

City of Capitola

Planning Commission Meeting Agenda

Thursday, August 21, 2025 – 6:00 PM



City Council Chambers
420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioners: Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen

All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

1. Roll Call and Pledge of Allegiance

Commissioners Matthew Howard, Nathan Kieu, TJ Welch, Courtney Christiansen, and Chair Paul Estey

2. Additions and Deletions to the Agenda

A. Additional Materials Item 7A - Correspondence Received

B. Additional Materials Item 7B- Correspondence Received

C. Additional Materials Item 8A - Correspondence Received

3. New Business

A. Oath of Office of newly appointed Planning Commissioner

4. Oral Communications

Please review the section How to Provide Comments to the Planning Commission for instructions. Oral Communications allows time for members of the public to address the Planning Commission on any Consent Item on tonight's agenda or on any topic within the jurisdiction of the City that is not on the Public Hearing section of the Agenda. Members of the public may speak for up to three minutes unless otherwise specified by the Chair. Individuals may not speak more than once during Oral Communications. All speakers must address the entire legislative body and will not be permitted to engage in dialogue.

5. Consent Calendar

All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.

A. Approval of July 17, 2025 Planning Commission Minutes

6. Planning Commission/Staff Comments

7. Public Hearings

Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Planning Commission Questions; 3) Public Comment; 4) Planning Commission Deliberation; and 5) Decision.

A. 1400 Wharf Road

Project Description: Amendment to permit #20-0141, a Design Permit and Conditional Use Permit for the rehabilitation, repair, and expansion of the historic Capitola Wharf. The Capitola Wharf is located at 1400 Wharf Road within the PF (Public Facilities) zoning district, at APN: 034-072-01, -02. This project received a Coastal Development Permit issued by the California Coastal Commission.

Recommended Action: Approve the amendments for permit #20-0141 and provide direction on the location of the donor panels.

B. Citywide Zoning Code Amendments (CEQA Exempt)

Project Description: Amendments to Capitola Municipal Code Title 17: Zoning Code, the Zoning Map, and the General Plan Land Use Element affecting the Multifamily Residential (RM) zoning district and accessory dwelling unit (ADU) regulations. The Zoning Code and Zoning Map are part of the City's Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone. The proposed amendments would apply to properties citywide.

Recommended Action: Consider and Adopt resolutions recommending the City Council adopt the proposed Zoning Code, Zoning Map, and General Plan Amendments.

8. Director's Report

A. Cliff Drive Resiliency Project and Local Coastal Program Update

Project Description: Permit #24-0421 for Amendments to the City's Local Coastal Program including amendment to CMC Chapters 17.32 Parks and Open Space, Chapter 17.64 ESHA, Chapter 17.76 Parking and Loading, and Chapter 17.68 Geological Hazards, as well as amendment to Capitola's Land Use Plan Chapter 2: Public Access and Capitola's Local Coastal Land Use Plan Chapter 7: Natural Hazards. The proposed LCP amendments affects properties within the Coastal Zone and are not effective within the Coastal Zone unless certified by the California Coastal Commission.

Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments. This item will be presented to the Planning Commission for action on September 4, 2025.

9. Adjournment – Adjourn to the next regularly scheduled meeting of the Planning Commission on September 4, 2025 at 6:00 PM.

How to View the Meeting

Meetings are open to the public for in-person attendance at the Capitola City Council Chambers located at 420 Capitola Avenue, Capitola, California, 95010

Other ways to Watch:

Spectrum Cable Television channel 8

City of Capitola, California YouTube Channel: <https://www.youtube.com/@cityofcapitolacalifornia3172>

To Join Zoom Application or Call in to Zoom:

Meeting link: <https://us02web.zoom.us/j/84412302975?pwd=NmlrdGZRU2tnYXRjeSs5SlZweUIOQT09>

Or dial one of these phone numbers: 1 (669) 900 6833, 1 (408) 638 0968, 1 (346) 248 7799

Meeting ID: 844 1230 2975

Meeting Passcode: 161805

How to Provide Comments to the Planning Commission

Members of the public may provide public comments to the Planning Commission in-person during the meeting. If you are unable to attend the meeting in person, please email your comments to planningcommission@ci.capitola.ca.us and they will be included as a part of the record for that meeting. Emailed comments will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.

Appeals: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Design Permit, Conditional Use Permit, Variance, and Coastal Permit. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day. All appeals must be in submitted writing on an official city application form, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

Notice regarding Planning Commission meetings: The Planning Commission meets regularly on the 1st Thursday of each month at 6 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

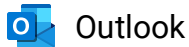
Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: <https://www.cityofcapitola.org/>. Need more information? Contact the Community Development Department at (831) 475-7300.

Agenda Materials Distributed after Distribution of the Agenda Packet: Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

Americans with Disabilities Act: Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

Si desea asistir a esta reunión pública y necesita ayuda - como un intérprete de lenguaje de señas americano, español u otro equipo especial - favor de llamar al Departamento de la Secretaría de la Ciudad al 831-475-7300 al menos tres días antes para que podamos coordinar dicha asistencia especial o envíe un correo electrónico a jgautho@ci.capitola.ca.us.

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: <https://www.cityofcapitola.org/>.



Wharf Donor Wall relocation

From Gayle Ortiz <gayle@gocapitola.com>

Date Mon 8/18/2025 4:32 PM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>; Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>

Re: Agenda item 7A for the August 21 meeting

Dear Commissioners,

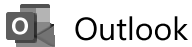
Capitola Wharf Enhancement Project understands the need to move the Wharf Donor Wall.

We favor option #1, the west facing railing at the wharf entry.

You may recall that location was our original choice so we are glad to see that it might be relocated there.

As far as option #2, we feel that anywhere on the east facing railing will partially obscure the views and create more clutter on the wharf itself.

Thank you,
Gayle Ortiz
CWEP Committee Chairperson



Amendment to permit #20-014 - Capitola wharf - no dogs on wharf

From Narendra Dev <naren_private@yahoo.com>

Date Thu 8/21/2025 2:28 PM

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

Dear Planning Commission and Community Development Director,

I read the amendment to permit #20-014 - the updated site plan, interpretive signs and the bike racks. It is an excellent plan - well done. I loved the panels and the design seems well thought out. Benches and picnic tables are good. It provides for two mobile kiosks but leaves the details to a later date. Makes sense. Thanks for doing it.

I had one item of feedback. The rule added - ***no dogs on the wharf?*** Where did that come from? Is it due to safety or is it from cleanliness perspective. Can we have a debate on this rule? Not being able to take my dog will negate half the fun of walking along the wharf.

Regards, Naren
4820 Opal cliff dr. #202
Capitola, CA 95010
Narendra Dev,
Mobile: +1 408 771 8088,
eMail: naren_private@yahoo.com

FW: Againts Change of Zone

From Sesanto, Sean <ssesanto@ci.capitola.ca.us>
Date Tue 8/19/2025 4:34 PM
To Wyatt, Rosie <rwyatt@ci.capitola.ca.us>

Hi Rosie, please see the public comment received.

Thanks,

Sean Sesanto | Associate Planner
City of Capitola
831.475-7300
Planning Counter Hours: 1 p.m. - 4 p.m., Monday - Thursday

From: omar.oakleyinc@gmail.com <omar.oakleyinc@gmail.com>
Sent: Tuesday, August 19, 2025 4:10 PM
To: Planning <planning@ci.capitola.ca.us>
Subject: Againts Change of Zone

Hi,

I own a house at 710 Orchid Ave Capitola CA 95010 and I am strongly against the Change of Zone below-600 Park Avenue. I have 3 kids and I don't want 3 story apartments that look down into my property. That is a violation of privacy. I also do not want any car access to these apartments through Orchid Avenue. This would be dangerous for the kids that play in our neighborhood.

Thank you for your time,
Omar Etcheverry
831-234-1242



CITY OF CAPITOLA PLANNING CO NOTICE OF PUBLIC HEAR PROPOSED CHANGE O

DATE: August 21, 2025

TIME: 6 p.m.

PLACE: City Council Chambers, 420 Capitola Avenue

Properties: 600 Park Avenue

APN: 036-151-15

Amendments to Capitola Municipal Code, General Plan Capitola Zoning Map to implement 6th Cycle Housing Element of the General Plan, including Chapters 17.12, 17.16, 17.74. Proposed amendments create two additional Multi-Family subzones with maximum densities of 30 and 40 units per acre and establish development standards for new and existing single-family detached Zoning Map to apply the new RM subzones seven and eight. Accessory Dwelling Units consist of minor revisions to clarify existing law.

A copy of the proposed Zoning Code and Zoning Map amendments will be available at City Hall, the Capitola Library, and on the City's website at www.cityofcapitola.org/meetings. For questions or comments, contact the Planning Department at 831-475-7300, write to the City of Capitola, 420 Capitola Avenue, CA 95010, or email planning@ci.capitola.ca.us. If you wish to attend the meeting, including needs addressed by the California Environmental Quality Act, notify the City at least 3 days prior to the meeting by calling



Omar Etcheverry

Oakley Sales Representative
OPTICAL & SUN SPECIALTY CHANNEL

CELL: [\(831\) 234-1242](tel:(831)234-1242)

FAX: [\(831\) 515-5006](tel:(831)515-5006)

Fast, easy, 24/7 online ordering: MyLuxottica.com. Take advantage of FREE shipping for any order placed—No minimums to qualify, and you'll never miss out on sales in between my rep visits.

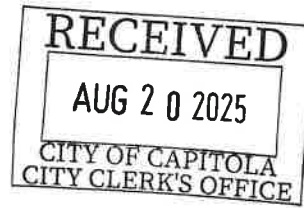
Luxottica Dealer Services: [1-800-422-2020](tel:1-800-422-2020), Monday-Friday 8am-8pm EST

All Things Oakley Rx: [Patient Calculator](#)

DID YOU KNOW...you can earn a 2% discount when your invoice is paid within 10 days of the date issued?

Sent from my iPhone

City of Capitola Planning Commission
420 Capitola Avenue
Capitola, CA 95010



August 20, 2025 Item 2 B.

Dear Capitola Planning Commissioners:

It has almost been a year since the proposed zoning changes for 46th Avenue and our surrounding neighborhood were presented to you for approval, and the decision was postponed. Since then there has been a great effort to reach out to the community for feedback regarding the proposals, which is truly commendable.

Nonetheless, we urge you not to approve such a large zoning density increase for the Capitola Gardens Apartments (Area 6) and the Capitola Towers Apartments (Area 4) properties, which are both located on 46th Avenue.

We understand that change is inevitable. We also understand the need to adjust the allowed density of these properties to reflect, at minimum, the existing built density. Further, we recognize the need for additional housing in Capitola, and the mandates that the State has set. However, the proposed new densities more than double or triple the allowed number of units per acre on each of these properties, and the new height maximums ensure that developers build at the maximum density.

At the same time, it is interesting to note how the proposed changes translate to the number of units allowed on each property. The number of apartments in the Capitola Gardens Apartments (Area 6) could increase from 80 to 198 units, which is an increase of 118 units on this property alone. In addition, the number of apartments in the Capitola Towers Apartments (Area 4) could potentially increase from 52 to 110 units, which is an increase of 58 units. That is 176 additional units on 46th Avenue, which is one of the most densely populated areas in Capitola, with one condominium complex and five apartment complexes that total over 300 units.

Setting such high maximums as the standard will affect the existing community. It also reduces the Planning Commission's control over development, and limits its ability to protect these Capitola neighborhoods.

Creating three-story, market-rate apartments that rent for \$4,500 monthly will not solve the housing issue and will not necessarily guarantee that the City meets its state-mandated building quota. So, why not set more reasonable standards for Capitola's existing high-density neighborhoods?

In all, in order to preserve and protect our neighborhood, we strongly urge you to modify the proposed zoning densities and three-story height allowances for the above-mentioned properties located on 46th Avenue.

Thank you for your consideration.

Sincerely,

A handwritten signature in blue ink, appearing to read "Tim Collins" followed by a large, stylized flourish.

Tim, Pam & Jennifer Collins
1830 46th Avenue, Capitola, CA 95010



600 Park Avenue Apartments

From terre thomas <terra12@cruzio.com>

Date Wed 8/20/2025 12:03 PM

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

Dear Planning Commissioners,

Thank you for your service. I really appreciate all the work you do, especially considering that this meeting's agenda is so complicated and lengthy to process.

I would like to request a few changes to the proposed R30 designation regarding the 600 Park Avenue Apartments that abut our property of 53 years, which I will reiterate at your meeting August 21st.

I appreciate the fact that the city has changed the zoning from R40 to R 30, as putting so many possible units in a Residential neighborhood seemed overly ambitious.

However, there are a few issues that I would like to request that you change:

First, the setback requirement as written would be a minimum of 3 feet and a maximum of 7 feet. That is way too close and overwhelming to all the 19 surrounding R1 properties, especially if the buildings can be 36 feet tall.

I would request that it be changed to 20 minimum to 25 foot maximum side and rear yard setbacks that abut the single family dwellings surrounding it. This would be helpful in preserving some solar access and privacy to local residents. I strongly suggest that you revisit the setback requirement notes on page 68, and number of stories for R10 and R20 parcels.

Second, I would also like you to include that all windows facing the R1 areas either be opaque or clerestory to maintain the privacy of both sides of the zone.

Third, preserve as much common open space as possible, regardless of how much private space for individual units is provided. If children are present, they need a place outside to play, so whatever landscaping is proposed, it should include lawn area.

I am relieved that there will be adequate parking on site, as there is no parking available on Park Avenue, and the Cliffwood Heights neighborhood residents do not want their streets filled up with nonresident's cars. Grocery shopping would prove problematic if one had to walk home with anything frozen.

Thank you for taking these changes into consideration. I know that this is just one parcel that I am concerned with, but I am sure others would appreciate applying these changes if it would affect them as well.

Appreciatively,
Terre Thomas



FW: APN: 034-011-01,02,03,43,44,47.49

From Sesanto, Sean <ssesanto@ci.capitola.ca.us>

Date Wed 8/20/2025 5:50 PM

To Wyatt, Rosie <rwyatt@ci.capitola.ca.us>

Hi Rosie,

We received this comment regarding Item 7B. It was sent to Council, but I think it should be included in the PC packet.

Thank you,

Sean Sesanto | Associate Planner

City of Capitola

831.475.7300

Planning Counter Hours: 1 p.m. - 4 p.m., Monday - Thursday

From: Julie Rasnick <julierasnick@gmail.com>

Sent: Saturday, August 9, 2025 4:36 PM

To: Planning <planning@ci.capitola.ca.us>

Cc: City Council <citycouncil@ci.capitola.ca.us>

Subject: APN: 034-011-01,02,03,43,44,47.49

I reside at 2171 Francesco Circle and would like to be emailed on all future correspondence and meeting minutes regarding this proposed change of zone.

My home is directly behind the Capitola Library and that parking lot is ALWAYS full of cars! Also library patrons utilize the walkway between the library and our development and park in our extremely limited neighborhood parking spots! This development sounds way too large for the area.

How many stories is this proposed development? Is it low income housing? What space will it have for the residents and their vehicles?

I am concerned!

Julie Rasnick



feedback on RM zone amendments and RM Zoning Map amendments

From Narendra Dev <naren_private@yahoo.com>

Date Thu 8/21/2025 12:46 PM

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

Dear Planning Commission and Community Development Director,

Congratulations of moving forward with the RM zone amendments and the revised RM Zoning Map amendments. A big step forward towards providing more housing in Capitola and meeting our housing element plan.

I did have one procedural feedback. I think it would be useful to separate the RM zone amendments and the revised Zoning RM Map amendments into separate resolutions. I expect that the RM zone amendments should be pretty stable over the next (say) five years. But I do expect that the Zoning RM Map to change more frequently based on a variety of factors - motivation, cost, impact on existing tenants, etc. There existing RM buildings on these 7 sites and the owner will have to add-on or "demolish and rebuild" at the higher density.

I feel that staff should recommend a "revisit" metric like 25% of these 7 owners make (or commit to make) this change in one year. If this metric is not met after one year, then this higher zoning density should be opened up to the next eligible segment - MH condos or convert R1/R2 to MH or convert open land zoned differently to MH.

Regards, Naren
4820 Opal cliff dr. #202
Capitola, CA 95010
Narendra Dev,
Mobile: +1 408 771 8088,
eMail: naren_private@yahoo.com



FW: Against Rezoning 600 Park Ave.

From Sesanto, Sean <ssesanto@ci.capitola.ca.us>

Date Thu 8/21/2025 1:14 PM

To Wyatt, Rosie <rwyatt@ci.capitola.ca.us>

FYI

Sean Sesanto | Associate Planner

City of Capitola

831.475.7300

Planning Counter Hours: 1 p.m. - 4 p.m., Monday - Thursday

From: jeff lee <jeffersonlee77@hotmail.com>

Sent: Thursday, August 21, 2025 12:02 PM

To: Sesanto, Sean <ssesanto@ci.capitola.ca.us>

Subject: Against Rezoning 600 Park Ave.

Hi Sean,

My family and live at 117 Wesley St. and we are against the rezoning as proposed for 600 Park Ave.

The RM-30 revisions remain overly ambitious and would expose Capitola to overdevelopment.

We strongly urge the City to continue to study potential impacts and reduce allowable density. Minimal setbacks, 30ft+ tall buildings, additional traffic, parking impacts and increased noise levels will have negative consequences for residents and visitors of Capitola.

Thank you,

Jeff & Kirsten Lee



FW: Against Rezoning 600 Park Ave. - Resending Previous

From Sesanto, Sean <ssesanto@ci.capitola.ca.us>

Date Thu 8/21/2025 2:02 PM

To Wyatt, Rosie <rwyatt@ci.capitola.ca.us>

Hi Rosie,

Jeff Lee has provided additional comment.

Sean Sesanto | Associate Planner

City of Capitola

831.475.7300

Planning Counter Hours: 1 p.m. - 4 p.m., Monday - Thursday

From: jeff lee <jeffersonlee77@hotmail.com>

Sent: Thursday, August 21, 2025 2:02 PM

To: Sesanto, Sean <ssesanto@ci.capitola.ca.us>

Subject: Against Rezoning 600 Park Ave. - Resending Previous

Hello City Planning Team,

Please consider our comments for the upcoming meeting and future meetings on the subject of rezoning to accommodate future residential density increases in Capitola:

High density apartment projects just won't fit in Capitola neighborhoods!

Projects in the 30-40d.u./acre range cannot physically fit in Capitola neighborhoods without looking at new walls/rooflines ~35-40'+ tall that do not fit the scale of our community.

Even allowing increases to the magnitude of ~20-25d.u./acre from the current 10 or 15 would be a huge change, and would be difficult if not impossible to do in a manner that is respectful of existing residents and neighborhoods, so as not overwhelm the area(s) with the new building(s) massing.

To borrow from typical Planning checklist items, redevelopment projects such as these will not fit the approval criteria, including but not limited to:

- the future exterior design(s) will not be in harmony with, and will not maintain the scale of, the neighborhood(s).
- the future building project(s) will create excessive noise, traffic, and parking congestion.
- The location(s) and design(s) of the future building project(s) will not maintain compatible relationships to adjacent properties and will significantly impact the privacy, light, air, solar access, and parking of adjacent properties.
- The future design(s) will visually dominate the surrounding properties.
- The future project(s) will impair public views towards the ocean bluff and of scenic coastal areas.
- The future project(s) will not maintain and will not enhance public views.

- The future project(s) will not maintain or enhance vegetation, natural habitats and natural resources
- The future project(s) will not maintain or enhance coastal resources.

Just because rezoning 600 Park Ave. and similar sites may make sense from the developers' perspective, provide added units towards the State's housing ultimatum, and can be accomplished relatively easily and quickly (compared to the perceived complexities of the Mall site), doesn't mean this is the correct redevelopment approach. It's not the right move for Capitola neighborhoods.

We urge City leaders to keep any (planning for and) future redevelopment to reasonable levels and only allow it if, and where it truly fits.

Please - if the City must (prepare to) overdevelop, do so only at the drastically underutilized Mall site and 41st semi-urban corridor, not the village and surrounding neighborhoods.

Please - show the State Capitola's redevelopment plan for the mall, and the thousand+ units that could fit there, and show them the overall redevelopment schedule, to show good faith efforts are being made, and then efforts to shoehorn massive apartment projects into quiet neighborhoods can be abandoned.

Thank you for your time and efforts and for considering our perspective.

Sincerely,

Jeff & Kirsten Lee
117 Wesley St. Capitola



Cliff Drive and LCP

From Leslie Nielsen <lpbeach21@gmail.com>

Date Thu 8/21/2025 12:20 AM

To PLANNING COMMISSION <planningcommission@ci.capitola.ca.us>; Herlihy, Katie (kherlihy@ci.capitola.ca.us) <kherlihy@ci.capitola.ca.us>; Kahn, Jessica <jkahn@ci.capitola.ca.us>

Cc John M. Sobrato <johnm@sobrato.com>; Graeven, Rainey@Coastal <rainey.graeven@coastal.ca.gov>; Laura DeVere <laura@blinkcv.com>; Breeze Kinsey <breeze@civicknit.com>

Planning Commission, Director Kahn and Director Herlihy,

The Item 8A redline LCP document included in the agenda for tomorrow's meeting describes items on page 25 and 26 noting (all descriptions below as of 2025)

Under the CLIFF DRIVE section it says, " A city stairway provides access to Hooper Beach at the downcoast viewpoint"

Under the HOOPER BEACH section it says, "Access is also provided via a vertical stairway along the midpoint of Cliff Drive as noted above.

Can you please update this to properly reflect that the stairway has not been repaired or functional since damaged in 2023, and note that public access is compromised as a result.

Please also note, this stairway appears to be "out of scope" for the Cliff Drive Resiliency Project, in spite of communications that the repairs would be included in this project.

My neighbors and I (three properties adjacent to the project scope at 4920, 4930 and 4940 Cliff Dr.) restacked 18 rocks (riprap) after the 2023 storm under an emergency CDP, and our CDP Waiver has a footnote that says,

"In addition, anticipated future work to the overall revetment (i.e. the portions fronting Cliff Drive) invariably impacts the portion of the revetment fronting the subject site, and thus will require a coordinated effort.

We met with the City Manager and staff in March 2023 to discuss the future of Cliff Drive, and followed up with several e-mails and attendance at public meetings sharing our thoughts about safe transportation and public access up to and including the possibility of allowing an improved public access path on the beach side of our properties should the City consider that option.

The section of Cliff Drive between the Hooper Beach stairway and the Stockton Bridge needs to be comprehended in the full scope of the project.

Our interest in collaborating with the City has been communicated since the onset of the Cliff Drive project.

This project needs to be planned holistically and in coordination with adjacent property owners.

Best regards,
Leslie Nielsen

City of Capitola

Planning Commission Meeting Minutes

Thursday, July 17, 2025 – 6:00 PM



City Council Chambers

420 Capitola Avenue, Capitola, CA 95010

Chairperson: Paul Estey

Commissioner: Courtney Christiansen, Matthew Howard, Nathan Kieu,

1. **Roll Call and Pledge of Allegiance** - *The meeting was called to order at 6:00 PM. In attendance: Commissioners Howard, Kieu, and Chair Estey. Absent: Vice Chair Christiansen.*
2. **Additions and Deletions to the Agenda** – *Staff received one email for Item 6A and one email for Item 6B as additional materials.*
3. **Oral Communications** - *None*
4. **Planning Commission/Staff Comments**

Director Herlihy announced that a community meeting regarding the Cliff Drive Resiliency Project will take place on August 12, 2025, at 6:00 PM in the City Hall Community Room.

5. **Consent Calendar**

A. **Approval of June 5, 2025, Planning Commission Minutes**

B. **4800 Opal Cliff Drive**

Project Description: Application #25-0164. APN: 034-462-05 An application for a previously issued Conditional Use Permit and Coastal Development Permit (Permit #21-0011) for repair and maintenance of an existing coastal protection structure located within the RM-M (Multi-Family Residential, Medium Density) zoning district and the CZ (Coastal Overlay) zone. The proposal also includes repairs for a new ten square foot area of the shotcrete wall that has been undermined. The Planning Commission approval was issued on June 2, 2022, but the applicant was unable to secure Building Permits within two years and the permits expired. This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Staff recommends the Planning Commission approve the application allowing the applicant two years to secure a Building Permit.

Motion to approve Items 5A and 5B: Commissioner Kieu

Second: Commissioner Howard

Voting Yea: Commissioners Howard, Kieu, and Chair Estey

Absent: Vice Chair Christiansen

Conditional Use Permit Findings:

A. The proposed use is allowed in the applicable zoning district.

Accessory structures located in the ESHA are permitted through a conditional use permit and coastal development permit in the RM-M zoning district.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The shotcrete wall was determined to be consistent with the general plan, local coastal program, and zoning code in 1998. The repair and maintenance of the existing wall is consistent to the current general plan, local coastal program, and zoning code.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The proposed use is to repair and continue the use of an existing accessory structure that supports the bluff behind the existing multifamily building on the property. The existing shotcrete wall is compatible with and will not interfere with other planned land uses in the vicinity.

D. The proposed use will not be detrimental to the public health, safety, and welfare.

The proposed shotcrete wall repair will not be detrimental to the public health, safety, or welfare. As conditioned, the mobilization and finished repairs will stabilize the wall and reduce the possibility of further debris falling onto the beach.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed use does not have any immediate demands on services or infrastructure. Similar structures exist in the vicinity and the proposed repair does not alter the existing location.

Coastal Findings:

1. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

2. The project maintains or enhances public views.

The proposed project has no permanent impact on view or coastal access.

3. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project will have a minimal impact to existing Pampas Grass removed above the root. Pampas Grass is nonnative and is a "recommended to avoid" plant species by the Department of Fish and Wildlife. Condition of approval #12 requires the applicant

to avoid repairs during the nesting season or hire a qualified biologist to survey any nesting activity in the area prior to start of work.

4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project has no impact on recreation access or cost.

5. The project maintains or enhances opportunities for visitors.

The project has no impact on visitors and opportunity.

6. The project maintains or enhances coastal resources.

The proposed wall repair is intended to maintain the bluff and minimize erosion.

7. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed wall repair will not be noticeable from offsite when compared to the conditions since 1998. There are no significant design or operational impacts associated with the repair.

8. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. Short term mobilization impacts will be minimal and only impact the project site.

Conditions of Approval:

1. The project approval renews and modifies the previously approved Conditional Use Permit and Coastal Development Permit (21-0011) issued by the Capitola Planning Commission on June 2, 2022, for repairs to an existing blufftop shotcrete wall system. The proposed modification includes a new ten square foot area of the wall to be repaired.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on July 17, 2025. All construction and site improvements shall be completed according to the approved plans.
3. At the time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.

Planning

5. The project approval consists of conditional use permit, and coastal development permit amendments to permit #97-88 for repair and maintenance of an existing coastal protection

structure. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.

6. Prior to making any changes to the approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to project scope shall require Planning Commission approval.
7. Prior to issuance of a building permit, all Planning fees associated with permit #25-0164 shall be paid in full.
8. Prior to Final Inspection by the Planning Department, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or may file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
9. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit issued before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
10. This permit is transferable with the title to the underlying property such that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
11. The applicant shall remove the graffiti on all portions of the blufftop or blufftop walls, prior to the satisfaction of the Community Development Director, prior to Planning Department final inspection.
12. The applicant shall remove all broken off wall debris from the beach and bluff, prior to Planning Department final inspection.
13. To the extent practicable, vegetation removal and maintenance activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If maintenance or vegetation removal cannot be performed during this period, pre-maintenance surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests—with particular emphasis on nests of migratory birds—if maintenance (including site preparation) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.

14. The applicant and City of Capitola shall execute and record the maintenance and monitoring agreement prior to issuance of Building Permit for the proposed maintenance and repair.
15. The shotcrete used for repair shall match the color and texture of the existing shotcrete wall.

6. Public Hearings

A. RTC Park Avenue Right of Way

Project Description: Application #25-0056. APN: 036-201-02. Coastal Development Permit and Fence Permit to construct approximately 1,300 linear feet of fencing and safety signs along a coastal bluff. The project is located within the CF (Community Facility) zoning district and the Environmentally Sensitive Habitat Area (ESHA). This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0056 and approve the project based on the attached Conditions and Findings for Approval.

Associate Planner Sesanto presented the staff report.

Public Comments:

- ***Speaker***
- ***Terry Thomas***

The Commission discussed the conditions of application #25-0056.

Motion to approve Application #25-0056 based on the recommended conditions and findings: Commissioner Kieu

Second: Commissioner Howard

Voting Yea: Commissioners Kieu, Estey

Voting No: Commissioner Howard

Absent: Vice Chair Christiansen

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

B. The project maintains or enhances public views.

The proposed project is located on public property between Park Avenue and Monterey Bay. The project has been designed such that it will not negatively impact public landmarks and/or public views. Any existing public views will not be obstructed.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project includes safety fencing along an existing rail corridor. The proposed fencing pathway is located along heavily disturbed land to avoid impacts on surrounding resources and vegetation. The project maintains vegetation and will not negatively impact natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project involves safety fencing along an ocean bluff which will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves safety fencing along an unstable bluff. Pedestrians accessing the property routinely access hazardous sections of the property which the proposed fence seeks to prevent. The fence will not prevent access along legally established pathways and sidewalks, nor obstruct coastal views from such locations. Therefore, the fence will result in improved public safety and would not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project involves safety fencing and signage and will not negatively impact coastal resources.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed safety fencing complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the CF (Community Facility) zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves safety fencing on a publicly owned transportation corridor. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the CF zoning district.

Conditions of Approval:

1. The project approval consists of the construction of approximately a 1,300-foot-long safety fence along the coastal side of the Regional Transportation Commission rail corridor and four warning signs for “no trespassing” and “unstable bluff”. An existing unauthorized bench will be removed as part of the project. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. No tree over six inches in diameter may be removed without separate permit. Fence alignment shall route around trunks where necessary.

3. No construction equipment may be staged within 10 feet of the bluff edge. Erosion control measures shall be followed.
4. This permit shall expire 48 months from the date of issuance. The applicant shall have construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

B. 302 Grand Avenue

Project Description: Application 25-0191. APN: 036-132-09. Design Permit, Coastal Development Permit, and Variance to demolish a single-family residence and construct a new two-story, single-family residence. The application includes variance requests related to the required number of parking spaces and rear and side setbacks for the garage. The project is located within the R-1 (Single-Family Residential) zoning district and Geologic Hazards overlay zone.

This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Recommended Action: Consider application #25-0191 and approve the project based on the attached Conditions and Findings for Approval.

Associate Planner Sesanto presented the staff report. The applicant provided comments to the Commission.

Public Comment:

- ***Russell Simpkins***

The Commission discussed the conditions of application #25-0191.

Motion to approve Application #25-0191 based on the recommended conditions and findings: Commissioner Kieu

Second: Commissioner Howard

Voting Yea: 3-0

Absent: Vice Chair Christiansen

Design Permit Findings:

- I. **The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.**

Community Development Staff and the Planning Commission have reviewed the project. The proposed replacement single-family dwelling complies with the development standards of the R-1 zoning district. With the granting of variances, the project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

J. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff and the Planning Commission have reviewed the application for a single-family dwelling within the R-1 zoning district. With a granting of the requested variances, the project complies with all applicable provisions of the zoning code and municipal code.

K. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

Section §15303(a) of the CEQA Guidelines exempts a single-family residence in a residential zone and is subject to Section 753.5 of Title 14 of the California Code of Regulations. This project involves the construction of a single-family dwelling within the R-1 (Single-Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

L. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

Community Development Staff and the Planning Commission have reviewed the project. The proposed residence will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

M. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff and the Planning Commission have reviewed the application. The proposed residential project complies with all applicable design review criteria in Section 17.120.070.

N. For projects in residential neighborhoods, The proposed project maintains the character, scale, and development pattern of the neighborhood.

Community Development Staff and the Planning Commission have reviewed the residential application. The residence and garage utilize fiber-cement shingles, fractional windows, and composition roofing. The form of the new residence retains similarities with the existing home including bonnet-style gabled roof and dormers. The project maintains the character, scale, and development pattern of the neighborhood.

Variance Findings:

A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.

The application notes several reasons for the variance, including the preservation of an olive tree behind the existing garage and limited space. The application also references limited site access due to city street abandonment of Grand Avenue and a portion of Saxon Avenue, approximately one third of the lot fronting Saxon Avenue. Staff further note that the lot depth was reduced to provide flag lot access on the adjacent property at 304 Grand Avenue, owing to loss of original road access from Grand Avenue. Therefore, multiple unique circumstances are applicable to the subject property, including lot size, geologic hazards, site access, and the preservation of trees.

B. The strict application of the zoning code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.

The subject property underwent a lot line adjustment to provide the adjacent property at 304 Grand Avenue with off-street parking opportunities, which were lost with the closure of Grand Avenue. The road closure and subsequent lot line adjustment limit parking space and siting on the subject property, leading to the variances originally approved for the existing garage. Therefore, the strict application of this requirement on a would deprive the subject property of a design commonly enjoyed on similar properties in the same zone.

C. The variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.

Properties abutting the Grand Avenue bluff are characterized by irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances for a reduction of required on-site parking and for minimum rear and side yard setbacks related to the garage are necessary to preserve development opportunities possessed by other properties in the vicinity.

D. The variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the properties or improvements in the vicinity or in the same zone as the subject property.

The granting of variances results in a project which complies with geologic hazard regulations, preservation of on-site trees, without any materially detrimental impacts to the public or surrounding improvements and amounts to a continuation of existing conditions.

E. The variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.

Over half of the 18 properties abutting the Grand Avenue bluff between Central Avenue and Livermore Avenue exhibit one or more irregular parking configurations including flag lots, nonconforming garage setbacks, and substandard parking availability. The granting of variances does not constitute a grant of special privilege.

F. The variance will not have adverse impacts on coastal resources.

The project has been designed with consideration to adjacent coastal resources. This includes removing existing encroachments within the public right-of-way and improving public parking spaces adjacent to the residence with deeper parking stalls. The project will not have adverse impacts on coastal resources.

Coastal Development Permit Findings:

A. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed development conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. Specifically, the project has been designed for consistency with a fifty-year development life related to geologic hazards.

B. The project maintains or enhances public views.

The proposed project is located on private property at 302 Grand Avenue. Improvements, including the new dwelling and landscape features have been designed to maintain or enhance public views.

C. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project is located at 302 Grand Avenue. The home is not located in an area with natural habitats or natural resources. The project will maintain or enhance vegetation and will not negatively affect natural habitats or natural resources.

D. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The site is private property which does not possess coastal access or resources. The project will not negatively impact low-cost public recreational access.

E. The project maintains or enhances opportunities for visitors.

The project involves the construction of a single-family dwelling will not negatively impact visitor serving opportunities.

F. The project maintains or enhances coastal resources.

The project has been designed with consideration to adjacent coastal resources and incorporates improvements to public parking adjacent to the residence.

G. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

With the granting of variances related to on-site parking and garage setbacks, the proposed residential project complies with all applicable design criteria, design guidelines, area plans, and development standards. The operating characteristics are consistent with the R-1 (Single-Family Residential) zone.

H. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project involves the construction of a single-family dwelling on a residential lot of record. The project is consistent with the LCP goals for appropriate coastal development and land uses. The use is an allowed use consistent with the R-1 zoning district.

Conditions of Approval:

1. The project approval consists of the demolition of an existing single-family residence and construction of an 1,867 square-foot single-family dwelling and attached 320 square-foot garage. The maximum Floor Area Ratio for the 4,126 square foot property is 53% (2,187 square feet). The total FAR of the project is 53% with a total of 2,187 square feet. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All

construction shall be done in accordance with the Public Works Standard Detail BMP STRM.

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.
7. Prior to issuance of a Certificate of Occupancy, the applicant shall complete landscape work to reflect the approval of the Planning Commission. Specifically, required landscape areas, all required tree plantings, privacy mitigations, erosion controls, irrigation systems, and any other required measures shall be addressed to the satisfaction of the Community Development Director.
8. Best management practices shall be used to protect the existing olive trees during construction, including preconstruction root exploration, preconstruction root pruning and canopy pruning, and tree protection structures. The applicant shall notify the City immediately upon evidence of tree death or decline. Tree death or trees in an irreversible state of decline shall be replaced to the satisfaction of the Community Development Department.
9. Prior to issuance of building permit, all Planning fees associated with permit #25-0191 shall be paid in full.
10. Prior to issuance of building permit, the developer shall pay Affordable housing impact fees as required to assure compliance with the City of Capitola Affordable Housing Impact Fee Ordinance.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection. Site runoff shall not drain onto adjacent parcels or over sidewalks.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance unless exercised. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.156.080.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
22. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
23. Outdoor lighting shall comply with all relevant standards pursuant to Municipal Code Section 17.96.110, including that all outdoor lighting shall be shielded and directed downward such that the lighting is not directly visible from the public right-of-way or adjoining properties.
24. Prior to a Building Department final and/or issuance of a Certificate of Occupancy, final inspections by the Planning and Public Works Departments are required.

25. Prior to demolition of the existing structure, a pest control company shall resolve any pest issue and document that all pest issues have been mitigated. Documentation shall be submitted to the City at time of demolition permit application.
26. If archaeological resources from either precontact or historic eras are exposed during site clearing or construction-related ground disturbance operations shall stop within 50 feet of the find.
 - a. A qualified archaeologist shall be contacted as quickly as possible to assess the discovery and make recommendations for treatment.
 - b. The property owners and/or project manager shall notify the Community Development Department immediately.
 - c. If the find is determined to be potentially significant, appropriate mitigation measures will be formulated and implemented, to the satisfaction of the Community Development Department.
27. If human remains are found at any time, the immediate area of the discovery shall be closed to pedestrian traffic along Saxon Avenue street frontage and the Santa Cruz County Coroner must be notified immediately.
 - a. If the Coroner determines that the remains are Native American, the Native American Heritage Commission shall be notified as required by law
 - b. Condition #26 shall also be followed as applicable.

C. 4820 Opal Cliff Drive

Project Description: Application #25-0231. APN: 034-463-04. Conditional Use Permit and Coastal Development Permit for a pin pier wall bluff retreat mitigation device in the RM-M (Multi-Family Residential – Medium Density) Zoning District with a CZ (Coastal Zone) overlay. This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Environmental Determination: Statutory Exemption

Recommended Action: Consider application #25-0231 and approve the project based on the attached Conditions and Findings for Approval.

Senior Planner Froelich presented the staff report. A representative from the community's homeowners' association provided comments to the Commission.

Public Comment:

- ***Speaker***

The Commission discussed the conditions of application #25-0231.

Motion to approve Application #25-0231 based on the recommended conditions and findings: Commissioner Kieu

Second: Commissioner Howard

Voting Yea: 3-0

Absent: Vice Chair Christiansen

Conditional Use Permit Findings

F. The proposed use is allowed in the applicable zoning district.

Accessory structures located in the ESHA are permitted through a conditional use permit and coastal development permit in the R-1 zoning district.

G. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The pin pier wall system is consistent with the general plan, local coastal program, and zoning code. Shoreline structures are permitted to protect development that existed prior to the Coastal Act.

H. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The proposed use is to install an accessory structure that reinforces the bluff and protects the existing building on the property. The structure is compatible with and will not interfere with other planned land uses in the vicinity. The project contractor has considered mobilization and does the proposed project does not require access to any other property.

I. The proposed use will not be detrimental to the public health, safety, and welfare.

The proposed pin pier wall system will not be detrimental to the public health, safety, or welfare. As conditioned, the mobilization and installation will stabilize the bluff and protect the existing structure.

J. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed use does not have any immediate demands on services or infrastructure. Similar structures exist in the vicinity and the proposed installation does not have any anticipated impact to public services or infrastructure.

Coastal Findings

9. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program. Specifically, Policy VII-9 allows shoreline structures to be installed for protection of existing structures.

10. The project maintains or enhances public views.

The proposed project has no permanent impact on view or coastal access.

11. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project will have an impact on existing decorative landscaping and patios. These are not areas conducive to native habitat. Condition of approval #10 requires the applicant to avoid repairs during the nesting season or hire a qualified biologist to survey any nesting activity in the area prior to start of work. Condition #13 requires the applicant to provide a landscape plan to the Planning Department for review and installation, prior to final inspection.

12. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project has no impact on recreation access or cost.

13. The project maintains or enhances opportunities for visitors.

The project has no impact on visitors and opportunity.

14. The project maintains or enhances coastal resources.

The proposed pin pier wall system is intended to maintain the bluff, minimize erosion, and protect the existing structures.

15. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed pin pier wall will not be noticeable from offsite when completed. The proposed wall is a passive installation below grade. There are no significant design or operational impacts associated with the proposed project.

16. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. Short term mobilization impacts are appropriately conditioned by this permit and only impact the project site.

Conditions of Approval:

1. The application is for a Conditional Use Permit (CUP) and Coastal Development Permit (CDP) to construct a coastal protection pin pile wall structure with tiebacks and a grade beam at 4820 Opal Cliff Drive. Prior to construction, a building permit shall be secured for any new construction or modifications to existing structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing. All construction and site improvements shall be completed according to the approved plans.
2. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
3. Construction activity shall be subject to a noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official.

Planning

4. The project approval consists of construction of conditional use permit, and coastal development permit to construct a coastal protection pin pile wall structure with tiebacks and a grade beam. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on July 17, 2025, except as modified through conditions imposed by the Planning Commission during the hearing.

5. Prior to making any changes to the approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to project scope shall require Planning Commission approval.
6. Prior to issuance of a building permit, all Planning fees associated with permit #25-0231 shall be paid in full.
7. Prior to Final Inspection by the Planning Department, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or may file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
8. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit issued before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration.
9. This permit is transferable with the title to the underlying property such that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
10. To the extent practicable, construction activities shall be performed from September 1 through January 31 to avoid the general nesting period for birds. If construction cannot be performed during this period, preconstruction surveys will be performed no more than two days prior to beginning work activities to locate any active nests as follows: The owner/applicant shall be responsible for the retention of a qualified biologist to conduct a survey of the project site and surrounding 300' for active nests—with particular emphasis on nests of migratory birds—if construction (including mobilization) will begin during the bird nesting season, from February 1 through August 31. If active nests are observed on either the project site or the surrounding area, the project owner/applicant, in coordination with the appropriate City staff, shall establish no-disturbance buffer zones around the nests, with the size to be determined in consultation with the California Department of Fish and Wildlife (usually 100' for perching birds and 300' for raptors). The no-disturbance buffer will remain in place until the biologist determines the nest is no longer active or the nesting season ends. If construction ceases for two days or more and then resumes during the nesting season, an additional survey will be necessary to avoid impacts on active bird nests that may be present.
11. Prior to building permit issuance, the City's Geotechnical Consultant shall review and approve all geotechnical aspects of the project construction and grading plans (i.e., site preparation, grading, excavation, and subsurface drainage improvements, etc..) to ensure that their comments have been addressed and/or properly incorporated into the project design.
12. Prior to final inspection, a landscape plan shall be submitted and approved by the Community Development Department and installed by the applicant. The landscape plan may be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall, at minimum, demonstrate how the affected areas will be replanted

and protected for erosion control. The plan shall identify planting type, size, and location of species and details of any proposed (but not required) irrigation systems.

13. If during construction operations the contractor needs access to any adjacent private property, the applicant shall immediately notify the City and, prior to accessing any adjacent private property, provide the City with documentation of a signed access agreement that references the needed encroachment and includes permission from the affected property owner(s) to access and conduct the work.

Public Works

14. At the time of submittal for building permit review, a sediment and erosion control plan (construction BMP's), including equipment and stockpile location and protection, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
15. At the time of submittal for building permit review, Public Works Standard Detail SMP STRM shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with the Public Works Standard Detail BMP STRM.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. Prior to a Public Works final inspection, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.

7. Director's Report

Director Herlihy announced that a new Planning Commissioner will be appointed at the July 24th City Council meeting; reminded Commissioners of the Cliff Drive Resiliency Project community meeting on August 12, 2025, at 6:00 PM; shared that the City has applied for a climate adaptation planning grant; announced that the name of the Community Development Department has been changed to the Community and Economic Development Department; and announced the departure of Senior Planner Brian Froelich.

- 8. Adjournment** – The meeting adjourned at 7:09 PM. The next regularly scheduled meeting of the Planning Commission is on August 21, 2025, at 6:00 PM.

ATTEST: _____

Rosie Wyatt, Deputy City Clerk



City of Capitola

Special Planning Commission

Meeting – Project Tour

Thursday, July 17, 2025 – 4:00 PM

4401 Capitola Road, Capitola, CA 95010 – INFORMATIONAL, NO ACTION

Chairperson: Paul Estey

Commissioners: Courtney Christiansen, Matthew Howard, Nathan Kieu

Special Meeting of the Planning Commission – 4 PM

1. Roll Call – *The meeting was called to order at 4:08 PM. In attendance: Chair Estey. Absent: Commissioners Kieu, Howard, Vice Chair Christiansen.*

2. General Government

- A. Tour of The Bluffs at 44th Project
Site Visit – No Action.

Public Comments: None

3. Adjournment – *The meeting adjourned at 4:27 PM. The next regularly scheduled Planning Commission meeting is on July 17, 2025, at 6:00 PM.*

ATTEST: _____
Rosie Wyatt, Deputy City Clerk

Capitola Planning Commission

Agenda Report

Meeting: August 21, 2025

From: Community and Economic Development

Subject: 1400 Wharf Road



Project Description: Amendment to permit #20-0141, a Design Permit and Conditional Use Permit for the rehabilitation, repair, and expansion of the historic Capitola Wharf. The Capitola Wharf is located at 1400 Wharf Road within the PF (Public Facilities) zoning district, at APN: 034-072-01, -02. This project received a Coastal Development Permit issued by the California Coastal Commission.

Recommended Action: Approve the amendments for permit #20-0141 and provide direction on the location of the donor panels.

Property Owner: City of Capitola

Representative: Katie Herlihy, Community and Economic Development Director

Background: The California Coastal Commission (CCC) is responsible for authorizing the Coastal Development Permit (CDP) for the entirety of the proposed project because the entire wharf is located within the Commission's retained coastal permitting jurisdiction. A CDP was approved by the Coastal Commission on July 8, 2021, and issued to the City on July 19, 2021. Additions to the original scope of work due to storm damage were authorized under the 2021 approval as a minor modification. The City received a Coastal Development Permit for the demolition of the commercial structures.

On March 27, 2024, the Planning Commission reviewed and approved an updated Capitola Wharf Design Permit which included: a new entryway arch with gate, enhanced lighting, public restrooms, a water fill station, forty benches, four viewing stations, four picnic tables, ten bike racks, bronze fish, a mosaic donor panel art piece, a fish cleaning station, and trash receptacles. Since the meeting, the City received a grant for interpretive signs along the wharf to explain the surrounding natural systems. These will include one kiosk by the entryway and four signs, one at each viewing station.

Discussion: The Wharf Improvement Project is in the final stages of implementation. The remaining installation items include ten wave-style bicycle racks, four interpretive signs (one at each viewing station), one interpretive kiosk near the Wharf entry, and the bronze fish leading from the kiosk to each of the viewing stations.

As part of the final design elements, staff is recommending relocating the donor recognition panel from the originally planned location at the west side of the Wharf entrance to an alternative location. The two options under review are: (1) in front of the Wharf entry on the west side, or (2) just inside the Wharf entrance on the east side, immediately before the stairs leading down to the beach. The potential change is recommended because the west side of the Wharf entrance is heavily programmed with multiple amenities including public restrooms, a water refill station, an interpretive kiosk, and ten wave-style bicycle racks. Relocating the donor panel will reduce congestion in the west-side entry area. Attachment one is the updated site plan with donor panel options.

CEQA: As part of the existing approval, the City adopted a Mitigated Negative Declaration (MND). A Mitigation Monitoring and Reporting Program (MMRP) was also adopted prepared pursuant to Section

21081.6. The MMRP has been incorporated into the existing conditions of approval by reference to ensure that impacts are reduced to a less than significant level. Additionally, the project has been reviewed and found to be consistent with Section 15300.2(f) for modifications to historical resources.

Findings and Conditions of Approval:

The finding and conditions of approval of permit #20-0141 are unchanged.

Attachments:

1. Updated site plan with donor panel options
2. Interpretive signs
3. Wave Bicycle Racks

Report Prepared By: Katie Herlihy, Community and Economic Development Director

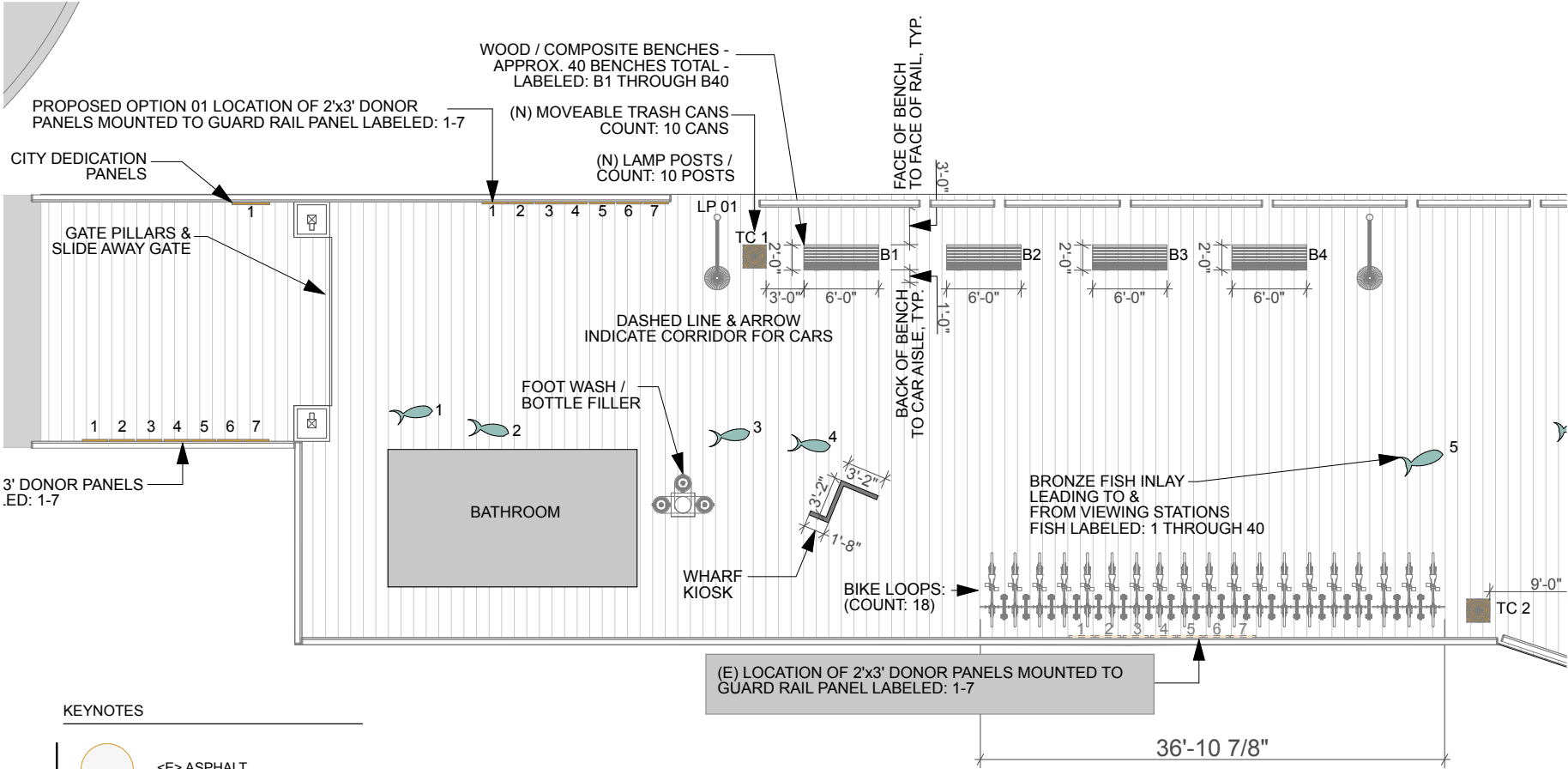
Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director

CAPITOLA WHARF

1400 Wharf Rd -Capitola
CA, 95010

fuse architects + builders
512 Capitola Ave • Capitola • California • 95010
fusearchitecture.com 831.479.9295



KEYNOTES

- <E> ASPHALT
- <E> WATER
- <E> ROOFING @ BATHROOM
- <N> WOOD DECKING
- <N> CAR DRIVE PATH

2

SITE PLAN SECTION 01

1/4" = 1'-0"

ABBREVIATION LEGEND:

- TC #00 - (N) MOVEABLE TRASH CAN W/ LOCATION NUMBER
- LP #00 - (N) LAMP POST MOUNTED TO WOOD DECK W/ LOCATION NUMBER
- PT #00 - (N) PICNIC TABLE W/ LOCATION NUMBER
- FISH #01 - (N) FISH CLEANING STATION / DIMENSIONS T.B.D.

Project Submittal Record		
Revision	Date	Issue Description
1	03/07/2024	PLANNING SUBMITTAL
1	03/21/2024	RE-SUBMITTAL

Seal/ Signature



Project Name
Capitola Wharf

Accessor's Parcel Number
APN #: 123-456-78

Sheet Title
ENLARGED WHARF SITE PLAN - SECTION 01

Scale
As Indicated

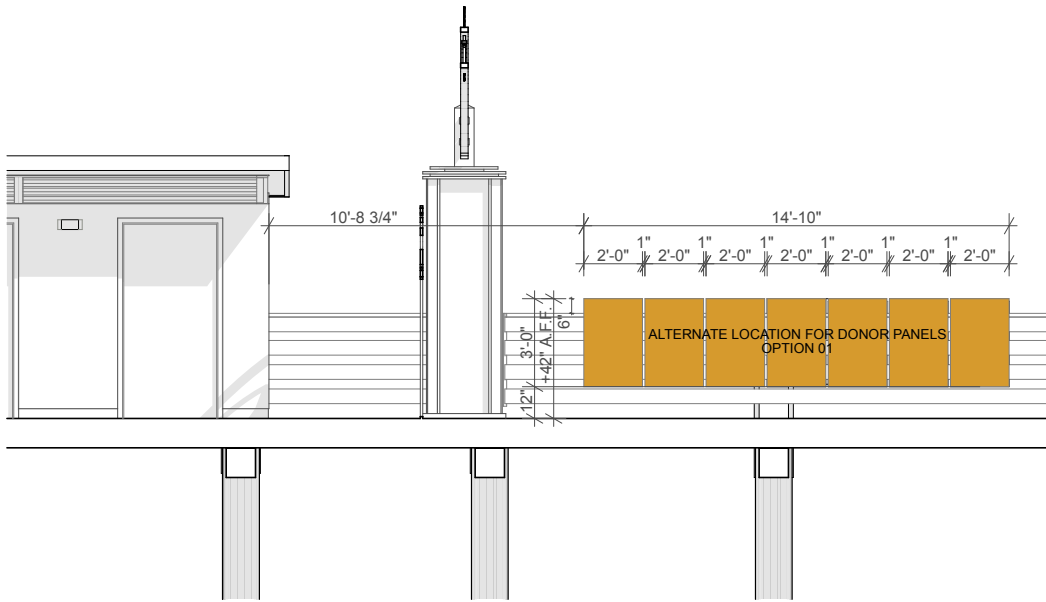
A1.1

Item 7 A.

CAPITOLA WHARF

1400 Wharf Rd -Capitola
CA, 95010

fuse 
architects + builders
512 Capitola Ave + Capitola + California + 95010
fusearchitecture.com 831.479.9295



1 ALTERNATE DONOR WALL LOCATION / OPTION 01

$$1/2" = 1'-0"$$


CONCEPTUAL IMAGE - ALTERNATE DONOR WALL LOCATION / OPTION 01

4

1:4.37



CONCEPTUAL IMAGE - ALTERNATE DONOR WALL LOCATION / OPTION 02

This elevation drawing shows the base of the monument. On the left, a vertical structure is labeled "CITY PANELS". To its right, a horizontal dimension of 17'-10 3/4" is indicated. Further right, a series of panels are shown with a total width of 14'-10". The spacing between these panels is detailed as follows: 2'-0", 1", 2'-0", 1", 2'-0", 1", 2'-0", 1", 2'-0", 1", 2'-0", 1", 2'-0". Below this, a vertical dimension of 3'-0" is shown, with a note "+42" AFF." (Above Finished Floor). The panels are labeled "ALTERNATE LOCATION FOR DONOR PANELS OPTION 02". At the bottom, three vertical structures are labeled "CITY DEDICATION PANELS".

2 ALTERNATE DONOR LOCATION / OPTION 02

$$1/2'' = 1'-0''$$

8/15/25 12:16

Project Submittal Record

Revision	Date	Issue Description
	03/07/2024	PLANNING SUBMITTAL
1	03/21/2024	PLANNING RE-SUBMITTAL

Seal/ Signature



Project Name
Capitola Wharf

Accessor's Parcel Number
APN #: 123-456-78

Sheet Title
DONOR PANEL LAYOUT

Scale
As Indicated

A4

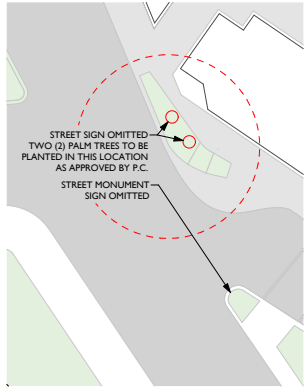
© FUSE ARCHITECTS + BUILDERS 2021

40

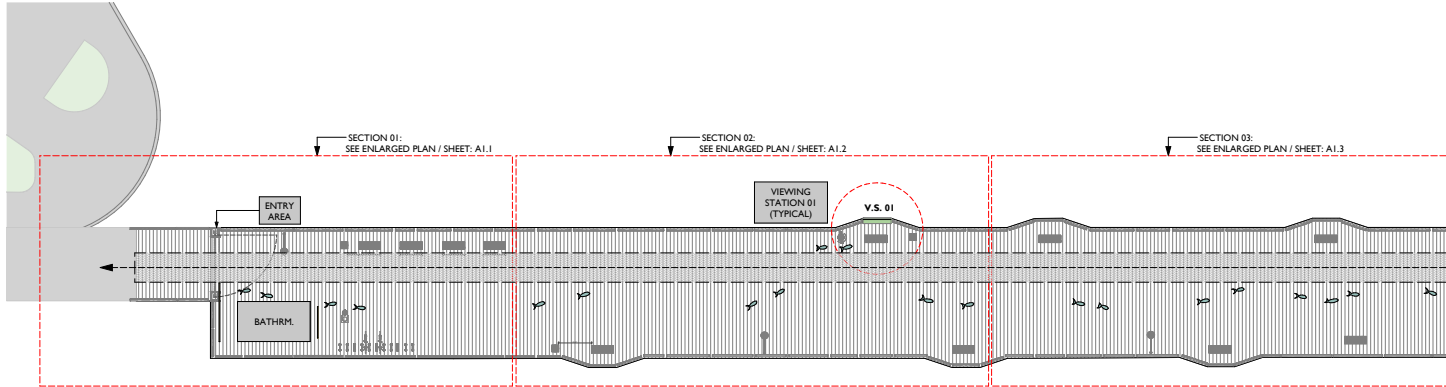
CAPITOLA WHARF

1400 Wharf Rd -Capitola
CA, 95010

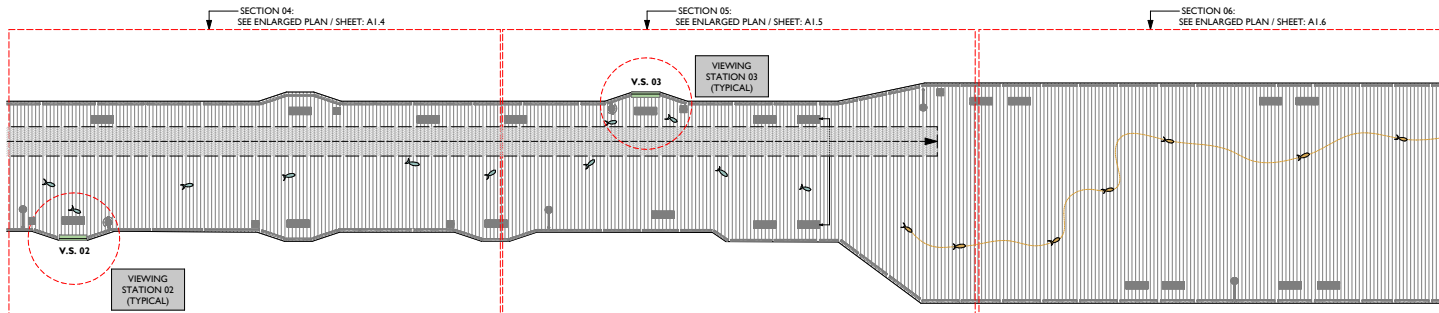
fuse architects + builders
512 Capitola Ave + Capitola + California + 95010
fusearchitecture.com 831.479.9295



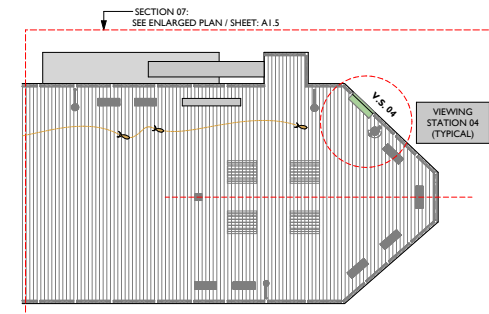
REVISIONS TO WHARF ENTRY - MONUMENT SIGNS



OVERALL WHARF SITE MAP / SECTION #01 THROUGH #03

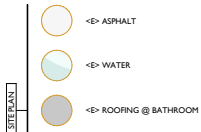


OVERALL WHARF SITE MAP - SECTION: #04 THROUGH #06



OVERALL WHARF SITE MAP - SECTION: #07

KEYNOTES



KEY NOTES

Project Submittal Record		
Revision	Date	Issue Description
	03/07/2024	PLANNING SUBMITTAL
I	03/21/2024	PLANNING RE-SUBMITTAL

Seal/ Signature



Project Name
Capitola Wharf

Accessor's Parcel Number
APN #: 123-456-78

Sheet Title
WHARF SITE PLAN - OVERALL

Scale
As Indicated

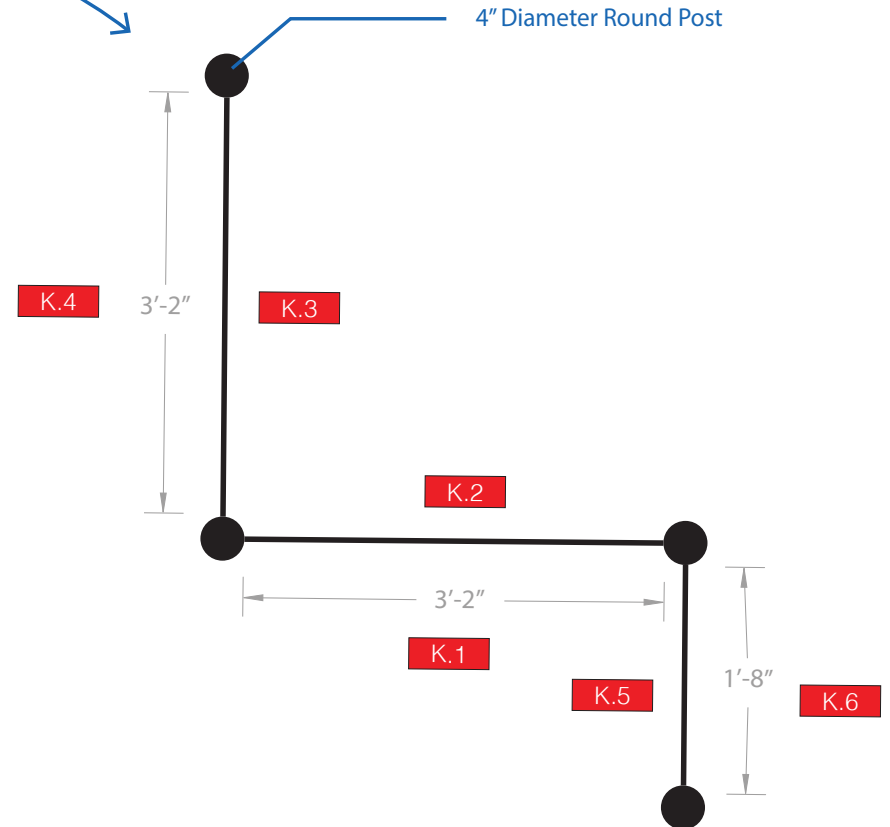
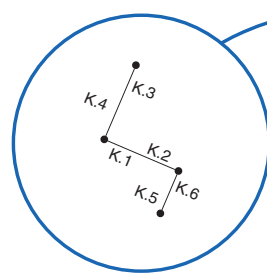
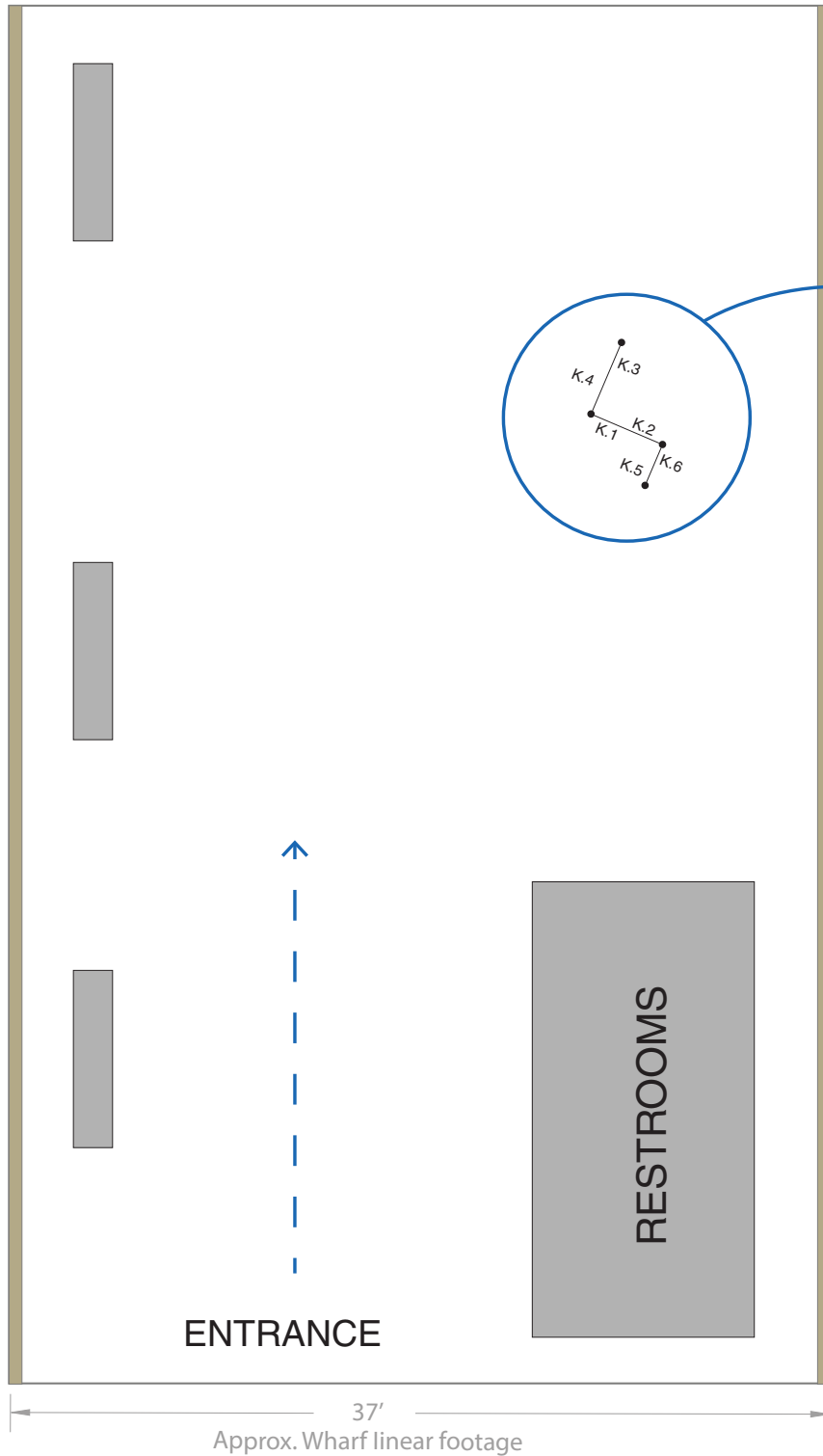
A1.0

Multi-Pane Interpretive Kiosk | TOP VIEW

Graphic panels to be High Pressure Laminate (HPL) signs

HPL signs are graffiti and vandal resistant

Overall Size: 46" Wide x 71" High



Signage Area: 46" Wide x 71" High
22.7 Sq. Ft.

Reader Rails (V.S.01, V.S.02, V.S.03, V.S.04)

Panels to measure 36" wide x 18" high x 1/2" Depth

Graphic panels to be High Pressure Laminate (HPL) signs.

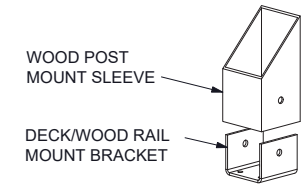
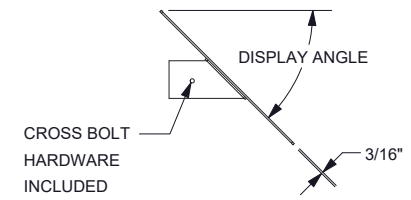
Plate Mount w/ Sleeve + Flat Railing Mount Bracket

Qty: 4



*ghost image to show where post mounts will be placed behind the HPL panel

Plate Mount w/ Sleeve

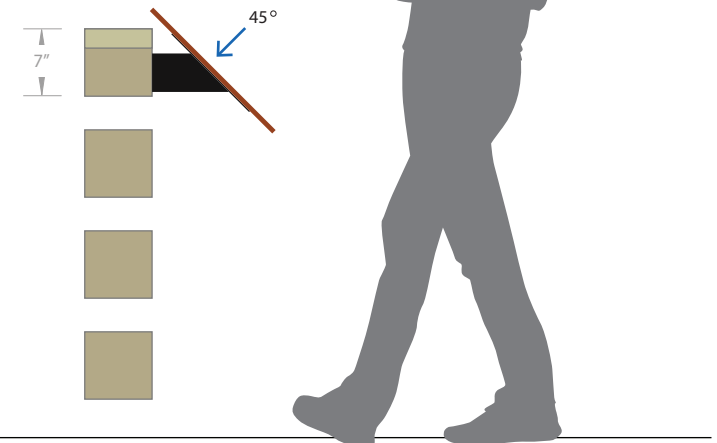


W/ FLAT RAILING MOUNT BRACKET

Front View



Side View





Capitola Wharf Interpretive Signage
Design Development 100%
FINAL ARTWORK

28235.01

03.24.25

FINAL ARTWORK

Kiosk Panel K.1

CAPITOLA WHARF

ESTABLISHED IN 1857

Welcome! ¡Bienvenidos!

The Capitola Wharf was built in 1857 by Sedgwick Lynch under the direction of Frederick Augustus (F.A.) Hihn upon the traditional homeland of the Aptos, Cajastaca (Ka-yo-stah-sha), and Uypi peoples.

Since its establishment, the wharf has undergone multiple renovations and improvements. The wharf was first restored by the City of Capitola in 1981 with support from the Wildlife Conservation Board and rebuilt in 2024 with funding from the U.S. Department of Housing and Urban Development (HUD) and the California Coastal Conservancy.

Operated and maintained by the City, this public fishing pier has served as a vital part of Capitola's fishing culture and community life for over 160 years. Enjoy recreational fishing and take in the stunning views of NOAA's Monterey Bay National Marine Sanctuary. We hope you enjoy your visit and take part in the rich traditions that the Capitola Wharf has to offer.

El muelle de Capitola se construyó en 1857 bajo la dirección de Frederick Augustus Hihn por encima del territorio tradicional de las tribus Aptos, Cajastaca, y Uypi.

Desde su fundación, el muelle ha sido objeto de múltiples renovaciones y mejoras. El muelle fue restaurado por primera vez por la ciudad de Capitola en 1981 con el apoyo de la Junta de Conservación de la Vida Silvestre y reconstruido en 2024 con fondos del U.S. Department of Housing and Urban Development (HUD) y la California Coastal Conservancy.

Operado y mantenido por la ciudad de Capitola, este muelle de pesca pública ha sido una parte vital de la cultura pesquera de Capitola y de la vida de la comunidad durante más de 160 años. Esperamos que disfrute de su visita y participe en las ricas tradiciones que ofrece el Muelle de Capitola.



This panorama of Capitola, circa 1888, looking from the wharf, shows F.A. Hihn era resort developments. From left to right, is the railroad trestle over Sequel Creek, the wagon bridge, the large white structure containing the Skating Rink and Dance Pavilion, the first beach cottages along Ocean Front Avenue (later the Esplanade), and the original 1870s hotel and bathhouse below Depot Hill.



Water Safety

This is a Tsunami Hazard Zone

- In case of an earthquake, go to high ground or inland.

Be Aware of Ocean Conditions

- Swim near a lifeguard.
- Stay at least 100 feet away.

Avoid Rip Currents

If caught in a rip current:

- Don't swim against the outgoing current.
- Swim parallel to shore to escape.
- If you can't escape, float or tread water and yell or wave for help.

Seguridad en el agua

Esta es una zona de riesgo de tsunami

- En caso de un terremoto, vaya a un terreno elevado o tierra adentro.

Tenga en cuenta las condiciones del océano

- Nade cerca de un salvavidas.
- Manténgase alejado al menos 100 pies de los pilotes del muelle.

Evite las mareas de resaca

Si queda atrapado en una marea de resaca:

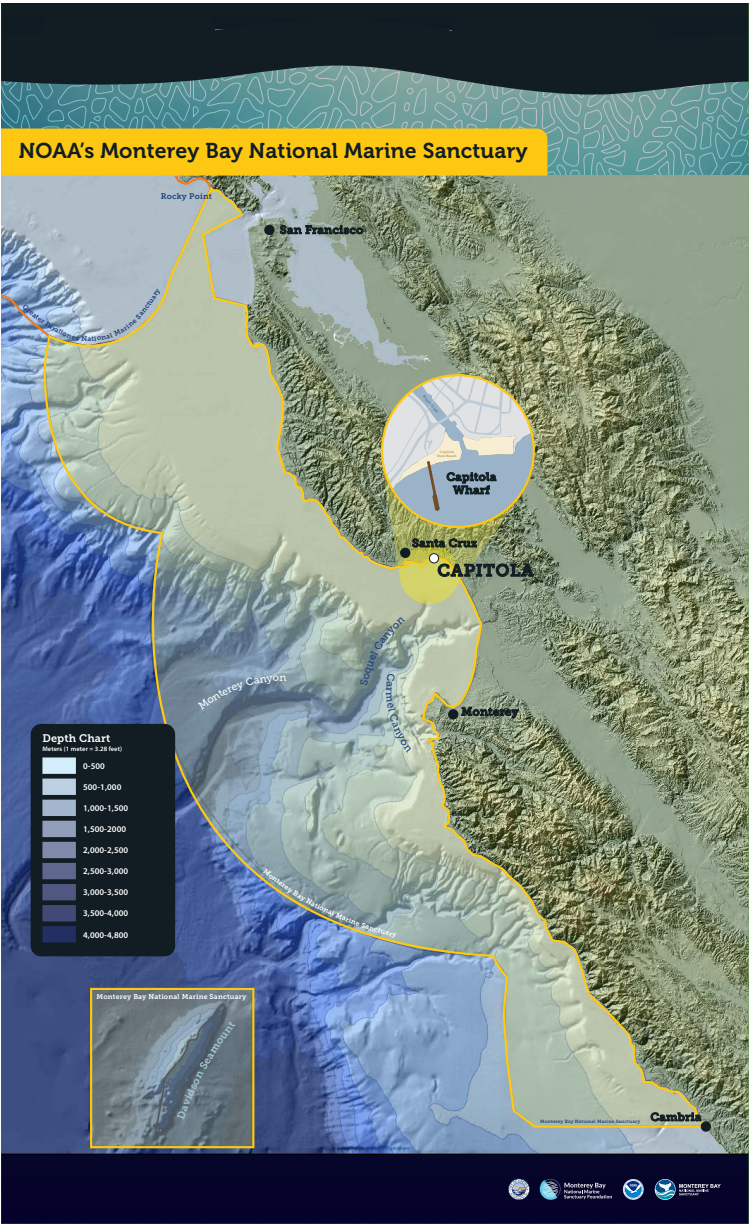
- No nades contra la corriente saliente.
- Nadar paralelo a la orilla para escapar.
- Si no puede escapar, flote o pise agua y pida ayuda gritando o con la mano.



Photo: Medusa

FINAL ARTWORK

Kiosk Panel K.2



FINAL ARTWORK

Kiosk Panel K.3

Protect Our Coast and Ocean


Proteger Nuestra Costa y Océano

Capitolé is at the heart of one of our nation's largest marine protected areas—Monterey Bay National Marine Sanctuary. Encompassing 6,094 square miles, the sanctuary is part of NOAA's National Marine Sanctuary System, a network of underwater parks designated for conservation, research, education, and sustainable human use.

To safeguard this special place, activities that could harm the sanctuary's health, such as oil and gas drilling, ocean dumping, or seabed mining, are not allowed.

Capitolé está en el corazón de una de las áreas marinas protegidas más grandes de nuestra nación: el Santuario Marino Nacional de la Bahía de Monterey. Con una extensión de 6,094 millas cuadradas, el santuario forma parte del Sistema Nacional de Santuarios Marinos de la NOAA, una red de parques submarinos designados para la conservación, la investigación, la educación y el uso humano sostenible.

Para proteger este lugar especial, no se permiten actividades que puedan dañar la salud del santuario, como la perforación de petróleo y gas, el vertido en el océano o la minería del fondo marino.



Responsible Wildlife Viewing


Avistamiento responsable de la vida silvestre

Sanctuary waters provide an incredible place to recreate and encounter marine life. For their safety as well as yours, responsibly observe wildlife from a safe distance by following all laws and recommended guidelines. Do not approach, disturb, feed, or touch wildlife.

Las aguas del santuario ofrecen un lugar increíble para recrearse y encontrarse con la vida marina. Por su seguridad y la suya, observe responsablemente la vida silvestre desde una distancia segura siguiendo todas las leyes y pautas recomendadas. No se acerque, moleste, alimente ni toque a la vida silvestre.

Explore the Map


Within the sanctuary's boundary lie Monterey Seamount, a 7,400-foot volcano undersea mountain, and the Monterey Canyon, which extends below the surface to more than two miles deep and rivals the Grand Canyon in size and depth. These unique natural features support abundant deep-sea life and make this region one of the most diverse marine ecosystems in the world.



Meet the Giant Pacific Octopus!

The giant Pacific octopus is incredibly smart. They can learn to escape enclosures, solve mazes, open jars, and even recognize people's faces!

El pulpo gigante del Pacífico es increíblemente inteligente. Pueden aprender a escapar de recintos, resolver laberintos, abrir frascos e incluso reconocer los rostros de las personas.



Keep Hands Off Pets!
Mantén tus manos alejadas de mascotas.

Keep Pets on a Leash
Mantén a tu mascota en correa.

Report Sick Wildlife
Reporta animales salvajes enfermos o heridos.

Help with Trash
Ayuda a recoger los basuras.

Give Wildlife Space
Mantén una distancia con la vida silvestre.

Keep Food on Trail
Mantén la comida en el camino.

Hang Back and Enjoy the View
Mantén la distancia y disfruta la vista.


Scan the QR code to learn more about Monterey Bay National Marine Sanctuary.

Report Wildlife Disturbance
Reportar Perturbación de Fauna Silvestre

NOAA Enforcement Hotline: (800) 853-1964
CallTIP Hotline: (888) 334-2258 or text to 847411 "CallTIP [your message]"

Report Sick or Injured Wildlife
Informar sobre animales salvajes enfermos o heridos

The Marine Mammal Center (mammals): (415) 289-7325 (SEAL)
Native Animal Rescue (seabirds): (831) 462-0726



FINAL ARTWORK
Kiosk Panel K.4




Did You Know?

Some fish species are anadromous, meaning they live in both fresh water and salt water. The harbor porpoise, for example, lives in the Pacific Ocean from Monterey Bay south to Baja California. So many fish species from collectors, the Garibaldi was named after state marine fish of California and a ban was placed on their sale or possession.

Fishing on Capitola Wharf

Pesca en el muelle de Capitola

While a fishing license is not required to fish from a public fishing pier in ocean waters, there are rules and regulations you must follow. For ocean fishing laws and size limits, scan the QR code to visit the California Department of Fish and Wildlife's website.

Aunque no se requiere una licencia de pesca para pescar en un muelle de pesca público en aguas oceánicas, existen reglas y regulaciones que debe seguir. Para conocer las leyes de pesca oceánica y los límites de tamaño, escanee el código QR para visitar el sitio web del Departamento de Pesca y Vida Silvestre de California.



Scan the QR code to access state fishing regulations.

Be an Ocean Steward!

- Use the fish cleaning stations, available for public use.
- Keep the wharf clean! No bait cutting or fish cleaning on railings or benches.
- Prevent wildlife entanglements by disposing of used fishing line in the receptacles located next to trash cans.
- No more than 2 poles, drop lines, or nets per person allowed at the same time.
- Protect your neighbor! No overhead casting.

¡Conviértete en un guardián del Océano!

- Use la estación de limpieza de pescado, disponible para uso público.
- Mantén limpio el muelle! No se permite el corte de cebo ni la limpieza de peces en barandillas o bancos.
- Evita los enredos de vida silvestre desechando el hilo de pescar usado en los recipientes ubicados junto a los botes de basura.
- No se permiten más de 2 postes, cuerdas o redes por persona al mismo tiempo.
- ¡Protege a tu prójimo! No lanzar para pescar por encima de la cabeza.





Follow the trail of marine animals to learn about a common protein source for the Indigenous Peoples of the Capitola-Soquel region.

Siga el rastro de los animales marinos para aprender sobre una fuente de proteínas común para los pueblos indígenas de la región de Capitola-Soquel.



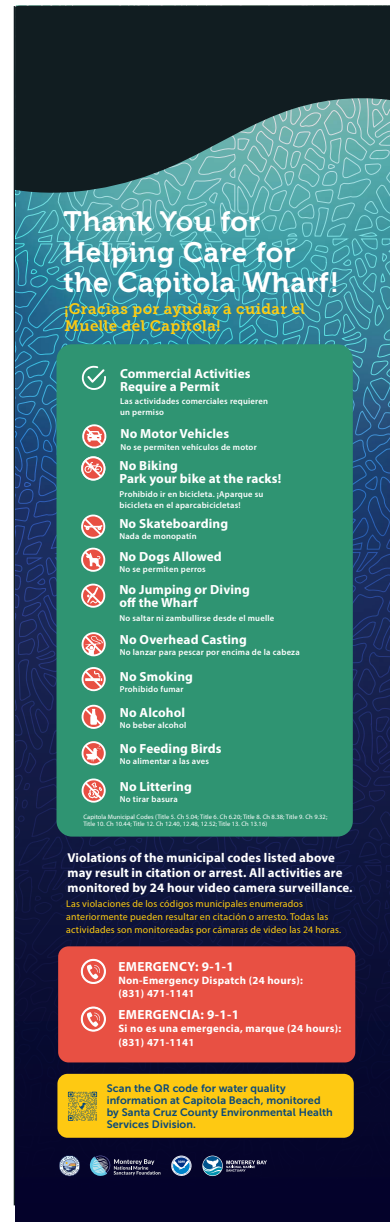



Bronze Marine Life Elements Design and fabrication by Sean M. Monaghan
Kelp Forest Mosaic Artwork Design by Heidi Alonso; Mosaic fabrication by Community Arts and Empowerment



FINAL ARTWORK

Kiosk Panel K.5



FINAL ARTWORK

Kiosk Panel K.6

Preserving Capitola's Famous Waves

Conservación de las famosas olas de Capitola

In 2024, the City of Capitola was incorporated into the Santa Cruz World Surfing Reserve—part of an international program by the Save The Waves Coalition to help preserve wave breaks and their surrounding communities. The Santa Cruz World Surfing Reserve was dedicated as the 4th World Surfing Reserve in 2012 for its diverse mix of surf breaks, deep-rooted surf culture, and its thriving but fragile coldwater habitat.

En 2024, la ciudad de Capitola se incorporó a la Reserva Mundial de Surf de Santa Cruz, parte de un programa internacional de la Coalición Save The Waves para ayudar a preservar las olas, comunidades y sus comunidades circundantes. La Reserva Mundial de Surf de Santa Cruz fue dedicada como la 4ª Reserva Mundial de Surf en 2012 por su diversa mezcla de rompientes de surf, su cultura de surf profundamente arraigada y su próspero pero frágil hábitat de aguas frías.

SANTA CRUZ

WORLD SURFING RESERVE

The Santa Cruz World Surfing Reserve is home to over 30 waves catering to both experienced and beginner surfers, including world renowned right-hand point breaks like Pleasure Point and the gentle reef break near Capitola Beach. It serves as a protected area for coastal conservation, aiming to preserve the waves and surf ecosystems through climate resilience actions, policies, and robust monitoring.

Save the Waves App

The Save The Waves app empowers surfers, beach-goers, and ocean lovers around the world to report and track coastal threats in real-time! Take a photo, identify the threat, tag the location, and share this data with coalition partners working to protect surf ecosystems.

La aplicación Save The Waves permite a los surfistas, bañistas y amantes del océano de todo el mundo informar y rastrear las amenazas costeras en tiempo real. Tome una foto, identifique la amenaza, etiquete la ubicación y comparta estos datos con los socios de la coalición que trabajan para proteger los ecosistemas de surf.

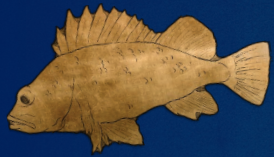
Scan the QR code to access and download the app.

Monterey Bay National Marine Sanctuary | MONTEREY BAY NATIONAL MARINE SANCTUARY

Photo: Teddy Meyer

FINAL ARTWORK

Reader Rail V.S.01

**Meet the Rockfish!**

Rockfish of various species were on the menu for Indigenous Peoples of this region. While most fish were caught in basketry traps or nets, rockfish are more likely to have been fished nearshore from tule rafts on calm water days with hook and line fishing tackle.

¡Conoce al pez rocal!

Varias especies de los peces de roca estaban en el menú de los pueblos indígenas de esta región. Los peces de roca se pescaban cerca de la costa desde balsas de tule en días de aguas tranquilas con aparejos de pesca con anzuelo y línea.

History of Capitola Wharf

Historia del muelle de Capitola

Indigenous Peoples of the Capitola-Soquel Area

The Capitola-Soquel area is the ancestral homeland of the Aptos and Cajastaca (Kai-ya-stah-ka) people who for more than 10,000 years were the stewards and beneficiaries of its natural resources. Descendants of this region's Indigenous Peoples who survived extraordinary hardships are today involved in re-establishing Native resource traditions and cultural practices.

Pueblos indígenas del área de Capitola-Soquel

La zona de Capitola-Soquel es la patria ancestral de los pueblos Aptos y Cajastaca (Kai-ya-stah-ka) que durante más de 10.000 años fueron los administradores y beneficiarios de sus recursos naturales. Los descendientes de los pueblos indígenas de esta región que sobrevivieron a dificultades extraordinarias están involucrados en el restablecimiento de las tradiciones y prácticas culturales de los recursos nativos.

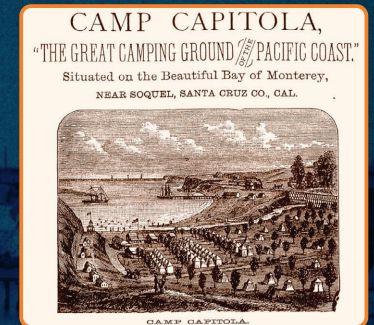


This detail from the painting, *The First Peoples of Capitola*, by local artist and muralist, Ann Thiermann, depicts traditional Indigenous fishing and foraging. Native women, using loosely woven dogbane baskets, gathered anemones, mussels, and red abalone, then returned to a seasonal encampment to dry or smoke their catch. Native men caught surf perch using cast pole nets and lowered rock weighted baskets from tule boats in the lagoon to catch fish including steelhead.



View of Grand Hotel Capitola from the wharf in 1895 with the latest catch of tuna piled on the wharf's decking.

BACKGROUND IMAGE: SOQUEL LANDING WHARF 1880s



Camp Capitola Advertisement, 1879

The Wharf — Est. 1857

1833

Rancho Soquel is granted to Martina Castrol Lodge.

1863

The wharf was extended to 1200 ft. to accommodate the arrival of large steamships.

1874

The seaside resort Camp Capitola was founded on the beach by farmer Samuel A. Hall. The Santa Cruz-Watsonville Railroad trestle was built over Soquel Creek.

1895

Captain George Mitchell began running fishing excursion boats from the wharf. F.A. Hihn built the Grand Hotel Capitola on the beach at the base of the eastern bluff (site of today's Esplanade Park). The hotel burned in 1929.

1857

Frederick Augustus (F. A.) Hihn hired Sedgwick Lynch to build a 450-foot wharf at the mouth of Soquel Creek. Originally known as "La Playa de Soquel," the site became Soquel Landing.

1870s

Italian fishermen began leasing land at the base of the wharf from F.A. Hihn, creating a twenty-boat fleet fishing village.

1880s

Annually, thousands of board feet of redwood lumber were shipped from the wharf to San Francisco and Hawaii. F.A. Hihn began his first Capitola sub-division.

1896

The wharf was the site of the Gerlach Wave Motor, a short-lived, but failed, experiment to generate electricity from wave action.

1913

Following a fierce November storm that destroyed a 35-foot center section of the wharf, most of the Italian fishermen relocated to Santa Cruz.

1924

The Venetian Court was built upon the former site of the Italian Fishing Village.

1973

1st Wharf to Wharf Race (5.8 miles) was held between the Santa Cruz Municipal Wharf and the Capitola Wharf.



Scan the QR code to learn more about the Capitola Historical Museum



Follow the trail of marine animals to learn about an invertebrate commonly found in kelp forest habitats!

¡Siga el rastro de la vida marina para aprender sobre un invertebrado que se encuentra generalmente en los hábitats de los bosques de algas!



1919

After oil entrepreneur Henry Allen Rispin purchased much of Capitola, including the wharf, from F.A. Hihn's daughter, he began a program to modernize the Victorian era resort.

1928

Henry Allen Rispin built the two-story Capitola Light Tackle Club on the wharf. The membership-based club was a failure after just two months. The club was burned in 1940.

1980

Title to the wharf was transferred to the City of Capitola.



Monterey Bay National Marine Sanctuary Foundation

V.S.01 | Reader Rail – Wharf history and Indigenous peoples

Size – 36" x 18" – Revised content 4/18th

FINAL ARTWORK

Reader Rail V.S.02



Underwater Forests: Iconic Kelp

Bosque submarino: algas icónicas

Meet the Bat Star!
Bat stars play an important role in kelp forest habitats by scavenging dead animals and algae from the seafloor.

¡Conoce a la estrella murciélago!
Las estrellas murciélago desempeñan un papel importante en los hábitats de los bosques de algas marinas al desmenuar animales muertos y algas del fondo marino.

Kelp forests are ecosystem engineers—they provide habitat, refuge, and food while harboring an incredible diversity of marine life. Many animals use the kelp as protection from predators or during rough storms. It offers safe shelter for fish, sea stars, and sea otters. Giant kelp is among the fastest growing species on the planet, reaching up to 18 inches per day!

Kelp plays an important role in protecting the coast. It helps prevent coastal erosion and improves water quality. Kelp is exceptional at absorbing carbon dioxide from the atmosphere and ocean, helping regulate the Earth's climate.

Los bosques de algas marinas son ingenieros de ecosistemas: proporcionan hábitat, refugio y alimento, al tiempo que albergan una increíble diversidad de vida marina. Muchos animales utilizan las algas marinas como protección contra los depredadores o durante las fuertes tormentas. Ofrece un refugio seguro para peces, estrellas de mar y nutrias marinas. Las algas gigantes se encuentran entre las especies de más rápido crecimiento en el planeta, ¡alcanzando hasta 18 pulgadas por día!

Las algas marinas desempeñan un papel importante en la protección de la costa, ya que ayudan a prevenir la erosión costera y mejoran la calidad del agua. Ellas son excepcionales para absorber dióxido de carbono de la atmósfera y del océano, lo que ayuda a regular el clima de la Tierra.

Kelp Structure
Although kelp looks similar to plants, it is actually an algae or seaweed. It lacks the structures of land plants, such as a root system. Instead, kelp attach to submerged rocks using a unique holdfast system.

Did you know?
By consuming kelp-grazing sea urchins, sea otters help keep an important ecological balance in kelp forests.

Follow the trail of marine life to learn about a seabird that plunges into the water to catch its prey before swallowing it whole!
¡Sigue el rastro de la vida marina para aprender sobre un ave marina que se sumerge en el agua para atrapar a su presa antes de tragársela entera!





Logos: City of Capitola, Monterey Bay National Marine Sanctuary Foundation, NOAA, Monterey Bay National Marine Sanctuary.

V.S.02 | Reader Rail – Kelp forest habitat and its ecological importance

Size – 36" x 18" - Revised content

FINAL ARTWORK

Reader Rail V.S.03



Can you spot the difference?
Body features such as size, plumage (or feathers) color, bill size and shape, and foot shape are all physical characteristics that can be used to identify birds. Bird behaviors, such as vocalizations and flight patterns, can also provide clues.

Meet the Brown Pelican!
A pelican's bill can hold three times more than it's stomach can—nearly three gallons of fish and water!

¡Conoce al pelicano marrón!
El pico de un pelicano puede contener tres veces más que su estómago; ¡casi tres galones de pescado y agua!



Brown Pelicans have a distinctive large pouch that hangs from the lower half of its long, straight bill. Pelicans usually fly in flocks following a straight line or V-formation.



Western Gulls are recognized by their white plumage, dark gray upper back, and pink legs. They feed at the surface and are seen around wharves or near fishing boats looking for scraps.



Brandt's Cormorants in adult breeding plumage are black with a bright blue throat patch. They forage for fish by diving deep underwater and grabbing prey in their hooked bills.

Life in the Bay

La vida en la bahía

Nutrient-rich ecosystems within Monterey Bay National Marine Sanctuary make it one of the best places in the world to experience diverse wildlife—both residents and migratory species. You can see sea otters, seabirds, dolphins, and whales any time of year!

Los ecosistemas ricos en nutrientes dentro del Santuario Marino Nacional de la Bahía de Monterey lo convierten en uno de los mejores lugares del mundo para experimentar la diversidad de vida silvestre, tanto residentes como especies migratorias. ¡Puedes ver nutrias marinas, aves marinas, delfines y ballenas en cualquier época del año!

 Follow the trail of marine life to learn about the largest turtle in the world that has existed since the age of the dinosaurs!

¡Sigue el rastro de la vida marina para aprender sobre la tortuga más grande del mundo que ha existido desde la era de los dinosaurios!

 Take a few minutes to observe wildlife around you. What do you notice? Use the binoculars near you for a closer look!

Tómate unos minutos para observar la vida silvestre que te rodea. ¿Qué notas? ¡Usa los binoculares que tienes a lado para ver más de cerca!






Monterey Bay
National Marine
Sanctuary Foundation



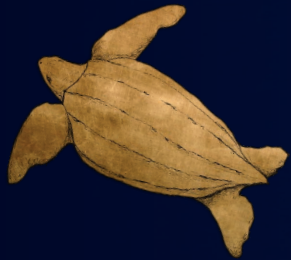

MONTEREY BAY
NATIONAL MARINE
SANCTUARY

V.S.03 | Reader Rail – Marine wildlife identification

Size – 36" x 18" - Revised content

FINAL ARTWORK

Reader Rail V.S.04

**Meet the Leatherback Turtle!**

The endangered leatherback turtle is threatened by pollution and unintended entanglement in fishing gear. You can help to protect sea turtles by properly disposing of fishing hooks, lines, and nets and keeping trash out of the ocean.

¡Conoce a la tortuga laúd!

La tortuga laúd, en peligro de extinción, está amenazada por la contaminación y el enredo involuntario en los aparejos de pesca. Puede ayudar a proteger a las tortugas marinas desechando adecuadamente los anzuelos, líneas y redes de pesca y manteniendo la basura plástica fuera del océano.



Ocean Superpower: Blue Carbon

Superpotencia oceánica: carbono azul

When we burn fossil fuels, we add more carbon dioxide (CO₂) to the atmosphere where it acts like a “heat-trapping blanket” and warms the planet. With a majority of Earth covered by water, healthy coastal and ocean ecosystems capture about 30% of all CO₂ emissions, helping to reduce the warming effects on the planet. This is the ocean’s superpower, known as blue carbon.

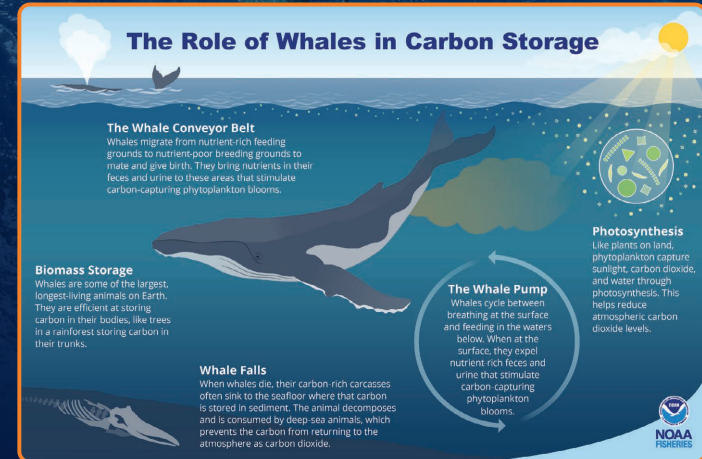
Cuando quemamos combustibles fósiles, añadimos más dióxido de carbono (CO₂) a la atmósfera, donde actúa como una “manta que atrapa el calor” y calienta el planeta. Con la mayor parte de la Tierra cubierta por agua, los ecosistemas costeros y oceánicos saludables capturan alrededor del 30% de todas las emisiones de CO₂, lo que ayuda a reducir los efectos del calentamiento en el planeta. Este es el superpoder del océano, conocido como carbono azul.

You too have climate superpowers!

By walking, riding your bike, or taking public transit more often, you are reducing the amount of CO₂ released in the air. Keep our planet healthy by picking up litter and reduce your use of single-use plastics. With great power comes great climate responsibility!

¡Tú también tienes superpoderes climáticos!

Al caminar, andar en bicicleta o tomar el transporte público con más frecuencia, está reduciendo la cantidad de CO₂ liberado en el aire. Mantenga nuestro planeta saludable recogiendo la basura y reduzca el uso de plásticos de un solo uso. ¡Un gran poder conlleva una gran responsabilidad climática!



Whales are efficient at capturing and storing carbon in their large bodies over their lifetime. By protecting wildlife and habitats that remove CO₂ from the atmosphere, you can help reduce the effects of climate change.



Monterey Bay
National Marine
Sanctuary Foundation



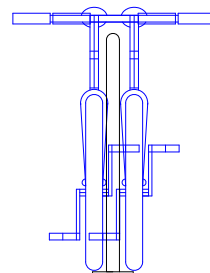
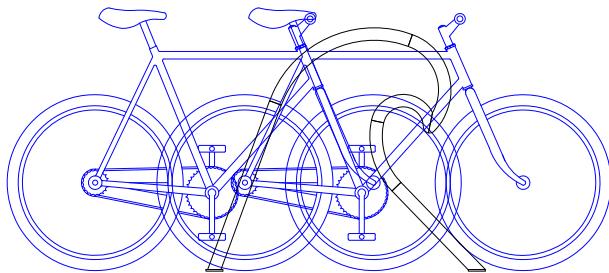
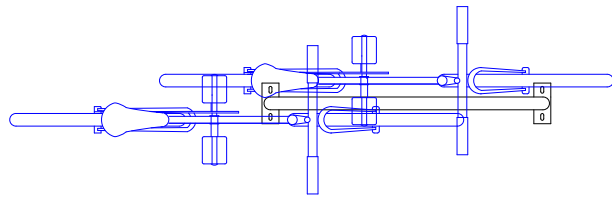
MONTEREY BAY
NATIONAL MARINE
SANCTUARY



This signage was funded in part by the National Marine Sanctuary Foundation. Learn more about how you can help protect national marine sanctuaries near you by scanning the QR code.

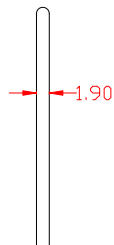
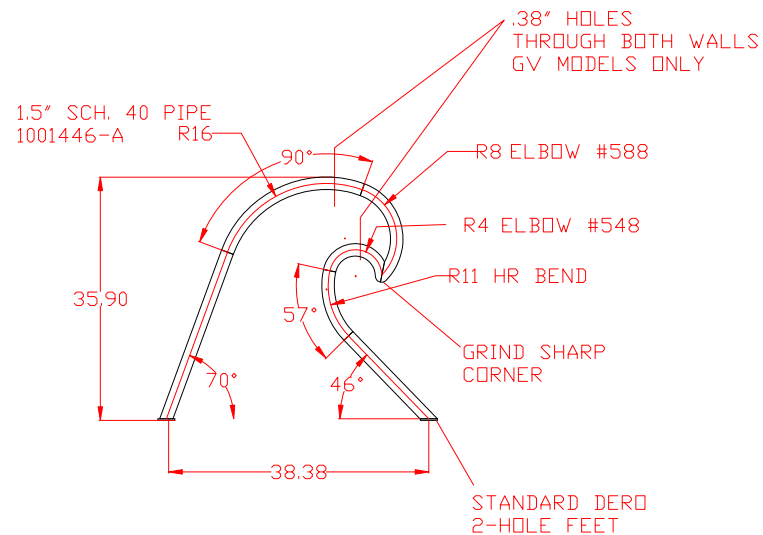
V.S.04 | Reader Rail – Ocean climate impacts, blue carbon, and sustainability


Size – 36" x 18" - Revised content

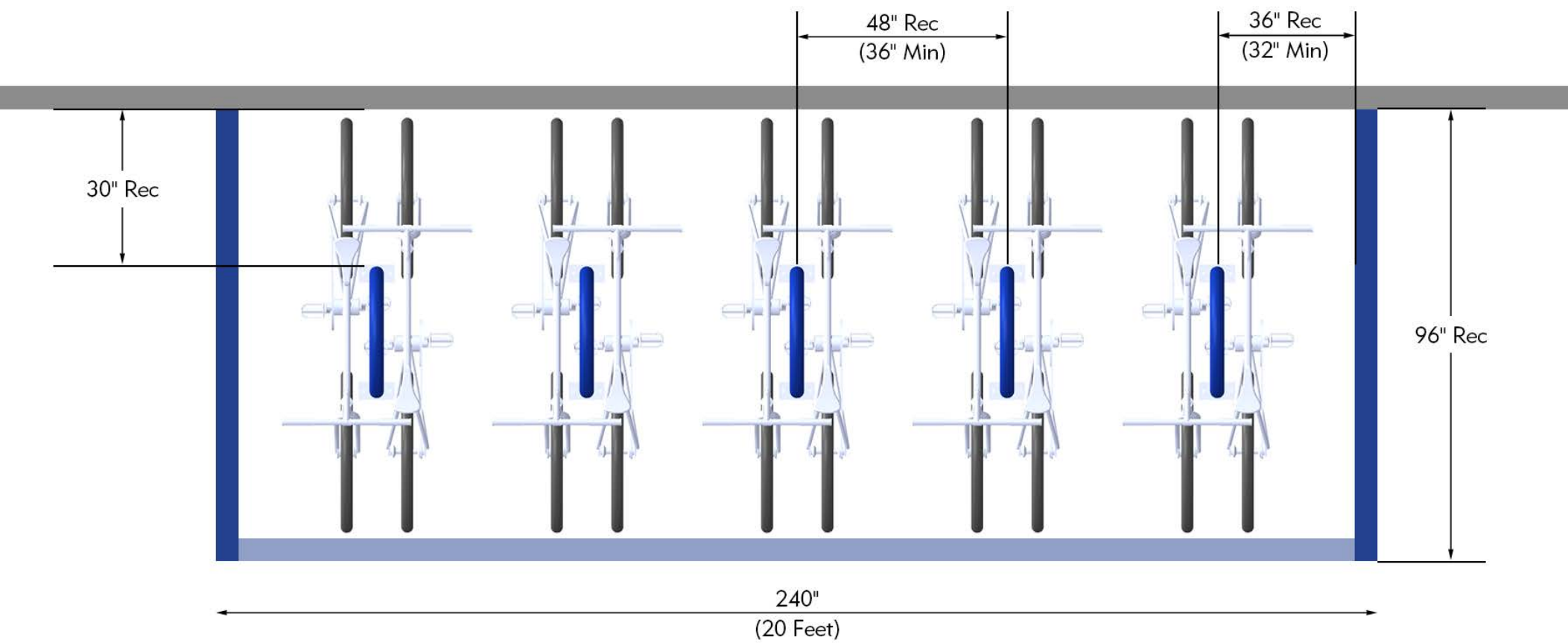


APPROVAL

DATE



 DEROVATIONS CORPORATION 504 MALCOLM AVE. SE., SUITE 100 MINNEAPOLIS, MN 55414 888.337.6729	
TITLE MANHATTAN BEACH WAVE RACKS	
DRAWING NO. 1000104-C	REVISION C
REMARKS	THIS DOCUMENT IS THE EXCLUSIVE PROPERTY OF THE DEROVATIONS CORPORATION. ITS USE IS AUTHORIZED SOLELY FOR PURPOSES EXPLICITLY REQUESTED BY THE DEROVATIONS CORP.
TOLERANCES (EXCEPT AS NOTED)	DRAWN BY JG
DECIMAL ±	DATE 03/03/11
FRACTIONAL ±	APPROVED BY
ANGULAR ±	DATE
SCALE 1 : 1	SHEET NO.
	OF



Capitola Planning Commission

Agenda Report

Meeting: August 21, 2025

From: Community & Economic Development Department

Address: Citywide Zoning Code Amendments (CEQA Exempt)



Project Description: Amendments to Capitola Municipal Code Title 17: Zoning Code, the Zoning Map, and the General Plan Land Use Element affecting the Multifamily Residential (RM) zoning district and accessory dwelling unit (ADU) regulations. The Zoning Code and Zoning Map are part of the City's Local Coastal Program (LCP), and amendments require certification by the California Coastal Commission before taking effect in the Coastal Zone. The proposed amendments would apply to properties citywide.

Recommended Action: Consider and Adopt resolutions recommending the City Council adopt the proposed Zoning Code, Zoning Map, and General Plan Amendments.

Representative: Ben Noble Consultant
Sean Sesanto, Associate Planner

Background: On August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (Housing Element). The Housing Element establishes goals and policies for housing production in Capitola as required by state law. The Housing Element also contains programs with required City actions to implement Housing Element policies. Many Housing Element programs require amendments to the Capitola Zoning Code (Municipal Code Title 17) by the end of 2024 and 2025.

The Planning Commission discussed numerous zoning code amendments to implement the Housing Element at nine meetings in 2024. On September 19 and October 3, 2024, the Planning Commission recommended the City Council adopt these amendments. The City Council adopted the amendments on October 24, 2024. Topics addressed in these amendments included corner duplexes, lot consolidation incentives, parking standards, housing on religious sites, emergency shelters, office uses in commercial zones, the design review process, and other topics.

RM Zone Amendments: When the Planning Commission discussed the 2024 zoning code amendments, the Planning Commission considered amendments to the Residential Multifamily (RM) zone to implement Housing Element Program 1.6. This program calls for the City to assess the maximum densities allowed in the RM zone and determine if higher densities can help facilitate multi-family development in Capitola. Program 1.6 also states that the City will "review and revise as appropriate, requirements such as the minimum unit size, setbacks, parking requirements, and height restrictions to ensure they are necessary and pertinent and do not pose constraints on the development of housing."

The Planning Commission discussed RM zone standards on May 2, June 6, and August 15, 2024. At these meetings the Planning Commission considered a proposal to increase the allowed density and modify development standards on 38 RM sites. At the August 15, 2024, Planning Commission meeting, residents expressed concerns about the proposed RM amendments, particularly relating to parking, traffic, height, resident displacement, and other neighborhood impacts. The Planning Commission directed staff to remove the RM amendments from the proposed 2024 Zoning Code Amendments. The Planning Commission directed staff to further consider the proposed RM amendments based on the input received, conduct additional public outreach, and return to the Planning Commission for continued discussion in 2025.

February 24, 2025, Workshop: On February 24, 2025, the City hosted a community workshop to receive public input on the RM zone amendments. At the workshop staff presented seven RM areas which, based

on staff assessment, could realistically accommodate additional multifamily development. This assessment considered existing ownership patterns, financial feasibility, physical suitability, natural resource constraints, and other criteria. Staff requested public feedback on the suitability of the seven RM sites for further multifamily development, requested input on several recent multifamily projects in the area, and shared development standards to accommodate development at 30 dwelling unit per acre. In general, participants expressed concerns about areas surrounded by lower-density single-family homes, parking, and privacy impacts. Some participants also noted value in landscaped open areas, private outdoor spaces such as balconies, and the positive impact of some architectural features and styles. A summary of public comment received at the workshop and photographs of the open house posters with comments attached can be found in the workshop summary document:

- [Click here for link to workshop photographs.](#)
- [Click here for link to summary of public comments.](#)

March 3, 2025 Planning Commission Meeting: On March 3, 2025, the Planning Commission received an update on the RM zone amendments and provided input on a preferred approach to the amendments ([click here for link to agenda packet](#)). Public comments at this meeting were similar to feedback received at the February 24, 2025, workshop. The City also received letters from Santa Cruz YIMBY and YIMBY Law questioning whether the proposed RM amendments comply with state housing law and the City's certified Housing Element.

On March 3, 2025, the Planning Commission considered the allowed density on the seven areas presented during the February 24, 2025, workshop and supported increased allowed density as follows:

- Area 1 (600 Park Avenue): 30 du/ac
- Area 2 (Rosedale & Hill): 30 du/ac
- Area 3 (Capitola Ave & Hill): 30 du/ac
- Area 4 Clares & 46th): 40 du/ac
- Area 5 (Capitola Cove): 30 du/ac
- Area 6 (Capitola Gardens): 30 du/ac
- Area 7 (Landing at Capitola): 40 du/ac

Santa Cruz YIMBY and HCD Discussions

Following March 3, 2025, Planning Commission meeting, City staff discussed the proposed RM amendments with Santa Cruz YIMBY and YIMBY Law. City staff also requested HCD input on the proposed RM amendments and discussed the proposed amendments with HCD staff. Based on these discussions, HCD conveyed that the City's proposed approach to the RM amendments is generally consistent with state housing law and the certified Housing Element. HCD did, however, request an increase to the allowed building height to accommodate 40 du/ac, which staff has incorporated into the proposed amendments (see discussion below).

Accessory Dwelling Units: The 2024 zoning code amendments included changes to Chapter 17.74 (Accessory Dwelling Units) to comply with changes to state ADU law. After adoption, City staff submitted the amended ADU chapter to the California Department of Housing and Community Development (HCD) for review and comment as required by state law. On February 26, 2025, the City received an informal "flyover" letter from HCD recommending further changes to the ADU chapter (Attachment 4). City staff discussed this letter with HCD staff, and on June 4, 2025, submitted a letter to HCD describing the City's expected revisions to the ADU chapter to respond to HCD comments (Attachment 5).

The proposed amendments to Chapter 17.74 in Exhibit A to Attachment 1 are consistent with the amendments described in the City's June 4, 2025, letter to HCD. City staff believe these amendments are sufficient to address HCD's February 26, 2025, letter.

Discussion: Attachment 1 contains a draft Planning Commission resolution recommending the City Council adopt the proposed RM Zoning Code and Zoning Map amendments. Exhibit A to Attachment 1

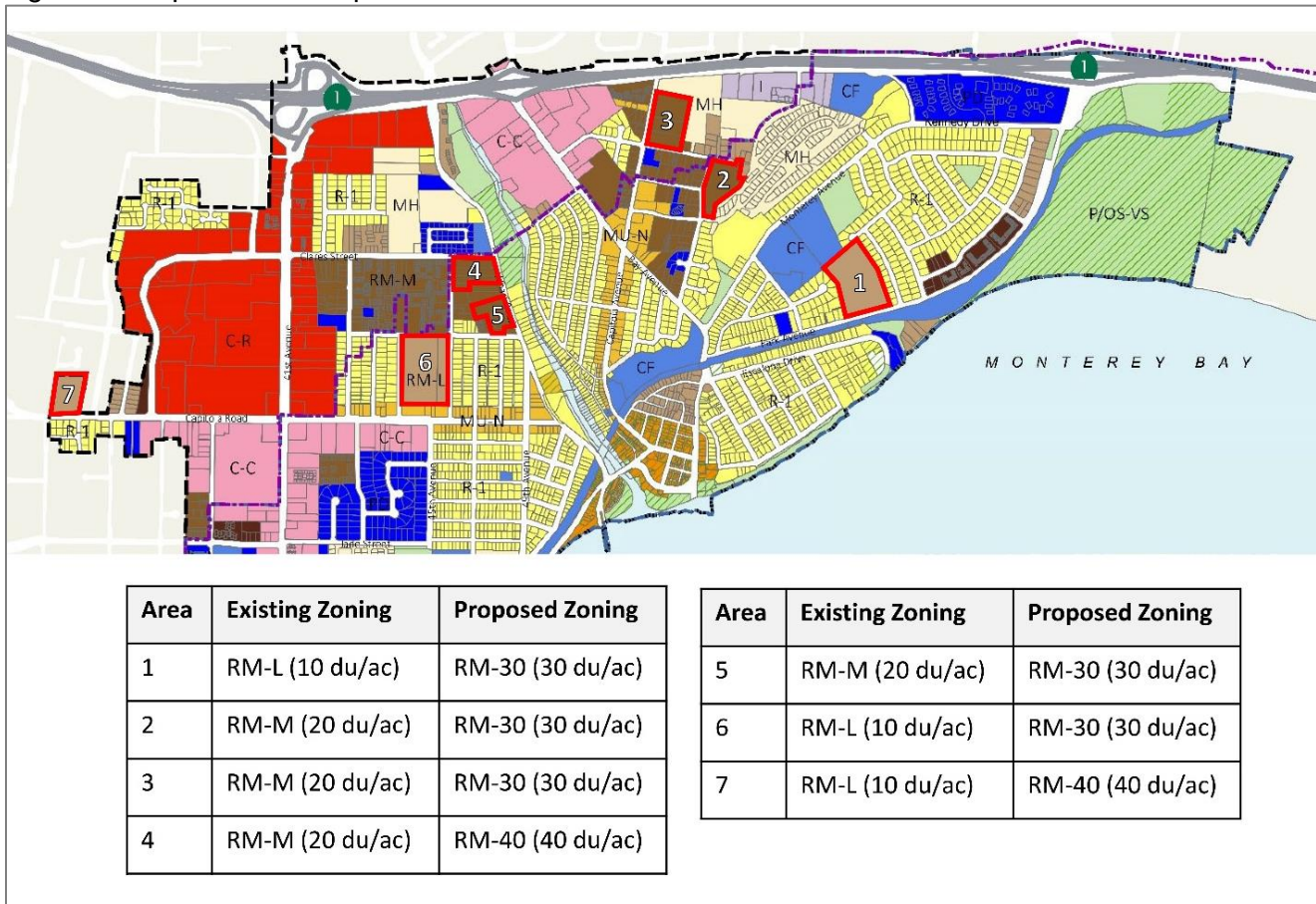
contains the Zoning Code amendments, Exhibit B contains the Zoning Map, and Exhibit C contains the Local Coastal Program Consistency Analysis.

Attachment 2 contains a draft Planning Commission resolution recommending the City Council adopt the corresponding/concurrent General Plan Land Use text amendment (Exhibit A to Attachment 2).

Attachment 3 contains a draft Planning Commission resolution recommending the City Council adopt the proposed ADU Ordinance amendments.

RM Amendments: As discussed above, Housing Element Program 1.6 calls for the City to review density and development standards in the RM zone and to revise the standards as appropriate to facilitate multifamily development in Capitola. Currently, the RM zone is divided into three subzones, with a maximum allowed density of 10 dwelling units per acre (du/ac) in RM-L, 15 du/ac in RM-M, and 20 du/ac in RM-H. To implement Housing Element Program 1.6, the proposed amendments create two new RM subzones: RM-30 (maximum 30 units per acre) and RM-40 (maximum 40 units per acre). As shown in Figure 1 below, the proposed Zoning Map amendments applies the new RM-30 subzone to five areas and the new RM-40 subzone to two areas in Capitola. This Zoning Map amendment is consistent with Planning Commission direction received on March 3, 2025.

Figure 1: Proposed RM Map Amendments



The proposed amendments establish development standards for the new RM subzones, as shown in Table 1 below. The RM-30 standards are the same as those reviewed by the Planning Commission on March 3, 2025, except for the increased rear setback when abutting an R-1 zone. Standards for the RM-40 subzone are the same as those proposed in 2024, except for height (increased from three to four stories) and front and street side setbacks (allowed Planning Commission reductions). RM-40 height was in response to HCD comments that four stories are needed to accommodate 40 units per acre. Allowed Planning Commission adjustments to front and street side setbacks was added to increase flexibility on sites where reduced setbacks could accommodate increased density and reduce impacts on adjacent properties. HCD staff has reviewed the proposed RM-30 and RM-40 development standards and has found them to be sufficient to accommodate the allowed densities.

Table 1: Proposed New RM-30 and RM-40 Standards

	RM-30	RM-40	Additional Standards
Site Requirements			
Building Coverage, Maximum	50%	60%	
Open Space	Section 17.16.030(B)(3)		
Units per Acre, Maximum	30 du/ac	40 du/ac	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Sections 17.48.030
Front	15 ft. [1]	15 ft. [1]	
Rear	10 ft. [2]	10 ft. [2] [3]	
Interior Side	10% of parcel width [4]	10% of parcel width [3] [4]	
Street Side, Corner Lots	10 ft. [1]	10 ft. [1]	
Height, Maximum			Section 17.48.020
Stories	3	4 [3]	
Top Plate	30 ft.	40 ft.	
Additional for pitched roof [5]	6 ft.	6 ft.	
Accessory Structures and Detached Garages	See Chapter 17.52 [6]		

Notes:

[1] The planning commission may approve reduced front and street side setbacks if the reduced setbacks will accommodate development that complies with sidewalk and street tree standards in 17.82.040 (Circulation and Streetscape).

[2] 15 ft. if abutting a R-1 zone.

[3] Fourth story must be setback a minimum of 25 feet from a side or rear property line abutting a residential parcel.

[4] Regardless of parcel width, in no case shall the minimum required interior side ground-floor setback be less than three feet or greater than seven feet.

[5] Additional height permitted only for roof elements with a minimum 5:12 pitch. Exterior doors above the maximum top plate height, as well as decks above the maximum top plate height are prohibited.

[6] Chapter 17.52 does not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units).

The proposed RM amendments also include the following changes to the existing RM-L, RM-M, and RM-H subzones:

- Amends subzone names to RM-10, RM-15, and RM-20 to reflect allowed density consistent with the new RM-30 and RM-40 subzones.
- Allows additional 6 feet in height for pitched roofs while maintaining the exiting three story height limit. This change aims to encourage pitched roof forms, rather than flat roofs, similar to existing height standards in the Village.
- Increases maximum building cover in RM-20 (formerly RM-H) from 40 to 45 percent to accommodate densities of up to 20 units per acre.

- Changes minimum rear setback to 10 feet or 15 feet if abutting an R-1 zone. Currently, the minimum rear setback is 15 percent of lot depth, which can constrain development potential on lots with a depth greater than 100 feet.

The proposed RM amendments also require a text amendment to the General Plan Land Use Element to state that the maximum permitted residential density in the RM designation is between 10 and 40 dwelling units per acre depending upon the zoning classification (see Attachment 1, Exhibit A).

Accessory Dwelling Units: The majority of proposed amendments to the ADU chapter are minor in nature, clarify existing requirements, and do not result in substantive changes to existing ADU requirements. As described below, substantive changes to the ADU chapter relate to historic resources, homeowner associations, and the number of detached ADUs allowed on multifamily parcels.

Historic Resources: The existing ADU chapter contains architectural detail standards that apply to ADUs on a property designated by the City as a historic resource or potential historic resource. The HCD review letter notes that state law disallows cities from imposing historic preservation standards on locally listed properties that are not listed on the California Register of Historic Resource. To address this comment, City and HCD staff arrived at a solution whereby architectural detail standards apply to locally designated historic resources only when located in the coastal zone. HCD staff found this approach consistent with state ADU law given the City's requirement to comply with the California Coastal Act and the City's certified Local Coastal Program.

The existing ADU chapter also states that Chapter 17.84 (Historic Preservation) applies to an ADU that requires a design permit. Under Chapter 17.84, the City may require third-party review of potential impacts to a historic resource resulting from a proposed ADU. To address HCD comments, the proposed amendments limit applicability of Chapter 17.84 to ADUs that require a design permit in the coastal zone.

Homeowner Associations: The existing ADU chapter states that if a multifamily dwelling are located in a development with a homeowners' association (HOA), an application for an ADU must be signed by an authorized officer of the HOA and include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required. The HCD letter notes that this requirement conflicts with state law that disallows an HOA from influencing a local agency's ministerial approval of an ADU. To address this comment, the proposed amendments remove the existing HOA provisions from the ADU chapter. Building permit application requirements for properties subject to an HOA will continue to apply.

Number of Detached ADUs on Multifamily Parcels: The existing ADU chapter allows up to two detached ADUs on a parcel with an existing or proposed multifamily dwelling. State law now requires cities to allow up to eight detached ADUs on a lot with an existing multifamily dwelling, not to not to exceed the number of existing units on the lot. The proposed amendments increase the number of allowed multifamily ADUs consistent with this new requirement.

Next Steps: If the Planning Commission recommends the City Council adopt the proposed amendments, the City Council will hold a public hearing to consider this recommendation at a meeting in October or November of 2025.

CEQA:

RM Amendments: The proposed Amendments to the RM zone are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element. The General Plan text amendment merely ensures vertical consistency between the General Plan and the Zoning Code.

Further, the Amendments were analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Amendments merely implement Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility adoption will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).) The Amendments merely implement the Housing Element and propose no development, and implementing projects would be subject to environmental review.

ADU Amendments: The proposed ADU Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3))

Attachments:

1. Draft Resolution Recommending City Council Approval of Proposed RM Zoning Code Amendments and Zoning Map Amendment
 - Exhibit A: Zoning Code Amendments
 - Exhibit B: Zoning Map Amendment
 - Exhibit C: LCP Consistency Analysis
2. Draft Resolution Recommending City Council Approval of Proposed General Plan Text Amendment for the RM Designation
 - Exhibit A: General Plan Land Use Element Text Amendment
3. Draft Resolution Recommending City Council Approval of Proposed ADU Ordinance Amendment
 - Exhibit A: ADU Ordinance Amendments
4. HCD ADU Ordinance Review Letter, February 26, 2025
5. City Response to HCD Letter, June 4, 2025

Report Prepared By: Ben Noble, Consultant

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community Development Director

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING MUNICIPAL CODE TITLE 17 (ZONING) FOR THE
RESIDENTIAL MULTIFAMILY (RM) ZONE AND THE ZONING MAP, AND
FINDING THE PROJECT EXEMPT FROM CEQA**

WHEREAS, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (“Housing Element”) and Addendum to the General Plan Final Environmental Impact Report;

Whereas, on August 30, 2025, the California Department of Housing and Community Development (“HCD”) certified the Housing Element;

WHEREAS, Housing Element Program 1.6 states that the City shall review density and other development standards in the Residential Multifamily (RM) zone and revise as appropriate to facilitate multifamily housing development;

WHEREAS, the Planning Commission held work sessions on May 2 and June 6, 2024, to consider Zoning Code amendments affecting the RM zone in furtherance of Housing Element Program 1.6;

WHEREAS, at a noticed public hearing on August 15, 2024, the Planning Commission directed staff to conduct additional public outreach and return to the Planning Commission for continued discussion of the RM zone amendments in 2025;

WHEREAS, on February 24, 2025, the City hosted a community workshop to receive public input on the RM zone amendments with a focus on increases to allowed density in locations that could realistically accommodate additional multifamily development consistent with Housing Element Program 1.6;

WHEREAS, on March 3, 2025, the Planning Commission received an update on the RM zone amendments and provided input on the most effective and pragmatic approach to the RM zone amendments, including increased allowed density in seven RM areas;

WHEREAS City staff prepared draft amendments to Municipal Code Title 17 and the Zoning Map (together, the “Amendments”) to implement Housing Element Program 1.6;

WHEREAS, the California Department of Housing and Community Development conveyed that the City’s approach to implementing Housing Element Program 1.6 with respect to the RM amendments are generally consistent with state housing law;

WHEREAS, notice of the Amendments’ availability was mailed and a public review draft made available on August 1, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Amendments and the associated General Plan text amendment (together, the “Project”) are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City’s adoption of the Addendum to the General Plan EIR for the City’s Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)). The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review; and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission reviewed the proposed Amendments at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. Pursuant to Capitola Municipal Code Section 17.144.040 and 17.144.060 and based on substantial evidence in the record:
 - a) The proposed Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860. Concurrent with the Amendments, the Planning Commission and City Council will be considering a text amendment to the General Plan Land Use Element to allow for greater density in the RM designation. Adoption of the Amendments will be subject to final City Council approval and adoption of the associated General Plan text amendment.
 - b) The proposed Amendments will not be detrimental to the public interest, health,

safety, convenience, or welfare of the City.

c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

3. The Planning Commission has considered the Amendments' consistency with the certified Local Coastal Program (LCP) and finds the Zoning Code and Zoning Map Amendments in conformity with and adequate to carry out the certified Land Use Plan as described in Exhibit C attached hereto and incorporated herein.

4. The Planning Commission recommends that the City Council:

a. Find that the Amendments and the associated General Plan text amendment (together, the "Project") are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element.

Further, the Project was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implements Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)). The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review.

b. Adopt an ordinance amending Capitola Municipal Code Title 17: Zoning set forth in Exhibit A attached hereto and incorporated herein, subject to the adoption of the associated General Plan text amendment.

c. Adopt amendments to the official Zoning Map of the City of Capitola set forth in Exhibit B attached hereto and incorporated herein, subject to the adoption of the associated General Plan text amendment and authorize staff to update the Zoning Map on the City's website.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 21st day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____
Katie Herlihy, Community
Development Director

Chapter 17.12

ZONING DISTRICTS AND MAP

Sections:

- 17.12.010 Purpose.
17.12.020 Zoning districts.
17.12.030 Zoning map.

17.12.010 Purpose.

This chapter identifies the zoning districts that apply to land within the Capitola city limits and establishes the official Capitola zoning map.

17.12.020 Zoning districts.

A. Base Zoning Districts. Capitola is divided into zoning districts that implement the general plan land use map as shown in Table 17.12-1. Within the coastal zone, the general plan land use map is the certified coastal land use plan map.

Table 17.12-1: Base Zoning Districts

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
Residential Zoning Districts		
R-1	Residential Single-Family	Single-Family Residential (R-SF)
RM- 10L	Residential Multifamily, 10 du/ac Low Density	Multifamily Residential (R-MF)
RM- 15M	Residential Multifamily, 15 du/ac Medium Density	
RM- 20H	Residential Multifamily, 20 du/ac High Density	
<u>RM-30</u>	<u>Residential Multifamily, 30 du/ac</u>	
<u>RM-40</u>	<u>Residential Multifamily, 40 du/ac</u>	
MH	Mobile Home Park	Mobile Home Park (MH)
Mixed Use Zoning Districts		
MU-V	Mixed Use, Village	Village Mixed-Use (MU-V)
MU-N	Mixed Use, Neighborhood	Neighborhood Mixed-Use (MU-N)
Commercial and Industrial Zoning Districts		
C-C	Commercial, Community	Community Commercial (C-C)
C-R	Commercial, Regional	Regional Commercial (C-R)
I	Industrial	Industrial (I)
Other Zoning Districts		
CF	Community Facility	Public/Quasi-Public Facility (P/QP)
P/OS	Parks and Open Space	Parks and Open Space (P/OS)
PD	Planned Development	N/A

B. Overlay Zones. The zoning code and zoning map include the overlay zones shown in Table 17.12-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district.

Table 17.12-2: Overlay Zones

Overlay Zone Symbol	Name of Overlay Zone
-VRU	Vacation Rental Use
-VR	Village Residential
-VS	Visitor Serving
-CZ	Coastal Zone

17.12.030 Zoning map.

A. Adoption. The city council hereby adopts the Capitola zoning map (“zoning map”), which establishes the boundaries of all base zoning districts and overlay zones provided for in the zoning map.

B. Incorporation by Reference. The zoning map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the zoning code.

C. Location. The zoning map is kept, maintained, and updated electronically by the community development department, and is available for viewing by the public at the department.

Chapter 17.16

RESIDENTIAL ZONING DISTRICTS

Sections:

- 17.16.010 Purpose of the residential zoning districts.
 17.16.020 Land use regulations.
 17.16.030 Development standards.

17.16.010 Purpose of the residential zoning districts.

A. General. The purpose of the residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola's intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high-quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

B. Specific.

1. Residential Single-Family (R-1) Zoning District. The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola's unique sense of place.

2. Residential Multifamily (RM) Zoning District. The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning district allows single-family and multifamily housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning district will be carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into ~~three~~ five subzones (~~RM-L, RM-M, and RM-H~~) allowing for a range of permitted residential densities.

3. Mobile Home Park (MH) Zoning District. The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola's lower-income and senior residents.

17.16.020 Land use regulations.

A. Permitted Land Uses. Table 17.16-1 identifies land uses permitted in the residential zoning districts.

Table 17.16-1: Permitted Land Uses in the Residential Zoning Districts

Key		Zoning District			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	R-1	RM	MH	Additional Regulations
Residential Uses [5]					
Cohousing		P	P	P	

Key		Zoning District			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	R-1	RM	MH	Additional Regulations
Duplex Homes		P [4]	P	–	
Elderly and Long-Term Care		–	C	–	
Group Housing		–	P	–	
Mobile Home Parks		–	C	P [1]	Chapter 17.100
Multifamily Dwellings		–	P	–	
Residential Care Facilities, Small		P	P	C [2]	
Residential Care Facilities, Large		C	P	C [2]	Section 17.96.080
Accessory Dwelling Units		A	A	–	Chapter 17.74
Single-Family Dwellings		P	P	C [2]	
Public and Quasi-Public Uses					
Community Assembly		C	C	C	
Day Care Centers		C	C	C	
Home Day Care		P	P	P	
Parks and Recreational Facilities		–	C	C	
Public Pathways and Coastal Accessways		C	C	C	
Schools, Public or Private		–	C	C	
Commercial Uses					
Bed and Breakfast		C	C	–	
Vacation Rentals		See Section 17.40.030			
Transportation, Communication, and Utility Uses					
Utilities, Major		C	C	C	
Utilities, Minor		P	P	P	
Wireless Communications Facilities		See Chapter 17.104			
Other Uses					
Accessory Uses and Structures		P [3]	P [3]	P [3]	Chapter 17.52
Home Occupation		P	P	P	Section 17.96.040
Temporary Uses and Structures		M	M	–	Section 17.96.180

Key		Zoning District			
P	Permitted Use				
A	Administrative Permit required				
M	Minor Use Permit required				
C	Conditional Use Permit required				
–	Use not allowed	R-1	RM	MH	Additional Regulations
Urban Agriculture					
Home Gardens		P	P	P	
Community Gardens		M	M	M	

Notes:

[1] May include offices incidental and necessary to conduct a mobile home park use.

[2] Permitted on the mobile home park parcel or on a separate parcel of no less than five thousand square feet.

[3] An accessory structure that exceeds the development standards of Chapter 17.52 requires a conditional use permit.

[4] Allowed on corner parcels only.

[5] 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 17.16-1, development projects in the residential 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.

17.16.030 Development standards.

A. ~~General Standards~~—Single-Family ~~and Multifamily~~ Zoning Districts.

1. General Standards. –Table 17.16-2 identifies development standards that apply in the R-1 ~~and RM zoning districts.~~

Table 17.16-2: Development Standards in the R-1 and RM Zoning Districts

	R-1	RM	Additional Standards
Site Requirements			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030(BA)(1)	N/A	Section 17.16.030(AB) Section 17.48.040
Building Coverage, Maximum	N/A	40%	

	R-1	RM	Additional Standards
Open Space	N/A	Section 17.16.030(C)(2)	
Parcel Area per Unit, Minimum	N/A	RM L: 4,400 sq. ft. RM M: 2,900 sq. ft. RM H: 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Sections 17.48.030(B)(2) through (5)
Front	Ground floor: 15 ft. Garage: 20 ft. Second story: 20 ft.	Main structure: 15 ft. Garage: 20 ft.	Section 17.16.030(AB)(32) Section 17.16.030(AB)(45)
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030(AB)(54)
Interior Side	Ground floor: 10% of parcel width [2] Second story: 15% of parcel width	10% of parcel width [2]	Sections 17.16.030(AB)(54) and (AB)(65)
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030(AB)(54)
Height, Maximum	25 ft.	RM L: 30 ft. RM M: 30 ft. RM H: 35 ft.	Sections 17.16.030(AB)(76) Section 17.48.020
Accessory Structures and Detached Garages	See Chapter 17.52 [3]		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of June 9, 2021. See Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] Regardless of parcel width, in no case shall the minimum required interior side ground setback be less than three feet or greater than seven feet.

[3] Chapter 17.52 does not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units).

~~B. Additional Standards in the R-1 Zoning District. The following additional standards apply in the R-1 zoning district:~~

~~24.~~ Floor Area Ratio. Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040(B) for floor area calculations.

Table 17.16-3: Maximum Floor Area Ratio in the R-1 Zoning District

Lot Size	Maximum FAR
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55

Lot Size	Maximum FAR
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50
5,001 to 6,000 sq. ft.	0.49
More than 6,000 sq. ft.	0.48

32. Front Setbacks in Riverview Terrace. Within the areas shown in Figure 17.16-1, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street. The reduced front setback shall in all cases be no less than ten feet.

Figure 17.16-1: Riverview Terrace

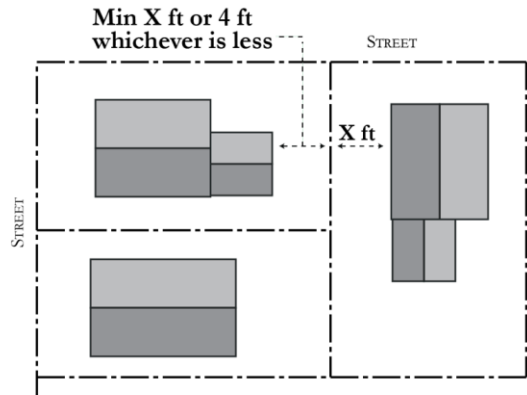


43. Wharf Road Reduced Setback. For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street.

54. Corner Lots.

- The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than four feet. See Figure 17.16-2.
- On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The community development director has the discretion to determine the location of the front yard based on existing conditions and functions.

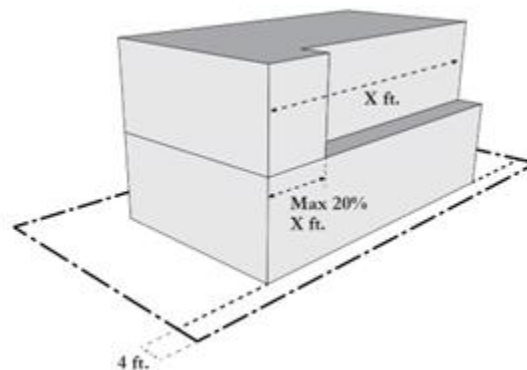
Figure 17.16-2: Reverse Corner Lot Rear Setback



65. Second-Story Setback Exceptions. Second-story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:

- For lots thirty feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.
- Up to twenty percent of the length of an upper-story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least four feet from the side property line. See Figure 17.16-3.

Figure 17.16-3: Second-Story Setback Exception



76. Height Exceptions. A maximum height of up to twenty-seven feet in the R-1 zoning district is allowed in the following circumstances:

- Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.
- Parcels greater than six thousand square feet in size.

- c. Parcels with a width sixty feet or more.
- d. Parcels with an average slope of twenty-five percent or greater.
- e. When the plate height of structure does not exceed twenty-two feet.

87. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

98. Mini-Bar/Convenience Areas.

a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:

- i. Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.
- ii. No gas line or two-hundred-twenty-volt electric service is permitted within the area.
- iii. Only one such area is permitted within a property in addition to the kitchen.
- iv. The mini-bar/convenience area may be located inside or outside of the home. If located inside the home, internal access to the area shall be maintained within the dwelling. A mini-bar/convenience area is permitted in addition to an outdoor kitchen.

b. The requirements in subsection (B)(8)(a) of this section shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 of this code (Accessory Dwelling Units).

109. Outdoor Kitchens. On a lot occupied by a single-family home, an outdoor kitchen is permitted in addition to an indoor kitchen. Outdoor kitchens shall comply with the following standards:

- a. The kitchen may include gas, electric and plumbing.
- b. Electric service may not be two hundred twenty volts.
- c. Drain size may not exceed that allowed for a mini-bar.
- d. The kitchen may project into the rear setback area as provided in Table 17.48-3.

110. Second-Story Decks and Balconies.

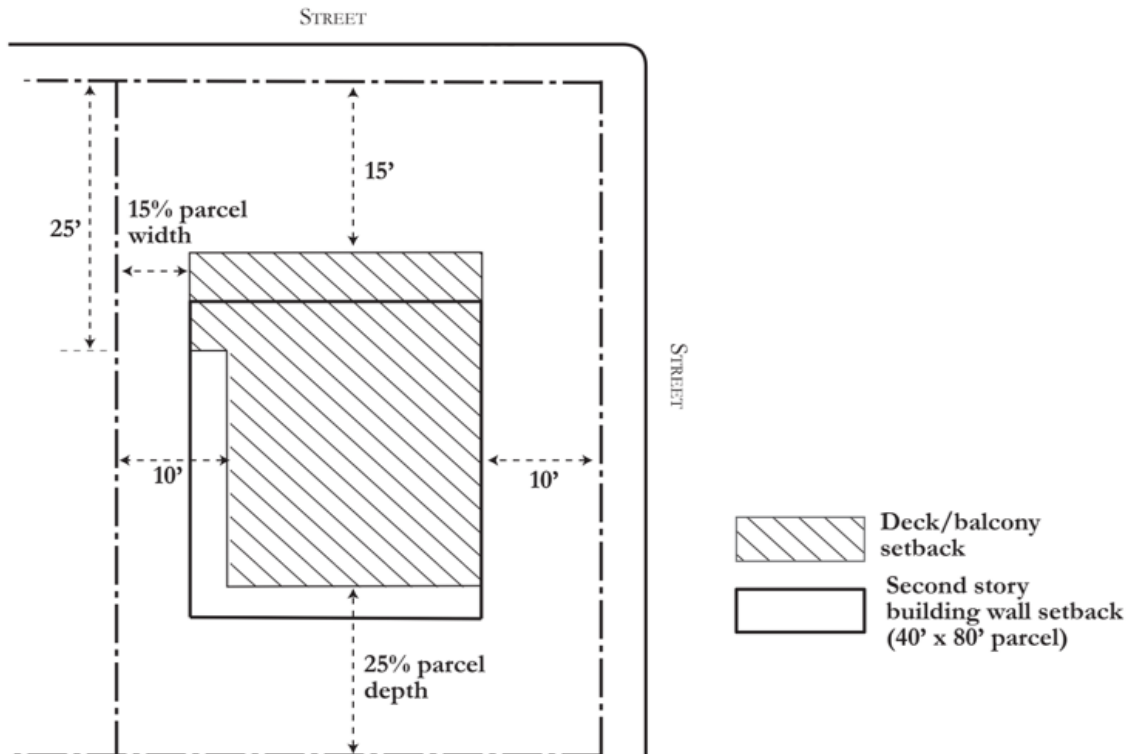
- a. Cumulative upper floor deck area in excess of one hundred fifty square feet is included in the floor area ratio calculation.
- b. A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.
- c. A second-story deck or balcony must comply with the minimum parcel line setback requirements in Table 17.16-4 and as shown in Figure 17.16-3a:

Table 17.16-4: Second Story Deck and Balcony Setbacks

Parcel Line	Minimum Setback
Front	15 ft.
Interior Side	

Deck area located within 25 ft. of front property line	15% of parcel width
All other decks	10 ft.
Street Side	10 ft.
Rear	25% of parcel depth

Figure 17.16-3a: R-1 Second-Story Decks and Balconies



d. To address neighbor privacy impacts, the planning commission may require permanent privacy screening (e.g., opaque glass, solid materials, vegetation) for an upper floor deck or balcony.

e. A second-story deck or balcony facing the rear of the parcel may not project further than ten feet from the exterior upper-story building wall to which it is attached. For a second story deck or balcony, including staggered or non-linear building walls, the maximum ten-foot projection is measured from the upper floor rear exterior wall.

f. The area of a second-story deck shall not exceed the habitable second-story floor area of the building to which it is attached. For example, if the second story of a home contains two hundred fifty square feet of habitable space, the second story deck area may not exceed two hundred fifty square feet. The second story deck must also comply with all applicable setback and dimensional standards.

g. Roof decks are prohibited in the R-1 zoning district.

h. The elevation of a freestanding deck or platform not attached to a building may not exceed thirty-five inches above the adjoining grade.

BC. Additional Standards for RM Zoning Districts.

1. General Standards. Table 17.16-5 identifies ~~The following additional standards that~~ ~~The following additional standards~~ apply in the RM zoning districts.

Table 17.16-5: Development Standards in the RM Zoning Districts

	RM-10	RM-15	RM-20	RM-30	RM-40	Additional Standards
Site Requirements						
Building Coverage, Maximum	40%	40%	45%	50%	60%	–
Open Space	Section 17.16.030(B)(3)					
Units per Acre, Maximum	10 du/ac	15 du/ac	20 du/ac	30 du/ac	40 du/ac	–
Parking and Loading	See Chapter 17.76					
Structure Requirements						
Setbacks, Minimum						Sections 17.48.030
Front	15 ft.	15 ft.	15 ft.	15 ft. [1]	15 ft. [1]	
Rear	10 ft. [2]	10 ft. [2]	10 ft. [2]	10 ft. [2]	10 ft. [2] [3]	
Interior Side	10% of parcel width [3]	10% of parcel width [3]	10% of parcel width [3]	10% of parcel width [4]	10% of parcel width [3] [4]	
Street Side, Corner Lots	10 ft.	10 ft.	10 ft.	10 ft. [1]	10 ft. [1]	
Height, Maximum						Section 17.48.020
Stories	3	3	3	3	4 [3]	
Top Plate	30 ft.	30 ft.	30 ft.	30 ft.	40 ft.	
Additional for pitched roof [5]	6 ft.	6 ft.	6 ft.	6 ft.	6 ft.	
Accessory Structures and Detached Garages	See Chapter 17.52 [6]					

Notes:

[1] The planning commission may approve reduced front and street side setbacks if the reduced setbacks will accommodate development that complies with sidewalk and street tree standards in 17.82.040 (Circulation and Streetscape).

[2] 15 ft. if abutting a R-1 zone.

[3] Fourth story must be setback a minimum of 25 feet from a side or rear property line abutting a residential parcel.

[4] Regardless of parcel width, in no case shall the minimum required interior side ground-floor setback be less than three feet or greater than seven feet.

[5] Additional height permitted only for roof elements with a minimum 5:12 pitch. Exterior doors above the maximum top plate height, as well as decks above the maximum top plate height are prohibited.

[6] Chapter 17.52 does not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Accessory Dwelling Units).

12. Single-Family Dwellings. Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.

23. Open Space. Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-65 and Figure 17.16-4.

Table 17.16-~~65~~: Usable Open Space in RM Zoning District

Common Open Space [1]	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
Private Open Space [4]	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

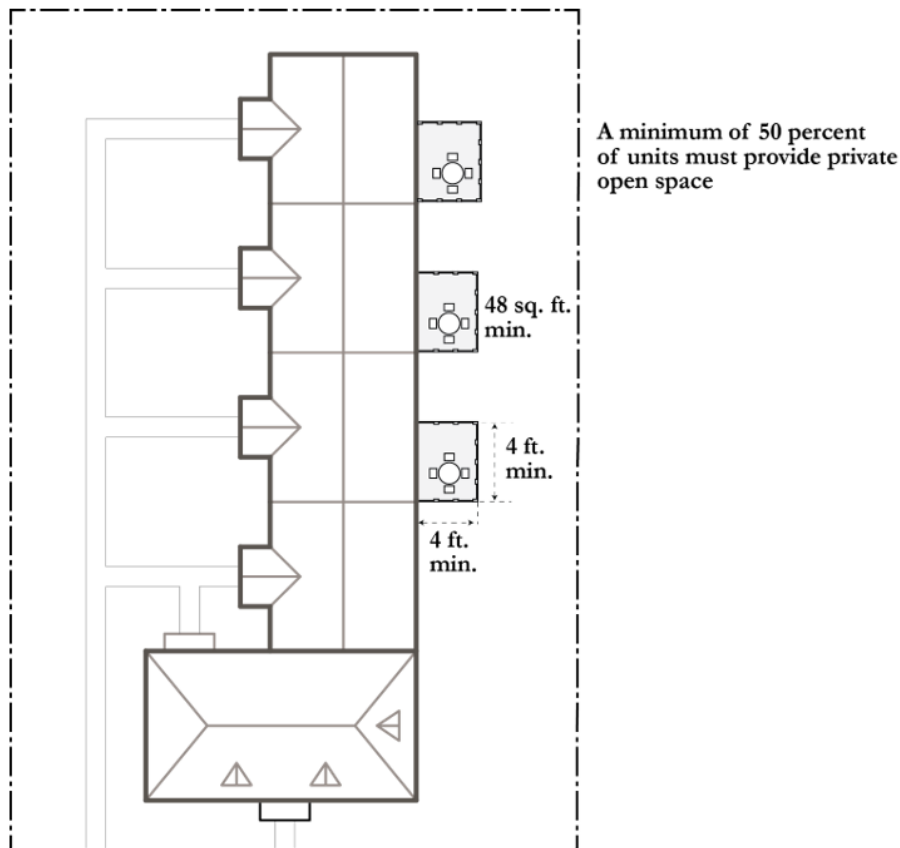
[1] Common open space shall be fully landscaped and accessible to all residents.

[2] See subsection (~~BE~~)(4) of this section for requirements that apply to rooftop decks used as common open space.

[3] The planning commission may allow reduced common open space to a minimum of ten percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.

[4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Figure 17.16-4: Private Open Space



43. Landscaping. See Section 17.72.050(A) for residential landscape requirements.

54. Objective Standards for Multifamily Dwellings. New multifamily dwellings in the RM zoning district must comply with Chapter 17.82 of this code (Objective Standards for Multifamily and Mixed-Use Residential Development).

65. Upper-Level Decks and Balconies.

a. For parcels that are within or abut the R-1 zoning district, second-story decks and balconies must comply with the standards in subsection (AB)(110) of this section (Second-Story Decks and Balconies) and Section 17.82.080(B)(5) of this code (Neighbor Privacy).

b. Roof decks must comply with the following standards:

i. Roof decks are not permitted on parcels that abut the R-1 zoning district.

ii. Roof decks require a design permit.

iii. Roof decks may provide up to fifty percent of the minimum required common open space specified in subsection (BE)(2) of this section.

iv. Where permitted, a roof deck must be set back at least five feet from the building wall closest to the property line.

v. Railings to accommodate a roof deck may project forty-two inches above the maximum building height in cases where the roof deck provides open space for residents.

vi. Other than as needed to provide for roof access, no permanent structure that has a solid roof and/or is enclosed on two or more sides may be placed on or attached to a roof deck. Fully transparent glass wind barriers are allowed.

vii. Roof decks may not be placed on building features that project above the maximum building height permitted in the zoning district.

D. Standards for the MH Zoning District. Table 17.16-~~76~~ identifies development standards that apply in the mobile home park (MH) zoning district.

Table 17.16-~~76~~: MH Zoning District Development Standards

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

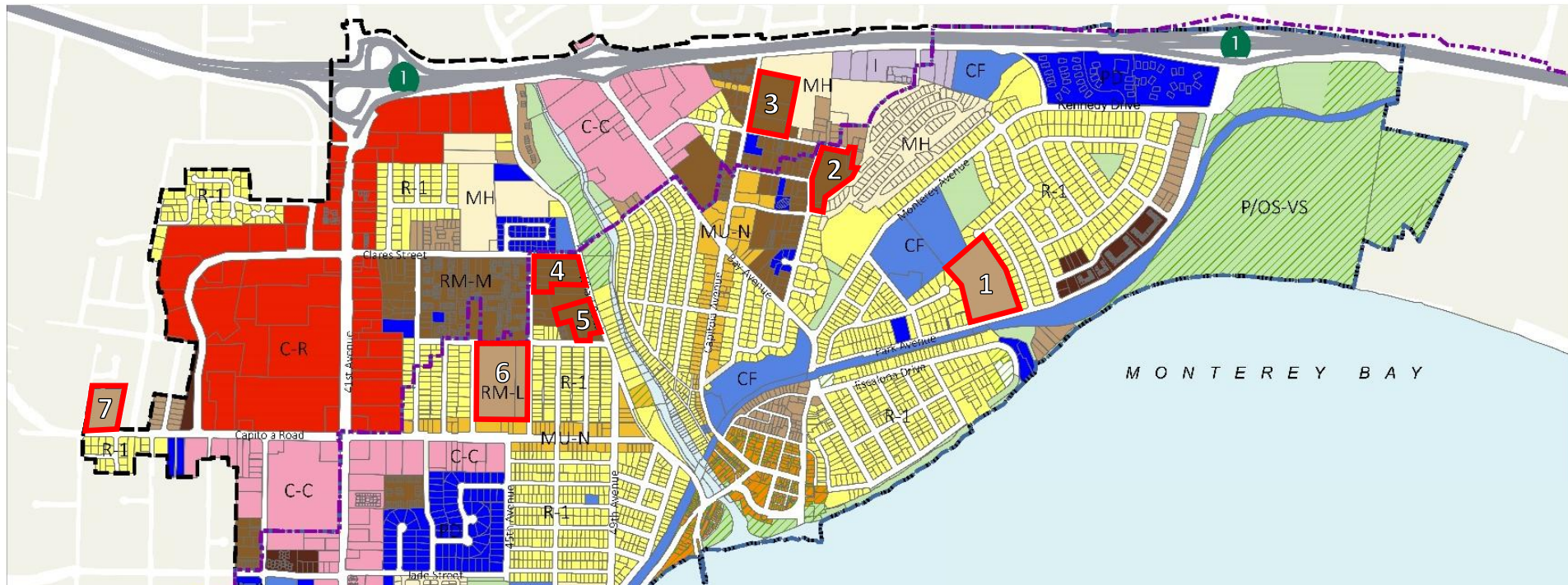
Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is five acres. For existing mobile home parks, the minimum parcel size is five acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.

Proposed Zoning Map Amendments



Area	Existing Zoning	Proposed Zoning
1	RM-L (10 du/ac)	RM-30 (30 du/ac)
2	RM-M (20 du/ac)	RM-30 (30 du/ac)
3	RM-M (20 du/ac)	RM-30 (30 du/ac)
4	RM-M (20 du/ac)	RM-40 (40 du/ac)

Area	Existing Zoning	Proposed Zoning
5	RM-M (20 du/ac)	RM-30 (30 du/ac)
6	RM-L (10 du/ac)	RM-30 (30 du/ac)
7	RM-L (10 du/ac)	RM-40 (40 du/ac)

Area 1: 600 Park Avenue

Item 7 B.



Site Area	6.8 acres
Existing Units	80
Built Density	12 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 2: Rosedale & Hill

Item 7 B.



Site Area	2.9 acres
Existing Units	62
Built Density	21 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 3: Capitola Ave & Hill

Item 7 B.



Capitola Terrace
Apartments

Capitola Ave

Hill St

Capitola Hill Apartments

Site Area	4.3 acres
Existing Units	72
Built Density	17 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 4: Clares & 46th



Site Area	2.75 acres
Existing Units	52
Built Density	19 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-40
Proposed New Density	40 du/ac

Area 5: Capitola Cove

Item 7 B.



Site Area	2 acres
Existing Units	35
Built Density	18 du/ac
Existing Zoning	RM-M
Allowed Density	15 du/ac
Proposed New Zoning	RM-30
Proposed New Density	30 du/ac

Area 6: Capitola Gardens

Item 7 B.



Site Area	6.6 acres
Existing Units	80
Built Density	12 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Density	30 du/ac

Area 7: Landing at Capitola



Site Area	2.8 acres
Existing Units	50
Built Density	18 du/ac
Existing Zoning	RM-L
Allowed Density	10 du/ac
Proposed New Zoning	RM-40
Proposed New Density	40 du/ac

Zoning Code Amendments Consistency with LCP Land Use Plan

RM Zone Amendments

The proposed amendments to the Residential Multifamily (RM) zone implement Program 1.6 in Capitola's 2023-2031 Housing Element. Capitola committed to completing these amendments to comply with state housing laws.

The proposed RM amendments increase allowed residential density in seven areas, six of which are within Capitola's coastal zone. The City has selected these areas using criteria that aim to avoid environmentally sensitive habitat, avoid coastal hazards, and locate new development in areas well-served by existing infrastructure and services. Table 1 identifies the basis of finding the proposed RM amendments consistent with applicable LCP policies.

Table 1: RM Zone Amendment Consistency Determination

LCP Policies	Basis for Consistency Finding
Coastal Act Policy 30250: New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.	All areas with increased density are surrounded on all sides by existing development and do not contain known environmental sensitive habitat areas or sensitive coastal resources as defined in Coastal Action Section 30116.
Coastal Act Policy 30253: New development shall: 1) Minimize risks to life and property in areas of high geologic, flood and fire hazard ...	All areas with increased density are located outside of active fault zones, high and very high liquefaction potential zones, 100 year flood zones, areas with potential hazards from bluff and sand beach erosion, tsunami inundation risk areas and fire hazard areas as identified in the City's Local Hazard Mitigation Plan.
Coastal Act Policy 30240: a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas ...	None of the following categorical ESHA areas, as identified in the certified LCP, are located in areas with increased density: A. Soquel Creek, Lagoon, and Riparian Corridor; Noble Gulch Riparian Corridor; Tannery Gulch Riparian Corridor; and Monarch butterfly habitat – Rispin-Soquel Creek and Escalona Gulch.
Policy VII-1: It shall be the policy of the City of Capitola to adequately plan for natural hazards in new development, reduce risks to life and property, and revise all plans and Zoning Ordinances to be in conformance with all the policies of the Coastal Act relating to hazards and shoreline structures.	See basis for Coastal Act Policy 30253 above.

ADU Amendments

The proposed amendments to Capitola's accessory dwelling unit (ADU) regulations are required to comply with state ADU law. The amendments are necessary to respond to comments provided by the California Department of Housing and Community Development (HCD) dated February 26, 2025.

The majority of HCD's requested amendments clarify existing requirements with no substantive change to allowed development. However, HCD's comment that historic preservation standards may apply only to properties on the California Register of Historic Resources raises Coastal Act conformance issues. Almost all historic resources in Capitola are locally designated but not listed on the California Register of Historic Resources. To remove historic preservation standards for these properties would conflict with policies in Capitola's certified LCP that call for the City to protect historic resources and to protect the scenic and visual qualities of coastal areas. To address this conflict, the proposed amendments maintain existing historic preservation standards for locally-designated historic resources located in the coastal zone. This approach is supported by HCD as a way to reconcile state ADU law with the Coastal Act. For these reasons, the proposed ADU amendments are consistent with the following LCP policies:

- **Policy I-3:** It shall be the policy of the City of Capitola to provide for the protection, preservation, and proper disposition (where necessary) of archaeological, historical and paleontological resources within Capitola.
- **Section 30251 Scenic and visual qualities:** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to ... be visually compatible with the character of surrounding areas ...

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT A
RESOLUTION ADOPTING A TEXT AMENDMENT TO THE GENERAL PLAN
LAND USE ELEMENT RESIDENTIAL MULTIFAMILY (RM) LAND USE
DESIGNATION TO BE CONSISTENT WITH PROPOSED REVISIONS TO THE
RM ZONE AND FIND THAT THE PROJECT IS EXEMPT FROM CEQA**

WHEREAS, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (Housing Element) and Addendum to the General Plan Final Environmental Impact Report;

WHEREAS, Housing Element Program 1.6 states that the City shall review density and other development standards in the Residential Multifamily (RM) zone and revise as appropriate to facilitate multifamily housing development;

WHEREAS, the Planning Commission held work sessions on May 2 and June 6, 2024 to consider Zoning Code amendments affecting the RM zone as called for by Housing Element Program 1.6;

WHEREAS, at a noticed public hearing on August 15, 2024, the Planning Commission directed staff to conduct additional public outreach and return to the Planning Commission for continued discussion of the RM zone amendments in 2025;

WHEREAS, on February 24, 2025 the City hosted a community workshop to receive public input on the RM zone amendments with a focus on increases allowed density in locations that could realistically accommodate additional multifamily development consistent with Housing Element Program 1.6;

WHEREAS, on March 3, 2025 the Planning Commission received an update on the RM zone amendments and provided input on a preferred approach to the RM amendments, including increased allowed density in seven RM areas;

WHEREAS, a text amendment to the General Plan Land Use Element is necessary to allow for greater density in the RM designation consistent with the proposed Zoning Code amendments;

WHEREAS, City staff prepared a text amendment to the General Plan Land Use Element (the “Amendment”) to implement Housing Element Program 1.6 and ensure consistency between the General Plan and Zoning Code;

WHEREAS, the California Department of Housing and Community Development conveyed that the City’s approach to implementing Housing Element Program 1.6 with respect to the RM amendments is generally consistent with state housing law;

WHEREAS, notice of the Amendment's availability were mailed and public review drafts were made available on August 1, 2025 in compliance with California Coastal Act public participation requirements and all applicable state laws;

WHEREAS, the Amendment and associated zoning code amendments (together, the "Project") are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element. The Amendment merely ensures vertical consistency between the General Plan and the Zoning Code.

Further, the Project was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implement Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).) The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review;; and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission reviewed the proposed Amendment at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. Based on substantial evidence in the record, the Amendment is consistent with state

and local law, including the Municipal Code subject to approval of the associated Zoning Code amendments, and the other elements of the General Plan, including the City of Capitola Housing Element.

3. The Planning Commission recommends that the City Council:

a. Find that the Amendment and associated zoning code amendments (together, the “Project”) are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element. The Amendment merely ensures vertical consistency between the General Plan and the Zoning Code.

Further, the Project was analyzed and considered as part of the City’s adoption of the Addendum to the General Plan EIR for the City’s Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implement Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).) The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review; and

b. Adopt a resolution adopting the text amendment to the General Plan Land Use Element as set forth in Exhibit A attached hereto and incorporated herein.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the

remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 21st day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____ Katie Herlihy, Community Development
Director

Maximum FAR's for a land use designation are an absolute ceiling, not an entitlement. Other controls in the zoning code, such as maximum permitted height, building coverage, and parking, also limit building intensity. Variances for FAR limits established by the General Plan are not permitted.

The goals, policies, and actions contained in this Element provide direction on how the various land use designations should be developed to contribute to the overall character of Capitola. Allowed uses are generally characterized within each land use designation description of this General Plan. Additional use types may be permitted as specified by the zoning ordinance.

Residential Designations

- ◆ Single-Family Residential (R-1). The R-1 designation applies to residential neighborhoods primarily characterized by detached single-family homes. Permitted land uses include single-family homes and public facilities such as schools, religious institutions, parks, and other community facilities appropriate within a residential neighborhood. The maximum permitted residential density in the R-1 designation is 10 dwelling units per acre.¹
- ◆ Multi-Family Residential (RM). The RM designation applies to areas primarily intended for multi-family residential development. All residential uses are permitted in the RM designation, including single-family homes, duplex homes, townhomes, and multi-family structures. Public facilities, such as schools, religious institutions, parks, and other community facilities appropriate within a multi-family residential setting are also permitted. The maximum permitted residential density in the RM designation is between 10 and ~~24~~10 dwelling units per acre depending upon the zoning classification (~~RM-L at 10 du/ac, RM-M at 15 du/ac, and RM-H at 20 du/ac maximums~~).



Jewel Box homes in the R-1 designation (top) and Fanmar Way homes in the RM designation (bottom)

¹ Maximum densities prescribed by the General Plan are not entitlements and may not be realized due to other development regulations, including but not limited to, minimum lot size, setbacks, height, and parking requirements.

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING MUNICIPAL CODE TITLE 17, CHAPTER 17.74
(ACCESSORY DWELLING UNITS), AND FIND THAT ADOPTION OF THE
ORDINANCE IS EXEMPT FROM CEQA**

WHEREAS, on November 14, 2024, City of Capitola Ordinance No. 1066 went into effect, amending, among other sections, Municipal Code Chapter 17.74 (Accessory Dwelling Units) (the “ADU Ordinance”);

WHEREAS, on December 19, 2024, the City submitted Ordinance No. 1066 to HCD for review and comment on the ADU Ordinance;

WHEREAS, the City received a letter from HCD dated February 26, 2025, providing an informal “fly over” review of the ADU Ordinance, with suggested revisions;

WHEREAS, after discussions with HCD staff, City staff submitted a letter to HCD dated June 4, 2025, documenting revisions to the ADU Ordinance that reflect revisions, as agreed upon by City and HCD staff, to be sufficient to address comments in the February 26, 2025, HCD letter;

WHEREAS City staff prepared draft amendments (“Amendments”) to the ADU Ordinance to implement the revisions agreed upon by City and HCD staff;

WHEREAS, notice of the Amendments’ availability was mailed and public review drafts were made available on August 1, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)); and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission reviewed the proposed Amendments at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. Pursuant to Capitola Municipal Code Section 17.144.040 and 17.144.060 and based on substantial evidence in the record:

a) The proposed Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860.

b) The proposed Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

3. The Planning Commission has considered the Amendments' consistency with the certified Local Coastal Program (LCP) and finds the Amendments in conformity with and adequate to carry out the certified Land Use Plan.

4. The Planning Commission recommends that the City Council:

a. Find that the proposed Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)); and

b. Adopt an ordinance amending Capitola Municipal Code Chapter 17.74 (Accessory Dwelling Units) set forth in Exhibit A attached hereto and incorporated herein.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 21st day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____ Katie Herlihy, Community Development
Director

Chapter 17.74

ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Permitting process.
- 17.74.040 General requirements.
- 17.74.050 Units subject to limited standards.
- 17.74.060 Units subject to full review standards.
- 17.74.070 Units requiring a design permit.
- 17.74.080 Development standards.
- 17.74.090 Objective design standards.
- 17.74.100 Deviation from standards.
- 17.74.110 Findings.
- 17.74.120 Deed restrictions.
- 17.74.130 Incentives.

17.74.010 Purpose.

A. This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 66310 through 66342. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

B. It is the city's intent for this chapter to be consistent with state law as it is amended from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.020 Definitions.

Terms used in this chapter are defined as follows:

A. "Accessory dwelling unit" means- an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code ~~a self-contained living unit located on the same parcel as a primary dwelling unit.~~

B. "Attached accessory dwelling unit" means an accessory dwelling unit that:

1. Shares at least one common wall with the primary dwelling unit; and
2. Is not fully contained within the existing space of the primary dwelling unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.

D. "Internal accessory dwelling unit" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

E. "Junior accessory dwelling unit" means an accessory dwelling unit no more than five hundred square feet in size and contained entirely within a single-family residence. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.

F. "Multifamily dwelling" means a structure on a single lot with two or more attached dwelling units.

F. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or
2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

G. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second-story living space above a ground-floor garage or other accessory structure. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.030 Permitting process.

A. When Consistent with Standards.

1. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the administrative permit application.
2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the city shall either approve or deny an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.
3. If the city denies an application for an accessory dwelling unit, the city shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new single-family or multifamily dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.
5. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

B. Two-Story Units.

1. Planning commission approval of a design permit is required for a two-story accessory dwelling unit (attached or detached) with a height greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1.
2. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory

dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).
2. The City may issue a CDP waiver pursuant to Section 17.44.090 (De minimis waiver of a CDP) for a proposed accessory dwelling unit in the coastal zone. The City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission. To be eligible for a CDP waiver, the proposed accessory dwelling unit must comply with all of the following:
 - a. The accessory dwelling unit complies with all standards in this chapter and may be approved with no public hearing required. b. The accessory dwelling is not located:
 - i. In an area subject to coastal hazards as defined by Section 17.44.040(F);
 - ii. Within 200 feet of a cliff edge; or
 - iii. In an environmentally sensitive habitat area (ESHA) as defined by Section 17.44.040(J), including categorical ESHA areas identified in Section 17.64.020 (Applicability).
 - c. The accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City’s certified Local Coastal Program.
3. A CDP waiver for an accessory dwelling unit shall comply with all requirements in Section 17.44.090 that apply to other types of development with the exception that the City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission.
4. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that:
 - a. A public hearing for a CDP application for an accessory dwelling unit is not required as provided in Section 17.74.030(A)(1); and
 - b. The City may issue a CDP waiver for an accessory dwelling unit as provided in Section 17.74.030(E)(2)

F. Historic Resources.

1. ~~1. A proposed accessory dwelling unit is subject to the requirements in Chapter 17.84 (Historic Preservation) if all of the following apply:~~
 - a. The property is in the coastal zone;
 - b. The accessory dwelling unit requires a design permit; is required for an accessory dwelling unit and

~~c. The on a property with contains a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation). Third party review of the proposed project may be required as provided in Chapter 17.84.~~

~~2.~~

~~2. Compliance with Chapter 17.84 is not required for accessory dwelling units approved ministerially with an administrative permit applications that do not meet all criteria in Paragraph 1 above.~~

G. Correction of Violations. The city shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units.

1. Except as provided in subsection (H)(2) of this section, the city shall not deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 202018, due to either of the following:

a. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

b. The accessory dwelling unit or junior accessory dwelling unit does not comply with Government Code Sections 66314 ~~through-~~ 66332 or this chapter.

2. The city may deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 202018, if the ~~local agency~~city makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code~~protect the health and safety of the public or occupants of the structure.~~

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.040 General requirements.

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050 (Units subject to limited standards).

C. Residential Mixed Use. If an existing or proposed one dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more existing or proposed attached dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if ~~they would~~ sprinklers are not ~~be~~ required for the primary residence ~~under the current fire code in effect at the time the primary residence was permitted~~. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary), and notwithstanding any other provision to the contrary, rental of an accessory dwelling unit shall be for a term longer than 30 days.

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66341 ~~0-66342~~.

H. Guaranteed Allowance.

1. Maximum building coverage, floor area ratio, front setbacks, ~~and~~ private open space standards in Section 17.74.080 (Development standards) and privacy impact standards in 17.74.090.B (Privacy Impacts) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

2. An accessory dwelling unit may deviate from a building coverage, floor area ratio, front setbacks, or private open space standard no more than the minimum necessary to allow for eight hundred square feet of floor area.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

3. If any portion of an existing structure crosses a property line (excluding attached dwelling units bisected by a property line along the common wall), the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

~~a. Provide a minimum of three hundred twenty square feet of floor area;~~

~~a~~b. Be built on a permanent chassis;

~~b~~e. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and

~~c~~d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.

2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property unless the property is owned by a governmental agency, land trust, or housing organization, in which case owner-occupancy is not required.

3. Sanitation Facilities.

a. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

~~L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:~~

~~1. Be signed by an authorized officer of the HOA; and~~

~~2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.~~

L.M. Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) an SB 9 residential development with two units on each lot has been approved for construction pursuant to Chapter 17.75 of this code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1052 § 4, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.050 Units subject to limited standards.

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create any of the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit ~~or and one~~ junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of an existing accessory structure shall be limited to accommodating ingress and egress.

2. The unit has exterior access from the proposed or existing single-family dwelling.

3. The side and rear setbacks are sufficient for fire and safety.

4. The junior accessory dwelling unit complies with Government Code Sections 66333 ~~through~~ 66339.

B. ~~One-Story~~ Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.
2. Maximum floor area: eight hundred square feet.
3. Maximum height: sixteen feet or ~~18 feet~~ as allowed by Government Code Section 66321(b)-(4).

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and
2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. Up to two detached accessory dwelling units are allowed on a lot with an existing or a proposed multifamily dwelling. On a lot with an existing multifamily dwelling, up to eight detached accessory dwelling units are allowed, not to exceed the number of existing units on the lot. Not more than two eight detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling. The accessory dwelling units must comply with ~~subject to~~ the following:

- a. Maximum height: ~~eighteen sixteen~~ feet or as allowed by Government Code Section 66321(b)-(4).
- b. Minimum rear and side setbacks: four feet.

2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

A. ~~One-Story~~ Attached Accessory Dwelling Units. An one-story attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1.

B. ~~One-Story~~ Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A ~~one-story~~ detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

A. ~~Two-Story~~ Accessory Dwelling Units – Additional Height Allowance. A ~~two-story~~ detached accessory dwelling unit greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1 in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height that requires design review as specified in Table 17.74-1.

B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17.74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
Detached ADU – Ministerial Approval	16 ft. [8] [9]
One-story detached ADU on lot with existing or proposed single-family dwelling	16 ft. [8]
One-story detached ADU on lot with existing or proposed multifamily and multi-story dwelling	18 ft.
Detached ADU – With Design Permit, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes:

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also subsection B of this section (Front Setbacks) and Section 17.74.040.H.

[6] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

[8] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

[9] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit, except that increased front setback requirements do not apply to an accessory dwelling unit created by converting or replacing an existing structure.
2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:
 - a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
 - b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.
 - c. Within Setback Areas.
 - i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
 - ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
 - d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.
2. Outside of Coastal Zone or in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.
 - a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
 - b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.

c. No off-street parking is required for an accessory dwelling unit in the following cases:

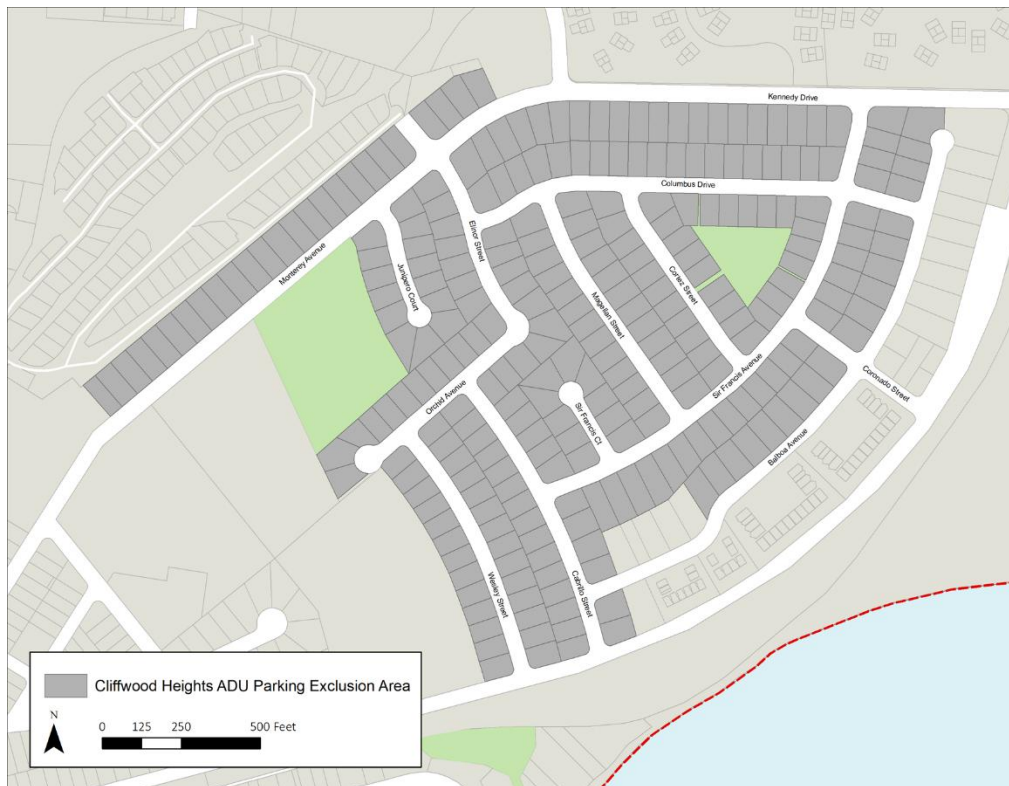
- i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 66313(~~m~~l).
- ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.
- iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
- iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
- v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.

vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.

d. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city's adopted local coastal program.

- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.
- b. Where the primary residence is served by three or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area

(Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.090 Objective design standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies proposed as part of an accessory dwelling unit that requires a design permit shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-h Historic p Property in the coastal zones and all properties outside the coastal zone [1]		Historic p Property in the coastal zone [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]
<u>Exterior Preservation</u>	<u>No requirement</u>	<u>No requirement</u>	<u>See 17.74.090.E.1</u>	<u>No requirement</u>

Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. The following standards apply in the coastal zone to an ADU attached to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

1. The attached ADU may not obscure, damage, or destroy the exterior of a historic structure on its historically significant building face(s), including associated roofline(s).
2. Historically significant building face means any character-defining building elevation which abuts a street or public access easement. A structure may have more than one historically significant face.
3. Preservation requirements extend to all associated elements of a character-defining building face including, but not limited to, porches, windows, doors, trim, and cladding.

~~Within the coastal zone, a building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.~~

17.74.100 Deviation from standards.

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.110 Findings.

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. ~~Two-story Detached~~ accessory dwelling units with a height that requires design review as specified in Table 17.74-1.greater than sixteen feet in height; and
2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.120 Deed restrictions.

A. Prior to issuing a certificate of occupancy for a ~~junior~~ accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The junior accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The junior accessory dwelling unit may not be sold separately from the primary dwelling ~~except as provided in Government Code Section 66340-66342.~~
3. ~~For junior accessory dwelling units,~~ Restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the junior accessory dwelling unit.

C. The deed restriction shall lapse upon removal of the junior accessory dwelling unit. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.130 Incentives.

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence. (Ord. 1043 § 2 (Att. 2), 2020)

February 26, 2025

City of Capitola Draft ADU Ordinance Flyover

Reviewed by: David Barboza

The following comments reflect conflicts between current State Accessory Dwelling Unit (ADU) Laws and the ADU regulations found in the City of Capitola's ADU Ordinance No. 1066 adopted on November 14, 2024 (Ordinance). Where local ADU regulations conflict with State ADU Law without basis in any superseding laws, the City must amend the ADU Ordinance to bring the local regulations into compliance with State ADU Law. This flyover review represents a non-exhaustive list of conflicts to identify major inconsistencies particularly due to recent State ADU Law updates.

Findings

1. Table 17.16-1¹ lists permitted uses in the R-1, R-M and MH zones. While ADUs are listed as a permitted use in the R-1 and R-M zones, Junior Accessory Dwelling Units (JADUs) are not listed as permitted uses in any of these zones. JADUs are a permitted use in zones that permit single-family primary dwellings.
2. Table 17.20-1 lists permitted uses in the MU-V and MU-N zones. While ADUs are listed as a permitted use in the MU-V and MU-N zones, JADUs are not listed as permitted uses in either zone. JADUs are a permitted use in zones that permit single-family primary dwellings.
3. Sections 17.74.020.A and 17.160.020.A.2 define the term "accessory dwelling unit" in slightly different ways. Both definitions differ from the statutory definition of an ADU in Government Code section 66313, subdivision (a).
4. Section 17.74.020.D defines an "internal ADU" as: "an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure." However, this type of ADU, which HCD refers to as a "conversion ADU," also includes a single-family conversion ADU with an addition of up to 150 square feet for ingress and egress.² A conversion ADU also includes an ADU built in the same location and to the same dimensions as a structure that was demolished as part of the project.³
5. Section 17.74.020.F defines "multifamily dwelling" as "a structure with two or more dwelling units." However, a multifamily dwelling must be on a single lot to be considered as such for purposes of State ADU Law.⁴

¹ All references to sections listed first in each finding are to the Ordinance, unless otherwise noted.

² Gov. Code, § 66323, subd. (a)(1).

³ Gov. Code, § 66314, subd. (d)(7).

⁴ When property lines place different dwelling units in the same structure on different lots, those units are single-family dwelling units for purposes of State ADU Law (HCD 2025 ADU Handbook, pages 10, 11 & 29).

6. Section 17.74.030.A.4 states: “If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new **single-family dwelling**” (emphasis added). However, the phrase in bold should read “single-family or multifamily dwelling.”⁵
7. Section 17.74.030.F.1 states: “If a design permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation).” However, regarding historic preservation standards applied to ADU applications, State ADU Law limits local agencies to objective standards to protect resources on the California Register of Historical Resources.⁶
8. Section 17.74.030.H contains standards for permitting unpermitted ADUs. However, these standards must be aligned with Government Code section 66332, regarding the cutoff date, JADUs, and the need for a health and safety finding to be based on Health and Safety Code section 17920.3.
9. Section 17.74.040.C states: “If two or more dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.” However, eligibility for multifamily ADUs under Government Code section 66323, subdivisions (a)(3) and (a)(4) is based on having an existing or proposed multifamily primary dwelling (i.e., two or more attached dwelling units on one lot).
10. Section 17.74.040.E states: “The city shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence **under the current fire code**” (emphasis added). However, if an existing primary residence was not required to have fire sprinklers at the time it was permitted, the ADU may not be required to have fire sprinklers.⁷
11. Section 17.74.040.G states: “An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66340-66342.” However, the City should clarify whether it is exercising its authority to allow ADUs to be sold separately as condominium units pursuant to Government Code section 66342.
12. Section 17.74.040.H.1 states: “Maximum building coverage, floor area ratio, front setbacks, and private open space standards in Section 17.74.080 (Development standards) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, up to sixteen feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.” However, the corresponding section of State ADU Law, Government Code section 66321, subdivision (b)(3), also lists additional requirements which must be waived if they would not permit such an ADU.

⁵ Gov. Code, § 66317, subd. (a).

⁶ Gov. Code, § 66314, subd. (b)(1). An exception may apply if the City adopted an ADU ordinance described in Government Code section 66323, subdivision (g) by July 1, 2018. If this is the case, please provide a copy of the ordinance and indicate where it permits ADUs in multifamily dwelling structures.

⁷ Gov. Code, § 66314, subd. (d)(12).

13. Section 17.74.040.I.3 states: “If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit.” However, this requirement leads to unreasonable outcomes in some situations. For example, a duplex bisected by a property line along the common wall (a “half-plex”) is eligible for single-family ADUs and a JADU on each lot.⁸
14. Section 17.74.040.J.1.a states a manufactured home to be used as an ADU must “Provide a minimum of three hundred twenty square feet of floor area.” However, Health and Safety Code section 18007, subdivision (a) states: “‘Manufactured home’ includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.”
15. Section 17.74.040.L creates special application requirements for ADUs in properties with homeowner’s associations (HOAs). The application must: “1. Be signed by an authorized officer of the HOA; and 2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.” However, requiring pre-approval by an HOA contradicts provisions of State ADU Law which limit review time and prohibit certain requirements in an ADU ordinance.⁹
16. Section 17.74.040.M states: “Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) **an SB 9 residential development with two units has been approved for construction** pursuant to Chapter 17.75 of this code” (emphasis added). However, the ordinance should clarify that there is a two-unit cap on **each lot** created by an SB 9 urban lot split.¹⁰
17. Section 17.74.050 states: “The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create the following types of accessory dwelling units.” However, Ordinance should clarify that the ADUs described in Government Code section 66323, subdivisions (a)(1) and (a)(2) may be combined on a lot with an existing or proposed single-family dwelling. The ADUs described in Government Code section 66323, subdivisions (a)(3) and (a)(4) may be combined on a lot with a multifamily dwelling.
18. Section 17.74.050.A states: “One internal accessory dwelling unit **or** junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:” (emphasis added). However, the corresponding section of State ADU Law, Government Code section 66323,

⁸ HCD 2025 ADU Handbook, page 29.

⁹ Gov. Code, §§ 66317, subd. (a); 66315.

¹⁰ Thus, a qualifying single-family lot may be split into two lots and two units may be built on each lot, for a total of four units. An ADU or a JADU may coexist with a primary dwelling unit on either or both lots under the two-unit cap.

subdivision (a)(1) reads “One accessory dwelling unit **and** one junior accessory dwelling unit per lot” (emphasis added).

19. Section 17.74.050.B contains regulations for “**One-Story** Detached Accessory Dwelling Units Eight Hundred Square Feet or Less” (emphasis added). However, State ADU Law does not limit setback requirements or building height based on whether an ADU will have one or two stories.
20. Section 17.74.050.B.3 sets a maximum height of “sixteen feet or 18 feet as allowed by Government Code Section 66321(b) (4).” However, Government Code section 66321, subdivision (b)(4)(B) allows a detached ADU height of 18 feet plus two additional feet (for a total of 20 feet) if needed to match the roof pitch of the primary dwelling unit.¹¹
21. Section 17.74.050.D.1 allows “Not more than two detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling, subject to the following: a. Maximum height: eighteen feet.” However, Government Code section 66323, subdivision (a)(4) was recently amended to allow up to eight ADUs detached from an existing multifamily dwelling.¹² As discussed in Finding 20, there is a situation in which State ADU Law allows a detached ADU height of 20 feet.
22. Section 17.74.070.A requires “planning commission approval of a design permit” for any two-story ADU. However, this appears to be a requirement for a discretionary permit other than a coastal development permit (CDP). ADUs are subject to ministerial review, except for CDPs, when CDPs are applicable.¹³
23. Table 17.74-1 requires an ADU to have front setbacks that are the “Same as primary dwelling” except as noted in section 17.74.080.B. However, front setbacks must be waived to the extent that they would not permit an ADU described by Government Code section 66321, subdivision (b)(3).
24. Table 17.74-1 limits a one-story detached ADU to a height of 18 feet. However, as noted in Finding 20, there is a situation in which State ADU Law allows a detached ADU height of 20 feet.
25. Section 17.74.080.C.2.c lists exceptions to parking requirements for ADUs. However, it is missing the exception described in Government Codes section 66322, subdivision (a)(6), regarding ADUs with proposed primary dwellings.
26. Section 17.74.080.C.2.c.i refers to the definition of public transit in Government Code section “66313(l).” However, the definition is in Government Code section 66313, subdivision (m).
27. Section 17.74.080.C.2.d states: “When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.”

¹¹ The [Site Check](#) website shows portions of Capitola are within ½ mile of a high-quality transit corridor.

¹² SB 1211 (Chapter 296, Statutes of 2024). Up to eight detached ADUs means the number of detached ADU shall not exceed the number of existing units on the lot.

¹³ Gov. Code, § 66317, subd. (a).

However, the corresponding section of State ADU Law also protects demolition of an uncovered parking space from replacement parking requirements.¹⁴

28. Section 17.74.090.B.1 states: “For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either: a. A six-foot solid fence on the property line; or b. Clerestory or opaque windows for all windows facing the adjacent property.” However, the requirement for a six-foot solid fence may not be possible to comply with for ADUs located in the front yard¹⁵ if the City limits the height of fences in the front yard to less than six feet. The term “clerestory window” refers to a window set high on a wall but is ambiguous regarding how high above the floor the window must be placed. The requirement for clerestory windows potentially conflicts with egress requirements in the California Building Standards Code.¹⁶
29. Section 17.74.090.C states: “Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.” However, this is a subjective standard defined through a discretionary review process and ADUs must be reviewed ministerially, using objective standards.¹⁷
30. Table 17.74-2, footnote [1], defines a historic resource by reference as a resource designated at the local, state or national level. However, as noted in Finding 7, State ADU Law limits local agencies to objective standards to protect resources on the California Register of Historical Resources.¹⁸
31. Section 17.74.110.A states: “The planning commission must make the findings in this section to approve a design permit for: 1. Two-story attached or detached accessory dwelling units greater than sixteen feet in height;”. However, this requires a discretionary permit other than a CDP for ADUs that must be reviewed ministerially.¹⁹ Heights greater than 16 feet are allowed in some situations by State ADU Law.²⁰
32. Section 17.74.120 states: “Prior to issuing a certificate of occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner.” However, a deed restriction may not be required for an ADU, with limited exceptions.²¹

¹⁴ Gov. Code, § 66314, subd. (d)(11).

¹⁵ Gov. Code, § 66321, subd. (b)(3).

¹⁶ See for example, California Residential Code section R310.2.3.

¹⁷ Gov. Code, §§ 66314, subd. (b)(1); 66317, subd. (a).

¹⁸ See also footnote 6.

¹⁹ Gov. Code, § 66317, subd. (a).

²⁰ Gov. Code, § 66321, subd. (b)(4).

²¹ Gov. Code, § 66315. The exceptions are for a JADU and for an ADU sold separately at an affordable housing cost to a qualified buyer (Gov. Code, §§ 66333, subd. (c); 66341, subd. (b)).

Next Steps

Please contact us using the information below if you have any questions or comments about this review.

Contact Information



David J. Barboza, AICP (he/him)

Senior Housing Policy Specialist

Housing & Community Development

651 Bannon Street, Suite 400 | Sacramento, CA 95811

Phone: 916.907.3002

Email: david.barboza@hcd.ca.gov



420 Capitola Avenue
Capitola, California 95010
Telephone: (831) 475-7300
FAX: (831) 479-8879
Website: <http://www.cityofcapitola.org>

June 4, 2025

David J. Barboza, Senior Housing Policy Specialist
California Department of Housing & Community Development
651 Bannon Street, Suite 400
Sacramento, CA 95811

RE: City of Capitola Draft ADU Ordinance Flyover

Dear David,

Thank you for meeting with the City of Capitola on April 25, 2025, to discuss HCD's comments on the City of Capitola Draft ADU Ordinance. We appreciate your efforts to assist the City in bringing the Draft ADU Ordinance into compliance with state law.

As we discussed, the City will revise the Draft ADU Ordinance to address comments provided in your February 26, 2025, letter. Attached is a summary of how the City plans address each of the thirty-two comments in your letter and the Draft ADU Ordinance with these revisions. If you have any questions or comments on the attached material, please let us know. We continue to look forward to working with you on this matter.

Sincerely,

Katie Herlihy, Community Development Director
Sean Sesanto, Associate Planner

1. Table 17.16-1¹ lists permitted uses in the R-1, R-M and MH zones. While ADUs are listed as a permitted use in the R-1 and R-M zones, Junior Accessory Dwelling Units (JADUs) are not listed as permitted uses in any of these zones. JADUs are a permitted use in zones that permit single-family primary dwellings.

Revise Table 17.16-1 to add JADUs as a permitted use in the R-1 and R-M zones.

2. Table 17.20-1 lists permitted uses in the MU-V and MU-N zones. While ADUs are listed as a permitted use in the MU-V and MU-N zones, JADUs are not listed as permitted uses in either zone. JADUs are a permitted use in zones that permit single-family primary dwellings.

Revise Table 17.20-1 to add JADUs as a permitted use in the MU-V and MU-N zones.

3. Sections 17.74.020.A and 17.160.020.A.2 define the term “accessory dwelling unit” in slightly different ways. Both definitions differ from the statutory definition of an ADU in Government Code section 66313, subdivision (a).

Replace ADU definitions in 17.74.020.A and 17.160.020.A.2 with the following:

“A. “Accessory dwelling unit” means an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code.”

4. Section 17.74.020.D defines an “internal ADU” as: “an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.” However, this type of ADU, which HCD refers to as a “conversion ADU,” also includes a single-family conversion ADU with an addition of up to 150 square feet for ingress and egress.²

Revise Section 17.74.020.D as follows:

“Internal accessory dwelling unit” means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure. Additional floor area outside of existing space to accommodate ingress and egress is permitted pursuant to Section 17.74.050.A.1.”

A conversion ADU also includes an ADU built in the same location and to the same dimensions as a structure that was demolished as part of the project.³

This is stated in Section 17.74.040.I.2. No change needed.

5. Section 17.74.020.F defines “multifamily dwelling” as “a structure with two or more dwelling units.” However, a multifamily dwelling must be on a single lot to be considered as such for purposes of State ADU Law.⁴

Revise Section 17.74.020.F as follows: ““Multifamily dwelling” means a structure on a single lot with two or more attached dwelling units.”

6. Section 17.74.030.A.4 states: “If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new **single-family dwelling**” (emphasis added). However, the phrase in bold should read “single-family or multifamily dwelling.”⁵

Revise 17.74.030.A.4 as follows: “If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new single-family or multifamily dwelling”

7. Section 17.74.030.F.1 states: “If a design permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation).” However, regarding historic preservation standards applied to ADU applications, State ADU Law limits local agencies to objective standards to protect resources on the California Register of Historical Resources.⁶

Replace 17.74.030.F with the following:

“1. A proposed accessory dwelling unit is subject to the requirements in Chapter 17.84 (Historic Preservation) if all of the following apply:

- a. The property is in the coastal zone;
- b. The accessory dwelling unit requires a design permit; and
- c. The property contains a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

2. Compliance with Chapter 17.84 is not required for accessory dwelling unit applications that do not meet all criteria in Paragraph 1 above.”

8. Section 17.74.030.H contains standards for permitting unpermitted ADUs. However, these standards must be aligned with Government Code section 66332, regarding the cutoff date, JADUs, and the need for a health and safety finding to be based on Health and Safety Code section 17920.3.

Revise 17.74.030.H as follows:

“H. Unpermitted Accessory Dwelling Units.

1. Except as provided in subsection (H)(2) of this section, the city shall not deny a permit for an unpermitted accessory dwelling unit or junior

accessory dwelling unit that was constructed before January 1, 2020~~18~~, due to either of the following:

a. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

b. The accessory dwelling unit or junior accessory dwelling unit does not comply with Government Code Sections 66314 - 66332 or this chapter.

2. The city may deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020~~18~~, if the city makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code ~~protect the health and safety of the public or occupants of the structure.~~

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code.”

9. Section 17.74.040.C states: “If two or more dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.” However, eligibility for multifamily ADUs under Government Code section 66323, subdivisions (a)(3) and (a)(4) is based on having an existing or proposed multifamily primary dwelling (i.e., two or more attached dwelling units on one lot).

Make this change:

“If ~~one~~ an existing or proposed dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more existing or proposed attached dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.”

10. Section 17.74.040.E states: “The city shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence **under the current fire code**” (emphasis added). However, if an existing primary residence was not required to have fire sprinklers at the time it was permitted, the ADU may not be required to have fire sprinklers.⁷

Revise as follows:

“The city shall not require accessory dwelling units to provide fire sprinklers if they would ~~sprinklers are not be~~ required for the primary residence ~~under the current fire code.~~”

11. Section 17.74.040.G states: “An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66340-66342.” However, the City should clarify whether it is exercising its authority to allow ADUs to be sold separately as condominium units pursuant to Government Code section 66342.

Change to “An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66341. ~~66340-66342~~”

12. Section 17.74.040.H.1 states: “Maximum building coverage, floor area ratio, front setbacks, and private open space standards in Section 17.74.080 (Development standards) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, up to sixteen feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.” However, the corresponding section of State ADU Law, Government Code section 66321, subdivision (b)(3), also lists additional requirements which must be waived if they would not permit such an ADU.

The City does not have standards for the additional requirements listed in subdivision (b)(3). Identifying non-existent standards as requirements which must be waived would cause confusion for applicants. We will continue to identify only existing City standards listed in Government Code section 66321 which must be waived as required by state law.

13. Section 17.74.040.I.3 states: “If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit.” However, this requirement leads to unreasonable outcomes in some situations. For example, a duplex bisected by a property line along the common wall (a “half-plex”) is eligible for single-family ADUs and a JADU on each lot.⁸

Change to:

“If any portion of an existing structure crosses a property line (excluding attached dwelling units bisected by a property line along the common wall), the structure may not be converted to or replaced with an accessory dwelling unit.

14. Section 17.74.040.J.1.a states a manufactured home to be used as an ADU must “Provide a minimum of three hundred twenty square feet of floor area.” However, Health and Safety Code section 18007, subdivision (a) states: “‘Manufactured home’ includes any structure that meets all the requirements of this paragraph except the size requirements and with respect to which the manufacturer voluntarily files a certification and complies with the standards established under the National Manufactured Housing Construction and Safety Act of 1974.”

Delete J.1.a.

15. Section 17.74.040.L creates special application requirements for ADUs in properties with homeowner's associations (HOAs). The application must: "1. Be signed by an authorized officer of the HOA; and 2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required." However, requiring pre-approval by an HOA contradicts provisions of State ADU Law which limit review time and prohibit certain requirements in an ADU ordinance.⁹

Delete existing Section 17.74.040.L

16. Section 17.74.040.M states: "Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) **an SB 9 residential development with two units has been approved for construction** pursuant to Chapter 17.75 of this code" (emphasis added). However, the ordinance should clarify that there is a two-unit cap on **each lot** created by an SB 9 urban lot split.¹⁰

Make change:

Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) an SB 9 residential development with two units on each lot has been approved for construction pursuant to Chapter 17.75 of this code.

17. Section 17.74.050 states: "The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create the following types of accessory dwelling units." However, Ordinance should clarify that the ADUs described in Government Code section 66323, subdivisions (a)(1) and (a)(2) may be combined on a lot with an existing or proposed single-family dwelling. The ADUs described in Government Code section 66323, subdivisions (a)(3) and (a)(4) may be combined on a lot with a multifamily dwelling.

Change first sentence of 17.74.050 as follows:

"The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create any of the following types of accessory dwelling units."

18. Section 17.74.050.A states: "One internal accessory dwelling unit **or** junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:" (emphasis added). However, the corresponding section of State ADU Law, Government Code section 66323,

subdivision (a)(1) reads “One accessory dwelling unit **and** one junior accessory dwelling unit per lot” (emphasis added).

Make change:

“One internal accessory dwelling unit and one ~~or~~ junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:”

19. Section 17.74.050.B contains regulations for “**One-Story** Detached Accessory Dwelling Units Eight Hundred Square Feet or Less” (emphasis added). However, State ADU Law does not limit setback requirements or building height based on whether an ADU will have one or two stories.

Revise heading as follows:

“~~One-Story~~ Detached Accessory Dwelling Units Eight Hundred Square Feet or Less.”

20. Section 17.74.050.B.3 sets a maximum height of “sixteen feet or 18 feet as allowed by Government Code Section 66321(b) (4).” However, Government Code section 66321, subdivision (b)(4)(B) allows a detached ADU height of 18 feet plus two additional feet (for a total of 20 feet) if needed to match the roof pitch of the primary dwelling unit.¹¹

Change to:

“~~sixteen feet or 18 feet~~ as allowed by Government Code Section 66321(b) (4).”

21. Section 17.74.050.D.1 allows “Not more than two detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling, subject to the following: a. Maximum height: eighteen feet.” However, Government Code section 66323, subdivision (a)(4) was recently amended to allow up to eight ADUs detached from an existing multifamily dwelling.¹² As discussed in Finding 20, there is a situation in which State ADU Law allows a detached ADU height of 20 feet.

Make change:

“D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. ~~Not more than two~~ Detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling, subject to the following:

a. Maximum number:

i. On a parcel with an existing multifamily dwelling, not more than eight, not to exceed the number of existing units on the parcel.

ii. On a lot with a proposed multifamily dwelling, not more than two.

ab. Maximum height: ~~sixteen~~ eighteen feet or as allowed by Government Code Section 66321(b) (4).

bc. Minimum rear and side setbacks: four feet.”

22. Section 17.74.070.A requires “planning commission approval of a design permit” for any two-story ADU. However, this appears to be a requirement for a discretionary permit other than a coastal development permit (CDP). ADUs are subject to ministerial review, except for CDPs, when CDPs are applicable.¹³

Revise 17.74.060 and 17.74.070 as follows:

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

A. ~~One-Story Attached Accessory Dwelling Units. An one-story~~ attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1.

B. ~~One-Story Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A one-story~~ detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

A. ~~Two-Story Accessory Dwelling Units – Additional Height Allowance. A two-story~~ detached accessory dwelling unit ~~greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1~~ in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height that requires design review as specified in Table 17.74-1.

B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards). (Ord. 1043 § 2 (Att. 2), 2020)

23. Table 17.74-1 requires an ADU to have front setbacks that are the “Same as primary dwelling” except as noted in section 17.74.080.B. However, front setbacks must be waived to the extent that they would not permit an ADU described by Government Code section 66321, subdivision (b)(3).

Revise note 5 in Table 17.74-1 as follows:

“[5] See also subsection B of this section (Front Setbacks) and Section 17.74.040.H.”

24. Table 17.74-1 limits a one-story detached ADU to a height of 18 feet. However, as noted in Finding 20, there is a situation in which State ADU Law allows a

detached ADU height of 20 feet.

Note 8 identifies the additional 2 feet to achieve 20 ft. No change needed.

25. Section 17.74.080.C.2.c lists exceptions to parking requirements for ADUs. However, it is missing the exception described in Government Codes section 66322, subdivision (a)(6), regarding ADUs with proposed primary dwellings.

Add to 17.74.080.C.2.c:

“vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.”

26. Section 17.74.080.C.2.c.i refers to the definition of public transit in Government Code section “66313(l).” However, the definition is in Government Code section 66313, subdivision (m).

Revise as follows: ““66313(~~l~~m).”

27. Section 17.74.080.C.2.d states: “When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.”

However, the corresponding section of State ADU Law also protects demolition of an uncovered parking space from replacement parking requirements.¹⁴

Revise 17.74.080.C.2.d as follows:

“d. When a garage, carport, covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.”

28. Section 17.74.090.B.1 states: “For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either: a. A six-foot solid fence on the property line; or b. Clerestory or opaque windows for all windows facing the adjacent property.” However, the requirement for a six-foot solid fence may not be possible to comply with for ADUs located in the front yard¹⁵ if the City limits the height of fences in the front yard to less than six feet. The term “clerestory window” refers to a window set high on a wall but is ambiguous regarding how high above the floor the window must be placed. The requirement for clerestory windows potentially conflicts with egress requirements in the California Building Standards Code.¹⁶

Revise 17.74.040.H.1 as follows:

“1. Maximum building coverage, floor area ratio, front setbacks, and private open space standards in Section 17.74.080 (Development standards) and privacy impact standards in 17.74.090.B (Privacy Impacts) shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards.

The Zoning Code Glossary (Chapter 17.160) defines clerestory window as a window where the bottom of the glass is at least six feet above the finished floor height.

29. Section 17.74.090.C states: “Second-story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.” However, this is a subjective standard defined through a discretionary review process and ADUs must be reviewed ministerially, using objective standards.¹⁷

Revise Section 17.74.090.C as follows

“C. Second-Story Decks and Balconies. Second-story decks and balconies proposed as part of an accessory dwelling unit that requires a design permit shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.”

30. Table 17.74-2, footnote [1], defines a historic resource by reference as a resource designated at the local, state or national level. However, as noted in Finding 7, State ADU Law limits local agencies to objective standards to protect resources on the California Register of Historical Resources.¹⁸

Revise Table 17.74-2 as follows:

	<u>Non-historic property in the coastal zones and all properties outside the coastal zone [1]</u>		<u>Historic property in the coastal zone [1]</u>	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]

Planned Revisions to Draft ADU Ordinance to Address Comments in February 26, 2025 Letter

Item 7 B.

	Non-historic property in the coastal zones and all properties outside the coastal zone [1]		Historic property in the coastal zone [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]
Exterior Preservation	No requirement	No requirement	See 17.74.090.E	No requirement

Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

Revise Table 17.74.090.E as follows:

E. Building Additions to Historic Structures. The following standards apply in the coastal zone to an ADU attached to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

1. The attached ADU may not obscure, damage, or destroy the exterior of a historic structure on its historically significant building face(s), including associated roofline(s).
2. Historically significant building face means any character-defining building elevation which abuts a street or public access easement. A structure may have more than one historically significant face.
3. Preservation requirements extend to all associated elements of a character-defining building face including, but not limited to, porches, windows, doors, trim, and cladding.

~~A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.~~

31. Section 17.74.110.A states: "The planning commission must make the findings in this section to approve a design permit for: 1. Two-story attached or detached accessory dwelling units greater than sixteen feet in height;". However, this requires a discretionary permit other than a CDP for ADUs that must be reviewed ministerially.¹⁹ Heights greater than 16 feet are allowed in some situations by State ADU Law.²⁰

Revise 17.74.120.A.1 as follows:

"1. Two-story Detached accessory dwelling units with a height that requires design review as specified in Table 17.74-1, greater than sixteen feet in height; and"

32. Section 17.74.120 states: "Prior to issuing a certificate of occupancy for an accessory dwelling unit, the property owner shall file with the county recorder a

declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner.” However, a deed restriction may not be required for an ADU, with limited exceptions.²¹

Revise 17.74.120 as follows:

“A. Prior to issuing a certificate of occupancy for an junior accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The junior accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
 2. The junior accessory dwelling unit may not be sold separately from the primary dwelling ~~except as provided in Government Code Section 66340-66342.~~
 3. ~~For junior accessory dwelling units, R~~restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the junior accessory dwelling unit.
- C. The deed restriction shall lapse upon removal of the junior accessory dwelling unit.”

Chapter 17.74

ACCESSORY DWELLING UNITS

Sections:

- 17.74.010 Purpose.
- 17.74.020 Definitions.
- 17.74.030 Permitting process.
- 17.74.040 General requirements.
- 17.74.050 Units subject to limited standards.
- 17.74.060 Units subject to full review standards.
- 17.74.070 Units requiring a design permit.
- 17.74.080 Development standards.
- 17.74.090 Objective design standards.
- 17.74.100 Deviation from standards.
- 17.74.110 Findings.
- 17.74.120 Deed restrictions.
- 17.74.130 Incentives.

17.74.010 Purpose.

A. This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 66310 through 66342. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

B. It is the city's intent for this chapter to be consistent with state law as it is amended from time to time. In case of conflict between this chapter and state law, state law governs unless local variation is permitted. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.020 Definitions.

Terms used in this chapter are defined as follows:

A. "Accessory dwelling unit" means- an attached or a detached residential dwelling unit that provides complete independent living facilities for one or more persons and is located on a lot with a proposed or existing primary residence. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family or multifamily dwelling is or will be situated. An accessory dwelling unit also includes an efficiency unit and a manufactured home, as defined in Section 18007 of the Health and Safety Code ~~a self-contained living unit located on the same parcel as a primary dwelling unit.~~

B. "Attached accessory dwelling unit" means an accessory dwelling unit that:

1. Shares at least one common wall with the primary dwelling unit; and
2. Is not fully contained within the existing space of the primary dwelling unit.

C. "Detached accessory dwelling unit" means an accessory dwelling unit that does not share a common wall with the primary dwelling unit and is not an internal accessory dwelling unit.

D. "Internal accessory dwelling unit" means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.

E. "Junior accessory dwelling unit" means an accessory dwelling unit no more than five hundred square feet in size and contained entirely within a single-family residence. For purposes of this definition, attached garages and other enclosed uses within the residence are considered a part of a single-family residence.

F. "Multifamily dwelling" means a structure on a single lot with two or more attached dwelling units.

F. “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or
2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

G. “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second-story living space above a ground-floor garage or other accessory structure. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.030 Permitting process.

A. When Consistent with Standards.

1. Except when a design permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in this chapter shall be approved ministerially with an administrative permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the administrative permit application.
2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the city shall either approve or deny an application to create an accessory dwelling unit within sixty days from the date the city receives a completed application. If the applicant requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.
3. If the city denies an application for an accessory dwelling unit, the city shall return in writing a full set of comments to the applicant with a list of items that are defective or deficient and a description of how the application can be remedied by the applicant.
4. If the accessory dwelling unit application is submitted with a permit application to create a new single-family or multifamily dwelling on the parcel, the city may delay approving or denying the accessory dwelling unit application until the city approves or denies the permit application for the new single-family or multifamily dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.
5. A demolition permit for a detached garage that is to be replaced with an accessory dwelling unit shall be reviewed with the application for the accessory dwelling unit and issued at the same time.

B. Two-Story Units.

1. Planning commission approval of a design permit is required for a two-story accessory dwelling unit (attached or detached) with a height greater than the maximum permitted one-story accessory dwelling unit heights in Table 17.74-1.
2. To approve the design permit, the planning commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) unless the planning commission allows a deviation through the design permit process.

C. When Deviating from Standards. An accessory unit that deviates from any standard in Section 17.74.080 (Development standards) or 17.74.090 (Objective design standards) may be allowed with planning commission approval of a design permit. See Section 17.74.100 (Deviation from standards).

D. When Dependent on Separate Construction. When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory

dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the city shall either:

1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.

E. Within Coastal Zone.

1. A proposed accessory dwelling unit that is located in the coastal zone may require a coastal development permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in Section 17.44.130 (Findings for approval).

2. The City may issue a CDP waiver pursuant to Section 17.44.090 (De minimis waiver of a CDP) for a proposed accessory dwelling unit in the coastal zone. The City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission. To be eligible for a CDP waiver, the proposed accessory dwelling unit must comply with all of the following:

a. The accessory dwelling unit complies with all standards in this chapter and may be approved with no public hearing required. b. The accessory dwelling is not located:

i. In an area subject to coastal hazards as defined by Section 17.44.040(F);

ii. Within 200 feet of a cliff edge; or

iii. In an environmentally sensitive habitat area (ESHA) as defined by Section 17.44.040(J), including categorical ESHA areas identified in Section 17.64.020 (Applicability).

c. The accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City’s certified Local Coastal Program.

3. A CDP waiver for an accessory dwelling unit shall comply with all requirements in Section 17.44.090 that apply to other types of development with the exception that the City may issue a CDP waiver for an accessory dwelling unit both within and outside of locations where City decisions are appealable to the Coastal Commission.

4. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that:

a. A public hearing for a CDP application for an accessory dwelling unit is not required as provided in Section 17.74.030(A)(1); and

b. The City may issue a CDP waiver for an accessory dwelling unit as provided in Section 17.74.030(E)(2)

F. Historic Resources.

1. ~~If a~~ proposed accessory dwelling unit is subject to the requirements in Chapter 17.84 (Historic Preservation) if all of the following apply:

a. The property is in the coastal zone;

b. The accessory dwelling unit requires a design permit; ~~is required for an accessory dwelling unit and~~

~~c. The on a property with contains a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) historic resource, the proposed project is subject to the requirements in Chapter 17.84 (Historic Preservation). Third party review of the proposed project may be required as provided in Chapter 17.84.~~

~~2.~~

~~2. Compliance with Chapter 17.84 is not required for accessory dwelling units approved ministerially with an administrative permit applications that do not meet all criteria in Paragraph 1 above.~~

G. Correction of Violations. The city shall not deny an application for a permit to create an accessory dwelling unit due to the correction of nonconforming zoning conditions, building code violations, or unpermitted structures that do not present a threat to public health and safety and are not affected by the construction of the accessory dwelling unit.

H. Unpermitted Accessory Dwelling Units.

1. Except as provided in subsection (H)(2) of this section, the city shall not deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020~~18~~, due to either of the following:

a. The accessory dwelling unit or junior accessory dwelling unit is in violation of building standards pursuant to Article 1 (commencing with Section 17960) of Chapter 5 of Part 1.5 of Division 13 of the Health and Safety Code.

b. The accessory dwelling unit or junior accessory dwelling unit does not comply with Government Code Sections 66314 ~~through-~~ 66332 or this chapter.

2. The city may deny a permit for an unpermitted accessory dwelling unit or junior accessory dwelling unit that was constructed before January 1, 2020~~18~~, if the ~~local agency~~city makes a finding that correcting the violation is necessary to comply with the standards specified in Section 17920.3 of the Health and Safety Code~~protect the health and safety of the public or occupants of the structure.~~

3. This subsection shall not apply to a building that is deemed substandard pursuant to Section 17920.3 of the Health and Safety Code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.040 General requirements.

The following requirements apply to all accessory dwelling units:

A. Where Allowed. An accessory dwelling unit is permitted:

1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
2. On any parcel with an existing or proposed single-family or multifamily dwelling.

B. Maximum Number per Parcel. Not more than one accessory dwelling unit is allowed per parcel except as allowed by Sections 17.74.050 (Units subject to limited standards).

C. Residential Mixed Use. If ~~an existing or proposed one~~ dwelling unit is on a parcel with a nonresidential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more existing or proposed attached dwelling units are on a parcel with a nonresidential use, the dwelling units are considered a multifamily dwelling.

D. Utility Connections. Utility connection requirements shall be subject to state law and the serving utility district. Establishing an accessory dwelling unit in conformance with this chapter does not require placing existing overhead utility lines underground.

E. Fire Sprinklers. The city shall not require accessory dwelling units to provide fire sprinklers if ~~they would~~ ~~sprinklers are~~ not ~~be~~ required for the primary residence ~~under the current fire code in effect at the time the primary residence was permitted~~. Establishing an accessory dwelling unit does not require installing fire sprinklers in the existing primary dwelling.

F. Vacation Rentals Prohibited. Accessory dwelling units may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).

G. Separate Sale from Primary Dwelling. An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling except as provided in Government Code Section 66341 ~~0-66342~~.

H. Guaranteed Allowance.

1. Maximum building coverage, floor area ratio, front setbacks, ~~and~~ private open space standards in Section 17.74.080 (Development standards) ~~and privacy impact standards in 17.74.090.B (Privacy Impacts)~~ shall not prohibit an accessory dwelling unit with up to eight hundred square feet of floor area, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of eight hundred square feet of floor area is in addition to the maximum floor area of a property.

2. An accessory dwelling unit may deviate from a building coverage, floor area ratio, front setbacks, or private open space standard no more than the minimum necessary to allow for eight hundred square feet of floor area.

I. Converting and Replacing Existing Structures.

1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.

2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.

3. If any portion of an existing structure crosses a property line ~~(excluding attached dwelling units bisected by a property line along the common wall)~~, the structure may not be converted to or replaced with an accessory dwelling unit. For an existing structure within four feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

J. Manufactured Homes and Mobile Units.

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant to California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:

~~a. Provide a minimum of three hundred twenty square feet of floor area;~~

~~ab.~~ Be built on a permanent chassis;

~~be.~~ Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and

~~cd.~~ Include the plumbing, heating, air conditioning, and electrical systems contained within the home.

2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.

3. A prefabricated or modular home is allowed as an accessory dwelling unit.

K. Junior Accessory Dwelling Units.

1. General. Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.

2. Occupancy. The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property unless the property is owned by a governmental agency, land trust, or housing organization, in which case owner-occupancy is not required.

3. Sanitation Facilities.

a. A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.

b. If a junior accessory dwelling unit does not include a separate bathroom, the junior accessory dwelling unit shall include a separate entrance from the main entrance to the structure, with an interior entry to the main living area.

4. Kitchen. A junior accessory dwelling unit must include, at a minimum:

a. A cooking facility with appliances; and

b. At least three linear feet of food preparation counter space and three linear feet of cabinet space.

~~L. Multifamily Homeowners Associations. If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:~~

~~1. Be signed by an authorized officer of the HOA; and~~

~~2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.~~

LM. Pursuant to the authority provided by Section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: (1) an urban lot split has been approved pursuant to Chapter 16.78 of this code; and (2) an SB 9 residential development with two units on each lot has been approved for construction pursuant to Chapter 17.75 of this code. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1052 § 4, 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.050 Units subject to limited standards.

The city shall ministerially approve an application for a building permit within a residential or mixed use zoning district to create any of the following types of accessory dwelling units. For each type of accessory dwelling unit, the city shall require compliance only with the development standards in this subsection. Standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) do not apply to these types of accessory dwelling units.

A. Internal Accessory Dwelling Units. One internal accessory dwelling unit ~~or and one~~ junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:

1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than one hundred fifty square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the second story of an existing accessory structure shall be limited to accommodating ingress and egress.

2. The unit has exterior access from the proposed or existing single-family dwelling.

3. The side and rear setbacks are sufficient for fire and safety.

4. The junior accessory dwelling unit complies with Government Code Sections 66333 through 66339.

B. ~~One Story~~ Detached Accessory Dwelling Units Eight Hundred Square Feet or Less. One detached accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in subsection A of this section (Internal Accessory Dwelling Units). The accessory dwelling unit must comply with the following:

1. Minimum rear and side setbacks: four feet.
2. Maximum floor area: eight hundred square feet.
3. Maximum height: sixteen feet or ~~18 feet~~ as allowed by Government Code Section 66321(b)-(4).

C. Nonlivable Multifamily Space. One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:

1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to a maximum of twenty-five percent of the existing multifamily dwelling units; and
2. Each unit shall comply with state building standards for dwellings.

D. Detached Accessory Dwelling Units on Multifamily Parcels.

1. Two detached accessory dwelling units are allowed on a lot with an existing or proposed multifamily dwelling. On a lot with an existing multifamily dwelling, up to eight detached accessory dwelling units are allowed, not to exceed the number of existing units on the lot. Not more than two eight detached accessory dwelling units that are located on a parcel that has an existing or proposed multifamily dwelling. The accessory dwelling units must comply with subject to the following:

- a. Maximum height: ~~eighteen sixteen~~ feet or as allowed by Government Code Section 66321(b)-(4).
- b. Minimum rear and side setbacks: four feet.

2. If the existing multifamily dwelling has a rear or side setback of less than four feet, the city shall not require any modification of the existing multifamily dwelling as a condition of approving the application to construct an accessory dwelling unit that satisfies the requirements of this subsection. (Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.060 Units subject to full review standards.

The city shall ministerially approve an application for a building permit to create the following types of accessory dwelling units:

A. ~~One Story~~ Attached Accessory Dwelling Units. An ~~one story~~ attached accessory dwelling unit in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1.

B. ~~One Story~~ Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A ~~one story~~ detached accessory dwelling unit with a floor area between eight hundred and one thousand two hundred square feet in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height eligible for ministerial approval as specified in Table 17.74-1. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.070 Units requiring a design permit.

The following types of accessory dwelling units require planning commission approval of a design permit:

A. ~~Two Story~~ Accessory Dwelling Units – Additional Height Allowance. A ~~two story~~ detached accessory dwelling unit greater than the maximum permitted one story accessory dwelling unit heights in Table 17.74-1 in compliance with standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards) with a height that requires design review as specified in Table 17.74-1.

B. Accessory Dwelling Units Deviating from Standards. Any accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.080 Development standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. General. Table 17.74-1 shows development standards that apply to accessory dwelling units.

Table 17.74-1: Development Standards

ADU Type/Location	Standard
Unit Size, Maximum	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum
Junior ADU	500 sq. ft.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]
All other zoning districts	No maximum
Height, Maximum [3]	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
Detached ADU – Ministerial Approval	16 ft. [8] [9]
One-story detached ADU on lot with existing or proposed single-family dwelling	16 ft. [8]
One-story detached ADU on lot with existing or proposed multifamily and multi-story dwelling	18 ft.
Detached ADU – With Design Permit, two-story [6]	22 ft.
Private Open Space, Minimum [7]	48 sq. ft. [2]

Notes:

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least eight hundred square feet of floor area. See Section 17.74.040(H) (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040(I) (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also subsection B of this section (Front Setbacks) and Section 17.74.040.H.

[6] A two-story detached accessory dwelling unit greater than sixteen feet in height requires a design permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

[8] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed single family dwelling unit that is within one-half of one mile walking distance of a major transit stop or a high-quality transit corridor, as those terms are defined in Section 21155 of the Public Resources Code. An additional 2 feet in height is allowed to accommodate a roof pitch on the accessory dwelling unit that is aligned with the roof pitch of the primary dwelling unit.

[9] A maximum height of 18 feet is allowed for a detached accessory dwelling unit on a lot with an existing or proposed multifamily, multistory dwelling.

B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit, except that increased front setback requirements do not apply to an accessory dwelling unit created by converting or replacing an existing structure.
2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in Section 17.16.030(B) apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

C. Parking.

1. All Areas. The following parking provisions apply to accessory dwelling units in all areas in Capitola:
 - a. Required Parking in Addition to Primary Residence. Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
 - b. Tandem Spaces. Required off-street parking may be provided as tandem parking on an existing driveway.
 - c. Within Setback Areas.
 - i. Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
 - ii. A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than two and one-half feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
 - d. Alley-Accessed Parking. Parking accessed from an alley shall maintain a twenty-four-foot back-out area, which may include the alley.
2. Outside of Coastal Zone or in Cliffwood Heights. The following parking provisions apply only to accessory dwelling units outside of the coastal zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.
 - a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
 - b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in subsection (C)(2)(c) of this section.

c. No off-street parking is required for an accessory dwelling unit in the following cases:

- i. The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 66313(~~mt~~).
 - ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.
 - iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
 - iv. When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
 - v. When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.
 - vi. When a permit application for an accessory dwelling unit is submitted with a permit application to create a new single-family dwelling or a new multifamily dwelling on the same lot, provided that the accessory dwelling unit or the parcel satisfies any other criteria listed above.
- d. When a garage, carport, ~~or~~ covered parking structure, or uncovered parking space is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.

3. Within Coastal Zone and Outside Cliffwood Heights. The following parking provisions apply only to accessory dwelling units in the coastal zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the city's adopted local coastal program.

- a. One off-street parking space is required for any type of accessory dwelling unit except as provided in subsection (C)(3)(b) of this section.
- b. Where the primary residence is served by three or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
- c. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in subsection (C)(3)(a) of this section.

Figure 17.74-1: Cliffwood Heights ADU Parking Exclusion Area

(Ord. 1057 § 2 (Att. 1), 2022; Ord. 1043 § 2 (Att. 2), 2020)

17.74.090 Objective design standards.

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units subject to limited standards).

A. Entrance Orientation – Detached ADU. The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.

B. Privacy Impacts. To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within eight feet of an interior side or rear property line abutting a residential use:

1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
 - a. A six-foot solid fence on the property line; or
 - b. Clerestory or opaque windows for all windows facing the adjacent property.
2. For a second-story wall, all windows facing the adjacent property shall be clerestory or opaque.

C. Second-Story Decks and Balconies. Second-story decks and balconies proposed as part of an accessory dwelling unit that requires a design permit shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the planning commission through the design permit approval process.

D. Architectural Details. Table 17.74-2 shows architectural detail standards for accessory dwelling units.

Table 17.74-2: Architectural Detail Standards

	Non-h Historic p <u>Property in the coastal zones and all properties outside the coastal zone</u> [1]		Historic p <u>Property in the coastal zone</u> [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a nonreflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or nonreflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater [6]	No requirement	4:12 or greater [6]
<u>Exterior Preservation</u>	<u>No requirement</u>	<u>No requirement</u>	<u>See 17.74.090.E.1</u>	<u>No requirement</u>

Notes:

[1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

[2] Standard does not apply to secondary and accent materials.

[3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.

[4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.

[5] Bathroom windows may be horizontally oriented.

[6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

E. Building Additions to Historic Structures. The following standards apply in the coastal zone to an ADU attached to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources).

1. The attached ADU may not obscure, damage, or destroy the exterior of a historic structure on its historically significant building face(s), including associated roofline(s).
2. Historically significant building face means any character-defining building elevation which abuts a street or public access easement. A structure may have more than one historically significant face.
3. Preservation requirements extend to all associated elements of a character-defining building face including, but not limited to, porches, windows, doors, trim, and cladding.

~~Within the coastal zone, a building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of historic resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least eighteen inches from the parallel side or rear building wall to distinguish it from the historic structure.~~

17.74.100 Deviation from standards.

A. When Allowed. The planning commission may approve an accessory dwelling unit that deviates from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards).

B. Permit Required. Deviations allowed under this section require planning commission approval of a design permit. A variance is not required. To approve the design permit, the planning commission must make the findings in Section 17.74.110 (Findings). (Ord. 1043 § 2 (Att. 2), 2020)

17.74.110 Findings.

A. When Required. The planning commission must make the findings in this section to approve a design permit for:

1. ~~Two-story Detached~~ accessory dwelling units with a height that requires design review as specified in Table 17.74-1.greater than sixteen feet in height; and
2. Accessory dwelling units that deviate from one or more standards in Sections 17.74.080 (Development standards) and 17.74.090 (Objective design standards), except for accessory dwelling units approved pursuant to Section 17.74.050 (Units subject to limited standards).

B. Findings. To approve the design permit, the planning commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water and sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the general plan, any area plan or specific plan, or other city policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the local coastal plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable) is necessary due to special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.120 Deed restrictions.

A. Prior to issuing a certificate of occupancy for a ~~junior~~ accessory dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:

1. The junior accessory dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
2. The junior accessory dwelling unit may not be sold separately from the primary dwelling ~~except as provided in Government Code Section 66340-66342.~~
3. ~~For junior accessory dwelling units,~~ Restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.

B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the city's approval of the junior accessory dwelling unit.

C. The deed restriction shall lapse upon removal of the junior accessory dwelling unit. (Ord. 1043 § 2 (Att. 2), 2020)

17.74.130 Incentives.

A. Fee Waivers for Affordable Units.

1. The city may waive development fees for accessory dwelling units that will be rented at levels affordable to low- or very low-income households.
2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low- or very low-income levels prior to issuance of a building permit.
3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual Consumer Price Index increase commencing with the date of application for building permit.

B. Historic Properties. The planning commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a historic resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the planning commission shall approve a design permit and find that the exception is necessary to preserve the architectural character of the primary residence. (Ord. 1043 § 2 (Att. 2), 2020)

Capitola Planning Commission

Agenda Report

Meeting: August 21, 2025

From: Community and Economic Development Department

Subject: Cliff Drive Resiliency Project and Local Coastal Program Update



Project Description: Permit #24-0421 for Amendments to the City's Local Coastal Program including amendment to CMC Chapters 17.32 Parks and Open Space, Chapter 17.64 ESHA, Chapter 17.76 Parking and Loading, and Chapter 17.68 Geological Hazards, as well as amendment to Capitola's Land Use Plan Chapter 2: Public Access and Capitola's Local Coastal Land Use Plan Chapter 7: Natural Hazards. The proposed LCP amendments affects properties within the Coastal Zone and are not effective within the Coastal Zone unless certified by the California Coastal Commission.

Recommended Action: Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments. This item will be presented to the Planning Commission for action on September 4, 2025.

Property Owner: The proposed LCP amendments affect properties within the Coastal Zone

Representative: Katie Herlihy, Community and Economic Development Director

Background: The Public Works Department initiated the Cliff Drive Resiliency Project as a comprehensive effort to address bluff erosion, sea-level rise, and stormwater drainage impacts along the Cliff Drive corridor while also enhancing pedestrian, bicycle, and coastal access. The project extends from the western City limit to Capitola Village and includes connections to Hooper Beach and the Capitola Wharf overlook. Following an August 2024 presentation regarding alternatives for the project, the City Council reviewed the feasibility study and directed staff to move forward with Alternative 3 – Full Bluff Protection, which includes continuous bluff stabilization along the project length, a Class I facility, cantilevered sections where needed, overlooks, and reconfigured parking. The City Council will receive an update on the Cliff Drive Resiliency Project at the August 28, 2025 meeting, including a phased approach due to overall cost and the current \$10.5 million committed funding through the Federal Highway Administration (FHWA) Emergency Relief Program.

The City received a \$500,000 Coastal Commission LCP grant for the Cliff Drive Resiliency Project. As part of the grant contract, the City is required to update the Capitola Local Coastal Program relative to the Cliff Drive improvements.

Discussion: Capitola's Local Coastal Program is the guiding policy and regulatory framework for development and resources within the City's coastal zone. There are two key components to a Local Coastal Program. The LCP [Land Use Plan](#) establishes broad policies for land use, coastal access, habitat protection, and hazard management. The LCP Implementation Plan ([CMC Title 17 Zoning Code](#)) contains specific zoning standards, ordinances, and procedures to carry out the Land Use Plan policies. The City must amend the two documents to updated outdated references and policies up to date related to the Cliff Drive resilience planning. These updates address increased coastal erosion, sea-level rise, and public access needs.

The purpose of this Director's report is to inform the Planning Commission that the draft amendments are now available for public review in print at City Hall, the Community Center, and the Capitola Library, as well as on the City's website at <https://www.cityofcapitola.org/communitydevelopment/page/local-coastal-program-updates>. The amendments will be on the upcoming September 4, 2025, Planning

Commission meeting agenda with a staff report, presentation, public hearing, and a request for recommendation to City Council.

The following list contains the sections of the LCP proposed for amendments:

1. CMC Chapters 17.32 Parks and Open Space
2. CMC Chapter 17.64 ESHA
3. CMC Chapter 17.76 Parking and Loading
4. CMC Chapter 17.68 Geological Hazards
5. Capitola's Land Use Plan Chapter 2: Public Access
6. Capitola's Local Coastal Land Use Plan Chapter 7: Natural Hazards

The update to Chapter 17.32: Parks and Open Space includes a new allowance for improvements along Cliff Drive related to the Cliff Drive Resiliency Project, as well as new limitations for development to ensure it is subordinate to recreational, scenic, or natural resources and prohibited on beaches except for public facilities (such as flumes, jetties, beach erosion control structures, lifeguard stands, etc.).

Chapter 17.68: Geological Hazards amendments create consistency in the definition of bluff/seacliff, introduce a definition for coastal hazards, expand the purpose statement of the geological hazards overlay, remove references to outdated documents for geological reports, and remove the reference to the economic life of the project while maintaining a minimum fifty-year standard.

The amendment to Chapter 17.64: Ecologically Sensitive Habitat Areas clarifies that resource-dependent uses (low-intensity public access and recreation, nature study, restoration) are included as an exception for development within ESHA.

The amendment to Chapter 17.76: Parking and Loading corrects the reference to the Southern Pacific railroad right-of-way by replacing it with the Regional Transportation Commission.

The proposed Land Use Plan amendments would update descriptions of existing conditions, replace references to Southern Pacific Railroad with the Regional Transportation Commission, amend policies to include support for multi-modal enhancements, public access, coastal planning for sea-level rise, shoreline structures, and drainage, and introduce new policies for future climate adaptation planning.

Attachments:

1. CMC Chapters 17.32 Parks and Open Space
2. CMC Chapter 17.64 ESHA
3. CMC Chapter 17.76 Parking and Loading
4. CMC Chapter 17.68 Geological Hazards
5. Capitola's Land Use Plan Chapter 2: Public Access
6. Capitola's Local Coastal Land Use Plan Chapter 7: Natural Hazards

Report Prepared By: Katie Herlihy, Community and Economic Development Director

Reviewed By: Rosie Wyatt, Deputy City Clerk

Approved By: Katie Herlihy, Community and Economic Development Director