Frequently Asked Questions regarding Capitola Village Outdoor Dining Program

Q1. How many public parking spaces can be converted to street dining spaces?

There is a maximum of 25 spaces which are allowed to be converted into street dining.

Q2. How will the city allocate the spaces if they have applications for more than 25 spaces?

The city will host a lottery to allocate the spaces. See Question 16 - Steps in the lottery.

Q3. How many spaces can I apply for?

You can apply for parking that is located directly in front of your restaurant. There is not a limit to the number of spaces, but you cannot apply for a space that are not located along your frontage.

Q4. When is the lottery?

The application period for the lottery will be open from June 27 – August 15. The lottery will occur on August 16.

Q5. Do businesses have to submit the dining deck design when they apply for the lottery?

No. Permit applications should be submitted after the lottery is completed. The lottery will be completed on August 16th.

Q6. When do the temporary outdoor dining structures have to be removed?

The Coastal Commission will complete the final step of certification by July 15, 2022. The temporary outdoor dining program will expire two months from certification, on September 15, 2022.
Q7. I plan to participate in the long-term outdoor dining program. Do I have to remove my temporary dining area while I am working on my City permits for the long-term program.

Businesses which have been selected for lottery and have submitted all required permit applications and fees prior to September 15th will be permitted to keep their temporary outdoor dining in place while their permits are under review, provided they are diligently working towards completing their outdoor dining deck. Once a building permit is issued, the business will be given 30 days to remove the temporary setup. Businesses must construct their street dining deck prior to January 1, 2023.

Q8. What is a prototype street dining deck?

The city hired a landscape architect to design a street dining deck for the village that can be utilized by local businesses at no cost. The prototype design will save businesses time as the permit will be pre-approved by the Planning Commission with a design permit and blanket coastal development permit. Essentially, the prototype design allows applicants to bypass planning commission review and go straight to building permit review.

Q9. When will the Planning Commission review the prototype street dining deck design?

The Planning Commission approved the street dining deck design on July 21, 2022. The design is now available for the businesses to utilize for their building permit application.

Q10. When will the City begin accepting outdoor dining permit applications?

Businesses may apply for street dining permits after the lottery on August 16, 2022. Sidewalk dining permits may be applied for now.

Q11. What permits are required for outdoor dining?

Businesses that utilize the prototype design are required to apply for a revocable encroachment permit and a building permit. The prototype design will be reviewed internally by staff and issued.

Businesses that propose a custom design or sidewalk dining are required to apply for a design permit, coastal development permit, and revocable encroachment permit which is reviewed and decided upon by Planning Commission. Following approval by the Planning Commission, a building permit is required.
Q12. What fees are required for the permits?

- Revokable Encroachment Permit (prototype and custom) $577
- Coastal Development Permit (Custom Deck) $865
- Design Permit (Custom Deck) $1,000 deposit
- Building Permit (Prototype and Custom) Based on valuation of dining deck

Q13. What do I have to submit with my application?

- Existing Conditions Plan of parking spaces. Drawing must be to scale and include all street improvement including but not limited to curb, gutter, and drainage.
- Option of Prototype design or Custom Design
- Custom designs must provide the following for Design Permit and Building Plans:
  - Stormwater maintained with gutters and drainage clear of obstacles
  - Elevations and flooring with all materials
  - Furniture including accessible seating
  - Accessible pathway
  - Lighting details
  - Heating details
  - Safety features
  - Bicycle parking
  - Landscaping

Q14. How much does the annual space rent cost?

The annual space rent is $3,400 per space. Unique spaces and sidewalk dining areas will be rented at $18 sq. ft. Businesses will be billed quarterly at $850 per space, beginning October 1, 2022.

Q15. What if a restaurant does not move forward with their construction and payment of dues?

Any restaurant that does not pay dues on October 1, 2022, and/or has not constructed their street dining deck prior to January 1, 2022, will forfeit their space(s). The space(s) will be resubmitted into the lottery for allocation in a second lottery, six months after the first lottery.

Q16. What if a restaurant misses their quarterly payment?

Any restaurant that misses a quarterly payment will result in penalties and a requirement to prepay future installments. If a rent payment is more than 45 days late, the restaurant will forfeit the street dining permit and must remove their dining deck.
Q17. How long can my business rent the space for?

The Coastal Commission required that the city recertify all permits after three years and every five years thereafter. The City is issuing revokable encroachment permits for the program. Establishment that are not in compliance with the regulations may have their permit revoked at any time. If the program is successful with eating establishments following all the regulations and it results in no impacts to coastal resource, the program will likely continue to be recertified.

Q. 18 Is there an alternative to providing the required bicycle parking within my street dining deck space?

Yes, there are three options. Bicycle parking can be located within your street dining deck area or on your land in an area easily accessible to the public. As an alternative to providing the bicycle parking rack onsite, the City will allow an applicant to pay an annual in-lieu fee of $300 per year per bicycle parking space. Fee shall be deposited into the City’s in-lieu bike fund to create a central bicycle parking location. Also, a one-time fee of $200 will be charged per bicycle parking space for materials and installation. The City will create new bicycle parking spaces within the village with the funds from the in-lieu program.

Q19. How many bicycle parking spaces am I required to provide?

You are required to provide 2 bicycle spaces for each street parking space. For instance, a restaurant with 2 parking spaces must provide 4 bicycle parking spaces.

Q20. How big should a bicycle parking space be?

Two bikes may share a two-sided rack. The required space for two bicycle with a shared rack is 32” x 84”, with adequate access from at least one end.
Q20. What are the steps in the lottery?

Step 1. Eating and Drinking Establishments may apply for parking spaces from June 27 – August 14. A $500 deposit is required per requested space. If selected, the deposit will be converted to a maintenance deposit for the space. If not selected, the deposit will be returned to the applicant.

Step 2. If the total requests are less than 25, spaces will be awarded as requested.

Step 3. If the total requests exceed 25 parking spaces, one or two will be evenly distributed per business.
   • If there are less than twelve applicants, assign up to two spaces to each applicant, then proceed to step 4.
   • If there are more than twelve applicants, hold a lottery assigning up to two spaces to each applicant until all 25 spaces have been allocated.

Step 4. Hold a lottery for the remainder of the spaces for those requesting additional spaces. All applicants that are not allocated their requested number of spaces in Step 3 above, will be given one ticket in the lottery.

Step 5. The lottery will be held in rounds. If an applicant’s ticket is chosen and they receive their requested number of spaces, their ticket will be removed prior to the next round. If the applicant has not reached their requested number of parking spaces, their ticket will be replaced into the hopper for the next round.

Step 6. Rounds will continue until 25 parking spaces have been allocated.

Step 7. If there are additional spaces available six months after the initial award, a second lottery will be held.

Step 8. Thereafter, any available spaces will be allocated through a lottery. The lease will expire three and a half years from the first lottery.
Example of Lottery

THIS IS AN EXAMPLE OF HOW THE LOTTERY PROCESS WORKS

A total of 8 businesses applied for 27 spaces.
Round One: Up to 2 spaces assigned to each business
Round Two: 1 additional space assigned to each business wanting 3 or more. Round Three: Lottery is held. Each remaining business wanting 4 or more units will one ticket put into the lottery. The business selected in the lottery in this example were Mr.Toots, Sand Bar, Tacos Mareno, and Capitola Wine Bar.

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<tr>
<th>Applicant</th>
<th>Requested # of Spaces</th>
<th>Round 1</th>
<th>Round 2</th>
<th>Round 3 Lottery</th>
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