

City of Capitola

Planning Commission Meeting Agenda

Thursday, December 04, 2025 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen

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 Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen, and Chair Paul Estey

2. Additions and Deletions to the Agenda

A. Additional Materials Item 6C - Correspondence Received

3. Oral Communications

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

4. Planning Commission/Staff Comments

5. Consent Calendar

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

A. **Approval of October 30, November 6, and November 19, 2025 Planning Commission Minutes**

B. **2026 Regular Meeting Schedule**

Recommended Action: Adopt the 2026 Regular Meeting Schedule of the Planning Commission.

C. **620 Capitola Avenue, New Brighton Middle School**

Project Description: Application #25-0578. APN: 036-101-38, 035-151-19. Coastal Development Permit for field improvements to New Brighton Middle School, including an electronic scoreboard, perimeter fencing, and upgrades to the public pathway between Orchid

Avenue and Monterey Avenue Park. The project is located within the CF (Community Facility) zoning district.

The Coastal Development Permit is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Soquel Union Elementary School District

Representative: Scott Turnbull, SUESD, Filed: 11.14.25

Recommended Action: Continue item to the next regularly scheduled Planning Commission meeting on January 15, 2026.

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. 201 Esplanade

Project Description: Application #25-0494. APN: 035-211-05. Conditional Use Permit for the sale and onsite consumption of beer and wine at an existing restaurant located within the Mixed-Use Village (MU-V) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0494 and approve the project based on the attached Conditions and Findings for Approval.

B. 413 Capitola Avenue

Project Description: Application #25-0580. APN: 035-131-33. Variance to amend permit #23-0524 to waive the underground utility requirement for new construction. Original approval included the construction of a two-story single-family residence and attached JADU with a variance to reduce the number of required parking spaces.

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

Recommended Action: Consider application #25-0580 and approve the project based on the Conditions and Findings for Approval.

C. Capitola Mall Properties

Project Description: Amendments to Capitola Municipal Code Title 17: Zoning Code and the General Plan Land Use Element for Capitola Mall properties located between Clares Street, 41st Avenue and Capitola Road. The proposed amendments implement the 6th Cycle Housing Element of the General Plan to facilitate mixed use redevelopment on Capitola Mall properties. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Consider amendments to the draft Zoning Code and General Plan amendments and either 1) adopt resolutions recommending the City Council adopt the proposed Zoning Code and General Plan amendments or 2) continue the item to the January 15, 2025, Planning Commission meeting.

7. Director's Report

8. Adjournment – The next regularly scheduled meeting of the Planning Commission is on January 15, 2026, 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=NmIrdGZRU2tnYXRjeSs5SIZweUIOQT09>

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

Meeting ID: 844 1230 2975

Meeting Passcode: 161805

How to Provide Comments to the Planning Commission

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

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day. All appeals must be 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 filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: <https://www.cityofcapitola.org/>. 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: <https://www.cityofcapitola.org/>.



Please don't allow the Mall to be redeveloped as proposed.

From Gerald <gerald.c.hooper@gmail.com>

Date Tue 12/2/2025 10:57 PM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

Hi all,

We've seen this play out in Santa Cruz... let's not have it happen in Capitola too. I know a lot of people in Santa Cruz who *abhor* the development that's disfiguring the cityscape there - **including a not small number of residents who initially applauded "more housing" to "bring down costs" only to have serious regret.** They're now realizing, too late, they were more or less sold a bill of goods and you can't unring the developer bell.

I'm fairly well versed in the housing landscape statewide. SB35, SB 79, AB 2097, SB330 etc etc. It's tiresome, it's an overreach and it's - at best - misguided. At worst this legislation represents a trojan horse for developers to steamroll communities' wishes. It's been pushed by politicians who - it's public record - are plainly on the big-dev donation train.

> The fact of the matter is, there's zero reason for us to increase zoned height limits to humor a developer. They'll say without that density, things won't "pencil out". Call their bluff.

> There's more than enough as-is zoned space in Capitola to construct the units we're obliged to build to satisfy our RHNA requirements. No need for exceptions / variance to density, setback and height limits.

> The vast majority of these new housing projects are a) rent only (no chance to buy into the area, to have pride of ownership, to build equity or encourage more long-term outlook vs. transient student or remote tech tenants) b) not remotely affordable c) possess a token number of "affordable units" that - frankly - still really don't address housing needs of working class folks making \$50k a year, and are instead calculated relative to AMI, allowing \$90k/yr folks to qualify as "low-income" d) fail to actually enforce who is living in said affordable units after a few years, not prioritizing local workers or vetting income e) aesthetically as exciting as cardboard (see: built to maximize profit).

Local zoning exists for a reason: No one buys or rents long-term in an area hoping it will rapidly, radically change into something they don't recognize. This would be the first step towards allowing that.

Change happens, but we can and should manage that change. This is a disproportionate project and will *not affect affordability, just like affordability hasn't and will not improve in Santa Cruz despite the new construction.*

Stand up for Capitola. And this is coming from someone in their early 30s. It's not just the "older folks" that are worried.



Outlook


[PDF] 12/4/2025 Item 6C - Capitola Mall Zoning Code Amendments

From Santa Cruz YIMBY <santacruzylimby@gmail.com>

Date Wed 12/3/2025 8:25 PM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

Cc hello@santacruzylimby.org <hello@santacruzylimby.org>

 1 attachment (119 KB)

2025-12-03 Capitola Mall Zoning Amendments.pdf;

Dear Planning Commissioners,

Please find attached Santa Cruz YIMBY's comments regarding the Capitola Mall Zoning Code Amendments being discussed at Thursday's meeting. If you have any questions or would like to follow up, please reach out to us at hello@santacruzylimby.org

Thank you,
Santa Cruz YIMBY Leads



December 3, 2025

To: Capitola Planning Commission

Re: Capitola Mall Zoning Code Amendments

Dear Planning Commissioners:

Santa Cruz YIMBY appreciates the significant time and effort that staff and the Commission have invested in shaping the Capitola Mall Zoning Code Amendments. We strongly support a vision for transforming the Mall into a walkable, mixed-use district with new housing, improved connectivity, and high-quality urban design. Our comments below are intended to help ensure the zoning amendments are internally consistent, legally defensible, and aligned with the City's adopted Housing Element.

Summary of Our Main Points

1. The City has presented conflicting explanations about whether the Mall rezoning is an upzoning or a downzoning, and these inconsistencies affect compliance with Housing Element Law and the No Net Loss Law.
2. If the 48 du/acre assumption in the Housing Element cannot be achieved under today's zoning, then the Mall was subject to a required shortfall rezoning that is now past due.
3. If unlimited density was feasible under current zoning, then imposing a 48 du/acre cap, especially with new development constraints, is a downzoning requiring a No Net Loss analysis.
4. The City has added new constraints since the Special Planning Commission meeting but has provided no written analysis showing the 48 du/acre capacity remains achievable.
5. The proposal excludes two Mall parcels and downzones them to 20 du/acre, contradicting Housing Element Program 1.7 and requiring a No Net Loss analysis.
6. In every case, the City has relied on verbal assurances, rather than documented, data-supported analysis.

Conflicting explanations about whether the rezoning is an upzoning or a downzoning

The draft zoning amendments rely on two incompatible claims: (1) that the Mall parcels already allow unlimited residential density to avoid shortfall rezoning, and (2) that the Housing Element's 48 du/acre assumption is not achievable under current zoning. These positions directly contradict each other, yet each is used at different times to justify different elements of the rezoning proposal.

If the 48 du/acre assumption in the Housing Element cannot be achieved under today's zoning, the City missed its required shortfall rezoning deadline

At the November 19, 2025 Planning Commission meeting, both the City's contract architect and land use counsel stated that 48 du/acre is not feasible under current zoning. If this is correct, then the Mall parcels did not have the realistic capacity assumed in the Housing Element, and the City was required to complete the rezoning within one year of Housing Element adoption. That deadline has now passed. In this scenario, the rezoning must be treated as a late shortfall rezoning program and must meet all Housing Element Law requirements.

If unlimited density was feasible, then imposing a 48 du/acre cap and adding constraints is a downzoning requiring No Net Loss analysis

If unlimited density was truly feasible before, then establishing a new 48 du/acre maximum is a reduction in allowable density. That concern is heightened because the City is also adding multiple constraints.

Constraints identified at the Special Planning Commission meeting included the required hotel, open space requirements, circulation conditions, and parking requirements. No written analysis demonstrating feasibility was provided—only verbal descriptions and assurances from the contract architect.

New constraints added since that meeting include new internal streets, 16-foot required setbacks, an increase in required commercial space from

25,000 to 40,000 square feet, and additional circulation and site design requirements. These further reduce developable area and achievable FAR, yet no updated analysis has been provided.

Under Government Code section 65863, any action that reduces allowable or realistic capacity requires a No Net Loss analysis and, if necessary, identification of replacement sites at the time of the action. The City has not provided this analysis.

Downzoning and exclusion of two Mall parcels conflicts with state law and Housing Element Program 1.7

The draft amendments create a distinction between “Capitola Mall Property” and “Capitola Mall Housing Element Sites,” excluding two parcels—APNs 034-261-52 and 034-261-07, totaling 9.16 acres—from the redevelopment program.

These parcels currently allow unlimited density, 1.5 FAR, 40-foot height, and 100% residential use. The proposal would downzone them to a 20 du/acre maximum while applying some new objective standards but excluding the height and FAR increases applied to other Mall parcels. This is a clear downzoning under SB 330 and requires a No Net Loss analysis that has not been provided.

This exclusion also contradicts Housing Element Program 1.7, which commits the City to apply objective Mall redevelopment standards to the entire Capitola Mall area, defined as the area bounded by Clares Street, 41st Avenue, and Capitola Road. Program 1.7 requires allowing up to 75 feet of height, defining Mall redevelopment as mixed-use, excluding parking garages from FAR, and adopting objective development standards for the entire area.

RECOMMENDATIONS

We respectfully ask the Planning Commission to recommend that the City:

1. Provide written feasibility and capacity analysis, not verbal assurances, demonstrating whether the 48 du/acre assumption is achievable under both existing zoning and the newly proposed constraints.

2. Prepare and publish a full No Net Loss analysis addressing the new 48 du/acre cap, the cumulative effect of new development constraints, and the downzoning of the two excluded parcels.
3. Implement Program 1.7 as written, applying objective standards and redevelopment allowances to the entire Capitola Mall area.
4. Delay recommending approval of the zoning amendments until the required analyses are completed, published, and reviewed.

Thank you for your consideration. We support a successful redevelopment of the Capitola Mall and believe that clear, consistent, and legally compliant standards will help achieve the City's goals.

Thank you for your consideration.

Rafa Sonnenfeld
Janine Roeth
Ryan Meckel

Volunteer Leads, Santa Cruz YIMBY




Outlook

[PDF] Public Comment for 12/4/25 Planning Commission meeting

From Jack Farrell <jack@yesinmybackyard.org>

Date Thu 12/4/2025 6:01 AM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

 1 attachment (94 KB)

12_4_25 Capitola Housing Element Program Obligations, Agenda Item 6C.docx.pdf;

Good morning,

Please find attached correspondence from YIMBY Law regarding item 6C of tonight's agenda.

Sincerely,

Jack Farrell *he/him*

Research Attorney

267-218-1147



[Check out everything we achieved in 2024!](#)



12/04/2025

City of Capitola
Planning Commission
Capitola City Hall
420 Capitola Avenue
Capitola, CA 95010

Re: Agenda Item 6C - Enforcement of Housing Element Commitments under State Law

Dear members of the Capitola Planning Commission:

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law. YIMBY Law writes to remind the City of Capitola of its obligations under California Housing Element Law, Government Code §§ 65580 et seq., § 66300 (SB 330, the “Housing Crisis Act”) and the No Net Loss provisions of Government Code § 65863.

Government Code § 65583 requires each jurisdiction’s housing element to include “a program which sets forth a schedule of actions” that the city “is undertaking or intends to undertake” to implement the goals, policies, and objectives of the housing element. Once adopted and certified by HCD, these programs are not optional. They are enforceable commitments, and jurisdictions are required to follow through. Government Code § 65583(c) uses mandatory language: programs “shall” identify actions, timelines, and responsible agencies. The Legislature’s intent is clear—cities must not simply adopt programs as aspirational statements but must carry them out in good faith.

The City’s actions and statements regarding the Mall redevelopment program, identified as 1.7 in the Housing Element are fundamentally inconsistent, creating legal risk and undermining the Housing Element’s goals. The City has taken two mutually exclusive legal positions regarding the Mall rezoning:

The City has previously asserted that the Mall rezoning as described in Program 1.7 is not a capacity shortfall rezoning program subject to the strict one-year Housing Element Law deadline (Gov. Code § 65583.2(h)). This assertion relied on the claim that the C-R zoned Mall parcels currently allow unlimited residential density, meaning there was no

shortfall to rectify. This allowed the City to bypass a rezoning deadline that would have expired approximately one year ago.

Now, while advancing the rezoning to facilitate the Housing Element's assumed 48 dwelling units per acre (du/ac), the City's own consultant has stated that achieving 48 du/ac is not currently feasible under existing regulations and requires the proposed upzoning to update height and FAR standards. If the current zoning already provides unlimited capacity, then imposing a new, lower maximum density of 48 du/ac, coupled with numerous new constraints, constitutes a downzoning.

The proposed amendment would replace the current unlimited density allowance with a maximum of 48 du/ac. Under SB 330, a jurisdiction may not reduce the "housing capacity" of a site below what was allowed on January 1, 2018. The City's staff report claims compliance but has not publicly provided the required "no net loss" analysis.

Critically, the 48 du/ac maximum must be evaluated in light of multiple new constraints that were not part of the January 1, 2018 baseline, including a commercial space requirement (increased from 25,000 sq ft to 40,000 sq ft) that consumes FAR, a minimum 85-room hotel, reducing land area, prescriptive parking requirements, a 2.5% open space requirement, and newly proposed objective standards requiring new internal streets with 16-foot setbacks, further consuming developable area. Taken together, these constraints materially reduce the residential capacity of the site.

This is a clear and significant downzoning. No Net Loss provisions prohibit such a reduction in residential capacity on any parcel without an increase in capacity elsewhere in the jurisdiction. Moreover, the downzoning implicates a major Housing Element program. If Capitola wishes to alter or remove commitments in its housing element, it may only do so by following the statutory amendment process set forth in Government Code § 65585. This requires a public process including a public review period, HCD's review and comment, and a duly noticed public hearing and adoption of the amendment by the City Council.

We also encourage recognition of the CEQA-exempt status of this rezoning. Fulfilling Housing Element programs is not subject to CEQA review under California law. (Public Resources Code § 21080.085.) Because this action is squarely within the city's zoning authority under Government Code section 65850, no further environmental review is required. Conducting additional analysis or "tiering" from other studies would only introduce uncertainty, prolong the timeline, and expose the city to potential litigation from opponents who might use CEQA as a tactic for delay.

Without going through this process, Capitola cannot ignore or abandon the programs it committed to in its adopted housing element. Failure to comply with Housing Element law exposes Capitola to significant legal risk. This includes potential litigation under Government Code § 65587, enforcement actions by the California Attorney General, loss of state funding eligibility, and the risk of being subject to Builder's Remedy projects.

We urge you to take these responsibilities seriously to ensure compliance with state law and to help meet the urgent housing needs of Capitola and the region.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style.

Sonja Trauss
Executive Director
YIMBY Law



Outlook


[PDF] 12.4.25 Planning Commission Comments - MGP

From Jamas Gwilliam <jgwilliam@merlonegeier.com>

Date Thu 12/4/2025 1:09 PM

To Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Cc PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

 1 attachment (2 MB)

Capitola Comment Letter-MGP 12.4.25.pdf;

Katie,

Please find attached our comments related to the draft code amendment language that will be discussed tonight at the Planning Commission meeting. I was hoping to get these to you sooner but there was a considerable amount of material to review and I needed input from various members of our design and legal teams.

See you tonight,

Jamas Gwilliam
Managing Director

MerloneGeier
Partners

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Suite 1400
San Diego, CA 92121

Tel: 858 / 259 / 9909
www.MerloneGeier.com



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Fax: 858 / 259 / 8886
www.MerloneGeier.com

December 4, 2025

BY ELECTRONIC MAIL

Katie Herlihy, Community and Economic Development Director
420 Capitola Ave,
Capitola, CA 95010

kherlihy@ci.capitola.ca.us

**Re: Proposed General Plan and Zoning Code Amendments Relating to Capitola Mall;
December 4, 2025, Planning Commission Item 6.C**

Dear Ms. Herlihy:

I am providing comments on behalf of Merlone Geier Partners (“MGP”) the owner of the properties identified in the proposed amendments to the City’s Zoning Code as the “Capitola Mall Housing Element Sites.” MGP appreciates the opportunity to review and comment on the amendments (collectively, the “Amendments”). Our comments identify modifications that we believe are required for the Amendments to facilitate redevelopment of the Capitola Mall Housing Element Sites for residential use and to otherwise conform to the City’s certified Housing Element and related provisions of State law.

1. The Proposed Affordable Housing Provisions Must be Modified

The Amendments include a new “Inclusionary Housing Requirement” that would be applied only to the Capitola Mall Housing Element Sites and supersede the Citywide affordable housing ordinance (§18.02.) As written, the new provision would require inclusionary housing units for *all* residential development projects. There is no exemption equivalent to that in Section 18.02(B)(1). A site-specific mandate to include inclusionary units would act as a new constraint to housing that is prohibited under State law regardless of whether it was included as an assumption in the Housing Element for the number of affordable units on the Capitola Mall Housing Element Sites.

We believe that such a restriction would discourage residential development of the Capitola Mall Housing Element Sites by creating a *disincentive* to convert these properties to housing when compared to other sites in the City. Further, the Amendments make no allowance for the payment of in-lieu fees or for the satisfaction of the affordable requirement through dedication of land, both options that remain available to all other sites in the City other than the Capitola Mall.

December 4, 2025

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To address the foregoing, we request that the City delete the text in proposed sections 17.24.035(C)(1) (“Affordable housing requirement”) and 17.24.035(D)(5) (“Inclusionary Housing Requirement”) from the Amendments. The Citywide affordable housing ordinance will continue to apply the Capitola Mall Housing Element Sites without the need for a unique provision in new Section 17.24.035. In addition, we recommend that the City replace the current text of Section 17.24.035(D)(5) with the following: “Any residential development will comply with the requirements of Municipal Code Chapter 18.02, provided, however, that in addition to satisfying any obligation to deliver affordable units or pay in-lieu fees, the developer may elect to dedicate land to the City for the construction of affordable housing units sufficient to develop an equivalent number of affordable units that would otherwise be required under Municipal Code Chapter 18.02.”

2. Height Limits Should be Clarified

MGP appreciates the City addressing its prior comments regarding building height projections. That said, we believe edits to proposed Section 17.24.035(D)(3) (“Height Projections”) require refinement. The section authorizes exceedances of the height limit for building features within 15% of the building frontage along a perimeter or interior street, but certain likely building features will not be located within the building frontage at all, including, e.g., elevator overruns, stair enclosures, and mechanical equipment. We suggest that proposed subsection 17.24.035(b)(iv) be shifted to a new subsection “(c)” and state as follows: “Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure shall be allowed to project beyond maximum building heights within any portion of a building footprint.”

3. Fiscal Impact Analysis is Confusing and Cannot be Used as Basis to Undermine State Housing Policy

The Amendments include a new requirement, not contemplated by the Housing Element, for any project at Capitola Mall to pay for a fiscal impact analysis and for a peer review of that fiscal impact analysis in addition to any other required project applications. The City would then review and “approve” the analysis and consider its findings when acting on a development project. We believe this fiscal impact analysis requirement and process is inconsistent with State law, including the Housing Accountability Act, in that it creates what appears to be a mechanism to condition, limit, or possibly deny housing projects based on perceived fiscal impacts. While MGP is willing to assist the City in evaluating fiscal impacts associated with redevelopment of the Mall, we must express our concern now, that the purpose of these analyses relative to overarching policy mandates on development of housing may lead to confusion as to the development of the studies and their ultimate purpose. To be clear, MGP rejects any suggestion that the finding of an adverse fiscal impact can serve as the basis for denying a housing development project, or the imposition of conditions that would limit the density of such a project.

4. Density Limitations in the Amendments Need to be Adjusted to Achieve Projected Housing Units & the Amendments Must Account for Phasing of Horizontal Residential Mixed-Use Projects

Density calculations contemplated by the Amendments need to account for residential development across all of the Capitola Mall Housing Element Sites rather than limiting density on a parcel-by-parcel basis. Specifically, Table 17.24-6 establishes a maximum density of 48

December 4, 2025

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dwelling units per acre. This density, if calculated with respect to individual lots, would not allow for development of sufficiently dense Tier 1 or Tier 2 projects to achieve anticipated development within the Housing Element during the current housing cycle even with increased heights described in the Amendments. MGP proposes two edits to address this issue.

First, modify Section 17.24.035(D) (the second of two “Ds” in the draft, which should also be corrected), to include subsections “(2)” and “(3).” Subsection (2) should state: “Density for the Capitola Mall Housing Element Sites is to be calculated in the aggregate, such that maximum density when calculated across the acreage of all Capitola Mall Housing Sites, does not exceed 48 units per acre.” The current draft language (covering other parcels) and limiting density to 20 units per acre, would become subsection “(3).”

Second, the City should add a new footnote 3 to Table 17.24-6, stating: “Density for Capitola Mall Housing Element Sites shall be calculated consistent with Section 17.24.035(D)(2).” In addition, the Amendments should be modified to ensure that MGP can deliver a residential-mixed use project in phases.

After updating the document to account for the two Section D’s in 17.24.035 so that the second D becomes E, we request the following modifications to Section 17.24.035(E)(3): “On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

However, the following shall apply:

(a) Compliance with this requirement will be evaluated on a project-wide basis to the extent that an applicant proposes residential-mixed use on multiple parcels; and
(b) if an owner of multiple parcels within Capitola Mall Housing Sites first proposes a building or project that does not meet these minimum density standards, including but not limited to a commercial-only building or commercial-only project, the applicant may demonstrate compliance by recording a covenant, to the City Attorney’s reasonable satisfaction, that establishes an increased minimum residential density on other parcels under the applicant’s control within the Capitola Mall Housing Sites to ensure an overall minimum density of twenty units per acre across the affected parcels.”

5. The Objective Design Standards Applicable to the Capitola Mall Housing Element Sites Require Modification and Further Review

We note that the proposed objective design standards included with the Amendments are highly detailed and prescriptive. MGP has had only a minimal opportunity to review these standards, and has identified proposed modifications, attached here as Exhibit 1, which we believe need to be incorporated. Our review is ongoing, and MGP reserves the right to submit further comments.

Finally, we note text purporting to require complete adherence to the objective design standards for a project to fall within the scope of SB 330 (See § 17.57.040(B)(2)). While we are not confident in the accuracy of that statement (including e.g., because certain standards are subjective), we note that a project that is subject to approval with a “deviation” from a standard should be deemed to comply, and believe that the City should create an objective mechanism for deviations given the prescriptive nature of the standards. Without such a mechanism, MGP believes it will be exceedingly difficult to deliver a residential project. In addition to the edits /

December 4, 2025

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comments found in Exhibit A, we propose the following as a new Section 17.57.040(B)(3):
“Notwithstanding subsections (B)(1) or (B)(2), an applicant may deviate from any objective design that the applicant documents is within twenty percent of any of the quantifiable standards in Section 17.57.050 and is otherwise consistent with the requirements of Section 17.24.035.”

Sincerely,



James Gwilliam
Managing Director
Merlone Geier Partners

cc: City of Capitola Planning Commission

Exhibit 1

**Comments on Chapter 17.24 (“Commercial and Industrial Zoning Districts”) and 17.57
 (“Objective Standards for Mall Redevelopment”)**

12.4.25

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
 17.24.020 Land use regulations.
 17.24.030 Development standards.
 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola's unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola. (Ord. 1043 § 2 (Att. 2), 2020)

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Residential Uses [12]					
Single-Family Dwellings		–	–	–	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Multifamily Dwellings		C [9]	C [9]	–	
Residential Mixed Use		C	C [7]	–	Section 17.24.040
Large Residential Care Facilities		C [9]	C [9]	–	
Accessory Dwelling Unit		A	A		Chapter 17.74
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	–	
Cultural Institutions		C	C	–	
Day Care Centers		M	M	–	
Emergency Shelters		P	–	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		–	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	–	
Car Wash		C	C		
Financial Institutions		See 17.24.020(C)		–	
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	–	
Drive-Through Facilities		–	C [4]	–	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		–	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Take-Out Food and Beverage		M [2]	M [2]	–	
Food Preparation		M [2]	–	P	
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment		C [10]	C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses		See Chapter 17.52			
Home Occupations		P	P	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36 of this code. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story, except on Capitola Mall Housing Element Sites where ground-floor residential uses are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site, except on Capitola Mall Housing Element Sites where residential-only projects are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use twenty thousand square feet or more requires a conditional use permit.

[12] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

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

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

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

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

Notes:

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

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

2. Existing Office Uses.

a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use; and vacant tenant space where the most recent legal occupant was an office use. The city shall use business license documentation to determine the legal occupancy of tenant space.

b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24-2.

D. Retail Cannabis. A retail cannabis establishment must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. 41st Avenue Frontage. In the C-C zoning district, a retail cannabis establishment must be on a property fronting 41st Avenue.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts, excluding Capitola Mall Housing Element Sites. For development standards that apply to Capitola Mall Housing Element Sites, see Section 17.24.035 (Capitola Mall Redevelopment).

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0 [1]	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft. [1]	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

Notes:

[1] Additional building height and FAR allowed for a housing development project that consolidates adjacent housing element opportunity sites. See 17.24.040(J) (Lot Consolidation Incentive).

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures:
 - a. Conceptual Review.
 - i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

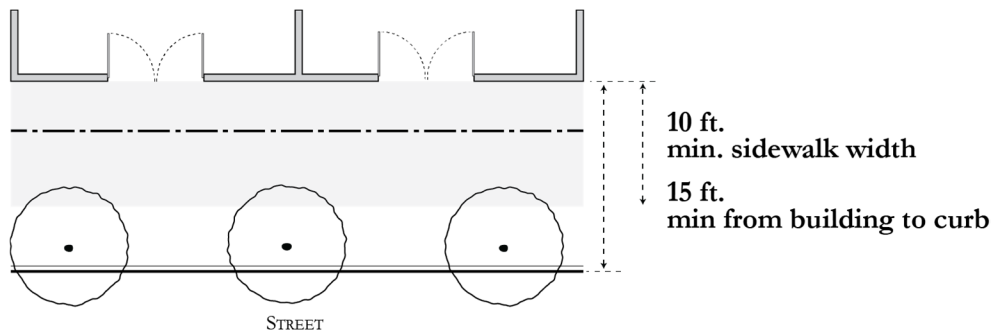
c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.
- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts



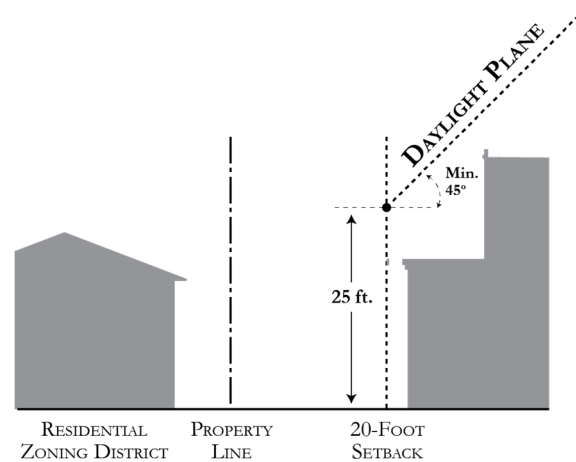
D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

~~F. Reserved. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.~~

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development.

1. Excluding development on the Capitola Mall property. ~~New~~ multifamily dwellings and mixed-use residential development in the C-C and C-R zoning districts must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

2. Residential-only and mixed-use development on the Capitola Mall property shall comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

I. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030(C)(5)(b).

J. Lot Consolidation Incentive. Housing Element Table 4-3 identifies adjacent opportunity sites which are suitable for lot consolidation. Projects in the C-C zoning district that consolidate two or more opportunity sites identified in Housing Element Table 4-3 into a single parcel as part of a housing development project are permitted maximum building height and floor area ratio (FAR) as identified in Table 17.24-4.

Table 17.24-4: C-C Lot Consolidation Bonus

Baseline C-C Standard		Lot Consolidation Allowance	
Height	FAR	Height	FAR
40 ft.	1.0	50 ft.	1.5

K. Micro-Units. A building with micro-units in the C-C or C-R zoning district is permitted a maximum height of fifty feet and a maximum FAR of one and one-half only when:

1. The micro-units are within one-quarter mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21064.3 of the Public Resources Code; and
2. The micro-units constitute fifty percent or more of the total number of units in the building. (Ord. 1066 § 2 (Att. 1), 2024; Ord. 1057 § 2 (Att. 1), 2022; Ord. 1053 § 3, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.24.035 Capitola Mall Redevelopment

A. Purpose. This section establishes standards to facilitate residential and mixed use development on the Capitola Mall Housing Element Sites in accordance with the General Plan Housing Element.

B. Applicability. This section applies to all proposed development projects with new residential and/or mixed uses on a Capitola Mall Housing Element Site.

C. Definitions. Terms used in this section are defined as follows.

~~1. "Affordable housing requirement" means a minimum of 15 percent of the dwelling units are deed restricted affordable to lower income households and a minimum of 5 percent of the units are either deed restricted affordable to moderate income households or studio units with a kitchen and living space but without a separate bedroom.~~

2. "Core area" means all areas on the Capitola Mall property that are not in the perimeter zone.

3. "Tier 1 project" means all proposed development projects with new residential uses that do not meet the "Tier 2 mixed-use project" definition in this section.

4. "Perimeter street" means 41st Avenue, Capitola Road and Clares Street.

5. "Perimeter zone" means all areas on the Capitola Mall property that are within ~~125~~ **75 ft** feet of a property line abutting 41st Avenue, Capitola Road and Clares Street.

6. "Tier 2 mixed-use project" means a proposed mixed-use development project with all of the following:

a. Residential development that meets or exceeds the affordable housing requirements as defined in this section.

b. A qualifying hotel.

~~40,000~~ **40,000** square feet or more of new commercial space, which may consist of substantially improved existing commercial space which includes both full interior and exterior tenant improvements.

7. "Qualifying hotel" means a hotel with a minimum of 85 rooms and a minimum of 3,500 square feet of meeting space and conference facilities.

D. Development Standards.

75ft is reasonable and would allow a building along the frontage to have interior height not visible from perimeter while providing potential economic benefit that will help support additional costs required by these design standards

New 17.24.053(D)(2) Density. Density for the Capitola Mall Housing Element Sites is to be calculated in the aggregate, such that maximum density when calculated across the acreage of all Capitola Mall Housing Sites, does not exceed 48 units per acre.

Item 2 A.

New 17.24.053(D)(3) Density - Other Mall Parcels. The maximum residential density on Capitola Mall Parcels not included in the Housing Element Sites Inventory (APN: 034-261-07 and 034-261-52) is 20 dwelling units per acre.)

1. General. Table 17.24-6 identifies the development standards that apply to development on a Capitola Mall Housing Element Site.

Table 17.24-6: Mall Redevelopment Development Standards

	<u>Tier 1 Projects</u>	<u>Tier 2 Mixed-Use Projects</u>
<u>Floor Area Ratio</u>	<u>2.0</u>	<u>2.0</u>
<u>Height, Maximum</u>		
<u>Perimeter Zone</u>	<u>55 ft.</u>	<u>65 ft. [1]</u>
<u>Core Zone</u>	<u>75 ft.</u>	<u>85 ft.</u>
<u>Open Space</u>	<u>5% of site area [2]</u>	<u>2.5% of site area [2]</u>
<u>Density [3]</u>		
<u>Minimum</u>	<u>20 du/ac</u>	<u>20 du/ac</u>
<u>Maximum</u>	<u>48 du/ac</u>	<u>48 du/ac</u>
<u>Setbacks</u>	<u>See Chapter 17.57</u>	<u>See Chapter 17.57</u>

Notes:

[1] A qualifying hotel with a height up to 85 feet is allowed in the perimeter zone.

[2] See Section 17.57.040.B (Publicly Accessible Open Space) for open space landscaping requirements.

[3] Density for Capitola Mall Housing Element Sites shall be calculated consistent with Section 17.24.035(D)(2).

2. Parking. Minimum on-site parking spaces shall be provided as follows:

a. Tier 1 Projects: As required by Chapter 17.76 (Parking and Loading).

b. Tier 2 Mixed-Use Projects: As shown in Table 17.24-7 for residential uses. For non-residential uses, as required by Chapter 17.76 (Parking and Loading).

Table 17.24-7: Required Residential Parking for Tier 2 Mixed-Use Projects

<u>Unit Size</u>	<u>Minimum Spaces per Unit</u>
<u>Studio</u>	<u>0.8</u>
<u>1 bedroom</u>	<u>1.0</u>
<u>2 bedroom</u>	<u>1.6</u>
<u>3 bedroom</u>	<u>2.0</u>

2. Floor Area Ratio. All structured parking and hotels are excluded from the floor area used to calculate a project's FAR.

3. Height Projections.

a. Up to fifteen percent of the total building frontage along a perimeter or interior street may include architectural features and building infrastructure that project up to 10 feet above the maximum permitted building height identified in Table 17.24-5.

b. Permitted height projections include the following:

i. Corner building elements.

ii. Tower or vertical accent features.

Replace with the following:
5. Affordable Housing Requirement: Any residential development will comply with the requirements of Municipal Code Chapter 18.02, provided, however, that in addition to satisfying any obligation to deliver affordable units or pay in-lieu fees, the developer may elect to dedicate land to the City for the construction of affordable housing units sufficient to develop an equivalent number of affordable units that would otherwise be required under Municipal Code Chapter 18.02.

Item 2 A.

Replace
iv. with
new c.

iii. Parapets or roofline projections with distinctive architectural treatment.

c. Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure shall be allowed to project beyond maximum building heights within any portion of a building footprint.

4. Objective Standards. Development on the Capitola Mall property shall comply with the requirements in Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

~~**5. Inclusionary Housing Requirement.** New residential development on a Capitola Mall Housing Element Site shall comply with the affordable housing requirement described in Subsection C (Definitions) above and is not subject to the City's inclusionary housing ordinance in Municipal Code Chapter 18.02 (Affordable (Inclusionary) Housing).~~

~~**6. Density - Other Mall Parcels.** The maximum residential density on Capitola Mall parcels not included in the Housing Element Sites Inventory (APNs 034-261-07 and 034-261-52) is 20 dwelling units per acre.~~

E. D. Land Use Regulations. All land use regulations and permit requirements in Section 17.24.020 (Land Use Regulations) apply to development with new residential uses on Capitola Mall Housing Element Site, except as follows:

1. Within a Tier 2 mixed-use project, the following land uses are permitted "P" uses provided that they do not exceed 50 percent of the total floor area of the project:

a. All hotels.

b. All retail uses.

c. Eating and drinking establishments, excluding bars and lounges.

d. Commercial entertainment and recreation excluding such uses with an ancillary bar or lounge.

e. Cultural institutions

Inconsistent with
17.57.040 where only
design permit
required

2. All residential development, with or without a new commercial component, is allowed with a conditional use permit.

3. On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

However, the following shall apply:
(a) Compliance with this requirement shall be evaluated on a project-wide basis and shall not be applied to an applicant proposes residential uses on multiple parcels; and (b) if a project proposes a building or project on a parcel within Capitola Mall Housing Element Site, the minimum density standard for these minimum density standards shall be limited to a commercial-only project, the project shall demonstrate compliance by the City Attorney's reasonable determination that the project establishes an increased minimum density on other parcels within the Capitola Mall Housing Element Site, and the overall minimum density of the project shall be across the affected parcels."

F. Fiscal Impact Analysis.

1. **When Required.** A Fiscal Impact Analysis (FIA) is required in connection with the application for any proposed development project with new residential uses on the Capitola Mall property.

2. **Contents of Fiscal Impact Analysis.** Each FIA shall include, at a minimum:

a. An estimate of the incremental change to annual recurring revenues and expenditures to the City generated by the project at buildout, including but not limited to property tax, sales tax, transient occupancy tax, and service costs (police, public works, parks, administration).

b. Identification of any net fiscal surplus or deficit to the City's General Fund and special revenue funds over 10, 15, and 20-year horizons.

c. A description of proposed mitigation measures or financing mechanisms (e.g., community facilities district, development agreement contributions) to offset any projected negative fiscal impact.

d. Supporting assumptions, data sources, and methodology.

3. **Review and Approval.**

Should remain
objective

- a. The applicant shall submit for City review a FIA prepared by a qualified economic consultant concurrently with the applicant's submittal of a development application.
- b. The applicant's FIA shall be peer reviewed by a qualified independent economic consultant hired by the City and funded by the applicant.
- c. Based on the results of the peer and City review of the FIA, the City may require revisions to the FIA analysis assumptions, data sources, and methodology.
- ~~d. The City shall consider the findings of the FIA when reviewing and acting on the proposed development project.~~

4. Relationship to Other Requirements. The FIA requirement is in addition to, and does not replace, any environmental or infrastructure impact analyses required under CEQA, this title, or other applicable law.

G. ~~F.~~ Permit Application and Review. A proposed project with new residential uses on a Capitola Mall Housing Element Site is subject to the permit application and review requirements in Zoning Code Part 4 (Permits and Administration) except as modified below.

1. Applicant Community Meeting.

a. Meeting Required. The applicant shall host a community meeting for the proposed project to:

- i. Notify the community that an application has been or soon will be submitted to the City;
- ii. Allow the community to share with the applicant comments about the project; and
- iii. Create an opportunity for the applicant to consider these comments before finalizing the application to the City review and action.

c. Timing.

- i. The City will deem the application complete only after the applicant has hosted the community meeting.
- ii. The meeting shall be held during evening hours or on a weekend.

d. Notice Method. At least 10 days prior to the community meeting, the applicant shall notify the community and the City by:

- i. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;
- ii. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on each street frontage along the subject property; and
- iii. Emailing and mailing notice to the City of Capitola Community and Economic Development Department.

e. Notice Contents. The notice shall:

- i. State the date, time, and location of the community meeting;
- ii. Describe the proposed project;
- iii. Describe the meeting purpose; and

iv. Provide a contact phone number and email address of the applicant or agent.

f. Meeting Materials and Agenda. At the meeting the applicant shall share the project plans and answer questions about the proposed project.

g. Information to City. The applicant shall submit to the City the following information and materials:

i. A copy of the public notice mailed and posted for the meeting; and

ii. A copy of the information presented and made available (in all formats) by the applicant at the meeting.

2. Application Review and Action.

a. The Planning Commission shall review the proposed project at a noticed public hearing and recommend that the City Council approve, approve with conditions, or deny the proposed project.

b. After receiving the Planning Commission's recommendation, the City Council shall review and act on the proposed project at a noticed public hearing.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola. These standards do not apply to the Capitola Mall property.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.

2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. 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 colors; and
- d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. **Storefront Width.** The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. **Ground-Floor Building Transparency.** 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 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. 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.

Figure 17.24-4: Storefront Transparency



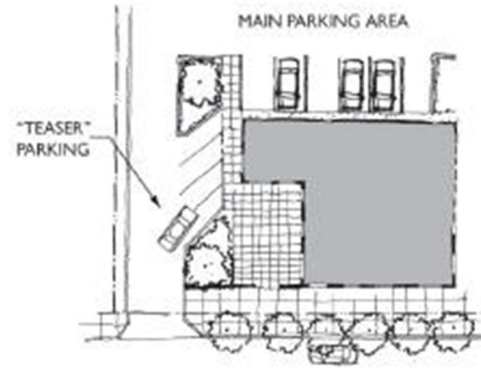
7. **Retail Depth.** Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. **Ground-Floor Height.** Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. **Parking Location.** No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. **Driveways and Curb Cuts.** Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

(Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.57 – Objective Design Standards for Capitola Mall Redevelopment

Sections:

- 17.57.010 ____ Purpose
- 17.57.020 ____ Applicability
- 17.57.030 ____ Definitions
- 17.57.040 ____ Permits and Deviations
- 17.57.050 ____ Standards

NOTE: THIS IS THE MOST DETAILED AND OVERLY PRESCRIPTIVE SET OF DESIGN STANDARDS WE HAVE EVER SEEN.

17.57.010 Purpose

This chapter contains objective design standards for multifamily residential, residential mixed-use, commercial, and hotel development projects on the Capitola Mall property. These standards are intended to provide a set of clear, objective, and measurable standards to ensure Capitola Mall redevelopment projects exhibit high-quality design that enhances Capitola’s unique identity and sense of place, allow for economically feasible housing development, and maintains the regional commercial district’s role as a long-term revenue generator that sustains essential services for residents.

17.57.020 Applicability

- A. The design standards in Section 17.57.050 of this chapter apply to all development and redevelopment on the Capitola Mall property except for the following:
 - 1. Tenant improvements to existing buildings with no increase in building floor area.
 - 2. Additions to existing buildings that increase building floor area by less than 20,000 square feet or 50 percent of the existing building floor area, whichever is less.
- B. As noted in this chapter, certain standards apply only to “mall redevelopment projects” with new residential uses, while other standards apply to projects with any land, including commercial-only development.

17.57.030 Definitions

Terms used in this chapter are defined in Chapter 17.160 (Glossary) and as follows. If a definition below is different from a definition for the same term in Chapter 17.160, the definition below controls for purposes of interpreting the requirements of this chapter.

- A. ~~“Internal street”~~ means any new ~~street~~ established on the Capitola Mall property as part of a development project.

Private drive

internal private drive
- B. “Mall redevelopment project” means any development project on the Capitola Mall property that adds a new residential use. A mall redevelopment project includes both residential-only projects without new commercial uses and mixed-use projects with both new residential and non-residential uses.
- C. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
- D. “Publicly accessible open space” means an area of land or building space that is designed and improved for public use and enjoyment, and that is permanently open and accessible to the general public without charge during normal operating hours.
- E. “Residential mixed-use” means a development project with new residential uses and new commercial uses on the development site.

- F. “Residential use” means the use of land or structures for dwelling purposes, including the provision of living, sleeping, cooking, and sanitation facilities for one or more persons.

17.57.040 Permits and Deviations

A. Permits Required.

1. A design permit is required for development on the Capitola Mall property ~~requires~~ as specified in Section 17.120.030 ~~(When required)~~.
2. The design permit review criteria for a Mall redevelopment project is limited to project conformance with applicable objective standards. The City shall not consider and is not required to make design permit findings in Section 17.120.080 ~~(Findings for approval)~~.
3. Additional permits and approvals may also be required as determined by the scope and nature of the proposed development.

B. Deviations.

1. An applicant may request deviation from one or more standards in this chapter through the design permit process. The planning commission may approve a deviation upon finding that:
 - a. The project incorporates an alternative method to achieve the intent statement that proceeds the standard; and
 - b. The ~~request~~ is needed due to unique site conditions and/or to provide for a superior project design.
2. A project requesting a deviation is not eligible for streamlined approval under Government Code Section 65913.4, Government Code Chapter 4.1, or other state law providing a ministerial approval process for qualifying projects.
3. Notwithstanding subsections (B)(1) or (B)(2), an applicant may deviate from any objective design that the applicant documents is within twenty percent of any of the quantifiable standards in Section 17.57.050 and is otherwise consistent with the requirements of Section 17.24.035.

17.57.050 Standards

Private Drives

A. Streets and Circulation.

1. Intent. The intent of the streets and circulation standards is to:

private drives

- a. Establish a block pattern on the mall property that maximizes connectivity for vehicles, bicycles, and pedestrians;
- b. Provide for infrastructure improvements that enable and encourage residents to walk, bike and take public transit to destinations; and
- c. Create an active and inviting public realm that supports pedestrian activity, economic vitality, and social interaction.

2. Standards.

- a. New ~~Streets~~ Intersecting Mall Property Boundary.

(1) Capitola Road. A mall redevelopment project on APN 034-261-40 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at intersecting Capitola Road that aligns and connects with 38th Avenue.

(2) Clares Street. A mall redevelopment project on APN 034-26-153 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at intersecting Clares Street that aligns and connects with 40th Avenue.

(3) 41st Avenue. A mall redevelopment project on APN 034-26-137 shall establish a new ~~street~~ private drive connecting to the existing intersection at intersecting 41st in the same location as the signalized intersection providing vehicular access to the Capitola Mall from 41st Avenue existing as of January 1, 2026.

GLOBAL CHANGE: All references to streets when referring to internal streets should be changed to "private drives".

Public access rights are granted within the private party covenants, conditions and restrictions as is currently the case - no dedication or public streets onsite - would conflict with leases to remain and result in inability to control / enforce private property rights

All private streets to do not need to meet a City standard sections

"new streets" should be "private drives" 5. THIS DEFINITION AND LANGUAGE NEEDS TO CHANGE ALL "NEW STREETS" IN INTERNAL STREET CONNECTIVITY SECTION AND THROUGHOUT

(4) Additional Streets.

private drives

- (a) A mall redevelopment project shall establish new streets beyond those specified above as needed to comply with the maximum block length standard in Paragraph d (Maximum Block Lengths) below.
- (b) New streets are required only on parcels on which mall redevelopment occurs.

Internal Street Connectivity.

private drives

- (1) A mall redevelopment project shall create new streets that provide a vehicular connection between all perimeter streets abutting the development site.
- (2) A mall redevelopment project application shall include a circulation diagram that shows how future potential streets on adjacent parcels can:
- (a) Connect to new streets on the development site; and
- (b) Provide a vehicular connection to perimeter streets that do not abut the development site.
- (3) New streets shall be designed to allow for connections to existing internal circulation and future internal streets on adjacent properties within the mall block.
- (4) Where an adjacent property within the mall block was previously redeveloped, a mall redevelopment project shall provide one or more vehicular connection between the development site and the adjacent property.
- (5) If a new internal street cannot yet connect to an existing public street or other public way, the property owner may temporarily restrict public access to that street until such a connection becomes feasible through future adjacent development. Once a connection to another public street or public way is established, the internal street shall be opened for public use. The property owner shall remove any gates or other physical barriers, install signage indicating that the street is open to the public, and grant a public access easement to ensure permanent, unrestricted public access.
- (6) If the parcel on which mall redevelopment will occur contains an existing street, pedestrian path, or other public connection, that connection will be preserved or replaced on the parcel to maintain public access and circulation through the property.
- (7) In all areas of the Capitola Mall property, where a project site includes an existing street or other public connection, this public connection will be maintained or relocated within the project site.
- (8) The City may grant an exception to the standards in this Paragraph b (Internal Street Connectivity) in cases where existing structures and improvements physically preclude compliance with these standards.

c. ~~Street Standards.~~ All streets shall comply with street design standards and requirements of the City of Capitola, the Central Fire District of Santa Cruz County, and applicable state and federal design guidance (e.g., Caltrans Complete Streets Guide and Caltrans Bikeway Facility Design Manual) and may be supplemented by adopted City circulation or streetscape plans.

Maximum Block Lengths.

endeavor to

- (1) Mall redevelopment shall include new streets with a maximum block length of 450 feet along any block face, measured along the edge of curb between intersecting streets.
- (2) Maximum block length standards apply to blocks abutting a perimeter street and blocks internal to the mall property that do not abut a perimeter street.

This would conflict with leasehold interests that will remain beyond redevelopment

Streets will not be public and they cannot conform to any of these standards. The one requirement is that they have to be signed off by fire. (Cannot meet Federal standards for view triangles, etc. on an internal private drive.) This is an unreasonable requirement.

- (3) The City may grant a 25 percent increase to the maximum block length standard in Paragraph 1 above in cases where compliance with the standard is infeasible due to the location of existing structures and improvements that will remain on the property, such as existing ingress/egress points at perimeter streets that are to remain.

e. **Pedestrian and Bicycle Circulation.**

- (1) A mall redevelopment project shall include a network of pedestrian and bicycle facilities that connect all new and existing buildings on the site to each other, to publicly-accessible open space areas, to commercial uses on adjacent properties, and to perimeter streets.

- (2) ~~All pedestrian and bicycle facilities shall comply with the City of Capitola Public Improvement Design Standards, adopted City circulation or streetscape plans, and applicable state and federal design guidance including but not limited to the Caltrans Complete Streets Design Guidance and the Caltrans Bikeway Facility Design Manual.~~

- (3) The following requirement applies when an internal ~~street~~ ^{private drive} is established that connects two abutting perimeter streets:

- (a) At least one continuous bike lane or ~~path~~ ^{sharrow lane} shall also connect the two abutting perimeter streets.

- (b) ~~For any portion of the internal street that abuts ground-floor commercial uses, sharrows may be provided as an alternative to the bike lane or path.~~

f. **Circulation Plans.**

- (1) A mall redevelopment project application shall provide vehicular, bicycle, and pedestrian circulation plans that show the location of all ~~streets~~ ^{private drive}, bicycle facilities, and pedestrian walkways on the development site and demonstrate compliance with all applicable standards.

- (2) The vehicular circulation plan shall include ~~street~~ ^{private drive} sections specifying travel lane widths and pedestrian improvements consistent with Paragraphs g (Internal Street Frontages) and h (Perimeter Street Frontages) below.

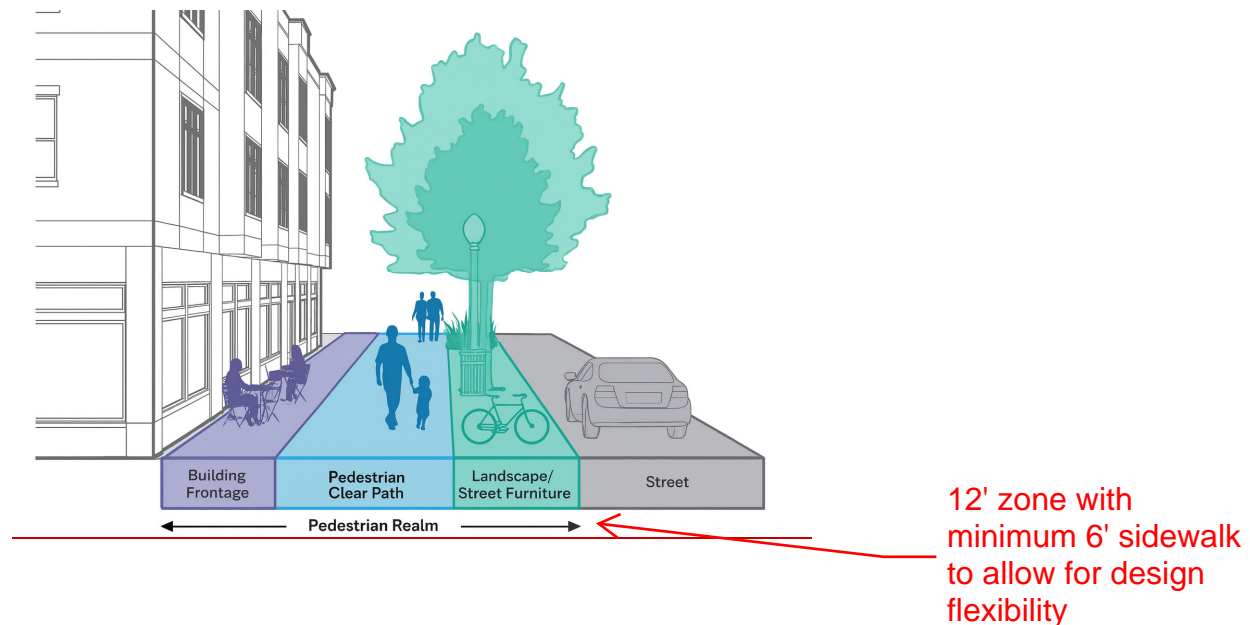
- g. **Internal Street Frontages.** All internal ~~streets~~ ^{private drive} shall provide a pedestrian realm between the ~~street~~ ^{private drive} curb and the adjacent building. The pedestrian realm shall include a building frontage zone, pedestrian clear path, and landscape/street furniture zone that comply with the minimum dimensions in Table 17.57-1 and Figure 17.57-1.

Table 17.57-1: Internal Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	4 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/Street Furniture Zone</u>	4 ft.

12' total with minimum 6ft Pedestrian Clean Path

Need design flexibility based on the design guidelines

Figure 17.57-1: Pedestrian Realm**(1) Building Frontage Zone.**

- (a) The building frontage zone is the land area between a building and a sidewalk or pedestrian pathway.
- (b) The building frontage zone adjacent to a ground-floor residential uses shall be landscaped, except for:
 - i. Areas required for vehicular or pedestrian access to the property; and
 - ii. Areas for residential patios, porches, stoops, stair landings, and other similar entry features.
- (c) A residential building frontage zone may include green stormwater infrastructure to comply with Municipal Regional Stormwater Permit requirements.
- (d) The building frontage zone for ground-floor commercial uses shall comply with the following:
 - i. The frontage zone for ground-floor commercial uses may be used for outdoor dining and seating and may contain landscaping and/or raised planter boxes.
 - ii. The paving surface in the frontage zone shall be ~~distinct~~ consistent with the pedestrian zone and continue along the length of the building facade.
 - iii. The paving surface in the frontage zone shall be visually ~~distinct~~ consistent from the sidewalk and shall extend the full length of each building frontage. Variation in paving materials, colors, or patterns may occur between individual commercial tenant spaces.

- (2) **Pedestrian Clear Path.** The developer shall install a sidewalk with the minimum pedestrian clear path shown in Table 17-57-1. ~~The sidewalk shall be constructed consistent with the City of Capitola Public Improvement Design Standards.~~

- (3) **Landscape/Street Furniture Zone.**

- (a) **Street Trees.** Street trees shall be provided within the landscape/street furniture zone as follows:
- Spacing between trees: maximum 30 feet on center.
 - Tree well size: minimum 4 feet each direction.
 - Planter well surfacing: tree grates, permeable pavers, decomposed granite, understory plants, or similar treatments as determined by City.
 - Street tree selection: tree species shall be selected from the City of Capitola recommended tree list or in consultation with the City. Street tree species shall be consistent along each street.
- (b) **Street Furnishings.** Furnishings such as bicycle racks, seating, and trash receptacles shall be provided in the landscape/street furniture zone consistent with the following standards.
- Furnishings shall maintain a minimum 5-foot clearance around driveways, fire hydrants, and transit stops.
 - Bicycle racks shall be inverted-U or post-and-loop style, securely anchored, and capable of supporting the frame in two points of contact.
 - Seating/benches shall feature a minimum depth of 18-20 inches, height of 17-19 inches, and length of 4-6 ~~inches~~ **feet**
 - Trash receptacles shall have a minimum 30-gallon capacity with lids to control litter and stormwater entry.
 - Furnishing colors and materials shall be selected in consultation with the City to be durable, vandal resistant, and low maintenance.
- (c) **Green Infrastructure.** Green stormwater infrastructure to capture and treat runoff may be incorporated into the landscape/street furniture zone to comply with the Municipal Regional Stormwater Permit requirements. Consolidated shared treatment areas are also allowed in other locations on the site.
- (d) **Pedestrian Lighting.** Pedestrian lighting shall be provided in the landscape/street furniture zone consistent with the following standards.
- Fixtures shall have a mounting height of 12 to 16 feet.
 - All luminaires shall be full-cutoff or shielded to prevent glare and light spillover.
 - Light poles shall be located a minimum of 2 feet behind the curb.
 - Poles shall maintain a minimum 5-foot setback from driveways, ~~intersections, and other furnishings.~~ **and**
 - Light poles shall be spaced 40 to 60 feet on center, generally staggered on both sides of the street **or per the photometric plan.**
 - Lighting shall not obstruct the pedestrian through-zone or accessibility features such as curb ramps.
 - A minimum vertical clearance of 7 feet shall be maintained above all sidewalks.
 - Light poles and fixture shall comply with City standard specifications and shall be selected to be durable, vandal resistant, and low maintenance.

Overly prescriptive.

Good to have bench/trash receptacles/bike racks under a light

- h. **Perimeter Street Frontages.**

- (1) A mall redevelopment project abutting a perimeter street shall install the required street frontage improvements identified in City of Capitola Corridor Plan for 41st Avenue, Capitola Road, and Clares Street and as shown in Table 17-57-2.

Table 17.57-2: Perimeter Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	6 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/ Street Furniture Zone</u>	6 ft.

4ft
6ft
6ft

6 ft sidewalk is ideal and sufficient unless a heavily trafficked urban area

- (2) The building frontage zone abutting a perimeter street shall be landscaped, except for:
- (a) Areas required for vehicular or pedestrian access to the property;
 - (b) Areas for residential patios, porches, stoops, stair landings, fire escapes, and other similar entry features;
 - (c) Publicly accessible open space; and
 - (d) Courtyards, outdoor seating areas, and other similar outdoor spaces serving a commercial use.
- (3) If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum frontage improvement standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.
- (4) Required perimeter street frontage improvements shall be installed for the entire parcel frontage when one or both of the following occur:
- (a) Redevelopment occurs on the parcel.
 - (b) The parcel area is ~~in~~ included in the calculation of the development project's maximum permitted density.

Publicly Accessible Open Space

1. Intent. The intent of the publicly accessible open space standards is to:

- a. Establish a cohesive network of plazas, parks, and other open spaces that provide gathering areas, connection to nature, and visual relief within the urban environment;
- b. Ensure that open spaces are designed for comfort, accessibility, and year-round use by people of all ages and abilities; and
- c. Create a connected and vibrant public realm that enhances community identity, supports social interaction, and contributes to the overall livability of a mall mixed use redevelopment project with high density housing.

2. Standards.

- a. **When Required.** A mall redevelopment project shall provide publicly accessible open space as required by this section.
- b. **Permitted Types.** Required publicly accessible open space may be provided in the form of plazas, squares, parks, parklets, and paseos/pedestrian paths as described below.
 - (1) **Plaza:** A plaza is primarily composed of hardscape surfaces, designed to support social gathering, pedestrian activity, and civic life within an urban context.

For all open space that exceeds the minimum size requirements these standards should not apply.

- (2) **Square:** A square is intended for everyday use and community events with a predominantly landscaped or lawn surface for recreation, relaxation, and public assembly functions.
- (3) **Park:** A park is primarily composed of landscape and natural elements for recreation, leisure, and ecological functions with landscaped green areas, tree canopy, and opportunities for passive and active recreation.
- (4) **Parklet:** A parklet is a small-scale space providing a place for rest, social interaction, and greenery within an urban or commercial environment.
- (5) **Paseo/Pedestrian Path:** A paseo/pedestrian path is a publicly accessible pedestrian passageway that provides a connection between streets and open spaces within an urban block.

c. **Total Amount.** The minimum amount of publicly accessible open space shall be:

- (1) 2.5 percent of project site area for a Tier 2 mixed-use project as defined in Section 17.24.035.C (Definitions); and
- (2) 5 percent of project site area for a Tier 1 as defined in Section 17.24.035.C (Definitions).

d. **General Standards.** The following standards apply to all required publicly accessible open spaces:

- (1) For all open space in a Tier 2 mixed-use project a minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs. A minimum of one tree shall be planted per 400 square feet of the open space area.
- (2) For Tier 1 projects, a minimum of 50 percent of the required open space shall be landscaped.
- (3) The open space shall be publicly accessible for a minimum 12 consecutive hours per day or during daylight hours, whichever is longer.
- (4) The open space shall be directly accessible and visible from a public right-of-way.
- (5) The open space shall have a minimum area of 1,000 square feet and a minimum dimension of 20 feet in any direction.
- (6) The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).
- (7) The open space shall include lighting for nighttime use.

e. **Ownership and Maintenance.**

- (1) Publicly accessible open space must be either be:
 - (a) Offered as dedication to the City with an associated maintenance funding mechanism acceptable to the City (such as a Community Facilities District or other equivalent arrangement); or
 - (b) Privately owned and maintained with dedication of a public access easement.
- (2) In all cases, publicly accessible open spaces shall be maintained at no public expense.

f. **Central Gathering Place.**

- (1) A project on a development site greater than 10 acres must include a central gathering place that:
 - (a) Supports civic and commercial activities such as farmers' markets, performances, and seasonal events; and
 - (b) Serves as a flexible gathering space for all ages and abilities.
- (2) The minimum size of the central gathering place is 12,000 square feet.

Future phases may want to have an interior park or parklet or paseo - would it not count towards POPA space requirement?

- (3) The central gathering place shall be a plaza, square, or park (Tier 1 projects only) and must include the following:
- (a) Street trees along adjacent sidewalks.
 - (b) Vehicle traffic limited to no more than three sides of the plaza/square.
 - (c) Traffic-calming features such as crosswalks, pedestrian-oriented intersections and landscaped buffers.
 - (d) Furnishings such as benches, chairs, tables and drinking fountains.
 - (e) Awnings and coverings, either attached to buildings or freestanding, to provide weather protection.
 - (f) Features that encourage and accommodate public gathering, such as pavilions, kiosks, bandstands, and public art.
- (4) For a Tier 2 mixed-use project, the central gathering place must be a plaza or square and must either:
- (a) Contain retail pavilions with terraces and outdoor seating to accommodate dining, gathering, and public activities; or
 - (b) Include retail, restaurants, or other active ground-floor commercial uses fronting at least one side of the square.
- (5) A plaza/square for a Tier 2 mixed-use project must include landscaping as follows:
- (a) A minimum of 20 percent of the plaza/square landscaped with any combination of living plants, trees, shrubs, or grass. Required landscaping may be provided in raise planters.
 - (b) A minimum of one tree per 1,000 feet of square area, excluding street trees. If a large signature tree is provided with an expected canopy greater than 40 feet diameter, this tree may count as two trees toward the requirement.
- g. Paseo/Pedestrian Path. A paseos/pedestrian path may count towards minimum required public open space if it complies with the following standards.
- (1) The paseo/pedestrian path must comply with all standards in 17.57.050.B.2.d (General Standards).
 - (2) Minimum width (building-to-building):
 - (a) Minimum 20 feet for all conditions.
 - (b) For any segment of a paseo/pedestrian path with adjacent buildings greater than 35 feet in height, the building-to-building dimension shall not exceed an average building height to width ratio of 1.5 to 1. For example, a 35-foot building height requires a 23.3-foot path width and a 65-foot building height requires a 43.3-foot path width. However, the minimum required building-to-building width shall not exceed 50 feet regardless of adjacent building heights.
 - (3) Minimum clear pedestrian walkway width: ~~8 feet~~ 6 ft
 - (4) Minimum public access ~~easement~~ width: ~~8 feet~~ 6 ft
 - (5) Residential stoops, porches and similar entry features may encroach up to 3 feet into the paseo/pedestrian path, provided a continuous ~~8-foot~~ 6 ft minimum clear walkway is maintained.

C. Parking and Vehicle Access.

2:1 is architectural standard

40 ft building has a 20ft path width

60ft bldg a 32.5ft path

1. **Intent.** The intent of the parking and vehicle access standards is to:
 - a. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting public realm;
 - b. Minimize the visual dominance of parking facilities visible from the street frontage; and
 - c. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.
2. **Standards.**
 - a. **Surface Parking Lots.**
 - (1) A mall redevelopment project may not establish a new surface parking lot between a new building and a perimeter street.
 - (2) Existing surface parking lots located between a building and a perimeter street may continue to be used by new and existing uses.
 - (3) Existing surface parking lots may be reconfigured as necessary to facilitate connectivity to new streets or land uses part of a mall redevelopment project.
 - (4) Frontage improvements between an existing surface parking lot and a perimeter street shall be provided as required by Section 17.57.050.A.2.h.
 - b. **Internal Street Driveways.**
 - (1) The maximum width of a driveway crossing an internal ^{private drive} ~~street~~ sidewalk is 12 feet for a one-car driveway and 22 feet for a two-car driveway. Greater driveway width is allowed to comply with fire district standards.
 - (2) A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of lineal internal street frontage. Deviation from this standard is allowed to comply with fire district standards.
 - c. **Street-Facing Garages Serving Individual Units.** Street-facing garages serving individual units (e.g., front-loaded townhomes) are not allowed.
 - d. **Structured Parking.** ^{new} The following standards apply to stand-alone parking structures and structured parking incorporated into a building.
 - (1) Except for vehicle and pedestrian entrances to the garage, all parking garages shall be concealed from ~~public street~~ ^{or private drive} view by:
 - (a) Lining the street-facing portion of the parking garage with a residential or commercial use with a minimum depth of 20 feet; or
 - (b) Incorporating facade treatments that fully screen all internal vehicle parking facilities from view. Screening elements shall include architectural detailing, glazing, louvers, or other materials that provide visual depth and interest. Solid, unarticulated concrete walls or blank façades are not permitted.
 - (2) Parking garage vehicle entrances facing the street shall be no more than 24 feet wide. Garage entries to loading and utility/service areas shall not exceed 30 feet in width.
 - (3) Partially sub-grade parking shall not have an exposed facade that exceeds 5 feet in height above abutting grade at back of sidewalk.
 - (4) Partially sub-grade parking shall include a landscaped planter between the street and the garage facade. The planter shall be at least 4 feet wide with a planting height and vegetative cover sufficient to fully screen the podium edge and ventilation openings from view. At maturity, plantings shall comprise a minimum of 75 percent of the total landscape planter area.

Then where are they
to be located?

- e. **Loading and Servicing.** Loading docks and service areas are prohibited on building frontages abutting a ~~street~~, a publicly-accessible pedestrian path, or publicly-accessible open space.

D. Building Placement and Orientation.

1. Intent. The intent of the building placement and orientation standards is to:

- a. Ensure that new buildings adjacent to perimeter streets are appropriately integrated into the surrounding community fabric;
- b. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and
- c. Support cohesive neighborhoods and social interaction internally and along perimeter streets through building placement and orientation.

2. Standards.

- a. **Perimeter Street Setbacks.** The ground-level of a building that abuts a perimeter street shall be setback from the property line as required to comply with perimeter street frontage standards in 17.57.050(A.2.h (Perimeter Street Frontages)).
- b. **Interior Street Setbacks.** The ground-level of a building that abuts an interior ~~street~~ shall be setback from the ~~street~~ curb as necessary to accommodate the pedestrian realm improvements specified in 17.57.050(A.2.g (Internal Street Frontages)).
- c. **Upper-Level Projections** Building elements such as bay windows, turrets, or other architectural features intrinsic to the building structure may project into required building frontage zone, subject to the following:
 - (1) Maximum projection into building frontage zone: 3 feet.
 - (2) The bottom of the architectural feature shall be a minimum of 10 feet above grade for residential frontages and 12 feet above grade for commercial frontages.
 - (3) No more than 50 percent of the facade area may have these elements project into the building frontage zone.
- d. **Entrance Orientation.**
 - (1) Primary building entrances shall face an adjacent ~~street~~, publicly accessible pathway, or publicly accessible open space.
 - (2) A pedestrian walkway shall provide a connection between the adjacent sidewalk and all building entrances. The walkway shall have a minimum width of 4 feet for individual unit entrances and 6 feet for shared entrances.

E. Building Massing.

1. Intent. The intent of the building massing standards is to:

- a. Break down large building volumes to reduce the perceived mass and box-like appearance of buildings;
- b. Create visual interest on street-facing building facades; and
- c. Minimize impacts on adjacent lower-intensity uses outside of the Capitola Mall property.

2. Standards.

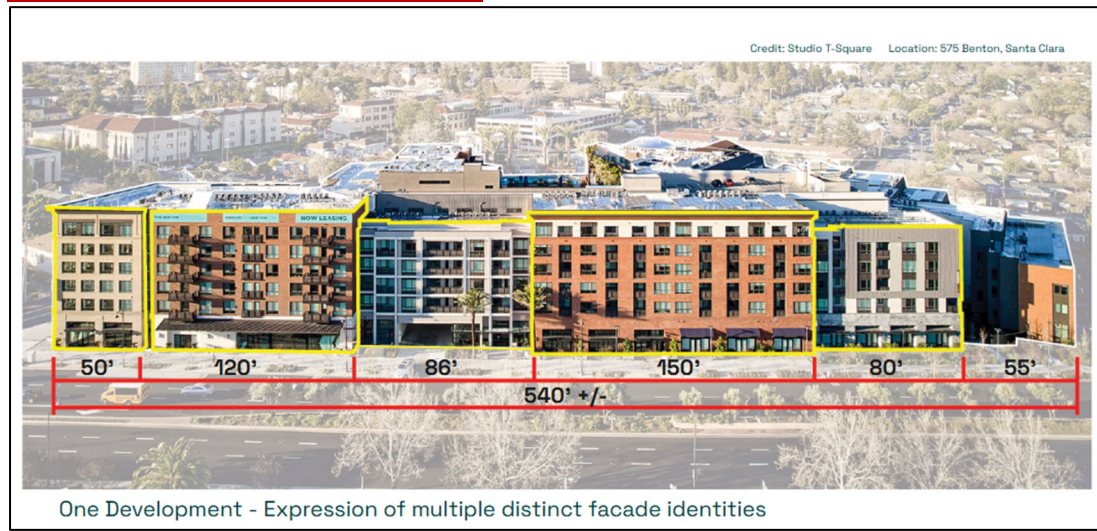
- a. **Maximum Building Length.** The length of a building, measured parallel to the adjoining street or publicly accessible open space, shall not exceed 450 feet **unless modified pursuant to 17.57.050.A.2.d.(3).**

b. **Massing Breaks.**

- (1) Buildings facing a street or publicly accessible open space shall provide massing breaks as follows:
 - (a) Buildings less than 200 feet in length: none required.
 - (b) Buildings 200 to 300 feet in length: minimum one required.
 - (c) Buildings 300 to 400 feet: minimum two required.
 - (d) Buildings 400 ^{or greater} to 450 feet: minimum three required.
 - (2) Required massing breaks shall feature a horizontal change in the building plane with a minimum width of 12 feet and a minimum depth of 12 feet.
 - (3) The change in building plane shall extend from the finished ground floor through the full height of the building including breaking the roof plane.
- c. **Building Height.** See Section 17.24.035 (Capitola Mall Redevelopment) for maximum building height standards, including building height limitations adjacent to perimeter streets.

F. **Facade and Roof Design.**

1. **Intent.** The intent of the facade and roof design standards is to:
 - a. Support an active and welcoming pedestrian environment;
 - b. Create street-facing building facades that are varied and interesting with human-scale design details;
 - c. Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
 - d. Ensure that new development reflects the scale, rhythm, and authenticity of a traditional urban block;
 - e. Reflect Capitola's diverse architecture with varied and distinct façade identities at regular intervals within each block; and
 - f. Prevents a large project from appearing monolithic.
2. **Standards.**
 - a. **Unique Facade Identities.**
 - (1) A facade identity is a visually distinct portion of the building frontage characterized by a unique combination of massing, materials, colors, architectural expression, and window rhythm that differentiates it from adjacent portions of the building frontage. See Figure 17.57-2.

Figure 17.57-2: Unique Facade Identities

- (2) A building facade greater than 200 feet facing a street or publicly accessible open space shall include multiple unique facade identities as shown in Table 17.57-3:

This should correspond to the Massing Breaks

→ **Table 17.57-3: Required Distinct Facade Identities**

<u>Building Length</u>	<u>Minimum Facade Identities Required</u>
<u>> 200 ft and ≤ 300 ft</u>	2 facade identities 1 required
<u>> 300 ft and ≤ 400 ft</u>	3 facade identities 2 required
<u>> 400 ft and ≤ 450 ft</u>	4 facade identities 3 required

- (3) To qualify as a distinct facade identity, each identity must incorporate all of the following differentiating elements:
- (a) A materially different primary cladding.
 - (b) A contrasting color palette.
 - (c) A distinct window pattern or rhythm.
 - (d) Distinct building facade modulation patterns and forms (e.g., changes in patterns of building wall recesses and projections).
 - (e) Varied Roof/building height.
 - (f) A unique ground-floor treatment (e.g., storefront articulation, residential stoops).
- (4) Each unique facade identity shall comply with the following:
- (a) No individual facade identity may have a length less than 40 feet or greater than 160 feet.
 - (b) The length of a facade identity shall vary by at least 25 percent from the length of an adjacent identity.
 - (c) Each facade identity must be visually unique and may not repeat on a block or within the mall redevelopment area.
 - (d) A facade identity at the end of a block must turn the corner and continue for a minimum of 40 feet and maximum of 160 feet from the corner.

- (5) To ensure each facade identity reads as a distinct architectural element, the separation between identities shall:

Is this feasible?

- (a) Be expressed as a minimum recess of 18 inches in depth;
 (b) Extend a minimum of 5 feet in width; and
 (c) Be carried through all floors of the building facade.

b. **Residential Ground-Floor Design.**

Both should be 28-32% is standard (more glass does not = better)

- (1) **Transparency.** A residential ground-floor building facade shall include transparent windows, entries, and/or clear glazing as follows:

- (a) ^{32%}~~50~~ percent of ground-floor frontage when facing a publicly accessible open space required by Subsection B (Publicly Accessible Open Space)
 → (b) ^{32%}~~35~~ percent of ground floor frontage in all other locations.

- (2) **Open Space Frontages.** Where a ground-floor residential use faces a publicly accessible open space required by Subsection B (Publicly Accessible Open Space), excluding paseos and pathways, a minimum of 75 percent of the facade frontage shall contain dwelling units, lobby, gym area, or other similar active space accessed and used by residents. Service, utility, or parking garage spaces is limited to ~~25 feet~~ ^{35 feet} or 25 percent of the frontage length, whichever is less.

- (3) **Finished Floor Level.** The finished floor level of ground floor residential units must be a minimum of ~~2 feet~~ ^{0 feet minimum} and a maximum of 4 feet above the adjacent sidewalk grade.

- (4) **Shared Entrances.** The following standards apply to all primary building entrances shared by two or more units.

- (a) **Minimum Width:** The width of the entry shall be no less than 10 feet.
 (b) **Transparency.** Minimum 60 percent transparent glazing between 3 and 7 feet for the required entry width.
 (c) **Weather Protection.**
 i. To provide weather protection, the entrance shall include a projecting awning, canopy, extended eave, or other similar feature above the entry; a recessed entry; or a combination of the two.

overly prescriptive - already code required

- ~~Minimum dimensions: 60 square feet for buildings up to 55 feet in height, and 80 square feet for buildings up to 85 feet in height.~~

- (d) **Visual Prominence.** Primary building entrances must be clearly visible from the street with visual prominence. Projects must select one or more of the following methods to satisfy this requirement:

- i. Changes in building form and modulations, including recessed or projecting entry bays and changes in the roofline or wall height above the entry.
 ii. Entry materials and colors that contrast with surrounding facade treatment.
 iii. Fenestration pattern that contrasts with surrounding window treatment.
 iv. Projecting architectural elements surrounding the entrance, such as awnings, canopies, columns, and porticos.

- (5) **Entrances to Individual Units.** Entrances to individual units (e.g., townhome entrances) must be emphasized with one or more of the following:

- (a) An awning or canopy above the entry with a minimum outward projection of 3 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall with a minimum width of four feet and depth of two feet.
- (c) A covered porch, providing access to the entry, with a minimum area of 70 square feet with a dimension of 6 feet in any direction.
- (d) A patio with minimum dimensions of five feet by five feet. A patio may include a partition not to exceed 42 inches in height between the sidewalk and the patio to define the transition between public and private space.

c. **Commercial Ground-Floor Design (Excludes Hotels).**

14

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of ~~16~~ feet.
- (2) **Transparency.** A ground-floor building wall that faces a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of ~~65~~ percent of the building frontage located between 3 and 10 feet above the sidewalk.
40 %
- (3) **Entrances.** Publicly accessible entrances shall include weather protection with either:
 - (a) A projecting non-fabric awning, canopy, extended eave, or other similar feature above the entry, minimum four feet wide by four feet deep; or
 - (b) A recessed entry, minimum four feet wide by four feet deep.
- (4) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed ~~15~~ feet. 25 ft (need flexibility)
- (5) **Tenant Space Depth.** Ground floor commercial buildings shall provide a minimum tenant space depth of 35 feet.
- (6) **Transparency on Corners and Key Public Spaces.**
 - (a) Corner windows: For buildings on street corners or facing publicly accessible open space, at least ~~50~~ percent of the building facade must be glazed. 3 to 10 ft above sidewalk
40
 - (b) Public space interaction: Ground floors facing parks, plazas, or transit stops must include at least one entrance or window per 30 linear feet of building facade.
- (7) **Signs.** Signs must comply with standards in Chapter 17.80 (Signs).

d. **Hotel Ground Floor Design.**

- (1) ~~**Ground Floor Height.** The ground level shall have minimum floor to floor height of 15 where lobbies and conference facilities are provided.~~
- (2) ~~**Transparency.** A ground-floor building wall that faces and is within 20 feet of a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 50 percent of the building frontage located between 3 and 10 feet above the sidewalk.~~
- (3) ~~**Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 20 feet.~~
- (4) ~~**Entrance Design.** The primary hotel entrance shall include one of the following weather protection features:~~

Some only need 14 ft

Hotels have significant back of house on ground floor

Some hotels have entries facing parking lots - likely the case.

For non-restaurant should be able to do 14 ft which is sufficient

This section is overly problematic. We will want to be able to do a prototypical design based on the flag that wants to come into this market to have the greatest chance of landing the highest quality flag.

- (a) A projecting awning, canopy, extended eave, or other similar feature above the entry with a minimum outward projection or recess of 4 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall or vestibule with a minimum width of 8 feet and depth of 4 feet.
- (5) **Drop-Off Area.** When provided, hotel porte-cochères shall be located to the side or rear of the building or integrated into the building. A porte-cochère shall not be located on the building facade facing the primary street unless the drop-off area is provided at the street curb.
- (6) **Street Wall.** A minimum of one facade of the hotel shall front a perimeter street or internal street directly with an entry to the lobby.
- e. **Windows and Doors.** All windows above the ground floor, shall include trim, reveals, recesses, or other detailing that provides a minimum 2-inch change in plane and contrasting material or color to define the window opening.
- f. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.

Need max flexibility for their prototype

Some porte-cochères face surface parking lot/entrance

Need flexibility

ok

G. **Materials.** The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:

1. Vinyl siding.
2. T-111 plywood siding.
3. Plastic or PVC-based siding systems.
4. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.
5. Simulated stone within first 20 feet above the adjacent grade.
6. Veneer products that are not rated for impact resistance within the first 30 inches above the adjacent grade.
7. Corrugated metal used as a primary facade material (roof and facade accents allowed).

H. **Other Site Features.**

1. **Intent.** The intent of the other site features standards is to:
 - a. Minimize visual clutter on a development site;
 - b. Enhance the design character of the public realm; and
 - c. Support an active and welcoming pedestrian environment.
2. **Standards.**
 - a. **Refuse Storage Areas.** Refuse storage and collection areas shall be located in a building or screened from public view by a solid enclosure.
 - b. **Ground-Mounted Mechanical Equipment and Utilities.**
 - (1) Ground-mounted mechanical equipment and utilities shall be screened from view from streets, pedestrian pathways, and open space through the use of landscaping, building design, fences and walls, and/or other types of screening. Equipment that must be screened includes transformers, pump stations, backflow preventers, valves, and air conditioning units.
 - (2) Ground-mounted mechanical equipment and utilities are prohibited within the landscape /street furniture zone as described in Section 17.57.050.A (Streets and Circulation).



FW: 12.4.25 Planning Commission Comments - MGP

From Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Date Thu 12/4/2025 3:34 PM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

 1 attachment (1 MB)

Capitola amendments_to_existing_chapters_12_4_25.pdf;

Dear Planning Commission,

Please see the updated attached document. The previous version had comments in the side margin that were cut off.

Regards,
Katie

From: Jamas Gwilliam <jgwilliam@merlonegeier.com>

Sent: Thursday, December 4, 2025 3:27 PM

To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Subject: [PDF] Re: 12.4.25 Planning Commission Comments - MGP

This should work. Let me know if there are any other comments you cannot read.

Jamas Gwilliam | MGP | 858.259.9909

From: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Sent: Thursday, December 4, 2025 3:09 PM

To: Jamas Gwilliam <jgwilliam@merlonegeier.com>

Subject: RE: 12.4.25 Planning Commission Comments - MGP

Hi Jamas,

I am going through the document and cannot read some comments along the side as they are cutoff in the pdf. Please fit the comments on the page and resend.

Thank you,
Katie

From: Jamas Gwilliam <jgwilliam@merlonegeier.com>

Sent: Thursday, December 4, 2025 1:09 PM

To: Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Cc: PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

Item 2 A.

Subject: [PDF] 12.4.25 Planning Commission Comments - MGP

Katie,

Please find attached our comments related to the draft code amendment language that will be discussed tonight at the Planning Commission meeting. I was hoping to get these to you sooner but there was a considerable amount of material to review and I needed input from various members of our design and legal teams.

See you tonight,

Jamas Gwilliam
Managing Director

4365 Executive Drive

Suite 1400

San Diego, CA 92121

Tel: 858 / 259 / 9909

www.MerloneGeier.com

12/4/25

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
 17.24.020 Land use regulations.
 17.24.030 Development standards.
 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola's unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola. (Ord. 1043 § 2 (Att. 2), 2020)

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Residential Uses [12]					
Single-Family Dwellings		–	–	–	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Multifamily Dwellings		C [9]	C [9]	–	
Residential Mixed Use		C	C [7]	–	Section 17.24.040
Large Residential Care Facilities		C [9]	C [9]	–	
Accessory Dwelling Unit		A	A		Chapter 17.74
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	–	
Cultural Institutions		C	C	–	
Day Care Centers		M	M	–	
Emergency Shelters		P	–	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		–	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	–	
Car Wash		C	C		
Financial Institutions		See 17.24.020(C)		–	
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	–	
Drive-Through Facilities		–	C [4]	–	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		–	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Take-Out Food and Beverage		M [2]	M [2]	–	
Food Preparation		M [2]	–	P	
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment		C [10]	C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses		See Chapter 17.52			
Home Occupations		P	P	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36 of this code. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story, except on Capitola Mall Housing Element Sites where ground-floor residential uses are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site, except on Capitola Mall Housing Element Sites where residential-only projects are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use twenty thousand square feet or more requires a conditional use permit.

[12] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

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

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

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

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

Notes:

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

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

2. Existing Office Uses.

a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use; and vacant tenant space where the most recent legal occupant was an office use. The city shall use business license documentation to determine the legal occupancy of tenant space.

b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24-2.

D. Retail Cannabis. A retail cannabis establishment must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. 41st Avenue Frontage. In the C-C zoning district, a retail cannabis establishment must be on a property fronting 41st Avenue.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts, excluding Capitola Mall Housing Element Sites. For development standards that apply to Capitola Mall Housing Element Sites, see Section 17.24.035 (Capitola Mall Redevelopment).

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0 [1]	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft. [1]	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

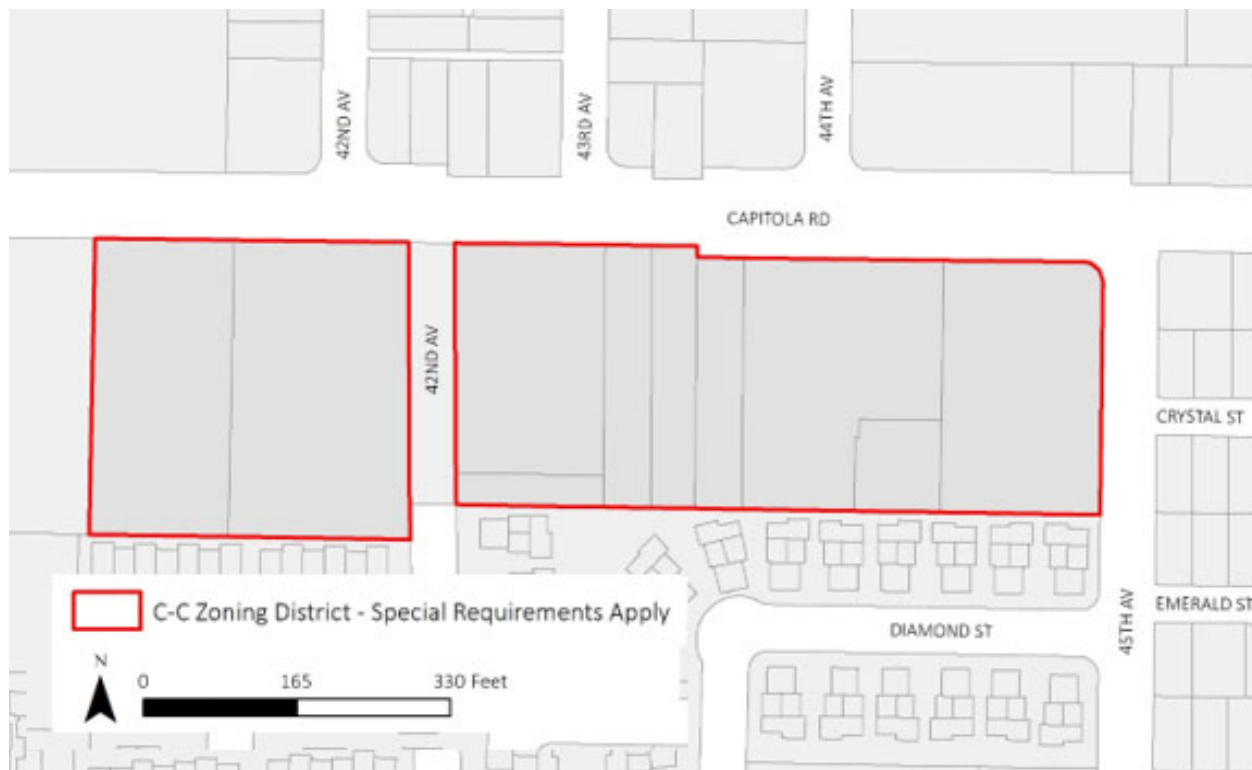
Notes:

[1] Additional building height and FAR allowed for a housing development project that consolidates adjacent housing element opportunity sites. See 17.24.040(J) (Lot Consolidation Incentive).

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures:
 - a. Conceptual Review.
 - i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

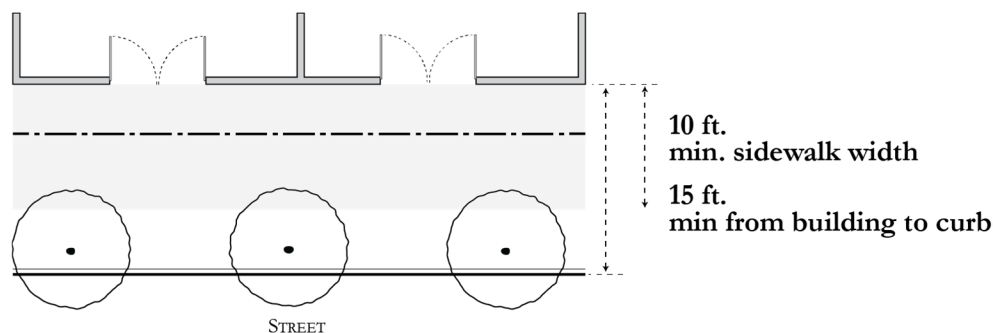
c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.
- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts



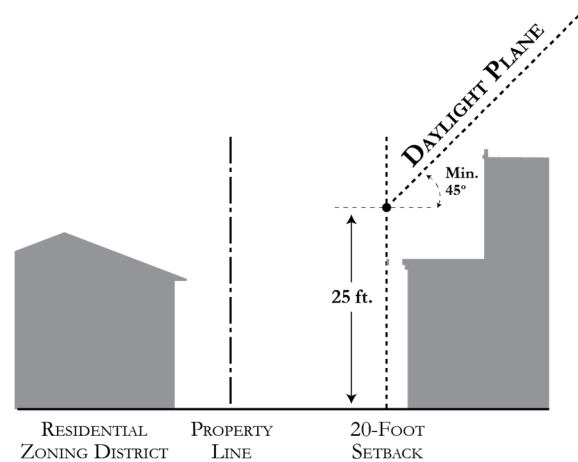
D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

~~F. Reserved. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.~~

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development.

~~1. Excluding development on the Capitola Mall property. New multifamily dwellings and mixed-use residential development in the C-C and C-R zoning districts must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).~~

~~2. Residential-only and mixed-use development on the Capitola Mall property shall comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).~~

I. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030(C)(5)(b).

J. Lot Consolidation Incentive. Housing Element Table 4-3 identifies adjacent opportunity sites which are suitable for lot consolidation. Projects in the C-C zoning district that consolidate two or more opportunity sites identified in Housing Element Table 4-3 into a single parcel as part of a housing development project are permitted maximum building height and floor area ratio (FAR) as identified in Table 17.24-4.

Table 17.24-4: C-C Lot Consolidation Bonus

Baseline C-C Standard		Lot Consolidation Allowance	
Height	FAR	Height	FAR
40 ft.	1.0	50 ft.	1.5

K. Micro-Units. A building with micro-units in the C-C or C-R zoning district is permitted a maximum height of fifty feet and a maximum FAR of one and one-half only when:

1. The micro-units are within one-quarter mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21064.3 of the Public Resources Code; and
2. The micro-units constitute fifty percent or more of the total number of units in the building. (Ord. 1066 § 2 (Att. 1), 2024; Ord. 1057 § 2 (Att. 1), 2022; Ord. 1053 § 3, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.24.035 Capitola Mall Redevelopment

A. Purpose. This section establishes standards to facilitate residential and mixed use development on the Capitola Mall Housing Element Sites in accordance with the General Plan Housing Element.

B. Applicability. This section applies to all proposed development projects with new residential and/or mixed uses on a Capitola Mall Housing Element Site.

C. Definitions. Terms used in this section are defined as follows.

~~1. "Affordable housing requirement" means a minimum of 15 percent of the dwelling units are deed restricted affordable to lower income households and a minimum of 5 percent of the units are either deed restricted affordable to moderate income households or studio units with a kitchen and living space but without a separate bedroom.~~

2. "Core area" means all areas on the Capitola Mall property that are not in the perimeter zone.

3. "Tier 1 project" means all proposed development projects with new residential uses that do not meet the "Tier 2 mixed-use project" definition in this section.

4. "Perimeter street" means 41st Avenue, Capitola Road and Clares Street.

5. "Perimeter zone" means all areas on the Capitola Mall property that are within ~~125~~ **75 ft** feet of a property line abutting 41st Avenue, Capitola Road and Clares Street.

6. "Tier 2 mixed-use project" means a proposed mixed-use development project with all of the following:

a. Residential development that meets or exceeds the affordable housing requirements as defined in this section.

b. A qualifying hotel.

~~7. 40,000~~ 7. 40,000 square feet or more of new commercial space, which may consist of substantially improved existing commercial space which includes both full interior and exterior tenant improvements.

7. "Qualifying hotel" means a hotel with a minimum of 85 rooms and a minimum of 3,500 square feet of meeting space and conference facilities.

D. Development Standards.

75ft is reasonable and would allow a building along the frontage to have interior height not visible from perimeter while providing potential economic benefit that will help support additional costs required by these design standards

New 17.24.053(D)(2) Density. Density for the Capitola Mall Housing Element Sites is to be calculated in the aggregate, such that maximum density when calculated across the acreage of all Capitola Mall Housing Sites, does not exceed 48 units per acre.

Item 2 A.

New 17.24.053(D)(3) Density - Other Mall Parcels. The maximum residential density on Capitola Mall Parcels not included in the Housing Element Sites Inventory (APN: 034-261-07 and 034-261-52) is 20 dwelling units per acre.)

1. General. Table 17.24-6 identifies the development standards that apply to development on a Capitola Mall Housing Element Site.

Table 17.24-6: Mall Redevelopment Development Standards

	<u>Tier 1 Projects</u>	<u>Tier 2 Mixed-Use Projects</u>
<u>Floor Area Ratio</u>	<u>2.0</u>	<u>2.0</u>
<u>Height, Maximum</u>		
<u>Perimeter Zone</u>	<u>55 ft.</u>	<u>65 ft. [1]</u>
<u>Core Zone</u>	<u>75 ft.</u>	<u>85 ft.</u>
<u>Open Space</u>	<u>5% of site area [2]</u>	<u>2.5% of site area [2]</u>
<u>Density [3]</u>		
<u>Minimum</u>	<u>20 du/ac</u>	<u>20 du/ac</u>
<u>Maximum</u>	<u>48 du/ac</u>	<u>48 du/ac</u>
<u>Setbacks</u>	<u>See Chapter 17.57</u>	<u>See Chapter 17.57</u>

Notes:

[1] A qualifying hotel with a height up to 85 feet is allowed in the perimeter zone.

[2] See Section 17.57.040.B (Publicly Accessible Open Space) for open space landscaping requirements.

[3] Density for Capitola Mall Housing Element Sites shall be calculated consistent with Section 17.24.035(D)(2).

2. Parking. Minimum on-site parking spaces shall be provided as follows:

a. Tier 1 Projects: As required by Chapter 17.76 (Parking and Loading).

b. Tier 2 Mixed-Use Projects: As shown in Table 17.24-7 for residential uses. For non-residential uses, as required by Chapter 17.76 (Parking and Loading).

Table 17.24-7: Required Residential Parking for Tier 2 Mixed-Use Projects

<u>Unit Size</u>	<u>Minimum Spaces per Unit</u>
<u>Studio</u>	<u>0.8</u>
<u>1 bedroom</u>	<u>1.0</u>
<u>2 bedroom</u>	<u>1.6</u>
<u>3 bedroom</u>	<u>2.0</u>

2. Floor Area Ratio. All structured parking and hotels are excluded from the floor area used to calculate a project's FAR.

3. Height Projections.

a. Up to fifteen percent of the total building frontage along a perimeter or interior street may include architectural features and building infrastructure that project up to 10 feet above the maximum permitted building height identified in Table 17.24-5.

b. Permitted height projections include the following:

i. Corner building elements.

ii. Tower or vertical accent features.

Replace with the following:

5. Affordable Housing Requirement: Any residential development will comply with the requirements of Municipal Code Chapter 18.02, provided, however, that in addition to satisfying any obligation to deliver affordable units or pay in-lieu fees, the developer may elect to dedicate land to the City for the construction of affordable housing units sufficient to develop an equivalent number of affordable units that would otherwise be required under Municipal Code Chapter 18.02.

Item 2 A.

Replace
iv. with
new c.

iii. Parapets or roofline projections with distinctive architectural treatment.

c. Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure shall be allowed to project beyond maximum building heights within any portion of a building footprint.

4. Objective Standards. Development on the Capitola Mall property shall comply with the requirements in Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

~~**5. Inclusionary Housing Requirement.** New residential development on a Capitola Mall Housing Element Site shall comply with the affordable housing requirement described in Subsection C (Definitions) above and is not subject to the City's inclusionary housing ordinance in Municipal Code Chapter 18.02 (Affordable (Inclusionary) Housing).~~

Moved to
17.24.03
5 (D)(3).

~~**6. Density - Other Mall Parcels.** The maximum residential density on Capitola Mall parcels not included in the Housing Element Sites Inventory (APNs 034-261-07 and 034-261-52) is 20 dwelling units per acre.~~

E. ~~D.~~ Land Use Regulations. All land use regulations and permit requirements in Section 17.24.020 (Land Use Regulations) apply to development with new residential uses on Capitola Mall Housing Element Site, except as follows:

1. Within a Tier 2 mixed-use project, the following land uses are permitted "P" uses provided that they do not exceed 50 percent of the total floor area of the project:

a. All hotels.

b. All retail uses.

c. Eating and drinking establishments, excluding bars and lounges.

d. Commercial entertainment and recreation excluding such uses with an ancillary bar or lounge.

e. Cultural institutions

Inconsistent with
17.57.040 where only
design permit
required

2. All residential development, with or without a new commercial component, is allowed with a conditional use permit.

3. On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

F. ~~E.~~ Fiscal Impact Analysis.

1. **When Required.** A Fiscal Impact Analysis (FIA) is required in connection with the application for any proposed development project with new residential uses on the Capitola Mall property.

2. **Contents of Fiscal Impact Analysis.** Each FIA shall include, at a minimum:

a. An estimate of the incremental change to annual recurring revenues and expenditures to the City generated by the project at buildout, including but not limited to property tax, sales tax, transient occupancy tax, and service costs (police, public works, parks, administration).

b. Identification of any net fiscal surplus or deficit to the City's General Fund and special revenue funds over 10, 15, and 20-year horizons.

c. A description of proposed mitigation measures or financing mechanisms (e.g., community facilities district, development agreement contributions) to offset any projected negative fiscal impact.

d. Supporting assumptions, data sources, and methodology.

3. **Review and Approval.**

However, the following shall apply:

(a) Compliance with this requirement will be evaluated on a project-wide basis to the extent that an applicant proposes residential-mixed use on multiple parcels; and (b) if an owner of multiple parcels within Capitola Mall Housing Sites first proposes a building or project that does not meet these minimum density standards, including but not limited to a commercial-only building or commercial-only project, the applicant may demonstrate compliance by recording a covenant, to the City Attorney's reasonable satisfaction, that establishes an increased minimum residential density on other parcels under the applicant's control within the Capitola Mall Housing Sites to ensure an overall minimum density of twenty units per acre across the affected parcels."

Should remain
objective

- a. The applicant shall submit for City review a FIA prepared by a qualified economic consultant concurrently with the applicant's submittal of a development application.
- b. The applicant's FIA shall be peer reviewed by a qualified independent economic consultant hired by the City and funded by the applicant.
- c. Based on the results of the peer and City review of the FIA, the City may require revisions to the FIA analysis assumptions, data sources, and methodology.
- ~~d. The City shall consider the findings of the FIA when reviewing and acting on the proposed development project.~~

4. Relationship to Other Requirements. The FIA requirement is in addition to, and does not replace, any environmental or infrastructure impact analyses required under CEQA, this title, or other applicable law.

G. ~~F~~. Permit Application and Review. A proposed project with new residential uses on a Capitola Mall Housing Element Site is subject to the permit application and review requirements in Zoning Code Part 4 (Permits and Administration) except as modified below.

1. Applicant Community Meeting.

a. Meeting Required. The applicant shall host a community meeting for the proposed project to:

- i. Notify the community that an application has been or soon will be submitted to the City;
- ii. Allow the community to share with the applicant comments about the project; and
- iii. Create an opportunity for the applicant to consider these comments before finalizing the application to the City review and action.

c. Timing.

- i. The City will deem the application complete only after the applicant has hosted the community meeting.
- ii. The meeting shall be held during evening hours or on a weekend.

d. Notice Method. At least 10 days prior to the community meeting, the applicant shall notify the community and the City by:

- i. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;
- ii. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on each street frontage along the subject property; and
- iii. Emailing and mailing notice to the City of Capitola Community and Economic Development Department.

e. Notice Contents. The notice shall:

- i. State the date, time, and location of the community meeting;
- ii. Describe the proposed project;
- iii. Describe the meeting purpose; and

iv. Provide a contact phone number and email address of the applicant or agent.

f. Meeting Materials and Agenda. At the meeting the applicant shall share the project plans and answer questions about the proposed project.

g. Information to City. The applicant shall submit to the City the following information and materials:

i. A copy of the public notice mailed and posted for the meeting; and

ii. A copy of the information presented and made available (in all formats) by the applicant at the meeting.

2. Application Review and Action.

a. The Planning Commission shall review the proposed project at a noticed public hearing and recommend that the City Council approve, approve with conditions, or deny the proposed project.

b. After receiving the Planning Commission's recommendation, the City Council shall review and act on the proposed project at a noticed public hearing.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola. These standards do not apply to the Capitola Mall property.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.

2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. 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 colors; and
- d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. **Storefront Width.** The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. **Ground-Floor Building Transparency.** 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 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. 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.

Figure 17.24-4: Storefront Transparency



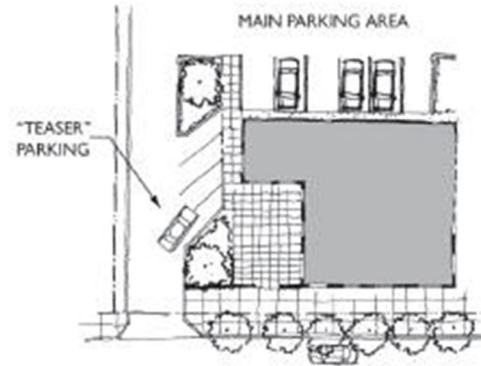
7. **Retail Depth.** Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. **Ground-Floor Height.** Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. **Parking Location.** No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. **Driveways and Curb Cuts.** Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

(Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.57 – Objective Design Standards for Capitola Mall Redevelopment

Sections:

- 17.57.010 ____ Purpose
- 17.57.020 ____ Applicability
- 17.57.030 ____ Definitions
- 17.57.040 ____ Permits and Deviations
- 17.57.050 ____ Standards

NOTE: THIS IS THE MOST DETAILED AND OVERLY PRESCRIPTIVE SET OF DESIGN STANDARDS WE HAVE EVER SEEN.

17.57.010 Purpose

This chapter contains objective design standards for multifamily residential, residential mixed-use, commercial, and hotel development projects on the Capitola Mall property. These standards are intended to provide a set of clear, objective, and measurable standards to ensure Capitola Mall redevelopment projects exhibit high-quality design that enhances Capitola’s unique identity and sense of place, allow for economically feasible housing development, and maintains the regional commercial district’s role as a long-term revenue generator that sustains essential services for residents.

17.57.020 Applicability

- A. The design standards in Section 17.57.050 of this chapter apply to all development and redevelopment on the Capitola Mall property except for the following:
 - 1. Tenant improvements to existing buildings with no increase in building floor area.
 - 2. Additions to existing buildings that increase building floor area by less than 20,000 square feet or 50 percent of the existing building floor area, whichever is less.
- B. As noted in this chapter, certain standards apply only to “mall redevelopment projects” with new residential uses, while other standards apply to projects with any land, including commercial-only development.

17.57.030 Definitions

Terms used in this chapter are defined in Chapter 17.160 (Glossary) and as follows. If a definition below is different from a definition for the same term in Chapter 17.160, the definition below controls for purposes of interpreting the requirements of this chapter.

- A. ~~“Internal street”~~ means any new ~~street~~ established on the Capitola Mall property as part of a development project. **"Private drive" internal private drive**
- B. “Mall redevelopment project” means any development project on the Capitola Mall property that adds a new residential use. A mall redevelopment project includes both residential-only projects without new commercial uses and mixed-use projects with both new residential and non-residential uses.
- C. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
- D. “Publicly accessible open space” means an area of land or building space that is designed and improved for public use and enjoyment, and that is permanently open and accessible to the general public without charge during normal operating hours.
- E. “Residential mixed-use” means a development project with new residential uses and new commercial uses on the development site.

- F. “Residential use” means the use of land or structures for dwelling purposes, including the provision of living, sleeping, cooking, and sanitation facilities for one or more persons.

17.57.040 Permits and Deviations

A. Permits Required.

1. A design permit is required for development on the Capitola Mall property ~~requires~~ as specified in Section 17.120.030 ~~(When required)~~.
2. The design permit review criteria for a Mall redevelopment project is limited to project conformance with applicable objective standards. The City shall not consider and is not required to make design permit findings in Section 17.120.080 ~~(Findings for approval)~~.
3. Additional permits and approvals may also be required as determined by the scope and nature of the proposed development.

B. Deviations.

1. An applicant may request deviation from one or more standards in this chapter through the design permit process. The planning commission may approve a deviation upon finding that:
 - a. The project incorporates an alternative method to achieve the intent statement that proceeds the standard; and
 - b. The requested is needed due to unique site conditions and/or to provide for a superior project design.
2. A project requesting a deviation is not eligible for streamlined approval under Government Code Section 65913.4, Government Code Chapter 4.1, or other state law providing a ministerial approval process for qualifying projects.
3. Notwithstanding subsections (B)(1) or (B)(2), an applicant may deviate from any objective design that the applicant documents is within twenty percent of any of the quantifiable standards in Section 17.57.050 and is otherwise consistent with the requirements of Section 17.24.035.

17.57.050 Standards

Private Drives

A. Streets and Circulation.

1. Intent. The intent of the streets and circulation standards is to:

- a. Establish a block pattern on the mall property that maximizes connectivity for vehicles, bicycles, and pedestrians;
- b. Provide for infrastructure improvements that enable and encourage residents to walk, bike and take public transit to destinations; and
- c. Create an active and inviting public realm that supports pedestrian activity, economic vitality, and social interaction.

2. Standards.

- a. New Streets Intersecting Mall Property Boundary.

(1) Capitola Road. A mall redevelopment project on APN 034-261-40 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at ~~intersecting~~ Capitola Road that aligns and connects with 38th Avenue.

(2) Clares Street. A mall redevelopment project on APN 034-26-153 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at ~~intersecting~~ Clares Street that aligns and connects with 40th Avenue.

(3) 41st Avenue. A mall redevelopment project on APN 034-26-137 shall establish a new ~~street~~ private drive connecting to the existing intersection at ~~intersecting~~ 41st in the same location as the signalized intersection providing vehicular access to the Capitola Mall from 41st Avenue existing as of January 1, 2026.

GLOBAL CHANGE: All references to streets when referring to internal streets should be changed to "private drives".

Public access rights are granted within the private party covenants, conditions and restrictions as is currently the case - no dedication or public streets onsite - would conflict with leases to remain and result in inability to control / enforce private property rights

All private streets to do not need to meet a City standard sections

"new streets" should be "private drives" 5. THIS DEFINITION AND LANGUAGE NEEDS TO CHANGE ALL "NEW STREETS" IN INTERNAL STREET CONNECTIVITY SECTION AND THROUGHOUT

(4) **Additional Streets.**

private drives

- (a) A mall redevelopment project shall establish new streets beyond those specified above as needed to comply with the maximum block length standard in Paragraph d (Maximum Block Lengths) below.
- (b) New streets are required only on parcels on which mall redevelopment occurs.

Internal Street Connectivity.

private drives

- (1) A mall redevelopment project shall create new streets that provide a vehicular connection between all perimeter streets abutting the development site.
- (2) A mall redevelopment project application shall include a circulation diagram that shows how future potential streets on adjacent parcels can:
 - (a) Connect to new streets on the development site; and
 - (b) Provide a vehicular connection to perimeter streets that do not abut the development site.
- (3) New streets shall be designed to allow for connections to existing internal circulation and future internal streets on adjacent properties within the mall block.
- (4) Where an adjacent property within the mall block was previously redeveloped, a mall redevelopment project shall provide one or more vehicular connection between the development site and the adjacent property.
- (5) If a new internal street cannot yet connect to an existing public street or other public way, the property owner may temporarily restrict public access to that street until such a connection becomes feasible through future adjacent development. Once a connection to another public street or public way is established, the internal street shall be opened for public use. The property owner shall remove any gates or other physical barriers, install signage indicating that the street is open to the public, and grant a public access easement to ensure permanent, unrestricted public access.
- (6) If the parcel on which mall redevelopment will occur contains an existing street, pedestrian path, or other public connection, that connection will be preserved or replaced on the parcel to maintain public access and circulation through the property.
- (7) In all areas of the Capitola Mall property, where a project site includes an existing street or other public connection, this public connection will be maintained or relocated within the project site.
- (8) The City may grant an exception to the standards in this Paragraph b (Internal Street Connectivity) in cases where existing structures and improvements physically preclude compliance with these standards.

This would conflict with leasehold interests that will remain beyond redevelopment

Streets will not be public and they cannot conform to any of these standards. The one requirement is that they have to be signed off by fire. (Cannot meet Federal standards for view triangles, etc. on an internal private drive.) This is an unreasonable requirement.

- c. **Street Standards.** All streets shall comply with street design standards and requirements of the City of Capitola, the Central Fire District of Santa Cruz County, and applicable state and federal design guidance (e.g., Caltrans Complete Streets Guide and Caltrans Bikeway Facility Design Manual) and may be supplemented by adopted City circulation or streetscape plans.

d. **Maximum Block Lengths.**

endeavor to

- (1) Mall redevelopment shall include new streets with a maximum block length of 450 feet along any block face, measured along the edge of curb between intersecting streets.
- (2) Maximum block length standards apply to blocks abutting a perimeter street and blocks internal to the mall property that do not abut a perimeter street.

- (3) The City may grant a 25 percent increase to the maximum block length standard in Paragraph 1 above in cases where compliance with the standard is infeasible due to the location of existing structures and improvements that will remain on the property, such as existing ingress/egress points at perimeter streets that are to remain.

e. **Pedestrian and Bicycle Circulation.**

- (1) A mall redevelopment project shall include a network of pedestrian and bicycle facilities that connect all new and existing buildings on the site to each other, to publicly-accessible open space areas, to commercial uses on adjacent properties, and to perimeter streets.

- (2) ~~All pedestrian and bicycle facilities shall comply with the City of Capitola Public Improvement Design Standards, adopted City circulation or streetscape plans, and applicable state and federal design guidance including but not limited to the Caltrans Complete Streets Design Guidance and the Caltrans Bikeway Facility Design Manual.~~

- (3) The following requirement applies when an internal ~~street~~ ^{private drive} is established that connects two abutting perimeter streets:

- (a) At least one continuous bike lane or ~~path~~ ^{sharrow lane} shall also connect the two abutting perimeter streets.
- (b) ~~For any portion of the internal street that abuts ground-floor commercial uses, sharrows may be provided as an alternative to the bike lane or path.~~

f. **Circulation Plans.**

- (1) A mall redevelopment project application shall provide vehicular, bicycle, and pedestrian circulation plans that show the location of all ~~streets~~ ^{private drive}, bicycle facilities, and pedestrian walkways on the development site and demonstrate compliance with all applicable standards.
- (2) The vehicular circulation plan shall include ~~street~~ ^{private drive} sections specifying travel lane widths and pedestrian improvements consistent with Paragraphs g (Internal Street Frontages) and h (Perimeter Street Frontages) below.

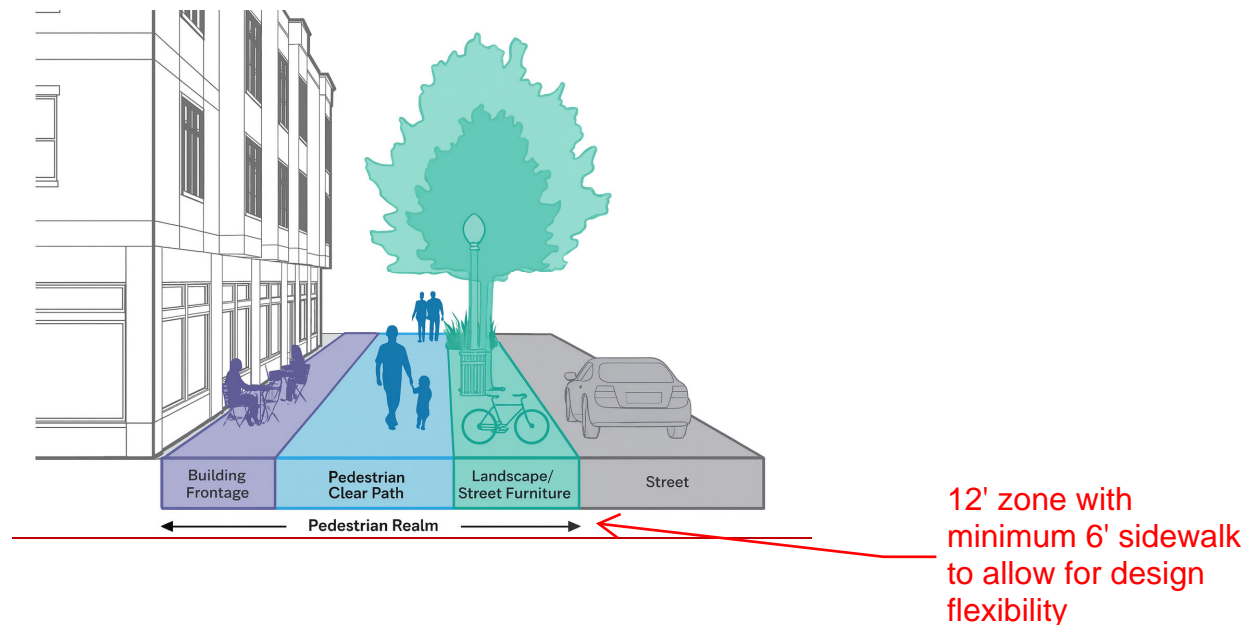
- g. **Internal Street Frontages.** All internal ~~streets~~ ^{private drive} shall provide a pedestrian realm between the ~~street~~ ^{private drive} curb and the adjacent building. The pedestrian realm shall include a building frontage zone, pedestrian clear path, and landscape/street furniture zone that comply with the minimum dimensions in Table 17.57-1 and Figure 17.57-1.

Table 17.57-1: Internal Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	4 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/Street Furniture Zone</u>	4 ft.

12' total with minimum 6ft Pedestrian Clean Path

Need design flexibility based on the design guidelines

Figure 17.57-1: Pedestrian Realm**(1) Building Frontage Zone.**

- (a) The building frontage zone is the land area between a building and a sidewalk or pedestrian pathway.
- (b) The building frontage zone adjacent to a ground-floor residential uses shall be landscaped, except for:
 - i. Areas required for vehicular or pedestrian access to the property; and
 - ii. Areas for residential patios, porches, stoops, stair landings, and other similar entry features.
- (c) A residential building frontage zone may include green stormwater infrastructure to comply with Municipal Regional Stormwater Permit requirements.
- (d) The building frontage zone for ground-floor commercial uses shall comply with the following:
 - i. The frontage zone for ground-floor commercial uses may be used for outdoor dining and seating and may contain landscaping and/or raised planter boxes.
 - ii. The paving surface in the frontage zone shall be ~~distinct~~ consistent with the pedestrian zone and continue along the length of the building facade.
 - iii. The paving surface in the frontage zone shall be visually ~~distinct~~ consistent from the sidewalk and shall extend the full length of each building frontage. Variation in paving materials, colors, or patterns may occur between individual commercial tenant spaces.

- (2) **Pedestrian Clear Path.** The developer shall install a sidewalk with the minimum pedestrian clear path shown in Table 17-57-1. ~~The sidewalk shall be constructed consistent with the City of Capitola Public Improvement Design Standards.~~

(3) Landscape/Street Furniture Zone.

- (a) **Street Trees.** Street trees shall be provided within the landscape/street furniture zone as follows:
- Spacing between trees: maximum 30 feet on center.
 - Tree well size: minimum 4 feet each direction.
 - Planter well surfacing: tree grates, permeable pavers, decomposed granite, understory plants, or similar treatments as determined by City.
 - Street tree selection: tree species shall be selected from the City of Capitola recommended tree list or in consultation with the City. Street tree species shall be consistent along each street.
- (b) **Street Furnishings.** Furnishings such as bicycle racks, seating, and trash receptacles shall be provided in the landscape/street furniture zone consistent with the following standards.
- Furnishings shall maintain a minimum 5-foot clearance around driveways, fire hydrants, and transit stops.
 - Bicycle racks shall be inverted-U or post-and-loop style, securely anchored, and capable of supporting the frame in two points of contact.
 - Seating/benches shall feature a minimum depth of 18-20 inches, height of 17-19 inches, and length of 4-6 inches. ~~feet~~
 - Trash receptacles shall have a minimum 30-gallon capacity with lids to control litter and stormwater entry.
 - Furnishing colors and materials shall be selected in consultation with the City to be durable, vandal resistant, and low maintenance.
- (c) **Green Infrastructure.** Green stormwater infrastructure to capture and treat runoff may be incorporated into the landscape/street furniture zone to comply with the Municipal Regional Stormwater Permit requirements. Consolidated shared treatment areas are also allowed in other locations on the site.
- (d) **Pedestrian Lighting.** Pedestrian lighting shall be provided in the landscape/street furniture zone consistent with the following standards.
- Fixtures shall have a mounting height of 12 to 16 feet.
 - All luminaires shall be full-cutoff or shielded to prevent glare and light spillover.
 - Light poles shall be located a minimum of 2 feet behind the curb.
 - Poles shall maintain a minimum 5-foot setback from driveways, intersections, ~~and other furnishings.~~
 - Light poles shall be spaced 40 to 60 feet on center, generally staggered on both sides of the street ~~or per the photometric plan.~~
 - Lighting shall not obstruct the pedestrian through-zone or accessibility features such as curb ramps.
 - A minimum vertical clearance of 7 feet shall be maintained above all sidewalks.
 - Light poles and fixture shall comply with City standard specifications and shall be selected to be durable, vandal resistant, and low maintenance.

Overly prescriptive.

Good to have bench/trash receptacles/bike racks under a light

h. **Perimeter Street Frontages.**

- (1) A mall redevelopment project abutting a perimeter street shall install the required street frontage improvements identified in City of Capitola Corridor Plan for 41st Avenue, Capitola Road, and Clares Street and as shown in Table 17-57-2.

Table 17.57-2: Perimeter Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	6 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/ Street Furniture Zone</u>	6 ft.

4ft
6ft
6ft

6 ft sidewalk is ideal and sufficient unless a heavily trafficked urban area

- (2) The building frontage zone abutting a perimeter street shall be landscaped, except for:
- (a) Areas required for vehicular or pedestrian access to the property;
 - (b) Areas for residential patios, porches, stoops, stair landings, fire escapes, and other similar entry features;
 - (c) Publicly accessible open space; and
 - (d) Courtyards, outdoor seating areas, and other similar outdoor spaces serving a commercial use.
- (3) If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum frontage improvement standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.
- (4) Required perimeter street frontage improvements shall be installed for the entire parcel frontage when one or both of the following occur:
- (a) Redevelopment occurs on the parcel.
 - (b) The parcel area is ~~in~~ included in the calculation of the development project's maximum permitted density.

Publicly Accessible Open Space

1. Intent. The intent of the publicly accessible open space standards is to:

- a. Establish a cohesive network of plazas, parks, and other open spaces that provide gathering areas, connection to nature, and visual relief within the urban environment;
- b. Ensure that open spaces are designed for comfort, accessibility, and year-round use by people of all ages and abilities; and
- c. Create a connected and vibrant public realm that enhances community identity, supports social interaction, and contributes to the overall livability of a mall mixed use redevelopment project with high density housing.

2. Standards.

- a. **When Required.** A mall redevelopment project shall provide publicly accessible open space as required by this section.
- b. **Permitted Types.** Required publicly accessible open space may be provided in the form of plazas, squares, parks, parklets, and paseos/pedestrian paths as described below.
 - (1) **Plaza:** A plaza is primarily composed of hardscape surfaces, designed to support social gathering, pedestrian activity, and civic life within an urban context.

For all open space that exceeds the minimum size requirements these standards should not apply.

- (2) **Square:** A square is intended for everyday use and community events with a predominantly landscaped or lawn surface for recreation, relaxation, and public assembly functions.
- (3) **Park:** A park is primarily composed of landscape and natural elements for recreation, leisure, and ecological functions with landscaped green areas, tree canopy, and opportunities for passive and active recreation.
- (4) **Parklet:** A parklet is a small-scale space providing a place for rest, social interaction, and greenery within an urban or commercial environment.
- (5) **Paseo/Pedestrian Path:** A paseo/pedestrian path is a publicly accessible pedestrian passageway that provides a connection between streets and open spaces within an urban block.

c. **Total Amount.** The minimum amount of publicly accessible open space shall be:

- (1) 2.5 percent of project site area for a Tier 2 mixed-use project as defined in Section 17.24.035.C (Definitions); and
- (2) 5 percent of project site area for a Tier 1 as defined in Section 17.24.035.C (Definitions).

d. **General Standards.** The following standards apply to all required publicly accessible open spaces:

- (1) For all open space in a Tier 2 mixed-use project a minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs. A minimum of one tree shall be planted per 400 square feet of the open space area.
- (2) For Tier 1 projects, a minimum of 50 percent of the required open space shall be landscaped.
- (3) The open space shall be publicly accessible for a minimum 12 consecutive hours per day or during daylight hours, whichever is longer.
- (4) The open space shall be directly accessible and visible from a public right-of-way.
- (5) The open space shall have a minimum area of 1,000 square feet and a minimum dimension of 20 feet in any direction.
- (6) The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).
- (7) The open space shall include lighting for nighttime use.

e. **Ownership and Maintenance.**

- (1) Publicly accessible open space must be either be:
 - (a) Offered as dedication to the City with an associated maintenance funding mechanism acceptable to the City (such as a Community Facilities District or other equivalent arrangement); or
 - (b) Privately owned and maintained with dedication of a public access easement.
- (2) In all cases, publicly accessible open spaces shall be maintained at no public expense.

f. **Central Gathering Place.**

- (1) A project on a development site greater than 10 acres must include a central gathering place that:
 - (a) Supports civic and commercial activities such as farmers' markets, performances, and seasonal events; and
 - (b) Serves as a flexible gathering space for all ages and abilities.
- (2) The minimum size of the central gathering place is 12,000 square feet.

Future phases may want to have an interior park or parklet or paseo - would it not count towards POPA space requirement?

- (3) The central gathering place shall be a plaza, square, or park (Tier 1 projects only) and must include the following:
- (a) Street trees along adjacent sidewalks.
 - (b) Vehicle traffic limited to no more than three sides of the plaza/square.
 - (c) Traffic-calming features such as crosswalks, pedestrian-oriented intersections and landscaped buffers.
 - (d) Furnishings such as benches, chairs, tables and drinking fountains.
 - (e) Awnings and coverings, either attached to buildings or freestanding, to provide weather protection.
 - (f) Features that encourage and accommodate public gathering, such as pavilions, kiosks, bandstands, and public art.
- (4) For a Tier 2 mixed-use project, the central gathering place must be a plaza or square and must either:
- (a) Contain retail pavilions with terraces and outdoor seating to accommodate dining, gathering, and public activities; or
 - (b) Include retail, restaurants, or other active ground-floor commercial uses fronting at least one side of the square.
- (5) A plaza/square for a Tier 2 mixed-use project must include landscaping as follows:
- (a) A minimum of 20 percent of the plaza/square landscaped with any combination of living plants, trees, shrubs, or grass. Required landscaping may be provided in raise planters.
 - (b) A minimum of one tree per 1,000 feet of square area, excluding street trees. If a large signature tree is provided with an expected canopy greater than 40 feet diameter, this tree may count as two trees toward the requirement.
- g. Paseo/Pedestrian Path. A paseos/pedestrian path may count towards minimum required public open space if it complies with the following standards.
- (1) The paseo/pedestrian path must comply with all standards in 17.57.050.B.2.d (General Standards).
 - (2) Minimum width (building-to-building):
 - (a) Minimum 20 feet for all conditions.
 - (b) For any segment of a paseo/pedestrian path with adjacent buildings greater than 35 feet in height, the building-to-building dimension shall not exceed an average building height to width ratio of 1.5 to 1. For example, a 35-foot building height requires a 23.3-foot path width and a 65-foot building height requires a 43.3-foot path width. However, the minimum required building-to-building width shall not exceed 50 feet regardless of adjacent building heights.
 - (3) Minimum clear pedestrian walkway width: ~~8 feet~~ 6 ft
 - (4) Minimum public access ~~easement~~ width: ~~8 feet~~ 6 ft
 - (5) Residential stoops, porches and similar entry features may encroach up to 3 feet into the paseo/pedestrian path, provided a continuous ~~8-foot~~ 6 ft minimum clear walkway is maintained.

C. Parking and Vehicle Access.

2:1 is architectural standard

40 ft building has a 20ft path width

60ft bldg a 32.5ft path

1. **Intent.** The intent of the parking and vehicle access standards is to:
 - a. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting public realm;
 - b. Minimize the visual dominance of parking facilities visible from the street frontage; and
 - c. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.
2. **Standards.**
 - a. **Surface Parking Lots.**
 - (1) A mall redevelopment project may not establish a new surface parking lot between a new building and a perimeter street.
 - (2) Existing surface parking lots located between a building and a perimeter street may continue to be used by new and existing uses.
 - (3) Existing surface parking lots may be reconfigured as necessary to facilitate connectivity to new streets or land uses part of a mall redevelopment project.
 - (4) Frontage improvements between an existing surface parking lot and a perimeter street shall be provided as required by Section 17.57.050.A.2.h.
 - b. **Internal Street Driveways.**
 - (1) The maximum width of a driveway crossing an internal ^{private drive} ~~street~~ sidewalk is 12 feet for a one-car driveway and 22 feet for a two-car driveway. Greater driveway width is allowed to comply with fire district standards.
 - (2) A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of lineal internal street frontage. Deviation from this standard is allowed to comply with fire district standards.
 - c. **Street-Facing Garages Serving Individual Units.** Street-facing garages serving individual units (e.g., front-loaded townhomes) are not allowed.
 - d. **Structured Parking.** ^{new} The following standards apply to stand-alone parking structures and structured parking incorporated into a building.
 - (1) Except for vehicle and pedestrian entrances to the garage, all parking garages shall be concealed from ~~public street~~ ^{or private drive} view by:
 - (a) Lining the street-facing portion of the parking garage with a residential or commercial use with a minimum depth of 20 feet; or
 - (b) Incorporating facade treatments that fully screen all internal vehicle parking facilities from view. Screening elements shall include architectural detailing, glazing, louvers, or other materials that provide visual depth and interest. Solid, unarticulated concrete walls or blank façades are not permitted.
 - (2) Parking garage vehicle entrances facing the street shall be no more than 24 feet wide. Garage entries to loading and utility/service areas shall not exceed 30 feet in width.
 - (3) Partially sub-grade parking shall not have an exposed facade that exceeds 5 feet in height above abutting grade at back of sidewalk.
 - (4) Partially sub-grade parking shall include a landscaped planter between the street and the garage facade. The planter shall be at least 4 feet wide with a planting height and vegetative cover sufficient to fully screen the podium edge and ventilation openings from view. At maturity, plantings shall comprise a minimum of 75 percent of the total landscape planter area.

Then where are they
to be located?

- e. **Loading and Servicing.** Loading docks and service areas are prohibited on building frontages abutting a ~~street~~, a publicly-accessible pedestrian path, or publicly-accessible open space.

D. Building Placement and Orientation.

1. Intent. The intent of the building placement and orientation standards is to:

- a. Ensure that new buildings adjacent to perimeter streets are appropriately integrated into the surrounding community fabric;
- b. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and
- c. Support cohesive neighborhoods and social interaction internally and along perimeter streets through building placement and orientation.

2. Standards.

- a. **Perimeter Street Setbacks.** The ground-level of a building that abuts a perimeter street shall be setback from the property line as required to comply with perimeter street frontage standards in 17.57.050(A.2.h (Perimeter Street Frontages)).
- b. **Interior Street Setbacks.** The ground-level of a building that abuts an interior ~~street~~ shall be setback from the ~~street~~ curb as necessary to accommodate the pedestrian realm improvements specified in 17.57.050(A.2.g (Internal Street Frontages)).
- c. **Upper-Level Projections** Building elements such as bay windows, turrets, or other architectural features intrinsic to the building structure may project into required building frontage zone, subject to the following:
 - (1) Maximum projection into building frontage zone: 3 feet.
 - (2) The bottom of the architectural feature shall be a minimum of 10 feet above grade for residential frontages and 12 feet above grade for commercial frontages.
 - (3) No more than 50 percent of the facade area may have these elements project into the building frontage zone.
- d. **Entrance Orientation.**
 - (1) Primary building entrances shall face an adjacent ~~street~~, publicly accessible pathway, or publicly accessible open space.
 - (2) A pedestrian walkway shall provide a connection between the adjacent sidewalk and all building entrances. The walkway shall have a minimum width of 4 feet for individual unit entrances and 6 feet for shared entrances.

E. Building Massing.

1. Intent. The intent of the building massing standards is to:

- a. Break down large building volumes to reduce the perceived mass and box-like appearance of buildings;
- b. Create visual interest on street-facing building facades; and
- c. Minimize impacts on adjacent lower-intensity uses outside of the Capitola Mall property.

2. Standards.

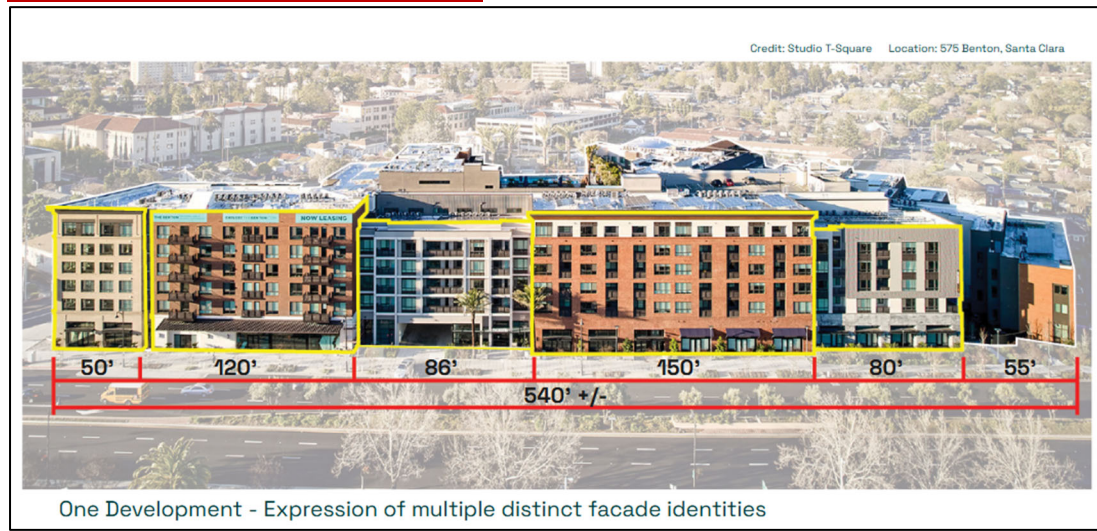
- a. **Maximum Building Length.** The length of a building, measured parallel to the adjoining street or publicly accessible open space, shall not exceed 450 feet **unless modified pursuant to 17.57.050.A.2.d.(3).**

b. **Massing Breaks.**

- (1) Buildings facing a street or publicly accessible open space shall provide massing breaks as follows:
 - (a) Buildings less than 200 feet in length: none required.
 - (b) Buildings 200 to 300 feet in length: minimum one required.
 - (c) Buildings 300 to 400 feet: minimum two required.
 - (d) Buildings 400 ~~to 450~~ ^{or greater} feet: minimum three required.
 - (2) Required massing breaks shall feature a horizontal change in the building plane with a minimum width of 12 feet and a minimum depth of 12 feet.
 - (3) The change in building plane shall extend from the finished ground floor through the full height of the building including breaking the roof plane.
- c. **Building Height.** See Section 17.24.035 (Capitola Mall Redevelopment) for maximum building height standards, including building height limitations adjacent to perimeter streets.

F. **Facade and Roof Design.**

1. **Intent.** The intent of the facade and roof design standards is to:
 - a. Support an active and welcoming pedestrian environment;
 - b. Create street-facing building facades that are varied and interesting with human-scale design details;
 - c. Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
 - d. Ensure that new development reflects the scale, rhythm, and authenticity of a traditional urban block;
 - e. Reflect Capitola's diverse architecture with varied and distinct façade identities at regular intervals within each block; and
 - f. Prevents a large project from appearing monolithic.
2. **Standards.**
 - a. **Unique Facade Identities.**
 - (1) A facade identity is a visually distinct portion of the building frontage characterized by a unique combination of massing, materials, colors, architectural expression, and window rhythm that differentiates it from adjacent portions of the building frontage. See Figure 17.57-2.

Figure 17.57-2: Unique Facade Identities

- (2) A building facade greater than 200 feet facing a street or publicly accessible open space shall include multiple unique facade identities as shown in Table 17.57-3:

This should correspond to the Massing Breaks

→ **Table 17.57-3: Required Distinct Facade Identities**

<u>Building Length</u>	<u>Minimum Facade Identities Required</u>
<u>> 200 ft and ≤ 300 ft</u>	2 facade identities 1 required
<u>> 300 ft and ≤ 400 ft</u>	3 facade identities 2 required
<u>> 400 ft and ≤ 450 ft</u>	4 facade identities 3 required

- (3) To qualify as a distinct facade identity, each identity must incorporate all of the following differentiating elements:
- (a) A materially different primary cladding.
 - (b) A contrasting color palette.
 - (c) A distinct window pattern or rhythm.
 - (d) Distinct building facade modulation patterns and forms (e.g., changes in patterns of building wall recesses and projections).
 - (e) Varied Roof/building height.
 - (f) A unique ground-floor treatment (e.g., storefront articulation, residential stoops).
- (4) Each unique facade identity shall comply with the following:
- (a) No individual facade identity may have a length less than 40 feet or greater than 160 feet.
 - (b) The length of a facade identity shall vary by at least 25 percent from the length of an adjacent identity.
 - (c) Each facade identity must be visually unique and may not repeat on a block or within the mall redevelopment area.
 - (d) A facade identity at the end of a block must turn the corner and continue for a minimum of 40 feet and maximum of 160 feet from the corner.

- (5) To ensure each facade identity reads as a distinct architectural element, the separation between identities shall:

Is this feasible?

- (a) Be expressed as a minimum recess of 18 inches in depth;
 (b) Extend a minimum of 5 feet in width; and
 (c) Be carried through all floors of the building facade.

b. **Residential Ground-Floor Design.**

Both should be 28-32% is standard (more glass does not = better)

- (1) **Transparency.** A residential ground-floor building facade shall include transparent windows, entries, and/or clear glazing as follows:

- (a) ^{32%}~~50~~ percent of ground-floor frontage when facing a publicly accessible open space required by Subsection B (Publicly Accessible Open Space)
 → (b) ^{32%}~~35~~ percent of ground floor frontage in all other locations.

- (2) **Open Space Frontages.** Where a ground-floor residential use faces a publicly accessible open space required by Subsection B (Publicly Accessible Open Space), excluding paseos and pathways, a minimum of 75 percent of the facade frontage shall contain dwelling units, lobby, gym area, or other similar active space accessed and used by residents. Service, utility, or parking garage spaces is limited to ~~25 feet~~ ^{35 feet} or 25 percent of the frontage length, whichever is less.

- (3) **Finished Floor Level.** The finished floor level of ground floor residential units must be a minimum of ~~2 feet~~ ^{0 feet minimum} and a maximum of 4 feet above the adjacent sidewalk grade.

- (4) **Shared Entrances.** The following standards apply to all primary building entrances shared by two or more units.

- (a) **Minimum Width:** The width of the entry shall be no less than 10 feet.
 (b) **Transparency.** Minimum 60 percent transparent glazing between 3 and 7 feet for the required entry width.
 (c) **Weather Protection.**
 i. To provide weather protection, the entrance shall include a projecting awning, canopy, extended eave, or other similar feature above the entry; a recessed entry; or a combination of the two.

overly prescriptive - already code required

- ~~Minimum dimensions: 60 square feet for buildings up to 55 feet in height, and 80 square feet for buildings up to 85 feet in height.~~

- (d) **Visual Prominence.** Primary building entrances must be clearly visible from the street with visual prominence. Projects must select one or more of the following methods to satisfy this requirement:

- i. Changes in building form and modulations, including recessed or projecting entry bays and changes in the roofline or wall height above the entry.
 ii. Entry materials and colors that contrast with surrounding facade treatment.
 iii. Fenestration pattern that contrasts with surrounding window treatment.
 iv. Projecting architectural elements surrounding the entrance, such as awnings, canopies, columns, and porticos.

- (5) **Entrances to Individual Units.** Entrances to individual units (e.g., townhome entrances) must be emphasized with one or more of the following:

- (a) An awning or canopy above the entry with a minimum outward projection of 3 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall with a minimum width of four feet and depth of two feet.
- (c) A covered porch, providing access to the entry, with a minimum area of 70 square feet with a dimension of 6 feet in any direction.
- (d) A patio with minimum dimensions of five feet by five feet. A patio may include a partition not to exceed 42 inches in height between the sidewalk and the patio to define the transition between public and private space.

c. **Commercial Ground-Floor Design (Excludes Hotels).**

14

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of ~~16~~ feet.
- (2) **Transparency.** A ground-floor building wall that faces a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of ~~65~~ percent of the building frontage located between 3 and 10 feet above the sidewalk.
40 %
- (3) **Entrances.** Publicly accessible entrances shall include weather protection with either:
 - (a) A projecting non-fabric awning, canopy, extended eave, or other similar feature above the entry, minimum four feet wide by four feet deep; or
 - (b) A recessed entry, minimum four feet wide by four feet deep.
- (4) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed ~~15~~ feet. 25 ft (need flexibility)
- (5) **Tenant Space Depth.** Ground floor commercial buildings shall provide a minimum tenant space depth of 35 feet.
- (6) **Transparency on Corners and Key Public Spaces.**
 - (a) Corner windows: For buildings on street corners or facing publicly accessible open space, at least ~~50~~ percent of the building facade must be glazed. 3 to 10 ft above sidewalk
40
 - (b) Public space interaction: Ground floors facing parks, plazas, or transit stops must include at least one entrance or window per 30 linear feet of building facade.
- (7) **Signs.** Signs must comply with standards in Chapter 17.80 (Signs).

d. **Hotel Ground Floor Design.**

- (1) ~~**Ground Floor Height.** The ground level shall have minimum floor to floor height of 15 where lobbies and conference facilities are provided.~~
- (2) ~~**Transparency.** A ground-floor building wall that faces and is within 20 feet of a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 50 percent of the building frontage located between 3 and 10 feet above the sidewalk.~~
- (3) ~~**Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 20 feet.~~
- (4) ~~**Entrance Design.** The primary hotel entrance shall include one of the following weather protection features:~~

Some only need 14 ft

Hotels have significant back of house on ground floor

Some hotels have entries facing parking lots - likely the case.

For non-restaurant should be able to do 14 ft which is sufficient

This section is overly problematic. We will want to be able to do a prototypical design based on the flag that wants to come into this market to have the greatest chance of landing the highest quality flag.

(a) A projecting awning, canopy, extended eave, or other similar feature above the entry with a minimum outward projection or recess of 4 feet and minimum width sufficient to clear the entrance on both sides.

(b) A recess in the building wall or vestibule with a minimum width of 8 feet and depth of 4 feet.

(5) **Drop-Off Area.** When provided, hotel porte-cochères shall be located to the side or rear of the building or integrated into the building. A porte-cochère shall not be located on the building facade facing the primary street unless the drop-off area is provided at the street curb.

(6) **Street Wall.** A minimum of one facade of the hotel shall front a perimeter street or internal street directly with an entry to the lobby.

e. **Windows and Doors.** All windows above the ground floor, shall include trim, reveals, recesses, or other detailing that provides a minimum 2-inch change in plane and contrasting material or color to define the window opening.

f. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.

G. **Materials.** The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:

1. Vinyl siding.
2. T-111 plywood siding.
3. Plastic or PVC-based siding systems.
4. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.
5. Simulated stone within first 20 feet above the adjacent grade.
6. Veneer products that are not rated for impact resistance within the first 30 inches above the adjacent grade.
7. Corrugated metal used as a primary facade material (roof and facade accents allowed).

H. **Other Site Features.**

1. **Intent.** The intent of the other site features standards is to:

- a. Minimize visual clutter on a development site;
- b. Enhance the design character of the public realm; and
- c. Support an active and welcoming pedestrian environment.

2. **Standards.**

a. **Refuse Storage Areas.** Refuse storage and collection areas shall be located in a building or screened from public view by a solid enclosure.

b. **Ground-Mounted Mechanical Equipment and Utilities.**

- (1) Ground-mounted mechanical equipment and utilities shall be screened from view from streets, pedestrian pathways, and open space through the use of landscaping, building design, fences and walls, and/or other types of screening. Equipment that must be screened includes transformers, pump stations, backflow preventers, valves, and air conditioning units.
- (2) Ground-mounted mechanical equipment and utilities are prohibited within the landscape /street furniture zone as described in Section 17.57.050.A (Streets and Circulation).

Need max flexibility for their prototype

Some porte-cochères face surface parking lot/entrance

Need flexibility

ok

City of Capitola

Special Planning Commission Meeting Minutes

Thursday, October 30, 2025 – 5:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:05 PM. In attendance: Commissioners Howard, Kieu, Welch, Christiansen, and Chair Estey.*

2. **Additions and Deletions to the Agenda** - *The Deputy City Clerk announced that three emails had been received as additional materials for Item 5A.*

3. **Oral Communications**

- *Goran Klepic*

4. **Planning Commission/Staff Comments** - *Commissioner Welch thanked staff for coordinating meetings with Council and staff; Director Herlihy announced there will be a Special Planning Commission Meeting on November 19, 2025, at 5:00 PM.*

5. **Public Hearings**

A. Capitola Mall Zoning Code Amendments

Project Description: Capitola Mall Zoning Code Amendments

Recommended Action: Receive Report and Provide Feedback

Planning Consultant Ben Noble presented the staff report.

Public Comment:

- ***Rafa Somenfield***
- ***Janine Roth***
- ***David Fox***
- ***Daniel Alvarez***
- ***Jamas Gwilliam***

The Commission received an update on public input collected at the October 8, 2025, community meeting. Ben Noble presented the approach to the code amendments and then specific topics including building height and floor area ratio (FAR), parking requirements, fiscal impact analysis requirements, permitted and conditional uses, permit procedures, and objective design standards. The commissions provided individual feedback on each topic. No action was taken.

6. **Director's Report**

Director Herlihy announced that the City Council will provide input on the 41st Avenue Corridor Study and a request for a letter of support for developer of 3720 Capitola Road to apply for state grant funding at the November 13 meeting.

7. **Adjournment** – *The meeting adjourned at 8:10 PM. The next regularly scheduled meeting of the Planning Commission is on November 6, 2025, at 6:00 PM.*

City of Capitola

Planning Commission Meeting Minutes

Thursday, November 06, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance: Commissioners Kieu, Welch, Christiansen, and Chair Estey. Absent: Commissioner Howard.*
2. **Additions and Deletions to the Agenda** - *The Deputy City Clerk announced that three emails had been received as additional materials for Item 5B.*
3. **Oral Communications** - *None*
4. **Planning Commission/Staff Comments** - *Director Herlihy reminded the Commission of a Special Planning Commission meeting on November 19 at 5:00 PM; and a Special City Council meeting on November 20 at 6:00 PM at New Brighton Middle School.*
5. **Consent Calendar**

A. Approval of October 2, 2025, Planning Commission Minutes

B. 201 Esplanade

Project Description: Request to continue. Application #25-0190. APN: 035-211-05. Conditional Use Permit for the sale and onsite consumption of beer and wine at an existing restaurant located within the Mixed-Use Village (MU-V) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Michael Brodsky

Representative: Gabriela Castro, Filed: 9/23/25

Recommended Action: Continue item to the next regularly scheduled Planning Commission meeting on December 4, 2025.

Motion to approve the Consent Calendar: Vice Chair Christiansen

Second: Commissioner Kieu

Voting Yea: Commissioners Kieu, Welch, Christiansen, Chair Estey

Absent: Commissioner Howard

6. Public Hearings

A. 108 Fairview Avenue

Project Description: Application #25-0190. APN: 036-111-11. Accessory Dwelling Unit (ADU) Design Permit to replace an existing detached garage with a new two-story detached garage and ADU behind an existing primary residence. The project includes deviation requests for the ADU parking requirement and the ADU guaranteed allowance. The project is located within the R-1 (Single-Family Residential) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0190 and approve the project based on the attached Conditions and Findings for Approval.

Chair Estey recused himself due to a conflict of interest arising from the proximity of his residence to the project.

Associate Planner Sesanto presented the staff report.

Public Comment: None

Motion to approve Application #25-0190 with staff's recommended Conditions and Findings for Approval: Commissioner Welch

Second: Commissioner Kieu

Voting Yea: Commissioners Kieu, Welch, Christiansen

Abstain: Chair Estey

Absent: Commissioner Howard

Accessory Dwelling Unit Design Permit Findings:

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

The project complies with the objective design requirements for ADUs, including standards for detached ADUs on lots with historic structures.

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

The proposed ADU has similar materials to the primary dwelling and a two-story building form common within the neighborhood. The structure complies with the 22-foot maximum ADU height limit and is well within the zone height limit of 25 feet. Therefore, the exterior design is in harmony with and maintains the scale of the neighborhood.

- C. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.**

The proposed project is a single-bedroom ADU on a site with existing parking for the primary dwelling. The project includes a deviation request for the additional parking space requirement, with specific finding(s) below (J). With approval of the parking deviation, the ADU will not create excessive noise, traffic, or parking congestion.

- D. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.**

The proposed ADU is located on a developed lot in a residential neighborhood with adequate water and sewer service.

- E. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.**

The proposed project provides adequate open space for the accessory dwelling unit and the primary residence. The second-story deck serves as both access and dedicated private open space for the ADU. The deck is setback at least ten feet from both side property lines.

- F. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.**

The proposed ADU is located in the rear of the property. Potential impacts to privacy, light, air, solar access, and parking have been considered and mitigated. The location and design of the ADU maintains a compatible relationship with adjacent properties.

- G. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.**

The external staircase to the proposed second-story ADU faces the interior of the lot and the primary residence. Windows facing adjacent properties are either clerestory or opaque. The design of the ADU, with siding materials similar to the primary residence and similar roof pitch, complements the design of the primary residence and does not visually dominate it or the surrounding properties.

- H. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.**

The location of the proposed ADU complies with the development standards in CMC §17.74.080. The project is within the coastal zone and complies with the local coastal plan.

- I. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.**

The project does not impair public views of the ocean or scenic coastal areas.

- J. The project deviation is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.**

Parking: The 2,944 square foot lot is smaller than typical Capitola lots, limiting the placement of the ADU on the site. Furthermore, vehicle access to the property is limited to a narrow alley. Multiple arrangements were contemplated for a two-car garage with a third space located alongside the ADU or behind it (adjacent the alley), which resulted in one or more issues, including: access of onsite spaces, circulation of vehicles for the subject property and adjacent residences, and exceeding maximum driveway width. The proposed arrangement maintains two covered, off-street parking spaces which do not impact other alley users. The strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning, as most ADUs do not require additional onsite parking, such as a unit attached to the primary dwelling. Approval of the current design enables the same benefits as an attached ADU without altering the existing historic structure.

Guaranteed Allowance (FAR): The majority of ADUs are subject to a guaranteed floor area allowance of 800 square feet. Therefore, the strict application of the chapter would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical R-1 zoning.

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 108 Fairview Avenue. Site improvements are located behind the primary dwelling, away from immediate public view and will otherwise maintain public views.

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

The proposed project is located at 108 Fairview Avenue. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect natural habitats or natural resources.

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

The site is private property which does not have public coastal access. The project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves an ADU and will not negatively impact coastal resources.

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

With the granting of ADU deviations related to ADU parking and ADU floor area (guaranteed allowance), the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

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

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

Conditions of Approval:

1. The project approval consists of the demolition of an existing detached garage and construction of a 1,046 square foot detached structure, including a 487 square-foot garage and 559 square-foot accessory dwelling unit. The maximum Floor Area Ratio for the 2,944 square foot property is 57% (1,678 square feet). The total FAR of the project is 63.8% with a total of 1,878 square feet. The project approval includes approval of a deviation to utilize the guaranteed allowance, so they ADU may exceed the FAR equal to the size of the ADU. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 6, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Best management practices shall be used to protect the existing olive trees during construction, including preconstruction root exploration, preconstruction root pruning and canopy pruning, and tree protection structures. The applicant shall notify the City immediately upon evidence of tree death or decline. Tree death or trees in an irreversible state of decline shall be replaced to the satisfaction of the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0190 shall be paid in full.
10. 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.

11. 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.
12. 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
13. 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).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. 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.
16. 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
17. 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.
18. 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.
19. This permit shall expire 24 months from the date of issuance unless exercised. 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.
20. 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.

21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. 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.
23. 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.
24. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.
25. Prior to issuance of a Certificate of Occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

B. 506 A Pine Street

Project Description: Application #24-0138. APN: 036-022-10. Design Permit for a second-story addition to an existing duplex and new detached, two-story residential unit on a 0.28-acre site located at 506 Pine Street, within the Residential Multifamily-Medium (RM-M) zone district. This project is not located within the Coastal Zone.

Environmental Determination: Categorical Exemption

Recommended Action: Planning Commission consider Permit #24-0138, and approve the Design Permit pursuant to the findings and analysis included in the staff report and subject to the Conditions of Approval.

Planning Consultant Gina Paolini presented the staff report.

Daniel Saphorghan, representing the applicant, addressed the Commission.

Public Comment:

- Dave Cramer

Motion to approve application #24-0138 with staff's recommended Conditions and findings of Approval: Commissioner Kieu

Second: Vice Chair Christiansen

Voting Yea: Kieu, Welch, Christiansen, Estey

Absent: Howard

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.**

The Community Development Department, Development and Design Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The existing structure has been identified as nonconforming. Because the costs of improvements will not exceed 80 percent of the fair market value, the improvements and

addition are permitted. The proposed project, as conditioned, consists of long range and implementation planning documents. The project complies with the City's Design Review Criteria.

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

The Community Development Department, Design and Development Review Committee, and Planning Commission have reviewed the project. The proposed three-unit, multi-family development complies with all development standards of the RM-M zoning district, except for the identified nonconforming setbacks which may remain unaltered. The proposed project complies with all applicable requirements of local law and is conditioned to comply with any relevant approvals and permits from the City of Capitola.

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

The project is categorically exempt from the provisions of CEQA pursuant to Sections 15303(b) - New Construction, and 15304(b) - Minor Alterations to Land. None of the six exceptions to the use of a categorical exemption apply to this project (CEQA Guidelines Section 15300.2). The project will not have a significant adverse effect on the environment.

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

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

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

The Community Development, Design and Development Review Committee, RRM Design Group, and Planning Commission have reviewed the project. The proposed three-unit, multifamily development and supporting improvements will comply with the applicable design review criteria as described by RRM Design Group.

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

The project site is located within the RM-M zoning District, surrounded by residential and commercial/office uses. The design complies with the City of Capitola standards. The proposed use does not introduce any new or unusual impacts.

Conditions of Approval:

General Conditions

1. The project approval consists of a Design Permit for a second-story addition to an existing duplex and new detached, two-story unit on a 0.28-acre site located at 506 Pine Street. Design Permit No. 24-0138 is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 6, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. This permit shall expire 24 months from the date of issuance unless exercised. 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.

3. 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.
4. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the construction plans.
5. 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.
6. 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.
7. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
8. The project applicant shall designate a “disturbance coordinator” who will be responsible for responding to any local complaints regarding construction noise or activity. The coordinator (who may be an employee of the general contractor) will determine the cause of the complaint and will require that reasonable measures warranted to correct the problem be implemented. The name and telephone number of the disturbance coordinator shall be conspicuously posted at the construction site fence and on any notifications sent to neighbors. The sign/banner must also list an emergency after-hours contact number for emergency personnel.
9. Green Waste is the City’s exclusive hauler for recycling and disposal of construction and demolition debris. For all debris boxes, contact Green Waste. Using another hauler may violate City Code Section 8.04 and result in Code Enforcement action.
10. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

Planning Department Conditions

11. Prior to making any changes to the 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.
12. Prior to issuance of a building permit, all Planning fees associated with Permit #24-0138 shall be paid in full.

13. Air-conditioning equipment or other mechanical equipment shall be screened from view and fall within allowable city-permitted decibel levels. Additional details showing equipment locations and any mechanical screens shall be shown on the building permit plans.
14. Outdoor luminaires shall be energy-efficient fixtures controlled by motion sensors and incorporate cut-off controls and outdoor lighting controls. 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.
15. Prior to issuance of a building permit, the Building Permit plans will be routed for plan approval to the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District and Central Fire Protection District.
16. The Applicant or permittee shall defend, indemnify, and hold harmless the City of Capitola, its agents, officers, and employees from any claim, action, or proceeding against the City of Capitola or its agents, officers, or employees to attack, set aside, void, or annul an approval of the Planning Commission, City Council, Community Development Director, or any other department, committee, or agency of the City concerning a development, variance, permit, or land use approval; provided, however, that the Applicant's or permittee's duty to so defend, indemnify, and hold harmless shall be subject to the City's promptly notifying the Applicant or permittee of any said claim, action, or proceeding and the City's full cooperation in the Applicant's or permittee's defense of said claims, actions or proceedings.
17. Prior to issuance of building permits, the building plans must show that any existing overhead utility lines within the property and any new utility lines will be underground to the nearest utility pole.
18. Prior to occupancy, the Landscape Architect shall certify in writing that the landscaping and irrigation has been installed in accordance with all aspects of the approved landscape plans, subject to final approval by the Community Development Director.
19. 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.
20. Trees approved for removal within this development application may not be removed prior to issuance of a building permit.
21. The 16-inch oak tree removed for the project shall be replaced with two, 15-gallon trees, to be installed prior to final occupancy.
22. Prior to issuance of a building permit, the project plans shall be revised to demonstrate compliance with CMC Section 17.82.080.B2.b- Windows and Doors, requiring that the street-facing windows be inset a minimum of three inches from the exterior wall or from surface to add relief to the wall surface.

Public Works Department Conditions

23. 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. Site runoff shall not drain onto adjacent parcels or over sidewalks.
24. Prior to issuance of building permits, the applicant shall submit a stormwater management plan, prepared and certified by a Registered Civil Engineer, to the satisfaction of the Director of Public Works which complies with Capitola Municipal Code Section 13.16.090 Post Construction Stormwater Management and implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
25. Prior to issuance of building permits, submit a site plan that includes stormwater temporary construction sediment and erosion control measures (e.g., access to construction site, equipment and material storage locations and duration of placement, stockpile protection location and detail, wattle locations and detail, inlet protection detail, containment of trash/debris, location of portable toilet and containment/protection, etc.). The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
26. Complete and submit the attached Storm Water Low Impact Development Assessment Checklist. Clearly mark all LID design measures on the site plans.
27. New sidewalk will be required across the full frontage of the property. Please revise the plans to show that a full run of sidewalk will be installed per Public Works Standard Details and to the satisfaction of the Public Works Department. The standard details can be accessed on the City's website here:
<https://www.cityofcapitola.org/publicworks/page/standard-details-public-works>

Prior to Final Occupancy

28. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review, approval and recorded in the Office of the County Recorder by the Public Works Director.
29. Prior to final occupancy approval the applicant shall enter into and record in the Office of the County Recorder, any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of-entry for inspection or abatement, and/or long-term maintenance of the stormwater treatment BMPs.
30. The Engineer of Record shall inspect and provide record drawings of construction of stormwater management improvements and certify to the City that the construction meets the intent of the approved design drawings, Stormwater Control Plan, and City Post Construction Requirements. Public Works Standard Conditions of Approval (to be printed in the plan set)
31. Public Works Standard Detail BMP STRM (Stormwater Pollution Prevention and Protection for Construction Projects) (attached) shall be printed in full and incorporated as a sheet in the construction plans with the date and signature. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

32. 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.
33. 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.
34. Prior to 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.
35. Site runoff shall not drain onto adjacent parcels or over sidewalks.
36. 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. General Site Maintenance: Keep work site clear of debris and be aware of tracking mud, dirt, gravel into the street, and sweep daily, cover all stockpiles and excavation spoils. Practice good housekeeping and maintain temporary construction BMPs.

7. Director's Report

Director Herlihy announced that the City Council will be providing input on the 41st Avenue Corridor Study at their meeting on November 13; reminded the Commission that there will be a Special Planning Commission Meeting on November 19 at 5:00 PM and a Special City Council Meeting on November 20 at 6:00 PM at New Brighton Middle School.

8. **Adjournment** – *The meeting adjourned at 6:36 PM. There will be a Special Planning Commission meeting on November 19, 2025, at 5:00 PM.*

City of Capitola

Special Planning Commission Meeting Minutes

Wednesday, November 19, 2025 – 5:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 5:01 PM. In attendance: Commissioners Howard, Kieu, Christiansen, and Chair Estey. Arrived 5:06 PM: Commissioner Welch.*
2. **Additions and Deletions to the Agenda** – *Associate Planner Sesanto announced that two emails had been received for Item 5A.*
3. **Oral Communications**
 - Goran Klepic
 - Raffa Sonnefeld
4. **Planning Commission/Staff Comments**

Director Herlihy reminded the Commission of the Town Hall on November 20 at 6:00 PM at New Brighton Middle School.
5. **Public Hearings**
 - A. **Capitola Mall Properties**

Project Description: Amendments to Capitola Municipal Code Title 17: Zoning Code and the General Plan Land Use Element for Capitola Mall properties located between Clares Street, 41st Avenue and Capitola Road. The proposed amendments implement the 6th Cycle Housing Element of the General Plan to facilitate residential development on Capitola Mall. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Review draft amendments to the General Plan Land Use Element and Zoning Code and General Plan and provide feedback.

Director Herlihy and Planning Consultant Ben Noble presented the staff report.

Jamas Gwilliam, Merlone Geier representative, Eric Phillips with the City Attorney's office, and Ryan Call of Urban Field Studio answered questions from the Commission.

Public Comment:

- Raffa Sonnefeld
- Daniel Alvarez
- Janine Roth
- Jamas Gwilliam
- Terre Thomas

The Commission reviewed draft amendments to the General Plan Land Use Element, Zoning Code, and General Plan and provided the following feedback on the draft mall requirements.

Perimeter Zone: 125 feet from all perimeter streets.

Hotel: Minimum 85 rooms and 3,500 sf meeting space

Commercial: 40,000 sf minimum

Open Space: 2.5% for qualifying developments.

Parking: Utilize MGP suggested parking for qualifying developments

Land Uses: Remove personal services as permitted uses.

Affordable Housing: Keep flexible. Allow standalone affordable housing.

Financial Analysis: Keep as a requirement.

Application checklist: create a checklist and make sure to include financial analysis and phasing

6. Director's Report

Director Herlihy thanked the Commission for their time.

- 7. Adjournment** – The meeting adjourned at 7:48 PM. The next regularly scheduled meeting of the Planning Commission is on December 4, 2025, at 6:00 PM.

2026 CITY OF CAPITOLA
Planning Commission Regular Meeting Dates
Meetings Begin at 6:00 PM

Meetings are held at Capitola City Hall, 420 Capitola Avenue, and are scheduled as follows:

PLANNING COMMISSION
JANUARY 15*
FEBRUARY 5
MARCH 5
APRIL 2
MAY 7
JUNE 4
JULY 16*
AUGUST 20*
SEPTEMBER 3
OCTOBER 1
NOVEMBER 5
DECEMBER 3

**The January, July, and August Planning Commission meetings will be held on the third Thursday.*

Capitola Planning Commission

Agenda Report

Meeting: December 4, 2025

From: Community & Economic Development Department

Address: 620 Capitola Avenue, New Brighton Middle School



Project Description: Application #25-0578. APN: 036-101-38, 035-151-19. Coastal Development Permit for field improvements to New Brighton Middle School, including an electronic scoreboard, perimeter fencing, and upgrades to the public pathway between Orchid Avenue and Monterey Avenue Park. The project is located within the CF (Community Facility) zoning district.

The Coastal Development Permit is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Soquel Union Elementary School District

Representative: Scott Turnbull, SUESD, Filed: 11.14.25

Recommended Action: **Continue** item to the next regularly scheduled Planning Commission meeting on January 15, 2026.

Capitola Planning Commission

Agenda Report

Meeting: December 4, 2025

From: Community & Economic Development Department

Address: 201 Esplanade



Project Description: Application #25-0494. APN: 035-211-05. Conditional Use Permit for the sale and onsite consumption of beer and wine at an existing restaurant located within the Mixed-Use Village (MU-V) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0494 and **approve** the project based on the attached Conditions and Findings for Approval.

Property Owner: Michael Brodsky

Representative: Gabriela Castro, Filed: 9/23/25

Background: City records show that 201 Esplanade has historically been occupied by restaurant uses. The current tenant, Tacos Moreno has been located within the Capitola Village since 2019.

Discussion: Tacos Moreno is located at 201 Esplanade, on the east end of the row of restaurants and bars closest to the beach. The Capitola Village location is the third location of the family-owned restaurant in Santa Cruz County. The applicant has provided a site plan/floor plan (Attachment 1) and a detailed letter explaining the proposed request (Attachment 2). The applicant applied to the California Department of Alcoholic Beverage Control (ABC) for a new Type 41-On-sale Beer and Wine-Eating Place ("Type 41") license on October 22, 2025 (Attachment No. 3). The application is pending the City of Capitola's action on the Conditional Use Permit (CUP).

Conditional Use Permit: The project site is located within the MU-V zone district, where a CUP is required for alcoholic beverage sales. The applicant is proposing a Type 41 license, which issued to restaurants. The Type 41 license authorizes the sale of beer and wine for consumption on or off the premises where sold. Distilled spirits may not be on the premises (except brandy, rum, or liqueurs for use solely for cooking purposes). The applicant must operate and maintain the licensed premises as an eating place. Based upon records from ABC, a Type 41 license was continuously active at this location from 1996 to 2010. Tacos Moreno has been located within the Capitola Village since 2019 but has not had an active ABC license in this location.

Police Chief, Sarah Ryan, has reviewed the application and has prepared the required Public Convenience and Needs letter (Attachment No. 4) required by ABC when an application for a site is located in a high crime area and/or a census tract with an over-concentration of off-sale alcohol outlets. The Chief has indicated that there are few public safety concerns with the requested CUP.

CEQA: Pursuant to the authority and criteria contained in CEQA, the Community and Economic Development Department determined the proposed project is listed among the classes of projects that have been determined not to have a significant adverse effect on the environment. Therefore, the project is categorically exempt from the provisions of CEQA pursuant to Section 15301 (Class 1-Existing Facilities). The Community Development Department has further determined that none of the of the six exceptions to the use of a categorical exemption apply to this project CEQA Guidelines Section 15300.2.

Conditional Use Permit Findings:**A. The proposed use is allowed in the applicable zoning district.**

The general sale of alcoholic beverages for onsite consumption is categorized as a conditional use within the MU-V zoning district. The Community Development Department and Planning Commission have determined that alcoholic beverage consumption in conjunction with the existing restaurant use would be appropriate at the subject site with the issuance of the CUP. The sale of alcohol is accessory to the restaurant and will occur only when a complete restaurant menu is available.

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

The proposed use is consistent with the goals, policies, and standards established by the City, and permitting the restaurant to serve alcohol in conjunction with meals allows the establishment to be competitive with other restaurants in the Capitola Village that are already permitted to sell alcoholic beverages.

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

The addition of beer and wine service with food at the restaurant is not anticipated to have an adverse impact on surrounding land uses or create a special problem, because the project site is located within the Capitola Village, which has a mix of restaurant and bar uses. The sale of alcohol would be accessory to the primary function of the restaurant. The proposed use is consistent and compatible with the existing and planned uses in the Capitola Village.

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

The proposed business is in police responsibility area 4401 and U.S. census tract number 1218.01. The site is in a high crime area, and the census tract is considered over-concentrated with 32 existing on-sale alcohol establishments. Consideration was given to the over-concentration of on-sale licenses and crime rate in the area, and it was determined by the Capitola Police Department that the proposed conditional use would not create a nuisance to the community or a burden on police services.

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

The restaurant is existing and is adequately served by utilities, services, and infrastructure. The CUP for general sale of alcoholic beverages for onsite consumption will not require additional services or infrastructure.

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

The proposed project is categorically exempt from the provisions of CEQA pursuant to Section 15301 (Class 1-Existing Facilities) because the project consists of the operation and licensing of a restaurant in an existing commercial building, consistent with the property's zoning and General Plan designation. No adverse environmental impacts were discovered during project review.

Conditions of Approval:

1. The Conditional Use Permit allows a beer and wine establishment with on-site consumption at 201 Esplanade. The Conditional Use Permit is approved as outlined in the analysis of the staff report reviewed and approved by the Planning Commission on December 4, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.

2. The applicant shall maintain an active business license with the City of Capitola. The applicant shall maintain an active license through the California Department of Alcoholic Beverage Control (ABC) so long as alcohol is sold.
3. Prior to opening, all Planning fees associated with permit #25-0494 shall be paid in full.
4. 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.
5. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code Chapter 17.156.
6. Conditional Use Permits are issued to the underlying property. An approved Conditional Use Permit may be assigned to future tenants of the same tenant space. The Conditional Use Permit shall expire and become void if the permitted use is abandoned or discontinued for one year or longer. The permit cannot be transferred off the site on which the approval was granted.

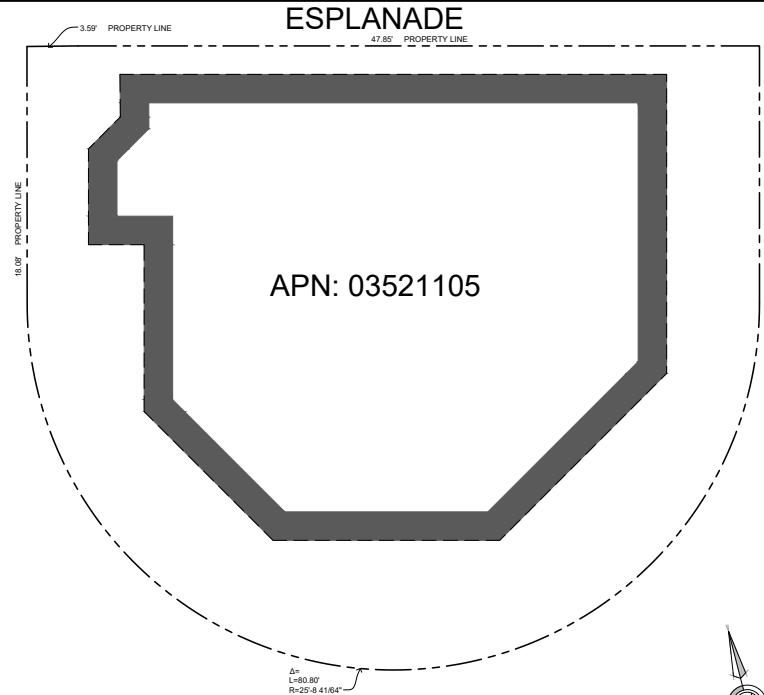
Attachments:

1. 201 Esplanade – Site Plan and Floor Plan
2. 201 Esplanade – Business Plan Letter
3. 201 Esplanade – ABC License Details
4. 201 Esplanade - Public Convenience and Necessity Letter

Report Prepared By: Gina Paolini, Principal Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director



PROJECT SUMMARY:	
APN:	035211-05
PROJECT ADDRESS:	201 ESPLANADE CAPITOLA, CA 95010
PROJECT OWNER:	MARGARETA MORENO 201 ESPLANADE CAPITOLA, CA 95010 (408) 555-7507 apn@tacosmoreno.com
ZONING:	
OCCUPANCY:	R
CONSTRUCTION TYPE:	I-4
FIRE SPRINKLER:	YES
CODE CYCLE:	2000 CALIF. CODES (CALIF. CODE, IBC, IRC) 2000 CALIF. GREEN BUILDING CODE STANDARDS (CALIF. GREEN) 2000 CALIF. FIRE CODE 2000 CALIF. ENERGY CODE

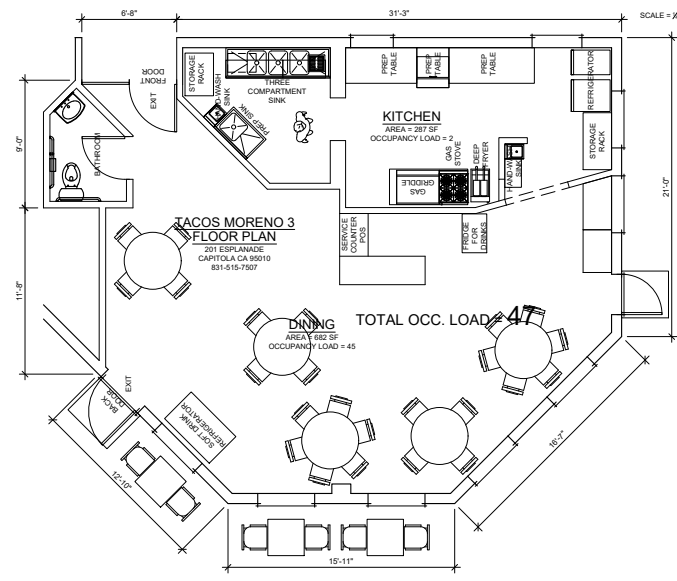
PROJECT SCOPE :
EXISTING RESTAURANT SEATING AND KITCHEN LAYOUT. AS REQUIRED FOR THE PROCUREMENT OF AN ABC ALCOHOL LICENSE. NO CONSTRUCTION PROPOSED.

SHEET INDEX :	
C1.0	----- SITE PLAN AND CF1R FORMS
P1.0	----- PLUMBING WATER LINE AND WATER LINE SIZE
P2.0	----- PLUMBING GAS LINE, GAS LINE SIZE AND W.H. SPECS

NOTICE: THIS SET HAS BEEN PRODUCED FOR THE PURPOSE OF OBTAINING A AN ABC (ALCOHOL LICENSE). THESE DRAWINGS ARE NOT INTENDED TO BE ACCURATE "AS-BUILT'S," NOR INCLUSIVE OF ALL DETAILS, DRAWINGS, MATERIAL SPECIFICATIONS, ETC. NEEDED TO ADDRESS ALL POSSIBLE CONSTRUCTION ISSUES. THE DESIGNER HAS PREPARED THESE DOCUMENTS ONLY FOR THE IMPROVEMENTS AND CONSTRUCTION NOTED, INDICATED OR SHOWN AS "NEW" WORK AND ASSUMES NO RESPONSIBILITY FOR ALL OTHER CONSTRUCTION, MATERIALS OR EQUIPMENT NOTED, INDICATED OR SHOWN AS "EXISTING" OR AS PROVIDED "BY" OTHERS.

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REVISIONS	
REV	DATE
1	5/10/2023
BY: GMC	
DESCRIPTION	
RELEASE FOR REVIEW	

SITE PLAN AND FLOOR PLAN FOR
TACOS MORENO 3
201 ESPLANADE
CAPITOLA, CA 95010
(408) 555-7507

APN 035-21-05



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Gabriel C. Martinez
GMC
SCALE: N.T.S.
DATE: 08/10/2023
PROJECT NO.:
SHEET NO.:

Dear Members of the City Council,

I am writing to respectfully request your consideration for a beer and wine permit for my establishment, Tacos Moreno 3, located at 201 Esplanade. As the third location of our family-owned restaurant in Santa Cruz County, we take great pride in serving beloved recipes that have been part of the local community for over 40 years. Our mission is to offer welcoming, responsible, and community-oriented dining experience.

We currently operate with a team of three employees, expanding to four or five during the summer months. We fully understand the responsibilities associated with serving alcohol and are committed to hiring and training staff to meet all legal and safety requirements. To ensure responsible consumption, we will use stanchions to manage our outdoor seating area—which includes up to four small tables and shares a common walkway with Zelda’s—and will clearly inform our customers of the designated boundaries.

Our proposed business hours are 11:00 a.m. to 11:00 p.m.

The past six years have brought significant challenges, from the COVID-19 pandemic to two major storms, but we are grateful to have persevered. Being part of this beautiful community is a privilege, and we believe that offering beer and wine will enhance our guests’ experience and support our continued growth—just as it has for other local restaurants in Capitola Village.

We kindly request your review and approval of our application. I am available to attend a council meeting or provide any additional information you may need.

Thank you for your time and thoughtful consideration.

Sincerely,
Gabriela Castro
Owner, Tacos Moreno



CALIFORNIA DEPARTMENT OF

Alcoholic Beverage Control

Search



Report Date: Monday, November 24, 2025

LICENSE INFORMATION

License Number:

674326

Primary Owner:

CASTRO, GABRIELA
NUNEZ

Office of Application:

26 - SALINAS

BUSINESS NAME

TACOS MORENO 3

BUSINESS ADDRESS

201 ESPLANADE , CAPITOLA, CA, 95010

County:

SANTA CRUZ

Census Tract:

1218.01

LICENSEE INFORMATION

Licensee:

CASTRO, GABRIELA
NUNEZ

LICENSE TYPES

*Allow up to six weeks for expiration date updates after renewal fee submittal.

41 - ON-SALE BEER AND WINE - EATING PLACE

License Type Status:

PENDING

Status Date:

22-OCT-2025

Term:

12 Month(s)

Original Issue Date:**Expiration Date*:****Master:**

Y

Duplicate:**Fee Code:**

P0

Transfers:

OPERATING RESTRICTIONS:

No Operating Restrictions found

DISCIPLINARY ACTION:

No Active Disciplinary Action found

DISCIPLINARY HISTORY:

No Disciplinary History found.

HOLDS:**Hold Type:**

FORM 220

Hold Date:

22-OCT-2025

ESCROWS:

No Escrow found

NOTIFICATIONS:

No notifications found



SARAH A. RYAN
CHIEF OF POLICE

Item 6 A.

422 CAPITOLA AVENUE
CAPITOLA, CALIFORNIA 95010
TELEPHONE (831) 475-4242
FAX (831) 479-8881

November 20, 2025

District Administrator
California Department of Alcoholic Beverage Control
1137 Westridge Parkway
Salinas, CA 93907

Reference: Tacos Moreno
201 Esplanade Avenue, Capitola, CA 95010 (Proposed location)
Conditional Use Permit – Beer & Wine Sales

Dear Administrator,

The applicant, Tacos Moreno applied to the City of Capitola on September 23, 2025, for a use permit #25-0494 to conduct business at 201 Esplanade, Capitola, California. Their letter indicates the store will be selling beer and wine under a type 41 alcohol beverage license.

The proposed business is in police responsibility area 4401 and U.S. census tract number 1218.01. The site is in a high crime area and the census tract is over-concentrated with 32 existing on-sale alcohol outlets, thus requiring a letter of necessity and convenience.

The Local Governing Body determines, pursuant to §23958.4 of the Business and Professions Code, that the applicant serves the public convenience (§23958.4 b(2) B & P) and California Department of Alcoholic Beverage Control (A.B.C.) should approve an alcohol license transfer of a type 41 on-sale beer & wine to the above-captioned applicant.

This letter is being issued with the understanding that conditions placed by the City of Capitola on the businesses' conditional use permit, be incorporated in the on-sale beer license issued by ABC. Additionally, if the City's Planning Commission denies the conditional use permit request this letter is void.

In 1994, the California legislature amended the law that allowed for local control of some alcohol licenses. The purpose of this legislation is to help fight blighted and crime-impacted areas. The City Council appointed the Chief of Police as the local governing body in decisions related to public

convenience or necessity in the issuance of certain alcohol licenses as required by section §23958.4 B. & P.

In summary, "Tacos Moreno" has been an existing and successful business in other cities. We believe they will continue their success and provide positive economic vitality to the City of Capitola with few public safety concerns.

Sincerely,

Sarah Ryan
Chief of Police

cc: Sean Sesanto, Associate Planner, Community & Economic Development Department

Capitola Planning Commission

Agenda Report

Meeting: December 4, 2025

From: Community & Economic Development Department

Address: 413 Capitola Avenue



Project Description: Application #25-0580. APN: 035-131-33. Variance to amend permit #23-0524 to waive the underground utility requirement for new construction. Original approval included the construction of a two-story single-family residence and attached JADU with a variance to reduce the number of required parking spaces.

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

Recommended Action: Consider application #25-0580 and **approve** the project based on the Conditions and Findings for Approval.

Property Owner and Representative: Ed Pearson, Filed: 11/20/25

Background: On March 7, 2024, the Planning Commission approved application #23-524 for the demolition of a commercial structure and the construction of a new single-family residence and attached junior ADU (JADU). The approval included a condition requiring all utilities be underground.

In September 2025, the owner informed City staff of difficulties securing approval by Pacific Gas & Electric for new underground service connections, as required by the City.

In October 2025, City staff communicated with Pacific Gas and Electric (PG&E) representatives to better understand the issue. Further discussion did not yield additional options for the owner to proceed with underground utilities.

Discussion: As mentioned above, the property owner is currently unable to proceed with new electrical service connection for the development at 413 Capitola Avenue. Direction from PG&E to the owner has been to:

1. Record a new easement in conjunction with the neighboring property owners of 411 Capitola Avenue, specifically naming PG&E and expanding the effective easement area, or
2. Obtain written authorization by the City allowing new overhead connection.

Pursuant to Capitola Municipal Code §17.96.120, "new construction of additions that increase existing floor area by twenty-five percent or more shall place existing overhead utility lines underground to the nearest utility pole." The original application included the complete demolition of an existing commercial structure and the construction of a new residence and JADU. Therefore, a condition of approval was included requiring compliance with the undergrounding requirement.

The issued building permit included designs to meet this requirement within an existing easement area, which received initially approval by PG&E, with engineering for new connection(s) typically occurring later in the construction process. However, PG&E determined there were deficiencies in the easement which necessitate amending the easement.

The owner kept City staff apprised of their efforts to try reaching an agreement with the owners of 411 Capitola Avenue, without success. The owner also demonstrated alternative locations were infeasible. Both Planning and Public Works staff have been in contact with PG&E. Despite these efforts, an acceptable solution could not be reached, and the owner is pursuing a variance to remove the zoning requirement and condition of approval.

Variance: The applicant is requesting a variance to waive §17.96.120, requiring new utility lines be placed underground to the nearest utility pole, thus allowing them to proceed with designs for an overhead connection. This would also include waiving the associated condition of approval #14 of the original approval (Attachment 6).

The Planning Commission may grant a variance based on the evidence submitted at the hearing when it makes concurring findings pursuant to §17.128.060, as follows in underline with staff analysis. Additionally, Public Works Director, Jessica Kahn, provided a memo (Attachment 5) corroborating the constraints faced by the owner.

- 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: The lot is small by Capitola standards, which is acknowledged by Section 17.20.040[3] that allows the Planning Commission to reduce setbacks for lots between the Trestle and 431 Capitola Avenue without requiring a Variance. This specific area of the City includes 15 lots that average 1,594 square feet; the subject property is 1,384 square feet. The property is also irregular in shape with angled front, side, and rear lot lines, and several jogs on the south side property line. The existing shared utility easement along the southern property line between the subject property and 411 Capitola Avenue cannot be utilized due to PG&E and CPUC standards for recorded easement language and clearances for new service connections. Amending the utility easement requires consent from the property owners of 411 Capitola Avenue which the applicant has been unable to obtain. There are no feasible alternatives within the small lot for another location to install the utilities underground.

- 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: Numerous properties within the vicinity and zoning district continue to have overhead electrical service connections, as undergrounding is required only for new construction or major remodels. However, the strict application of the zoning code requirement would require the owner to obtain a new easement from the adjacent property owners, which the City cannot grant, nor can the subject property owner compel.

- 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: The project was designed and approved to comply with underground utility requirement via an existing utility easement area. However, after completing most construction, the property owner was informed by PG&E that a new easement is required with the adjacent property, which they are unable to obtain. Therefore, the variance is necessary for the completion of the subject property's project.

- 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 project involves a single-family residence and JADU and will not negatively impact the public, properties or improvements in the vicinity or in the same zone as the subject property. The variance allows overhead electrical connection in a manner similar prior development on the subject property. There are no current or foreseeable plans for removal of the affected power pole or other poles from this segment of Capitola Avenue.

- 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: The subject property is irregularly shaped with limited frontage. The recent development was designed, approved, and constructed in good faith with expectation of complying with the underground electrical requirement by utilizing the existing utility corridor between 411 and 413 Capitola Avenue. As the project neared completion, it was discovered that plans previously accepted by PG&E were deficient and the only means of meeting PG&E specifications was to obtain a new recorded easement over 411 Capitola Avenue, which is separately owned. The variance does not constitute a grant of special privilege owing to the lack of feasible alternatives to compliance with this standard, which has distinct constraints by comparison to properties in the vicinity and in the same zone as the subject property.

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

Staff Analysis: The property does not contain existing coastal resources or public coastal access and will not have an adverse impact on nearby coastal resources.

CEQA: Section 15303 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. The previously approved project includes the construction of a new residential structure which includes one JADU in the MU-V (Mixed-Use Village) zoning district. The proposed amendment is a Variance to allow the electric utility connection to remain overhead rather than placed underground. The proposed amendment is also consistent with Section 15303 of the CEQA Guidelines.

Findings and Conditions of Approval:

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: The lot is small by Capitola standards, which is acknowledged by Section 17.20.040[3] that allows the Planning Commission to reduce setbacks for lots between the Trestle and 431 Capitola Avenue without requiring a Variance. This specific area of the City includes 15 lots that average 1,594 square feet; the subject property is 1,384 square feet. The property is also irregular in shape with angled front, side, and rear lot lines, and several jogs on the south side property line. The existing shared utility easement along the southern property line between the subject property and 411 Capitola Avenue cannot be utilized due to PG&E and CPUC standards for recorded easement language and clearances for new service connections. Amending the utility easement requires consent from the property owners of 411 Capitola Avenue which the applicant has been unable to obtain. There are no feasible alternatives within the small lot for another location to install the utilities underground.

- 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: Numerous properties within the vicinity and zoning district continue to have overhead electrical service connections, as undergrounding is required only for new construction or major remodels. However, the strict application of the zoning code requirement would require the owner to obtain a new easement from the adjacent property owners, which the City cannot grant, nor can the subject property owner compel.

- 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: The project was designed and approved to comply with underground utility requirement via an existing utility easement area. However, after completing most construction, the property owner was informed by PG&E that a new easement is required with the adjacent property, which they are unable to obtain. Therefore, the variance is necessary for the completion of the subject property's project.

- 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 project involves a single-family residence and JADU and will not negatively impact the public, properties or improvements in the vicinity or in the same zone as the subject property. The variance allows overhead electrical connection in a manner similar prior development on the subject property. There are no current or foreseeable plans for removal of the affected power pole or other poles from this segment of Capitola Avenue.

- 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: The subject property is irregularly shaped with limited frontage. The recent development was designed, approved, and constructed in good faith with expectation of complying with the underground electrical requirement by utilizing the existing utility corridor between 411 and 413 Capitola Avenue. As the project neared completion, it was discovered that plans previously accepted by PG&E were deficient and the only means of meeting PG&E specifications was to obtain a new recorded easement over 411 Capitola Avenue, which is separately owned. The variance does not constitute a grant of special privilege owing to the lack of feasible alternatives to compliance with this standard, which has distinct constraints by comparison to properties in the vicinity and in the same zone as the subject property.

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

Staff Analysis: The property does not contain existing coastal resources or public coastal access and will not have an adverse impact on nearby coastal resources.

California Environmental Quality Act (CEQA)

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

Section 15303 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. The previously approved project includes the construction of a new residential structure which includes one JADU in the MU-V (Mixed-Use Village) zoning district. The proposed amendment is a Variance to allow the electric utility connection to remain overhead rather than placed underground. The proposed amendment is also consistent with Section 15303 of the CEQA Guidelines.

Conditions of Approval:

1. The project approval consists of a permit amendment of #23-0523 for a Variance to the utility underground requirement. The amendment does not modify the original scope of work. The maximum Floor Area Ratio for the 1,456 square foot property is 100% (1,456 square feet). The total FAR of the project is 95% with a total of 1,384 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 December 4, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project shall adhere to all original conditions of approval, except for Condition #14 (underground utility requirement), which is waived.
3. Prior to issuance of building permit, all Planning fees associated with permits #23-0524 and #25-0580 shall be paid in full.

Attachments:

1. 413 Capitola Avenue – Variance Application
2. 413 Capitola Avenue – Approved Site Plan
3. 413 Capitola Avenue – Applicant Documentation
4. 413 Capitola Avenue – Site Photos
5. 413 Capitola Avenue – Public Works Director Memo
6. 413 Capitola Avenue – 2024 Final Local Action Notice (Permit Letter)

Report Prepared By: Sean Sesanto, Associate Planner

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

Please provide the reasons you believe the following findings can be made to support your Variance request. Note any special circumstances related to your property, including lot size, dimensions, shape, structure, topography, and/or a historic structure. Attach additional pages as necessary.

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.

- As illustrated in the attached utility plan, the property has an irregular lot shape and only 23 feet at the the front property line. in that the property is neither square nor rectangle shaped. The lot shape is unusual in comparison to adjacent properties, as illustrated in the attached parcel map. The proposed underground PG&E equipment is located in a "utility easement" described in the attached Title Report, and illustrated on the attached utility plan. Despite the existing "utility easement", PG&E is now insisting upon a separate easement from the adjacent property owner for the new underground equipment. The adjacent property owner will not agree to any new easement.

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.

- Unlike the subject property, which has been served through an existing utility easement, other properties in the vicinity have their existing utility equipment on site and do not require an easement from the adjacent property owner due to an unusual lot shape.

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.

- Overhead power is the only viable option, given that the home has been built according to the plans that were approved by the City of Capitola. The home has passed all required inspections to date, and cannot be occupied until the PG&E issue is resolved.

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

- The new sine line overhead power drop will be at the southeast corner of the home and will not be detrimental to the public health, safety, or welfare.

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.

- The bulk of the homes all along Capitola ave have an overhead power connection. Other properties in the vicinity are able to accommodate utility equipment on site mainly due to a wider street frontage and do not require an easement from the adjacent property.

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

The subject property is within the mixed use neighborhood zoning and does not have any public access. There will be no impact on coastal resources.



BIRD OF PARADISE



BANANA TREE



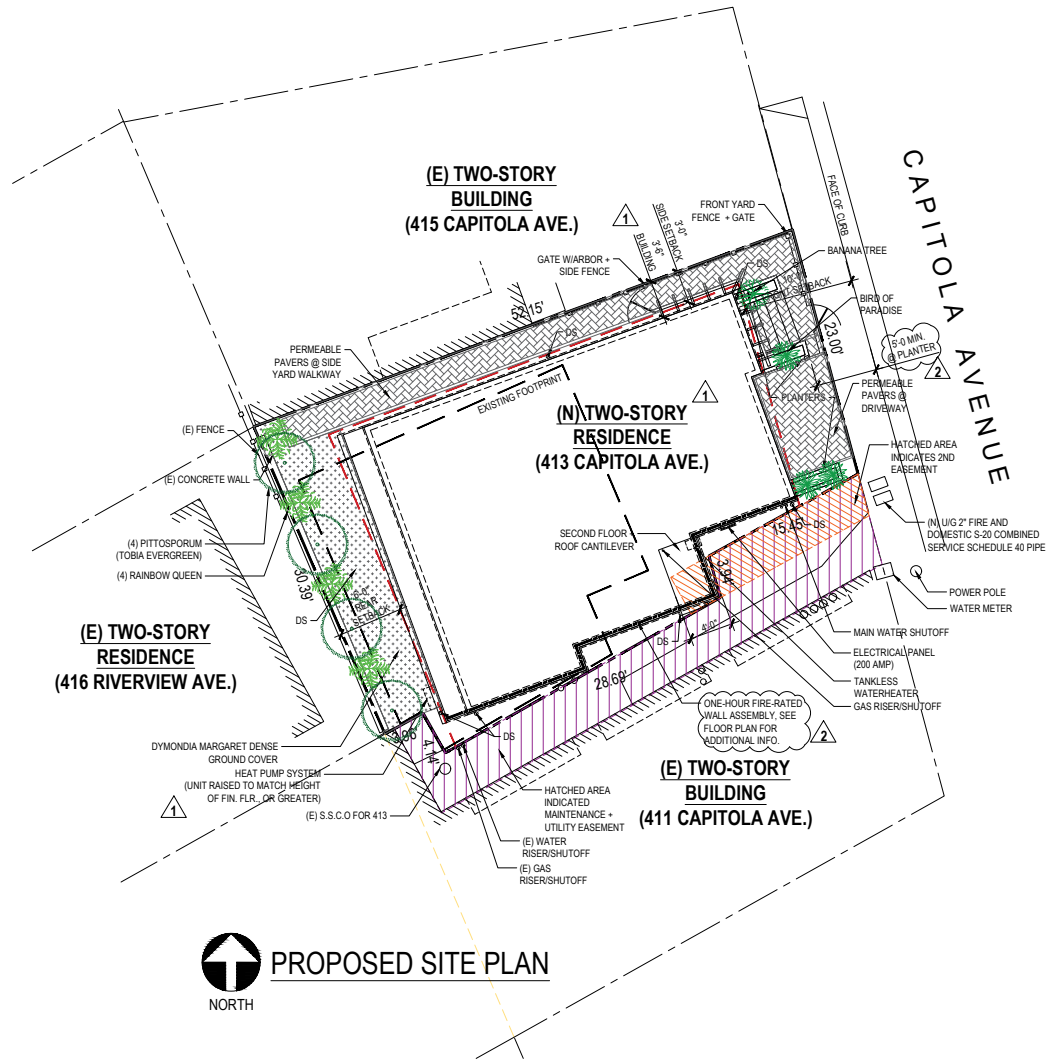
RAINBOW QUEEN















PITTOSPORUM (TREE VARIETY)



PERMEABLE PAVERS
BELGARD, CATALINA GRANA



PROPOSED SITE PLAN

PLANT LEGEND		HATCH LEGEND		LEGEND			
	BIRD OF PARADISE (STRELITZIA NICOLAI) FOUR (4), 5 GALLON MODERATE WATER ALLOWANCE MATURE HT., 4 - 6 FEET		RED ABYSSINIAN BANANA TREE (ENSETE VENTRICOSUM MAURELII) ONE (1), 25 GALLON MODERATE WATER ALLOWANCE MATURE HT., 20 FEET		MAINTENANCE + UTILITY EASEMENT		PROPERTY LINE
	RAINBOW QUEEN (PHORMIUM MAORI QUEEN) FOUR (4), 5 GALLON LOW WATER ALLOWANCE MATURE HT., 3 - 4 FEET		PITTOSPORUM (TOBIA EVERGREEN) FOUR (4), 15 GALLON LOW WATER ALLOWANCE MATURE HT., 15 FEET		2ND EASEMENT		APPROVED JOB COPY
					FENCE		ONE HOUR FIRE-RATED WALL ASSEMBLY
					DYMONDIA MARGARET DENSE GROUND COVER, LOW WATER ALLOWANCE, SINGLE SQUARE PLAT (AS MANY PLATS AS NEEDED FOR COVERAGE)		Permit #



INTERIORS
REMODELS +
ADDITIONS
NEW CONSTRUCTION
638 UNIVERSITY AVE
LOS GATOS
CALIFORNIA
95032
T 408.292.3252
F 253.399.1125



Reviewed for Code Compliance
08/06/2024
CSG CONSULTANTS, INC.

413 CAPITOLA AVE.
CAPITOLA
CALIFORNIA
95010

A.P.N. 035-131-33

24 AUGUST 2023
21 NOVEMBER 2023
PLANNING SUBMITTAL
06 FEBRUARY 2024
PLANNING SUBMITTAL II
19 MARCH 2024
PLANNING SUBMITTAL III
10 APRIL 2024
BUILDING SUBMITTAL

25 JUNE 2024
BUILDING SUBMITTAL II
PLAN CHECK
26 JULY 2024
BUILDING SUBMITTAL III
PLAN CHECK

SCALE: 3/8" = 1'-0"

PROPOSED SITE +
LANDSCAPE PLAN

A1.3

Item 6 B.

413 Capitola Avenue

Existing Easement Corridor



Existing Easement Corridor, Above



Shared Gas Connections, 411 Capitola Avenue



Sesanto, Sean

From: [REDACTED]
Sent: Monday, November 10, 2025 12:26 PM
To: Sesanto, Sean
Subject: 413 Capitola avenue PGE items

Hi Sean, i wanted to write you a brief history of the project concerning PGE involvement. As you can see from the city approved site plan, all utilities are shown with an underground installation within the existing recorded utility easement area and conforming to the required clearances. The original PGE application was filed in July 2024, after 10 long months of waiting for an approved design, we had a PGE pre construction meeting on 5/28/2025 and I paid all of my fees of approximately 15,000. This meeting was also attended by Kailash Mozumder from your public works Dept. Another attendee was PGE project rep [REDACTED], who stated at that time the existing easement would be fine to move a forward with construction. Only a few days after that meeting, I was notified by [REDACTED] that he made a mistake and that a new an updated easement would be required for their land office. So, that brings us to today and why i need to move forward with a single wire drop to supply overhead power. Here are a few items that make a underground power supply not possible.

1. The owners at 411 Capitola ave will not, under any circumstance agree to any new easement on their property.
2. A Soquel creek water 2' x 3' fire meter box (SC county fire) must be in sidewalk at house supply. Any high power in ground lines cannot go under this box and going around box would require a minimum of a 3' clearance and a new neighbor easement.
3. The north side of the house is not possible to relocate panel to because of the distance to the property line along north side of house. PGE requires a minimum of 3' setback from a property line to face of meter, which we do not meet.
4. PGE also does not want meter on front of house due to how close it is to the rear of the new sidewalk, foundation clearance and vandalism concerns.
5. A large concern of mine is leaving a completed new home vacant and unattended for so many months and the vandalism that is likely to occur.

Thank you Sean..
 Ed Pearson



INTERIORS
REMODELS +
ADDITIONS
NEW CONSTRUCTION
638 UNIVERSITY AVE
LOS GATOS
CALIFORNIA
95038
T 408.898.8888
F 408.898.1188



413 CAPITOLA AVE.
CAPITOLA
CALIFORNIA
95010

A.P.N. 035-131-33

24 AUGUST 2023

21 NOVEMBER 2023

PLANNING SUBMITTAL

06 FEBRUARY 2024

PLANNING SUBMITTAL II

19 MARCH 2024

PLANNING SUBMITTAL III

10 APRIL 2024

BUILDING SUBMITTAL

25 JUNE 2024

BUILDING SUBMITTAL II

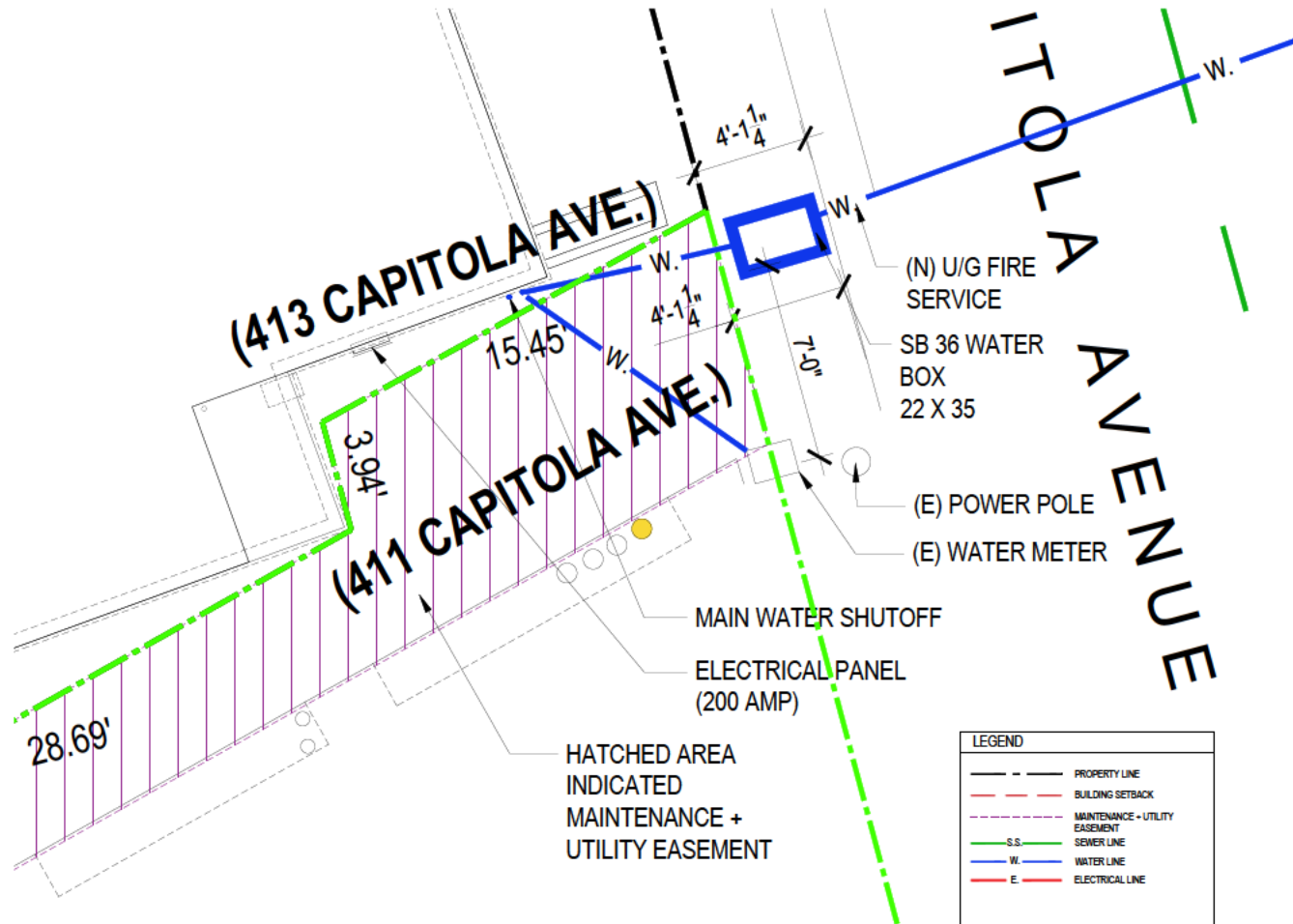
PLAN CHECK

26 JULY 2024

BUILDING SUBMITTAL III

PLAN CHECK

SCALE: 1/2" = 1'-0"



LEGEND	
---	PROPERTY LINE
---	BUILDING SETBACK
---	MAINTENANCE + UTILITY EASEMENT
---	S.S. SEWER LINE
---	W. WATER LINE
---	E. ELECTRICAL LINE



INTERIORS
REMODELS +
ADDITIONS
NEW CONSTRUCTION
438 UNIVERSITY AVE
LOS GATOS
CALIFORNIA
95038
T 408.898.3838
F 408.399.1125



413 CAPITOLA AVE.
CAPITOLA
CALIFORNIA
95010

A.P.N. 035-131-33

24 AUGUST 2023

21 NOVEMBER 2023
PLANNING SUBMITTAL

06 FEBRUARY 2024
PLANNING SUBMITTAL II

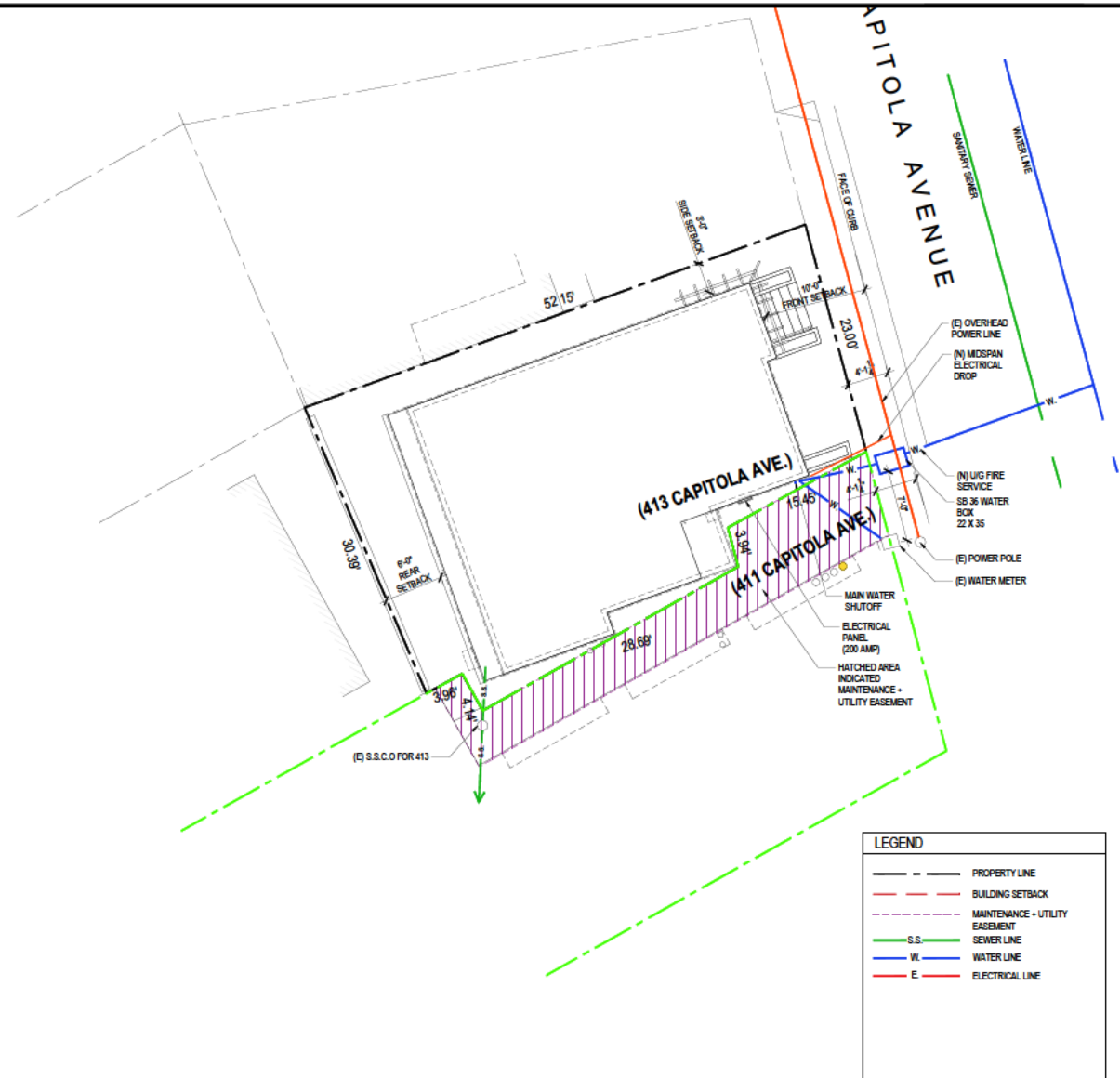
19 MARCH 2024
PLANNING SUBMITTAL III

10 APRIL 2024
BUILDING SUBMITTAL

25 JUNE 2024
BUILDING SUBMITTAL II
PLAN CHECK

25 JULY 2024
BUILDING SUBMITTAL III
PLAN CHECK

SCALE: 3/16" = 1'-0"



LEGEND	
---	PROPERTY LINE
---	BUILDING SETBACK
---	MAINTENANCE + UTILITY EASEMENT
---	S.S. SEWER LINE
---	W. WATER LINE
---	E. ELECTRICAL LINE

Guardian Title Company

Item 6 B.

Order: 4556

Comment:

Wednesday, January 10, 2024 04:06 PM

State	County	Type	Document Information	Print Description
CA	Santa Cruz	Document - Year.		Complete 2 Page(s)

RECORDING REQUESTED BY

Santa Cruz Title Co.

MAIL TAX STATEMENTS TO
AND WHEN RECORDED MAIL TORichard Emigh
706 Capitola Ave.
Capitola, CA 95010Recorded
Official Records
County Of
SANTA CRUZ
RICHARD W. BEDAL

REC FEE 10.00

08:29AM 25-Jul-1997

LPR
Page 1 of 2

9417391

APN 035-131-21

EASEMENT

GRANT
DEED

The undersigned grantor(s) declare(s).

Documentary transfer tax is \$ Value less than \$100.00

() computed on full value of property conveyed, or

() computed on full value less value of liens and encumbrances remaining at time of sale

() Unincorporated area (X) City of Capitola and

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

Mortimer A. French and Eleanor K. French, Trustees under that certain Trust entitled,
The Mortimer A. French Trust, dated November 28, 1979, as to an undivided 1/2 interest;
Craig A. French and Mary Ruth French, husband and wife, as tenants in common, as to an
undivided 1/2 interest

hereby GRANTS to Diana S. Emigh, a married woman, as her sole and separate property

the following described real property in the
County of Santa Cruz

State of California

SEE EXHIBIT "A" ATTACHED HERETO AND MADE A PART HEREOF

Dated July 10, 1997

STATE OF CALIFORNIA
COUNTY OF Santa Cruz

On July 11, 1997

before me, the undersigned, a Notary Public, personally appeared
Mortimer A. French & Eleanor K. French
Craig Ruth French & Mary Ruth Frenchpersonally known to me and proved to me on the basis of satisfac-
tory evidence to be the persons whose names were subscribed
to the within instrument and acknowledged to me that he/she/it
they executed the same in his/her/their authorized capacity(ies)
and that by his/her/their signature(s) on the instrument the
person(s), or the entity upon behalf of which the person(s) acted,
executed the instrument

WITNESS my hand and official seal

Signature

A. Rieth

MAIL TAX STATEMENT AS DIRECTED ABOVE

Title Order No

Form 242 Rev. 10/94

Escrow or Loan No

SANTA CRUZ TITLE COMPANY

Mortimer A. French, Trustee
Eleanor K. French, Trustee
Craig A. French
Mary Ruth French by Craig A. French
att'y in fact.

ESCROW NO. 9417591 AFR

EXHIBIT "A"

DESCRIPTION FOR EASEMENT FROM FRENCH TO EMIGH

The land referred to herein is described as follows:

SITUATE IN THE CITY OF CAPITOLA, COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA AND DESCRIBED AS FOLLOWS:

AN EASEMENT FOR BUILDING MAINTENANCE AND UTILITIES DESCRIPTION AS FOLLOWS:

BEING PART OF LOT 6 BLOCK 7, CAPITOLA SUBDIVISION NUMBER 6 FILED MAY 13, 1922 IN VOLUME 18 OF MAPS AT PAGE 36, SANTA CRUZ COUNTY RECORDS AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS, TO WIT:

BEGINNING AT THE NORTHEASTERN CORNER OF LOT 6 AT A 1/2" IRON PIPE ON THE WESTERN SIDELINE OF CAPITOLA AVENUE; THENCE FROM SAID POINT OF BEGINNING ALONG THE EAST BOUNDARY OF SAID LOT 6

SOUTH 17° 30' 00" EAST 8.50 FEET; THENCE SOUTH 58° 04' 51" WEST 40.00 FEET; THENCE NORTH 31° 43' 52" WEST 9.15 FEET; THENCE NORTH 58° 42' 16" EAST 3.90 FEET; THENCE SOUTH 31° 43' 53" EAST 4.14 FEET; THENCE NORTH 58° 04' 51" EAST 28.69 FEET; THENCE NORTH 17° 30' 00" WEST 4.94 FEET; THENCE NORTH 58° 42' 16" EAST 15.45 FEET, MORE OR LESS, TO THE POINT OF BEGINNING.

THIS DOCUMENT HAS BEEN SUBMITTED
TO SANTA CRUZ TITLE COMPANY TO
RECORD AS AN ACCOMMODATION ONLY.
THIS DOCUMENT HAS NOT BEEN EXAMINED
BY SANTA CRUZ TITLE COMPANY FOR
EFFECT, SUFFICIENCY, NOR ACCURACY



Public Works Department

Memo

To: Community Development / Planning Staff
 From: Jessica Kahn, Public Works Director
 Date: November 21, 2025
 Re: 413 Capitola Ave – PG&E Easement Requirements and Underground Service Feasibility

Public Works staff has been coordinating with PG&E regarding requirements for underground electric service at 413 Capitola Avenue. Based on written correspondence from PG&E Service Planning, Land, and Government Affairs staff dated September 22–October 23, 2025, staff understands the following:

1. Existing Easement Does Not Meet PG&E's Current Standards

PG&E has indicated that the existing recorded easement “for building maintenance and utilities” is not considered a valid land right for installation of a new underground service. PG&E cited the lack of:

- PG&E named as grantee, and
- required clauses such as facilities rights, vegetation management, and ingress/egress.

PG&E stated that new service installations must comply with current (2025) land-rights standards.

2. Existing Easement Area Does Not Cover Required Alignment

PG&E's service planning staff has stated that required clearances from structures and other utilities shift the service alignment into adjacent property. As a result, the existing

easement area does not fully cover the installation corridor, and a new or expanded easement would be required to proceed with underground service.

3. **PG&E-Prepared Draft Easement**

PG&E has prepared draft easement language that would:

- replace or supersede the existing recorded easement, and
- apply to areas within the neighboring property, potentially affecting existing utility service on that parcel.

Any expanded easement would need to be granted by the affected private property owner(s); the City cannot grant or impose utility easements on private property.

4. **Implications for Underground Installation**

Based on the information provided by PG&E to date, staff understands that:

- PG&E will not install the underground service solely within the existing easement as currently written and mapped, and
- a PG&E-standard easement covering the full required alignment would be necessary.

Without new easement rights, the originally proposed underground installation does not appear feasible at this time.



FINAL LOCAL ACTION NOTICE AND ZONING PERMIT

March 20, 2024

Ed Pearson
239 Thurston Street
Los Gatos, CA 95030

RE: Notice of Final Action on Application #23-0524

413 Capitola Avenue #23-0524 APN: 035-131-33

Design Permit to demolish an existing small office building and construct a new two-story, single-family residence with an attached JADU; located within the MU-N (Mixed Use Neighborhood) zoning district. The proposal includes a request for a Parking Variance to provide one parking space where two are required.

This project is in the Coastal Zone and requires a Coastal Development Permit which is **not** appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Ed Pearson

Representative: Ed Pearson, Filed: 11.22.23

The above matter was presented to the Planning Commission on March 7, 2024, and was **approved**, with the following findings and conditions. Any modifications to the conditions and findings are indicated below in ~~strikeout~~ and underline notation.

Conditions of Approval:

Planning

1. The project approval consists of construction of a new 1,384 square-foot single-family dwelling. The maximum Floor Area Ratio for the 1,456 square foot property is 100% (1,456 square feet). The total FAR of the project is 95% with a total of 1,384 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 March 7, 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. 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.
5. Prior to issuance of building permit, all Planning fees associated with permit #-23-0524 shall be paid in full.
6. 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.
7. 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.
8. 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.
9. Prior to issuance of building permits, submit construction operation plans showing the area to be used for scaffolding, debris box, and port-o-john during construction of the 2nd and 3rd story to ensure necessary OSHA clearances from power lines are met.
10. 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.
11. 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.
12. 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.

13. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
14. 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.
15. 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. Please provide all exterior lighting manufacturer's specifications on the plans for Building permit plan check.
16. 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.
17. 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.
18. Plans submitted for Building Permit plan check shall replace the concrete with permeable pavers at the north side walkway.
19. The proposed pittosporums to be installed in the rear yard shall be a tree subspecies. Please provide additional species information on the plans for Building Permit plan check.
20. Prior to issuance of Building Permits for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling.
 - c. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.

Public Works

21. Prior to a project final inspection, 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.
22. 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.
23. 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.

24. 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).
25. 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.
26. 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.
27. 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.

Planning Commission Added Conditions

28. The applicant shall work with Planning staff to modify the interior floor plan to allow a 10-foot by 20-foot clear parking space in the garage. The final plans shall be accepted by the Community Development Director, prior to submittal of plans for Building Permit plan check.
29. The plans submitted for Building Permit plan check shall demonstrate compliance with the minimum landscaping requirements per section 17.72.050.

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 reduction of one parking space 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.

- 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 reduction of one parking space and exception requests for the rear and side setbacks, the proposed single-family residence will comply with all applicable provisions of the zoning code and municipal code.

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

Section 15303(a) of the CEQA Guidelines exempts 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.

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

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence 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 coastal Mediterranean design is unique and still 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:

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 413 Capitola Avenue. 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 413 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.

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 MU-N (Mixed Use Neighborhood) 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 mixed-use zoned 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:

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: The lot is small by Capitola standards, which is acknowledged by section 17.20.040[3] that allows the Planning Commission to reduce setbacks for lots between the Trestle and 431 Capitola Avenue without requiring a Variance. This specific area of the City includes 15 lots that average 1,594 square feet and the subject property is 1,384 square feet. The property is also irregular in shape with angled front, side, and rear lot lines, and several jogs on the south side property line. The property is located within a flood zone, which limits new development of habitable space below the base flood elevation. On a typical small to medium sized lot (2,800-4,000 sf) two parking spaces account for 10-14% of the lot size. In this case, two standard parking spaces would account for 29% of the lot area.

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: Numerous properties within the vicinity and/or same zoning district provide no parking or less than required. Several have received parking variances while others are long-standing nonconforming properties. The subject property has limited space for parking, driveway access, setbacks, and accommodating a reasonable development. The applicant is seeking a reduction for one parking space in an area that has many properties with a similar parking deficiency condition.

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: Numerous properties within the vicinity and/or same zoning district have less than the required parking. The subject property has limited adequate space to provide parking, a driveway, and accommodate setbacks. Granting a variance for one parking space enables the subject property to develop a two-bedroom home with a JADU.

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

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: Most of the R-1 and MU-N zoned properties in the vicinity have some parking deficiency relative to the current standard. Several of the properties were issued variances while others are long standing conditions. Mitigating this existing condition in the area is that this block has the unique option of the City's largest public parking facility within 500 feet.

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

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

This permit is issued to the owner of the property. In executing this permit, owner agrees to comply with all terms of permit, including conditions of approval, if any. Permit must be exercised within 24 months of date of issuance (March 20, 2026) unless otherwise indicated in conditions of approval. Should you have any questions on this matter, do not hesitate to call.

Respectfully,



Brian Froelich
Senior Planner

Capitola Planning Commission

Agenda Report

Meeting: December 4, 2025

From: Community and Economic Development

Address: Capitola Mall Properties



Project Description: Amendments to Capitola Municipal Code Title 17: Zoning Code and the General Plan Land Use Element for Capitola Mall properties located between Clares Street, 41st Avenue and Capitola Road. The proposed amendments implement the 6th Cycle Housing Element of the General Plan to facilitate mixed use redevelopment on Capitola Mall properties. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Consider amendments to the draft Zoning Code and General Plan amendments and either 1) adopt resolutions recommending the City Council adopt the proposed Zoning Code and General Plan amendments or 2) continue the item to the January 15, 2025, Planning Commission meeting.

Representatives: Ben Noble, Consultant
Katie Herlihy, Community and Economic Development Director

Background: The City of Capitola is preparing Zoning Code amendments to accommodate residential development on the Capitola Mall property as called for by the General Plan Housing Element. The Planning Commission held study sessions on these amendments on October 2, October 30, and November 19, 2025, and the City hosted a community meeting on October 8, 2025. Further background information about the amendments can be found in the November 19, 2025 Planning Commission staff report (Attachment 3 includes a link to the agenda materials for this meeting).

On November 19, 2025, the Planning Commission reviewed draft Zoning Code Amendments with development standards, land use regulations, and permit requirements for development projects on the Capitola Mall property. The Planning Commission received public comment, including from Capitola Mall property owner Merlone Geier Partners (MGP), and directed staff to make changes to the draft amendments as described below.

Following the November 19, 2025 meeting, the City completed draft objective design standards for Capitola Mall development projects. All draft Zoning Code Amendments for the Capitola Mall property are now complete, including the amendments previously reviewed by the Planning Commission (with revisions) and the new objective design standards.

Proposed Amendments: Attachment 1 contains a draft Planning Commission resolution recommending the City Council adopt the corresponding/concurrent General Plan Land Use text amendment (Exhibit A to Attachment 1).

Attachment 2 contains a draft Planning Commission resolution recommending the City Council adopt the proposed Capitola Mall Zoning Code Amendments. Exhibit A to Attachment 2 contains the Zoning Code Amendments and Exhibit B contains the Local Coastal Program Consistency Analysis.

Amendments to Existing Zoning Code Chapters

As noted above, the Planning Commission reviewed draft amendments to Chapter 17.24, 17.82, 17.88 and 17.160 on November 19, 2025. The draft amendments to these chapters in Attachment 2 include the following changes based on Planning Commission direction provided on November 19, 2025:

- Minimum commercial space for a qualifying mixed-use project increased to 40,000 square feet.
- Minimum parking for qualifying mixed-use projects reduced to number of spaces requested by MGP.
- Personal service uses removed as a permitted “P” use for qualifying mixed-use projects.
- Consistent perimeter zone of 125 feet.

In addition to these changes, the amendments in Attachment 2 also include the following revisions to the Zoning Code chapters previously reviewed by the Planning Commission:

- The term “qualifying mixed-use project” is changed to “Tier 2 mixed use project” and the term “other residential and/or mixed-use projects” changed to “Tier 1 projects”
- Clarifies all residential development on a Capitola Mall Housing Element Site is subject to the 20 percent Housing Element affordability requirement as originally intended.
- Adds density limit for Capitola Mall Properties not included in the Housing Element Sites Inventory at 20 dwelling units per acre.
- Expands allowed height projections to include mechanical equipment and similar building infrastructure for all buildings, not just buildings fronting a perimeter street (change made in response to Merlone Geier request).

New Objective Design Standards

The proposed Zoning Code amendments in Attachment 2 include objective design standards for Capitola Mall redevelopment. These standards are new and were not previously reviewed by the Planning Commission. The objective design standards will apply to all development on the Capitola Mall property except for improvements and minor additions to existing buildings. Existing Zoning Code Chapter 17.82 (Objective Standards for Multifamily and Mixed-Use Residential Development) would not apply to development on the Mall property.

Noteworthy design standards in Chapter 17.57 include the following:

- Streets and Circulation
 - Required locations for new streets intersecting Capitola Road, Clares Street, and 41st Avenue.
 - Required new internal streets proving connections between perimeter streets.
 - Maximum 450 feet block lengths.
 - Required internal pedestrian and bicycle circulation system.
 - Required perimeter and internal street pedestrian realm frontage improvements.
- Publicly Accessible Open Space
 - Minimum amount of open space: 2.5 percent of site area for qualifying mixed-use development and 5 percent of site area for other projects.
 - Permitted types of open space: plazas, squares, parks, parklets, paseos/pedestrian paths.
 - Reduced open space landscaping requirement for Tier 2 mixed-use projects
- Parking and Vehicle Access
 - Allow continued use of existing surface parking lots.
 - Limitations on width and frequency of driveways crossing an internal sidewalk.
 - Disallowed street-facing garage doors serving individual units.
 - Structured parking concealed from view.

- Building Placement and Orientation
 - Required building setbacks consistent with pedestrian realm standards for internal and perimeter streets.
 - Permitted upper-level building projections into required setbacks and frontage zones.
 - Required entries facing an adjacent street, publicly accessible pathway, or publicly accessible open space.
- Building Massing
 - Maximum building length: 450 feet.
 - Required building massing breaks for buildings longer than 200 feet.
 - Reduced building heights along perimeter streets (standard in Chapter 17.24)
- Facade Design
 - Required unique facade identities for building longer than 200 feet.
 - Residential ground-floor design standards: transparency, active uses, finished floor level, entry design.
 - Commercial ground-floor design standards: ground-floor height, transparency, blank wall length, tenant space depth.
 - Hotel ground-floor design standards: ground-floor height, transparency, blank wall length, entrance design, drop-off area, street-facing lobby.
 - Required 2-inch change in plane for windows and doors.
 - Rooftop mechanical equipment screened from view.
 - Prohibited exterior facade materials.
- Other Site Features
 - Refuse storage and collection areas and ground-mounted mechanical equipment screened from view.

Chapter 17.57 also includes a process to allow deviations from mall redevelopment design standards. As with the existing design standards in Chapter 17.82, the Planning Commission may approve a deviation upon finding that 1) the project incorporates an alternative method to achieve the intent statement that proceeds the standard; and 2) the requested is needed due to unique site conditions and/or to provide for a superior project design.

General Plan Amendments

Attachment 1 contains a text amendment to the General Plan Land Use Element Action LU-9.3 needed for consistency with the proposed Zoning Code Amendments and Housing Element. No changes have been made to this amendment since it was reviewed by the Planning Commission on November 19, 2025.

DISCUSSION: As discussed in the November 19, 2025 staff report, the draft Zoning Code Amendments comply with state housing laws while also incentivizing mixed-use redevelopment of the Capitola Mall as envisioned in the City's General Plan. The amendments create a new tiered system, with Tier 1 residential-only or mixed-use projects (originally referred to as Other Housing/Mixed Use project) and Tier 2 mixed-use projects (originally referred to as a Qualifying Mixed Use project). Tier 2 mixed-use project standards aim to encourage desired project features (retail and hotel) through incentives to the property owner (added height and decreased parking and open space requirements). State law requires the City to allow a developer to proceed with a Tier 1 residential-only project; therefore, the City hopes to avoid adopting mixed-use project standards that are overly-burdensome or financially infeasible to incentivize a developer to propose a Tier 2 mixed-use project.

The objective design standards focus on design issues important to the successful mixed-use redevelopment of the Capitola Mall. Street and circulation standards would establish a new block pattern with new streets and improvements that maximize connectivity for vehicles, bicycles, and pedestrians. Publicly accessible open space standards require new plazas, parks, and other open space to provide public gathering areas, enhance community identity, and support social interaction. These site layout and design standards focus on the quality of the public realm as the foundation for a successful mall redevelopment project.

The objective design standards aim to ensure that new development at the mall reflects the scale, rhythm, and authenticity of a traditional urban block. Because Capitola does not have a singular architectural style, the standards require varied and distinct façade identities at regular intervals to introduce visual diversity within each block. This approach prevents a large project from appearing monolithic and supports a streetscape character that is consistent with Capitola's eclectic and varied architectural environment.

Building design standards emphasize reducing the perceived mass and box-like appearance of buildings. Buildings over 200 feet in length must include massing breaks and unique facade identities with visually distinct portions of the building frontage. Ground-floor building facades facing a street or publicly accessible open space must include transparent windows, visually prominent entries, and other features to support an active and welcoming pedestrian environment.

The objective design standards do not mandate specific architectural styles and do not include prescriptive standards for roof forms, windows, balconies, and other building elements. Instead, the standards focus on basic element of successful urban design while providing project designers with the flexibility to meet these standards in a variety of different ways. This approach encourages design diversity within a mall redevelopment project as an essential component for authentic placemaking consistent with Capitola's unique identity and sense of place.

CEQA: The Capitola Mall Zoning Code Amendments are exempt from the California Environmental Quality Act (CEQA) pursuant to Public Resources Code 21080.085, which states that "This division does not apply to a rezoning that implements the schedule of actions contained in an approved housing element pursuant to subdivision (c) of Section 65583 of the Government Code." Here, the Housing Element's Program 1.7 sets for a schedule of actions calling for the City to update the Zoning Code to facilitate Mall redevelopment by allowing up to 75 feet in height, excluding parking from FAR calculations, allowing development up to an FAR of 2.0, and adopting objective development standards. Because the proposed Zoning Code amendments implement this schedule of actions, its adoption is exempt from CEQA.

For the General Plan Amendment, the amendments were analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. The amendments bring the Land Use Element into conformance with the adopted Housing Element consistent with the proposed Zoning Code Amendments. There are no proposed changes to the General Plan that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects.

Next Steps: If the Planning Commission recommends the City Council adopt the proposed Zoning Code amendments, the City Council will hold a public hearing to consider the proposed amendments on January 22, 2026. The Planning Commission may also continue the item to the January 15, 2026, Planning Commission meeting, which will likely delay Council review of the amendments until at least February 2026.

Attachments:

1. Draft Resolution Recommending City Council Approval of Proposed General Plan Text Amendment
 - Exhibit A: General Plan Land Use Element Text Amendment
2. Draft Resolution Recommending City Council Approval of Proposed Capitola Mall Zoning Code Amendments
 - Exhibit A: Zoning Code Amendments
 - Exhibit B: LCP Consistency Analysis
3. November 19, 2025 Planning Commission Agenda Packet link:
<https://meetings.municode.com/adaHtmlDocument/index?cc=CAPITOLACA&me=2286edc1a94b46629a2d0ddf7582ae66&ip=True>

Report Prepared By: Ben Noble, Consultant

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT TEXT
AMENDMENT TO THE GENERAL PLAN LAND USE ELEMENT
RESIDENTIAL ACTION LU-9.3 TO BE CONSISTENT WITH PROPOSED
CAPITOLA MALL ZONING CODE AMENDMENTS AND FIND THAT THE
PROJECT'S ENVIRONMENTAL EFFECTS WERE ADEQUATELY ANALYZED
IN A PREVIOUS EIR SUCH THAT CEQA REQUIRES NO SUPPLEMENTAL
OR SUBSEQUENT ENVIRONMENTAL REVIEW**

WHEREAS, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan ("Housing Element") and Addendum to the General Plan Final Environmental Impact Report;

Whereas, on August 30, 2025, the California Department of Housing and Community Development ("HCD") certified the Housing Element;

WHEREAS, Housing Element Program 1.7 states that the City shall revise development standards in the Zoning Code to facilitate residential development on the Capitola Mall property;

WHEREAS, the Planning Commission held work sessions on October 2, October 30, and November 19, 2025 to consider Zoning Code amendments for the Capitola Mall in furtherance of Housing Element Program 1.7;

WHEREAS, on October 8, 2025, the City hosted a community meeting, to receive public input on design standards for residential development on the Capitola Mall property;

WHEREAS, a text amendment to the General Plan Land Use Element Action LU-9.3 is necessary for consistencies with the proposed Zoning Code amendments;

WHEREAS, City staff prepared a text amendment to the General Plan Land Use Element Action LU-9.3 to implement Housing Element Program 1.7 and ensure consistency between the General Plan and Zoning Code;

WHEREAS, notice of the General Plan Amendment and associated Zoning Code Amendment availability was mailed on November 13, 2025, and a public review draft made available on November 26, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the General Plan Amendment was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.7, that would require

major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The General Plan Amendment merely implements Housing Element Program 1.7, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted. No subsequent or supplemental environmental review is required pursuant to CEQA Guidelines Section 15162;

WHEREAS, at a duly noticed public hearing on December 4, 2025, the Planning Commission reviewed the proposed General Plan Amendment at which time it considered all evidence presented, both written and oral.

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

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. Based on substantial evidence in the record, the Amendment is consistent with state and local law, including the Municipal Code subject to approval of the associated Capitola MLL Zoning Code amendments, and the other elements of the General Plan, including the City of Capitola Housing Element.
3. The Planning Commission recommends that the City Council:
 - a. Find that the General Plan Amendment was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA, consistent with CEQA Guidelines section 15162. There are no substantial changes proposed to the Housing Element, including Program 1.7, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.7, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in

the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

b. Adopt a resolution adopting the text amendment to the General Plan Land Use Element as set forth in Exhibit A attached hereto and incorporated herein.

SEVERABILITY

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

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 4th day of December, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____ Katie Herlihy, Community and Economic
Development Director

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~~ ~~excluding~~ 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.

On the Capitola Mall property, a maximum FAR of 2.0 is permitted for residential and mixed-use development that complies with objective standards in the Zoning Code.

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.

RESOLUTION NO. _____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING MUNICIPAL CODE TITLE 17 (ZONING) FOR THE
CAPITOLA MALL PROPERTY, AND FINDING THE PROJECT EXEMPT FROM
CEQA**

WHEREAS, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (“Housing Element”) and Addendum to the General Plan Final Environmental Impact Report;

Whereas, on August 30, 2025, the California Department of Housing and Community Development (“HCD”) certified the Housing Element;

WHEREAS, Housing Element Program 1.7 states that the City shall revise development standards in the Zoning Code to facilitate residential development on the Capitola Mall property;

WHEREAS, the Planning Commission held work sessions on October 2, October 30, and November 19, 2025 to consider Zoning Code amendments for the Capitola Mall in furtherance of Housing Element Program 1.7;

WHEREAS, on October 8, 2025, the City hosted a community meeting, to receive public input on design standards for residential development on the Capitola Mall property;

WHEREAS City staff utilized Planning Commission input and considered public feedback to prepare draft amendments to Municipal Code Title 17 (Zoning) to implement Housing Element Program 1.7;

WHEREAS, notice of the Zoning Code Amendment availability was mailed November 13, 2025, and a public review draft made available on November 26, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Zoning Code Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City’s adoption of the Addendum to the General Plan EIR for the City’s Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.7, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.7, which was studied and

evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

WHEREAS, at a duly noticed public hearing on December 4, 2025, the Planning Commission reviewed the proposed Zoning Code Amendments at which time it considered all evidence presented, both written and oral.

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

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. Pursuant to Capitola Municipal Code Section 17.144.040 and 17.144.060 and based on substantial evidence in the record:
 - a) The proposed Zoning Code Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860. Concurrent with the Amendments, the Planning Commission and City Council will be considering a text amendment to the General Plan Land Use Element to allow without special City Council authorization a maximum 2.0 FAR for residential and mixed-use development that complies with objective standards in the Zoning Code. Adoption of the Amendments will be subject to final City Council approval and adoption of the associated General Plan text amendment.
 - b) The proposed Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
 - c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.
3. The Planning Commission has considered the Amendments' consistency with the certified Local Coastal Program (LCP) and finds the Zoning Code Amendments in conformity with and adequate to carry out the certified Land Use Plan as described in Exhibit C attached hereto and incorporated herein.
4. The Planning Commission recommends that the City Council:
 - a. Find that the Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City's adoption of

the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.7, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.7, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

b. Adopt an ordinance amending Capitola Municipal Code Title 17: Zoning set forth in Exhibit A attached hereto and incorporated herein, subject to the adoption of the associated General Plan text amendment.

SEVERABILITY

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

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 4th day of December, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____

Katie Herlihy, Community and
Economic Development Director

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
 17.24.020 Land use regulations.
 17.24.030 Development standards.
 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola's unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola. (Ord. 1043 § 2 (Att. 2), 2020)

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
—	Use not allowed				
Residential Uses [12]					
Single-Family Dwellings		—	—	—	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Multifamily Dwellings		C [9]	C [9]	–	
Residential Mixed Use		C	C [7]	–	Section 17.24.040
Large Residential Care Facilities		C [9]	C [9]	–	
Accessory Dwelling Unit		A	A		Chapter 17.74
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	–	
Cultural Institutions		C	C	–	
Day Care Centers		M	M	–	
Emergency Shelters		P	–	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		–	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	–	
Car Wash		C	C		
Financial Institutions		See 17.24.020(C)		–	
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	–	
Drive-Through Facilities		–	C [4]	–	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		–	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Take-Out Food and Beverage		M [2]	M [2]	–	
Food Preparation		M [2]	–	P	
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment		C [10]	C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
—	Use not allowed				
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses		See Chapter 17.52			
Home Occupations		P	P	—	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	—	
Community Garden		M	M	—	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36 of this code. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story, except on Capitola Mall Housing Element Sites where ground-floor residential uses are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site, except on Capitola Mall Housing Element Sites where residential-only projects are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use twenty thousand square feet or more requires a conditional use permit.

[12] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

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

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

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

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

Notes:

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

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

2. Existing Office Uses.

a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use; and vacant tenant space where the most recent legal occupant was an office use. The city shall use business license documentation to determine the legal occupancy of tenant space.

b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24-2.

D. Retail Cannabis. A retail cannabis establishment must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. 41st Avenue Frontage. In the C-C zoning district, a retail cannabis establishment must be on a property fronting 41st Avenue.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts, excluding Capitola Mall Housing Element Sites. For development standards that apply to Capitola Mall Housing Element Sites, see Section 17.24.035 (Capitola Mall Redevelopment).

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0 [1]	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft. [1]	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

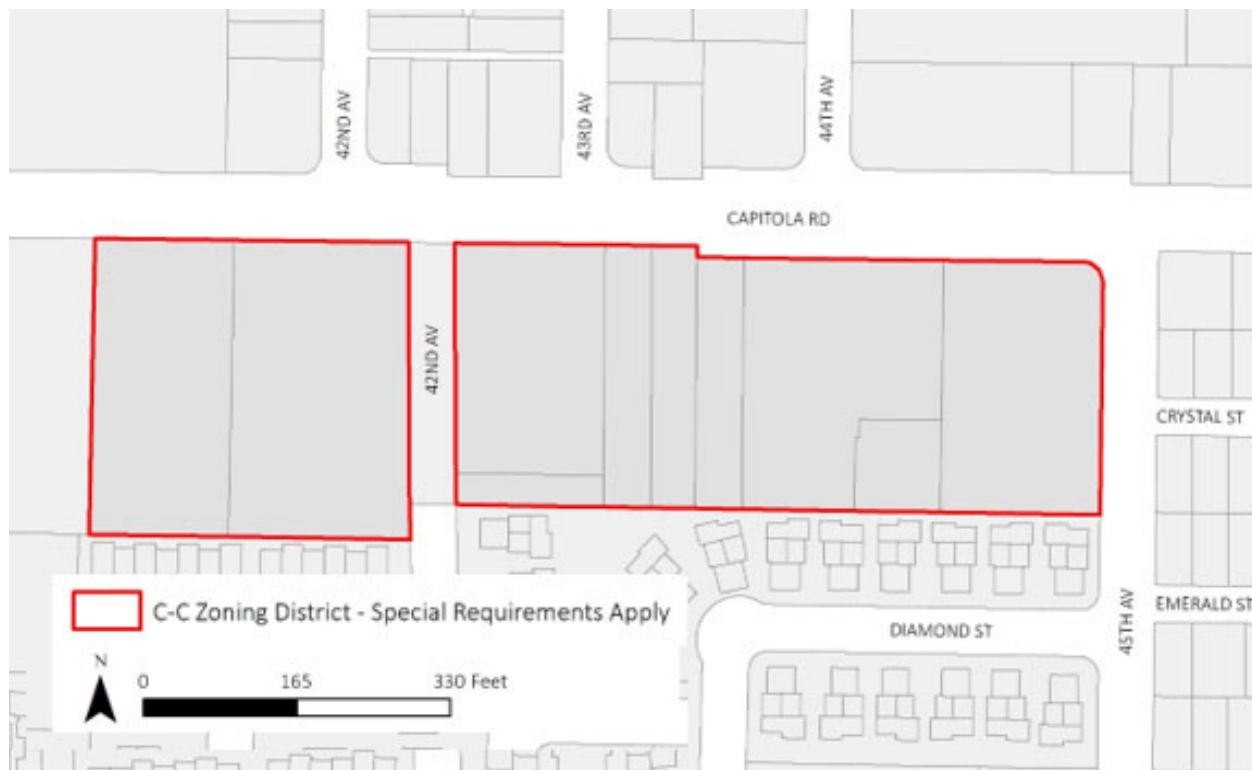
Notes:

[1] Additional building height and FAR allowed for a housing development project that consolidates adjacent housing element opportunity sites. See 17.24.040(J) (Lot Consolidation Incentive).

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures:
 - a. Conceptual Review.
 - i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

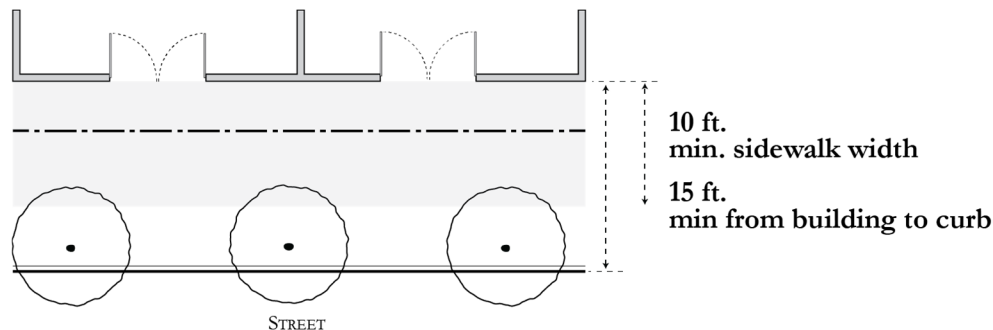
c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.
- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts



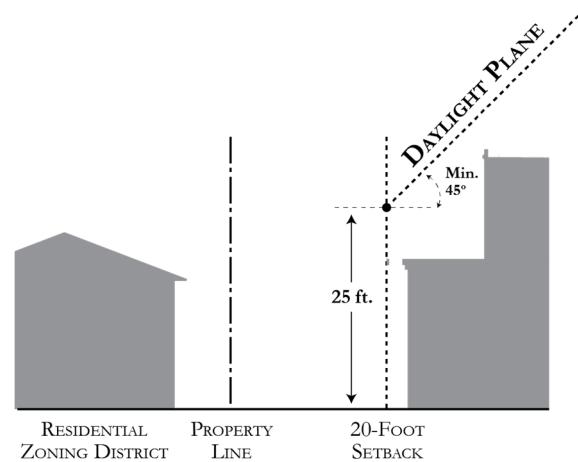
D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

~~F. Reserved. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.~~

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development.

1. Excluding development on the Capitola Mall property. ~~New~~ multifamily dwellings and mixed-use residential development in the C-C and C-R zoning districts must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

2. Residential-only and mixed-use development on the Capitola Mall property shall comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

I. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030(C)(5)(b).

J. Lot Consolidation Incentive. Housing Element Table 4-3 identifies adjacent opportunity sites which are suitable for lot consolidation. Projects in the C-C zoning district that consolidate two or more opportunity sites identified in Housing Element Table 4-3 into a single parcel as part of a housing development project are permitted maximum building height and floor area ratio (FAR) as identified in Table 17.24-4.

Table 17.24-4: C-C Lot Consolidation Bonus

Baseline C-C Standard		Lot Consolidation Allowance	
Height	FAR	Height	FAR
40 ft.	1.0	50 ft.	1.5

K. Micro-Units. A building with micro-units in the C-C or C-R zoning district is permitted a maximum height of fifty feet and a maximum FAR of one and one-half only when:

1. The micro-units are within one-quarter mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21064.3 of the Public Resources Code; and
2. The micro-units constitute fifty percent or more of the total number of units in the building. (Ord. 1066 § 2 (Att. 1), 2024; Ord. 1057 § 2 (Att. 1), 2022; Ord. 1053 § 3, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.24.035 Capitola Mall Redevelopment

A. Purpose. This section establishes standards to facilitate residential and mixed use development on the Capitola Mall Housing Element Sites in accordance with the General Plan Housing Element.

B. Applicability. This section applies to all proposed development projects with new residential and/or mixed uses on a Capitola Mall Housing Element Site.

C. Definitions. Terms used in this section are defined as follows.

1. “Affordable housing requirement” means a minimum of 15 percent of the dwelling units are deed restricted affordable to lower income households and a minimum of 5 percent of the units are either deed restricted affordable to moderate income households or studio units with a kitchen and living space but without a separate bedroom.
2. “Core area” means all areas on the Capitola Mall property that are not in the perimeter zone.
3. “Tier 1 project” means all proposed development projects with new residential uses that do not meet the “Tier 2 mixed-use project” definition in this section.
4. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
5. “Perimeter zone” means all areas on the Capitola Mall property that are within 125 feet of a property line abutting 41st Avenue, Capitola Road and Clares Street.
6. “Tier 2 mixed-use project” means a proposed mixed-use development project with all of the following:
 - a. Residential development that meets or exceeds the affordable housing requirements as defined in this section.
 - b. A qualifying hotel.
 - c. 40,000 square feet or more of new commercial space, which may consist of substantially improved existing commercial space which includes both full interior and exterior tenant improvements.
7. “Qualifying hotel” means a hotel with a minimum of 85 rooms and a minimum of 3,500 square feet of meeting space and conference facilities.

D. Development Standards.

1. General. Table 17.24-6 identifies the development standards that apply to development on a Capitola Mall Housing Element Site.

Table 17.24-6: Mall Redevelopment Development Standards

	<u>Tier 1 Projects</u>	<u>Tier 2 Mixed-Use Projects</u>
<u>Floor Area Ratio</u>	<u>2.0</u>	<u>2.0</u>
<u>Height, Maximum</u>		
<u>Perimeter Zone</u>	<u>55 ft.</u>	<u>65 ft. [1]</u>
<u>Core Zone</u>	<u>75 ft.</u>	<u>85 ft.</u>
<u>Open Space</u>	<u>5% of site area [2]</u>	<u>2.5% of site area [2]</u>
<u>Density</u>		
<u>Minimum</u>	<u>20 du/ac</u>	<u>20 du/ac</u>
<u>Maximum</u>	<u>48 du/ac</u>	<u>48 du/ac</u>
<u>Setbacks</u>	<u>See Chapter 17.57</u>	<u>See Chapter 17.57</u>

Notes:

[1] A qualifying hotel with a height up to 85 feet is allowed in the perimeter zone.

[2] See Section 17.57.040.B (Publicly Accessible Open Space) for open space landscaping requirements.

2. Parking. Minimum on-site parking spaces shall be provided as follows:

a. Tier 1 Projects: As required by Chapter 17.76 (Parking and Loading).

b. Tier 2 Mixed-Use Projects: As shown in Table 17.24-7 for residential uses. For non-residential uses, as required by Chapter 17.76 (Parking and Loading).

Table 17.24-7: Required Residential Parking for Tier 2 Mixed-Use Projects

<u>Unit Size</u>	<u>Minimum Spaces per Unit</u>
<u>Studio</u>	<u>0.8</u>
<u>1 bedroom</u>	<u>1.0</u>
<u>2 bedroom</u>	<u>1.6</u>
<u>3 bedroom</u>	<u>2.0</u>

2. Floor Area Ratio. All structured parking and hotels are excluded from the floor area used to calculate a project's FAR.

3. Height Projections.

a. Up to fifteen percent of the total building frontage along a perimeter or interior street may include architectural features and building infrastructure that project up to 10 feet above the maximum permitted building height identified in Table 17.24-5.

b. Permitted height projections include the following:

i. Corner building elements.

ii. Tower or vertical accent features.

iii. Parapets or roofline projections with distinctive architectural treatment.

iv. Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure.

4. Objective Standards. Development on the Capitola Mall property shall comply with the requirements in Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

5. Inclusionary Housing Requirement. New residential development on a Capitola Mall Housing Element Site shall comply with the affordable housing requirement described in Subsection C (Definitions) above and is not subject to the City's inclusionary housing ordinance in Municipal Code Chapter 18.02 (Affordable (Inclusionary) Housing).

6. Density – Other Mall Parcels. The maximum residential density on Capitola Mall parcels not included in the Housing Element Sites Inventory (APNs 034-261-07 and 034-261-52) is 20 dwelling units per acre.

D. Land Use Regulations. All land use regulations and permit requirements in Section 17.24.020 (Land Use Regulations) apply to development with new residential uses on Capitola Mall Housing Element Site, except as follows:

1. Within a Tier 2 mixed-use project, the following land uses are permitted “P” uses provided that they do not exceed 50 percent of the total floor area of the project:

a. All hotels.

b. All retail uses.

c. Eating and drinking establishments, excluding bars and lounges.

d. Commercial entertainment and recreation excluding such uses with an ancillary bar or lounge.

e. Cultural institutions

2. All residential development, with or without a new commercial component, is allowed with a conditional use permit.

3. On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

E. Fiscal Impact Analysis.

1. **When Required.** A Fiscal Impact Analysis (FIA) is required in connection with the application for any proposed development project with new residential uses on the Capitola Mall property.

2. **Contents of Fiscal Impact Analysis.** Each FIA shall include, at a minimum:

a. An estimate of the incremental change to annual recurring revenues and expenditures to the City generated by the project at buildout, including but not limited to property tax, sales tax, transient occupancy tax, and service costs (police, public works, parks, administration).

b. Identification of any net fiscal surplus or deficit to the City's General Fund and special revenue funds over 10, 15, and 20-year horizons.

c. A description of proposed mitigation measures or financing mechanisms (e.g., community facilities district, development agreement contributions) to offset any projected negative fiscal impact.

d. Supporting assumptions, data sources, and methodology.

3. Review and Approval.

- a. The applicant shall submit for City review a FIA prepared by a qualified economic consultant concurrently with the applicant's submittal of a development application.
- b. The applicant's FIA shall be peer reviewed by a qualified independent economic consultant hired by the City and funded by the applicant.
- c. Based on the results of the peer and City review of the FIA, the City may require revisions to the FIA analysis assumptions, data sources, and methodology.
- d. The City shall consider the findings of the FIA when reviewing and acting on the proposed development project.

4. Relationship to Other Requirements. The FIA requirement is in addition to, and does not replace, any environmental or infrastructure impact analyses required under CEQA, this title, or other applicable law.

F. Permit Application and Review. A proposed project with new residential uses on a Capitola Mall Housing Element Site is subject to the permit application and review requirements in Zoning Code Part 4 (Permits and Administration) except as modified below.

1. Applicant Community Meeting.

- a. Meeting Required. The applicant shall host a community meeting for the proposed project to:
 - i. Notify the community that an application has been or soon will be submitted to the City;
 - ii. Allow the community to share with the applicant comments about the project; and
 - iii. Create an opportunity for the applicant to consider these comments before finalizing the application to the City review and action.
- c. Timing.
 - i. The City will deem the application complete only after the applicant has hosted the community meeting.
 - ii. The meeting shall be held during evening hours or on a weekend.
- d. Notice Method. At least 10 days prior to the community meeting, the applicant shall notify the community and the City by:
 - i. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;
 - ii. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on each street frontage along the subject property; and
 - iii. Emailing and mailing notice to the City of Capitola Community and Economic Development Department.
- e. Notice Contents. The notice shall:
 - i. State the date, time, and location of the community meeting;
 - ii. Describe the proposed project;
 - iii. Describe the meeting purpose; and

iv. Provide a contact phone number and email address of the applicant or agent.

f. Meeting Materials and Agenda. At the meeting the applicant shall share the project plans and answer questions about the proposed project.

g. Information to City. The applicant shall submit to the City the following information and materials:

i. A copy of the public notice mailed and posted for the meeting; and

ii. A copy of the information presented and made available (in all formats) by the applicant at the meeting.

2. Application Review and Action.

a. The Planning Commission shall review the proposed project at a noticed public hearing and recommend that the City Council approve, approve with conditions, or deny the proposed project.

b. After receiving the Planning Commission's recommendation, the City Council shall review and act on the proposed project at a noticed public hearing.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola. These standards do not apply to the Capitola Mall property.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.

2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. 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 colors; and
- d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. **Storefront Width.** The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. **Ground-Floor Building Transparency.** 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 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. 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.

Figure 17.24-4: Storefront Transparency



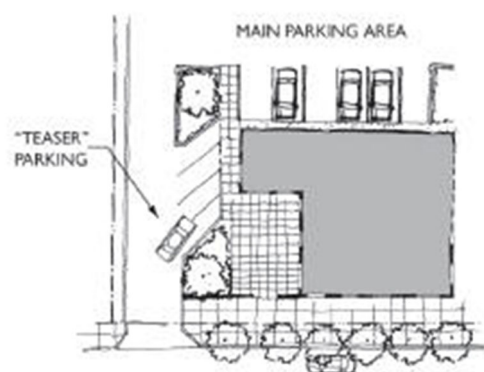
7. **Retail Depth.** Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. **Ground-Floor Height.** Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. **Parking Location.** No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. **Driveways and Curb Cuts.** Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

(Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.57 – Objective Design Standards for Capitola Mall Redevelopment

Sections:

- 17.57.010 ____ Purpose
- 17.57.020 ____ Applicability
- 17.57.030 ____ Definitions
- 17.57.040 ____ Permits and Deviations
- 17.57.050 ____ Standards

17.57.010 Purpose

This chapter contains objective design standards for multifamily residential, residential mixed-use, commercial, and hotel development projects on the Capitola Mall property. These standards are intended to provide a set of clear, objective, and measurable standards to ensure Capitola Mall redevelopment projects exhibit high-quality design that enhances Capitola’s unique identity and sense of place, allow for economically feasible housing development, and maintains the regional commercial district’s role as a long-term revenue generator that sustains essential services for residents.

17.57.020 Applicability

- A. The design standards in Section 17.57.050 of this chapter apply to all development and redevelopment on the Capitola Mall property except for the following:
 - 1. Tenant improvements to existing buildings with no increase in building floor area.
 - 2. Additions to existing buildings that increase building floor area by less than 20,000 square feet or 50 percent of the existing building floor area, whichever is less.
- B. As noted in this chapter, certain standards apply only to “mall redevelopment projects” with new residential uses, while other standards apply to projects with any land, including commercial-only development.

17.57.030 Definitions

Terms used in this chapter are defined in Chapter 17.160 (Glossary) and as follows. If a definition below is different from a definition for the same term in Chapter 17.160, the definition below controls for purposes of interpreting the requirements of this chapter.

- A. “Internal street” means any new street established on the Capitola Mall property as part of a development project.
- B. “Mall redevelopment project” means any development project on the Capitola Mall property that adds a new residential use. A mall redevelopment project includes both residential-only projects without new commercial uses and mixed-use projects with both new residential and non-residential uses.
- C. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
- D. “Publicly accessible open space” means an area of land or building space that is designed and improved for public use and enjoyment, and that is permanently open and accessible to the general public without charge during normal operating hours.
- E. “Residential mixed-use” means a development project with new residential uses and new commercial uses on the development site.

- F. “Residential use” means the use of land or structures for dwelling purposes, including the provision of living, sleeping, cooking, and sanitation facilities for one or more persons.

17.57.040 Permits and Deviations

A. Permits Required.

1. A design permit is required for development on the Capitola Mall property requires as specified in Section 17.120.030 (When required).
2. The design permit review criteria for a Mall redevelopment project is limited to project conformance with applicable objective standards. The City shall not consider and is not required to make design permit findings in Section 17.120.080 (Findings for approval).
3. Additional permits and approvals may also be required as determined by the scope and nature of the proposed development.

B. Deviations.

1. An applicant may request deviation from one or more standards in this chapter through the design permit process. The planning commission may approve a deviation upon finding that:
 - a. The project incorporates an alternative method to achieve the intent statement that proceeds the standard; and
 - b. The requested is needed due to unique site conditions and/or to provide for a superior project design.
2. A project requesting a deviation is not eligible for streamlined approval under Government Code Section 65913.4, Government Code Chapter 4.1, or other state law providing a ministerial approval process for qualifying projects.

17.57.050 Standards

A. Streets and Circulation.

1. **Intent.** The intent of the streets and circulation standards is to:
 - a. Establish a block pattern on the mall property that maximizes connectivity for vehicles, bicycles, and pedestrians;
 - b. Provide for infrastructure improvements that enable and encourage residents to walk, bike and take public transit to destinations; and
 - c. Create an active and inviting public realm that supports pedestrian activity, economic vitality, and social interaction.
2. **Standards.**
 - a. **New Streets Intersecting Mall Property Boundary.**
 - (1) **Capitola Road.** A mall redevelopment project on APN 034-261-40 shall establish a new street intersecting Capitola Road that aligns and connects with 38th Avenue.
 - (2) **Clares Street.** A mall redevelopment project on APN 034-26-153 shall establish a new street intersecting Clares Street that aligns and connects with 40th Avenue.
 - (3) **41st Avenue.** A mall redevelopment project on APN 034-26-137 shall establish a new street intersecting 41st in the same location as the signalized intersection providing vehicular access to the Capitola Mall from 41st Avenue existing as of January 1, 2026.

(4) **Additional Streets.**

- (a) A mall redevelopment project shall establish new streets beyond those specified above as needed to comply with the maximum block length standard in Paragraph d (Maximum Block Lengths) below.
- (b) New streets are required only on parcels on which mall redevelopment occurs.

b. **Internal Street Connectivity.**

- (1) A mall redevelopment project shall create new streets that provide a vehicular connection between all perimeter streets abutting the development site.
- (2) A mall redevelopment project application shall include a circulation diagram that shows how future potential streets on adjacent parcels can:
 - (a) Connect to new streets on the development site; and
 - (b) Provide a vehicular connection to perimeter streets that do not abut the development site.
- (3) New streets shall be designed to allow for connections to existing internal circulation and future internal streets on adjacent properties within the mall block.
- (4) Where an adjacent property within the mall block was previously redeveloped, a mall redevelopment project shall provide one or more vehicular connection between the development site and the adjacent property.
- (5) If a new internal street cannot yet connect to an existing public street or other public way, the property owner may temporarily restrict public access to that street until such a connection becomes feasible through future adjacent development. Once a connection to another public street or public way is established, the internal street shall be opened for public use. The property owner shall remove any gates or other physical barriers, install signage indicating that the street is open to the public, and grant a public access easement to ensure permanent, unrestricted public access.
- (6) If the parcel on which mall redevelopment will occur contains an existing street, pedestrian path, or other public connection, that connection will be preserved or replaced on the parcel to maintain public access and circulation through the property.
- (7) In all areas of the Capitola Mall property, where a project site includes an existing street or other public connection, this public connection will be maintained or relocated within the project site.
- (8) The City may grant an exception to the standards in this Paragraph b (Internal Street Connectivity) in cases where existing structures and improvements physically preclude compliance with these standards.

c. **Street Standards.** All streets shall comply with street design standards and requirements of the City of Capitola, the Central Fire District of Santa Cruz County, and applicable state and federal design guidance (e.g., Caltrans Complete Streets Guide and Caltrans Bikeway Facility Design Manual) and may be supplemented by adopted City circulation or streetscape plans.

d. **Maximum Block Lengths.**

- (1) Mall redevelopment shall include new streets with a maximum block length of 450 feet along any block face, measured along the edge of curb between intersecting streets.
- (2) Maximum block length standards apply to blocks abutting a perimeter street and blocks internal to the mall property that do not abut a perimeter street.

- (3) The City may grant a 25 percent increase to the maximum block length standard in Paragraph 1 above in cases where compliance with the standard is infeasible due to the location of existing structures and improvements that will remain on the property.

e. **Pedestrian and Bicycle Circulation.**

- (1) A mall redevelopment project shall include a network of pedestrian and bicycle facilities that connect all new and existing buildings on the site to each other, to publicly-accessible open space areas, to commercial uses on adjacent properties, and to perimeter streets.
- (2) All pedestrian and bicycle facilities shall comply with the City of Capitola Public Improvement Design Standards, adopted City circulation or streetscape plans, and applicable state and federal design guidance including but not limited to the Caltrans Complete Streets Design Guidance and the Caltrans Bikeway Facility Design Manual.
- (3) The following requirement applies when an internal street is established that connects two abutting perimeter streets:
- (a) At least one continuous bike lane or path shall also connect the two abutting perimeter streets.
- (b) For any portion of the internal street that abuts ground-floor commercial uses, sharrows may be provided as an alternative to the bike lane or path.

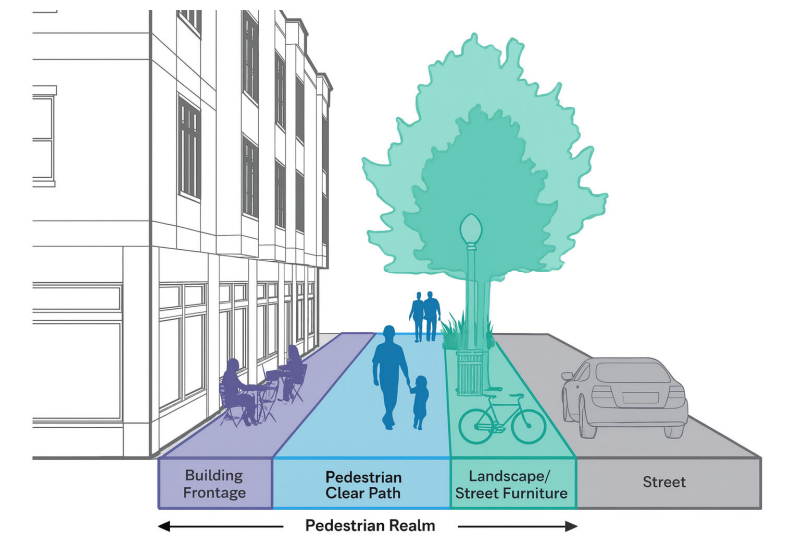
f. **Circulation Plans.**

- (1) A mall redevelopment project application shall provide vehicular, bicycle, and pedestrian circulation plans that show the location of all streets, bicycle facilities, and pedestrian walkways on the development site and demonstrate compliance with all applicable standards.
- (2) The vehicular circulation plan shall include street sections specifying travel lane widths and pedestrian improvements consistent with Paragraphs g (Internal Street Frontages) and h (Perimeter Street Frontages) below.

- g. **Internal Street Frontages.** All internal streets shall provide a pedestrian realm between the street curb and the adjacent building. The pedestrian realm shall include a building frontage zone, pedestrian clear path, and landscape/street furniture zone that comply with the minimum dimensions in Table 17.57-1 and Figure 17.57-1.

Table 17.57-1: Internal Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	<u>4 ft.</u>
<u>Pedestrian Clear Path</u>	<u>8 ft.</u>
<u>Landscape/Street Furniture Zone</u>	<u>4 ft.</u>

Figure 17.57-1: Pedestrian Realm

(1) **Building Frontage Zone.**

- (a) The building frontage zone is the land area between a building and a sidewalk or pedestrian pathway.
- (b) The building frontage zone adjacent to a ground-floor residential uses shall be landscaped, except for:
 - i. Areas required for vehicular or pedestrian access to the property; and
 - ii. Areas for residential patios, porches, stoops, stair landings, and other similar entry features.
- (c) A residential building frontage zone may include green stormwater infrastructure to comply with Municipal Regional Stormwater Permit requirements.
- (d) The building frontage zone for ground-floor commercial uses shall comply with the following:
 - i. The frontage zone for ground-floor commercial uses may be used for outdoor dining and seating and may contain landscaping and/or raised planter boxes.
 - ii. The paving surface in the frontage zone shall be distinct to the length of the building facade.
 - iii. The paving surface in the frontage zone shall be visually distinct from the sidewalk and shall extend the full length of each building frontage. Variation in paving materials, colors, or patterns may occur between individual commercial tenant spaces.

(2) **Pedestrian Clear Path.** The developer shall install a sidewalk with the minimum pedestrian clear path shown in Table 17-57-1. The sidewalk shall be constructed consistent with the City of Capitola Public Improvement Design Standards.

(3) **Landscape/Street Furniture Zone.**

- (a) **Street Trees.** Street trees shall be provided within the landscape/street furniture zone as follows:
 - i. Spacing between trees: maximum 30 feet on center.
 - ii. Tree well size: minimum 4 feet each direction.
 - iii. Planter well surfacing: tree grates, permeable pavers, decomposed granite, understory plants, or similar treatments as determined by City.
 - iv. Street tree selection: tree species shall be selected from the City of Capitola recommended tree list or in consultation with the City. Street tree species shall be consistent along each street.
- (b) **Street Furnishings.** Furnishings such as bicycle racks, seating, and trash receptacles shall be provided in the landscape/street furniture zone consistent with the following standards.
 - i. Furnishings shall maintain a minimum 5-foot clearance around driveways, fire hydrants, and transit stops.
 - ii. Bicycle racks shall be inverted-U or post-and-loop style, securely anchored, and capable of supporting the frame in two points of contact.
 - iii. Seating/benches shall feature a minimum depth of 18-20 inches, height of 17-19 inches, and length of 4-6 inches.
 - iv. Trash receptacles shall have a minimum 30-gallon capacity with lids to control litter and stormwater entry.
 - v. Furnishing colors and materials shall be selected in consultation with the City to be durable, vandal resistant, and low maintenance.
- (c) **Green Infrastructure.** Green stormwater infrastructure to capture and treat runoff may be incorporated into the landscape/street furniture zone to comply with the Municipal Regional Stormwater Permit requirements. Consolidated shared treatment areas are also allowed in other locations on the site.
- (d) **Pedestrian Lighting.** Pedestrian lighting shall be provided in the landscape/street furniture zone consistent with the following standards.
 - i. Fixtures shall have a mounting height of 12 to 16 feet.
 - ii. All luminaires shall be full-cutoff or shielded to prevent glare and light spillover.
 - iii. Light poles shall be located a minimum of 2 feet behind the curb.
 - iv. Poles shall maintain a minimum 5-foot setback from driveways, intersections, and other furnishings.
 - v. Light poles shall be spaced 40 to 60 feet on center, generally staggered on both sides of the street.
 - vi. Lighting shall not obstruct the pedestrian through-zone or accessibility features such as curb ramps.
 - vii. A minimum vertical clearance of 7 feet shall be maintained above all sidewalks.
 - viii. Light poles and fixture shall comply with City standard specifications and shall be selected to be durable, vandal resistant, and low maintenance.
- h. **Perimeter Street Frontages.**

- (1) A mall redevelopment project abutting a perimeter street shall install the required street frontage improvements identified in City of Capitola Corridor Plan for 41st Avenue, Capitola Road, and Clares Street and as shown in Table 17-57-2.

Table 17.57-2: Perimeter Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	<u>6 ft.</u>
<u>Pedestrian Clear Path</u>	<u>8 ft.</u>
<u>Landscape/ Street Furniture Zone</u>	<u>6 ft.</u>

- (2) The building frontage zone abutting a perimeter street shall be landscaped, except for:
- (a) Areas required for vehicular or pedestrian access to the property;
 - (b) Areas for residential patios, porches, stoops, stair landings, fire escapes, and other similar entry features;
 - (c) Publicly accessible open space; and
 - (d) Courtyards, outdoor seating areas, and other similar outdoor spaces serving a commercial use.
- (3) If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum frontage improvement standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.
- (4) Required perimeter street frontage improvements shall be installed for the entire parcel frontage when one or both of the following occur:
- (a) Redevelopment occurs on the parcel.
 - (b) The parcel area is included in the calculation of the development project's maximum permitted density.

B. Publicly Accessible Open Space

1. Intent. The intent of the publicly accessible open space standards is to:

- a. Establish a cohesive network of plazas, parks, and other open spaces that provide gathering areas, connection to nature, and visual relief within the urban environment;
- b. Ensure that open spaces are designed for comfort, accessibility, and year-round use by people of all ages and abilities; and
- c. Create a connected and vibrant public realm that enhances community identity, supports social interaction, and contributes to the overall livability of a mall mixed use redevelopment project with high density housing.

2. Standards.

- a. **When Required.** A mall redevelopment project shall provide publicly accessible open space as required by this section.
- b. **Permitted Types.** Required publicly accessible open space may be provided in the form of plazas, squares, parks, parklets, and paseos/pedestrian paths as described below.
 - (1) **Plaza:** A plaza is primarily composed of hardscape surfaces, designed to support social gathering, pedestrian activity, and civic life within an urban context.

- (2) **Square:** A square is intended for everyday use and community events with a predominantly landscaped or lawn surface for recreation, relaxation, and public assembly functions.
- (3) **Park:** A park is primarily composed of landscape and natural elements for recreation, leisure, and ecological functions with landscaped green areas, tree canopy, and opportunities for passive and active recreation.
- (4) **Parklet:** A parklet is a small-scale space providing a place for rest, social interaction, and greenery within an urban or commercial environment.
- (5) **Paseo/Pedestrian Path:** A paseo/pedestrian path is a publicly accessible pedestrian passageway that provides a connection between streets and open spaces within an urban block.
- c. **Total Amount.** The minimum amount of publicly accessible open space shall be:
 - (1) 2.5 percent of project site area for a Tier 2 mixed-use project as defined in Section 17.24.035.C (Definitions); and
 - (2) 5 percent of project site area for a Tier 1 as defined in Section 17.24.035.C (Definitions).
- d. **General Standards.** The following standards apply to all required publicly accessible open spaces:
 - (1) For all open space in a Tier 2 mixed-use project a minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs. A minimum of one tree shall be planted per 400 square feet of the open space area.
 - (2) For Tier 1 projects, a minimum of 50 percent of the required open space shall be landscaped.
 - (3) The open space shall be publicly accessible for a minimum 12 consecutive hours per day or during daylight hours, whichever is longer.
 - (4) The open space shall be directly accessible and visible from a public right-of-way.
 - (5) The open space shall have a minimum area of 3,000 square feet and a minimum dimension of 20 feet in any direction.
 - (6) The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).
 - (7) The open space shall include lighting for nighttime use.
- e. **Ownership and Maintenance.**
 - (1) Publicly accessible open space must be either be:
 - (a) Offered as dedication to the City with an associated maintenance funding mechanism acceptable to the City (such as a Community Facilities District or other equivalent arrangement); or
 - (b) Privately owned and maintained with dedication of a public access easement.
 - (2) In all cases, publicly accessible open spaces shall be maintained at no public expense.
- f. **Central Gathering Place.**
 - (1) A project on a development site greater than 10 acres must include a central gathering place that:
 - (a) Supports civic and commercial activities such as farmers' markets, performances, and seasonal events; and
 - (b) Serves as a flexible gathering space for all ages and abilities.
 - (2) The minimum size of the central gathering place is 12,000 square feet.

- (3) The central gathering place shall be a plaza, square, or park (Tier 1 projects only) and must include the following:
 - (a) Street trees along adjacent sidewalks.
 - (b) Vehicle traffic limited to no more than three sides of the plaza/square.
 - (c) Traffic-calming features such as crosswalks, pedestrian-oriented intersections and landscaped buffers.
 - (d) Furnishings such as benches, chairs, tables and drinking fountains.
 - (e) Awnings and coverings, either attached to buildings or freestanding, to provide weather protection.
 - (f) Features that encourage and accommodate public gathering, such as pavilions, kiosks, bandstands, and public art.
 - (4) For a Tier 2 mixed-use project, the central gathering place must be a plaza or square and must either:
 - (a) Contain retail pavilions with terraces and outdoor seating to accommodate dining, gathering, and public activities; or
 - (b) Include retail, restaurants, or other active ground-floor commercial uses fronting at least one side of the square.
 - (5) A plaza/square for a Tier 2 mixed-use project must include landscaping as follows:
 - (a) A minimum of 20 percent of the plaza/square landscaped with any combination of living plants, trees, shrubs, or grass. Required landscaping may be provided in raise planters.
 - (b) A minimum of one tree per 1,000 feet of square area, excluding street trees. If a large signature tree is provided with an expected canopy greater than 40 feet diameter, this tree may count as two trees toward the requirement.
- g. **Paseo/Pedestrian Path.** A paseos/pedestrian path may count towards minimum required public open space if it complies with the following standards.
- (1) The paseo/pedestrian path must comply with all standards in 17.57.050.B.2.d (General Standards).
 - (2) Minimum width (building-to-building):
 - (a) Minimum 20 feet for all conditions.
 - (b) For any segment of a paseo/pedestrian path with adjacent buildings greater than 35 feet in height, the building-to-building dimension shall not exceed an average building height to width ratio of 1.5 to 1. For example, a 35-foot building height requires a 23.3-foot path width and a 65-foot building height requires a 43.3-foot path width. However, the minimum required building-to-building width shall not exceed 50 feet regardless of adjacent building heights.
 - (3) Minimum clear pedestrian walkway width: 8 feet.
 - (4) Minimum public access easement width: 8 feet or one-third of overall width, whichever is greater.
 - (5) Residential stoops, porches and similar entry features may encroach up to 3 feet into the paseo/pedestrian path, provided a continuous 8-foot minimum clear walkway is maintained.

C. Parking and Vehicle Access.

1. **Intent.** The intent of the parking and vehicle access standards is to:
 - a. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting public realm;
 - b. Minimize the visual dominance of parking facilities visible from the street frontage; and
 - c. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.
2. **Standards.**
 - a. **Surface Parking Lots.**
 - (1) A mall redevelopment project may not establish a new surface parking lot between a new building and a perimeter street.
 - (2) Existing surface parking lots located between a building and a perimeter street may continue to be used by new and existing uses.
 - (3) Existing surface parking lots may be reconfigured as necessary to facilitate connectivity to new streets or land uses part of a mall redevelopment project.
 - (4) Frontage improvements between an existing surface parking lot and a perimeter street shall be provided as required by Section 17.57.050.A.2.h.
 - b. **Internal Street Driveways.**
 - (1) The maximum width of a driveway crossing an internal street sidewalk is 12 feet for a one-car driveway and 22 feet for a two-car driveway. Greater driveway width is allowed to comply with fire district standards.
 - (2) A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of lineal internal street frontage. Deviation from this standard is allowed to comply with fire district standards.
 - c. **Street-Facing Garages Serving Individual Units.** Street-facing garages serving individual units (e.g., front-loaded townhomes) are not allowed.
 - d. **Structured Parking.** The following standards apply to stand-alone parking structures and structured parking incorporated into a building.
 - (1) Except for vehicle and pedestrian entrances to the garage, all parking garages shall be concealed from public street view by:
 - (a) Lining the street-facing portion of the parking garage with a residential or commercial use with a minimum depth of 20 feet; or
 - (b) Incorporating facade treatments that fully screen all internal vehicle parking facilities from view. Screening elements shall include architectural detailing, glazing, louvers, or other materials that provide visual depth and interest. Solid, unarticulated concrete walls or blank façades are not permitted.
 - (2) Parking garage vehicle entrances facing the street shall be no more than 24 feet wide. Garage entries to loading and utility/service areas shall not exceed 30 feet in width.
 - (3) Partially sub-grade parking shall not have an exposed facade that exceeds 5 feet in height above abutting grade at back of sidewalk.
 - (4) Partially sub-grade parking shall include a landscaped planter between the street and the garage facade. The planter shall be at least 4 feet wide with a planting height and vegetative cover sufficient to fully screen the podium edge and ventilation openings from view. At maturity, plantings shall comprise a minimum of 75 percent of the total landscape planter area.

- e. **Loading and Servicing.** Loading docks and service areas are prohibited on building frontages abutting a street, a publicly-accessible pedestrian path, or publicly-accessible open space.

D. Building Placement and Orientation.

1. **Intent.** The intent of the building placement and orientation standards is to:
 - a. Ensure that new buildings adjacent to perimeter streets are appropriately integrated into the surrounding community fabric;
 - b. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and
 - c. Support cohesive neighborhoods and social interaction internally and along perimeter streets through building placement and orientation.
2. **Standards.**
 - a. **Perimeter Street Setbacks.** The ground-level of a building that abuts a perimeter street shall be setback from the property line as required to comply with perimeter street frontage standards in 17.57.050L.A.2.h (Perimeter Street Frontages).
 - b. **Interior Street Setbacks.** The ground-level of a building that abuts an interior street shall be setback from the street curb as necessary to accommodate the pedestrian realm improvements specified in 17.57.050L.A.2.g (Internal Street Frontages).
 - c. **Upper-Level Projections** Building elements such as bay windows, turrets, or other architectural features intrinsic to the building structure may project into required building frontage zone, subject to the following:
 - (1) Maximum projection into building frontage zone: 3 feet.
 - (2) The bottom of the architectural feature shall be a minimum of 10 feet above grade for residential frontages and 12 feet above grade for commercial frontages.
 - (3) No more than 50 percent of the facade area may have these elements project into the building frontage zone.
 - d. **Entrance Orientation.**
 - (1) Primary building entrances shall face an adjacent street, publicly accessible pathway, or publicly accessible open space.
 - (2) A pedestrian walkway shall provide a connection between the adjacent sidewalk and all building entrances. The walkway shall have a minimum width of 4 feet for individual unit entrances and 6 feet for shared entrances.

E. Building Massing.

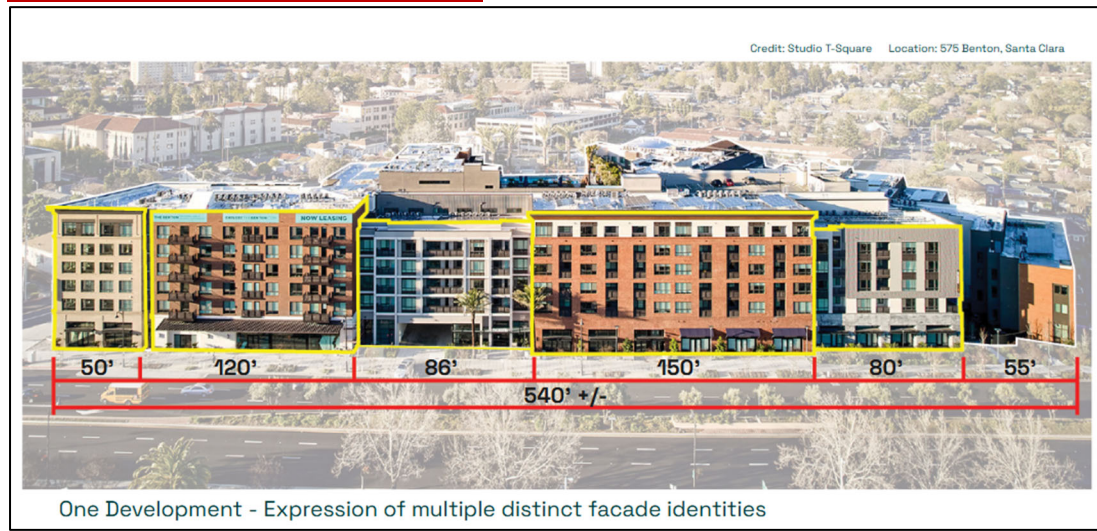
1. **Intent.** The intent of the building massing standards is to:
 - a. Break down large building volumes to reduce the perceived mass and box-like appearance of buildings;
 - b. Create visual interest on street-facing building facades; and
 - c. Minimize impacts on adjacent lower-intensity uses outside of the Capitola Mall property.
2. **Standards.**
 - a. **Maximum Building Length.** The length of a building, measured parallel to the adjoining street or publicly accessible open space, shall not exceed 450 feet.

b. **Massing Breaks.**

- (1) Buildings facing a street or publicly accessible open space shall provide massing breaks as follows:
 - (a) Buildings less than 200 feet in length: none required.
 - (b) Buildings 200 to 300 feet in length: minimum one required.
 - (c) Buildings 300 to 400 feet: minimum two required.
 - (d) Buildings 400 to 450 feet: minimum three required.
 - (2) Required massing breaks shall feature a horizontal change in the building plane with a minimum width of 12 feet and a minimum depth of 12 feet.
 - (3) The change in building plane shall extend from the finished ground floor through the full height of the building including breaking the roof plane.
- c. **Building Height.** See Section 17.24.035 (Capitola Mall Redevelopment) for maximum building height standards, including building height limitations adjacent to perimeter streets.

F. **Facade and Roof Design.**

1. **Intent.** The intent of the facade and roof design standards is to:
 - a. Support an active and welcoming pedestrian environment;
 - b. Create street-facing building facades that are varied and interesting with human-scale design details;
 - c. Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
 - d. Ensure that new development reflects the scale, rhythm, and authenticity of a traditional urban block;
 - e. Reflect Capitola's diverse architecture with varied and distinct façade identities at regular intervals within each block; and
 - f. Prevents a large project from appearing monolithic.
2. **Standards.**
 - a. **Unique Facade Identities.**
 - (1) A facade identity is a visually distinct portion of the building frontage characterized by a unique combination of massing, materials, colors, architectural expression, and window rhythm that differentiates it from adjacent portions of the building frontage. See Figure 17.57-2.

Figure 17.57-2: Unique Facade Identities

- (2) A building facade greater than 200 feet facing a street or publicly accessible open space shall include multiple unique facade identities as shown in Table 17.57-3:

Table 17.57-3: Required Distinct Facade Identities

<u>Building Length</u>	<u>Minimum Facade Identities Required</u>
<u>> 200 ft and ≤ 300 ft</u>	<u>2 facade identities</u>
<u>> 300 ft and ≤ 400 ft</u>	<u>3 facade identities</u>
<u>> 400 ft and ≤ 450 ft</u>	<u>4 facade identities</u>

- (3) To qualify as a distinct facade identity, each identity must incorporate all of the following differentiating elements:
- (a) A materially different primary cladding.
 - (b) A contrasting color palette.
 - (c) A distinct window pattern or rhythm.
 - (d) Distinct building facade modulation patterns and forms (e.g., changes in patterns of building wall recesses and projections).
 - (e) Varied Roof/building height.
 - (f) A unique ground-floor treatment (e.g., storefront articulation, residential stoops).
- (4) Each unique facade identity shall comply with the following:
- (a) No individual facade identity may have a length less than 40 feet or greater than 160 feet.
 - (b) The length of a facade identity shall vary by at least 25 percent from the length of an adjacent identity.
 - (c) Each facade identity must be visually unique and may not repeat on a block or within the mall redevelopment area.
 - (d) A facade identity at the end of a block must turn the corner and continue for a minimum of 40 feet and maximum of 160 feet from the corner.

- (5) To ensure each facade identity reads as a distinct architectural element, the separation between identities shall:

- (a) Be expressed as a minimum recess of 18 inches in depth;
- (b) Extend a minimum of 5 feet in width; and
- (c) Be carried through all floors of the building facade.

b. **Residential Ground-Floor Design.**

- (1) **Transparency.** A residential ground-floor building facade shall include transparent windows, entries, and/or clear glazing as follows:
 - (a) Minimum 50 percent of ground-floor frontage when facing a publicly accessible open space required by Subsection B (Publicly Accessible Open Space)
 - (b) Minimum 35 percent of ground floor frontage in all other locations.
- (2) **Open Space Frontages.** Where a ground-floor residential use faces a publicly accessible open space required by Subsection B (Publicly Accessible Open Space), excluding paseos and pathways, a minimum of 75 percent of the facade frontage shall contain dwelling units, lobby, gym area, or other similar active space accessed and used by residents. Service, utility, or parking garage spaces is limited to 25 feet or 25 percent of the frontage length, whichever is less.
- (3) **Finished Floor Level.** The finished floor level of ground floor residential units must be a minimum of 2 feet and a maximum of 4 feet above the adjacent sidewalk grade.
- (4) **Shared Entrances.** The following standards apply to all primary building entrances shared by two or more units.
 - (a) **Minimum Width:** The width of the entry shall be no less than 10 feet.
 - (b) **Transparency.** Minimum 60 percent transparent glazing between 3 and 7 feet for the required entry width.
 - (c) **Weather Protection.**
 - i. To provide weather protection, the entrance shall include a projecting awning, canopy, extended eave, or other similar feature above the entry; a recessed entry; or a combination of the two.
 - ii. Minimum dimensions: 60 square feet for buildings up to 55 feet in height, and 80 square feet for buildings up to 85 feet in height.
 - (d) **Visual Prominence.** Primary building entrances must be clearly visible from the street with visual prominence. Projects must select one or more of the following methods to satisfy this requirement:
 - i. Changes in building form and modulations, including recessed or projecting entry bays and changes in the roofline or wall height above the entry.
 - ii. Entry materials and colors that contrast with surrounding facade treatment.
 - iii. Fenestration pattern that contrasts with surrounding window treatment.
 - iv. Projecting architectural elements surrounding the entrance, such as awnings, canopies, columns, and porticos.
- (5) **Entrances to Individual Units.** Entrances to individual units (e.g., townhome entrances) must be emphasized with one or more of the following:

- (a) An awning or canopy above the entry with a minimum outward projection of 3 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall with a minimum width of four feet and depth of two feet.
- (c) A covered porch, providing access to the entry, with a minimum area of 70 square feet with a dimension of 6 feet in any direction.
- (d) A patio with minimum dimensions of five feet by five feet. A patio may include a partition not to exceed 42 inches in height between the sidewalk and the patio to define the transition between public and private space.

c. **Commercial Ground-Floor Design (Excludes Hotels).**

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of 16 feet.
- (2) **Transparency.** A ground-floor building wall that faces a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 3 and 10 feet above the sidewalk.
- (3) **Entrances.** Publicly accessible entrances shall include weather protection with either:
 - (a) A projecting non-fabric awning, canopy, extended eave, or other similar feature above the entry, minimum four feet wide by four feet deep; or
 - (b) A recessed entry, minimum four feet wide by four feet deep.
- (4) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 15 feet.
- (5) **Tenant Space Depth.** Ground floor commercial buildings shall provide a minimum tenant space depth of 35 feet.
- (6) **Transparency on Corners and Key Public Spaces.**
 - (a) Corner windows: For buildings on street corners or facing publicly accessible open space, at least 50 percent of the building facade must be glazed.
 - (b) Public space interaction: Ground floors facing parks, plazas, or transit stops must include at least one entrance or window per 30 linear feet of building facade.
- (7) **Signs.** Signs must comply with standards in Chapter 17.80 (Signs).

d. **Hotel Ground Floor Design.**

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of 15 where lobbies and conference facilities are provided.
- (2) **Transparency.** A ground-floor building wall that faces and is within 20 feet of a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 50 percent of the building frontage located between 3 and 10 feet above the sidewalk.
- (3) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 20 feet.
- (4) **Entrance Design.** The primary hotel entrance shall include one of the following weather protection features:

- (a) A projecting awning, canopy, extended eave, or other similar feature above the entry with a minimum outward projection or recess of 4 feet and minimum width sufficient to clear the entrance on both sides.
 - (b) A recess in the building wall or vestibule with a minimum width of 8 feet and depth of 4 feet.
 - (5) **Drop-Off Area.** When provided, hotel porte-cochères shall be located to the side or rear of the building or integrated into the building. A porte-cochère shall not be located on the building facade facing the primary street unless the drop-off area is provided at the street curb.
 - (6) **Street Wall.** A minimum of one facade of the hotel shall front a perimeter street or internal street directly with an entry to the lobby.
 - e. **Windows and Doors.** All windows above the ground floor, shall include trim, reveals, recesses, or other detailing that provides a minimum 2-inch change in plane and contrasting material or color to define the window opening.
 - f. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
- G. **Materials.** The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:
- 1. Vinyl siding.
 - 2. T-111 plywood siding.
 - 3. Plastic or PVC-based siding systems.
 - 4. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.
 - 5. Simulated stone within first 20 feet above the adjacent grade.
 - 6. Veneer products that are not rated for impact resistance within the first 30 inches above the adjacent grade.
 - 7. Corrugated metal used as a primary facade material (roof and facade accents allowed).
- H. **Other Site Features.**
- 1. **Intent.** The intent of the other site features standards is to:
 - a. Minimize visual clutter on a development site;
 - b. Enhance the design character of the public realm; and
 - c. Support an active and welcoming pedestrian environment.
 - 2. **Standards.**
 - a. **Refuse Storage Areas.** Refuse storage and collection areas shall be located in a building or screened from public view by a solid enclosure.
 - b. **Ground-Mounted Mechanical Equipment and Utilities.**
 - (1) Ground-mounted mechanical equipment and utilities shall be screened from view from streets, pedestrian pathways, and open space through the use of landscaping, building design, fences and walls, and/or other types of screening. Equipment that must be screened includes transformers, pump stations, backflow preventers, valves, and air conditioning units.
 - (2) Ground-mounted mechanical equipment and utilities are prohibited within the landscape /street furniture zone as described in Section 17.57.050.A (Streets and Circulation).

Chapter 17.82

OBJECTIVE STANDARDS FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT

Sections:

- 17.82.010 Purpose.
- 17.82.020 Applicability.
- 17.82.030 Deviations.
- 17.82.040 Circulation and streetscape.
- 17.82.050 Parking and vehicle access.
- 17.82.060 Building placement, orientation, and entries.
- 17.82.070 Building massing.
- 17.82.080 Facade and roof design.
- 17.82.090 Other site features.

17.82.010 Purpose.

This chapter contains objective standards for multifamily and mixed-use residential development. These standards are intended to help ensure that proposed development exhibits high-quality design that enhances Capitola's unique identity and sense of place.

17.82.020 Applicability.

A. Land Use.

1. The standards in this chapter apply to new multifamily dwellings, attached single-family homes (townhomes), and mixed-use development that contain both a residential and nonresidential use.
2. This chapter does not apply to detached-single-family dwellings, including subdivisions of multiple single-family homes.

B. Zoning Districts.

1. The standards in this chapter apply in all zoning districts except for the single-family (R-1) ~~and~~ mobile home (MH), ~~mixed use village (MU-V), and industrial (I) districts.~~

2. This chapter does not apply to the Capitola Mall property. Residential development on the Capitola Mall property must comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

17.82.030 Deviations.

An applicant may request deviation from one or more standards through the design permit process. The planning commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement that proceeds the standard. A project requesting a deviation is not eligible for streamlined ministerial approval under Government Code Section 65913.4.

17.82.040 Circulation and streetscape.

A. Intent. The intent of the circulation and streetscape standards is to:

1. Enhance the visual character and aesthetic qualities of the city.
2. Encourage pedestrian mobility with safe, functional, and attractive sidewalks.
3. Provide for sufficient sidewalk widths to accommodate street trees and an ADA-compliant pedestrian clear path.
4. Provide for appropriate and attractive transitions from the public to private realm.
5. Promote social engagement along property frontages.

B. Standards.

1. Sidewalks. Outside of designated sidewalk exempt areas, public sidewalks abutting a development parcel shall have a minimum sidewalk width (back of curb to back of walk) as follows:

- a. RM and MU-N zones: six feet. If the sidewalk ties into an existing four-foot sidewalk, the minimum sidewalk width is four feet.
- b. C-C and C-R zones: ten feet.

2. Street Trees.

- a. At least one street tree for every thirty feet of linear feet of sidewalk length shall be provided within the sidewalk.
- b. A minimum forty-eight-inch pedestrian clear path shall be maintained adjacent to street trees.
- c. Sidewalk tree wells shall be minimum thirty-six inches in width by minimum thirty-six inches in length. Tree grates are required for sidewalks less than seven feet in width.
- d. Street trees shall be located a minimum fifteen feet from power and/or other utility poles and “small” per PG&E’s “Trees and shrubs for power line-friendly landscaping” to reduce potential utility line conflicts.
- e. Street trees shall not be planted over buried utilities, public or private.
- f. Street trees shall be planted with approved root guard to encourage downward root growth.
- g. The variety of street tree to be planted must be approved by the city as part of a landscape plan.

3. Public Access Easement. If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.

17.82.050 Parking and vehicle access.

A. Intent. The intent of the parking and vehicle access standards is to:

- 1. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting mixed-use districts.
- 2. Minimize the visual dominance of parking facilities visible from the street frontage.
- 3. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.

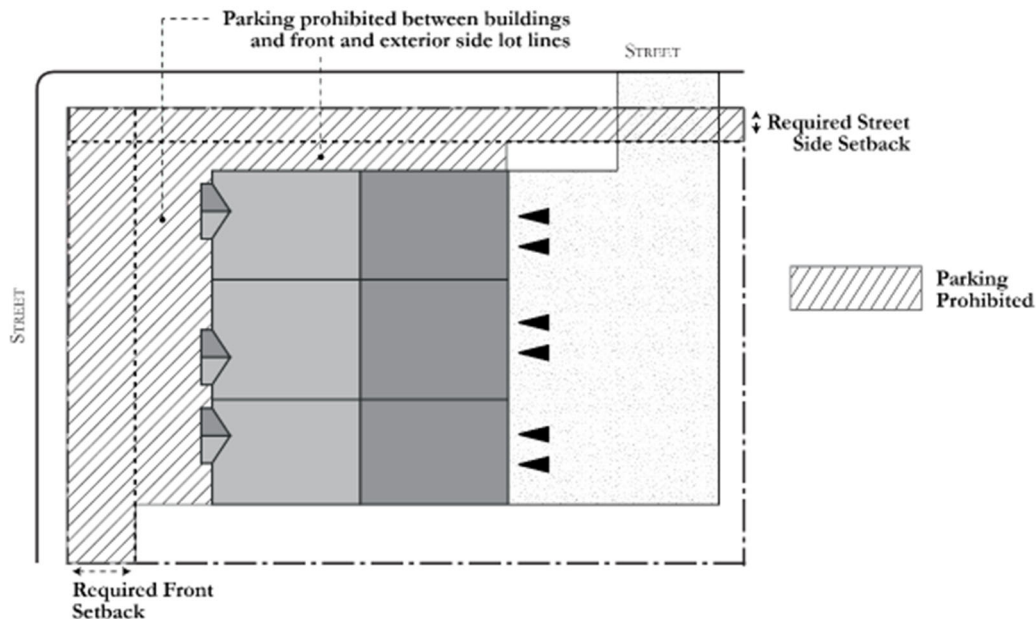
B. Standards.

1. Parking Placement.

- a. As shown in Figure 17.82-1, surface parking spaces may not be located:
 - i. In a required front or street side setback area; or
 - ii. Between a primary structure and a front or street side property line.
- b. The director may administratively approve an exception to this requirement for age-restricted senior housing developments or when necessary to provide ADA-compliant parking. For such exceptions, the following standards apply:

- i. Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with a minimum planting height of thirty-six inches.
- ii. Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the director to meet the intent of this requirement.
- iii. Trees must be provided within the planting strip at a rate of at least one tree for each thirty feet of street frontage with a minimum distance of not more than sixty feet between each tree. Tree species must reach a mature height of at least twenty feet.

Figure 17.82-1: Parking Placement



2. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is twelve feet for a one-car driveway and twenty feet for a two-car driveway. Greater driveway width is allowed if required by the fire district.
3. **Number of Driveways.** A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per one hundred fifty feet of lineal street frontage. Deviation from this standard is allowed if required by the fire district.
4. **Garage Width and Design.**
 - a. Garage doors may occupy no more than forty percent of a building's street frontage and shall be recessed a minimum of eighteen inches from a street-facing wall plane.
 - b. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient and complementary to other building elements:
 - i. Garage door windows or architectural detailing consistent with the main dwelling.
 - ii. Arbor or other similar projecting feature above the garage doors.

iii. Landscaping occupying fifty percent or more of driveway area serving the garage (e.g., “ribbon” driveway with landscaping between two parallel strips of pavement for vehicle tires).

5. Podium Parking.

a. Landscaping Strip. Partially submerged podiums adjacent to a street must include a landscaped planter between the street and podium at least four feet wide with a planting height and vegetative cover sufficient in height to fully screen the podium edge and ventilation openings from view. At maturity, plantings must comprise a minimum of seventy-five percent of the total landscape planter area.

b. Residential-Only Projects.

i. The maximum height of lower-level parking podium adjacent to the street is five feet above finished sidewalk grade.

ii. First-floor units above a street-facing podium must feature entries with stoops and stairs providing direct access to the adjacent sidewalk.

c. Mixed-Use Projects. The podium parking entry shall be recessed a minimum of four feet from the front street-facing building facade.

6. Loading.

a. Loading docks and service areas on a corner lot must be accessed from the side street.

b. Loading docks and service areas are prohibited on the primary street building frontage. (Ord. 1053 § 2 (Att. 1), 2022)

17.82.060 Building placement, orientation, and entries.

A. Intent. The intent of the building placement, orientation, and entries standards is to:

1. Support cohesive neighborhoods and social interaction with outward-facing buildings.
2. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character.
3. Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).
4. Provide adequate area behind buildings for parking.

B. Standards.

1. Maximum Front Setback.

a. RM zone: twenty-five feet or front setback of adjacent building, whichever is greater.

b. MU-N zone: twenty-five feet.

c. C-C and C-R zones: twenty-five feet from edge of curb.

2. Front Setback Area.

a. All areas between a building and adjoining sidewalk shall be landscaped with live plant materials, except for:

i. Areas required for vehicular or pedestrian access to the property; and

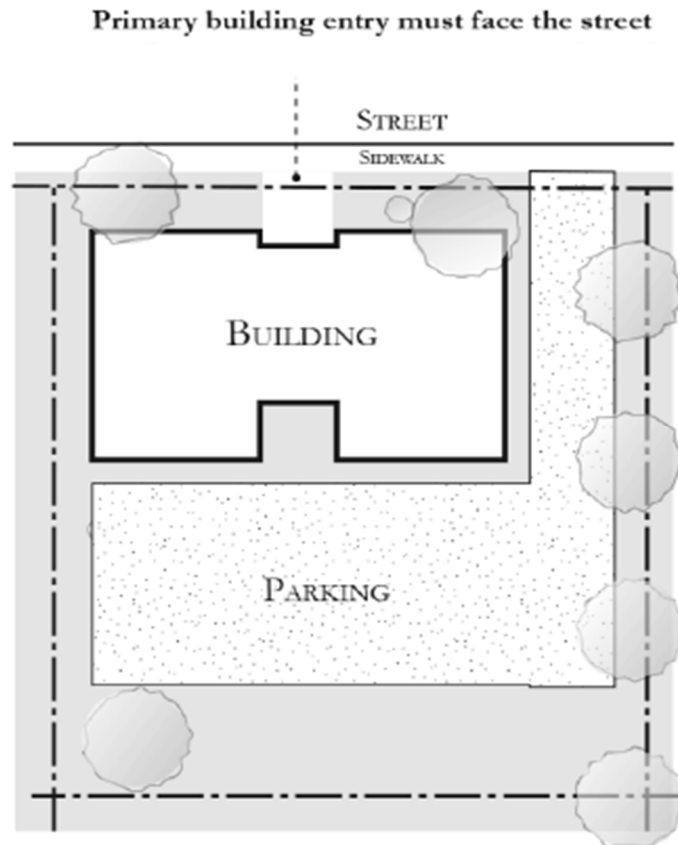
ii. Courtyards, outdoor seating areas, and other similar outdoor spaces for residents, customers and/or the general public.

b. Landscaping shall consist of any combination of trees and shrubs, and may include grass or related natural features, such as rock, stone, or mulch. At maturity, plantings must comprise a minimum of seventy-five percent of the total landscape area.

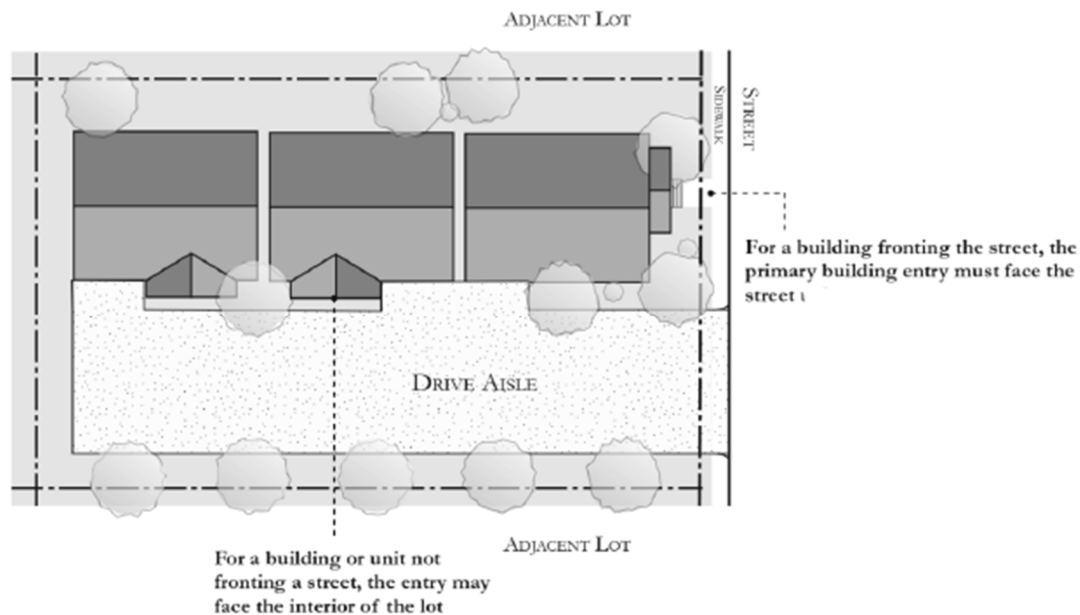
3. Building Entrances.

a. For buildings with one primary entrance that provides interior access to multiple individual dwelling units, the primary building entrance must face the street. A primary building entrance facing the interior of a lot is not allowed. See Figure 17.82-2.

Figure 17.82-2: Building Entry Orientation – Single Primary Entry



b. On lots where units have individual exterior entrances, all ground floor units with street frontage must have an entrance that faces the street. If any wall of a ground floor unit faces the street, the unit must comply with this requirement. For units that do not front the street, entrances may face the interior of the lot. See Figure 17.82-3.

Figure 17.82-3: Building Entry Orientation – Multiple Primary Entries

c. The director may administratively approve an exception to the entry-orientation standards in this section for residential-only projects on Bay Avenue, Capitola Road, and 41st Avenue north of Jade Street that comply with all of the following standards:

- i. At least one pedestrian walkway per fifty feet of property street frontage must connect the adjacent sidewalk to the interior of the lot.
- ii. The area between a building and the street must be landscaped, except for private open space for units (patios) and pedestrian pathways.
- iii. Continuous solid fences between buildings and the street are prohibited. Private outdoor space, if provided, may be defined by a low fence at least fifty percent transparent.
- iv. Street-facing buildings may not exceed a width of one hundred feet.

4. Pedestrian Walkway. A pedestrian walkway, minimum six-foot width, shall provide a connection between the public street and all building entrances (i.e., residents shall not be required to walk in a driveway to reach their unit).

C. Entry Design.

1. Residential Projects.

- a. A street-facing primary entrance must feature a porch, covered entry, or recessed entry clearly visible from the street that gives the entrance visual prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway.
- b. Front porches must comply with the following:
 - i. The front porch must be part of the primary entrance, connected to the front yard and in full view of the streetway.
 - ii. Minimum dimensions: six feet by five feet.

- iii. The porch or covered entry must have open-rung railings or landscaping defining the space.
 - c. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a forty-five-degree cut away entry. This standard does not apply to secondary or service entrances.
- 2. Mixed-Use Projects. Entrances to mixed-use buildings with ground-floor commercial must be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
 - a. Projecting nonfabric awnings or canopies above an entry (covered entry);
 - b. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
 - c. Special corner building entrance treatments, such as rounded or angled facets on the corner, or an embedded corner tower, above the entry;
 - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
 - e. Projecting or recessed entries or bays in the facade;
 - f. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a forty-five-degree cut away entry; and
 - g. Changes in roofline or articulation in the surface of the subject wall.
- 3. Street-Facing Entries to Upper Floors. Street-facing entries to upper floors in a mixed-use building shall be equal in quality and detail to storefronts. This standard may be satisfied through one or more of the following:
 - a. Dedicated nonfabric awning, canopy, or other projecting element;
 - b. Dedicated light fixture(s);
 - c. Decorative street address numbers or tiles;
 - d. Plaque signs for upper-floor residences.

17.82.070 Building massing.

A. Intent. The intent of the building massing and open space standards is to:

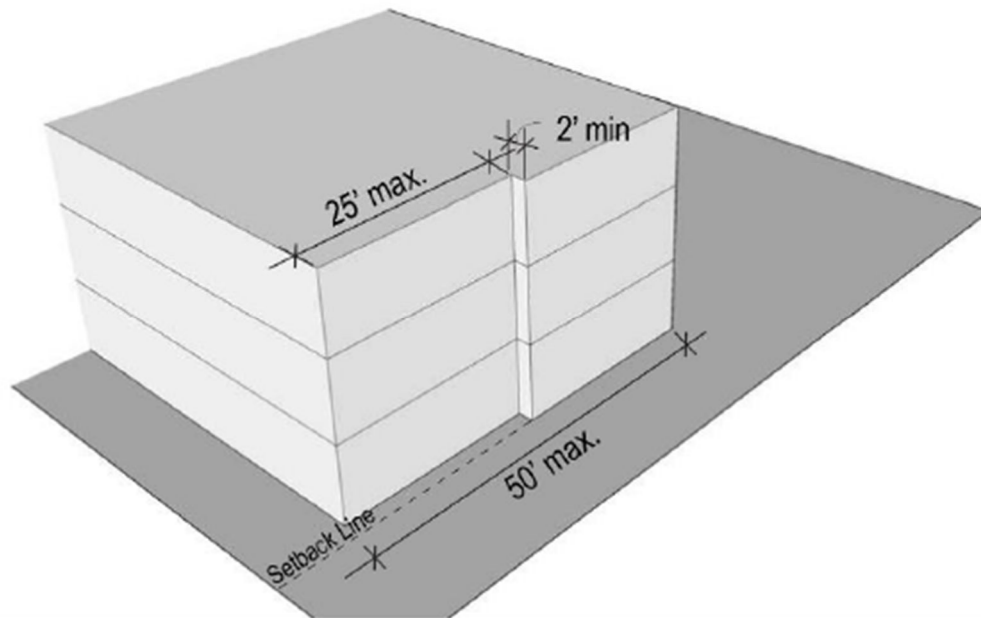
- 1. Provide for human-scale and pedestrian-friendly building massing where large buildings are broken into smaller volumes that fit into the surrounding neighborhood.
- 2. Provide for sensitive transitions to adjacent lower-density residential uses.
- 3. Minimize visual and privacy impacts to neighboring properties.

B. Standards.

1. Massing Breaks.

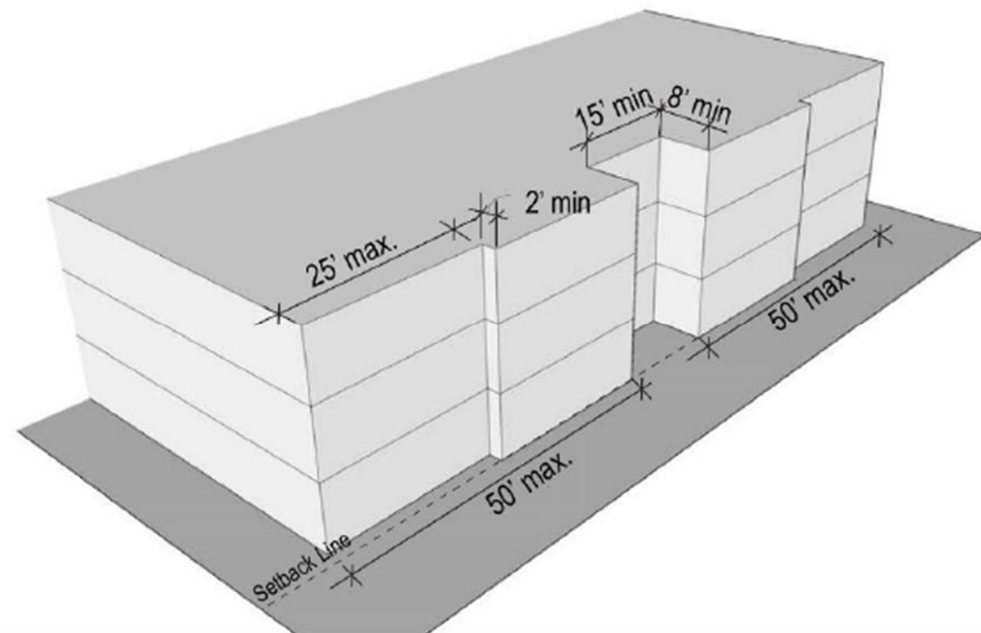
- a. All street-facing building facades twenty-five feet or more in length shall incorporate a building projection or recess (e.g., wall, balcony, or window) at least two feet in depth. See Figure 17.82-4.

Figure 17.82-4: Massing Breaks – Twenty-Five-Foot Module



b. Buildings that exceed fifty feet in length along a street facade shall provide a prominent recess at intervals of fifty feet or less. The recess shall have a minimum of depth of eight feet and minimum width of fifteen feet. See Figure 17.82-5.

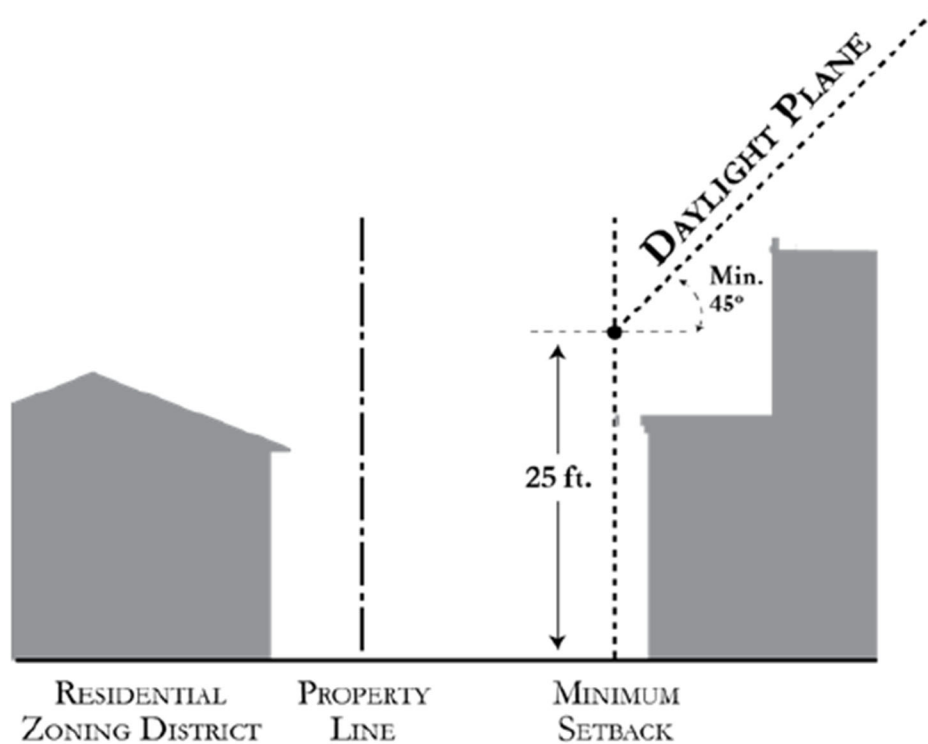
Figure 17.82-5: Massing Breaks – Fifty-Foot Module



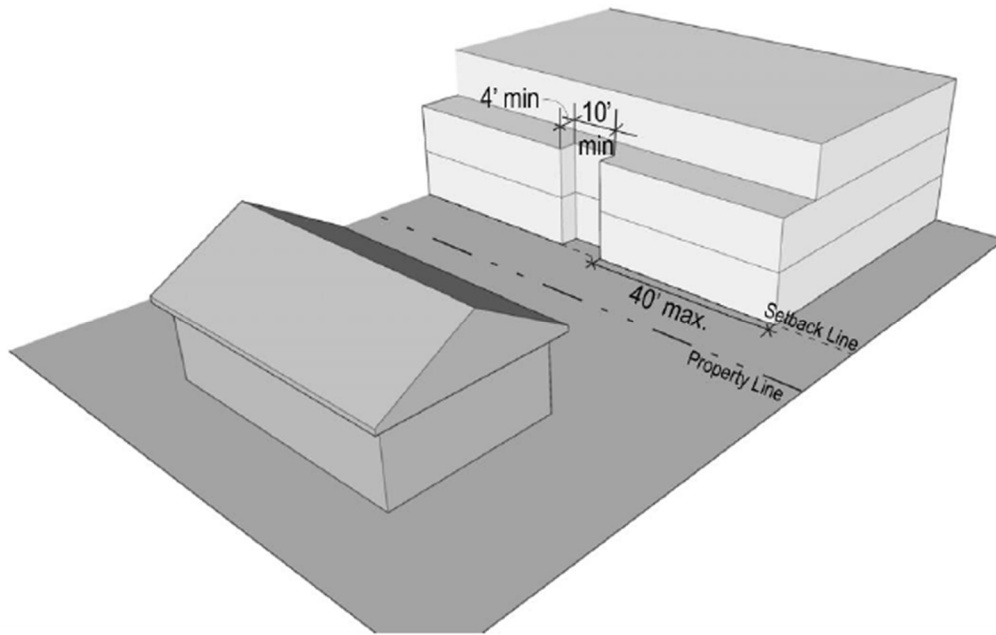
2. Residential Transitions. Development sharing a side or rear lot line with the R-1 district shall comply with the following:

- a. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.82-6.

Figure 17.82-6: Daylight Plane



- b. A side building wall adjacent to a single-family dwelling may not extend in an unbroken plane for more than forty feet along a side lot line. To break the plane, a perpendicular wall articulation of at least ten feet in width and four feet in depth is required. See Figure 17.82-7.

Figure 17.82-7: Break in Side Building Wall**17.82.080 Facade and roof design.**

A. Intent. The intent of the facade and roof design standards is to:

1. Create street-facing building facades that are varied and interesting with human-scale design details;
2. Incorporate architectural elements that reduce the perceived mass and box-like appearance of buildings;
3. Provide for buildings designed as a unified whole with architectural integrity on all sides of the structure;
4. Promote design details and materials compatible with the existing neighborhood character; and
5. Minimize privacy impacts to neighboring properties.

B. Standards.

1. Blank Wall Areas.

- a. The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both ten feet. See Figure 17.82-8.
- b. A break in a blank building wall may be provided by any of the following:
 - i. Doors, windows, or other building openings.
 - ii. Building projections or recesses, decorative trim, trellises, or other details that provide architectural articulation and design interest.
 - iii. Varying wall planes where the wall plane projects or is recessed at least six inches.
 - iv. Awnings, canopies or arcades.
 - v. Murals or other similar public art.

Figure 17.82-8: Blank Walls

2. Windows and Doors. Street-facing windows and doors shall comply with one of the following:
 - a. All street-facing windows and doors feature built-up profile trim/framing. Windows must include sills and lintels. Trim/framing must project at least two inches from the building wall with material that visually contrasts from the building wall.
 - b. For all street-facing windows, glass is inset a minimum of three inches from the exterior wall or frame surface to add relief to the wall surface.
3. Facade Design. Each side of a building facing a street shall include a minimum of two of the following facade design strategies to create visual interest:
 - a. Projecting Windows. At least twenty-five percent of the total window area on the street-facing building wall consists of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
 - b. Window Boxes. A minimum of fifty percent of street-facing windows feature window boxes projecting at least one-half foot from the building wall.
 - c. Shutters. A minimum of fifty percent of street-facing windows feature exterior decorative shutters constructed of material that visually contrasts from the building wall.
 - d. Prominent Front Porch. A front porch with a minimum depth of six feet and width of twelve feet providing access to the unit's primary entrance.
 - e. Balconies. Balconies, habitable projections, or Juliet balconies, with at least twenty percent of the linear frontage of the street-facing building wall containing one or more above-ground balcony.
 - f. Shade/Screening Devices. Screening devices such as lattices, louvers, shading devices, awnings, nonfabric canopies, perforated metal screens, with such a device occupying at least twenty percent of the linear frontage of the street-facing building wall.
 - g. Datum Lines. Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material.

h. Varied Exterior Color. The street-facing building walls feature two or more visibly contrasting primary colors, with each color occupying at least twenty percent of the street-facing building wall area.

i. Varied Building Wall Material. The street-facing building walls feature two or more visibly contrasting primary materials (e.g., wood shingles and stucco), with each material occupying at least twenty percent of the street-facing building wall area.

4. Roof Design. Each side of a building facing a street shall include a minimum of one of the following roof design strategies to create visual interest:

a. Roof Eaves. A roof eave projecting at least two feet from the street-facing building wall with ornamental brackets or decorative fascia and eave returns.

b. Roof Form Variation. At least twenty-five percent of the linear frontage of the building's street-facing building roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. This requirement may be satisfied with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.

c. Roof Detail and Ornamentation. At least eighty percent of the linear frontage of the building's street-facing roof line incorporates roof detail and/or ornamentation. This requirement may be satisfied with a parapet wall that is an average of at least one foot tall and has a cornice, periodic and articulated corbelling or dentils, an ornamental soffit, an offset gable clearstory, and other similar methods.

5. Neighbor Privacy.

a. Balconies, roof decks and other usable outdoor building space is not allowed on upper-story facades abutting an R-1 zoning district.

b. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting an R-1 zoning district.

c. Windows facing adjacent dwellings must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling.

6. Three-Hundred-Sixty-Degree Design. Buildings shall have consistent architectural quality on all sides, with all exterior surfaces featuring consistent facade articulation, window and door material and styles, and building wall materials and colors. (Ord. 1053 § 2 (Att. 1), 2022)

17.82.090 Other site features.

A. Intent. The intent of the other site feature standards is to:

1. Minimize visual clutter on a development site.
2. Enhance the design character of the public realm.
3. Support an active and welcoming pedestrian environment.
4. Minimize noise, odor, and visual impacts on neighboring residential properties.

B. Standards.

1. Refuse Storage Areas.

a. Refuse collection and storage areas may not be located:

- i. In a required front or street side setback area;

- ii. Between a primary structure and a front or street side property line;
 - iii. Within a required landscape area; or
 - iv. Within a required side setback area adjacent to an R-1 district.
 - b. Refuse containers shall be located in a building or screened from public view by a solid enclosure.
2. Mechanical Equipment Screening.
- a. Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
 - b. Ground-mounted mechanical equipment may not be located:
 - i. In a required front setback area; or
 - ii. Between a primary structure and a front property line.
3. Backflow prevention devices shall not be placed directly in front of the building but may be located in a side location of the front yard. Backflow prevention devices may be located within the front half of the lot, when located between the side building plane extending to the front property line and the side yard property line. The equipment shall be either:
- a. Screened to its full height by a combination of fencing and perennial landscaping to seventy percent opacity; or
 - b. Contained within a protective enclosure (metal grate) within a planter or landscape bed.

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). This chapter does not apply to development on the Capitola Mall property.

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.

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, excluding the Capitola Mall property; or
- b. Front Capitola Road between Clares Street and 42nd Avenue; or

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.

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 ~~(excluding or on the Capitola Mall property) 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.~~

~~12. 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.~~

~~24. Affordable Housing. Affordable housing that meets the income restrictions applicable in the affordable-housing (AH) overlay zone.~~

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 excluding the Capitola Mall property) 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.

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.

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.

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.

Chapter 17.160: GLOSSARY

Sections:

- 17.160.010 Purpose.
17.160.020 Definitions.

17.160.010 Purpose.

This chapter provides definitions of terms and phrases used in the zoning code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the municipal code, these definitions shall control for only the provisions of this zoning code. If a word is not defined in this chapter or in other chapters of the zoning code, the community development director shall determine the appropriate definition.

17.160.020 Definitions.

A. "A" Terms.

1. "Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.
2. "Accessory dwelling unit" means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single parcel.
 - a. "Accessory dwelling unit, attached" means an accessory dwelling unit that shares at least one common wall with the primary residential unit.
 - b. "Accessory dwelling unit, detached" means a secondary dwelling unit that does not share a common wall with the primary residential unit.
3. "Accessory structure" means a structure that is incidental and subordinate to a primary structure or use located on the same parcel. Includes garages, sheds, hot tubs, pergolas, and other similar structures.
4. "Accessory use" means a land use which is incidental and subordinate to a primary land use located on the same parcel.
5. "Addition" means any development or construction activity that expands the footprint or increases the floor area of a building.
6. "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. Alteration. See "Modification."
9. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks city permits and approvals.
10. "Arbor" means a freestanding unenclosed structure with vertical latticework on two sides for climbing plants and crossbeams or lattice forming a covering connecting the sides. The space between the vertical latticework may be open or contain a bench for sitting.
11. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.
12. "Average slope" means the average slope of a parcel calculated using the formula: $S = 100(I)(L)/A$, where:

- a. S = Average slope (in percent);
- b. I = Contour interval (in feet);
- c. L = Total length of all contour lines on the parcel (in feet); and
- d. A = Area of subject parcel (in square feet).

B. "B" Terms.

1. "Balcony" means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building's interior, is not accessible from the ground and is not enclosed by walls on more than two sides.
2. "Banks" means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
3. "Base zoning district" means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the zoning map.
4. "Basement" means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
5. "Bay window" means a window or series of windows serving as an important element of the building's architecture, forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
6. "Block" means the property abutting on one side of a street and lying between the two nearest intersecting streets.
7. "Bluff" or "cliff" means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as "cliffs." See also the definition of "coastal bluff" in Section 17.44.030.
8. "Building" means any structure used or intended for supporting or sheltering any use or occupancy.
9. "Building coverage" means the land area covered by all buildings and accessory structures on a parcel.
10. "Building face" means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
11. "Building height" means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
12. "Business services" means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
13. "By right" means permitted without any form of discretionary approval.

C. "C" Terms.

1. "California Environmental Quality Act (CEQA)" means California state law (Public Resources Code Section 2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.

2. “Capitola Mall Housing Element Sites” means all parcels on the Capitola Mall property excluding Assessor’s Parcel Numbers (APNs) 034-261-07 and 034-261-52.

3. “Capitola Mall property” means the area within the block surrounded by 41st Avenue, Capitola Road and Clares Street.

42. “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.

53. “Car wash” means a commercial facility for the washing, waxing, or cleaning of automobiles or similar light vehicles.

64. “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or twenty-four-hour care or supervision.

75. “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.

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

97. “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s local coastal program (LCP) as certified by the California Coastal Commission.

108. “Cohousing” means an intentional, collaborative neighborhood that combines private homes with shared indoor and outdoor spaces designed to support an active and interdependent community life.

119. “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.

12. “Commercial” means a land use listed as a “commercial use” in one or more permitted land use table in Part 2 (Zoning Districts and Overlay Zones) of the Zoning Code.

130. “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship, community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

141. “Community benefit” means a public amenity offered by a project applicant that advances general plan goals but is not required by the zoning code or any other provision of local, state, or federal law.

152. “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theaters.

163. “Community development director” means the community development director of the city of Capitola or his or her designee.

174. “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.

185. “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, nonprofit art centers and galleries, botanical gardens, and other similar uses.

~~196~~. “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.

~~1207~~. Custom Manufacturing. See “Manufacturing, custom.”

D. “D” Terms.

1. “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association’s (IDA) requirements for reducing waste of ambient light.
2. “Day care center” means a facility that provides nonmedical care and supervision of minors for periods of less than twenty-four hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.
3. “Daylight plane” means the imaginary line beginning at a height of twenty feet at the setback from a property line and extending into the parcel at an angle of forty-five degrees.
4. “Deck” means an outdoor platform, either freestanding or attached to a building, which is supported by pillars or posts.
5. Demolition, Substantial. “Substantial demolition” means the removal or replacement of either fifty percent or more of the lineal footage of existing interior and exterior walls or fifty percent or more of the area of existing floor, ceilings, and roof structures.
6. “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. “Design review” means that process for the city to review and act on a design permit application.
8. Designated Historic Resource. See Section 17.84.020(A) (Designated Historic Resources).
9. “Development” means any human-caused change to the land or a structure that requires a permit or approval from the city, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “development” that applies in the coastal zone.
10. “Development standards” means regulations in the zoning code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. “Discretionary approval” means an action by the city by which individual judgment is used as a basis to approve or deny a proposed project.
12. “Drive-through facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

E. “E” Terms.

1. “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.

a. “Bars and lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses. Also includes tasting rooms with more than one hundred sixty square feet of floor area accessible to the public.

b. “Restaurants and cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than one hundred sixty square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.

c. “Take-out food and beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than one hundred sixty square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront retail component and tasting rooms with one hundred sixty square feet or less of floor area accessible to the public. Excludes “bars and lounges.”

2. “Elderly and long-term care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and are licensed as a skilled nursing facility by the state of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics.

3. “Emergency shelter” means housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code. An emergency shelter may include other interim interventions, including, but not limited to, a navigation center, bridge housing, and respite or recuperative care.

F. “F” Terms.

1. “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.

2. “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “Banks”).

3. “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.

4. “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 as described in Section 17.48.040 (Floor area and floor area ratio).

5. “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.

6. “Food preparation” means businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.

7. “Frontage” means that portion of all property abutting a street.

G. “G” Terms.

1. “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.

2. “Garage sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.

3. “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.

4. “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (thirty days or more). Excludes hotels, motels, bed and breakfasts, and residential care facilities.

5. “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.

6. “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment.

7. “Grading” means any and all activities involving earthwork, including placement of fill and/or excavation.

8. “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

H. “H” Terms.

1. “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least seven feet six inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.

2. Height. See “Building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.

3. “Home day care” means a facility providing daytime supervision and care for up to fourteen children located in the provider’s own home. Includes both small and large home day care facilities as defined in California Health and Safety Code Sections 1597.44 and 1597.465.

4. “Historic resource” means either a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources).

5. “Historic alteration permit” means the city permit required to alter the exterior of a historic resource in accordance with Section 17.84.070 (Historic alteration permit).

6. “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property. Does not include “vacation rental” as defined by this chapter.

I. “I” Terms.

1. “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

J. “J” Terms. None.

K. “K” Terms.

1. “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

L. “L” Terms.

1. “Land use” means an activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”

2. “Landscaping” means the planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.

4. “Local coastal program (LCP)” means the city’s land use plan and implementation plan which includes portions of the municipal code, portions of the zoning code, zoning map (as more specifically identified in Chapter 17.44 (Coastal Overlay Zone) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.

5. Light Manufacturing. See “Manufacturing, light.”

6. “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than thirty consecutive days.

a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.

b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.

7. Lot. See “Parcel.”

M. “M” Terms.

1. “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off site, but which store equipment and materials or perform fabrication or similar work on site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.

2. “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.

3. “Manufacturing, light” means the manufacture, predominantly from previously prepared materials, of finished products or parts, including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.

5. “Micro-unit” means a multifamily dwelling unit three hundred fifty square feet or less with a fully functioning kitchen and bathroom.
6. “Ministerial action” means a city decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.
7. “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030(B)(8) (Mini-Bar/Convenience Areas).
8. “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Hospitals are excluded from this definition.
9. “Mixed use” means two or more different land uses located in one structure or on one parcel or development site.
10. “Mobile food vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.
11. Mobile Home Park. See Section 17.100.030 (Definitions).
12. “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.
13. “Multifamily dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

N. “N” Terms.

1. “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.
2. “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the structure is located. Development standards include, but are not limited to, setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the uniform codes, such as the building code.
3. “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

O. “O” Terms.

1. “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.
2. “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.
3. “Outdoor kitchen” means an outdoor space used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit subject to the standards in Section 17.16.030(B)(9). Outdoor pizza ovens are included in the definition of an outdoor kitchen.
4. “Overlay zone” means an additional zoning district as shown on the zoning map that prescribes special regulations to a parcel in combination with the base zoning district.

P. “P” Terms.

1. “Parcel” means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the county of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of “lot” is identical to “parcel.”
2. Parcel Area, Gross. “Gross parcel area” means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.
3. Parcel Area, Net. “Net parcel area” means the gross parcel area excluding: (a) any recorded easements to allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and (b) any area under the high water mark that extends into a waterway.
4. Parcel, Corner. “Corner parcel” means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.
5. “Parcel depth” means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.
6. “Parcel line” means the lines bounding a parcel.
7. Parcel Line, Front. “Front parcel line” means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel the narrowest street frontage is considered the front parcel line. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.
8. Parcel Line, Rear. “Rear parcel line” means, ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The community development director has the authority to determine and designate the front parcel line based on existing conditions and function of the lot.
9. Parcel Line, Interior Side. “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.
10. Parcel Line, Exterior Side. “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.
11. Parcel, Reversed Corner. “Reversed corner parcel” means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.
12. “Parcel width” means the average distance between the side parcel lines, measured at right angles to the parcel depth.
13. “Parking lot” means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
14. “Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.
15. “Parks and recreational facilities” means noncommercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.
16. “Pergola” means an unenclosed structure with vertical posts or pillars that supports crossbeams and/or an open lattice. A pergola may be freestanding or attached to a building.

17. “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, state-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional offices that offer classes in addition to the professional office spaces.

18. “Planning permit” means any permit or approval required by the zoning code authorizing an applicant to undertake certain land use activities.

19. Potential Historic Resource. See Section 17.84.020(B) (Potential Historic Resource).

20. “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.

21. “Primary structure” means a structure that accommodates the primary use of the site.

22. “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, nonretail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.

23. “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

Q. “Q” Terms. None.

R. “R” Terms.

1. “Recreational vehicle (RV)” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:

- a. Contains less than three hundred twenty square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
- b. Contains four hundred square feet or less of gross area measured at maximum horizontal projections;
- c. Is built on a single chassis; and
- d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.

2. “Recycling collection facility” means a center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.

4. “Residential care facility” means a residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, supportive housing, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.

- a. “Residential care facility, large” means a residential care facility for seven or more persons.
 - b. “Residential care facility, small” means a residential care facility for six or fewer persons.
- 5. “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and nonresidential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).
 - 6. “Residential use” means any legal use of a property as a place of residence, including but not limited to dwelling units, group housing, and the residential component of a mixed-use residential building.
 - 7. “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, grocery stores and other similar retail establishments.
 - 8. “Retail cannabis establishment” means a retail store in which cannabis or cannabis products are sold for adult use and/or medicinal use.
 - 9. “Review authority” means the city official or city body that is responsible, under the provisions of the zoning code, for approving or denying a permit application or other request for official city approval.
 - 10. “Roof deck” means an occupied roof space created by a walkable exterior floor system located above the top story of a structure, not including access, and supported by the roof of a building.

S. “S” Terms.

- 1. “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.
- 2. “Schools, public or private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.
- 3. “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.
- 4. Sign. See Chapter 17.80 (Signs).
- 5. “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation. “Single-family dwelling” includes employee housing for six or fewer persons as defined in Health and Safety Code Section 17008.
- 6. “Single-room occupancy” means housing consisting of a single-room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be four hundred square feet or less.
- 7. “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.
- 8. “Site area” means the total area included within the boundaries of a site.

9. “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.

10. “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.

11. “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than six feet above grade as defined in this chapter for more than fifty percent of the total perimeter or is more than twelve feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.

12. Story, Half. “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

13. “Street” means a public way more than twenty feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.

14. “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.

15. “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

16. “Structured parking” means a permanent, non-temporary parking facility in which parking spaces are provided within or on a building or structure, including multilevel parking garages, podium parking, and parking located above or below grade. Includes stand-alone parking garages and areas for parking integrated into a building containing other uses. Structured parking does not include open, surface parking lots or on-street parking

176. “Supportive housing” means housing with no limit on length of stay, that is occupied by low income adults with disabilities, and that is linked to on-site services that assist the supportive housing resident in retaining the housing, improving his or her health status, and maximizing his or her ability to live and, when possible, work in the community.

T. “T” Terms.

1. “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.

2. “Tasting room” means a room or rooms, open to the general public, primarily used for the retail marketing of winery, brewery, distillery, and/or food products.

3. “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than one hundred eighty days, and that does not permanently alter the character or physical facilities of a property.

4. “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than twelve months, and does not permanently alter the character or physical facilities of a property.

5. “Transitional housing” means temporary housing, generally provided for a period of six months to several years, with supportive services that prepare individuals or families to transition from emergency or homeless shelters to permanent housing. Such housing may be configured for specialized needs groups such as people with substance abuse problems, mental illness, domestic violence victims, veterans, or people with specified illnesses. Such housing may be provided in apartment complexes, boarding house complexes, or in single-family homes.

6. “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants. A trellis may be freestanding or attached to a building wall or other structure.

U. “U” Terms.

1. “Upper floor” means any story of a building above the ground floor.

2. “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.

a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.

b. “Community garden” means privately or publicly owned land used for the noncommercial cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.

3. Use. See “Land use.”

4. “Utilities, major” means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities.

5. “Utilities, minor” means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

V. “V” Terms.

1. “Vacation rental” means the occupancy for hire of residential property or a portion thereof for a period of less than thirty consecutive calendar days. See Section 17.40.030 (Vacation rental use (-VRU) overlay zone). “For hire,” for purposes of this section, does not include:

a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;

b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other’s property.

2. “Valet parking service” means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron’s motor vehicle and moves, parks, stores or retrieves the vehicle for the patron’s convenience.

3. “Vehicle repair” means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.

4. “Vehicle sales and rental” means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair; provided, that these activities are incidental to the sale of vehicles.

5. “Vehicle sales display room” means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

W. “W” Terms.

1. “Wall” means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.

2. “Warehousing and distribution” means an establishment used primarily for the storage and/or distributing of goods to retailers, contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

3. “Wholesaling” means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.

4. “Wireless communications facility” means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.104 (Wireless Communications Facilities).

X. “X” Terms. None.

Y. “Y” Terms.

1. “Yard” means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the zoning code.

2. Yard, Front. “Front yard” means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.

3. Yard, Rear. “Rear yard” means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.

4. Yard, Side. “Side yard” means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.

Chapter 17.57 – Objective Design Standards for Capitola Mall Redevelopment

Sections:

17.57.010	Purpose
17.57.020	Applicability
17.57.030	Definitions
17.57.040	Permits and Deviations
17.57.050	Standards

17.57.010 Purpose

This chapter contains objective design standards for multifamily residential, residential mixed-use, commercial, and hotel development projects on the Capitola Mall property. These standards are intended to provide a set of clear, objective, and measurable standards to ensure Capitola Mall redevelopment projects exhibit high-quality design that enhances Capitola's unique identity and sense of place, allow for economically feasible housing development, and maintains the regional commercial district's role as a long-term revenue generator that sustains essential services for residents.

17.57.020 Applicability

- A. The design standards in Section 17.57.050 of this chapter apply to all development and redevelopment on the Capitola Mall property except for the following:
 - 1. Tenant improvements to existing buildings with no increase in building floor area.
 - 2. Additions to existing buildings that increase building floor area by less than 20,000 square feet or 50 percent of the existing building floor area, whichever is less.
- B. As noted in this chapter, certain standards apply only to "mall redevelopment projects" with new residential uses, while other standards apply to projects with any land, including commercial-only development.

17.57.030 Definitions

Terms used in this chapter are defined in Chapter 17.160 (Glossary) and as follows. If a definition below is different from a definition for the same term in Chapter 17.160, the definition below controls for purposes of interpreting the requirements of this chapter.

- A. "Internal street" means any new street established on the Capitola Mall property as part of a development project.
- B. "Mall redevelopment project" means any development project on the Capitola Mall property that adds a new residential use. A mall redevelopment project includes both residential-only projects without new commercial uses and mixed-use projects with both new residential and non-residential uses.
- C. "Perimeter street" means 41st Avenue, Capitola Road and Clares Street.
- D. "Publicly accessible open space" means an area of land or building space that is designed and improved for public use and enjoyment, and that is permanently open and accessible to the general public without charge during normal operating hours.
- E. "Residential mixed-use" means a development project with new residential uses and new commercial uses on the development site.

- F. “Residential use” means the use of land or structures for dwelling purposes, including the provision of living, sleeping, cooking, and sanitation facilities for one or more persons.

17.57.040 Permits and Deviations

A. Permits Required.

1. A design permit is required for development on the Capitola Mall property requires as specified in Section 17.120.030 (When required).
2. The design permit review criteria for a Mall redevelopment project is limited to project conformance with applicable objective standards. The City shall not consider and is not required to make design permit findings in Section 17.120.080 (Findings for approval).
3. Additional permits and approvals may also be required as determined by the scope and nature of the proposed development.

B. Deviations.

1. An applicant may request deviation from one or more standards in this chapter through the design permit process. The planning commission may approve a deviation upon finding that:
 - a. The project incorporates an alternative method to achieve the intent statement that proceeds the standard; and
 - b. The requested is needed due to unique site conditions and/or to provide for a superior project design.
2. A project requesting a deviation is not eligible for streamlined approval under Government Code Section 65913.4, Government Code Chapter 4.1, or other state law providing a ministerial approval process for qualifying projects.

17.57.050 Standards

A. Streets and Circulation.

1. **Intent.** The intent of the streets and circulation standards is to:
 - a. Establish a block pattern on the mall property that maximizes connectivity for vehicles, bicycles, and pedestrians;
 - b. Provide for infrastructure improvements that enable and encourage residents to walk, bike and take public transit to destinations; and
 - c. Create an active and inviting public realm that supports pedestrian activity, economic vitality, and social interaction.
2. **Standards.**
 - a. **New Streets Intersecting Mall Property Boundary.**
 - (1) **Capitola Road.** A mall redevelopment project on APN 034-261-40 shall establish a new street intersecting Capitola Road that aligns and connects with 38th Avenue.
 - (2) **Clares Street.** A mall redevelopment project on APN 034-26-153 shall establish a new street intersecting Clares Street that aligns and connects with 40th Avenue.
 - (3) **41st Avenue.** A mall redevelopment project on APN 034-26-137 shall establish a new street intersecting 41st in the same location as the signalized intersection providing vehicular access to the Capitola Mall from 41st Avenue existing as of January 1, 2026.

(4) **Additional Streets.**

- (a) A mall redevelopment project shall establish new streets beyond those specified above as needed to comply with the maximum block length standard in Paragraph d (Maximum Block Lengths) below.
- (b) New streets are required only on parcels on which mall redevelopment occurs.

b. **Internal Street Connectivity.**

- (1) A mall redevelopment project shall create new streets that provide a vehicular connection between all perimeter streets abutting the development site.
- (2) A mall redevelopment project application shall include a circulation diagram that shows how future potential streets on adjacent parcels can:
 - (a) Connect to new streets on the development site; and
 - (b) Provide a vehicular connection to perimeter streets that do not abut the development site.
- (3) New streets shall be designed to allow for connections to existing internal circulation and future internal streets on adjacent properties within the mall block.
- (4) Where an adjacent property within the mall block was previously redeveloped, a mall redevelopment project shall provide one or more vehicular connection between the development site and the adjacent property.
- (5) If a new internal street cannot yet connect to an existing public street or other public way, the property owner may temporarily restrict public access to that street until such a connection becomes feasible through future adjacent development. Once a connection to another public street or public way is established, the internal street shall be opened for public use. The property owner shall remove any gates or other physical barriers, install signage indicating that the street is open to the public, and grant a public access easement to ensure permanent, unrestricted public access.
- (6) If the parcel on which mall redevelopment will occur contains an existing street, pedestrian path, or other public connection, that connection will be preserved or replaced on the parcel to maintain public access and circulation through the property.
- (7) In all areas of the Capitola Mall property, where a project site includes an existing street or other public connection, this public connection will be maintained or relocated within the project site.
- (8) The City may grant an exception to the standards in this Paragraph b (Internal Street Connectivity) in cases where existing structures and improvements physically preclude compliance with these standards.

c. **Street Standards.** All streets shall comply with street design standards and requirements of the City of Capitola, the Central Fire District of Santa Cruz County, and applicable state and federal design guidance (e.g., Caltrans Complete Streets Guide and Caltrans Bikeway Facility Design Manual) and may be supplemented by adopted City circulation or streetscape plans.

d. **Maximum Block Lengths.**

- (1) Mall redevelopment shall include new streets with a maximum block length of 450 feet along any block face, measured along the edge of curb between intersecting streets.
- (2) Maximum block length standards apply to blocks abutting a perimeter street and blocks internal to the mall property that do not abut a perimeter street.

- (3) The City may grant a 25 percent increase to the maximum block length standard in Paragraph 1 above in cases where compliance with the standard is infeasible due to the location of existing structures and improvements that will remain on the property.

e. **Pedestrian and Bicycle Circulation.**

- (1) A mall redevelopment project shall include a network of pedestrian and bicycle facilities that connect all new and existing buildings on the site to each other, to publicly-accessible open space areas, to commercial uses on adjacent properties, and to perimeter streets.
- (2) All pedestrian and bicycle facilities shall comply with the City of Capitola Public Improvement Design Standards, adopted City circulation or streetscape plans, and applicable state and federal design guidance including but not limited to the Caltrans Complete Streets Design Guidance and the Caltrans Bikeway Facility Design Manual.
- (3) The following requirement applies when an internal street is established that connects two abutting perimeter streets:
 - (a) At least one continuous bike lane or path shall also connect the two abutting perimeter streets.
 - (b) For any portion of the internal street that abuts ground-floor commercial uses, sharrows may be provided as an alternative to the bike lane or path.

f. **Circulation Plans.**

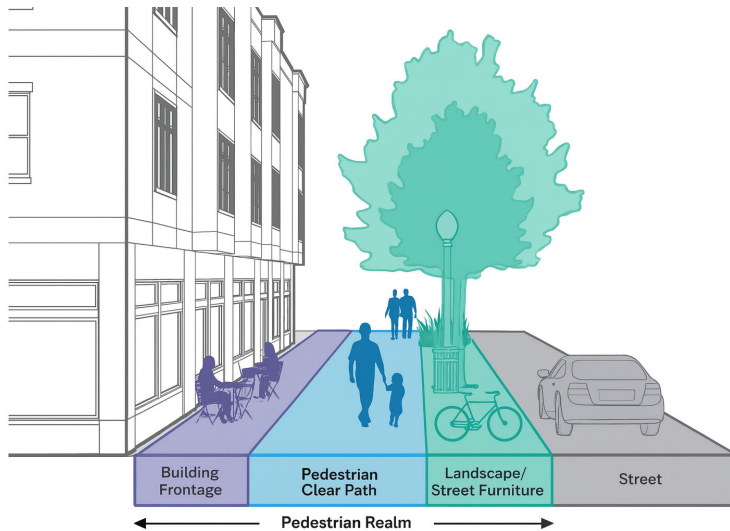
- (1) A mall redevelopment project application shall provide vehicular, bicycle, and pedestrian circulation plans that show the location of all streets, bicycle facilities, and pedestrian walkways on the development site and demonstrate compliance with all applicable standards.
- (2) The vehicular circulation plan shall include street sections specifying travel lane widths and pedestrian improvements consistent with Paragraphs g (Internal Street Frontages) and h (Perimeter Street Frontages) below.

- g. **Internal Street Frontages.** All internal streets shall provide a pedestrian realm between the street curb and the adjacent building. The pedestrian realm shall include a building frontage zone, pedestrian clear path, and landscape/street furniture zone that comply with the minimum dimensions in Table 17.57-1 and Figure 17.57-1.

Table 17.57-1: Internal Street Frontages

Pedestrian Realm	Minimum Width
Building Frontage Zone	4 ft.
Pedestrian Clear Path	8 ft.
Landscape/Street Furniture Zone	4 ft.

Figure 17.57-1: Pedestrian Realm



(1) **Building Frontage Zone.**

- (a) The building frontage zone is the land area between a building and a sidewalk or pedestrian pathway.
- (b) The building frontage zone adjacent to a ground-floor residential uses shall be landscaped, except for:
 - i. Areas required for vehicular or pedestrian access to the property; and
 - ii. Areas for residential patios, porches, stoops, stair landings, and other similar entry features.
- (c) A residential building frontage zone may include green stormwater infrastructure to comply with Municipal Regional Stormwater Permit requirements.
- (d) The building frontage zone for ground-floor commercial uses shall comply with the following:
 - i. The frontage zone for ground-floor commercial uses may be used for outdoor dining and seating and may contain landscaping and/or raised planter boxes.
 - ii. The paving surface in the frontage zone shall be distinct to the length of the building facade.
 - iii. The paving surface in the frontage zone shall be visually distinct from the sidewalk and shall extend the full length of each building frontage. Variation in paving materials, colors, or patterns may occur between individual commercial tenant spaces.

- (2) **Pedestrian Clear Path.** The developer shall install a sidewalk with the minimum pedestrian clear path shown in Table 17-57-1. The sidewalk shall be constructed consistent with the City of Capitola Public Improvement Design Standards.

(3) **Landscape/Street Furniture Zone.**

- (a) **Street Trees.** Street trees shall be provided within the landscape/street furniture zone as follows:

- i. Spacing between trees: maximum 30 feet on center.
 - ii. Tree well size: minimum 4 feet each direction.
 - iii. Planter well surfacing: tree grates, permeable pavers, decomposed granite, understory plants, or similar treatments as determined by City.
 - iv. Street tree selection: tree species shall be selected from the City of Capitola recommended tree list or in consultation with the City. Street tree species shall be consistent along each street.
- (b) **Street Furnishings.** Furnishings such as bicycle racks, seating, and trash receptacles shall be provided in the landscape/street furniture zone consistent with the following standards.
 - i. Furnishings shall maintain a minimum 5-foot clearance around driveways, fire hydrants, and transit stops.
 - ii. Bicycle racks shall be inverted-U or post-and-loop style, securely anchored, and capable of supporting the frame in two points of contact.
 - iii. Seating/benches shall feature a minimum depth of 18-20 inches, height of 17-19 inches, and length of 4-6 inches.
 - iv. Trash receptacles shall have a minimum 30-gallon capacity with lids to control litter and stormwater entry.
 - v. Furnishing colors and materials shall be selected in consultation with the City to be durable, vandal resistant, and low maintenance.
- (c) **Green Infrastructure.** Green stormwater infrastructure to capture and treat runoff may be incorporated into the landscape/street furniture zone to comply with the Municipal Regional Stormwater Permit requirements. Consolidated shared treatment areas are also allowed in other locations on the site.
- (d) **Pedestrian Lighting.** Pedestrian lighting shall be provided in the landscape/street furniture zone consistent with the following standards.
 - i. Fixtures shall have a mounting height of 12 to 16 feet.
 - ii. All luminaires shall be full-cutoff or shielded to prevent glare and light spillover.
 - iii. Light poles shall be located a minimum of 2 feet behind the curb.
 - iv. Poles shall maintain a minimum 5-foot setback from driveways, intersections, and other furnishings.
 - v. Light poles shall be spaced 40 to 60 feet on center, generally staggered on both sides of the street.
 - vi. Lighting shall not obstruct the pedestrian through-zone or accessibility features such as curb ramps.
 - vii. A minimum vertical clearance of 7 feet shall be maintained above all sidewalks.
 - viii. Light poles and fixture shall comply with City standard specifications and shall be selected to be durable, vandal resistant, and low maintenance.
- h. **Perimeter Street Frontages.**

- (1) A mall redevelopment project abutting a perimeter street shall install the required street frontage improvements identified in City of Capitola Corridor Plan for 41st Avenue, Capitola Road, and Claes Street and as shown in Table 17-57-2.

Table 17.57-2: Perimeter Street Frontages

Pedestrian Realm	Minimum Width
Building Frontage Zone	6 ft.
Pedestrian Clear Path	8 ft.
Landscape/ Street Furniture Zone	6 ft.

- (2) The building frontage zone abutting a perimeter street shall be landscaped, except for:
- (a) Areas required for vehicular or pedestrian access to the property;
 - (b) Areas for residential patios, porches, stoops, stair landings, fire escapes, and other similar entry features;
 - (c) Publicly accessible open space; and
 - (d) Courtyards, outdoor seating areas, and other similar outdoor spaces serving a commercial use.
- (3) If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum frontage improvement standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.
- (4) Required perimeter street frontage improvements shall be installed for the entire parcel frontage when one or both of the following occur:
- (a) Redevelopment occurs on the parcel.
 - (b) The parcel area is included in the calculation of the development project's maximum permitted density.

B. Publicly Accessible Open Space

1. **Intent.** The intent of the publicly accessible open space standards is to:
 - a. Establish a cohesive network of plazas, parks, and other open spaces that provide gathering areas, connection to nature, and visual relief within the urban environment;
 - b. Ensure that open spaces are designed for comfort, accessibility, and year-round use by people of all ages and abilities; and
 - c. Create a connected and vibrant public realm that enhances community identity, supports social interaction, and contributes to the overall livability of a mall mixed use redevelopment project with high density housing.
2. **Standards.**
 - a. **When Required.** A mall redevelopment project shall provide publicly accessible open space as required by this section.
 - b. **Permitted Types.** Required publicly accessible open space may be provided in the form of plazas, squares, parks, parklets, and paseos/pedestrian paths as described below.
 - (1) **Plaza:** A plaza is primarily composed of hardscape surfaces, designed to support social gathering, pedestrian activity, and civic life within an urban context.

- (2) **Square:** A square is intended for everyday use and community events with a predominantly landscaped or lawn surface for recreation, relaxation, and public assembly functions.
- (3) **Park:** A park is primarily composed of landscape and natural elements for recreation, leisure, and ecological functions with landscaped green areas, tree canopy, and opportunities for passive and active recreation.
- (4) **Parklet:** A parklet is a small-scale space providing a place for rest, social interaction, and greenery within an urban or commercial environment.
- (5) **Paseo/Pedestrian Path:** A paseo/pedestrian path is a publicly accessible pedestrian passageway that provides a connection between streets and open spaces within an urban block.
- c. **Total Amount.** The minimum amount of publicly accessible open space shall be:
 - (1) 2.5 percent of project site area for a Tier 2 mixed-use project as defined in Section 17.24.035.C (Definitions); and
 - (2) 5 percent of project site area for a Tier 1 as defined in Section 17.24.035.C (Definitions).
- d. **General Standards.** The following standards apply to all required publicly accessible open spaces:
 - (1) For all open space in a Tier 2 mixed-use project a minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs. A minimum of one tree shall be planted per 400 square feet of the open space area.
 - (2) For Tier 1 projects, a minimum of 50 percent of the required open space shall be landscaped.
 - (3) The open space shall be publicly accessible for a minimum 12 consecutive hours per day or during daylight hours, whichever is longer.
 - (4) The open space shall be directly accessible and visible from a public right-of-way.
 - (5) The open space shall have a minimum area of 3,000 square feet and a minimum dimension of 20 feet in any direction.
 - (6) The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).
 - (7) The open space shall include lighting for nighttime use.
- e. **Ownership and Maintenance.**
 - (1) Publicly accessible open space must be either be:
 - (a) Offered as dedication to the City with an associated maintenance funding mechanism acceptable to the City (such as a Community Facilities District or other equivalent arrangement); or
 - (b) Privately owned and maintained with dedication of a public access easement.
 - (2) In all cases, publicly accessible open spaces shall be maintained at no public expense.
- f. **Central Gathering Place.**
 - (1) A project on a development site greater than 10 acres must include a central gathering place that:
 - (a) Supports civic and commercial activities such as farmers' markets, performances, and seasonal events; and
 - (b) Serves as a flexible gathering space for all ages and abilities.
 - (2) The minimum size of the central gathering place is 12,000 square feet.

- (3) The central gathering place shall be a plaza, square, or park (Tier 1 projects only) and must include the following:
 - (a) Street trees along adjacent sidewalks.
 - (b) Vehicle traffic limited to no more than three sides of the plaza/square.
 - (c) Traffic-calming features such as crosswalks, pedestrian-oriented intersections and landscaped buffers.
 - (d) Furnishings such as benches, chairs, tables and drinking fountains.
 - (e) Awnings and coverings, either attached to buildings or freestanding, to provide weather protection.
 - (f) Features that encourage and accommodate public gathering, such as pavilions, kiosks, bandstands, and public art.
 - (4) For a Tier 2 mixed-use project, the central gathering place must be a plaza or square and must either:
 - (a) Contain retail pavilions with terraces and outdoor seating to accommodate dining, gathering, and public activities; or
 - (b) Include retail, restaurants, or other active ground-floor commercial uses fronting at least one side of the square.
 - (5) A plaza/square for a Tier 2 mixed-use project must include landscaping as follows:
 - (a) A minimum of 20 percent of the plaza/square landscaped with any combination of living plants, trees, shrubs, or grass. Required landscaping may be provided in raise planters.
 - (b) A minimum of one tree per 1,000 feet of square area, excluding street trees. If a large signature tree is provided with an expected canopy greater than 40 feet diameter, this tree may count as two trees toward the requirement.
- g. **Paseo/Pedestrian Path.** A paseos/pedestrian path may count towards minimum required public open space if it complies with the following standards.
- (1) The paseo/pedestrian path must comply with all standards in 17.57.050.B.2.d (General Standards).
 - (2) Minimum width (building-to-building):
 - (a) Minimum 20 feet for all conditions.
 - (b) For any segment of a paseo/pedestrian path with adjacent buildings greater than 35 feet in height, the building-to-building dimension shall not exceed an average building height to width ratio of 1.5 to 1. For example, a 35-foot building height requires a 23.3-foot path width and a 65-foot building height requires a 43.3-foot path width. However, the minimum required building-to-building width shall not exceed 50 feet regardless of adjacent building heights.
 - (3) Minimum clear pedestrian walkway width: 8 feet.
 - (4) Minimum public access easement width: 8 feet or one-third of overall width, whichever is greater.
 - (5) Residential stoops, porches and similar entry features may encroach up to 3 feet into the paseo/pedestrian path, provided a continuous 8-foot minimum clear walkway is maintained.

C. Parking and Vehicle Access.

1. **Intent.** The intent of the parking and vehicle access standards is to:
 - a. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting public realm;
 - b. Minimize the visual dominance of parking facilities visible from the street frontage; and
 - c. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.
2. **Standards.**
 - a. **Surface Parking Lots.**
 - (1) A mall redevelopment project may not establish a new surface parking lot between a new building and a perimeter street.
 - (2) Existing surface parking lots located between a building and a perimeter street may continue to be used by new and existing uses.
 - (3) Existing surface parking lots may be reconfigured as necessary to facilitate connectivity to new streets or land uses part of a mall redevelopment project.
 - (4) Frontage improvements between an existing surface parking lot and a perimeter street shall be provided as required by Section 17.57.050.A.2.h.
 - b. **Internal Street Driveways.**
 - (1) The maximum width of a driveway crossing an internal street sidewalk is 12 feet for a one-car driveway and 22 feet for a two-car driveway. Greater driveway width is allowed to comply with fire district standards.
 - (2) A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of lineal internal street frontage. Deviation from this standard is allowed to comply with fire district standards.
 - c. **Street-Facing Garages Serving Individual Units.** Street-facing garages serving individual units (e.g., front-loaded townhomes) are not allowed.
 - d. **Structured Parking.** The following standards apply to stand-alone parking structures and structured parking incorporated into a building.
 - (1) Except for vehicle and pedestrian entrances to the garage, all parking garages shall be concealed from public street view by:
 - (a) Lining the street-facing portion of the parking garage with a residential or commercial use with a minimum depth of 20 feet; or
 - (b) Incorporating facade treatments that fully screen all internal vehicle parking facilities from view. Screening elements shall include architectural detailing, glazing, louvers, or other materials that provide visual depth and interest. Solid, unarticulated concrete walls or blank façades are not permitted.
 - (2) Parking garage vehicle entrances facing the street shall be no more than 24 feet wide. Garage entries to loading and utility/service areas shall not exceed 30 feet in width.
 - (3) Partially sub-grade parking shall not have an exposed facade that exceeds 5 feet in height above abutting grade at back of sidewalk.
 - (4) Partially sub-grade parking shall include a landscaped planter between the street and the garage facade. The planter shall be at least 4 feet wide with a planting height and vegetative cover sufficient to fully screen the podium edge and ventilation openings from view. At maturity, plantings shall comprise a minimum of 75 percent of the total landscape planter area.

- e. **Loading and Servicing.** Loading docks and service areas are prohibited on building frontages abutting a street, a publicly-accessible pedestrian path, or publicly-accessible open space.

D. Building Placement and Orientation.

1. **Intent.** The intent of the building placement and orientation standards is to:
 - a. Ensure that new buildings adjacent to perimeter streets are appropriately integrated into the surrounding community fabric;
 - b. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and
 - c. Support cohesive neighborhoods and social interaction internally and along perimeter streets through building placement and orientation.
2. **Standards.**
 - a. **Perimeter Street Setbacks.** The ground-level of a building that abuts a perimeter street shall be setback from the property line as required to comply with perimeter street frontage standards in 17.57.0501.A.2.h (Perimeter Street Frontages).
 - b. **Interior Street Setbacks.** The ground-level of a building that abuts an interior street shall be setback from the street curb as necessary to accommodate the pedestrian realm improvements specified in 17.57.0501.A.2.g (Internal Street Frontages).
 - c. **Upper-Level Projections** Building elements such as bay windows, turrets, or other architectural features intrinsic to the building structure may project into required building frontage zone, subject to the following:
 - (1) Maximum projection into building frontage zone: 3 feet.
 - (2) The bottom of the architectural feature shall be a minimum of 10 feet above grade for residential frontages and 12 feet above grade for commercial frontages.
 - (3) No more than 50 percent of the facade area may have these elements project into the building frontage zone.
 - d. **Entrance Orientation.**
 - (1) Primary building entrances shall face an adjacent street, publicly accessible pathway, or publicly accessible open space.
 - (2) A pedestrian walkway shall provide a connection between the adjacent sidewalk and all building entrances. The walkway shall have a minimum width of 4 feet for individual unit entrances and 6 feet for shared entrances.

E. Building Massing.

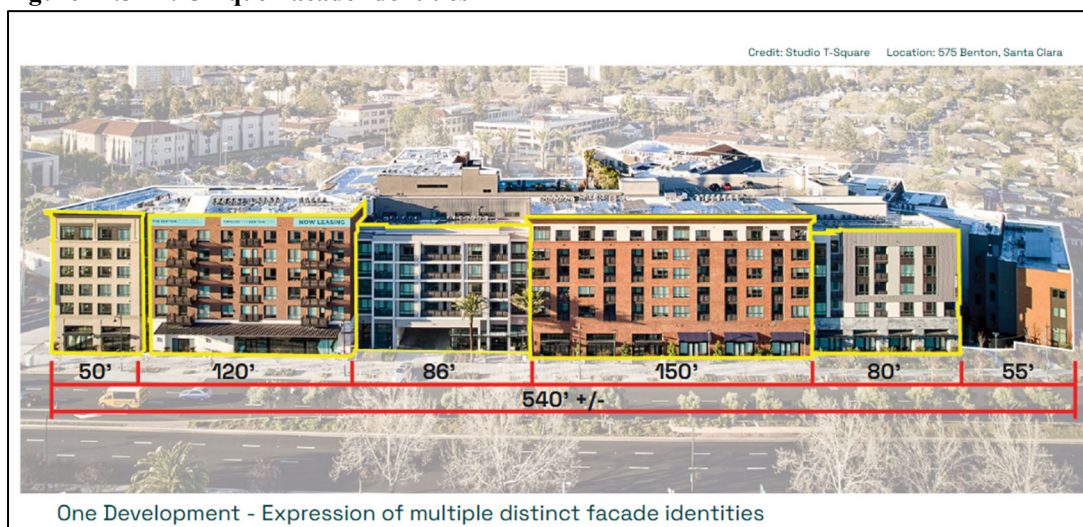
1. **Intent.** The intent of the building massing standards is to:
 - a. Break down large building volumes to reduce the perceived mass and box-like appearance of buildings;
 - b. Create visual interest on street-facing building facades; and
 - c. Minimize impacts on adjacent lower-intensity uses outside of the Capitola Mall property.
2. **Standards.**
 - a. **Maximum Building Length.** The length of a building, measured parallel to the adjoining street or publicly accessible open space, shall not exceed 450 feet.

b. **Massing Breaks.**

- (1) Buildings facing a street or publicly accessible open space shall provide massing breaks as follows:
 - (a) Buildings less than 200 feet in length: none required.
 - (b) Buildings 200 to 300 feet in length: minimum one required.
 - (c) Buildings 300 to 400 feet: minimum two required.
 - (d) Buildings 400 to 450 feet: minimum three required.
 - (2) Required massing breaks shall feature a horizontal change in the building plane with a minimum width of 12 feet and a minimum depth of 12 feet.
 - (3) The change in building plane shall extend from the finished ground floor through the full height of the building including breaking the roof plane.
- c. **Building Height.** See Section 17.24.035 (Capitola Mall Redevelopment) for maximum building height standards, including building height limitations adjacent to perimeter streets.

F. **Facade and Roof Design.**

1. **Intent.** The intent of the facade and roof design standards is to:
 - a. Support an active and welcoming pedestrian environment;
 - b. Create street-facing building facades that are varied and interesting with human-scale design details;
 - c. Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
 - d. Ensure that new development reflects the scale, rhythm, and authenticity of a traditional urban block;
 - e. Reflect Capitola's diverse architecture with varied and distinct façade identities at regular intervals within each block; and
 - f. Prevents a large project from appearing monolithic.
2. **Standards.**
 - a. **Unique Facade Identities.**
 - (1) A facade identity is a visually distinct portion of the building frontage characterized by a unique combination of massing, materials, colors, architectural expression, and window rhythm that differentiates it from adjacent portions of the building frontage. See Figure 17.57-2.

Figure 17.57-2: Unique Facade Identities

- (2) A building facade greater than 200 feet facing a street or publicly accessible open space shall include multiple unique facade identities as shown in Table 17.57-3:

Table 17.57-3: Required Distinct Facade Identities

Building Length	Minimum Facade Identities Required
> 200 ft and \leq 300 ft	2 facade identities
> 300 ft and \leq 400 ft	3 facade identities
> 400 ft and \leq 450 ft	4 facade identities

- (3) To qualify as a distinct façade identity, each identity must incorporate all of the following differentiating elements:
- (a) A materially different primary cladding.
 - (b) A contrasting color palette.
 - (c) A distinct window pattern or rhythm.
 - (d) Distinct building facade modulation patterns and forms (e.g., changes in patterns of building wall recesses and projections).
 - (e) Varied Roof/building height.
 - (f) A unique ground-floor treatment (e.g., storefront articulation, residential stoops).
- (4) Each unique facade identity shall comply with the following:
- (a) No individual facade identity may have a length less than 40 feet or greater than 160 feet.
 - (b) The length of a facade identity shall vary by at least 25 percent from the length of an adjacent identity.
 - (c) Each facade identity must be visually unique and may not repeat on a block or within the mall redevelopment area.
 - (d) A facade identity at the end of a block must turn the corner and continue for a minimum of 40 feet and maximum of 160 feet from the corner.

- (5) To ensure each facade identity reads as a distinct architectural element, the separation between identities shall:

- (a) Be expressed as a minimum recess of 18 inches in depth;
- (b) Extend a minimum of 5 feet in width; and
- (c) Be carried through all floors of the building facade.

b. **Residential Ground-Floor Design.**

- (1) **Transparency.** A residential ground-floor building facade shall include transparent windows, entries, and/or clear glazing as follows:
 - (a) Minimum 50 percent of ground-floor frontage when facing a publicly accessible open space required by Subsection B (Publicly Accessible Open Space)
 - (b) Minimum 35 percent of ground floor frontage in all other locations.
- (2) **Open Space Frontages.** Where a ground-floor residential use faces a publicly accessible open space required by Subsection B (Publicly Accessible Open Space), excluding paseos and pathways, a minimum of 75 percent of the facade frontage shall contain dwelling units, lobby, gym area, or other similar active space accessed and used by residents. Service, utility, or parking garage spaces is limited to 25 feet or 25 percent of the frontage length, whichever is less.
- (3) **Finished Floor Level.** The finished floor level of ground floor residential units must be a minimum of 2 feet and a maximum of 4 feet above the adjacent sidewalk grade.
- (4) **Shared Entrances.** The following standards apply to all primary building entrances shared by two or more units.
 - (a) **Minimum Width:** The width of the entry shall be no less than 10 feet.
 - (b) **Transparency.** Minimum 60 percent transparent glazing between 3 and 7 feet for the required entry width.
 - (c) **Weather Protection.**
 - i. To provide weather protection, the entrance shall include a projecting awning, canopy, extended eave, or other similar feature above the entry; a recessed entry; or a combination of the two.
 - ii. Minimum dimensions: 60 square feet for buildings up to 55 feet in height, and 80 square feet for buildings up to 85 feet in height.
 - (d) **Visual Prominence.** Primary building entrances must be clearly visible from the street with visual prominence. Projects must select one or more of the following methods to satisfy this requirement:
 - i. Changes in building form and modulations, including recessed or projecting entry bays and changes in the roofline or wall height above the entry.
 - ii. Entry materials and colors that contrast with surrounding facade treatment.
 - iii. Fenestration pattern that contrasts with surrounding window treatment.
 - iv. Projecting architectural elements surrounding the entrance, such as awnings, canopies, columns, and porticos.
- (5) **Entrances to Individual Units.** Entrances to individual units (e.g., townhome entrances) must be emphasized with one or more of the following:

- (a) An awning or canopy above the entry with a minimum outward projection of 3 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall with a minimum width of four feet and depth of two feet.
- (c) A covered porch, providing access to the entry, with a minimum area of 70 square feet with a dimension of 6 feet in any direction.
- (d) A patio with minimum dimensions of five feet by five feet. A patio may include a partition not to exceed 42 inches in height between the sidewalk and the patio to define the transition between public and private space.

c. **Commercial Ground-Floor Design (Excludes Hotels).**

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of 16 feet.
- (2) **Transparency.** A ground-floor building wall that faces a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 3 and 10 feet above the sidewalk.
- (3) **Entrances.** Publicly accessible entrances shall include weather protection with either:
 - (a) A projecting non-fabric awning, canopy, extended eave, or other similar feature above the entry, minimum four feet wide by four feet deep; or
 - (b) A recessed entry, minimum four feet wide by four feet deep.
- (4) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 15 feet.
- (5) **Tenant Space Depth.** Ground floor commercial buildings shall provide a minimum tenant space depth of 35 feet.
- (6) **Transparency on Corners and Key Public Spaces.**
 - (a) Corner windows: For buildings on street corners or facing publicly accessible open space, at least 50 percent of the building facade must be glazed.
 - (b) Public space interaction: Ground floors facing parks, plazas, or transit stops must include at least one entrance or window per 30 linear feet of building facade.
- (7) **Signs.** Signs must comply with standards in Chapter 17.80 (Signs).

d. **Hotel Ground Floor Design.**

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of 15 where lobbies and conference facilities are provided.
- (2) **Transparency.** A ground-floor building wall that faces and is within 20 feet of a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 50 percent of the building frontage located between 3 and 10 feet above the sidewalk.
- (3) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 20 feet.
- (4) **Entrance Design.** The primary hotel entrance shall include one of the following weather protection features:

- (a) A projecting awning, canopy, extended eave, or other similar feature above the entry with a minimum outward projection or recess of 4 feet and minimum width sufficient to clear the entrance on both sides.
 - (b) A recess in the building wall or vestibule with a minimum width of 8 feet and depth of 4 feet.
 - (5) **Drop-Off Area.** When provided, hotel porte-cochères shall be located to the side or rear of the building or integrated into the building. A porte-cochère shall not be located on the building facade facing the primary street unless the drop-off area is provided at the street curb.
 - (6) **Street Wall.** A minimum of one facade of the hotel shall front a perimeter street or internal street directly with an entry to the lobby.
 - e. **Windows and Doors.** All windows above the ground floor, shall include trim, reveals, recesses, or other detailing that provides a minimum 2-inch change in plane and contrasting material or color to define the window opening.
 - f. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
- G. **Materials.** The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:
- 1. Vinyl siding.
 - 2. T-111 plywood siding.
 - 3. Plastic or PVC-based siding systems.
 - 4. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.
 - 5. Simulated stone within first 20 feet above the adjacent grade.
 - 6. Veneer products that are not rated for impact resistance within the first 30 inches above the adjacent grade.
 - 7. Corrugated metal used as a primary facade material (roof and facade accents allowed).
- H. **Other Site Features.**
- 1. **Intent.** The intent of the other site features standards is to:
 - a. Minimize visual clutter on a development site;
 - b. Enhance the design character of the public realm; and
 - c. Support an active and welcoming pedestrian environment.
 - 2. **Standards.**
 - a. **Refuse Storage Areas.** Refuse storage and collection areas shall be located in a building or screened from public view by a solid enclosure.
 - b. **Ground-Mounted Mechanical Equipment and Utilities.**
 - (1) Ground-mounted mechanical equipment and utilities shall be screened from view from streets, pedestrian pathways, and open space through the use of landscaping, building design, fences and walls, and/or other types of screening. Equipment that must be screened includes transformers, pump stations, backflow preventers, valves, and air conditioning units.
 - (2) Ground-mounted mechanical equipment and utilities are prohibited within the landscape /street furniture zone as described in Section 17.57.050.A (Streets and Circulation).

a.