



PLANNING COMMISSION SPECIAL MEETING

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT DEPARTMENT
DATE: MAY 21, 2015
SUBJECT: **Zoning Code Update – Issues and Options 16, 15, 6, and 11**

RECOMMENDED ACTION

Accept the presentation and provide direction.

BACKGROUND

The Planning Commission is currently in the process of holding special meeting for the zoning code update and the review of the Issues and Options Report (Attachment A: Issues and Options Report). The Planning Commission held special meetings on April 30th, 2015 and May 18th, 2015. The direction provided during the special meetings to date is identified in the Issues and Options matrix (Attachment B).

DISCUSSION

The Issues and Options Report provides an overview of 18 zoning code issues that require discussion and direction early in the process, prior to drafting the updated zoning code. For each issue, the report provides an overview of the issue, explanation of the general plan direction regarding the issue, and multiple options for how the issue can be addressed within the zoning code update.

The Planning Commission will provide direction on the following topics during the May 21st meeting:

Issue 16 Height

- Issues and Options Report page 32
- Zoning Chapters 17.15 R-1 (Attachment C) and 17.21 C-V (Attachment D)

Issue 15 Visitor Serving in Depot Hill

- Issues and Option Report page 31
- Zoning Chapter 17.30 Visitor Serving District (Attachment E)

Issue 6 Historic Preservation

- Issues and Option Report Page 17
- Zoning Chapter 17.87 Historic Features (Attachment F)

Issue 11 Architecture and Site Review: Authority of Committee, Timing of Review, and Composition of Committee

- Issues and Options Report page 25
- Zoning Chapter 17.63 Architectural and Site Review (Attachment G)

During the May 21st meeting, staff will present an overview of each issue and the applicable options. The public will be given the opportunity to comment on each issue following the presentation. The Planning Commission will provide direction to staff on the preferred implementation option(s) for each issue. If there is not adequate time to review all issues on the agenda, any issues not discussed will be placed on the next special meeting agenda.



CITY OF CAPITOLA
COMMUNITY DEVELOPMENT DEPARTMENT

ZONING CODE UPDATE

ISSUES AND OPTIONS REPORT

MARCH 5, 2015

CITY OF CAPITOLA
420 CAPITOLA AVENUE
CAPITOLA, CA 95010

Introduction

This report presents options for how Capitola can address important issues in its updated Zoning Code. The report will help facilitate public discussion and summarizes input received to-date from the Planning Commission, City Council, and general public. Reviewing this input early in the process will help City staff and consultants prepare an updated zoning code that reflects the unique conditions, values, and goals in Capitola.

The report begins with a brief description of planned changes to the existing zoning code that are non-controversial and straight-forward. The second part then discusses the following 18 issues that warrant public discussion early in the zoning code update process:

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For each issue, the report presents two or more options for how the issue can be addressed in the updated Zoning Code. The first option is always to make no change to the existing Zoning Code. Within the no change option, the code would be updated for clarity but there would be no modification to how the regulations are applied. Other options reflect direction in the new General Plan, ideas previously discussed in Capitola, and practices from other similar communities. During public discussion new options may be suggested – these new ideas should be considered alongside those included in this report.

How This Report was Created

This report was prepared based on substantial input from the community. In August and September 2014 staff hosted a series of stakeholder meetings with architects, developers, commercial property owners, business owners, property managers, residents, and recent applicants. At these meetings participants commented on specific issues with the existing Zoning Code and how the updated Zoning Code could be improved. City staff also received

input on the Zoning Code through an online survey. Stakeholder meeting notes and survey results are available on the City's website.

The contents of this report were also shaped by the new General Plan, and the discussion of zoning-related issues during the General Plan Update process. Many policies and actions in the General Plan call for changes to the Zoning Code. The report also reflects staff's experience administering the zoning code in Capitola, professional experience elsewhere, and input from the City's consultants on best practices from other communities.

A Note about Sustainability

Environmental sustainability is a core community value in Capitola. Reflecting this, the General Plan contains the following Guiding Principle relating to environmental resources:

Embrace environmental sustainability as a foundation for Capitola's way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola's unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.

General Plan Goal OSC-1 also calls for Capitola to "promote sustainability as a foundation for Capitola's way of life."

An important component of sustainability is reduction of greenhouse gas emissions and adaptation to climate change. To address this issue, Capitola is now in the process of preparing a Climate Action Plan (CAP). While the CAP primarily aims to reduce greenhouse gas emissions, it also touches on all aspects of sustainability, including the following:

- Land Use and Community Design
- Economic Development
- Transportation
- Green Building and Energy Efficiency
- Renewable Energy
- Water and Wastewater
- Solid Waste Diversion
- Open Space and Food Systems

To achieve greenhouse gas reductions related to these topics, the CAP will call for changes to Capitola's zoning code. To avoid redundancy with the CAP project, this Issues and Options report does not repeat zoning-related measures currently under consideration for the CAP. Instead, the City will consider these measures during the CAP process and then incorporate them into the Zoning Code. The timing and schedule of the two projects allows for the City to decide on preferred zoning-related CAP measures before the drafting of the updated Zoning Code begins.

Part A. Non-Controversial Changes

Below is a summary of anticipated changes to the existing Zoning Code that are primarily non-controversial, straight-forward, and technical in nature. Opportunities for public review and input for these changes will be provided through the hearing process and workshops for the updated Zoning Ordinance. These items are not expected to be a topic of discussion during the issues and options work sessions with the Planning Commission and City Council. In addition, a comprehensive list of issues and revisions for non-controversial matters is presented in Attachment 1.

1. **Revision of Overall Organization.** The overall organization of the Zoning Ordinance will be changed, with information presented in a more intuitive manner. Similar provisions will be grouped together with related standards clearly cross-referenced. A user-friendly index to the zoning code will be added. The layout of each page will be redesigned to speed up comprehension with less text per page, logical headings, and visual diagrams. Standards will be the same across the entire Zoning Ordinance, so that the document has no contradictory information. Unnecessary repetitions of standards and regulations will be removed.
2. **Clarification of Development Standards.** The zoning code will be updated to include consistent development standards that are defined. Diagrams, illustrations, and tables will be added to the ordinance. These additions will more efficiently communicate land use regulations and development standards for each zoning district. Diagrams, illustrations, and tables will be utilized throughout the code within provisions that benefit from graphic illustration.
3. **Clarification of Process.** The Zoning Ordinance will be updated to clarify when a permit is required and the process of review.
4. **Technical Language.** Much of the existing code consists of text created for those in the legal profession or professional planners. Property owners find the code difficult to understand. Language will be substantially revised to convey the same meaning, but re-written in plain English, removing jargon to the greatest extent possible.
5. **Updated Definitions.** The existing list of definitions is incomplete and outdated. Definitions will be added to include terms that are utilized but not defined. For example, personal service establishment is listed as a use in commercial districts but not defined. Diagrams or illustrations will be added for those terms in which illustrations help define the concepts, such as height as measured on a slope. Also, the existing definitions will be updated to remove discretion in interpretation.
6. **Updated Administrative, Principally Permitted, and Conditional Land Use Lists.** Land use lists will be updated within each zone within a comprehensive table. Land uses will be categorized into principally permitted, administrative, and conditional. Land uses that do not present a conflict, are non-controversial, and compatible with the zoning district, will be identified as principally permitted uses. Land uses that are compatible with the zoning district but require specific conditions to be in compliance (home occupation) will be listed as administrative land use permits. Land uses that may require mitigation or additional oversight will be included as conditional uses. The process, considerations, findings, and conditions for administrative land use permits and conditional use permits will be updated.
7. **Protect Public Pathways and Trails.** The existing Zoning Ordinance disperses various development standards related to pathways/trails within specific environmentally sensitive areas and within design guidelines. The updated zoning ordinance will introduce

development standards for properties that have trails/pathways within or adjacent to the property.

8. **Implementation of General Plan.** The updated zoning ordinance will implement a variety of goals and policies in the recently adopted City of Capitola General Plan. This will include new standards for 41st Avenue, transition areas between commercial and residential zones, night sky regulations, and updates to zoning districts to implement the General Plan land use map. Some of these policies are discussed in Part B of this report.
9. **Revision for Legal Compliance.** The City is obligated to revise the zoning ordinance in response to California laws related to zoning issues. Examples include removal of the outdated mobile home section of code, family day care, and wireless regulations.
10. **Clarification of Coastal Section.** The coastal section of the code is very difficult to read. The section will be rewritten to ensure that the threshold for when a coastal permit is required is clarified, and what findings must be made prior to the issuance of a coastal permit. Also, the list of visitor serving uses adjacent to residential properties will be revised to prohibit development of non-compatible uses, such as carnivals and circuses.

Part B. Items for Public Discussion

Complex issues worthy of public input, discussion, and direction are discussed below. The focus of the issues and options work sessions is to discuss the issues and options and provide staff with direction for the updated Zoning Code.

For each topic, the issue is first defined, followed by possible ways the updated zoning code could be modified to address the issue.

ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods

Protecting residential neighborhoods was a key issue discussed during the General Plan Update. The General Plan contains a number of goals and policies to address this issue:

Goal LU-4 Protect and enhance the special character of residential neighborhoods.

Goal LU-5 Ensure that new residential development respects the existing scale, density, and character of neighborhoods.

Policy LU-5.1 Neighborhood Characteristics. Require new residential development to strengthen and enhance the unique qualities of the neighborhood in which it is located. Residential neighborhood boundaries are identified in Figure LU-1.

Policy LU-5.3 Mass and Scale. Ensure that the mass, scale and height of new development is compatible with existing homes within residential neighborhoods.

Policy LU-5.5 Architectural Character. Ensure that the architectural character of new development and substantial remodels complements the unique qualities of the neighborhood in which it is located and the overall coastal village character of Capitola.

Within the public survey for the zoning code update, concern for preserving neighborhood character rose to the top of the list.

Capitola's current zoning ordinance takes a one size fits all approach to all single family residential neighborhood. This does not always produce desired results or respect the existing patterns within a specific neighborhood. For instance, the development standards are the same for Cliffwood Heights and Riverview Avenue north of the trestle. Both are required to have an increase in the second story setback. Although potentially appropriate in Cliffwood Heights to ensure articulation of buildings, this regulation disrupts the flow of the streetscape on Riverview.

After the zoning code update City staff plans to prepare new residential design guidelines, as called for by the General Plan. These guidelines will document the unique characteristics of individual neighborhoods in Capitola and help ensure that new homes and remodels are compatible with these characteristics. All options described below anticipate the future adoption of these new guidelines.

Options:

1. **Maintain existing R-1 standards for all neighborhoods.** With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design

guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.

2. **Introduce tailored development standards for individual residential neighborhoods.**

With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone. For an example of a neighborhood-specific approach to zoning regulations, see the City of Azusa and Sonoma zoning codes:

https://www.municode.com/library/ca/azusa/codes/code_of_ordinances

<http://codepublishing.com/ca/sonoma/>

3. **Allow case-by-case deviations to R-1 standards.** With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations. For an example of waivers to development standards, see San Carlos Zoning Code Chapter 18.33:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1833.html#18.33>

ISSUE 2: Maintaining and Enhancing the Village Character

During the General Plan Update residents emphasized the importance of maintaining and enhancing the unique Village character. Specific General Plan goals and policies include the following:

Goal LU-6 Strengthen Capitola Village as the heart of the community.

Policy LU-6.1 Village Character. Maintain the Village as a vibrant mixed use district with residences, visitor accommodations, restaurants, shops, and recreational amenities.

Policy LU-7.1 New Development Design. Require all new development to enhance the unique character of the Village.

The existing Zoning Code establishes land use regulations and development standards for the Village in Chapter 17.21 (C-V Central Village District). The C-V district chapter itself contains limited standards pertaining to building and site design. Instead, the chapter states that development standards for the C-V district are contained in the adopted Central Village Design Guidelines. This document, adopted in 1987, contains design guidelines for site planning, building design, landscaping, signs, and parking in the Village. The guidelines also address the

unique needs of the Esplanade, the residential overlay districts, and residential properties in general.

Typically, design guidelines describe in qualitative terms the desired form and character of new development. These guidelines are advisory, not mandatory, and allow for flexibility for individual projects. The Central Village Design Guidelines, in contrast, contains numerous statement of mandatory standards. For example, the Guidelines state that “structures shall be limited to one story” on the Soquel Creek side of Riverview Avenue. The use of “shall” rather than “should” statements such as this is primarily found in the guidelines for residential overlay districts, including the Six Sisters Houses, Venetian Court, Lawn Way, and Riverview Avenue.

The updated Zoning Code should consider if some of these “guidelines” for the residential overlays should be added to the Zoning Code as mandatory standards. The City should also consider if additional design standards should be added to the Zoning Code for all properties within the Village.

Options:

1. **Maintain existing standards with advisory design guidelines.** In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.
2. **Establish new building form and character standards.** The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:
 - Maximum setbacks to keep buildings and their entrances close to the sidewalk.
 - Permitted treatment of setback areas (e.g., plazas and landscaping, no parking)
 - Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts.
 - Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk.
 - Maximum length of unarticulated/blank building walls.
 - Required storefront transparency (percentage clear glass)
 - Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths)
 - Surface parking location (at the rear or side of buildings, not between a building and a street-facing property line).
 - Frequency and width of driveways crossing sidewalks.
 - Requirements or incentives for residential front porches.

For an example of this approach, see San Carlos Zoning Code Chapter 18.05:

<http://www.codepublishing.com/CA/SanCarlos/#!/SanCarlos18/SanCarlos1805.html#18.05>

3. **Incorporate design guidelines as standards in the Zoning Code.** Design “guidelines” for residential overlays that are expressed as mandatory “shall” statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the [Design Guidelines](#). Guidelines would be modified as needed to protect and enhance the design character of these areas.

4. **Remove reference to Central Village Design Guidelines.** This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village.

After completing the zoning code update, the Community Development Department intends to update the Village design guidelines as called for by the General Plan. These updated Guidelines will be consistent and integrated with zoning regulations for the Village.

ISSUE 3: Accommodating High-Quality Development on 41st Avenue

The General Plan contains the following goals for 41st Avenue and the Capitola Mall:

Goal LU-8 Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

Goal LU-9 Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

For the mall property, General Plan policies support phased redevelopment, eventual parking lot redevelopment, relocation of the metro center, new public gathering places, and a new interior street to create a more pedestrian-friendly environment. For 41st Avenue overall, General Plan policies encourage new public amenities, more entertainment uses, and improvement that create an attractive destination for shoppers. The General Plan also aims to minimize impacts to residential neighborhoods from changes along the corridor.

The zoning code update should support these goals and policies and help implement the community's vision for long-term improvements to the corridor. This could be achieved through increased parking flexibility, incentives for community benefits, and a streamlined permitting process.

Options:

1. **Maintain existing regulations.**
2. **Increase Parking Flexibility.** Existing off-street parking requirements could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.
3. **Create incentives for desired improvements.** The General Plan allows for increased floor area ratio (FAR) for certain types of projects on 41st Avenue. The Zoning Code could build from this concept by offering incentives for projects that include community benefits such as new public gathering places, streetscape improvements, entertainment uses, etc. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. As an example, the City of Berkeley has a "Green Pathway" incentive program that offers

streamlined permitting for projects that incorporate sustainability features beyond the City's minimum requirements. See Berkeley Zoning Code Chapter 23.B.34:

<http://codepublishing.com/ca/berkeley/>

The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue 13.

4. **Strengthen connection to 41st Avenue Design Guidelines.** The existing Design Guidelines for 41st Avenue are in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits.
5. **Streamline Permitting Process.** The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.

Issue 4: Protecting Retail Vitality on 41st Avenue

Within the business owner and commercial property owner stakeholder meetings, there was recurring advice to zone for what the City would like to see and where; then make it easy for the desired use to be established. Stakeholders discussed the economic strategy to locate commercial uses that collect sales tax and visitor uses which collect transient occupation taxes (TOT) along the busiest commercial corridors to maintain a healthy tax base. Currently, transient uses, such as a hotel, are treated the same as office space beyond 3,000 sf; both require a conditional use permit in the CC zone. An office with less than 3,000 sf are principally permitted. The City has seen a number of primary retail sites convert to professional and medical offices.

This issue was discussed during the General Plan Update as well, particularly regarding medical office uses in the C-C zone along 41st Avenue. In response to this concern, the following policies and actions were added to the General Plan:

Policy LU-9.4 Retail Protection. Discourage professional and medical offices in key locations that may displace retail establishments and diminish the economic vitality of the corridor.

Action LU-9.4 Retail/Office Mix. Take action to maintain an appropriate mix of retail and non-retail uses along the 41st Avenue corridor. These actions will include:

- Continuing to require a Conditional Use permit for offices, medical services, and other non-retail uses in the Regional Commercial designation.
- Amending the Zoning Code to require the Planning Commission to specifically find that a proposed non-retail use will not detract from the economic viability of the corridor.

- Preparing a study to examine the optimal socio-economic mix of retail and office/professional uses on 41st Avenue.

Options:

1. **Maintain existing regulations.**
2. **Add new findings for professional and medical office uses.** The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission's satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.
3. **Encourage professional and medical office uses in certain locations.** The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of "vertical zoning" to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.
4. **Introduce new limitations for professional and medical office uses.** Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the City of Berkeley has a cap on the number of restaurants in its "Gourmet Ghetto" neighborhood. The purpose of this limitation is to ensure that there are a sufficient number of non-restaurant uses in the area to serve neighborhood residents. Cities also frequently limit the concentration of "problem" uses such as liquor stores, adult businesses, and pawn shops. Capitola could take a similar approach to professional and medical office uses in the C-C zone. For example, the zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceeded under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.

ISSUE 5: Parking

Parking requirements is a complicated and controversial issue in Capitola. On one hand, residents want to ensure that new development provides adequate off-street parking to minimize spillover parking impacts on neighborhoods. On the other hand, many community members desire flexibility in parking requirements to allow for infill development that will increase economic vitality and support a more multi-modal transportation system. This tension is reflected in General Plan Policy MO-5.1, which calls for the City to "balance the need for adequate off-street parking with other community goals, such as increasing transportation choices and maintaining a high-quality design environment.

The zoning code update will need to address a number of thorny parking issues, including the number of required off-street parking spaces, Village hotel parking, and promoting parking efficiency.

A. Number of Required Parking Spaces

Zoning Code Section 17.51.130 established required number of off-street parking spaces for different land uses. Some of these parking standards are shown in the table below.

Land Use	Required Off-Street Parking Spaces
Single-Family Homes	2- 4 spaces per unit, depending on unit size
Multi-Family Units	2.5 spaces per unit
Retail	1 space per 240 sq. ft. of floor area
Restaurant	1 space per 60 sq. ft. of floor area
Office	1 space per 240 sq. ft. of floor area

It should also be noted that in the CC zone outside the coastal area, the parking standards were updated to reflect recent parking studies. The updated requirements are not as restrictive with retail and office at 1 space per 300 sf, and restaurant calculations including dining area (60/sf) and other floor area (1/300 sf). During the update, discussions included application of these standards Citywide during the zoning code update.

Community members have expressed a range of opinions on the City's existing off-street parking requirements. Some find that parking requirement inhibit new development, redevelopment, and improvements to existing properties that would benefit the community. They support reducing parking requirements in certain cases or providing more flexibility in how parking needs are met. Others believe Capitola already suffers from inadequate parking supply and reducing and modifying parking requirements will exacerbate the situation and increase spillover parking impacts on residential neighborhoods. Ultimately, the General Plan was adopted with the following Policy MO-5.3: "Consider reduced off-street parking requirements for mixed-use projects, transit-oriented development, and other projects that demonstrate a reduced demand for off-street parking."

Allowing for parking reductions is common in communities well-served by transit and/or interested in promoting infill development to utilize land resources efficiently, increase the supply of multi-family housing, and reduce reliance on the automobile. The City of Santa Cruz, for example, allows for some reductions (Section 24.12.290:

<http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html>) and will likely further reduce/adjust on-site parking requirements along transit corridors as part of zoning code amendments to implement the City's new General Plan. Recent research shows that parking demand for mixed use development is less than for single use development. See:

http://asap.fehrandpeers.com/wp-content/uploads/2012/05/APA_PAS_May2013_GettingTripGenRight.pdf.

Any reduced parking requirement, however, needs to carefully consider potential spillover parking impacts on residential neighborhoods.

There is some evidence that Capitola's parking requirements are greater than what may be needed and what is required in other similar communities. In 2008, the City commissioned RBF Consulting to prepare a parking study for the Village. As part of their analysis, RBF evaluated the City's parking standards and compared them to other neighboring cities and standards established by the Institute of Transportation Engineers (ITE). The study concluded that the City's parking standards often exceed those of neighboring jurisdictions and ITE standards.

Options:

1. **Maintain Existing Requirements.**
2. **Modify Parking Requirements for Certain Land Uses in All Areas.** The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. For example, the parking standards in the CC zone for restaurant could be applied Citywide. Parking requirements could be modified for:
 - Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf).
 - Take-out food establishments, eliminating the need for seat counting
 - Single-family homes, creating one standard regardless of size
 - Multi-family homes, allowing reduced parking requirements for small units
3. **Create Location-Based Parking Standards.** The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Walnut Creek takes the later approach, identifying parking reduction zones subject to parking reductions for all land uses. See Walnut Creek Zoning Code Section 10-2.3.204.C:
<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>).
4. **Allow for reductions with Planning Commission approval.** The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:
 - **Low Demand.** The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study.
 - **Transportation Demand Management Plans.** The number of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours.
 - **Bus Stop/Transportation Facility Credit.** The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop.

- **Mixed-Use Projects.** A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses.
5. **Allow for reductions By-Right.** This option is similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.

B. Village Hotel Parking

During the General Plan Update residents discussed ideas for a new hotel in the Village. Based on this discussion, the General Plan contains guiding principles for a new Village hotel if one is proposed on the old theatre site. General Plan Policy LU-7.5 identifies these guiding principles, including this principle relating to parking: “Parking for the hotel should be provided in a way that minimizes vehicle traffic in the Village and strengthens the Village as a pedestrian-oriented destination. This could be achieved through remote parking, shuttle services, and valet parking arrangements.” The General Plan also addresses Village parking more generally including Policy MO-6.4 which calls for the City to “maintain a balanced approach to parking in the Village that addresses the parking needs of residents, merchants, and visitors.”

The Zoning Code and LCP also require new development in the Village to provide adequate parking outside of the Village and within walking distance. The property owners of the proposed Village Hotel have expressed their desire to provide on-site parking to accommodate approximately 65-70 vehicles, with additional off-site parking for staff located in the Beach and Village Parking Lots.

The updated Zoning Code will need to address parking requirements for hotels in the Village. The existing Zoning Code requires one parking space for each guest room plus additional spaces as the Planning Commission determines necessary for the owners and employees. The Fairfield and Best Western on 41st Avenue, which provide 92 and 48 spaces respectively, comply with this requirement. The Coastal Commission will also have opinions on this issue, with the goal of maximizing public access to the Village and beach, increasing transportation alternatives serving the Village, and ameliorating existing parking shortage problems.

Options:

1. **Maintain existing parking requirements.** The general plan policy LU-7.5 guides against this option. Providing parking standards for a future hotel within the zoning update will create certainty in the requirements.
2. **Specific On-Site Parking standard for Village Hotel.** The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.
3. **Base Standard on a Parking and Traffic Study prepared for the hotel development project application.** The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off-site.

4. **Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria.** Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or “performance criteria,” could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that:
 - The hotel is served by a combination of on-site and off-site parking.
 - Parking provided on-site is the minimum necessary for an economically viable hotel.
 - On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination.
 - On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village.

C. Parking Efficiency

The General Plan calls for the City to “support the efficient use of land available for parking through shared parking, valet parking, parking lifts, and other similar methods.” (Policy MO-5.2). The updated Zoning Code could include provisions to implement this policy.

The Zoning Code currently allows for the City to designate two metered parking spaces in the Village for the operation of a valet parking program. (Section 17.21.140). The Zoning Code is silent on shared parking, and parking lifts, however past practice has been to consider the results of parking studies when evaluating mixed use projects and to allow the use of parking lifts for residential projects.

Options:

1. **Maintain existing regulations.**
2. **Clarify existing code to match past practice** of allowing shared use parking reductions with a parking study and lifts for residential projects
 - a. **Add New Shared Parking Provision.** The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. Santa Cruz County allows reductions for shared parking with the preparation of a parking study demonstrating compliance with criteria required for approval. See Santa Cruz County Code Section 13.10.553: <http://www.codepublishing.com/ca/santacruzcounty/html/santacruzcounty13/santacruzcounty1310.html>).
 - b. **Add new parking lift provisions.** The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration for specific land uses (e.g. residential, hotel valet, etc). Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas. For example, Walnut Creek allows for mechanical

lift spaces up to 20 percent of the total required spaces subject to special design standards. See Walnut Creek Zoning Code Section 10-2.3.204.D.4:

<http://www.codepublishing.com/ca/walnutcreek/html/WalnutCreek10/WalnutCreek1002C.html>)

D. Garages

Single family homes 1,500 square feet or more, must provide at least one “covered” parking space. During the stakeholder interviews staff received comments that this requirement should be revisited, allowing only garages to qualify as a covered spaces (no carports) or eliminating the covered space requirement altogether.

Options:

1. **Maintain existing regulations.**
2. **Add design standards for carports.** Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.
3. **Limit covered spaces to garages only.** Specify that a carport may not satisfy the covered parking requirement.
4. **Eliminate covered parking requirement.** Remove the requirement for covered parking spaces for single-family homes.

Issue 6: Historic Preservation

During the General Plan Update process, many residents expressed the desire to improve Capitola’s historic preservation regulations. In particular, residents identified the need to adopt and maintain a complete list of local historic resources, adopt clear standards for including properties on this list, and establish a procedure and criteria for the City to approve or deny modifications to historic resources. City staff received similar comments during the stakeholder interviews for the zoning code update.

The General Plan includes Action LU-2.3 to develop a historic preservation program to enhance and protect Capitola’s historic resources. This program, along with an updated inventory of historic resources, will be developed following completion of the zoning code update process.

At a minimum, the updated Zoning Code will include new provisions to address the issues raised during the General Plan Update and Stakeholder Interviews. Staff anticipates a new historic preservation chapter in the Zoning Code that addresses the following topics:

- A. **Procedures to identify historic resources.** Until an official historic inventory is adopted, the zoning code update will specify the required procedure for review of potentially historic resources which includes completion of a Primary Record Form to evaluate whether a structure is eligible to be included on the National Register of Historic Places, the California Register of Historic Resources, and/or the City’s Register of Historic Features.

- B. Improve criteria to identify historic resources.** Chapter 17.87 describes the process for designating properties on the local register of historic features. To be identified as a historic feature, the potential historic feature must evidence one or more of ten identified qualities. The current qualifications are wide reaching and should be revised to more closely follow CEQA Guidelines and criteria for listing on the California Register of historic properties, as done in the City of Carmel. See Carmel Zoning Code Chapter 17.32: <http://www.codepublishing.com/ca/carmel.html>
- C. Add Procedures and Review Criteria for projects which involve potentially significant historic resources.** Currently, a Conditional Use Permit is required for alterations to historic structures based on findings that the alteration will not be “significantly detrimental” to the structure or that denial would result in substantial hardship for the applicant. The code does not, however, include review criteria for alterations to historic structures. The code will be updated to specify that all proposals to alter historic resources shall be reviewed for compliance with the Secretary of Interior Standards. In addition, the process can be updated to include different levels of review depending on the nature of the alteration. In Carmel, there are different procedures for “minor” and “major” alterations to historic resources.
- D. Criteria to approve demolition of a historic resource.** Zoning Codes also typically include special findings required for the approval of the demolition of a historic resource.
- E. Incentives for historic preservation.** Possible incentives include Mills Act contracts, fee reductions, federal tax credits for commercial properties, increased flexibility for modifications to nonconformities, exceptions on development standards (see Issue 8.A Option 5), and exceptions to non-conforming standards. See Santa Cruz 24.12.445 for example of allowed variation to development standards to promote historic preservation: <http://www.codepublishing.com/ca/santacruz/>

Other options to address historic preservation in the updated Zoning Code are provided below.

Options:

- 1. Establish a Historic Resources Board.** Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. See Carmel Chapter 17.32 and Pacific Grove Section 23.76.021 :
<http://www.codepublishing.com/ca/carmelbythesea/html/carmel17/Carmel1732.html>
<http://www.codepublishing.com/CA/pacificgrove/html/PacificGrove23/PacificGrove2376.html>
The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior’s Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.
- 2. Establish a new Historic Preservation Overlay Zone.** Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this

overlay could be subject to special permit requirements, design standards, and incentives for preservation. See City of Monterey Section 38-75:

<http://www.codepublishing.com/ca/monterey/>

3. **Establish new enforcement and penalty provisions.** The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City's historic preservation ordinance (Pacific Grove Zoning Code Section 23.76.130).
4. **Establish new maintenance and upkeep provisions.** Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect. For example, see Los Gatos Zoning Code Section 29.80.315: <http://www.municode.com/services/mcsgateway.asp?sid=5&pid=11760>

ISSUE 7: SIGNS

A. Threshold for Review

The existing sign ordinance requires that the Planning Commission review all new signs unless the sign replaces an existing sign that is substantially the same or has been approved through a Master Sign Program. During meetings with commercial property owners and businesses, stakeholders expressed how the current level of review is a disincentive to businesses. The review process costs business owners approximately \$700. Stakeholders expressed a preference for a code with stricter standards subject to staff-level review, with the option of Planning Commission review if the business chose to go beyond the established standards.

Options:

1. **Maintain existing regulations.**
2. **Allow staff-level review with new standards.** Revise sign standards to include new, well-defined and well-illustrated design standards that create a framework that would allow compliant signs to be reviewed by staff and an option for Planning Commission review for signs that go beyond the established standards. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Carmel-by-the-Sea is an example of staff-level approval of signs subject to clear standards, with the ability of the Planning Commission to approve signs that do comply with these standards. See Carmel Zoning Code Chapter 17.40: <http://www.codepublishing.com/ca/carmel.html>.

Sign standards for Downtown Redwood City are another example of more detailed sign design standards:

<http://www.redwoodcity.org/phed/planning/precise/FINAL-DTPP/DTPP-Downloads/17%20Signage%20Regulations.pdf>

B. Tailored Standards

Commercial areas in Capitola include regional commercial, neighborhood commercial, and the central Village. The character, scale, and visibility in the different areas varies tremendously. The existing sign ordinance establishes the same criteria for signs in all commercial areas, with the exception of sidewalk signs in the Village. The sign code could be modified so that standards are tailored to the unique character and constraints of different areas in the city.

Options:

1. **Maintain existing regulations for all commercial areas.**
2. **Create tailored standards for different commercial areas.** Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, dimensions, location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach:
<http://www.codepublishing.com/ca/livermore.html>.

The general desired signage character for different districts in Capitola could be as follows:

- Village: Pedestrian oriented signs, village scale
- Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles
- 41st Avenue: Larger-scale signs that are auto-oriented to support the corridor as a regional shopping destination.
- Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges
- Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials.

C. Monument Signs

The code currently allows one monument sign per building frontage with a maximum of four tenants named on a monument sign. A second monument sign is allowed for properties on a corner lot. For a large plaza such as King's Plaza on 41st Avenue, these limits are problematic. The property has over 800 linear feet of frontage on 41st Avenue and tenant visibility is challenged due to the majority of tenant spaces being setback on the lot. Under the current code, if Kings Plaza were simply divided into multiple parcels, as the Capitola Mall is, the owners would be allowed more signs simply by virtue of carving the property into multiple lots. This mechanism of regulating signs seems to offer an incentive to carve commercial property into smaller lots, which is likely contrary to the City's long term interest, particularly in the CC zoning District.

Options:

1. **Maintain existing regulations.**
2. **Create a new limit for monument signs based on linear frontage along a prime commercial street.**
3. **Create an allowance for more than 4 tenants per monument sign.**
4. **Update Master Sign Plan to clarify discretion in monument signs based on lot size, number of tenants, and commercial corridor frontage.**

Issue 8: Non-Conforming Uses

Chapter 17.72 of the existing zoning code outlines the regulations for non-conforming activities (uses) and non-conforming structures. The stakeholder groups identified room for improvement

on three items in this section: calculation of structural alterations, treatment of historic structures, and amortization of non-conforming in the R-1 zoning district.

A. Calculation of Structural Alterations

The methodology prescribed within the code for permissible structural alterations of non-conforming structures (17.72.070) was questioned during stakeholder outreach sessions. The code states:

“at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping cost and architectural costs. If that cost, added to the cost or other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made.”

Members of the architect/planner stakeholder group expressed a desire for improved transparency in the process to determine the value of alterations. Others cited concerns with using building valuation as the basis for determining allowable alterations to non-conforming structures.

From an administration perspective, the current process of limiting alterations to non-conforming structures on a valuation basis is unclear, inefficient, and is a frequent source of disagreement between applicants and staff. Applicants often challenge estimates developed by staff which exceed 80% and submit lower estimates prepared by their contractors. There have also been circumstances where applicants receive approval to alter a non-conforming structure below the 80% valuation threshold, but then discover during construction that additional alterations are necessary which result in cumulative alterations exceeding the 80% threshold. This circumstance places staff and City decision-makers in the difficult position of either allowing a non-conforming structure to be altered beyond the 80% code limitation, or requiring the property owner to stop construction and restart the permitting process with a conforming project.

The local resident stakeholder group also expressed concerns regarding the impact this regulation has on property owners maintaining existing non-conforming and/or historic homes. The current zoning code was adopted in 1975. Many of the homes build prior to 1975 are non-conforming structures with setback, height, parking, or floor area ratios that do not comply with current development standards. The regulations do not allow homeowners to update their home beyond 80% of the current value. Stakeholders stated that this disincentivizes homeowners to reinvest into non-conforming properties and is counterintuitive to Capitola’s historic preservation goals.

Options:

1. **Maintain the existing 80 percent building valuation maximum of present fair market value.**
2. **Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.**
3. **Remove valuation cap for structural alterations to non-conforming structures.** In this option, all non-conforming structures could be maintained and updated, provided that the

alterations do not create a greater degree of non-conformity, or require that the alteration increased the level of conformity (but not require the new structure to eliminate all non-conforming issues). Any addition to a non-conforming structure would be required comply with all development standards of the zone.

4. **Change building valuation cap to a percentage of square footage calculation.** Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.
5. **Maintain the existing 80% threshold with new exception for historic resources.** In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.

B. Non-conforming activities and structures on improved R-1 parcels.

The code includes an amortization period for non-conforming activities in the R-1 zones, in which all non-conforming activities must be discontinued on June 26, 2019 or fifty years from the date the activity first became nonconforming, whichever is later, except as follows:

1. Duplex Activity. Nonconforming duplex activities may continue indefinitely but the structures cannot be enlarged.
2. Residential Projects with More Than Two Units. Owners of parcels having more than two dwelling units which are nonconforming only because they exceed the current density standard may apply to the city council for one or more extensions of the fifty-year amortization period. The city council shall only grant an extension if able to make findings that:
 - a. in this particular situation, the appearance, condition and management of the property is such that the property is not greatly detrimental to the single-family residential character of the neighborhood in which it is located;
 - b. the extension is necessary in order to prevent a major economic loss to the property owner and to lessen deterioration;
 - c. and that all reasonable conditions have been imposed for the purpose of repairing dilapidation and bringing, or keeping, the property up to neighborhood standards.

Extensions granted under this section shall be at least fifty years from the date the application is granted.

There are two types of non-conforming uses in single-family residential neighborhoods: multi-family residential uses (more than 2 units) and non-residential uses (commercial, light industrial, etc). It is anticipated that non-residential uses in single-family zones will continue to be subject to the sunset clause; therefore, issues described below are focused on existing non-conforming multi-family uses.

Multi-Family Uses in Single-Family Zones

According to county records, there are 77 parcels with more than two dwelling units in the R-1 zoning district which are subject to the sunset clause, and must either discontinue the use by June 26, 2019 or apply for an extension subject to the findings listed above. This issue has the potential to impact many Capitola residents and multifamily property owners and could represent a costly and time intensive enforcement challenge for the City.

Any modification to the existing ordinance will have an impact on many Capitola's residents, including occupants of the multi-family dwellings and the surrounding neighbors. The multi-family dwellings that exist in the R-1 provide housing opportunities which are typically more affordable than a single-family home, so these units fill a housing need not typically available in single-family neighborhoods. The negative impacts of these dwellings include increased demand for on-street parking, incompatible hard-scape in front yards for parking in place of typical landscaping, incompatible design, and noise.

During public outreach, staff heard specific concerns from residents of the northern Jewel Box area around 45th-47th Streets about the concentration of existing non-conforming four-plexes in their neighborhoods. Although other Capitola neighborhoods, such as Depot Hill and the Upper Village, also have non-conforming multi-family uses, there does not appear to be as much concern about their continuation in these areas.

Due to specific concerns about four-plexes in the northern Jewel Box area, staff will host a public workshop to collect input on the matter prior to requesting direction from the Planning Commission. The workshop will be organized to collect information from attendees on their perception of the issue and viable options for future implementation. Staff will present an update to the Planning Commission and City Council after the public workshop.

Options:

1. **Maintain existing sunset clause and opportunity to apply for extension.**
2. **Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify.** This approach could be applied citywide with appropriate findings or only to specific areas.
3. **Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City.** Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.
4. **Rezone areas with existing non-conforming multi-family uses to a multi-family zone.** This approach could be applied citywide or only to specific areas.
5. **Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits.** For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).

Issue 9: Secondary Dwelling Units

Secondary dwelling units are currently allowed on 5,000 square-foot or larger lots in the R-1 zoning district. Attached secondary dwelling units and detached, 1-story secondary dwelling units may be approved through an administrative permit process, provided they comply with stated size limitations. Detached, 2-story secondary dwelling units or oversized units must be considered by the Planning Commission.

Staff has heard conflicting sentiments regarding secondary dwelling units. Many felt development of more secondary dwelling units should be encouraged because they contribute to the City's affordable housing stock and provide property owners with a much needed revenue source to afford Capitola's high real estate costs.

Conversely, others expressed concern about allowing more secondary dwelling units in single-family neighborhoods due to increased parking demands, loss of privacy, and noise.

Options:

1. **Maintain existing code allowances/limitations for secondary dwelling units.**
2. **Amend the code to encourage development of additional secondary dwelling units.** If this option is selected, the following changes could be considered:
 - a. Decrease the minimum lot size requirement for secondary dwelling units;
 - b. Increase the threshold which triggers the need for Planning Commission review;
 - c. Allow all secondary dwelling units to be approved through an administrative process;
 - d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented.
3. **Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.** Those areas could be chosen based on criteria which could include: availability of on-street parking, existing densities, land use adjacencies, etc.

ISSUE 10: Permits and Approvals

Capitola's zoning code currently identifies over twenty different types of permits and approvals, such as use permits, design permits, and variances. Staff expects that most of these will remain unchanged in the updated zoning code. However, there is the opportunity to simplify, clarify, and generally improve the types of permits required. In particular, using more general types of permits for a range of specific land use actions could help simplify the code for staff and applicants. There may also be the need for one or more new permits to address certain types of approvals or issues that are not addressed well in the existing zoning code.

Options:

1. **No change to existing permits.**
2. **Modify permits.** With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:

- a) **Create a new Administrative Permit.** This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.
- b) **Create a new Minor Use Permit.** This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.
- c) **Create a New Substantial Conformance Process.** The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.

The updated zoning code will contain a table summarizing all types of permits and approves and the review authority for each.

Issue 11: Architecture and Site Review

During stakeholder interviews, staff received input from various groups on their experience with Architecture and Site Review. These groups provided a wide range of feedback, addressing the roles and responsibilities of the Architecture and Site Review Committee, the composition of the Committee, the timing of application review, and the types of projects subject to review.

A. Authority of Architecture and Site Review Committee

The recent applicant stakeholder group explained that they found the process confusing due to the name of the committee. They were surprised that a project first “passed” Architecture and Site review but then was met by a Planning Commission with a different perspective on the design. The local resident stakeholder committee suggested that the board be empowered to approve or deny applications for minor additions or modifications without the need for subsequent Planning Commission approval. This perspective was shared by the architecture/planner stakeholder group as well.

Options:

1. **Maintain existing authority of Architecture and Site Committee.**
2. **Modify existing role of the Architecture and Site Committee.** Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.
3. **Eliminate the Architecture and Site Committee.** Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues without the need for a Committee hearing.

B. Timing of Design Permit Review.

Some stakeholders suggested that the Architecture and Site Review be required as a pre-design meeting. Currently, once a complete application is submitted, the application is reviewed by the Architecture and Site Committee. The Committee reviews the elevations, floor plans, materials board, and site plan during the meeting. The Committee identifies any necessary code violations or design/site planning recommendations. The applicant is given the opportunity to modify the application based on the recommendations prior to review by Planning Commission. A pre-design meeting would create the opportunity to discuss the site, surrounding built and natural environment, and identify issues and opportunities for the future design. This approach could be challenging, however, because many applicants make their first contact with City staff after they have designed their project.

Options:

1. **Maintain existing timing of Architecture and Site Review.**
2. **Repurpose the committee to be a pre-design committee.** In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.

C. Composition of Architecture and Site Committee

Currently, the Architecture and Site Committee is composed of one architect/home designer, one landscape architect, one historian, a City planner, a City public works representative, and a City building representative. The recent applicant stakeholder group found the diverse composition of the committee helpful to receive feedback from a wide range of expertise. The architect/planner stakeholder group had a different perspective and suggested the composition of the Architecture and Site committee be reconsidered to be more design-centric. They suggested the City replace the committee with a staff architect or contract architect to focus on design, site planning, and compatibility. With their credentials, an architect would also be able to assist applicants through sketching suggested revision to design issues. A second suggestion of the architect/planner stakeholder group was to replace the Architecture and Site Committee with an architectural peer review process.

Options:

1. **Maintain the existing composition of the Architecture and Site Committee.**
2. **Replace the committee with a City Architect.** Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.
3. **Replace committee with an Architectural Peer review committee.** The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.

4. **Revise committee to add any of the following:** water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.

ISSUE 12: Design Permits

A. When a Design Permit is Required – Commercial Uses

For all commercial zoning districts (CV, CC, CN, PO, and CR), the zoning code states that architectural and site approval is required to establish and conduct any principally permitted, accessory, and conditional use. The only exception is multi-tenant properties with an approved master use permit. All other new tenant changes must have a design permit regardless of whether or not there are proposed modifications to the exterior of the structure. Design permit are also required for modular housing, solar energy systems, and dish antenna larger than 24 inches.

Prospective business owners look to a zoning code to provide clarity in what is permitted within a zone and to identify the process to receive required permits. During stakeholder interviews, the business owner and commercial property owner groups recommended allowing permitted land uses and clarifying when a permit is required. The current code is unclear and requires interpretation. Both stakeholder groups said that requiring all tenant changes to go before Planning Commission is overly regulatory and has a negative impact on filling vacant commercial sites. Most jurisdictions allow principally permitted uses without a design permit if the new use does not require modifications to the exterior of the structure.

Options:

1. **Maintain existing thresholds for commercial design permits.**
2. **Require Design Permits only for Exterior Modifications.** With this option, a design permit would be required to establish a new use only with an exterior modification to the structure.

The City of Carmel takes this approach with its Design Review permits ([Carmel Zoning Code Section 17.58.030](#)).

3. **Require Design Permit only for Larger Projects.** Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.

See Santa Cruz Zoning Code Section Section 24.08.410:

<http://www.codepublishing.com/ca/santacruz/>

B. Design Permit Approval Authority – Commercial Uses.

Currently, the Planning Commission approves Design Permits for commercial projects. The updated Zoning Code could be modified to allow the Community Development Director to approve certain projects requiring Design Permits.

Options:

1. **Maintain existing review authority.**
2. **Delegate limited approval authority to the Director** With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:
 - a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.
 - b. Additions not visible from the front façade up to a specified square-footage threshold.
 - c. Expansion of one tenant space into a second tenant space in a multi-tenant building.
 - d. Dish-type antenna greater than 24 inches as specified.
 - e. Accessory structures

C. When a Design Permit is Required – Residential Uses

Under the current zoning code, residential projects that require Planning Commission Design Permit approval include:

1. All new residential dwelling unit construction;
2. Upper floor additions;
3. First floor additions that are visible to the general public.
4. First floor additions in excess of 400 square feet and located at the rear of the property;
5. Design permits accompanied by a request for conditional use permit, variance, or minor land division;
6. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision.

During stakeholder interviews, groups voiced different views on the current threshold for residential design permits. One perspective agreed with the current level of review and explained that it results in high quality residential development. A different perspective thought the existing thresholds are too restrictive and that homeowners should be allowed to add onto their homes beyond 400 square feet without the additional oversight and cost to process a design permit through the Planning Commission.

It is common for cities to allow minor visible modifications to single-family homes without design review. The City of Sausalito, for example, requires Design Review for new single-family homes and additions that increase the height of the structure or add 300 square feet or more. Projects below this threshold, even if they are visible, do not require design review. See Sausalito Zoning Code Section 10.54.050: <http://www.ci.sausalito.ca.us/Modules/ShowDocument.aspx?documentid=378>).

Options:

1. **Maintain existing thresholds.**
2. **Modify threshold for residential design permits.** The threshold could be revised in multiple ways. Thresholds that could be modified to include:
 - a. Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home

- b. Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.
- c. Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.

D. Design Permit Approval Authority – Residential Uses.

Currently, the Planning Commission approves Design Permits for the majority of residential uses as outlined in the previous section C. The Community Development Director/Zoning Administrator is authorized to approve applications for: first floor additions up to 400 square feet not visible to the general public; minor repairs, changes, and improvements to existing structures which use similar, compatible or upgraded quality building materials; and additional accessory structures beyond the single eighty square foot or less is size without plumbing or electrical. The updated Zoning Code could be modified to increase the authority of the Community Development Director within specified limits. For example, the Director could approve residential projects that do not increase the size of an existing structure by more than 10 percent, as is allowed in under “Track One) Design Review in Carmel. See Carmel Zoning Code section 17.58.040: <http://www.codepublishing.com/ca/carmel.html>

Options:

1. **Maintain existing review authority.**
2. **Delegate increased approval authority to the Director** With this option, the Director would approve more types of residential projects requiring a Design Permit.

E. Considerations for Design Permit Approval

Within the zoning survey, items of greatest concern in residential areas included: height, size of new homes, neighborhood character, adequate onsite parking, and sustainability (water and energy conservation). For each design permit, the Architecture and Site Committee reviews the design considerations listed in §17.63.090, including traffic circulation, safety, congestion, outdoor advertising, landscaping, site layout, architectural character, historic preservation, drainage, fire safety, advertising, etc. The local resident stakeholder group suggested placing more emphasis on design during the review.

Options:

1. **Maintain existing architecture and site considerations.**
2. **Maintain the existing architecture and site considerations with additional considerations focused on design**, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements.
3. **Update design considerations to focus on design rather than including ancillary issues.** In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility. The San Carlos Zoning Code contains an example of design review criteria that focus more on aspects of project design (San Carlos Zoning Code Section 18.29.060 <http://www.codepublishing.com/ca/sancarlos/html/SanCarlos18/SanCarlos1829.html>)

Issue 13: Planned Development

Capitola's zoning code includes a Planned Development (PD) district that allows for flexibility in permitted uses and development standards on a particularly site or property. The minimum parcel size eligible for PD zoning is four acres, unless the Planning Commission and City Council finds that a smaller property is suitable due to its "unique historical character, topography, land use or landscaping features."

Development standards in each PD district are the same as most similar zoning district unless an exception is granted by the Planning Commission and City Council. Proposed Development in a PD district is subject to a two-step process requiring approval of a preliminary development plan and a general development plan. Currently the Planning Commission reviews both the preliminary and general development plans; the City Council reviews and approves on the general development plan. Establishing a PD district is a legislative act requiring City Council approval.

During stakeholder interviews local architects commented that the PD is a valuable tool to respond to unique site conditions, but that 4 acre minimum is not practical due to scarcity of large properties in Capitola. They also suggested that the City Council review the preliminary as well as general development plan.

In contrast to comments from architects, some Capitola residents have expressed concerns about planned developments and the PD district. They see the PD district as a form of "spot zoning" that allows for development in neighborhoods out of character with surrounding properties.

Options:

- 1. Maintain existing regulations.**
- 2. Reduce or eliminate minimum parcel size requirement.** Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.
- 3. Modify approval process.** Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.
- 4. Eliminate PD.** Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.

ISSUE 14: Environmental and Hazard Overlays

Overlay zones establish standards that apply to a property in addition to the standards of the base zoning district. Overlay zones are also referred to as combining districts. Capitola's zoning code contains the following overlay zones and combining districts that relate to environmental resources and hazards:

- Archaeological/Paleontological Resources (APR)
- Automatic Review (AR)

- Coastal Zone (CZ)
- Floodplain (F)
- Geological Hazards (GH)

Chapter 17.95 (Environmentally Sensitive Habitats) also functions like an overlay with unique regulations applying to specific geographic areas.

Figure 1 shows the boundaries of the floodplain, geological hazards, and automatic review overlays. Figure 2 from the LCP shows the Archaeological/Paleontological Resources (APR) and Environmentally Sensitive Habitats areas.

Options:

1. **Maintain existing overlays and clarify boundaries.** In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.
2. **Modify existing overlays.** This option would modify existing overlays as described below:
 - **Archaeological/Paleontological Resources (APR).** Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process.
 - **Automatic Review (AR).** Remove this overlay zone as it duplicates current process.
 - **Coastal Zone (CZ).** Maintain this overlay zone as required by State law.
 - **Floodplain (F).** Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas.
 - **Geological Hazards (GH).** Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas
 - **Chapter 17.95 (Environmentally Sensitive Habitats).** Map boundaries of these areas as a new overlay zone and maintain existing regulations.
3. **Create a new, consolidated environmental/hazards overlay.** This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.

Issue 15: Visitor-Serving Uses on Depot Hill

The El Salto and Monarch Cove Inn properties in the Escalona Gulch/Depot Hill area are currently zoned Visitor Serving (VS). The zoning code currently specifies uses allowed with a conditional use permit on these two properties. On the El Salto property visitor accommodations (e.g., hotels, inns), food service related to lodging use, and residential uses are allowed with a conditional use permit. On the Monarch Cove Inn property a broader range

of uses is allowed, including special events (e.g., festivals, weddings), commercial recreation establishments, accessory office and retail uses, and other similar visitor-serving uses

Depot Hill residents have expressed concern about existing uses on these properties, and new visitor-serving uses that are currently allowed by the zoning code. Residents are concerned about the permitted intensity of new visitor-accommodation uses and their compatibility with the surrounding single-family neighborhood.

Options:

1. **Maintain existing permitted uses.**
2. **Modify permitted use.** With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.
3. **Limit intensity of visitor accommodation uses.** This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site. The Coastal Commission would likely have concerns with this option.
4. **Rezone to R-1.** A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 “dual zoning,” meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties. The Coastal Commission would likely have concerns with this option.

Issue 16: Height

During stakeholder interviews, participants expressed a variety of opinions on the maximum permitted building height in Capitola. Residents often want to limit the height of buildings in residential and commercial areas in order to protect the character of residential neighborhoods. Some wish to maintain the existing height limits in the Village in order to maintain the existing Village character. Other stakeholders, particularly architects and property owners, recommend increasing permitted height in certain locations, such as the Village, in order to encourage quality architectural design, renewed investment, and the increased vitality that new development would bring.

In light of this input, the sections below addresses allowed heights in residential neighborhoods, the Village, and for a new Village hotel.

A. Residential Neighborhoods

In the R-1 zone the maximum permitted building height is 25 feet, with 27 feet permitted for half-story designs and buildings that use historic design elements. Staff has received comments

that the 25 feet maximum height limit prevents home designs that would fit well within established neighborhoods. In neighborhoods with larger lots, such as Cliffwood Heights, taller homes may not appear out of place. The existing height standard also does not consider sloping lots and other unique site conditions.

Options:

1. **Maintain existing standards.**
2. **Eliminate 27-foot exception.** This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.
3. **Allow greater variation based on existing neighborhood character.** This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.

B. Capitola Village

The maximum building height permitted in the Central Village (CV) zone is 27 feet, though the Planning Commission may approve taller buildings for the restoration of a historic building. Critics of this height limit contend that the Village's most treasured buildings are over the current height limit and allowing taller buildings would encourage investment in the Village, enhance vitality, and allow for higher-quality building design. Supporters of the 27 foot height limit suggest that allowing new buildings taller than 27 feet would damage the Village's unique character and charm.

Options:

1. **Maintain existing standard.**
2. **Expand exception provisions.** With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.
3. **Increase maximum height limit to accommodate 3 stories.** The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don't negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.

C. Hotel

General Plan Policy LU-7.5 identifies guiding principles for the design of a new Village hotel, including the following three height-related principles:

- The design of the hotel should respect the scale and character of neighboring structures and enhance Capitola's unique sense of place.
- The maximum height of the hotel should remain below the elevation of the bluff behind. The bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.

- The hotel design should minimize impacts to public views of the beach and Village from Depot Hill.

The updated zoning code needs to reflect these guiding principles and establish a height standard for a new Village hotel.

Options:

1. **Apply CV Zone Standard to Hotel.** This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.
2. **Establish Performance Standard for Hotel Height.** In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.
3. **Establish a Numerical Standard Unique to Hotel.** The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.

Issue 17: Floor Area Ratio

In the R-1 (Single Family) Zoning District, building size is regulated by the relationship of the building to the lot size, a measurement identified as *floor area ratio* (FAR). *Floor area ratio* is defined as the gross floor area of all of the buildings on the lot divided by the net lot area. Municipalities incorporate FAR maximums into the code to control overall size, massing, and scale of a buildings on a lot. The following table identifies the elements included in existing code's FAR calculation.

Elements included in FAR calculation

1. Basement in excess of 250 sf, including access staircase
2. Open areas below ceiling beyond sixteen feet in height (phantom floors)
3. Upper floor area greater than four feet in height measured between bottom of the upper floor and top of ceiling (includes garages and carports)
4. For 1 ½ story structures, the stairwell is counted on 1st floor only
5. Windows projecting more than 12 inches from wall
6. Upper floor decks over 150 sf
7. Covered exterior open space in excess of 150 sf including eaves greater than eighteen inches

During the public outreach, the inclusion of decks, basements, and eaves in the FAR calculation was cited as an opportunity for change and improvement.

A. Decks

Within the architect, designer, and planner stakeholder group, staff received criticism that the FAR calculation limits articulation of buildings, especially the inclusion of upper floor decks, covered first floor decks beyond 150 sf, and first floor decks beyond 30 inches in height. There were also discussions of how the code lacks guidance on decks within hotels and restaurants.

Options:

1. **Maintain existing standards.**
2. **Increase allowance beyond 150 sf.** Update Floor Area calculation to increase the amount of area within covered first story decks, decks beyond 30 inches in height, and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.
3. **Add exception for special circumstances.** There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.
 - a. **Front Façade.** Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks and porches within the list of items *not* included in the floor area calculation.
 - b. **Open Space.** There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.
 - c. **Restaurants and Hotels.** Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.
 - d. **Eliminate decks from FAR formula**

B. Basements

Stakeholders raised contrasting views on inclusion of basements in the FAR. One perspective is that basements should not be included toward the FAR calculation because they do not influence massing and allow increased living space without adversely affecting community character. The other perspective is that although basements do not increase massing, they do increase living areas and therefore intensify impacts on parking demand. It is worth mentioning that studies have shown that larger new homes generally have fewer inhabitants than smaller new homes. Within the current code, the parking requirement is based on the floor area of the home. Also, removal of basements from the FAR calculation will likely result in larger home sizes with increased sales prices, impacting affordability.

Options:

1. **Maintain existing standards.**
2. **Increase existing allowance beyond 250 square feet.**
3. **Remove basements from FAR formula.**

C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows)

The Floor Area Ratio calculation includes phantom floors (all open area below the ceiling or angled walls greater than sixteen feet in height), eaves greater than eighteen inches in length, and bay windows which extend 12 inches or more from the wall. Calculating these features in the FAR is administratively difficult and confusing for applicants. Roof eaves and bay windows can add to the architectural style of the home and are controlled within setback regulations. To simplify the FAR calculation, these elements could be removed.

Options:

1. **Maintain existing standards.**
2. **Remove phantom floors from the FAR calculation.**
3. **Remove roof eaves from the FAR calculation.**
4. **Remove window projects from FAR calculation.**
5. **Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.**

Issue 18: City Council Appeal of Planning Commission Decision

The City Council has appealed Planning Commission decisions over the years. In a recent lawsuit, Woody's Group, Inc. v. City of Newport Beach, it was found to be illegal for a City Council member to appeal a Planning Commission when not a "interested party". The court also found that the council erred in allowing the City Council member to sit as adjudicator of his own appeal.

To allow City Council review of Planning Commission decisions, Capitola may adopt a "call-up" ordinance that allows a member of City Council to call-up a recent decision by the Planning Commission. If an application is called-up, the City Council is allowed to review and make a final decision on the application. The ordinance can either require or not require a majority vote of the City Council to call-up an application.

Options:

1. **Maintain existing appeal process.**
2. **Add "call-up" procedure without requirement of majority vote by CC to call-up an application.**
3. **Add "call-up" procedure and require majority vote by City Council to call-up an application.**

Issues and Options Matrix		
		Direction
		PC
		CC
ISSUE 1: Protecting the Unique Qualities of Residential Neighborhoods (Page 7)		
<p>Option 1: Maintain existing R-1 standards for all neighborhoods. With this option the Zoning Code would retain its existing R-1 standards that apply to all residential neighborhoods. Some specific standards may be modified to better meet the needs of property owners and address neighborhood concerns. After the future preparation of residential design guidelines, reference to these guidelines could be added to the R-1 chapter or to the findings required for approval of a Design Permit.</p>		
<p>Option 2: Introduce tailored development standards for individual residential neighborhood. With this option the Zoning Code would identify the various neighborhoods within Capitola and identify the character-defining attributes of each area. The zoning code would establish standards for each of the residential neighborhoods that encourage the individual attributes and patterns within a neighborhood. The neighborhoods may be delineated through different residential base zones (e.g., R-1, R-2) or through overlay zones similar to residential overlay in the Village zone.</p>		
<p>Option 3: Allow case-by-case deviations to R-1 standards. With this option a single set of standards would remain for the R-1 zone, but the Planning Commission could allow for deviations to these standards on a case-by-case basis. This would be a different process from a variance, with different findings required for approval. Standards subject to allowable deviation could include building height, setbacks, second story stepbacks, garage and parking design, and floor area ratio. To approve, the Planning Commission would need to find that the deviation reflects the prevailing character in neighborhood and won't negatively impact adjacent properties. A maximum allowable deviation could also be established (e.g., 15 percent maximum deviation from standard), and deviations could be allowed only in certain locations.</p>		
<p>Notes:</p>		

Issues and Options Matrix		
		Direction
		PC
		CC
ISSUE 2: Maintaining and Enhancing the Village Character (Page 8)		
Option 1: Maintain existing standards with advisory design guidelines.	In this option, the standards of the Central Village would remain as they are today. We would clarify that the Guidelines are advisory, not mandatory.	
Option 2: Establish new building form and character standards.	<p>The Zoning Code could establish mandatory site and building standards to maintain and enhance the Village character. These would apply to non-residential and mixed-use development. New standards could address the following design concepts:</p> <ul style="list-style-type: none"> • Maximum setbacks to keep buildings and their entrances close to the sidewalk. • Permitted treatment of setback areas (e.g., plazas and landscaping, no parking) • Minimum building width at street edge (defined as percentage of lot width) to maintain a continuous presence of storefronts. • Buildings oriented towards a public street with a primary entrance directly accessible from the sidewalk. • Maximum length of unarticulated/blank building walls. • Required storefront transparency (percentage clear glass) • Maximum building/storefront width (require larger buildings to be broken down into a pedestrian-scale rhythm with individual building bay widths) • Surface parking location (at rear or side of buildings, not between a building and a street-facing property line). • Frequency and width of driveways crossing sidewalks. • Requirements or incentives for residential front porches. 	Support
Option 3: Incorporate design guidelines as standards in the Zoning Code.	Design "guidelines" for residential overlays that are expressed as mandatory "shall" statements would be incorporated into the Zoning Code as new standards. These guidelines can be found on pages 12 and 13 of the Design Guidelines. Guidelines would be modified as needed to protect and enhance the design character of these areas.	
Option 4: Remove reference to Central Village Design Guidelines.	This modification would require applicants to follow the development standards in the code without any guidance from the guidelines. The guidelines would be repealed during the zoning code update. The reference could be reintroduced after the City prepared updated design guidelines for the Village	
Notes: Understanding that within Option 2 the guidelines are removed. PC and CC Direction on April 30, 2015.		

Issues and Options Matrix		
		Direction
		PC
		CC
ISSUE 3: Accommodating High-Quality Development on 41 st Avenue (Page 10)		
Option 1: Maintain Existing Regulations.		Flexibility in site planning.
Option 2: Increase Parking Flexibility. Existing off-street parking requirements for individual land uses and properties could prevent the type of development and improvements envisioned by the General Plan. Allowing for shared parking, mixed use reductions, and a more district-based approach to parking would help to remove this barrier. Specific methods to introduce increased parking flexibility are addressed in Issue #5.		Support. See Issue 5 except with residential
Option 3: Create incentives for desired improvements. The General Plan allows for increased floor area ratio (FAR) for certain types of project on 41 st Avenue. The Zoning Code could build from this concept by offering incentives for project that include community benefits such as new public gathering places and entertainment uses. Incentives could include additional FAR, flexibility on development standards such as height and parking, and a streamlined permitting process. Allowed FAR with an incentive-based bonus would always be within the maximum established in the General Plan. The existing Planned Development provisions (Chapter 17.39) is another tool that allows deviations from development standards. This option is further discussed within Issue #13.		
Option 4: Strengthen connection to 41st Avenue Design Guidelines. The existing Design Guidelines for 41 st Avenue is in many ways consistent with the General Plan. The updated Zoning Code could strengthen the connection to this document by requiring the Planning Commission to find proposed projects consistent with the Guidelines when approving Design Permits. The City will update the Design Guidelines to better reflect the vision and goals for the corridor following adoption of the new Zoning Code.		
Option 5: Streamline Permitting Process. The City currently requires Design Permits for new tenants in commercial zones, and a Conditional Use Permit for many types of uses. This requirement can discourage small scale and incremental improvements to properties necessary for long-term vitality. As discussed in Issue #10 and #12, the updated zoning code could streamline the permitting process for certain types of projects to encourage new investment on the corridor.		Support. See Issue 10 and 12
PC Notes from 5.18.2015 meeting: Repeal existing 41 st Ave design guidelines b/c outdated. Remove references within code. Take standards from guidelines that benefit the district vision and update/include in design standards for commercial. Keep flexibility in code for future commercial/office mix. Parking flexibility for commercial/office uses. Do not support mixed use study with residential included. Did not express support for district based approach. PC review 5.18.2015		

Issues and Options Matrix	
Direction	
PC	CC
ISSUE 4: Protecting Retail Vitality on 41st Avenue (Page 11)	
Option 1: Maintain existing regulations.	
<p>Option 2: Add new findings for professional and medical office uses. The updated zoning code could include new findings required to approve office and other non-retail uses in the CC zone. For example, to approve such a use the Planning Commission would have to find that the proposed use would not detract from the economic viability of the district and/or shopping center where it is located. The applicant would be required to demonstrate to the Planning Commission's satisfaction that this finding can be made. The requirement to make this or similar findings could apply throughout the CC zone, or just in specific locations where the City wishes to maintain a high concentration of retail and personal service uses.</p>	<p>Partial support</p>
<p>Option 3: Encourage professional and medical office uses in certain locations. The updated zoning code could make it easier to establish professional and medical office uses in certain locations, thus discouraging these uses in prime retail areas. For example, the zoning code could allow office uses by-right in tenant spaces that do not have a visible presence from 41st Avenue, Capitola Road, or Clares Street or that are on upper floors of a building. This could be a form of "vertical zoning" to incentivize the establishment of office uses in desirable locations. The updated zoning code could also use new overlay zones to identify locations where professional and medical offices are allowed by-right without a conditional use permit. The zoning code would also establish new design and operational standards for office uses allowed by-right to ensure neighborhood compatibility.</p>	<p>Support See notes.</p>
<p>Option 4: Introduce new limitations for professional and medical office uses. Cities often use zoning regulations to limit the concentration of land uses in certain areas. For example, the Capitola zoning code could state that medical office is limited to 20 percent of each multi-tenant building or shopping center in certain locations. Or the zoning code could establish a total cap on the number of medical office uses or a minimum separation standard for these uses. These limitations could be absolute (cannot be exceeded under any circumstance) or the Planning Commission could allow for exceptions in special circumstances on a case-by-case basis.</p>	
<p>Planning Commission Notes from 5. 18. 2015 meeting: Supported increase flexibility in office space in general. Directed staff to create more opportunity for office space south of Capitola Road and require conditional use permit for new retail conversions to office north of Capitola Road. Support Office on 2nd and 3rd story as principally permitted without size limitations. PC review 5.18.2015</p> <p>Some support of option 2 but findings must be more objective and less nebulous.</p>	

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (Page 12)		
Issue #5A: Number of Required Parking Spaces (Page 13) PC review 5.18.2015		
Option 1: Maintain Existing Requirement.		
<p>Option 2: Modify Parking Requirements for Certain Land Uses in All Areas. The updated Zoning Code could modify parking requirements for certain land uses in all areas of the City. Parking requirements could be modified for:</p> <ul style="list-style-type: none"> • Restaurants, potentially reducing the parking requirement (currently 1 space/60 sf). • Take-out food establishments, eliminating the need for seat counting • Single-family homes, creating one standard regardless of size • Multi-family homes, allowing reduced parking requirements for small units 		
<p>Option 3: Create Location-Based Parking Standards. The updated Zoning Code could establish different parking requirements depending on the location. For example, parking requirements in the Village could be different from on 41st Avenue, reflecting that more people walk to destinations in the Village from their homes or lodging or park once in or near to the Village and walk to multiple destinations during their visit. This approach could apply only to certain land uses, such as restaurants, or to all land uses. Note: Parking standards for Single room occupancy adopted 2012.</p>	Support. No change to SF & CV.	
<p>Option 4: Allow for reductions with Planning Commission approval. The updated Zoning Code could allow for reductions in the number of required parking spaces as suggested in General Plan Policy MO-5.3. Reductions would need to be approached carefully to avoid spillover parking impacts on neighborhoods. All reductions would be approved by Planning Commission after making special findings. Possible reductions include the following:</p> <ul style="list-style-type: none"> • Low Demand. The number of parking spaces could be reduced if the land use would not utilize the required number of spaces due to the nature of the specific use, as demonstrated by a parking demand study. • Transportation Demand Management Plans. The # of parking spaces could be reduced if the project applicant prepares and implements a Transportation Demand Management Plan to reduce the demand for off-street parking spaces by encouraging the use of transit, ridesharing, biking, walking, or travel outside of peak hours. • Bus Stop/Transportation Facility Credit. The number of parking spaces could be reduced for commercial or multiple-family development projects in close proximity of a bus stop. • Mixed-Use Projects. A mixed-use project with commercial and residential units could reduce parking requirements for commercial and office uses. 	Support with parking study. See 5C. 2A	
<p>Option 5: Allow for reductions By-Right. Similar to Option 2, except that a project could receive a reduction by-right (without Planning Commission approval) provided that it complies with objective standards.</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (continued)		
Issue #5B: Village Hotel Parking (Page 15)		
Option 1: Maintain Existing Requirements		
Option 2: Specific On-Site Parking standard for Village Hotel. The updated Zoning Code could establish a specific on-site parking requirement for a new hotel in the Village. For example, the Zoning Code could carry forward the existing standard of 1 on-site parking space per guest room. Or, the Zoning Code could require 0.5 on-site spaces with the remaining parking need accommodated at an off-site location.		
Option 3: Base Standard on a Parking and Traffic Study prepared for the hotel development project application. The updated Zoning Code could state that the number of parking spaces required for the hotel will be as determined necessary by a parking and traffic study prepared for a hotel development project application. The Code could allow for a percentage of this needed parking to be accommodated off site.	Support	specific to Theater Site
Option 4: Allow Planning Commission and/or City Council to establish parking standards for an individual project based on performance criteria. Similar to Option 2, the Planning Commission or City Council could establish on-site and off-site parking requirements for a Village Hotel in response to a specific application. This requirement would reflect the findings of a parking and traffic study. In addition, the Zoning Code could contain specific findings that the City must make when establishing this requirement. The findings, or “performance criteria,” could reflect public input on Village Hotel parking and circulation obtained during the General Plan Update process. For example, the Zoning Code could state that when establishing the required parking for the Village Hotel, the City must find that: <ul style="list-style-type: none"> • The hotel is served by a combination of on-site and off-site parking. • Parking provided on-site is no more than the minimum necessary for an economically viable hotel. • On-site parking is minimized to reduce vehicle traffic in the Village and strengthen the Village as a pedestrian-oriented destination. • On-site hotel parking will not result in any noticeable increase in traffic congestion in the Village. • Additional parking to serve the hotel is located within 1,000 feet of the proposed hotel. 		
PC Notes: Support for flexibility to create a parking demand management plan that works specific to Theater site.		
Aside: PC request for CC to reconsider employee parking program in the City to decrease impact on residents.		
PC review 5.18.2015		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #5: Parking (continued)		
Issue #5C: Parking Efficiency (Page 16)		
Option 1: Maintain existing regulations.		
Option 2: Clarify existing code to match past practice, including:		
A: Add New Shared Parking Provision. The updated Zoning Code could allow multiple land uses on a single parcel or development site to use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ.	Support	
B: Add new parking lift provisions. The updated Zoning Code could specifically allow for elevator-like mechanical system to stack parking spaces in a vertical configuration. Many cities are incorporating such a provision into their zoning codes to allow for a more efficient use of structured parking areas.	Support	
PC Notes: Lift must be enclosed/not visible from public view. PC review 5.18.2015		
Issue #5D: Garages (Page 17)		
Option 1: Maintain existing regulations.		
Option 2: Add design standards for carports. Continue to require at least one covered parking space for homes 1,500 square feet or more. Covered parking may be provided in a garage or carport. Design standards for carports would be added.	Support	
Option 3: Limit covered spaces to garages only. Specify that a carport may not satisfy the covered parking requirement.		
Option 4: Eliminate covered parking requirement. Remove the requirement for covered parking spaces for single-family homes.		
Planning Commission Notes: Carport should include findings (1) will not be utilized for storage and (2) there are extenuating circumstances on the property in which a garage is not practical. Include Carport in FAR calculation. PC review 5.18.2015		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue #6: Historic Preservation (Page 17)		
<p>Option 1: Establish a Historic Resources Board. Many communities with historic resources establish a historic resources board or commission to assist with historic preservation activities. The roles and responsibilities of the historic resources board vary in different communities. Common functions include determining if modifications to a historic resource are consistent with the Secretary of Interior's Standards, advising on designation of historic features, advising on impacts to historic resources under CEQA, and advising the Planning Commission and City Council on other matters pertaining to historic preservation.</p> <p>Option 2: Establish a new Historic Preservation Overlay Zone. Capitola could establish a new historic preservation overlay zone to apply to existing National Register Historic Districts (Old Riverview, Rispin, Six Sisters and Lawn Way, Venetian Court.). Properties within this overlay could be subject to special permit requirements, design standards, and incentives for preservation.</p> <p>Option 3: Establish new enforcement and penalty provisions. The updated Zoning Code could strengthen enforcement and penalty provisions. Pacific Grove, for example, establishing financial penalties and development limitations on structures in violation of the City's historic preservation ordinance.</p> <p>Option 4: Establish new maintenance and upkeep provisions. Capitola could include language specifically requiring adequate maintenance and upkeep of historic resources to prevent demolition by neglect.</p> <p>Notes:</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 7: Signs (Page 19)		
A. Threshold for Review		
Option 1: Maintain existing regulations.		
Option 2: Allow staff-level review with new standards. Revise sign standards to include new, well-defined and well-illustrated design standards that create maximum allowances within staff-level review and an option for Planning Commission review for signs that go beyond the maximum allowance. In this option, new maximum limits are established. Signs can be approved administratively within an over-the-counter permit. Notes: Ensure high quality signs within new standards. PC and CC direction 4/30/2015.	Support	Support
B. Tailored Standards (Page 19)		
Option 1: Maintain existing regulations.		
Option 2: Create tailored standards for different commercial areas. Certain sign standards could be adjusted to address the unique issues in different commercial areas. Tailored standards could address types of permitted signs, maximum sign area, sign dimensions, sign location and placement, illumination, materials, and other issues. The Livermore Development Code, beginning in Section 4.06.160, is an example of this approach: http://www.codepublishing.com/ca/livermore.html The general desired signage character for different districts in Capitola could be as follows: <ul style="list-style-type: none"> • Village: Pedestrian oriented signs, village scale • Neighborhood Commercial: Neighborhood-scale signs serving pedestrians and vehicles • 41st Avenue: Larger-scale signs that are auto-oriented to support corridor as a regional shopping destination. • Auto Plaza Drive: Unique to the use (auto-dealers) and address visibility challenges • Industrial Zone (Kennedy Drive): More industrial design aesthetic and flexibility of type and materials. Notes: PC and CC direction on 4/30/2015	Support	Support

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 7: Signs (continued)		
C. Monument Signs (Page 20)		
Option 1: Maintain existing regulations.		
Option 2: Create a new limit for monument signs based on linear frontage along a prime commercial street.		
Option 3: Create an allowance for more than 4 tenants per monument sign.		
Option 4: Update Master Sign Plan to clarify discretion in monument signs (lot size, # of tenants, and frontage).		
Notes: Preference for monument signs to be drafted into tailored standards for each commercial area within issue 7B. Also, update to allow digital gas pricing signs. PC and CC direction on 4/30/2015	Support	Support
Issue 8: Non-Conforming Uses (Page 20)		
A. Calculation of Structural Alterations (Page 21)		
Option 1: Maintain the existing 80 percent building valuation maximum of present fair market value.		
Option 2: Maintain valuation cap but allow the Planning Commission to authorize additional alterations if specific findings can be made.		
Option 3: Remove valuation cap for structural alterations to non-conforming structures. In this option, all non-conforming structures could be maintained and updated, provided that the alterations do not create a greater degree of non-conformity. Any addition to a non-conforming structure would be required comply with all development standards of the zone.		
Option 4: Change building valuation cap to a percentage of square footage calculation. Under this approach, alterations to non-conforming structures would be limited based on how much of the existing structure is modified. For example, the new code could limit alterations to non-conforming structures to 80% of the existing square-footage. Using a percent of square footage approach would be easy to understand and administer and would significantly reduce disagreements over valuation calculations, while still limiting the degree of allowable modifications.		
Option 5: Maintain the existing 80% threshold with new exception for historic resources. In this option the 80% maximum of present fair market value would be maintained. An exception for historic structures would be added to allow historic structures to be updated. Any addition to a historic structure must comply with all development standards of the zone.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 8: Non-Conforming Uses (Continued)		
B. Non-conforming activities and structures on improved R-1 parcels. (Page 22)		
Option 1: Maintain existing sunset clause and opportunity to apply for extension.		
Option 2: Modify regulations to allow non-conforming multi-family uses to remain throughout the City, but not intensify. This approach could be applied citywide with appropriate findings or only to specific areas.		
Option 3: Modify regulations to allow non-conforming multi-family uses to remain in targeted areas of the City. Under this option, a sunset clause could be retained for areas like the northern Jewel Box neighborhood, but would be eliminated in areas where multi-family uses have had fewer compatibility issues.		
Option 4: Rezone areas with existing non-conforming multi-family uses to a multi-family zone. This approach could be applied citywide or only to specific areas.		
Option 5: Create an incentive program to allow participating non-conforming property owners to retain their uses subject to providing specified public benefits. For example, a program could be established to allow property owners to continue non-conforming multi-family uses if they provide guaranteed affordable housing, make significant investments in the structures which improve appearance and function, invest in neighborhood improvements (landscaping, parking, etc.) and/or reduce the degree of non-conformity (e.g., reduce a 4-plex to a 3-plex or a duplex).		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 9: Secondary Dwelling Units (Page 24)		
Option 1: Maintain existing code allowances/limitations for secondary dwelling units.		
Option 2: Amend the code to encourage development of additional secondary dwelling units. If this option is selected, the following changes may be considered: <ul style="list-style-type: none"> a. Decrease the minimum lot size requirement for secondary dwelling units; b. Increase the threshold which triggers the need for Planning Commission review; c. Allow all secondary dwelling units to be approved through an administrative process; d. Eliminate the current residency requirement and allow both the primary and secondary dwellings to be rented. 		
Option 3: Amend the code to encourage development of additional secondary dwelling units in specific areas of the City only.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 10: Permits and Approvals (Page 24)		
Option 1: No change to existing permits.		
Option 2: Modify permits. With this option staff will look for opportunities to combine, delete, and add permits in the zoning code to better meet the city's needs. Possible changes include the following:		
a. Create a new Administrative Permit. This new permit would be used for a wide range of existing, ministerial staff-level actions. It could be used as a general replacement for existing fence permits, temporary sign permits, approvals of temporary sidewalk/parking lot sales, and temporary storage approvals.	Support	Support
b. Create a new Minor Use Permit. This new permit would be similar to a Conditional Use Permit except that it would be approved by Community Development Director. Notice would be mailed to neighbors prior to final action by Community Development Director and decisions could be appealed to Planning Commission. The Director could also choose to refer applications to Planning Commission for decision. A Minor Use Permit could be a good middle ground for uses that shouldn't be allowed by-right, but that also generally don't need to go the Planning Commission for a public hearing and approval, such as a home occupancy permit and transient occupancy permits.	Support	Support
c. Create a New Substantial Conformance Process. The zoning code currently requires applicants to submit a new application if they wish to make any changes to an approved permit – even if the change is very minor in nature. Under this option, a substantial conformance process would be developed to allow administrative approval of specified minor alterations while still requiring Planning Commission consideration of more substantive changes.	Support	Support
Notes: PC and CC direction on 4/30/2015		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 11: Architecture and Site Review (Page 25)		
A. Authority of Architecture and Site Review Committee (Page 25)		
Option 1: Maintain existing authority of Architecture and Site Committee.		
Option 2: Modify existing role of the Architecture and Site Committee. Authorize the Architecture and Site Committee to approve or deny design permit applications. Thresholds may be established for the projects that require Architecture and Site Committee approval rather than Planning Commission approval. Under this approach, decisions rendered by the Committee could be appealed to the Planning Commission.		
Option 3: Eliminate the Architecture and Site Committee. Three of the six members of the Committee are City staff. The project planner could work with these staff members and outside experts to address project design issues.		
Notes:		
B. Timing of Design Permit Review (Page 26)		
Option 1: Maintain existing timing of Architecture and Site Review.		
Option 2: Repurpose the committee to be a pre-design committee. In this option, the committee would meet with an applicant prior to accepting a formal development application. The committee would identify characteristics of the site/neighborhood to guide the future design. Staff would provide guidance on the development requirements for zoning, public works, and building.		
Notes:		
C. Composition of Architecture and Site Committee (Page 26)		
Option 1: Maintain the existing composition of the Architecture and Site Committee.		
Option 2: Replace the committee with a City Architect. Under this option, the City would contract an architect to review all development applications, provide design solutions, and make recommendations to staff and the Planning Commission. The downside of this option is that the valuable input of the historian and landscape architect would be eliminated in the review, unless those services are also separately contracted.		
Option 3: Replace committee with an Architectural Peer review committee. The committee could be replaced with an architectural peer review committee made up of three or more architects. The architectural peer review committee would continue to make a recommendation to the Planning Commission.		
Option 4: Revise committee to add any of the following: water district staff, sewer district staff, fire district staff, additional architect, and/or a citizen's representative.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (Page 27)		
A. When a Design Permit is Required – Commercial Uses (Page 27)		
Option 1: Maintain existing thresholds.		
Option 2: Require Design Permits only for Exterior Modifications. With this option, a design permit would be required to establish a new use only with an exterior modification to the structure. All other commercial design permit thresholds would remain the same.		
Option 3: Require Design Permit only for Larger Projects. Design permit thresholds could be lowered so that fewer types of commercial projects require a Design Permit. This approach could be similar to Santa Cruz, where design permits are required only for new commercial structures and exterior remodel increasing floor area by 25 percent or exceeding a specified dollar value.		
Notes: See 12B for new thresholds requiring design permits. PC and CC direction on 4/30/2015.		
B. Design Permit Approval Authority – Commercial Use (Page 27)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option, the Director would approve more types of commercial projects requiring a Design Permit. For example, the Director could approve:		
a. Minor repairs, changes and improvement to existing structures which use similar, compatible or upgraded quality building materials.		
b. Additions not visible from the front façade up to a specified square-footage threshold.		
c. Expansion of one tenant space into a second tenant space in a multi-tenant building.		
d. Dish-type antenna greater than 24 inches as specified.		
e. Accessory structures		
Notes: Support for 2a, 2b, 2c, and 2e. 2C:Limit tenant expansions to combining 2 tenant spaces. 2E for garbage or recycling enclosures. PC and CC direction on 4/30/2015.		
	Support	Support
	Support	Support
	Support	Support
	Support	Support
	Support	Support
	Support	Support

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
C. When a Design Permit is Required – Residential Uses (Page 28)		
Option 1: Maintain existing thresholds.		
Option 2: Modify threshold for residential design permits. The threshold could be revised in multiple ways. Thresholds that could be modified to include:		
a.	Increase existing threshold (greater than 400 square feet) for additions located on the rear of a single family home	Support
b.	Allow first story additions (unlimited) that are located on the back of an existing home and comply with all standards of the code.	Support
c.	Allow minor additions to the front of a building that upgrade the front façade and comply with all standards of the code. Minor additions could include enclosing recessed entrances, enclosing open front porches, and installation of bay windows.	Support
Notes: Clarification that allowance is for first story only. PC and CC direction on 4/30/2015.		
D. Design Permit Approval Authority – Residential Use (Page 29)		
Option 1: Maintain existing review authority.		
Option 2: Delegate limited approval authority to the Director With this option; the Director would approve more types of commercial projects requiring a Design Permit.		
Notes: See 12.C for threshold limits. PC and CC direction on 4/30/2015.		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 12: Design Permits (continued)		
E. Consideration for Design Permit Approval (Page 29)		
Option 1: Maintain existing architecture and site considerations.		
Option 2: Maintain the existing architecture and site considerations with additional considerations focused on design, including massing; height, scale and articulation, neighborhood compatibility; privacy; quality exterior materials; and submittal requirements	Support	Support
Option 3: Update design considerations to focus on design rather than including ancillary issues. In this option, existing ancillary issues would be removed from the criteria and the updated list would focus on design, materials, context, and compatibility.		
Notes: PC and CC direction on 4/30/2015		
Issue 13: Planned Development (Page 30)		
Option 1: Maintain existing regulations.		
Option 2: Reduce or eliminate minimum parcel size requirement. Reduce the minimum parcel size required to establish a PD district, or eliminate the minimum parcel size requirement entirely. This option would eliminate or establish a new minimum parcel size (possibly 1 or 2 acres). It is typical for there to be some minimum size requirement, so that individual single-family lots cannot be rezoned to PD, for example.		
Option 3: Modify approval process. Modify the planned development review process so that the City Council reviews the preliminary development plan as well as the general development plan. This change would add an additional step in the process but would increase certainty for applicants and allow the City Council to influence project design earlier in the process.		
Option 4: Eliminate PD. Eliminate the PD district entirely. To deviate from standards of the applicable zoning district, an applicant would need to receive a variance, a rezone, or some other exception to development standards.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 14: Environmental and Hazard Overlays (Page 30)		
<p>Option 1: Maintain existing overlays and clarify boundaries. In this option all five of the existing environmental and hazard overlays would be maintained and shown on the zoning map.</p> <p>Option 2: Modify existing overlays. This option would modify existing overlays as described below:</p> <ul style="list-style-type: none"> • Archaeological/Paleontological Resources (APR). Eliminate this overlay zone. Continue to require the preparation of an archaeological survey report and mitigation plan for any project which disturbs native soils in an area with a probability of containing archaeological resources. Continue to address issue through CEQA process. • Automatic Review (AR). Remove this overlay zone as it duplicates current process. • Coastal Zone (CZ). Maintain this overlay zone as required by State law. • Floodplain (F). Move existing Chapter 17.50 (Floodplain District) out of the zoning code and remove the floodplain overlay boundaries from the zoning map. Floodplain regulations are administered by the Building Official, not the Community Development Director, and should be located in Title 15 (Buildings and Construction), not the zoning code. The boundaries of this overlay should not be included in the zoning map, as they are based on FIRM maps which are frequently changing, particularly with rising seas. • Geological Hazards (GH). Eliminate this overlay zone and replace with citywide standards for proposed development in beach areas, bluff and cliff areas, landslides-prone areas, and steep slope areas • Chapter 17.95 (Environmentally Sensitive Habitats). Map boundaries of these areas as a new overlay zone and maintain existing regulations. <p>Option 3: Create a new, consolidated environmental/hazards overlay. This option would merge the overlays into one new environmental/hazards overlay. The zoning code would state that proposed development within these areas could be subject to additional standards and limitations. The Coastal Zone overlay would remain as a separate overlay. This option could be combined with the creation of new citywide standards that would address geological hazards, flood hazards, sensitive habitat, and archaeological/paleontological resources.</p> <p>Notes: Staff to Simplify the overlays utilizing the best approach. Likely option 2 but top concern is simplicity for applicants and administration. PC and CC Direction on 4/30/2015.</p>	Support	Support

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 15: Visitor-Serving Uses on Depot Hill (Page 31)		
Option 1: Maintain existing permitted uses.		
Option 2: Modify permitted use. With this option the VS zoning would remain on the El Salto and Monarch Cove Inn properties, but the land uses permitted on the properties would be restricted. For example, uses permitted on the Monarch Cove Inn property could be limited to residential and visitor accommodation uses, with other non-residential commercial uses currently allowed, such as carnivals and circuses, no longer permitted.		
Option 3: Limit intensity of visitor accommodation uses. This option would also maintain the VS zoning on the El Salto and Monarch Cove Inn properties, but would reduce the maximum permitted intensity of hotels and other visitor accommodation uses on the site. This could be accomplished by limiting the square footage of new or existing uses, specifying a maximum number of permitted guest rooms, or reducing the maximum allowable lot coverage on the site.		
Option 4: Rezone to R-1. A final option is to eliminate the VS zoning that applies to the Monarch Cove Inn and El Salto properties. Currently the properties are subject to VS/R-1 “dual zoning,” meaning that both the R-1 and VS zoning standards apply to the property. If the VS zoning were eliminated, visitor accommodation and related visitor-serving uses (aside from bed and breakfast establishments) would not be allowed on the properties.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 16: Height (Page 32)		
A. Residential Neighborhoods (Page 32)		
Option 1: Maintain existing standards.		
Option 2: Eliminate 27-foot exception. This option would eliminate the 27-foot height exception by requiring all buildings to meet either a 25-foot or 27-foot height standard.		
Option 3: Allow greater variation based on existing neighborhood character. This option would allow greater variation in permitted building height based on neighborhood characteristics. There are a number of different ways to achieve this as described in Issue #1.		
Notes:		
B. Capitola Village (Page 33)		
Option 1: Maintain existing standard.		
Option 2: Expand exception provisions. With this option the zoning code could modify the existing exception provision to allow taller buildings in more cases. For example, the Planning Commission could allow taller buildings if it would allow for a superior design or would enable the project to provide a substantial community benefit.		
Option 3: Increase maximum height limit to accommodate 3 stories. The zoning code could increase the maximum allowed building height to accommodate three stories. This could be accompanied by new standards and findings to ensure taller buildings are compatible with the existing Village character and don't negatively impact adjacent residential areas. Allowing three-story buildings in the Village could increase opportunity for new vertical mixed use development with ground floor retail and housing or office uses above.		
Notes:		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 16: Height (continued)		
C. Hotel (Page 33)		
<p>Option 1: Apply CV Zone Standard to Hotel. This option would apply the same height standard to the Village hotel that applies to all other properties in the Village. If the maximum permitted height in the CV remains at 27 feet, the hotel could also not exceed 27 feet. However, this option would not be consistent with General Plan goals and Policy LU-7.5.</p> <p>Option 2: Establish Performance Standard for Hotel Height. In zoning codes, performance standards dictate a specific outcome and provide flexibility in how best to achieve the outcome on a case-by-case basis. The Zoning code could establish a performance standard for the Hotel height instead of a numerical standard. This performance standard could be similar to the guiding principle in the General Plan that the maximum height of the hotel should remain below the elevation of the bluff behind and that the bluff behind the hotel should remain legible as a green edge with existing mature trees maintained on site.</p> <p>Option 3: Establish a Numerical Standard Unique to Hotel. The updated zoning code could contain a specific numerical standard for the maximum hotel height. One approach might be to limit building height at the Monterey Avenue frontage to two stories but allow a greater maximum height at the rear of the property as contemplated in the General Plan.</p> <p>Notes:</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Page 34)		
A. Decks (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase allowance beyond 150 sf. Update Floor Area calculation to increase the amount of area within covered first story decks and second story decks that is not counted toward the floor area calculation. The 150 sf allowance could be doubled to 300 sf.		
Option 3: Add exception for special circumstances. There are special circumstances in which allowing a second story deck will not have an impact on neighbors or may be an asset to the public. The code could include exceptions for special circumstances to allow larger decks that are not counted toward the floor area.		
<p>a. Front Facade. Privacy issues are typically on the side and back of single family homes. The ordinance could consider increased flexibility for decks on the first and second story front facades to allow for increased articulation while not impacting privacy of neighbors. There are two options for decks on front facades. The first is to increase the allowed deck area (beyond 150 sf) on the front façade of a home. The second option is to remove front façade decks from the calculation entirely by including front story decks within the list of items <i>not</i> included in the floor area calculation.</p> <p>b. Open Space. There are a number of homes in Capitola that are located adjacent to open space. For example, the homes located along Soquel Creek and ocean front properties. Similar to the prior exception, the code could be revised to either increase the allowed deck area or remove the calculation entirely for decks located on elevations facing open space.</p> <p>c. Restaurants and Hotels. Visitor experiences are enhanced when they take in a view. The code currently does not include an exception for decks on hotels or restaurants. The code could be revised to either increase the maximum allowed deck area of restaurants and hotels or remove decks on restaurants and hotels from the floor area calculation entirely.</p> <p>d. Eliminate decks from FAR formula</p>		
Support 3a, 3b, & 3c		Support 3a, 3b, & 3c
<p>Notes: Acknowledged that deck regulations do not necessarily belong in the FAR standards. Decks should be included in the updated design permit standards and individual neighborhood standards. Support for exceptions 1, 2 and 3. Also, consider if rail line is open space.</p>		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 17: Floor Area Ratio (Continued)		
B. Basements (Page 35)		
Option 1: Maintain existing standards.		
Option 2: Increase existing allowance beyond 250 square feet.		
Option 3: Remove basements from FAR formula.	Support	Support
Notes: Include area of basement in parking requirement. Basements that have a walk out creating a 3 rd story should count toward FAR (properties on slopes). Basements that do not impact visual massing should not count toward FAR. Modify FAR to exclude basements that are below grade on 4 sides. PC and CC direction on 4/30/2015		
C. Phantom Floors, Roof Eaves, and Window Projections (Bay Windows) (Page 36)		
Option 1: Maintain existing standards.		
Option 2: Remove phantom floors from the FAR calculation.		
Option 3: Remove roof eaves from the FAR calculation.		
Option 4: Remove window projects from FAR calculation.		
Option 5: Remove a combination of phantom floors, roof eaves, and/or window projections from the FAR calculation.	Support	Support
Notes: PC and CC direction on 4/30/2015		

Issues and Options Matrix		
	Direction	
	PC	CC
Issue 18: City Council Appeal of Planning Commission Decision (Page 36)		
Option 1: Maintain existing appeal process.		
Option 2: Add "call-up" procedure without requirement of majority vote by CC to call-up an application.		
Option 3: Add "call-up" procedure and require majority vote by City Council to call-up an application.		
Notes:		

Chapter 17.15 R-1 SINGLE-FAMILY RESIDENCE DISTRICT

Sections:

- [17.15.010](#) Applicability.
- [17.15.020](#) Purpose.
- [17.15.030](#) Design permit and architectural and site review.
- [17.15.035](#) Design permit approval.
- [17.15.040](#) Principal permitted uses.
- [17.15.050](#) Accessory uses.
- [17.15.060](#) Conditional uses.
- [17.15.070](#) (Reserved)
- [17.15.080](#) **Height regulations.**
- [17.15.090](#) Lot area.
- [17.15.100](#) Floor area ratio.
- [17.15.110](#) Yards.
- [17.15.120](#) Yard encroachments.
- [17.15.130](#) Parking.
- [17.15.140](#) Garage and accessory buildings.

17.15.010 Applicability.

The regulations set forth in this chapter apply to all R-1 districts. (Ord. [873](#) § 1, 2004)

17.15.020 Purpose.

The purpose of the R-1 district is to maintain an area which provides the traditional qualities of privacy, landscaping, parking, and character associated with single-family residential neighborhoods. Each of the neighborhoods in Capitola is unique in its physical design. Special consideration shall be given to development to insure that it is compatible in size, mass, setbacks, and open space, with existing residential designs in the area. (Ord. [873](#) § 1, 2004)

17.15.030 Design permit and architectural and site review.

A design permit shall be required for the following improvements:

- A. All new single-family [dwelling](#) units, but not for secondary [dwelling](#) units;
- B. All improvements to existing single-family [structures](#) which are not exempt pursuant to subsection C of this section;
- C. Exemptions from the requirement for a design permit include:
 1. First floor additions of up to four hundred square feet at the rear of the property or [structure](#), which is not visible to the general public, does not exceed fifteen feet in height (eight feet to the top of the plate), and which [uses](#) similar, compatible or upgraded quality [building](#) materials;
 2. A single accessory [structure](#) on the property of eighty square feet in size or less, eight feet or less in height, and with no plumbing or electrical fixtures. (Ord. [882](#) § 1, 2005; Ord. [873](#) § 1, 2004)

b. A site plan of the property showing parking, outdoor exercise area, and fencing,

c. A letter from the fire department approving the safety of the structure for the use,

d. A letter of application describing the type of use, number of residents, age of residents, any special resident care that is provided, and a daily work schedule showing the number of employees at the facility, and

e. Landscaping and other information as required by the community development director,

2. A public hearing shall be held by the planning commission with notification made as specified in Section 17.60.080. In addition, not less than ten days prior to the meeting, all property owners within three hundred feet of the outermost boundary of the parcel should be notified of the nature of the application, the name of the applicant, and the time and place of the public hearing before the planning commission;

H. Any activity which includes any significant alteration of an historic feature;

I. Bed and breakfasts, subject to the requirements of Section 17.03.085;

J. TRO: transient rental use overlay district (see Chapter 17.19 of this code.) (Ord. 878 § 2, 2004; Ord. 873 § 1, 2004)

17.15.070 (Reserved)

17.15.080 Height regulations.

No structure shall exceed twenty-five feet in height to the highest point of the roof, ridge or parapet wall, although a twenty-seven foot height limit may be permitted by the planning commission for half-story designs and buildings that use historic design elements which meet the applicable side and rear setback standards. No detached accessory structure, including second dwelling units shall exceed fifteen feet, with a nine-foot ground to top-of-wall plate height, unless an exception is granted by the planning commission based on compatible building and roof design on a site with an architecturally or historically significant building. "Building height" means the vertical distance measured from the assumed ground surface of the building. The height of the structure is measured from the assumed ground surface, as specified below:

A. Assumed Ground Surface. "Assumed ground surface" means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade, subject to the following exception:

1. If there has been grading or fill on the property within five years preceding the time of the application, and that grading or filling has or would increase the height of the finished grade at one or more points where it would meet the perimeter of the proposed structure, the planning commission may measure heights from where it estimates the grade is or was before the grading or filling, if the commission determines that such an action is necessary to keep the height of the proposed structure in reasonable relationship to the heights in the neighborhood. (Ord. 873 § 1, 2004)

17.15.090 Lot area.

Chapter 17.21 C-V CENTRAL VILLAGE DISTRICT

Sections:

- [17.21.010](#) Applicability.
- [17.21.020](#) Purpose.
- [17.21.030](#) Architectural and site review.
- [17.21.035](#) Location of business activities.
- [17.21.040](#) Principal permitted uses.
- [17.21.045](#) Principal permitted uses – Residential overlay district.
- [17.21.050](#) Accessory uses.
- [17.21.060](#) Conditional uses.
- [17.21.061](#) Conditional uses in the residential overlay district.
- [17.21.070](#) Development standards.
- [17.21.080](#) **Height regulations.**
- [17.21.090](#) Lot area.
- [17.21.100](#) Lot coverage.
- [17.21.110](#) Yards.
- [17.21.120](#) Parking.
- [17.21.130](#) Loading areas.
- [17.21.140](#) Valet Parking.

* Prior ordinance history: Ord. [388](#), §§ 7.01 – 7.07, as amended by 447, 515, 533 and 608.

17.21.010 Applicability.

The regulations set forth in this chapter apply in all C-V districts. (Ord. [622](#) Exhibit A (part), 1987)

17.21.020 Purpose.

The purpose of the C-V zoning district is to promote the family-oriented residential/commercial mix which has created the unique qualities of the village. Commercial activity should serve both Capitola residents and visitors. The balance of coastal visitor-related [uses](#) and services with those that serve the permanent residents is critical to maintaining the village as it presently exists. (Ord. [685](#) § 16, 1989; Ord. [622](#) Exhibit A (part), 1987)

17.21.030 Architectural and site review.

Architectural and site approval shall be secured for the establishment and conduct of any principal permitted, accessory, or conditional [use](#) in C-V districts, as provided in Chapter [17.63](#), and in the Central Village District Guidelines dated July, 1986, a copy of which are on file with the community development director. (Ord. [671](#), 1988; Ord. [622](#) Exhibit A (part), 1987)

17.21.035 Location of business activities.

There shall be no business activities such as the display of merchandise, selling of food, or placing tables and chairs outside the enclosed premises of the business unless a conditional [use](#) permit for the outdoor display of merchandise, take-out window or outdoor seating has been obtained from the city. (Ord. [740](#) § 1, 1992)

17.21.080 Height regulations.

No [structure](#) shall exceed twenty-seven feet in height in the C-V zone, except when a restoration of a historic [building](#) of Capitola exceeding the height limitation is proposed and has been recommended for approval by the planning commission. In any case, such [structures](#) shall provide for adequate light and air, and shall provide for considerations of view from adjacent properties. (Ord. [740](#) § 7, 1992; Ord. [622](#) Exhibit A (part), 1987)

17.21.090 Lot area.

There shall be no specific minimum [lot area](#) required in the C-V zone, except that there shall be sufficient area to satisfy any off-street parking and loading area requirements as established in the city's parking ordinance. (Ord. [622](#) Exhibit A (part), 1987)

17.21.100 Lot coverage.

There shall be no specific maximum [lot](#) coverage in the C-V zone, except as follows:

A. Sufficient space shall be provided to satisfy offstreet parking and loading area requirements, notwithstanding that all parking may be provided within a [structure](#) or [structures](#).

B. In the Riverview Avenue residential overlay district:

1. The small [lots](#) on the north side of Riverview Avenue shall allow ninety percent development of the [lot](#) without any specific setback requirements. The ten percent open space shall be located in the front part of the [lot](#).
2. Lots on the south side of Riverview Avenue which are smaller than one thousand two hundred square feet shall be allowed eighty percent [lot](#) coverage. [Lots](#) which are greater than one thousand two hundred square feet shall be allowed seventy percent [lot](#) coverage. When calculating square footage for development, [lot](#) size shall not include parcels on the river side of the pathway.

"Lot coverage" shall be defined as the footprint of the [building](#) and area used to meet the parking requirements of the [use](#). Garages, [carports](#), the portion of any [basement](#) that exceeds two hundred fifty gross square feet excluding the access stairway, or open [parking spaces](#) used to meet the parking requirements are included as the actual square footage. Driveway approaches and sidewalks are not included in the [lot](#) coverage. For example: A thirty-foot by one-hundred-foot [lot](#) is three thousand square feet. A seventy percent [lot](#) coverage means a two thousand one hundred square foot footprint would be allowed. This typically would provide three-foot [side yard](#) setbacks (six hundred square feet) and a ten-foot [front yard](#) setback (three hundred square feet). However, flexibility is allowed in locating the [structure](#).

C. In the Cherry Avenue residential overlay area:

1. Lots of less than one thousand square feet shall be allowed ninety percent [lot](#) coverage. [Lots](#) between one thousand one and two thousand square feet shall be allowed eighty percent [lot](#) coverage. [Lots](#) over two thousand square feet shall be allowed seventy-five percent [lot](#) coverage. For example, a thirty-foot by seventy-foot [lot](#) is two thousand one hundred square feet, which allows

Chapter 17.30 V-S VISITOR SERVING DISTRICT

Sections:

- [17.30.010](#) Applicability.
- [17.30.020](#) Purpose.
- [17.30.030](#) Architectural and site approval.
- [17.30.040](#) Conditionally permitted uses.
- [17.30.042](#) Conditional visitor-serving uses – Rispin.
- [17.30.045](#) Conditional visitor-serving uses – Shadowbrook.
- [17.30.047](#) Conditionally permitted uses – Monarch Cove Inn.
- [17.30.048](#) Conditionally permitted uses – El Salto.
- [17.30.050](#) Accessory uses.
- [17.30.070](#) Development standards.
- [17.30.080](#) Height.
- [17.30.090](#) Lot area.
- [17.30.100](#) Lot coverage.
- [17.30.110](#) Yards.
- [17.30.120](#) Parking.
- [17.30.130](#) Loading areas.
- [17.30.140](#) Landscaping and lighting.

* Prior ordinance history: Ord. [677](#).

17.30.010 Applicability.

The regulations set forth in this chapter apply in all V-S districts, except that Section [17.30.040](#) does not apply to the Rispin, Shadowbrook, and El Salto Resort parcels; Sections [17.30.042](#) and [17.30.045](#) apply only to the Rispin and Shadowbrook sites, respectively. Sections [17.30.047](#) and [17.30.048](#) apply to the visitor-serving designated El Salto Resort parcels. (Ord. [886](#) § 2, 2005; Ord. [868](#) § 1, 2004)

17.30.020 Purpose.

The purpose of V-S districts is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola’s coastal location. (Ord. [868](#) § 1, 2004)

17.30.030 Architectural and site approval.

Architectural and site approval shall be secured for the establishment and conduct of any conditional or [accessory use](#) in a V-S district as provided in Chapter [17.63](#). (Ord. [868](#) § 1, 2004)

17.30.040 Conditionally permitted uses.

The following are conditional [uses](#) in a V-S district (except for the Shadowbrook, Rispin and El Salto parcels) subject in each case to the securing of a [use](#) permit as provided in Chapter [17.60](#):

A. Accessory [structures](#) and [accessory uses](#) appurtenant to any conditionally allowed [use](#) provided there is no intensification of the permitted [use](#);

B. Hotels, [motels](#), hostels, inns, [bed and breakfast](#) lodging;

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- C. Restaurants, not including [restaurants](#) with drive-up windows or car service;
- D. Recreational vehicle parks;
- E. Employee housing, accessory to an allowed [use](#);
- F. Day care centers;
- G. Assemblages of people, such as carnivals, festivals, races and circuses not exceeding ten days, and not involving construction of permanent facilities;
- H. Accessory [structures](#) and [uses](#) established prior to establishment of main [use](#) or [structure](#);
- I. Legal nonconforming [use](#) of a portion of a [structure](#) extended throughout the [structure](#);
- J. Legal nonconforming [use](#) changed to a [use](#) of a similar or more restricted nature;
- K. Habitat restoration; and habitat interpretive facility;
- L. Single-family consistent with R-1 standards;
- M. Multi-family consistent with RM-LM standards;
- N. Live entertainment;
- O. Public and quasi-public [uses](#) including, wharfs, churches, parks, playgrounds, schools, public safety facilities, public utility facilities, and [parking lots](#);
- P. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;
- Q. Weddings;
- R. Campgrounds and moderate intensity recreational [use](#), including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities;
- S. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
- T. Other visitor-serving [uses](#) of a similar character, density and intensity as those listed in this section determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land [use](#) plan;
- U. Retail stores and offices accessory to visitor serving [uses](#);
- V. Change of visitor serving commercial [uses](#) within a [structure](#) provided the new [use](#) will not change the nature or intensity of the commercial [use](#) of the [structure](#);
- W. One caretaker unit for the purpose of providing on-site security. (Ord [886](#) § 2, 2005; Ord. [868](#) § 1, 2004)

17.30.042 Conditional visitor-serving uses – Rispin.

The following are conditional visitor-serving [uses](#) on the Rispin site:

- A. Accessory [structures](#) and [accessory uses](#) appurtenant to any conditionally allowed [use](#);
- B. Hotels, [motels](#), hostels, inns, [bed and breakfast](#) lodging;
- C. On-site food service or [restaurant](#), not including [restaurants](#) with drive-up windows or car service;
- D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;
- E. Accessory [structures](#) and [uses](#) established prior to establishment of main [use](#) or [structure](#);
- F. Habitat restoration; habitat interpretive facility;
- G. Live entertainment;
- H. Public and quasi-public [uses](#) including paths, public parks/gardens, public utility facilities; parking areas;
- I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;
- J. Weddings;
- K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;
- L. Other visitor-serving [uses](#) of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land [use](#) plan;
- M. Retail shops and offices accessory to visitor-serving [uses](#);
- N. One caretaker unit for the purpose of providing on-site security. (Ord. [886](#) § 3, 2005)

17.30.045 Conditional visitor-serving uses – Shadowbrook.

The following are conditional visitor-serving [uses](#) on the Shadowbrook parcels:

- A. Restaurants, not including [restaurants](#) with drive-up windows or car service;
- B. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;
- C. Habitat restoration; habitat interpretive facility;
- D. Public paths;
- E. Live entertainment;
- F. Parking areas to serve the main facility;

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G. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;

H. Weddings;

I. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

J. Other visitor-serving [uses](#) of a similar character, density, and intensity as those listed in this section determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land [use](#) plan;

K. Offices accessory to visitor-serving [uses](#);

L. One caretaker unit for the purposes of providing on-site security. (Ord. [886](#) § 3, 2005)

17.30.047 Conditionally permitted uses – Monarch Cove Inn.

The following are the conditionally permitted [uses](#) allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:

A. Accessory [structures](#) and [accessory uses](#) appurtenant to any conditionally allowed [use](#);

B. Hotels, [motels](#), hostels, inns; [bed and breakfast](#) lodging;

C. Food service related to lodging;

D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;

E. Accessory [structures](#) and [uses](#) established prior to establishment of main [use](#) or [structure](#);

F. Habitat restoration; habitat interpretive facility;

G. Live entertainment;

H. Public paths;

I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;

J. Weddings;

K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

L. Other visitor-serving [uses](#) of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land [use](#) plan;

M. Offices and limited retail [use](#), accessory to visitor-serving [uses](#);

- N. One caretaker unit for the purpose of providing on-site security;
- O. Access roadway;
- P. Residential [use](#) by the owners and their [family](#) members of up to one unit per parcel on the three parcels, as long as a minimum of six [guest](#) bedrooms are available for visitor-serving [use](#) within the three parcels;
- Q. Non-family residential [use](#) during the off-season months (November through April). (Ord. [886](#) § 3, 2005)

17.30.048 Conditionally permitted uses – El Salto.

The following are the conditionally permitted [uses](#) allowed on El Salto parcels 036-142-26, 036-143-30, and the portion of parcel 036-142-28 located outside the Monarch Cove Inn properties:

- A. Accessory [structures](#) and [accessory uses](#) appurtenant to any conditionally allowed [use](#);
- B. Hotels, [motels](#), hostels, inns, [bed and breakfast](#) lodging;
- C. Food service related to lodging [use](#);
- D. Single [family](#) residential [use](#) consistent with R-1 standards;
- E. Multi-family residential [use](#) consistent with RM-LM standards;
- F. Public paths;
- G. One caretaker unit for the purpose of providing on-site security. (Ord. [886](#) § 3, 2005)

17.30.050 Accessory uses.

The following are [accessory uses](#) permitted in a V-S district:

- A. Signs complying with the applicable regulations set forth in the sign ordinance;
- B. Accessory [uses](#) and [buildings](#) customarily appurtenant to a permitted [use](#). (Ord. [868](#) § 1, 2004)

17.30.070 Development standards.

The V-S (visitor serving) district may be the only zoning district applicable to a property, but at times it is applied along with other zoning districts to a property, such as “VS/R-1,” or “VS/PF” dual zoning. Dual zoning means that the [uses](#) and development standards of the V-S district apply, although [uses](#) allowed by the other district may also be permitted through approval of a conditional [use](#) permit, and the planning commission may apply development standards from the other zoning district in lieu of or as well as the V-S district, as determined through architectural and site review. (Ord. [868](#) § 1, 2004)

17.30.080 Height.

No [structures](#) shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:

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A. The proposed development and design are compatible with existing land [uses](#) of surrounding areas and the general plan;

B. Streets and thoroughfares are suitable and adequate to serve the proposed development;

C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent [streets](#), [buildings](#) or open space;

D. Major public views are not blocked by the proposed development. (Ord. [886](#) § 2, 2005; Ord. [868](#) § 1, 2004)

17.30.090 Lot area.

The minimum [lot area](#) required shall be five thousand square feet. (Ord. [868](#) § 1, 2004)

17.30.100 Lot coverage.

There shall be no specific maximum [lot](#) coverage set except as follows:

A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);

B. Front [yard](#) and open space requirements shall be satisfied;

C. For the Rispin site, the maximum allowable impervious site coverage (e.g., [buildings](#), paving, decks, etc.) is twenty-five percent;

D. For the visitor-serving El Salto Resort parcels (except for the portion of parcel 036-142-28 that is located outside of the Monarch Cove Inn) and the Shadowbrook [Restaurant](#) parcel located directly adjacent to Soquel Creek, the allowable impervious site coverage (e.g., [buildings](#), paving, decks, etc.) is fifty percent. (Ord. [886](#) § 2, 2005; Ord. [868](#) § 1, 2004)

17.30.110 Yards.

A. Front, side and [rear yard](#) setbacks may be required through architectural and site approval in order to provide adequate light and air, assure 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 ten feet shall be provided.

B. Front [yards](#) and [corner lot](#) side [yards](#) shall not be used for required parking facilities.

C. For the visitor-serving El Salto properties located adjacent to the [bluff](#) top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter [17.48](#) (Geologic Hazards District).

D. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook [Restaurant](#) and Rispin parcels shall adhere to the LUP's natural systems policies and to certified zoning Chapter [17.95](#) (Environmentally Sensitive Habitats). (Ord. [886](#) § 2, 2005; Ord. [868](#) § 1, 2004)

17.30.120 Parking.

Parking standards shall be as provided in Chapter [17.51](#). (Ord. [868](#) § 1, 2004)

17.30.130 Loading areas.

Loading areas shall be as provided in Chapter [17.51](#). (Ord. [868](#) § 1, 2004)

17.30.140 Landscaping and lighting.

A minimum of five percent of the [lot area](#) shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. Exceptions to this standard are as follows: for the Rispin site, seventy-five percent of the site shall consist of either [landscaped areas](#) located within the developed areas of the site, or unlandscaped natural areas for those portions of the site subject to conservation easements. For the Shadowbrook [Restaurant](#) parcel that is adjacent to Soquel Creek, fifty percent of the site shall consist of landscaped or open space areas. For the visitor-serving El Salto parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of [building](#) permits or the establishment of the [use](#). (Ord. [886](#) § 3, 2005; Ord. [868](#) § 1, 2004)

The Capitola Municipal Code is current through Ordinance 999, passed March 25, 2015.

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.

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Chapter 17.87 HISTORIC FEATURES

Sections:

- [17.87.010](#) Procedure for establishing or designating historic feature designation.
- [17.87.020](#) Notice of hearing.
- [17.87.030](#) Hearing.
- [17.87.040](#) Notice of designation.
- [17.87.050](#) Entry in the register of historic features.

17.87.010 Procedure for establishing or designating historic feature designation.

The planning commission, on its own initiative, or by the directive of the city council, or upon application of the owner of any feature, may consider whether a feature should be designated as an [historic feature](#), or whether a feature designated as an [historic feature](#) should have that designation dropped and thereby be removed from the register of [historic features](#). Applications submitted by owners or their agents shall be upon such forms as designated by the community development director, shall contain a description of the feature and any proposed alterations of the feature, and such other information as the community development director shall specify. (Ord. [515](#) § 4 (part), 1982)

17.87.020 Notice of hearing.

Ten days prior to either planning commission or city council hearing, written notice shall be mailed to the owner of the feature. The community development director may also notify any other persons whom the community development director determines may be interested. (Ord. [515](#) § 4 (part), 1982)

17.87.030 Hearing.

The planning commission and city council deliberation shall take place at a public hearing. In making the determination whether a particular feature should be designated as an [historic feature](#) the commission or council, in order to have a feature designated as historic, must make the following findings:

A. That the potential [historic feature](#) evidences one or more of the following qualities:

1. The proposed feature is particularly representative of a distinct historic period, type, style, or way of life,
2. The proposed feature is an example of a type of [building](#) once common in Capitola but now rare,
3. The proposed feature is of greater age than most other features serving the same function,
4. The proposed feature is connected with a business or [use](#) which was once common but is now rare,
5. The architect or builder is historically important,
6. The site is the location of an important historic event,
7. The proposed feature is identified with historic persons or important events in local, state, or national history,

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8. The architecture, the materials used in construction, or the difficulty or ingenuity of construction associated with the proposed feature are significantly unusual or remarkable,

9. The proposed [historic feature](#) by its location and setting materially contributes to the historic character of the city,

10. The proposed [historic feature](#) is a long established feature of the city,

11. The proposed [historic feature](#) is a long established feature of the city, or is a prominent and identifying feature of the landscape and is of sufficient aesthetic importance to be preserved;

B. That the designation, as an [historic feature](#), will not deprive the owner of all reasonable [use](#) of his or her property;

C. That after weighing the detriments of the designation to the owner against the value of the public interest in the designation, the designation is worthwhile. (Ord. [515](#) § 4 (part), 1982)

17.87.040 Notice of designation.

After any feature has been designated by the city council as an [historic feature](#), the community development director shall, in writing, notify the owner at the owner's last known address, or if such address is not reasonably available to the community development director, then the notice shall be directed to the address of the feature. (Ord. [515](#) § 4 (part), 1982)

17.87.050 Entry in the register of historic features.

On final city council determination, the city clerk shall add or delete the feature from the register of [historic features](#). (Ord. [515](#) § 4 (part), 1982)

The Capitola Municipal Code is current through Ordinance 999, passed March 25, 2015.

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Chapter 17.63 ARCHITECTURAL AND SITE REVIEW

Sections:

- [17.63.010](#) Purpose.
- [17.63.020](#) Architectural and site review committee.
- [17.63.030](#) Required when.
- [17.63.035](#) Exemptions from design permit requirement.
- [17.63.040](#) Application.
- [17.63.050](#) Maps and drawings.
- [17.63.055](#) Visualization requirements.
- [17.63.060](#) Fee.
- [17.63.070](#) Design permit approval.
- [17.63.080](#) Hearing and notice.
- [17.63.090](#) Considerations in review of applications.
- [17.63.100](#) Conditions.
- [17.63.110](#) Findings and decision.
- [17.63.120](#) Notification of approval.
- [17.63.130](#) Time limitations on approval.
- [17.63.140](#) Transfer of approval upon change in use.
- [17.63.150](#) Conformance to approval and site supervision.
- [17.63.160](#) Appeal to city council.
- [17.63.170](#) Hearing on appeal.
- [17.63.180](#) Revocation.
- [17.63.190](#) Council review.
- [17.63.200](#) Amendments.

* Prior ordinance history: Ords. 388, 448, 494, 515, 517, 556, 564, 575, 589, 613, 659, 677, 718, 724, 757, 762, 767, 794, 809 and 853.

17.63.010 Purpose.

The intent of architectural and site review is to secure the general purposes of this title and the general plan and to maintain the character and integrity of the neighborhood by promoting excellence of development, preventing undue traffic hazards or congestion, encouraging the utilization of solar energy, and encouraging the most appropriate development and [use](#) of land in harmony with the neighborhood. In fulfilling its intent, architectural and site approval may result in the placement of reasonable conditions which exceed the basic development standards listed elsewhere in this title, on the design permit which accompanies the architectural and site review process. (Ord. [873](#) § 21 (part), 2004)

17.63.020 Architectural and site review committee.

A. The architectural and site review committee shall consist of six members as follows:

1. Architect;
2. Landscape architect;

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3. Building official;
4. Community development director or designated planning staff;
5. Public works director;
6. Historian.

B. The architect, historian, and landscape architect members of the architectural and site review committee shall be appointed by the mayor; however, a majority of the city council may remove the architect, historian, or landscape architect. At the first meeting of the city council following the effective date of the ordinance codified or amended in this section, the mayor should appoint the architect, historian, and landscape architect members, whose terms will expire one month after the certification of any regular election of city council members. The mayor, at his or her discretion, may appoint an alternate architect, alternate historian, and alternate landscape architect member to serve in the absence of the regular architect or landscape architect. A majority of the city council may remove the alternate architect, alternate historian, and alternate landscape architect. The terms of the alternate architect, alternate historian, and alternate landscape architect will expire at the same time as the terms of the regular architect and landscape architect. (Ord. [873](#) § 21 (part), 2004)

17.63.030 Required when.

A design permit for architectural and site review is required for the following [structures](#), [uses](#) or significant [building](#) changes:

- A. Any [use](#) or [structure](#) requiring architectural and site review in the applicable district regulations;
- B. Any [use](#) requiring a conditional [use](#) permit or variance;
- C. Any [use](#) requiring architectural and site review by a condition of a previous permit;
- D. Any [use](#) of factory-built or [modular built housing](#) in a district;
- E. The establishment of solar energy systems as provided in Sections [17.81.120](#) and [17.81.130](#);
- F. Any dish-type antenna which is larger than twenty-four inches in diameter, except the following:
 1. Those located in a rear or [side yard](#) which are: (a) not visible either from the public right-of-way upon which the property fronts; or (b) not visible from the ground level of the adjacent properties,
 2. Those located upon flat roofs which: (a) do not exceed twenty-four inches in height above the roof and have no dimension which exceeds twenty-four inches,
 3. Those located on sloping roofs where: (a) no part of which exceeds the height of the highest part of the roof, and (b) no dimension of which exceeds twenty-four inches,
 4. Those entirely prohibited by Section [17.81.140](#). (Ord. [873](#) § 21 (part), 2004)

17.63.035 Exemptions from design permit requirement.

A. First-floor additions at the rear of a home which are not visible to the general public; do not exceed four hundred square feet; do not exceed fifteen feet in height (eight feet maximum plate height); and

which utilize matching or compatible [building](#) materials.

B. A single accessory [structure](#) of less than eighty square feet, less than nine feet in height, with no electrical or plumbing fixtures. (Ord. [882](#) § 3, 2005)

17.63.040 Application.

Application for architectural and site review shall be filed with the community development department, which shall prescribe the form of application and data to be filed with the application. The application shall be signed by the property owner. Except where such information is obviously of no [use](#) to the community development department staff or planning commission, such applications should include an evaluation of whether the proposed project:

- A. Makes maximum [use](#) of solar energy potential;
- B. Totally or partially [blocks](#) sunlight to the south roof and wall of adjacent [buildings](#);
- C. Utilizes most appropriate placement of solar energy systems;
- D. All plans for development or any other type of [building](#) and planning for four or more residential units or for any commercial [use](#) shall be designed or produced by a licensed architect or civil engineer. All such [building](#) or architectural design drawings shall be stamped and signed by a licensed architect or civil engineer. (Ord. [873](#) § 21 (part), 2004)

17.63.050 Maps and drawings.

Maps and drawings shall be submitted to indicate the following:

- A. A topographic map and site development plans or a staged development master plan showing:
 1. The siting of all [structures](#) on subject property and on adjoining properties to show that privacy, light and air are preserved, so as not to be detrimental to the orderly and harmonious development of the city,
 2. Landscaping and/or fencing of [yards](#) and setback areas and [use](#) of landscaping and/or walls or fencing for screening purposes,
 3. Design of ingress and egress so as not to interfere with normal traffic flow on abutting [streets](#),
 4. Off-street parking and loading facilities,
 5. Disposition of drainage on the site and in the sidewalk-exempt easement areas,
 6. Designation of areas to be computed as usable open space, including balconies, roof decks, patios and other spaces or areas at grade, as appropriate,
 7. Designation of location of existing fire hydrants;
- B. Drawings to scale of the exterior elevations and/or perspective drawings of the [buildings](#) or [structures](#) under consideration;
- C. Preliminary floor plans, to scale, of the [buildings](#) under consideration;

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D. Calculation and identification on the plans of all areas included in the FAR. (Ord. [873](#) § 21 (part), 2004)

17.63.055 Visualization requirements.

The city of Capitola shall have the authority to require an applicant to carry out certain visualization techniques in order to assist with city and public review of a proposed project. Projects subject to the visualization requirements includes those designated pursuant to visualization guidelines adopted by resolution of the city council. Projects proposed for major development sites, or within or adjacent to defined [vista](#) points or visually sensitive areas, or which request a height variance, or for which the city determines that carrying out visualization will assist with the development review process, shall carry out visualization techniques for the proposed development in accordance with guidelines adopted by resolution of the city council. (Ord. [873](#) § 21 (part), 2004)

17.63.060 Fee.

An application fee for architecture and site review, culminating in approval or denial of a design permit, shall be established by the city council resolution. (Ord. [873](#) § 21 (part), 2004)

17.63.070 Design permit approval.

Design permits identified in Section [17.63.030](#) of this chapter shall be considered at a public hearing as outlined in Section [17.63.080](#); following review and consideration by the architectural and site review committee as determined necessary by the community development director/zoning administrator.

A. The community development director/ zoning administrator shall be authorized to approve or deny design permit applications for:

1. First-floor additions up to four hundred square feet (although certain single-family residential additions of this type are exempt under Section [17.15.030](#)(C)(1);
2. Minor repairs, changes and improvements to existing [structures](#) which [use](#) similar, compatible or upgraded quality [building](#) materials, on [structures](#) which are not historic resources;
3. Additional [accessory structures](#) beyond the single eighty square-foot or less in size accessory [structure](#) which is exempt as per Section [17.15.030](#)(C)(2).

B. The planning commission shall be authorized to approve or deny design permit applications for:

1. All new residential [dwelling](#) unit construction;
2. Upper floor additions;
3. Additions of more than four hundred square feet;
4. Design permits accompanied by a request for conditional [use](#) permit, variance, or minor land division;
5. All design permit applications referred by the community development director or appealed from the community development director/zoning administrator's decision. (Ord. [882](#) § 1, 2005; Ord. [873](#) § 21 (part), 2004)

17.63.080 Hearing and notice.

Design permit applications for architectural and site review may be heard by the architecture and site review committee without the notice required by other provisions of this title. The city planner shall arrange with the applicant a time and place of meeting between the applicant and the committee.

A. Consideration of design permits for architectural and site review by the community development director/zoning administrator, shall be carried out at a duly noticed public hearing for which neighboring properties (both owner and occupant) within one hundred feet of the subject property are notified, ten days in advance of the hearing, by mail and by posting the site with the time and date of the meeting.

B. Consideration of design permits for architectural and site review by the planning commission, shall be carried out at a duly noticed public hearing for which neighboring properties (both owner and occupant) within three hundred feet are notified by mail and the site is posted with the time and date of the meeting. (Ord. [873](#) § 21 (part), 2004)

17.63.090 Considerations in review of applications.

The considerations of the architectural and site review committee, community development department, and/or planning commission shall include, but not be limited to, the following:

A. Considerations relating to traffic circulation, safety and congestion;

B. Considerations relating to outdoor advertising:

1. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and [structures](#) in relation to the creation of traffic hazards and the appearance and harmony with adjacent development;

C. Considerations relating to landscaping:

1. The location, height and materials of walls, fences, hedges, trees and screen plantings to insure harmony with adjacent development or to conceal storage areas, utility installations or other unsightly development,
2. The planting of groundcover or other landscape surfacing to prevent dust and erosion,
3. The prevention of unnecessary destruction of existing healthy trees,
4. Usable open space shall be reviewed both with respect to area and quality of landscape development;

D. Considerations relating to site layout:

1. The orientation and location of [buildings](#), decks or balconies, and open spaces in relation to the physical characteristics of the site, the character of the neighborhood and the appearance and harmony of the [buildings](#) with adjacent development such that privacy of adjacent properties is maintained;

E. Considerations relating to drainage:

1. The effect of the site development plan on the adequacy of the storm and surface water drainage to both the site and adjacent property,

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2. Connection to existing drainage systems,

3. Incorporation of permeable driveway materials and other means of retaining stormwater runoff on site and reducing non-point source pollution through [use](#) of grassy swales and other water quality enhancement measures;

F. Considerations relating to architectural character:

1. The suitability of the [building](#) for its purpose,

2. The appropriate [use](#) of materials to insure compatibility with the intent of the title;

G. Considerations relating to fire prevention:

1. Sufficient and suitable access to all areas for emergency vehicles,

2. Proper location and spacing of fire hydrants;

H. Considerations relating to excavation and grading;

I. Consideration relating to landscape maintenance:

1. The proper maintenance of landscape planting to encourage healthy growth and the replacement of dead plants until all plants are established,

2. The committee may require a one thousand dollar performance bond for a period of one year beginning from the date of final inspection;

J. Protection of [historic features](#) and [vistas](#);

K. Considerations related to encouraging utilization and protection of solar energy, including:

1. The orientation of the [lot](#),

2. Height of proposed [building](#),

3. Distance between proposed [building](#) and south wall of adjacent structure(s),

4. Extent to which adjacent building(s) will have solar access to south roof and/or wall,

5. Extent to which adjacent south facing wall(s), roof top(s), and solar collector(s) are shaded by the proposed structure(s);

L. Consideration of design guidelines for special commercial or residential areas contained in the general plan, coastal plan, area plans or other approved design policies;

M. Review of [floodplain](#) areas as designated on the flood boundary map in accord with the standards of Chapter [17.50](#) and with this title;

N. The committee will require enclosed garbage areas of an adequate size to provide for garbage and recycling storage and collection for the project, unless an exception is made for individual containers in small residential projects. (Ord. [873](#) § 21 (part), 2004)

17.63.100 Conditions.

The community development director/zoning administrator or planning commission shall consider all recommendations of the architectural and site review committee. The granting of a design permit for architectural and site approval by the community development director, zoning administrator or planning commission may include such conditions as deemed reasonable and necessary to carry out the intent of this chapter, the zoning ordinance and the general plan. (Ord. [873](#) § 21 (part), 2004)

17.63.110 Findings and decision.

Upon a finding by the community development director, zoning administrator or planning commission that the application subject to conditions imposed will:

A. Secure the general purposes of this title and the general plan;

B. Maintain the character and integrity of the neighborhood; the design permit for architectural and site approval, shall be granted subject to such conditions as deemed necessary; otherwise, it shall be continued or denied. (Ord. [873](#) § 21 (part), 2004)

17.63.120 Notification of approval.

Upon grant of a design permit for architectural and site approval, the community development director/zoning administrator shall prepare and deliver to the applicant a formal notice stating the fact of the grant and any conditions attached thereto. Such notice shall not be delivered until the period for appeal has expired. (Ord. [873](#) § 21 (part), 2004)

17.63.130 Time limitations on approval.

A. In any case where an approved design permit has not been activated by the issuance of a [building](#) permit or otherwise used, within two years after the date of granting thereof (or within such other period of time which may be prescribed in the permit), or within any extension granted pursuant to Section 17.82.160, then without further action, the permit will expire. Such termination will take effect without further city action if a timely request for extension of time has not been made or is denied. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privileges.

B. For purposes of this section, “used” has the definition set forth in Section [17.60.090](#)(B). (Ord. [873](#) § 21 (part), 2004)

17.63.140 Transfer of approval upon change in use.

A design permit for architectural and site approval may transfer to subsequent tenant(s) of the site/structure if the [use](#) for which the approval was granted is changed, however the community development director shall not approve transfer the approval to a new [use](#) if he or she finds that the changed [use](#) does not meet the requirements of this section. If the director does not reissue the approval, a new application must be filed. (Ord. [873](#) § 21 (part), 2004)

17.63.150 Conformance to approval and site supervision.

The city planner shall perform site supervision as part of the [building](#) permit procedure for developments for which architectural and site approval has been granted, and the city planner shall follow through to

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ensure that all provisions and conditions of the architectural and site approval are complied with. (Ord. [873](#) § 21 (part), 2004)

17.63.160 Appeal to city council.

A determination of the community development director/zoning administrator with respect to a design permit for architectural and site review may be appealed to the planning commission. A determination of the planning commission with respect to a design permit for an architectural and site review is appealable to the city council. The appeal shall be in writing and shall give reasons for the appeal and specifically state where the findings or procedures were in error. If the appeal is by the applicant, there shall be no fee for filing such appeal. If the appeal is by others from an approval by the community development director/zoning administrator or planning commission, the fee for filing such appeal shall be set by city council resolution. In the absence of such a request being filed with the planning commission or city council within ten working days after determination by the community development director/zoning administrator or planning commission, such determination is final. (Ord. [873](#) § 21 (part), 2004)

17.63.170 Hearing on appeal.

In any appeal before the city council in an architectural and site review matter, consideration by the council shall be limited to the evidence and matters presented at the original hearing before the planning commission; provided, that the city council may, by motion duly passed, elect in its discretion to grant a hearing de novo. (Ord. [873](#) § 21 (part), 2004)

17.63.180 Revocation.

A. The planning commission may, after holding a public hearing, revoke or amend a design permit for architectural and site approval for either of the following reasons:

1. That the approval of the permit was based upon false information submitted by the applicant;
2. That the permit is being exercised contrary to the terms or conditions of approval, or in violation of this title.

B. The violation of any of the conditions imposed by the community development director/zoning administrator or planning commission in connection with the granting of a design permit for any architectural and site approval shall constitute a violation of this title, and shall be subject to the same penalties as any other violation of this title. (Ord. [873](#) § 21 (part), 2004)

17.63.190 Council review.

Notwithstanding any other provision of this chapter, the actions of the planning commission are subject to review by the city council at its discretion. (Ord. [873](#) § 21 (part), 2004)

17.63.200 Amendments.

A property owner may petition to amend a design permit for architectural and site approval by filing a new application. (Ord. [873](#) § 21 (part), 2004)

The Capitola Municipal Code is current through Ordinance 999, passed March 25, 2015.

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.



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