

Chapter 17.120

DESIGN PERMITS Revised 6/18

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17.120.010 Purpose. Revised 6/18

This chapter establishes the process to obtain a design permit. A design permit is a discretionary action that enables the city to ensure that proposed [development](#) exhibits high quality design that enhances Capitola's unique identity and sense of place. The design permit process is also intended to ensure that new [development](#) and uses are compatible with their surroundings and minimize negative impacts on neighboring properties. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.020 Types of design permits. Revised 6/18

The zoning code establishes two types of design permits: design permits reviewed and approved by the planning commission and minor design permits reviewed and approved by the [community development director](#). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.030 When required. Revised 6/18

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

specifically listed in Table 17.120-1, a design permit is not required.

Table 17.120-1: Projects Requiring Design Permits

| Type of Project | Type of Permit |
|--|---------------------|
| Single-Family Residential Projects | |
| Ground-floor additions to existing single-family homes where the addition is visible from a public street and does not exceed 15 ft. in height, except for exempt additions (Section 17.120.030(B)) | Minor Design Permit |
| Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft. | Minor Design Permit |
| Accessory structures greater than 300 sq. ft. | Design Permit |
| Upper floor decks and balconies on the side or rear of a home that are not adjacent to public open space | Design Permit |
| Upper floor addition to an existing single-family home | Design Permit |
| New single-family homes | Design Permit |
| Multifamily Residential Projects | |
| Ground-floor additions less than 15% of total floor area of an existing multifamily structure | Minor Design Permit |
| Upper floor decks and balconies on the side or rear of a structure that are not adjacent to public open space | Design Permit |
| Accessory structures including garbage and recycling enclosures | Minor Design Permit |
| Ground-floor additions 15% of total floor area or more to an existing multifamily structure | Design Permit |
| Upper floor additions to an existing multifamily structure | Design Permit |
| New multifamily residential structures | Design Permit |
| Nonresidential Projects (Including Mixed Use) | |
| Exterior modifications to an existing structure that do not increase the floor area of the structure | Minor Design Permit |
| Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures | Minor Design Permit |
| Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures | Design Permit |

| Type of Project | Type of Permit |
|--|---------------------|
| Additions less than 15% of the floor area of an existing nonresidential structure where the addition is not visible from the primary street frontage | Minor Design Permit |
| Additions 15% or more of the floor area of an existing nonresidential structure where the addition is visible from the primary street frontage | Design Permit |
| Additions to an existing nonresidential structure of 3,000 sq. ft. or more | Design Permit |
| New nonresidential structures | Design Permit |

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

1. Ground-floor single-story [additions](#) up to four hundred square feet at the rear of the home.
2. Enclosure of an existing recessed entrance up to twenty-five square feet.
3. Enclosure of an existing open porch up to fifty square feet.
4. Installation of bay windows.
5. A single [accessory structure](#) that does not exceed one hundred twenty square feet in [floor area](#) and ten feet in height with no connection to water or sewer.
6. Minor exterior [modification](#) or replacement of materials on an existing [structure](#) including siding, windows, doors, and roof.
7. Other similar minor [additions](#) to a [single-family dwelling](#) as determined by the [community development director](#).
8. [Upper floor](#) decks and balconies immediately [adjacent](#) to a [street](#) or public open space. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.040 Application submittal and review. Revised 6/18

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

B. Streetscape Illustration. For all proposed new [buildings](#), the [applicant](#) shall submit streetscape illustrations that includes neighboring [structures](#) within one hundred feet of the side property lines.

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

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

D. Review by Architectural Historian. Proposed projects that involve an exterior alteration to a [designated historic resource](#) or a [potential historic resource](#) as defined in Section [17.84.020](#) (Types of historic resources) shall be reviewed by an architectural historian and may require a [historic alteration permit](#) as provided in Section [17.84.070](#) (Historic alteration permit). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.050 Design review process. Revised 6/18

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

B. Purpose of Review. The purpose of the [design review](#) process is to provide recommendations to the [applicant](#) on the design of the project based on [design review](#) criteria in Section [17.120.070](#). [Applicants](#) are encouraged to consider comments from the [design review](#) process and modify the project design as needed prior to planning commission consideration of the application. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.060 Public notice and hearing. Revised 6/18

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

B. Minor Design Permits. Public notice of a pending action on a minor design permit application shall be provided in compliance with Chapter [17.148](#) (Public Notice and Hearings). The [community development director](#) shall hold a public hearing for a minor design permit application only upon receiving a written request for a public hearing as provided in Section [17.148.030](#) (Notice of pending action for minor use permits and minor design permits). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.070 Design review criteria. Revised 6/18

When considering design permit applications, the city shall evaluate applications to ensure that they satisfy the following criteria, comply with the [development standards](#) of the zoning district, conform to policies of the general plan and any applicable specific plan, and are consistent with any other policies or guidelines the city council may adopt for this purpose. To obtain design permit approval, projects must satisfy these criteria to the extent they apply.

A. Community Character. The overall project design including [site](#) plan, height, massing, architectural style, materials, and [landscaping](#) contribute to Capitola's unique coastal village character and distinctive sense of place.

B. Neighborhood Compatibility. The project is designed to respect and complement [adjacent](#) properties. The project height, massing, and intensity 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.

C. Historic Character. Renovations and [additions](#) respect and preserve existing historic [structure](#). New [structures](#) and [additions](#) to nonhistoric [structures](#) reflect and complement the historic character of nearby properties and the community at large.

D. Sustainability. The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green [building](#) techniques.

E. Pedestrian Environment. The primary entrances are oriented towards and visible from the [street](#) to support an active public realm and an inviting pedestrian environment.

F. Privacy. The orientation and location of [buildings](#), entrances, windows, doors, [decks](#), and other [building](#) features minimizes privacy impacts on [adjacent](#) properties and provides adequate privacy for project occupants.

G. Safety. The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility

and features that promote a sense of ownership of outdoor space.

H. Massing and Scale. The massing and scale of [buildings](#) complement and respect neighboring [structures](#) and correspond to the scale of the human form. Large volumes are divided into small components through varying [wall](#) planes, heights, and [setbacks](#). [Building](#) placement and massing avoids impacts to public views and solar access.

I. Architectural Style. [Buildings](#) feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola's unique coastal village character.

J. Articulation and Visual Interest. [Building](#) facades are well articulated to add visual interest, distinctiveness, and human scale. [Building](#) elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the [building](#).

K. Materials. [Building](#) facades include a mix of natural, high quality, and durable materials that are appropriate to the architectural style, enhance [building](#) articulation, and are compatible with surrounding [development](#).

L. Parking and Access. Parking areas are located and designed to minimize visual impacts and maintain Capitola's distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.

M. [Landscaping](#). [Landscaping](#) is an integral part of the overall project design, is appropriate to the [site](#) and [structures](#), and enhances the surrounding area.

N. Drainage. The [site](#) plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

O. Open Space and Public Places. [Single-family dwellings](#) feature inviting [front yards](#) that enhance Capitola's distinctive neighborhoods. Multifamily residential projects include public and [private open space](#) that is attractive, accessible, and functional. Nonresidential [development](#) provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.

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

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

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

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by [landscaping](#). (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.080 Findings for approval. Revised 6/18

To approve a design permit application, the [review authority](#) shall make all of the following findings:

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

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

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

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

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

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and [development](#) pattern of the neighborhood. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.090 Conditions of approval. Revised 6/18

The planning commission or [community development director](#) may attach conditions of approval to a design permit to achieve consistency with the general plan, [local coastal program](#), zoning code, and any applicable specific plan or area plan adopted by the city council. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.120.100 Appeals and post-decision procedures. Revised 6/18

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

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

C. Post-decision procedures and requirements in Chapter [17.156](#) (Post-Decision Procedures) apply to design permits. (Ord. [1017](#) § 2 (Exh. A) (part), 2018)

The Capitola Municipal Code is current through Ordinance 1030, passed April 25, 2019.

Disclaimer: The city clerk's office has the official version of the Capitola Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

City Website: <http://www.cityofcapitola.org/>

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