

City of Capitola

Planning Commission Meeting Agenda

Thursday, June 06, 2024 – 5:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

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

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. Planning Commission Training

- A. Review of City's Ethics Policy
- B. Overview on California Conflict of Interest Law
- C. Training on Builder's Remedy

3. Additions and Deletions to the Agenda

- [A.](#) Additional Materials - 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.

- [A.](#) Approval of May 2, 2024, Planning Commission Meeting Minutes

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: #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code amendments will impact citywide development standards and regulations. 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 July 18, 2024, at 6:00 PM.

How to View the Meeting

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

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel: <https://www.youtube.com/@cityofcapitolacalifornia3172>

To Join Zoom Application or Call in to Zoom:

Meeting link: <https://us02web.zoom.us/j/84412302975?pwd=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 and they will be included as a part of the record for that meeting.

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

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

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

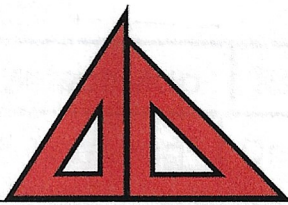
Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Need more information? Contact the Community Development Department at (831) 475-7300.

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: www.cityofcapitola.org/meetings.



File Copy
Item 3 A.

**A I
B D.**

DRAFTING-DESIGNING & LAND USE ANALYSIS

May 6, 2024

Capitola Department and Planning Commission
420 Capitola Ave
Capitola CA 95010

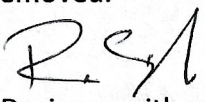
RE: Citywide Zoning Code Update

The May 02 2024 Planning Commission Meeting Agenda Item 6.C. noted that the Zoning Code Title 17 may be amended.

There is one provision in the current code which I believe could or should be amended. This is in 17.16.030 B 4 "Garage setbacks a. Attached garages shall be set back a minimum of five feet behind the front or side building wall of the primary structure". This requires that the garage doors must be set back at least five (5) feet from the front of the structure.

This seems arbitrary to me and not in keeping with most of the residential structures which have been build. An example is shown in the attached aerial photo from the County GIS of McCormick Court. All the homes have the garage (covered parking) at or in front of the house. The current code as written makes all these homes non-conforming. (See Exhibit A). I have marked the locations of the garages in red. All the existing garages are in front of the structure with only one exception which is at the front of the house.

I would like to know what justification there was for the code change and respectfully request that section be removed.

Richard L Emigh 
Retired Building Designer with a Masters Degree in Urban Planing.

Search & Select Map

Recorded Maps & Docs

Select & Query Layers

Measure & Lat/Long

Draw & Print

Links & Help

APN Address Street Intersection

Select Overlay

506 McCormick Court



GARAGE LOCATION
ON MCCORMICK COURT
5-6-2024 RUE

City of Capitola

Planning Commission Meeting Minutes

Thursday, May 02, 2024 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Courtney Christiansen

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

1. Roll Call and Pledge of Allegiance

The meeting was called to order at 6:01 PM. In attendance, Commissioners Estey, Wilk, Westman, Vice Chair Jensen and Chair Christiansen.

2. Additions and Deletions to the Agenda

One additional material was received for item 6B.

Commissioner Westman requested that Public Hearing items be reordered. Staff and the Commission determined the new order of business.

3. Oral Communications

None.

4. Planning Commission/Staff Comments

Director Herlihy provided updates on the Housing Element, Wharf project, and upcoming Council business that concerns the Planning Commission.

Commissioners asked questions about the Housing Element and Wharf project, and Director Herlihy provided answers.

Vice Chair Jensen offered a reminder about the ongoing community mosaic-making sessions hosted at the Capitola Mall.

5. Consent Calendar

Item A was pulled for discussion by Vice Chair Jensen.

A. Approval of April 4, 2024, Special Planning Commission Meeting Minutes

Vice Chair Jensen requested 2 corrections to the April 4, 2024 Minutes.

The first correction was to Item 6A for 1098 38th Avenue to amend the motion as follows: "Motion to approve staff's recommendation with additional conditions to investigate whether it is feasible to place a concrete wall between the project and the Mobile Home Park, to investigate if it is possible to include more native trees in their landscaping plan, and that staff be directed to communicate to the City Council a request that surrounding streets be relieved of additional parking burdens considered in future road improvement projects to mitigate onstreet parking impacts."

The second correction was to item 6B for 2175 41st Avenue to modify "The Planning Commission directed the applicant and staff to continue working on a Master Sign Program to fit within the purpose of a master sign program incorporating multiple tenants and address concerns related to the proposed monument sign size, height, and required landscape plan for the front planter area."

Motion to approve the amended April 4, 2024, Special Planning Commission Meeting Minutes: Commissioner Westman

Seconded: Commissioner Wilk

Voting Yea: 5-0

B. 210 Fanmar Way

Project Description: Application #23-0523. APN: 035-151-14. Design Permit for the demolition of an existing residence and construction of a new two-story, single-family residence. The project includes Minor Modification requests for the maximum second-floor balcony depth and the minimum side yard setback for second-floor decks. The project is located within the RM-L (Mult-Family Residential, Low Density) zoning district but is subject to R-1 (Single-Family Residential) development standards.

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

Recommended Action: Consider Application #23-0523 and approve the project based on the attached Conditions and Findings for Approval.

Motion to approve 210 Fanmar Way Application #23-0523: Commissioner Westman

Seconded: Commissioner Estey

Voting Yea: 4-0

Recused: Commissioner Wilk

Design Permit Findings:

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

Community Development Staff and the Planning Commission have reviewed the project. The project is located within the RM-L zoning district but is subject to the standards of the R-1 (Single-Family Residential) zoning district. With approval of the minor modification requests, the proposed single-family residence complies with the development standards of the R-1 zone. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

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

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

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

Section §15303(a) of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The project involves a new single-family residence. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family residence 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 new single-family residence. The contemporary two-story residence replaces a single-story cottage but maintains much of the overall character and scale of the neighborhood. The proposed design includes ground level with stucco siding with stone veneer wrap visible along street, second-story board and batten, and low-pitched gable roofs with composition shingle. The covered entryway, stepped massing, open second-story balcony, and new landscaping create an engaging and aesthetically pleasing street frontage.

Minor Modification Permit Findings:

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

Staff Analysis: The proposed modifications are compatible with adjacent structures and uses and are consistent with the neighborhood and district. Finding F cites several examples of similar improvements along Fanmar Way.

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

Staff Analysis: The modifications affect an upper-story deck located in the front yard. Approval of the modifications will not adversely impact neighboring properties or the community at large.

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

Staff Analysis: As with most lots along Fanmar Way, the subject property is curved and has substandard dimensions, with an average depth of 68.5 feet. Smaller lots are disproportionately affected by development standards for upper decks, limited by both the fixed side setbacks and a maximum projection from the structure. The subject property is also adjacent to 208 Fanmar Way; a small, narrow lot with limited separation and open space between it and 210 Fanmar Way. Approval of the modifications may be of modest mutual benefit between the two properties, enabling a larger deck in front of the residence in exchange for more open space and privacy in their respective backyards.

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

Staff Analysis: The proposed modifications enable the proposed upper deck to modestly exceed the depth and side setback limitations and are consistent with the purpose of the zoning district, general plan, and local coastal program.

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

Staff Analysis: The modifications are consistent with the general plan and local coastal program.

F. The modification will not establish a precedent.

Staff Analysis: Fanmar Way is characterized by curved and often substandard lots. Many residential structures do not meet all current development standards, particularly setbacks. There are five residences on the north side of Fanmar Way that have non-complying upper-story decks. Two of the properties exceed the maximum deck projection of six feet and five of the properties have decks that encroach into the required ten-foot side setback.

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 210 Fanmar Way. 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 residential project 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 impact 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 the construction of a new 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 the construction of a new single-family residence and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the construction of a new 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 project is located within the RM-L zone but is subject to development standards of the R-1 zone. The operating characteristics are consistent with the R-1 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 new single-family residence 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 RM-L zoning district.

Conditions of Approval:

1. The project approval includes the demolition of an existing residence and the construction of a single-family residence. The maximum Floor Area Ratio for the 3,245 square foot property is 57% (1,850 square feet). The total FAR of the project is 57% with a total of 1,848 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 May 2, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.

2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Prior to issuance of building permit, all Planning fees associated with permit #23-0523 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
23. 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.

6. Public Hearings

A. 602 El Salto Drive

Project Description: Application #23-0543. APN: 036-142-03. Design Permit for first- and second-story additions to an existing two-story single-family residence, including an attached accessory dwelling unit. 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 #23-0543 and approve the project based on the attached Conditions and Findings for Approval.

Director Herlihy reminded the audience of the change to the order of business. Associate Planner Sesanto presented the staff report.

The Commission asked questions about the proposed generator in this application and the City's setback requirements and standards for generators.

The applicant gave a statement about the generator design.

Motion to approve Item 6A: Commissioner Westman

Seconded: Commissioner Wilk

Voting Yea: 5-0

Design Permit Findings:

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

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

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

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

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

Section §15301(3) of the CEQA Guidelines exempts minor alterations of existing private structures involving negligible or no expansion of existing or former use and is subject to Section 753.5 of Title 14 of the California Code of Regulations. The exemption includes single-family residential additions that do not result in an increase of more than 50 percent of floor area or 2,500 square feet. The project involves additions to a single-family residence and a new accessory dwelling unit that will result in an increase of 36 percent or 1,365 square feet. The project is located within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

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

Community Development Staff and the Planning Commission have reviewed the project. The proposed single-family additions and new ADU will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed remodel and attached accessory dwelling unit 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 additions to the single-family residence and new ADU. The remodeled structure replaces much of the existing stucco siding to include modern alternatives such as concrete panels, composite shiplap. Some signature elements of the original structure are preserved, including the circular staircase tower, round living room, and flat parapet roof. Larger volumes are located towards the street and away from adjacent lots. The project introduces a contemporary style while maintaining the overall character and scale of the neighborhood.

Limited Standards ADU Permit Findings:

A. The ADU provides a minimum rear and side setback of four feet.

The proposed ADU is four feet from the nearest side property line and more than 11 feet from the rear property line.

B. The ADU does not exceed eight hundred square feet in size.

The proposed ADU is 788 square feet.

C. The ADU has a maximum height of sixteen feet.

The proposed ADU does not exceed sixteen feet in height.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City’s certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on private property at 602 El Salto Drive. The project will not negatively impact public landmarks and/or public views.

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

The residential project 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 the remodel of a single-family residence and new accessory dwelling unit will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the remodel of a single-family residence and new accessory dwelling unit and will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves the remodel of a single-family residence and new accessory dwelling unit and will not negatively impact coastal resources.

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

The proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) 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 remodel of a single-family residence and new accessory dwelling unit on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The project approval includes the renovation and addition of 577 square-feet to the existing primary dwelling and a new 788 square-foot attached accessory dwelling unit. The maximum Floor Area Ratio for the 9,108 square foot property is 48% (4,372 square feet). The total FAR of the project is 56.5% with a total of 5,146 square feet. The project is subject to the guaranteed allowance for the 788 square-foot ADU. The effective FAR is 47.8% with a total of 4,358 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 May 2, 2024, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.

8. Prior to issuance of building permit, all Planning fees associated with permit #23-0543 shall be paid in full.
9. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
10. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
11. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
12. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
13. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
14. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
15. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to

others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
22. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
23. 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.
24. At time of building permit, the applicant must provide documentation demonstrating the emergency generator does not exceed noise levels of sixty-five dBA as measured from the property line.
25. The generator may be operated only in case of a power outage or emergency or for periodic testing as required by the manufacturer. The generator may be tested only during the hours of eight a.m. and eight p.m.
26. Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - a. The accessory dwelling unit may not be used for vacation rentals; and
 - b. The accessory dwelling unit shall not be sold separately from the primary dwelling; and
 - c. The deed restriction shall lapse upon removal of the accessory dwelling unit.

C. Citywide Zoning Code Update

Project Description: Permit #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code 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.

Ben Noble, Consultant, presented the staff report.

Throughout the presentation, the Commission engaged in a discussion with consultant and staff and provided feedback for future zoning code amendments. The recommendations are listed in the following table:

Topic	Code Section	PC Direction
Design Review Process	17.108.040, 17.120.050, 17.148.020	Re-establish the Architecture and Site Review Committee (not unanimous). Clarify if Committee should review all Design Permits for single-family homes, or just major projects, such as new single-family homes. Require public notice of pending application.
Residential Multifamily (RM Zone) Density and Development Standards	17.16.030	Increase maximum density in RM zones. Return with more details on development standards needed to achieve a range of densities and appropriate locations for increased density.
Housing on Religious Facilities Sites	17.96.210 (new section)	Create site specific standards for affordable housing projects on land owned by religious institutions as allowed under SB 4

D. 115 San Jose Avenue

Project Description: Permit #24-0036. APN# 035-221-18 &19. Proposed amendments to the Master Conditional Use Permit (MCUP) for the mixed-use Capitola Mercantile to allow off-site sale of alcoholic beverages and extend hours of operation to 11pm on Thursday, Friday, and Saturday (currently 10pm); a proposed Tenant Use Permit and Sign Permit for the Hops Shop a new take-out restaurant/tasting room to operate in Suite #101 and use Suite #103 for storage; and a Design Permit for a modified porch roof in the MU-V (Mixed-Use Village) zoning district. This project is in the Coastal Zone but does not require a Coastal Development Permit.

Recommended Action: Consider Permit #24-0036 and approve the Tenant Use Permit, Sign Permit, Design Review, and amendments to the Master Conditional Use Permit with the recommended conditions of approval and deny the requested change to hours of operation.

Senior Planner Froelich presented the staff report.

Applicant, Dennis Norton, spoke about the project.

Commissioners questioned the applicant on certain historical aspects of the project and the property.

Evan Jacques, the business owner, spoke about his project.

Doug, owner of Capitola Wine Bar, recited his letter of concerns about the conditions and management of the Mercantile property.

There was a discussion between the Commission and staff regarding details of the proposal.

Motion to approve Item 6C with the following conditions – the outside area will have 4 tables and 16 chairs, there will be no outdoor amplified live sound, the applicant will work with staff to come up with a lighting plan, and the outdoor shared use area will close at 10:00 PM: Commissioner Westman

Seconded: Commissioner Estey

Voting Yea: 5-0

Master Conditional Use Permit Findings:

- A. The proposed use is allowed in the applicable zoning district.**
 The MU-V zone allows for takeout restaurants and tasting rooms provided the uses are conditioned to ensure compatibility within the context of surrounding uses. The proposed business, without the offsite sales component, could operate under the existing master conditional use permit. In this case, the applicant is proposing amendments to the MCUP, which requires Planning Commission review.
- 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 General Plan or Zoning Ordinance. The site has a General Plan designation of Village Mixed-Use, which allows for the proposed use. The MU-V zone allows for commercial uses including takeout businesses, retail, and beer and wine sales, provided the uses are conditioned to ensure compatibility with nearby uses.
- 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 proposed use area is limited to a capacity of internal six seats for customers and limited business hours requiring closure by 10 pm is compatible with the existing mixed-use land uses in the vicinity. The proposed use will utilize the “shared use” areas that are available to all Mercantile tenants. Conditions of approval regarding sound not being audible offsite and hours of operation are included in the permit to minimize possible noise impacts on neighbors.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**
 Takeout food establishments and beer and wine sales are conditionally permitted in the MU-V and allowed in the Mercantile. The proposal does not introduce any new customer area that has not been similarly used by past tenants and the potential impacts to public health, safety, and welfare to adjacent residents and businesses are mitigated by the conditions of approval.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**
 The proposed use is conditionally permitted in the MU-V zone. Potential impacts to nearby residents and businesses have been considered and conditions of approval have been added to mitigate potential impacts. The site is adequately served by existing services and infrastructure.

Design Permit Findings:

- G. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**
 Community Development Staff and the Planning Commission have reviewed the project. The proposed roof modification complies with the applicable development.
- H. The proposed project complies with all applicable provisions of the zoning code and municipal code.**
 Community Development Staff and the Planning Commission have reviewed the application for the modified roof. The proposed metal seam roof will comply with all applicable provisions of the zoning code and municipal code.
- I. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).**
 Section 15301 of the CEQA Guidelines exempts minor exterior changes. No adverse environmental impacts were discovered during project review by Planning Department Staff.

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

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

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

The Community Development Staff and the Planning Commission have reviewed the application. The proposed roof modification complies with all applicable design review criteria in Section 17.120.070.

L. The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have all reviewed the application for design and context. The proposed project complies with all measurable development standards for the zone and is similar in scale to nearby developments.

CONDITIONS

1. The project approval consists of a Master Conditional Use Permit Amendments, a Tenant Use Permit to establish a takeout restaurant/tasting room, and a Design Review to change a portion of the roofing material for the mixed-use Capitola Mercantile. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on May 2, 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. All construction and site improvements shall be completed according to the approved plans.
3. The Planning Department shall perform a final inspection, prior to initiating beer and wine sales. Prior to the Planning Department final inspection, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.

7. Director's Report

Director Herlihy summarized the updates provided during her Staff Comments and briefly discussed other topics with the Commission.

8. Adjournment

The meeting was adjourned at 9:34 PM to the next regularly scheduled meeting of the Planning Commission on June 6, 2024, at 6:00 PM.

Capitola Planning Commission

Agenda Report

Meeting: June 6, 2024

From: Community Development Department

Address: Citywide Zoning Code Update



Project Description: #24-0026 for future Amendments to the Capitola Municipal Code Title 17: Zoning. The future Zoning Code amendments will impact citywide development standards and regulations. 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: Ben Noble Consultant

Sean Sesanto, Associate Planner

Background: The City is updating the Zoning Code to implement programs in the recently adopted Housing Element and to address other identified issues. The Planning Commission previously met on February 1, February 16, and May 2, 2024, to provide input on important Zoning Code Update issues. Attachment 1 summarizes Planning Commission input received at these meetings.

On May 2, 2024, the Planning Commission discussed potential Zoning Code Amendments to implement Housing Element Program 1.6: Development Regulations. This program calls for the City to assess the maximum densities allowed in the RM zones and to determine if higher densities can help facilitate multi-family development in Capitola. Program 1.6 also calls for the City to assess if revisions to RM development standards, such as setbacks and height standards, are needed to reduce constraints on housing production.

Currently, the RM zone is divided into three subzones, with a maximum allowed density of 10 dwelling units per acre (du/ac) in RM-L, 15 du/ac in RM-M, and 20 du/ac in RM-H. The location of the RM subzones is shown in the Zoning Map (Attachment 2). Table 1 shows existing RM height, coverage, and setback standards. Table 2 shows existing parking standards and revisions recommended by the Planning Commission.

Table 1: RM Zone Development Standards

	RM-L	RM-M	RM-H
Height (max)	30 ft.	30 ft.	35 ft.
Building Coverage (max)	40%	40%	40%
Setbacks (min)			
Front	Main Structure: 15 ft. Garage: 20 ft.	Main Structure: 15 ft. Garage: 20 ft.	Main Structure: 15 ft. Garage: 20 ft.
Interior Side	10% of lot width [1]	10% of lot width [1]	10% of lot width [1]
Street Side	10 ft.	10 ft.	10 ft.
Rear	15% of lot depth	15% of lot depth	15% of lot depth

Notes:

[1] In no case less than 3 feet or greater than 7 feet.

Table 2: Planning Commission Recommended Changes to Parking Standards

	Existing	New
Duplex homes	2 per unit, 1 covered	No change
Multifamily Dwellings	2.5 per unit, 1 covered	0.5 per unit <350 sf close to transit 1.0 per unit <500 sf 1.5 per unit 500-750 sf 2.0 per unit ≥750 sf No required covered parking or guest parking

On May 2, 2024, the Planning Commission reviewed information on existing RM density and development standards, existing built densities in the RM zone, recent Santa Cruz County multifamily development, and prototype models of infill multifamily housing types. The Planning Commission noted a general need to consider increased RM densities and requested staff to return with additional information. Planning Commissioners requested information on development standards needed to achieve increased densities and suggested a site-specific consideration of changes to density standards.

RM Development Standards: Staff and consultants reviewed existing RM development standards to assess if these standards constrain housing production at different densities. This assessment found that in the RM-L and RM-M subzones, existing standards can accommodate development at 10 du/ac and 15 du/ac, respectively. In the RM-H subzone, building coverage and rear setbacks may constrain development at 20 du/ac. Existing parking standards (2.5 per unit) also constrain development at 15 and 20 du/ac.

Table 3 shows the existing RM-H height, coverage, and setback standards (second column), and proposed standards to allow for multifamily development at 20, 30, and 40 du/ac. If the Planning Commission recommends RM densities greater than 40 du/ac, additional increased height, reduced coverage, or both, would be necessary to allow for this density. Further reductions to minimum parking would also be needed to allow densities greater than 40 du/ac. Maximum plate height standards are introduced with additional height allowed for pitched roof forms. These standards are included in response to prior Planning Commission feedback.

Table 3: Standards to Allow for Increased Density

	Existing RM-H Standards	Standards Needed to Allow for:		
		20 du/ac	30 du/ac	40 du/ac
Height (max)	35 ft.			
Stories	-	3	3	3
Top Plate	-	30 ft.	30 ft.	35 ft.
Additional for pitched roof	-	6 ft.	6 ft.	6 ft.
Building Coverage (max)	40%	45%	50%	60%
Setbacks (min)				
Front	15 ft.	15 ft.	15 ft.	15 ft.
Interior Side	10% of lot width [1]	10% of lot width [1]	10% of lot width [1]	10% of lot width [1]
Street Side	10 ft.	10 ft.	10 ft.	10 ft.
Rear	15% of lot depth	10 ft [2]	10 ft [2]	10 ft [2]

[1] In no case less than 3 feet or greater than 7 feet.

[2] 20 ft. if abutting a R-1 zone.

[3] New multifamily dwellings must comply with Objective Standards for Multifamily and Mixed-Use Development.

RM Density: Attachment 2 shows existing zoning, built RM densities, and proposed new RM densities. This information is shown in five geographic areas (e.g., Northeast, Village) to facilitate Planning Commission discussion. Within each geographic area, RM parcels are further grouped into numbered areas. For each numbered area, tables show maximum density allowed under existing zoning, built densities, and proposed new densities.

The summary table in Attachment 3 lists proposed new densities for the numbered areas with additional information explaining the rationale for the proposal. Proposed new densities reflect prior Planning Commission comments to consider significant increases to allow densities in certain locations. Proposed densities also reflect the following considerations:

- Densities allowed in R-1 under SB 9 (up to 32 du/ac on a 5,500 sq. ft. lot)
- Typical densities of “missing middle” infill housing typologies (20+ du/ac)
- Existing built densities exceeding allowed densities
- Redevelopment potential of sites
- Form of ownership (e.g., condominiums)
- Surrounding land uses
- Environmental constraints

The maximum proposed new density is 40 dwelling units per acre, which can be achieved with three stories and recommended new parking standards. Greater residential density will be allowed in the Commercial and Mixed-Use zones along major transportation corridors. In the RM zone, a proposed project with deed-restricted affordable or senior housing also may request additional density and modified development standards through state density bonus law.

The proposed densities are not uniform for all parcels with the same RM subzone. For example, the proposed density for the Grove Lane RM-L parcels (No. 7 in Northeast Area) is 10 du/ac, while the proposed density of Park Avenue Apartments (No. 6 in Northeast Area), also RM-L, is 40 du/ac. The Grove Lane parcels cannot accommodate additional density due to coastal hazards-related site constraints and Coastal Act requirements. The Park Avenue Apartments site, in contrast, could accommodate additional units if allowed density is sufficient to support financially feasible redevelopment.

Staff requests Planning Commission feedback on the proposed density for numbered areas shown in Attachment 2 and 3. Based on this feedback, staff will prepare Zoning Map and Zoning Code text amendments as needed. It is possible that new or different RM subzones will be necessary to allow for the range of maximum densities. The Planning Commission, affected property owners, and general public will have the opportunity to review and comment on these proposed amendments at future meetings.

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: Analysis of potential environmental impacts from increased residential densities will be provided as part of public review of the proposed Zoning Code and Zoning Map amendments.

Attachments:

1. Zoning Code Update Summary Table
2. RM Zone Maps: Built and Proposed Densities
3. RM Zone Properties Summary Table: Allowed, Built, Proposed Density
4. Staff List of Amendments

Report Prepared By: Ben Noble, Consultant

Reviewed By: Austin Westly, Deputy City Clerk

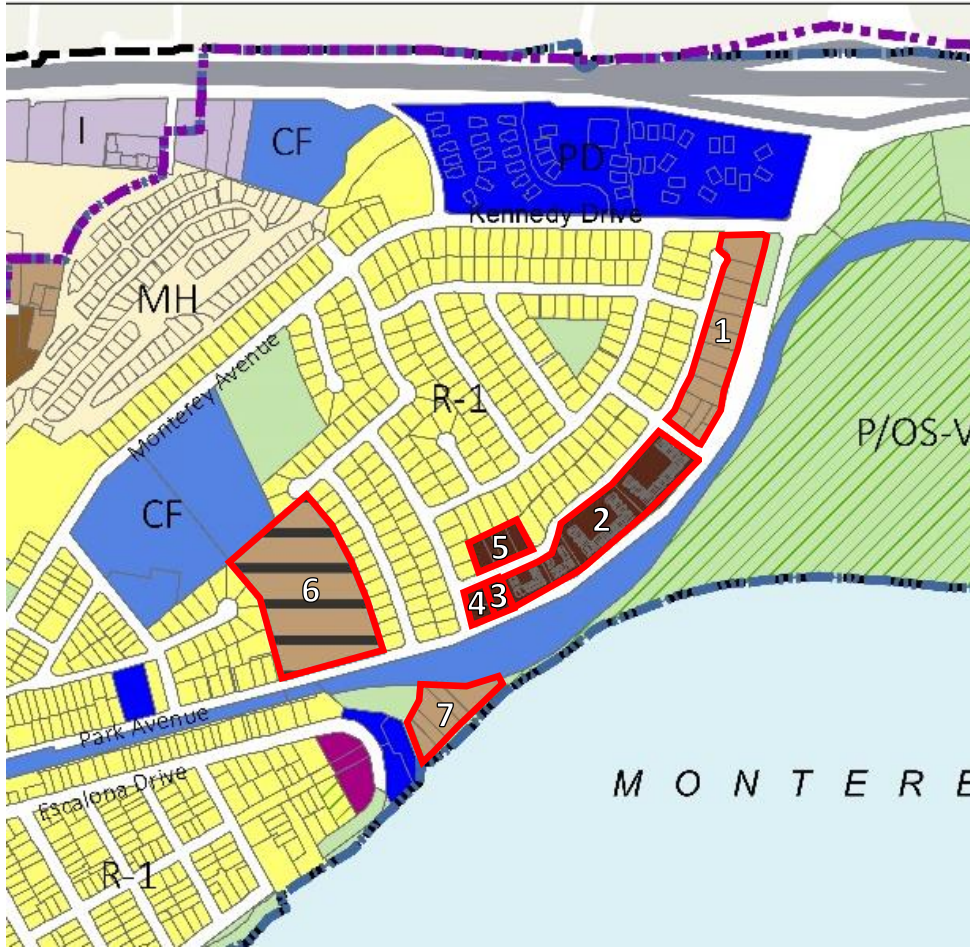
Approved By: Katie Herlihy, Community Development Director

Housing Element Update – Zoning Code Amendments

Topic	Code Location	PC Review Date	PC Direction
Mall Site Community Benefits	17.88	2/1/24	On the Capitola Mall site, increase maximum height to 75 feet, remove parking garages from FAR calculation, add objective standards to step massing along the street frontage, and require garages are incorporate into the architecture (wrapped)
Design Review Process	17.108.040, 17.120.050, 17.148.020	2/1/24, 5/2/24	Re-establish the Architecture and Site Review Committee (not unanimous). Clarify if Committee should review all Design Permits for single-family homes, or just major projects, such as new single-family homes. Require public notice of pending application.
Upper Floor Decks	17.16.030.B.11	2/1/24	Clarify 150 square feet is cumulative of all decks for FAR calculation. Allow deck on the second story at 15 feet setback instead of 20 feet. The privacy wall on upper story decks should be on a case-to-case basis changing “shall” to “may” be required by PC. Add examples of privacy screens to include opaque materials and vegetation.
Landscape plan requirements	17.72.040	2/1/24	No changes needed in code. Staff will create a guidance document/checklist for landscape plan requirements
Opaque windows on second stories	7.120.070.F	2/1/24	Clarify that opaque window standards to may be required on case-by-case basis (not always mandatory)
Missing Middle Housing	17.16.030	2/16/24	Modify RM development standards to allow missing middle housing projects.
Corner Duplexes	17.16	2/16/24	Allow duplex on all corner lots subject to same development standards as a single-family home.
Lot Consolidation	17.96.200 (new section)	2/16/24	Develop incentives to encourage lot consolidation as proposed by staff
Alternative Housing Types	Various sections	2/16/24	SROs: Maybe promote if we can count towards RHNA; Live/Work: not priority in Capitola; Micro units: Promote close to transit center; Co-housing: check this box if will please HCD; Workforce: add as community benefit
Parking - Multifamily	17.76.030	2/16/24	0.5 per unit <350 sf close to transit 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
Parking – Senior and Special Needs	17.76.030	2/16/24	Revise required parking spaces for senior and special needs housing uses as proposed by staff. Consider needed guest parking
Residential Multifamily (RM Zone) Density and Development Standards	17.16.030	5/2/24	Increase maximum density in RM zones. Return with more details on development standards needed to achieve a range of densities and appropriate locations for increased density.

Topic	Code Location	PC Review Date	PC Direction
Housing on Religious Facilities Sites	17.96.210 (new section)	5/2/24	Create site specific standards for affordable housing projects on land owned by religious institutions as allowed under SB 4

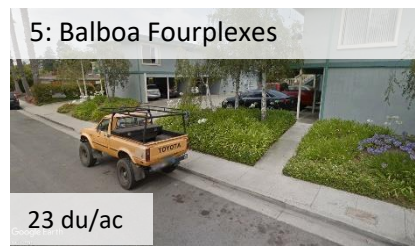
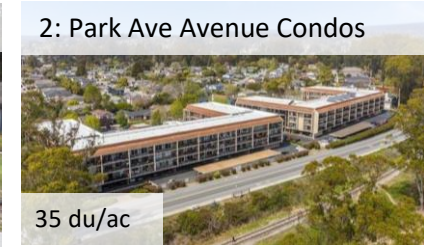
Northeast Area



- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

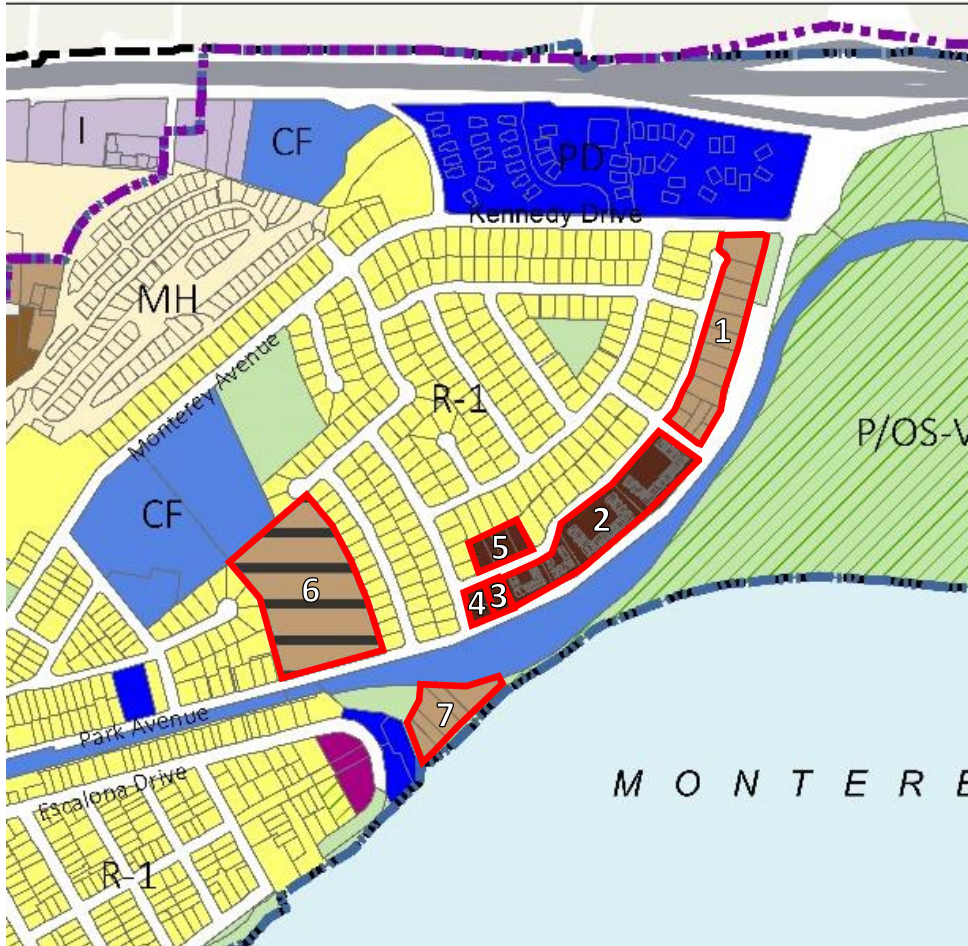
Built Densities:

Item 7 A.



Northeast Area

Item 7 A.

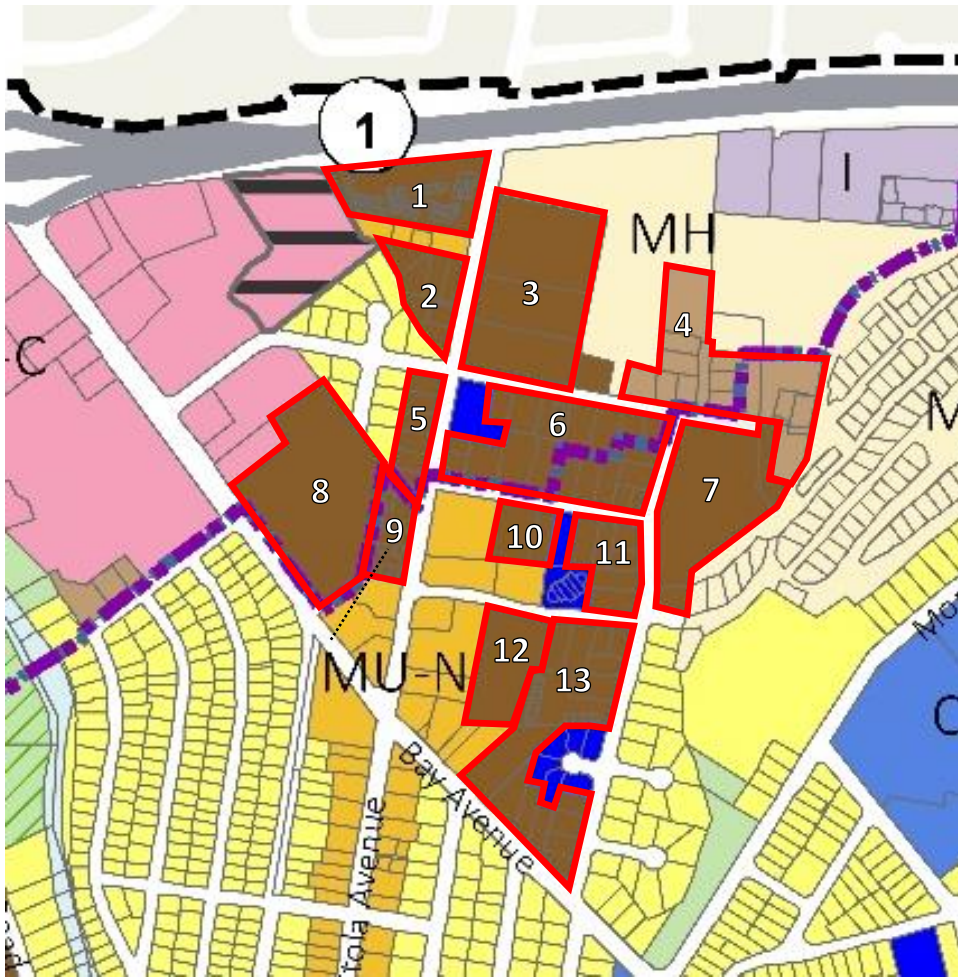


- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

ID	Allowed	Built	Proposed
1	10 du/ac	7 du/ac	20 du/ac
2	20 du/ac	35 du/ac	40 du/ac
3	20 du/ac	25 du/ac	30 du/ac
4	20 du/ac	6 du/ac	20 du/ac
5	20 du/ac	23 du/ac	30 du/ac
6	10 du/ac	15 du/ac	40 du/ac
7	10 du/ac	17 du/ac	10 du/ac

Requested
Feedback

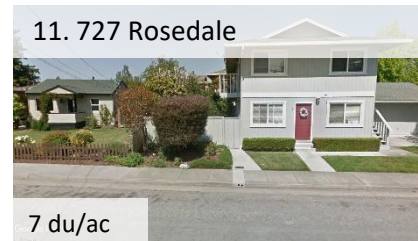
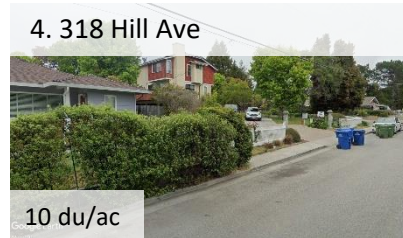
North Central Area



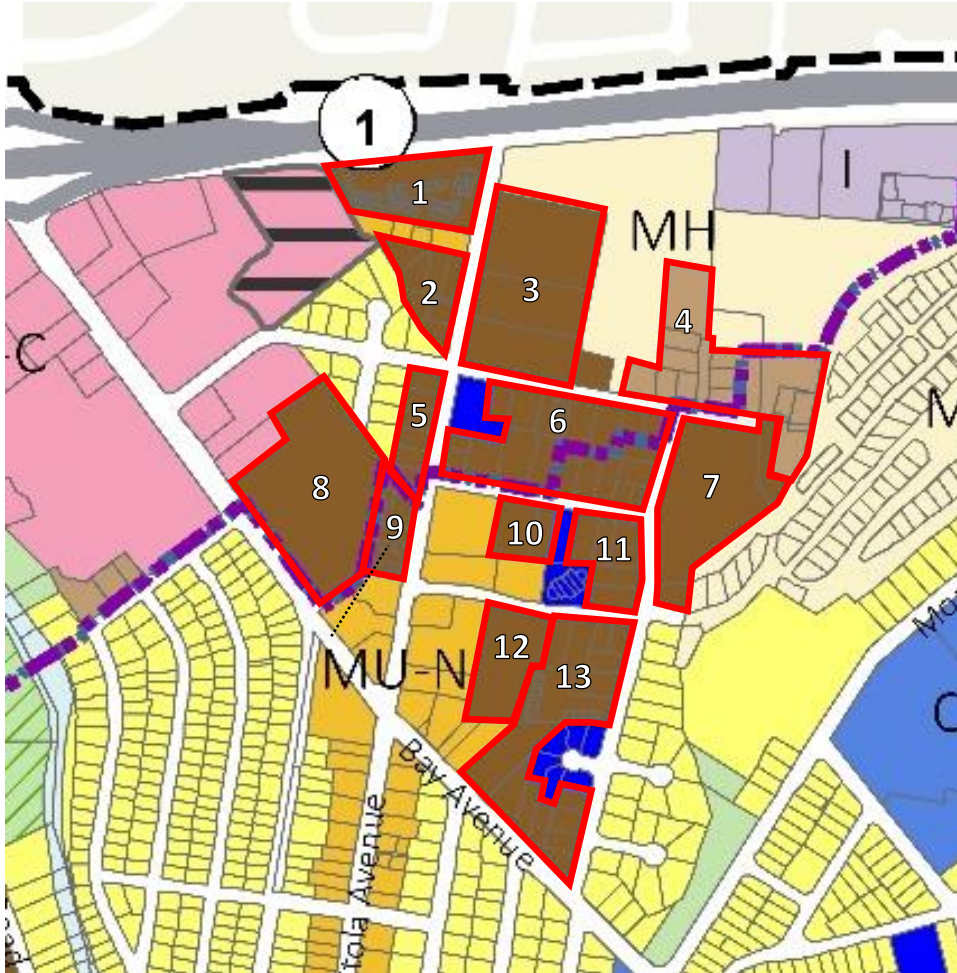
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

Built Densities:

Item 7 A.



North Central Area



- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

ID	Allowed	Built	Proposed
1	15 du/ac	34 du/ac	40 du/ac
2	15 du/ac	6 du/ac	15 du/ac
3	15 du/ac	14 du/ac	30 du/ac
4	10 du/ac	10 du/ac	20 du/ac
5	15 du/ac	15 du/ac	20 du/ac
6	15 du/ac	7 du/ac	30 du/ac
7	15 du/ac	21 du/ac	30 du/ac
8	15 du/ac	23 du/ac	40 du/ac
9	15 du/ac	29 du/ac	30 du/ac
10	15 du/ac	13 du/ac	30 du/ac
11	15 du/ac	7 du/ac	30 du/ac
12	15 du/ac	38 du/ac	40 du/ac
13	15 du/ac	12 du/ac	15 du/ac

Requested
Feedback

Capitola Village



Built Densities:

17 du/ac in Area 1

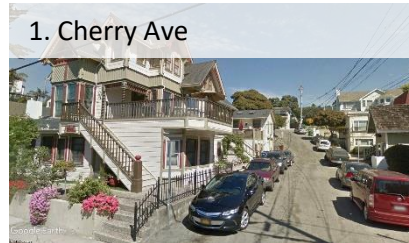
1. Fanmar Way



1. Monterey Ave



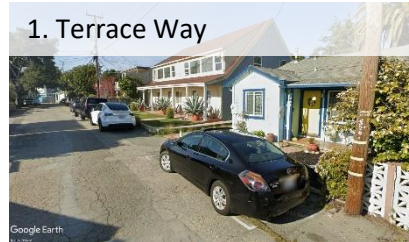
1. Cherry Ave



1. Cherry Ave



1. Terrace Way



2. 221 Central Ave



Residential Multifamily (RM) Subzones

- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

Capitola Village



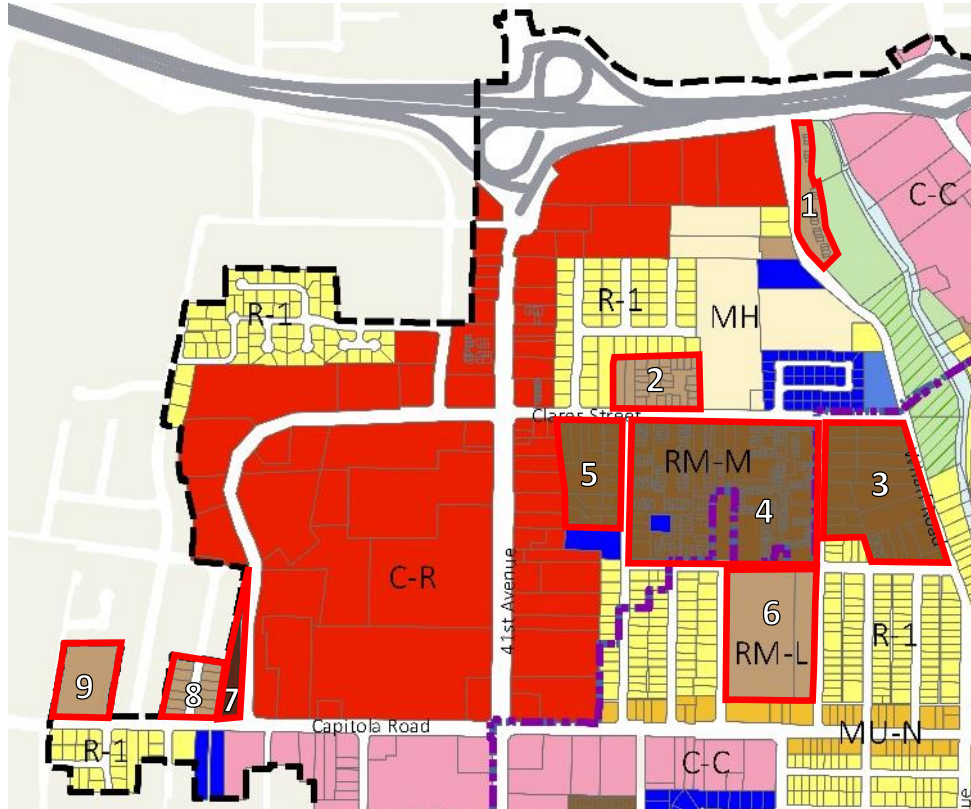
ID	Allowed	Built	Proposed
1	10 du/ac	17 du/ac	10 du/ac
2	10 du/ac	64 du/ac?	10 du/ac

Requested
Feedback

Residential Multifamily (RM) Subzones

- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

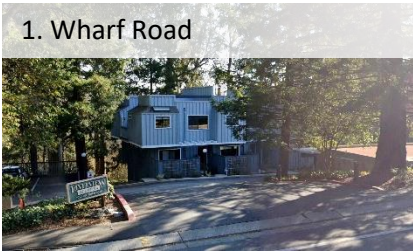
Northwest Area



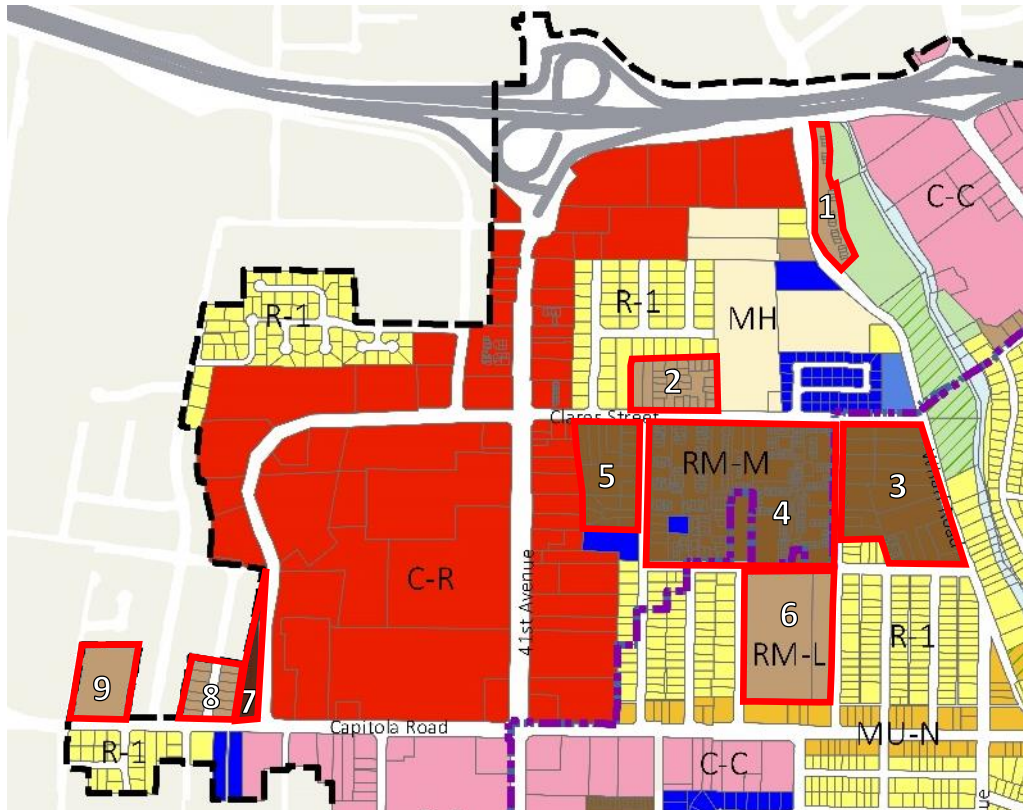
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

Built Densities:

Item 7 A.



Northwest Area

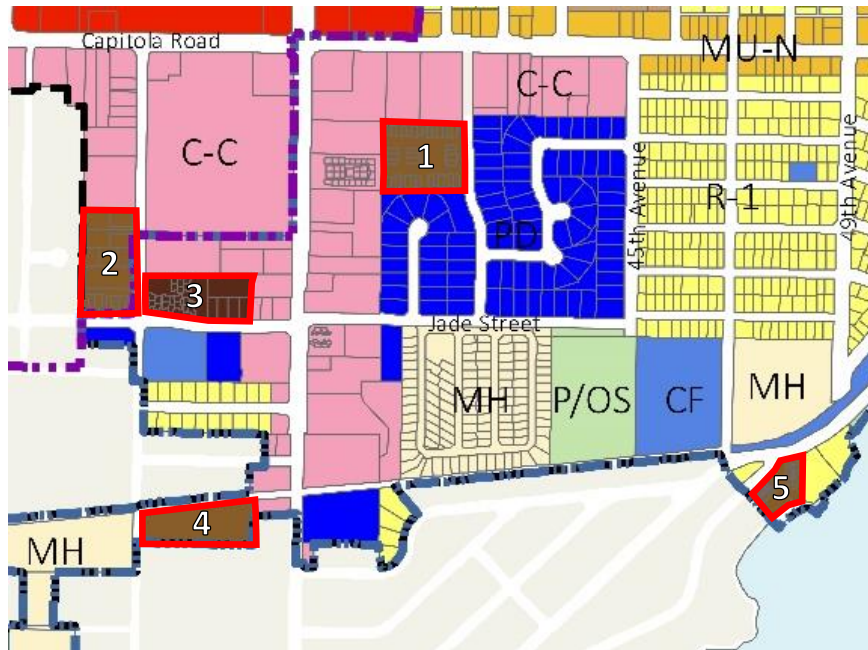


- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

ID	Allowed	Built	Proposed
1	10 du/ac	10 du/ac	10 du/ac
2	10 du/ac	10 du/ac	20 du/ac
3	15 du/ac	18 du/ac	30 du/ac
4	15 du/ac	17 du/ac	30 du/ac
5	15 du/ac	14 du/ac	30 du/ac
6	10 du/ac	12 du/ac	30 du/ac
7	20 du/ac	18 du/ac	20 du/ac
8	10 du/ac	9 du/ac	10 du/ac
9	20 du/ac	18 du/ac	40 du/ac

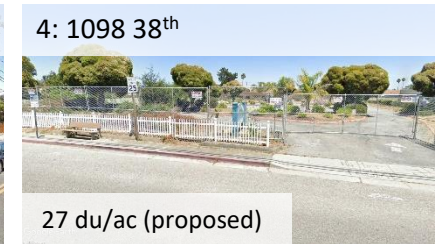
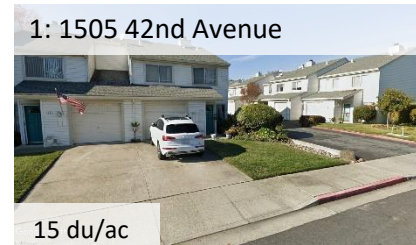
Requested
Feedback

Southwest Area

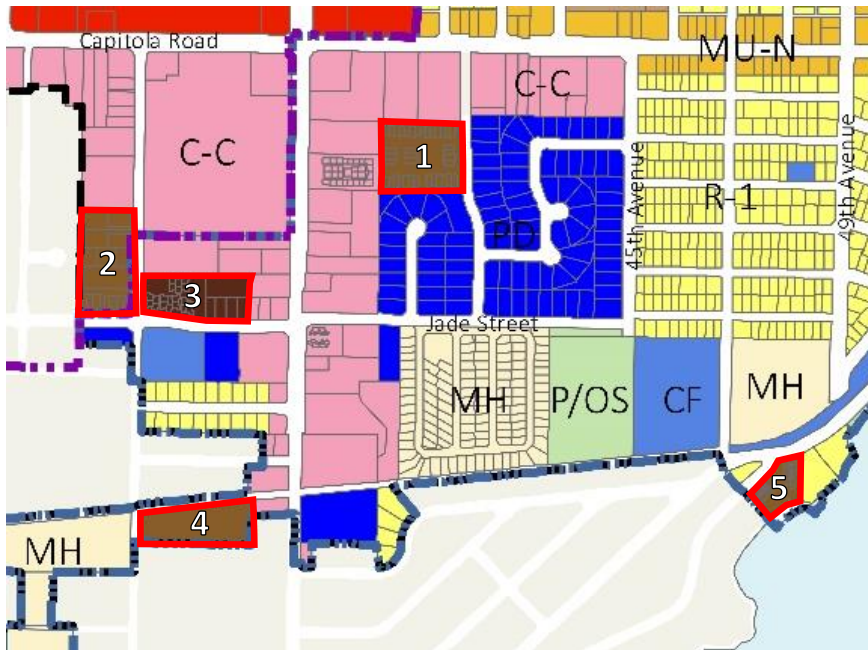


- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

Built Densities:



Southwest Area



- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

ID	Allowed	Built	Proposed
1	15 du/ac	15 du/ac	15 du/ac
2	15 du/ac	13 du/ac	15 du/ac
3	20 du/ac	12 du/ac	20 du/ac
4	15 du/ac	27 du/ac*	30 du/ac
5	15 du/ac	29 du/ac	15 du/ac

* Proposed project

Requested
Feedback

RM ZONE PROPERTIES: ALLOWED, BUILT AND PROPOSED DENSITY

ID	Location	Density			Notes
		Allowed	Built	Proposed	
Northeast Area					
1	Balboa Ave Duplexes	10 du/ac	7 du/ac	20 du/ac	12,000 sq. ft. typical lots. 2 units per lot now allowed. 5 units per lot permitted at 20 du/ac
2	Park Ave Avenue Condos	20 du/ac	35 du/ac	40 du/ac	Legalize built density
3	809 Balboa	20 du/ac	25 du/ac	30 du/ac	Legalize built density
4	Cabrillo & Balboa	20 du/ac	6 du/ac	20 du/ac	Lower density for buffer/transition to single-family homes on Cabrillo
5	Balboa Fourplexes	20 du/ac	23 du/ac	30 du/ac	Limit density increase given surrounding single-family homes
6	Park Ave Apartments	10 du/ac	15 du/ac	40 du/ac	Large opportunity site. Incentivize redevelopment with high density
7	Grove Lane	10 du/ac	17 du/ac	10 du/ac	Coastal hazards. No density increase.
North Central Area					
1	Capitola Mansion	15 du/ac	34 du/ac	40 du/ac	Legalize built density
2	West side Capitola Ave, Hill St. to Capitola Ct.	15 du/ac	6 du/ac	15 du/ac	Single-family homes. Keep existing maximum density
3	900-912 Capitola Ave	15 du/ac	14 du/ac	30 du/ac	Capitola Terrace and 900 Capitola Ave apartments.
4	MF-L area accessed from Hill St.	10 du/ac	10 du/ac	20 du/ac	Small lot redevelopment opportunities. One unit now allowed on 7,000 sq. ft. lot; 3 units at 20 du/ac
5	West side Capitola Ave, Hill St. to Pine St	15 du/ac	15 du/ac	20 du/ac	Existing duplexes
6	Hill to Pine to Block	15 du/ac	7 du/ac	30 du/ac	Intensification opportunities on lots with single-family homes
7	Rosedale Apartments	15 du/ac	21 du/ac	30 du/ac	Large apartment complex. Potential for additional units.
8	Bay Ave Senior Housing	15 du/ac	23 du/ac	40 du/ac	Large senior housing complex. Potential for additional units.
9	West side Capitola Ave, south of Pine St	15 du/ac	29 du/ac	30 du/ac	Legalize built density

ID	Location	Density			Notes
		Allowed	Built	Proposed	
10	505 Pine	15 du/ac	13 du/ac	30 du/ac	Nine built units. 30 du/ac would allow 15 units on half-acre site
11	Pine/Rosedale/Plum	15 du/ac	7 du/ac	30 du/ac	Small lot redevelopment opportunities. 3 units now allowed on 11,000 sq. ft. lot; 7 units at 30 du/ac
12	501 Plum	15 du/ac	38 du/ac	40 du/ac	Legalize built density
13	Plum/Rosedale/Bay	15 du/ac	12 du/ac	15 du/ac	Maintain existing density as buffer/transition to surrounding single-family neighborhoods
Capitola Village					
1	Village	10 du/ac	17 du/ac	10 du/ac	Maintain existing maximum density due to parking and circulation challenges
2	221 Central	10 du/ac	64 du/ac	10 du/ac	Maintain existing maximum density due to parking and circulation challenges
Northwest Area					
1	2050-2114 Wharf Road	10 du/ac	10 du/ac	10 du/ac	No further development potential due to environmental constraints on site
2	Cape Bay Colony	10 du/ac	10 du/ac	20 du/ac	Condominiums – redevelopment unlikely
3	Clares/46 th /Grace	15 du/ac	18 du/ac	30 du/ac	Apartment properties with intensification potential
4	Clares/42 nd /46 th /Grace	15 du/ac	17 du/ac	30 du/ac	Condominiums – redevelopment unlikely
5	Clares/42 nd /Pearson	15 du/ac	14 du/ac	30 du/ac	Redevelopment potential on lots with single-family homes. At 30 du/ac, 4 units possible on 6,000 sq. ft. lot
6	Capitola Gardens	10 du/ac	12 du/ac	30 du/ac	Large property with potential for additional units
7	Dakota Apartments	20 du/ac	18 du/ac	20 du/ac	Narrow parcel, additional units unlikely
8	Axford Road	10 du/ac	9 du/ac	10 du/ac	Single-family homes part of neighborhood extending into County
9	Landing at Capitola	20 du/ac	18 du/ac	40 du/ac	Large parcel on Capitola Road close to Mall
Southwest Area					
1	1505 42 nd Avenue	15 du/ac	15 du/ac	15 du/ac	Condominiums – redevelopment unlikely
2	NW corner Brommer 38 th	15 du/ac	13 du/ac	15 du/ac	Condominiums – redevelopment unlikely
3	NE corner Brommer 38 th	20 du/ac	12 du/ac	20 du/ac	Condominiums – redevelopment unlikely

ID	Location	Density			Notes
		Allowed	Built	Proposed	
4	1098 38 th Ave	15 du/ac	27 du/ac*	30 du/ac	Match proposed
5	Opal Cliff Drive	15 du/ac	29 du/ac	15 du/ac	Coastal hazards

Housing Element Update – Zoning Code Amendments

Topic	Code Location	PC Review Date	PC Direction
Mall Site Community Benefits	17.88	2/1/24	On the Capitola Mall site, increase maximum height to 75 feet, remove parking garages from FAR calculation, add objective standards to step massing along the street frontage, and require garages are incorporate into the architecture (wrapped)
Design Review Process	17.108.040, 17.120.050, 17.148.020	2/1/24, 5/2/24	Re-establish the Architecture and Site Review Committee (not unanimous). Clarify if Committee should review all Design Permits for single-family homes, or just major projects, such as new single-family homes. Require public notice of pending application.
Upper Floor Decks	17.16.030.B.11	2/1/24	Clarify 150 square feet is cumulative of all decks for FAR calculation. Allow deck on the second story at 15 feet setback instead of 20 feet. The privacy wall on upper story decks should be on a case-to-case basis changing “shall” to “may” be required by PC. Add examples of privacy screens to include opaque materials and vegetation.
Landscape plan requirements	17.72.040	2/1/24	No changes needed in code. Staff will create a guidance document/checklist for landscape plan requirements
Opaque windows on second stories	7.120.070.F	2/1/24	Clarify that opaque window standards to may be required on case-by-case basis (not always mandatory)
Missing Middle Housing	17.16.030	2/16/24	Modify RM development standards to allow missing middle housing projects.
Corner Duplexes	17.16	2/16/24	Allow duplex on all corner lots subject to same development standards as a single-family home.
Lot Consolidation	17.96.200 (new section)	2/16/24	Develop incentives to encourage lot consolidation as proposed by staff
Alternative Housing Types	Various sections	2/16/24	SROs: Maybe promote if we can count towards RHNA; Live/Work: not priority in Capitola; Micro units: Promote close to transit center; Co-housing: check this box if will please HCD; Workforce: add as community benefit
Parking - Multifamily	17.76.030	2/16/24	0.5 per unit <350 sf close to transit 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
Parking – Senior and Special Needs	17.76.030	2/16/24	Revise required parking spaces for senior and special needs housing uses as proposed by staff. Consider needed guest parking
Residential Multifamily (RM Zone) Density and Development Standards	17.16.030	5/2/24	Increase maximum density in RM zones. Return with more details on development standards needed to achieve a range of densities and appropriate locations for increased density.

Topic	Code Location	PC Review Date	PC Direction
Housing on Religious Facilities Sites	17.96.210 (new section)	5/2/24	Create site specific standards for affordable housing projects on land owned by religious institutions as allowed under SB 4

Additional Zoning Code Cleanup Amendments

Topic	Code Location	Amendment Description
Specify minimum allowed curb cut widths.	17.20.030(E)(6)(a) and 17.20.040(F)(1) –	17.20.030(E) is specific to MU-V and states: 6. Driveways and Curb Cuts. a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots. b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines. Reference to parking chapter section 17.76.040(C)(3) which identifies when curb cuts are prohibited in Village. 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.”
CDP Waiver or Exclusion for J/ADUs	17.44 and 17.74	https://documents.coastal.ca.gov/assets/rflg/ADU-Memo.pdf CDP waiver or Categorical Exclusion for ADUs in appealable and non-appealable areas that are not subject to a public hearing, are not located in a hazard area, nor located in environmentally sensitive habitat areas, nor near a beach/bluff, and would not negatively impact coastal resources or access.
Flatwork	17.48-2, 17.72.020, -050	Standards for flatwork/hardscape.
Floor Area & Parking Req.	17.48.040(B)(6) and 17.76.030(C)(1)	Exemption of residential deck floor area from parking requirements.
Limited Standards ADUs within the required front setback.	17.74	As of 2022 per the HCD ADU Handbook, front setbacks must be waived if necessary to allow construction of a limited standards ADU. “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).)” Page 16 of the HCD handbook. HCD ADU Handbook Link

Topic	Code Location	Amendment Description
		Within limited standards add “The community development director shall determine which standards must be adjusted, if any, to comply with this section.”
Definition of multifamily for ADU chapter – consistency with state law	17.74	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). CA HCD guidance defines multifamily (for the purposes of ADUs) as 2 or more units in a structure.
Parking Requirements for SFD Remodels	17.76	Revise existing parking standards affected by AB 1308 (Gov Code 65863.3), which limit imposing additional parking for projects that remodel, renovate, or add to a single-family residence.
Signs	17.80	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.
Remove 'CDD' Refence	17.84.080(C)	Replace “CDD” with “community development director” for code consistency.
Historic Alteration Permits	17.84.070(C)(2)	<p>Outline format. 17.84.070(C)(2) should be 17.84.070(D)</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> <ul style="list-style-type: none"> a. The project requires a discretionary approval (e.g., design permit, coastal development permit); and 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>2. D. <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>
Historic Preservation Incentives - Language	17.84.090	17.89.090(D). 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

Topic	Code Location	Amendment Description
		<p>that would not substantially advance the city’s historic preservation goals. Required third-party reviews shall be paid for by the applicant. The provision’s intent is to provide relief for projects that protect historic resources. Clarify whether applicable projects must go before City Council to receive a waiver/reimbursement and if there are required findings. Consider rewriting the first sentence of 17.89.090(D) “The city council shall may waive application fees...”.</p> <p>Clarify if fees may be waived for historic applications that are approved by lower review authorities.</p> <p>3. Historic Alteration Permits and Historic Determinations of Significance are billed on an hourly basis for staff time, rather than a set permit fee. Consider modifying second sentence “Planning permit fees application and review fees shall be waived only for...”</p>
Home Occupations	17.96.040	<p>17.96.040.A. states A. Required Permit. An administrative permit is required to establish or operate a home occupation.</p> <p>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>
Wireless Communication Facilities	17.104	Update Federal CFR references throughout chapter. 47 CFR § 1.40001 appears to have been changed to 47 CFR 1.6100
Referral of Application to Planning Commission	17.112.090 (new) 17.148.030 (E)	The Planning Director may refer any application to the Planning Commission when the proposal may result in unusual public sensitivity, controversy, or complexity.

Topic	Code Location	Amendment Description
Time limits and extensions.	17.156.080	<p>Item #1: Existing code does not have provisions to accommodate public agencies or complicated private projects under the original approval. Permits are valid for two years unless an extension is granted by the original review authority. Consider a provision for flexibility where longer timeframes are considered likely and reasonable.</p> <p>Provision(s) could be limited to City/public projects and could reserve authorization to only the Planning Commission or City Council rather than by administrative decision.</p> <p>17.156.080(A). Expiration of Permit.</p> <ol style="list-style-type: none"> 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</u> an extension of time is approved as allowed by subsection C of this section (Extension of Time). 2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer. <p>Item #2 Reword the first line of Section 17.156.080(C):</p> <p>17.156.080(C) Extension of Time. The community development director may approve <u>Extensions</u> to a permit may be approved consistent with in the following manner:</p> <ol style="list-style-type: none"> 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

Topic	Code Location	Amendment Description
Glossary. Define clerestory windows (height)	17.160	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.
Glossary. (and Commercial Districts)	17.160	The definition of to-go restaurant should specifically not include bars.
Roof Decks	17.160.020(R)(9)	<p>17.16.030(11)(f) prohibits “roof decks” in the R-1 zoning district. 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). Clarify “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.</p> 