

**ORDINANCE NO. XXXX**

**AN ORDINANCE OF THE CITY OF CAPITOLA ADDING MUNICIPAL CODE CHAPTERS 17.82 TO ESTABLISH OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT**

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018; and

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements;

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards;

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective;

WHEREAS, the HAA and SB-330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies;

WHEREAS, Capitola's Zoning Code currently contains limited objective design standards for multifamily residential development;

WHEREAS, Capitola currently relies on subjective design review criteria in Zoning Code Section 17.120.070 to ensure that multifamily residential development exhibits high-quality design that enhances Capitola's unique identity and sense of place;

WHEREAS, for a project requesting streamlined review under SB-35, the City cannot enforce these requirements;

WHEREAS, under the Housing Accountability Act and SB-330, the City cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project;

WHEREAS, in 2021 Capitola was awarded an SB-2 grant from the State of California established to fund city planning efforts to streamline housing approvals and accelerate housing production;

WHEREAS, Capitola elected to use part of this SB-2 grant to prepare new objective standards for multifamily and mixed-use residential development;

WHEREAS, the Planning Commission held a study session on February 3, 2021 and the City Council held a study session on April 8, 2021 to provide feedback on the project goals and approach;

WHEREAS, a stakeholder group including architects, developers, and residents provided input on new objective standards at meetings on July 21, 2021 and February 16, 2022;

WHEREAS, on March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 11, 2022, the Planning Commission recommended to the City Council adoption of the the objective standards.

**BE IT ORDAINED** by the City of Capitola as follows:

**Section 1.** The above findings are adopted and incorporated herein.

**Section 2.** Section 17.82 (Objective Standards for Multifamily and Mixed-Use Residential Development) is added to the Municipal Code to read as shown in Attachment 1.

**Section 3:**

Paragraph 4 is added to Municipal Code Section 17.16.030.C as follows:

**4. Objective Standards for Multifamily Dwellings.** New multifamily dwellings in the RM zoning district must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

Subsection I is added to Municipal Code Section 17.20.040 as follows:

**I. Objective Standards for Multifamily Dwellings and Mixed-use Residential Development.** New multifamily dwellings and mixed-use residential development in the MU-N zoning district must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

Subsection H is added to Municipal Code Section 17.24.030 as follows:

**H. Objective Standards for Multifamily Dwellings and Mixed-use Residential Development.** New multifamily dwellings and mixed-use residential development in the C-c and C-R zoning districts must comply with Chapter 17.82 (Objective Standards for Multifamily and Mixed-use Residential Development).

**Section 4:** Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to Government Code sections 15061(b)(3).

**Section 5:** Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption except that it will not take effect within the coastal zone until certified by the California Coastal Commission. This Ordinance shall be transmitted to the California Coastal Commission and shall take effect in the coastal zone immediately upon certification by the California Coastal Commission or upon the concurrence of the Commission with a determination by the Executive Director that the Ordinance adopted by the City is legally adequate.

**Section 6:** Severability.

The City Council hereby declares every section, paragraph, sentence, cause, and phrase of this ordinance is severable. If any section, paragraph, sentence, clause, or phrase of this ordinance is for any reason found to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses, or phrases.

**Section 7:** Certification.

The City Clerk shall cause this ordinance to be posted and/or published in the manner required by law.

This Ordinance was introduced at the meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2022, and was adopted at a regular meeting of the City Council on the \_\_\_\_ day of \_\_\_\_\_ 2022, by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
Sam Story, Mayor

Attest: \_\_\_\_\_

Chloe Woodmansee, City Clerk

Approved as to form:

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Samantha Zutler, City Attorney

## Chapter 17.82 – OBJECTIVE STANDARDS FOR MULTIFAMILY AND MIXED-USE RESIDENTIAL DEVELOPMENT

### Sections:

- 17.82.010 Purpose
- 17.82.020 Applicability
- 17.82.030 Deviations
- 17.82.040 Circulation and Streetscape
- 17.82.050 Parking and Vehicle Access
- 17.82.060 Building Placement, Orientation, and Entries
- 17.82.070 Building Massing
- 17.82.080 Facade and Roof Design
- 17.82.090 Other Site Features

### **17.82.010 Purpose**

This chapter contains objective standards for multifamily and mixed-use residential development. These standards are intended to help ensure that proposed development exhibits high-quality design that enhances Capitola’s unique identity and sense of place.

### **17.82.020 Applicability**

#### **A. Land Use.**

1. The standards in this chapter apply to new multifamily dwellings, attached single-family homes (townhomes), and mixed-use development that contain both a residential and non-residential use.
2. This chapter does not apply to detached-single-family dwellings, including subdivisions of multiple subdivisions of multiple single-family homes.

**B. Zoning Districts.** The standards in this chapter apply in all zoning districts except for the Single-Family (R-1), Mobile Home (MH), Mixed Use Village ((MU-V), and Industrial (I) districts.

### **17.82.030 Deviations**

An applicant may request deviation from one or more standard through the design permit process. The Planning Commission may approve a deviation upon finding that the project incorporates an alternative method to achieve the intent statement the proceeds the standard. A project requesting a deviation is not eligible for streamlined ministerial approval under Government Code Section 65913.4.

**17.82.040 Circulation and Streetscape**

**A. Intent.** The intent of the circulation and streetscape standards is to:

1. Enhance the visual character and aesthetic qualities of the city.
2. Encourage pedestrian mobility with safe, functional, and attractive sidewalks.
3. Provide for sufficient sidewalk widths to accommodate street trees and an ADA-compliant pedestrian clear path.
4. Provide for appropriate and attractive transitions from the public to private realm.
5. Promote social engagement along property frontages.

**B. Standards.**

1. **Sidewalks.** Outside of designated sidewalk exempt areas, public sidewalks abutting a development parcel shall have a minimum sidewalk width (back of curb to back of walk) as follows:
  - a. RM and MU-N zones: 6 feet. If the sidewalk ties into an existing 4-foot sidewalk, the minimum sidewalk width is 4 feet.
  - b. C-C and C-R zones: 10 ft.
2. **Street Trees.**
  - a. At least one street tree for every 30 feet of linear feet of sidewalk length shall be provided within the sidewalk.
  - b. A minimum 48-inch pedestrian clear path shall be maintained adjacent to street trees.
  - c. Sidewalk tree wells shall be minimum 36 inches in width by minimum 36 inches in length. Tree grates are required for sidewalks less than 7 feet in width.
  - d. Street trees shall be located a minimum 15 feet from power and/or other utility poles and “small” per PG&E’s “Trees and shrubs for power line-friendly landscaping” to reduce potential utility line conflicts.
  - e. Street trees shall not be planted over buried utilities, public or private,
  - f. Street trees shall be planted with approved root guard to encourage downward root growth
  - g. The variety of street tree to be planted must be approved the City as part of a landscape plan.
3. **Public Access Easement.** If the existing public right-of-way area between the curb and the property line is insufficient to meet the minimum standards above, extension of the sidewalk onto the property, with corresponding public access easement or dedication, shall be provided.

**17.82.050 Parking and Vehicle Access**

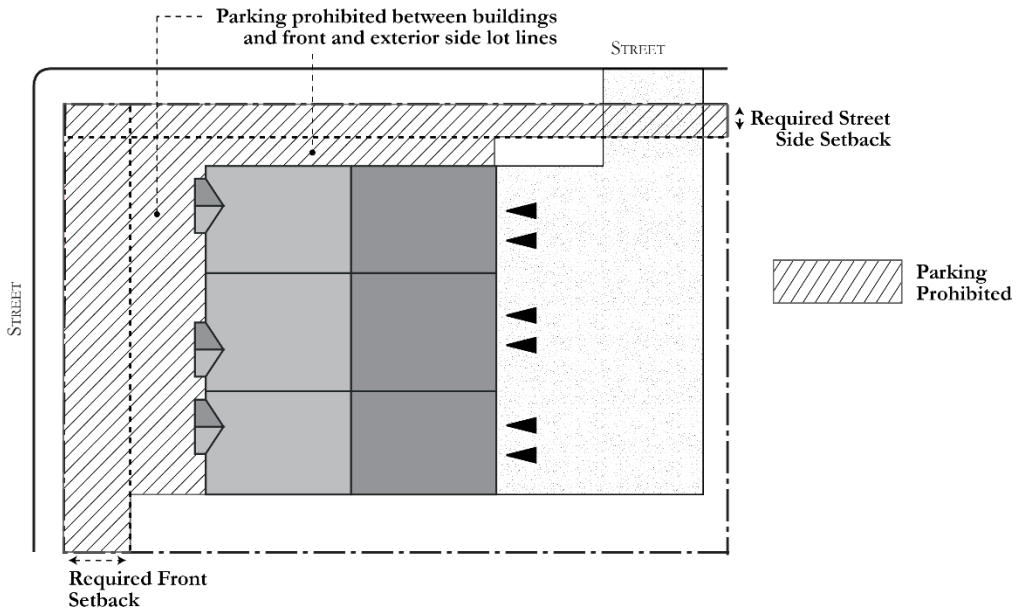
**A. Intent.** The intent of the parking and vehicle access standards is to:

1. Support a pedestrian-friendly streetscape, walkable neighborhoods, and active and inviting mixed-use districts.
2. Minimize the visual dominance of parking facilities visible from the street frontage.
3. Encourage residents to walk, bike, and/or take transit to destinations, rather than drive.

**B. Standards**

**1. Parking Placement.**

- a. As shown in Figure 17.82-1, surface parking spaces may not be located:
  - (1) In a required front or street side setback area; or
  - (2) Between a primary structure and a front or street side property line.
- b. The Director may administratively approve an exception to this requirement for age-restricted senior housing developments or when necessary to provide ADA-compliant parking. For such exceptions, the following standards apply:
  - (1) Parking areas adjacent to a street must include a landscaped planting strip between the street and parking area at least four feet wide with a minimum planting height of 36 inches.
  - (2) Plantings and screening materials may include a combination of plant materials, earth berms, solid decorative masonry walls, raised planters, or other screening devices that are determined by the Director to meet the intent of this requirement.
  - (3) Trees must be provided within the planting strip at a rate of at least one tree for each 30 feet of street frontage with a minimum distance of not more than 60 feet between each tree. Tree species must reach a mature height of at least 20 feet.

**Figure 17.82-1: Parking Placement**

2. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is 12 feet for a one-car driveway and 20 feet for a two-car driveway. Greater driveway width is allowed if required by the Fire District.
3. **Number of Driveways.** A maximum of two curb cuts for one-way traffic and one curb cut for two-way traffic are permitted per street frontage per 150 feet of lineal street frontage. Deviation from this standard is allowed if required by the Fire District.
4. **Garage Width and Design.**
  - a. Garage doors may occupy no more than 40 percent of a building's street frontage and shall be recessed a minimum of 18 inches from a street-facing wall plane.
  - b. Street-facing garage doors serving individual units that are attached to the structure must incorporate one or more of the following so that the garage doors are visually subservient and complementary to other building elements:
    - (1) Garage door windows or architectural detailing consistent with the main dwelling.
    - (2) Arbor or other similar projecting feature above the garage doors.
    - (3) Landscaping occupying 50 percent or more of driveway area serving the garage (e.g. "ribbon" driveway with landscaping between two parallel strips of pavement for vehicle tires)
5. **Podium Parking.**



- a. **Landscaping Strip.** Partially submerged podiums adjacent to a street must include a landscaped planter between the street and podium at least 4 feet wide with a planting height and vegetative cover sufficient in height to fully screen the podium edge and ventilation openings from view. At maturity, plantings must comprise a minimum of 75 percent of the total landscape planter area.
- b. Residential-only Projects.
  - (1) The maximum height of lower-level parking podium adjacent to the street is 5 feet above finished sidewalk grade.
  - (2) First-floor units above a street-facing podium must feature entries with stoops and stairs providing direct access to the adjacent sidewalk.
- c. Mixed-Use Projects.
  - (1) The podium parking entry shall be recessed a minimum of 4 feet from the front street-facing building facade.

**6. Loading.**

- a. Loading docks and service areas on a corner lot must be accessed from the side street.
- b. Loading docks and service areas are prohibited on the primary street building frontage.

**17.82.060 Building Placement, Orientation, and Entries**

**A. Intent.** The intent of the building placement, orientation, and entries standards is to:

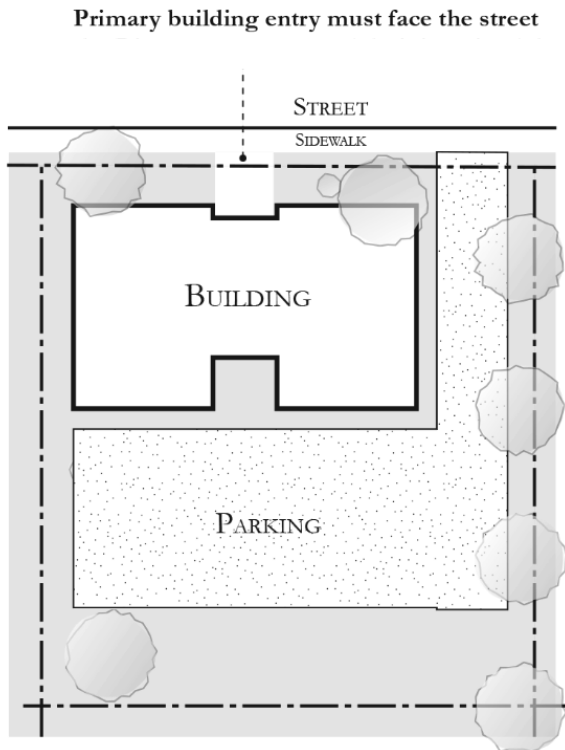
- 1. Support cohesive neighborhoods and social interaction with outward facing buildings.
- 2. Support a pedestrian-oriented public realm with an attractive and welcoming streetscape character.
- 3. Provide for sensitive transition from the public realm (sidewalk) to the private realm (residences).
- 4. Provide adequate area behind buildings for parking.

**B. Standards**

- 1. **Maximum Front Setback.**
  - a. RM Zone: 25 ft. or front setback of adjacent building, whatever is greater.
  - b. MU-N Zone: 25 ft.
  - c. C-C and C-R Zones: 25 ft. from edge of curb.
- 2. **Front Setback Area.**

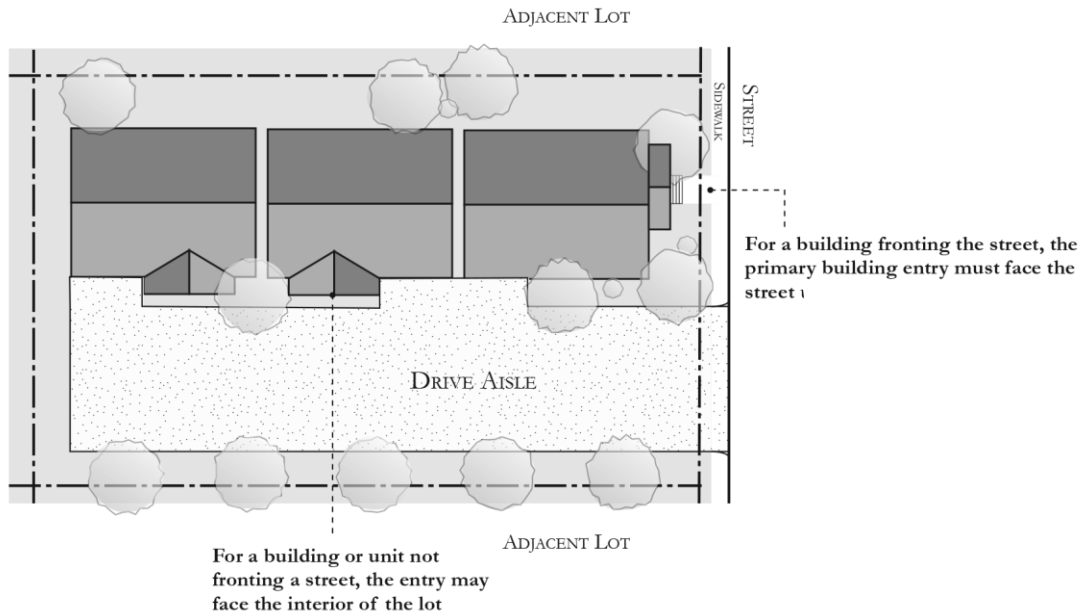
- a. All areas between a building and adjoining sidewalk shall be landscaped with live plant materials, except for:
    - (1) Areas required for vehicular or pedestrian access to the property; and
    - (2) Courtyards, outdoor seating areas, and other similar outdoor spaces for residents, customers and/or the general public.
  - b. Landscaping shall consist of any combination of trees and shrubs, and may include grass or related natural features, such as rock, stone, or mulch. At maturity, plantings must comprise a minimum of 75 percent of the total landscape area.
3. **Building Entrances.**
- a. For buildings with one primary entrance that provides interior access to multiple individual dwelling units, the primary building entrance must face the street. A primary building entrance facing the interior of the interior of a lot is not allowed. See Figure 17.82-2.

**Figure 17.82-2: Building Entry Orientation – Single Primary Entry**



- b. On lots where units have individual exterior entrances, all ground floor units with street frontage must have an entrance that faces the street. If any wall of a ground floor unit faces the street, the unit must comply with this requirement. For units that do not front the street, entrances may face the interior of the lot. See Figure 17.82-3.

**Figure 17.82-3: Building Entry Orientation – Multiple Primary Entries**



**Option 1:**

- c. The entry-orientation standards in this section do not apply to residential-only projects in the C-C zone that front Bay Avenue, Capitola Road, and 41st Avenue north of Jade Street.

**Option 2:**

- c. The Director may administratively approve an exception to the entry-orientation standards in this section for residential-only projects on Bay Avenue, Capitola Road, and 41<sup>st</sup> Avenue north of Jade Street that comply with all of the following standards:
  - (1) At least one pedestrian walkway per 50 feet of property street frontage must connect the adjacent sidewalk to the interior of the lot.
  - (2) The area between a building and the street must be landscaped, except for private open space for units (patios) and pedestrian pathways.
  - (3) Continuous solid fences between buildings and the street are prohibited. Private outdoor space, if provided, may be defined by a low fence at least 50 percent transparent.
  - (4) Street-facing buildings may not exceed a width of 100 feet.
- 4. **Pedestrian Walkway.** A pedestrian walkway, minimum 6-foot width, shall provide a connection between the public street and all building entrances (i.e., residents shall not be required to walk in a driveway to reach their unit).

**C. Entry Design.**

1. **Residential Projects.**
  - a. A street-facing primary entrance must feature a porch, covered entry, or recessed entry clearly visible from the street that gives the entrance visual prominence. Entrances must be connected to the adjacent sidewalk with a pedestrian walkway.
  - b. Front porches must comply with the following:
    - (1) The front porch must be part of the primary entrance, connected to the front yard and in full view of the street-way.
    - (2) Minimum dimensions: 6 feet by 5 feet.
    - (3) The porch or covered entry must have open-rung railings or landscaping defining the space.
  - c. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry. This standard does not apply to secondary or service entrances.
2. **Mixed-Use Projects.** Entrances to mixed-use buildings with ground floor commercial must be emphasized and clearly recognizable from the street. One or more of the following methods shall be used to achieve this result:
  - a. Projecting non-fabric awnings or canopies above an entry (covered entry);
  - b. Varied building mass above an entry, such as a tower that protrudes from the rest of the building surface;
  - c. Special corner building entrance treatments, such as a rounded or angled facets on the corner, or an embedded corner tower, above the entry;
  - d. Special architectural elements, such as columns, porticos, overhanging roofs, and ornamental light fixtures;
  - e. Projecting or recessed entries or bays in the facade;
  - f. Recessed entries must feature design elements that call attention to the entrance such as ridged canopies, contrasting materials, crown molding, decorative trim, or a 45-degree cut away entry; and
  - g. Changes in roofline or articulation in the surface of the subject wall.
3. **Street-facing Entries to Upper Floors.** Street-facing entries to upper floors in a mixed-use building shall be equal in quality and detail to storefronts. This standard may be satisfied through one or more of the following:
  - a. Dedicated non-fabric awning, canopy, or other projecting element
  - b. Dedicated light fixture(s)
  - c. Decorative street address numbers or tiles

- d. Plaque signs for upper-floor residences.

### 17.82.070 Building Massing

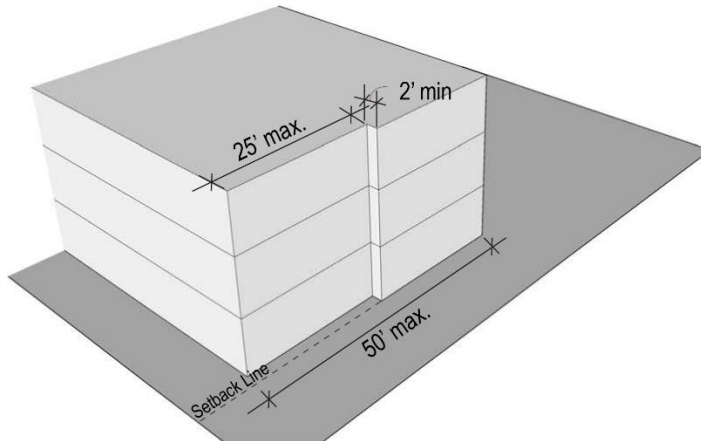
**A. Intent.** The intent of the building massing and open space standards is to:

1. Provide for human-scale and pedestrian-friendly building massing where large buildings are broken into smaller volumes that fit into the surrounding neighborhood.
2. Provide for sensitive transitions to adjacent lower-density residential uses.
3. Minimize visual and privacy impacts to neighboring properties.

**B. Standards.**

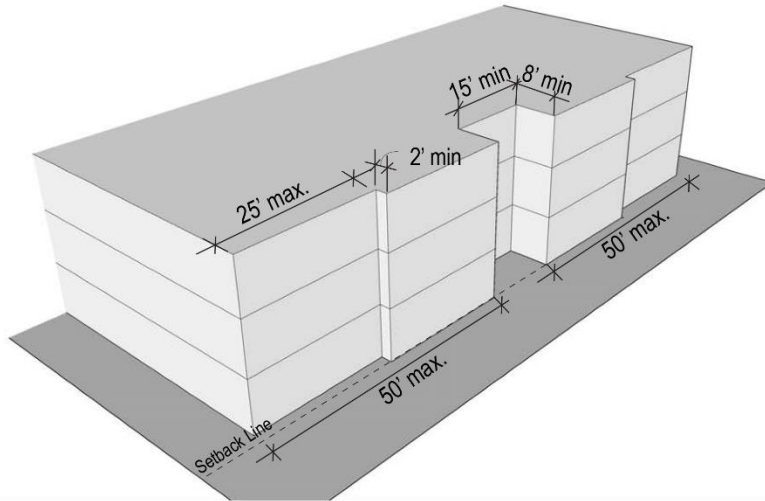
1. **Building Width.** The width of a building measured parallel to the primary street frontage shall not exceed 50 feet.
2. **Massing Breaks.**
  - a. All street-facing building facades 25 feet or more in length shall incorporate a building projection or recess (e.g., wall, balcony, or window) at least 2 feet in depth. See Figure 17.82-4.

**Figure 17.82-4: Massing Breaks – 25 ft. Module**



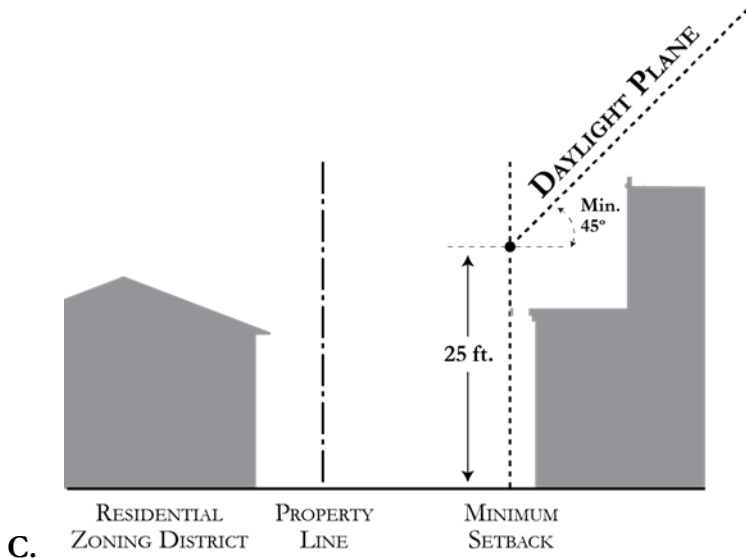
- b. Buildings that exceed 50 feet in length along a street facade shall provide a prominent recess at intervals of 50 feet or less. The recess shall have a minimum of depth of 8 feet and minimum width of 15 feet. See Figure 17.82-5.

**Figure 17.82-5: Massing Breaks – 50 ft. Module**

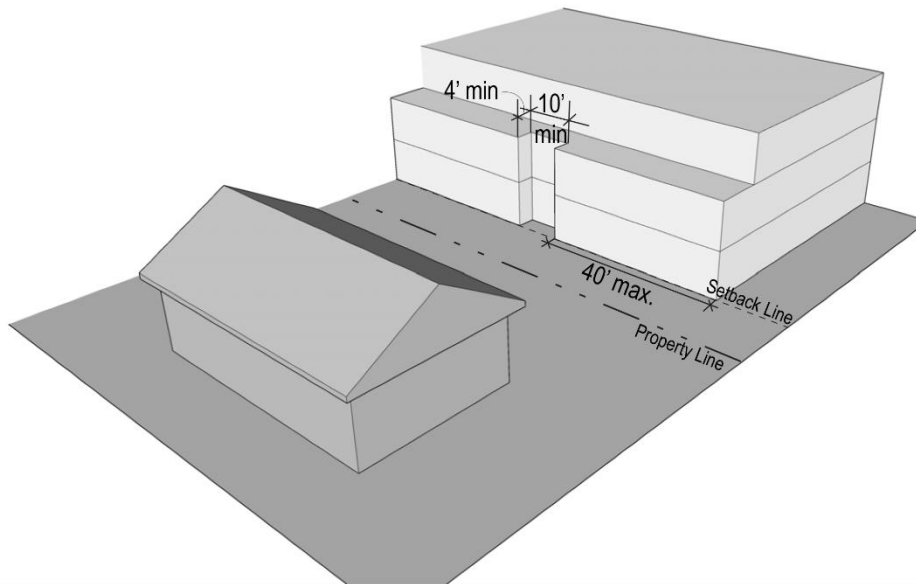


3. **Residential Transitions.** Development sharing a side or rear lot line with the R-1 district shall comply with the following:
  - a. No structure shall extend above or beyond a daylight plane having a height of 25 feet at the setback from the residential property line and extending into the parcel at an angle of 45 degrees. See Figure 17.82-6.

**Figure 17.82-6: Daylight Plane**



- a. A side building wall adjacent to a single-family dwelling may not extend in an unbroken plane for more than 40 feet along a side lot line. To break the plane, a perpendicular wall articulation of at least 10 feet width and 4 feet depth is required. See Figure 17.82-7.

**Figure 17.82-7: Break in Side Building Wall****17.82.080 Facade and Roof Design**

**A. Intent.** The intent of the facade and roof design standards is to:

1. Create street-facing building facades that are varied and interesting with human-scale design details;
2. Incorporate architectural elements that reduce the perceived mass and box-like appearance of buildings;
3. Provide for buildings designed as a unified whole with architectural integrity on all sides of the structure;
4. Promote design details and materials compatible with the existing neighborhood character; and
5. Minimize privacy impacts to neighboring properties

**B. Standards.****1. Blank Wall Areas.**

- a. The area of a blank building wall fronting a public street may not exceed a square area where the height and width are both 10 feet. See Figure 17.82-8.
- b. A break in a blank building wall may be provided by any of the following:
  - (1) Doors, windows, or other building openings.
  - (2) Building projections or recesses, decorative trim, trellises, or other details that provide architectural articulation and design interest.

- (3) Varying wall planes where the wall plane projects or is recessed at least six inches.
- (4) Awnings, canopies or arcades.
- (5) Murals or other similar public art.

**Figure 17.82-8: Blank Walls**



2. **Windows and Doors.** Street-facing windows and doors shall comply with one of the following:
  - a. All street-facing windows and doors must feature built up profile trim/framing. Windows must include sills and lintels. Trim/framing must project at least two inches from the building wall with material that visually contrasts from the building wall.
  - b. For all street-facing windows, glass shall be inset a minimum of 3 inches from the exterior wall or frame surface to add relief to the wall surface.
3. **Facade Design.** Each side of a building facing a street shall include a minimum of two of the following façade design strategies to create visual interest:
  - a. **Projecting Windows.** At least 25 percent of the total window area on the street-facing building wall consists of projecting windows. The furthest extent of each projecting window must project at least one foot from the building wall. This requirement may be satisfied with bay windows, oriel windows, bow windows, canted windows, and other similar designs.
  - b. **Window Boxes.** A minimum of 50 percent of street-facing windows feature window boxes projecting at least one-half foot from the building wall.
  - c. **Shutters.** A minimum of 50 percent of street-facing windows feature exterior decorative shutters constructed of material that visually contrasts from the building wall.



- d. **Prominent Front Porch.** A front porch with a minimum depth of 6 feet and width of 12 feet providing access to the unit's primary entrance.
  - e. **Balconies.** Balconies, habitable projections, or Juliet balconies, with at least 20 percent of the linear frontage of the street-facing building wall containing one or more above-ground balcony.
  - f. **Shade/Screening Devices.** Screening devices such as lattices, louvers, shading devices, awnings, non-fabric canopies, perforated metal screens, with such a device occupying at least 20 percent of the linear frontage of the street-facing building wall.
  - g. **Datum Lines.** Datum lines that continue the length of the building, such as cornices, with a minimum four inches in depth, or a minimum two inches in depth and include a change in material.
  - h. **Varied Exterior Color.** The street-facing building walls feature two or more visibly contrasting primary colors, with each color occupying at least 20 percent of the street-facing building wall area.
  - i. **Varied Building Wall Material.** The street-facing building walls feature two or more visibly contrasting primary materials (e.g., wood shingles and stucco), with each material occupying at least 20 percent of the street-facing building wall area.
4. **Roof Design.** Each side of a building facing a street shall include a minimum of one of the following roof design strategies to create visual interest:
- a. **Roof Eaves.** A roof eave projecting at least two feet from the street-facing building wall with ornamental brackets or decorative fascia and eave returns.
  - b. **Roof Form Variation.** At least 25 percent of the linear frontage of the building's street-facing building roof line incorporates at least one element of variable roof form that is different from the remainder of the street-facing roof form. This requirement may be satisfied with recessed or projecting gabled roof elements, roof dormers, changes in roof heights, changes in direction or pitch of roof slopes, and other similar methods.
  - c. **Roof Detail and Ornamentation.** At least 80 percent of the linear frontage of the building's street-facing roof line incorporates roof detail and/or ornamentation. This requirement may be satisfied with Parapet wall that is an average of at least one-foot tall and has a cornice, periodic and articulated corbelling or dentils, an ornamental soffit, an offset gable clearstory, and other similar methods.
5. **Neighbor Privacy.**
- a. Balconies, roof decks and other usable outdoor building space is not allowed on upper-story facades abutting R-1 zoning district.

- b. Sliding glass doors, French doors, and floor-to-ceiling windows are not allowed on upper-story facades abutting R-1 zoning district.
  - c. Windows facing adjacent dwellings must be staggered to limit visibility into neighboring units. The vertical centerline of a window may not intersect the window of an adjacent dwelling.
6. **360-degree Design.** Buildings shall have consistent architectural quality on all sides, with all exterior surfaces featuring consistent facade articulation, window and door material and styles, and building wall materials and colors.

#### 17.82.090 Other Site Features

**A. Intent.** The intent of the other site feature standards is to:

- 1. Minimize visual clutter on a development site.
- 2. Enhance the design character of the public realm.
- 3. Support an active and welcoming pedestrian environment.
- 4. Minimize noise, odor, and visual impacts on neighboring residential properties.

**B. Standards.**

- 1. **Refuse Storage Areas.**
  - a. Refuse collection and storage areas may not be located:
    - (1) In a required front or street side setback area;
    - (2) Between a primary structure and a front or street side property line;
    - (3) Within a required landscape area; or
    - (4) Within a required side setback area adjacent to an R-1 district.
  - b. Refuse containers shall be located in a building or screened by a solid enclosure with a minimum height of five feet for carts/cans, and seven feet for dumpsters.
- 2. **Mechanical Equipment Screening.**
  - a. Rooftop mechanical equipment, including vents and stacks, shall be fully screened from view by an architectural feature, such as a parapet wall.
  - b. Ground-mounted mechanical equipment may not be located
    - (1) In a required front setback area; or
    - (2) Between a primary structure and a front property line.
- 3. Backflow prevention devices shall not be placed directly in front of the building but may be located in a side location of the front yard. Backflow prevention devices may be located within the front half of the lot, when located between the side building

plane extending to the front property line and the side yard property line. The equipment shall be either:

- a. Screened to its full height by a combination of fencing and perennial landscaping to 70 percent opacity; or
- b. Contained within a protective enclosure (metal grate) within a planter or landscape bed.