

Housing Element Update – Zoning Code Amendments

Topic	Code Location	PC Review Date	PC Direction
Mall Site Community Benefits	17.88	2/1/24	On the Capitola Mall site, increase maximum height to 75 feet, remove parking garages from FAR calculation, add objective standards to step massing along the street frontage, and require garages are incorporate into the architecture (wrapped)
Design Review Process	17.108.040, 17.120.050, 17.148.020	2/1/24, 5/2/24	Re-establish the Architecture and Site Review Committee (not unanimous). Clarify if Committee should review all Design Permits for single-family homes, or just major projects, such as new single-family homes. Require public notice of pending application.
Upper Floor Decks	17.16.030.B.11	2/1/24	Clarify 150 square feet is cumulative of all decks for FAR calculation. Allow deck on the second story at 15 feet setback instead of 20 feet. The privacy wall on upper story decks should be on a case-to-case basis changing “shall” to “may” be required by PC. Add examples of privacy screens to include opaque materials and vegetation.
Landscape plan requirements	17.72.040	2/1/24	No changes needed in code. Staff will create a guidance document/checklist for landscape plan requirements
Opaque windows on second stories	7.120.070.F	2/1/24	Clarify that opaque window standards to may be required on case-by-case basis (not always mandatory)
Missing Middle Housing	17.16.030	2/16/24	Modify RM development standards to allow missing middle housing projects.
Corner Duplexes	17.16	2/16/24	Allow duplex on all corner lots subject to same development standards as a single-family home.
Lot Consolidation	17.96.200 (new section)	2/16/24	Develop incentives to encourage lot consolidation as proposed by staff
Alternative Housing Types	Various sections	2/16/24	SROs: Maybe promote if we can count towards RHNA; Live/Work: not priority in Capitola; Micro units: Promote close to transit center; Co-housing: check this box if will please HCD; Workforce: add as community benefit
Parking - Multifamily	17.76.030	2/16/24	0.5 per unit <350 sf close to transit 1.0 per unit <500 sf 1.5 per unit 500-750 sf 2.0 per unit ≥750 sf No covered or additional guest parking
Parking – Senior and Special Needs	17.76.030	2/16/24	Revise required parking spaces for senior and special needs housing uses as proposed by staff. Consider needed guest parking
Residential Multifamily (RM Zone) Density and Development Standards	17.16.030	5/2/24	Increase maximum density in RM zones. Return with more details on development standards needed to achieve a range of densities and appropriate locations for increased density.

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Housing on Religious Facilities Sites	17.96.210 (new section)	5/2/24	Create site specific standards for affordable housing projects on land owned by religious institutions as allowed under SB 4

Additional Zoning Code Cleanup Amendments

Topic	Code Location	Amendment Description
Specify minimum allowed curb cut widths.	17.20.030(E)(6)(a) and 17.20.040(F)(1) –	17.20.030(E) is specific to MU-V and states: 6. Driveways and Curb Cuts. a. The maximum width of a new driveway crossing a public sidewalk may not exceed forty percent of the parcel width or twenty feet, whichever is less. The community development director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots. b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the community development director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines. Reference to parking chapter section 17.76.040(C)(3) which identifies when curb cuts are prohibited in Village. Add exception consistent with the rest of code “except that all lots may have a parking space of up to fourteen feet in width regardless of lot width.”
CDP Waiver or Exclusion for J/ADUs	17.44 and 17.74	https://documents.coastal.ca.gov/assets/rflg/ADU-Memo.pdf CDP waiver or Categorical Exclusion for ADUs in appealable and non-appealable areas that are not subject to a public hearing, are not located in a hazard area, nor located in environmentally sensitive habitat areas, nor near a beach/bluff, and would not negatively impact coastal resources or access.
Flatwork	17.48-2, 17.72.020, -050	Standards for flatwork/hardscape.
Floor Area & Parking Req.	17.48.040(B)(6) and 17.76.030(C)(1)	Exemption of residential deck floor area from parking requirements.
Limited Standards ADUs within the required front setback.	17.74	As of 2022 per the HCD ADU Handbook, front setbacks must be waived if necessary to allow construction of a limited standards ADU. “A local agency may still apply front yard setbacks for ADUs, but front yard setbacks cannot preclude an ADU of at least 800 square feet and must not unduly constrain the creation of all types of ADUs. (Gov. Code, §65852.2, subd. (c) and (e).)” Page 16 of the HCD handbook. HCD ADU Handbook Link

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		Within limited standards add “The community development director shall determine which standards must be adjusted, if any, to comply with this section.”
Definition of multifamily for ADU chapter – consistency with state law	17.74	Capitola defines multifamily as 3 or more units in a single structure (Mixed use more broadly defines multifamily as 2 or more residential units in any configuration on a lot with at least one nonresidential use). CA HCD guidance defines multifamily (for the purposes of ADUs) as 2 or more units in a structure.
Parking Requirements for SFD Remodels	17.76	Revise existing parking standards affected by AB 1308 (Gov Code 65863.3), which limit imposing additional parking for projects that remodel, renovate, or add to a single-family residence.
Signs	17.80	Current maximum sign size is 1 ft per linear foot of frontage up to 50 feet. For large parcels, this is very limiting. Suggest adding ½ ft per linear foot beyond 50 to allow signs similar to what already exists.
Remove 'CDD' Refence	17.84.080(C)	Replace “CDD” with “community development director” for code consistency.
Historic Alteration Permits	17.84.070(C)(2)	<p>Outline format. 17.84.070(C)(2) should be 17.84.070(D)</p> <p>C. Requirement for Potential Historic Resource.</p> <p>1. When Permit Is Required. A historic alteration permit is required for an alteration to a potential historic resource if:</p> <ul style="list-style-type: none"> a. The project requires a discretionary approval (e.g., design permit, coastal development permit); and b. The community development director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a historic alteration permit. <p>2. D. Historic Resource Assessment and Consultation. A proposed alteration to a designated historic resource or a potential historic resource that requires a discretionary permit will be reviewed by the city’s architectural historian to assess if the project may result in a significant adverse impact of a historic resource. The community development director shall use this assessment to determine if the findings of approval for the historic alteration permit can be made. Review by the city’s architectural historian is not required for in-kind repairs in accordance with subsection E of this section (Exception for Preservation and In-Kind Rehabilitation).</p>
Historic Preservation Incentives - Language	17.84.090	17.89.090(D). states: Permitting Fees. The city council shall waive application and review fees for planning permits required for development projects that preserve, retain, and rehabilitate a historic structure. Planning permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes

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		<p>that would not substantially advance the city's historic preservation goals. Required third-party reviews shall be paid for by the applicant. The provision's intent is to provide relief for projects that protect historic resources. Clarify whether applicable projects must go before City Council to receive a waiver/reimbursement and if there are required findings. Consider rewriting the first sentence of 17.89.090(D) "The city council shall may waive application fees..."</p> <p>Clarify if fees may be waived for historic applications that are approved by lower review authorities.</p> <p>3. Historic Alteration Permits and Historic Determinations of Significance are billed on an hourly basis for staff time, rather than a set permit fee. Consider modifying second sentence "Planning permit fees application and review fees shall be waived only for..."</p>
Home Occupations	17.96.040	<p>17.96.040.A. states A. Required Permit. An administrative permit is required to establish or operate a home occupation.</p> <p>Remove requirement for administrative permit and keep all the standards in the code. The administrative permit is staff intensive and unnecessary. The business license application can be updated with a box to check for home occupancy. There is a guidance document available to home occupations which outlines all the standards. Code enforcement would be applicable to any home occupation not following the standards.</p>
Wireless Communication Facilities	17.104	Update Federal CFR references throughout chapter. 47 CFR § 1.40001 appears to have been changed to 47 CFR 1.6100
Referral of Application to Planning Commission	17.112.090 (new) 17.148.030 (E)	The Planning Director may refer any application to the Planning Commission when the proposal may result in unusual public sensitivity, controversy, or complexity.

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Time limits and extensions.	17.156.080	<p>Item #1: Existing code does not have provisions to accommodate public agencies or complicated private projects under the original approval. Permits are valid for two years unless an extension is granted by the original review authority. Consider a provision for flexibility where longer timeframes are considered likely and reasonable. Provision(s) could be limited to City/public projects and could reserve authorization to only the Planning Commission or City Council rather than by administrative decision.</p> <p>17.156.080(A). Expiration of Permit.</p> <ol style="list-style-type: none"> 1. A permit not exercised within two years shall expire and become void, except where <u>the review authority establishes a later expiration in its approval, or</u> an extension of time is approved as allowed by subsection C of this section (Extension of Time). 2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer. <p>Item #2 Reword the first line of Section 17.156.080(C):</p> <p>17.156.080(C) Extension of Time. The community development director may approve <u>Extensions</u> to a permit may be approved consistent with in the following manner:</p> <ol style="list-style-type: none"> 1. Extensions to a permit may be approved by the review authority which originally approved the permit. 2. In instances where the community development director was the approval authority, the community development director may choose to refer any action to extend a permit to the planning commission for review and final decision. 3. The review authority may approve up to two two-year extensions (four years total) to a permit. The review authority may also approve an extension up to the expiration date of a valid tentative map as allowed by the Subdivision Map Act for projects involving a subdivision of land if such an extension is necessary to prevent a substantial hardship for the project applicant. 4. The applicant shall submit to the community development department a written request for an extension of time no later than ten days before the expiration of the permit. 5. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner. 6. The burden of proof is on the applicant to demonstrate that the permit should be extended

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Glossary. Define clerestory windows (height)	17.160	Sections 17.74 (ADUs) and 17.75 (SB9) require clerestory and/or opaque windows under some circumstances but do not define them or establish a minimum height. Consider either: Edit: Add definition of clerestory and describing a minimum window height, such as 6 feet above finished floor height.
Glossary. (and Commercial Districts)	17.160	The definition of to-go restaurant should specifically not include bars.
Roof Decks	17.160.020(R)(9)	<p>17.16.030(11)(f) prohibits “roof decks” in the R-1 zoning district. 17.160.120(R)(9) defines rooftop decks as a walkable exterior floor system located above and supported by the roof of a building. The definition is broad and includes all decks that are supported by the roof of a lower floor, which can include a deck on a second story located above first-story habitable space (i.e. a 2nd-story master bedroom with a deck that is located above the kitchen). Clarify “Roof Deck” means a walkable exterior floor system located above the top story of a structure, not including access, and is supported by the roof of a building.</p> 