

# City of Capitola Special Planning Commission Meeting Agenda



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

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

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

## 1. Roll Call and Pledge of Allegiance

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

## 2. Additions and Deletions to the Agenda

## 3. Additional Materials

*Additional information submitted to the City after distribution of the agenda packet*

A. Item 7A – Correspondence Received

## 4. Oral Communications

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

## 5. Planning Commission/Staff Comments

## 6. 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.*

## 7. Public Hearings

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

A. Citywide Zoning Code Update

**Project Description:** Permit #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code ordinance amendments will impact the development

standards and regulations for properties citywide. The Zoning Code is part of the City's Local Coastal Program (LCP) and amendments require certification by the California Coastal Commission prior to taking effect in the Coastal Zone.

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

**8. Director's Report**

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

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## How to View the Meeting

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

**Other ways to Watch:**

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

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

- Meeting link: <https://us02web.zoom.us/j/84412302975?pwd=NmlrdGZRU2tnYXRjeSs5SIZweUIOQT09>
- Or dial one of these phone numbers: 1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799
- Meeting ID: 844 1230 2975
- Meeting Passcode: 161805

## How to Provide Comments to the Planning Commission

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

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

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

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

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

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

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

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

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

# City Of Capitola Zoning Code Amendments



Planning Commission Work Session  
February 15, 2024



# Work Session Topics

1. Missing Middle Housing
2. Alternative Housing Types
3. Parking
4. Lot Consolidation
5. Building Massing

# Missing Middle Housing

## Housing Element Programs:

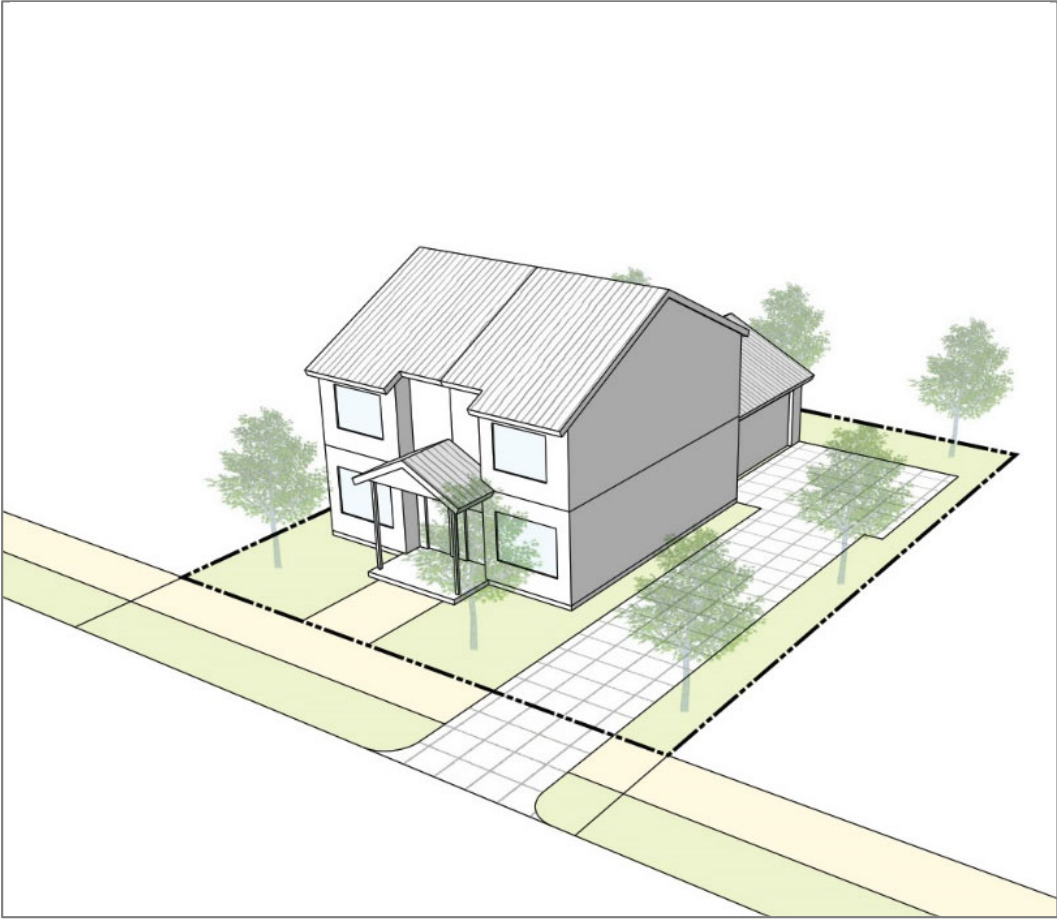
- **Program 1.1:** Develop strategies to provide for missing middle housing.
- **Program 1.6:** Allow corner lots in single-family neighborhoods to accommodate duplex units.

# Missing Middle Housing

*House-scale buildings with multiple units in walkable neighborhoods*



# Duplex





# Detached Sidecourt



# Attached Sidecourt





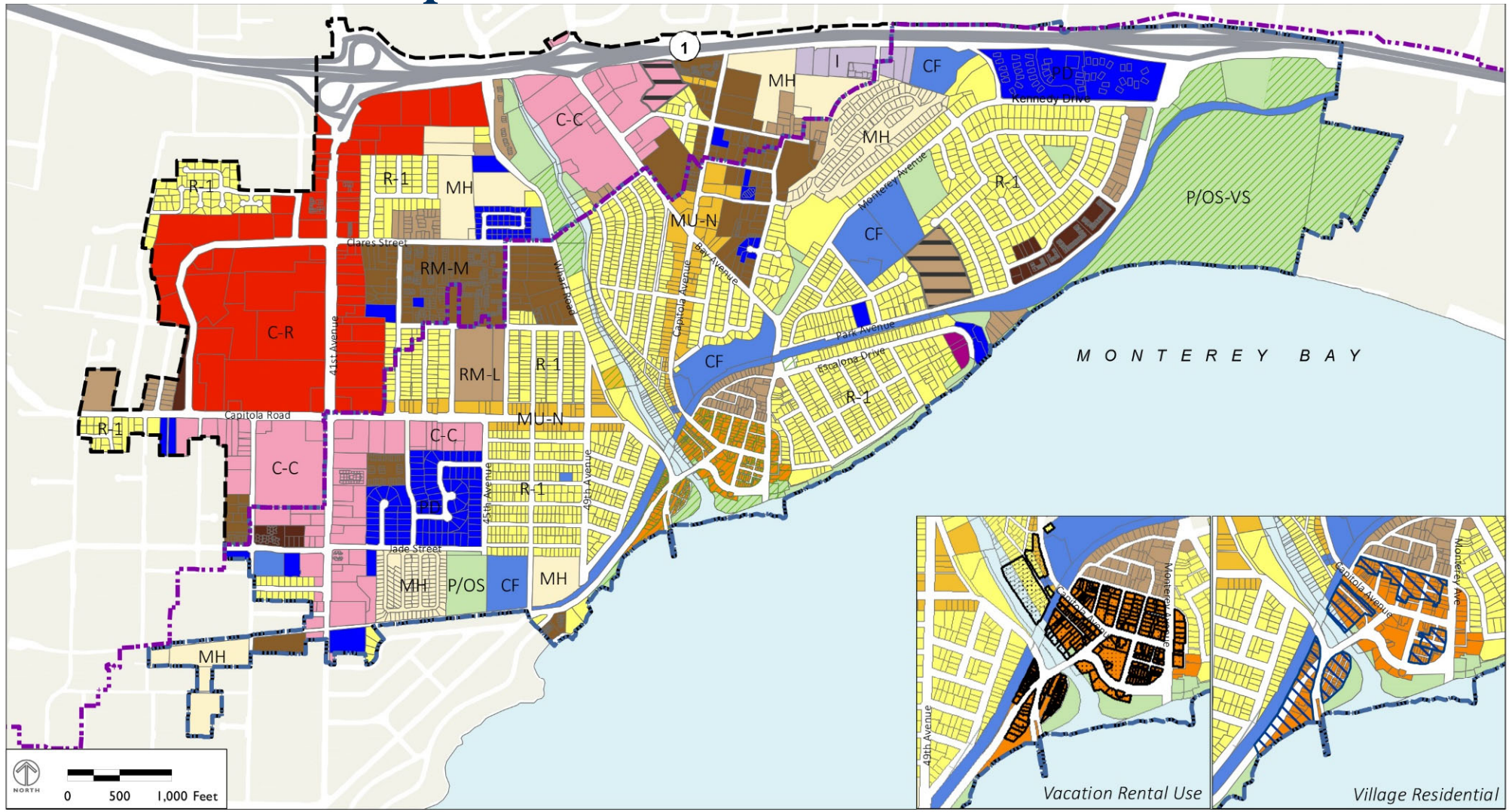
# Detached Motorcourt





# Is missing middle housing currently allowed in Capitola?

Item 3 A.



**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

**I - Industrial**

**Other Zoning Districts**

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

**Overlay Zones\***

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

**City Limit**

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017.

Zoning Map Certified  
June 9, 2021  
by CA Coastal Commission

\*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

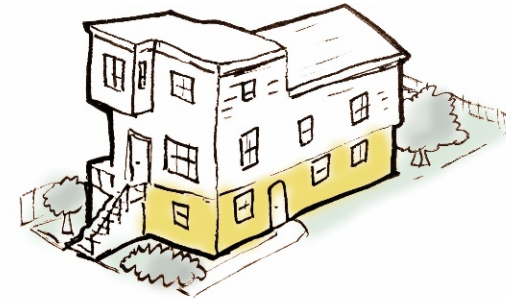


## ADU Configurations

# R-1 Zone

## Currently Allowed:

- One primary dwelling
- One primary dwelling and ADU
- Two primary dwellings per lot under SB 9



Raised Basement

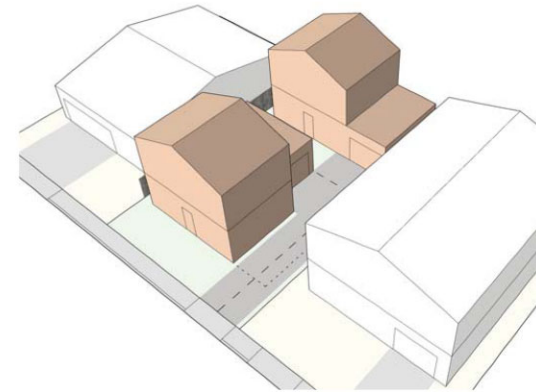


Garage Conversion

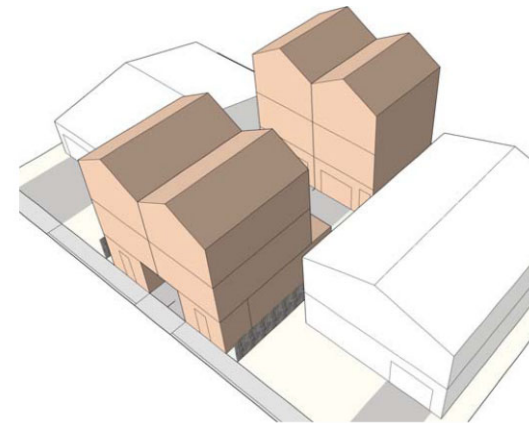


Backyard Cottage

## Lots Less than 5,500 Sq Ft.



**2 units on 2,800 sq. ft.**  
31 du/ac  
1,400 sq. ft. per unit

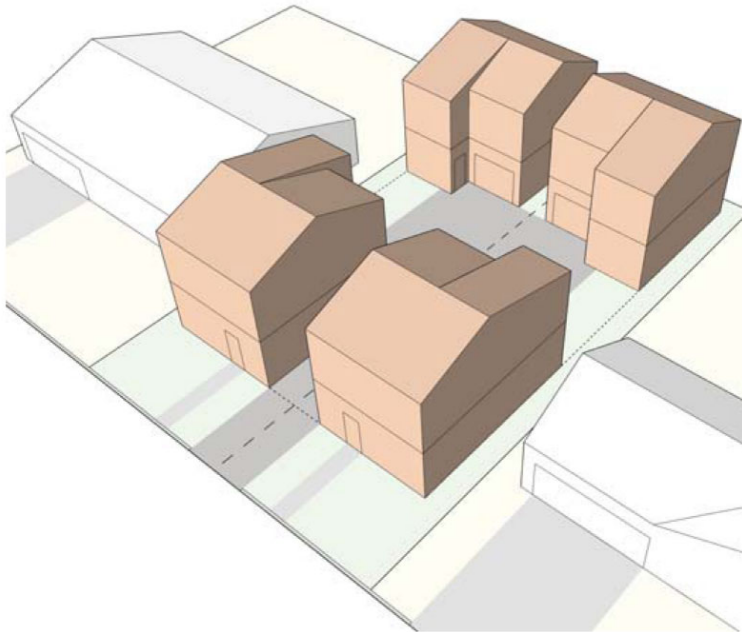


**4 units on 2,800 sq. ft.**  
62 du/ac  
700 sq. ft. per unit

# R-1 Zone

## Allowed SB 9 Projects

### Lots 5,500 Sq Ft. or More



**4 units on 5,500 sq. ft.**  
32 du/ac  
1,375 sq. ft. per unit

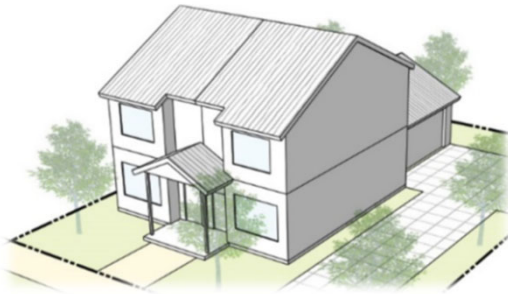
# Multifamily (RM) Zones

## Existing Development Standards

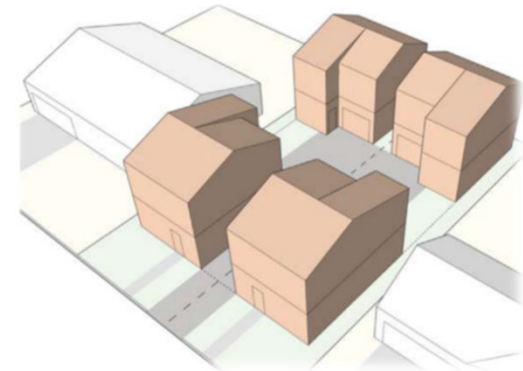
	RM-L	RM-M	RM-H
<b>Building Coverage</b>	40%	40%	40%
<b>Parcel Area Per Unit</b>	4,400 sq. ft.	2,900 sq. ft.	2,200 sq. ft.
<b>Density</b>	10 du/ac	15 du/ac	20 du/ac
<b>Setbacks</b>			
Front	15 ft.*	15 ft.*	15 ft.*
Rear	15% parcel depth	15% parcel depth	15% parcel depth
Interior Side	10% parcel width	10% parcel width	10% parcel width
Street Side	10 ft.	10 ft.	10 ft.
<b>Height</b>	30 ft.	30 ft.	35 ft.

\*20 ft. for garage

# RM Zones



**Duplex:**  
Allowed in RM-H  
Not allowed in RM-L  
and RM-M



**Four Detached Units:**  
Not allowed in all RM zones



**Detached Sidecourt:**  
Allowed in RM-H  
Not allowed in RM-L  
and RM-M



**Detached Motorcourt**  
Allowed in all RM-M  
and RM-H  
Not allowed in RM-L



**Attached Sidecourt:**  
Not allowed in all RM zones



# Missing Middle Housing: R-1 Zone

## Requested Planning Commission Input:

- **Option 1:** Allow 2+ units only for SB 9 projects
- **Option 2:** Allow duplex on all corner lots subject to same development standards as a single-family home.
- **Option 3:** Allow duplex on corner lots 5,000 sq. ft. or more subject to same development standards as a single-family home. Rely on SB 9 on smaller lots.

# Missing Middle Housing: R-M Zone

## Requested Planning Commission Input on Potential Zoning Code Amendments:

- Modify RM development standards to allow missing middle housing projects

	RM-L	RM-M	RM-H
<b>Increase</b> — ● Building Coverage	40%	40%	40%
<b>Reduce</b> — ● Parcel Area Per Unit	4,400 sq. ft.	2,900 sq. ft.	2,200 sq. ft.
<b>Increase</b> — ● Density	10 du/ac	15 du/ac	20 du/ac

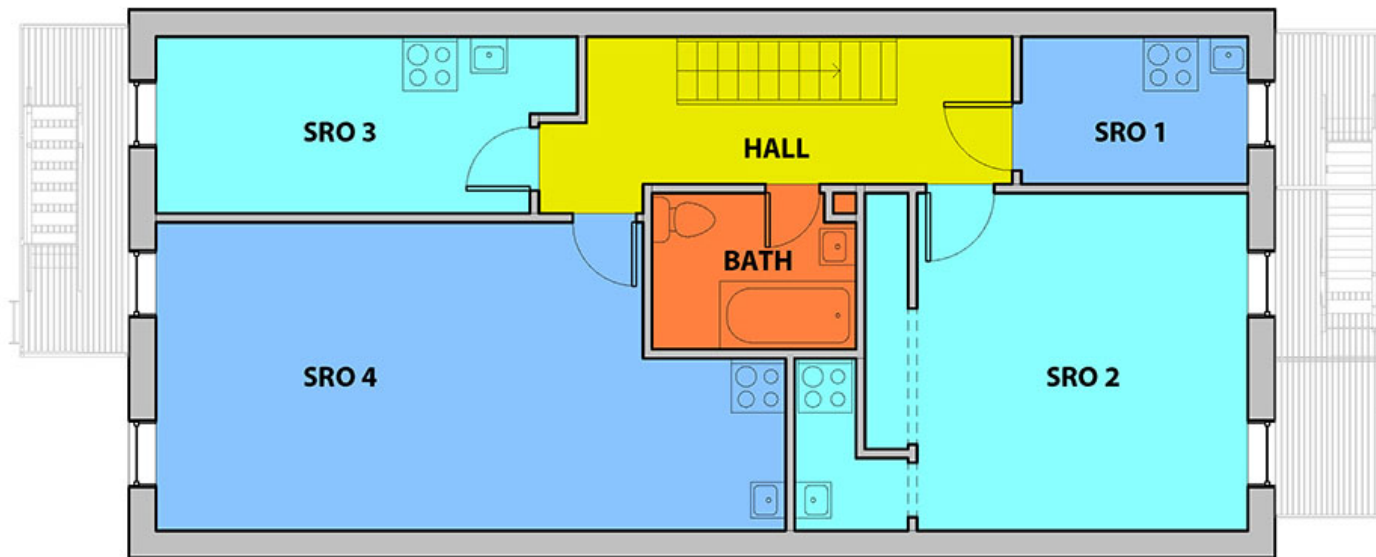
# Alternative Housing Types

**Housing Element Program 1.5:** Review and revise as appropriate, the Zoning Code to facilitate alternative housing types.

- Single Room Occupancy Units
- Live/Work Units
- Micro Units
- Co-housing

# Single-Room Occupancy (SRO)

A single-room dwelling unit with limited food preparation or sanitary facilities, typically 400 sq. ft. or less.





# Single-Room Occupancy



El Centro, Santa Cruz



Willow Glen Studios, San Jose



# Cohousing

An intentional, collaborative neighborhood that combines private homes with shared indoor and outdoor spaces designed to support an active and interdependent community life.





# Cohousing



Coyote Crossing, Santa Cruz



New Brighton Co-housing

# Micro Units

A small studio apartment, typically less than 350 square feet, with a fully functioning kitchen and bathroom.





# Micro Units



2711 Shattuck, Berkeley



130 Center Street, Santa Cruz

# Live Work

A space that is both a residence and the place of work of the occupant.



# Live Work



Tannery Santa Cruz



Swift Street Santa Cruz

# Alternative Housing Types

## Existing Zoning Code:

- **SRO:** classified as “group housing, permitted in RM, requires CUP in MU-N and MU-V
- **Cohousing:** silent
- **Micro units:** No min. unit size (220 sq. ft. in building code)
- **Live-work:** silent



# Alternative Housing Types

## Requested Planning Commission Input on Potential SRO Amendments:

- **Existing:** Classified as group housing, permitted in RM, requires CUP in MU-N and MU-V
- **New:** Define separate from group housing, allow as Permitted Use in MU-N and MU-V subject to objective standards as needed.

# Alternative Housing Types

## **Requested Planning Commission Input on Potential Cohousing Amendments:**

- **Existing:** Silent
- **New:** Define co-housing development and include as Permitted Use in R-1 and RM zones

# Alternative Housing Types

## **Requested Planning Commission Input on Potential Micro Unit Amendments:**

- **Existing:** Silent (220 sq. ft. minimum unit size in building code)
- **New:** Define and list as allowed us in C-R around Metro. Relax development standards. Allow in RM?

# Alternative Housing Types

## **Requested Planning Commission Input on Potential Live/Work Amendments:**

- **Existing:** Silent
- **New:** Allow as Permitted Use in MU-N, MU-V, C-C, and C-R, waive parking for non-residential uses, relax other development standards as needed



# Employee/Workforce Housing

**Example:** Affordable housing reserved for Soquel Unified Elementary School District employees

## **Requested Planning Commission Input on Potential Amendments:**

- **Existing:** Silent (but allowed)
- **Potential New:** Identify as community benefit

# Parking – Housing Element

**Page 30-14:** “Parking standards have the potential to constrain development or limit density on a site due to the cost of constructing parking facilities and space limitations.”

### Existing Parking Requirement

<b>Single-family Dwelling</b>	
1,500 sq. ft. or less	2 per unit
1,501 – 2,000 sq. ft.	2 per unit, 1 covered
2,001 – 2,600 sq. ft.	3 per unit, 1 covered
2,601 sq. ft. or more	4 per unit, 1 covered
<b>Accessory Dwelling Unit</b>	1 per unit*
<b>SB 9 Unit</b>	1 per unit*
<b>Duplex homes</b>	2 per unit, 1 covered
<b>Multifamily Dwellings</b>	2.5 per unit, 1 covered

\* Pursuant to State law

# Parking – Housing Element

## Program 1.6:

- “The City’s parking requirements for multifamily housing do not vary by size of the unit, potentially constraining the development of smaller units and discouraging higher density.
- The City will revise the multifamily residential parking requirements based on the unit size or number of bedrooms and will also revise the current covered parking requirement for multifamily development.”

# Parking – Housing Element Programs

## Program 1.6 Development Regulations

- Review, and revise as appropriate, parking requirements to ensure they are necessary and pertinent and do not pose constraints on the development of housing.
- Include reduced parking standards for senior and special needs housing.



# Parking – New State Law

## 2023 State Law

- **AB 1308:** No increased minimum parking requirements on single-family home additions and renovations
- **AB 894:** Qualifying shared parking must be allowed

## Parking Requirement Comparison

	Resident Parking	Guest Parking
<b>Santa Cruz</b>		
Studio, 1 bdrm	1 per unit*	10% of required resident spaces for 5+ units
2+ bdrm	2 per unit*	
<b>Scotts Valley</b>		
All multifamily	2 per unit	1 per every five units^
<b>Santa Cruz County</b>		
Townhomes, 1 bdrm	1 per unit	20% of required resident parking
Townhomes, 2+ bdrm	2 per unit	
Multifamily, <750 sf	1 per unit	20-30% required resident parking (none in transit priority area)
Multifamily, >750 sf	2 per unit, 1.5 in transit priority area	
<b>Watsonville</b>		
1-3 bdrm	2 per unit	1 per 4-8 bedrooms depending on project size
4 bdrm	3 per unit	
5+ bdrm	4 per unit	

\*Housing Element policy to eliminate parking minimums citywide by January 2028.”

^ HE program to reduce to no greater than 2 spaces per unit.

# Parking

## Requested Planning Commission Input on Potential Zoning Code Amendments:

	Existing	Potential
<b>Single-family Dwelling</b>		
1,500 sq. ft. or less	2 per unit	No change
1,501 – 2,000 sq. ft.	2 per unit, 1 covered	No change
2,001 – 2,600 sq. ft.	3 per unit, 1 covered	2 per unit, 1 covered
2,601 sq. ft. or more	4 per unit, 1 covered	2 per unit, 1 covered
<b>Accessory Dwelling Unit</b>	1 per unit	No change
<b>SB 9 Unit</b>	1 per unit	No change
<b>Duplex homes</b>	2 per unit, 1 covered	No change
<b>Multifamily Dwellings</b>	2.5 per unit, 1 covered	1.0 per unit <500 sf 1.5 per unit 500-750 sf 2.0 per unit ≥750 sf No covered or additional guest parking required

# Requested Planning Commission Input on Potential Zoning Code Amendments:

	Existing	Potential
Senior Housing		
Independent Living	Same as unit type with no age restriction	1.5 per unit
Elderly and Long-Term Care	1 per 6 beds plus 1 per 300 sq. ft. of office	No change
Group Housing (includes SROs)	1 per unit plus 1 guest space per 6 units	1 per unit
Residential Care Facilities	0.5 per bed plus 1 per 300 sq. ft. of office	1 per 3 beds plus 1 per 300 sq. ft. of office
Emergency shelter	1 per staff member plus 1 per 6 occupants allowed at the maximum capacity	1 per staff member when the greatest number of employees are on duty (AB 139)
Transitional and supportive housing	0.5 per bed plus 1 per 300 sq. ft. of office	If within one-half mile of a public transit stop, none required for residents. (Gov't Code 65654)
Religious Institutional Uses	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats	50% reduction to accommodate affordable housing. Remaining religious use parking spaces may count toward the housing project's parking requirements (AB 1851)

# Parking

## **Other proposed changes required by new State law:**

- No additional parking required for remodel or addition to a single-family home if project does not require variance or minor modification (AB 1308)
- The City must allow proposed shared parking that meets requirements in Government Code Section 65863.1 (AB 894)



# Lot Consolidation

## **Definition:**

Combining existing lots to reduce the total number of lots, often to achieve single ownership of a development site and reduce development barriers from fragmented property ownership.



# Example Lot Consolidation: 4401 Capitola Road

44<sup>th</sup> Avenue



Capitola Road











# Housing Element Program

- **Program 1.1:** Develop incentives to encourage lot consolidation. Typical strategies include ministerial approval of lot line adjustments and flexible development standards (such as reduced or alternative parking arrangements) for large sites.



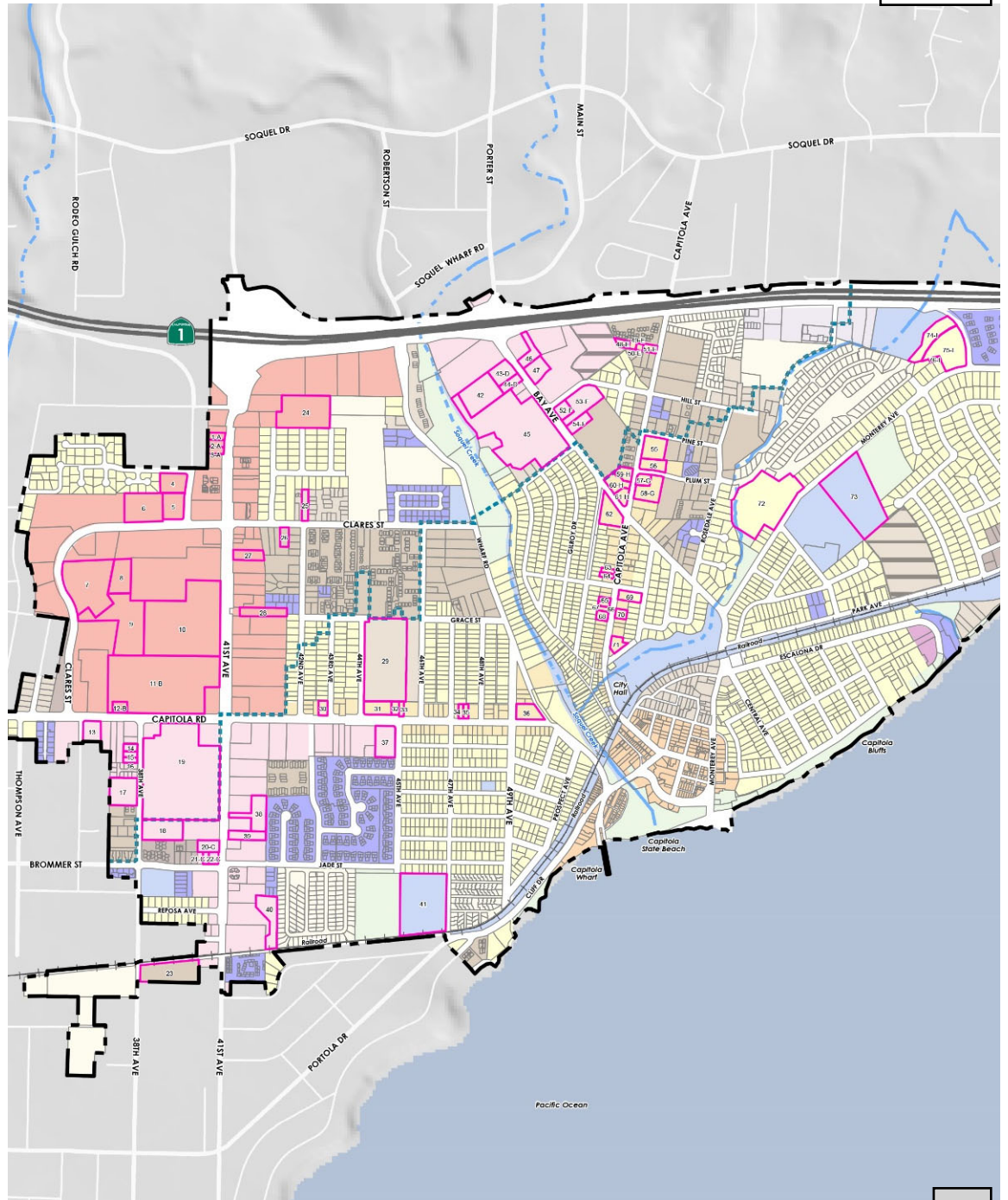
# Housing Element Program

## Page 4-24:

- “Several of the non-vacant sites identified consist of multiple smaller parcels with different owners, and their development within the planning period will depend on whether they can be consolidated.”
- “All parcels identified [in the sites inventory] as affordable that are less than 0.5 acres in size are assumed to be consolidated into clustered sites that are a minimum 0.5 acres in size.”

**Table 4-3: Consolidated Sites Analysis**

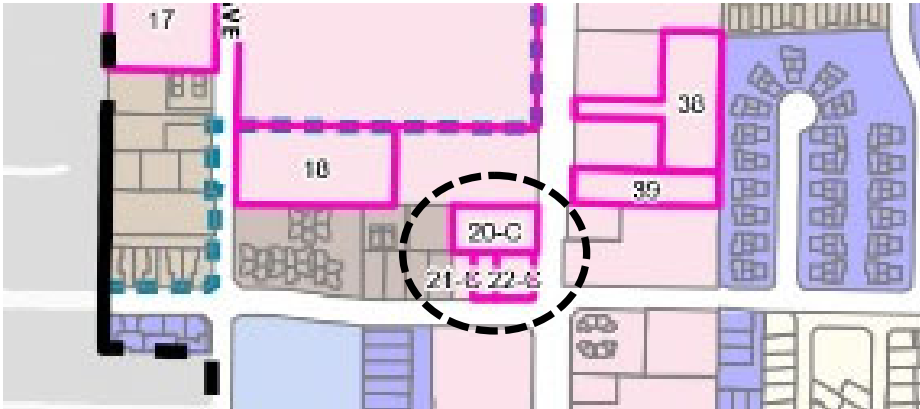
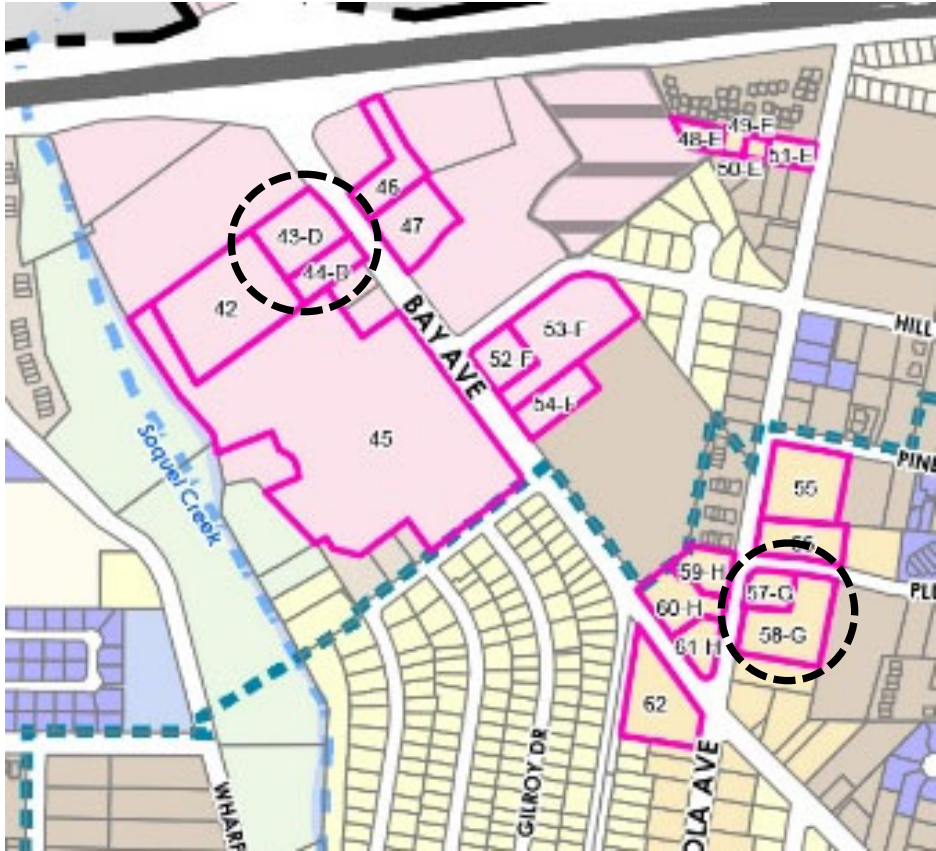
Site Address	Site #	APN	Consolidated Sites	Single Owner	Shared Access
2175 41ST AVE	1	034-192-07	A	Yes	Yes
2165 41ST AVE	2	034-192-08	A	Yes	Yes
2155 41ST AVE	3	034-192-09	A	Yes	Yes
4015 CAPITOLA RD	11	034-261-40	B	Yes	Yes
3775 CAPITOLA RD	12	034-261-39	B	Yes	Yes
1395 41ST AVE	20	034-164-12	C	No	Potential
4055 BROMMER ST A	21	034-164-09	C	No	Potential
1355 41ST AVE	22	034-164-13	C	No	Potential
831 BAY AVE	43	035-381-03	D	No	Yes
827 BAY AVE	44	035-381-04	D	No	Yes
911 CAPITOLA AVE	48	036-011-13	E	Yes	Yes
911 CAPITOLA AVE	49	036-011-14	E	Yes	Yes
911 CAPITOLA AVE	50	036-011-12	E	Yes	Yes
911 CAPITOLA AVE A	51	036-011-11	E	Yes	Yes
816 BAY AVE	52	036-051-26	F	Yes	Potential
816 BAY AVE A	53	036-051-29	F	Yes	Potential
800 BAY AVE	54	036-051-30	F	Yes	Potential
712 CAPITOLA AVE	57	036-062-14	G	No	Potential
706 CAPITOLA AVE	58	036-062-15	G	No	Potential
715 CAPITOLA AVE	59	036-051-34	H	Yes	No
700 BAY AVE	60	036-051-35	H	Yes	No
600 BAY AVE	61	036-051-12	H	Yes	No
875 MONTEREY AVE	74	036-041-28	I	Yes	Yes
875 MONTEREY AVE	75	036-041-26	I	Yes	Yes
837 MONTEREY AVE	76	036-195-02	I	Yes	Yes



# Consolidation Sites with Multiple Owners

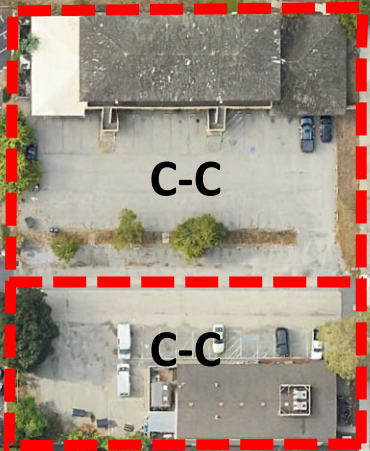
1395 41ST AVE	20	034-164-12	C	No	Potential
4055 BROMMER ST A	21	034-164-09	C	No	Potential
1355 41ST AVE	22	034-164-13	C	No	Potential
831 BAY AVE	43	035-381-03	D	No	Yes
827 BAY AVE	44	035-381-04	D	No	Yes

712 CAPITOLA AVE	57	036-062-14	G	No	Potential
706 CAPITOLA AVE	58	036-062-15	G	No	Potential





Adjacent opportunity site parcels  
with different owners



Bay Street



Adjacent opportunity site parcels  
with different owners



41st Avenue

Jade Street

Brommer Street

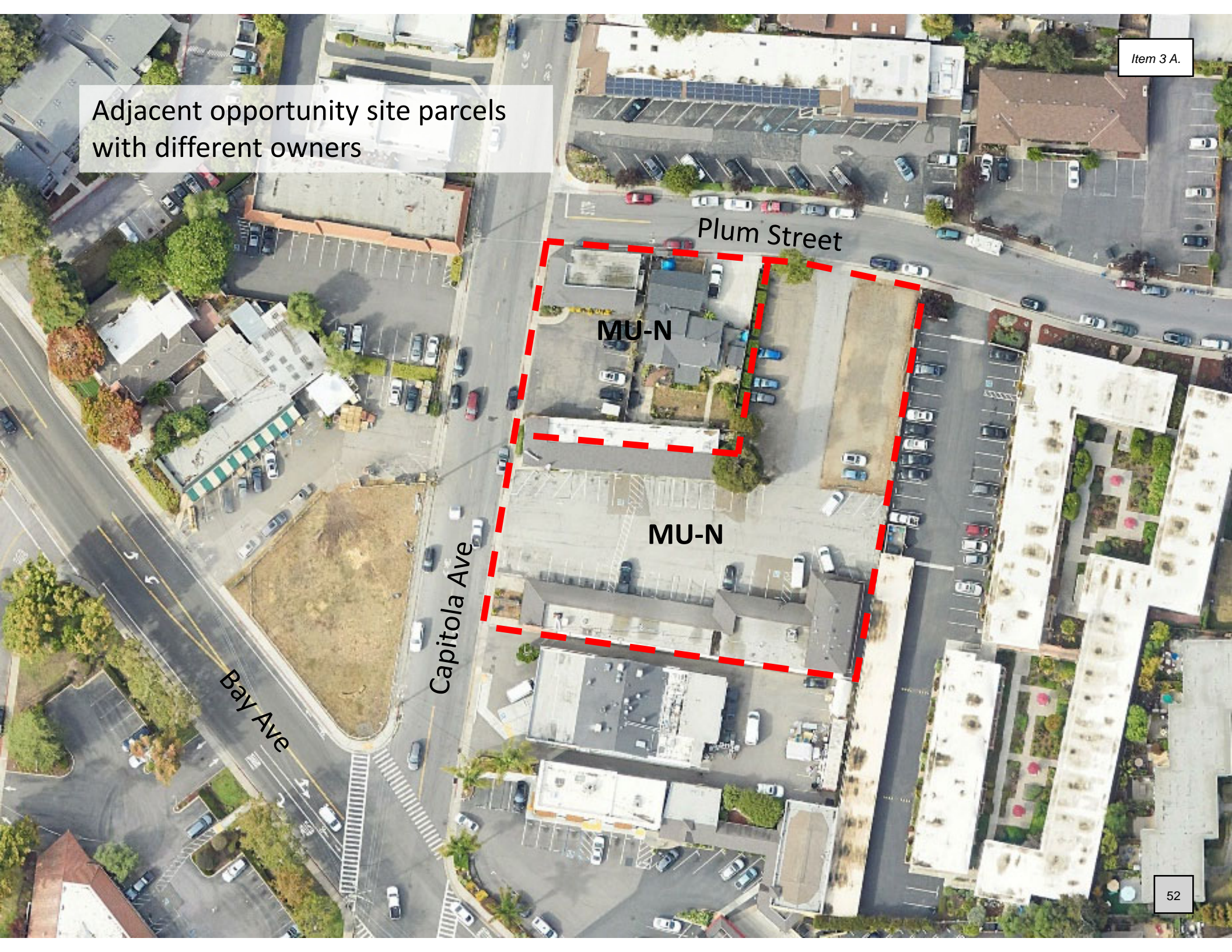
C-C

C-C

C-C



Adjacent opportunity site parcels with different owners





# Lot Consolidation

**HCD Housing Element Guide.** “Examples of program incentives for lot consolidation include:

- Deferring fees
- Expediting permit processing
- Providing flexible development standards such as setback requirements, reduced parking or increased heights
- Committing resources for development of affordable housing on small sites
- Increasing allowable density, lot coverage or floor area ratio”

# Lot Consolidation

## Other Ideas:

- Designate areas where lot consolidation is encouraged or required
- Additional financial incentives, such as tax breaks, grants, and subsidies
- Invest in infrastructure improvements to support consolidated developments

# Lot Consolidation

## Requested Planning Commission Input on Potential Approach:

- On adjacent opportunity sites under separate ownership, allow higher FAR for projects that consolidate lots and provide community benefits
- No other incentives at this time

# Lot Consolidation

## MU-N Site on Capitola Ave and Plum Street



### Without lot consolidation:

- FAR: 1.0
- Height: 27 ft.

### With Lot Consolidation and Community Benefits:

- FAR: 1.5
- Height: 35 ft.



# Lot Consolidation

## C-C Sites on 41<sup>st</sup> Avenue/Brommer and Bay Street



Without lot consolidation:

- FAR: 1.0
- Height: 40 ft.

With Lot Consolidation and Community Benefits:

- FAR: 1.5
- Height: 50 ft.



# Massing

- **Pre-2020 Zoning Code:** All covered open space and areas below roof eaves over 2 feet count toward the FAR
- **Since 2020:** These areas excluded from FAR calculation

# Massing

- **Concern:** This FAR rule change plus floodplain requirements will encourage top-heavy building massing



# Massing Photographs from Commissioner Wilk

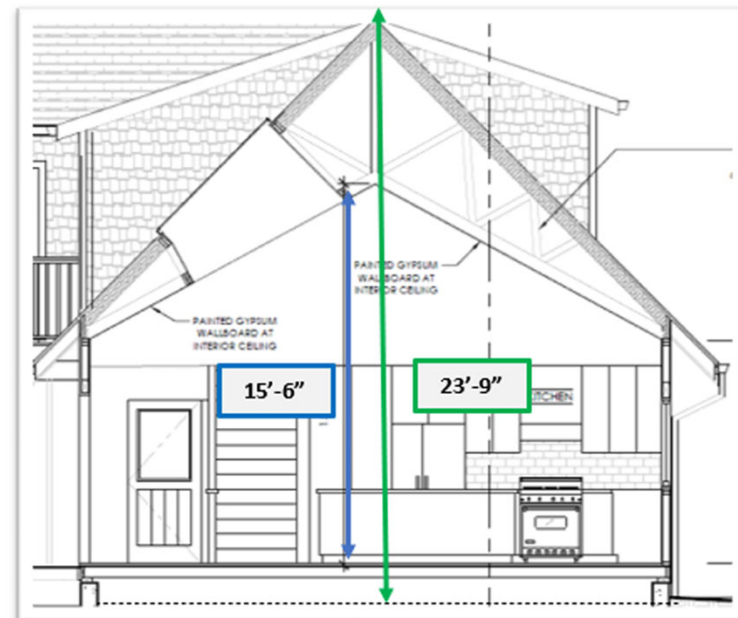




# Massing

**17.48.040.B.4:** “Interior area of a building with a floor-to-ceiling height of greater than 16 feet is counted twice in the floor area calculation.”

**Concern:** Enclosed ceiling spaces that circumvent rule intent



605 Escalona



# Massing

## Requested Planning Commission Input:

- Include all covered open space and roof eaves over 2 feet count in the FAR calculation?
- Include in FAR calculation areas with floor to rooftop height of greater than 16 feet?

# Capitola Planning Commission

## Agenda Report



**Meeting:** February 15, 2024

**From:** Community Development Department

**Address:** Citywide Zoning Code Update

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

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

**Property Owner:** Zoning Code amendments apply to properties citywide.

**Representative:** Katie Herlihy, Community Development Director

**Background:** In 2020, the City of Capitola adopted a comprehensive Zoning Code Update which was certified by the Coastal Commission in 2021. In late 2022, additional zoning code amendments were adopted to address new topics of interest and resolve ambiguities. The California Coastal Commission certified the amendments in 2023. Since the 2023 certification, City staff has kept a running list of additional zoning standards which required clarification through future amendments, which is included in Attachment 1.

On November 9, 2021, the City Council unanimously adopted the 6th Cycle Housing Element and submitted the element to the State Department of Housing and Community Development (HCD) for Certification. On January 12, 2024, staff received comments from HCD recommending further items be addressed prior to certification. The Housing Element includes numerous zoning items that must be addressed during the current cycle. Staff included a list of the required updates as Attachment 2.

On February 2, 2024, the Planning Commission held a work session to focus on three categories, including 1) planning documents and roles, 2) zoning code update topics, and 3) broader planning discussion items. The Planning Commission provided direction on all zoning code update topics except for FAR and massing, which will be discussed at the February 15 meeting.

**Discussion:** During the February 15, 2024, Planning Commission meeting, the work session will focus on zoning code updates relative to the housing element update and staff clean-up items. Planning Consultant, Ben Noble, will provide a presentation on the items listed in attachments 1 and 2. The purpose of the work session is for the Planning Commission to provide general feedback which will assist City staff in drafting the future ordinance updates.

**Next Steps:** An ordinance to amend the zoning code will be drafted in preparation for public input, Planning Commission recommendation, and City Council Adoption.

**CEQA:** Not Applicable

### Attachments:

1. List of Staff Zoning Code Amendments
2. List of Housing Element Zoning Code amendments
3. Capitola Municipal Code excerpts

Report Prepared By: Katie Herlihy, Community Development Director

Reviewed By: Austin Westly, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director



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

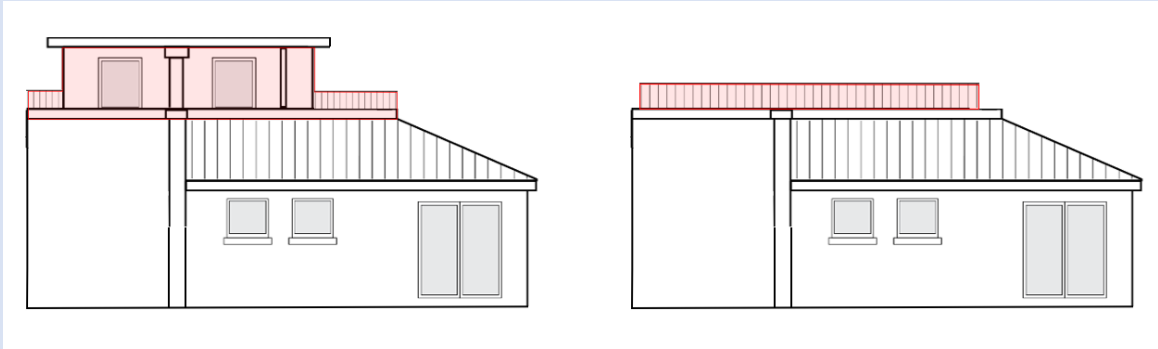
#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	<p><b>Consideration of CDP Waiver or Categorical Exclusion for J/ADUs</b></p> <p><b>If considered, also consider SB 9.</b></p>	<p><b>Coastal Development Permit Exclusion, Exemptions, and Waivers</b></p> <p><a href="https://documents.coastal.ca.gov/assets/rflg/ADU-Memo.pdf">https://docu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

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



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

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	<p><b>17.156.080 Time limits and extensions.</b></p>	<p><b>Item #1</b>  Existing code does not have provisions to accommodate public agencies or complicated private projects under the original approval. Permits are valid for two years unless an extension is granted by the original review authority.  Consider a provision for flexibility where longer timeframes are considered likely and reasonable. Provision(s) could be limited to City/public projects and could reserve authorization to only the Planning Commission or City Council rather than by administrative decision.</p> <p><b>17.156.080(A). Expiration of Permit.</b>  1. A permit not exercised within two years shall expire and become void, except where <u>the review authority establishes a later expiration in its approval or an extension of time is approved as allowed by subsection C of this section (Extension of Time).</u>  2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer.</p> <p><b>Item #2</b>  Reword the first line of Section 17.156.080(C):</p> <p><b>17.156.080(C)</b> Extension of Time. <del>The community development director may approve</del> <u>Extensions to a permit may be approved consistent with</u> in the following manner:  1. Extensions to a permit may be approved by the review authority which originally approved the permit.  2. In instances where the community development director was the approval authority, the community development director may choose to refer any action to extend a permit to the planning commission for review and final decision.  3. The review authority may approve up to two two-year extensions (four years total) to a permit. The review authority may also approve an extension up to the expiration date of a valid tentative map as allowed by the Subdivision Map Act for projects involving a subdivision of land if such an extension is necessary to prevent a substantial hardship for the project applicant.  4. The applicant shall submit to the community development department a written request for an extension of time no later than ten days before the expiration of the permit.  5. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner.  6. The burden of proof is on the applicant to demonstrate that the permit should be extended.</p>	11/29/2023	Item 7 A.
	<p><b>17.160 Glossary.</b>   <b>Define clerestory windows (height)</b></p>	<p>Sections 17.74 (ADUs) and 17.75 (SB9) require clerestory and/or opaque windows under some circumstances but do not define them or establish a minimum height. Consider either:  Edit: Add definition of clerestory and describing a minimum window height, such as 6 feet above finished floor height.</p>	6/23/2023	SS
	<p><b>17.160 Glossary. (and Commercial Districts)</b></p>	<p>Definition of to-go restaurant should specifically not include bars.</p>		BF

#	Code Section	Description of Issues and/or Suggested Amendments	Other	Staff
	17.160.020.R.9	<p>17.16.030(11)(f) prohibits “roof decks” in the R-1 zoning district.</p> <p>17.160.120.R.9 defines rooftop decks as a walkable exterior floor system located above and supported by the roof of a building. The definition is broad and includes all decks that are supported by the roof of a lower floor, which can include a deck on a second story located above first-story habitable space (i.e. a 2nd-story master bedroom with a deck that is located above the kitchen).</p> <p><i>CURRENT: “Roof deck” means a walkable exterior floor system located above and supported by the roof of a building.</i></p> <p><i>POSSIBLE ALTERNATIVE: “Roof Deck” means a walkable exterior floor system located above the top story of a structure, not including access, and is supported by the roof of a building.</i></p> 		Item 7 A.



## Housing Element Update – Zoning Code Amendments

No.	Topic	Program	Description
1	Affordable Housing Overlay	1.1	Remove the Affordable Housing Overlay from the City's Zoning Ordinance and Zoning Map.
2	Missing Middle Housing	1.1	Develop strategies to provide for missing middle housing.
3	Corner Duplexes	1.6	Allow corner lots in single-family neighborhoods to accommodate duplex units.
4	Lot Consolidation	1.1	Develop incentives to encourage lot consolidation.
5	Replacement Housing	1.2	Address the replacement housing requirements for development on non-nonvacant sites pursuant to AB 1397.
6	Incentivized Zone and Community Benefits	1.4	Expand the incentivized zone for increased FAR and Height to facilitate mixed use development; Expand the list of community benefits that complement mixed use residential development.
7	Incentivized Zone and Community Benefits	1.6	Modify the findings required for Chapter 17.88, Incentives for Community Benefits, to meet objective standards and allow project applicants to meet all discretionary permits with the same objective standards.
8	Mixed Use in Commercial Zones	1.4	Incentivize development of affordable housing on commercial sites along transit corridors.
9	Alternative Housing Types	1.5	Facilitate alternative housing types (e.g., Single Room Occupancy (SRO) units, Accessory Dwelling Units (ADUs), live/work units, micro units, and co-housing)
10	Parking - Multifamily	1.6	Revise the multifamily residential parking requirements based on the unit size or number of bedrooms; revise the current covered parking requirement for multifamily development.
11	Development Standards - Multifamily	1.6	Review and revise, requirements such as the minimum unit size, setbacks, parking requirements, and height restrictions to ensure they are necessary and pertinent and do not pose constraints on the development of housing.
12	Parking – Senior and Special Needs	1.6	Include reduced parking standards for senior and special needs housing.
13	Development Standards – Affordable Projects	1.6	Consider development standards modifications, streamlined processing for applications related to the creation of affordable housing, and fee modifications for projects proposing affordable units that are required to apply for variations to the existing development standards.
14	Incentivized Zone – Mall Site	1.7	Develop land use policies and zoning development standards in alignment with the outcome of the mall 15 redevelopment study to facilitate development of the II site.

No.	Topic	Program	Description
15	Housing on Education and Religious Sites	1.8	Clarify state law and applicable development standards for residential units constructed on religious institutional sites; create objective development standards that facilitate residential development.
16	Density Bonus	2.5	Update the Density Bonus Ordinance to include updates in state law
17	Density Bonus, Daycare	3.6	Update the Density Bonus Ordinance to promote high quality childcare services in conjunction with housing development
18	Emergency Shelters and Low Barrier Navigation Centers	3.1	Permit emergency shelters by- right in the Community Commercial zone and to permit Low Barrier Navigation Centers in areas zoned for mixed uses and other nonresidential zones permitting multifamily housing.
19	Transitional and Supportive Housing	3.2	Address transitional and supportive housing consistent with state law.
20	Employee Housing	3.3	Allow employee housing in residential zones consistent with the Employee Housing Act and revise the types of hobby farming activities allowed in various zones.
21	Large Residential Care Facilities	3.4	Permit licensed large residential care facilities in zones where residential uses are permitted. Review the separation requirement and to establish objective criteria for the approval of licensed large residential care facilities
22	Reasonable Accommodations	3.4	Establish objective criteria for reasonable accommodations.
23	Daycares	3.6	Create objective standards for daycares in the commercial districts to allow daycares with a minor use permit.

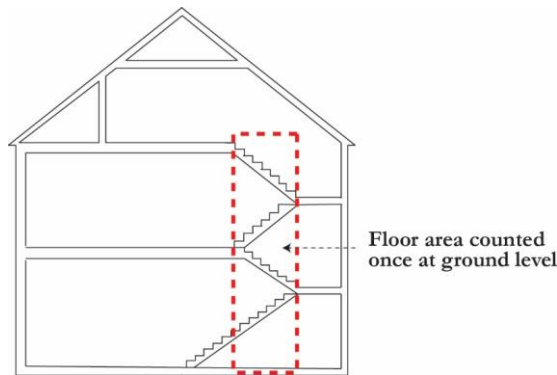
**17.48.040 Floor area and floor area ratio.** Revised 4/23

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

B. Floor Area Calculation.

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

**Figure 17.48-3: FAR Measurement for Stairways**



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

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

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

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

C. Floor Area Ratio.

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



**Chapter 17.120**

**DESIGN PERMITS Revised 4/23**

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required. Revised 4/23
- 17.120.040 Application submittal and review.
- 17.120.050 Design review process.
- 17.120.060 Public notice and hearing.
- 17.120.070 Design review criteria.
- 17.120.080 Findings for approval.
- 17.120.090 Conditions of approval.
- 17.120.100 Appeals and post-decision procedures.

**17.120.010 Purpose.**

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

**17.120.020 Types of design permits.**

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

**17.120.030 When required. Revised 4/23**

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

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

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

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

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

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

C. Nonresidential Exemptions.

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

**17.120.040 Application submittal and review.**

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

B. Streetscape Illustration. For all proposed new buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

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

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

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

**17.120.050 Design review process.**

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

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

**17.120.060 Public notice and hearing.**

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

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

**17.120.070 Design review criteria.**

When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the general plan, the local coastal program, and any applicable specific plan, and are consistent with any other policies or

guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

- A. **Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contributes to Capitola’s unique coastal village character and distinctive sense of place.
- B. **Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity are compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.
- C. **Historic Character.** Renovations and additions respect and preserve existing historic structures. New structures and additions to nonhistoric structures reflect and complement the historic character of nearby properties and the community at large.
- D. **Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. **Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. **Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.
- G. **Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. **Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. **Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola’s unique coastal village character.
- J. **Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
- K. **Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. **Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola’s distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. **Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. **Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.
- O. **Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola’s distinctive neighborhoods. Multifamily residential projects include public and



private open space that is attractive, accessible, and functional. Nonresidential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

P. Signs. The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.

Q. Lighting. Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.

R. Accessory Structures. The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties.

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping. (Ord. 1043 § 2 (Att. 2), 2020)

**17.120.080 Findings for approval.**

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

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

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

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

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

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

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

**17.120.090 Conditions of approval.**

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

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

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

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

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