



# AGENDA

## CAPITOLA PLANNING COMMISSION

### Thursday, February 4, 2021 – 7:00 PM

Chairperson            Mick Routh  
Commissioners        Courtney Christiansen  
                                 Ed Newman  
                                 Susan Westman  
                                 Peter Wilk

#### **NOTICE OF REMOTE ACCESS ONLY:**

In accordance with the current Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

#### **To watch:**

1. Online <http://capitolaca.iqm2.com/Citizens/Default.aspx>
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

#### **To participate remotely and make public comment:**

1. Send email:
  - a. As always, send additional materials to the Planning Commission via [planningcommission@ci.capitola.ca.us](mailto:planningcommission@ci.capitola.ca.us) by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
  - b. During the meeting, send comments via email to [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us)
    - Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
    - Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.
    - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
    - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
    - Emails received by [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us) outside of the comment period outlined above will not be included in the record.
2. Zoom Meeting (Via Computer or Phone)
  - a. Please click the link below to join the meeting:
    - <https://us02web.zoom.us/j/82019384851?pwd=WHQ3OFV4ckxiaDIUVzNuM09JVTNkQT09> (link is external)
    - If prompted for a password, enter 726979
    - Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak

- b. Dial in with phone:
- Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
  - **1 669 900 6833**
  - **1 408 638 0968**
  - **1 346 248 7799**
  - **1 253 215 8782**
  - **1 301 715 8592**
  - **1 312 626 6799**
  - **1 646 876 9923**
  - Enter the meeting ID number: **820 1938 4851**
  - When prompted for a Participant ID, press #
  - Press \*6 on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

## REGULAR MEETING OF THE PLANNING COMMISSION - 7 PM

*All correspondences 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.*

*All matters listed on the Regular Meeting of the Capitola Planning Commission Agenda shall be considered as Public Hearings.*

### 1. ROLL CALL AND PLEDGE OF ALLEGIANCE

### 2. ORAL COMMUNICATIONS

#### A. Additions and Deletions to Agenda

#### B. Public Comments

*Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.*

#### C. Commission Comments

#### D. Staff Comments

### 3. 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) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

#### A. 1855 41st Avenue #21-0023 APN: 034-261-07, -37, -38, -40, & -52

Conditional Use Permit for Mobile Food Vendors located within the C-R (Regional Commercial) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Merlone Geier Management, LLC

Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 01.21.2021

#### B. Study Session to Introduce Objective Standards for Mixed Use and Multifamily Development Projects

Introduction to Objective Standards for Mixed Use and Multifamily Development Applications

The future standards will be applicable in all zoning districts which allow multi-family and mixed-use development. The future ordinance adding objective standards will require certification by the California Coastal Commission prior to taking effect in the Coastal Zone.

Representative: Ben Noble, Ben Noble City and Regional Planning

Applicant: Katie Herlihy, City of Capitola

### 4. DIRECTOR'S REPORT

### 5. COMMISSION COMMUNICATIONS

### 6. ADJOURNMENT

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500) filing fee, unless the item 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 1<sup>st</sup> Thursday of each month at 7 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](http://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.

**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](http://www.cityofcapitola.org).



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 4, 2021

SUBJECT: **1855 41st Avenue #21-0023 APN: 034-261-07, -37, -38, -40, & -52**

Conditional Use Permit for Mobile Food Vendors located within the C-R (Regional Commercial) zoning district.  
 This project is not in the Coastal Zone and does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Merlone Geier Management, LLC  
 Representative: Brian Kirk, Merlone Geier Management, LLC, Filed: 01.21.2021

### **APPLICANT PROPOSAL**

The applicant is requesting a conditional use permit for mobile food vending at 1855 41<sup>st</sup> Avenue in the C-R (Regional Commercial) zoning district. The proposal includes all of the parcels that make up the Capitola Mall and the surrounding parking lot areas owned by Merlone Geier Partners.

### **BACKGROUND**

On Wednesday, January 20, 2021, Staff sent a courtesy letter to the management of the Capitola Mall to informing them that the mobile food vendors operating in the mall parking lot along 41<sup>st</sup> Avenue required use permits from the City of Capitola. The manager of the Capitola Mall subsequently informed the owners of the two mobile food vendors, Taquizas Gabriel and Saucy'z, that they would not be allowed to operate in the parking lot until the required permits were obtained.

### **DISCUSSION**

Table 17.24-1 in Capitola Municipal Code (CMC) §17.24.020 – Land use regulations, indicates that mobile food vending may be permitted under an administrative temporary use permit or a discretionary conditional use permit.

CMC §17.96.180(C)(6) allows mobile food vendors to operate in one location four times or less per year with an administrative temporary use permit. This section also notes that mobile food vendors in one location more than four times per year require a conditional use permit. Conditions of approval related to the following items may be required within a permit when they are deemed necessary in connection with the temporary use:

1. Hours of operation.

2. Maintenance of accessibility for the disabled.
3. Protection of fire lanes and access.
4. Preservation of adequate on-site circulation.
5. Preservation of adequate on-site parking or a parking management plan to temporarily park off site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.

The applicant is applying for a Conditional Use Permit to allow mobile food vending on the Capitola Mall property more than four times per year. The applicant submitted a management plan that includes information related to the eight potential conditions listed above (Attachment 2). The Planning Commission may consider the information in relation to the considerations as outlined in the analysis below and include conditions of approval mitigating possible issues with the conditional use permit. A site plan indicating the proposed areas for mobile food vending is included as Attachment 1.

The applicant is proposing up to three mobile food vendors operating seven days a week from 11 a.m. to 8 p.m. The mall is proposing four sites for the food vending locations, including: the parking spaces along 41<sup>st</sup> Avenue north of the main eastern mall entrance and along the north side of the entrance driveway, the parking spaces along 41<sup>st</sup> Avenue south of the main eastern mall entrance and along the south side of the entrance driveway, the parking spaces along Capitola Road between the main southern mall entrance and the Bank of America parcel, and the parking spaces along Clares Street south of the main western mall entrance. The purpose for requesting four sites is to have the ability to move the food vendor locations during special events and during the redevelopment of the mall to accommodate construction. The proposal does not include seating or special lighting. Individual mobile food vendors will be required to have onsite trash and recycling, which will be disposed of within the mall refuse disposal areas.

When evaluating a conditional use permit application, the Planning Commission is required to consider the following characteristic of the proposed use:

- A. Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).

Staff Analysis: The applicant is proposing to have up to three mobile food vendors operating seven days a week between the hours of 11 a.m. and 8 p.m. The areas proposed for mobile food vending are located in underutilized portions of the Capitola Mall parking lot that are generally vacant, so traffic generation and parking impacts are projected to be minimal. Lighting will be limited to the existing parking lot lighting and existing exterior lighting on the mobile food vendor vehicle or trailer. The proposed use is not expected to generate any noise, odor, dust, or other external impacts.

Staff has included a condition of approval requiring mobile food vendors to provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during their hours of operation.

Staff has also included a condition of approval requiring mobile food vendors to comply with the sign standards in CMC Chapter 17.80. Specifically, mobile food vendors must comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in

CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.

Additional conditions of approval have been added to address Americans with Disabilities Act (ADA) access, protection of fire lanes, preservation of on-site circulation, customer parking, refuse collection and disposal, lighting, and operation of any loudspeaker or sound amplification.

B. Availability of adequate public services and infrastructure.

Staff Analysis: The proposed uses will not utilize any permanent infrastructure and the proposed locations in the Capitola Mall parking lot have readily available public services. The one exception is public restrooms, the nearest of which are located in the Capitola Mall food court. However, the mobile food vendors, as proposed, are essentially a take-out restaurant use with no seating allowed, reducing the amount of time customers will be on the site.

C. Potential impacts to the natural environment.

Staff Analysis: As the proposed uses would be located in an existing parking lot along a busy commercial corridor, there will no impacts to the natural environment.

D. Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

Staff Analysis: The use is being proposed in underutilized areas along the outer edges of the Capitola Mall parking lot. The operating characteristics of mobile food vendors are complementary to the existing retail and restaurant uses in the Capitola Mall and on the adjacent parcels. The parking lot is large and generally flat in terms of topography.

### CEQA

Section 15332 of the CEQA Guidelines exempts project characterized as in-fill development when: the project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations; the proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses; the project site has no value as habitat for endangered, rare, or threatened species; the project would not result in any significant effects relating to traffic, noise, air quality, or water quality; and the site can be adequately served by all required utilities and public services. The proposed project is consistent with the in-fill development exemption and no adverse environmental impacts were discovered by Planning Staff during review of the proposed project.

### RECOMMENDATION

Staff recommends the Planning Commission review and **approve** project application #21-0023 based on the following Conditions and Findings for Approval.

### CONDITIONS OF APPROVAL

1. The project approval consists of the approval of a conditional use permit for the operation of up to three mobile food vendors seven days a week in the locations indicated on the approved site plan. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on February 4, 2021, except as modified through conditions imposed by the Planning Commission during the hearing.

2. 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 site plan or expansion of the proposed use shall require Planning Commission approval.
3. Prior to exercising the conditional use permit, the applicant must provide documentation of plan approval by the Central Fire Protection District.
4. Mobile food vendors shall obtain a Capitola Business License and any required county and state licenses prior to commencing business in Capitola.
5. Placement of food vendor vehicles or trailers shall not obstruct fire lane access.
6. Placement of food vendor vehicles or trailers shall not obstruct vehicular right of way.
7. Mobile food vendor customers shall utilize parking spaces located on parcels owned by the Capitola Mall.
8. Mobile food vendors shall supply their own bird deterrent trash receptacles and empty them in the Capitola Mall refuse collection areas when full and upon leaving the premises daily.
9. Mobile food vendor lighting shall be limited to lighting located on the food vendor vehicle or trailer. Lighting shall be in compliance with the Capitola Municipal Code.
10. Mobile vendor may not discharge any liquids including wash water onto the ground.
11. Mobile vendor must clean up any spills caused by their operation or customers.
12. Mobile food vendors shall be responsible for maintaining ADA access to the vendor vehicle or trailer.
13. Mobile food vendors shall provide a physical barrier (e.g. stanchions and ropes, retractable belt barriers) between the vehicular right of way in the parking lot and the queue for customers waiting to order food during hours of operation.
14. Mobile food vendors shall comply with all sign standards in CMC Chapter 17.80. Specifically, mobile food vendors shall comply with the prohibition of portable signs in CMC §17.80.060(A)(2) and flag signs in CMC §17.80.060(A)(5). Signs will be limited to signage on the mobile food vendor vehicle and/or trailer.
15. Mobile food vendors shall not put out seating or tables for customers.
16. Mobile food vendors shall not utilize a loudspeaker or other amplified sound.
17. This permit shall expire 24 months from the date of issuance. The applicant shall exercise the permit before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Capitola Municipal Code §17.156.080.
18. 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.

### **CONDITIONAL USE PERMIT FINDINGS**

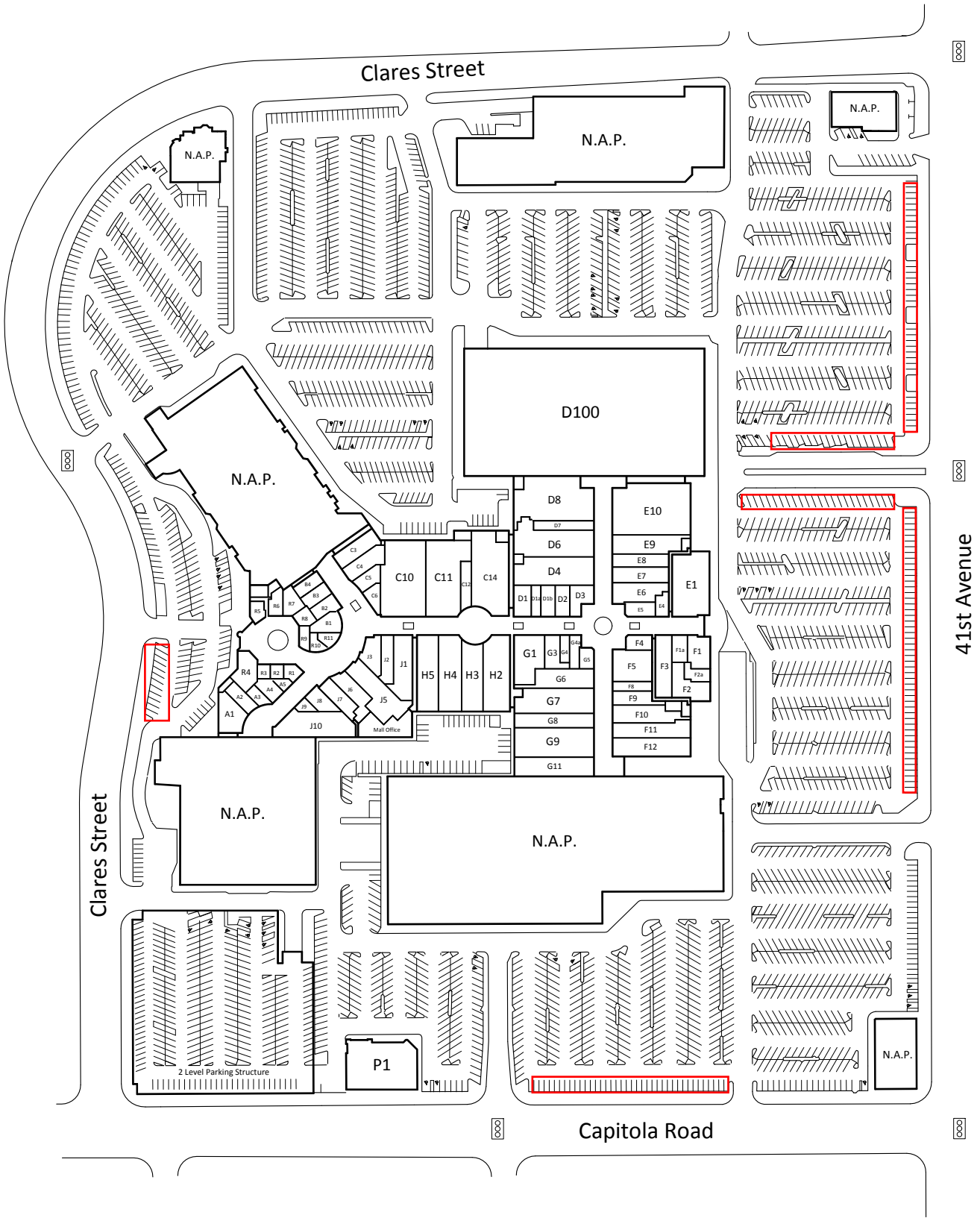
- A. The proposed use is allowed in the applicable zoning district.**  
Mobile food vending is allowed in the C-R (Regional Commercial) zoning district with Planning Commission approval of a conditional use permit.
- B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.**  
The mobile food vending use is consistent with the general plan, local coastal program, and zoning code.
- 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 location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.
- D. The proposed use will not be detrimental to the public health, safety, and welfare.**  
Community Development Department Staff, Public Works Staff, Police Department, Central Fire Protection District, and the Planning Commission have reviewed the project and determined that it will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.**  
The proposed use is located within the City of Capitola and is adequately served by existing services and infrastructure.

### **ATTACHMENTS:**

1. 1855 41st Avenue - Proposed Site Plan - 01.27.2021
2. 1855 41st Avenue - Mobile Food Vending Management Plan - 01.27.2021

Prepared By: Matt Orbach  
Associate Planner

# Exhibit B - Site Plan



Attachment: 1855 41st Avenue - Proposed Site Plan - 01.27.2021 (1855 41st Avenue)



This exhibit is for reference only and is not a representation as to size, dimension, or location of any tenant in the shopping center. All building, improvements, their occupants, and their uses as shown on this plan are subject to modification at the landlord's discretion.

Exhibit B - Site Pla  
 Capitola Ma  
 Capitola, Ca  
 Property #727

## City of Capitola – Master Application – Capitola Mall Conditional Use Permit

Submitted by Brian Kirk as Agent for MGP XI Capitola, LL - 1/26/21

Please see the below additional details regarding the request for a Conditional Use permit by MGP XI Capitola, LLC (Capitola Mall/Merlone Geier Management) for exterior lot food vendors.

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**Description:** Request to host up to 3 mobile food vendors at one time in various locations of the mall parking lot owned by MGP XI, LLC (Capitola Mall/Merlone Geier Management).

**Locations:** Locations in the parking lot will vary due to possible conflicts with other uses and vendor preference. Please see map for designated location options.

**Days/Time:** Monday – Sunday between the hours of 11am – 8pm.

**Disabled Access:** All locations maintain full accessibility for the disabled.

**Fire Lane Access:** Proposed use would not obstruct fire lane access.

**Traffic circulation:** Proposed locations would not impact flow of parking lot traffic.

**Parking Impact:** Proposed use would not significantly impact on-site parking capacity.

**Lighting:** Limited to existing parking lot lighting and any exterior food vendor vehicle lighting.

**Trash:** Vendors will supply their own trash receptacles to be emptied in the mall trash containers when full and upon leaving the premises. On-site maintenance team (contracted by MGP XI Capitola, LLC) will maintain cleanup in the surrounding areas of the parking lot.

**Loudspeaker or sound amplification:** None.

**Restrooms:** Nearest mall owned public restrooms are located inside the mall food court.

**Seating:** No seating or tables will be provided.

**Vendors:** Will vary.



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 4, 2021

SUBJECT: **Study Session to Introduce Objective Standards for Mixed Use and Multifamily Development Projects**

Introduction to Objective Standards for Mixed Use and Multifamily Development Applications  
 The future standards will be applicable in all zoning districts which allow multi-family and mixed-use development. The future ordinance adding objective standards will require certification by the California Coastal Commission prior to taking effect in the Coastal Zone.  
 Representative: Ben Noble, Ben Noble City and Regional Planning  
 Applicant: Katie Herlihy, City of Capitola

### **BACKGROUND**

In 2017 the State of California established the SB2 grant program to fund city planning efforts to streamline housing approvals and accelerate housing production. Capitola is using part of its SB2 grant to create objective standards for multi-family and mixed-use development projects. New objective standards for multifamily and mixed-use development will help to protect the City and ensure quality development in alignment with new state housing laws. The City hired consultants Ben Noble Local and Regional Planning and Bottomley Design and Planning to assist with this project.

### **DISCUSSION**

The purpose of this item is to introduce objective design standards, provide an overview of staff's approach to the ordinance update, and allow an opportunity for the Planning Commissioners to provide feedback and ask questions. Ben Noble prepared a memorandum for the Planning Commission summarizing the objective standards project (Attachment 1). The memorandum provides an overview of the background, relative state law, process and schedule, existing regulations, and recommended approach. On February 4, 2021, Ben Noble will provide an overview of recent housing legislation, the impacts to Capitola's planning review process, and the recommended approach to adopting objective standards. Staff anticipates adoption of objective standards in the fall of 2021.

### **RECOMMENDATION**

Accept presentation on objective standards for multifamily and mixed-use developments in preparation for a future ordinance amendment to the Capitola Zoning Code. No action is requested at this time.

### **ATTACHMENTS:**

1. Objective Design Standards Approach Memo and Attachments - 01.29.2021

Prepared By: Katie Herlihy  
Community Development Director



## memorandum

To: City of Capitola  
 From: Ben Noble  
 Subject: Objective Standards for Multifamily and Mixed-Use Development

This memorandum recommends an approach to prepare new objective standards for multifamily and mixed-use residential development in Capitola (the “Objective Standards project”). In addition to this recommended approach, this memorandum also provides background information about the Objective Standards project and describes recently adopted state housing law relevant to the project.

### PROJECT BACKGROUND

In 2017 the State of California established the SB2 grant program to fund city planning efforts to streamline housing approvals and accelerate housing production. Capitola is using part of its SB2 grant for the Objective Standards project. As described further below, new objective standards for multifamily and mixed-use development will help to protect the City and ensure quality development in light of new state housing laws. The City hired consultants Ben Noble and Bottomley Design and Planning to assist with this project.

### Process and Schedule

The Objective Standards project includes the following three main tasks:

- **Task 1: Existing Regulation Review & Recommended Approach.** Summarize existing regulations and recommend approach to new objective standards (to be completed in March 2021).
- **Task 2: Objective Standards Drafting.** Prepare new objective standards for multifamily and mixed-use residential development (to be completed in June 2021).
- **Task 3: Public Review and Adoption.** Hold public hearings and adopt new objective standards (to be completed in October 2021).

### Public Engagement

Information about the Objective Standards project will be posted online at [www.cityofcapitola.org/communitydevelopment](http://www.cityofcapitola.org/communitydevelopment). The public will be able to participate in the project in the following ways:

- Planning Commission and City Council study sessions on recommended approach (2)
- Stakeholder meetings (2)
- Planning Commission and City Council public hearings

For the stakeholder meetings, the City will invite interested architects, builders, property owners, and residents to review and comment on project materials. At the first meeting planned for March 2021,

stakeholders will review a draft outline of new objective standards. Stakeholders will meet a second time in May 2021 to review the draft standards prior to public hearings.

## STATE LAW

Recent changes to state housing law aim to facilitate housing production by streamlining the approval of housing projects that comply with established local standards. These laws include Senate Bill (SB) 35, the Housing Accountability Act, and SB 330. The Regional Housing Needs Allocation (RHNA) requirement in state housing element law is also relevant to the Objective Standards project.

### SB 35

In 2017 the California legislature adopted SB 35, which was part of a 15-bill housing package aimed at addressing the state's housing shortage and high housing costs. SB 35 requires local governments that have not met their RHNA to approve by right without a discretionary process qualifying multifamily and mixed-use residential projects. A qualifying project in Capitola must be consistent with all objective standards, contain at least 50 percent affordable units, agree to pay prevailing wages for construction work, and meet other requirements. Projects in the coastal zone are not eligible for streamlined approval under SB 35.

If an applicant requests streamlined approval for a qualifying project under SB 35, the City must approve the project if it is consistent with objective standards in effect at the time the application was submitted. The City must review and act on the application through a ministerial process without a use permit, design review, or public hearings. SB 35 defines objective standards as "standards that involve no personal or subjective judgment by a public official and are uniformly verifiable by reference to an external and uniform benchmark or criterion available and knowable by both the development applicant or proponent and the public official prior to submittal."

### Housing Accountability Act and SB 330

The Housing Accountability Act (HAA), Government Code Section 65589.5, limits a local government's ability to deny or reduce the density of housing development projects that are consistent with objective standards. The HAA was originally enacted in 1982 and amended in 2017, 2018, and 2019 to expand and strengthen its provisions.

The HAA applies to any development project with two or more units, including multifamily housing, mixed-use residential development and projects with two or more detached single-family homes. Under the HAA, a local government may deny or reduce the proposed density of a project only if it finds that 1) the project "would have a specific, adverse impact upon the public health or safety" and 2) "there is no feasible method to satisfactorily mitigate or avoid the adverse impact."

SB 330, adopted in 2019, amended the HAA to establish vesting rights for projects that use a new pre-application process. SB 330 also added a new chapter to the Government Code, the "Housing Crisis Act of 2019," which prohibits local governments from:

- Reducing the allowed intensity on a property below what was allowed under the general plan or zoning in effect on January 1, 2018;
- Imposing a moratorium or similar restriction or limitation on housing development;

- Establishing or imposing growth control measures that meter the pace of housing construction or limit the jurisdiction’s population; and
- Establishing new design standards that are not “objective.” The definition of an objective standard in SB 330 is the same as in SB 35.

The HAA and SB 330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies. Government Code Section 65589.5(e) states “Nothing in this section shall be construed to relieve the local agency from complying with...the California Coastal Act of 1976 (Division 20 (commencing with Section 30000) of the Public Resources Code)”

### Regional Housing Needs Allocation (RHNA)

State housing element law requires Capitola to accommodate its fair share of new housing units during a specified planning period. This fair share requirement is determined by the Association of Monterey Bay Area Governments (AMBAG) and known as the Regional Housing Needs Allocation (RHNA). Table 1 shows Capitola’s RHNA for the 2015-2023 planning period, including units affordable at different income levels. Since January 1, 2015, Capitola has not approved any very low or low-income units. One moderate income unit, a town house in Tera Court located behind OSH, was approved.

**Table 1: RHNA and Permits Issued for 2015-2023 Planning Period**

Income Group	RHNA
Very Low-Income (<50% of Median Family Income)	34
Low-Income (50-80% of Median Family Income)	23
Moderate-Income (80-120% of Median Family Income)	26
Above Moderate-Income (>120% of Median Family Income)	60
<b>Total</b>	<b>143</b>

In 2022, Capitola will be assigned a new RHNA for the 2024-2032 planning period and will update its Housing Element and Zoning Code (if needed) to provide adequate sites for these units. Based on preliminary information from AMBAG, Capitola’s new RHNA will likely be two to three times greater than the RHNA for the prior planning period. AMBAG will release its draft RHNA in January 2022 and approve the final RHNA in June 2022.

To accommodate the new RHNA, Capitola may need to identify new housing sites, increase the allowed density of existing sites, or both. Recently approved state law also may limit Capitola’s ability to carry forward previously identified sites where housing was not approved during prior planning periods. If Capitola adds new sites for multifamily housing, it becomes increasingly important for the City to have quality standards in place.



## EXISTING REGULATIONS

### Objective Standards

Table 2 on the following page shows Capitola's existing Zoning Code requirements for multifamily and mixed-use residential development that meets the state definition of an objective standard. Table 2 shows objective standards in all zoning districts where multifamily and mixed-use residential development is allowed. A gray cell in Table 2 means that there is no objective standard in the zoning district.

Objective standards may also be found in the in the General Plan, Subdivision Ordinance, and other similar regulatory documents. The General Plan contains few objective standards as it was written to provide a policy foundation for land use and development in Capitola. Objective standards in the General Plan are limited to allowed land uses and density in RM designation, allowed land use and FAR in mixed-use and commercial designations, and noise standards in Policy SN-7.4.

Subdivision Ordinance Chapter 16.24 contains design standards that apply to proposed subdivisions. Standards in Chapter 16.24 that qualify as objective standards include new street standards (street alignment, intersection angles, intersection cure radius, street grade) and lot configuration standards (property line angles, minimum frontage width).

If a qualifying project requests streamlined review under SB 35, the City must approve the project ministerially if it conforms with these standards. The City may not require project changes to comply with subjective requirements, such as the City's design review criteria in Zoning Code Section 17.120.070. The Housing Accountability Act and SB 330 may also limit the City's ability to require changes to a proposed project if the project complies with all objective standards

**Table 2: Existing Zoning Code Objective Standards**

Standard	Zoning District			
	MF	MU-V	MU-N	C-C & C-R
Allowed Land Uses	17.16.020	17.20.020	17.20.020	17.24.020
Development Standards				
Parcel Size and Dimensions			17.20.040	17.24.030
Floor Area Ratio		17.20.030	17.20.040	17.24.030
Building Coverage	17.16.030			
Open Space	17.16.030			17.24.030
Density	17.16.030			17.24.030
Setbacks	17.16.030	17.20.030	17.20.040	17.24.030
Build-to Line		17.20.030.D	17.20.040	
Height	17.16.030	17.20.030	17.20.040	17.24.030
Design Standards				
Building Orientation		17.20.030.E	17.20.040.B	17.24.040.B.3
Blank Walls		17.20.030.E		17.24.040.B.4
Storefront Width	N/A	17.20.030.E		17.24.040.B.5
Ground Floor Transparency		17.20.030.E		17.24.040.B.6
Retail Depth	N/A			17.24.040.B.7
Ground Floor Height				17.24.040.B.8
Parking Placement and Screening		17.20.030.E	17.20.040.E	17.24.040.B.9
Driveway Width		17.20.030.E	17.20.040.F	
Garbage and Recycling Screening		17.20.030.E		
Residential Transitions			17.20.040.D	17.24.030.E
Landscaping				
Required landscape areas	17.72.050.A	17.72.050.B	17.72.050.B	17.72.050.B
General standards [1]	17.72.060.A	17.72.060.A	17.72.060.A	17.72.060.A
Irrigation and Water Efficiency	17.72.060.B	17.72.060.B	17.72.060.B	17.72.060.B
Maintenance	17.72.070	17.72.070	17.72.070	17.72.070
Parking				
Required Spaces	17.76.030	17.76.030	17.76.030	17.76.030
Parking in Setbacks	17.76.040.B	17.76.040.B	17.76.040.B	17.76.040.B
Parking Design Standards [2]	17.76.060	17.76.060	17.76.060	17.76.060
Landscaping [3]	17.76.070	17.76.070	17.76.070	17.76.070
Bicycle Parking	17.76.080	17.76.080	17.76.080	17.76.080
Outdoor Lighting [4]	17.967.110	17.967.110	17.967.110	17.967.110

**Notes:**

[1] Includes plant selection, turf limitations, maximum slope, plant groupings, water features, watering times

[2] Includes parking space dimensions, parking lot dimensions, surfacing, pedestrian access, screening

[3] Includes minimum amount of required landscaping, shade trees

[4] Includes maximum height, prohibited lighting types, fixture types, light trespass

## Subjective Requirements

Proposed multifamily and mixed-use residential development requires a Design Review Permit and, in certain zoning districts, a Conditional Use Permit. To approve these permits, the Planning Commission must make findings in Section 17.120.080 for Design Permits and Section 17.124.070 for Conditional Use Permits. These findings are provided in Attachment A.

Design Permit Finding E requires compliance with all applicable design review criteria in Zoning Code Section 17.120.070. These design review criteria, also provided in Attachment A, address a broad range of building and site design issues and were recently developed as part of the Zoning Code Update. These criteria reflect public desires for new development and are based on design-related policies in the General Plan such as community character, neighborhood compatibility, mass and scale, articulation, and visual interest.

In addition to permit findings, the Zoning Code contains a number of requirements for multifamily and mixed-use residential development that do not meet the state definition of an objective standard. These subjective requirements are identified in Attachment B. Some requirements apply in all zoning districts (e.g., fence color and material) while others apply only in certain zoning districts or locations (e.g., 3-story building requirements on Capitola Road).

For projects requiring a Design Review Permit or Conditional Use Permit, the City can require compliance with subjective requirements through the discretionary process. For a project requesting streamlined review under SB 35, the City cannot enforce these requirements. Under the Housing Accountability Act and SB 330, the City also cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project.

## RECOMMENDED APPROACH

Given the project goals and relevant state law, this section describes the recommended approach to preparing new objective standards for multifamily and mixed-use residential development.

### 1. Translate Design Review Criteria to New Standards

As described above, a qualifying project requesting streamlined approval under SB 35 must be approved ministerially without Design Review or a public hearing. Instead, the City may only require compliance with objective standards in effect at the time the application was submitted. The City would not be able to require changes to the project to address Design Review criteria in Section 17.120.070.

For this reason, we recommend translating Design Review criteria into objective standards as needed to ensure quality design for all multi-family and mixed-use residential projects, including projects qualifying for streamlined approval under SB 35. Table 3 below lists Design Review criteria appropriate for translation into objective standards. Translating Design Review criteria into objective standards would also benefit applicants, decision-makers, and the public by providing greater certainty on City requirements and expectations for all proposed projects.

**Table 3: Design Review Criteria to Translate into New Objective Standards**

<p><b>B. Neighborhood Compatibility.</b> The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.</p> <p><b>C. Historic Character.</b> Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.</p> <p><b>E. Pedestrian Environment.</b> The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.</p> <p><b>F. Privacy.</b> The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.</p> <p><b>H. Massing and Scale.</b> 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.</p> <p><b>J. Articulation and Visual Interest.</b> 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.</p> <p><b>L. Parking and Access.</b> 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.</p> <p><b>S. Mechanical Equipment, Trash Receptacles, and Utilities.</b> Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.</p>
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Design Review criteria excluded from Table 3 would not be translated into new objective standards. New standards to translate Design Review Criteria M (Landscaping), N (Drainage), O (Open Space and Public Places), P (Signs), Q (Lighting), and R (Accessory Structures) are not needed because existing standards are sufficient to address these issues. We do not recommend translating Design Criteria I (Architectural Style) and K (Materials) to avoid establishing overly prescribe building design standards. We also do not recommend translating G (Safety) as this criterion does not easily lend itself to objective standards.

Many of the Design Review criteria in Table 3 are already addressed in existing objective standards for some zoning districts. For example, Mixed-Use Village design standards in Section 17.20.030.E contain building orientation, blank walls, storefront width, ground floor transparency, and parking location and buffer standards that address aspects of Design Review Criteria E (Pedestrian Environment), H (Massing and Scale), J (Articulation and Visual Interest, L (Parking and Access). and J (Articulation and Visual Interest). As we prepare the new standards, we will consider if any existing standards should be applied in other zoning districts. We will also consider if existing standards should be augmented or modified to more fully implement the Design Review criteria.

## 2. Consider New Standards for Other Subjective Requirements

As described above, the City may not require compliance with subjective requirements in Attachment B for projects requesting streamlined approval under SB 35. For this reason, we recommend reviewing the requirements in Attachment B to determine which, if any, should be translated into an objective standard. Some of these existing requirements are relatively minor and may not need an objective standard (e.g., MU-V pavement material in 17.20.030.E.7). Other requirements may be important to the community and warrant a new objective standard (e.g., 3-story buildings on Capitola Road).

## 3. Provide Options to Achieve Objectives

Design standards can establish a single method by which all proposed projects must achieve a design objective. For example, to provide variation in facade articulation, the design standards could require all building walls to feature a wall modulation or increase setback every 30 feet. Alternatively, design standards could allow projects to choose from different options to achieve the objective. With this approach, a project could achieve the facade articulation objective by selecting from options such as changes in material and color, vertical accent lines, wall modulation, balconies, bay windows, and changes in building height.

We recommend providing options to achieve design objectives where appropriate. The facade articulation standard above is an example of where providing options is appropriate. For other standards, options may not be needed or desirable. As we prepare the standards, we will look for opportunities to incorporate options into standards so that individual projects can determine the best design solutions to achieve the City's objectives. In unique circumstances, applicants would also be able to request a deviation from a standard, as described below.

## 4. Allow Deviations with Design Review

The design standards need to specify if a proposed project may deviate from the standards through a discretionary process. If deviation is allowed, the standards need to identify who approves the deviation, the criteria to allow the deviation, and if deviation is allowed from all standards, or just certain ones.

We recommend allowing deviation from all standards with Planning Commission approval of a Design Permit. This approach matches allowed deviations for accessory dwelling units in Zoning Code Section 17.74.100. However, the default assumption should be that projects will comply with all standards, with deviations allowed only due to unique circumstances.

Findings required to approve the deviation should allow for flexibility when needed but ensure that all projects achieve quality design. We recommend clearly identifying the intent of the standards, and allowing for deviation only if the Planning Commission finds that 1) the project, with the deviation, achieves the intent of the standard to the extent possible; and 2) unique circumstances on the property require the deviation.

For example, the new design standards may include a requirement for buildings to be oriented towards a public street with the primary entrance to the building directly accessible from an adjacent sidewalk. The new standards would identify the intent of the standard, which is to provide for an active public realm and an inviting pedestrian environment. On certain sites, complying with this standard may not be feasible or desirable due to unique circumstance such as the location of existing buildings or an

unusual parcel configuration. In such a case, the Planning Commission could allow for an alternative entrance orientation upon finding that the project incorporates alternative design features to support a pedestrian-friendly environment and active/inviting public realm.

## 5. Locate Standards in Zoning Code

New standards may be located in the Zoning Code or adopted separately by resolution. We recommend locating new standards in the Zoning Code so that all similar development and design standards are found together in one place. With this approach, users would not need to consult a separate document to find the standards, and the standards are less likely to be overlooked by City staff and applicants.

Within the Zoning Code, the new standards may be added to individual zoning district chapters (e.g., Chapter 17.16: Residential Zoning Districts) or placed in a new separate chapter in the Zoning Code. The best location will depend on the details of the standards once they are drafted. If the standards vary considerably across zoning districts, the best location for the standards will likely be individual zoning district chapters. If the standards are more generally applicable to all zoning districts, a separate new chapter may be preferable.

Because new standards will be tailored to different areas of the city and types of development, we expect that adding the standards to individual zoning district chapters will be the preferred approach. We recommend proceeding with this expectation, and confirming that this approach works best once the standards are drafted. The goal should be to locate standards where readers expect to find them while minimizing unnecessary repetition where possible.

### Attachments:

- A. Design Permit Findings, Conditional Use Permit Findings, and Design Review Criteria
- B. Additional Subjective Zoning Code Requirements

**ATTACHMENT A:  
DESIGN PERMIT FINDINGS, CONDITIONAL USE PERMIT FINDINGS, DESIGN REVIEW CRITERIA**

**Design Review Findings (Zoning Code Section 17.120.080)**

- 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.

**Conditional Use Permit Findings (Zoning Code Section 17.124.070)**

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

**Table A-1: Design Review Criteria (Zoning Code Section 17.120.070) and Recommendation for Translation into Objective Standards**

Criteria	Recommendation
<p><b>A. Community Character.</b> The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola’s unique coastal village character and distinctive sense of place.</p>	<p>This is an overarching goal. Do not translate.</p>
<p><b>B. Neighborhood Compatibility.</b> The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.</p>	<p>Translate to new standards</p>
<p><b>C. Historic Character.</b> Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.</p>	<p>Translate to new standards</p>
<p><b>D. Sustainability.</b> 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.</p>	<p>New standards not needed. Green building addressed through building code.</p>
<p><b>E. Pedestrian Environment.</b> The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.</p>	<p>Translate to new standards</p>
<p><b>F. Privacy.</b> The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.</p>	<p>Translate to new standards</p>
<p><b>G. Safety.</b> 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.</p>	<p>Do not translate. Criteria not easily expressed as objective standard.</p>
<p><b>H. Massing and Scale.</b> 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.</p>	<p>Translate to new standards</p>
<p><b>I. Architectural Style.</b> 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.</p>	<p>Do not translate. Objective standard would be overly prescriptive.</p>
<p><b>J. Articulation and Visual Interest.</b> 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</p>	<p>Translate to new standards</p>



Criteria	Recommendation
such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.	
<b>K. Materials.</b> 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.	Do not translate. Objective standard would be overly prescriptive.
<b>L. Parking and Access.</b> 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.	Translate into new standards
<b>M. Landscaping.</b> Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.	New standards not needed. Existing landscaping standards in Chapter 17.72 are sufficient.
<b>N. Drainage.</b> The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.	New standards not needed. NPDES C3 standards are sufficient.
<b>O. Open Space and Public Places.</b> Single-family dwellings feature inviting front yards that enhance Capitola’s distinctive neighborhoods. Multi-family residential projects include public and private open space that is attractive, accessible, and functional. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.	New standards not needed. Existing standards are sufficient.
<b>P. Signs.</b> The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.	No need to translate. Existing sign standards in Chapter 17.80 are sufficient.
<b>Q. Lighting.</b> 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.	No need to translate. Existing lighting standards in Chapter 17.96.110 are sufficient.
<b>R. Accessory Structures.</b> The design of detached garages, sheds, fences, walls, and other accessory structures relate to the primary structure and are compatible with adjacent properties.	No need to translate. Existing accessory structure standards in Chapter 17.52 are sufficient.
<b>S. Mechanical Equipment, Trash Receptacles, and Utilities.</b> Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.	Translate into new standards

**ATTACHMENT B  
ADDITIONAL SUBJECTIVE REQUIREMENTS IN ZONING CODE**

<b>Topic</b>	<b>Location</b>	<b>Requirement</b>
Driveways and Curb Cuts in MU-V and MU-N	12.20.030.E.6.b; 17.20.040.F.2	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.
Paved Site Areas in MU-V	12.20.030.E.7	The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site
Special requirements for 3+ story buildings on Capitola Road	17.24.030.B	To approve the application, the City Council shall make all of the following findings in addition to findings for the required permits: (1) The project satisfies applicable Design Review criteria in 17.120.070 (Design Review Criteria). (2) On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible. (3) The project incorporates rear yard setbacks and upper story stepbacks as needed to maintain adequate light and air for abutting residential uses. (4) The height and intensity of development is compatible with the scale and character of neighboring residential areas. (5) The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.
Loading	17.24.030.E.4	Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.
Capitola Mall	17.24.030.F	Where an application submitted pursuant to this section includes fewer than all parcels within the Mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.
Residential Mixed use in C Districts: Building Placement	12.24.040.B.2	Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

Topic	Location	Requirement
VS Overlay Zone Setbacks	17.28.030.B.1	The Planning Commission may require front, side and rear setbacks through the Design Review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least 10 feet shall be provided
VS Overlay Zone Lighting	17.28.030.E	<ol style="list-style-type: none"> <li>1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.</li> <li>2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.</li> <li>3. The location, type and wattage of exterior lighting must be approved by the Community Development Director prior to the issuance of building permits or the establishment of the use.</li> </ol>
Neighborhood Compatibility Standards in -AH overlay	17.40.020.I.2	<ol style="list-style-type: none"> <li>a. Affordable housing developments shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site.</li> <li>b. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property.</li> <li>c. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.</li> <li>d. Building design and materials shall blend with the neighborhood or existing structures on the site.</li> </ol>
Findings in -AH overlay	17.40.020.M.1&2	<ol style="list-style-type: none"> <li>1. The incentives granted for density and deviation from development and design standards, are commensurate with the level of affordability. Specifically, the greater the extent of concessions and incentives, the greater the level of affordability, quality, size, nature, and scope of the project being proposed.</li> <li>2. The design of the proposed project, even with the concessions for density and deviation from development and design standards, is appropriate for the scale and style of the site and surrounding neighborhood. Specifically, the development will provide an attractive visual transition and will not significantly impact the integrity of the surrounding neighborhoods.</li> </ol>
Coastal Zone Development Standards	17.44,060	Development standards (e.g., structure height, setbacks) that apply to property in the -CZ overlay zone are the same as in the underlying base zoning district. These standards are maximums (or minimums as applicable) and are not an entitlement or guaranteed allowance. Where the Zoning Code allows for discretion in the application of development standards, the decision-making body may impose more stringent requirements to the extent permitted by state law to protect and enhance coastal resources.

Topic	Location	Requirement
CDP Findings	17.44.130	A CDP shall be granted only upon finding that the proposed project is consistent with the LCP. As applicable to the proposed project, the review authority shall consider whether: <ol style="list-style-type: none"> <li>1. The project is consistent with the LCP Land Use Plan, and the LCP Implementation Program.</li> <li>2. The project maintains or enhances public views.</li> <li>3. The project maintains or enhances vegetation, natural habitats and natural resources.</li> <li>4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.</li> <li>5. The project maintains or enhances opportunities for visitors.</li> <li>6. The project maintains or enhances coastal resources.</li> <li>7. 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.</li> <li>8. 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).</li> </ol>
Fence Materials	17.60.050A & B.1	A. Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood, and shall be of a complementary color and material with the primary building. Other materials may be permitted if the Community Development Director determines the design to be compatible with adjacent structures and its surrounding neighborhood. B1. Fences and walls may not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, and other similar materials not specifically designed for use as fencing.
Environmentally sensitive habitat areas (ESHA)	17.64	Many subjective requirements in this section. Example: 17.64.030.B. Allowable development within an environmentally sensitive habitat area shall be sited and designed to prevent impacts which would significantly degrade the area.”
Landscaping Standards	17.72.060.A.2,3, 4b&c,9	<ol style="list-style-type: none"> <li>2. Native plants adapted to the local climate shall be required within 50 feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.</li> <li>3. The landscape plan shall incorporate stormwater management controls in compliance with the Regional State Water Resources Control Board.</li> <li>4 b. Drought-tolerant grass species shall be used exclusively.</li> <li>c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.</li> <li>9. Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.</li> </ol>
Landscape Maintenance	17.72.070.A	Landscape areas shall be maintained in a neat and healthful condition at all times.
Parking Lot Landscaping	17.76.060.G.1&3	1. A parking area with six or more parking spaces shall include outdoor lighting that provides adequate illumination for public safety over the entire parking area.

Topic	Location	Requirement
		<p>2. All parking space area lighting shall be energy efficient and directed away from residential properties to minimize light trespass.</p>
Findings for Historic Alteration Permit	17.84.070.I	<p>1. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.</p> <p>2. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.</p> <p>3. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.</p> <p>4. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.</p> <p>5. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.</p>
Findings to Demolish a Potential Historic Resource	17.84.080.F	<p>1. The structure must be demolished because it presents an imminent hazard to public health and safety as determined by a licensed structural engineer.</p> <p>2. The structure proposed for demolition is not structurally sound despite evidence of the applicant’s efforts to rehabilitate and properly maintain the structure.</p> <p>3. The rehabilitation or reuse of the structure is economically infeasible. Economic infeasibility shall be demonstrated by preparing actual project costs and by comparing the estimated market value of the property in its current condition, after rehabilitation and after demolition.</p> <p>4. No feasible alternative use of the structure exists that can earn a reasonable economic return.</p>