

[PDF] 12.4.25 Planning Commission Comments - MGP

From Jamas Gwilliam <jgwilliam@merlonegeier.com>

Date Thu 12/4/2025 1:09 PM

To Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Cc PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>

 1 attachment (2 MB)

Capitola Comment Letter-MGP 12.4.25.pdf;

Katie,

Please find attached our comments related to the draft code amendment language that will be discussed tonight at the Planning Commission meeting. I was hoping to get these to you sooner but there was a considerable amount of material to review and I needed input from various members of our design and legal teams.

See you tonight,

Jamas Gwilliam
Managing Director

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December 4, 2025

BY ELECTRONIC MAIL

Katie Herlihy, Community and Economic Development Director
420 Capitola Ave,
Capitola, CA 95010

kherlihy@ci.capitola.ca.us

**Re: Proposed General Plan and Zoning Code Amendments Relating to Capitola Mall;
December 4, 2025, Planning Commission Item 6.C**

Dear Ms. Herlihy:

I am providing comments on behalf of Merlone Geier Partners (“MGP”) the owner of the properties identified in the proposed amendments to the City’s Zoning Code as the “Capitola Mall Housing Element Sites.” MGP appreciates the opportunity to review and comment on the amendments (collectively, the “Amendments”). Our comments identify modifications that we believe are required for the Amendments to facilitate redevelopment of the Capitola Mall Housing Element Sites for residential use and to otherwise conform to the City’s certified Housing Element and related provisions of State law.

1. The Proposed Affordable Housing Provisions Must be Modified

The Amendments include a new “Inclusionary Housing Requirement” that would be applied only to the Capitola Mall Housing Element Sites and supersede the Citywide affordable housing ordinance (§18.02.) As written, the new provision would require inclusionary housing units for *all* residential development projects. There is no exemption equivalent to that in Section 18.02(B)(1). A site-specific mandate to include inclusionary units would act as a new constraint to housing that is prohibited under State law regardless of whether it was included as an assumption in the Housing Element for the number of affordable units on the Capitola Mall Housing Element Sites.

We believe that such a restriction would discourage residential development of the Capitola Mall Housing Element Sites by creating a *disincentive* to convert these properties to housing when compared to other sites in the City. Further, the Amendments make no allowance for the payment of in-lieu fees or for the satisfaction of the affordable requirement through dedication of land, both options that remain available to all other sites in the City other than the Capitola Mall.

To address the foregoing, we request that the City delete the text in proposed sections 17.24.035(C)(1) (“Affordable housing requirement”) and 17.24.035(D)(5) (“Inclusionary Housing Requirement”) from the Amendments. The Citywide affordable housing ordinance will continue to apply the Capitola Mall Housing Element Sites without the need for a unique provision in new Section 17.24.035. In addition, we recommend that the City replace the current text of Section 17.24.035(D)(5) with the following: “Any residential development will comply with the requirements of Municipal Code Chapter 18.02, provided, however, that in addition to satisfying any obligation to deliver affordable units or pay in-lieu fees, the developer may elect to dedicate land to the City for the construction of affordable housing units sufficient to develop an equivalent number of affordable units that would otherwise be required under Municipal Code Chapter 18.02.”

2. Height Limits Should be Clarified

MGP appreciates the City addressing its prior comments regarding building height projections. That said, we believe edits to proposed Section 17.24.035(D)(3) (“Height Projections”) require refinement. The section authorizes exceedances of the height limit for building features within 15% of the building frontage along a perimeter or interior street, but certain likely building features will not be located within the building frontage at all, including, e.g., elevator overruns, stair enclosures, and mechanical equipment. We suggest that proposed subsection 17.24.035(b)(iv) be shifted to a new subsection “(c)” and state as follows: “Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure shall be allowed to project beyond maximum building heights within any portion of a building footprint.”

3. Fiscal Impact Analysis is Confusing and Cannot be Used as Basis to Undermine State Housing Policy

The Amendments include a new requirement, not contemplated by the Housing Element, for any project at Capitola Mall to pay for a fiscal impact analysis and for a peer review of that fiscal impact analysis in addition to any other required project applications. The City would then review and “approve” the analysis and consider its findings when acting on a development project. We believe this fiscal impact analysis requirement and process is inconsistent with State law, including the Housing Accountability Act, in that it creates what appears to be a mechanism to condition, limit, or possibly deny housing projects based on perceived fiscal impacts. While MGP is willing to assist the City in evaluating fiscal impacts associated with redevelopment of the Mall, we must express our concern now, that the purpose of these analyses relative to overarching policy mandates on development of housing may lead to confusion as to the development of the studies and their ultimate purpose. To be clear, MGP rejects any suggestion that the finding of an adverse fiscal impact can serve as the basis for denying a housing development project, or the imposition of conditions that would limit the density of such a project.

4. Density Limitations in the Amendments Need to be Adjusted to Achieve Projected Housing Units & the Amendments Must Account for Phasing of Horizontal Residential Mixed-Use Projects

Density calculations contemplated by the Amendments need to account for residential development across all of the Capitola Mall Housing Element Sites rather than limiting density on a parcel-by-parcel basis. Specifically, Table 17.24-6 establishes a maximum density of 48

dwelling units per acre. This density, if calculated with respect to individual lots, would not allow for development of sufficiently dense Tier 1 or Tier 2 projects to achieve anticipated development within the Housing Element during the current housing cycle even with increased heights described in the Amendments. MGP proposes two edits to address this issue.

First, modify Section 17.24.035(D) (the second of two “Ds” in the draft, which should also be corrected), to include subsections “(2)” and “(3).” Subsection (2) should state: “Density for the Capitola Mall Housing Element Sites is to be calculated in the aggregate, such that maximum density when calculated across the acreage of all Capitola Mall Housing Sites, does not exceed 48 units per acre.” The current draft language (covering other parcels) and limiting density to 20 units per acre, would become subsection “(3).”

Second, the City should add a new footnote 3 to Table 17.24-6, stating: “Density for Capitola Mall Housing Element Sites shall be calculated consistent with Section 17.24.035(D)(2).” In addition, the Amendments should be modified to ensure that MGP can deliver a residential-mixed use project in phases.

After updating the document to account for the two Section D’s in 17.24.035 so that the second D becomes E, we request the following modifications to Section 17.24.035(E)(3): “On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

However, the following shall apply:

(a) Compliance with this requirement will be evaluated on a project-wide basis to the extent that an applicant proposes residential-mixed use on multiple parcels; and
(b) if an owner of multiple parcels within Capitola Mall Housing Sites first proposes a building or project that does not meet these minimum density standards, including but not limited to a commercial-only building or commercial-only project, the applicant may demonstrate compliance by recording a covenant, to the City Attorney’s reasonable satisfaction, that establishes an increased minimum residential density on other parcels under the applicant’s control within the Capitola Mall Housing Sites to ensure an overall minimum density of twenty units per acre across the affected parcels.”

5. The Objective Design Standards Applicable to the Capitola Mall Housing Element Sites Require Modification and Further Review

We note that the proposed objective design standards included with the Amendments are highly detailed and prescriptive. MGP has had only a minimal opportunity to review these standards, and has identified proposed modifications, attached here as Exhibit 1, which we believe need to be incorporated. Our review is ongoing, and MGP reserves the right to submit further comments.

Finally, we note text purporting to require complete adherence to the objective design standards for a project to fall within the scope of SB 330 (See § 17.57.040(B)(2)). While we are not confident in the accuracy of that statement (including e.g., because certain standards are subjective), we note that a project that is subject to approval with a “deviation” from a standard should be deemed to comply, and believe that the City should create an objective mechanism for deviations given the prescriptive nature of the standards. Without such a mechanism, MGP believes it will be exceedingly difficult to deliver a residential project. In addition to the edits /

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comments found in Exhibit A, we propose the following as a new Section 17.57.040(B)(3):
“Notwithstanding subsections (B)(1) or (B)(2), an applicant may deviate from any objective design that the applicant documents is within twenty percent of any of the quantifiable standards in Section 17.57.050 and is otherwise consistent with the requirements of Section 17.24.035.”

Sincerely,

A handwritten signature in black ink, appearing to read "James Gwilliam". The signature is stylized with a large, looping initial "J" and a horizontal line extending to the right.

James Gwilliam
Managing Director
Merlone Geier Partners

cc: City of Capitola Planning Commission

Exhibit 1

**Comments on Chapter 17.24 (“Commercial and Industrial Zoning Districts”) and 17.57
 (“Objective Standards for Mall Redevelopment”)**

Chapter 17.24

COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

Sections:

- 17.24.010 Purpose of the commercial and industrial zoning districts.
 17.24.020 Land use regulations.
 17.24.030 Development standards.
 17.24.040 Residential mixed use development in commercial zoning districts.

17.24.010 Purpose of the commercial and industrial zoning districts.

A. Community Commercial (C-C) Zoning District. The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.

B. Regional Commercial (C-R) Zoning District. The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41st Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhances Capitola's unique identity and quality of life.

C. Industrial (I) Zoning District. The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for nonresidential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola. (Ord. 1043 § 2 (Att. 2), 2020)

17.24.020 Land use regulations.

A. Permitted Land Uses. Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The city council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the planning commission and finding the use to be consistent with the general plan and the purpose of the zoning district.

Table 17.24-1: Permitted Land Uses in Commercial and Industrial Zoning Districts

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
—	Use not allowed				
Residential Uses [12]					
Single-Family Dwellings		—	—	—	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Multifamily Dwellings		C [9]	C [9]	–	
Residential Mixed Use		C	C [7]	–	Section 17.24.040
Large Residential Care Facilities		C [9]	C [9]	–	
Accessory Dwelling Unit		A	A		Chapter 17.74
Public and Quasi-Public Uses					
Colleges and Trade Schools		C	C	C	
Community Assembly		C	C	–	
Cultural Institutions		C	C	–	
Day Care Centers		M	M	–	
Emergency Shelters		P	–	P	Section 17.96.030
Government Offices		See 17.24.020(C)		C	
Home Day Care		P	P	P	
Medical Offices and Clinics		See 17.24.020(C)		–	
Public Paths and Coastal Accessways		C	C	C	
Public Safety Facilities		C	C	C	
Commercial Uses					
Alcoholic Beverage Sales		C	C	C	
Banks		P [2]	P [2]	–	
Car Wash		C	C		
Financial Institutions		See 17.24.020(C)		–	
Business Services		P [2]	P [2]	P	
Commercial Entertainment and Recreation		M	M	–	
Drive-Through Facilities		–	C [4]	–	
Eating and Drinking Establishments					
Bars and Lounges		C	C	C	
Mobile Food Vendors		–	A [6]/C	A [6]/C	
Restaurants and Cafes		M [2]	M [2]	C	

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Take-Out Food and Beverage		M [2]	M [2]	–	
Food Preparation		M [2]	–	P	
Gas and Service Stations		C	C	–	
Liquor Stores		C	C	–	
Lodging					
Bed and Breakfast		C	–	–	
Hotel		C	C	–	
Maintenance and Repair Services		M	C	P	
Personal Services		P [1]	P [1]	–	
Professional Offices		See 17.24.020(C)		P	
Salvage and Wrecking		–	–	P	
Self-Storage		C	–	C	Section 17.96.140
Retail		P [11]	P [11]	–	
Retail Cannabis Establishment		C [10]	C [10]		Section 17.24.020(D)
Vehicle Repair		C	C	P	
Vehicle Sales and Rental		C [5]	C [5]	–	
Vehicle Sales Display Room [8]		P	P	–	
Wholesaling		–	M [3]	P	
Heavy Commercial and Industrial Uses					
Construction and Material Yards		–	–	P	
Custom Manufacturing		M	M	P	
Light Manufacturing		–	–	P	
Warehousing and Distribution		–	–	P	
Transportation, Communication, and Utility Uses					
Utilities, Major		–	C	C	
Utilities, Minor		P	P	P	
Recycling Collection Facilities		C	C	C	Section 17.96.130

Key		Zoning District			
P	Permitted Use	C-C	C-R	I	Additional Requirements
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed				
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses		See Chapter 17.52			
Home Occupations		P	P	–	Section 17.96.040
Permanent Outdoor Display		C	C	C	Section 17.96.100
Temporary Uses		See Section 17.96.180			
Urban Agriculture					
Home Garden		P	P	–	
Community Garden		M	M	–	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires minor use permit.

[2] Combination of two or more tenant suites within a multi-tenant building or greater than five thousand square feet requires conditional use permit.

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within one hundred feet of a residential zoning district or residential use including residential properties outside the city limits. Distance is measured from any site feature designed and/or used to provide drive-through service (e.g., vehicle aisle, menu board, lighting) to the property of the residential district or use.

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location four times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an administrative permit in accordance with Chapter 9.36 of this code. Mobile food vendors in one location more than two times per year require a conditional use permit.

[7] Residential uses are prohibited on the first story, except on Capitola Mall Housing Element Sites where ground-floor residential uses are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[8] Maximum five thousand square feet.

[9] Allowed only as a part of a mixed use project integrated with commercial structures located on the same development site, except on Capitola Mall Housing Element Sites where residential-only projects are allowed. See Section 17.24.035 (Capitola Mall Redevelopment) for additional requirements on the Capitola Mall property.

[10] Requires cannabis retail license (Chapter 9.61) and compliance with subsection D of this section.

[11] A retail use twenty thousand square feet or more requires a conditional use permit.

[12] See Section 17.96.210 (Demolition and replacement of dwelling units) for requirements that apply to new residential uses on sites identified as nonvacant in the general plan housing element inventory of land suitable for residential development.

B. Additional Permits. In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a design permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a historic alteration permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a coastal development permit pursuant to Chapter 17.44 (Coastal Overlay Zone), independent of and in addition to any other required permit or approval.

C. Office Uses in the C-C and C-R Zoning Districts.

1. New Office Uses. In the C-C and C-R zoning districts, permits required for new office uses and conversions of nonoffice space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.

Table 17.24-2: Permitted New Office Uses in the C-C and C-R Zoning Districts

Key			
P	Permitted Use		
A	Administrative Permit required		
M	Minor Use Permit required		
C	Conditional Use Permit required		
–	Use not allowed		
		C-C Zoning District	C-R Zoning District
Location and Size of Office Use			
Ground floor, less than 5,000 sq. ft.		P	C [1]
Ground floor, 5,000 sq. ft. or more		P/C [2]	C [1]
Upper floor above a ground floor		P	P

Notes:

[1] Allowed with a conditional use permit only in a multi-tenant building if one or more of the following conditions are met: (1) entry doors do not face an adjacent street frontage; or (2) the building does not front 41st Avenue or Clares Street.

[2] Permitted by right where: (1) entry doors do not face an adjacent street frontage; or (2) the building does not front 41st Avenue. Otherwise, a conditional use permit is required.

2. Existing Office Uses.

a. In the C-C and C-R zoning districts, office uses may continue to occupy existing office space. For purposes of this section, “existing office space” means any tenant space legally occupied by an office use; and vacant tenant space where the most recent legal occupant was an office use. The city shall use business license documentation to determine the legal occupancy of tenant space.

b. Offices are a permitted use in existing office space. A new office tenant may occupy existing office spaces without the permit requirements in Table 17.24-2.

D. Retail Cannabis. A retail cannabis establishment must be in compliance with the following standards:

1. Permit Requirements.

a. Cannabis Retail License. Prior to conditional use permit application, an applicant shall obtain a potential retail cannabis license from the city, as outlined in Chapter 5.36.

b. Conditional Use Permit. A retail cannabis establishment must obtain a conditional use permit from the planning commission. The retail cannabis establishment shall be in compliance with the following standards:

i. Distance from Schools and Churches. Retail cannabis establishments are not permitted within a path of travel of one thousand feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed retail cannabis establishment parcel to the church or school.

ii. Distance Between Retail Cannabis Establishments. A retail cannabis establishment shall not be located within a path of travel of five hundred feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multi-tenant property or the structure for a single-tenant property.

iii. Independent Access. A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.

iv. 41st Avenue Frontage. In the C-C zoning district, a retail cannabis establishment must be on a property fronting 41st Avenue.

17.24.030 Development standards.

A. General. Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts, excluding Capitola Mall Housing Element Sites. For development standards that apply to Capitola Mall Housing Element Sites, see Section 17.24.035 (Capitola Mall Redevelopment).

Table 17.24-3: Development Standards in Commercial and Industrial Zoning Districts

	C-C	C-R	I	Additional Standards
Site Requirements				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0 [1]	1.5	0.5	Section 17.24.030(D) Chapter 17.88
Structure Requirements				
Setbacks, Minimum				
Front	See Section 17.24.030(C)		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Interior Side	0 ft. unless adjacent to a residential zoning district (see Section 17.24.030(E))			
Street Side	See Section 17.24.030(C)		0 ft.	
Height, Maximum	40 ft. [1]	40 ft.	30 ft.	Section 17.24.030(D) and (E) Chapter 17.88
Landscaped Open Space, Minimum	5%			Table 17.72-1
Parking and Loading	See Chapter 17.76			

Notes:

[1] Additional building height and FAR allowed for a housing development project that consolidates adjacent housing element opportunity sites. See 17.24.040(J) (Lot Consolidation Incentive).

B. C-C Zoning District Fronting Capitola Road. The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41st Avenue and 45th Avenue as shown in Figure 17.24-1:

1. Maximum height: thirty-five feet.
2. Minimum rear setback: forty feet.
3. Enhanced Application Review. A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures:
 - a. Conceptual Review.
 - i. Prior to consideration of a formal application, the planning commission and city council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual Review).

Figure 17.24-1: Parcels Fronting Capitola Road Between 41st Avenue and 45th Avenue



- ii. Before planning commission and city council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
- iii. When reviewed by the planning commission and city council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.

b. City Council Action. Following conceptual review, the planning commission shall serve as the recommending body and the city council shall serve as the review authority and take final action on the application.

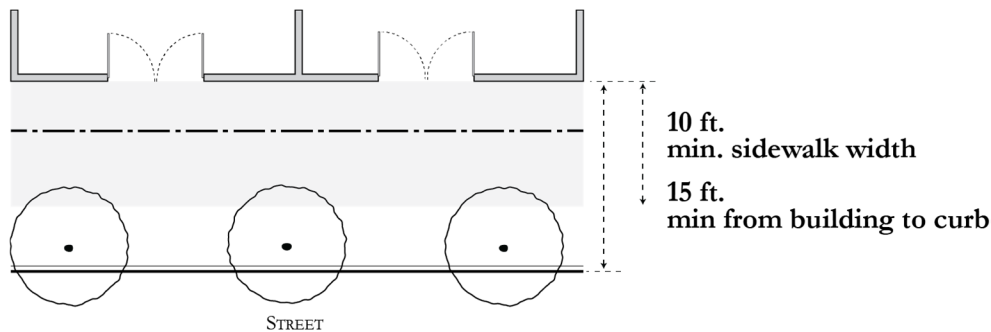
c. Findings. To approve the application, the city council shall make all of the following findings in addition to findings for the required permits:

- i. The project satisfies applicable design review criteria in Section 17.120.070 (Design review criteria).
- ii. On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
- iii. The project incorporates rear yard setbacks and upper-story stepbacks as needed to maintain adequate light and air for abutting residential uses.
- iv. The height and intensity of development is compatible with the scale and character of neighboring residential areas.
- v. The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts. In the C-R and C-C zoning districts, buildings shall be set back from the front and street side property line so that:

1. The building is at least fifteen feet from the curb or street edge; and
2. Building placement allows for a minimum ten-foot sidewalk along the property frontage. See Figure 17.24-2.

Figure 17.24-2: Front and Street Side Setbacks in the C-R and C-C Zoning Districts



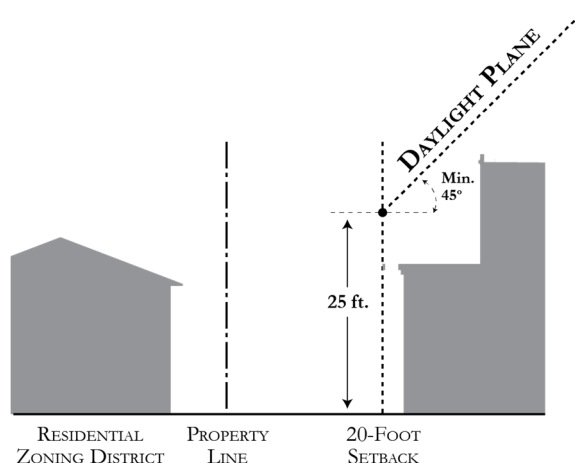
D. Increased Floor Area and Height in C-C and C-R Zoning Districts. As provided in Chapter 17.88 (Incentives for Community Benefits), the city council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41st Avenue consistent with the vision for the corridor described in the general plan.

E. Residential Transition Standards. Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply:

1. Setbacks. The minimum setback from the residential property line shall be fifteen feet for interior side yards and twenty feet for rear yards. For lots less than one hundred feet wide, the planning commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.

2. Daylight Plane. No structure shall extend above or beyond a daylight plane having a height of twenty-five feet at the setback from the residential property line and extending into the parcel at an angle of forty-five degrees. See Figure 17.24-3.

Figure 17.24-3: Residential Transitions – Daylight Plane



3. Landscaping. A landscaped planting area, extending a minimum of ten feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of fifteen feet.

4. Loading. Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent to residential uses.

~~F. Reserved. Capitola Mall Redevelopment. While the Capitola Mall site has been zoned regional commercial (C-R) as part of the zoning code update, it is expected that major redevelopment of the mall property may require a rezone, planned development, specific plan, development agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.~~

G. Landscaping. See Section 17.72.050(B) for nonresidential landscape requirements.

H. Objective Standards for Multifamily Dwellings and Mixed-Use Residential Development.

1. Excluding development on the Capitola Mall property. ~~New~~ multifamily dwellings and mixed-use residential development in the C-C and C-R zoning districts must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

2. Residential-only and mixed-use development on the Capitola Mall property shall comply with Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

I. Roof Decks. Roof decks that provide common open space for residents in the commercial zoning district require a design permit. Roof decks must comply with standards in Section 17.16.030(C)(5)(b).

J. Lot Consolidation Incentive. Housing Element Table 4-3 identifies adjacent opportunity sites which are suitable for lot consolidation. Projects in the C-C zoning district that consolidate two or more opportunity sites identified in Housing Element Table 4-3 into a single parcel as part of a housing development project are permitted maximum building height and floor area ratio (FAR) as identified in Table 17.24-4.

Table 17.24-4: C-C Lot Consolidation Bonus

Baseline C-C Standard		Lot Consolidation Allowance	
Height	FAR	Height	FAR
40 ft.	1.0	50 ft.	1.5

K. Micro-Units. A building with micro-units in the C-C or C-R zoning district is permitted a maximum height of fifty feet and a maximum FAR of one and one-half only when:

1. The micro-units are within one-quarter mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21064.3 of the Public Resources Code; and
2. The micro-units constitute fifty percent or more of the total number of units in the building. (Ord. 1066 § 2 (Att. 1), 2024; Ord. 1057 § 2 (Att. 1), 2022; Ord. 1053 § 3, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.24.035 Capitola Mall Redevelopment

A. Purpose. This section establishes standards to facilitate residential and mixed use development on the Capitola Mall Housing Element Sites in accordance with the General Plan Housing Element.

B. Applicability. This section applies to all proposed development projects with new residential and/or mixed uses on a Capitola Mall Housing Element Site.

C. Definitions. Terms used in this section are defined as follows.

~~1. "Affordable housing requirement" means a minimum of 15 percent of the dwelling units are deed restricted affordable to lower income households and a minimum of 5 percent of the units are either deed restricted affordable to moderate income households or studio units with a kitchen and living space but without a separate bedroom.~~

2. "Core area" means all areas on the Capitola Mall property that are not in the perimeter zone.

3. "Tier 1 project" means all proposed development projects with new residential uses that do not meet the "Tier 2 mixed-use project" definition in this section.

4. "Perimeter street" means 41st Avenue, Capitola Road and Clares Street.

5. "Perimeter zone" means all areas on the Capitola Mall property that are within ~~125~~ **75 ft** feet of a property line abutting 41st Avenue, Capitola Road and Clares Street.

6. "Tier 2 mixed-use project" means a proposed mixed-use development project with all of the following:

a. Residential development that meets or exceeds the affordable housing requirements as defined in this section.

b. A qualifying hotel.

~~40,000~~ **40,000** square feet or more of new commercial space, which may consist of substantially improved existing commercial space which includes both full interior and exterior tenant improvements.

7. "Qualifying hotel" means a hotel with a minimum of 85 rooms and a minimum of 3,500 square feet of meeting space and conference facilities.

D. Development Standards.

75ft is reasonable and would allow a building along the frontage to have interior height not visible from perimeter while providing potential economic benefit that will help support additional costs required by these design standards

As mentioned by the architect and MGP at PC, 25,000sf as a minimum is ideal from a placemaking perspective. Let the hotel handle the sales tax revenue but let the design and market drive the placemaking aspect of the project. The additional 15k sf could run the risk of being poor retail and vacancy does not benefit the project or the city.

New 17.24.053(D)(2) Density. Density for the Capitola Mall Housing Element Sites is to be calculated in the aggregate, such that maximum density when calculated across the acreage of all Capitola Mall Housing Sites, does not exceed 48 units per acre.

New 17.24.053(D)(3) Density - Other Mall Parcels. The maximum residential density on Capitola Mall Parcels not included in the Housing Element Sites Inventory (APN: 034-261-07 and 034-261-52) is 20 dwelling units per acre.)

1. General. Table 17.24-6 identifies the development standards that apply to development on a Capitola Mall Housing Element Site.

Table 17.24-6: Mall Redevelopment Development Standards

	<u>Tier 1 Projects</u>	<u>Tier 2 Mixed-Use Projects</u>
<u>Floor Area Ratio</u>	<u>2.0</u>	<u>2.0</u>
<u>Height, Maximum</u>		
<u>Perimeter Zone</u>	<u>55 ft.</u>	<u>65 ft. [1]</u>
<u>Core Zone</u>	<u>75 ft.</u>	<u>85 ft.</u>
<u>Open Space</u>	<u>5% of site area [2]</u>	<u>2.5% of site area [2]</u>
<u>Density [3]</u>		
<u>Minimum</u>	<u>20 du/ac</u>	<u>20 du/ac</u>
<u>Maximum</u>	<u>48 du/ac</u>	<u>48 du/ac</u>
<u>Setbacks</u>	<u>See Chapter 17.57</u>	<u>See Chapter 17.57</u>

Notes:

[1] A qualifying hotel with a height up to 85 feet is allowed in the perimeter zone.

[2] See Section 17.57.040.B (Publicly Accessible Open Space) for open space landscaping requirements.

[3] Density for Capitola Mall Housing Element Sites shall be calculated consistent with Section 17.24.035(D)(2).

2. Parking. Minimum on-site parking spaces shall be provided as follows:

a. Tier 1 Projects: As required by Chapter 17.76 (Parking and Loading).

b. Tier 2 Mixed-Use Projects: As shown in Table 17.24-7 for residential uses. For non-residential uses, as required by Chapter 17.76 (Parking and Loading).

Table 17.24-7: Required Residential Parking for Tier 2 Mixed-Use Projects

<u>Unit Size</u>	<u>Minimum Spaces per Unit</u>
<u>Studio</u>	<u>0.8</u>
<u>1 bedroom</u>	<u>1.0</u>
<u>2 bedroom</u>	<u>1.6</u>
<u>3 bedroom</u>	<u>2.0</u>

2. Floor Area Ratio. All structured parking and hotels are excluded from the floor area used to calculate a project's FAR.

3. Height Projections.

a. Up to fifteen percent of the total building frontage along a perimeter or interior street may include architectural features and building infrastructure that project up to 10 feet above the maximum permitted building height identified in Table 17.24-5.

b. Permitted height projections include the following:

i. Corner building elements.

ii. Tower or vertical accent features.

Replace with the following:

5. Affordable Housing Requirement: Any residential development will comply with the requirements of Municipal Code Chapter 18.02, provided, however, that in addition to satisfying any obligation to deliver affordable units or pay in-lieu fees, the developer may elect to dedicate land to the City for the construction of affordable housing units sufficient to develop an equivalent number of affordable units that would otherwise be required under Municipal Code Chapter 18.02.

Replace
iv. with
new c.

iii. Parapets or roofline projections with distinctive architectural treatment.

c. Elevator overruns, stair enclosures, mechanical equipment, and similar building infrastructure shall be allowed to project beyond maximum building heights within any portion of a building footprint.

4. Objective Standards. Development on the Capitola Mall property shall comply with the requirements in Chapter 17.57 (Objective Design Standards for Capitola Mall Redevelopment).

~~5. Inclusionary Housing Requirement. New residential development on a Capitola Mall Housing Element Site shall comply with the affordable housing requirement described in Subsection C (Definitions) above and is not subject to the City's inclusionary housing ordinance in Municipal Code Chapter 18.02 (Affordable (Inclusionary) Housing).~~

~~6. Density - Other Mall Parcels. The maximum residential density on Capitola Mall parcels not included in the Housing Element Sites Inventory (APNs 034-261-07 and 034-261-52) is 20 dwelling units per acre.~~

E. ~~D.~~ Land Use Regulations. All land use regulations and permit requirements in Section 17.24.020 (Land Use Regulations) apply to development with new residential uses on Capitola Mall Housing Element Site, except as follows:

1. Within a Tier 2 mixed-use project, the following land uses are permitted "P" uses provided that they do not exceed 50 percent of the total floor area of the project:

a. All hotels.

b. All retail uses.

c. Eating and drinking establishments, excluding bars and lounges.

d. Commercial entertainment and recreation excluding such uses with an ancillary bar or lounge.

e. Cultural institutions

Inconsistent with
17.57.040 where only
design permit
required

2. All residential development, with or without a new commercial component, is allowed with a conditional use permit.

3. On a parcel listed in Housing Element Appendix D Table D-1, a project with a density of less than 20 units per acre and/or with less than 50 percent of the new floor area occupied by residential uses is prohibited.

However, the following shall
(a) Compliance with this req
evaluated on a project-wide
an applicant proposes reside
multiple parcels; and (b) if a
parcels within Capitola Mall
proposes a building or projec
these minimum density stan
limited to a commercial-only
commercial-only project, the
demonstrate compliance by
the City Attorney's reasonab
establishes an increased min
density on other parcels und
within the Capitola Mall Hou
overall minimum density of t
across the affected parcels."

F. ~~F.~~ Fiscal Impact Analysis.

1. When Required. A Fiscal Impact Analysis (FIA) is required in connection with the application for any proposed development project with new residential uses on the Capitola Mall property.

2. Contents of Fiscal Impact Analysis. Each FIA shall include, at a minimum:

a. An estimate of the incremental change to annual recurring revenues and expenditures to the City generated by the project at buildout, including but not limited to property tax, sales tax, transient occupancy tax, and service costs (police, public works, parks, administration).

b. Identification of any net fiscal surplus or deficit to the City's General Fund and special revenue funds over 10, 15, and 20-year horizons.

c. A description of proposed mitigation measures or financing mechanisms (e.g., community facilities district, development agreement contributions) to offset any projected negative fiscal impact.

d. Supporting assumptions, data sources, and methodology.

3. Review and Approval.

Moved to
17.24.03
5 (D)(3).

Should remain
objective



- a. The applicant shall submit for City review a FIA prepared by a qualified economic consultant concurrently with the applicant's submittal of a development application.
- b. The applicant's FIA shall be peer reviewed by a qualified independent economic consultant hired by the City and funded by the applicant.
- c. Based on the results of the peer ~~and City~~ review of the FIA, the City may require revisions to the FIA analysis assumptions, data sources, and methodology.
- ~~d. The City shall consider the findings of the FIA when reviewing and acting on the proposed development project.~~

4. Relationship to Other Requirements. The FIA requirement is in addition to, and does not replace, any environmental or infrastructure impact analyses required under CEQA, this title, or other applicable law.

G. ~~F.~~ Permit Application and Review. A proposed project with new residential uses on a Capitola Mall Housing Element Site is subject to the permit application and review requirements in Zoning Code Part 4 (Permits and Administration) except as modified below.

1. Applicant Community Meeting.

- a. Meeting Required. The applicant shall host a community meeting for the proposed project to:
 - i. Notify the community that an application has been or soon will be submitted to the City;
 - ii. Allow the community to share with the applicant comments about the project; and
 - iii. Create an opportunity for the applicant to consider these comments before finalizing the application to the City review and action.
- c. Timing.
 - i. The City will deem the application complete only after the applicant has hosted the community meeting.
 - ii. The meeting shall be held during evening hours or on a weekend.
- d. Notice Method. At least 10 days prior to the community meeting, the applicant shall notify the community and the City by:
 - i. Mailing notice to all property owners and residents within a radius of 300 feet from the exterior boundaries of the subject property;
 - ii. Posting a sign of at least 2.5 feet by 3 feet in a conspicuous place on each street frontage along the subject property; and
 - iii. Emailing and mailing notice to the City of Capitola Community and Economic Development Department.
- e. Notice Contents. The notice shall:
 - i. State the date, time, and location of the community meeting;
 - ii. Describe the proposed project;
 - iii. Describe the meeting purpose; and

iv. Provide a contact phone number and email address of the applicant or agent.

f. Meeting Materials and Agenda. At the meeting the applicant shall share the project plans and answer questions about the proposed project.

g. Information to City. The applicant shall submit to the City the following information and materials:

i. A copy of the public notice mailed and posted for the meeting; and

ii. A copy of the information presented and made available (in all formats) by the applicant at the meeting.

2. Application Review and Action.

a. The Planning Commission shall review the proposed project at a noticed public hearing and recommend that the City Council approve, approve with conditions, or deny the proposed project.

b. After receiving the Planning Commission's recommendation, the City Council shall review and act on the proposed project at a noticed public hearing.

17.24.040 Residential mixed use development in commercial zoning districts.

A. Purpose and Applicability. This section establishes design standards for mixed use development with housing above ground-floor commercial uses in the community commercial (C-C) and regional commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola. These standards do not apply to the Capitola Mall property.

B. Standards.

1. Ground-Floor Uses. Ground-floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.

2. Building Placement. Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.

3. Building Orientation. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The planning commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.

4. Blank Walls. The length of an unarticulated/blank building wall shall not exceed ten feet. Architectural articulation should have a similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:

a. Doors, windows, and other building openings;

b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;

c. Varying wall planes, heights or contrasting materials and colors; and

d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

5. Storefront Width. The width of a single building/storefront shall not exceed fifty feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of twenty-five to fifty feet.

6. Ground-Floor Building Transparency. The ground-floor street-facing building walls of nonresidential uses shall provide transparent windows or doors with views into the building for a minimum of sixty-five percent of the building frontage located between two and one-half and seven feet above the sidewalk. See Figure 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the planning commission finds that:

- a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theater; or
- b. Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

Figure 17.24-4: Storefront Transparency



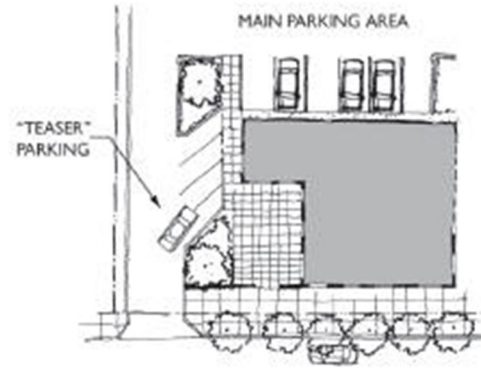
7. Retail Depth. Ground-floor commercial space shall have a depth of at least forty-five feet or two-thirds of the parcel depth, whichever is less. Where possible, sixty-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The planning commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.

8. Ground-Floor Height. Ground-floor commercial space shall have a minimum floor-to-floor height of fifteen feet. Where possible, eighteen-foot floor-to-floor heights are encouraged.

9. Parking Location. No more than ten percent of off-street retail parking may be provided along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5.

10. Driveways and Curb Cuts. Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to twenty-four feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.

Figure 17.24-5: Residential Mixed Use – Teaser Parking



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

(Ord. 1043 § 2 (Att. 2), 2020)

Chapter 17.57 – Objective Design Standards for Capitola Mall Redevelopment

Sections:

- 17.57.010 ____ Purpose
- 17.57.020 ____ Applicability
- 17.57.030 ____ Definitions
- 17.57.040 ____ Permits and Deviations
- 17.57.050 ____ Standards

NOTE: THIS IS THE MOST DETAILED AND OVERLY PRESCRIPTIVE SET OF DESIGN STANDARDS WE HAVE EVER SEEN.

17.57.010 Purpose

This chapter contains objective design standards for multifamily residential, residential mixed-use, commercial, and hotel development projects on the Capitola Mall property. These standards are intended to provide a set of clear, objective, and measurable standards to ensure Capitola Mall redevelopment projects exhibit high-quality design that enhances Capitola’s unique identity and sense of place, allow for economically feasible housing development, and maintains the regional commercial district’s role as a long-term revenue generator that sustains essential services for residents.

17.57.020 Applicability

- A. The design standards in Section 17.57.050 of this chapter apply to all development and redevelopment on the Capitola Mall property except for the following:
1. Tenant improvements to existing buildings with no increase in building floor area.
 2. Additions to existing buildings that increase building floor area by less than 20,000 square feet or 50 percent of the existing building floor area, whichever is less.
- B. As noted in this chapter, certain standards apply only to “mall redevelopment projects” with new residential uses, while other standards apply to projects with any land, including commercial-only development.

17.57.030 Definitions

Terms used in this chapter are defined in Chapter 17.160 (Glossary) and as follows. If a definition below is different from a definition for the same term in Chapter 17.160, the definition below controls for purposes of interpreting the requirements of this chapter.

- "Private drive" internal private drive**
- A. “~~Internal street~~” means any new ~~street~~ established on the Capitola Mall property as part of a development project.
- B. “Mall redevelopment project” means any development project on the Capitola Mall property that adds a new residential use. A mall redevelopment project includes both residential-only projects without new commercial uses and mixed-use projects with both new residential and non-residential uses.
- C. “Perimeter street” means 41st Avenue, Capitola Road and Clares Street.
- D. “Publicly accessible open space” means an area of land or building space that is designed and improved for public use and enjoyment, and that is permanently open and accessible to the general public without charge during normal operating hours.
- E. “Residential mixed-use” means a development project with new residential uses and new commercial uses on the development site.

Drive thru
pad on
Kohl's
parcel
should not
be
precluded

- F. “Residential use” means the use of land or structures for dwelling purposes, including the provision of living, sleeping, cooking, and sanitation facilities for one or more persons.

17.57.040 Permits and Deviations

A. Permits Required.

1. A design permit is required for development on the Capitola Mall property ~~requires~~ as specified in Section 17.120.030 ~~(When required)~~.
2. The design permit review criteria for a Mall redevelopment project is limited to project conformance with applicable objective standards. The City shall not consider and is not required to make design permit findings in Section 17.120.080 ~~(Findings for approval)~~.
3. Additional permits and approvals may also be required as determined by the scope and nature of the proposed development.

B. Deviations.

1. An applicant may request deviation from one or more standards in this chapter through the design permit process. The planning commission may approve a deviation upon finding that:
 - a. The project incorporates an alternative method to achieve the intent statement that proceeds the standard; and
 - b. The ~~request~~ is needed due to unique site conditions and/or to provide for a superior project design.
2. A project requesting a deviation is not eligible for streamlined approval under Government Code Section 65913.4, Government Code Chapter 4.1, or other state law providing a ministerial approval process for qualifying projects.
3. Notwithstanding subsections (B)(1) or (B)(2), an applicant may deviate from any objective design that the applicant documents is within twenty percent of any of the quantifiable standards in Section 17.57.050 and is otherwise consistent with the requirements of Section 17.24.035.

17.57.050 Standards

Private Drives

A. Streets and Circulation.

1. Intent. The intent of the streets and circulation standards is to:

- a. Establish a block pattern on the mall property that maximizes connectivity for vehicles, bicycles, and pedestrians;
- b. Provide for infrastructure improvements that enable and encourage residents to walk, bike and take public transit to destinations; and
- c. Create an active and inviting public realm that supports pedestrian activity, economic vitality, and social interaction.

2. Standards.

- a. New ~~Streets~~ Intersecting Mall Property Boundary.

- (1) Capitola Road. A mall redevelopment project on APN 034-261-40 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at intersecting Capitola Road that aligns and connects with 38th Avenue.
- (2) Clares Street. A mall redevelopment project on APN 034-26-153 shall establish a new ~~street~~ private drive connecting to a new signalized intersection at intersecting Clares Street that aligns and connects with 40th Avenue.
- (3) 41st Avenue. A mall redevelopment project on APN 034-26-137 shall establish a new ~~street~~ private drive connecting to the existing intersection at intersecting 41st in the same location as the signalized intersection providing vehicular access to the Capitola Mall from 41st Avenue existing as of January 1, 2026.

GLOBAL CHANGE: All references to streets when referring to internal streets should be changed to "private drives".

Public access rights are granted within the private party covenants, conditions and restrictions as is currently the case - no dedication or public streets onsite - would conflict with leases to remain and result in inability to control / enforce private property rights

All private streets to do not need to meet a City standard sections

"new streets" should be "private drives" 5. THIS DEFINITION AND LANGUAGE NEEDS TO CHANGE ALL "NEW STREETS" IN INTERNAL STREET CONNECTIVITY SECTION AND THROUGHOUT

This would conflict with leasehold interests that will remain beyond redevelopment

(4) Additional Streets.

private drives

- (a) A mall redevelopment project shall establish new streets beyond those specified above as needed to comply with the maximum block length standard in Paragraph d (Maximum Block Lengths) below.
- (b) New streets are required only on parcels on which mall redevelopment occurs.

Internal Street Connectivity.

private drives

- (1) A mall redevelopment project shall create new streets that provide a vehicular connection between all perimeter streets abutting the development site.
- (2) A mall redevelopment project application shall include a circulation diagram that shows how future potential streets on adjacent parcels can:
- (a) Connect to new streets on the development site; and
- (b) Provide a vehicular connection to perimeter streets that do not abut the development site.
- (3) New streets shall be designed to allow for connections to existing internal circulation and future internal streets on adjacent properties within the mall block.
- (4) Where an adjacent property within the mall block was previously redeveloped, a mall redevelopment project shall provide one or more vehicular connection between the development site and the adjacent property.
- (5) If a new internal street cannot yet connect to an existing public street or other public way, the property owner may temporarily restrict public access to that street until such a connection becomes feasible through future adjacent development. Once a connection to another public street or public way is established, the internal street shall be opened for public use. The property owner shall remove any gates or other physical barriers, install signage indicating that the street is open to the public, and grant a public access easement to ensure permanent, unrestricted public access.
- (6) If the parcel on which mall redevelopment will occur contains an existing street, pedestrian path, or other public connection, that connection will be preserved or replaced on the parcel to maintain public access and circulation through the property.
- (7) In all areas of the Capitola Mall property, where a project site includes an existing street or other public connection, this public connection will be maintained or relocated within the project site.
- (8) The City may grant an exception to the standards in this Paragraph b (Internal Street Connectivity) in cases where existing structures and improvements physically preclude compliance with these standards.

- c. **Street Standards.** All streets shall comply with street design standards and requirements of the City of Capitola, the Central Fire District of Santa Cruz County, and applicable state and federal design guidance (e.g., Caltrans Complete Streets Guide and Caltrans Bikeway Facility Design Manual) and may be supplemented by adopted City circulation or streetscape plans.

Maximum Block Lengths.

endeavor to

- (1) Mall redevelopment shall include new streets with a maximum block length of 450 feet along any block face, measured along the edge of curb between intersecting streets.
- (2) Maximum block length standards apply to blocks abutting a perimeter street and blocks internal to the mall property that do not abut a perimeter street.

Streets will not be public and they cannot conform to any of these standards. The one requirement is that they have to be signed off by fire. (Cannot meet Federal standards for view triangles, etc. on an internal private drive.) This is an unreasonable requirement.

- (3) The City may grant a 25 percent increase to the maximum block length standard in Paragraph 1 above in cases where compliance with the standard is infeasible due to the location of existing structures and improvements that will remain on the property, such as existing ingress/egress points at perimeter streets that are to remain.
- e. **Pedestrian and Bicycle Circulation.**

- (1) A mall redevelopment project shall include a network of pedestrian and bicycle facilities that connect all new and existing buildings on the site to each other, to publicly-accessible open space areas, to commercial uses on adjacent properties, and to perimeter streets.

These are internal private drives

- (2) ~~All pedestrian and bicycle facilities shall comply with the City of Capitola Public Improvement Design Standards, adopted City circulation or streetscape plans, and applicable state and federal design guidance including but not limited to the Caltrans Complete Streets Design Guidance and the Caltrans Bikeway Facility Design Manual.~~

- (3) The following requirement applies when an internal ~~street~~ ^{private drive} is established that connects two abutting perimeter streets:

- (a) At least one continuous bike lane or ~~path~~ ^{sharrow lane} shall also connect the two abutting perimeter streets.

- (b) ~~For any portion of the internal street that abuts ground-floor commercial uses, sharrows may be provided as an alternative to the bike lane or path.~~

f. **Circulation Plans.**

- (1) A mall redevelopment project application shall provide vehicular, bicycle, and pedestrian circulation plans that show the location of all ~~streets~~ ^{private drive}, bicycle facilities, and pedestrian walkways on the development site and demonstrate compliance with all applicable standards.

- (2) The vehicular circulation plan shall include ~~street~~ ^{private drive} sections specifying travel lane widths and pedestrian improvements consistent with Paragraphs g (Internal Street Frontages) and h (Perimeter Street Frontages) below.

- g. **Internal Street Frontages.** All internal ~~streets~~ ^{private drive} shall provide a pedestrian realm between the ~~street~~ ^{private drive} curb and the adjacent building. The pedestrian realm shall include a building frontage zone, pedestrian clear path, and landscape/street furniture zone that comply with the minimum dimensions in Table 17.57-1 and Figure 17.57-1.

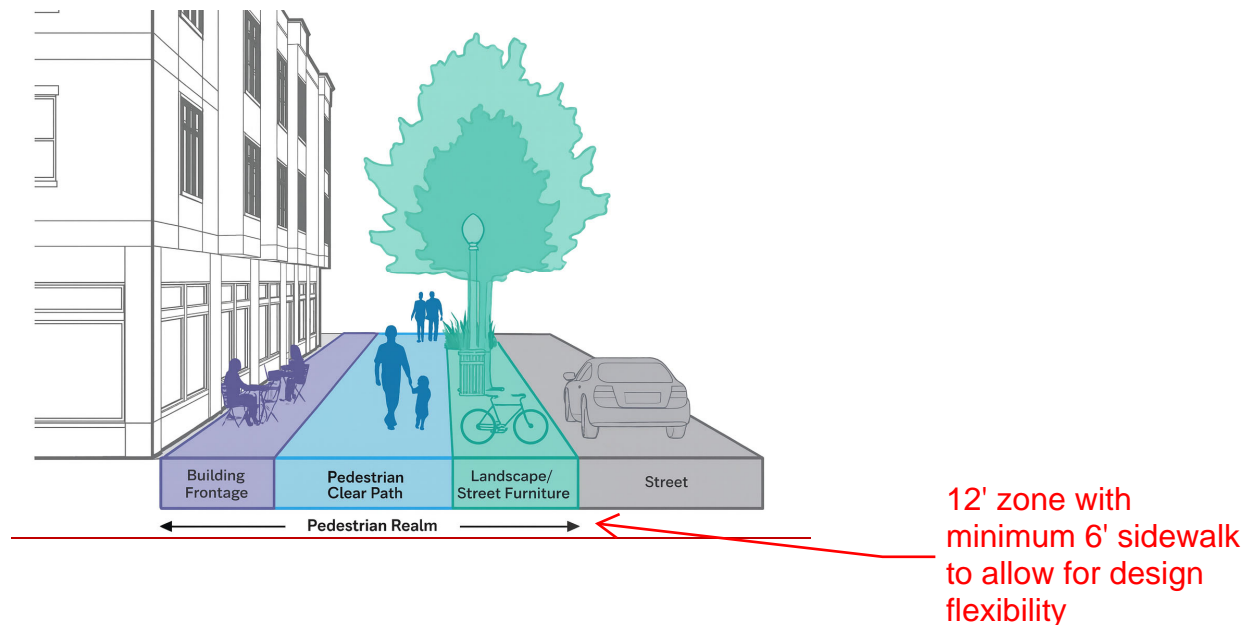
Table 17.57-1: Internal Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	4 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/Street Furniture Zone</u>	4 ft.

12' total with minimum 6ft Pedestrian Clean Path

Need design flexibility based on the design guidelines

Figure 17.57-1: Pedestrian Realm



(1) **Building Frontage Zone.**

- (a) The building frontage zone is the land area between a building and a sidewalk or pedestrian pathway.
- (b) The building frontage zone adjacent to a ground-floor residential uses shall be landscaped, except for:
 - i. Areas required for vehicular or pedestrian access to the property; and
 - ii. Areas for residential patios, porches, stoops, stair landings, and other similar entry features.
- (c) A residential building frontage zone may include green stormwater infrastructure to comply with Municipal Regional Stormwater Permit requirements.
- (d) The building frontage zone for ground-floor commercial uses shall comply with the following:
 - i. The frontage zone for ground-floor commercial uses may be used for outdoor dining and seating and may contain landscaping and/or raised planter boxes.
 - ii. The paving surface in the frontage zone shall be ~~distinct~~ consistent with the pedestrian zone and continue along the length of the building facade.
 - iii. The paving surface in the frontage zone shall be visually ~~distinct~~ consistent from the sidewalk and shall extend the full length of each building frontage. Variation in paving materials, colors, or patterns may occur between individual commercial tenant spaces.

(2) **Pedestrian Clear Path.** The developer shall install a sidewalk with the minimum pedestrian clear path shown in Table 17-57-1. ~~The sidewalk shall be constructed consistent with the City of Capitola Public Improvement Design Standards.~~

(3) **Landscape/Street Furniture Zone.**

- (a) **Street Trees.** Street trees shall be provided within the landscape/street furniture zone as follows:
- Spacing between trees: maximum 30 feet on center.
 - Tree well size: minimum 4 feet each direction.
 - Planter well surfacing: tree grates, permeable pavers, decomposed granite, understory plants, or similar treatments as determined by City.
 - Street tree selection: tree species shall be selected from the City of Capitola recommended tree list or in consultation with the City. Street tree species shall be consistent along each street.
- (b) **Street Furnishings.** Furnishings such as bicycle racks, seating, and trash receptacles shall be provided in the landscape/street furniture zone consistent with the following standards.
- Furnishings shall maintain a minimum 5-foot clearance around driveways, fire hydrants, and transit stops.
 - Bicycle racks shall be inverted-U or post-and-loop style, securely anchored, and capable of supporting the frame in two points of contact.
 - Seating/benches shall feature a minimum depth of 18-20 inches, height of 17-19 inches, and length of 4-6 inches. **feet**
 - Trash receptacles shall have a minimum 30-gallon capacity with lids to control litter and stormwater entry.
 - Furnishing colors and materials shall be selected in consultation with the City to be durable, vandal resistant, and low maintenance.
- (c) **Green Infrastructure.** Green stormwater infrastructure to capture and treat runoff may be incorporated into the landscape/street furniture zone to comply with the Municipal Regional Stormwater Permit requirements. Consolidated shared treatment areas are also allowed in other locations on the site.
- (d) **Pedestrian Lighting.** Pedestrian lighting shall be provided in the landscape/street furniture zone consistent with the following standards.
- Fixtures shall have a mounting height of 12 to 16 feet.
 - All luminaires shall be full-cutoff or shielded to prevent glare and light spillover.
 - Light poles shall be located a minimum of 2 feet behind the curb.
 - Poles shall maintain a minimum 5-foot setback from driveways, intersections, **and** other furnishings.
 - Light poles shall be spaced 40 to 60 feet on center, generally staggered on both sides of the street **or per the photometric plan.**
 - Lighting shall not obstruct the pedestrian through-zone or accessibility features such as curb ramps.
 - A minimum vertical clearance of 7 feet shall be maintained above all sidewalks.
 - Light poles and fixture shall comply with City standard specifications and shall be selected to be durable, vandal resistant, and low maintenance.

Overly prescriptive.

Good to have bench/trash receptacles/bike racks under a light

h. **Perimeter Street Frontages.**

- (1) A mall redevelopment project abutting a perimeter street shall install the required street frontage improvements identified in City of Capitola Corridor Plan for 41st Avenue, Capitola Road, and Clares Street and as shown in Table 17-57-2.

Table 17.57-2: Perimeter Street Frontages

<u>Pedestrian Realm</u>	<u>Minimum Width</u>
<u>Building Frontage Zone</u>	6 ft.
<u>Pedestrian Clear Path</u>	8 ft.
<u>Landscape/ Street Furniture Zone</u>	6 ft.

4ft
6ft
6ft

6 ft sidewalk is ideal and sufficient unless a heavily trafficked urban area

- (2) The building frontage zone abutting a perimeter street shall be landscaped, except for:
- (a) Areas required for vehicular or pedestrian access to the property;
 - (b) Areas for residential patios, porches, stoops, stair landings, fire escapes, and other similar entry features;
 - (c) Publicly accessible open space; and
 - (d) Courtyards, outdoor seating areas, and other similar outdoor spaces serving a commercial use.
- (3) If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum frontage improvement standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.
- (4) Required perimeter street frontage improvements shall be installed for the entire parcel frontage when one or both of the following occur:
- (a) Redevelopment occurs on the parcel.
 - (b) The parcel area is ~~in~~ included in the calculation of the development project's maximum permitted density.

Publicly Accessible Open Space

1. Intent. The intent of the publicly accessible open space standards is to:

- a. Establish a cohesive network of plazas, parks, and other open spaces that provide gathering areas, connection to nature, and visual relief within the urban environment;
- b. Ensure that open spaces are designed for comfort, accessibility, and year-round use by people of all ages and abilities; and
- c. Create a connected and vibrant public realm that enhances community identity, supports social interaction, and contributes to the overall livability of a mall mixed use redevelopment project with high density housing.

2. Standards.

- a. **When Required.** A mall redevelopment project shall provide publicly accessible open space as required by this section.
- b. **Permitted Types.** Required publicly accessible open space may be provided in the form of plazas, squares, parks, parklets, and paseos/pedestrian paths as described below.
 - (1) **Plaza:** A plaza is primarily composed of hardscape surfaces, designed to support social gathering, pedestrian activity, and civic life within an urban context.

Smaller building frontage zone on a busy street - not an inviting space to do anything

If dedicated / easement, the density calc must include the dedicated/easement area but the open space % requirement should exclude that land area



If privately maintained B. make sure that is reflected in FIA - not a drain on city resources. Will have opposite effect as more members of public spend time on privately owned and maintained space vs. publicly owned and maintained space.

For all open space that exceeds the minimum size requirements these standards should not apply.

- (2) **Square:** A square is intended for everyday use and community events with a predominantly landscaped or lawn surface for recreation, relaxation, and public assembly functions.
- (3) **Park:** A park is primarily composed of landscape and natural elements for recreation, leisure, and ecological functions with landscaped green areas, tree canopy, and opportunities for passive and active recreation.
- (4) **Parklet:** A parklet is a small-scale space providing a place for rest, social interaction, and greenery within an urban or commercial environment.
- (5) **Paseo/Pedestrian Path:** A paseo/pedestrian path is a publicly accessible pedestrian passageway that provides a connection between streets and open spaces within an urban block.

c. **Total Amount.** The minimum amount of publicly accessible open space shall be:

- (1) 2.5 percent of project site area for a Tier 2 mixed-use project as defined in Section 17.24.035.C (Definitions); and
- (2) 5 percent of project site area for a Tier 1 as defined in Section 17.24.035.C (Definitions).

d. **General Standards.** The following standards apply to all required publicly accessible open spaces:

- (1) For all open space in a Tier 2 mixed-use project a minimum of 25 percent of the open space area shall be planted with ground cover and/or shrubs. A minimum of one tree shall be planted per 400 square feet of the open space area.
- (2) For Tier 1 projects, a minimum of 50 percent of the required open space shall be landscaped.
- (3) The open space shall be publicly accessible for a minimum 12 consecutive hours per day or during daylight hours, whichever is longer.
- (4) The open space shall be directly accessible and visible from a public right-of-way.
- (5) The open space shall have a minimum area of 1,000 square feet and a minimum dimension of 20 feet in any direction.
- (6) The open space shall have permanent seating (e.g., seat walls, planter ledges, benches, picnic tables, and seating steps).
- (7) The open space shall include lighting for nighttime use.

e. **Ownership and Maintenance.**

- (1) Publicly accessible open space must be either be:
 - (a) Offered as dedication to the City with an associated maintenance funding mechanism acceptable to the City (such as a Community Facilities District or other equivalent arrangement); or
 - (b) Privately owned and maintained with dedication of a public access easement.
- (2) In all cases, publicly accessible open spaces shall be maintained at no public expense.

f. **Central Gathering Place.**

- (1) A project on a development site greater than 10 acres must include a central gathering place that:
 - (a) Supports civic and commercial activities such as farmers' markets, performances, and seasonal events; and
 - (b) Serves as a flexible gathering space for all ages and abilities.
- (2) The minimum size of the central gathering place is 12,000 square feet.

Future phases may want to have an interior park or parklet or paseo - would it not count towards POPA space requirement?

- (3) The central gathering place shall be a plaza, square, or park (Tier 1 projects only) and must include the following:
 - (a) Street trees along adjacent sidewalks.
 - (b) Vehicle traffic limited to no more than three sides of the plaza/square.
 - (c) Traffic-calming features such as crosswalks, pedestrian-oriented intersections and landscaped buffers.
 - (d) Furnishings such as benches, chairs, tables and drinking fountains.
 - (e) Awnings and coverings, either attached to buildings or freestanding, to provide weather protection.
 - (f) Features that encourage and accommodate public gathering, such as pavilions, kiosks, bandstands, and public art.
- (4) For a Tier 2 mixed-use project, the central gathering place must be a plaza or square and must either:
 - (a) Contain retail pavilions with terraces and outdoor seating to accommodate dining, gathering, and public activities; or
 - (b) Include retail, restaurants, or other active ground-floor commercial uses fronting at least one side of the square.
- (5) A plaza/square for a Tier 2 mixed-use project must include landscaping as follows:
 - (a) A minimum of 20 percent of the plaza/square landscaped with any combination of living plants, trees, shrubs, or grass. Required landscaping may be provided in raise planters.
 - (b) A minimum of one tree per 1,000 feet of square area, excluding street trees. If a large signature tree is provided with an expected canopy greater than 40 feet diameter, this tree may count as two trees toward the requirement.

g. **Paseo/Pedestrian Path.** A paseos/pedestrian path may count towards minimum required public open space if it complies with the following standards.

- (1) The paseo/pedestrian path must comply with all standards in 17.57.050.B.2.d (General Standards).
- (2) Minimum width (building-to-building):
 - (a) Minimum 20 feet for all conditions.
 - (b) For any segment of a paseo/pedestrian path with adjacent buildings greater than 35 feet in height, the building-to-building dimension shall not exceed an average building height to width ratio of 1.5 to 1. For example, a 35-foot building height requires a 23.3-foot path width and a 65-foot building height requires a 43.3-foot path width. However, the minimum required building-to-building width shall not exceed 50 feet regardless of adjacent building heights.
- (3) Minimum clear pedestrian walkway width: ~~8 feet~~ 6 ft
- (4) Minimum public access easement width: ~~8 feet~~ 6 ft or one-third of overall width, whichever is greater.
- (5) Residential stoops, porches and similar entry features may encroach up to 3 feet into the paseo/pedestrian path, provided a continuous ~~8-foot~~ 6 ft minimum clear walkway is maintained.

C. Parking and Vehicle Access.

2:1 is architectural standard

40 ft building has a 20ft path width

60ft bldg a 32.5ft path

1. **Intent.** The intent of the parking and vehicle access standards is to:

- a. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting public realm;
- b. Minimize the visual dominance of parking facilities visible from the street frontage; and
- c. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.

2. **Standards.**

a. **Surface Parking Lots.**

- (1) A mall redevelopment project may not establish a new surface parking lot between a new building and a perimeter street.
- (2) Existing surface parking lots located between a building and a perimeter street may continue to be used by new and existing uses.
- (3) Existing surface parking lots may be reconfigured as necessary to facilitate connectivity to new streets or land uses part of a mall redevelopment project.
- (4) Frontage improvements between an existing surface parking lot and a perimeter street shall be provided as required by Section 17.57.050.A.2.h.

b. **Internal Street Driveways.**

- (1) The maximum width of a driveway crossing an internal ^{private drive} ~~street~~ sidewalk is 12 feet for a one-car driveway and 22 feet for a two-car driveway. Greater driveway width is allowed to comply with fire district standards.
- (2) A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per 150 feet of lineal internal street frontage. Deviation from this standard is allowed to comply with fire district standards.

c. **Street-Facing Garages Serving Individual Units.** Street-facing garages serving individual units (e.g., front-loaded townhomes) are not allowed.

d. **Structured Parking.** ^{new} The following standards apply to stand-alone parking structures and structured parking incorporated into a building.

- (1) Except for vehicle and pedestrian entrances to the garage, all parking garages shall be concealed from ~~public street~~ ^{or private drive} view by:
 - (a) Lining the street-facing portion of the parking garage with a residential or commercial use with a minimum depth of 20 feet; or
 - (b) Incorporating facade treatments that fully screen all internal vehicle parking facilities from view. Screening elements shall include architectural detailing, glazing, louvers, or other materials that provide visual depth and interest. Solid, unarticulated concrete walls or blank façades are not permitted.
- (2) Parking garage vehicle entrances facing the street shall be no more than 24 feet wide. Garage entries to loading and utility/service areas shall not exceed 30 feet in width.
- (3) Partially sub-grade parking shall not have an exposed facade that exceeds 5 feet in height above abutting grade at back of sidewalk.
- (4) Partially sub-grade parking shall include a landscaped planter between the street and the garage facade. The planter shall be at least 4 feet wide with a planting height and vegetative cover sufficient to fully screen the podium edge and ventilation openings from view. At maturity, plantings shall comprise a minimum of 75 percent of the total landscape planter area.

Then where are they to be located?

- e. **Loading and Servicing.** Loading docks and service areas are prohibited on building frontages abutting a ~~street~~, a publicly-accessible pedestrian path, or publicly-accessible open space.

D. Building Placement and Orientation.

1. Intent. The intent of the building placement and orientation standards is to:

- a. Ensure that new buildings adjacent to perimeter streets are appropriately integrated into the surrounding community fabric;
- b. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character; and
- c. Support cohesive neighborhoods and social interaction internally and along perimeter streets through building placement and orientation.

2. Standards.

- a. **Perimeter Street Setbacks.** The ground-level of a building that abuts a perimeter street shall be setback from the property line as required to comply with perimeter street frontage standards in 17.57.050(A.2.h (Perimeter Street Frontages)).
- b. **Interior Street Setbacks.** The ground-level of a building that abuts an interior ~~street~~ shall be setback from the ~~street~~ curb as necessary to accommodate the pedestrian realm improvements specified in 17.57.050(A.2.g (Internal Street Frontages)).
- c. **Upper-Level Projections** Building elements such as bay windows, turrets, or other architectural features intrinsic to the building structure may project into required building frontage zone, subject to the following:
 - (1) Maximum projection into building frontage zone: 3 feet.
 - (2) The bottom of the architectural feature shall be a minimum of 10 feet above grade for residential frontages and 12 feet above grade for commercial frontages.
 - (3) No more than 50 percent of the facade area may have these elements project into the building frontage zone.
- d. **Entrance Orientation.**
 - (1) Primary building entrances shall face an adjacent ~~street~~, publicly accessible pathway, or publicly accessible open space.
 - (2) A pedestrian walkway shall provide a connection between the adjacent sidewalk and all building entrances. The walkway shall have a minimum width of 4 feet for individual unit entrances and 6 feet for shared entrances.

E. Building Massing.

1. Intent. The intent of the building massing standards is to:

- a. Break down large building volumes to reduce the perceived mass and box-like appearance of buildings;
- b. Create visual interest on street-facing building facades; and
- c. Minimize impacts on adjacent lower-intensity uses outside of the Capitola Mall property.

2. Standards.

- a. **Maximum Building Length.** The length of a building, measured parallel to the adjoining street or publicly accessible open space, shall not exceed 450 feet **unless modified pursuant to 17.57.050.A.2.d.(3).**

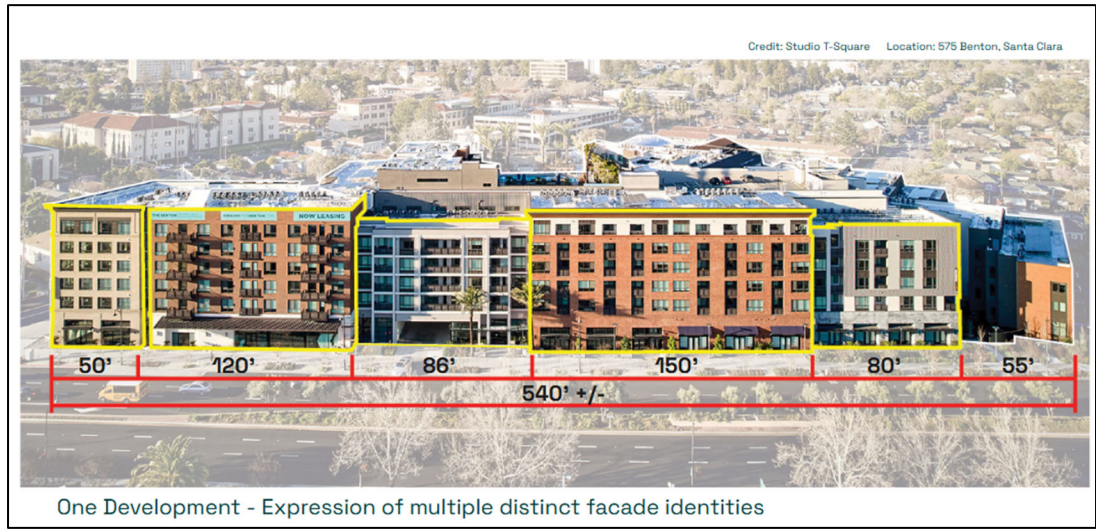
b. **Massing Breaks.**

- (1) Buildings facing a street or publicly accessible open space shall provide massing breaks as follows:
 - (a) Buildings less than 200 feet in length: none required.
 - (b) Buildings 200 to 300 feet in length: minimum one required.
 - (c) Buildings 300 to 400 feet: minimum two required.
 - (d) Buildings 400 ~~to 450~~ ^{or greater} feet: minimum three required.
 - (2) Required massing breaks shall feature a horizontal change in the building plane with a minimum width of 12 feet and a minimum depth of 12 feet.
 - (3) The change in building plane shall extend from the finished ground floor through the full height of the building including breaking the roof plane.
- c. **Building Height.** See Section 17.24.035 (Capitola Mall Redevelopment) for maximum building height standards, including building height limitations adjacent to perimeter streets.

F. **Facade and Roof Design.**

1. **Intent.** The intent of the facade and roof design standards is to:
 - a. Support an active and welcoming pedestrian environment;
 - b. Create street-facing building facades that are varied and interesting with human-scale design details;
 - c. Incorporate architectural elements that reduce the box-like appearance and perceived mass of buildings;
 - d. Ensure that new development reflects the scale, rhythm, and authenticity of a traditional urban block;
 - e. Reflect Capitola's diverse architecture with varied and distinct façade identities at regular intervals within each block; and
 - f. Prevents a large project from appearing monolithic.
2. **Standards.**
 - a. **Unique Facade Identities.**
 - (1) A facade identity is a visually distinct portion of the building frontage characterized by a unique combination of massing, materials, colors, architectural expression, and window rhythm that differentiates it from adjacent portions of the building frontage. See Figure 17.57-2.

Figure 17.57-2: Unique Facade Identities



- (2) A building facade greater than 200 feet facing a street or publicly accessible open space shall include multiple unique facade identities as shown in Table 17.57-3:

This should correspond to the Massing Breaks

→ **Table 17.57-3: Required Distinct Facade Identities**

<u>Building Length</u>	<u>Minimum Facade Identities Required</u>
<u>> 200 ft and ≤ 300 ft</u>	2 facade identities 1 required
<u>> 300 ft and ≤ 400 ft</u>	3 facade identities 2 required
<u>> 400 ft and ≤ 450 ft</u>	4 facade identities 3 required

- (3) To qualify as a distinct facade identity, each identity must incorporate all of the following differentiating elements:
- (a) A materially different primary cladding.
 - (b) A contrasting color palette.
 - (c) A distinct window pattern or rhythm.
 - (d) Distinct building facade modulation patterns and forms (e.g., changes in patterns of building wall recesses and projections).
 - (e) Varied Roof/building height.
 - (f) A unique ground-floor treatment (e.g., storefront articulation, residential stoops).
- (4) Each unique facade identity shall comply with the following:
- (a) No individual facade identity may have a length less than 40 feet or greater than 160 feet.
 - (b) The length of a facade identity shall vary by at least 25 percent from the length of an adjacent identity.
 - (c) Each facade identity must be visually unique and may not repeat on a block or within the mall redevelopment area.
 - (d) A facade identity at the end of a block must turn the corner and continue for a minimum of 40 feet and maximum of 160 feet from the corner.

- (5) To ensure each facade identity reads as a distinct architectural element, the separation between identities shall:

Is this feasible?

- (a) Be expressed as a minimum recess of 18 inches in depth;
(b) Extend a minimum of 5 feet in width; and
(c) Be carried through all floors of the building facade.

b. **Residential Ground-Floor Design.**

Both should be 28-32% is standard (more glass does not = better)

- (1) **Transparency.** A residential ground-floor building facade shall include transparent windows, entries, and/or clear glazing as follows:

- (a) ^{32%}~~50~~ percent of ground-floor frontage when facing a publicly accessible open space required by Subsection B (Publicly Accessible Open Space)
→ (b) ^{32%}~~35~~ percent of ground floor frontage in all other locations.

- (2) **Open Space Frontages.** Where a ground-floor residential use faces a publicly accessible open space required by Subsection B (Publicly Accessible Open Space), excluding paseos and pathways, a minimum of 75 percent of the facade frontage shall contain dwelling units, lobby, gym area, or other similar active space accessed and used by residents. Service, utility, or parking garage spaces is limited to ~~25 feet~~ ^{35 feet} or 25 percent of the frontage length, whichever is less.

- (3) **Finished Floor Level.** The finished floor level of ground floor residential units must be a minimum of ~~2 feet~~ ^{0 feet minimum} and a maximum of 4 feet above the adjacent sidewalk grade.

- (4) **Shared Entrances.** The following standards apply to all primary building entrances shared by two or more units.

- (a) **Minimum Width:** The width of the entry shall be no less than 10 feet.
(b) **Transparency.** Minimum 60 percent transparent glazing between 3 and 7 feet for the required entry width.
(c) **Weather Protection.**
i. To provide weather protection, the entrance shall include a projecting awning, canopy, extended eave, or other similar feature above the entry; a recessed entry; or a combination of the two.

overly prescriptive - already code required

~~Minimum dimensions: 60 square feet for buildings up to 55 feet in height, and 80 square feet for buildings up to 85 feet in height.~~

- (d) **Visual Prominence.** Primary building entrances must be clearly visible from the street with visual prominence. Projects must select one or more of the following methods to satisfy this requirement:

- i. Changes in building form and modulations, including recessed or projecting entry bays and changes in the roofline or wall height above the entry.
ii. Entry materials and colors that contrast with surrounding facade treatment.
iii. Fenestration pattern that contrasts with surrounding window treatment.
iv. Projecting architectural elements surrounding the entrance, such as awnings, canopies, columns, and porticos.

- (5) **Entrances to Individual Units.** Entrances to individual units (e.g., townhome entrances) must be emphasized with one or more of the following:

Very very expensive to raise the entire building and for what??!! Will increase required rental rate for something tenant will get no benefit from.

- (a) An awning or canopy above the entry with a minimum outward projection of 3 feet and minimum width sufficient to clear the entrance on both sides.
- (b) A recess in the building wall with a minimum width of four feet and depth of two feet.
- (c) A covered porch, providing access to the entry, with a minimum area of 70 square feet with a dimension of 6 feet in any direction.
- (d) A patio with minimum dimensions of five feet by five feet. A patio may include a partition not to exceed 42 inches in height between the sidewalk and the patio to define the transition between public and private space.

c.

For non-restaurant should be able to do 14 ft which is sufficient

Commercial Ground-Floor Design (Excludes Hotels).

14

- (1) **Ground Floor Height.** The ground level shall have minimum floor to floor height of ~~16~~ feet.
- (2) **Transparency.** A ground-floor building wall that faces a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of ~~65~~ percent of the building frontage located between 3 and 10 feet above the sidewalk.
40 %
- (3) **Entrances.** Publicly accessible entrances shall include weather protection with either:
 - (a) A projecting non-fabric awning, canopy, extended eave, or other similar feature above the entry, minimum four feet wide by four feet deep; or
 - (b) A recessed entry, minimum four feet wide by four feet deep.
- (4) **Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed ~~15~~ feet. 25 ft (need flexibility)
- (5) **Tenant Space Depth.** Ground floor commercial buildings shall provide a minimum tenant space depth of 35 feet.
- (6) **Transparency on Corners and Key Public Spaces.**
 - (a) Corner windows: For buildings on street corners or facing publicly accessible open space, at least ~~50~~ percent of the building facade must be glazed. 3 to 10 ft above sidewalk
40
 - (b) Public space interaction: Ground floors facing parks, plazas, or transit stops must include at least one entrance or window per 30 linear feet of building facade.
- (7) **Signs.** Signs must comply with standards in Chapter 17.80 (Signs).

d.

Hotel Ground Floor Design.

- (1) ~~**Ground Floor Height.** The ground level shall have minimum floor to floor height of 15 where lobbies and conference facilities are provided.~~
- (2) ~~**Transparency.** A ground-floor building wall that faces and is within 20 feet of a street or publicly accessible open space shall provide transparent windows or doors with views into the building for a minimum of 50 percent of the building frontage located between 3 and 10 feet above the sidewalk.~~
- (3) ~~**Maximum Blank Wall Length.** The width of ground-floor building walls facing a street or publicly accessible open space without a window, entry, or other transparent opening shall not exceed 20 feet.~~
- (4) ~~**Entrance Design.** The primary hotel entrance shall include one of the following weather protection features:~~

Some only need 14 ft

Hotels have significant back of house on ground floor

Some hotels have entries facing parking lots - likely the case here.

This section is overly problematic. We will want to be able to do a prototypical design based on the flag that wants to come into this market to have the greatest chance of landing the highest quality flag.

~~(a) A projecting awning, canopy, extended eave, or other similar feature above the entry with a minimum outward projection or recess of 4 feet and minimum width sufficient to clear the entrance on both sides.~~

~~(b) A recess in the building wall or vestibule with a minimum width of 8 feet and depth of 4 feet.~~

~~(5) **Drop-Off Area.** When provided, hotel porte-cochères shall be located to the side or rear of the building or integrated into the building. A porte-cochère shall not be located on the building facade facing the primary street unless the drop-off area is provided at the street curb.~~

~~(6) **Street Wall.** A minimum of one facade of the hotel shall front a perimeter street or internal street directly with an entry to the lobby.~~

~~e. **Windows and Doors.** All windows above the ground floor, shall include trim, reveals, recesses, or other detailing that provides a minimum 2-inch change in plane and contrasting material or color to define the window opening.~~

ok f. **Rooftop Mechanical Equipment.** Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.

G. **Materials.** The following exterior facade materials are prohibited on any building elevation facing a street or publicly accessible open space:

1. Vinyl siding.
2. T-111 plywood siding.
3. Plastic or PVC-based siding systems.
4. Exterior insulation and finish systems (EIFS) used for architectural decoration, trim or accent materials.
5. Simulated stone within first 20 feet above the adjacent grade.
6. Veneer products that are not rated for impact resistance within the first 30 inches above the adjacent grade.
7. Corrugated metal used as a primary facade material (roof and facade accents allowed).

H. **Other Site Features.**

1. **Intent.** The intent of the other site features standards is to:

- a. Minimize visual clutter on a development site;
- b. Enhance the design character of the public realm; and
- c. Support an active and welcoming pedestrian environment.

2. **Standards.**

a. **Refuse Storage Areas.** Refuse storage and collection areas shall be located in a building or screened from public view by a solid enclosure.

b. **Ground-Mounted Mechanical Equipment and Utilities.**

(1) Ground-mounted mechanical equipment and utilities shall be screened from view from streets, pedestrian pathways, and open space through the use of landscaping, building design, fences and walls, and/or other types of screening. Equipment that must be screened includes transformers, pump stations, backflow preventers, valves, and air conditioning units.

(2) Ground-mounted mechanical equipment and utilities are prohibited within the landscape /street furniture zone as described in Section 17.57.050.A (Streets and Circulation).

Need max flexibility for their prototype

Some porte-cochères face surface parking lot/entrance

Need flexibility