

**CALIFORNIA COASTAL COMMISSION**

CENTRAL COAST DISTRICT OFFICE  
725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
(408) 427-4863  
HEARING IMPAIRED: (415) 904-5200

**RECORD PACKET COPY****F3a**

March 24, 2005

TO: Commissioners and Interested Parties

FROM: Charles Lester, Deputy Director  
Diane Landry, District Manager *DL*  
Susan Craig, Coastal PlannerSUBJECT: **CITY OF CAPITOLA LCP AMENDMENT NO. CAP-MAJ-3-04 Part A CERTIFICATION REVIEW:** Concurrence with the Executive Director's determination that the action of the City of Capitola accepting the Commission's certification of LCP Amendment No. CAP-MAJ-3-04 Part A is legally adequate. For Commission review at the meeting of April 15, 2005 in Santa Barbara.**A. BACKGROUND**

The Commission acted on City of Capitola LCP Amendment No. CAP-MAJ-3-04 Part A on February 16, 2005. The amendment includes implementation plan amendments to modify the applicable use and development standards primarily related to single-family residential development. Additionally, the amendment added standards for home occupation (work) permits, amended standards for large home daycare uses, added standards regarding yard and garage sales, and extended the expiration date of design permits from one to two years after the date of approval.

The Commission rejected the amendment as submitted but certified the proposed amendment to the LCP if modified to provide additional clarity regarding 1) Exemptions from the design permit requirement; 2) the Floor Area Ratio calculation; 3) Development standards for accessory structures; 4) Conditional use permits, and; 5) the definition of a "half-story." These modifications ensure internal consistency with the certified Land Use Plan.

**B. EFFECTIVE CERTIFICATION**

On March 10, 2005, the Capitola City Council held a public hearing and adopted Resolution No. 3440 which acknowledged receipt of the Commission's resolution of certification, accepted and agreed to the Coastal Commission's modifications, agreed to issue permits in conformance with the modified LCP, and formally approved the necessary changes to the City's LCP (see Exhibit A).

As provided in Sections 13544 and 13544.5 of the California Code of Regulations, for the amendment to become effective, the Executive Director must determine that the City of

**City of Capitola LCP Amendment No. 3-04 Part A  
Certification Review**

Capitola's actions are legally adequate and report that determination to the Commission. Unless the Commission objects to the determination, the certification of City of Capitola LCP Amendment No. CAP-MAJ-3-04 Part A shall become effective upon the filing of a Notice of Certification for the LCP amendment with the Secretary of Resources, as provided in Public Resources Code Section 2180.5(2)(V).

**C. STAFF RECOMMENDATION**

Staff recommends that the Commission concur with the determination of the Executive Director that the action of the City of Capitola accepting the Commission's certification of City of Capitola LCP Amendment No. CAP-MAJ-3-04 Part A is legally adequate, as noted in the attached letter (Exhibit B), to be sent after Commission concurrence.

# COPY

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## RESOLUTION NO. 3440

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AUTHORIZING AND DIRECTING THE CITY MANAGER TO TRANSMIT TO THE  
EXECUTIVE DIRECTOR OF THE CALIFORNIA COASTAL COMMISSION FOR FINAL  
CERTIFICATION, LOCAL COASTAL PROGRAM MAJOR AMENDMENT NO. 3-04  
PART A, RELATING PRIMARILY TO DEVELOPMENT STANDARD MODIFICATIONS  
FOR SINGLE-FAMILY RESIDENTIAL DEVELOPMENT INCLUDED IN THE CITY OF  
CAPITOLA MUNICIPAL CODE, AND ACCEPTANCE OF MODIFICATIONS  
1 THROUGH 8 TO THE CITY OF CAPITOLA COASTAL IMPLEMENTATION PLAN  
(ZONING ORDINANCE)**

WHEREAS, the City Council approved certain LCP amendments to the City of Capitola Municipal Code, the Land Use Plan, and the Coastal Implementation Plan; and

WHEREAS, the City Council submitted to the California Coastal Commission for certification, and the Coastal Commission considered these LCP amendments at its meeting on February 16, 2005; and

WHEREAS, the Coastal Commission recommended certification of the amendments pending City Council acceptance of modifications as described in Exhibit A; and

WHEREAS, the City Council of the City of Capitola, at its regular meeting on March 10, 2005, hereby approves the Coastal Commission modifications as described in Exhibit A; and


WHEREAS, the City Council of the City of Capitola finds that the Local Coastal Program amendments further public necessity, general community welfare, good zoning practices, and promote General Plan/LCP policies related to the maximum size for single-family homes, parking requirements and other design standards for single-family homes, the design review process for modifications to such homes, and miscellaneous other aspects of regulations for single-family homes and in residential zoning districts; and

WHEREAS, the City of Capitola agrees to issue coastal permits subject to the approved amendments as described in Exhibit A.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the City Council of the City of Capitola to direct the City Manager to submit the LCP Amendments as described in Exhibit A, attached hereto, to the Executive Director of the California Coastal Commission for final certification.

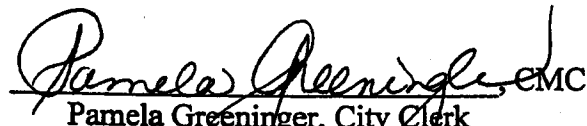
I HEREBY CERTIFY that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 10<sup>th</sup> day of March, 2005, by the following vote:

- AYES: Council Members Termini, Norton, Harlan, Nicol, and Mayor Arthur
- NOES: None
- ABSENT: None
- ABSTAIN: None
- DISQUALIFIED: None



Bruce Arthur, Mayor

ATTEST:

  
 Pamela Greeninger, City Clerk

## EXHIBIT A

## Modification #1

Modify the following sections of the zoning ordinance as follows to provide additional clarity: 17.15.030(C). Exemptions from the requirement for a Design Permit include: 1. First floor addition of up to 400 square feet ~~or 25% of the existing gross building floor area (whichever is less)~~; at the rear of the property or structure, which is not visible to the general public, does not exceed 15 feet in height (8 feet to the top of the plate), and which uses similar, compatible or upgraded quality building materials; *(remainder of section unchanged)*

17.15.035(A). The Community Development Director/Zoning Administrator shall be authorized to approve or deny Design Permit applications for: 1. First-floor additions up to 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~ (although certain additions of this type are exempt under section 17.15.030(C) (1); *(remainder of section unchanged)*

17.15.035(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for...: 3. Additions of more than 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~; *(remainder of section unchanged)*

17.63.070(A). The Community Development Director/Zoning Administrator shall be authorized to approve or deny Design Permit applications for: 1. First-floor additions up to 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~ (although certain single-family residential additions of this type are exempt under section 17.15.030(C) (1); *(remainder of section unchanged)*

17.63.070(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for...: 3. Additions of more than 400 square feet ~~or 25% of the existing gross floor area, whichever is less~~; *(remainder of section unchanged)*

## Modification #2:

Modify the following sections of the Zoning Ordinance as follows, to clarify that design permits are not required for secondary dwelling units (to provide consistency with certified Section 17.99.040):

17.15.030(A). A Design Permit shall be required for the following improvements: A. All new single-family dwelling units, but not for secondary dwelling units; *(remainder of section unchanged)*

17.15.035(B). The Planning Commission shall be authorized to approve or deny Design Permit applications for: 1. All new residential dwelling unit construction, but not for secondary dwelling units; *(remainder of section unchanged)*

17.15.040(A) Principal permitted uses. The following are principal permitted uses in an R 1 district: A. One family dwellings, including secondary dwelling units pursuant to Chapter 17.99; *(remainder of section unchanged)*

17.18.040(B) Principal permitted uses. The following are principal permitted uses in an R M district...: B. Single family dwellings, subject to the development standards contained in Chapter 17.15, "Single-family Residence District,"; including secondary dwelling units as allowed in the R-1 District pursuant to Chapter 17.99; **A**

**Modification #3**

Modify Sections 17.03.246 and 17.15.100 of the Zoning Ordinance to provide more clarity on how to calculate the Floor Area Ratio, as follows:

17.03.246 Floor area. "Floor area" means the entire floor area in all enclosed structures, without deduction for such features as interior walls, stairways or storage, except as permitted for one and one-half story single family residences pursuant to Section 17.15.100(B). It also includes covered or uncovered upper-floor decks; and porches and covered exterior open space in excess of 150 square feet, including eaves greater than 18" in length. For commercial uses the floor area of patios, courtyards and outside dining areas primarily utilized by a business or group of related businesses, its customers, or its employees, as opposed to the general public. Floor Area Ratio means the gross floor area of all of the buildings on the lot divided by the net lot area.

17.15.100 Floor Area Ratio. Building size shall be regulated by the relationship of the building to the lot size, a measurement identified as Floor Area Ratio (FAR). Maximum FAR shall be determined as follows:

- A. Lots less than 2,650 sf 58%
- Lots 2,651 to 3,250 sf 57%
- Lots 3,251 to 3,500 sf 56%
- Lots 3,501 to 3,750 sf 55%
- Lots 3,751 to 4,000 sf 54%
- Lots 4,001 to 4,250 sf 53%
- Lots 4,251 to 4,500 sf 52%
- Lots 4,501 to 4,750 sf 51%
- Lots 4,751 to 5,000 sf 50%
- Lots 5,001 to 6,000 sf 49%
- Lots more than 6,000 sf 48%

Lots of 5,000 or more square feet with approved second dwelling units are permitted a maximum FAR of 60% for all structures, in accordance with Chapter 17.99 "Secondary Dwelling Units".

This calculation includes the gross building area, including covered parking, as further described in paragraphs B through F below:

B. The following building elements shall be included in the Floor Area Ratio Calculation: 1. That portion of the basement which exceeds the first two hundred fifty gross square feet of a basement, including the measurements of the access stairway; 2. All open area below the ceiling or angled walls, greater than 16 feet in height; 3. All upper floor area greater than four feet in height, measured between the bottom of the upper floor and the top of the ceiling; 4. For 1-1/2 story structures, the area of the stairwell shall be counted on the first floor only, ~~not be counted twice, but in all cases interior area above a projected floor to ceiling height of two feet shall be included in the FAR;~~ 5. Windows projecting more than 12" from the wall; 6. Covered or uncovered upper floor decks, and covered exterior open space in excess of 150 square feet, including eaves greater than 18 inches in length; 7. All accessory structures other than a single building of 80 square feet or less in size, 8 feet or less in height, and without plumbing or electrical fixtures.

C. The following shall not be included in the Floor Area Ratio calculation: 1. All vehicular rights of way which allow others to use the surface of the property, shall be excluded from the lot area for purposes of this section; 2. The first 250 square feet of basement area including the stairway serving that area; 3. The stairway serving the upper floor in a one and one-half story home; 4. Chimneys and projecting windows less than 12" deep; 5. First level decks 30" or less in height; 6. One hundred (100) square feet of ancillary area in a detached garage; 7. The area between the bottom of the floor and the top of the ceiling which is four feet or less in height, on the second level of a one-and one-half- or two-story home; 8. All open area between the bottom of the floor and the top of the ceiling or angled wall, which is 16 feet or less in height; 9. Unroofed (permeable) trellis structures, including porte-cocheres, which are open on at least three sides and not higher than 10 feet to the top of the highest portion. Such structures are not permitted in the front setback and must have a two-foot setback from side or rear property lines.

D. The footprint of all structures, except a trellis structure consistent with C.9 above and one accessory building of eighty or fewer square feet, 8 feet or less in height, and without electrical or plumbing fixtures, shall conform to all applicable setback requirements, i.e. for a secondary dwelling unit, detached garage, or principal residential structure.

#### Modification #4

Add new Section 17.15.140(I) to provide internal consistency regarding development standards for trellises, as follows:

I. Trellis structures intended to provide support for plants and shade for cars, hot tubs,, etc. will not be permitted in the front setback and will not count toward the covered parking requirement. Such structures may be permitted in the side or rear setback as long as the height is limited to ten feet at the top of the highest portion, the structure roof remains permeable (roof members at least 12" apart), and the structure is open on at least three sides.

#### Modification #5

Modify Sections 17.18.060 (E) and delete Section 17.08.060 (J) (single-family dwellings in the R-M district are a principal permitted use) to provide internal consistency regarding conditional use permits, as follows:

The following are conditional uses in an R-M district, subject in each case to the securing of a use permit, as provided in Chapter 17.60:

E. Large family day care homes subject to the securing of a permit as provided in Section 17.15.060(F), large community care residential facilities (Subject to the special conditions in Section 17.15.060(F) (G).

J. ~~Single family dwellings, subject to the development standards contained in Chapter 17.15, Single family Residence District.~~ Reserved.

**Modification #6**

Modify Section 17.03.610 regarding the definition of a "half story," as follows:

17.03.610 Story, half. "Half story" means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than ~~four~~ two feet above the floor plate of the ~~second~~ first floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.

**Modification #7**

Modify Section 17.81.110(B) regarding accessory structures, as follows:

B. One accessory structure 80 square feet or less and 8 feet or less in height shall be permitted without a building or design permit and may be located in the side or rear setback of a residential lot. Any additional accessory structures on any parcel shall comply with the development standards for the district in which they are located. The variance procedure, as provided in Chapter 17.66, shall only apply to the second or more accessory structure(s).

**Modification #8**

Add Section 17.63.035 to the Zoning Ordinance regarding exemptions from design permit requirements, as follows (to provide consistency with amended Section 17.15.030):

**Chapter 17.63 ARCHITECTURAL AND SITE REVIEW**

**Sections:**

17.63.010 Purpose.

17.63.020 Architectural and site review committee.

17.63.030 Required when.

17.63.035 Exemptions from design permit requirement. (remainder of Sections list unchanged)...

17.63.035 Exemptions from Design Permit Requirement.

A. First-floor additions at the rear of a home which are not visible to the general public; do not exceed 400 square feet; do not exceed 15 feet in height (8 feet maximum plate height); and which utilize matching or compatible building materials.

B. A single accessory structure of less than 80 square feet, less than 9 feet in height, with no electrical or plumbing fixtures.

CCC Exhibit A  
(page 6 of 6 pages)

This is to certify that the above and foregoing is a true and correct copy of Resolution No. 3440 passed and adopted by the Capitola City Council on the 10<sup>th</sup> day of March, 2005.

\_\_\_\_\_, CMC  
Pamela Greeninger, City Clerk



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725 FRONT STREET, SUITE 300  
SANTA CRUZ, CA 95060  
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HEARING IMPAIRED: (415) 904-5200



DATE

Bud Carney, Interim Community Development Director  
City of Capitola Planning Dept.  
420 Capitola Ave.  
Capitola, CA 95010

**Subject: *Effective Certification of City of Capitola Local Coastal Program Amendment No. CAP-MAJ-3-04 Part A (Residential Development Standards)***

Dear Bud,

We have received City of Capitola Resolution Number 3440, adopted by the City Council on March 10, 2005. By those actions, the City acknowledged receipt of the Coastal Commission's approval with suggested modifications of Local Coastal Program (LCP) Major Amendment 3-04 Part A, and incorporated the Commission's suggested modifications into the City's LCP.

I have determined, and the Commission has concurred, that the City's action with respect to LCP Major Amendment 3-04 Part A is legally adequate to satisfy the requirements of Section 13544 of the California Code of Regulations. This determination was reported to the Coastal Commission at the Commission's April 15, 2005 meeting in Santa Barbara. As a result, the City's LCP, as amended by LCP Major Amendment 3-04 Part A, was certified as of April 15, 2005 and is now in effect.

If you have any questions, please contact Susan Craig of my staff at (831) 427-4863.

Sincerely,

Peter M. Douglas  
Executive Director  
California Coastal Commission

Diane Landry  
District Manager  
Central Coast District Office

