without foundations or plumbing.

Few of these early cottages survive. City and fire officials ordered a majority of them torn down in the early 1960s. The Hihn Superintendent’s Building at the corner of Monterey and Capitola Avenue was spared. Given a foundation and renovated in 1973, it is now listed on the National Register of Historic Places.

Today’s Depot Hill was defined in Hihn’s 1884 subdivision map. German-American families associated with the Turn Verein, a social and athletic club, built a cluster of houses on and near Cliff Avenue. A private family retreat known as the English Cottages was built in 1897 on the eastern end of the tract, between Railroad and Grand Avenues. The resort was renamed El Salto in 1911.

During the 1880s, Hihn invested \$5,000 in village improvements. Vacationers could rent lodgings or stay in the free campground. As Capitola expanded, the tents and older cabins were moved upstream. The tract gradually filled in with private homes and is now listed as the Old Riverview Historic District on the National Register of Historic Places.



The Hotel Capitola and Six Sisters

Above the wharf to the west, Hihn owned property halfway up the ridge, where he had located the railroad and trestle. Hilltop owner Dennis Feeley opened Camp Fairview in 1888. Hihn soon acquired it but added no amenities. The surrounding neighborhood was named the Jewel Box in the 1970s, its title inspired by Opal Cliffs.

Between 1894 and 1904, the 160-room Queen Anne/Colonial Revival-style Hotel Capitola, the Six Sisters duplexes, and similarly styled concessions along the ocean front were built. An electric streetcar line was then completed between Capitola and Santa Cruz, and a modern railroad depot was set at the top of the hill along Park Avenue. The resort reached a high point when Hihn promoted “Capitola by-the-Sea” as a setting for annual conferences. Lawn Way was his last Capitola project in 1911, and is listed in the Six Sisters/Lawn Way National Register Historic District.

Rispin Era

After Hihn’s death in 1913, Capitola was left to a daughter, Katherine Cope Henderson. She sold the resort in 1919 to (Henry) Allen Rispin (1872-1947). Backed by the Capitola Company syndicate of investors, Rispin intended to profit by subdividing and marketing lots on undeveloped tracts. Inside the village, he tore down many older structures and offered others for sale. Hotel Capitola was sold.

The ocean front was modernized with concrete and stucco. In 1920, the Esplanade was paved and curved out onto the beach. The Spanish Colonial Revival-



The Esplanade, Venetian, and Cliff Drive homes



Lawn Way cottages

style Venetian Court was developed in 1924 on the former site of a long-established fishing village at the base of the wharf. Venetian Court is now a National Register Historic District.

As Capitola prospered in the mid-Twenties, land use patterns changed in the surrounding countryside. Upstream on the creek's west side, Rispin had anticipated that his 1921 Spanish Colonial Revival/Mediterranean mansion would inspire construction of similar architectural styles nearby. The borders of the resort bloomed instead with flowers.

West of Capitola along Forty-First Avenue, James Brown became a worldwide producer of the tuberous begonia. The bulb and flower industry spread to neighboring tracts along Forty-First and between Capitola Road and Clares Street. Capitola Mall and Brown Ranch Marketplace now occupy the ranch and farm site.

The 250th Coast Artillery's Camp McQuaide was established in 1926-27 to the east of the resort and along Park Avenue. Adjoining it was an "airdrome" to become the Santa Cruz-Capitola Municipal Airport in 1934.

Overextended financially, Rispin sold the Hihn water system and began to ignore basic public services. The subdivisions of Riverview Terrace and Fanmar Terrace took shape in 1928. Rispin left abruptly in 1929, and another Capitola Company investor, Robert Hays Smith, assumed ownership of his properties. Smith himself was bankrupt within a few years. The Rispin Mansion was sold in 1940. From 1941 to 1959, it was a convent for the Order of Poor Clares. Purchased by the City in 1985, the mansion was scheduled for renovation when it burned in 2009. The building has been sealed and its exterior preserved. It remains listed on the National Register of Historic Places.

Sewer and street repairs, beach and creek pollution, adequate fire and police protection were all critical issues during the Great Depression. Hotel Capitola burned in 1929. An entire block was destroyed between Stockton and San Jose Avenues in 1933. Civic leaders began to discuss the need for municipal services.

After World War II, the Capitola Improvement Club was organized and campaigned for an incorporation election. Capitola became a city in January 1949, by a margin of 54 votes. Just completed, Highway 1 put a physical boundary between the two traditionally close communities of Capitola and Soquel.

Postwar Era

Postwar growth hastened new construction. Closed in 1954, Capitola Airport property was the City's first annexation in 1959, preparing for the Cliffwood Heights subdivision. The 1962 opening of the nearby Cabrillo College campus added pressure for housing. Capitola shifted from a community of retirees and vacation homeowners to students and young families.

In the early Sixties, a clover-leaf was built on Highway 1 and Forty-First Avenue, and the roadway was upgraded. King's Market at the corner of Capitola Road and Forty-First Avenue, built in 1963 by George Ow, Sr., set in motion the expansion of retail business along the improved corridor.

Debating the future of the beach flat and adjoining bluffs, the City Council evaluated benefits of multi-story high rises. Cliff Apartments were built in 1964 on a former City-owned park site at the end of Grand Avenue. That year, Capitola adopted its first general plan.

Panic set in as the City resort then faced the greatest challenge of its history. Santa Cruz Harbor construction created a breakwater that blocked the sand that normally drifted down the coast to replenish the beach. Waves undercut ocean front building foundations, the storm sewer was exposed, and cliff erosion accelerated. Capitola's vacation economy shrank accordingly. A rock jetty built near the eastern bluff finally helped restore the shoreline beach after 1969. It cost more than \$1 million to get the beach back.



The Elephant Train

During the crisis, Council members investigated ways to keep the tourist resort attractive. A 1965 citizen group submitted ideas supporting a “small, intimate family-scale style of buildings” and a “rustic and individual character” rather than a “slick, modernistic style.” One quickly adopted suggestion was to rename the business flat “Capitola Village.”

Before the beach returned, artisans and “long-hairs” settled into empty storefronts and opened businesses with counterculture charisma. By the early Seventies, the young entrepreneurs joined the Chamber of Commerce and took a role in planning and politics.

Capitola’s fortunes improved dramatically as the 1975 General Plan was drafted. In a controversial move, the city annexed 38 acres of the Forty-First Avenue Brown Bulb Ranch property. Sutter Hill Development Company then built a shopping center to be known as the Capitola Mall. Annexation was approved in March 1975, and the mall opened in 1977. Proposition 13 passed in 1976. Capitola benefited as revenue for cities shifted from property taxes to sales taxes.

The Council was able to lower taxes, increase staff, and build a new city hall. Projects over the next fifteen years included a school gym, central parking lot and metering system, a park-and-ride shuttle, Rispin Mansion and wharf purchases, plans for a new library, construction of the Jade Street Park complex, and the start of creek habitat protection.

The Capitola General Plan of 1989 followed two disasters. The 1982 flood and 1983 high tide drew attention to coastal hazards and planning development in the flood plain. Focus was given to historic preservation as builders increasingly applied to remodel or replace the Village’s older structures. An architectural survey was completed in 1987 and three National Register Historic Districts were created.

A \$35 million mall expansion doubled the retail shopping area in 1988. Forty-First Avenue was widened in the shopping district to a six-lane boulevard, attracting new businesses and a number of smaller shopping centers. The opening of the Capitola Auto Center further increased tax revenue base, allowing the city to move with confidence toward the new millennium in 2001.

Today Forty-First Avenue is the most traveled street in Santa Cruz County.



Sabra bar and restaurant

The General Plan Update Process

The process to update the Capitola General Plan began in 2010 and continued through 2014. During this period, a range of public input opportunities occurred to ensure that the updated General Plan reflects the community's vision for Capitola. The following outreach efforts were undertaken to involve Capitola residents and stakeholders in the process.

General Plan Advisory Committee

The General Plan Advisory Committee (GPAC) was comprised of 11 members representing various neighborhood groups, the Planning Commission, and various City committees. The GPAC's charge was to review the progress of key project milestones and provide direction at critical decision points. The GPAC helped to guide the development of the land use alternatives for specific geographic areas, as well as goals, policies, and actions that address the city as a whole. GPAC meetings were open to the public and allowed all interested community members to voice their opinions regarding the content and direction of the General Plan. In total, there were 19 GPAC meetings.

Public Workshops and Stakeholder Work Sessions

The following workshops took place to foster community participation in the General Plan Update process:

- ◆ **Issues and Opportunities.** This was the first formal public outreach event of the General Plan Update, and its goal was to educate Capitola residents about the General Plan Update process and solicit feedback from residents on key issues facing the community. Input from the workshop participants informed the overall vision, guiding principles, and major goals of the General Plan Update.
- ◆ **41st Avenue/Capitola Mall Re-Visioning Plan.** This workshop was focused on the 41st Avenue/Capitola area. Workshop participants provided input on three conceptual alternatives for the mall properties and the future of the corridor as a whole.
- ◆ **Bay Avenue Workshop.** This workshop was focused on the Bay Avenue area from Highway 1 to Capitola Avenue. Workshop participants provide input on key issues and options for this area of Capitola.
- ◆ **Village and Beach Parking Lot/City Hall Area.** This workshop was focused on the City and Beach Parking Lot/City Hall area. Workshop participants provided input about the vision for the future use of the City and Beach Parking Lot/City Hall site.

- ◆ **Draft General Plan Update Review.** This workshop provided the public with the opportunity to review and learn about the draft General Plan, and provide comments for the final draft.

In addition, work sessions were held with focused groups of residents, property owners, and merchants to obtain more detailed input on specific geographic areas within the city.

Environmental Review

The California Environmental Quality Act (CEQA) required the City to evaluate potential environmental impacts that could result from adoption of this General Plan. The results of this evaluation were compiled in a Draft and Final Environmental Impact Report (EIR). Additional technical information related to the General Plan, including traffic analyses, can be found in the EIR. The City Council officially certified the EIR when it adopted the General Plan.

Public Review and Adoption

A public review draft of the General Plan was published in December of 2013. The Planning Commission and City Council held three meetings to review and receive public feedback on the General Plan and its Environmental Impact Report between September and December 2013. The General Plan was ultimately adopted by the City Council on June 26, 2014.

2

GUIDING PRINCIPLES

GUIDING PRINCIPLES

This chapter presents guiding principles for the Capitola General Plan. These guiding principles are a statement of core community values to guide growth, conservation, and enhancement in Capitola through 2035. Guiding principles served as a benchmark for the preparation of the General Plan, and help to define the community's unique identity and key aspirations for the future.

These guiding principles were prepared based on public input from a community workshop on March 3, 2011. At this workshop participants described what they valued most about living in Capitola, and discussed the following questions:

- ◆ How would you describe the essence of Capitola's identity?
- ◆ What do you value most about living in Capitola?
- ◆ How can the City best strengthen, protect, and enhance Capitola's unique character?
- ◆ Are there any threats to Capitola's character and quality of life? How might the City address these threats?
- ◆ What is your overall vision for Capitola over the next 10 to 20 years?

Following the community workshop, the General Plan Advisory Committee (GPAC) crafted a set of General Plan guiding principles. These guiding principles were based on workshop input as well as GPAC members' sense of the unique values and aspirations of the community. After several rounds of revision, a final set of guiding principles were endorsed by the GPAC at a meeting on June 22, 2011.

Capitola General Plan Guiding Principles

- ◆ **Community Identity.** Preserve and enhance Capitola’s intimate small-town feel and coastal village charm. Ensure that all areas of Capitola, not just the Village, possess a unique, memorable, and high-quality identity. Promote Capitola’s reputation as a community that is sustainable, historic, welcoming, and family-friendly.
- ◆ **Community Connections.** Provide year-round opportunities for residents of all ages to meet and gather in public places. Enhance the ability for residents to engage in civic life. Ensure that all neighborhoods enjoy access to high quality community events, services, and amenities that foster community connections.
- ◆ **Neighborhoods and Housing.** Protect and enhance the quality of life within residential neighborhoods. Strive for neighborhood improvements that foster identity and build stability, inclusiveness, and interaction. Minimize impacts to neighborhoods—such as noise, cut-through traffic, and overflow parking. Ensure that infill development and neighborhood improvements are designed with careful attention to scale, minimized impacts, and community benefits
- ◆ **Environmental Resources.** Embrace environmental sustainability as a foundation for Capitola’s way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola’s unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.
- ◆ **Economy.** Support a local economy that is vibrant, diverse, and dynamic. Create a brand identity for Capitola that is grounded in the city’s unique identity. Support all local businesses, “green” businesses, and employers that provide jobs for Capitola residents.
- ◆ **Fiscal Responsibility.** Practice fiscally responsible municipal decision making to avoid shifting today’s costs to future generations.
- ◆ **Mobility.** Provide a balanced transportation system that accommodates the needs of automobiles, pedestrians, and bicycles. Reduce dependence on the automobile with a complete network of sidewalks, trails, and pathways, and support development patterns that encourage the use of public transportation. Promote transportation options that are safe and convenient for all residents, including youth, seniors, and persons with disabilities.
- ◆ **Health and Safety.** Promote a safe and healthy community for people of all ages. Ensure that residents, businesses, and visitors are protected from natural and man-made disasters. Continue to provide excellent public services that support the public well-being while enhancing a sense of community.



3

LAND USE

INTRODUCTION

The Land Use Element establishes core policies to guide land use and development in Capitola. It identifies permitted land uses within the city and the allowed intensity of new development. The Land Use Element also describes the desired form and character of development, and how land uses can best preserve and enhance Capitola's unique sense of place.

The Land Use Element describes a pattern of development in Capitola consistent with the General Plan Guiding Principles found in Chapter 2. The Element provides a roadmap for growth, conservation, and enhancement in Capitola consistent with basic community values. Like all elements in this General Plan, the Land Use Element is guided by the principle of sustainable development. The Land Use Element supports a pattern of development that protects natural resources, supports economic development, and promotes access to opportunity for all residents.

The Land Use Element is divided into three sections, which cover:

- ◆ **Land Use Background.** This section provides background information about existing land use patterns, historic resources, natural spaces, and parks and recreation, topics addressed in this element.
- ◆ **Land Use Map and Designations.** This section presents the citywide land use map and describes the land use designations that apply in Capitola. Land use designations identify the permitted land uses and intensity of development allowed in all areas of the city.
- ◆ **Goals, Policies, and Actions.** This section presents the goals, policies, and actions to guide land use and development in Capitola.

BACKGROUND INFORMATION

Existing Land Use

Within a small area of 1.7 square miles, Capitola contains a diversity of land uses. As shown in Table LU-1, over half of Capitola is occupied by residential uses. Single-family detached units make up 36 percent of the City’s housing stock. The remaining 64 percent of the City’s housing stock is comprised of apartments, condominium projects, and mobile home parks. There are more renter households than owner households in Capitola. Commercial and industrial uses occupy 21 percent of the city, primarily located along the 41st Avenue corridor. Open space and recreational uses, including New Brighton State Park and Capitola Beach, occupy 14 percent of the city.

TABLE LU-1 EXISTING LAND USE

| | Acres | Percent |
|-----------------------------|------------|---------|
| Residential | 442 | 52% |
| Commercial and Industrial | 176 | 21% |
| Open Space and Recreational | 118 | 14% |
| Other | 109 | 13% |
| Total | 845 | |

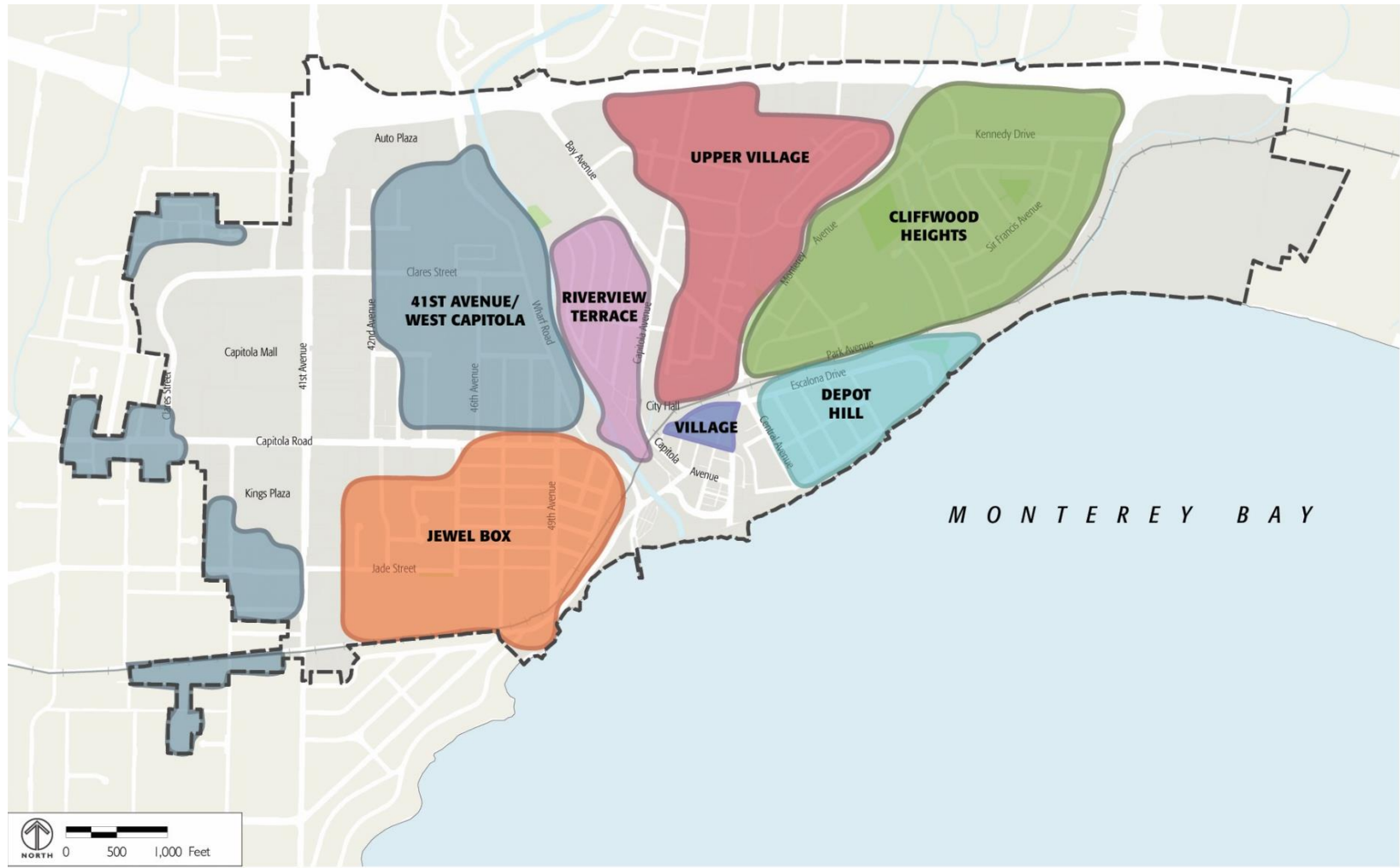
Source: Santa Cruz County Assessor, 2010.

Residential Neighborhoods

Residential uses in Capitola are grouped together in neighborhoods, each with their own special character. The general boundaries of these neighborhoods are shown in Figure LU-1. Each neighborhood has a unique identity defined by its history, design character, land use mix, and natural setting.

- ◆ **41st Avenue/West Capitola.** The 41st Avenue/West Capitola neighborhood is comprised of an assortment of detached single-family homes, multi-family housing, and three mobile home parks. The area is known by some as the “North Forties” and includes the Trotter Street area. Housing constructed in the 1970s and 1980s creates a more modern feel to the neighborhood. The Rispin property, the Shadowbrook property, and the Capitola Library are located along the eastern edge of the neighborhood.

FIGURE LU-1 RESIDENTIAL NEIGHBORHOODS



Source: City of Capitola, 2010.

*Neighborhood boundaries are approximate.

- ◆ **Cliffwood Heights.** The Cliffwood Heights neighborhood consists primarily of detached single-family homes as well as multi-family housing on Monterey Avenue and Park Avenue. Homes are typically one or two stories occupying relatively large lots. Wider streets with sidewalks and newer homes contribute to a more contemporary feel to the neighborhood. Monterey Park, Cortez Park, and New Brighton Middle School are also located within the Cliffwood Heights neighborhood.
- ◆ **Depot Hill.** The Depot Hill neighborhood is nestled along Capitola's shoreline and overlooks Capitola Village. Detached single-family homes on relatively small lots create an intimate feel. A high concentration of historic single-family homes, a variety of architectural styles, and a sidewalk exemption allowance contributes to the neighborhood's coastal village feel. The Inn at Depot Hill and Monarch Cove Inn (formerly El Salto Resort) are located in the Depot Hill neighborhood.
- ◆ **Jewel Box.** The Jewel Box neighborhood is tucked in the northerly cliff, bounded by the Prospect bluff overlooking the Wharf and Village, located south of Capitola Road and east of 41st Avenue. East of 45th Avenue detached single-family homes occupy quaint lots. Vintage beach cottages and bungalows contribute to a coastal village feel in this community. Multi-family condominiums line the west side of 45th Avenue, with lawns between buildings. The Jewel Box neighborhood includes the West Cliff neighborhood and also contains two mobile home parks, the 10-acre Jade Street Park, School, and Community Center, and a few commercial establishments along Capitola Road.
- ◆ **Riverview Terrace.** The Riverview Terrace neighborhood is bordered by Soquel Creek, Capitola Avenue, Bay Avenue, and Center Street. The neighborhood contains a high concentration of historic homes, including many smaller cottages and bungalows. Many homes occupy small lots, with minimal setbacks and structures in close proximity to one another and the street. Narrow streets with on-street parking and no sidewalk contribute to a compact and intimate feel.



Residences in the Depot Hill (top) and Jewel Box (bottom) neighborhoods

- ◆ **Upper Village.** The Upper Village neighborhood contains a variety of housing types, including single-family homes, multi-family apartment complexes, and three mobile home parks. In many cases these different land uses are adjacent to or facing one another. Homes located closer to the Village tend to have a more historic and intimate character than those located closer to Highway 1.

Capitola Village

Capitola Village is the “heart” of Capitola and possesses the charm of an intimate coastal village. The Village is a true mixed-use district with a diversity of visitor-serving commercial establishments, public amenities, and residential uses. During the summer months, the Village is a popular tourist destination. Visitors are attracted by Capitola Beach, unique accommodations, and the historic village character. Village residents enjoy these amenities year round. The Village is pedestrian friendly, with human-scale architecture and a diversity of public gathering places. Capitola Village contains a high concentration of landmark destinations such as the Esplanade Park, Capitola Beach, the Six Sisters, the Venetian, and the historic Capitola Wharf.



Capitola Village

Mixed-Use and Commercial Districts

Beyond the Village, commercial areas in Capitola are focused around a number of mixed-use and commercial districts as shown in Figure LU-2. These districts vary widely in terms of their function, mix of uses, and general character. Some of these districts are primarily resident serving (Capitola Avenue, Bay Avenue), while others are more region serving (41st Avenue north of Capitola Road). All of these districts contribute to the economic vitality of Capitola and contribute to the community’s unique sense of place.

- ◆ **41st Avenue/Capitola Mall.** The 41st Avenue/Capitola Mall commercial district north of Capitola Road contains a number of region-serving shopping centers, including the Capitola Mall and Kings Plaza shopping center. Other land uses include the Brown Ranch Shopping Center, the Auto Plaza at the northern end of the corridor, the Whole Foods Market, the New Leaf Community Market, and a variety of other retail, office, and

FIGURE LU-2 MIXED-USE AND COMMERCIAL DISTRICTS



Source: City of Capitola, 2010.

*District boundaries are approximate.

service establishments. South of Capitola Road, 41st Avenue transitions to a smaller scale neighborhood serving commercial district which is beach-oriented and reflective of its proximity to the ocean. This corridor features the Fairfield Inn and Best Western hotels and is home to the O’Neill surf shop.

- ◆ **Bay Avenue.** The Bay Avenue area is a neighborhood-serving commercial district with stores and services for Capitola residents and some regional shopping destinations. Land uses include the recently renovated Nob Hill shopping center, a large vacant parcel north of the Nob Hill shopping center, the Capitola Plaza shopping center, the Quality Inn hotel, and Gayle’s Bakery.
- ◆ **Capitola Avenue.** The Capitola Avenue mixed-use district is characterized by an eclectic assortment of small-scale offices, personal services, retail, multi-family housing, a mobile home park, and single-family homes. The Capitola City Hall, police station, fire station, and historic museum border the Village at the southern end of this district.
- ◆ **Kennedy Drive.** The Kennedy Drive industrial district is occupied by light industrial and service establishments and the City corporation yard.

Public Facilities

Public facilities, such as schools, libraries, and emergency service facilities, are an important part of Capitola’s land use pattern. The location of key public facilities is shown in Figure LU-3. These facilities serve Capitola residents, visitors, and workers within the community.

Parks and Recreation

As shown in Table LU-2, there are eight City parks in Capitola, totaling over 18 acres. Eight of these parks are smaller neighborhood parks, and one park (Jade Street) is a larger park with a community center intended to serve the entire community. Although not a City park, New Brighton State Beach is



Mobile Home Park (top) and the Capitola Library (bottom)

also located within Capitola. The Soquel Union Elementary School District (SUESD), which owns the Jade Street park property, intends to construct a new elementary school on a portion of the Jade Street park property. Table LU-2 generally describes the amenities provided at each park. The location of these parks is shown in Figure LU-3.

TABLE LU-2 EXISTING PARKS

| Name | Size | Type | Amenities |
|----------------------------|------------------|---------------------------|---|
| Cortez Park | 1.1 acres | Neighborhood Park | Open field and playground equipment |
| Esplanade Park | 1.2 acres | Neighborhood Park | Oceanfront seating and grassy field |
| Jade Street Park* | 9.9 acres | Community Center and Park | Community center, open field, and athletics fields, tennis courts, playground equipment |
| McGregor Park | 1 acre | Community Park | Bicycle, skateboard, and dog run amenities |
| Monterey Park | 4.0 acres | Neighborhood Park | Baseball diamond and athletic fields |
| New Brighton State Beach** | 86.5 acres | State Park | Picnic areas, camping, and trails |
| Noble Gulch Park | 1.3 acres | Neighborhood Park | Open field and picnic tables |
| Peery Park | 0.8 acres | Neighborhood Park | Soquel Creek wooded area |
| Rispin Park | 5.7 acres | Neighborhood Park | Bocci ball court, sundial table, amphitheater, and gardens |
| Stockton Bridge Park | 2,500 sq. ft. | Neighborhood Park | Walking trail, bench, interpretive signage |
| Total | 111 acres | | |

* Property owned by SUESD.

**State park area within Capitola city limit

Source: City of Capitola, 2011.

FIGURE LU-3 PUBLIC FACILITIES AND PARKS



Source: Santa Cruz County and RBF Consulting, 2011.

Historic Resources

Historic and potentially historic resources in Capitola are described in detail in the Capitola Historic Context Statement and Architectural Survey. Preservation and enhancement of these resources is an important goal for the City of Capitola.

A significant number of historic places and structures contribute to Capitola's unique identity and coastal village charm. Many of these structures are commercial and visitor-serving buildings located in the central Village, such as the historic Superintendent's Building. Capitola also has many historic homes in residential neighborhoods, and even historically significant public infrastructure such as the Trestle and Stockton Bridge, and historic Capitola Wharf. Preservation of these resources is essential to retain Capitola's community character and historical context. Preservation of historically significant resources promotes tourism, enhances property values, and defines a community's sense of place.



Historic trestle crossing Capitola Avenue

Many of the officially designated historic structures are located in four National Register Historic Districts:

- ◆ **Old Riverview Historic District.** This district is located along the Soquel Creek just north of the Stockton Bridge and contains cottages adjacent to the Creek and the Riverview Pathway. The District includes houses on both sides of Riverview Avenue from Stockton Avenue to Bluegum Avenue.
- ◆ **Rispin Historic District.** The Rispin property is located along Wharf Road and Soquel Creek. The historic Rispin Mansion, currently vacant, is located within this district.
- ◆ **Six Sisters and Lawn Way Historic District.** The Six Sisters duplexes located on the Esplanade in the Village were originally built in 1903 and provide vacationers with oceanfront rental housing. The Lawn Way subdivision, located in the village center, was completed in 1911 and today features a high concentration of historic structures.

- ◆ **Venetian Court Historic District.** Located at the juncture of the Soquel Creek and the Capitola Beach, the Venetian Court was built in 1924 and consists of 24 residential units and a 19-unit hotel.

There are a number of designated historic structures in Capitola. Designated historic structures are historic structures that are listed or eligible for listing on the National Register of Historic Places, the California Historic Resources Inventory, or the Capitola Register of Historic Features. The majority of designated historic structures are located in the Village or along the Soquel Creek immediately north of the Trestle. Past surveys also have found many additional potential historic structures in Capitola. Many of these structures are concentrated in the Village and the Depot Hill neighborhood, in addition to structures found in the Jewel Box and Upper Village neighborhoods.



Rispin Mansion, circa 1936



Capitola Hotel and the Six Sisters, circa 1904

Land Use Map and Designations

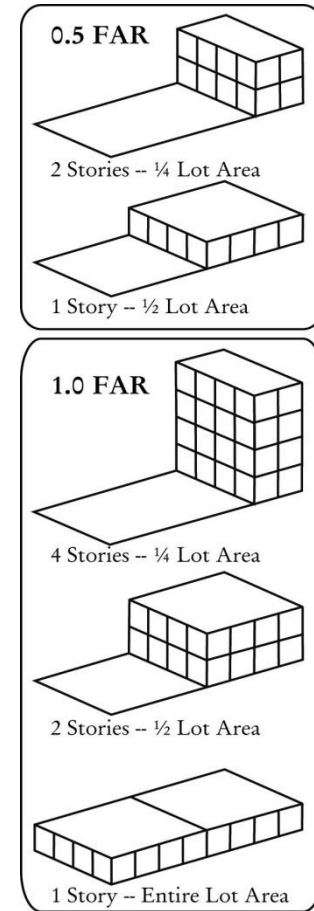
This section outlines land use designations for land within city limits, as shown in Figure LU-4. All new development in the city must conform to these designations.

This General Plan defines various land use designations by their allowable uses and maximum densities and intensities. The land use designations in the Land Use Element establish a range of densities and intensities of use in order to provide flexibility for development while still maintaining Capitola’s existing character. The development levels listed here do not create entitlements to a specific number of dwelling units or amount of floor area. Densities on individual parcels may be lower due to site constraints or other City regulations such as minimum lot sizes as specified in the zoning code.

In this General Plan, standards of building intensity for residential uses are stated as the allowable range of dwelling units per gross acre; this means that the number of allowable units on a parcel can be calculated by multiplying the total number of acres by the allowable density. The zoning code also establishes maximum floor area ratios for residential uses.

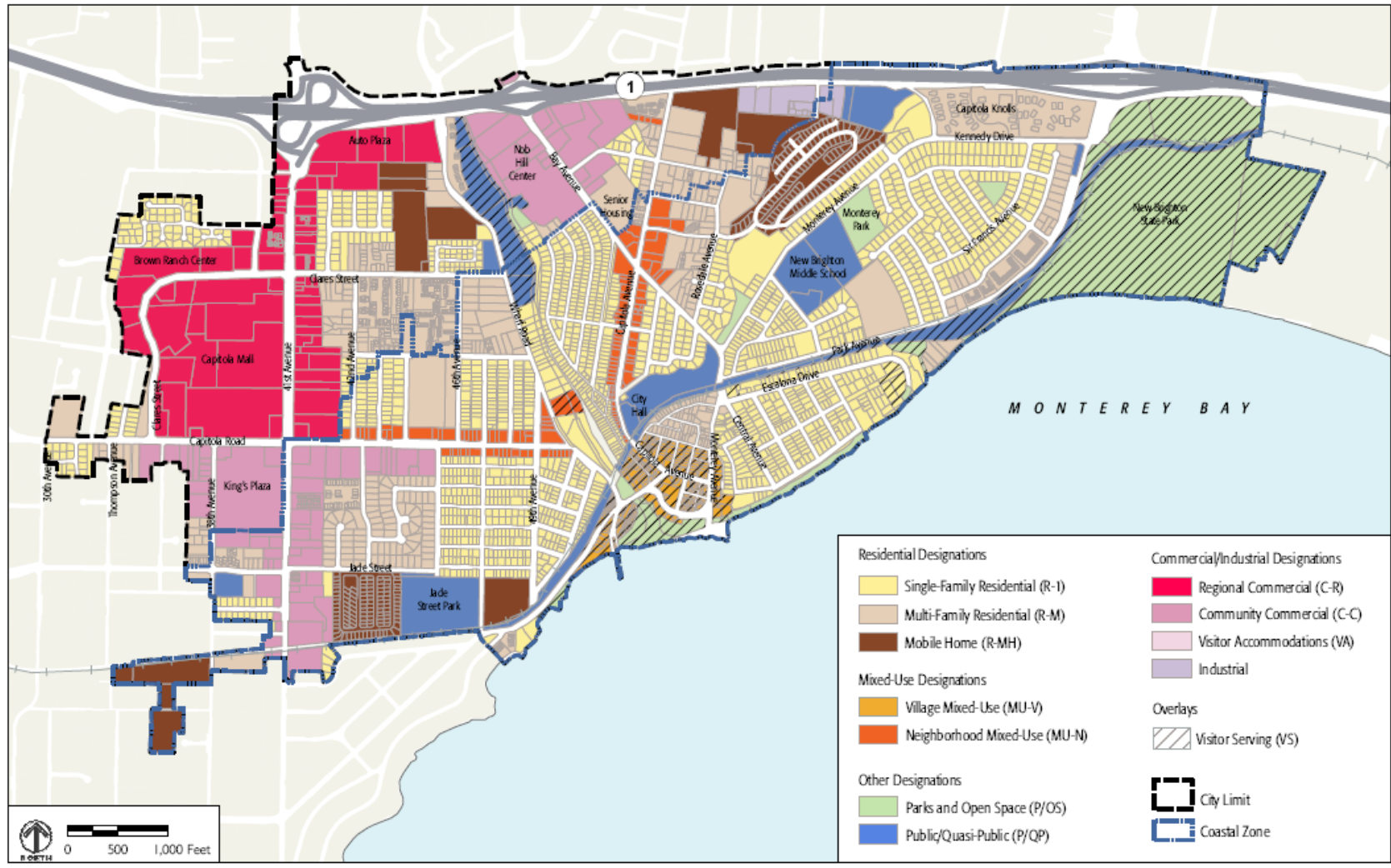
Standards of building intensity for non-residential uses are stated as maximum floor-area ratio (FAR) based on gross acreage. FAR is a ratio of the gross building square footage permitted on a lot to the gross square footage of the lot. Generally, FAR decreases as lot size increases. For example, on a site with 10,000 square feet of land area, a FAR of 1.0 will allow 10,000 gross square feet of building floor area to be built. On the same site, a FAR of 2.0 would allow 20,000 square feet of floor area. This could take the form of a two-story building with 100 percent lot coverage, or a four-story building with 50 percent lot coverage. A FAR of 0.4 would allow 4,000 square feet of floor area.

Residential uses in commercial and mixed-use land use designations shall be subject to FAR limitations. General Plan density limits shall not apply to residential uses in commercial or mixed-use land use designations.



Examples of floor-area ratio (FAR) calculation. FAR does not regulate building placement or form, only the spatial relationship between building size and lot size.

FIGURE LU-4 LAND USE MAP



Source: City of Capitola, 2018.

GENERAL PLAN LAND USE MAP
ADOPTED MARCH 14, 2019

Maximum FAR's for a land use designation are an absolute ceiling, not an entitlement. Other controls in the zoning code, such as maximum permitted height, building coverage, and parking, also limit building intensity. Variances for FAR limits established by the General Plan are not permitted.

The goals, policies, and actions contained in this Element provide direction on how the various land use designations should be developed to contribute to the overall character of Capitola. Allowed uses are generally characterized within each land use designation description of this General Plan. Additional use types may be permitted as specified by the zoning ordinance.

Residential Designations

- ◆ **Single-Family Residential (R-1).** The R-1 designation applies to residential neighborhoods primarily characterized by detached single-family homes. Permitted land uses include single-family homes and public facilities such as schools, religious institutions, parks, and other community facilities appropriate within a residential neighborhood. The maximum permitted residential density in the R-1 designation is 10 dwelling units per acre.¹
- ◆ **Multi-Family Residential (RM).** The RM designation applies to areas primarily intended for multi-family residential development. All residential uses are permitted in the RM designation, including single-family homes, duplex homes, townhomes, and multi-family structures. Public facilities, such as schools, religious institutions, parks, and other community facilities appropriate within a multi-family residential setting are also permitted. The maximum permitted residential density in the RM designation is between 10 and 20 dwelling units per acre depending upon the zoning classification (RM-L at 10 du/ac, RM-M at 15 du/ac, and RM-H at 20 du/ac maximums).



Jewel Box homes in the R-1 designation (top) and Fanmar Way homes in the RM designation (bottom)

¹ Maximum densities prescribed by the General Plan are not entitlements and may not be realized due to other development regulations, including but not limited to, minimum lot size, setbacks, height, and parking requirements.

- ◆ **Mobile Home Park (MH).** The MH designation provides areas for use as mobile home parks, a valuable source of affordable housing for Capitola residents. Mobile home coaches and other land uses typically associated with mobile home parks are permitted within the MH designation. A maximum of 20 mobile homes per acre are permitted in the MH designation.

Mixed-Use Designations

- ◆ **Village Mixed-Use (MU-V).** The MU-V designation applies to the central Capitola Village area and supports a vibrant pedestrian-friendly environment that is the heart of Capitola. A fine-grain mixture of commercial, residential, visitor-serving, recreational, and public uses are permitted in the MU-V designation. The maximum permitted FAR in the MU-V designation is 2.0, with an FAR of 3.0 permitted for a hotel if special criteria are met as established in Action LU-7.3.
- ◆ **Neighborhood Mixed-Use (MU-N).** The MU-N designation applies to pedestrian-oriented mixed-use areas with an emphasis on resident-serving stores and services. Permitted uses in the MU-N designation include single-family homes, multi-family developments, retail, personal services, community facilities, and other uses compatible with an eclectic neighborhood-oriented mixed-use district. The maximum permitted FAR in the MU-N designation is 1.0.

Commercial and Industrial Designations

- ◆ **Regional Commercial (C-R).** The C-R designation provides an area for general retail and services for Capitola residents and regional visitors. Permitted land uses include shopping malls, auto sales, general retail, personal and business services, restaurants, offices, similar commercial uses, and mixed-use residential projects. The maximum permitted FAR in the C-R designation is 1.5, with an FAR of 2.0 permitted if special criteria are met as established in Action LU-9.3.



Capitola Village in the MU-V designation (top) and Capitola Produce in the C-C designation (bottom)

- ◆ **Community Commercial (C-C).** The C-C designation provides an area for commercial uses primarily serving Capitola residents. Permitted land uses include general retail, personal services, restaurants, offices, and multi-family housing as part of a mixed-use project. The maximum permitted FAR in the C-C designation is 1.0, with an FAR of 2.0 permitted if special criteria are met as established in Action LU-9.3.
- ◆ **Industrial (I).** The I designation provides an area in Capitola for light industrial and other employment uses. Permitted land uses include manufacturing facilities, vehicle repair, research and development laboratories, administrative offices, warehouses, and homeless shelters. The maximum permitted FAR in the I designation is 0.5.

Other Designations

- ◆ **Parks and Open Space (P/OS).** The P/OS designation applies to public natural space, parks, and open space intended for recreational use and/or natural resource preservation. Parks, playgrounds, trails, recreational facilities, visitor centers, and other similar uses are permitted in the P/OS designation. There is no maximum permitted FAR in the P/OS designation.
- ◆ **Public/Quasi-Public Facility (P/QP).** The P/QP designation provides areas for public and community facilities serving Capitola residents and visitors. Permitted land uses in the P/QP designation include governmental offices, police and fire stations, community centers, schools, libraries, churches, and other similar uses. There is no maximum permitted FAR in the P/QP designation.



Capitola Historical Museum in the P/QP designation (top) and a Kennedy Drive building in the I designation (bottom)

Overlay Designations

- ◆ **Visitor Serving (-VS).** The -VS overlay designation applies to areas where additional visitor-serving uses are permitted in addition to the land uses permitted by the base designation. Additional visitor-serving uses permitted in the -VS designation include hotels, motels, hostels, bed and breakfast lodgings, campgrounds, resorts, and ancillary visitor-serving food and service establishments. The maximum permitted development intensity within the -VS overlay designation is determined by the applicable base designation.

GOALS, POLICIES, AND ACTIONS

COMMUNITYWIDE

Goal LU-1 Maintain and enhance Capitola's distinctive identity and unique sense of place.

Policies

- Policy LU-1.1 Community Character.** Ensure that historic and cultural resources are maintained and that all new development enhances Capitola's neighborly feel, coastal village charm, and welcoming character.
- Policy LU-1.2 Design Quality.** Require all new development to feature high quality design that enhances the visual character of the community.
- Policy LU-1.3 Compatible Development.** Ensure that all new development is compatible with neighboring land uses and development.
- Policy LU-1.4 Community Involvement.** Encourage land uses that promote civic engagement, community interaction, and a sense of pride in Capitola.
- Policy LU-1.5 Inclusiveness.** Provide for a mixture of land uses that cater to the needs of people of all ages, backgrounds, and abilities.



Capitola's coastal village charm draws residents and visitors

Policy LU-1.6 **Balanced Community.** Ensure that land use decisions balance the needs, interests, and concerns of Capitola’s residents, visitors, and workers.

Policy LU-1.7 **Economic Viability.** Ensure that land use patterns and new development enhance Capitola’s long-term economic viability and promotes sustainable (green) businesses.

Policy LU-1.8 **Public Involvement.** Encourage project applicants to consult with neighbors early in the project application review and approval process.

Actions

Action LU-1.1 **Design Guidelines.** Develop commercial and residential design guidelines that preserve Capitola as a unique coastal community and allow for development that will enhance the long-term economic viability of all of Capitola. Design Guidelines will address topics such as:

- ◆ Unique characteristics and identity of specific residential neighborhoods.
- ◆ Transitions between residential and non-residential land uses.
- ◆ Sustainable building techniques.
- ◆ Pedestrian-friendly commercial and mixed-use building design.

Action LU-1.2 **Kennedy Drive.** Require new development projects in the Kennedy Drive industrial area to make physical improvements that enhance the visual qualities of the area.

Goal LU-2 **Preserve historic and cultural resources in Capitola.**

Policies

Policy LU-2.1 **Historic Structures.** Encourage the preservation, restoration, rehabilitation, maintenance, and adaptive reuse of important historic structures in Capitola.

Policy LU-2.2 Modification Standards. Use the U.S. Secretary of the Interior’s Standards for the Treatment of Historic Properties as a guide for exterior modifications to identified historic resources.

Policy LU-2.3 Preservation Incentives. Promote the maintenance, restoration, and rehabilitation of historical resources through the use of Federal Rehabilitation Tax Credits, State incentives including the Mills Act and the California Cultural and Historical Endowment, and the California State Historical Building Code and other incentives as they arise.

Policy LU-2.4 Public Awareness. Work with the Capitola Museum Curator to encourage public education and awareness of Capitola’s history and historical and cultural resources through public outreach, promotional materials, and other similar initiatives.

Actions

Action LU-2.1 Historic Structures List. Make regular updates to the City of Capitola Historic Structures List as new information becomes available, for example, during project review or if historic research yields additional information

Action LU-2.2 Public Outreach. Continue to work with schools, public agencies, and community organizations through contacts with Capitola Historical Museum Curator and the museum archives.

Action LU-2.3 Historic Preservation Guidelines. Develop Historic Preservation Guidelines to enhance and protect Capitola’s historic resources. Guidelines will clarify:

- ◆ Process and criteria to determine the historic significance of properties.
- ◆ Permits and approvals needed to make modifications to identified historic resources.
- ◆ Design standards and guidelines for modifications to a historic resource



Home on Depot Hill that contributes to Capitola’s identity as a quaint coastal village

- ◆ Incentives for historic preservation such as the federal/State Certified Local Government Program

Action LU-2.4 Local Register. Establish a local register of historic resources and a historic district on Depot Hill.

Action LU-2.5 Historic Preservation Program. Develop a comprehensive historic preservation program to strengthen the tools and resources available to protect historic resources in Capitola.

Goal LU-3 Promote sustainable land use patterns that encourage transportation alternatives and reduce greenhouse gas emissions.

Policies

Policy LU-3.1 Land Use Diversity. Encourage the most diverse mixture of land uses that the market will support within the mixed use and commercial land use designations.

Policy LU-3.2 Walkability. Encourage development and land uses that enhance a pedestrian-oriented environment.

Policy LU-3.3 Infill Development. Support well-designed infill development on vacant and underutilized sites that enhances Capitola's quality of life.

Policy LU-3.4 Transit and Pedestrian Access. Encourage new residential and employment development in areas well served by transit and within walking distance of stores, services, and public facilities.

Policy LU-3.5 Pedestrian and Bicycle Connections. Require new development to provide for pedestrian and bicycle connections between residential and commercial areas.

Policy LU-3.6 Street Closures. Allow occasional street closures to create public spaces for temporary community activities. Plan and manage street closures to avoid diversion of traffic and parking into adjacent residential neighborhoods.

Policy LU-3.7 Regional Outlook. Support land uses in Capitola that contribute to a more environmentally sustainable regional development pattern in Santa Cruz and the Monterey Bay area. Consider the benefits and impacts of new development in Capitola to neighboring jurisdictions and the region as a whole.

Policy LU-3.8 Intensity. Within the Village Mixed-Use (MU-V), Regional Commercial (C-R), and Community Commercial (CC) designations, allow additional FAR only when the project provides substantial benefits to the community and minimizes or mitigates adverse impacts on adjacent properties as described in this General Plan.

RESIDENTIAL NEIGHBORHOODS

Goal LU-4 Protect and enhance the special character of residential neighborhoods.

Policies

- Policy LU-4.1 Quality of Life.** Ensure residential neighborhoods are walkable, safe, friendly, and provide a high quality of life for residents of all ages. Minimize unwanted noise and spillover parking in neighborhoods.
- Policy LU-4.2 Neighborhood Diversity.** Support diverse and inclusive neighborhoods for residents of all ages and back grounds.
- Policy LU-4.3 Existing Housing.** Encourage the maintenance, rehabilitation, and improvement of the existing housing stock in Capitola.
- Policy LU-4.4 Public Facilities.** Ensure that adequate public infrastructure, facilities, and services are maintained in residential neighborhoods.
- Policy LU-4.5 Neighborhood Amenities.** Provide amenities within neighborhoods that support complete neighborhoods with unique identities.



High-quality residential architecture contributes to residents' quality of life

Policy LU-4.6 Natural Features. Protect and enhance natural features, including trees, hillsides, natural habitat, and riparian areas, that contribute to the unique identity of individual neighborhoods.

Policy LU-4.7 Planning Projects. Ensure that future planning efforts for non-residential areas carefully consider potential impacts on adjacent residential neighborhoods.

Goal LU-5 Ensure that new residential development respects the existing scale, density, and character of neighborhoods.

Policies

Policy LU-5.1 Neighborhood Characteristics. Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.

Policy LU-5.2 Development Impacts. Ensure that new commercial and residential development, both within and adjacent to neighborhoods, minimizes impacts to residential neighborhoods through incorporation of design standards and mitigation measures.

Policy LU-5.3 Mass and Scale. Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.

Policy LU-5.4 Multi-Family Transitions. Ensure that new multi-family housing located adjacent to single-family homes respects the size, scale, massing, and appearance of neighboring properties.

Policy LU-5.5 Architectural Character. Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

Policy LU-5.6 Minimized Traffic. Encourage new housing to be located and designed in a manner that minimizes increased vehicle traffic on local roads within residential neighborhoods.

Policy LU-5.7 Transportation Alternatives. Encourage new housing that supports increased walking, biking, and use of transit, and that minimizes increased vehicle trips in Capitola.

Actions

Action LU-5.1 Design Review. Development applications should be reviewed by a City appointed design review group (e.g., Architectural and Site Review Committee) as part of the approval process to ensure high quality design, harmony with existing community character, and to avoid or minimize impacts to surrounding land uses.

COMMERCIAL AND MIXED-USE DISTRICTS

Goal LU-6 Strengthen Capitola Village as the heart of the community.

Policies

Policy LU-6.1 Village Character. Maintain the Village as a vibrant mixed-use district with residences, visitor accommodations, restaurants, shops, and recreational amenities.

Policy LU-6.2 Residential/Commercial Balance. Maintain and protect a healthy balance of commercial and residential uses in the Village.

Policy LU-6.3 Businesses Diversity. Attract and retain a diverse assortment of small-scale businesses that appeal to local residents, and visitors. Encourage family-friendly businesses and activities that appeal to people of all ages.



Pedestrian activity in the Village

- Policy LU-6.4 Public Spaces.** Provide high quality public spaces available for the use and enjoyment of visitors and residents. Prioritize pedestrian access to these spaces and maintain amenities, such as seating areas, drinking fountains, restrooms, and landscaping, that invite and encourage pedestrian activity.
- Policy LU-6.5 Housing Types.** Maintain a diverse supply of housing types to support the Village as an area enjoyed by residents and visitors.
- Policy LU-6.6 Vertical Mixed-Use.** Encourage vertical mixed use (i.e. housing above ground floor commercial) as a way to increase the vitality and activity in the Village.
- Policy LU-6.7 Community Events.** Support and actively encourage community events that attract visitors and residents to the Village, including the historic Begonia Festival. Encourage events that occur during the winter months and in the early evening to attract visitors and increase activity during these times. Plan and manage community events to minimize impacts on residential neighborhoods.
- Policy LU-6.8 Quality of Life.** Continue to maintain a high quality of life in the Village by keeping sidewalks clean and proactively addressing noise, odor, and safety issues.
- Policy LU-6.9 Capitola Wharf.** Maintain the historic Capitola Wharf as a free access public fishing pier for the use and enjoyment of Capitola residents and visitors.
- Policy LU-6.10 Village Hotel.** Consider the establishment of an appropriately designed new hotel in the Village to enhance the vitality of the area.

Actions

- Action LU-6.1 Entertainment and Recreational Opportunities.** Pursue opportunities to increase the amount of entertainment and recreational amenities in the Village, particularly those that strengthen a connection to the natural environment and coastal setting.



Human-scale development pattern in the Village

Action LU-6.2 Residential Overlay. Continue to enforce the Residential Overlay Zone, which restricts certain areas of the Village to residential uses.

Goal LU-7 Ensure a high quality and distinctive design environment in Capitola Village.

Policies

Policy LU-7.1 New Development Design. Require all new development to enhance the unique character of the Village.

Policy LU-7.2 Public Infrastructure. Ensure that all improvements to public infrastructure, including roadways, parking, sidewalks, bicycle facilities, public signage, and street trees, support a pedestrian-friendly environment and a distinctive sense of place.

Policy LU-7.3 Scenic Resources. Protect and enhance significant scenic views and resources that contribute to the unique identity and public enjoyment of the Village. Scenic resources include:

- ◆ The general pedestrian-oriented and coastal village character of existing development in the Village.
- ◆ Public and semi-public gathering places, including Esplanade Park, Lawn Way, Capitola Beach, Soquel Creek path, and the historic Capitola Wharf.
- ◆ Landscaping and streetscape amenities.
- ◆ Historic structures, including structures contributing to Capitola's four National Register Historic Districts and structures listed on the official City of Capitola Historic Structures List.
- ◆ Natural features such as Capitola Beach, Soquel Creek and Lagoon, cliffs and bluffs, and vegetated banks.

Policy LU-7.4 Parking and Transportation Alternatives. Provide for additional parking and alternative transportation systems – such as an in-lieu parking fee program, a shuttle bus, remote parking, a new parking structure on the Beach and Village Parking Lot #1, and valet parking – to allow additional development and investment that increases vitality and activity in the Village.

Policy LU-7.5 Hotel Guiding Principles. Require any new hotel proposed on the site of the former Capitola Theatre to be consistent with the following core principles:

- ◆ The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola's unique sense of place.

- ◆ The hotel should contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
- ◆ The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
- ◆ The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.
- ◆ Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.

Actions

- Action LU-7.1 Village Design Guidelines.** Update the Village Design Guidelines to reflect current conditions and to encourage new development that will enhance the unique qualities of the Village. These guidelines will help to protect scenic resources, support economic development, and enhance the Village as an area for both residents and visitors. Guidelines will also address increased hazards from climate change, including sea level rise.
- Action LU-7.2 Village Parking.** Develop a program to provide alternative parking arrangements for visitor-serving uses in the Village.
- Action LU-7.3 Hotel Floor Area Ratio.** A Hotel in the Village at the former Capitola Theater site may be developed with a maximum FAR of 3.0 if authorized by the City Council. To approve a request for an increased FAR, the City Council must find that 1) the additional FAR results in a superior project with substantial community benefit; 2) the project enhances economic vitality; and, 3) the project is designed to minimize adverse impacts to neighboring properties.

FIGURE LU-5 POTENTIAL HOTEL SITE LOCATION



Goal LU-8 Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Policies

Policy LU-8.1 Phased Mall Redevelopment. Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41st Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41st Avenue/Capitola Mall Vision Plan (see Figure LU-6).

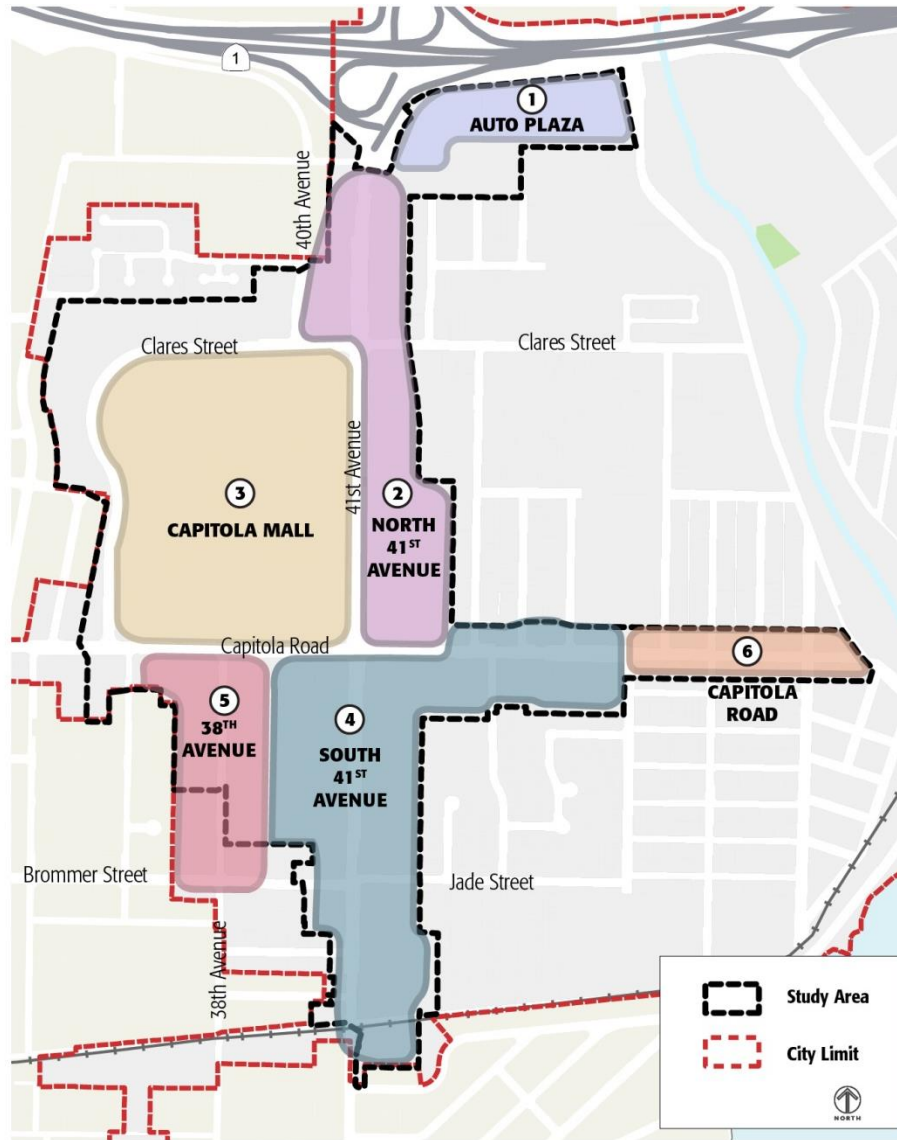
Policy LU-8.2 Parking Lot Redevelopment. Encourage the development of commercial and mixed-use structures on existing Capitola Mall surface parking lots located adjacent to 41st Avenue and Capitola Road including both sides of 41st Avenue. New pad development along 41st Avenue should enhance the design character of 41st Avenue and support the long-term vision for the Mall as a pedestrian-friendly commercial destination. Ensure that parking lot redevelopment does not result in an inadequate supply of on-site parking that results in overflow parking in adjacent residential neighborhoods.

Policy LU-8.3 Metro Center Relocation. Support the relocation of the Metro Center to an alternative location on the Capitola Mall property that meets the operational requirements of Santa Cruz Metro and advances design goals for the Capitola Mall. Encourage the Metro Center to become a multi-modal facility with amenities for bicycles and integration with a possible future shuttle system in Capitola.

Policy LU-8.4 Public Gathering Places. Encourage the establishment of public gathering places on the Mall property—such as outdoor dining and courtyards—that provide space for people to informally meet and gather.



Surface parking lot at Capitola Mall

FIGURE LU-6 41ST AVENUE/CAPITOLA MALL VISION

- ① **Auto Plaza.** Support the long-term presence of auto dealers in areas adjacent to Highway 1.
- ② **North 41st Avenue.** Encourage new regional retail development along 41st Avenue that enhances the design character of the corridor.
- ③ **Capitola Mall.** Encourage the transformation of the Mall into a pedestrian-friendly commercial destination.
- ④ **South 41st Avenue.** Encourage residential serving commercial, residential uses, and mixed-use development to increase pedestrian activity and support local businesses.
- ⑤ **38th Avenue.** Activate 38th Avenue with new multi-family housing, vertical mixed use, sidewalk-oriented commercial uses, and streetscape and infrastructure improvements.
- ⑥ **Capitola Road.** Strengthen connections to Capitola Village by improving pedestrian and bicycle facilities into the Village. Encourage uses that are compatible with the adjacent residential neighborhood.

Policy LU-8.5 New Interior Street. As a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation.

Actions

Action LU-8.1 Transit Center Relocation Funding. Work with Capitola Mall owners and Santa Cruz Metro to identify funding for the relocation of the Transit Center.

Action LU-8.2 Infrastructure Improvement Funding. Identify funding sources for infrastructure improvements that will stimulate investment and redevelopment of the Capitola Mall property and provide urban amenities attractive to residential and mixed-use development.

Action LU-8.3 Design Guidelines. Update the 41st Avenue Design Guidelines to reflect the vision for Capitola Mall as described in this General Plan.

Goal LU-9 Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

Policies

Policy LU-9.1 Public Amenities. Encourage new development to provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publicly accessible or semi-public gathering places, and bicycle and pedestrian facilities.

Policy LU-9.2 Entertainment Uses. Within the corridor, encourage the establishment of new entertainment and commercial recreation uses, and the expansion of existing entertainment uses.



Whole Foods Shopping Center on 41st Avenue

Policy LU-9.3 Destination. Establish 41st Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night. Where feasible, incorporate public art into public spaces.

Policy LU-9.4 Retail Protection. Discourage professional and medical offices in key locations that may displace retail establishments and diminish the economic vitality of the corridor.

Policy LU-9.5 Neighborhood Impacts. Minimize negative impacts – particularly traffic, parking, and noise – on residential neighborhoods adjacent to the corridor. Incorporate design or mitigation measures into projects to avoid or minimize neighborhood impacts.

Policy LU-9.6 Residential Uses. Minimize residential exclusive uses north of Capitola Road to protect this area as a regional retail destination.

Policy LU-9.7 Village Connections. Provide pedestrian and bicycle improvements along Capitola Road east of 41st Avenue to strengthen connections between 41st Avenue and Capitola Village. Encourage uses on Capitola Road east of 41st Avenue that complement adjacent residential neighborhoods.

Policy LU-9.8 Public Spaces and Amenities. Encourage new development at the 41st Avenue/Capitola Road intersection to include public spaces and amenities to strengthen the intersection as a focal point and activity center for the corridor.

Policy LU-9.9 Streetscape Improvements. Improve the physical appearance of 41st Avenue through the installation of additional landscaping in the public right-of-way, enhanced Highway 1 interchange features, and improved bicycle and pedestrian facilities.

Actions

Action LU-9.1 Auto Plaza Access. During the Highway 1 High Occupancy Vehicle (HOV) lane project design phase, work with Caltrans to identify ways to enhance visibility from 41st Avenue. Possible improvements include improved signage and pedestrian connections.



Capitola Mall

Action LU-9.2 Auto Plaza Signage. Amend the Zoning Ordinance to allow more prominent signage for the Auto Plaza.

Action LU-9.3 Increased Floor Area Ratio. The City Council may authorize increased FAR for properties located within the 41st Avenue corridor as follows:

- ◆ Properties fronting 41st Avenue or the 41st Avenue/Capitola Road intersection, including the Capitola Mall property bound by 41st Avenue, Capitola Road, and Clares Street, with a Regional Commercial or Community Commercial land use designation may be developed at a maximum FAR of 2.0.
- ◆ Structures on properties fronting the east side of 41st Avenue must be set back a minimum of 100 feet from the property line abutting a residential property.

To approve a request for an increased FAR, the City Council must find that 1) the additional FAR results in a superior project with substantial community benefit; 2) the project enhances economic vitality; and, 3) the project is designed to minimize adverse impacts to neighboring properties.

Action LU-9.4 Retail/Office Mix. Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- ◆ Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- ◆ Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.
- ◆ Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.

Enhancing Capitola's Commercial and Mixed-Use Districts

The General Plan envisions commercial and mixed-use districts to be vibrant and inviting areas that contribute to a high quality of life. To achieve this vision, these areas will need to become attractive destinations with a design character that is safe and inviting for pedestrians. New development in these areas, when it occurs, will need to be carefully designed to enhance Capitola's unique identity, minimize impacts to neighboring properties, promote transportation alternatives, and create a safe and welcoming environment for pedestrians. Mixed-use districts in Capitola include the Village and areas along Capitola Avenue and Capitola Road east of 41st Avenue. Below are general strategies that can be used in these areas to achieve these goals.

- ◆ **Compatibility.** The height, massing, setbacks, and design character of buildings should be sensitive to impacts on surrounding development.
- ◆ **Unique Identity.** Buildings should be designed to reinforce Capitola's unique identity in a way that complements the community's historic character.
- ◆ **Visual Interest.** New development should incorporate finely detailed building façades that contribute visual interest to the streetscape.
- ◆ **Pedestrian Orientation.** Buildings should be oriented towards the pedestrian realm with active ground floor uses and inviting storefronts facing the sidewalk.



Windows, landscaping, and architectural detail add visual interest to the Nob Hill shopping center on Bay Street

- ◆ **Plazas and Open Space.** Semi-public outdoor spaces, such as plazas and courtyards, should be integrated into commercial development to help support pedestrian activity and connections to the public realm.
- ◆ **Connections to Adjacent Properties.** Shared facilities such as driveways, parking areas, plazas, and walkways should be used to improve connections and integration of adjacent properties.
- ◆ **Parking Location and Design.** Surface parking areas should not be located adjacent to a public street. If unavoidable, surface parking areas should be visually screened with buildings, landscaping, or low walls and fencing along the edge to the sidewalk. Parking should be designed in clusters, encouraging walking between multiple destinations. Parking lots should incorporate safe pedestrian walkways between buildings.
- ◆ **Vehicle Access.** Points of vehicle access (curb cuts) from the street to the property should be limited to the minimum number necessary to serve the property.
- ◆ **Pedestrian and Bicycle Access and Circulation.** Clear, safe points of access to sites should be provided for pedestrians and bicyclists as well as vehicles.
- ◆ **Public Transit Access.** Bus stops should be evaluated for convenience, safety, visibility, and covered shelter.
- ◆ **Sustainable Design.** Sustainable design practices should be incorporated into new development, including climate-appropriate plant materials, sustainable stormwater solutions, and solar orientation.



Buildings oriented towards the sidewalk support a pedestrian-friendly environment in the Village

Goal LU-10 Maintain and enhance the Bay Avenue commercial district as a thriving destination with businesses that serve Capitola residents and visitors.

Policies

Policy LU-10.1 New Development. Ensure that new development enhances the design character of the district, strengthens existing businesses, and minimizes impacts on adjacent residential neighborhoods. New development should occur in a manner consistent with Figure LU-7.

Policy LU-10.2 Bay Avenue Streetscape. Enhance the Bay Avenue streetscape in a way that improves the appearance of Bay Avenue, increases safety for bicyclists and pedestrians, and stimulates private investment within the area.

Policy LU-10.3 Tree-Lined Boulevard. Encourage a tree-lined boulevard streetscape character along Bay Avenue north of the Capitola Produce property. Encourage installation of drought tolerant and non-invasive street trees and landscaping along the Bay Avenue property frontage in conjunction with capital improvement or redevelopment projects.

Policy LU-10.4 Highway 1 Interchange. Encourage Caltrans to incorporate an attractive landscaped gateway element and improved bicycle and pedestrian facilities as part of any significant renovation to the Bay Avenue/Highway 1 interchange.

Policy LU-10.5 Recreation Access. Maintain, and where feasible, enhance access to Soquel Creek, Peery Park, and the non-vehicular bridge over Soquel Creek, which serves as an important link to natural open spaces, the Rispin property, the Capitola Library, and Capitola Mall.



Capitola Produce Market

FIGURE LU-7 BAY AVENUE VISION



- ① **East Bay Avenue.** New development fronting Bay Avenue should incorporate street trees and landscaping to strengthen a landscaped boulevard streetscape character. Buildings should be oriented toward the street to support an active public realm along Bay Avenue and Hill Street.
- ② **West Bay Avenue.** Minimize new driveways on Bay Avenue through shared parking arrangements and joint use of existing Bay Avenue access points. Ensure that development on the Grimes property is carefully integrated with other uses in the area.
- ③ **Bay and Capitola.** Encourage a more urban design character with new development that invites pedestrian activity. Provide enhanced pedestrian amenities such as widened sidewalks and improved crosswalks. Where feasible, consider permeable surfaces for pedestrian improvements. If the Bay Avenue and Capitola Avenue intersection is reconfigured as a traffic circle, orient new development toward this new neighborhood focal point.

Actions

- Action LU-10.1 Medians.** Explore opportunities to install medians on Bay Avenue in locations where left turn movements for vehicles would not be restricted.
- Action LU-10.2 Roundabout.** Conduct a public process to study the feasibility of installing a roundabout at the Bay Avenue/Capitola Avenue intersection. The study shall consider impacts on traffic speeds, delays, and air quality.
- Action LU-10.3 Streetscape Master Plan.** Prepare a streetscape master plan for Bay Avenue that presents a unified design theme for the corridors and identifies specific improvements needed to implement this vision.

PUBLIC FACILITIES

Goal LU-11 Utilize the City Hall/Village and Beach Parking Lot area for the benefit of the community.

Policies

- Policy LU-11.1 Area Vision.** Support the long-term use and improvement of the City Hall/Village and Beach Parking Lot area as described in Figure LU-8.
- Policy LU-11.2 Parking Solution.** Prioritize City efforts to utilize the Village and Beach Parking Lot /City Hall site as the location for additional parking to serve the Village.
- Policy LU-11.3 Multi-Use Parking Structure.** Maximize year-round use of the parking structure by considering multiple uses in the structure, such as for special events in the off-peak season.



Capitola City Hall

FIGURE LU-8 CITY HALL/PACIFIC COVE VISION



- ① **Capitola Avenue.** Consider renovating the existing City Hall and Police Department building to elevate governmental offices and police facilities out of the flood plain. Also, consider moving City Hall to a new location, either to a higher elevation portion of the property or to an entirely new site within the city. If City Hall is relocated, redevelopment of the current City Hall site shall be consistent with the character of the Central Village and in accordance with the Village-Mixed Use land use designation.
- ② **Upper Pacific Cove.** Utilize this area for additional parking to serve the Village, preferable in the form of a multi-story parking structure. The parking structure should be sensitively designed to be compatible with the surrounding neighborhood. Providing additional parking in this area to meet Village and surrounding area needs should be one of the City's highest priorities.
- ③ **Lower Pacific Cove.** Use this area for temporary parking to serve the Village. When additional parking is provided in the Upper Pacific Cove area, consider converting the Lower Pacific Cove area to a park/recreational/natural open space area. To the extent possible, daylight the stream that currently flows through a pipe under the site. Maintain the option that a portion of the site, particularly near Bay Avenue, could be utilized for a public or community facility.
- ④ **Monterey Avenue.** In the short term, maintain this area as undeveloped open space. Maintain the option to allow a public or community facility within some or all of this area.

Actions

- Action LU-11.1 Parking Structure.** Design, approve, finance, and construct a new parking structure in the location of Beach and Village Parking Lot #1 to serve residents and visitors to Capitola Village and Beach. The design of the parking structure should minimize impacts on neighboring properties, improve pedestrian connectivity between the parking structure and the central Village, and incorporate sustainable design features. This can be done by:
- ◆ Minimizing structure mass and reducing visibility from surrounding areas by constructing the structure below grade of the adjacent railway.
 - ◆ Locating the main pedestrian gateway to the parking structure on Capitola Avenue as close to the central Village as possible, and designing this gateway to have an inviting presence on Capitola Avenue.
 - ◆ Providing a secondary pedestrian entrance to the parking structure from Monterey Avenue.
 - ◆ Enhancing pedestrian and bicycle connections from Monterey Avenue to Capitola Avenue and the central Village.
 - ◆ Accommodating the needs of persons with disabilities to access the parking structure and to get to and from the central Village.
 - ◆ Making sidewalk, lighting, and other improvements to Capitola Avenue and Monterey Avenue between the parking structure and the Village.
 - ◆ Providing a shuttle connection between the parking structure and the central Village and beach.
 - ◆ Incorporating photovoltaic panels and electric vehicle charging stations into the parking structure design.
- Action LU-11.2 Multi-Use Parking Structure.** Evaluate the possibility of using a new parking structure to host special events in light of cost implications and neighborhood impact issues.
- Action LU-11.3 Phased Open Space Plan.** Develop a phased plan to convert the temporary surface parking on the Beach and Village Parking Lot #2 to open space, park, or other public use during the process of constructing a new parking structure.

Goal LU-12 Utilize key public facilities and properties in a manner that enhances the quality of life of Capitola's residents.

Policies

- Policy LU-12.1 Rispin Property.** Utilize the Rispin property (APN 035-371-01 & 02) as a site for park and natural open space uses that serve both residents and visitors.
- Policy LU-12.2 Library.** Utilize City library funds to construct and maintain a new public library within Capitola that is appropriately sized and located to serve the entire community. Consider relocating the library from its current location on Wharf Road if a superior site becomes available.
- Policy LU-12.3 Police Station.** Maintain the Capitola Police Station in a central location with easy access to all areas within Capitola. Consider relocating the Police Station from its current location on Capitola Avenue to a location outside of the floodplain if an alternative site becomes available.
- Policy LU-12.4 Fire Station.** Support the continued operation of a Fire Station in a central location in Capitola with easy access to all areas within the community.
- Policy LU-12.5 Capitola Wharf.** Maintain the historic Capitola Wharf as a free access public fishing pier with a restaurant for the use and enjoyment of Capitola residents and visitors.
- Policy LU-12.6 McGregor Property.** Utilize the McGregor property (APN 036-341-02 at McGregor Drive and Park Avenue) as a location for park and recreational uses and natural spaces to serve residents and visitors. Consider development of the site with visitor accommodations if recreational uses are relocated to a more central site within the city.
- Policy LU-12.7 Capitola Beach.** Prioritize the maintenance and enhancement of Capitola Beach as a safe, clean, and enjoyable destination for Capitola residents and visitors. Protect recreational activities on the beach such as swimming, sunbathing, surfing, and junior guard activities.

Actions

- Action LU-12.1 Rispin Property.** Actively seek grant funding to enhance public access to and enjoyment of parkland and natural open space on the Rispin property (APN 035-371-01 & 02).
- Action LU-12.2 Wharf Improvements.** Prepare a feasibility study to evaluate potential improvements for the long-term viability of the historic Capitola Wharf, including issues related to access, restrooms, public safety, maintenance, parking, signage, and sea-level rise.
- Action LU-12.3 McGregor Property.** Develop and implement a plan to construct a multi-use park, natural open spaces, and recreational improvements on the McGregor Property.
- Action LU-12.4 Wharf Parking.** Consider adjusting parking regulations in the Wharf area to increase opportunities for residents to access the wharf, particularly in off-peak periods.

PARKS AND RECREATIONAL FACILITIES

Goal LU-13 Provide high-quality public parks that cater to the diverse needs and interest of Capitola residents and visitors.

Policies

- Policy LU-13.1 Park Types.** Provide a diversity of park types, including active low-investment (e.g. playfields and picnic facilities), and passive recreational facilities (e.g. natural areas suitable for quiet reflection).
- Policy LU-13.2 Neighborhood Parks.** Maintain a network of neighborhood parks throughout the city with a variety of facilities that cater to the needs and interests of park users. Ensure that neighborhood parks contain facilities that cater to youth, seniors, and people of diverse socio-economic backgrounds.

- Policy LU-13.3 Sustainable Park Design.** Design, construct, and maintain park facilities in an environmentally sustainable manner. This can be achieved with techniques such as:
- ◆ Preserving sensitive species and habitats.
 - ◆ Designing environmentally friendly features into new recreational facilities.
 - ◆ Using reused, renewable, locally sourced, and recycled materials.
 - ◆ Employing integrated pest management practices as part of parks maintenance programs.
 - ◆ Utilizing drought-resistant and climate-appropriate landscaping with water-efficient irrigation controllers.
 - ◆ Integrating on-site stormwater management into park design.



Noble Gulch Park

- Policy LU-13.4 New Brighton State Beach.** Cooperate with the California Department of Parks and Recreation and other agencies to maintain, improve, and preserve New Brighton State Beach in a natural state to serve the region with a variety of nature-oriented and passive recreational opportunities.
- Policy LU-13.5 Ocean Recreation.** Maintain and enhance access to the waters of Monterey Bay and Capitola Beach as recreational amenities for residents and visitors.
- Policy LU-13.6 Beach Management.** Manage activities and uses in the beach area so that the beach continues to be a safe and enjoyable place for people of all ages and abilities.
- Policy LU-13.7 Beach Structures.** Prohibit permanent structures on the open, sandy beach area except for facilities required for public health and safety, to improve public access, or to maintain the health of the beach. Additions to the historic Capitola Wharf to improve public access and enjoyment are encouraged.
- Policy LU-13.8 Intergovernmental Cooperation.** Maintain partnerships and shared service agreements with local school districts and neighboring communities in order to enhance the range of opportunities available to Capitola residents and achieve cost savings.

- Policy LU-13.9 Special Use Facilities.** Support and encourage the location of special use recreation facilities, such as organic community gardens, dog parks, and skate parks, on available park or other public lands, where compatible with the existing and planned uses of surrounding properties.
- Policy LU-13.10 Soquel Lagoon.** Continue to allow and encourage recreational activities and events within Soquel Lagoon.
- Policy LU-13.11 Soquel Creek Access.** Maintain, enhance, and expand public access to Soquel Creek within Capitola Village.
- Policy LU-13.12 Jade Street Park.** Work cooperatively with the Soquel Union Elementary School District to ensure that when new school facilities are constructed on the Jade Street Park site, publicly accessible recreational facilities remain on a portion of the site.
- Policy LU-13.13 Monterey Park.** Develop Monterey Park as an active park site with neighborhood-serving recreational facilities and amenities.

Actions

- Action LU-13.1 Grant Funding.** Pursue all appropriate grant opportunities, including coastal access and natural open space grant programs, to fund improvements to existing parks and recreational facilities.
- Action LU-13.2 Safe Routes to Parks.** Identify improvements needed to fill gaps in the City's sidewalk system and incorporate these improvements into the City's Capital Improvement Program.
- Action LU-13.3 Beach Maintenance.** Continue to clean and improve the maintenance of the beach for recreational uses. Develop a program to continue to provide adequate public facilities such as restrooms, showers, and drop-off locations for beach-goers.



Capitola Community Center at Jade Street Park

Goal LU-14 Support recreational programs and community events that contribute to a high quality-of-life.

Policies

- Policy LU-14.1 Range of Programs.** Provide a range of recreational programs and services to Capitola residents that cater to people of all ages, backgrounds, and activity levels. Continue to consider providing services and community grants to fund programs targeting seniors and special needs populations.
- Policy LU-14.2 Interjurisdictional Partnerships.** Continue to partner with other jurisdictions in the Mid-County area to maximize the diversity of recreational programs and activities available to Capitola residents.
- Policy LU-14.3 Community Interaction.** Support recreational programs that encourage the interaction of different segments of the Capitola population and help to strengthen a sense of community.
- Policy LU-14.4 Connection to Environment.** Encourage recreational programs that enhance the public connection to and appreciation of the natural environment.
- Policy LU-14.5 Community Events.** Continue to support community events such as the historic Begonia Festival that contribute to Capitola's unique coastal identity.
- Policy LU-14.6 Year-Round Events.** Encourage community events in the Village during the winter months that contribute to the year-round vitality of the Village.
- Policy LU-14.7 New Brighton Middle School.** Work cooperatively with the Soquel Union Elementary School District to provide elementary and middle school facilities for the children who live in Capitola.



Capitola Begonia Festival

Actions

Action LU-14.1 Trails and Pathways. Maintain existing trails and pathways.

Action LU-14.2 Regional Trails. Cooperate with the Regional Transportation Commission to encourage connections with regional trails such as the Monterey Bay Sanctuary Scenic Trail.

Action LU-14.3 Coastal Recreation. Explore opportunities to increase coastal recreational activities in Capitola, particularly activities that support environmental awareness and stewardship of the marine and coastal environment.

Chapter 17.04

PURPOSE AND EFFECT OF ZONING CODE

Sections:

- 17.04.010 Title and authority.
- 17.04.020 Purpose of the zoning code.
- 17.04.030 Relationship to the general plan.
- 17.04.040 Relationship to the local coastal program.
- 17.04.050 Applicability of the zoning code.

17.04.010 Title and authority.

Title 17 of the Capitola Municipal Code shall be known and cited as the “Capitola Zoning Code” and referred to in this title as “the zoning code.” The zoning code is adopted pursuant to the authority in Section 65850 of the California Government Code. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.020 Purpose of the zoning code.

A. General. The purpose of the zoning code is to implement the general plan and the local coastal program land use plan (LUP) and to protect the public health, safety, and welfare.

B. Specific. The zoning code is intended to:

1. Preserve and enhance Capitola’s small-town feel and coastal village charm.
2. Ensure that all development exhibits high-quality design that supports a unique sense of place.
3. Protect and enhance the quality of life in residential neighborhoods.
4. Encourage active and inviting commercial and mixed use areas.
5. Support a vibrant, diverse, and dynamic local economy.
6. Allow for a broad range of housing choices that meets the needs of all segments of the community.
7. Protect and enhance natural resources that contribute to Capitola’s unique identity and scenic beauty.
8. Maintain and enhance coastal access and visitor serving facilities and services.
9. Protect and preserve Capitola’s historic resources.
10. Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, bicycles, and other forms of transportation.
11. Ensure the protection of coastal resources. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.030 Relationship to the general plan.

The zoning code implements the general plan by regulating the use of land and structures in Capitola. If the zoning code conflicts with the general plan, the general plan governs. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.040 Relationship to the local coastal program.

A. General. Portions of the zoning code are components of Capitola’s local coastal program (LCP) prepared in accordance with the California Coastal Act of 1976 (Coastal Act). The LCP consists of the local coastal program land use plan (LUP) and the local coastal program implementation plan (IP). The LCP applies to areas within Capitola’s coastal zone as generally depicted on the city of Capitola zoning map (also part of the IP) and within the LCP.

B. Local Coastal Program Implementation Plan.

1. The local coastal program LUP is a comprehensive long-term plan for land use and physical development within the city's coastal zone. It consists of proposed policies and recommendations for land use in the coastal zone consistent with the Coastal Act. It includes the coastal land use plan map, which is the certified general plan land use map for the area within the coastal zone.
 2. The local coastal program IP establishes specific land use and development regulations to implement the local coastal program LUP. The following zoning code chapters are a part of Capitola's local coastal program IP:
 - a. All chapters in Parts 1 (Enactment and Applicability), 2 (Zoning Districts and Overlay Zones), and 3 (Citywide Standards).
 - b. Chapters 17.128 (Variances), 17.136 (Minor Modifications), 17.140 (Reasonable Accommodations), 17.144 (Zoning Code and Local Coastal Program Amendments), and 17.148 (Public Notice and Hearings) in Part 4 (Permits and Administration).
 - c. Chapter 17.160 (Glossary) in Part 5 (Glossary).
 3. Any portion of the zoning code not specifically identified in subsection (B)(2) of this section is hereby declared to not be a component of Capitola's local coastal program IP.
 4. The local coastal program IP also includes other municipal code chapters and sections, as follows:
 - a. Chapters 9.40 (Signs on Public Property or Rights-of-Way), 10.36 (Stopping, Standing and Parking), 12.12 (Community Tree and Forest Management), 12.44 (Limiting Boats on Capitola Beaches During Evening Hours), 15.28 (Excavation and Grading), and 16.68 (Condominium and Community Apartment Conversions).
 - b. Title 16 (Subdivisions).
- C. Conflicting Provisions. If provisions of the local coastal program implementation plan conflict with provisions of the local coastal program land use plan, and/or if there are any questions regarding intent, the local coastal program land use plan, the California Coastal Act, and applicable state law shall govern. (Ord. 1043 § 2 (Att. 2), 2020)

17.04.050 Applicability of the zoning code.

A. Applicability to Property. The zoning code applies to all land, uses, and development (including structures) within the Capitola city limits.

B. Compliance with Regulations. All uses, structures, and development activity in Capitola shall comply with the zoning code.

C. Conflicting Regulations. Where conflict occurs with other city regulations or with state or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive shall control unless otherwise specified in the zoning code or in state or federal law. In the coastal zone, in case of conflict between the local coastal program and any other city law, regulation, or policy, the local coastal program, the California Coastal Act, and applicable state law shall prevail. (Ord. 1043 § 2 (Att. 2), 2020)

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 |
| Legislative Actions | | | |
| Development Agreements | Recommend | Recommend | Decision |
| General Plan/Coastal Land Use Plan Amendments | Recommend | Recommend | Decision |
| Zoning Code/Title 17 Amendments | Recommend | Recommend | Decision |
| Permits | | | |
| 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 |
| Other Approvals and Actions | | | |
| 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 17.88

INCENTIVES FOR COMMUNITY BENEFITS

Sections:

- 17.88.010 Purpose.
- 17.88.020 Incentives restricted to added benefits.
- 17.88.030 Eligibility.
- 17.88.040 Allowable benefits.
- 17.88.050 Available incentives.
- 17.88.060 Relationship to state density bonus law.
- 17.88.070 Application submittal and review.
- 17.88.080 Findings.
- 17.88.090 Post-decision procedures.

17.88.010 Purpose.

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan and to encourage the development of a new hotel in the Village as called for by the general plan and the local coastal program (LCP). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.020 Incentives restricted to added benefits.

The city may grant incentives only when the community benefits or amenities offered are not otherwise required by the zoning code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance general plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the city's minimum requirements. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.030 Eligibility.

A. Eligibility for Incentive. The city may grant incentives for the following projects:

1. Projects in the regional commercial (C-R) and community commercial (C-C) zoning districts that:

- a. Front 41st Avenue; or
- b. Front Capitola Road between Clares Street and 42nd Avenue; or
- c. Are located on the Capitola Mall site.

2. A hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) in the mixed use village zoning district.

B. Setback Required – 41st Avenue. Structures on properties fronting the east side of 41st Avenue must be set back a minimum of one hundred feet from the property line abutting a residential property. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.040 Allowable benefits.

A. All Eligible Projects. The city may grant incentives to all eligible projects as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits. The public benefit provided shall be of sufficient value as determined by the planning commission to justify deviation from the standards of the zoning district that currently applies to the property.

- 1. Public Open Space. Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. The public space must either

exceed the city's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.

2. **Public Infrastructure.** Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agency.
3. **Pedestrian and Bicycle Facilities.** New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.
4. **Low-Cost Visitor Serving Amenities.** New or improved low-cost visitor serving recreational opportunities or accommodations within the Central Village area.
5. **Transportation Options.** Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
6. **Historic Resources.** Preservation, restoration, or rehabilitation of a historic resource.
7. **Public Parking.** A public parking structure that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the mixed use village zoning district.
8. **Green Building.** Green building and sustainable development features that exceed the city's green building award status.
9. **Public Art.** Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.
10. **Child Care Facilities.** Child care centers and other facilities providing daytime care and supervision to children.
11. **Other Community Benefits.** Other community benefits not listed above, such as entertainment destinations, as proposed by the applicant that are significant and substantially beyond normal requirements.

B. 41st Avenue/Capitola Road Projects. In addition to the community benefits in subsection A of this section, the city may grant incentives to eligible projects fronting 41st Avenue or Capitola Road between Clares Street and 42nd Avenue or on the Capitola Mall site that provide one or more of the following community benefits:

1. **Capitola Mall Block Pattern.** Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40th Avenue south into the mall property to form a new pedestrian-friendly private interior street.
2. **Surface Parking Lot Redevelopment.** Redevelopment of existing surface parking lots fronting 41st Avenue and Capitola Road while introducing new sidewalk-oriented commercial buildings that place commercial uses along the street frontage.
3. **Transit Center.** Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.
4. **Affordable Housing.** Affordable housing that meets the income restrictions applicable in the affordable housing (-AH) overlay zone. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.050 Available incentives.

A. 41st Avenue/Capitola Road Projects. The city may grant the following incentives to an eligible project fronting 41st Avenue, Capitola Road between Clares Street and 42nd Avenue, or on the Capitola Mall site:

1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.

2. An increase in the maximum permitted building height to fifty feet.

B. Village Hotel. The city may grant the following incentives to a proposed hotel on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10):

1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.
2. An increase to the maximum permitted building height; provided, that:
 - a. The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel;
 - b. The bluff behind the hotel remains visible as a green edge (i.e., the upper bluff (i.e., below the blufftop edge) and upper bluff vegetation shall remain substantially visible across the length of the project site) when viewed from the southern parking area along the bluff of Cliff Drive (i.e., the parking area seaward of Cliff Drive and closest to Opal Cliff Drive) and from the Capitola wharf;
 - c. Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed; and
 - d. The rooftop shall be aesthetically pleasing and shall not significantly adversely affect public views from Cliff Avenue on Depot Hill. In addition to modifications to avoid structural incursions into this view, this can be accomplished through design features on top of the roof as well (e.g., use of a living roof, roof colors and materials that reduce its visual impacts, etc.). Rooftop appurtenances (e.g., elevator shafts, HVAC units, vents, solar panels, etc.) shall be screened from public view and integrated into/within the above-referenced rooftop design features to the greatest extent feasible. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.060 Relationship to state density bonus law.

The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.070 Application submittal and review.

A. Request Submittal. A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the zoning code. Applications shall be accompanied by the following information:

1. A description of the proposed amenities and how they will benefit the community.
2. All information needed by the city council to make the required findings described in Section 17.88.080 (Findings), including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.

B. Conceptual Review. Prior to city action on a request for an incentive, the request shall be considered by the planning commission and city council through the conceptual review process as described in Chapter 17.114 (Conceptual Review). Conceptual review provides the applicant with nonbinding input from the city council and planning commission as to whether the request for incentives is worthy of consideration.

C. Theater Site Story Poles. Prior to city action on a proposed hotel on the former Capitola Theater site the planning commission or city council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.

D. Planning Commission Recommendation. Following conceptual review, the planning commission shall provide a recommendation to the city council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

E. City Council Action. After receiving the planning commission's recommendation, the city council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The city council shall also review and act on other permits required for the project requesting incentives. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.88.080 Findings.

A. All Eligible Projects. The city council may approve the requested incentives for all eligible projects only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the zoning code:

1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the general plan.
2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.
3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.
4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.
5. If in the coastal zone and subject to a coastal development permit, the project enhances coastal resources.

B. Village Hotel. In addition to the findings in subsection A of this section, the city council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:

1. The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.
2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
3. Hotel siting and design will (a) minimize impacts to public views, including views of the beach and Village from vantage points outside of the Village and from Cliff Avenue and Depot Hill behind the hotel; and (b) does not adversely impact any significant public views of the coastline as identified in the LCP's land use plan.
4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

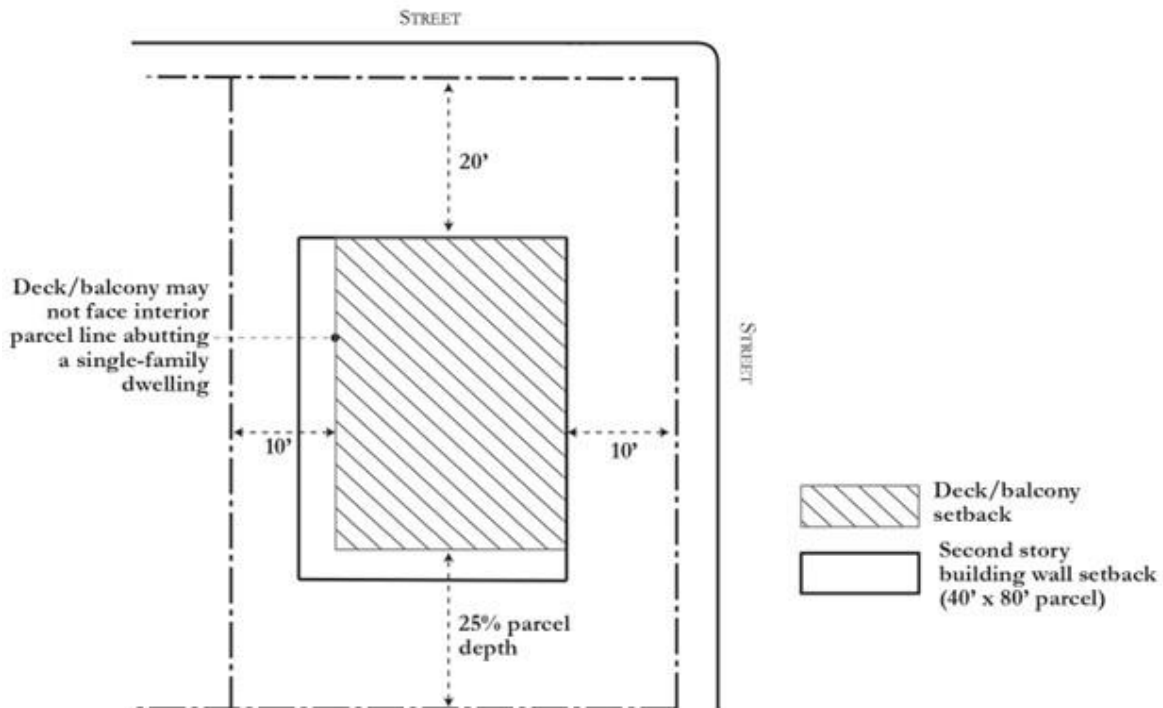
17.88.090 Post-decision procedures.

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

11. Second-Story Decks and Balconies.

- a. An upper floor deck in excess of one hundred fifty square feet is included in the floor area ratio calculation.
- b. A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.
- c. A second-story deck or balcony must comply with the following minimum parcel line setback requirements:
 - i. Rear: twenty-five percent of lot depth.
 - ii. Front: twenty feet.
 - iii. Interior and street side: ten feet.
- d. A permanent privacy screen (e.g., opaque glass) is required for rear deck along the railing parallel to the interior side property line facing a single-family dwelling
- e. A second-story deck or balcony may not project further than six feet from the exterior building wall to which it is attached.
- f. Roof decks are prohibited in the R-1 zoning district.
- g. The elevation of a freestanding deck or platform not attached to a building may not exceed thirty-five inches above the adjoining grade.

Figure 17.16-3a: R-1 Second-Story Decks and Balconies



17.20.010 Purpose of the mixed use zoning districts.

A. General. The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Capitola with a diversity of residential and commercial land uses. In the mixed use zoning districts, development shall support a lively, pedestrian-friendly public realm with inviting storefronts facing the sidewalk. A diversity of local and independent businesses, recreational amenities, and public spaces balances the needs of residents and visitors. New development shall respect Capitola’s history and reflect its unique coastal village character. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts shall support a range of transportation choices, including walking, biking, and transit.

B. Specific.

1. Mixed Use, Village (MU-V) Zoning District. The purpose of the MU-V zoning district is to preserve and enhance Capitola Village as the heart of the community. A diversity of commercial, residential, and recreational uses in the MU-V zoning district serve both visitors and residents. Land uses and development shall enhance the vitality of the Village while maintaining a high quality of life for residents. A fine-grain mix of retail, restaurants, services, and recreational amenities in the MU-V zoning district provides a walkable environment, caters to all ages, and supports year-round activity during the day and night.

2. Mixed Use, Neighborhood (MU-N) Zoning District. The purpose of the MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents’ quality of life. The MU-N zoning district contains an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to nonresidential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41st Avenue. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.020 Land use regulations. Revised 4/23

A. Permitted Land Uses. Table 17.20-1 identifies land uses permitted in the mixed use zoning districts.

Table 17.20-1: Permitted Land Uses in the Mixed Use Zoning Districts

| Key | | Zoning District | | Additional Regulations |
|-------------------------|--|---------------------------------------|------|-----------------------------------|
| | | MU-V | MU-N | |
| P | Permitted Use | | | |
| A | Administrative Permit required | | | |
| M | Minor Use Permit required | | | |
| C | Conditional Use Permit required | | | |
| – | Use not allowed | | | |
| Residential Uses | | | | Section 17.20.020(B), (C) and (E) |
| | Duplex Homes | –/P [1] | P | |
| | Elderly and Long-Term Care | C [2] [6] | C | |
| | Group Housing | C [2] [6] | C | |
| | Multifamily Dwellings | –/P [1] [6] | C | |
| | Residential Care Facilities, Small and Large | See Section 17.20.020(F) | | |
| | Residential Care Facilities, Large | C [2] [6] | C | Section 17.96.080 |
| | Residential Mixed Use | See Sections 17.20.020(D) and (E) [6] | C | |

| Key | | Zoning District | | Additional Regulations |
|---|---------------------------------|-----------------|-------------|------------------------|
| | | MU-V | MU-N | |
| P | Permitted Use | | | |
| A | Administrative Permit required | | | |
| M | Minor Use Permit required | | | |
| C | Conditional Use Permit required | | | |
| - | Use not allowed | | | |
| Accessory Dwelling Units | | A | A | Chapter 17.74 |
| Single-Family Dwellings | | -/P [1] | P | |
| Public and Quasi-Public Uses | | | | |
| Community Assembly | | C | C | |
| Cultural Institutions | | C | C | |
| Day Care Centers | | M | M | |
| Government Offices | | P/C [4] | M [5] | |
| Home Day Care | | P | P | |
| Medical Offices and Clinics | | - | M [5] | |
| Parks and Recreational Facilities | | C | C | |
| Public Pathways and Coastal Accessways | | C | C | |
| Public Safety Facilities | | C | C | |
| Schools, Public or Private | | - | C | |
| Commercial Uses | | | | Section 17.20.020(E) |
| Alcoholic Beverage Sales | | C | C | |
| Banks and Financial Institutions | | C | P/C [3] [5] | |
| Commercial Entertainment and Recreation | | C | C | |
| Eating and Drinking Places | | | | |
| Bars and Lounges | | C | C | |
| Restaurants and Cafes | | C | C | |
| Take-Out Food and Beverage | | M | M | |
| Gas and Service Stations | | - | - | |
| Lodging | | | | |
| Bed and Breakfast | | C | C | |
| Hotels and Motels | | C | C | |
| Personal Services | | P | P/C [3] [5] | |
| Professional Offices | | P/C [4] | M [5] | |
| Retail | | P | P/C [3] [5] | |

| Key | | Zoning District | | Additional Regulations |
|--|---------------------------------|-----------------------|------|------------------------|
| | | MU-V | MU-N | |
| P | Permitted Use | | | |
| A | Administrative Permit required | | | |
| M | Minor Use Permit required | | | |
| C | Conditional Use Permit required | | | |
| - | Use not allowed | | | |
| Vacation Rental | | See Section 17.40.030 | | |
| Transportation, Communication, and Utility Uses | | | | |
| Utilities, Major | | C | C | |
| Utilities, Minor | | P | P | |
| Wireless Communications Facilities | | See Chapter 17.104 | | |
| Other Uses | | | | |
| Accessory Uses and Structures | | See Chapter 17.52 | | Chapter 17.52 |
| Home Occupations | | A | A | Section 17.96.040 |
| Permanent Outdoor Display (Accessory Use) | | - | C | Section 17.96.100 |
| Temporary Uses and Structures | | See Section 17.96.180 | | |
| Urban Agriculture | | | | |
| Home Gardens | | P | P | |
| Community Gardens | | M | M | |
| Urban Farms | | C | C | |

Notes:

- [1] Allowed only in the village residential (-VR) overlay zone. Exclusively residential uses are not allowed outside of the -VR overlay zone.
- [2] Allowed only on the second or third story of a mixed use development outside of the -VR overlay zone. Allowed on any story in the -VR overlay zone.
- [3] Larger than three thousand square feet requires a conditional use permit.
- [4] Second-floor uses permitted by right. Ground-floor uses require a conditional use permit. Prohibited third floor and above.
- [5] Conditional use permit required for parcels fronting Capitola Road.
- [6] Residential uses are prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10).

B. Village Residential Overlay. Pursuant to Section 17.40.040 (Village residential (-VR) overlay zone), only residential uses are permitted in the -VR overlay zone. The village residential (-VR) overlay zone applies to the following areas within the MU-V zoning district as shown on the zoning map: Six Sisters, Venetian Court, Lawn Way, and portions of Wharf Road, Riverview Avenue, Cliff Drive, Cherry Avenue, San Jose Avenue, Park Place, and California Avenue.

C. Ground-Floor Conversions to Residential. Existing ground-floor commercial uses in the MU-V zoning district may not be converted to a residential use unless located in the village residential (-VR) overlay zone.

D. Residential Mixed Use in the MU-V Zoning District.

1. If a proposed residential mixed use project in the MU-V zoning district contains any use that requires a conditional use permit, the entire project, including the residential use, requires a conditional use permit.
2. If a proposed residential use replaces an existing upper-floor commercial use, the residential use is allowed by right.

E. Third-Story Uses in the MU-V Zoning District. Permitted land uses within the third story of an existing or new building in the MU-V zoning district are limited to residential and hotel uses only.

F. Residential Care Facilities. Residential care facilities shall be allowed with the permits required for dwellings of the same type within the applicable zoning district. For example, a residential care facility in a detached single-family home requires the same permits and is subject to the same use regulations as a detached single-family home. (Ord. 1057 § 2 (Att. 1), 2022; Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.20.030 Development standards – Mixed use village zoning district. Revised 4/23

A. General. Table 17.20-2 identifies development standards that apply in the mixed use village (MU-V) zoning district.

Table 17.20-2: Development Standards in the Mixed Use Village (MU-V) Zoning District

| | MU-V | Additional Standards |
|-------------------------------|---------------------------|--|
| Site Requirements | | |
| Floor Area Ratio, Maximum | 2.0 | Section 17.20.030(C) Section 17.48.040 Chapter 17.88 |
| Parking and Loading | See Chapter 17.76 | |
| Structure Requirements | | |
| Setbacks | | |
| Front | Min: 0 ft. Max: 15 ft. | Section 17.20.030(D) |
| Rear | None [1] | |
| Interior Side | None | |
| Street Side | Min: 0 ft. Max: 15 ft. | |
| Height, Maximum | 27 ft. | Section 17.20.030(B) and (C) Section 17.48.020 Chapter 17.88 |
| Accessory Structures | See Chapter 17.52 | |

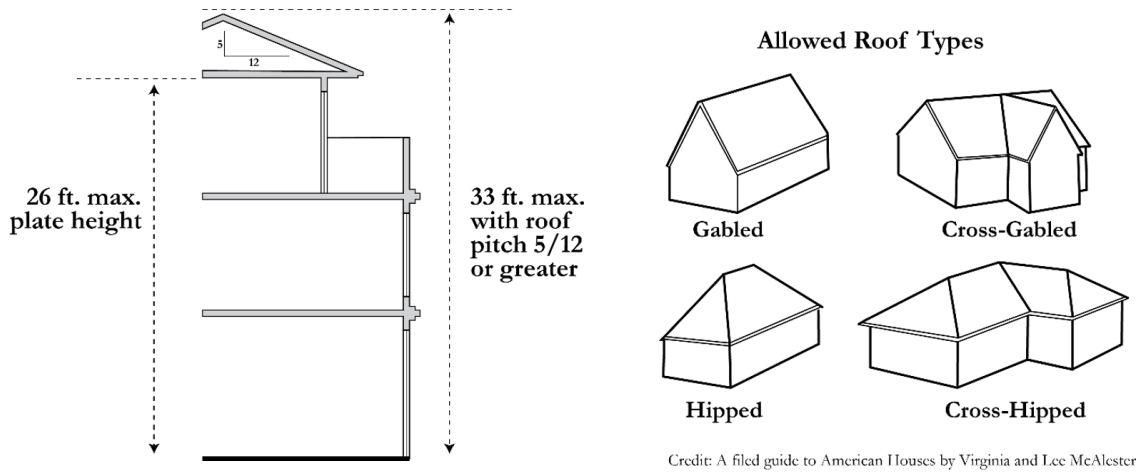
Note:

[1] Twenty percent of lot depth for residential use on parcel.

B. Height Exceptions. The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to thirty-three feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of twenty-six feet. There shall be no breaks in the roof slope for doors and decks. Exterior doors and decks above the twenty-six-foot plate height are prohibited. See Figure 17.20-1.
2. The thirty-three feet includes the maximum height of projections for nonhabitable decorative features and structures identified in Section 17.48.020(B) (Height Exceptions).

Figure 17.20-1: Increased Height in the MU-V Zoning District

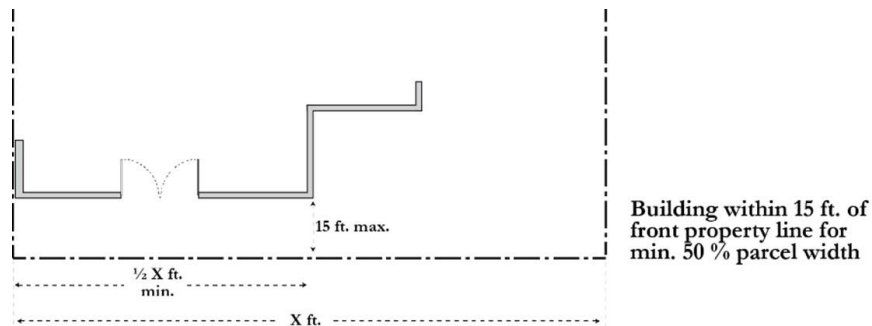


C. Increased Floor Area and Height for the Capitola Theater Site. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10). These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the general plan/land use plan.

D. Setbacks in the MU-V Zoning District. The following setback standards apply to all new structures in the MU-V zoning district:

1. Building should be constructed within fifteen feet of the front property line for a minimum of fifty percent of the parcel’s linear street frontage. See Figure 17.20-2. The planning commission may modify or waive this requirement upon finding that:
 - a. Compliance with the build-to width requirement would render the proposed project infeasible;
 - b. The project incorporates a front-facing courtyard or public seating area; or
 - c. An alternative site design would result in an enhanced pedestrian experience.

Figure 17.20-2: Build-To Line – MU-V Zoning District

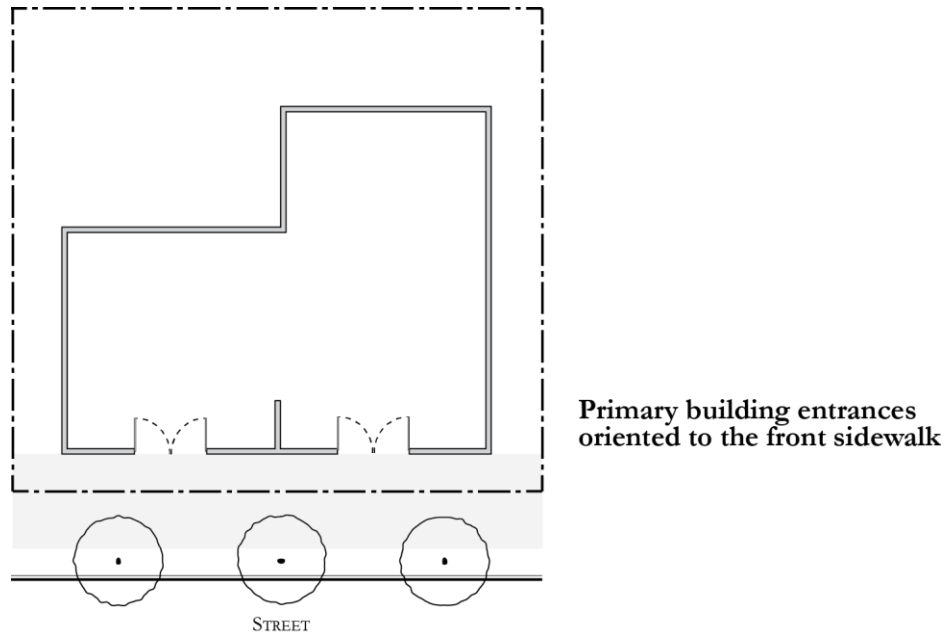


2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.
3. Structures shall be set back a minimum of ten feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.

E. General Design Standards. The following standards apply to all new buildings and area of new additions within the MU-V zoning districts, excluding the village residential overlay:

1. Building Orientation. Buildings should be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. See Figure 17.20-3.

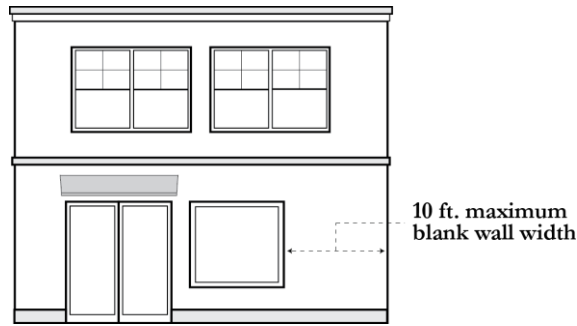
Figure 17.20-3: Building Orientation



2. Blank Walls. The maximum length of an unarticulated/blank building wall fronting a public street shall be ten feet. See Figure 17.20-4. Building articulation may be provided by:

- a. Doors, windows, and other building openings;
- b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
- c. Varying wall planes, heights or contrasting materials; and
- d. Awnings, canopies or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

Figure 17.20-4: Blank Wall Limitations



3. Storefront Width. The maximum building/storefront width shall be twenty-five feet. See Figure 17.20-5. Larger buildings shall be broken down into a pedestrian-scale rhythm with differentiated storefront design every twenty-five feet.

Figure 17.20-5: Storefront Width



4. Ground-Floor Building Transparency.

a. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.20-6. Windows or doors area shall be transparent to allow views into the building.

Figure 17.20-6: Storefront Transparency



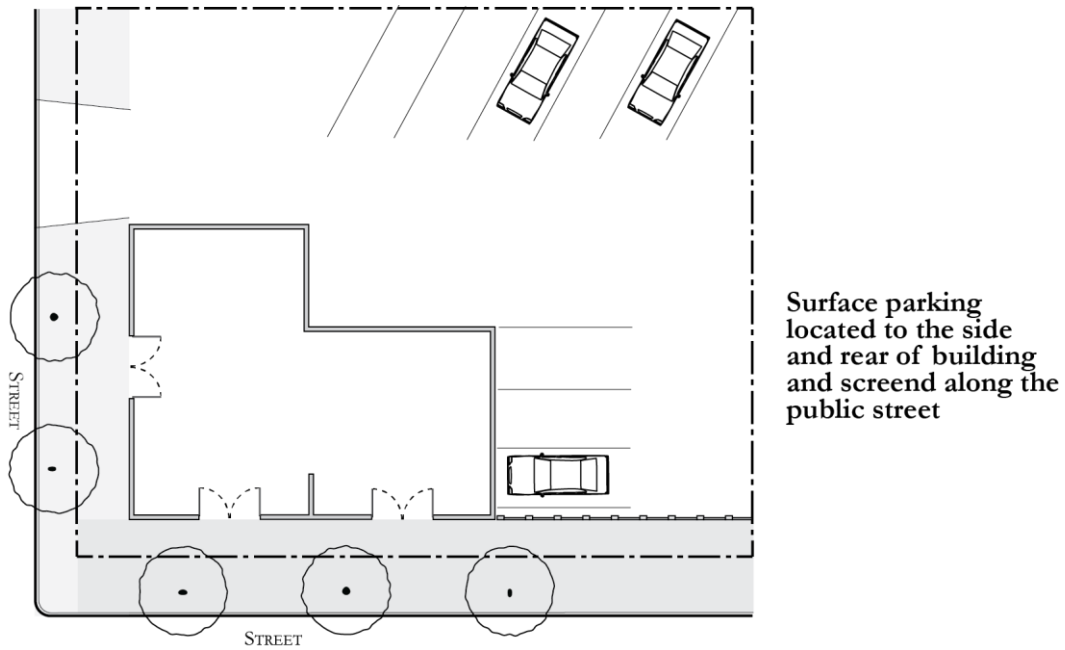
b. Exceptions to this transparency requirement may be allowed with a design permit if the planning commission finds that:

- i. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; and
- ii. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

5. Parking Location and Buffers.

- a. Surface parking shall be located to the rear or side of buildings. Surface parking may not be located between a building and a street-facing property line. See Figure 17.20-7.
- b. Surface parking adjacent to a street-facing property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, and/or landscaping at least three feet in height or maximum allowed pursuant to line of sight requirements in Section 17.96.050.
- c. Loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way, as determined by the community development director.

Figure 17.20-7: Parking Location



6. Driveways and Curb Cuts.

- a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots.
- b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.

7. Paved Site Areas.

- a. The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site.
- b. The use of asphalt for on-site paving is prohibited, except when used for parking areas and vehicle circulation.

8. Garbage and Recycling. Facilities for garbage and recycling shall be screened from public right-of-way and either designed into the architecture of the primary building or enclosed in an accessory structure located to the side and/or rear of the primary building.

9. Landscaping. See Section 17.72.050(B).

10. Roof Decks. Roof decks are prohibited in the MU-V zoning district. (Ord. 1057 § 2 (Att. 1), 2022; Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.48.020 Height measurement and exceptions.

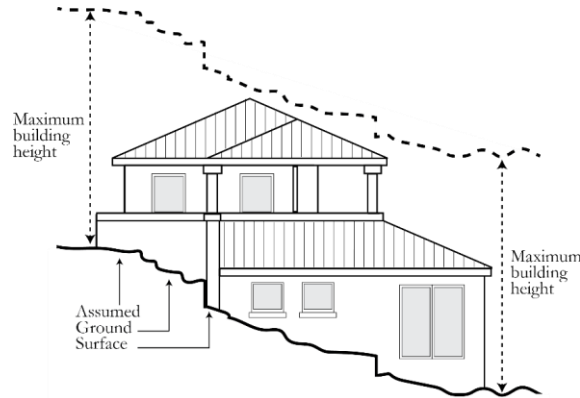
A. Measurement of Height.

- 1. The height of a building is measured as the vertical distance from the assumed ground surface to the highest point of the building.

2. “Assumed ground surface” means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. See Figure 17.48-1.

3. If grading or fill on a property within five years of an application increases the height of the assumed ground surface, height shall be measured using an estimation of the assumed ground surface as it existed prior to the grading or fill.

Figure 17.48-1: Measurement of Maximum Permitted Building Height



B. Height Exceptions. Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions may not be combined with any other height exceptions, including but not limited to allowances for additional height in the MU-V zone or for historic structures.

Table 17.48-1: Allowed Projections Above Height Limits

| Structures Allowed Above Height Limit | Maximum Coverage | Maximum Projection Above Height Limit |
|--|---|--|
| Nonhabitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements | 10% of roof area | 3 ft. in the R-1 zoning district; 6 ft. elsewhere |
| Skylights | 20% of roof area | 1 ft. |
| Chimneys not over 6 feet in width | 10% of roof area | 3 ft. in R-1 zoning district; 6 ft. elsewhere |
| Flagpoles not over 8 inches in diameter | N/A | 3 ft. in R-1 zoning district; 6 ft. elsewhere |
| Photovoltaic panels and thermal recovery systems | No restriction; subject to California Building Code | 4 ft. |
| Building-mounted telecommunications facilities | See Chapter 17.104 | |

(Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.72

LANDSCAPING Revised 4/23

Sections:

- 17.72.010 Purpose.
- 17.72.020 Applicability.
- 17.72.030 Water efficient landscape design and installation ordinance.
- 17.72.040 Landscape plans.
- 17.72.050 Required landscape areas. Revised 4/23
- 17.72.055 Parking lot landscaping. Revised 4/23
- 17.72.060 Landscape standards.
- 17.72.070 Landscape maintenance.

17.72.010 Purpose.

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources. (Ord. 1043 § 2 (Att. 2), 2020)

17.72.020 Applicability.

A. Multifamily and Nonresidential Projects. The following multifamily and nonresidential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multifamily or nonresidential structure by three thousand square feet or more.

B. Single-Family Residential Projects.

1. New single-family homes shall comply with all requirements of this chapter.
2. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a design permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape standards). The city will evaluate compliance with these standards based on the plans and materials submitted as part of the design permit application. Submittal of a landscape plan for the entire site in accordance with Section 17.72.040 (Landscape plans) is not required.

C. Coastal Development Permit. A proposed development that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval). (Ord. 1043 § 2 (Att. 2), 2020)

17.72.030 Water efficient landscape design and installation ordinance.

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the city of Santa Cruz water department or Soquel Creek Water District) landscape water use efficiency ordinance. If conflicts occur between the applicable water provider's landscape water use efficiency ordinance and the zoning code, the more restrictive policy to conserve water shall control. (Ord. 1043 § 2 (Att. 2), 2020)

17.72.040 Landscape plans.

A. Landscape Plan Required. Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., design permit/coastal development permit applications) and subsequent building permit applications.

B. Required Contents. Landscape plans shall include the following features and information:

1. Site boundaries.

2. Existing conditions on the property, including contours and existing structures.
3. Structures immediately adjacent to the property.
4. New structures and improvements proposed as part of the development project.
5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of all existing trees shall also include tree diameter measured forty-eight inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
6. New landscaping proposed as part of the development project specifying plant location, species, and size.
7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
8. Proposed grading.
9. Additional information as determined by the community development department to demonstrate compliance with the requirements of this chapter.

C. Review and Approval. The community development department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.

D. Changes to Approved Landscape Plans.

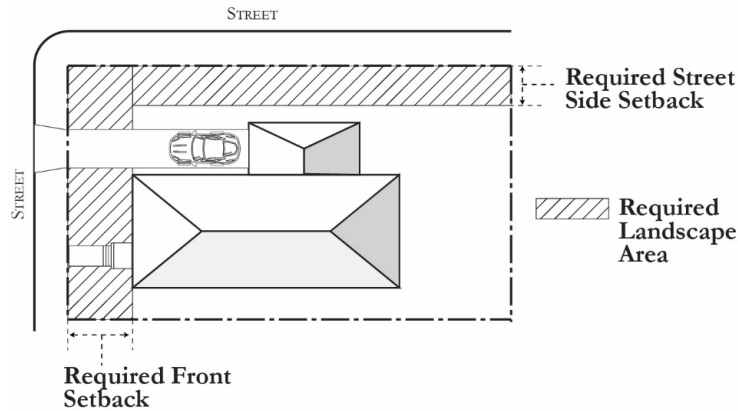
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
2. The community development director may approve minor modifications to a landscape plan previously approved by the planning commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the planning commission. (Ord. 1043 § 2 (Att. 2), 2020)

17.72.050 Required landscape areas. Revised 4/23

A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

Figure 17.72-1: Required Landscape Area in R-1 Zoning District



B. Nonresidential Zoning Districts.

1. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to seventy-five percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with planning commission approval. Hardscape areas counting towards landscaping requirements must contain aboveground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

Table 17.72-1: Minimum Landscaped Area in Nonresidential Zoning Districts

| Zoning Districts | Minimum Landscaped Area |
|-----------------------------|--|
| MU-V, MU-N, C-R, C-C, CF, I | 5% |
| P/OS, PD, -VS | As determined by the permit approval process |

C. Visitor Serving Properties. Minimum required landscaping for visitor serving properties are shown in Table 17.72-2. Minimum landscaping requirements are intended to ensure harmony with adjacent development in accordance with architectural and site approval standards.

Table 17.72-2: Minimum Landscaped Area for Visitor Serving Properties

| Property | Minimum Landscaped Area |
|---|---|
| Rispin site | 75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements |
| Shadowbrook restaurant parcel and visitor serving El Salto and Monarch Cove parcels | 50% landscaped area or undeveloped open space |
| All other visitor serving properties | 5% |

(Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.72.055 Parking lot landscaping. Revised 4/23

A. Landscaping Defined. Except as otherwise specified in this section, parking lot landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.

B. Interior Landscaping. All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than fifteen spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. "Interior landscaping" is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

Table 17.76-5: Minimum Required Parking Lot Landscaping

| Number of Required Parking Spaces | Percent of Surface Parking Area to Be Landscaped |
|-----------------------------------|--|
| 16 to 30 | 10% |
| 31 to 60 | 15% |
| Over 60 | 20% |

C. Shade Trees.

1. One shade tree shall be provided for every five parking spaces in a parking lot.
2. Shade trees shall be a minimum twenty-four-inch box in size and shall provide a minimum thirty-foot canopy at maturity.
3. Shade trees shall be of a type that can reach maturity within fifteen years of planting and shall be selected from a city-recommended list of canopy tree species.
4. Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a thirty-foot canopy) on August 21st. The arrangement should approximate nearly fifty percent shade coverage.
5. The planning commission may grant an exception to the required tree plantings if the fifty percent shade coverage exists within the parking lot.

D. Concrete Curbs.

1. All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of four inches high by four inches deep.
2. The city may approve alternatives to raised concrete curbs as needed to comply with any mandatory storm water drainage standards.

E. Parking Space Landscaping. A maximum of two feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

F. Timing. Landscaping shall be installed prior to the city's authorization to occupy any buildings served by the parking area, or prior to the final inspection for the parking lot.

G. Green Parking Exemptions. Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with planning commission approval of a design permit.

H. Exceptions. The planning commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a design permit upon finding that:

1. Full compliance with the requirement is infeasible or undesirable;

2. The project complies with the requirement to the greatest extent possible; and
3. The project incorporates other features to compensate for the exception and create a high-quality design environment. (Ord. 1057 § 2 (Att. 1), 2022)

17.72.060 Landscape standards.

A. General Standards. The following standards apply pursuant to Section 17.72.020 within all zoning districts:

1. Plant Selection. A minimum of ninety percent of plants and trees shall be drought-tolerant as defined by the Water Use Classification of Landscape Species (WUCOLS). Native plants adapted to the local climate are preferred.
2. Plant Selection Along Blufftop, Beach, or ESHA. Native plants adapted to the local climate shall be required within fifty feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.
3. Storm Water Management. The landscape plan shall incorporate storm water management controls in compliance with the Regional State Water Resources Control Board.
4. Turf Lawns.
 - a. Turf areas shall be limited to twenty-five percent of the landscaped area. The planning commission may approve larger areas if the lawn area provides functional open space.
 - b. Drought-tolerant grass species shall be used exclusively.
 - c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.
5. Slopes. Turf and high water use plants shall not be planted on berms and slopes greater than twenty-five percent.
6. Plant Groupings. Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).
7. Water Features. Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the planning commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features.
8. Watering Times. Watering shall be limited to between eight p.m. and ten a.m.
9. Public Safety. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.

B. Irrigation and Water Efficiency. Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:

1. Irrigation systems shall meet a minimum irrigation efficiency standard of the applicable water provider.
2. Separate landscape water meters for landscape areas exceeding ten thousand square feet for single-family residential uses and five thousand square feet for all other uses.
3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.
4. Overhead sprays shall have a precipitation rate of no more than three-quarters of an inch per hour.
5. Separate valves and circuits based on water use and sun exposure. Separate valves for turf and nonturf and berm areas are required.

6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.
7. Rain-sensing override devices are required for all irrigation systems.
8. Drip or bubble irrigation is required for all trees. Bubblers should not exceed a flow rate of one and one-half gallons per minute.
9. State-approved backflow prevention devices shall be installed on all irrigation systems.

C. Timing of Installation. Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy. (Ord. 1043 § 2 (Att. 2), 2020)

17.72.070 Landscape maintenance.

The following landscape maintenance requirements apply to multifamily and nonresidential properties:

- A. General. Landscape areas shall be maintained in a neat and healthful condition at all times.
- B. Mulch. Mulch shall be periodically added to the soil surface in all landscape areas.
- C. Replacement of Dead or Dying Plants. Plants that are dead or severely damaged or diseased shall be replaced by the property owner.
- D. Removal of Landscaping. Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees may only be removed and/or replaced in accordance with the city's tree ordinance, Chapter 12.12.
- E. Irrigation Systems. Irrigation systems shall be maintained in a fully functional manner as approved by the city and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations. (Ord. 1043 § 2 (Att. 2), 2020)

Chapter 13.16

STORM WATER POLLUTION PREVENTION AND PROTECTION

Sections:

- 13.16.010 Purpose – Intent.
- 13.16.020 Definitions.
- 13.16.030 Applicability.
- 13.16.040 Responsibility for administration.
- 13.16.050 Watercourse protection.
- 13.16.060 Industrial or construction activity discharges.
- 13.16.070 Illicit discharges and connections.
- 13.16.080 Suspension of MS4 access.
- 13.16.090 Post-construction storm water management.
- 13.16.100 Construction site storm water runoff control.
- 13.16.110 Compliance monitoring.
- 13.16.120 Compatibility with other regulations.
- 13.16.130 Severability.
- 13.16.140 Ultimate responsibility.
- 13.16.150 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.
- 13.16.160 Notification of spills.
- 13.16.170 Remedies not exclusive.
- 13.16.180 Violations, enforcement, and penalties.

13.16.010 Purpose – Intent.

A. This chapter establishes regulations for controlling the introduction of pollutants into the storm water system to ensure the city of Capitola’s compliance with provisions of the California State Water Resources Control Board’s National Pollutant Discharge Elimination System (NPDES) General Permit and Waste Discharge Requirements. These regulations will provide for the health, safety, and general welfare of the citizens of the city of Capitola through the regulation of non-storm-water discharges to the storm drainage system as required by federal and state law.

B. The objectives of this chapter are:

1. To regulate the contribution of pollutants to the storm water system by any discharger.
2. To prohibit illicit connections and non-storm-water discharges to the storm water system.
3. To establish legal authority to carry out all inspection, surveillance, monitoring, and enforcement procedures necessary to ensure compliance with this chapter.
4. To minimize increases in storm water runoff from any development or redevelopment in order to reduce flooding, siltation, increases in stream temperature and streambank erosion, and maintain the integrity of stream channels.
5. To minimize increases in nonpoint source pollution caused by storm water runoff from development or redevelopment which would otherwise degrade local water quality.
6. To minimize the total annual volume of surface water runoff which flows from any specific site during and following development or redevelopment to not exceed the pre-development hydrologic regime to the maximum extent practicable.
7. To reduce storm water runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through storm water management controls and to ensure that these management controls are properly maintained and pose no threat to public safety. (Ord. 985 § 1 (part), 2013)

13.16.020 Definitions.

A. For the purposes of this chapter, the following shall mean:

1. “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems. BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.
2. “City design standards” refers to the City of Capitola Public Works Design Standards, most recent version as amended.
3. “Clean Water Act” means the federal Water Pollution Control Act (33 U.S.C. Section 1251 et seq.) and any subsequent amendments thereto.
4. “Construction activity” means activities subject to the most current State Water Resources Control Board NPDES construction general permit. These include construction projects resulting in land disturbance of a minimum area as defined in the most recent construction general permit. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.
5. “Construction general permit” or “CGP” means the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit providing the Waste Discharge Requirements for Storm Water Discharges Associated with Construction and Land Disturbance Activities. At all times, the construction general permit refers to the most recently adopted permit as amended by the State Water Resources Control Board.
6. “Hazardous materials” means any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.
7. “Hydromodification” shall mean the alteration to the patterns and processes of runoff and sediment transport from a watershed into its receiving waters as a result of land use changes, in a manner that generally produces changes to the physical, chemical, and/or biological condition(s) of those receiving waters.
8. “Illegal discharge” means any direct or indirect non-storm-water discharge to the storm drain system or receiving waters, except as exempted in Section B3 of the MS4 permit.
9. Illicit Connections. An “illicit connection” is defined as either of the following:
 - a. Any drain or conveyance, whether on the surface or subsurface, that allows an illegal discharge to enter the storm drain system or receiving waters including but not limited to:
 - i. Any conveyances that allow any non-storm-water discharge including sewage, process wastewater, and wash water to enter the storm drain system; and
 - ii. Any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by the city; and
 - b. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system that has not been documented in plans, maps, or equivalent records and approved by the city.
10. “Illicit discharge” means any discharge to a municipal separate storm sewer that is not composed entirely of storm water except for discharges pursuant to a NPDES permit or exempted herein. Examples include, but are not limited to, oils, grease, paint, motor oil, and concrete wash, among other materials.

11. "Incidental runoff" is defined as unintended amounts (volume) of runoff, such as unintended, minimal over-spray from sprinklers that escapes the area of intended use.
12. "Industrial activity" means activities subject to the most current State Water Resources Control Board NPDES General Permit for Discharges of Storm Water Associated with Industrial Activities (excluding construction activities).
13. "Maximum extent practicable" or "MEP" means the cumulative result of implementing, evaluating, and creating corresponding changes to a variety of technically appropriate and economically feasible best management practices (BMPs) that serve to reduce the discharge of pollutants from MS4s to waters of the U.S., ensuring that the most appropriate BMPs are implemented in the most effective manner.
14. "Municipal separate storm sewer system (MS4)" means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the city of Capitola and designed or used for collecting or conveying storm water, and that is not used for collecting or conveying sewage.
15. "National Pollutant Discharge Elimination System (NPDES) storm water discharge permit" means a permit issued by the State Water Resources Control Board or Central Coast Regional Water Quality Control Board that authorizes the discharge of pollutants to waters of the United States, whether the permit is applicable on an individual, group, or general area-wide basis.
16. "Nonpoint source pollution" means pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural (e.g., forestry), mining, construction, subsurface disposal and urban runoff sources.
17. "Non-storm-water discharge" means any discharge to the storm drain system that is not composed entirely of storm water.
18. "Person" means any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting as either the owner or as the owner's agent.
19. "Phase II MS4 permit" means the State Water Resources Control Board National Pollutant Discharge Elimination System General Permit Order No. 2013-0001-DWQ providing the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems (MS4). At all times, "Phase II MS4 permit" represents the most recently adopted permit as amended by the State Water Resources Control Board.
20. "Pollutant" means anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; nonhazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; and noxious or offensive matter of any kind.
21. "Post-construction requirements" or "PCRs" means requirements as defined in the Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032 Approving Post-Construction Storm Water Management Requirements for Development Projects in the Central Coast Region, including attachments thereto, or any applicable updated or amended resolutions adopted by the SWRQB or RWQCB.
22. "Premises" means any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.
23. "Receiving waters" shall mean "waters of the United States" as defined in Section 122.2 of Title 40 of the Code of Federal Regulations, any other natural or altered channels or streams into which the storm water discharges, any body of standing water, and groundwater.

24. "Regional Water Board" means the Central Coast Regional Water Quality Control Board.
25. "State Water Board" means the California State Water Resources Control Board.
26. "Storm drainage system" means publicly owned facilities by which storm water is collected and/or conveyed, including but not limited to any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.
27. "Storm water" means any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.
28. "Uncontrolled source" means any pollutant source or potential pollutant source that has not been adequately controlled with BMPs to the MEP.
29. "Wastewater" means any water or other liquid, other than uncontaminated storm water, discharged from a facility. (Ord. 985 § 1 (part), 2013)

13.16.030 Applicability.

A. This chapter shall apply to all water entering the storm drain system or receiving waters generated on any developed and undeveloped lands unless explicitly exempted by this chapter and the city. (Ord. 985 § 1 (part), 2013)

13.16.040 Responsibility for administration.

A. The city shall administer, implement, and enforce the provisions of this chapter. The city manager may delegate in writing to persons or entities acting in the beneficial interest of or in the employ of the city to administer, implement, and/or enforce the provisions of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.050 Watercourse protection.

A. Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse.

B. All property located within the environmentally sensitive habitat district or otherwise identified as sensitive habitat is subject to the provisions and requirements of Chapter 17.64 of this code. (Ord. 985 § 1 (part), 2013)

13.16.060 Industrial or construction activity discharges.

A. Submission of NOI.

1. Any person subject to an industrial or construction activity general NPDES storm water discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit is required in a form acceptable to the city prior to allowing discharges to the MS4.
2. The operator of a facility, including construction sites, required to have an NPDES permit to discharge storm water shall submit a copy of the notice of intent (NOI) to the city at the same time the operator or contractor submits the original NOI to the Regional Water Board as applicable.
3. The copy of the NOI shall be delivered to the city either in person or by mailing it to:

Notice of Intent to Discharge Storm Water
City of Capitola, Public Works Department
420 Capitola Avenue
Capitola, CA 95010

(Ord. 985 § 1 (part), 2013)

13.16.070 Illicit discharges and connections.

A. Discharge Prohibitions.

1. Prohibition of Illegal Discharges. No person shall throw, drain, or otherwise discharge, cause, or allow others under its control to throw, drain, or otherwise discharge into the MS4 or receiving waters any pollutants or waters containing any pollutants, other than storm water.

The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described in the Phase II MS4 permit.

Conditionally exempted discharges are explicitly detailed in Section B3 of the Phase II MS4 permit. It is the responsibility of the discharger to review the list of exemptions in the Phase II MS4 permit to verify compliance with the permit and applicability of the exemption for the proposed discharge. Examples of exempted discharges include, but are not limited to, water line flushing, individual residential car washing, air conditioning condensation, and discharges from potable water sources. This provision does not obviate the need to obtain any other appropriate permits for such discharges. Any exempted discharges determined to be a significant source of pollutants to the MS4 or receiving waters are prohibited.

B. Prohibition of Illicit Connections.

1. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

2. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

3. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4, or allows such a connection to continue.

4. Improper connections in violation of this chapter must be disconnected and redirected, if necessary, to an approved on-site wastewater management system or the sanitary sewer system upon approval of the city.

5. Any drain or conveyance that has not been documented in plans, maps or equivalent, and which may be connected to the storm sewer system, shall be located by the owner or occupant of that property upon receipt of written notice of violation from the city requiring that such locating be completed.

Such notice will specify a reasonable time period within which the location of the drain or conveyance is to be determined, that the drain or conveyance be identified as storm sewer, sanitary sewer or other, and that the outfall location or point of connection to the storm sewer system, sanitary sewer system or other discharge point be identified.

Results of these investigations are to be documented and provided to the city.

C. Incidental Discharge Prohibition and Prevention.

1. Non-storm-water runoff discharge that is not incidental is prohibited, unless otherwise specified in the Phase II MS4 permit.

2. Discharges in excess of an amount deemed to be incidental runoff shall be controlled. Water leaving an intended use area is not considered incidental if it is part of the facility design, if it is due to excessive application, if it is due to intentional overflow or application, or if it is due to negligence.

3. Parties responsible for controlling runoff in excess of incidental runoff shall do so in accordance with the Phase II MS4 permit. (Ord. 985 § 1 (part), 2013)

13.16.080 Suspension of MS4 access.

A. Emergency Cease and Desist Orders.

1. When the city finds that any person has violated, or continues to violate, any provision of this chapter, or any order issued hereunder, or that the person's past violations are likely to recur, and that the person's violation(s) has (have) caused or contributed to an actual or threatened discharge to the MS4 or waters of the United States which reasonably appears to present an imminent or substantial endangerment to the health or welfare of persons or to the environment, the city may issue an order to the violator directing it immediately to cease and desist all such violations and directing the violator to:

- a. Immediately comply with all requirements of this chapter; and
- b. Take such appropriate preventive action as may be needed to properly address a continuing or threatened violation, including immediately halting operations and/or terminating the discharge.

2. Any person notified of an emergency order directed to it under this subsection shall immediately comply and stop or eliminate its endangering discharge in accordance with the following requirements, and as detailed in the order:

- a. Abate and clean up their discharge, spill, or pollutant release within seventy-two hours of notification.
- b. Clean up high risk spills as soon as possible.
- c. Uncontrolled sources of pollutants that may pose an environmental threat shall be abated within thirty days of notification. "Uncontrolled sources of pollutants" refers to any facilities, equipment, materials or other objects that contain or consist of pollutants that may pose an environmental threat and that have not been adequately controlled or contained with BMPs to prevent those pollutants from entering the MS4 and/or waters of the U.S. The proximity of the source to a drain inlet or a waterway, the potential pathways and barriers, and potential entrainment of the source and/or pollutants in storm water via rain events are all considerations for determining whether a source requires abatement and shall be left to the discretion of the inspector.

3. In the event of a discharger's failure to immediately comply voluntarily with the emergency order, the city may take such steps as deemed necessary to prevent or minimize harm to the MS4 or waters of the United States, and/or endangerment to persons or to the environment, including seeking termination of a facility's utility services.

The city may allow the person to recommence its discharge when it has been demonstrated to the satisfaction of the city that the period of endangerment has passed, unless further termination proceedings are initiated against the discharger under this chapter.

A person that is responsible, in whole or in part, for any discharge presenting imminent endangerment shall submit a detailed written statement, describing the causes of the harmful discharge and the measures taken to prevent any future occurrence, to the city within thirty days of receipt of the emergency order. Issuance of an emergency cease and desist order shall not be a bar against, or a prerequisite for, taking any other action against the violator.

B. Suspension Due to Illicit Discharges in Emergency Situations.

1. The city may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the United States.

If the violator fails to comply with a suspension order issued in an emergency, the city may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the United States, or to minimize danger to persons.

C. Suspension Due to the Detection of Illicit Discharge.

1. Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The city will notify a violator of the proposed termination of its MS4 access. The violator may petition the city for a reconsideration and hearing.
2. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the city. (Ord. 985 § 1 (part), 2013)

13.16.090 Post-construction storm water management.

A. Design Standards and Site Design Measures.

1. New development and redevelopment projects shall comply with the post-construction requirements (PCRs) and the city design standards.
2. Design standards include measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management for regulated projects as further described in the city design standards.
3. It is the responsibility of the applicant to obtain, review, and follow the PCRs and the city design standards for compliance with this chapter.

B. Regulated Projects.

1. Projects are defined as regulated or nonregulated by type of project and by square footage of impervious surface that is created and/or replaced.
2. Special measures for site design, source control, runoff reduction, storm water treatment and baseline hydromodification management shall apply to regulated projects that create or replace a certain threshold value of impervious surface, as defined in the Phase II MS4 permit.

C. Source Control Measures.

1. Conformance with source control measures for pollutant generating activities and sources shall be designed consistent with recommendations from industry specific guidance manuals and handbooks serving to identify best management practices (BMPs) contained in the city design standards.

Activities and sources to which these measures apply are described in the State Water Board Phase II MS4 permit.

D. Low Impact Development Design Standards.

1. Applicant shall adhere to the post-construction requirements (PCRs) and city design standards including all standards relating to low impact development (LID). Threshold site areas where various design standards apply are described in the city design standards.
2. Not all new development and redevelopment project sites require adherence to these standards; project applicability and criteria are detailed in the PCRs and city design standards.

E. Hydromodification Management.

1. Applicant shall adhere to the post-construction requirements (PCRs) and city design standards including all standards relating to hydromodification management. Threshold site areas where various design standards apply are described in the PCRs and city design standards.
2. Not all new development and redevelopment project sites require adherence to these standards; project applicability and criteria are detailed in the post-construction requirements (PCRs) and city design standards. (Ord. 985 § 1 (part), 2013)

13.16.100 Construction site storm water runoff control.

A. Construction Projects.

1. Certain projects are subject to the construction general permit in addition to this construction site storm water runoff control chapter. Criteria for project applicability are included in the CGP and city design standards.
2. All projects are subject to the:
 - a. City design standards.
 - i. Requirements for erosion and sediment controls.
 - ii. Requirements for soil stabilization.
 - iii. Requirements for dewatering.
 - iv. Requirements for source controls.
 - v. Requirements for pollution prevention measures.
 - b. Prohibited discharges as defined in this chapter.
 - c. The excavation and grading requirements detailed in Chapter 15.28 of this code.
 - d. The erosion and grading control requirements detailed in Chapter 16.24 of this code.
 - e. Phase II MS4 permit.

B. Erosion and Sediment Control.

1. All projects are required to develop an erosion and sediment control plan in accordance with the requirements in the Phase II MS4 permit and city design standards. The plan shall be submitted with the grading or building permit application and must be reviewed and approved by the city prior to issuance of said permit.
2. Prior to commencement of land disturbance, a pre-site inspection must be conducted by the grading official per the requirements in the city design standards to verify compliance with the approved erosion and sediment control plan.

C. Periodic Inspection.

1. Periodic inspections will be conducted on the basis of project priority and the discretion of the grading official.
2. Project priority for the purpose of determining inspection frequency shall be based on project threat to water quality. Project threat to water quality includes soil erosion potential, site slope, project size and type, sensitivity of receiving water bodies, proximity to receiving water bodies, non-storm-water discharges, projects more than one acre that are not subject to the CGP (sites that have obtained an erosivity waiver) and past record of noncompliance by the operator of the construction site.
3. Inspection frequencies shall be determined by the grading official and be conducted based on the prioritization criteria described above. (Ord. 985 § 1 (part), 2013)

13.16.110 Compliance monitoring.

A. Right of Entry – Inspection and Sampling.

1. Pursuant to, and subject to the requirements of, Section 4.02.040 of this code, the city shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this chapter.

- a. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to representatives of the city.
- b. Facility operators shall allow the city ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge storm water, and the performance of any additional duties as defined by state and federal law.
- c. The city shall have the right to set up on any permitted facility such devices as are necessary in the opinion of the city to conduct monitoring and/or sampling of the facility's storm water discharge.
- d. The city has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure storm water flow and quality shall be calibrated to ensure their accuracy.
- e. Any temporary or permanent obstruction to safe and easy access to the facility to be inspected and/or sampled shall be promptly removed by the operator at the written or oral request of the city and shall not be replaced. The costs of clearing such access shall be borne by the operator. (Ord. 985 § 1 (part), 2013)

13.16.120 Compatibility with other regulations.

A. This chapter is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this chapter are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this chapter imposes restrictions different from those imposed by any other ordinance, rule, regulation, or other provision of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.

B. Other relevant Capitola municipal codes associated with the protection of storm water and receiving waters include, but are not limited to, the following:

1. Title 4, General Municipal Code Enforcement.
2. Title 15, Buildings and Construction.
 - a. Chapter 15.28, Excavation and Grading.
3. Title 16, Subdivisions.
 - a. Chapter 16.24, Design Standards.
4. Title 17, Zoning.
 - a. Chapter 17.120, Design Permits.
 - b. Chapter 17.64, Environmentally Sensitive Habitat Areas.

C. Governing agencies and applicable permits associated with the protection of storm water and receiving waters include, but are not limited to, the following:

1. State Water Resources Control Board (State Water Board).
 - a. NPDES Phase II MS4 permit (most recent adopted order as amended).
 - b. NPDES construction general permit (most recent adopted order as amended).
 - c. NPDES industrial general permit (most recent adopted order as amended).

2. Central Coast Regional Water Quality Control Board (Regional Water Board).

- a. Post-construction requirements (most recent adopted resolution as amended). (Ord. 985 § 1 (part), 2013)

13.16.130 Severability.

A. The provisions of this chapter are hereby declared to be severable. If any provision, clause, sentence, or paragraph of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.140 Ultimate responsibility.

A. The standards set forth herein and promulgated pursuant to this chapter are minimum standards; therefore, this chapter does not intend or imply that compliance by any person will ensure that there will be no contamination, pollution, or unauthorized discharge of pollutants. (Ord. 985 § 1 (part), 2013)

13.16.150 Requirement to prevent, control, and reduce storm water pollutants by the use of best management practices.

A. The city has adopted industry specific guidance manuals and handbooks serving to identify best management practices (BMPs) for any activity, operation, or facility which may cause or contribute to pollution or contamination of storm water, the storm drain system, or waters of the United States. Acceptable references are described in the city design standards. The owner or operator of such activity, operation, or facility shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the municipal storm drain system or watercourses through the use of these structural and nonstructural BMPs.

B. Any person responsible for a property or premises that is, or may be, the source of an illicit discharge may be required to implement, at said person's expense, additional structural and nonstructural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of storm water associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

These BMPs are part of the city design standards as necessary for compliance with requirements of the Phase II MS4 permit. (Ord. 985 § 1 (part), 2013)

13.16.160 Notification of spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into storm water, the storm drain system, or waters of the United States, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

In the event of a release of nonhazardous materials, said person shall notify the city in person or by phone or facsimile no later than the next business day.

B. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the city within five business days of the phone notice.

C. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least five years.

D. Failure to provide notification of a release as provided above is a violation of this chapter. (Ord. 985 § 1 (part), 2013)

13.16.170 Remedies not exclusive.

A. The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the city to seek cumulative remedies pursuant to Title 4 of this code. (Ord. 985 § 1 (part), 2013)

13.16.180 Violations, enforcement, and penalties.

A. Violations.

1. It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person who has violated or continues to violate the provisions of this chapter may be subject to the enforcement actions outlined in Title 4 of this code.

B. Notice of Violation.

1. Whenever the city finds that a person has violated a prohibition or failed to meet a requirement of this chapter, the city may order compliance by written notice of violation to the responsible person pursuant to Chapter 4.10 of this code. In addition, such notice may require without limitation:

- a. The performance of monitoring, analyses, and reporting;
- b. The elimination of illicit connections or discharges;
- c. That violating discharges, practices, or operations shall cease and desist;
- d. The abatement or remediation of storm water pollution or contamination hazards and the restoration of any affected property;
- e. Payment of a fine to cover administrative and remediation costs; and
- f. The implementation of source control or treatment BMPs.

C. Compensatory Action.

1. In lieu of enforcement proceedings, penalties, and remedies authorized by this chapter, the city, at its discretion, may impose upon a violator alternative compensatory action, such as storm drain stenciling, attendance at compliance workshops, creek cleanup, etc.

D. Revision to Abatement Time Frame.

1. If all parties, including the city, agree that cleanup activities cannot be completed within the original time frame dictated by any notice of violation and/or cease and desist order, the city shall notify the Regional Water Board in writing within five business days of the determination that the time frame requires revision.

The person, owner, agent or person in possession of the premises shall be subject to the modified abatement time frame and any citations and penalties issued by the State and/or Regional Board in addition to those issued by the city. (Ord. 985 § 1 (part), 2013)

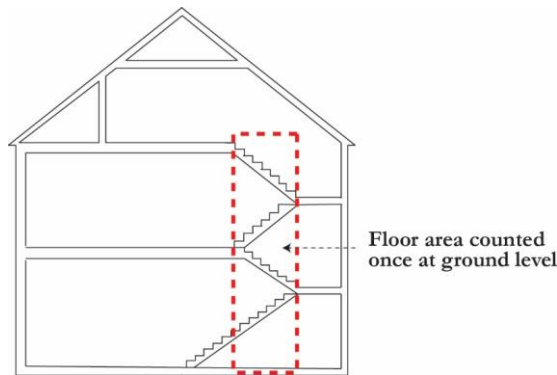
17.48.040 Floor area and floor area ratio. Revised 4/23

A. Floor Area Defined. "Floor area" means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

B. Floor Area Calculation.

1. Floor area includes all interior area below a roof and within:
 - a. The outer surface of the exterior walls; or
 - b. The centerlines of party walls separating buildings or portions thereof; or
 - c. All area within the roof line of a carport.
2. Floor area includes the entire area in all enclosed structures without deduction for features such as interior walls or storage areas.
3. In the case of a multistory building with covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features is counted only once at the floor level of their greatest area of horizontal extent. See Figure 17.48-3.

Figure 17.48-3: FAR Measurement for Stairways



4. Interior area of a building with a floor-to-ceiling height of greater than sixteen feet is counted twice in the floor area calculation.
5. The following features are included in the floor area calculation:
 - a. All upper-floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling.
 - b. All accessory structures other than a single building one hundred twenty square feet or less, ten feet or less in height, and without plumbing fixtures.
 - c. Carports.
 - d. Upper-floor decks in excess of one hundred fifty square feet.
6. For all uses, the following features are excluded from the floor area calculation:
 - a. Covered or uncovered first-story decks and patios.
 - b. Pergolas, porte-cocheres not more than ten feet in height, and similar outdoor space which is open on at least three sides, not including carports.

- c. Upper-floor decks one hundred fifty square feet or less.
- d. Bay windows, chimneys, and other similar wall projections.
- e. Up to two hundred fifty square feet of an enclosed garage on a lot two thousand five hundred eighty-six square feet or less.
- f. On a lot between two thousand five hundred eighty-six and three thousand eighteen square feet with an enclosed garage, up to the difference between the maximum allowed floor area and one thousand seven hundred fifty square feet.
- g. Underground parking garages not visible from a public street.
- h. Basements when all walls are below grade and not visible. Basements are included in calculations of required on-site parking to serve the use.

7. For nonresidential uses, the following features are excluded from the floor area calculation:

- a. Outdoor improvements such as patios, decks, courtyards, outdoor dining areas, and other areas used by customers and employees. These features are included in calculations of required on-site parking to serve the use.
- b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
- c. Quasi-public seating areas located in a privately owned shopping center which are open to all of the patrons of all of the businesses of the shopping center and which consist of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities.

C. Floor Area Ratio.

1. Floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a site as defined in subsection B of this section (Floor Area Calculation) by the net parcel area.
2. Net parcel area excludes: (a) any recorded easements to allow others to use the surface of the property for access to an adjacent property or other similar use, and (b) any area under the high water mark that extends into a waterway. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.120

DESIGN PERMITS Revised 4/23

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required. Revised 4/23
- 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. Revised 4/23

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 |
|---|---------------------|
| Single-Family Residential Projects | |
| Ground-floor additions to existing single-family homes where the addition does not exceed 15 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 |
| All rooftop decks | Design Permit |
| Upper-floor additions to an existing single-family home | Design Permit |
| New single-family homes | Design Permit |
| Multifamily Residential Projects | |
| Ground-floor additions less than 15% of total floor area of an existing multifamily structure | Minor Design Permit |
| Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open | Design Permit |

| Type of Project | Type of Permit |
|--|---------------------|
| space | |
| 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 |
| Nonresidential Projects (Including Mixed Use) | |
| 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. Streetscape Illustration. For all proposed new buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

C. 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 Design review process.

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. 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 structures. New structures and additions to nonhistoric 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 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 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. (Ord. 1043 § 2 (Att. 2), 2020)

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.

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 17.120

DESIGN PERMITS Revised 4/23

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required. Revised 4/23
- 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. Revised 4/23

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 |
|---|---------------------|
| Single-Family Residential Projects | |
| Ground-floor additions to existing single-family homes where the addition does not exceed 15 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 |
| All rooftop decks | Design Permit |
| Upper-floor additions to an existing single-family home | Design Permit |
| New single-family homes | Design Permit |
| Multifamily Residential Projects | |
| Ground-floor additions less than 15% of total floor area of an existing multifamily structure | Minor Design Permit |
| Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open | Design Permit |

| Type of Project | Type of Permit |
|--|---------------------|
| space | |
| 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 |
| Nonresidential Projects (Including Mixed Use) | |
| 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. Streetscape Illustration. For all proposed new buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

C. 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 Design review process.

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. 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 structures. New structures and additions to nonhistoric 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 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 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. (Ord. 1043 § 2 (Att. 2), 2020)

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.

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)

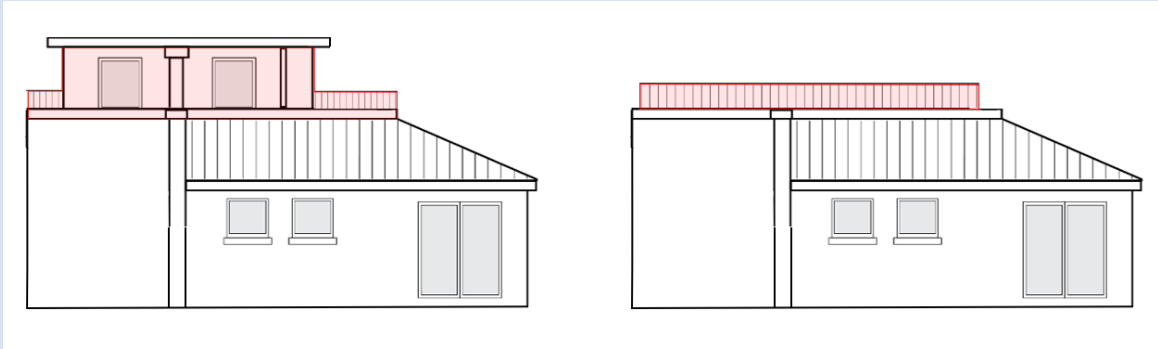
| # | Code Section | Description of Issues and/or Suggested Amendments | Other | |
|---|--|---|-----------|----|
| | <p>17.16.030(B)(11) Second-Story Decks and Balconies.</p> | <ul style="list-style-type: none"> • 11.a. states: An upper floor deck in excess of one hundred fifty square feet is included in the floor area ratio calculation. Edit: Clarify if this is per deck or cumulative. • 11.b. states: A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling. Edit: A second-story deck or balcony may not <u>predominately</u> face an interior side parcel line abutting a lot with a single-family dwelling. • 11.c.2. states: Front setback 20 feet. Edit: Consider allowing second-story decks at 15 feet from the front property line to encourage decks on the front of home. Front yard setback for the first story of a home is 15 feet and the second story is 20 feet. This creates an area suitable for a second story deck on the front façade above the first story. • 11.d. states: A permanent privacy screen (e.g., opaque glass) is required for rear deck along the railing parallel to the interior side property line facing a single-family dwelling. Edit: specify the height of the privacy screen at 6 feet. • 11.e. states: a second-story deck or balcony may not project further than six feet from the exterior building wall to which it is attached. Edit: Add an exception to the six foot depth for areas recessed into the structure on three sides. Also, specify projection is from <u>second</u> story wall. | | SS |
| | <p>17.20.030(E)(6)(a) and 17.20.040(F)(1) – No minimum allowed curb cut widths specified.</p> | <p>17.20.030.E. is specific to MU-V and states: 6. Driveways and Curb Cuts. a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots. b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.</p> <p>Suggestion: 1. Add reference to parking chapter section 17.76.040.C.3. which identifies when curb cuts are prohibited in Village. 2. Add exception consistent with the rest of code “except that all lots may have a parking space of up to fourteen feet in width regardless of lot width.”</p> | 8/21/2023 | SS |

| # | Code Section | Description of Issues and/or Suggested Amendments | Other | Staff |
|---|--|---|-----------|---|
| | <p>Consideration of CDP Waiver or Categorical Exclusion for J/ADUs</p> <p>If considered, also consider SB 9.</p> | <p>Coastal Development Permit Exclusion, Exemptions, and Waivers</p> <p>https://documents.coastal.ca.gov/assets/rflg/ADU-Memo.pdf</p> <p>Pursue CDP waivers for ADUs under most circumstances (Not in a hazard area, nor ESHA, nor near a beach or bluff, no on-site coastal resources or access).</p> <p><i>“Most, if not all, LCPs with CDP waiver provisions do not allow for waivers in areas where local CDP decisions are appealable to the Coastal Commission... However, under the state’s J/ADU provisions, public hearings are not required for qualifying development... Because of this, the above-described public hearing issue would not be a concern, so it could be appropriate for LCPs to allow CDP waivers in both appealable and non-appealable areas at least related to this criterion... Any LCP amendment applications that propose to allow waivers in appealable areas should ensure that there are appropriate procedures for notifying the public and the Commission regarding approvals of individual, appealable waivers (such as Final Local Action Notices) so that the proper appeal period can be set, and any appeals received are properly considered.”</i></p> <p><i>“The Coastal Act also provides for other streamlined processing for certain types of development, including for minor development. (Pub. Res. Code § 30624.9.) In certain cases, categories of development can also be excluded from CDP requirements if certain criteria are met (see box). In any case, local governments without such CDP waiver and other processing and streamlining tools are encouraged to work with Commission staff to amend their LCP to include such measures.”</i></p> | | <div style="border: 1px solid black; padding: 2px; width: fit-content;">Item 6 A.</div> |
| 17.48-2, 17.72.020, -050, | Floor Area & Parking Req. 17.48.040(B)(6) and 17.76.030(C)(1) | <p>Consider standards and permitting for flatwork/hardscape. Regulated with Design Permits but not as a stand-alone project.</p> <p>Suggest adding an exemption for the Floor Area of residential decks from parking requirements.</p> | 7/26/2023 | BF |
| 17.74 Limited Standards ADUs within the required front setback. | | <p>As of 2022 per the HCD ADU Handbook, front setbacks must be waived if necessary to allow construction of a limited standards ADU. <i>“A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)”</i> Page 16 of the HCD handbook. HCD ADU Handbook Link</p> <p>Within limited standards add <i>“The community development director shall determine which standards must be adjusted, if any, to comply with this section.”</i></p> | 7/25/2023 | SS |

| # | Code Section | Description of Issues and/or Suggested Amendments | Other | Staff |
|---|---|--|-----------|-----------|
| | 17.74 Definition of multifamily for ADU chapter – consistency with state law | <p>Capitola defines multifamily as 3 or more units in a single structure (Mixed use more broadly defines multifamily as 2 or more residential units in any configuration on a lot with at least one nonresidential use).</p> <p>CA HCD guidance defines multifamily (for the purposes of ADUs) as 2 or more units in a structure.0</p> | 9/14/2023 | Item 6 A. |
| | 17.80 Signs | Current maximum sign size is 1 ft per linear foot of frontage up to 50 feet. For large parcels, this is very limiting. Suggest adding ½ ft per linear foot beyond 50 to allow signs similar to what already exists. | 7/2023 | BF |
| | 17.84.080(C) | Replace “CDD” with “community development director”. Acronym is not used anywhere else in Municipal Code. | 7/27/2023 | SS |
| | 17.84.070(C)(2) | <p>Outline format. 17.84.070.C.2 should be 17.84.070.<u>D</u></p> <p>C. Requirement for Potential Historic Resource.</p> <p>1. When Permit Is Required. A historic alteration permit is required for an alteration to a potential historic resource if:</p> <p>a. The project requires a discretionary approval (e.g., design permit, coastal development permit); and</p> <p>b. The community development director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a historic alteration permit.</p> <p>2. <u>D.</u> Historic Resource Assessment and Consultation. A proposed alteration to a designated historic resource or a potential historic resource that requires a discretionary permit will be reviewed by the city’s architectural historian to assess if the project may result in a significant adverse impact of a historic resource. The community development director shall use this assessment to determine if the findings of approval for the historic alteration permit can be made. Review by the city’s architectural historian is not required for in-kind repairs in accordance with subsection E of this section (Exception for Preservation and In-Kind Rehabilitation).</p> | 7/27/2023 | SS |

| # | Code Section | Description of Issues and/or Suggested Amendments | Other | Staff |
|---|--|--|-----------|---|
| | 17.89.090 Historic Preservation Incentives - Language | <p>17.89.090D. states: Permitting Fees. The city council shall waive application and review fees for planning permits required for development projects that preserve, retain, and rehabilitate a historic structure. Planning permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the city's historic preservation goals. Required third-party reviews shall be paid for by the applicant.</p> <p>The provision's intent is to provide relief for projects that protect historic resources, but it is unclear under what circumstances they may apply.</p> <ol style="list-style-type: none"> 1. Does a project need to go before City Council to receive a waiver/reimbursement and if they do, is the waiver automatic or must the Council make findings? <ol style="list-style-type: none"> a. Consider rewriting the first sentence of 17.89.090(D) "The city council shall <u>may</u> waive application fees..." 2. Similarly, can fees be waived for historic applications that are approved administratively or by the Planning Commission? <ol style="list-style-type: none"> a. Consider specifying who can make fee waiver determinations, such as the review authority (review authority could include staff for some historic applications), Planning Commission, City Council, etc. 3. Historic Alteration Permits and Historic Determinations of Significance are billed on an hourly basis for staff time rather than a set permit fee. <ol style="list-style-type: none"> a. Consider modifying second sentence "Planning permit fees <u>application and review fees</u> shall be waived only for..." | | <div style="border: 1px solid black; padding: 2px; width: fit-content;">Item 6 A.</div> |
| | 17.96.040 Home Occupations | <p>17.96.040.A. states A. Required Permit. An administrative permit is required to establish or operate a home occupation.</p> <p>Edit: Remove requirement for administrative permit and keep all the standards in the code. The administrative permit is staff intensive and unnecessary. The business license application can be updated with a box to check for home occupancy. There is a guidance document available to home occupations which outlines all the standards. Code enforcement would be applicable to any home occupation not following the standards.</p> | | SS |
| | 17.104 Wireless Communication Facilities | <p>Update Federal CFR references throughout chapter. 47 CFR § 1.40001 appears to have been changed to 47 CFR 1.6100</p> | | SS |
| | 17.112.090 (new) 17.148.030 (E) | <p>The Planning Director may refer any application to the Planning Commission when the proposal may result in unusual public sensitivity, controversy, or complexity.</p> | 7/28/2023 | BF |

| # | Code Section | Description of Issues and/or Suggested Amendments | Other | Staff |
|---|--|---|------------|-----------|
| | <p>17.156.080 Time limits and extensions.</p> | <p>Item #1 Existing code does not have provisions to accommodate public agencies or complicated private projects under the original approval. Permits are valid for two years unless an extension is granted by the original review authority. Consider a provision for flexibility where longer timeframes are considered likely and reasonable. Provision(s) could be limited to City/public projects and could reserve authorization to only the Planning Commission or City Council rather than by administrative decision.</p> <p>17.156.080(A). Expiration of Permit. 1. A permit not exercised within two years shall expire and become void, except where <u>the review authority establishes a later expiration in its approval or an extension of time is approved as allowed by subsection C of this section (Extension of Time).</u> 2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer.</p> <p>Item #2 Reword the first line of Section 17.156.080(C):</p> <p>17.156.080(C) Extension of Time. The community development director may approve <u>Extensions to a permit may be approved consistent with</u> in the following manner: 1. Extensions to a permit may be approved by the review authority which originally approved the permit. 2. In instances where the community development director was the approval authority, the community development director may choose to refer any action to extend a permit to the planning commission for review and final decision. 3. The review authority may approve up to two two-year extensions (four years total) to a permit. The review authority may also approve an extension up to the expiration date of a valid tentative map as allowed by the Subdivision Map Act for projects involving a subdivision of land if such an extension is necessary to prevent a substantial hardship for the project applicant. 4. The applicant shall submit to the community development department a written request for an extension of time no later than ten days before the expiration of the permit. 5. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner. 6. The burden of proof is on the applicant to demonstrate that the permit should be extended.</p> | 11/29/2023 | Item 6 A. |
| | <p>17.160 Glossary. Define clerestory windows (height)</p> | <p>Sections 17.74 (ADUs) and 17.75 (SB9) require clerestory and/or opaque windows under some circumstances but do not define them or establish a minimum height. Consider either: Edit: Add definition of clerestory and describing a minimum window height, such as 6 feet above finished floor height.</p> | 6/23/2023 | SS |
| | <p>17.160 Glossary. (and Commercial Districts)</p> | <p>Definition of to-go restaurant should specifically not include bars.</p> | | BF |

| # | Code Section | Description of Issues and/or Suggested Amendments | Other | Staff |
|---|----------------|--|-------|-----------|
| | 17.160.020.R.9 | <p>17.16.030(11)(f) prohibits “roof decks” in the R-1 zoning district.</p> <p>17.160.120.R.9 defines rooftop decks as a walkable exterior floor system located above and supported by the roof of a building. The definition is broad and includes all decks that are supported by the roof of a lower floor, which can include a deck on a second story located above first-story habitable space (i.e. a 2nd-story master bedroom with a deck that is located above the kitchen).</p> <p><i>CURRENT: “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.</i></p> <p><i>POSSIBLE ALTERNATIVE: “Roof Deck” means a walkable exterior floor system located above the top story of a structure, not including access, and is supported by the roof of a building.</i></p>  | | Item 6 A. |

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
DIVISION OF HOUSING POLICY DEVELOPMENT**

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January 12, 2024

Katie Herlihy, Director
Community Development Department
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Dear Katie Herlihy:

RE: City of Capitola's 6th Cycle (2023-2031) Adopted Housing Element

Thank you for submitting the City of Capitola's (City) housing element that was adopted November 9, 2023 and received for review on November 15, 2023. Pursuant to Government Code section 65585, the California Department of Housing and Community Development (HCD) is reporting the results of its review. In addition, HCD considered comments from PerkinsCoie on behalf of Merlone Geier Partners pursuant to Government Code section 65585, subdivision (c).

The adopted element addresses many statutory requirements that were described in HCD's October 3, 2023; however, revisions will be necessary to substantially comply with State Housing Element Law (Gov. Code, § 65580 et seq). The revisions needed to comply with State Housing Element Law are as follows:

1. *An inventory of land suitable and available for residential development, including vacant sites and sites having realistic and demonstrated potential for redevelopment during the planning period to meet the locality's housing need for a designated income level, and an analysis of the relationship of zoning and public facilities and services to these sites. (Gov. Code, § 65583, subd. (a)(3).)*

Identify actions that will be taken to make sites available during the planning period with appropriate zoning and development standards and with services...(Gov. Code, § 65583, subd. (c)(1).)

Suitability of Nonvacant Sites and Zoning for Lower-Income Households: The element includes sites in the R-1 zone (with a maximum density of 8.7 du/ac) with existing congregational or educational uses currently listed as sites appropriate to meet the lower-income RHNA. The element mentions that recent legislation (SB 4) would allow development at appropriate densities (at least 20 units per acre). However, densities should be based on locally adopted densities.

As a result, the element should either provide an analysis based on factors such as market demand, financial feasibility, and development experience within identified zones, remove the sites or add programs to rezone the sites at appropriate densities, including meeting all by right requirements pursuant to Government Code section 65583.2, subdivisions (h) and (i).

In addition, the element must still evaluate the extent existing uses impede additional development. To address this requirement, the element should demonstrate the potential for redevelopment based on current market demand for the existing use, existing leases or contracts that would perpetuate the existing use or prevent additional residential development and other indicators of property turnover such as property for sale, vacancy, abandoned space, structural conditions, expressed interest in residential development, lack of improvements and frequent turnover. This analysis can be done on a site-by-site, corridor, or other planning area basis.

Publicly-Owned Sites: The element now generally discusses why publicly-owned sites were chosen but should still discuss their suitability for development in the planning period, including status, anticipated schedule, and any known barriers to development in the planning period. Based on the outcomes of this analysis, programs should be added or modified to comply with surplus land act requirements, if applicable, target numerical objectives consistent with the inventory and commit to a schedule of actions to facilitate development, including alternative actions, if necessary, by a specified date.

Electronic Sites Inventory: For your information, pursuant to Government Code section 65583.3, the City must submit an electronic sites inventory with its adopted housing element. The City must utilize standards, forms, and definitions adopted by HCD. While the City submitted the sites inventory in the appropriate form, any changes to the inventory should be reflected in the form and the form should be re-submitted as part of adoption. The City can reach out to HCD at sitesinventory@hcd.ca.gov for technical assistance.

Programs: Based on the results of a complete sites inventory and analysis, the City may need to add or revise programs to address a shortfall of sites or zoning available to encourage a variety of housing types. In addition, the element should be revised, as follows:

- *Program 1.7 (Shopping/Commercial Center Redevelopment)*: While the element now includes actions to evaluate whether the Capitola Mall site redevelopment is achievable, an evaluation should instead evaluate whether redevelopment will occur in the planning period. In addition, as part of establishing land use policies, zoning and development standards, the Program should commit to establishing heights that encourage redevelopment.

- *Program 1.1 (Adequate Housing Sites):* As part of establishing incentives to encourage lot consolidation, the Program should commit to establishing density incentives.
2. *An analysis of potential and actual governmental constraints upon the maintenance, improvement, or development of housing for all income levels, including... ..(Gov. Code, § 65583, subd. (a)(5).)*

Address and, where appropriate and legally possible, remove governmental and nongovernmental constraints to the maintenance, improvement, and development of housing, including housing for all income levels and housing for persons with disabilities... (Gov. Code, § 65583, subd. (c)(3).)

Other Locally Adopted Ordinances – Incentives for Community Benefit: While the element now discusses the discretionary process for incentives, it should still evaluate impacts on housing supply and cost. The analysis should particularly address the impacts on costs for providing community benefits and add or modify programs, as appropriate.

Program 3.4 (Housing for Persons with Disabilities): The Program now appears to limit zoning and permit procedure changes to licensed group homes for seven or more persons. However, the Program should clearly commit to permit group homes for seven or more persons in all zones allowing residential uses and similar to other residential uses of the same type in the same zone. These amendments should be completed regardless of licensing.

The element will meet the statutory requirements of State Housing Element Law once it has been revised, re-adopted, if necessary, submitted and reviewed by HCD to substantially comply with the above requirements pursuant to Government Code section 65585.

Public participation in the development, adoption, and implementation of the housing element is essential to effective housing planning. Throughout the housing element process, the City should continue to engage the community, including organizations that represent lower-income and special needs households, by making information regularly available and considering and incorporating comments where appropriate. Please be aware, any revisions to the element must be posted on the local government’s website and to email a link to all individuals and organizations that have previously requested notices relating to the local government’s housing element at least seven days before submitting to HCD.

Several federal, state, and regional funding programs consider housing element compliance as an eligibility or ranking criteria. For example, the CalTrans Senate Bill (SB) 1 Sustainable Communities grant, the Affordable Housing and Sustainable Communities program, and HCD's Permanent Local Housing Allocation consider housing element compliance and/or annual reporting requirements pursuant to Government Code section 65400. With a compliant housing element, the City will meet housing element requirements for these and other funding sources.

For your information, some general plan element updates are triggered by housing element adoption. HCD reminds the City to consider timing provisions and welcomes the opportunity to provide assistance. For information, please see the Technical Advisories issued by the Governor's Office of Planning and Research at: <https://www.opr.ca.gov/planning/general-plan/guidelines.html>.

HCD appreciates the hard work and dedication the City's housing element team provided during the update and review. We are committed to assisting the City in addressing all statutory requirements of State Housing Element Law. If you have any questions or need additional technical assistance, please contact Jose Ayala, of our staff, at Jose.Ayala@hcd.ca.gov.

Sincerely,



Paul McDougall
Senior Program Manager

| Number | Topic | Housing Element Section | Housing Element Deliverable | Year | Month |
|--------|--|-------------------------|---|---------|----------|
| 1 | Affordable Housing Overlay | 1.1.g | As part of the Zoning Ordinance update by the end of 2025 remove the Affordable Housing Overlay from the Zoning Code and Zoning Map. | 2025 | December |
| 2 | Constraints study | 2.8.b | Analyze the zoning and development standards to determine if there are constraints that affect the economic feasibility of affordable rental housing development. | Ongoing | Annually |
| 3 | Daycare | 3.6.a | By December 2025, study and revise, as appropriate, the Zoning Code to create objective standards for daycares in the commercial districts to allow daycares with a minor use permit . | 2025 | December |
| 4 | Density Bonus Ordinance | 2.5.a | Facilitate the development of affordable housing through the provision of regulatory concessions and density increases under the City's Density Bonus Ordinance and the City's Incentives for Community Benefit Ordinance | Ongoing | |
| 4 | Density Bonus Ordinance | 2.5.e | Regularly update the City's Density Bonus Ordinance to include updates in state law. | Ongoing | Annually |
| 4 | Density Bonus Ordinance | 3.6.b | By December 2024, update Density Bonus Ordinance . | 2024 | December |
| 5 | Emergency Shelters | 3.1.a | By December 31, 2024, amend the Zoning Code to permit emergency shelters by-right in the Community Commercial zone and to permit LBNCs in areas zoned for mixed uses and other nonresidential zones permitting multifamily housing. | 2024 | December |
| 6 | Employee Housing and Hobby Farming Update | 3.3.a | By December 31, 2024, amend the Zoning Code to address the provision of employee housing consistent with state law and revise the types of hobby farming activities allowed in various zones. | 2024 | December |
| 7 | Incentives for Community Benefit | 1.4.b | By the end of 2025, expand the incentivized zone for increased FAR and Height to facilitate mixed use development, targeting commercial corridors where key sites are identified for RHNA, in exchange for an expanded list of community benefits that complement mixed use residential development (such as child care facilities, recreation areas, etc.) | 2025 | December |
| 7 | Incentives for Community Benefit | 1.4.c | Utilize the City's newly established Objective Design Standards to streamline review of mixed-use developments. | Ongoing | Annually |
| 7 | Incentives for Community Benefit | 1.4.d | By December 2025, incentive development of affordable housing on commercial sites along transit corridors. (Incentivized Zone) | 2025 | December |
| 7 | Incentives for Community Benefit | 1.6.d | Using the results of the Capitola Mall study (see Program 1.7), analyze the zoning and development standards in the Incentives for Community Benefits Ordinance and modify the findings required for Chapter 17.88, Incentives for Community Benefits , to meet objective standards. This will allow project applicants to meet all discretionary permits with the same objective standards. These revisions will occur at the same time the Incentives for Community Benefits zone boundaries are expanded. | 2025 | December |
| 8 | Licensed Large Residential Care Facilities | 3.4.a | By December 31, 2025, amend the Zoning Code to permit licensed large residential care facilities in zones where residential uses are permitted. | 2025 | December |
| 8 | Licensed Large Residential Care Facilities | 3.4.b | By December 31, 2025, amend the Zoning Code to review the separation requirement and to establish objective criteria for the approval of licensed large residential care facilities as well as reasonable accommodations . | 2025 | December |

| Number | Topic | Housing Element Section | Housing Element Deliverable | Year | Month |
|--------|---|-------------------------|--|------|----------|
| 9 | Lot Consolidation - New Section | 1.1.f | Develop incentives to encourage lot consolidation . Typical strategies include ministerial approval of lot line adjustments and flexible development standards (such as reduced or alternative parking arrangements) for large sites | 2025 | December |
| 10 | Missing Middle All Zones | 1.1.e | Develop strategies to provide for missing middle housing , such as conversion of second story commercial/office space, live/work housing, and duplex/triplex | 2025 | December |
| 10 | Missing Middle All Zones | 1.5.a | Encourage and facilitate the development of other alternative housing types, such as factory-built housing, live/work units, SRO units, Small Ownership Units (SOUs), and micro units. By the end of 2025, review and revise as appropriate, the Zoning Code to facilitate alternative housing types . | 2025 | December |
| 10 | Missing Middle All Zones | 1.6.e | Corner lot duplexes in the R-1 zone: to allow corner lots in single-family neighborhoods to accommodate duplex units. Such a strategy is intended to provide flexibility compared to SB 9 requirements with objective development standards, with the goal of introducing moderately priced homes in the neighborhoods. Objective development standards will be used for these projects. | 2025 | December |
| 11 | Multifamily Zones | 1.6.a | Review and revise as appropriate, requirements such as the minimum unit size, setbacks, parking requirements, and height restrictions to ensure they are necessary and pertinent and do not pose constraints on the development of housing. This includes assessing the maximum densities allowed in the RM-L and RM-M zones to determine if higher densities can help facilitate multi-family development in the City. | 2025 | December |
| 12 | No Net Loss - New Section | 1.1.d | Develop formal procedure to monitor no net loss in capacity pursuant to SB166 | 2024 | July |
| 13 | Parking | 1.6.b | Revise the multifamily residential parking requirements based on the unit size or number of bedrooms and will also revise the current covered parking requirement for multifamily development. Continue to allow the use of parking studies to request flexibility with mixed use standards, including shared parking with commercial uses. | 2025 | December |
| 13 | Parking | 1.6.c | Include reduced parking standards for senior and special needs housing. | 2025 | December |
| 14 | Replacement Housing Requirments - New Section | 1.2.a | By December 2024, amend the Zoning Code to address the replacement housing requirements . | 2024 | July |
| 15 | Transitional and Supportive Housing | 3.2.a | By December 31, 2024, amend the Zoning Code to address the provision of transitional and supportive housing consistent with state law | 2024 | December |