

Chapter 17.108

ADMINISTRATIVE RESPONSIBILITY

Sections:

- 17.108.010 Purpose.
- 17.108.020 Planning agency.
- 17.108.030 Review and decision-making authority.
- 17.108.040 Design review process.

17.108.010 Purpose.

This chapter describes the authority and responsibilities of the city council, planning commission, and the community development director in the administration of the zoning code. (Ord. 1043 § 2 (Att. 2), 2020)

17.108.020 Planning agency.

The city council, planning commission, and community development director function as the planning agency and as the advisory agency in compliance with Government Code Section 65100. (Ord. 1043 § 2 (Att. 2), 2020)

17.108.030 Review and decision-making authority.

Table 17.108-1 shows the review and decision-making authority of the city council, planning commission, and community development director in the administration of the zoning code.

Table 17.108-1: Review and Decision-Making Authority

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
Legislative Actions			
Development Agreements	Recommend	Recommend	Decision
General Plan/Coastal Land Use Plan Amendments	Recommend	Recommend	Decision
Zoning Code/Title 17 Amendments	Recommend	Recommend	Decision
Permits			
Administrative Permits	Decision	Appeal	Appeal
Administrative Sign Permits	Decision	Appeal	Appeal
Sign Permits	Recommend	Decision	Appeal
Design Permits	Recommend	Decision	Appeal
Minor Design Permits	Decision	Appeal	Appeal
Coastal Development Permits	See Section 17.44.070(B) (Coastal Development Permit Requirements)		
Conditional Use Permits	Recommend	Decision	Appeal
Historic Resource Demolition Permits [2]	Recommend	Recommend/Decision	Decision/Appeal
Master Use Permits	Recommend	Decision	Appeal
Minor Use Permits	Decision	Appeal	Appeal
Tenant Use Permits	Decision	Appeal	Appeal

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
Other Approvals and Actions			
Conceptual Review	See Chapter 17.114 (Conceptual Review)		
Historic Alteration Permit	Recommend	Decision	Appeal
Minor Modifications	Recommend	Decision	Appeal
Preliminary and Final Development Plans (PD)	Recommend	Recommend	Decision
Reasonable Accommodations	Decision	Appeal	Appeal
Variances	Recommend	Decision	Appeal

Notes:

[1] “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority shall consider and decide appeals of decisions of an earlier decision-making body, in compliance with Chapter 17.152 (Appeals).

[2] The planning commission is the decision-making authority on historic resource demolition permits applications for potential historic resources. The city council is the decision authority on historic resource demolition permits applications for designated historic resources.

(Ord. 1043 § 2 (Att. 2), 2020)

~~**17.108.040—Design review process.**~~

~~**A. Purpose.**~~

- ~~1. The design review process allows for city staff and city contracted design professionals to provide preliminary recommendations to the applicant on design permit applications prior to planning commission review.~~
- ~~2. Through the design review process, city staff and city contracted design professionals shall work with applicants to produce the best possible project design consistent with city policies and regulations prior to a hearing before the planning commission. The design review process does not result in a design permit approval or a specific recommendation to the planning commission for approval or denial of a design permit application.~~

~~**B. Participating Staff and Consultants.**~~

- ~~1. City staff involved in the design review process include city staff representing the planning, public works, and building departments.~~
- ~~2. A city contracted landscape architect, architect, and architectural historian may also participate in the design review process for significant and/or sensitive projects as determined by the community development director. A city contracted architect shall participate in the design review process for all new proposed multifamily and nonresidential construction projects. (Ord. 1043 § 2 (Att. 2), 2020)~~

Chapter 17.120
DESIGN PERMITS

Sections:

- 17.120.010 Purpose.
- 17.120.020 Types of design permits.
- 17.120.030 When required.
- 17.120.040 Application submittal and review.
- 17.120.050 Design review process.
- 17.120.060 Public notice and hearing.
- 17.120.070 Design review criteria.
- 17.120.080 Findings for approval.
- 17.120.090 Conditions of approval.
- 17.120.100 Appeals and post-decision procedures.

17.120.010 Purpose.

This chapter establishes the process to obtain a design permit. A design permit is a discretionary action that enables the city to ensure that proposed development exhibits high-quality design that enhances Capitola’s unique identity and sense of place. The design permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties. (Ord. 1043 § 2 (Att. 2), 2020)

17.120.020 Types of design permits.

The zoning code establishes two types of design permits: design permits reviewed and approved by the planning commission and minor design permits reviewed and approved by the community development director. (Ord. 1043 § 2 (Att. 2), 2020)

17.120.030 When required.

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

Table 17.120-1: Projects Requiring Design Permits

Type of Project	Type of Permit
Single-Family Residential Projects	
Ground-floor additions to existing single-family homes where the addition does not exceed 165 ft. in height, except for exempt additions (Section 17.120.030(B))	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper-floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Upper-floor additions to an existing single-family home	Design Permit
New single-family homes	Design Permit
Multifamily Residential Projects	
Ground-floor additions less than 15% of total floor area of an existing multifamily structure	Minor Design Permit

Type of Project	Type of Permit
Upper-floor decks and balconies on the side or rear of a structure that are not adjacent to public open space	Design Permit
All rooftop decks	Design Permit
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multifamily structure	Design Permit
Upper-floor additions to an existing multifamily structure	Design Permit
New multifamily residential structures	Design Permit
Nonresidential Projects (Including Mixed Use)	
Exterior modifications to an existing structure that do not increase the floor area of the structure	Minor Design Permit
Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures	Minor Design Permit
Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures	Design Permit
Additions less than 15% of the floor area of an existing nonresidential structure where the addition is not visible from the primary street frontage	Minor Design Permit
Additions 15% or more of the floor area of an existing nonresidential structure where the addition is visible from the primary street frontage	Design Permit
Additions to an existing nonresidential structure of 3,000 sq. ft. or more	Design Permit
New nonresidential structures	Design Permit
Custom outdoor dining decks and sidewalk dining areas in the public right-of-way	Design Permit

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

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

C. Nonresidential Exemptions.

1. Prototype outdoor dining decks that comply with Section 17.96.170 (Outdoor dining in public right-of-way) are exempt from the design permit requirement. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1050 § 3, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.120.040 Application submittal and review.

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

B. Notice of Submitted Application. All design permit applications with final review by the planning commission require posting of a Notice of Proposed Development. Within thirty days of application submittal, the City shall provide the applicant with the required form and content of the notice. The applicant shall post a notice of proposed development in a conspicuous place on or in front of the project site that is visible to the public from the right of way. Prior to the city deeming a project complete, the applicant shall submit verification to the City that the notice has been posted as required by the City.

CB. Streetscape Illustration. For all proposed new multi-family, mixed-use, and nonresidential buildings, the applicant shall submit streetscape illustrations that include neighboring structures within one hundred feet of the side property lines.

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

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

~~D. Review by Architectural Historian. Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit). (Ord. 1043 § 2 (Att. 2), 2020)~~

~~17.120.050 – E. Review of design permit application Design review process.~~

1. Review

a. The design review process provides recommendations to an applicant for compliance with applicable city regulations, development standards, objectives standards, and design review criteria in Section 17.120.070 prior to a hearing before the planning commission. Recommendations related to design review criteria are advisory; applicants are encouraged to modify the project design as needed prior to planning commission consideration.

b. City staff shall report to the Planning Commission recommendations provided to the applicant and changes to the project in response to these recommendations, if any.

2. Participating Staff and Consultants.

a. City staff involved in the design review process include city staff representing the planning, public works, and building departments.

b. **Architectural Historian.** Proposed projects that involve an exterior alteration to a designated historic resource or a potential historic resource as defined in Section 17.84.020 (Types of historic resources) shall be reviewed by an architectural historian and may require a historic alteration permit as provided in Section 17.84.070 (Historic alteration permit).

e. A city-contracted design professional shall participate in the design review process for the following types of applications:

i. Upper-floor additions to single-family homes and multifamily structures;

ii. New single-family homes and new multifamily, mixed-use, and non-residential structures;

iii. Additions to an existing nonresidential structure that are either:

(a) 15 percent or more of the floor area of the existing structure and visible from the primary street frontage; or

(b) 3,000 sq. ft. or more.

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

~~B. Purpose of Review.~~ The purpose of the design review process is to provide recommendations to the applicant on the design of the project based on design review criteria in Section 17.120.070. Applicants are encouraged to consider comments from the design review process and modify the project design as needed prior to planning commission consideration of the application. (Ord. 1043 § 2 (Att. 2), 2020)

17.120.060 Public notice and hearing.

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

B. Minor Design Permits. Public notice of a pending action on a minor design permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The community development director shall hold a public hearing for a minor design permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of pending action for minor use permits and minor design permits). (Ord. 1043 § 2 (Att. 2), 2020)

17.120.070 Design review criteria.

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

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

B. Neighborhood Compatibility. ~~The project is designed to respect and complement adjacent properties.~~ The project height, massing, and intensity are compatible with the scale of nearby buildings and comply with applicable development standards specific to the applicable zoning district. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

C. Historic Character. Renovations and additions to historic structures respect and preserve the existing integrity of the structures, consistent with Chapter 17.84 (Historic Preservation), historic ~~historie~~. New structures and additions or modifications to non-historic structures ~~reflect and~~ complement the ~~historie~~ character and development pattern of nearby ~~historic resources and districts, properties and the community at large.~~

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

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

F. Privacy. The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimize privacy impacts on adjacent properties and provide adequate privacy for project occupants.

G. Safety. The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility, and improved connection to the public right-of-way features that promote a sense of ownership of outdoor space.

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

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

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

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

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

M. Landscaping. Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area and complies with all applicable standards of Chapter 17.72 (Landscaping). Tree plantings and removals are consistent with Chapter 12.12 (Community Tree and Forest Management).

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

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

P. Signs. The number, location, size, and design of signs complement the project design, and are compatible with the surrounding context and comply with all applicable standards of Chapter 17.80 (Signs).

Q. Lighting. Exterior lighting is an integral part of the project designed, with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties, and to comply with applicable provisions of Section 17.93.100 (Outdoor Lighting).

R. Accessory Structures. The design of detached garages, sheds, fences, walls, and other accessory structures relates to the primary structure and is compatible with adjacent properties, and complies with all applicable standards including, but not limited to Chapter 17.52 (Accessory Structures and Uses).

S. Mechanical Equipment, Trash Receptacles, and Utilities. Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping. (Ord. 1043 § 2 (Att. 2), 2020)

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

17.120.080 Findings for approval.

To approve a design permit application, the review authority shall make all of the following findings:

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

B. The proposed project complies with all applicable provisions of the zoning code and municipal code, including but not limited to objective standards and design review criteria.

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

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

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

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood. (Ord. 1043 § 2 (Att. 2), 2020)

17.120.090 Conditions of approval.

The planning commission or community development director may attach conditions of approval to a design permit to achieve consistency with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council. (Ord. 1043 § 2 (Att. 2), 2020)

17.120.100 Appeals and post-decision procedures.

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

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

C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to design permits. (Ord. 1043 § 2 (Att. 2), 2020)

