

Capitola Planning Commission

Agenda Report



Meeting: October 3, 2024

From: Community Development Department

Address: Citywide Zoning Code Update

Project Description: Application #24-0026 for Amendments to Capitola Municipal Code Title 17: Zoning Code, Chapter 18.03: Density Bonus, and the Zoning Map, collectively known as the “Zoning Code Amendments”. The proposed Zoning Code Amendments will impact the development standards and regulations for properties citywide. The Zoning Code and Zoning Map are part of the City’s Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone.

Recommended Action: Staff recommends the Planning Commission adopt a resolution recommending the City Council adopt the proposed Design Review Zoning Code Amendments and the proposed Density Bonus Code Amendments.

Location: The proposed design review Zoning Code Amendments apply to properties citywide.

Representative: Ben Noble Consultant

Sean Sesanto, Associate Planner

Background: On September 19, 2024, the Planning Commission adopted a resolution recommending the City Council adopt Zoning Code Amendments to implement the Housing Element. This recommendation included all proposed 2024 Zoning Code Amendments except for changes to the design review process. The Planning Commission voted to delay the recommendation on amendments to the Design Review process to allow for further Planning Commission discussion of these amendments at the October 3, 2024, meeting.

Discussion: Attachment 1 contains a draft Planning Commission resolution recommending the City Council adopt the proposed Design Review amendments. Exhibit A to Attachment 1 contains the proposed amendments to Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits). The proposed amendments are the same as the design review amendments shared with the Planning Commission on Wednesday, September 18 (green highlight version).

The proposed amendments address the following aspects of the design review process:

- **Public Notice:** For design permit applications reviewed by the Planning Commission, the applicant must post a notice of submitted application on the site before the City deems the application complete.
- **Staff Review:** City staff reviews application for conformance with design review criteria and/or objective standards and recommends project changes to the applicant before the Planning Commission meeting, if needed. Recommendations are advisory and meetings are not subject to the Brown Act. City staff reports to the Planning Commission recommendations and project changes, if any.
- **Design Professional Review:** A City-contracted design professional participates in the design review process for all new single-family homes and multifamily, mixed-use, and non-residential structure; upper-floor additions to single-family homes and multifamily structures; and additions to nonresidential structures that exceed specified thresholds.

As discussed at the September 19, 2024, meeting, the proposed amendments aim to implement prior Planning Commission direction without creating a new committee subject to Brown Act public meeting and notice requirements.

Table 1 summarizes and compares the role of outside design professionals (non-staff) in the review of design permit applications under the prior code (pre-2021), the existing code, and the proposed amendments. Under the prior code (pre-2021), an architect and landscape architect reviewed all design permit applications as part of the Architecture and Site Review Committee. Under the existing code, a City-Contracted design professional reviews all new commercial and new multifamily applications and prepares a written report. The cost of this review is paid for by the applicant. Within the proposed code amendments, the City would have two contracts for design professionals. One contract for the design review of single-family homes during the staff review process with the cost covered by the City in the form of a stipend. The second for multifamily, mixed-use, and commercial applications with written findings and the cost covered by the applicant. Table 2 compares public notice, meetings, and costs under the prior, existing, and proposed codes.

Table 1: Design Permit Applications Subject to Outside Designer Review

	Prior Code	Existing Code	Proposed Code
How it works	All applications reviewed by Architecture and Site Review Committee [1]	All applications reviewed by staff. City-contracted design professional reviews subset of projects.	
When required			
Single-family	All projects	None [2]	Upper floor additions and new homes
Multifamily	All projects	New buildings	Upper floor additions and new building
Mixed-use	All projects	None [2]	New buildings
Non-residential	All projects	New buildings	New buildings and additions that are either 15 percent or more of the floor area of the existing structure and visible from the primary street frontage or 3,000 sq. ft. or more

[1] Architecture and Site Review Committee consists of an architect, landscape architect, building official, community development director or designated planning staff; public works director, historian

[2] The Community Development Director may require City-contracted design professional review for any "significant and/or sensitive project."

Table 2: Notice, Meeting, and Cost Comparison

	Prior Code	Existing Code	Proposed Code
Public Notice of Submitted Application	No	No	Yes
Public Notice [2]	Yes	No	No
Brown Act Meeting	Yes	No	No
Applicant Costs			
Single-family	None	N/A	None [1]
Multifamily and Commercial	None	\$2,000 - \$4,000	\$2,000 - \$4,000 [1]
City Costs			
Single-family	\$50 per meeting	N/A	\$50 - \$100 per meeting [1]

Other projects	\$50 per meeting	None	None [1]
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[1] Cost estimates assume City will pay a small stipend for single-family projects (similar to prior code), and applicant will pay third-party review for other projects (similar to existing code). To be determined by City Council.

[2] Does not include noticing required for hearings by the Planning Commission or City Council.

Next Steps: The City Council will hold a public hearing to consider the Planning Commission Zoning Code Amendment recommendations on October 24, 2024.

CEQA: The proposed Zoning Code Amendments are exempt from CEQA, pursuant to CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.

Attachments:

1. Draft Planning Commission Resolution Recommending City Council Approval of the Design Review Zoning Code Amendments
 - Exhibit A: Proposed Zoning Code Amendments
 - Exhibit B: Proposed Density Bonus Code Amendments
 - Exhibit C: LCP Consistency Analysis

Report Prepared By: Ben Noble, Consultant

Reviewed By: Rosie Wyatt, Acting Deputy Clerk

Approved By: Katie Herlihy, Community Development Director