

# City of Capitola

## City Council Meeting Agenda

### Thursday, September 11, 2025 – 6:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke

**Vice Mayor:** Margaux Morgan

**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

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### Closed Session – 5 PM

*Closed Sessions are not open to the public and held only on specific topics allowed by State Law (noticed below). An announcement regarding the items to be discussed in Closed Session will be made in the City Hall Council Chambers prior to the Closed Session. Members of the public may, at this time, address the City Council on closed session items only. There will be a report of any final decisions in City Council Chambers during the Open Session Meeting.*

- i. CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Gov't Code § 54956.8)  
Property: Capitola Wharf Buildings, 1400 Wharf Road (APN: 034-072-01)  
City Negotiator: Jamie Goldstein, City Manager  
Negotiating Parties: JFS Incorporated (dba Capitola Boat and Bait)  
Under Negotiation: Terms of Lease
- ii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)  
Claims Against the City of Capitola  
1) Kevin Maguire

### Regular Meeting of the Capitola City Council – 6 PM

#### 1. Roll Call and Pledge of Allegiance

*Council Members Gerry Jensen, Melinda Orbach, Susan Westman, Vice Mayor Margaux Morgan, and Mayor Joe Clarke*

#### 2. Additions and Deletions to the Agenda

#### 3. Presentations

*Presentations are limited to eight minutes.*

- A. Proclamation Honoring Jacob's Heart Children's Cancer Support Services and Declaring September 2025 as Childhood Cancer Awareness Month
- B. Proclamation Honoring September as National Preparedness Month

#### 4. Report on Closed Session

#### 5. Additional Materials

*Additional information related to an agenda item on this agenda and submitted to the City after distribution of the agenda packet pursuant to Government Code §54957.5. All correspondence received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that*

*Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.*

A. Item 8C - Correspondence Received

B. Item 9A - Correspondence Received and Staff Memorandum with Updated Option

C. Item 9B - Correspondence Received

## 6. Oral Communications by Members of the Public

*Oral Communications allows time for members of the Public to address the City Council on any "Consent Item" on tonight's agenda, or on any topic within the jurisdiction of the City that is not on the "General Government/Public Hearings" section of the Agenda. Members of the public may speak for up to three minutes, unless otherwise specified by the Mayor. 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. A **maximum of 30 minutes** is set aside for Oral Communications.*

## 7. Staff / City Council Comments

*Comments are limited to three minutes.*

## 8. Consent Items

*All items listed as "Consent Items" 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 Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government. Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.*

A. City Council Meeting Minutes

Recommended Action: Approve minutes from the regular meeting on August 28, 2025.

B. Liability Claim

Recommended Action: Deny a liability claim from Kevin Maguire.

C. Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters

Recommended Action: Adopt an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of partially inconsumable tobacco products.

D. Emergency Operations Plan Update

Recommended Action: Adopt a resolution amending the FY 2025-26 Budget to reallocate \$45,000 from the Police Department's Radio Infrastructure Project to fund the update of the City's Emergency Operational Plan (EOP); and authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with Franklin Frawley Think Tank, LLC in an amount not-to-exceed \$45,000 to complete the update of the EOP.

## 9. General Government / Public Hearings

*All items listed in "General Government / Public Hearings" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

A. Capitola Mall Update and Amendment to Agreement with Ben Noble Planning

Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's Zoning Code; 3) Adopt a resolution



amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and  
4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation. (*Continued from August 28, 2028*)

- B.** Multifamily and Accessory Dwelling Unit Zoning Code Amendments  
Recommended Action: 1) Adopt a resolution amending the General Plan Land Use Element; 2) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; 3) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units; and 4) Adopt a resolution authorizing submittal of the Zoning Code amendments to the California Coastal Commission for the certification of an amendment to the Local Coastal Program.
- C.** Pickleball Community Engagement Survey  
Recommended Action: Receive report on the community engagement survey for pickleball preferences.
- D.** Measure D Five-Year Plan (2025-2030)  
Recommended Action: Conduct a duly noticed public hearing and adopt a resolution adopting the City's Measure D Five-Year Program of Projects (2025–2030), as required under the Measure D Master Funding Agreement.

## 10. Adjournment

*The next regularly scheduled City Council meeting is on September 25, 2025, at 6:00 PM.*

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### 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

#### To Join Zoom Application or Call in to Zoom:

Meeting

link: <https://us02web.zoom.us/j/83328173113?pwd=aVRwcWN3RU03Zzc2dkNpQzRWVXAydz09>

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

Meeting ID: **833 2817 3113**

Meeting Passcode: **678550**

### How to Provide Comments to the City Council

Members of the public may provide public comments to the City Council in-person during the meeting. If you are unable to attend in-person, please email your comments to [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us) and they will be included as a part of the record for the meeting. Please be aware that the City Council will not accept comments via Zoom.

**Notice regarding City Council: The City Council meets on the 2nd and 4th Thursday of each month at 6:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.**

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City’s website and at Capitola City Hall prior to the meeting. Need more information? Contact the City Clerk’s office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, 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 City Clerk’s office 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](mailto:jgautho@ci.capitola.ca.us).**

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website by clicking on the Home Page link “Meeting Agendas/Videos.” Archived meetings can be viewed from the website at any time.

**Gautho, Julia**

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**From:** Dan Haifley <dan.haifley@gmail.com>  
**Sent:** Monday, September 8, 2025 8:31 AM  
**To:** City Council  
**Subject:** Item #8C, September 11, second reading for ban on filtered tobacco products in Capitola

Hello Mayor Clarke and Councilmembers-

Thank you again for advancing this ordinance! As you've heard, many of the cigarette filters found along Capitola's shoreline arrive there after traveling through Soquel Creek or the storm drain system, so existing litter laws and additional ashtrays will not contribute greatly to solving the problem. And, from my own experience over the years, cigarette filter disposal mechanisms are not effective with regard to mitigating the issue. I applaud you for moving forward!

Dan Haifley (He/Him)  
(831) 234-8148

**Gautho, Julia**

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**From:** Leah Evans-walton <leahevanswalton1026@gmail.com>  
**Sent:** Monday, September 8, 2025 10:44 PM  
**To:** City Council  
**Subject:** Limitations on tobacco products for sale

Just hearing about the vote that is about to take place regarding filtered tobacco products in Capitola is very upsetting. I have been smoking for over 20 years and now I'm gonna have to drive out of county out of the city that I live in in order to purchase the products that I choose to pollute my body with I always serve my cigarette butts in the trash. They don't end up in the gutter or on the beaches intentionally if they ever have so I understand your concern about the environment, but aren't you concerned about my health if I'm forced to buy cigarette products without a filter it's only gonna contribute to the early death that I'm guaranteed by already my addiction that I'm struggling with With in the first place do you want me to die faster? Is that what your guys's intentions are please reconsider voting for this initiative as it's only gonna affect the addicted communities health in the worst of ways. Thank you, Leah Evans, Walton Sent from my iPhone

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of 8019@hnsenergygroup.com  
**Sent:** Tuesday, September 9, 2025 11:18 AM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

I would lose tons of customers if cigarette filters are banned

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Many customers shop here for cigarettes and also buy other things. I am worried they will not come here if we can't sell cigarettes.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Isaac Pinon  
Floating Manager  
H&S Energy  
90 Mt Hermon Rd  
Scotts Valley, CA 95066



**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of Oscar De La Cruz  
<mailagent@thesoftedge.com>  
**Sent:** Tuesday, September 9, 2025 11:24 AM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

Harbor Liquors

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Oscar De La Cruz  
Manager  
Harbor Liquors  
650 Harbor  
Santa Cruz, CA 95062

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of Lourdes Godinez  
<mailagent@thesoftedge.com>  
**Sent:** Tuesday, September 9, 2025 1:30 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

7-11 367 Ocean St

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Lourdes Godinez  
Manager  
7-11  
367 OCEAN ST  
Santa Cruz, CA 95064

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of 8018@hnsenergy.com  
**Sent:** Tuesday, September 9, 2025 2:10 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

This would harm my convenience store that sells a significant amount of cigarettes.

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Ameer Taylor  
Manager  
H & S  
1 hacienda  
scotts valley, CA 95066

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of 8018@hnsenergy.com  
**Sent:** Tuesday, September 9, 2025 2:18 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

This will endanger my job at a c-store because cigarettes make up a major part of our sales.

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Michelle Correllus  
 Cashier  
 H & S  
 1 hacienda  
 scotts valley, CA 95066

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of 8018@hnsenergy.com  
**Sent:** Tuesday, September 9, 2025 2:26 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

I'm worried this might hurt my job working at a convenience store

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

mariela bravo  
Cashier  
H & S  
1 hacienda  
scotts valley, CA 95066



**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of Nancy Cushing  
<mailagent@thesoftedge.com>  
**Sent:** Tuesday, September 9, 2025 2:54 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

This would harm the business I work at and would make buying my own cigarettes a lot more difficult; I would have to travel to another county.

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Nancy Cushing  
Cashier  
Village Bottle  
222 f mt herman rd  
scotts valley, CA 95066



**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of tbedard@sbcglobal.net  
**Sent:** Tuesday, September 9, 2025 4:28 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Dear Council:

Felton shell/pitstop

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

I understand the intentions of this - I hate cigarettes and the harm and pollution they cause.

But all this ban will do is kill small businesses in the area. I fear I will lose my job or be severely cut in hours as cigarettes are a big chunk of our business.

If it was a blanket county or state ban to keep it a fair playing field for businesses then it would be different But this just drives our customers to Scott's valley or San Jose.

What's to stop all the commuters to the valley from buying and bringing in their filtered cigarettes into capitola and the county? All that does is take local revenues out of county "Peeing in the shallow end of the pool only" doesn't work.

Please save my job and deny the ban.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Tim Bedard  
Cashier  
Felton shell pit stop  
701 Getard Ct  
Santa Cruz , CA 95062

**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of Jagdeep nahal  
<mailagent@thesoftedge.com>  
**Sent:** Wednesday, September 10, 2025 9:24 AM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

I am the owner of a small business in Santa Cruz County. This ban will have a dramatic affect on my revenue. This hit on our revenue will be difficult as its already been a difficult year.

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Jagdeep nahal  
OWNER  
Cork and Bottle  
1990 MAIN ST  
WATSONVILLE, CA 95076





**Gautho, Julia**

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**From:** mailagent@thesoftedge.com on behalf of Jennifer Gudino  
<mailagent@thesoftedge.com>  
**Sent:** Wednesday, September 10, 2025 3:12 PM  
**To:** City Council  
**Subject:** Please Vote No on the Proposed Filtered Tobacco Ban Ordinance

Dear Council:

I am the manager of Jacksons Food Stores in Santa Cruz.

I am writing today to ask you to vote against the proposed filtered tobacco ban. While I understand the environmental goals behind this ordinance, it will create severe economic hardship for gas stations and convenience stores without solving the litter problem it's meant to address.

This ban would effectively eliminate cigarette sales since nearly all cigarettes contain filters. Tobacco revenue represents approximately 30% of most convenience store sales, but the economic impact goes much deeper. While in my store tobacco customers buy additional products including fuel, beverages, and snacks during the same transaction. When they can't buy tobacco in my store, they will take their entire shopping trip elsewhere. My customers will not have more than 300 stores within a 10-mile radius that they go to purchase filtered cigarettes and other items. This isn't a matter of customers substituting other products; it's a complete loss of business for my store and stores throughout Capitola.

I have been part of the Capitola community for years, and I'm deeply concerned about the employment implications for my staff. This loss of income from tobacco sales and other items will force me to make difficult decisions about staffing levels and operating hours. These are real jobs that support local families in our community.

Rather than pursuing prohibition that will harm Capitola's local businesses without meaningful environmental benefit, I encourage the Council to consider these alternatives:

1. Install ash receptacles in strategic locations, which research shows increases proper disposal
2. Address all litter sources identified in local studies through education and waste management programs.
3. Develop comprehensive waste reduction initiatives that build on Capitola's environmental leadership while preserving business viability.

We all want a clean community, but we need solutions that work without putting people out of business. Please vote against this ban and help us find better approaches that work for both the environment and local jobs in Capitola.

Sincerely,

Jennifer Gudino  
Manager  
Jacksons Food Stores  
2680 Soquel Ave  
Santa Cruz, CA 95062



## Support for “Ban the Butt” Ordinance (Agenda item c.)

From Jackie Nunez <jackie.nunez@plasticpollutioncoalition.org>

Date Thu 9/11/2025 12:30 PM

To City Council <citycouncil@ci.capitola.ca.us>

**To: Capitola City Council**

**From: Jackie Nuñez, Founder of The Last Plastic Straw and Advocacy & Engagement Manager**

**Organization: Plastic Pollution Coalition**

**Subject: Support for “Ban the Butt” Ordinance (Agenda item c.)**

**Date: September 11, 2025**

Plastic Pollution Coalition (PPC) appreciates the opportunity to offer our comments to the Capitola City Council regarding the adoption of an ordinance to prohibit the sale of partially inconsumable tobacco products.

Cigarette butts are a major source of plastic pollution. The filters made of plastic cellulose acetate are a single-use plastic and are not biodegradable. While many believe they break down, they only break up into smaller plastic pieces and release toxic chemicals that continue to pollute the environment and harm wildlife for decades. Just one filter may shed an estimated 15,000 microplastic fibers.

Plastic cigarette filters don't make smoking safer. Instead, they encourage smokers to inhale more deeply and frequently, increasing the delivery of tobacco's cancer-causing chemicals.

Plastics contain any mixture of more than 16,000 chemicals, many of which have already been linked to numerous and severe human health problems, including autoimmune diseases, cancers, diabetes, infertility and other reproductive problems, obesity, and more.

Additionally, plastics don't break down, but instead break up into small microplastic and nanoplastic particles, which contaminate our air, food, soils, and waters, and invade our bodies. These plastic particles are also specifically linked to serious human health problems such as cancers, heart disease, neurodegenerative problems like Alzheimer's disease, respiratory problems like asthma, reproductive issues like increased risk of miscarriage, and more.

Health-related economic losses from the impacts of plastic throughout the human lifespan are estimated at greater than \$1.5 trillion per year, worldwide.

With trillions of cigarette butts polluting our planet annually and ranking as the top item found in coastal cleanups, it's clear we need to act. The World Health Organization has called on countries and cities to enact cigarette filter bans to protect public health and the environment. **Plastic Pollution Coalition (PPC) fully supports the continued leadership and responsible stewardship of the Monterey Bay Marine Sanctuary by the City of Capitola in the adoption of a policy that bans the sale of filtered, pre-rolled tobacco products including cigarettes, cigarillos, and little cigars, in the City of Capitola.**

*PPC is a U.S.-based non-profit communications and advocacy organization that collaborates with an expansive global alliance of organizations, businesses, and individuals to create a more just, equitable, regenerative world*

*free of plastic pollution and its toxic impacts.*

--

**Jackie Nuñez** (she/ella)

Advocacy & Engagement Manager

Founder, The Last Plastic Straw (Santa Cruz, CA)



o: +1.323.936.3010 x707

e: [jackie@plasticpollutioncoalition.org](mailto:jackie@plasticpollutioncoalition.org)

🌐 Check out [Global Plastic Laws](#), a database to track plastic policies around the world 🌐

**Gautho, Julia**

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**From:** John <jxmuly@gmail.com>  
**Sent:** Friday, September 5, 2025 10:03 PM  
**To:** Gautho, Julia; City Council  
**Subject:** Item 9A

Option 2

Warmly JM



**Gautho, Julia**

---

**From:** Niels Kisling, AKA Captain Niels <nkisling@pacbell.net>  
**Sent:** Saturday, September 6, 2025 9:02 PM  
**To:** City Council  
**Subject:** 1700 New Units in Capitola

Dear Council-

Adding 1700 more units to our city is unfeasible unless we add another parallel corridor to 41st Avenue ALONG WITH another freeway on-ramp between Soquel and 41st Avenue. The surrounding streets near the mall are ALREADY FULL of cars. Adding 2300 more cars (1.25/unit) to our streets is insane unless you add an additional way for these cars to get to the freeway.

What about sewer and water?????

Please consider quality of life for those of us who still want to live here....

Thanks for listening-

Niels

Niels Kisling  
831-332-7454

It's my job.

**Gautho, Julia**

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**From:** Alfred carlson <alcarlton@aol.com>  
**Sent:** Sunday, September 7, 2025 12:55 PM  
**To:** City Council; GERRY JENSEN; Mick Caph-Routh; vlrsmith@sbcglobal.net; Gayle Ortiz  
**Subject:** Re: 1700 New Units in Capitola

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

WE ARE ALREADY IN GRID LOCK

NIELS,I WILL ASK ALL MY FRIENDS TO SEND A LETTER . AL CARLSON

Dear Council-

Adding 1700 more units to our city is unfeasible unless we add another parallel corridor to 41st Avenue ALONG WITH another freeway on-ramp between Soquel and 41st Avenue. The surrounding streets near the mall are ALREADY FULL of cars. Adding 2300 more cars (1.25/unit) to our streets is insane unless you add an additional way for these cars to get to the freeway.

What about sewer and water?????

Please consider quality of life for those of us who still want to live here....

Thanks for listening-

Niels

Niels Kisling  
831-332-7454

It's my job.

**Gautho, Julia**

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**From:** Kevin Maguire <kmaguire831@gmail.com>  
**Sent:** Tuesday, September 9, 2025 5:27 PM  
**To:** Gerry Jensen; Margaux Morgan; Clarke, Joe; Westman, Susan; City Clerk  
**Subject:** Agenda Item 9 A Capitola Mall Update and Amendment to Agreement with Ben Noble Planning

A few questions and comments about Agenda item 9A.

In the original draft plan for the Capitola Mall site, we had 734 total units, with 477 of them affordable. That meant nearly two-thirds of the homes were affordable, and only 257 were market-rate. After HCD's intervention, the final certified plan flipped that balance completely.

Affordable units actually **dropped by 121**, down to 356, while market-rate units skyrocketed by over 1,100, up to 1,422. Instead of 734 total units, the Mall block now carries 1,777, more than a thousand extra units. What began as a plan for 65% affordable housing has been watered down to just 20% affordable. This shift doesn't serve Capitola's housing needs, it serves developer feasibility at the expense of our community.

### On Feasibility & State Requirements

1. Can staff explain why the City accepted HCD's position that affordable housing at the Mall was "not feasible" at 65%, but feasible only if paired with over 1,400 market-rate units?
2. What assumptions were used in the economic feasibility study? Were those assumptions based on Capitola's real housing market (sales prices and rents) or on statewide generic models?
3. If market-rate homes at the Mall end up priced above what Capitola households can afford, how is that "feasible housing" for our community?

### On RHNA vs. Overbuilding

4. Capitola's total RHNA allocation is 1,336 units. Why are we planning **1,777 units at just the Mall**, more than the entire city's requirement?
5. Is it true that the "extra" market-rate units are not required by RHNA but were added solely to make the numbers pencil out for a developer's return on investment?
6. "How does adding more than 1,100 extra market-rate units beyond Capitola's RHNA allocation serve the purpose of state housing law, which is supposed to prioritize affordable housing?"

### On Accountability & Oversight

7. Once HCD certified our Housing Element in August 2024, can HCD legally force Capitola to change its numbers again? Or is certification supposed to give us stability for this cycle?
8. Did the City negotiate with HCD to protect local control, or simply accept the 80% market-rate requirement?
9. What guarantees exist that the affordable units will actually be built—and not just the market-rate?

## On Community Impacts

10. What analysis has been done on the infrastructure and service impacts (traffic, water, schools, public safety) of 1,777 units at the Mall?
  11. How will this massive market-rate increase affect the City's ability to provide services, given that market-rate apartments generate far less tax revenue than the retail they replace?
  12. If voters rejected a fire station bond last year, how can we possibly fund the additional fire, police, and public health services needed for thousands of new residents?
- 

### Questions we need answers to:

- The City met RHNA with its first draft (734 units, heavy on affordable).
- HCD forced the City to inflate market-rate units 4X, while actually reducing affordable housing.
- This is about developer profit models, not housing needs.
- Capitola is being pushed into overbuilding far beyond its RHNA requirement, without a plan to fund the impacts.

Kevin Maguire  
Capitola



## Community & Economic Development Department

### Memo

To: City Council

From: Katie Herlihy, Community and Economic Development Director

Date: September 10, 2025

Subject: Item 9A – Capitola Mall Update and Amendment to Agreement with Ben Noble  
Planning

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Staff and the project consultant, Ben Noble, have prepared an alternate option for Item 9A. The new option is a hybrid of Options 1 and 2, with the addition of a community workshop and a Planning Commission work session to Option 2.

## CAPITOLA MALL ZONING CODE AMENDMENTS

### Option 2 with Additional Public and Planning Commission Input

	2025				2026
	Sept	Oct	Nov	Dec	Jan
Planning Commission Work Session 1		X			
Stakeholder Meetings		X			
<u>Community Workshop</u>		X			
Amendments Outline		X			
<u>Planning Commission Works Session 2</u>		X			
Staff Review Draft Amendments			X		
Public Review Draft Amendments			X		
Planning Commission Hearing			X		
City Council Adoption Hearing				X	
City Council Second Reading*					X

\*Minimum 60 days after ordinance publication

Tasks	Hours	Cost
<b>Task 1: Draft Amendments</b>		
a. Planning Commission Work Session 1	25	\$4,250
b. Stakeholder Meetings	8	\$1,360
c. Community Workshop	35	\$5,950
c. Amendments Outline	10	\$1,700
a. Planning Commission Work Session 2	25	\$4,250
d. Staff Review Draft Amendments	25	\$4,250
e. Public Review Draft Amendments	20	\$3,400
f. Planning Commission Hearing	25	\$4,250
g. City Council Hearing	20	\$3,400
<b>Task 2: Project Management</b>		
a. Subconsultant Coordination	15	\$2,550
b. City Coordination Meetings	10	\$1,700
c. Public Announcements and Updates	10	\$1,700
Total Hours		228
Billing Rate		\$170
<b>Total Labor</b>		<b>\$38,760</b>
Urban Field Studio Subconsultant		\$15,000
Economist Subconsultant		\$10,000
Travel Expenses		\$300
Contingency (10%)		\$3,876
<b>TOTAL COST</b>		<b>\$67,936</b>

**Gautho, Julia**

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**From:** Santa Cruz YIMBY <santacruzylimby@gmail.com>  
**Sent:** Wednesday, September 10, 2025 2:45 PM  
**To:** City Council  
**Cc:** Herlihy, Katie (kherlihy@ci.capitola.ca.us); Goldstein, Jamie (jgoldstein@ci.capitola.ca.us);  
hello@santacruzylimby.org  
**Subject:** [PDF] Comment on Agenda Item 9.A, September 11  
**Attachments:** Santa Cruz YIMBY input on Agenda Item 9.A.pdf

Mayor, Vice Mayor and Council Members,

Please see the attached comment on Agenda Item 9.A for the September 11, 2025 meeting.

Thank you,

Janine Roeth  
Rafa Sonnenfeld  
Jocelyn Wolf  
Hope Armstrong  
Ryan Meckel  
Volunteer leads, Santa Cruz YIMBY



September 10, 2025

To: Capitola City Council

Re: Agenda Item 9.A, Capitola Mall Update

Mayor, Vice-Mayor and Council Members,

We're writing regarding Agenda Item 9.A: Capitola Mall Update. Below is our prior letter to the Council and **we continue to urge the Council to support Option 2 – Expedited Objective Standards.**

## Community Support and Opportunity

There is strong community support in Capitola for redeveloping the Mall — particularly for housing. Without the Mall, most new housing would have to go into existing neighborhoods, where there is far less community support.

Redevelopment of the Mall is a chance to add homes in a location the public already supports, while revitalizing retail and other businesses that will boost the City's tax revenues.

- "The City encourages additional housing on Capitola Mall (all mall parcels)... Redevelopment of the Mall would not only provide for additional housing options in Capitola but would also be consistent with the City's goal of developing a 'lifestyle' center that emphasizes high-quality, walkable residential communities where dining, shopping, and entertainment are all part of an interconnected ecosystem." (*Housing Element*, p. 4-9)

## Feasibility and Priority Already Established

This is not just a concept on paper — the City has already studied what would make redevelopment work and built that into the Housing Element<sup>1</sup>:

- "A recent feasibility analysis, including a pro forma, was conducted for the Capitola Mall. The study found that adding incentives (higher density, FAR and height) increased residual land value. The study also found that these changes would enhance project feasibility, particularly for multi-family development." (*Housing Element*, p. 4-9)

The Mall is one of the few places in Capitola where new homes can realistically be built at scale. The City has already made it a centerpiece of its housing strategy, providing most of the RHNA capacity and nearly 40% of required affordable units.

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<sup>1</sup> The 75' height standard is mentioned seven times in the Housing Element.



## Housing Element: Constraints and Commitments

The Housing Element makes clear that Capitola must remove barriers to housing and facilitate redevelopment:

- “This Housing Element represents the City’s strong commitment to expanding housing choices for all in the community.” (*Housing Element*, p. 1-1)
- “The City has adopted Objective Design Standards to facilitate multifamily housing development and is committed to reviewing its overall development standards... to ensure a range of housing types and sizes can be accommodated in the community.” (*Housing Element*, p. 1-2)

It also acknowledges the significant development challenges Capitola faces:

- “Capitola is mostly built-out, and vacant residentially zoned lots are almost non-existent.” (*Housing Element*, p. 3-8)
- “The high cost of building new housing in Capitola is at least partially due to the scarcity and high cost of developable land in the City.” (*Housing Element*, p. 3-8)
- “Developing on prospective sites is often more expensive and difficult due to increased acquisition costs, demolition, or rehabilitation of existing buildings.” (*Housing Element*, p. 3-9)

These constraints are exactly why the Mall is so central to Capitola’s housing strategy:

- “Throughout the Housing Element Update process, conversations with MGP as well as public comments during meetings held by the Planning Commission and City Council have resulted in approximately 37 of the 46 acres of the Capitola Mall being included in the Housing Element Sites Inventory.” (*Housing Element*, p. 4-8)

This didn’t happen by chance — it came out of HCD’s feedback on early drafts and close work with Merlone Geier Partners (MGP) to expand the site and create a plan that could actually move forward. After HCD flagged the initial affordability mix as infeasible, the City increased the inventory from six to twelve parcels within the Mall block to improve economic viability and meet state requirements.

And the Housing Element sets a firm timeline for acting on this:

- “Program 1.7... commits the City in 2024 to completing the land use study and developing land use policies to facilitate shopping center redevelopment. It also commits the City, by December of 2025, to update the Zoning Code and adopt development standards to facilitate shopping center redevelopment.” (*Housing Element*, p. 5-10)

This is a firm, state-mandated deadline. Missing it risks Housing Element decertification, lawsuits, and “Builder’s Remedy” projects that bypass local zoning.

## Public Engagement Already Happening

Repeating a broad outreach process under Option 1 would spend more public dollars, take extra time, and put the December 2025 deadline at risk. The task now is simply to adapt existing standards to the Mall site — not start over.

Capitola's current multifamily Objective Design Standards and Housing Element were shaped through extensive public engagement. And even for these Mall-specific zoning updates, the process will remain public — with hearings at both the Planning Commission and City Council before adoption.

And it's not over yet — there's another public process coming. The City has committed \$105,000 for the upcoming 41st Avenue Corridor Plan, which will include stakeholder workshops, conceptual designs, and a focus on housing and transportation along the corridor.

- "Engagement with community stakeholders to ensure that the plan aligns with public needs and expectations."
- "Plan for future housing and higher-density developments identified in the Housing Element."

And once the Mall zoning code updates are in place, staff indicate that Merlone Geier Partners could submit a planning application early in 2026, launching a substantial opportunity for the public to weigh in Mall redevelopment plans.

## Conclusion

**Capitola has made commitments, invested public funds, and engaged the community in multiple ways. The Housing Element, feasibility study, and upcoming corridor plan all point to the same conclusion: the next step is to implement Mall zoning standards quickly.**

**Option 2 — Expedited Objective Standards — is the clear next step. It honors these commitments, keeps Capitola on schedule, and avoids the cost and delay of redoing work that's already been done.**

Thank you for your leadership and commitment to meeting Capitola's housing obligations.

Sincerely,

Janine Roeth, volunteer lead, Santa Cruz YIMBY  
 Rafa Sonnenfeld, volunteer lead, Santa Cruz YIMBY  
 Jocelyn Wolf, volunteer lead, Santa Cruz YIMBY  
 Hope Armstrong, volunteer lead, Santa Cruz YIMBY  
 Ryan Meckel, volunteer lead, Santa Cruz YIMBY.



August 26, 2025

To: Capitola City Council

Re: Agenda Item 9.C, Capitola Mall Update

Mayor, Vice-Mayor and Council Members,

We are writing regarding Agenda Item 9.C: Capitola Mall Update and Amendment to Agreement with Ben Noble Planning. We urge the Council to support **Option 2 – Expedited Objective Standards**.

**The Capitola Mall site is the most important housing opportunity in the Housing Element, providing the great majority of the RHNA units and nearly 40% of the required affordable homes, largely on the Merlone Geier property.**

Programs 1.6 and 1.7 were designed to enable redevelopment of the Mall through objective standards, and zoning that supports housing and mixed-use opportunities appropriate to the site. **Program 1.7, focused specifically on the shopping mall, is among the most consequential Housing Element programs, with a firm deadline of December 31, 2025.**

We applaud the ongoing conversations with Merlone Geier to shape the City's options, and we urge the Council to support Merlone Geier's recommended approach, **Option 2 – Expedited Objective Standards**. This option is:

- The quickest and least expensive path to compliance;
- Fully consistent with Housing Element requirements and deadlines;
- Aligned with the property owner's preference to move forward; and
- Predictable in producing coherent urban design and placemaking outcomes.

By contrast:

- Option 3, with its highly prescriptive form-based codes and regulating maps, would undermine Programs 1.6 and 1.7 and cause the City to miss the December 31, 2025 deadline.
- Option 1 is unnecessary. Capitola already completed citywide objective standards and developed the Housing Element with extensive community input. The task now is simply to modify the standards to the Mall site. Option 1 wastes additional city dollars, and also risks missing the December 31, 2025 deadline.

**It's critical that Capitola meet the December 31, 2025 deadline for Program 1.7. If the deadline is missed, the state could take away Capitola's Housing Element certification, which would mean losing local control over development and opening the door to "Builder's Remedy" projects that bypass city zoning.** Even without decertification, missing the deadline could still invite lawsuits and make it easier for developers to submit Builder's Remedy projects the City would have to approve.

We respectfully urge you to act decisively on Thursday to keep Capitola on track, protect local control, and position the City to deliver the housing and revitalization opportunities promised at the Capitola Mall. **Support Option 2 – Expedited Objective Standards.**

Thank you for your leadership and commitment to meeting Capitola's housing obligations.

Sincerely,

Janine Roeth, volunteer lead, Santa Cruz YIMBY  
 Rafa Sonnenfeld, volunteer lead, Santa Cruz YIMBY  
 Jocelyn Wolf, volunteer lead, Santa Cruz YIMBY  
 Hope Armstrong, volunteer lead, Santa Cruz YIMBY  
 Ryan Meckel, volunteer lead, Santa Cruz YIMBY

*Santa Cruz YIMBY Mission: We envision a community where our neighbors of all ages, cultures, abilities, and incomes, can make Santa Cruz County their home. In response to the ever-increasing cost of living, we advocate for more affordable housing to meet the needs of our growing population.*

*Santa Cruz YIMBY is a chapter of YIMBY Action, a 501(c)(4) nonprofit organization.*



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**[PDF] Letter Re: City Council 9/11 Meeting Agenda Item 9a**


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**From** Rafa Sonnenfeld <rafa@yimbylaw.org>

**Date** Wed 9/10/2025 6:15 PM

**To** City Council <citycouncil@ci.capitola.ca.us>

**Cc** Santa Cruz YIMBY <hello@santacruzylimby.org>

 1 attachment (94 KB)

9-10-2025 Capitola - Re\_ Agenda Item 9A - Housing Element Program Obligations.docx.pdf;

Please see the attached letter in support of Option 2 from YIMBY Law.

Thank you,

**Rafa Sonnenfeld**

he/him

Senior Manager



[Check out everything we achieved in 2024!](#)



9/10/2025

Capitola City Council  
Capitola City Hall  
420 Capitola Avenue  
Capitola, CA 95010

Re: Agenda Item 9A - Enforcement of Housing Element Commitments under State Law

Honorable Mayor and Members of the Capitola City Council:

YIMBY Law is a 501(c)3 non-profit corporation, whose mission is to increase the accessibility and affordability of housing in California. YIMBY Law sues municipalities when they fail to comply with state housing laws, including the Housing Element Law. As you know, the County has an obligation to abide by all relevant state housing laws when evaluating the above captioned proposal, including the HAA. Should the County fail to follow the law, YIMBY Law will not hesitate to file suit to ensure that the law is enforced.

YIMBY Law writes to remind the City of Capitola of its obligations under California Housing Element Law, Government Code §§ 65580 et seq. In particular:

**1. Programs in the Housing Element Are Mandatory**

Government Code § 65583 requires each jurisdiction's housing element to include "a program which sets forth a schedule of actions" that the city "is undertaking or intends to undertake" to implement the goals, policies, and objectives of the housing element. Once adopted and certified by HCD, these programs are not optional. They are enforceable commitments, and jurisdictions are required to follow through.

Government Code § 65583(c) uses mandatory language: programs "shall" identify actions, timelines, and responsible agencies. The Legislature's intent is clear—cities must not simply adopt programs as aspirational statements but must carry them out in good faith.

**2. Program 1.7 Deadline and Obligation to Proceed with Option 2**

Capitola's certified housing element includes Program 1.7, which carries a **deadline of**

**December 31, 2025.** To meet that deadline, **the City has no choice but to proceed with Option 2 or the proposed hybrid of Options 1 and 2.** Any attempt to delay or substitute other actions would fail to comply with the adopted housing element and with state law.

Whether or not HCD has signaled that it will revoke compliance status is irrelevant. Under Government Code § 65585, housing element compliance is ultimately determined by the courts. If Capitola fails to proceed as required under Housing Element law, YIMBY Law reserves its right to independently seek a court ruling declaring the City out of compliance and subject to the Builder's Remedy under Government Code § 65589.5(d).

### **3. Amending Housing Element Obligations Requires a Formal Amendment**

If Capitola wishes to alter or remove commitments in its housing element, it may only do so by following the statutory amendment process set forth in Government Code § 65585. This requires a public process including a public review period, HCD's review and comment, and a duly noticed public hearing and adoption of the amendment by the City Council.

Without going through this process, Capitola cannot simply ignore or abandon the programs it committed to in its adopted housing element.

### **4. Consequences of Noncompliance**

Failure to comply with Housing Element law exposes Capitola to significant legal risk. This includes potential litigation under Government Code § 65587, enforcement actions by the California Attorney General, loss of state funding eligibility, and the risk of being subject to Builder's Remedy projects.

### **Conclusion**

YIMBY Law respectfully urges the Capitola City Council to fulfill its obligations by carrying out all housing element programs as adopted, and specifically to proceed with Option 2 or the new hybrid of Options 1 and 2 in order to meet the binding December 31 Program 1.7 deadline. If the City believes any program should be modified or removed, it must do so lawfully by amending the housing element under Government Code § 65585.

We urge you to take these responsibilities seriously to ensure compliance with state law and to help meet the urgent housing needs of Capitola and the region.

I am signing this letter both in my capacity as the Executive Director of YIMBY Law, and as a resident of California who is affected by the shortage of housing in our state.

YIMBY Law, 2261 Market Street STE 10416, San Francisco, CA 94114

Sincerely,

A handwritten signature in black ink that reads "Sonja Trauss". The signature is written in a cursive, flowing style with a large initial 'S'.

Sonja Trauss  
Executive Director  
YIMBY Law



September 11, 2025

BY ELECTRONIC MAIL

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

kherlihy@ci.capitola.ca.us

**Re: September 11, 2025, City Council Item No. 9.A; Capitola Mall Update – Merlone Geier Partners' Comments**

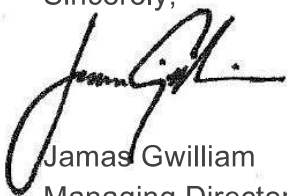
Dear Ms. Herlihy:

We are writing to support implementation of the zoning code updates necessary to facilitate redevelopment of our property, the Capitola Mall in keeping with the timeline and objectives of the 2024 approved Housing Element. MGP has provided staff with a summary of the code changes that if implemented would facilitate redevelopment. Having the zoning code in place is one step to a longer process that MGP must then undertake to prepare a plan in keeping with code requirements, solicit community input, and secure approvals from adjacent property owners.

To that end, we do not see the benefit of additional community input at this stage in the process. There was input during the Housing Element update and there will be additional community outreach during any subsequent design review process related to mall redevelopment.

If with the understanding of the process that is yet to transpire, Staff and Council feel strongly that community meetings need to occur now, we would be open to the modified Option 1.5 that staff is recommending so long as the timeline of zoning code updates be adopted prior to the end of the year.

Sincerely,



James Gwilliam  
Managing Director  
Merlone Geier Partners



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**Please critically evaluate a housing proposal for the Capitola Mall**

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**From** Bill Gray <graybil@gmail.com>

**Date** Thu 9/11/2025 1:03 PM

**To** City Council <citycouncil@ci.capitola.ca.us>

I am traveling, and hence unable to attend the meeting on the Capitola Mall and a massive housing program. We're I in attendance, I would be vocally opposed. The reported number of 1700 units is outrageous, and hopefully overblown. Please consider this as our home, not a monopoly board. It is the funky character of the place that keeps us here. 1700 new residences would overwhelm all public services - roads, water, sewer. I could support maybe a hundred units, mixed use, like Santana Row, NOT a massive housing project like the one reported. Please consider the character of the place we call home. Thank you,

Bill Gray  
1440 Prospect Ave  
Capitola

**Gautho, Julia**

---

**From:** terre thomas <terra12@cruzio.com>  
**Sent:** Monday, September 8, 2025 9:37 AM  
**To:** City Council  
**Subject:** [PDF] Zoning Changes  
**Attachments:** City Council Meeting September 11.pdf

City Council Meeting September 11, 2025

I appreciate the fact that the city has changed the zoning designation from R40 to R30 regarding the 600 Park Avenue Apartment complex that abuts our property of 53 years.

However, I would like to request a few changes if you decide to adopt the proposed R30 designation.

First, a setback requirement of ten feet as proposed by the Planning Commission is way too close, and overwhelming, to all the 19 surrounding R1 properties, especially if the buildings can be 36 feet tall. I am asking that it be changed to 15 to 25 foot side and rear yard setbacks that abut the single family dwellings surrounding it, especially since our property line, (and some of our neighbor's) is perched at the top of their steep hill, whose integrity must be kept. There needs to be space at the foot of the hill to get around any building. This would also be helpful in preserving some solar access and privacy to local residents.

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

Third, preserve as much common open space as possible (hopefully the 15%), regardless of how much private space for individual units is provided. If children are present, they need a place to play outside.

I have been informed 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.

Please wait to approve these zoning changes until the Mall site zoning has been determined, as it may be able to accommodate many of the state requirements. Best case scenario would be for you to reduce the Park Avenue Apartments zoning to RM20 to be more in keeping with the surrounding R1 neighbors.

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

Appreciatively,  
Terre Thomas

**Gautho, Julia**

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**From:** jeff lee <jeffersonlee77@hotmail.com>  
**Sent:** Monday, September 8, 2025 11:58 AM  
**To:** City Council; Sesanto, Sean; Planning  
**Subject:** 600 Park Ave. Apts. - Rezoning - Please Protect Existing Single Family Homes

**Importance:** High

Dear City Leaders,

As currently proposed, rezoning regulations ignore the best interests of existing residents and neighboring single family homes.

Before formally approving on 9/11 & 9/25, **please make revisions** to specify protections to soften the blow from overdevelopment.

A neighborly, respectful rezoning approach should include some combination of (but not limited to):

- **Increased building setbacks:** the 10' side setback as proposed is much too close for new 36' high apartment buildings adjacent to single family homes and would severely impact single family backyards, natural light and privacy. We're fairly confident the City has rendered these conditions and studied what this will look like and it's not good for existing residents. A transparent public outreach approach should include sharing examples / rendering(s) to best inform neighbors of what's to come. Please increase the setbacks before approving rezoning regulations.
- **2-story building limits (with associated 2-story height limit)** at minimum for the first rezoned apartment units closest to existing single family property lines, with allowable step up to 3-story (and associated 36' height limit) if absolutely necessary, working towards the center of the complexes away from single family. This would soften new building massing. We're still opposed to 3-story and 36' heights though in general - it's too much for primarily single-story neighborhoods. Also please consider utilizing the existing down sloping grade and civil engineering measures to soften the rezoning impacts: new apartment buildings bordering Wesley St. for example, could be built with lower finish floor elevations with retaining walls to mitigate the building height impacts (knowing retaining walls add some construction cost). Lower height limits and/or 'step-up' provisions should be specifically written into rezoning regulations.
- **Specific restrictions regarding new apartment windows, elevated walkways, balconies etc.** facing single family homes. Rezoned taller apartment complexes should not look into existing neighbors' homes and yards! This should be specifically written into rezoning regulations.

- **Mandatory privacy / green space / open space buffer zones** within the single-family property line setbacks (i.e. sound walls, 'significant' tree planting, privacy hedge planting etc.). Existing residents shouldn't have to bear the burden and spend thousands, even tens of thousands of dollars to protect privacy from rezoning measures. Personally, we've spent the last ~14+/- years working hard, expending time and money, to make the backyard private as it is, and with the proposed setbacks and height limits, would have to start all over again with a continuous fence line 'rezoned apartment privacy hedge', costing thousands, blocking views and natural light. All single-family neighbors would be put in a similar position, and that's not ok. **Rezoning should mandate that multifamily developers provide for privacy considerations due to rezoning, not the existing single-family property owner.** This should be specifically written into rezoning regulations.
- **Sufficient onsite apartment parking accounting for all residents and guests**, not an overly-optimistic approach. It isn't right to impact Wesley St. (and other similar Capitola neighborhood streets) with rezoned apartment overflow parking due to watered-down parking calculations. Apartment parking should be on apartment property. This should be specifically written into rezoning regulations.
- **Many other concerns (see previous letters to City on the subject), but we'll stop here, hoping action on the above will be taken to lessen impacts.**

The above would not kill any \$100M+ construction deals and would help protect existing neighborhoods and homeowners. Rezoning regulations can and should be finely tuned to provide 'win-win' outcomes, not just favor developers as currently written. There is plenty of room to make responsible revisions while not 'discouraging development'.

Again, we urge City leaders: **please do not ignore the perspective of existing residents. Please protect our homes.**

Sincerely,

Jeff & Kirsten Lee  
117 Wesley Street, Capitola

**Gautho, Julia**

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**From:** Ann Wilson <annstaigerwilson@gmail.com>  
**Sent:** Monday, September 8, 2025 6:50 PM  
**To:** Planning; PLANNING COMMISSION; City Council  
**Subject:** Vote no on the rezoning of 600 Park Avenue.

Vote no on the rezoning of 600 Park Avenue.

There is a long list of reasons to vote no on the 600 Park Avenue rezoning that is on the agenda on 9/11/25.

There will be negative impacts on single-family home neighbors, the environment, public infrastructure, and home prices.

The argument that higher density will lead to more affordability and more families is not accurate. According to the latest demographics study released by the Soquel Union Elementary School District (SUESD), the higher-density units are not attracting more families or students ([link to study, page 35](#)). According to the study, the new construction is expected to yield only 24 new students over the next six years. The argument that these new units bring in community members who will be part of our local schools doesn't hold water.

Who will be able to afford these units? Not teachers, not first responders, not families.

Vote no on the rezoning of 600 Park Avenue.

Ann Wilson  
(831) 234-2968  
Wesley Street, Capitola

**Gautho, Julia**

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**From:** Carl Olin <olinpacific58@gmail.com>  
**Sent:** Tuesday, September 9, 2025 10:54 AM  
**To:** PLANNING COMMISSION; Planning  
**Cc:** Carl Olin; City Council  
**Subject:** 1000% no ... 600 Park Ave. Apartment Expansion Project

Dear Capitola:

I hope it is not too late.

Please stop this project. If you don't do it now it will be too late and the quality of life of Cliffwood Heights (and Capitola) will be negatively effected forever.

Now is your chance. Please listen to the people that live here - not just drive thru or work in Capitola. I have lived here for 30 years+. Yes - old timer.

I think deep down you all know these units will not be 'affordable' to the average Capitola Resident. Public Infrastructure including water, sewer, and ESPECIALLY PARKING will be woefully inadequate.

Please read and really think about it.

Thank you,

Carl & Grace Olin  
130 Wesley St.  
Capitola, CA 95010  
408-234-8529  
[olinpacific58@gmail.com](mailto:olinpacific58@gmail.com)



**Gautho, Julia**

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**From:** Malia Horn <maliahorn@yahoo.com>  
**Sent:** Tuesday, September 9, 2025 3:12 PM  
**To:** PLANNING COMMISSION  
**Subject:** 600 Park Avenue apartments- Rezoning

Dear Planning commission,

My family lives on Magellan St. in Capitola a few blocks away from 600 Park Ave.

We purchased our home 12 years ago. We were looking for a single family home in a nice quiet neighborhood with a yard so our family could grow. We have loved living here and feel so fortunate that our kids get to grow up here.

As a neighbor to 600 Park Ave., I am very concerned about the proposed design of 4 story apartment buildings in the middle of a residential neighborhood. I feel there should be a new design that fits in with the community. The commission should consider 2 storied buildings. 2 story units will not effect the neighbors and would be adding some more units but not disrupting the density of the area compared to 4 storied buildings. I look to the condos at the Capitola Knolls as an example of well planned housing. Not everyone wants to live on top of each other and would like some green space around them. We are not downtown Santa Cruz, and we purchased our property (away from Santa Cruz) for that reason. Maybe we can allocated the 4 storied buildings at the Capitola Mall as a more suitable location. Let's find a better design that makes sense for this neighborhood.

Please reconsider this rezoning.

Thanks,

Malia Horn

**Gautho, Julia**

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**From:** Malia Horn <maliahorn@yahoo.com>  
**Sent:** Tuesday, September 9, 2025 7:33 PM  
**To:** City Council  
**Subject:** Rezoning- 600 Park Ave.

Dear Capitola City Council,

My family lives on Magellan St. in Capitola a few blocks away from 600 Park Ave. We purchased our home 12 years ago. We have loved living here and feel so fortunate that our kids get to grow up here in this quiet residential neighborhood.

As a neighbor to 600 Park Ave., I am very concerned about the proposed design of 4 story apartment buildings in the middle of a residential neighborhood. I am worried about the repercussions of buildings that size and the impact of overdeveloping, overcrowding, and lack of onsite parking. Currently, there are 3 units available at 600 Park Ave. Do we need 4 x's more apartments at this property?

The commission should consider 2 storied buildings. 2 story units will not affect the neighbors as that height fits in with the neighborhood. It would be adding some more units, but not disrupting the density of the area, compared to 4 storied buildings. The other apartments in the neighborhood on Balboa Ave. are 2 to 3 stories. They differ than the 600 Park ave proposal, as they are across the street from single family homes, and are positioned next to Park ave so they are not as obtrusive to those homes. Most of those properties have adequate onsite parking.

I look to the condos at the Capitola Knolls as an example of well planned housing. Not everyone wants to live on top of each other and would like some green space and a yard around them. It is good to have these options for people. We are not downtown Santa Cruz, and we purchased our property (away from Santa Cruz) for that reason. Maybe we can allocated the 4 storied buildings at the Capitola Mall as a more suitable location? Let's find a better design that makes sense for this neighborhood.

Please reconsider this rezoning.

Thanks,

Malia Horn

**Gautho, Julia**

**From:** Elisabeth Silverstein <elisabethsilverstein@gmail.com>  
**Sent:** Tuesday, September 9, 2025 8:58 PM  
**To:** PLANNING COMMISSION  
**Subject:** Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution

Dear Planning Commission,

My name is Lizzy, and I am a homeowner at 113 Wesley St. My property is located directly behind the 600 Park Avenue parcel slated for rezoning to high-density residential (RM-H).

I am writing to you today with urgent concerns about the proposed development standards and to offer constructive solutions that I believe will lead to a better outcome for both the city and its current residents.

I understand that Capitola is working to meet state-mandated housing goals (RHNA), and I support the need for new housing in our community. However, I believe the current proposal for 600 Park Avenue, as outlined in the city's planning documents, is not the right way to achieve this goal. The plan fails to balance new development with the stability and quality of life of the adjacent single-family neighborhood. My primary concerns are as follows:

1. **Severe Impact from Insufficient Setbacks and Excessive Height:** The proposal to allow 36-foot-tall buildings just 10 feet from our property lines is untenable. This will create a shear wall, destroying our privacy with direct lines of sight into our homes and yards, blocking essential sunlight, and fundamentally altering the character of our neighborhood. As a first-time homeowner, my home represents my family's life savings, and this proposal directly threatens not only our quality of life, but our primary investment.
2. **Inadequate Environmental and Infrastructure Review:** I question whether the issued "Negative Declaration" under CEQA adequately assesses the true impact of such a drastic increase in density. Specifically, has the city conducted detailed studies on:
  - **Local Wildlife:** The impact on sensitive species in our area, including bald eagles.
  - **Infrastructure Capacity:** The ability of our local roads, parking, sewage, and water systems to handle this large-scale development. Who will bear the cost of the necessary upgrades?
  - **Geological Stability:** The impact of major new construction so close to the coastal bluffs.
3. **Lack of Mandated Privacy Protections:** The current plan places the entire burden of lost privacy on existing homeowners. There are no provisions requiring the developer to mitigate these impacts, leaving us to personally fund solutions like mature trees or privacy fencing to shield our homes from a three to four-story apartment building.

### **Proposed Solutions for a Better Project**

I urge you to amend the development standards for the 600 Park Avenue site *before* final approval. A compromise is possible:

- **Solution 1: Implement Transitional Zoning Standards.** Introduce "step-backs" for the Park Ave site to create a buffer between the high-density development and the existing single-family homes. This is a common and fair planning tool. I propose:
  - **Increased Setbacks:** Require a minimum setback of 25-30 feet for any structure adjacent to a single-family residential lot.
  - **Tiered Height Limits:** Limit building height to a maximum of 30 feet within 50 feet of our property lines, allowing the proposed 36-foot height only on portions of the parcel further away from our homes.
  - **Mandatory Privacy Buffers:** Make it a condition of approval that the developer must install and maintain a substantial landscape buffer, including mature trees and fencing, on their side of the property line to provide a visual screen.
- **Solution 2: Prioritize High-Density Development in More Suitable Locations.** While 600 Park Avenue can contribute to our housing stock, the city's most intensive density goals would be better met at the **Capitola Mall**. This underutilized commercial site has the space, parking, and infrastructure access to support a large number of new homes without the same negative impacts on an established residential neighborhood.

This approach would still allow for new housing at 600 Park Avenue while protecting the character of our community and the investments of your residents.

Thank you for your time and for your service to Capitola. I ask that you seriously consider these reasonable solutions to create a project that benefits everyone.

Sincerely,  
 Lizzy (Elisabeth) Toth 113 Wesley St, Capitola, CA, 95010  
[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)

**Gautho, Julia**

**From:** Elisabeth Silverstein <elisabethsilverstein@gmail.com>  
**Sent:** Tuesday, September 9, 2025 8:59 PM  
**To:** City Council  
**Subject:** Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution

Dear City Council,

My name is Lizzy, and I am a homeowner at 113 Wesley St. My property is located directly behind the 600 Park Avenue parcel slated for rezoning to high-density residential (RM-H).

I am writing to you today with urgent concerns about the proposed development standards and to offer constructive solutions that I believe will lead to a better outcome for both the city and its current residents.

I understand that Capitola is working to meet state-mandated housing goals (RHNA), and I support the need for new housing in our community. However, I believe the current proposal for 600 Park Avenue, as outlined in the city's planning documents, is not the right way to achieve this goal. The plan fails to balance new development with the stability and quality of life of the adjacent single-family neighborhood. My primary concerns are as follows:

1. **Severe Impact from Insufficient Setbacks and Excessive Height:** The proposal to allow 36-foot-tall buildings just 10 feet from our property lines is untenable. This will create a shear wall, destroying our privacy with direct lines of sight into our homes and yards, blocking essential sunlight, and fundamentally altering the character of our neighborhood. As a first-time homeowner, my home represents my family's life savings, and this proposal directly threatens not only our quality of life, but our primary investment.
2. **Inadequate Environmental and Infrastructure Review:** I question whether the issued "Negative Declaration" under CEQA adequately assesses the true impact of such a drastic increase in density. Specifically, has the city conducted detailed studies on:
  - **Local Wildlife:** The impact on sensitive species in our area, including bald eagles.
  - **Infrastructure Capacity:** The ability of our local roads, parking, sewage, and water systems to handle this large-scale development. Who will bear the cost of the necessary upgrades?
  - **Geological Stability:** The impact of major new construction so close to the coastal bluffs.
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### **Proposed Solutions for a Better Project**

I urge you to amend the development standards for the 600 Park Avenue site *before* final approval. A compromise is possible:

- **Solution 1: Implement Transitional Zoning Standards.** Introduce "step-backs" for the Park Ave site to create a buffer between the high-density development and the existing single-family homes. This is a common and fair planning tool. I propose:

- **Increased Setbacks:** Require a minimum setback of 25-30 feet for any structure adjacent to a single-family residential lot.
- **Tiered Height Limits:** Limit building height to a maximum of 30 feet within 50 feet of our property lines, allowing the proposed 36-foot height only on portions of the parcel further away from our homes.
- **Mandatory Privacy Buffers:** Make it a condition of approval that the developer must install and maintain a substantial landscape buffer, including mature trees and fencing, on their side of the property line to provide a visual screen.

- **Solution 2: Prioritize High-Density Development in More Suitable Locations.** While 600 Park Avenue can contribute to our housing stock, the city's most intensive density goals would be better met at the **Capitola Mall**. This underutilized commercial site has the space, parking, and infrastructure access to support a large number of new homes without the same negative impacts on an established residential neighborhood.

This approach would still allow for new housing at 600 Park Avenue while protecting the character of our community and the investments of your residents.

Thank you for your time and for your service to Capitola. I ask that you seriously consider these reasonable solutions to create a project that benefits everyone.

Sincerely,  
 Lizzy (Elisabeth) Toth  
 113 Wesley St, Capitola, CA, 95010  
[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)

**Gautho, Julia**

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**From:** James Lloyd <james@calhdf.org>  
**Sent:** Wednesday, September 10, 2025 11:42 AM  
**To:** City Council; Clarke, Joe; Margaux Morgan; Gerry Jensen; Melinda Orbach; Westman, Susan  
**Cc:** Gautho, Julia; Planning; Goldstein, Jamie (jgoldstein@ci.capitola.ca.us); Samantha Zutler  
**Subject:** [PDF] public comment re agenda item 9B for the September 11, 2025 Council meeting  
**Attachments:** Capitola - ADU Ordinance - 10 Sep 2025.pdf

Dear Capitola City Council,

The California Housing Defense Fund (“CalHDF”) submits the attached public comment regarding the proposed amendments to the City’s accessory dwelling unit (“ADU”) ordinance, calendared as agenda item 9B for the September 11, 2025 Council meeting.

Sincerely,

James M. Lloyd  
Director of Planning and Investigations  
California Housing Defense Fund  
[james@calhdf.org](mailto:james@calhdf.org)  
CalHDF is grant & donation funded  
Donate today - <https://calhdf.org/donate/>



Sep 10, 2025

City of Capitola  
420 Capitola Ave  
Capitola, CA 95010

Re: Proposed Amendments to City's ADU Ordinance

By email: [citycouncil@ci.capitola.ca.us](mailto:citycouncil@ci.capitola.ca.us); [JClarke@ci.capitola.ca.us](mailto:JClarke@ci.capitola.ca.us);  
[mmorgan@ci.capitola.ca.us](mailto:mmorgan@ci.capitola.ca.us); [gjensen@ci.capitola.ca.us](mailto:gjensen@ci.capitola.ca.us); [MOrbach@ci.capitola.ca.us](mailto:MOrbach@ci.capitola.ca.us);  
[SWestman@ci.capitola.ca.us](mailto:SWestman@ci.capitola.ca.us)

Cc: [jgautho@ci.capitola.ca.us](mailto:jgautho@ci.capitola.ca.us); [planning@ci.capitola.ca.us](mailto:planning@ci.capitola.ca.us);  
[jgoldstein@ci.capitola.ca.us](mailto:jgoldstein@ci.capitola.ca.us); [szutler@bwslaw.com](mailto:szutler@bwslaw.com)

Dear Capitola City Council,

The California Housing Defense Fund ("CalHDF") submits this letter to remind the City of its obligation to abide by all relevant state laws when evaluating the proposed amendments to the City's accessory dwelling unit ("ADU") ordinance, calendared as agenda item 9B for the September 11, 2025 Council meeting.

**CalHDF would like to thank the City** for removing the deed restriction requirement for ADUs, for removing the HOA approval requirement, and for allowing up to eight detached ADUs on multifamily parcels, as we requested in our October 2024 letter.

However, the proposed ordinance has a specific area where it violates state law, as detailed below. The City should amend the proposed ordinance to comply with state law prior to passage.

### Background

The law gives local governments authority to enact zoning ordinances that implement a variety of development standards on ADUs. (Gov. Code, § 66314.) The standards in these local ordinances are limited by state law so as not to overly restrict ADU development. (See *id.*) Separately from local ADU ordinances, Gov. Code, § 66323 prescribes a narrower set of ADU types for which it imposes a ministerial duty on cities to approve. "Notwithstanding Sections 66314 to 66322 ... a local agency shall ministerially approve" these types of ADUs. (*Id.* at subd.

2201 Broadway, PH1, Oakland, CA 94612  
[www.calhdf.org](http://www.calhdf.org)



(a.) This means that ADUs that satisfy the minimal requirements of section 66323 must be approved regardless of any contrary provisions of the local ADU ordinance. (*Ibid.*)

SB 1211, effective 1 January 2025, makes this even more explicit: Gov. Code, § 66323, subdivision (b): “A local agency shall not impose any objective development or design standard that is not authorized by this section upon any accessory dwelling unit that meets the requirements of any of paragraphs (1) to (4), inclusive, of subdivision (a).”

In addition, ADUs that qualify for the protections of Gov. Code, § 66323, like other ADUs, must be processed by local governments within 60 days of a complete permit application submittal. (Gov. Code, § 66317, subd. (a).)

State law also prohibits creating regulations on ADU development not explicitly allowed by state law. Government Code Section 66315 states, “No additional standards, other than those provided in Section 66314, shall be used or imposed, including an owner-occupant requirement, except that a local agency may require that the property may be used for rentals of terms 30 days or longer.”

### **Impermissible Public Hearing and Discretionary Approval**

The Capitola code creates a process for discretionary approval of certain ADUs by the Planning Commission. (See Capitola Code §§ 17.74.030 (B), 17.74.030 (C), 17.74.070, 17.74.100, and 17.74.110.)

However, state law does not allow any such process. Government Code section 66316:

“An existing accessory dwelling unit ordinance governing the creation of an accessory dwelling unit by a local agency or an accessory dwelling ordinance adopted by a local agency shall provide an approval process that includes only ministerial provisions for the approval of accessory dwelling units and shall not include any discretionary processes ...”

Government code section 66317, subdivision (a):

“A permit application for an accessory dwelling unit or a junior accessory dwelling unit shall be considered and approved ministerially without discretionary review or a hearing ...”

If the City wishes to create a path for approval of certain ADUs that are taller or larger than a given threshold, then it should write objective criteria into its code and allow ministerial approval by City staff.



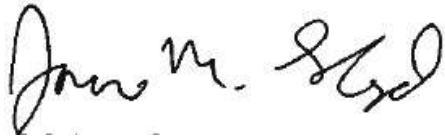
CalHDF appreciates that the City is amending its ADU ordinance to keep pace with state law changes. However, the City should make sure that its ordinance actually comports with state law, as the City committed to doing in its Housing Element.

CalHDF is a 501(c)(3) non-profit corporation whose mission includes advocating for increased access to housing for Californians at all income levels, including low-income households. You may learn more about CalHDF at [www.calhdf.org](http://www.calhdf.org).

Sincerely,

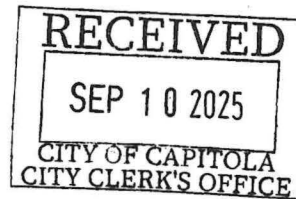


Dylan Casey  
CalHDF Executive Director



James M. Lloyd  
CalHDF Director of Planning and Investigations

September 10, 2025



City of Capitola City Council  
420 Capitola Avenue  
Capitola, CA 95010

Dear Capitola City Council Members:

As long-time residents of Capitola, we urge you not to adopt the Residential Multifamily Zoning Code Amendments as recommended by the City of Capitola Planning Commission.

When two out of the three Planning Commissioners in attendance said "I am leaning towards a yes vote" before the final vote was taken, it was clear that the Commissioners were not fully convinced that the proposed rezoning changes are the best for Capitola.

Maybe it was because the Planning Department's Consultant plainly stated that the buildable maximums were set at high enough levels so that property owners would be enticed to further develop their properties. Maybe it was because the Planning Department Consultant's presentation never once mentioned how the zoning changes are being established to enhance the Capitola community. Maybe it was because many concerned home-owners openly objected to the zoning changes for fear that their life's investment will soon be surrounded by towering apartment buildings, with added road congestion and unavailable parking, drastically reducing their property values.

Per the newly adopted Values that were approved by the Capitola City Council in March of this year, the "Capitola Way" actively fosters **Responsible Growth**, with commitment to sustainable decision-making, planning for future generations while safeguarding the natural environment, resources, and history to maintain Capitola's charm.

Quite frankly, rezoning the Capitola Gardens Apartments and the Capitola Towers Apartments properties located on 46th Avenue, allowing an additional 176 three and four-story rental units in our already heavily populated neighborhood, does not quite meet this actionable guideline.

Please consider reducing the Planning Commission's recommended unit per acre density maximums for these two properties that are located in one of the most densely populated areas in Capitola, with condominium and apartment complexes that total over 300 units, and that are intermixed with numerous single-family residences.

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. However, the new proposed 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. Setting such high maximums as the standard will affect the Capitola residents that you represent. It also reduces the City's control over development, and limits its ability to protect Capitola neighborhoods.

Please protect our neighborhood. Please make the right choice for Capitola.

Sincerely,

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

Tim, Pam & Jennifer Collins  
1830 46<sup>th</sup> Avenue, Capitola, CA 95010

**Gautho, Julia**

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**From:** Michelle Henderson <sgt1164@gmail.com>  
**Sent:** Wednesday, September 10, 2025 1:57 PM  
**To:** City Council  
**Subject:** Rezoning of Capitola Gardens

Hello City Council Members,

My name is Michelle Henderson, I live on the 1700 block of 46<sup>th</sup> Avenue, within direct high ear shot and eye sore of The Bluffs still under construction after 16 months, and directly across from the Capitola Gardens, which the planning commission has recommended to be approved for rezoning to **triple in number** of units.

Here we are on the anniversary of the September 11<sup>th</sup> terrorist attacks on our country, when 100s of 1<sup>st</sup> responders lost their lives. At this last planning meeting, a commissioner, stated just as it was when the community objected to The Bluffs, this housing was **essential** for “1<sup>st</sup> responders, nurses and teachers”, etc that can’t afford to live in this community that they serve. I even heard a foreman at the bluffs job site tell a passerby that they were building housing for 1<sup>st</sup> responders there.

Well, I’ve spoken to several local police officers, deputies, and central fire fighters and asked them, have **you**, or any of your colleagues that you are aware of, been offered rental housing at The Bluffs? The answer, sometimes with a “like that would **ever** happen?” chuckle, is NO.

This is no surprise to me: I’m a retired 1<sup>st</sup> responder, who for 33 years served the state of California and two counties, including Santa Cruz. I have **never**, nor have any of my colleagues, been offered an opportunity to rent an apartment in a new housing development, represented by politicians to opposing community members that it was necessary to house “1<sup>st</sup> responders, teachers and nurses”. **Especially on a day like September 11<sup>th</sup>, it is shameful that 1<sup>st</sup> responders are being used as pawns to further political agenda.**

At the last planning commission meeting, **a teacher**, who has lived a long while in these already existing apartments with her partner, a postal worker, expressed how they *will* **actually be displaced** should this rezoning and subsequent destruction of current properties to build new multi story properties be approved.

I walk my dogs in the early morning hours and observe my neighbors, who live in these existing apartments, return home from their midnight shifts. Many are wearing medical scrubs. Often they double park in the street, engines running, especially in the cold & rainy winter months, waiting for someone to leave in their car so they can finally park and go home to sleep. I've been there, its painful. Hasn't it been mentioned enough at all these commission hearings that there isn't sufficient parking for existing residents? Not everyone, especially essential workers like medical professionals, have schedules that can be accommodated by living near a bus stop.

So, actually, this housing really isn't intended for 1<sup>st</sup> responders, and it **will** displace teachers and medical professionals, *members of our community*, already housed in existing apartments now proposed for rezoning and ultimately destruction.

As for additional housing for low income residents, everyone agrees we need that. It was revealed at the 1<sup>st</sup> commission meeting about The Bluffs that local Capitola or County residents in need were not given priority at the Bluffs. Anyone with a voucher for state government subsidized housing can be given an apartment there, which I would assume would be the same for whatever low income apartments are designated for what would replace the Capitola Gardens.

The math doesn't make sense: destroy existing housing that will displace essential workers such as teachers and medical workers, then build high density housing that will just bring more people into Capitola without assisting those who are already here and in need.

Will the Capitola Police Department also triple in size to accommodate this increase in population demand? What about Central Fire? Will there be permit parking for residents only that will actually get enforced? These are serious public safety concerns and quality of life issues that need to be addressed before any rezoning can be approved.

Michelle Henderson

1730 46<sup>th</sup> Ave



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**additional materials through Thursday at noon**

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**From** Woodmansee, Chloe <cwoodmansee@ci.capitola.ca.us>

**Date** Thu 9/11/2025 12:05 PM

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

**Cc** Gautho, Julia <jGautho@ci.capitola.ca.us>

 5 attachments (358 KB)

Rezoning of 600 Park Ave; public hearing comments for Rosedale Ave & Capitola Ave; [PDF] Letter Re: City Council 9/11 Meeting Agenda Item 9a; Re: Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution; Re: Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution;

Hi Rosie,

Attached are additional materials for the 9/11 agenda packet

4 emails for Item 9.B – Zoning

1 email for Item 9.A – Mall (from Rafa Sonnenfeld)

**Warmly,**

**Chloé Woodmansee (she/her)**

Assistant to the City Manager - City of Capitola

831.475.7300 x220





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**public hearing comments for Rosedale Ave & Capitola Ave**

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**From** Nancy Dunn <back2dunn@gmail.com>  
**Date** Wed 9/10/2025 6:20 PM  
**To** City Council <citycouncil@ci.capitola.ca.us>

Good evening,

I am writing to express my concerns for changing the zoning at 850 Rosedale and 900, 910, 912 Ave.

I currently own on Hill Street and see the current congestion and parking issues on Hill Street. If Capitola Ave would be allowed to expand the units per acre of multi-family units where are all these additional cars going to park? How is the intersection at Hill and Bay going to handle the additional traffic....especially given the insane traffic modifications at this intersection. I understand the bridge will eventually be fixed but that will not account for the parking.

Will the developer be required to put a parking spot for each room in a unit like you do for a home being built or remodeled in Capitola?

Not to mention the additional construction traffic that will be added to this area which is already enduring more construction than usual.

As a homeowner who will be affected by the change in this zoning I would like the city Council to vote against the rezoning.

Thank you,  
Nancy



## Re: Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution

From Elisabeth Silverstein <elisabethsilverstein@gmail.com>

Date Wed 9/10/2025 4:53 PM

To City Council <citycouncil@ci.capitola.ca.us>

Nevermind found it apologies!

On Wed, Sep 10, 2025, 4:48 PM Elisabeth Silverstein <[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)> wrote:

Just confirming you received as I don't see this reflected on the Detailed Agenda for tomorrow.

Lizzy

On Tue, Sep 9, 2025, 8:59 PM Elisabeth Silverstein <[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)> wrote:

Dear City Council,

My name is Lizzy, and I am a homeowner at 113 Wesley St. My property is located directly behind the 600 Park Avenue parcel slated for rezoning to high-density residential (RM-H).

I am writing to you today with urgent concerns about the proposed development standards and to offer constructive solutions that I believe will lead to a better outcome for both the city and its current residents.

I understand that Capitola is working to meet state-mandated housing goals (RHNA), and I support the need for new housing in our community. However, I believe the current proposal for 600 Park Avenue, as outlined in the city's planning documents, is not the right way to achieve this goal. The plan fails to balance new development with the stability and quality of life of the adjacent single-family neighborhood. My primary concerns are as follows:

1. **Severe Impact from Insufficient Setbacks and Excessive Height:** The proposal to allow 36-foot-tall buildings just 10 feet from our property lines is untenable. This will create a shear wall, destroying our privacy with direct lines of sight into our homes and yards, blocking essential sunlight, and fundamentally altering the character of our neighborhood. As a first-time homeowner, my home represents my family's life savings, and this proposal directly threatens not only our quality of life, but our primary investment.
2. **Inadequate Environmental and Infrastructure Review:** I question whether the issued "Negative Declaration" under CEQA adequately assesses the true impact of such a drastic increase in density. Specifically, has the city conducted detailed studies on:
  - **Local Wildlife:** The impact on sensitive species in our area, including bald eagles.
  - **Infrastructure Capacity:** The ability of our local roads, parking, sewage, and water systems to handle this large-scale development. Who will bear the cost of the necessary upgrades?



- **Geological Stability:** The impact of major new construction so close to the coastal bluffs.

3. **Lack of Mandated Privacy Protections:** The current plan places the entire burden of lost privacy on existing homeowners. There are no provisions requiring the developer to mitigate these impacts, leaving us to personally fund solutions like mature trees or privacy fencing to shield our homes from a three to four-story apartment building.

### Proposed Solutions for a Better Project

I urge you to amend the development standards for the 600 Park Avenue site *before* final approval. A compromise is possible:

- **Solution 1: Implement Transitional Zoning Standards.** Introduce "step-backs" for the 600 Park Ave site to create a buffer between the high-density development and the existing single-family homes. This is a common and fair planning tool. I propose:
  - **Increased Setbacks:** Require a minimum setback of 25-30 feet for any structure adjacent to a single-family residential lot.
  - **Tiered Height Limits:** Limit building height to a maximum of 30 feet within 50 feet of our property lines, allowing the proposed 36-foot height only on portions of the parcel further away from our homes.
  - **Mandatory Privacy Buffers:** Make it a condition of approval that the developer must install and maintain a substantial landscape buffer, including mature trees and fencing, on their side of the property line to provide a visual screen.
- **Solution 2: Prioritize High-Density Development in More Suitable Locations.** While 600 Park Avenue can contribute to our housing stock, the city's most intensive density goals would be better met at the **Capitola Mall**. This underutilized commercial site has the space, parking, and infrastructure access to support a large number of new homes without the same negative impacts on an established residential neighborhood.

This approach would still allow for new housing at 600 Park Avenue while protecting the character of our community and the investments of your residents.

Thank you for your time and for your service to Capitola. I ask that you seriously consider these reasonable solutions to create a project that benefits everyone.

Sincerely,  
 Lizzy (Elisabeth) Toth  
 113 Wesley St, Capitola, CA, 95010  
[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)



## Re: Proposed Zoning Changes for 600 Park Avenue - A Call for a Balanced Solution

From Elisabeth Silverstein <elisabethsilverstein@gmail.com>

Date Wed 9/10/2025 4:49 PM

To City Council <citycouncil@ci.capitola.ca.us>

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I understand that Capitola is working to meet state-mandated housing goals (RHNA), and I support the need for new housing in our community. However, I believe the current proposal for 600 Park Avenue, as outlined in the city's planning documents, is not the right way to achieve this goal. The plan fails to balance new development with the stability and quality of life of the adjacent single-family neighborhood. My primary concerns are as follows:

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2. **Inadequate Environmental and Infrastructure Review:** I question whether the issued "Negative Declaration" under CEQA adequately assesses the true impact of such a drastic increase in density. Specifically, has the city conducted detailed studies on:
  - **Local Wildlife:** The impact on sensitive species in our area, including bald eagles.
  - **Infrastructure Capacity:** The ability of our local roads, parking, sewage, and water systems to handle this large-scale development. Who will bear the cost of the necessary upgrades?
  - **Geological Stability:** The impact of major new construction so close to the coastal bluffs.
3. **Lack of Mandated Privacy Protections:** The current plan places the entire burden of lost privacy on existing homeowners. There are no provisions requiring the developer to

mitigate these impacts, leaving us to personally fund solutions like mature trees or privacy fencing to shield our homes from a three to four-story apartment building.

Item 5 C.

### **Proposed Solutions for a Better Project**

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This approach would still allow for new housing at 600 Park Avenue while protecting the character of our community and the investments of your residents.

Thank you for your time and for your service to Capitola. I ask that you seriously consider these reasonable solutions to create a project that benefits everyone.

Sincerely,  
Lizzy (Elisabeth) Toth  
113 Wesley St, Capitola, CA, 95010  
[elisabethsilverstein@gmail.com](mailto:elisabethsilverstein@gmail.com)

# Capitola City Council

## Agenda Report

**Meeting:** August 28, 2025

**From:** City Manager Department

**Subject:** City Council Meeting Minutes



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Recommended Action: Approve minutes from the regular meeting on August 28, 2025.

Background: Attached for City Council review and approval are the draft minutes from the regular meeting on August 28<sup>th</sup>.

Attachments:

1. Regular Meeting 8/28/2025

Report Prepared By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

# City of Capitola

## City Council Meeting Minutes

### Thursday, August 28, 2025 – 4:00 PM



City Council Chambers  
420 Capitola Avenue, Capitola, CA 95010

**Mayor:** Joe Clarke  
**Vice Mayor:** Margaux Morgan  
**Council Members:** Gerry Jensen, Melinda Orbach, Susan Westman

#### Closed Session – 3 PM

- i. CONFERENCE WITH REAL PROPERTY NEGOTIATOR (Govt. Code § 54956.8)  
Property: A portion of the easterly terminus of Escalona Drive, spanning approximately 60 feet wide, bounded by 620 El Salto Drive (APN 036-143-31) to the west and bounded by 722 Escalona Drive (APN 036-141-28) to the east.  
City Negotiator: Jamie Goldstein, City Manager  
Under Negotiation: Price and Terms of Payment
- ii. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Initiation of litigation pursuant to Gov't Code § 54956.9(d)(4)  
Three Cases
- iii. CONFERENCE WITH LEGAL COUNSEL—LIABILITY CLAIMS (Gov. Code § 54956.95)  
1) Carlos R. Lopez  
Claim against the City of Capitola

#### Regular Meeting of the Capitola City Council – 4 PM

##### 1. Roll Call and Pledge of Allegiance

*The meeting was called to order at 4:00 PM. In attendance: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke.*

##### 2. Additions and Deletions to the Agenda – None

##### 3. Presentations – None

##### 4. Report on Closed Session – *The City Council met and discussed three items on the Closed Session agenda. The City Council authorized staff to join other public agencies in opioid settlement agreements with Purdue/Sackler and Alvogen, Amneal, Apotex, Hikma, Indivior, Mylan, Sun, and Zydus. No other reportable action was taken.*

##### 5. Additional Materials

- A. *Item 8D – One email received after publication of the agenda packet.*
- B. *Item 9A – Seventeen emails received after publication of the agenda packet & one staff memorandum with an updated ordinance.*
- C. *Item 9B – Staff memorandum with an updated attachment and one email received after publication of the agenda packet.*
- D. *Item 9C – Four emails received after publication of the agenda packet.*

- E. *Item 9D – One email received after publication of the agenda packet.*
- B. *Item 9E – Staff memorandum with updated attachments & two emails received after publication of the agenda packet.*
- C. *Item 9F – One email received after publication of the agenda packet.*

## 6. Oral Communications by Members of the Public

- *Debra Sheehan*
- *James Ewan Whitman*
- *Goran Klepic*
- *Linda Smith*
- *Tom Parker*
- *Allen Cable*
- *Suki Ramos, United Way*
- *Dan Haifley*
- *Dana Wagner*
- *Speaker*
- *Speaker*
- *Woodworm Party Store*

## 7. Staff / City Council Comments

- *Council Member Westman provided an update on her attendance at a recent Area Agency on Aging Advisory Council meeting; Council Member Westman requested that the Chamber of Commerce make a presentation to the Council; requested a special meeting on a Saturday to highlight projects and current events in the City.*
- *Vice Mayor Morgan seconded Council Member Westman's request for an agenda item and reminded the public to be patient with upcoming road closures and special events.*
- *Council Member Jensen provided an update on his attendance at a recent RTC meeting; discussed the Council ad-hoc committee's efforts to communicate questions/concerns to the RTC; discussed efforts to address concerns about street closures; thanked the Community Services and Recreation Department for their programming this summer; supported Council Member Westman's request for a Saturday Special Meeting; requested an update from staff on public comments submitted on the Depot Hill Path; and requested that the BIA non-profit group and Visit Santa Cruz also attend the Council presentation that Council Member Westman requested.*
- *City Manager Goldstein provided a brief update on the Depot Hill Path and confirmed that staff is working to complete emergency repairs.*
- *Council Member Orbach provided an update on her attendance at a recent METRO meeting.*
- *Mayor Clarke acknowledged a complaint received and requested an agenda item on September 11<sup>th</sup> to discuss the Bay Avenue/Hill Street intersection.*

## 8. Consent Items

- A. City Council Meeting Minutes  
Recommended Action: Approve minutes from the regular meeting on July 24, 2025.
- B. Liability Claim  
Recommended Action: Deny a liability claim from Carlos R. Lopez.
- C. California Highway Patrol Cannabis Tax Fund Grant

Recommended Action: Adopt a resolution accepting a California Highway Patrol Cannabis Tax Fund Grant in the amount of \$21,600 and amending the FY 2025-26 General Fund operating budget to increase revenues and expenditures by \$21,600. **(Resolution No. 4446)**

D. ADA Self-Evaluation and Transition Plan

Recommended Action: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025. **(Pulled from the Consent Calendar by Council Member Jensen)**

E. Coastal Development Permit Decision Appeal

Recommended Action: Set October 9, 2025, at 6:00 PM as the hearing date and time for the appeal of the Planning Commission's decision to approve Application # 25-0056.

F. Afterschool Scholarship & Equity Swim Donation

Recommended Action: Accept a donation of \$20,000 for Afterschool Rec Club scholarships and \$16,000 for the Equity Swim Program from the Soquel Union Elementary School District and authorize the City Manager, or his designee, to sign the Memorandum of Understanding.

G. Seven-Year Extension of Library Financing Authority Joint Powers Agreement

Recommended Action: Approve the fifth Amendment to the Joint Exercise of Powers Agreement establishing the Santa Cruz County Library Financing Authority, and authorize the City Manager to sign the amendment.

H. Bandstand Weathervane Public Art Project

Recommended Action: Approve the Art & Cultural Commission's recommendation to allocate \$10,000 from the Public Art Fund for the Bandstand Weathervane Project, with \$5,000 for an engineer to develop technical specifications and \$5,000 for an artist contract.

I. Establishment of Santa Cruz Mountains Wine Improvement District

Recommended Action: Adopt a resolution granting consent to the County of Santa Cruz to establish the Santa Cruz Mountains Wine Improvement District (SCMWID) and include the City of Capitola in the SCMWID. **(Resolution No. 4447)**

J. Community Center Patio Improvements Contract Award

Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of \$1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution. **(Pulled from the Consent Calendar by Council Member Jensen)**

K. Managed IT Services Contract Amendment

Recommended Action: Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Exceedio for managed information technology services in the amount of \$62,450, for a total annual contract value of \$147,000 for three years.

L. Coastal Rail Trail Segments 10 & 11

Recommended Action: No action is requested at this time.

**Council Member Jensen pulled Items 8D and 8J for discussion and requested clarification about Item 8I.**

**Motion to approve Consent Items 8A – 8C, 8E-8I, 8K-8L: Council Member Westman**

**Second: Council Member Jensen**

**Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke**

## 9. General Government / Public Hearings

- A. First Reading of an Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters  
Recommended Action: Introduce for first reading, by title only, waiving further reading of the text, an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of cigarettes and cigars with filters (i.e., “partially inconsumable” tobacco products).

***Public Works Director Kahn presented the staff report.***

**Public Comment:**

- ***James Whitman***
- ***Kirk Dechico***
- ***Neal Savage***
- ***Tyler Fox***
- ***Shelly Dang***
- ***Felix Blanco***
- ***Dan***
- ***Jimmy***
- ***Christian Shaw***
- ***Dan Haifley***
- ***Laurie Egan***
- ***Jaime Rojas***
- ***Elizabeth Graham***
- ***Alessandra Minasco***
- ***Mark Burress***
- ***Jack Ward***
- ***Florees***
- ***Tracey Weiss***
- ***Trish Panella***
- ***George Linard***
- ***Sean Burns***
- ***Taylor Lane***
- ***Katie Thompson***
- ***Tessa Sanders***
- ***Sam Ruple***
- ***Speaker***
- ***Steven Duclaw***
- ***Tara Leonard***
- ***Delores***
- ***Amber Jones***
- ***Speaker***
- ***Randy Wong***
- ***Ted Burke***

***The Council thanked the public for their comments***

***Motion to introduce Ordinance No. 1068 as amended by staff: Vice Mayor Morgan***

***Second: Council Member Orbach***

***Motion amended to include no enforcement before July 2027: Council Member Westman***

***Amendment Accepted: Council Member Orbach***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***



***The Council took a recess at 6:06 PM and reconvened at 6:21 PM.***

- B. Capitola Village and Wharf Business Improvement Area Assessments for FY 2025-26  
Recommended Action: 1) Conduct the duly noticed public hearing; 2) Adopt a resolution levying the Fiscal Year 2025-26 Capitola Village and Wharf Business Improvement Area (CVWBIA) Assessments and accepting the CVWBIA Annual Plan and budget; and 3) Authorize the City Manager to execute a contract with the CVWBIA nonprofit in an amount not to exceed \$90,000.

***Finance Director Malberg presented the staff report.***

**Public Comment:**

- ***Anthony Guajardo***
- ***Carin Hanna***

***Motion to adopt Resolution No. 4448 and authorize the City Manager to execute a contract with the CVWBIA nonprofit, subject to approval by the City Attorney: Council Member Westman***

***Second: Council Member Jensen***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***

- C. Capitola Mall Update and Amendment to Agreement with Ben Noble Planning  
Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's zoning; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and 4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation.

***Economic and Community Development Director Herlihy presented the staff report.***

**Public Comment:**

- ***Linda Smith***
- ***Janine Roeth***
- ***Speaker***

***The City Council discussed engaging with property owners on the Capitola Mall site and requesting a project proposal.***

***Motion to continue this item to September 11, 2025; form a Council subcommittee composed of two Council Members to engage with property owners at the Capitola Mall; and return to provide an update to the Council on September 11<sup>th</sup>: Council Member Westman***

***Second: Council Member Orbach***

***Motion amended to appoint Council Members Orbach and Westman to the subcommittee: Mayor Clarke***

***Amendment Accepted: Council Member Westman***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***

- D. Sustainable Transportation Planning Grant for the Capitola Active Transportation Plan  
Recommended Action: 1) Adopt a resolution authorizing the City Manager to enter into a grant agreement with the California Department of Transportation (Caltrans) for the Capitola Active Transportation Plan; 2) Authorize the City Manager to execute a professional services

agreement with Ecology Action, the City's co-applicant for the project, in the amount of \$305,000; and, 3) Adopt a resolution amending the FY 2025-26 budget to accept the grant revenue and appropriate funds for the project.

***Public Works Director Kahn presented the staff report.***

**Public Comment:**

- ***Linda Smith***
- ***Speaker***

***The Council discussed how this project aligns with staff's workload and the City's greater transportation planning efforts.***

***Motion to adopt Resolution No. 4449, authorize the City Manager to execute the agreement, and adopt Resolution No. 4450: Council Member Orbach***

***Second: Council Member Morgan***

***Voting Yea: Council Members Orbach, Vice Mayor Morgan, and Mayor Clarke***

***Voting Nay: Council Members Jensen, Westman***

**E. Cliff Drive Resiliency Project and Local Coastal Program Update**

***Recommended Action:*** Receive an update on the Cliff Drive Resiliency Project and the associated Local Coastal Program (LCP) amendments and provide direction to staff as needed.

***Public Works Director Kahn presented the staff report.***

**Public Comment:**

- ***Speaker***
- ***Linda Smith***

***The Council discussed how the City has partnered with property owners in the vicinity of this project and expressed appreciation for the bike lanes. The Council expressed an interest in reviewing the long-term plans for the phased approach to this project.***

***The City Council took a recess from 8:16 to 8:18 PM.***

**F. Park at Rispin Mansion Project Update**

***Recommended Action:*** Provide direction to staff regarding the materials and design for the additional hardscaping approved in May 2025 and the approach to landscaping in areas of the Park at Rispin Mansion outside the current construction scope.

***Public Works Director Kahn presented the staff report.***

**Public Comment:**

- ***Gayle Ortiz***
- ***Speaker***

***Council expressed a preference for using historic pavers to complete the hardscaping; developing future opportunities for a donation-based paver program; expressed an interest in developing a partnership with private group(s) to support ongoing maintenance of the landscaping.***

***The Council provided direction to staff to proceed with a community paver program for dedication; use the existing historic bricks for the landing at the Park; requested staff reach out to community groups who have expressed interest and develop an RFP to develop/outline a community venture with fundraising opportunities.***

G. Amend Fiscal Year 2025-26 City Fee Schedule

Recommended Action: Adopt a resolution amending the fee schedule for Fiscal Year (FY) 2025-26.

***Finance Director Malberg presented the staff report.***

**Public Comment: None**

***Motion to adopt Resolution No. 4451: Vice Mayor Morgan***

***Second: Council Member Orbach***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***

## **8. Consent Items – Pulled for Discussion**

D. ADA Self-Evaluation and Transition Plan

Recommended Action: Adopt the City of Capitola's ADA Self-Evaluation and Transition Plan, dated January 6, 2025. ***(Pulled from the Consent Calendar by Council Member Jensen)***

***Public Works Director Kahn provided a staff report.***

**Public Comment: None**

***Motion to adopt the City's ADA Self-Evaluation and Transition Plan, dated January 6, 2025: Council Member Westman***

***Second: Council Member Orbach***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***

J. Community Center Patio Improvements Contract Award

Recommended Action: 1) Authorize the City Manager to execute the construction contract for the Community Center Patio Improvements Project with SSB Contracting, Inc. in the amount of \$1,055,000; and 2) Authorize the Public Works Department to issue notices to proceed upon final contract execution. ***(Pulled from the Consent Calendar by Council Member Jensen)***

***Public Works Director Kahn provided a staff report.***

**Public Comment: None**

***Motion to authorize the City Manager to execute the construction contract with SSB Contracting, Inc. and authorize the Public Works Department to issue a notice to proceed: Council Member Orbach***

***Second: Vice Mayor Morgan***

***Voting Yea: Council Members Jensen, Orbach, Westman, Vice Mayor Morgan, and Mayor Clarke***

## **10. Adjournment** - The meeting adjourned at 9:05 PM. The next regularly scheduled City Council meeting is on September 11, 2025, at 6:00 PM.

**ATTEST:**

\_\_\_\_\_  
Joe Clarke, Mayor

\_\_\_\_\_  
Julia Gautho, City Clerk



# Capitola City Council

## Agenda Report

**Meeting:** September 11, 2025

**From:** City Manager Department

**Subject:** Ordinance Prohibiting the Sale of Cigarettes and Cigars with Filters



**Recommended Action:** Adopt an ordinance amending Capitola Municipal Code Section 5.38.030 to prohibit the sale of partially inconsumable tobacco products.

**Background:** In October 2024, the County of Santa Cruz adopted Ordinance No. 5461, prohibiting the sale of filtered tobacco products in unincorporated areas. The ordinance will not be enforced until at least two incorporated cities in the County adopt similar legislation, or until January 1, 2027, whichever comes later.

In Capitola, the Commission on the Environment (COE) reviewed a draft policy and received a presentation from County Health Services staff in March 2025. The Commission unanimously recommended the City adopt an ordinance in alignment with the County's. On April 10, 2025, the City Council held a public meeting to review the policy recommendation and directed staff to return with an ordinance for formal consideration.

On August 28, 2025, the City Council unanimously approved the introduction of the ordinance, with the revision that enforcement would not take place before July 2027.

**Discussion:** The ordinance (Attachment 1) prohibits the sale of any tobacco product that includes a component that is not intended to be consumed—specifically filters embedded within cigarettes or cigars. The sale of cigarettes and cigars with filters contributes significantly to plastic and chemical pollution on beaches and in the ocean, as filters are non-biodegradable and often disposed of improperly. The proposed ordinance (Attachment 1) is modeled after the County ordinance. It is intended to reduce tobacco product waste, particularly single-use plastic filters, which are the most commonly littered item on California beaches.

To support enforcement of the ordinance, the Capitola Police Department applied for a grant opportunity with the California Department of Justice's Tobacco Grant Program. As a part of the grant application, the Police Department proposed an enforcement and education program to include three Retail Inspection Operations, three Retail Re-Inspection Operations, three Minor Decoy Operations, three Shoulder Tap Operations, and two Retail Education mailers per year. All data from these operations will be tracked, compiled, and compared to ensure grant objectives are completed.

**Fiscal Impact:** Minimal fiscal impact is anticipated. Staff time will be required to conduct additional outreach and to support enforcement once the ordinance takes effect. The ordinance may result in a small reduction in sales tax revenue from tobacco sales; however, similar policies enacted for flavored tobacco products did not lead to substantial revenue changes.

### Attachments:

1. Ordinance

**Report Prepared By:** Rosie Wyatt, Deputy City Clerk

**Reviewed By:** Julia Gautho, City Clerk

**Approved By:** Jamie Goldstein, City Manager

## ORDINANCE NO. 1068

### AN ORDINANCE OF THE CITY OF CAPITOLA AMENDING SECTION 5.38.030 OF CAPITOLA MUNICIPAL CODE TO PROHIBIT THE SALE OF PARTIALLY INCONSUMABLE CIGARETTES AND CIGARS

WHEREAS, cigarette and cigar filters are made of non-biodegradable materials, primarily cellulose acetate, which break down into microplastics and leach toxic chemicals into the environment;

WHEREAS, these materials are consistently among the most collected litter items on California's beaches, including those in the City of Capitola;

WHEREAS, filtered tobacco products serve no health purpose and instead increase harm by encouraging deeper inhalation and promoting environmental pollution;

WHEREAS, Santa Cruz County adopted Ordinance No. 5461 prohibiting the sale of partially inconsumable cigarettes and cigars, and enforcement is contingent upon adoption of similar ordinances by at least two incorporated cities within the county or January 1, 2027, whichever is later;

WHEREAS, the City of Santa Cruz adopted a substantially similar ordinance on June 24, 2025;

WHEREAS, the City Council finds that adopting this ordinance is in the interest of public health, environmental protection, and regional consistency;

### NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF CAPITOLA DOES ORDAIN AS FOLLOWS:

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

**Section 2.** Section 5.38.030 of Chapter 5.38 of the Capitola Municipal Code is hereby amended to add a new subsection D, to read as follows:

D. No tobacco retailer or any of the tobacco retailer's agents or employees shall sell or offer for sale, or possess with intent to sell or offer for sale, any partially inconsumable cigarette or cigar.

1. "Partially inconsumable cigarette or cigar" means any cigarette or cigar that contains, or is intended to be used with, a component not intended to be consumed, including but not limited to embedded filters, whether made of plastic, cellulose acetate, other fibrous plastic material, or any other inorganic, organic, or biodegradable material.
2. This subsection shall become enforceable on July 1, 2027.
3. Violations of this subsection shall be subject to penalties, suspension, or revocation as provided in Sections 5.38.090 through 5.38.130.

**Section 3.** Environmental Review.

The City Council finds that this ordinance is categorically exempt from environmental review under the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section

15061(b)(3), because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

**Section 4.** Effective Date.

This Ordinance shall be in full force and effect thirty (30) days from its passage and adoption.

**Section 5.** Enforcement Date.

The City of Capitola will refrain from enforcing this Ordinance until July 1, 2027.

**Section 6.** Severability.

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

**Section 7.** Certification.

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

This Ordinance was introduced at the meeting of the City Council on the 28<sup>th</sup> day of August, 2025, and was adopted at a regular meeting of the City Council on the 11<sup>th</sup> day of September, 2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

Approved as to form:

\_\_\_\_\_  
Samantha W. Zutler, City Attorney

# Capitola City Council

## Agenda Report

**Meeting:** September 11, 2025

**From:** Police Department

**Subject:** Emergency Operations Plan Update



**Recommended Action:** Adopt a resolution amending the FY 2025-26 Budget to reallocate \$45,000 from the Police Department's Radio Infrastructure Project to fund the update of the City's Emergency Operational Plan (EOP); and authorize the City Manager to execute a professional services agreement, in a form approved by the City Attorney, with Franklin Frawley Think Tank, LLC in an amount not-to-exceed \$45,000 to complete the update of the EOP.

**Background:** The adopted Fiscal Year 2025-26 budget included an allocation of \$45,000 for upgrades to regional public safety radio infrastructure. Half of the funding was included in the Police Department's general fund budget and half in the Supplemental Law Enforcement Services Fund (SLESF) restricted fund budget. Following adoption of the FY 2025-26 Budget, the timeline for implementation of the regional radio project was pushed back and therefore does not require funding this fiscal year.

Concurrently, a review of the City's Emergency Operational Plan revealed that significant updates are required to ensure compliance with current state and federal guidelines, including the National Incident Management System (NIMS) and the Standardized Emergency Management System (SEMS). A modernized EOP is essential for improving inter-agency coordination, enhancing public safety readiness, and ensuring effective disaster response and recovery.

**Discussion:** The reallocation of funds will allow the City to contract with Jim Frawley, a retired Santa Cruz City Fire Chief and a part of Franklin Frawley Think Tank, LLC (FFTT) who recently updated the County's EOP and is the project manager for the Countywide Radio Project. FFTT is an emergency and crisis management planning firm that will:

- Perform a comprehensive review and gap analysis of the existing EOP;
- Integrate recent legislative updates and best practices;
- Enhance operational checklists, hazard assessments, and training components; and
- Conduct staff workshops and emergency exercises aligned with the new EOP.

Based on FFTT's specialized experience, unique qualifications, and direct involvement with the Santa Cruz County EOP, no other vendor can provide the same level of efficiency, accuracy, and continuity in rewriting Capitola's Emergency Operations Plan. Therefore, staff recommends approving this professional services agreement as a sole source procurement.

**Fiscal Impact:** There are no identified increases in expenditures. This action reallocates \$45,000 within the existing budget, transferring funds from the Police Radio Infrastructure Project to the Emergency Operational Plan Update. The proposed agreement with Franklin Frawley Think Tank, LLC in an amount not-to-exceed \$45,000 creates no additional expenditures for the Police Department's Budget.

### Attachments:

1. Resolution
2. Professional Services Agreement
3. Scope of Work

**Report Prepared By:** Sarah A. Ryan, Chief of Police

**Reviewed By:** Julia Gautho, City Clerk, Jim Malberg, Finance Director



Approved By: Jamie Goldstein, City Manager

*Report edited on September 9<sup>th</sup> to correct the meeting date.*

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT  
PROGRAM BUDGET**

**WHEREAS**, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

**WHEREAS**, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025, through June 30, 2026; and

**WHEREAS**, it is a goal of the City Council and adopted City Strategic Plan to update the current Emergency Operations Plan; and

**WHEREAS**, the adopted FY 2025-26 Budget included \$45,000 for improvements to County-wide emergency radio infrastructure, which is now not anticipated to start incurring costs until FY 2026-27; and

**WHEREAS**, it is necessary to amend the FY 2025-26 Budget to reallocate \$45,000 from the County-wide radio project to the Emergency Operations Plan Update Project; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

**BE IT FURTHER RESOLVED** that the Administrative Services Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 11<sup>th</sup> day of September 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_  
Julia Gautho, City Clerk



## Budget Adjustment Request

**Date**

08/01/2025

**Requesting Department \***

Police

**Type of Adjustment**
☐ Administrative

☒ Council

**Item #**
**Council Date**

8/28/25

**Council Approval**

### Revenues

Account Number	Account Description	Increase/Decrease

**Total Revenues**

\$0.00

### Expenditures

Account Number	Account Description	Increase/Decrease
1000-20-20-000-4305.900	Contracts - general	\$22,500.00
1000-20-20-000-4375.550	Property & Equipment Repair	-\$22,500.00
1300-00-00-000-4305.900	Contracts - general	\$22,500.00
1300-00-00-000-4650.400	Capital Outlay - mach. & equip	-\$22,500.00

**Total Expenditures**

\$0.00

**Net Impact**

\$0.00

**Purpose**

To provide funding for the City's Emergency Operational Plan.

Department Head Approval

*Sarah Ryan*

Finance Director Approval

*Jim Malberg*

City Manager Approval

*Jamie Goldstein*

## Action History (all history times shown in Pacific Standard Time)

Submit	by Jim Malberg 8/1/2025 3:13:23 pm (Budget Amendment Request Submitted)
Approve	by Sarah Ryan 8/6/2025 5:09:46 pm (Routed to PD) <ul style="list-style-type: none"><li>• Sarah Ryan assigned the task to Sarah Ryan 8/6/2025 5:09:29 pm</li><li>• The task was assigned to Leo Moreno, Mike Kilroy &amp; Sarah Ryan 8/1/2025 3:13:23 pm</li></ul>
Approve (send to CM for approval)	by Jim Malberg 8/7/2025 7:48:41 am (Routed to Finance Director) <ul style="list-style-type: none"><li>• The task was assigned to Jim Malberg 8/6/2025 5:09:46 pm</li></ul>
Approve (return to Finance for processing)	by Jamie Goldstein 8/7/2025 5:23:53 pm (Routed to CM for final approval) <ul style="list-style-type: none"><li>• The task was assigned to Jamie Goldstein 8/7/2025 7:48:41 am</li></ul>

**CITY OF CAPITOLA  
PROFESSIONAL SERVICES AGREEMENT**  
Update of the City's Emergency Operational Plan  
Franklin Frawley Think Tank, LLC

THIS AGREEMENT is entered into on September 11, 2025, by and between the City of Capitola, a Municipal Corporation, hereinafter called "City" and Franklin Frawley Think Tank, LLC, hereinafter called "Consultant".

WHEREAS, City desires certain services described in Appendix One and Consultant is capable of providing and desires to provide these services;

NOW, THEREFORE, City and Consultant for the consideration and upon the terms and conditions hereinafter specified agree as follows:

**SECTION 1  
Scope of Services**

The services to be performed under this Agreement are for the update of the City's Emergency Operational Plan and further detailed in Appendix One.

**SECTION 2  
Duties of Consultant**

All work performed by Consultant, or under its direction, shall be sufficient to satisfy the City's objectives for entering into this Agreement and shall be rendered in accordance with the generally accepted practices, and to the standards of, Consultant's profession.

Consultant shall not undertake any work beyond the scope of work set forth in Appendix One unless such additional work is approved in advance and in writing by City. The cost of such additional work shall be reimbursed to Consultant by City on the same basis as provided for in Section 4.

If, in the prosecution of the work, it is necessary to conduct field operations, security and safety of the job site will be the Consultant's responsibility excluding, nevertheless, the security and safety of any facility of City within the job site which is not under the Consultant's control.

Consultant shall meet with Sarah Ryan, Chief of Police, called "Director," or other City personnel, or third parties as necessary, on all matters connected with carrying out of Consultant's services described in Appendix One. Such meetings shall be held at the request of either party hereto. Review and City approval of completed work shall be obtained monthly, or at such intervals as may be mutually agreed upon, during the course of this work.

**SECTION 3  
Duties of the City**

City shall make available to Consultant all data and information in the City's possession which City deems necessary to the preparation and execution of the work, and City shall actively aid and assist Consultant in obtaining such information from other agencies and individuals as necessary.

The Director may authorize a staff person to serve as his or her representative for conferring with Consultant relative to Consultant's services. The work in progress hereunder shall be reviewed from time to time by City at the discretion of City or upon the request of Consultant. If the work is satisfactory, it will be approved. If the work is not satisfactory, City will inform Consultant of the changes or revisions necessary to secure approval.

**SECTION 4**

## **Fees and Payment**

Payment for the Consultant's services shall be made upon a schedule and within the limit, or limits shown, upon Appendix Two. Such payment shall be considered the full compensation for all personnel, materials, supplies, and equipment used by Consultant in carrying out the work. If Consultant is compensated on an hourly basis, Consultant shall track the number of hours Consultant, and each of Consultant's employees, has worked under this Agreement during each fiscal year (July 1 through June 30) and Consultant shall immediately notify City if the number of hours worked during any fiscal year by any of Consultant's employees reaches 900 hours. In addition each invoice submitted by Consultant to City shall specify the number of hours to date Consultant, and each of Consultant's employees, has worked under this Agreement during the current fiscal year.

## **SECTION 5 Changes in Work**

City may order major changes in scope or character of the work, either decreasing or increasing the scope of Consultant's services. No changes in the Scope of Work as described in Appendix One shall be made without the City's written approval. Any change requiring compensation in excess of the sum specified in Appendix Two shall be approved in advance in writing by the City.

## **SECTION 6 Time of Beginning and Schedule for Completion**

This Agreement will become effective when signed by both parties and will terminate on the earlier of:

- The date Consultant completes the services required by this Agreement, as agreed by the City; or
- The date either party terminates the Agreement as provided below.

Work shall begin on or about September 15, 2025.

In the event that major changes are ordered or Consultant is delayed in performance of its services by circumstances beyond its control, the City will grant Consultant a reasonable adjustment in the schedule for completion provided that to do so would not frustrate the City's objective for entering into this Agreement. Consultant must submit all claims for adjustments to City within thirty calendar days of the time of occurrence of circumstances necessitating the adjustment.

## **SECTION 7 Termination**

City shall have the right to terminate this Agreement at any time upon giving ten days written notice to Consultant. Consultant may terminate this Agreement upon written notice to City should the City fail to fulfill its duties as set forth in this Agreement. In the event of termination, City shall pay the Consultant for all services performed and accepted under this Agreement up to the date of termination.

## SECTION 8 Insurance

Consultant shall procure and maintain for the duration of the contract and for \_\_\_\_ years thereafter, insurance against claims for injuries to persons or damages to property which may arise from or in connection with the performance of the work hereunder by the Consultant, his agents, representatives, or employees.

### ***Minimum Scope of Insurance***

Coverage shall be at least as broad as:

1. Insurance Services Office Commercial General Liability coverage (Occurrence Form CG 0001).
2. Insurance Services office Form Number CA 0001 covering Automobile Liability, Code 1 (any auto).
3. Workers' Compensation insurance as required by the State of California, and Employer's Liability Insurance.
4. Professional (Errors and Omissions) Liability insurance appropriate to the consultant's profession. Architects' and engineers' coverage shall include contractual liability.

### ***Minimum Limits of Insurance***

Consultant shall maintain limits no less than:

- |  |   |
|--|---|
| 1. General Liability:<br>(including operations,<br>products and completed<br>operations) | <b>\$1,000,000</b> per occurrence and <b>\$2,000,000</b> in<br>aggregate (including operations, for bodily injury,<br>personal and property damage. |
| 2. Automobile Liability:   | <b>\$1,000,000</b> per accident for bodily injury and<br>property damage.   |
| 3. Employer's Liability Insurance  | <b>\$1,000,000 per accident for bodily injury and<br/>property damage.</b>  |
| 4. Errors and Omissions<br>Liability:<br>Limits  | <b>\$1,000,000</b> per claim and <b>\$2,000,000</b> in the<br>aggregate.  |



### ***Other Insurance Provisions***

The commercial general liability and automobile liability policies are to contain, or be endorsed to contain, the following provisions:

1. The City of Capitola, its officers, officials, employees and volunteers are to be covered as additional insured's as respects: liability arising out of work or operations performed by or on behalf of the Consultant or automobiles owned, leased, hired or borrowed by the Consultant.
2. For any claims related to this project, the Consultant's insurance coverage shall be primary insurance as respects the City, its officers, officials, employees and volunteers. Any insurance or self-insurance maintained by the City, its officers, officials, employees or volunteers shall be excess of the Consultant's insurance and shall not contribute with it.
3. Each insurance policy required by this clause shall be endorsed to state that coverage shall not be canceled except after prior written notice has been given to the City.

### ***Acceptability of Insurers***

Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A:VII, unless otherwise acceptable to the City.

### ***Waiver of Subrogation***

Contractor hereby agrees to waive rights of subrogation which any insurer of Contractor may acquire from Contractor by virtue of the payment of any loss. Contractor agrees to obtain any endorsement that may be necessary to affect this waiver of subrogation. **The Workers' Compensation policy shall be endorsed with a waiver of subrogation in favor of the City of Capitola** for all work performed by the Contractor, its employees, agents and subcontractors.

### ***Verification of Coverage***

Consultant shall furnish the City with original certificates and amendatory endorsements affecting coverage by this clause. The endorsements should be on forms provided by the City or on other than the City's forms provided those endorsements conform to City requirements. All certificates and endorsements are to be received and approved by the City before work commences. The City reserves the right to require complete, certified copies of all required insurance policies, including endorsements affecting the coverage required by these specifications at any time.

## **SECTION 9 Indemnification**

For General Services: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, employees from and against any and all claims, demands, actions, liabilities, damages, judgments, or expenses (including attorneys' fees and costs) arising from the acts or omissions of Consultant's employees or agents in any way related to the obligations or in the performance of services under this Agreement, except for design professional services as defined in Civil Code § 2782.8, and except where caused by the sole or active negligence, or willful misconduct of the City.

For Design Professional Services under Civil Code §2782.8: To the fullest extent permitted by law, Consultant agrees to indemnify, defend, and hold harmless the City, its directors, officers, and employees

from and against any and all claims, demands, actions, liabilities, damages, or expenses (including attorneys' fees and costs) arising from the negligence, recklessness, or willful misconduct of the Consultant, Consultant's employees, or agents in any way related to the obligations or in the performance of design professional services under this Agreement as defined in Civil Code §2782.8, except where caused by the sole or active negligence, or willful misconduct of the City. The costs to defend charged to the Consultant relating to design professional services shall not exceed the Consultant's proportionate percentage of fault per Civil Code §2782.8 and against all claims, damages, losses, and expenses including attorney fees arising out of the performance of the work described herein, caused in whole or in part by any negligent act or omission of the Consultant, Consultant's employees, agents or subcontractors, except where caused by the active negligence, sole negligence, or willful misconduct of the City.

#### SECTION 10 **Civil Rights Compliance/Equal Opportunity Assurance**

Every supplier of materials and services and all consultants doing business with the City of Capitola shall be in compliance with the applicable provisions of the Americans with Disabilities Act of 1990, and shall be an equal opportunity employer as defined by Title VII of the Civil Rights Act of 1964 and including the California Fair Employment and Housing Act of 1980. As such, consultant shall not discriminate against any person on the basis of race, religious creed, color, national origin, ancestry, disability, medical condition, marital status, age or sex with respect to hiring, application for employment, tenure or terms and conditions of employment. Consultant agrees to abide by all of the foregoing statutes and regulations.

#### SECTION 11 **Legal Action/Attorneys' Fees**

If any action at law or in equity is brought to enforce or interpret the provisions of this Agreement, the prevailing party shall be entitled to reasonable attorney's fees in addition to any other relief to which he or she may be entitled. The laws of the State of California shall govern all matters relating to the validity, interpretation, and effect of this Agreement and any authorized or alleged changes, the performance of any of its terms, as well as the rights and obligations of Consultant and the City.

#### SECTION 12 **Assignment**

This Agreement shall not be assigned without first obtaining the express written consent of the Director after approval of the City Council.

#### SECTION 13 **Amendments**

This Agreement may not be amended in any respect except by way of a written instrument which expressly references and identifies this particular Agreement, which expressly states that its purpose is to amend this particular Agreement, and which is duly executed by the City and Consultant. Consultant acknowledges that no such amendment shall be effective until approved and authorized by the City Council, or an officer of the City when the City Council may from time to time empower an officer of the City to approve and authorize such amendments. No representative of the City is authorized to obligate the City to pay the cost or value of services beyond the scope of services set forth in Appendix Two. Such authority is retained solely by the City Council. Unless expressly authorized by the City Council, Consultant's compensation shall be limited to that set forth in Appendix Two.

## SECTION 14 Miscellaneous Provisions

1. *Project Manager.* Director reserves the right to approve the project manager assigned by Consultant to said work. No change in assignment may occur without prior written approval of the City.
2. *Consultant Service.* Consultant is employed to render professional services only and any payments made to Consultant are compensation solely for such professional services.
3. *Licensure.* Consultant warrants that he or she has complied with any and all applicable governmental licensing requirements.
4. *Other Agreements.* This Agreement supersedes any and all other agreements, either oral or in writing, between the parties hereto with respect to the subject matter, and no other agreement, statement or promise related to the subject matter of this Agreement which is not contained in this Agreement shall be valid or binding.
5. *City Property.* Upon payment for the work performed, or portion thereof, all drawings, specifications, records, or other documents generated by Consultant pursuant to this Agreement are, and shall remain, the property of the City whether the project for which they are made is executed or not. The Consultant shall be permitted to retain copies, including reproducible copies, of drawings and specifications for information and reference in connection with the City's use and/or occupancy of the project. The drawings, specifications, records, documents, and Consultant's other work product shall not be used by the Consultant on other projects, except by agreement in writing and with appropriate compensation to the City.
6. *Consultant's Records.* Consultant shall maintain accurate accounting records and other written documentation pertaining to the costs incurred for this project. Such records and documentation shall be kept available at Consultant's office during the period of this Agreement, and after the term of this Agreement for a period of three years from the date of the final City payment for Consultant's services.
7. *Independent Contractor.* In the performance of its work, it is expressly understood that Consultant, including Consultant's agents, servants, employees, and subcontractors, is an independent contractor solely responsible for its acts and omissions, and Consultant shall not be considered an employee of the City for any purpose.
8. *Conflicts of Interest.* Consultant stipulates that corporately or individually, its firm, its employees and subcontractors have no financial interest in either the success or failure of any project which is, or may be, dependent on the results of the Consultant's work product prepared pursuant to this Agreement.
9. *Notices.* All notices herein provided to be given, or which may be given by either party to the other, shall be deemed to have been fully given and fully received when made in writing and deposited in the United States mail, certified and postage prepaid, and addressed to the respective parties as follows:

CITY  
CITY OF CAPITOLA  
420 Capitola Avenue  
Capitola, CA 95010  
831-475-7300

CONSULTANT  
Name  
Address  
Phone

By: \_\_\_\_\_  
Benjamin Goldstein, City Manager

By: \_\_\_\_\_  
Jim Frawley, Franklin Frawley Think  
Tank LLC

Dated: \_\_\_\_\_

Dated: \_\_\_\_\_

Approved as to Form:

\_\_\_\_\_  
Samantha Zutler, City Attorney

**APPENDIX ONE**  
**Scope of Services**



# **City of Capitola**

Emergency Operations Plan (EOP)

Modernization and Implementation Strategy

with Statement of Work (SOW)

Submitted by:

Jim Frawley, President/CEO  
4768 Soquel Drive, Suite 281  
Soquel, CA 95073  
831-277-2761  
[jim@franklinfrawley.com](mailto:jim@franklinfrawley.com)

## **Executive Summary**

The City of Capitola's current Emergency Operations Plan (EOP) requires comprehensive modernization to align with contemporary federal and state regulatory standards and emergency management best practices. Initial analysis reveals significant opportunities for enhancement while building upon existing foundational strengths.

The current EOP, organized as a summary or outline format with basic sections and minimal supporting documentation, requires a significant rewrite into a professional emergency management framework organized following CPG 101 structure. This modernization effort will produce detailed hazard-specific annexes, an in-depth demographic vulnerability analysis, and will facilitate the production of a variety of critical supporting documents currently identified as missing from the existing plan.

The modernization effort will transform Capitola's emergency management framework from a basic compliance document into a professional-grade emergency operations plan that serves as a model for contemporary emergency management practices. This transformation will ensure full regulatory compliance, enhance operational capabilities, and position the city to better serve the community's diverse needs during emergencies and disasters.

## **Comprehensive Work Products and Deliverables**

### **Base Plan Transformation Specifications**

**Current State:** Summary and outline format document with basic compliance elements.

**Target State:** Comprehensive emergency operations plan following CPG 101 structure.

The base plan rewrite will include:

- **Section I: Purpose, Scope, Situation, and Assumptions**, incorporating comprehensive demographic analysis, detailed hazard assessment, and systematic planning assumptions
- **Section II: Concept of Operations**, providing detailed operational frameworks for all emergency management phases
- **Section III: Organization and Assignment of Responsibilities**, including detailed department role matrices aligned with California Emergency Functions and Federal Emergency Support Functions

- **Sections IV-X:** Direction and control, mutual aid, communications, administrative practices, plan maintenance, authorities, and terminology

### **Development of Priority Hazard-Specific Annexes and EOP Manual**

Development of key annexes that establish operational procedures, clearly define roles and responsibilities, and provide functional guidance to enhance coordination.

- 1) **Earthquake Annex:** Seismic risk assessment incorporating regional fault systems; detailed response procedures for significant seismic events; building inventory analysis; infrastructure impact assessment; coordinated response with USGS ShakeAlert system; and integration with regional earthquake response plans.
- 2) **Tsunami Annex:** Coastal hazard assessment incorporating potential regional tsunami sources and inundation modeling; general evacuation procedures for near-field and far-field tsunami events; vulnerable population and critical facility inventory; coastal infrastructure and lifeline impact assessment; response and post-event search and rescue operations; and integration with regional tsunami response plans.
- 3) **Severe Weather Annex:** Multi-hazard approach covering flooding, extreme heat/cold events, severe storms; climate change adaptation strategies; infrastructure protection protocols; coordination with National Weather Service warning systems; and vulnerable population protection strategies for weather-related emergencies.

**Emergency Operations Center Manual:** Detailed EOC activation procedures for all levels; position-specific job action sheets for all SEMS functions; communication protocols and equipment procedures; resource management and tracking systems; coordination mechanisms with field operations, Department Operations Centers (as appropriate), and external agencies; and comprehensive deactivation and after-action reporting procedures.



## **Project Implementation Strategy and Statement of Work**

### **Phase One: Foundation Development**

#### **Data Collection and Analysis**

- Conduct a comprehensive demographic analysis using current Census data, state databases, and local community organization input
- Complete hazard risk assessment incorporating current seismic data, fire risk mapping, flood studies, and climate change projections
- Gather stakeholder input through structured interviews with all department heads and partner agency representatives

#### **Regulatory Compliance Assessment**

- Complete systematic review of all federal, state, and local requirements, creating a comprehensive compliance matrix
- Identify specific gaps in current compliance with recent California legislative mandates

**Deliverables:** Comprehensive data analysis report, regulatory compliance matrix, stakeholder assessment summary

### **Phase Two: Base Plan Development**

#### **Situation Overview and Planning Assumptions**

- Complete Section I development, incorporating comprehensive demographic vulnerability indicators
- Finalize comprehensive hazard assessment with probability matrices and impact analysis
- Develop systematic planning assumptions addressing community, operational, and government coordination factors

#### **Concept of Operations**

- Complete Section II, addressing all emergency management phases with detailed operational procedures

- Integrate NIMS/SEMS frameworks with specific local implementation procedures
- Develop emergency management cycle procedures for prevention, mitigation, preparedness, response, and recovery

### **Organization and Responsibilities**

- Complete Section III with detailed department role matrices aligned with CA-ESF and ESF frameworks
- Develop a comprehensive EOC organizational structure with three activation levels [ Level Three (Yellow), Level Two (Orange), Level One (Red)]
- Create succession planning and cross-training requirements for all emergency management positions

### **Remaining Base Plan Sections**

- Complete Sections IV-X, addressing direction and control, mutual aid, communications, administrative practices, plan maintenance, authorities, and terminology
- Integrate all regulatory requirements throughout plan elements
- Develop a comprehensive cross-reference system and quality assurance procedures

**Deliverables:** Complete base plan following CPG 101 structure.

## **Phase Three: Priority Annexes Development**

### **Earthquake Annex Development**

- Comprehensive seismic risk assessment incorporating multiple fault systems and ShakeAlert integration
- Detailed response procedures for significant seismic events with infrastructure impact analysis
- Recovery and continuity operations with regional coordination protocols

### **Tsunami Annex Development**

- Coastal hazard assessment incorporating potential regional tsunami sources and inundation modeling

- General evacuation procedures for near-field and far-field tsunami events
- Vulnerable population and critical facility inventory with coastal infrastructure and lifeline impact assessment
- Response and post-event search and rescue operations integrating with regional tsunami response plans

#### **Severe Weather Annex Development**

- Multi-hazard analysis covering flooding, extreme heat, severe storms, with climate change considerations
- Infrastructure protection protocols and National Weather Service coordination procedures
- Vulnerable population protection strategies for weather-related emergencies

#### **EOC Manual Development**

- Detailed activation procedures for all EOC levels with specific staffing requirements
- Position-specific job action sheets for all SEMS functions and coordination protocols
- Resource management systems and comprehensive deactivation procedures

**Deliverables:** Four comprehensive annexes providing detailed operational guidance.

#### **Phase Four: Integration and Finalization**

##### **Stakeholder Review and Approval Process**

- Internal stakeholder review, including all City departments and key partner agencies
- City Manager review with recommendation development for City Council consideration
- City Council presentation, adoption, and distribution to regional partners

**Deliverable:** Complete modernized EOP ready for approval and adoption by City Council

## **Expected Community Benefits and Long-Term Value**

### **Enhanced Emergency Management Capabilities**

The modernized Emergency Operations Plan will provide Capitola with significantly enhanced emergency management capabilities across all phases of the emergency management cycle. Comprehensive operational procedures will improve response coordination and reduce confusion during emergency events through systematic activation procedures and detailed job action sheets.

Enhanced stakeholder engagement will strengthen community resilience through improved public-private partnerships, comprehensive volunteer coordination, and systematic coordination with faith-based and community organizations. The systematic approach to addressing vulnerable populations will ensure equitable emergency services delivery and improved outcomes for historically underserved communities through culturally competent procedures and accessible communication systems.

### **Regulatory Compliance and Funding Eligibility**

Full compliance with federal and state requirements will ensure Capitola's continued eligibility for disaster assistance funding, including FEMA Public Assistance, Individual Assistance, and Hazard Mitigation Grant Programs. Enhanced compliance with Americans with Disabilities Act requirements will reduce legal liability while improving services for community members with disabilities and access and functional needs. Integration of recent California legislative requirements will ensure the City meets evolving state expectations while positioning Capitola for state disaster assistance eligibility.

### **Professional Recognition and Regional Leadership**

The comprehensive modernization effort will establish Capitola as a regional leader in emergency management best practices through the development of a model plan that other jurisdictions can reference for their own modernization efforts. The professional-grade plan will serve as a demonstration of excellence in public safety and community resilience, enhancing the City's reputation and providing opportunities for regional collaboration.

This leadership position will provide opportunities for enhanced mutual aid partnerships, shared resource development, and regional coordination initiatives that strengthen overall emergency management capabilities. The modernized plan will position Capitola to effectively contribute to Santa Cruz County Operational Area initiatives while ensuring

local needs receive appropriate attention and resources through systematic coordination procedures.

## Conclusion

The modernized EOP represents a transformation from basic regulatory compliance to comprehensive emergency management excellence. The systematic enhancement from a crosswalk document to a professional framework with supporting documentation demonstrates Capitola's commitment to protecting all community members through equitable, accessible, and professionally managed emergency services.

This investment in community resilience will provide lasting benefits through enhanced emergency management capabilities, full regulatory compliance, and regional leadership in emergency management best practices. The detailed implementation timeline ensures a structured approach to the development of all required components while maintaining realistic stakeholder engagement throughout the modernization process.

The resulting framework will serve current and future residents through comprehensive emergency management capabilities that address the full spectrum of hazards facing Capitola while ensuring equitable services for all community members regardless of age, disability, language, cultural background, or socioeconomic status. This modernization effort establishes a foundation for continuous improvement and adaptation to evolving risks, regulatory requirements, and community needs, ensuring Capitola maintains emergency management excellence into the future.

## Cost Proposal

MILESTONE/DELIVERABLE	ESTIMATED HOURS	FFP COST
<b>Kick-off Meeting</b>		
Kick-off Meeting and Project Initiation Deliverable: Clear understanding of project expectations, scope, timeline, and deliverables.	20	\$3,500
<b>Phase I</b>		
Foundation Development Deliverable: Comprehensive data analysis report, regulatory compliance matrix, stakeholder assessment summary	50	\$8,750
<b>Phase II</b>		
Base Plan Development Deliverable: Complete base plan following CPG 101 structure	110	\$19,250
<b>Phase III</b>	65	\$11,375
Priority Annexes Development Deliverable: Four comprehensive annexes providing detailed operational guidance		
<b>Phase IV</b>	12	\$2,100
Integration and Finalization Deliverable: Complete modernized EOP ready for approval and adoption by City Council		
SUBTOTAL LABOR	257	\$44,975
OTHER DIRECT COSTS / EXPENSES		\$0
<b>TOTAL FFP COST TO CITY OF CAPITOLA</b>		<b>\$44,975</b>

## Other Direct Costs (ODCs)/Expense Explanation

A line-item breakdown of estimated expenses to include travel is in the **Cost Proposal** above. Travel costs were estimated using federal government per diem rates for lodging, meals and incidentals. Reproduction, Logistics/ Supplies includes estimated supplies and support materials necessary for the conduct of meetings and other project support elements. Franklin Frawley Think Tank does not add G&A load onto our expenses /other direct costs (ODCs).

FRANKLIN FRAWLEY THINK TANK RATE/LABOR CATEGORY SCHEDULE\*

LABOR CATEGORY	HOURLY RATE
Administration & Operations Specialist	\$65.00

LABOR CATEGORY	HOURLY RATE
Organizational & Visual Analyst I	\$85.00
Organizational & Visual Analyst II	\$125.00
Analyst I	\$70.00
Analyst II	\$80.00
Analyst III	\$105.00
Senior Analyst I	\$110.00
Senior Analyst II	\$120.00
Senior Analyst III	\$137.50
Senior Analyst IV	\$145.00
Senior Analyst V	\$165.00
Project Manager	\$175.00
Deputy Project Manager I	\$150.00
Deputy Project Manager II	\$175.00
Quality Assurance/Quality Control Manager	\$175.00
SME I	\$115.00
SME II	\$125.00
SME III	\$195.00
SME IV	\$225.00
SME V	\$300.00
Associate Consultant	\$250.00
Consultant	\$300.00
Senior Consultant	\$400.00
Lead Consultant	\$500.00
* Billing category description may not match the role or title FFTT Team personnel have on a project	

## Assumptions

In addition to the responsibilities of the City implied in its contract with FFTT, the following assumptions were used to develop the approach, schedule, and cost for this effort:

1. During the period of performance, the FFTT Team will be provided any specific plans, forms, templates or policy documents, to include external partner agency resources as required, requested by name within five (5) days of the date of the request, unless otherwise agreed upon in advance by the FFTT Team.
2. At his or her discretion, the main contract or project point of contact from the City of Capitola will likely solicit the input of any project stakeholders in the review of the draft contract deliverables. This process must resolve any conflicts, consolidate feedback from project stakeholders and provide actionable comments within five (5) business days of draft deliverable submission, or as specified in the proposal or mutually agreed. The lack of comments from stakeholders by the end of the review period implies approval of the draft deliverable.

3. Failure to provide timely reviews may result in delayed production and delivery of project deliverables or require contract modification accordingly.
4. FFFT assumes that it may adjust the staffing levels (e.g., hours per person and/or rate) and personnel within the scope of the contracted amount to best accommodate the needs of the project.
5. FFFT assumes in the event the budgeted Expense/ODC is not expended on non-labor costs, and/or labor efficiencies are gained through scheduling resolution, that there will be no reduction in the FFP total for the contract.



## **APPENDIX TWO Fees and Payments**

For the services performed, City will pay consultant on a not-to-exceed, lump sum basis upon satisfactory completion of the services and delivery of work products. Payments will be issued monthly as charges accrue, the sum of consultant's salary expenses and non-salary expenses.

Consultant hereby represents and warrants, based upon Consultant's independent determination of the time and labor, including overtime, which will be required to perform said services, that Consultant will provide all said services at a cost which will not exceed the maximum price set forth in this agreement for Consultant's services. Consultant hereby assumes the risk that Consultant will perform said services within this maximum price constraint and Consultant acknowledges that its inability to do so shall not excuse completion of the services and shall not provide a basis for additional compensation.

Salary expenses include the actual direct pay of personnel assigned to the project (except for routine secretarial and account services) plus payroll taxes, insurance, sick leave, holidays, vacation, and other fringe benefits. The percentage of compensation attributable to salary expenses includes all of Consultant's indirect overhead costs and fees. For purposes of this Agreement, Consultant's salary expenses and non-salary expenses will be compensated at the rates set forth in the fee schedule attached to this appendix and in accordance with the terms set forth therein. Non-salary expenses include travel, meals and lodging while traveling, materials other than normal office supplies, reproduction and printing costs, equipment rental, computer services, service of subconsultants or subcontractors, and other identifiable job expenses. The use of Consultant's vehicles for travel shall be paid at the current Internal Revenue Service published mileage rate.

Salary payment for personnel time will be made at the rates set forth in the attached fee schedule for all time charged to the project. Normal payroll rates are for 40 hours per week. Consultant shall not charge the City for personnel overtime salary at rates higher than those set forth in the attached fee schedule without the City's prior written authorization.

In no event shall the total fee charged for the scope of work set forth in Appendix One exceed the total budget of \$45,000 (Forty Five Thousand Dollars and Zero Cents), without specific, written advance authorization from the City.

Payments shall be made monthly by the City, based on itemized invoices from the Consultant which list actual costs and expenses. Such payments shall be for the invoice amount. The monthly statements shall contain the following affidavit signed by a principal of the Consultant's firm:

"I hereby certify as principal of the firm of Franklin Frawley Think Tank, LLC that the charge of \$\_\_\_\_\_ as summarized above and shown in detail on the attachments is fair and reasonable, is in accordance with the terms of the Agreement dated August 28, 2025, and has not been previously paid."

# Capitola City Council

## Agenda Report

**Meeting:** September 11, 2025

**From:** Community and Economic Development Department

**Subject:** Capitola Mall Update and Amendment to Agreement with Ben Noble Planning



Recommended Actions: 1) Receive update on the Capitola Mall and Housing Element implementation Programs 1.6 and 1.7 related to the City's zoning amendments; 2) Provide direction on the preferred approach to updating the City's Zoning Code; 3) Adopt a resolution amending the FY 2025-26 Budget to allocate funding for Housing Element Implementation; and 4) Authorize the City Manager to execute Amendment 1 to the Professional Services Agreement with Ben Noble Planning to assist in Housing Element implementation. (*Continued from August 28, 2028*)

Background: As part of the City's adopted 6th Cycle Housing Element, Program 1.6 (Development Regulations) and Program 1.7 (Shopping/Commercial Center Redevelopment) identify the Capitola Mall site as a key opportunity for redevelopment to help meet regional housing needs while supporting economic development and community character.

Housing Element Program 1.6 directs the City to review and revise Chapter 17.88 of the Zoning Code, Incentives for Community Benefits, to modify the required findings for future redevelopment of the Capitola Mall Site to require compliance with objective standards, expand the Community Benefits zoning boundary; and increase the incentives for redevelopment on the Capitola Mall Site to allow a maximum Floor Area Ratio (FAR) of 2.0 (excluding parking garages), and a maximum building height of 75 feet.

Housing Element Program 1.7 addresses the changing retail environment and directs the City to study and facilitate mixed-use redevelopment of the Capitola Mall site. Specifically, the program calls for amending Chapter 17.88 of the Zoning Code by the end of 2025 to:

1. Develop land use policies to facilitate shopping center redevelopment with a strong sense of urban design cohesion.
2. Define "Capitola Mall" as all properties between Clares Street, 41st Avenue and Capitola Road.
3. Allow for building height up to 75 feet for Mall Redevelopment.
4. Define "Mall Redevelopment" to mean a mix of uses that includes residential and retail/commercial components.
5. Exclude parking garages from the project FAR calculations.
6. Adopt objective development standards to facilitate mall redevelopment.

Housing Element Program 1.7 also direct the City to annually work with property owners and developers to pursue redevelopment opportunities of the Capitola Mall site. In accordance with this program, and to gather feedback in preparation for the zoning code updates for the Mall site, staff met with a representative of Merlone Geier Partners (MGP), the majority owner of the Capitola Mall site.

At the initial meeting in May, staff learned that MGP was interested in the City pursuing a form-based code to create greater certainty in the review process. At a follow-up meeting in June, staff had the opportunity to ask more questions about the request for form-based code and received insight on similar zoning updates in Alameda, CA. Since the initial two meetings, staff have been working with Ben Noble Planning to identify the steps and costs associated with implementing a form-based code. At the third meeting with MGP on July 23, 2025, staff reported the estimated cost (\$150,000–\$200,000) and timing (1 year) of adopting a form-based code for the mall site. Following the meeting, on August 1, 2025, staff received an email from MGP requesting a change in direction and expressing MGP's preference to streamline updates and adopt changes before the end of 2025.

On May 23, 2024, the City Council authorized a contract with Ben Noble Planning in the amount of \$124,375 to implement Housing Element programs. The funding for this agreement was a mix of REAP 2.0 grant funds (\$64,375) and General Plan funds (\$60,000). The City adopted the majority of the Housing Element implementation items in 2024 but incurred higher than anticipated costs for the multifamily zoning amendments.

The contract for \$124,375 has a remaining balance of \$46,611. Staff recommends amending the contract with Ben Noble to include additional funds to implement Housing Element Programs 1.6 and 1.7. The additional funds, ranging from \$45,781 to \$161,484, is due to the additional costs associated with multifamily amendments and the higher costs associated with implementing Program 1.6 and 1.7, as discussed below.

On August 28, 2025, the Council received a report from staff with three options to implement Housing Element Programs 1.6 and 1.7, and continued the item to this September 11, 2025, meeting. In that action, the Council formed a subcommittee (composed of Council Members Orbach and Westman) to engage in discussions with MGP and return to the Council on September 11<sup>th</sup>. The Council also directed staff to reach out to the other property/business owners within mall block to inform them of the current planning efforts, upcoming meeting, and invite them to participate as stakeholders in the zoning code updates. On September 3<sup>rd</sup>, the subcommittee met with MGP and discussed how they could provide information to the City and community about their plans for redevelopment. A MGP representative will attend the September 11<sup>th</sup> meeting. Also, staff reached out to stakeholders within the mall block to inform them of the recent event and invite them to participate in future steps.

Following the meeting, staff received questions regarding the number of units assigned to the Capitola Mall in the Housing Element. Attachment 7 includes a summary of the process, and actions, that lead to the final 1,777 units being assigned to the Mall site.

Discussion: To implement Housing Element Programs 1.6 and 1.7 and facilitate redevelopment of the Capitola Mall, the City must update its Zoning Code and General Plan. Staff, in coordination with Ben Noble Planning, has identified three potential approaches for consideration, each with varying timelines, levels of public engagement, and costs.

**Option 1 – Objective Standards:** This option would amend multiple sections of the Zoning Code and General Plan to replace discretionary review with objective standards, increase height and FAR allowances, and update objective standards with anticipated building types. It would include three stakeholder meetings, one community workshop, and interim presentations to the Planning Commission and City Council to review preliminary standards prior to publishing the public draft. This approach completes the project in April 2026 to allow for input and refinement. Estimated cost: \$75,972 (See Attachment 2). If the City were to take this approach, property owners within the mall block could submit a redevelopment plan in May 2026 with the increased height and FAR that would be reviewed against the new objective standards.

**Option 2 – Expedited Objective Standards:** This option includes the same Zoning and General Plan amendments as Option 1 but incorporates a more limited public engagement process. Public engagement would be limited to initial stakeholder input and public participation through public hearings at Planning Commission and City Council meetings. This approach allows completion by January, with most work occurring early in the process. Estimated cost: \$45,781 (See Attachment 1). With this approach, mall property owners could submit a planning application for redevelopment in late January 2026 that would be reviewed against the new objective standards. MGP has requested this option.

**Option 3 – Form-Based Code:** This approach would replace conventional zoning for the site with a form-based code, which focuses on the physical form and relationship of buildings to streets, sidewalks, and public spaces. It would establish cohesive design standards for height, massing, setbacks, architecture, landscaping, and public amenities, and could require commercial uses along main streets or gathering areas. A form-based code also includes a regulating plan, which is a map that designates where different building standards apply. This plan would guide the character and intensity of the development within the Mall site. This process provides the highest level of design control and predictability, but requires

significant time, funding, and coordination with the property owners. A unique feature of this option is a multi-day workshop design-charrette to receive early input from the property owners and the public. Estimated cost: \$162,000. After receiving the comments from MGP related to timing, the consultant was able to cut back the timeline from one year to approximately 8 months (Attachment 3). If the City were to take this approach, mall property owners could submit a redevelopment plan with the increased height and FAR in May 2026, to be reviewed against the highly prescriptive form-based code and regulating map.

	<b>Option 1 – Objective Standards</b>	<b>Option 2 – Expedited Objective Standards</b>	<b>Option 3 – Form-Based Code</b>
<b>Description</b>	Amends Zoning Code and General Plan to replace discretionary review with objective standards; increases height/FAR; tailored to likely building types and includes multiple public outreach opportunities	Same as Option 1, but eliminates three stakeholder meetings, one community workshop, and interim Commission and Council review.	Zoning framework based on building form, public space, and streetscape design; establishes cohesive, mixed-use vision for the site.
<b>Timeline for Completion</b>	April 2026	Jan. 2026	May 2026
<b>Estimated Cost</b>	\$76,000	\$46,000	\$162,000
<b>Public Engagement</b>	Stakeholder meetings, workshop, interim reviews	Initial stakeholder input + public hearings	Early engagement with multi-day workshop design-charrette and coordination with property owner and residents
<b>Key Advantages</b>	Balances timely completion with public engagement; substantially complies with State housing law; predictable design outcomes and placemaking.	Quickest and least expensive option; meets Housing Element requirements; aligns with property owner preference; predictable design outcomes and placemaking	High-quality, predictable design outcomes; supports walkability and public space; allows comprehensive site planning.
<b>Key Considerations</b>	Less prescriptive than form-based code; more community engagement; more PC/CC involvement; slightly longer and increased City costs as compared to Option 2.	Staff/consultant led; limited community engagement; less PC/CC involvement; less time to carefully consider and develop standards.	Highest cost; longest timeline; likely requires property owner participation for success.

For all options, an economic consultant will assist in the review of the updates with the goal of ensuring redevelopment has a fiscal positive outcome for both the developer and the City.

Fiscal Impact: The \$124,375 Contract with Ben Noble Planning has a remaining balance of \$46,611. The original Contract allocated \$64,375 for Housing Element implementation and \$20,000 per year for annual code updates over three years (\$60,000 total). The contract spans three fiscal years, beginning in FY 2024-25.

Given the ongoing changes to state housing laws, staff recommends reserving the remaining \$46,611 in the Contract for code updates over the next two years and amending the contract to cover the full cost of the Mall option selected by the City Council.

The resolution, budget amendment, and contract amendment each have sections to be updated (description and cost) depending on the option selected by City Council, as follows:

Option 1	Objective Standards	\$76,000
Option 2	Expedited Objective Standards	\$46,000
Option 3	Form Based Code	\$162,000

Mall-related updates are part of the Housing Element implementation and will be funded through the General Plan Special Revenue Fund.

Attachments:

1. Option 1: Objective Standards
2. Option 2: Expedited Objective Standards
3. Option 3: Form Based Code
4. Contract Amendment
5. Resolution
6. Budget Amendment
7. Mall and RHNA Unit Summary

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

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney

Approved By: Jamie Goldstein, City Manager

*Attachment 7 edited on September 9<sup>th</sup> to correct the background section on page 1.*

**BEN NOBLE**  
 City and Regional Planning  
 510.559.6901 | bnoble@bnplanning.com

August 15, 2025

Katy Herlily, AICP  
 Community & Economic Development Director  
 City of Capitola  
 420 Capitola Avenue, Capitola, CA 95010

**Re: Capitola Mall Proposal**

Dear Katie,

Below is my proposed scope, schedule, and budget to prepare Zoning Code and General Plan amendments to implement Housing Element Program 1.7 (Capitola Mall Redevelopment). I will complete this work in partnership with Ryan Call, an architect with the urban design consulting firm Urban Field Studio. Ryan's resume is attached to this proposal.

**SCOPE**

**Task 1: Project Initiation**

**a. Background Material Review**

I will compile and review background materials related to the project, including the General Plan, Zoning Code, economic analysis, prior Capitola Mall redevelopment applications, and other relevant information.

**b. Stakeholder Meetings (Round 1)**

I will prepare materials for and attend two Zoom stakeholder meetings with the Capitola Mall representatives, other mall property owners, and other stakeholders as needed.

**c. Planning Commission Meeting 1**

I will prepare materials for and attend a Planning Commission meeting to introduce the Capitola Mall project and receive initial feedback on key project issues.

**Task 2: Preliminary Objective Standards**

**a. Preliminary Standards Outline**

I will prepare a brief memorandum outlining recommended standards and other needed Zoning Code Amendments to implement Housing Element Program 1.7.

**b. Stakeholder Meetings (Round 2)**

I will prepare materials for and attend two stakeholder meetings to receive feedback on the preliminary standards outline.

**c. Community Workshop**

I will prepare materials for and attend a community workshop to receive public feedback on initial concepts for Capitola Mall standards.

**d. Planning Commission Meeting 2**

I will prepare materials for and attend a Planning Commission meeting to receive public feedback on the initial concepts for Capitola Mall standards.

**e. City Council City Council Meeting**

I will prepare materials for and attend a City Council meeting to receive public feedback on the initial concepts for Capitola Mall standards.

**Task 3: Draft Amendments****a. Staff Review Draft**

I will prepare amendments to the Zoning Code and General Plan to implement Housing Element program 1.7 (concerning the Capitola Mall). Expected amendments include the following:

- Revisions to Zoning Code Chapter 17.88 and other chapters as needed to implement Housing Element Programs 1.7.
- Objective standards for Mall redevelopment, with revisions to Zoning Code Chapter 17.82 as needed.
- General Plan Land Use Element amendments to bring Capitola Mall policies and standards into conformance with the Zoning Code amendments

**b. Stakeholder Meetings (Round 3)**

I will meet with Capitola Mall representatives and other stakeholders via Zoom to discuss the draft amendments.

**c. Public Review Draft**

I will incorporate staff input and stakeholder feedback to prepare public review draft amendments.

**Task 4: Public Review and Adoption****a. Planning Commission Hearings (2)**

I will prepare materials for and attend two Planning Commission hearings on the amendments.

**b. City Council Hearing**

I will prepare materials for and attend a City Council hearing on the amendments.

**Task 5: Project Management and Engagement****a. Subconsultant Coordination**

I will coordinate work products, review draft products, and provide direction to Urban Field Studio and the economics subconsultants.

**b. City Coordination Meetings**

I will participate in weekly coordination meetings with City staff.

### c. Public Announcements and Updates

I will assist City staff to provide public announcements and updates on the Capitola Mall project.

### SCHEDULE

Table 1 shows an estimated schedule to complete the scope of work described above.

**Table 1: Project Schedule**

Task	Completion Date
<b>Task 1: Project Initiation</b>	
Background Material Review	September, 2025
Stakeholder Meetings (Round 1)	September, 2025
Planning Commission Meeting 1	October, 2025
<b>Task 2: Preliminary Objective Standards</b>	
Preliminary Standards Outline	October, 2025
Stakeholder Meetings (Round 2)	November, 2025
Community Workshop	November, 2025
Planning Commission Meeting 2	December, 2025
City Council City Council Meeting	December, 2025
<b>Task 3: Draft Amendments</b>	
Staff Review Draft	January, 2026
Stakeholder Meetings (Round 3)	January, 2026
Public Review Draft	February, 2026
<b>Task 4: Public Review and Adoption</b>	
Planning Commission Hearings (2)	March, 2026
City Council Hearing	April, 2026

### BUDGET

As shown in Table 2, the estimated cost for me to complete the task described above is \$75,972, which includes \$20,000 for Urban Field Studio, \$7,500 for an economist subconsultant, and a \$4,352 contingency.



**Table 2: Budget**

<b>Tasks</b>	<b>Hours</b>	<b>Cost</b>
<b>Task 1: Project Initiation</b>		
a. Background Material Review	4	\$680
b. Stakeholder Meetings (Round 1)	8	\$1,360
c. Planning Commission Meeting 1	20	\$3,400
<b>Task 2: Project Approach</b>		
a. Project Approach Outline	8	\$1,360
b. Stakeholder Meetings (Round 2)	8	\$1,360
c. Community Workshop	25	\$4,250
d. Planning Commission Meeting 2	20	\$3,400
e. City Council City Council Meeting	20	\$3,400
<b>Task 3: Draft Amendments</b>		
a. Staff Review Draft	20	\$3,400
b. Stakeholder Meetings (Round 3)	8	\$1,360
c. Public Review Draft	15	\$2,550
<b>Task 4: Public Review and Adoption</b>		
a. Planning Commission Hearings (2)	35	\$5,950
b. City Council Hearing	20	\$3,400
<b>Task 5: Project Management</b>		
a. Subconsultant Coordination	15	\$2,550
b. City Coordination Meetings	15	\$2,550
c. Public Announcements and Updates	15	\$2,550
Total Hours		256
Billing Rate		\$170
<b>Total Labor</b>		<b>\$43,520</b>
Urban Field Studio Subconsultant		\$20,000
Economist Subconsultant		\$7,500
Travel Expenses		\$600
Contingency (10%)		\$4,352
<b>TOTAL COST</b>		<b>\$75,972</b>

Please do not hesitate to contact me with any additional questions. I look forward to continuing to work with you on this project.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Noble". The signature is fluid and cursive, with the first name "Ben" and last name "Noble" clearly distinguishable.

Ben Noble  
City and Regional Planning



# Ryan Call

Urban Field Studio  
Partner, AIA

ryan@urbanfieldstudio.com

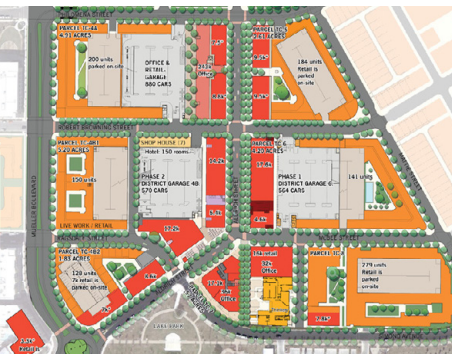
## EDUCATION

Washington State University,  
Bachelor of Architecture

## ASSOCIATIONS

American Institute of  
Architects  
ICSC  
Urban Land Institute

With over 24 years of experience in planning and architectural design, Ryan has developed a particular expertise in master planning mixed-use urban communities with a focus on vibrant retail districts and public spaces. His primary interest lies in the strategic aspects of the design and development process where he has worked on a variety of projects from neighborhood shopping centers to regional shopping centers, to mixed-use multi-block districts. His presentation expertise has proven key to the success of many projects, especially during the critical public process and approvals phases.



## MIXED-USE MASTER PLANS

Bayfair Mall Redevelopment Implementation Plan, San Leandro, CA  
Palo Alto Mixed-Use Typologies Site Testing  
University of Chicago 53rd Street District Mixed-Use Master Plan  
University of Chicago Washington Park Innovation Center Master Plan  
Mueller Aldrich Street District, Austin, TX  
Scotts Valley Town Center, Scotts Valley, CA  
NewPark Mall Mixed-Use Specific Plan, Newark, CA  
Dublin SCS Properties, City of Dublin, CA  
Downtown Dublin Vision, City of Dublin, CA



## REGIONAL RETAIL CENTERS

Hillsdale Shopping Center North Block, San Mateo, CA  
Stonestown Galleria Anchor Redevelopment, San Francisco, CA  
HSC Mervyns Department Store Reconfiguration, San Mateo, CA  
Tucson Mall Anchor Redevelopment, Tucson, CA  
Eastridge Shopping Center, San Jose, CA

## PUBLIC OUTREACH AND EDUCATION

Alisal District Identity Master Plan, Salinas, CA  
Downtown Dublin Vision, Dublin, CA  
SCS Property Public Outreach, Dublin, CA  
Latimer Square Public Workshop and Charette, Bloomington, IN  
Telegraph Avenue Public Workshop and Charette, Berkeley, CA  
Harold Way Workshop and Charette, Berkeley, CA



## DESIGN GUIDELINES

Green Tree Mixed-Use Retail and Residential Guidelines, Vacaville, CA  
Latimer Square PUD Design Guidelines, Bloomington Indiana

## PROFESSIONAL AWARDS

AIA California Urban Design Award for Downtown Dublin  
ICSC Gold Award for Hillsdale Shopping Center - San Mateo  
ULI Apgar Award for 2015

## COMMUNITY ACTIVITIES

Berkeley Design Advocates  
Downtown Berkeley Association Volunteer - Former Board Member  
Richmond Yacht Club Junior Program Volunteer

## CAPITOLA MALL ZONING CODE AMENDMENTS

### EXPEDITED OPTION

	2025				2026
	Sept	Oct	Nov	Dec	Jan
Planning Commission Meeting	X				
Amendments Outline	X				
Stakeholder Meeting		X			
Staff Review Draft Amendments		X			
Public Review Draft Amendments			X		
Planning Commission Hearing				X	
City Council Hearing					X

Tasks	Hours	Cost
<b>Task 1: Draft Amendments</b>		
a. Planning Commission Meeting	25	\$4,250
b. Stakeholder Meetings	8	\$1,360
c. Amendments Outline	10	\$1,700
d. Staff Review Draft Amendments	25	\$4,250
e. Public Review Draft Amendments	20	\$3,400
f. Planning Commission Hearing	25	\$4,250
g. City Council Hearing	20	\$3,400
<b>Task 2: Project Management</b>		
a. Subconsultant Coordination	10	\$1,700
b. City Coordination Meetings	10	\$1,700
c. Public Announcements and Updates	10	\$1,700
<b>Total Hours</b>	<b>163</b>	

Billing Rate	\$170
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<b>Total Labor</b>	<b>\$27,710</b>
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Urban Field Studio Subconsultant	\$10,000
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Economist Subconsultant	\$5,000
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Travel Expenses	\$300
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Contingency (10%)	\$2,771
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<b>TOTAL COST</b>	<b>\$45,781</b>
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## CAPITOLA MALL ZONING CODE AMENDMENTS

## FBC OPTION

	2025				2026				
	Sept	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
<b>Task 1: Project Initiation</b>									
Start-up Tasks	X								
Workshop Approach		X							
<b>Task 2: Multi-Day Workshop</b>									
Workshop Planning and Preparation			X						
Multi-Day Workshop				X					
Final Workshop Deliverables				X					
<b>Task 3: Form-Based Code Elements</b>									
Draft Form-Based Code Elements					X				
Final Form-Based Code Elements					X				
<b>Task 4: Draft Amendments</b>									
Staff Review Draft						X			
Public Review Draft							X		
<b>Task 5: Public Review and Adoption</b>									
Planning Commission Hearings (2)							X	X	
City Council Hearing									X

Tasks	Ben Noble	Opticos	Total
<b>Task 1: Project Initiation</b>			
a. Start-up Tasks	\$680	\$5,000	\$5,680
b. Workshop Approach	\$1,360	\$5,000	\$6,360
<b>Task 2: Multi-Day Workshop</b>			
a. Workshop Planning and Preparation	\$1,360	\$15,000	\$16,360
b. Multi-Day Workshop	\$0	\$35,000	\$35,000
c. Final Workshop Deliverables	\$680	\$10,000	\$10,680
<b>Task 3: Form-Based Code Elements</b>			
a. Draft Form-Based Code Elements	\$1,700	\$15,000	\$16,700
b. Final Form-Based Code Elements	\$1,360	\$5,000	\$6,360
<b>Task 4: Draft Amendments</b>			
a. Staff Review Draft	\$10,200	\$2,500	\$12,700
b. Public Review Draft	\$5,100	\$2,500	\$7,600
<b>Task 5: Public Review and Adoption</b>			
a. Planning Commission Hearings (2)	\$5,950	\$2,500	\$8,450
b. City Council Hearing	\$3,400	\$2,500	\$5,900
<b>Task 6: Project Management</b>			
a. Subconsultant Coordination	\$2,550	\$0	\$2,550
b. City Coordination Meetings	\$2,550	\$0	\$2,550
c. Public Announcements and Updates	\$2,550	\$0	\$2,550
<b>Total Labor</b>	<b>\$39,440</b>	<b>\$100,000</b>	<b>\$139,440</b>
Economist Subconsultant			\$7,500
Travel Expenses			\$600
Contingency (10%)			\$13,944
<b>TOTAL COST</b>			<b>\$161,484</b>

1st AMENDMENT TO THE  
PROFESSIONAL SERVICES AGREEMENT

between

CITY OF CAPITOLA and BEN NOBLE CITY AND REGIONAL PLANNING

WHEREAS, on May 29, 2024, the City of Capitola (City) and the Ben Noble City and Regional Planning (the “Parties”) entered into a Professional Services Agreement (“Agreement”); and

WHEREAS, the Parties wish to amend the Contract to increase the contract value.

THEREFORE BE IT RESOLVED:

1. Appendix one is amended to include Housing Element Implementation for Mall Zoning; and
2. Appendix two is amended to Increase the not to exceed amount from \$124,375 to \$(Amount pending City Council direction at 8/28/2025 meeting). Increase amounts will be used for Housing Element Implementation related to the Capitola Mall and Community Benefits within the zoning code from preparation to adoption services by Ben Noble City and Regional Planning.

All other terms and conditions of the Agreement remain in full force and effect.

**CONSULTANT: Ben Noble City and Regional Planning**

\_\_\_\_\_  
By: Date: \_\_\_\_\_

**CITY OF CAPITOLA**

\_\_\_\_\_  
By: Benjamin Goldstein, City Manager Date: \_\_\_\_\_

APPROVED AS TO FORM:

\_\_\_\_\_  
Samantha W. Zutler, City Attorney Date: \_\_\_\_\_



**RESOLUTION NO. \_\_\_\_\_****RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING THE 2025-26 FISCAL YEAR CITY BUDGET AND CAPITAL IMPROVEMENT  
PROGRAM BUDGET**

**WHEREAS**, it is necessary to adopt the 2025-26 Fiscal Year Budget for all City funds and Capital Improvement Program; and

**WHEREAS**, the City Council conducted budget study sessions, heard and considered public comments, had modified and proposed a budget accordingly, and on June 26, 2025, adopted such budget for the Fiscal Year July 1, 2025 through June 30, 2026; and

**WHEREAS**, on May 23, 2024, the City Council authorized a Professional Services Agreement with Ben Noble Planning in the amount of \$124,375 to implement Housing Element programs, funded through a combination of REAP 2.0 grant funds and General Plan funds; and

**WHEREAS**, the City adopted the majority of Housing Element implementation measures in 2024 but incurred added costs associated with multifamily housing amendments, leaving a remaining balance of \$46,611 under the Ben Noble Planning agreement; and

**WHEREAS**, the agreement with Ben Noble Planning must be amended to include additional funding for Housing Element implementation of Programs 1.6 and 1.7, including zoning code updates for the Capitola Mall site; and

**WHEREAS**, in response, staff, in coordination with Ben Noble Planning, developed three potential approaches to update the Zoning Code and General Plan: (1) Expedited Objective Standards, (2) Objective Standards with enhanced public engagement, and (3) Form-Based Code, with costs ranging from \$45,781 to \$150,000 depending on scope, timeline, and level of public input; and

**WHEREAS**, it is necessary to amend the Fiscal Year 2025-26 Adopted Budget to increase appropriations in the General Plan Update and Maintenance Fund account number 1313-00-00-000-4305.900 in the amount of \$ \_\_\_\_\_; and

**NOW, THEREFORE, BE IT HEREBY RESOLVED** by the City Council of the City of Capitola that the 2025-26 Fiscal Year Budget is hereby amended, including Exhibit A (Budget Amendment) to this Resolution; and

**BE IT FURTHER RESOLVED** that the Administrative Services Director is directed to enter the budget into the City's accounting records in accordance with appropriate accounting practices, and the City Manager, with the Finance Director's assistance, shall assure compliance therewith.

**I HEREBY CERTIFY** that the foregoing Resolution was passed and adopted by the City Council of the City of Capitola on the 11<sup>th</sup> day of September, 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_  
Julia Gautho, City Clerk



# Budget Adjustment Request

Date

08/20/2025

Requesting Department \*

Community Development

Type of Adjustment

☐ Administrative

☒ Council

Item #

Council Date

August 28, 2025

Council Approval

## Revenues

Search

Account Number	Account Description	Increase/Decrease
		\$

+ Add

Total Revenues

\$ 0.00

## Expenditures

Search

Account Number	Account Description	Increase/Decrease
1313-00-00-000-4305.900	CS-Contracts General	\$

+ Add

Total Expenditures

\$ 0.00

Net Impact

\$ 0.00

Purpose

Item 9 A.

Department Head Approval

Sign

Finance Director Approval

Sign

City Manager Approval

Sign

Submit

Save as Draft

A common question from the community has been: ***How did the number of planned units at the mall end up exceeding the City's overall RHNA allocation?*** This document has been prepared to answer that question.

### What is RHNA?

The Regional Housing Needs Allocation (RHNA) is a state-mandated process that determines how many housing units—by affordability level—each city and county in California must plan for in its Housing Element. RHNA is not a mandate to construct housing. Instead, it requires jurisdictions to identify sufficient sites where housing could reasonably be built to accommodate their share of the region's housing needs.

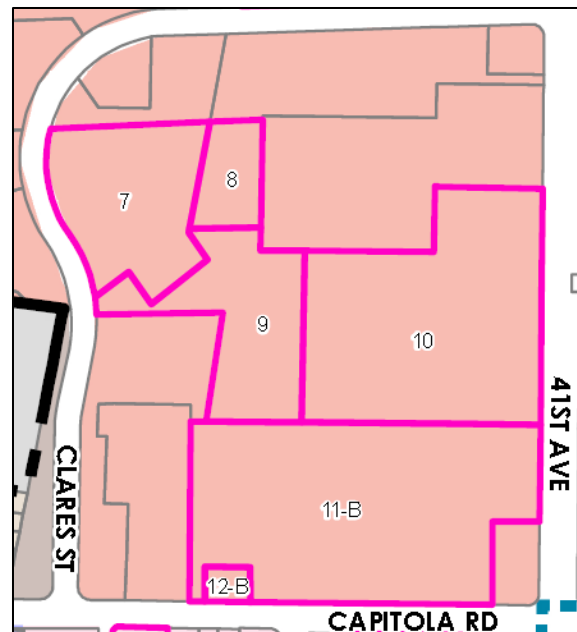
Capitola's RHNA allocation received prior to starting the Housing Element update:

- 497 low-income units (50 – 80% of Area Median Income)
- 169 moderate-income units (80 – 120% of Area Median Income)
- 455 above-moderate (market-rate) units (Over 120% Area Median Income)
- City Total: 1,336 units

### Background

Between 2023 and 2024, the City prepared multiple drafts of the Housing Element for review. In the first draft, adopted by the City Council on November 9, 2023, there were six\* sites listed within the Mall block, the properties bound by Clares Street, 41<sup>st</sup> Avenue, and Capitola Road. Five\* of the six\* are owned by Merlone Geier Partners (MGP), the majority owner of the mall site, who own 31 acres of the 46-acre mall site. These six sites were identified to accommodate the following number of units.

- 368 low-income
- 109 moderate-income
- 257 above-moderate



### State Review and Certification

After publishing the initial draft, the City received comments from the State of California's Department of Housing and Community Development (HCD) that the number of affordable units placed on the six Capitola Mall sites was not feasible, as an owner would not receive a fair rate of return from developing a project with only 35% market rate units and 65% below market affordable units.

\*Note: Number corrected following original publication

### Changes to Sites

After State HCD commented that the proposed units were not feasible the City expanded the sites inventory to include 12 of the 14 properties within the Mall block.

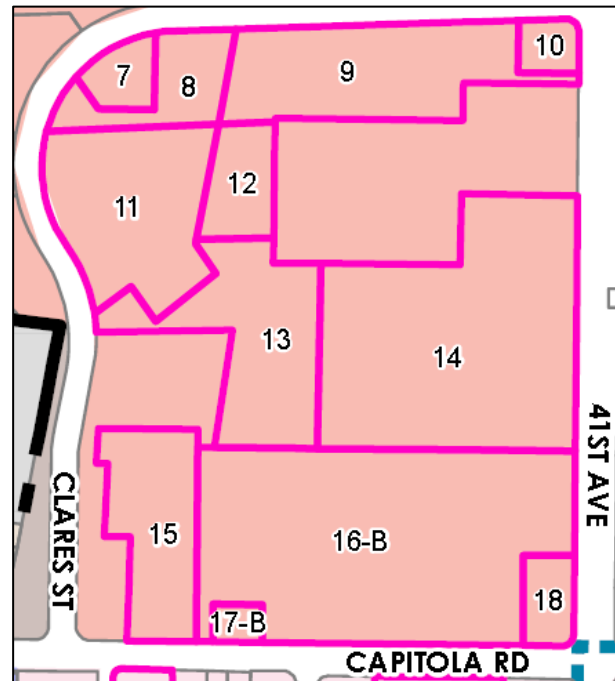
### Increase in Market Rate Housing Units for Economic Feasibility

State HCD also required the City to demonstrate that the units proposed for the Mall sites were economically feasible to construct.

This economic analysis demonstrated that a developer needed approximately four times the number of market rate units compared to the number of affordable units. Specifically, the analysis determined the following economic feasibility percentages:

- 15% low-income
- 5% moderate-income
- 80% market rate

As a result, to meet Capitola's RHNA requirement for affordable units, the City had to identify more market rate units at the Mall block, so that a future developer could generate enough profit to build the required number of low- and moderate-income homes.



### Certified Housing Element

The City's Housing Element was certified on August 30, 2024. The adjustment to include more sites distributed units across more parcels and resulted in the following final distribution of units within the Mall block:

Entire Mall Block	MGP properties
266 low-income	168 low-income
90 moderate-income	58 moderate-income
1,422 market rate	900 market rate
<b>Total: 1,777 units</b>	<b>Total: 1,125</b>

In summary, the large number of market rate units at the Mall required for project feasibility is the reason the number of units within the Mall block is higher than the RHNA.





# CAPITOLA MALL UPDATE & BEN NOBLE PLANNING CONTRACT AMENDMENT

Item 9 A.





# CAPITOLA MALL UPDATE & BEN NOBLE PLANNING CONTRACT AMENDMENT

Item 9 A.

*Continued from August 28*

## **Recommended Actions**

1. Provide direction on Zoning Code update approach
2. Adopt resolution amending FY 2025–26 Budget for Housing Element implementation
3. Authorize City Manager to execute Amendment I with Ben Noble Planning





# CAPITOLA MALL UPDATE

## Background

### Long Range Planning

- 2011 - 2024 Mall Re-Visioning Plan / General Plan / Housing Element

### Implementation

- 2010 – 2024 Zoning Code Updates

### Applications

- 2019 – Merlone Geier Partners (MGP) Redevelopment Application



# CAPITOLA MALL UPDATE

## Housing Element Program Deliverables

1. Establish Capitola Mall as all properties between Clares St, 41st Ave, and Capitola Rd.
2. Develop land use policies to facilitate shopping center redevelopment with a strong sense of urban design
3. Define “Mall Redevelopment” to mean a mix of uses including residential and retail/commercial components
4. Building height up to 75 feet for Mall Redevelopment
5. Exclude parking garages from FAR calculations
6. Adopt objective development standards to facilitate mall redevelopment



# CAPITOLA MALL UPDATE

## **August 28 City Council meeting**

- Formed Ad-Hoc Committee to meet with MGP to discuss MGP participation in process
- Continued this item two weeks

## **Sept 3 Ad-Hoc Committee met with MGP**

- MGP to attend this meeting and provide update



# CAPITOLA MALL UPDATE

## **Options for zoning update to implement deliverables**

Option 1 – Objective Standards

Option 1.5 – Hybrid of 1 & 2 (new)

Option 2 – Expedited Objective Standards (MGP Request)

Option 3 – Form-Based Code



# CAPITOLA MALL UPDATE

## Option I – Objective Standards

- Amend Zoning Code and General Plan with objective standards
- Increase building height (75 ft) and FAR (2.0)
- Objective standards to address design and economic analysis
- Includes 3 rounds of stakeholder meetings + 1 community workshop, PC/CC study sessions
- Completion: April 2026
- Estimated cost: \$76,000



# CAPITOLA MALL UPDATE

## Option 1.5 – Hybrid of 1 & 2

- Amend Zoning Code and General Plan with objective standards
- Increase building height (75 ft) and FAR (2.0)
- Objective standards to address design and economic analysis
- Includes: 2 stakeholder meetings, 1 community meeting,  
PC work session and PC/CC adoption hearings
- Completion: Jan. 2026
- Estimated cost: \$68,000



# CAPITOLA MALL UPDATE

## Option 2 – Expedited Objective Standards

- Amend Zoning Code and General Plan with objective standards
- Increase building height (75 ft) and FAR (2.0)
- Objective standards to address design and economic analysis
- Includes 1 stakeholder meeting and PC/Council adoption hearings
- Completion: Jan. 2026
- Estimated cost: \$46,000



# CAPITOLA MALL UPDATE

## Option 3 – Form Based Code

- Replace existing zoning with form-based code for Mall block
- Focus on building form + frontages and their relationship to streets, sidewalks and public spaces
- Includes design charrette + cohesive design standards + regulating map
- Standards to address design and economic analysis
- Completion: ~8 months (mid-2026)
- Estimated cost: \$162,000





# CAPITOLA MALL UPDATE

Option	Engagement Highlights	Timeline	Cost
1. Objective Standards	Stakeholders + Community Workshop	Apr 2026	\$76,000
1.5 Hybrid	Stakeholders + Community Workshop	Jan 2026	\$68,000
2. Expedited Objective Standards	1 Stakeholder meeting	Jan 2026	\$46,000
3. Form-Based Code	Charette/ Community Workshops	~8 months (mid-2026)	\$162,000



# CAPITOLA MALL UPDATE

## Fiscal Impact

- Current contract balance: \$46,611
- Funds needed: \$46,000 – \$162,000 (depending on option)
- Funds available in General Plan Maintenance Fund
- Recommendation: Reserve contract balance for ongoing code updates; Amend contract to cover full cost of chosen option



# CAPITOLA MALL UPDATE

## **Council Direction**

- Select preferred zoning update approach
- Amend FY 2025–26 Budget to allocate funding
- Authorize contract amendment with Ben Noble Planning
- Continue coordination with MGP and stakeholders



# DRAFT MOTION

Item 9 A.

**Authorize contract amendment with Ben Noble Planning to implement option \_\_\_\_,**

**and**

**Adopt resolution to amend FY 2025–26 Budget to allocate**

**1: \$76,000    1.5: \$68,000    2: \$46,000    3: \$162,000**

**from General Plan Maintenance Fund.**



# CAPITOLA MALL UPDATE

## **Economic analysis**

2019 study by Kosmont

637 units

600,000 sf commercial

Annual Cost / New Resident \$785

Estimated New Residents: 1,115 – 1,275

Annual Revenue:	\$925,000 to \$1,200,000
Annual Expenditures:	\$875,000 to \$1,000,000
Net Fiscal Surplus (Deficit)	\$50,000 to (\$75,000)



# CAPITOLA MALL UPDATE

## Economic analysis

- TOT is 12% of gross hotel revenue, all goes to City
- Sales tax is 9.25%, of which City receives 1.5%
- Property tax is 1% of assessed value, of which the City receives about 7.5% of the total



# CAPITOLA MALL UPDATE

## Capitola's RHNA Allocation

Low	Mod	Market Rate	Total
497	169	455	1336

## Capitola's RHNA Allocation

- Low-income units (50 – 80% of Area Median Income)
- Moderate-income units (80 – 120% of AMI)
- Market Rate units (Over 120% AMI)



# CAPITOLA MALL UPDATE

## Sites Inventory

Location	Housing Units
Entire Block	1,777
MGP Properties	1,125

How did we get here?





# CAPITOLA MALL UPDATE

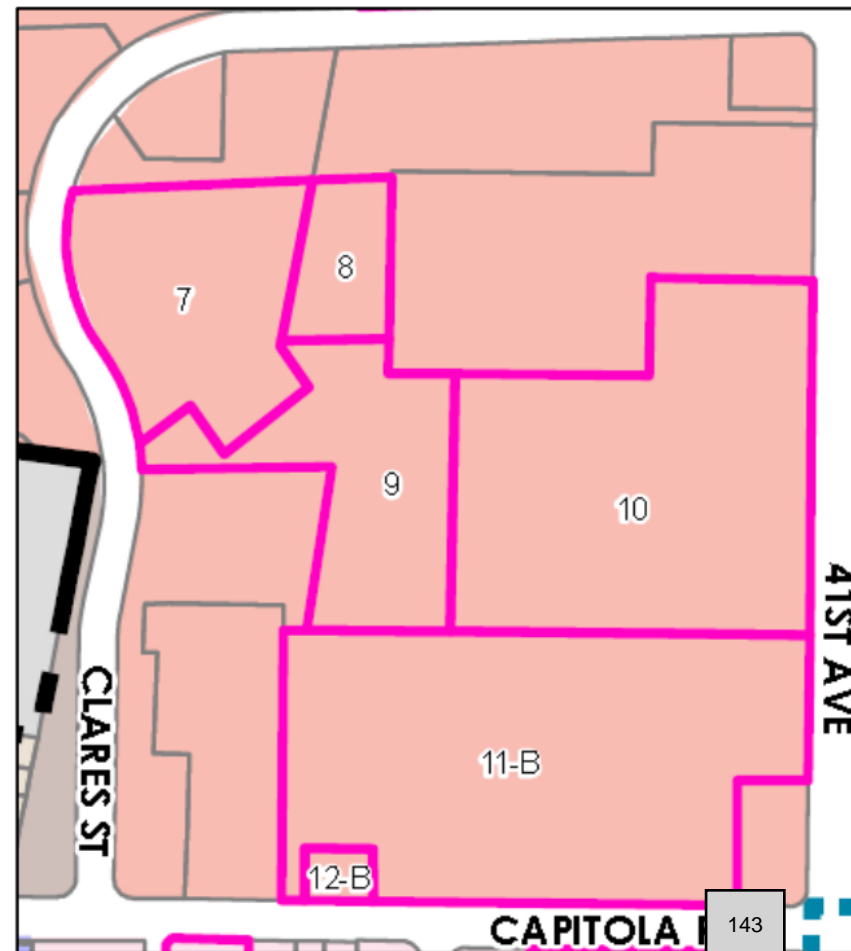
## First Draft of Housing Element

### Mall Block

6 sites total

5 of 6 Merlone Geier Partners)

Low	Mod	Market Rate	Total
368	109	257	734





# CAPITOLA MALL UPDATE

## First Draft of Housing Element

### Mall Block

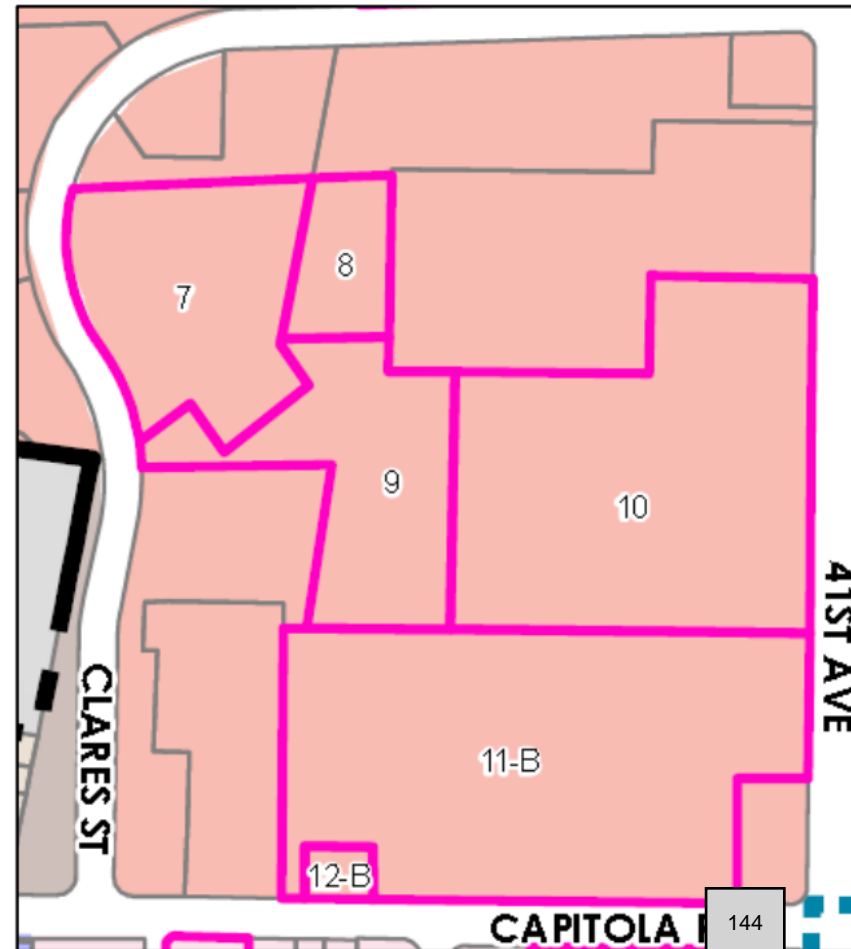
6 sites total

5 of 6 Merlone Geier Partners)

Low	Mod	Market Rate	Total
368	109	257	734

65%

35%





# CAPITOLA MALL UPDATE

## Certified Housing Element

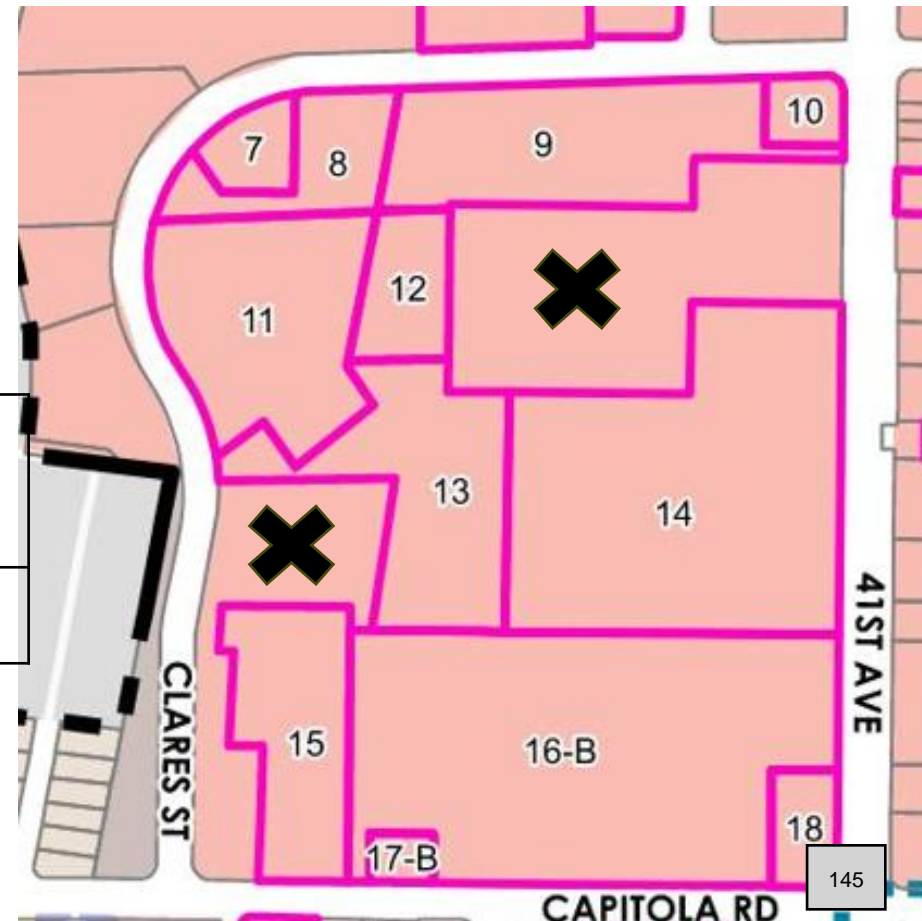
### Mall Block

10 out of 12 sites included  
5 of 10 (Merlone Geier Partners)

Low	Mod	Market Rate	Total
266	90	1,422	1,777

20%

80%



# Capitola City Council

## Agenda Report

**Meeting:** September 11, 2025

**From:** Community and Economic Development

**Subject:** Multifamily and Accessory Dwelling Unit Zoning Code Amendments



**Recommended Action:** 1) Adopt a resolution amending the General Plan Land Use Element; 2) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map; 3) Introduce for first reading, by title only, waiving further reading, an ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units; and 4) Adopt a resolution authorizing submittal of the Zoning Code amendments to the California Coastal Commission for the certification of an amendment to the Local Coastal Program.

**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 and timelines to implement Housing Element policies.

In 2024, the City Council adopted an initial set of Zoning Code Amendments to implement the Housing Element. 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.

As part of Housing Element Program 1.6, the City has committed to assessing the maximum densities allowed in the RM zones to determine if higher densities can help facilitate multi-family development in Capitola. In 2024, the Planning Commission discussed the RM Zone Amendments at three meetings and postponed action until 2025, pending additional public outreach. The City held a community workshop on the RM Zone Amendments on February 24, 2025, and a Planning Commission study session on March 3, 2025.

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. 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.

The proposed amendments to Chapter 17.74 are consistent with the amendments described in the City’s June 4, 2025 letter to HCD. City staff believes these amendments are sufficient to address HCD’s February 26, 2025 letter.

On August 21, 2025, the Planning Commission held a public hearing to consider the proposed RM Zone and ADU Amendments, and at this hearing, recommended that the Council adopt these Amendments (Attachment 6 includes a link to the agenda materials for this meeting). In their recommendation to the City Council, the Planning Commission included one amendment to include a maximum 10-foot side yard setbacks for the two new RM subzones.

**Discussion:** Attachment 2 contains a draft ordinance to adopt the proposed RM Zone Amendments. In furtherance of Program 1.6, the proposed amendments create two new RM subzones to allow for greater residential density: RM-30 (maximum 30 units per acre) and RM-40 (maximum 40 units per acre). The

proposed Zoning Map amendments apply the new RM-30 subzone to five areas and the new RM-40 subzone to two areas in Capitola (Attachment 2 Exhibit A), including:

- 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

The above were identified as locations that could realistically accommodate additional multifamily development consistent with and in furtherance of Housing Element Program 1.6. The proposed amendments establish development standards for the new RM subzones, as shown in Attachment 2 Exhibit A. The maximum height in the RM-40 subzone is proposed to be four stories based on HCD input, in order to be able to accommodate 40 units per acre. The proposed amendments also include minor modifications to development standards in the RM-10, RM-15, and RM-20 subzones to accommodate allowed densities.

The proposed RM amendments 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).

Attachment 3 contains a draft ordinance to adopt the proposed ADU Amendments. The majority of the proposed ADU Amendments are minor in nature, clarify existing requirements, and do not result in substantive changes to existing ADU requirements. To address HCD comments, substantive changes to existing ADU regulations include the following:

- Applies architectural detail standards to historic resources only when located in the coastal zone
- Removes requirement for HOA approval
- Increases the maximum number of detached ADUs on a multifamily parcel to eight, consistent with state law.

The Zoning Code is part of Capitola's Local Coastal Program (LCP), and as such, Zoning Code Amendments must be certified by the Coastal Commission before they become effective in the Coastal Zone. When adopting LCP amendments, the Coastal Commission requires cities to consider consistency with the LCP Land Use Plan and potential impacts on public access to the coast. This required analysis is provided in Attachment 4. Attachment 5 contains a resolution authorizing City staff to submit the Zoning Code Amendments to the Coastal Commission for certification.

Environmental Determination: 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 rezonings to implement a certified Housing Element from CEQA. The General Plan text amendment merely ensures vertical consistency between the General Plan and the Zoning Code. The RM Zone Amendments were also 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. In addition, the RM Zone Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that adoption will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).)

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)).

Fiscal Impact: No fiscal impacts.

Attachments:

1. Draft Resolution Amending General Plan Land Use Element
  - Exhibit A: Proposed General Plan Amendments
2. Draft RM Zone Ordinance
  - Exhibit A: Proposed Zoning Code Amendments
  - Exhibit B: Proposed Zoning Map Amendment
3. Draft ADU Ordinance
  - Exhibit A: Proposed Zoning Code Amendments
4. LCP Consistency Analysis
5. LCP Amendment Application Resolution
6. <https://meetings.municode.com/adaHtmlDocument/index?cc=CAPITOLACA&me=f3a52f41430f4178a54e4907001f8204&ip=True>

Report Prepared By: Ben Noble, Consultant; and Katie Herlihy, Community and Economic Development Director

Reviewed By: Julia Gautho, City Clerk; Samantha Zutler, City Attorney; and Leila Moshref-Danesh, Assistant City Attorney

Approved By: Jamie Goldstein, City Manager

*Attachment 2 edited on September 9<sup>th</sup> to correct the year of HCD approval.*

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AMENDING THE RESIDENTIAL MULTIFAMILY (RM) LAND USE  
DESIGNATION DESCRIPTION TO BE CONSISTENT WITH PROPOSED  
ZONING CODE REVISIONS TO THE RM ZONE AND FINDING THAT THE  
PROJECT IS EXEMPT FROM CEQA**

WHEREAS, California continues to face an unprecedented housing crisis, caused by housing underproduction and population growth;

WHEREAS, in compliance with State law requirements, 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, the City's Housing Element, since certified by the California Department of Housing and Community Development, is intended to serve the public interest by allowing for flexibility in future housing development, creating additional opportunities to address the housing crisis, and increasing opportunities for affordable housing to be constructed at the benefit of lower-income households;

WHEREAS, in furtherance of these important public interests, 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, City staff presented the City’s proposed approach to implementing Program 1.6 with respect to the RM Amendments to HCD on July 31, 2025, and HCD staff generally concurred with the City’s approach;

WHEREAS, notice of the Amendments’ 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 recommended that the City Council adopt the General Plan Land Use



Element text Amendment.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Capitola as follows:

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 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

4. The City Council hereby adopts the text amendment to the General Plan Land Use Element as set forth in Exhibit A attached hereto and incorporated herein, and directs the City Clerk to make the text amendment documents available to the public for inspection within one working day from the date of adoption.

**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.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 11<sup>th</sup> day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

---

Joe Clarke, Mayor

ATTEST: \_\_\_\_\_  
Julia Gautho, City Clerk

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.<sup>1</sup>
- ◆ 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 40 dwelling units per acre depending upon the zoning classification.



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

<sup>1</sup> 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.

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 17 (ZONING) FOR THE RESIDENTIAL MULTIFAMILY (RM) ZONE AND THE ZONING MAP, AND FINDING THE PROJECT EXEMPT FROM CEQA**

WHEREAS, California continues to face an unprecedented housing crisis, caused by housing underproduction and population growth;

WHEREAS, in compliance with State law requirements, 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, 2024, the California Department of Housing and Community Development ("HCD") certified the Housing Element;

WHEREAS, the City's Housing Element is intended to serve the public interest by allowing for flexibility in future housing development, creating additional opportunities to address the housing crisis, and increasing opportunities for affordable housing to be constructed at the benefit of lower-income households;

WHEREAS, in furtherance of these important public interests, 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 promote housing in the RM zones and in furtherance of Housing Element Program 1.6;

WHEREAS, City staff presented the City's proposed approach to implementing Program 1.6 with respect to the RM Amendments to HCD on July 31, 2025, and HCD staff generally concurred with the City's approach;

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 recommended the City Council adopt the Zoning Code Amendments and associated conforming General Plan text Amendment, with one recommended revision, to include an upper limit (10 feet) to the minimum required side yard setbacks for the two new RM subzones.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Capitola as follows:

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

**Section 2:** Pursuant to Capitola Municipal Code Section 17.144.050 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, subject to 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 affected sites reflected on the Zoning Map are physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the affected sites, surrounding properties, and the community at large
- c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

**Section 3:** Title 17 (Zoning) of the Capitola Municipal Code is amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**Section 4:** The official Zoning Map of the City of Capitola is amended as set forth in Exhibit B, attached hereto and incorporated herein by this reference.

**Section 5:** Environmental Review.

The City Council finds and determines 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.

**Section 6:** Effective Date.

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

**Section 7:** Severability.

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

**Section 8:** Certification.

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

This Ordinance was introduced at the meeting of the City Council on the 11<sup>th</sup> day of September, 2025, and was adopted at a regular meeting of the City Council on the 25<sup>th</sup> day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

## 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
<b>Residential Zoning Districts</b>		
R-1	Residential Single-Family	Single-Family Residential (R-SF)
RM-10	Residential Multifamily, 10 du/ac	Multifamily Residential (R-MF)
RM-15	Residential Multifamily, 15 du/ac	
RM-20	Residential Multifamily, 20 du/ac	
RM-30	Residential Multifamily, 30 du/ac	
RM-40	Residential Multifamily, 40 du/ac	
MH	Mobile Home Park	Mobile Home Park (MH)
<b>Mixed Use Zoning Districts</b>		
MU-V	Mixed Use, Village	Village Mixed-Use (MU-V)
MU-N	Mixed Use, Neighborhood	Neighborhood Mixed-Use (MU-N)
<b>Commercial and Industrial Zoning Districts</b>		
C-C	Commercial, Community	Community Commercial (C-C)
C-R	Commercial, Regional	Regional Commercial (C-R)
I	Industrial	Industrial (I)
<b>Other Zoning Districts</b>		
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**

<b>Overlay Zone Symbol</b>	<b>Name of Overlay Zone</b>
-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 five subzones 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			
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
<b>–</b>	Use not allowed	<b>R-1</b>	<b>RM</b>	<b>MH</b>	<b>Additional Regulations</b>
<b>Residential Uses [5]</b>					
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
Urban Agriculture					

Key		Zoning District			
<b>P</b>	Permitted Use				
<b>A</b>	Administrative Permit required				
<b>M</b>	Minor Use Permit required				
<b>C</b>	Conditional Use Permit required				
<b>–</b>	Use not allowed				
		<b>R-1</b>	<b>RM</b>	<b>MH</b>	<b>Additional Regulations</b>
	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. Single-Family Zoning District.**

1. General Standards. Table 17.16-2 identifies development standards that apply in the R-1 district.

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

	<b>R-1</b>		<b>Additional Standards</b>
<b>Site Requirements</b>			
Parcel Area, Minimum [1]	5,000 sq. ft.		
Parcel Width, Minimum [1]	30 ft.		
Parcel Depth, Minimum [1]	80 ft.		
Floor Area Ratio, Maximum	See Section 17.16.030(A)(1)		Section 17.16.030(A) Section 17.48.040
Building Coverage, Maximum	N/A		
Open Space	N/A		
Parcel Area per Unit, Minimum	N/A		

	R-1		Additional Standards
Parking and Loading	See Chapter 17.76		
Structure Requirements			
Setbacks, Minimum			Sections 17.48.030
Front	Ground floor: 15 ft. Garage: 20 ft. Second story: 20 ft.		Section 17.16.030(A)(3) Section 17.16.030(A)(4)
Rear	20% of parcel depth; 25 ft. max.		Section 17.16.030(A)(5)
Interior Side	<u>Ground floor:</u> 10% of parcel width [2]  <u>Second story:</u> 15% of parcel width		Sections 17.16.030(A)(5) and (A)(6)
Street Side, Corner Lots	10 ft.		Section 17.16.030(A)(5)
Height, Maximum	25 ft.		Sections 17.16.030(A)(7) 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).

2. 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**

<b>Lot Size</b>	<b>Maximum FAR</b>
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
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

Lot Size	Maximum FAR
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

3. 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

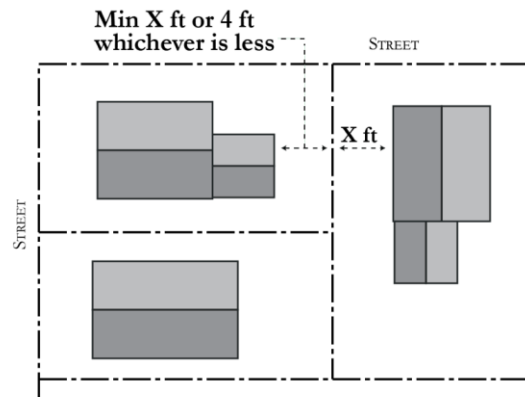


4. Wharf Road Reduced Setback. For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the planning commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within one hundred feet on the same side of the street.

## 5. 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.

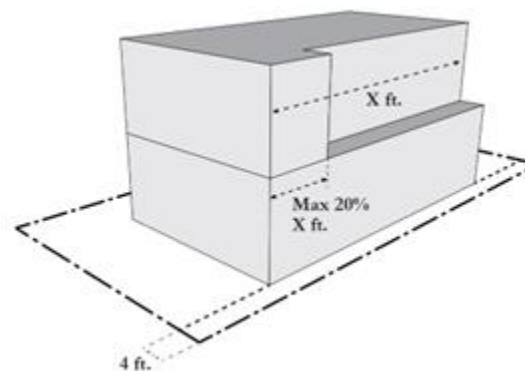
**Figure 17.16-2: Reverse Corner Lot Rear Setback**



## 6. 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**



## 7. 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.

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

9. 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).

10. 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.

11. Second-Story Decks and Balconies.

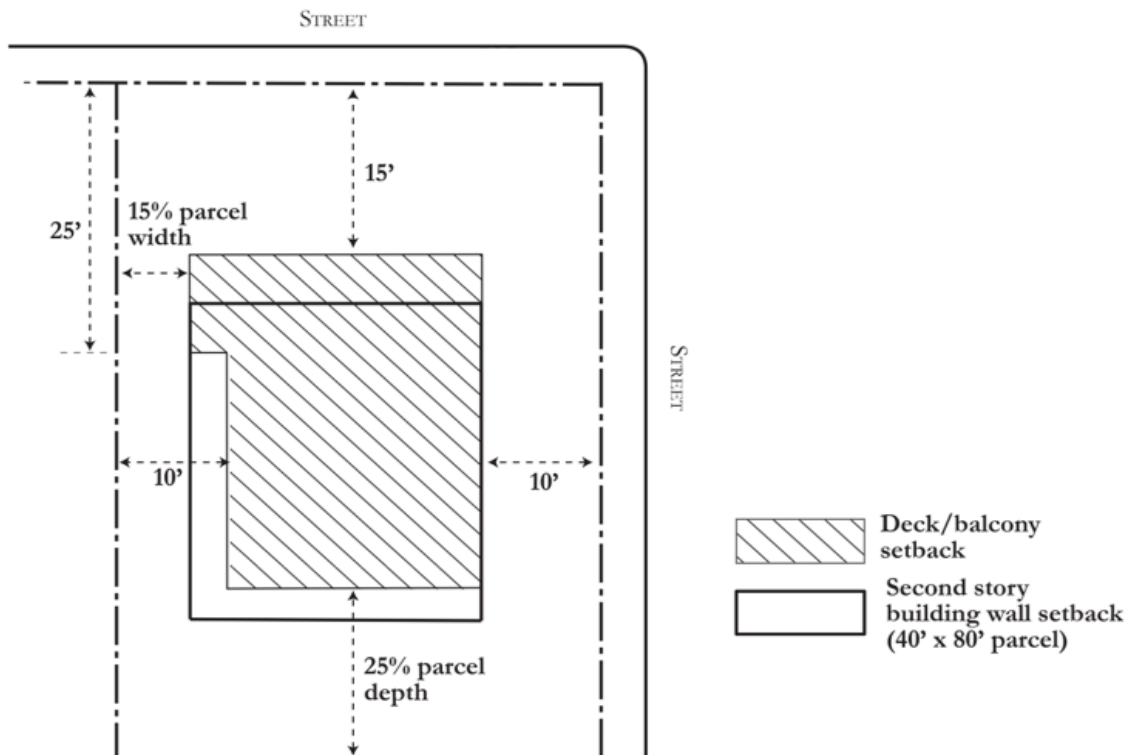
- a. Cumulative upper floor deck area in excess of one hundred fifty square feet is included in the floor area ratio calculation.
- b. A second-story deck or balcony may not face an interior side parcel line abutting a lot with a single-family dwelling.
- c. A second-story deck or balcony must comply 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.

## B. RM Zoning Districts.

1. General Standards. Table 17.16-5 identifies standards that 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
<b>Site Requirements</b>						
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					
<b>Structure Requirements</b>						
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 ten 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).

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

3. Open Space. Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-6 and Figure 17.16-4.

**Table 17.16-6: 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.
<b>Private Open Space [4]</b>	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

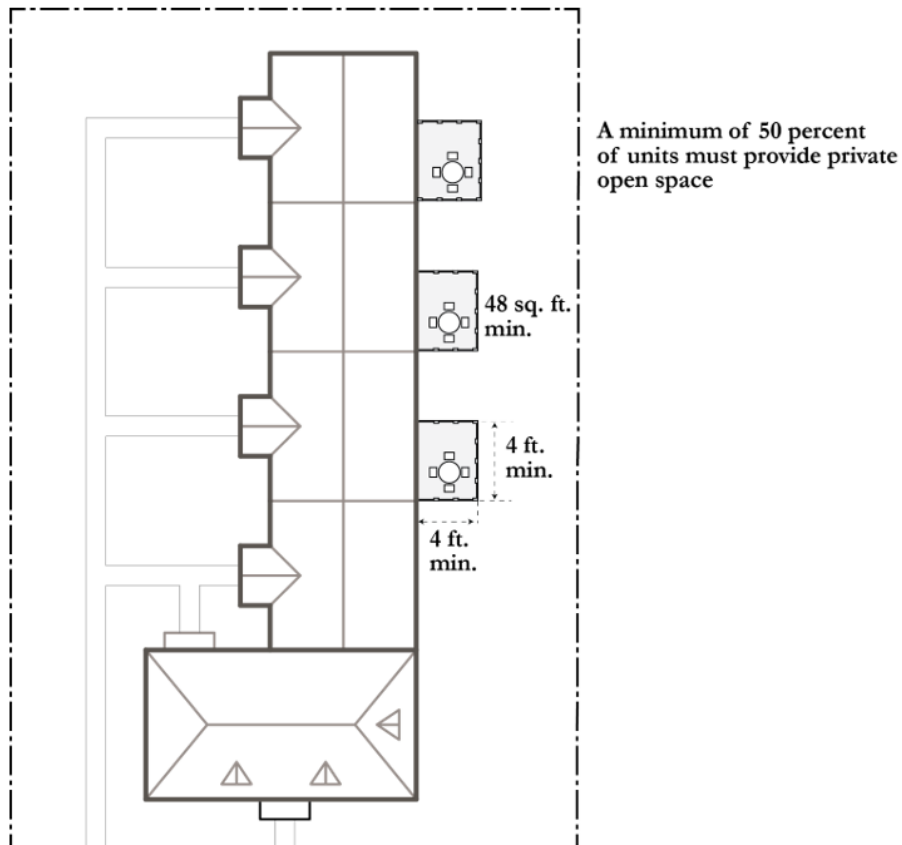
[1] Common open space shall be fully landscaped and accessible to all residents.

[2] See subsection (B)(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**



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

5. 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).

6. 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 (A)(11) 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 (B)(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 17.16-7 identifies development standards that apply in the mobile home park (MH) zoning district.

**Table 17.16-7: MH Zoning District Development Standards**

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

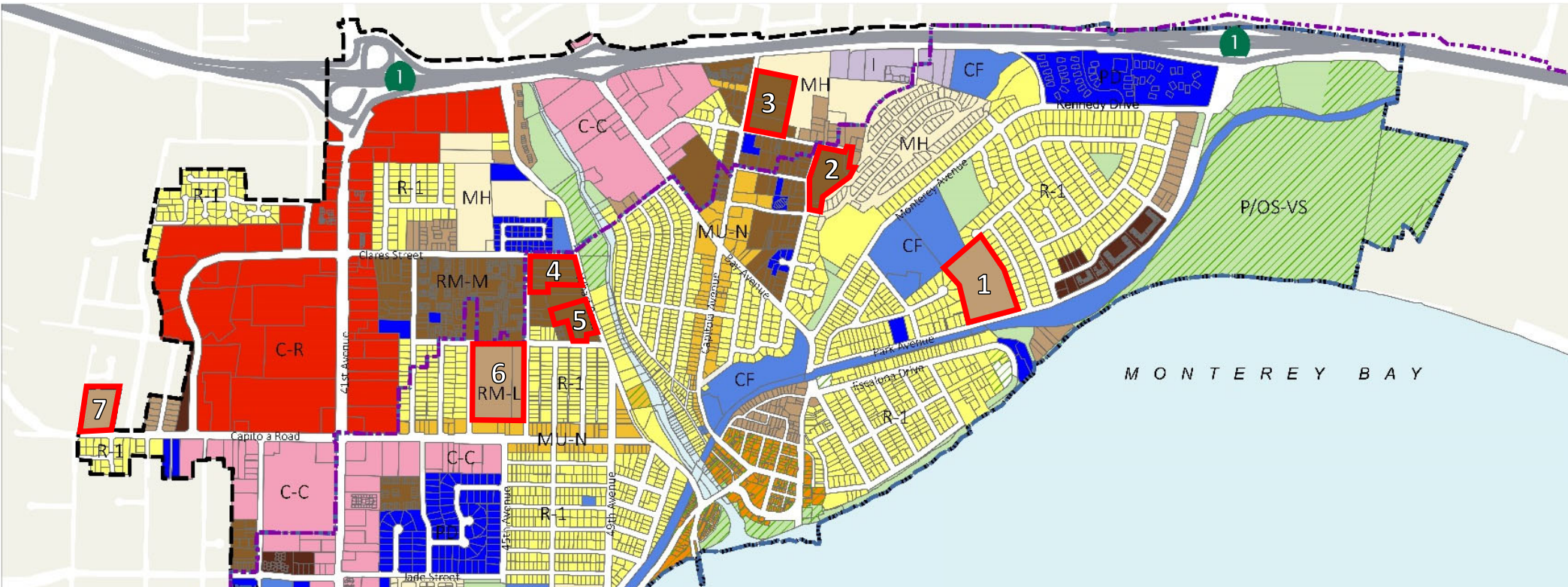
Notes:

[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



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



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





# Area 4: Clares & 46<sup>th</sup>



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



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





# 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

Capitola Rd



**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO  
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 recommended the City Council adopt the Zoning Code Amendments.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Capitola as follows:

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

**Section 2:** Pursuant to Capitola Municipal Code Section 17.144.050 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.

**Section 3:** Title 17, Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code is amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

**Section 4:** Environmental Review.

The City Council finds and determines that 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));

**Section 5:** Effective Date.

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

**Section 6:** Severability.

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

**Section 7:** Certification.



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

This Ordinance was introduced at the meeting of the City Council on the 11<sup>th</sup> day of September, 2025, and was adopted at a regular meeting of the City Council on the 25<sup>th</sup> day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

Attest: \_\_\_\_\_  
Julia Gautho, City Clerk

## 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. If a definition below conflicts with a definition in Chapter 17.160 (Glossary), the definition below controls.

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.

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. 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.

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, 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, 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.

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 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 sprinklers are not required for the primary residence. 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.

H. Guaranteed Allowance.

1. Maximum building coverage, floor area ratio, front setbacks, 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. Be built on a permanent chassis;
- b. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
- c. 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. 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 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. 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 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 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.. The accessory dwelling units must comply with the following:

- a. Maximum height: 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. Attached Accessory Dwelling Units. An 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. Detached Accessory Dwelling Units Between Eight Hundred and One Thousand Two Hundred Square Feet. A 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. Accessory Dwelling Units – Additional Height Allowance. A detached accessory dwelling unit 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	



ADU Type/Location	Standard
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.
<b>Floor Area Ratio, Maximum [1]</b>	As required by zoning district [2]
<b>Setbacks, Minimum [3,4]</b>	
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.
<b>Building Coverage, Maximum</b>	
R-M zoning district	40% [2]
All other zoning districts	No maximum
<b>Height, Maximum [3]</b>	
Attached ADU	25 ft. or maximum permitted in zoning district, whichever is less
Detached ADU – Ministerial Approval	16 ft. [8] [9]
Detached ADU – With Design Permit	22 ft.
<b>Private Open Space, Minimum [7]</b>	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.

- 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).

ii. The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the city council.

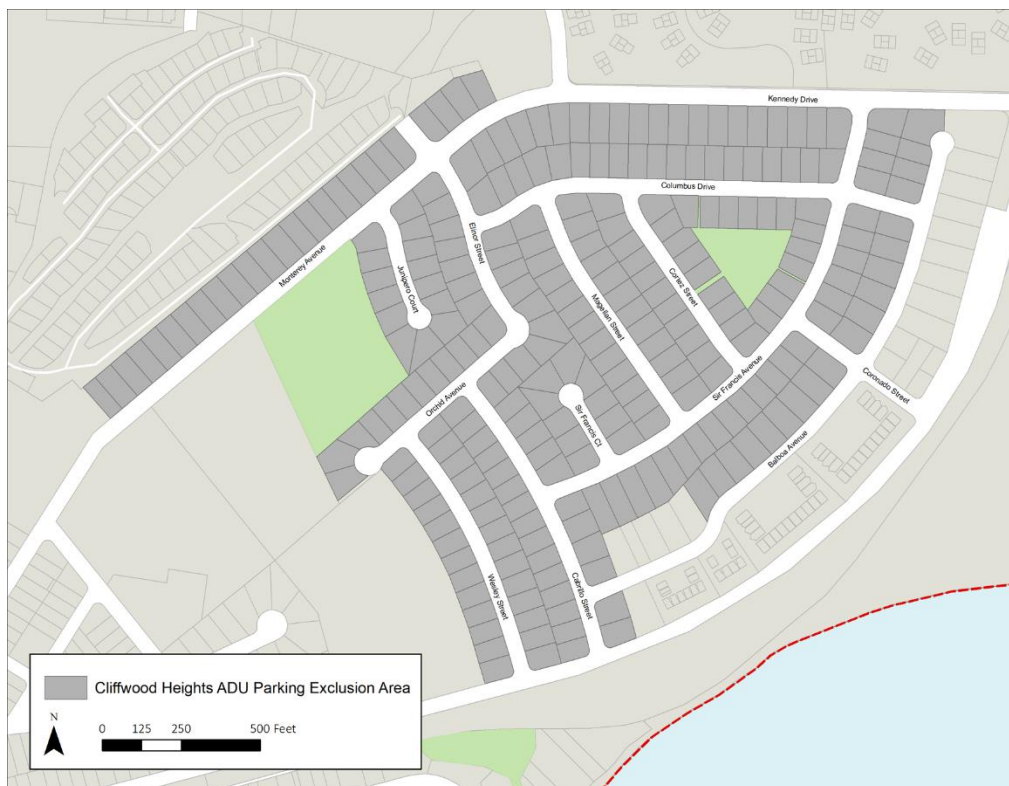
iii. The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.

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, 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-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
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]
Exterior Preservation	No requirement	No requirement	See 17.74.090.E.1	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.

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.

**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. Detached accessory dwelling units with a height that requires design review as specified in Table 17.74-1.; 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.
3. 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)

## 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**

<b>LCP Policies</b>	<b>Basis for Consistency Finding</b>
<b>Coastal Act Policy 30250:</b> 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.
<b>Coastal Act Policy 30253:</b> 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.
<b>Coastal Act Policy 30240:</b> 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.
<b>Policy VII-1:</b> 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 CITY COUNCIL OF THE CITY OF CAPITOLA  
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION  
FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL  
PROGRAM AMENDING MUNICIPAL CODE TITLE 17 (ZONING) PERTAINING  
TO THE MULTIFAMILY (RM) ZONE AND ACCESSORY DWELLING UNITS**

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time;

WHEREAS, the City of Capitola Municipal Code Title 17 (Zoning) is a component of the City's certified LCP Implementation Plan;

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 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 to implement Housing Element Program 1.6, and a conforming text amendment to the City's General Plan Land Use Element (together, the "RM Amendments");

WHEREAS, City staff presented the City's proposed approach to implementing Program 1.6 with respect to the RM Amendments to HCD on July 31, 2025, and HCD staff generally concurred with the City's approach;

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

WHEREAS, together, the RM Amendments and ADU Amendments are known as the “Amendments”, and 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, at a duly noticed public hearing on August 21, 2025, the Planning Commission recommended that the City Council adopt the Amendments;

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on September 11, 2025, at which the City Council introduced and performed a first reading of two ordinances and a resolution to adopt the proposed Amendments. On September 25, 2025, the City Council adopted the ordinances;

WHEREAS, the City Council determined that the Amendments are consistent with the General Plan subject to approval of the conforming General Plan Text Amendment, that the Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City, that the revisions would be internally consistent with all other provisions of the Municipal Code, and that the affected sites are physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the zoning code and general plan and contribute to the health, safety, and welfare of the affected sites, surrounding properties, and the community at large;

WHEREAS, the Amendments would become a component of Implementation Plan of the City’s Local Coastal Program and are intended to be implemented in a manner that is in full conformance with the California Coastal Act;

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Title 17 (Zoning) and the Zoning Map are part of Capitola’s Local Coastal Program Implementation Plan; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the

City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP Implementation Plan as it pertains to Chapter 17 (Zoning), as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 11<sup>th</sup> day of September, 2025, by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
Joe Clarke, Mayor

ATTEST: \_\_\_\_\_  
Julia Gautho, City Clerk

# City Of Capitola Zoning Code Amendments



City Council Hearing  
September 11, 2025

# Background

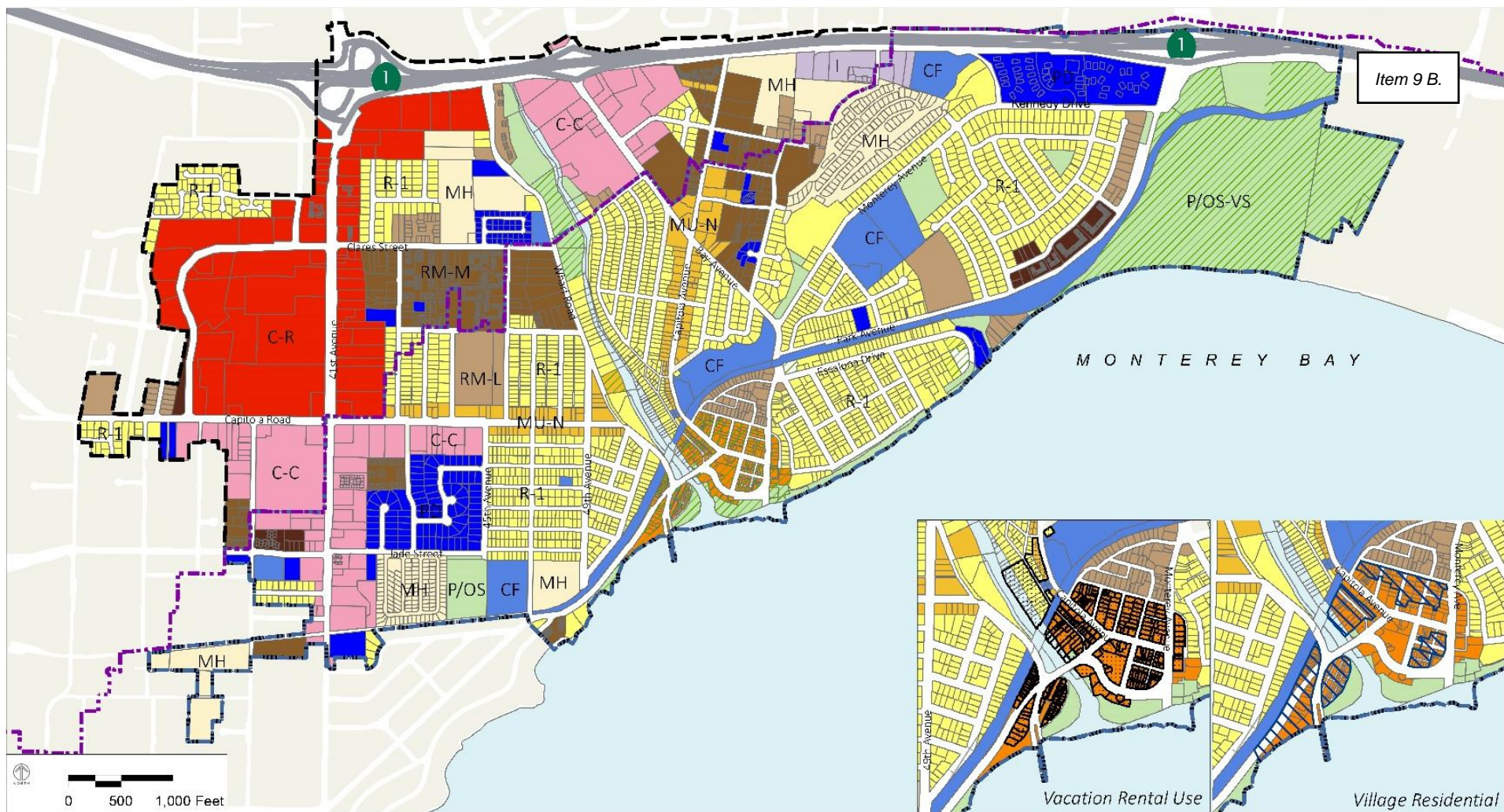
- Updated Housing Element adopted 2024
- Housing Element programs require Zoning Code Amendments
- Zoning Code amendments adopted in 2024
- Residential Multifamily (RM) zone and Capitola Mall amendments deferred until 2025

# RM Zone Amendments

## Housing Element Program 1.6:

- Assess maximum densities allowed in RM zones and determine if higher densities can help facilitate multi-family development
- Review and revise, as appropriate, requirements such as minimum unit size, setbacks, parking requirements, and height restrictions to ensure they are necessary and pertinent and do not pose constraints on development of housing





## Residential Multifamily (RM) Subzones

- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density

RM Subzone	Maximum Density
RM-L	10 du/ac
RM-M	15 du/ac
RM-H	20 du/ac

# RM Zone Amendments

- Discussed at three Planning Commission meetings in 2024
- Community Workshop – February 25, 2025
- Planning Commission Study Session – March 3, 2025
- Planning Commission Hearing – August 21, 2025

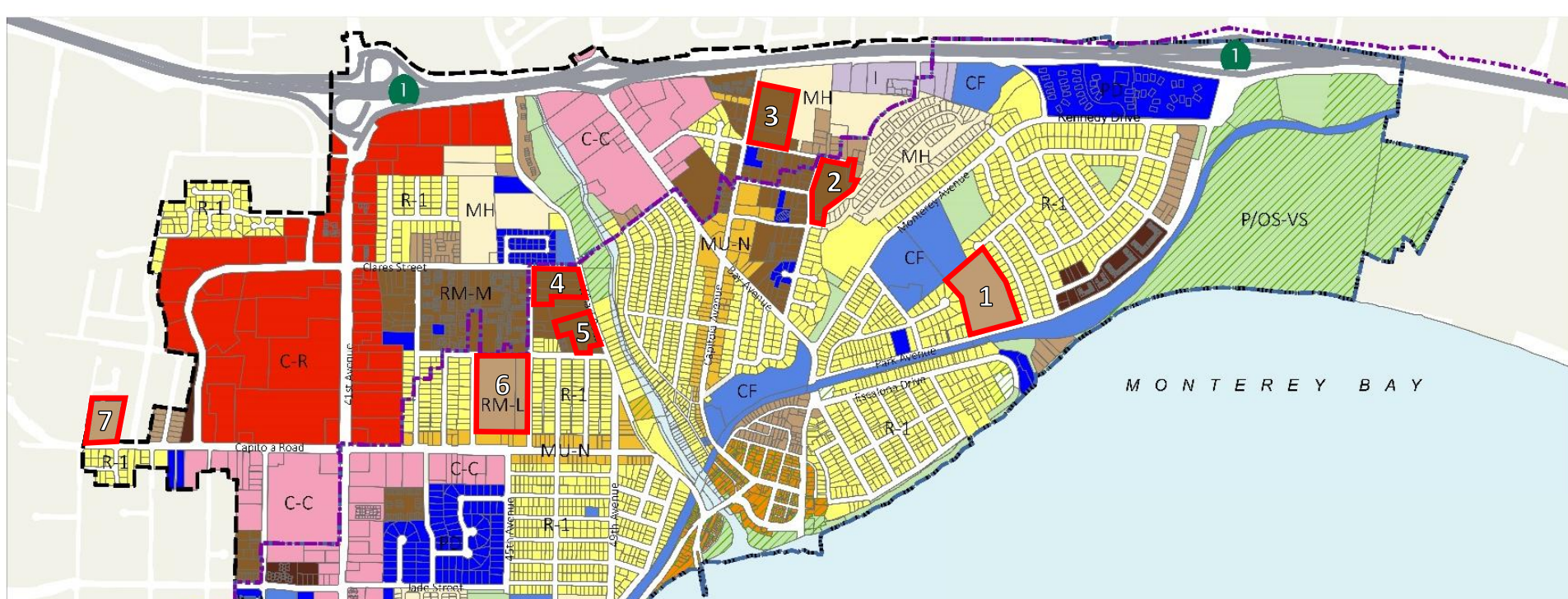


# RM Zone Amendments

## Proposed Amendments:

- Creates two new RM subzones:
  - RM-30 (maximum 30 units per acre)
  - RM-40 (maximum 40 units per acre)
- Applies new RM subzones to seven areas on Zoning Map
- Establishes development standards to allow for maximum density

# 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)

# Proposed RM Standards

- Development standards for new RM-30 and RM-40 subzones to achieve allowed density
- Adjustments to existing RM-10, RM-15, RM-20 subzones:
  - Height
  - Rear Setback
  - Building Coverage (RM-20 only)

# Example: 600 Park Avenue

	Existing (RM-L)	Proposed (RM-30)
Density	10 du/ac	30 du/ac
Height	30 ft.	30 ft. to top plate plus 6 ft. for pitched roof
Building Coverage	40%	50%
Setbacks		
Front	15 ft.	15 ft. [2]
Interior Side	10% of lot width [1]	10% of lot width [1]
Street Side	10 ft.	10 ft. [2]
Rear	15% of lot depth	10 ft. [3]
Shared Open Space	15% site area	15% site area

[1] In no case less than 3 feet or greater than ~~10~~ 7 feet.

[2] 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

[3] 15 ft. if abutting a R-1 zone.



## First and Second Story Setbacks

Setbacks	Existing (RM-L)	Proposed (RM-30)
<b>A</b> Front	15 ft.	15 ft.*
<b>B</b> Interior Side	7 ft.	10 ft.
<b>C</b> Rear	99 ft.	15 ft.

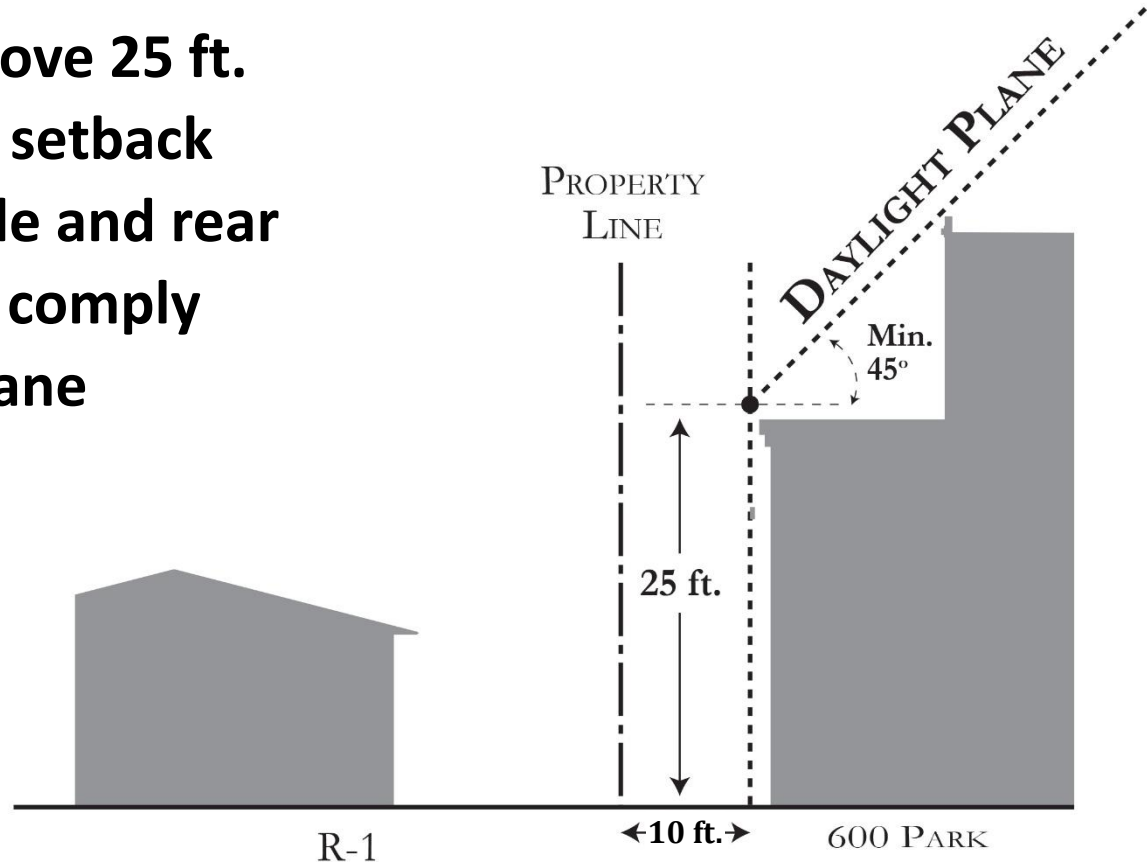
\* Planning Commission may reduce





# Daylight Plane Standard

**Building wall above 25 ft.  
must be further setback  
from interior side and rear  
property line to comply  
with daylight plane  
standard**



# General Plan Amendment

## Proposed Land Use Element Text Amendment:

“The maximum permitted residential density in the RM designation is between 10 and 40 ~~20~~ 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).~~”

# Accessory Dwelling Units

- ADU ordinance amendments adopted in 2024 to address recent changes to state law
- City submitted ADU ordinance to HCD for review and comment
- 2025 HCD review letter recommended further changes to ADU ordinance



# Accessory Dwelling Units

- Most proposed changes are non-substantive and clarify existing requirements
- Noteworthy substantive changes:
  - Historic Resources
  - Homeowner Associations
  - Number of Detached ADUs on Multifamily Parcels

# CEQA

Proposed amendments are exempt from California Environmental Quality Act (CEQA) because they:

- Implement a certified Housing Element (PRC 21080.85); and
- Implement state ADU law (PRC 21080.17)

# Recommendation

1. Adopt a resolution amending the General Plan Land Use Element
2. Introduce for first reading ordinance amending Capitola Municipal Code Title 17: Zoning for the Residential Multifamily Zone and the Zoning Map
3. Introduce for first reading ordinance amending Capitola Municipal Code Title 17, Chapter 17.74: Accessory Dwelling Units
4. Adopt a resolution authorizing submittal of the Zoning Code amendments to the California Coastal Commission

# Capitola City Council

## Agenda Report



**Meeting:** September 11, 2025

**From:** Community Services and Recreation Department

**Subject:** Pickleball Community Engagement Survey

**Recommended Action:** Receive report on the community engagement survey for pickleball preferences.

**Background:** During the FY 24/25 budget adoption process City Council directed staff to complete a community survey regarding pickleball. Staff conducted the community engagement survey in April 2025 with the goal of evaluating community interest in pickleball and gathering input on potential locations within the City. Outreach efforts included online distribution, promotion through City social media and newsletters. A total of 329 responses were received, of which 102 were from Capitola residents and 227 were from non-residents living in surrounding communities such as Santa Cruz, Aptos, and Soquel. The survey was designed to capture levels of interest with developing pickleball opportunities in Capitola.

**Discussion:** Overall, 307 of 329 respondents (93%) expressed interest in a pickleball facility in Capitola. In addition, 65% indicated they preferred outdoor courts and 54% indicated they supported dedicated pickleball courts (not shared with tennis).

Staff also filtered out non-resident responses from the data, and the results were generally consistent with the overall results. Among the 102 Capitola residents who responded to the survey, 86 (84%) indicated they are interested in pickleball opportunities. Preferences for facility type show that 53 residents favor outdoor courts, 13 prefer indoor courts, and 36 expressed no preference. When asked about shared court use, 50 responses supported dedicated pickleball courts. This is consistent with anecdotal information from the tennis community at Jade Street Park.

In terms of location, Jade Street Park received the most support from all respondents, with 137 comments, followed by Monterey Park. A number of survey responses also suggested Capitola Mall as well as sites outside the City. The most common barrier to participation is the lack of nearby facilities, reported by 49% of residents, followed by limited court availability and lack of indoor facilities.

When asked about beliefs about benefits of pickleball, residents shared the promotion of health and wellness, fostering community interaction, providing youth opportunities, and supporting senior recreation. Residents also shared concerns regarding noise from gameplay, parking challenges, traffic impacts, and the potential displacement of other recreational activities.

**Fiscal Impact:** There is no fiscal impact associated with this report. There is no funding allocated to the development of a pickleball facility in the FY 2025-26 Budget. Should Council desire to further consider pickleball opportunities in Capitola, staff recommends considering options during future budget/goal setting Council meetings.

### Attachments:

1. Pickleball Community Engagement Survey Overall Results

## 2. Pickleball Community Engagement Survey Results: Residents

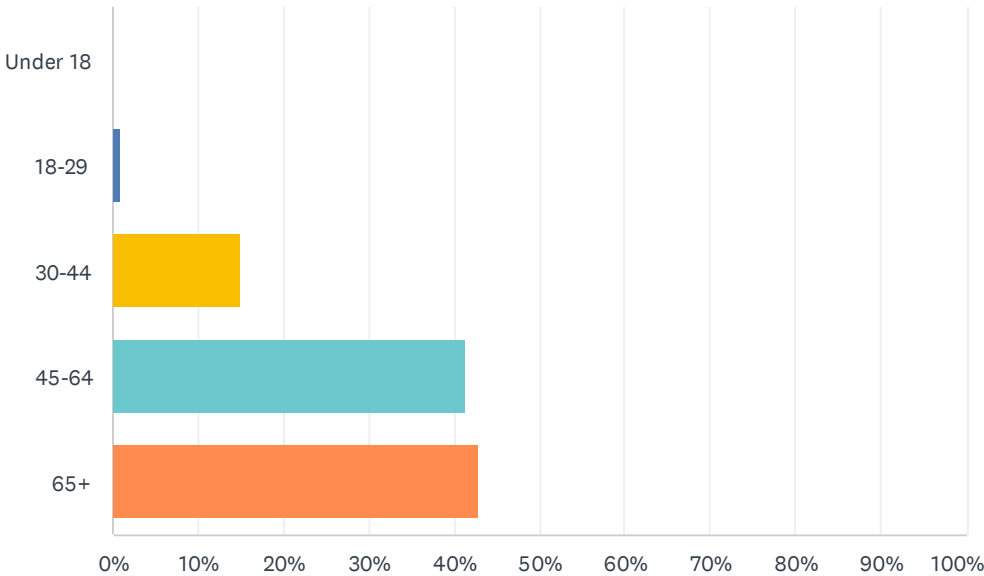
Report Prepared By: Nikki Bryant, Community Services and Recreation Director

Reviewed By: Julia Gautho, City Clerk

Approved By: Jamie Goldstein, City Manager

# Q1 What is your age group?

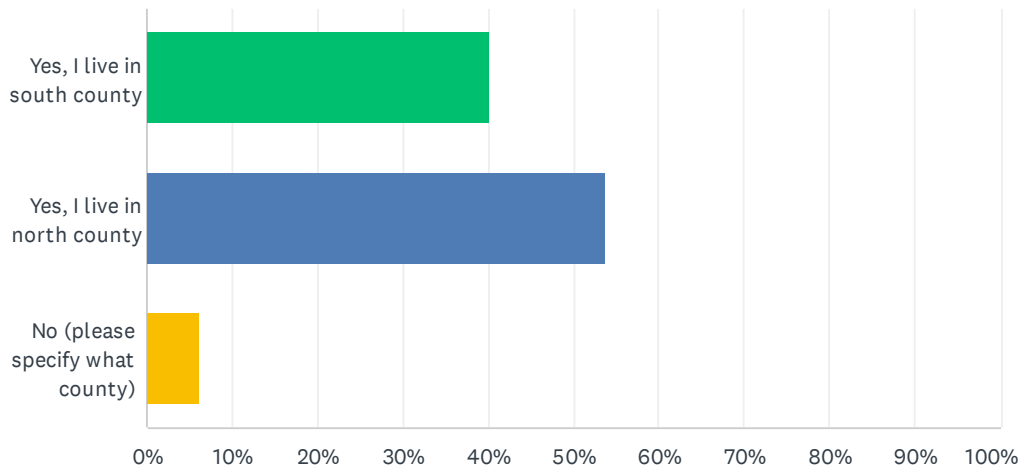
Answered: 327   Skipped: 2



ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-29	0.92%	3
30-44	14.98%	49
45-64	41.28%	135
65+	42.81%	140
TOTAL		327

## Q2 Do you live in Santa Cruz County?

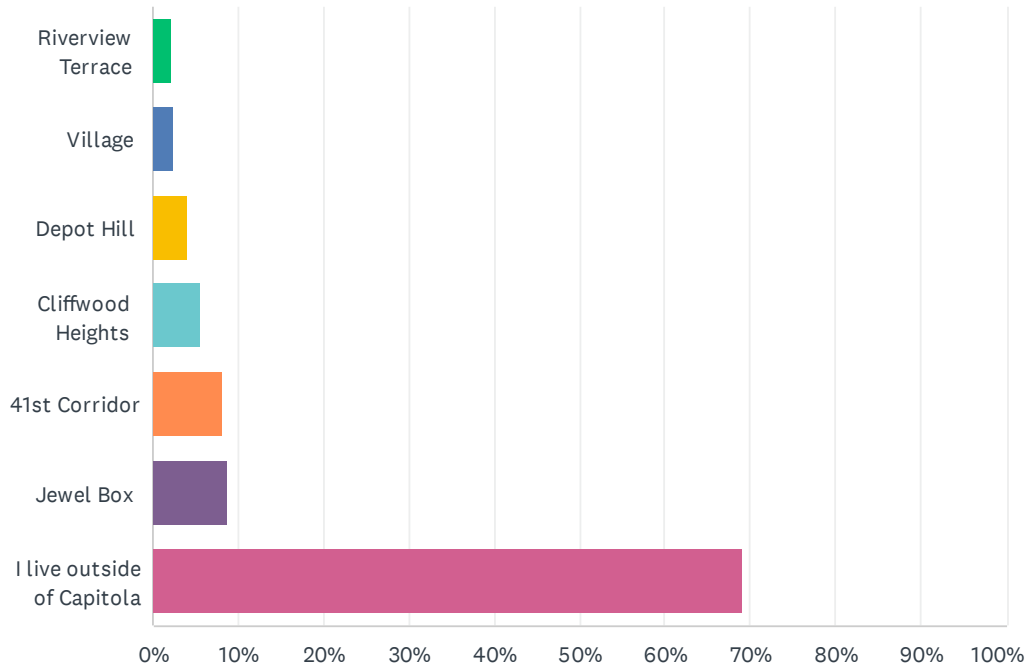
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, I live in south county	40.12%	132
Yes, I live in north county	53.80%	177
No (please specify what county)	6.08%	20
TOTAL		329

### Q3 Which neighborhood in Capitola do you live in? If not, please specify what city you live in.

Answered: 329 Skipped: 0

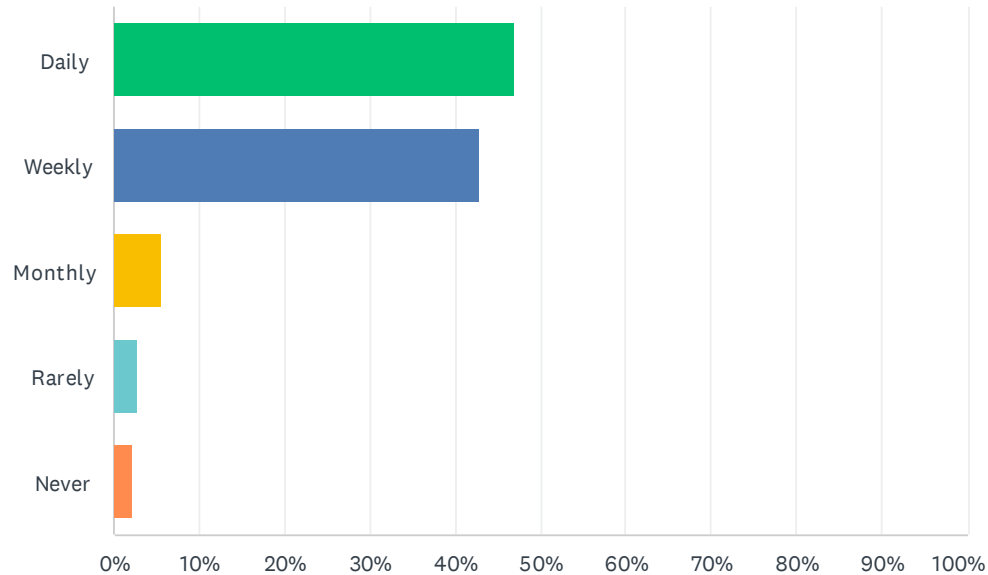


ANSWER CHOICES	RESPONSES	
Riverview Terrace	2.13%	7
Village	2.43%	8
Depot Hill	3.95%	13
Cliffwood Heights	5.47%	18
41st Corridor	8.21%	27
Jewel Box	8.81%	29
I live outside of Capitola	69.00%	227
TOTAL		329



## Q4 How often do you participate in recreational activities within Santa Cruz County?

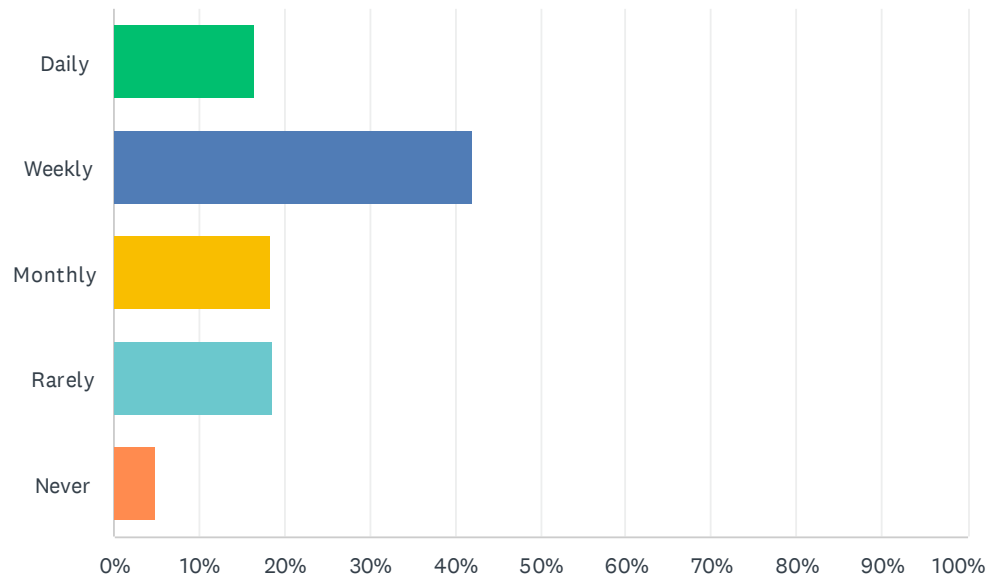
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	46.81%	154
Weekly	42.86%	141
Monthly	5.47%	18
Rarely	2.74%	9
Never	2.13%	7
TOTAL		329

## Q5 How often do you participate in recreational activities within Capitola?

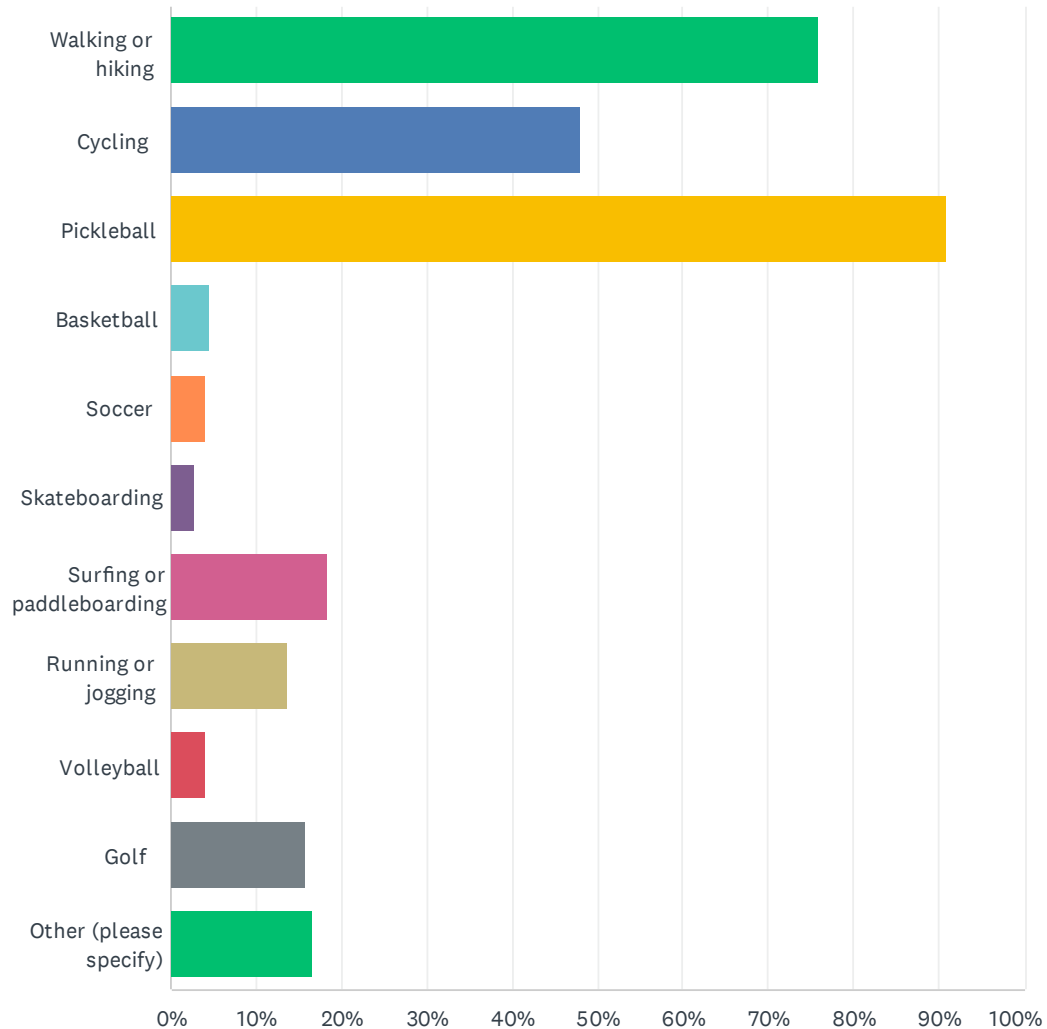
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	16.41%	54
Weekly	41.95%	138
Monthly	18.24%	60
Rarely	18.54%	61
Never	4.86%	16
TOTAL		329

## Q6 What outdoor recreational sports or activities do you currently participate in?

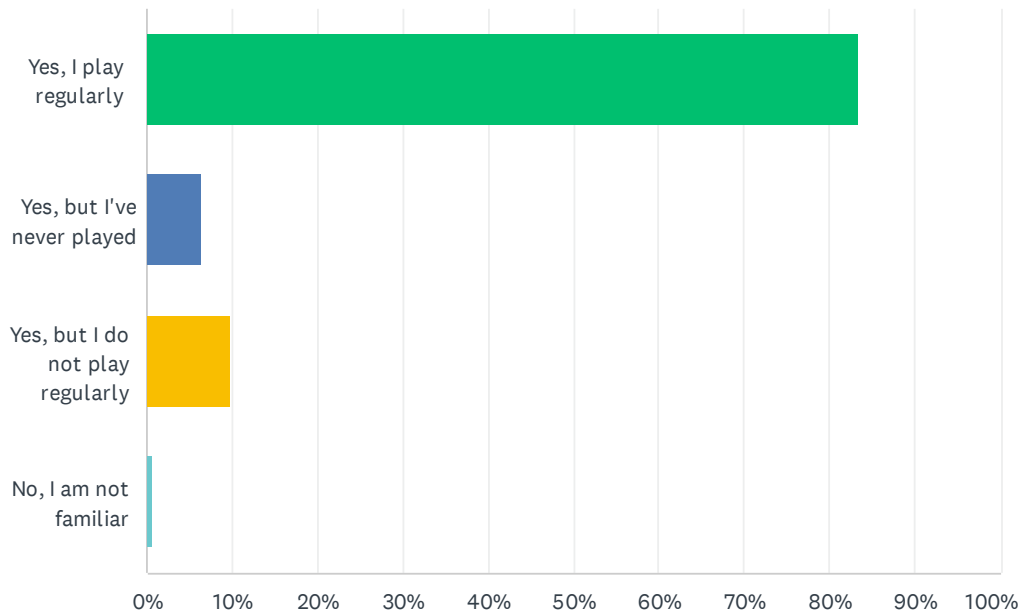
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Walking or hiking	75.99%	250
Cycling	48.02%	158
Pickleball	90.88%	299
Basketball	4.56%	15
Soccer	3.95%	13
Skateboarding	2.74%	9
Surfing or paddleboarding	18.24%	60
Running or jogging	13.68%	45
Volleyball	3.95%	13
Golf	15.81%	52
Other (please specify)	16.72%	55
Total Respondents: 329		

Q7 Are you familiar with the sport of pickleball?

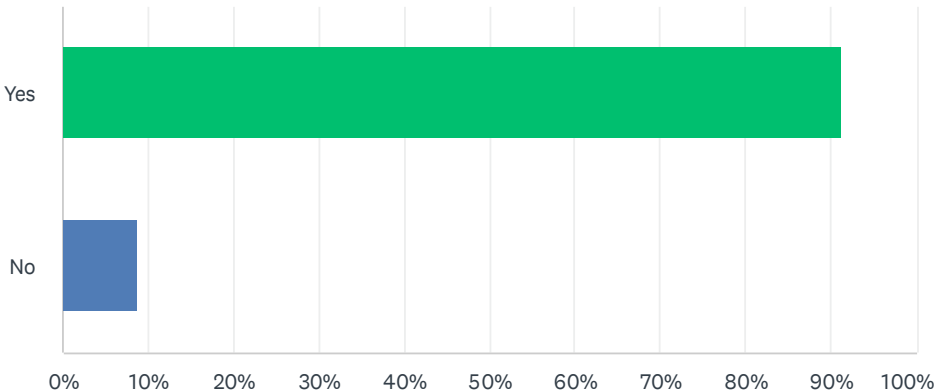
Answered: 329    Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, I play regularly	83.28%	274
Yes, but I've never played	6.38%	21
Yes, but I do not play regularly	9.73%	32
No, I am not familiar	0.61%	2
TOTAL		329

## Q8 Have you played pickleball in the surrounding areas?

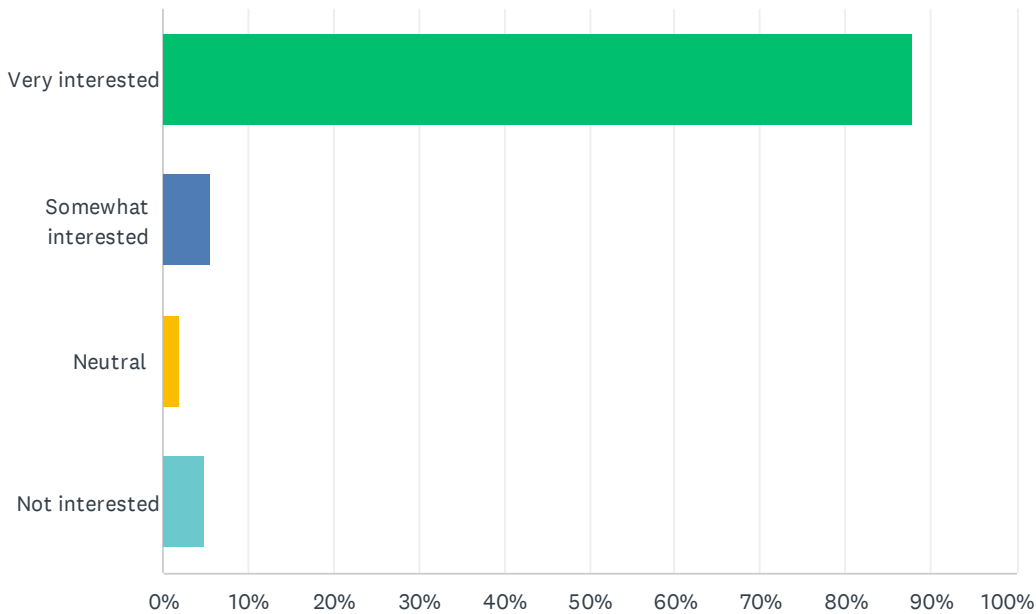
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	91.19%	300
No	8.81%	29
TOTAL		329

# Q9 How interested are you in seeing a pickleball facility in Capitola?

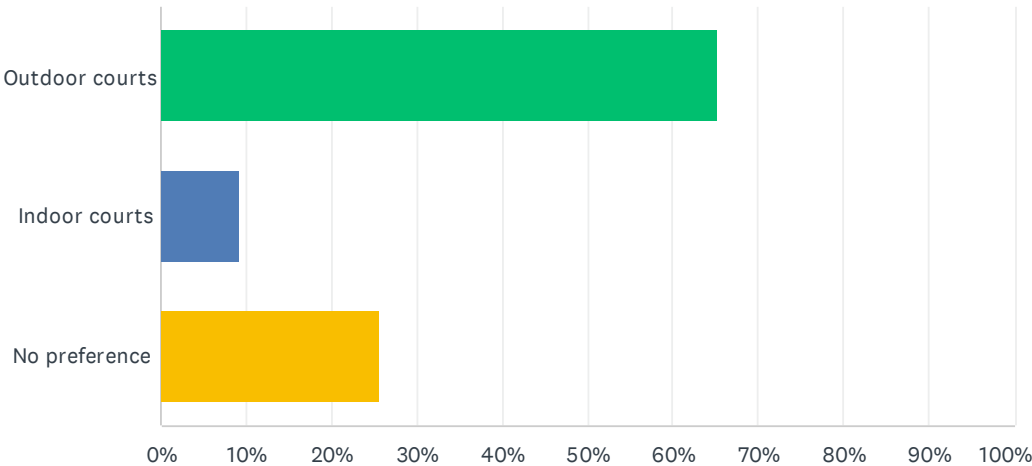
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very interested	87.84%	289
Somewhat interested	5.47%	18
Neutral	1.82%	6
Not interested	4.86%	16
TOTAL		329

# Q10 What is your preferred setting for pickleball activities?

Answered: 329 Skipped: 0

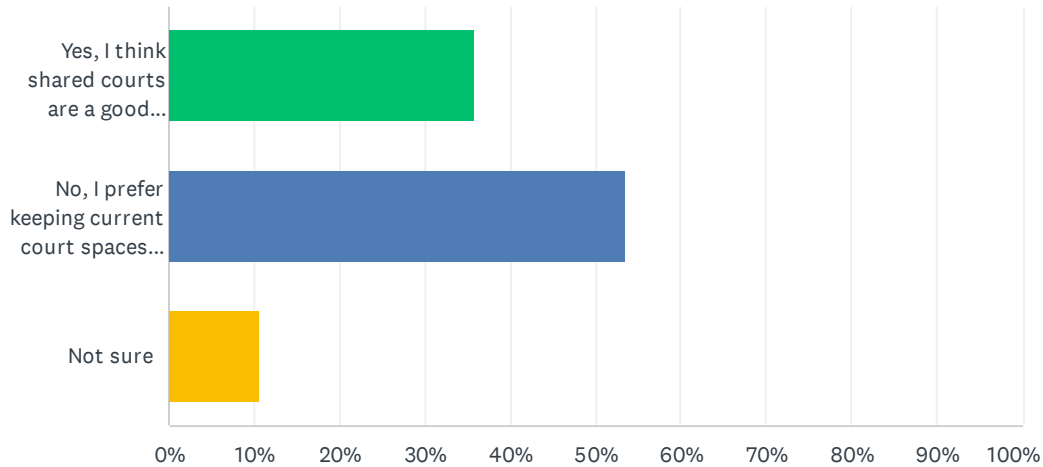


ANSWER CHOICES	RESPONSES	
Outdoor courts	65.35%	215
Indoor courts	9.12%	30
No preference	25.53%	84
TOTAL		329



# Q11 Would you support the idea of shared courts where pickleball and other sports, such as tennis, use the same space at a different time?

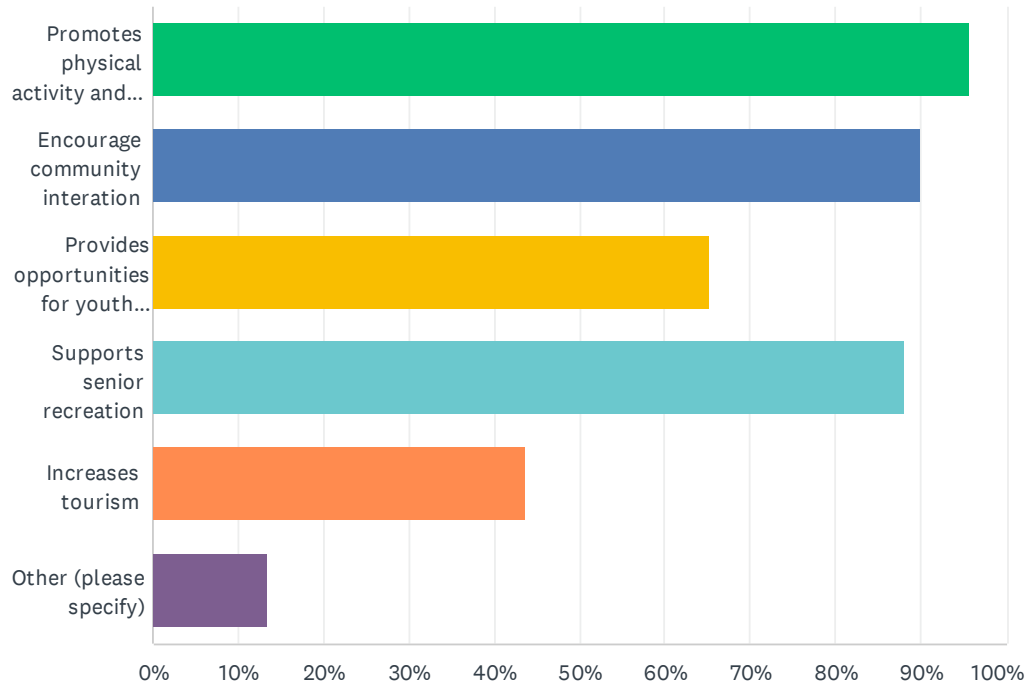
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, I think shared courts are a good solution	35.87%	118
No, I prefer keeping current court spaces and adding dedicated pickleball courts	53.50%	176
Not sure	10.64%	35
TOTAL		329

## Q12 What benefits would pickleball bring to Capitola? (Check all that apply)

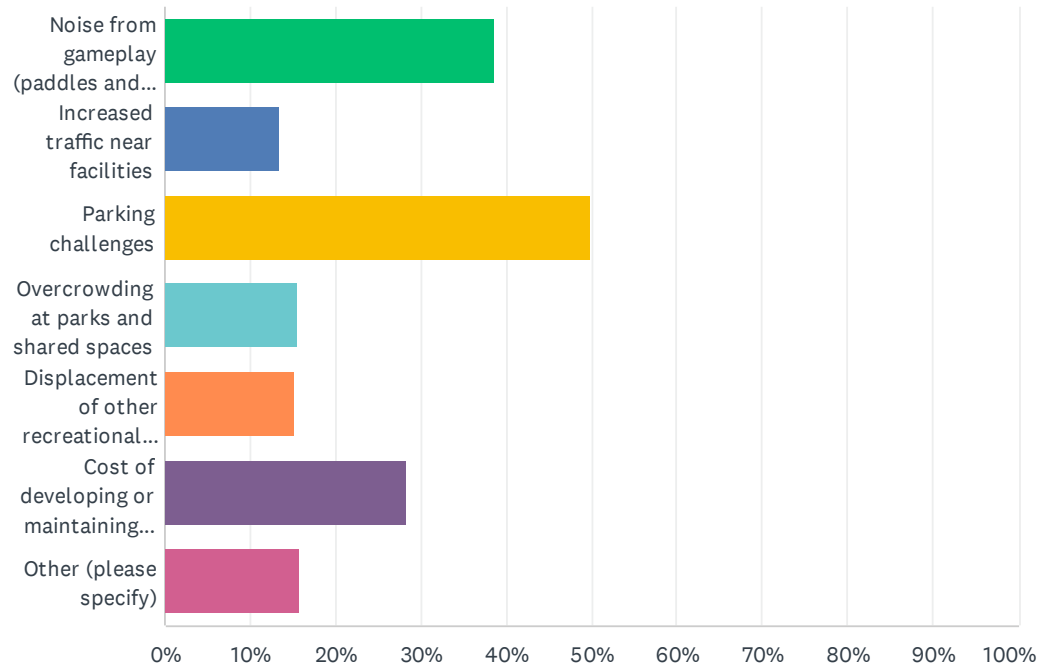
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Promotes physical activity and health	95.74%	315
Encourage community interaction	89.97%	296
Provides opportunities for youth activities	65.35%	215
Supports senior recreation	88.15%	290
Increases tourism	43.77%	144
Other (please specify)	13.37%	44
Total Respondents: 329		

## Q13 What potential negative impacts do you associate with pickleball? (Check all that apply)

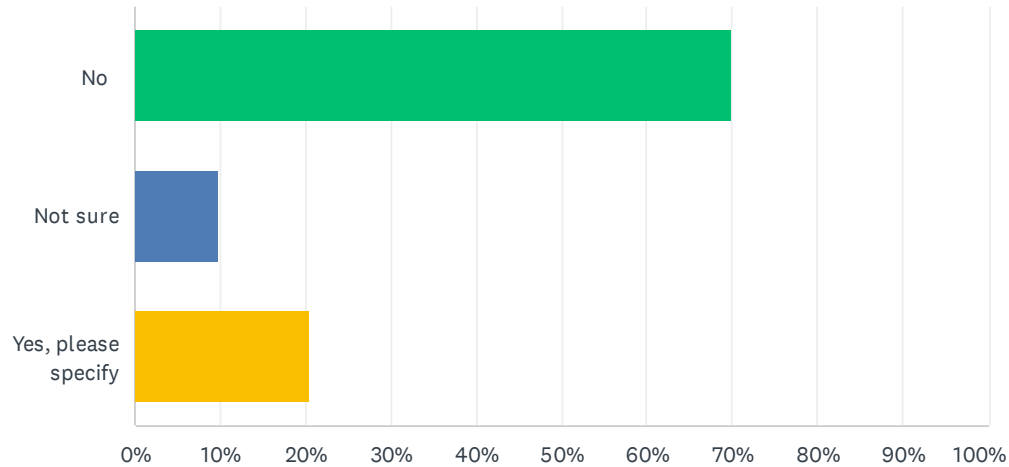
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Noise from gameplay (paddles and balls)	38.60%	127
Increased traffic near facilities	13.37%	44
Parking challenges	49.85%	164
Overcrowding at parks and shared spaces	15.50%	51
Displacement of other recreational activities	15.20%	50
Cost of developing or maintaining facilities	28.27%	93
Other (please specify)	15.81%	52
Total Respondents: 329		

## Q14 Have you experienced or heard of conflicts related to pickleball use in Capitola or nearby communities?

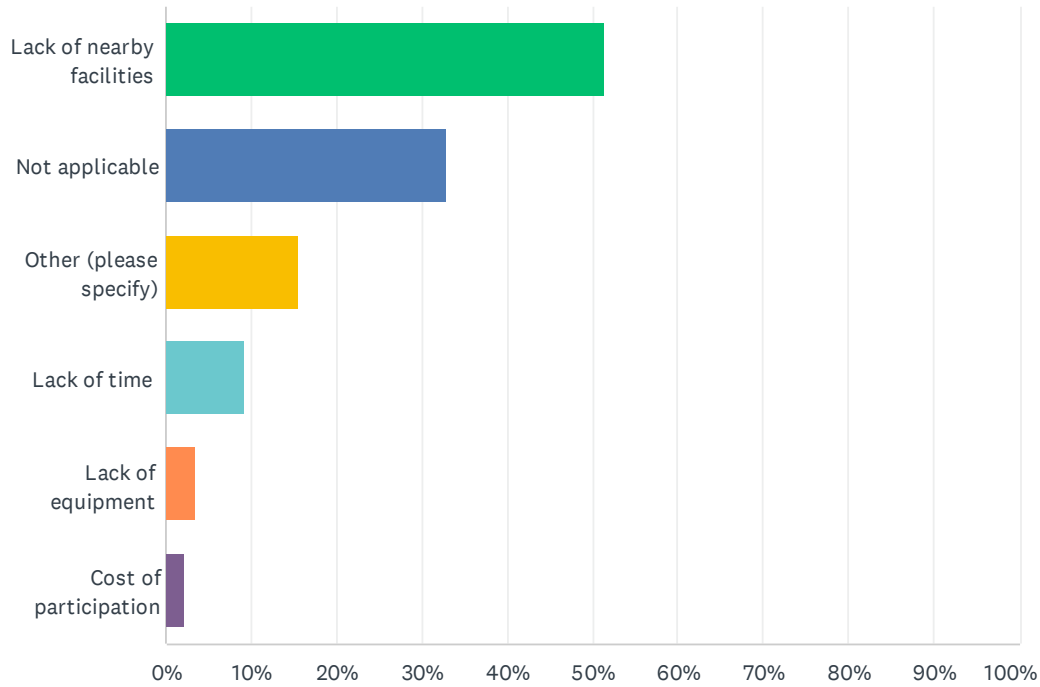
Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
No	69.91%	230
Not sure	9.73%	32
Yes, please specify	20.36%	67
TOTAL		329

## Q15 Are there any barriers that currently prevent you from participating in pickleball? (Check all that apply)

Answered: 329 Skipped: 0



ANSWER CHOICES	RESPONSES	
Lack of nearby facilities	51.37%	169
Not applicable	32.83%	108
Other (please specify)	15.50%	51
Lack of time	9.12%	30
Lack of equipment	3.34%	11
Cost of participation	2.13%	7
Total Respondents: 329		

## Q16 What locations within Capitola do you believe would be ideal for pickleball facility?

Answered: 278 Skipped: 51

**Q17 Do you have any suggestions or comments about how the City of Capitola could support pickleball growth while addressing potential concerns?**

Answered: 232   Skipped: 97

Q18 Please provide your email address if you would like to follow up information when available.

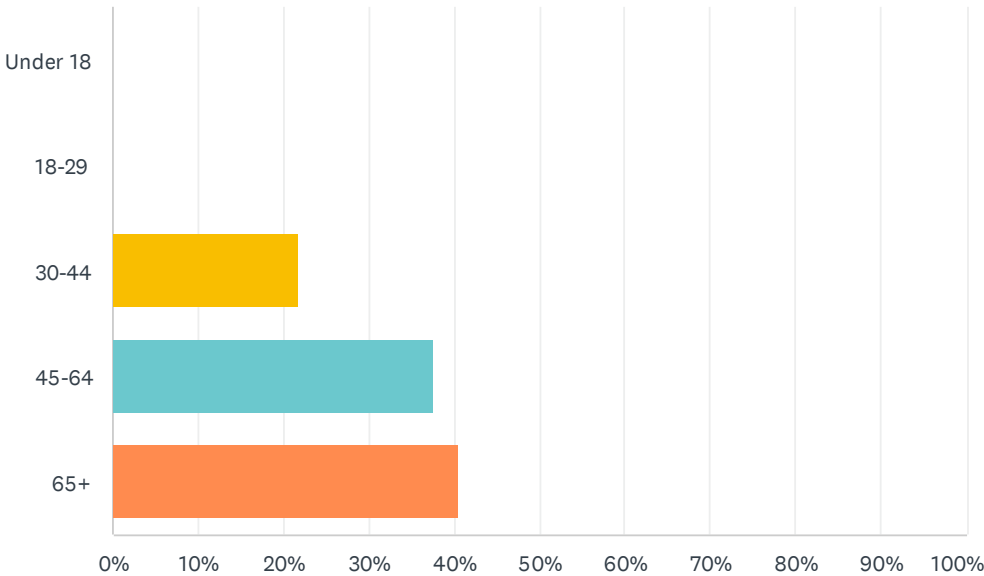
Answered: 192 Skipped: 137

ANSWER CHOICES	RESPONSES	
Email address	100.00%	192



# Q1 What is your age group?

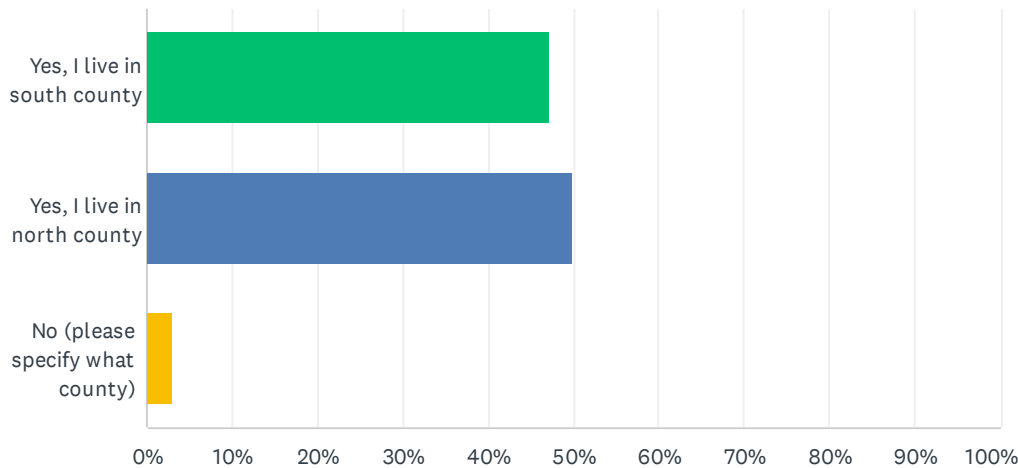
Answered: 101   Skipped: 1



ANSWER CHOICES	RESPONSES	
Under 18	0.00%	0
18-29	0.00%	0
30-44	21.78%	22
45-64	37.62%	38
65+	40.59%	41
TOTAL		101

## Q2 Do you live in Santa Cruz County?

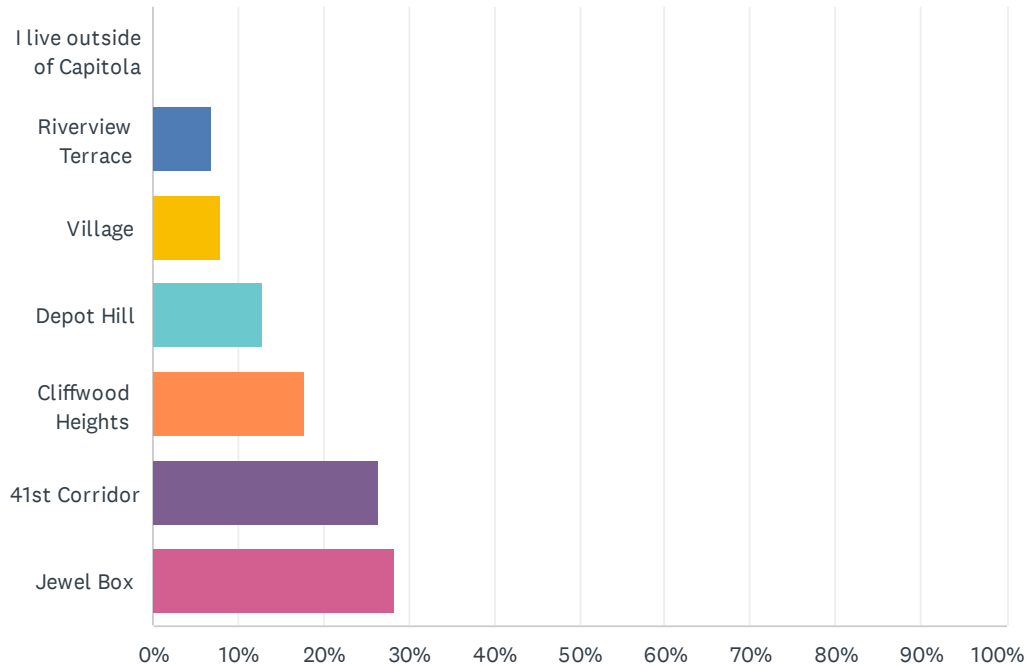
Answered: 102 Skipped: 0



ANSWER CHOICES		RESPONSES	
Yes, I live in south county		47.06%	48
Yes, I live in north county		50.00%	51
No (please specify what county)		2.94%	3
TOTAL			102

### Q3 Which neighborhood in Capitola do you live in? If not, please specify what city you live in.

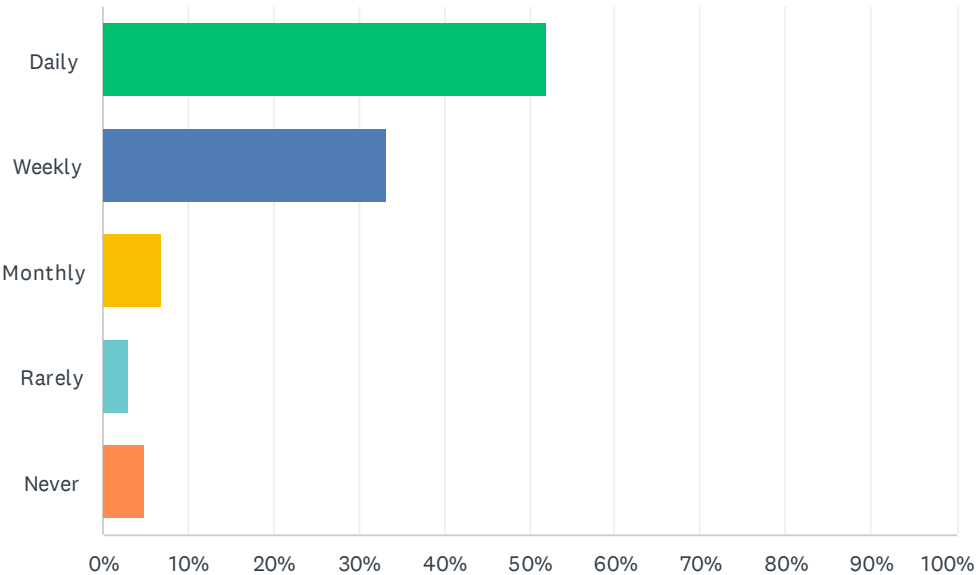
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
I live outside of Capitola	0.00%	0
Riverview Terrace	6.86%	7
Village	7.84%	8
Depot Hill	12.75%	13
Cliffwood Heights	17.65%	18
41st Corridor	26.47%	27
Jewel Box	28.43%	29
TOTAL		102

Q4 How often do you participate in recreational activities within Santa Cruz County?

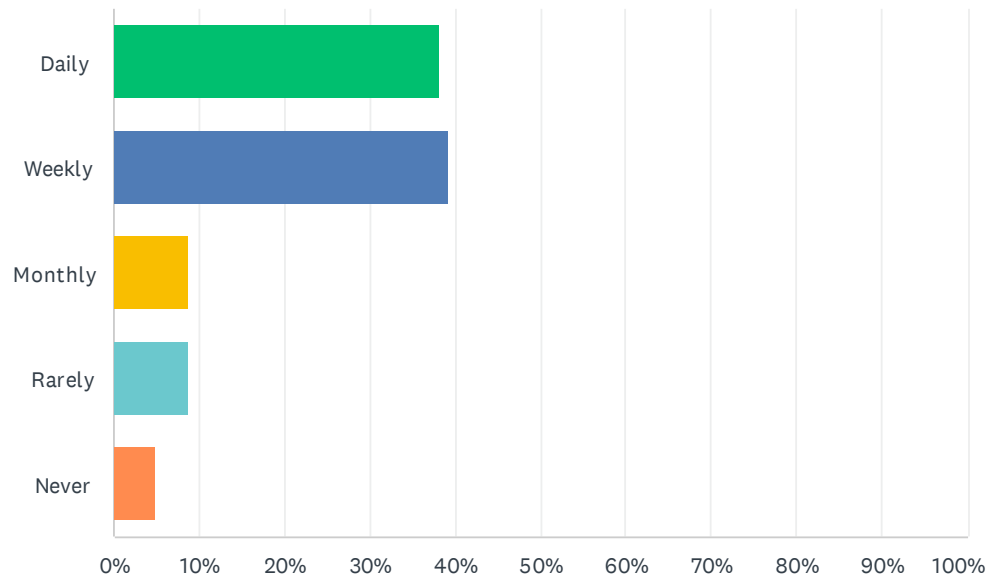
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	51.96%	53
Weekly	33.33%	34
Monthly	6.86%	7
Rarely	2.94%	3
Never	4.90%	5
TOTAL		102

## Q5 How often do you participate in recreational activities within Capitola?

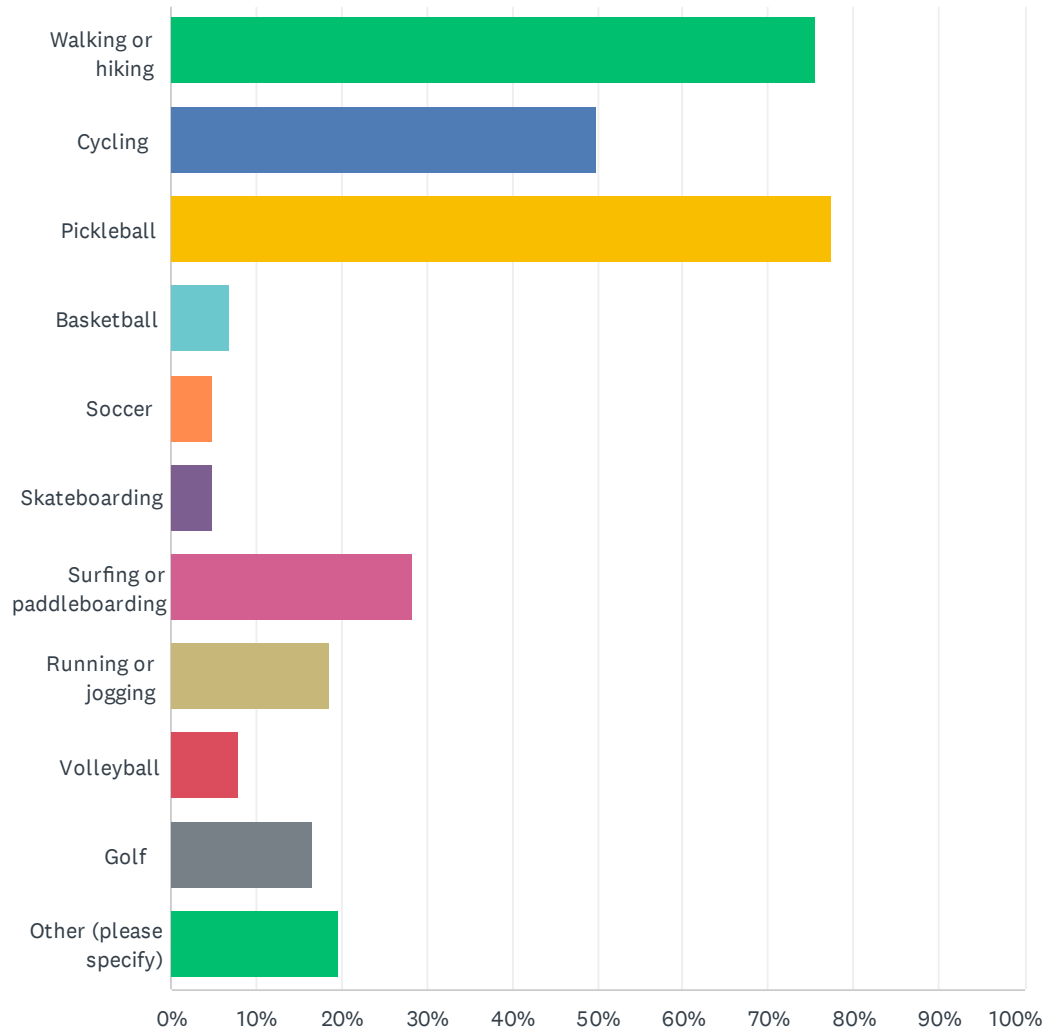
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Daily	38.24%	39
Weekly	39.22%	40
Monthly	8.82%	9
Rarely	8.82%	9
Never	4.90%	5
TOTAL		102

## Q6 What outdoor recreational sports or activities do you currently participate in?

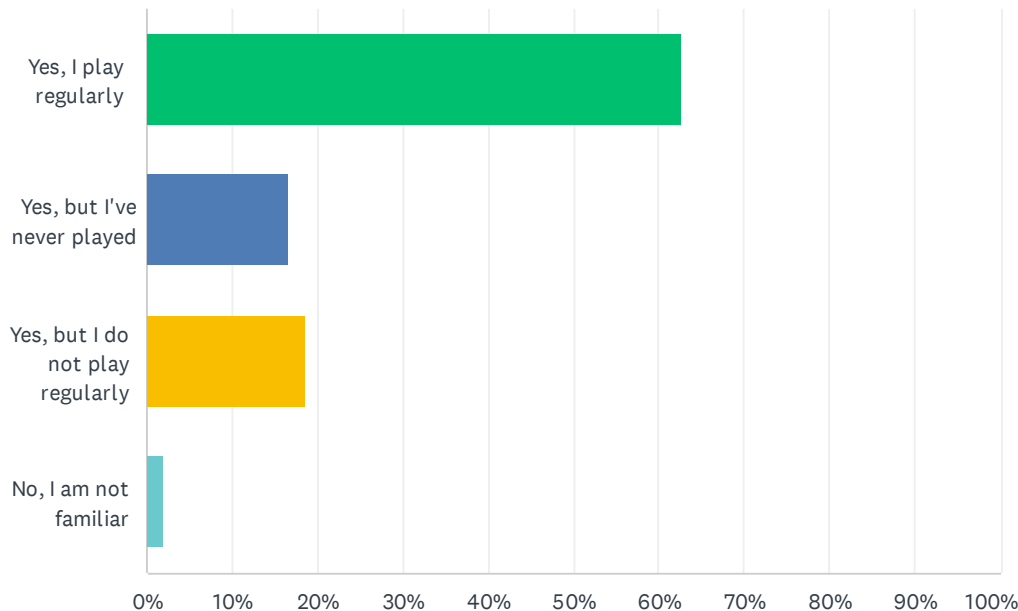
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Walking or hiking	75.49%	77
Cycling	50.00%	51
Pickleball	77.45%	79
Basketball	6.86%	7
Soccer	4.90%	5
Skateboarding	4.90%	5
Surfing or paddleboarding	28.43%	29
Running or jogging	18.63%	19
Volleyball	7.84%	8
Golf	16.67%	17
Other (please specify)	19.61%	20
Total Respondents: 102		

## Q7 Are you familiar with the sport of pickleball?

Answered: 102 Skipped: 0

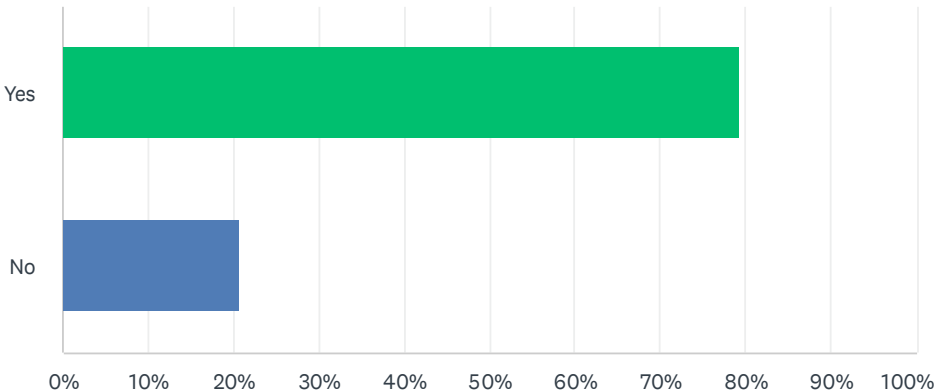


ANSWER CHOICES	RESPONSES	
Yes, I play regularly	62.75%	64
Yes, but I've never played	16.67%	17
Yes, but I do not play regularly	18.63%	19
No, I am not familiar	1.96%	2
TOTAL		102



## Q8 Have you played pickleball in the surrounding areas?

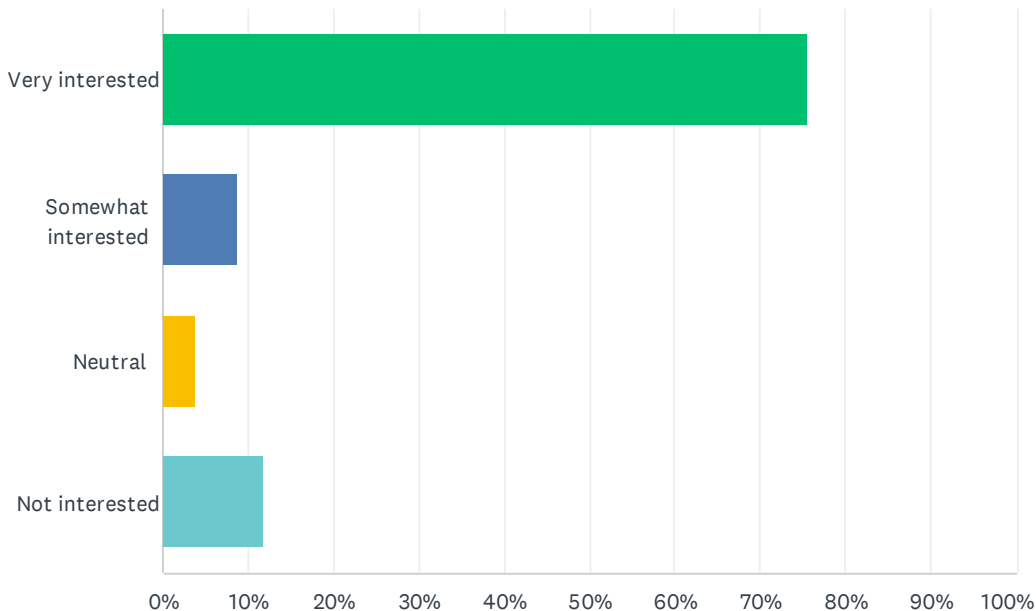
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes	79.41%	81
No	20.59%	21
TOTAL		102

## Q9 How interested are you in seeing a pickleball facility in Capitola?

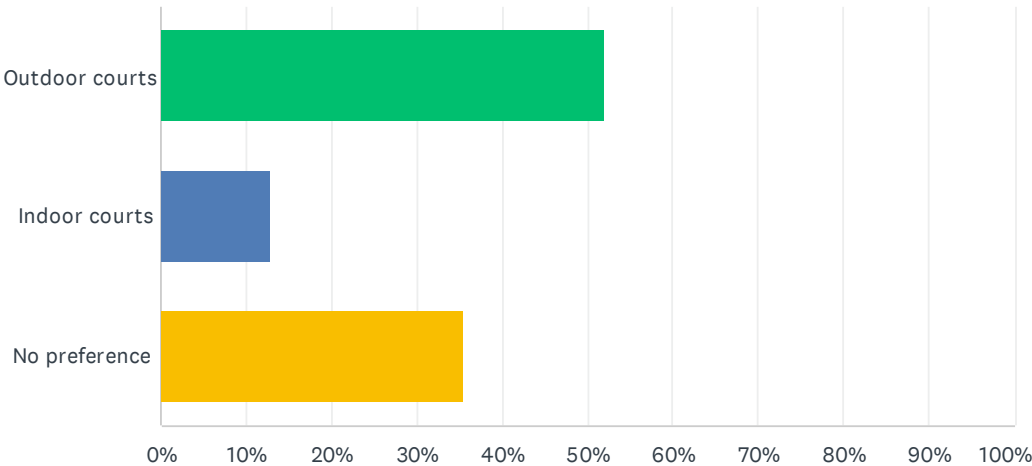
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Very interested	75.49%	77
Somewhat interested	8.82%	9
Neutral	3.92%	4
Not interested	11.76%	12
TOTAL		102

# Q10 What is your preferred setting for pickleball activities?

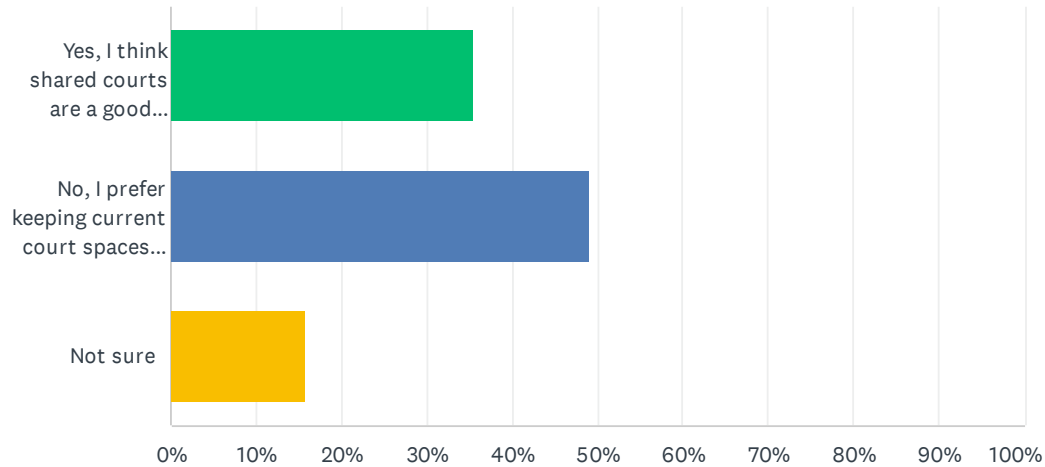
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Outdoor courts	51.96%	53
Indoor courts	12.75%	13
No preference	35.29%	36
TOTAL		102

# Q11 Would you support the idea of shared courts where pickleball and other sports, such as tennis, use the same space at a different time?

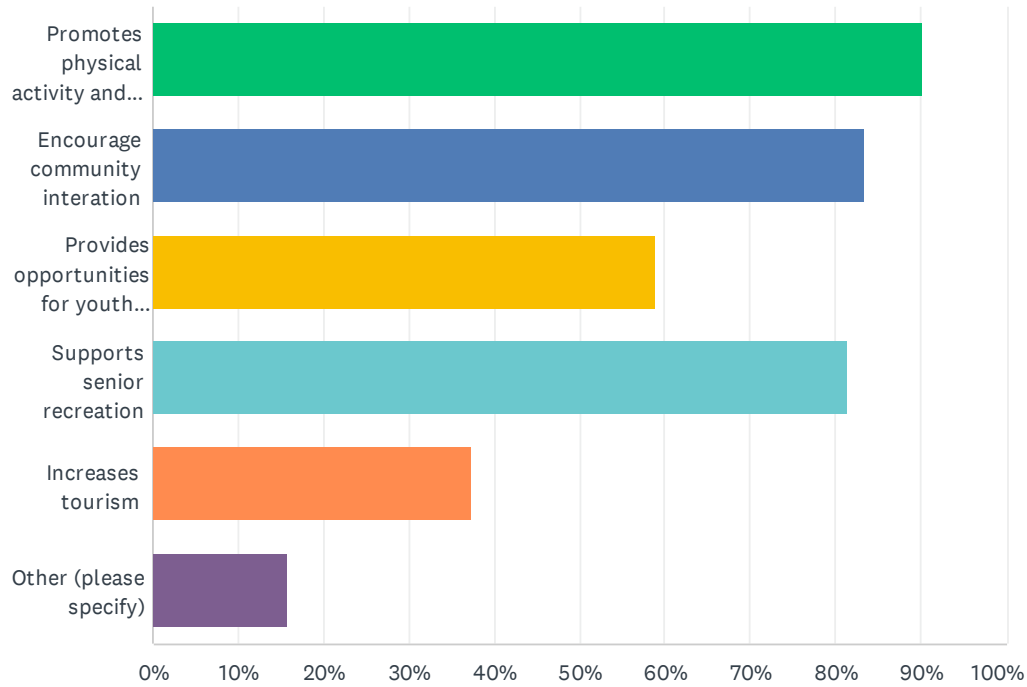
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Yes, I think shared courts are a good solution	35.29%	36
No, I prefer keeping current court spaces and adding dedicated pickleball courts	49.02%	50
Not sure	15.69%	16
TOTAL		102

## Q12 What benefits would pickleball bring to Capitola? (Check all that apply)

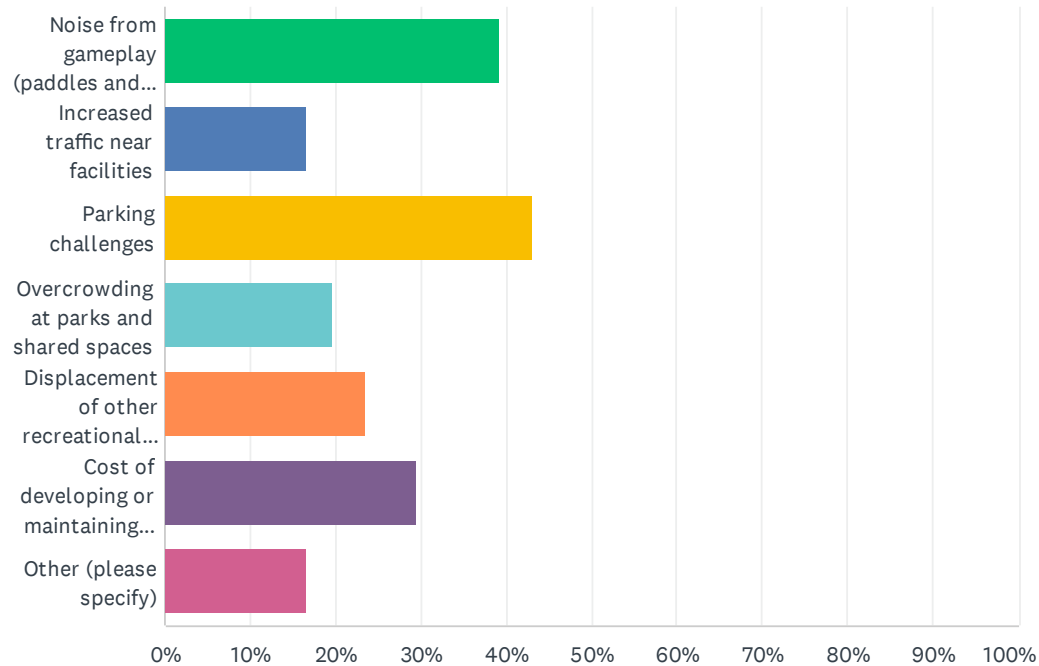
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Promotes physical activity and health	90.20%	92
Encourage community interaction	83.33%	85
Provides opportunities for youth activities	58.82%	60
Supports senior recreation	81.37%	83
Increases tourism	37.25%	38
Other (please specify)	15.69%	16
Total Respondents: 102		

## Q13 What potential negative impacts do you associate with pickleball? (Check all that apply)

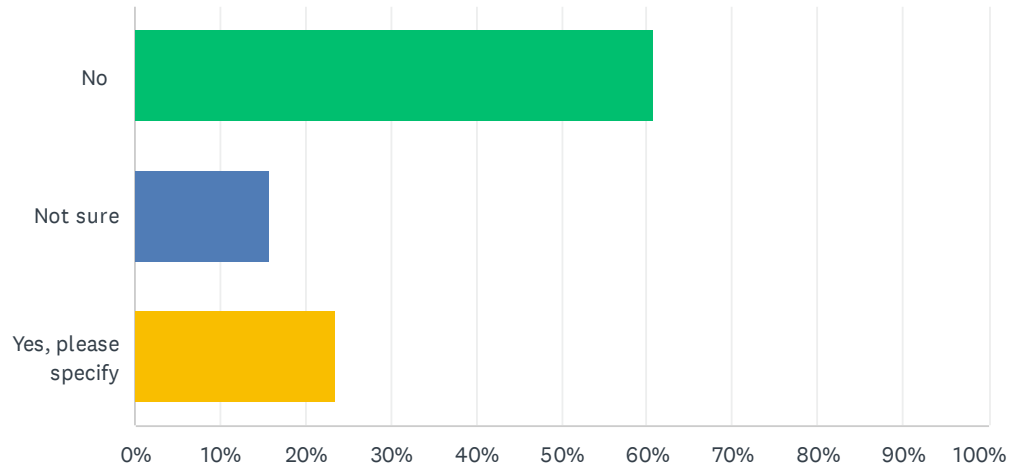
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Noise from gameplay (paddles and balls)	39.22%	40
Increased traffic near facilities	16.67%	17
Parking challenges	43.14%	44
Overcrowding at parks and shared spaces	19.61%	20
Displacement of other recreational activities	23.53%	24
Cost of developing or maintaining facilities	29.41%	30
Other (please specify)	16.67%	17
Total Respondents: 102		

## Q14 Have you experienced or heard of conflicts related to pickleball use in Capitola or nearby communities?

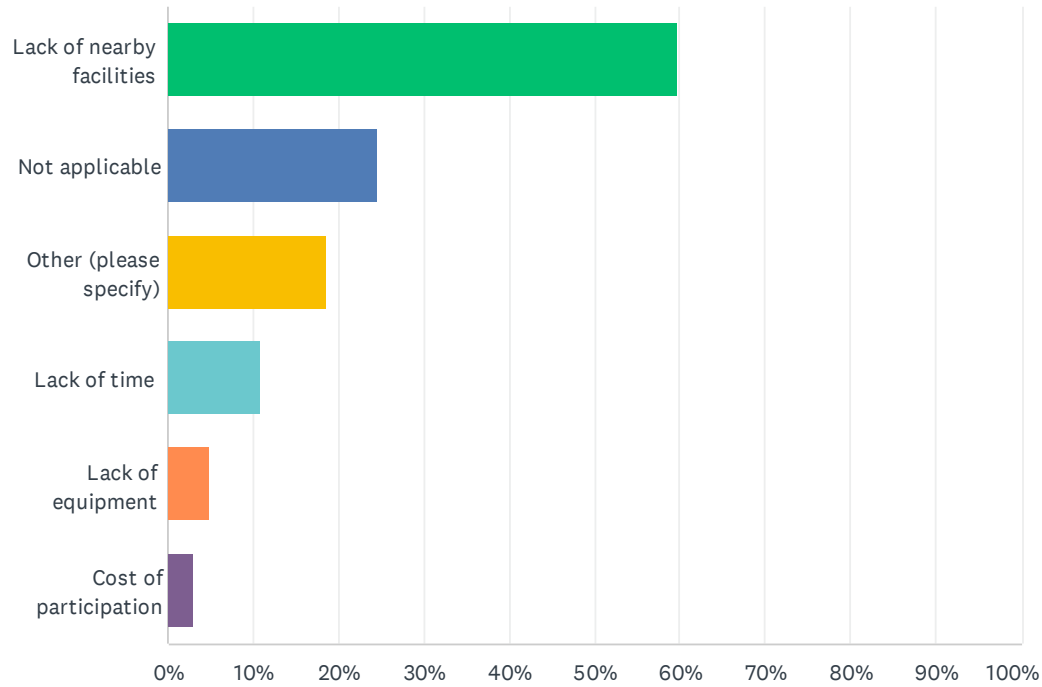
Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
No	60.78%	62
Not sure	15.69%	16
Yes, please specify	23.53%	24
TOTAL		102

## Q15 Are there any barriers that currently prevent you from participating in pickleball? (Check all that apply)

Answered: 102 Skipped: 0



ANSWER CHOICES	RESPONSES	
Lack of nearby facilities	59.80%	61
Not applicable	24.51%	25
Other (please specify)	18.63%	19
Lack of time	10.78%	11
Lack of equipment	4.90%	5
Cost of participation	2.94%	3
Total Respondents: 102		



# PICKLEBALL SURVEY

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# BACKGROUND



During FY 2024-25 budget adoption meetings, Council directed staff to conduct survey regarding pickleball.



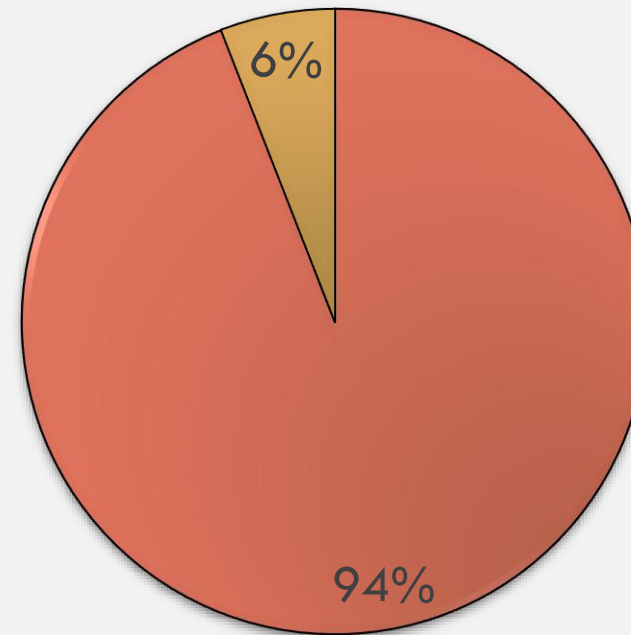
April 2025, Community Engagement Survey and received 329 responses.

# OVERVIEW

- **329 Responses** collected
- **102 Residents** participated
- **227 Non-Residents** participated
  - 55 Santa Cruz
  - 41 Aptos
  - 19 Soquel
  - Other

# TOTAL INTEREST IN PICKLEBALL FACILITY

- **307/329 participants (residents & non-residents)** are interested in a pickleball facility



Very Interested  
Somewhat Interested

# RESIDENTS INTERESTED IN A PICKLEBALL COURT

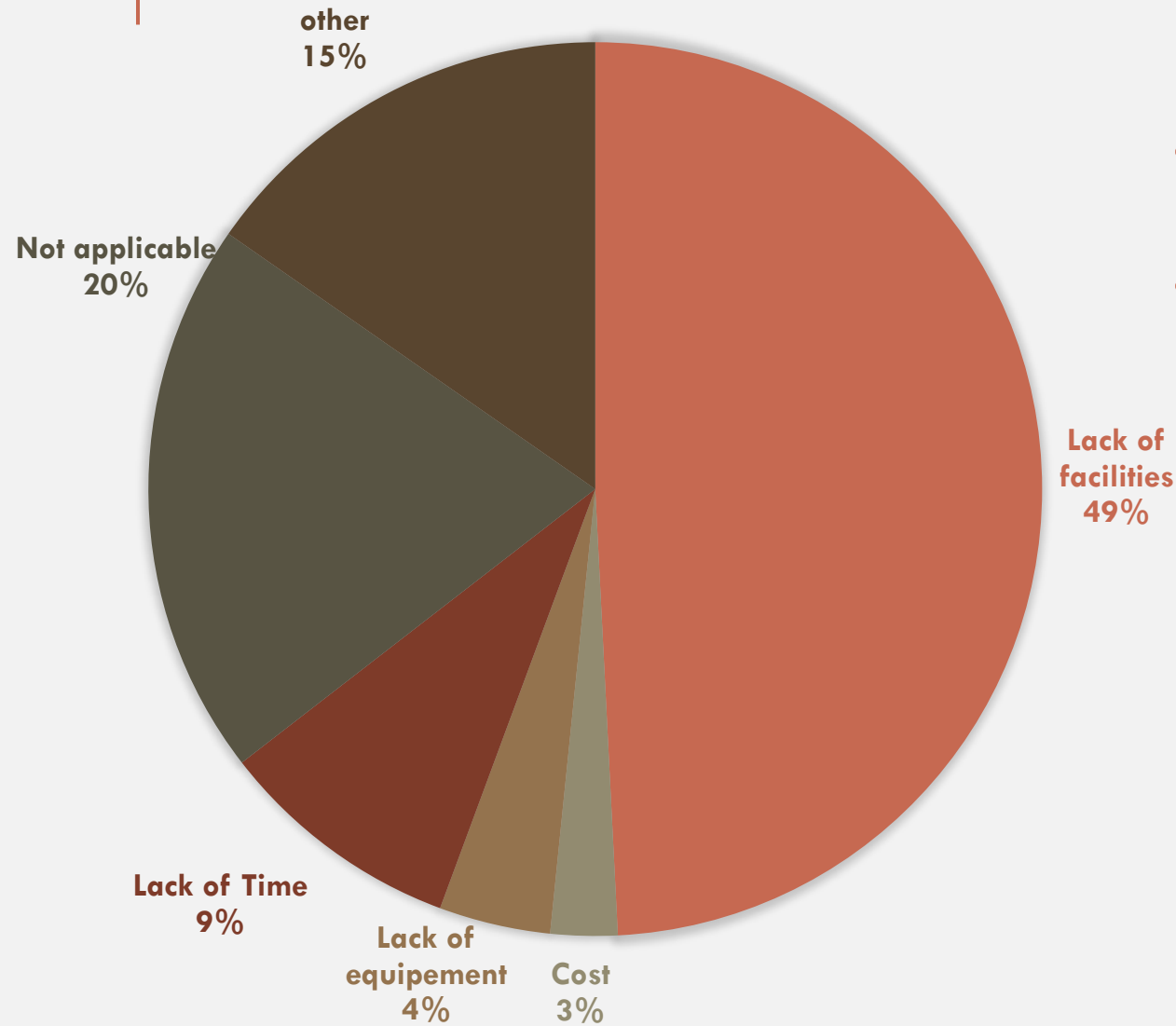
## *Interest in a pickleball facility in Capitola*

*Residents  
and where  
they live*

	Very interested	Somewhat Interested	Total interest
Jewel box	23	3	26
Cliffwood heights	14	1	15
Review Terrace	5	2	7
Village	5	0	5
41 <sup>st</sup> Corridor	21	2	23
Depot Hill	9	1	10

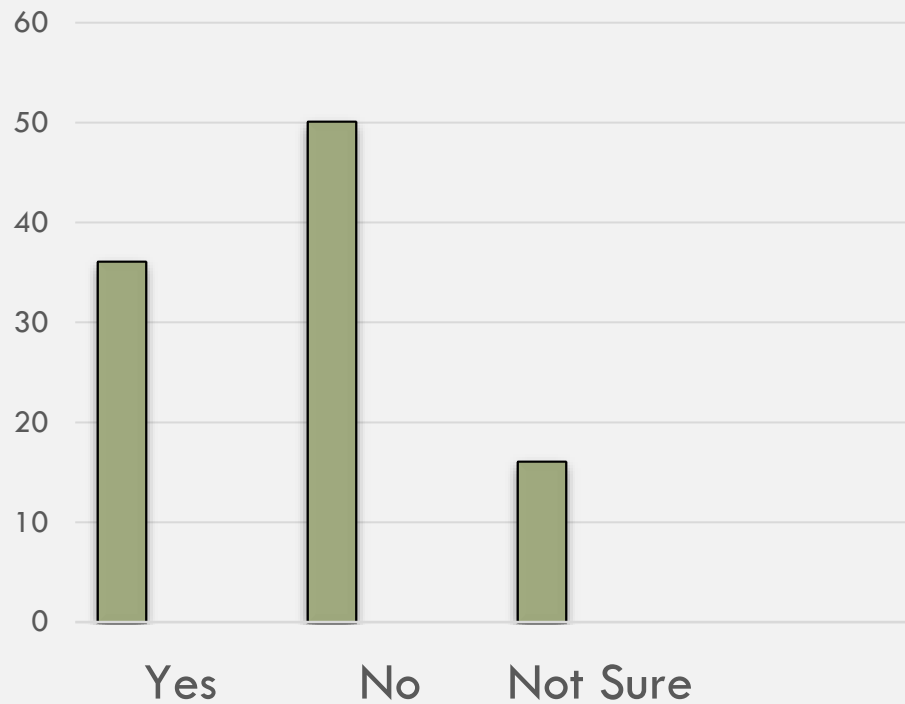
✓ Total Residents Interested: 86/102

# BARRIERS PREVENTING PICKLEBALL PARTICIPATION



- **49% of residents** face facility barriers
- Other
  - Injury
  - Lack of indoor facilities
  - Court availability
  - Prefer other activities

# SHARED TENNIS AND PICKLEBALL COURTS?



- **36 Residents** believe shared courts are a good idea
- **50 Residents** prefer dedicated spaces
- **16 Residents** are unsure

# INDOOR OR OUTDOOR COURTS?

	Outdoor	Indoor	No Preference
Jewel box	18	0	11
Cliffwood heights	8	3	7
Review Terrace	2	1	4
Village	4	0	4
41 <sup>st</sup> Corridor	14	7	6
Depot Hill	7	2	4

- ✓ 53 Residents prefer outdoor courts
- ✓ 13 Residents prefer indoor courts
- ✓ 36 Residents have no preference





## IDEAL LOCATION FOR PICKLEBALL FACILITY

- When asked to comment on location:
  - Jade Street Park (137 responses)
  - Monterey Park (17 responses)
- Capitola Mall was suggested often

# RECOMMENDED ACTION

Not budgeted for FY 2025-26

Should Council desire to further consider pickleball opportunities in Capitola, staff recommends considering options during future budget/goal-setting meetings.



# QUESTIONS

# Capitola City Council

## Agenda Report

**Meeting:** September 11, 2025

**From:** Public Works Department

**Subject:** Measure D Five-Year Plan (2025-2030)



**Recommended Action:** Conduct a duly noticed public hearing and adopt a resolution adopting the City's Measure D Five-Year Program of Projects (2025–2030), as required under the Measure D Master Funding Agreement.

**Background:** In November 2016, Santa Cruz County voters approved Measure D, a 30-year half-cent sales tax to fund transportation improvements, including pavement maintenance, bicycle facilities, and pedestrian infrastructure. Each local jurisdiction receiving Measure D funds must annually develop, hold a public hearing on, and adopt a five-year program of projects ("5-Year Plan"). This plan outlines how the City intends to use Measure D funds over the next five fiscal years and is updated annually to reflect revised revenues, expenditures, schedules, and cost estimates.

**Discussion:** On June 9, 2022, the City Council held a public hearing and adopted a five-year list of pavement management projects based on projected revenues from Senate Bill 1 (SB 1) and Measure D formula allocations. Since then, the City has used this plan to guide the use of Measure D funds.

However, under the Measure D reporting guidelines, the City is required to re-adopt a current five-year plan each year. The updated 2025–2030 project list (Attachment 2) carries forward the projects in the original pavement management plan (PMP) through its remaining years. In future years, projects will be updated as part of the next PMP cycle, with the next full update anticipated in FY 2026–27, for implementation beginning in FY 2027–28.

The five-year plan may be adjusted annually to account for project changes, new priorities, or updated funding projections. Any such changes will be brought to the Council for consideration and adoption at that time.

For FY 2025–26, the City anticipates approximately \$363,000 in Measure D revenue, which will be applied toward the 41st Avenue Multimodal and Pavement Rehabilitation Project, consistent with the adopted PMP and FY 2025-26 budget.

**Fiscal Impact:** Measure D will continue to provide annual formula allocations to support the City's pavement management program. For FY 2025–26, approximately \$363,000 in Measure D revenue is anticipated.

**Attachments:**

1. Resolution
2. FY25-30 Measure D Project List

**Report Prepared By:** Jessica Kahn, Public Works Director

**Reviewed By:** Julia Gautho, City Clerk; Samantha Zutler, City Attorney

**Approved By:** Jamie Goldstein, City Manager

*Attachment 2 edited on September 9<sup>th</sup> to correct meeting/approval date.*

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
 APPROVING THE FY 2025-26 TO FY 2029-30 FIVE-YEAR PROGRAM OF  
 PROJECTS TO BE FUNDED WITH MEASURE D REVENUES**

**WHEREAS**, on November 8, 2016, the voters of Santa Cruz County adopted an ordinance approving the Santa Cruz County Transportation Improvement Plan ("Measure D"), authorizing the Santa Cruz County Regional Transportation Commission ("RTC") to administer the proceeds from a retail transaction and use tax of one-half of one percent (0.5%); and

**WHEREAS**, sales tax proceeds from Measure D will be collected for thirty (30) years beginning April 1, 2017, and used to pay for the programs and projects outlined in the Measure D Expenditure Plan and Ordinance; and

**WHEREAS**, the Master Funding Agreement between the RTC and the City of Capitola sets forth the terms and conditions for the direct allocation of Measure D proceeds to the City; and

**WHEREAS**, the Master Funding Agreement requires the City Council to annually adopt an annual report that includes a Five-Year Program of Projects, after holding a public hearing, describing each of the projects to be funded with Measure D revenues; and

**WHEREAS**, the attached Five-Year Program of Projects (FY 2025-26 – FY 2029-30) lists projects that are consistent with the Measure D Expenditure Plan, based on projected revenues, adopted priorities, and previously approved pavement management plans.

**NOW, THEREFORE, IT IS HEREBY RESOLVED, ORDERED, AND FOUND** that the FY 2025-26 to FY 2029-30 Five-Year Program of Projects to be funded with Measure D revenues, attached hereto as Exhibit A and incorporated herein, is approved.

**I HEREBY CERTIFY** that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 11<sup>th</sup> day of September, 2025, by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

**ABSTAIN:**

\_\_\_\_\_  
 Joe Clarke, Mayor

ATTEST:

\_\_\_\_\_  
 Julia Gautho, City Clerk

Measure D: 5-Year Program of Projects (FY25/26-29/30)

Agency:  
Expenditure Plan Category:  
Approval Date:  
Public Hearing Date:

City of Capitola  
Neighborhood Projects  
Thursday, September 11, 2025  
Thursday, September 11, 2025

Estimated Annual Measure D Allocations	Prior	FY25/26	FY26/27	FY27/28	FY28/29	FY29/30
	\$ 562,300	\$363,000	\$379,000	\$389,000	\$404,000	\$417,000

Project Name/location	Description (include project purpose and complete streets components if applicable)	Total Measure D	5-Year Program of Projects FY25/26-FY29/30						Total cost estimate	Other fund sources	Est. Construction start date	Major project? (yes/no)
			Prior Years Spent	FY25/26	FY26/27	FY27/28	FY28/29	FY29/30				
41st Avenue Pavement Rehabilitation and Multimodal Improvements Project	Pavement rehab from Clares Street to the north city limit with protected bike lanes, ADA upgrades, and improved signs/markings.	\$925,300	\$562,300	\$363,000					\$2,200,000	RTIP, SB 1	Spring 2026	Yes
Annual Street Maintenance	Annual street maintenance citywide consisting of surface seals, overlays and repairs	\$1,589,000			\$379,000	\$389,000	\$404,000	\$417,000	\$1,589,000	None	Ongoing	Yes
Estimated Annual Measure D Expenditures			\$562,300	\$363,000	\$379,000	\$389,000	\$404,000	\$417,000				
Annual Interest Earnings on Measure D Revenues				\$0	\$0	\$0	\$0	\$0				
Carry over to next fiscal year				\$0	\$0	\$0	\$0	\$0				



# Measure D Five-Year Plan (2025–2030)

City Council  
September 11, 2025

# Measure D Five-Year Plan (2025–2030)



## Measure D Background

### Approved Nov 2016: 30-year half-cent sales tax

- Local Streets & Roads
- Highway Corridors
- Transit
- Active Transportation
- Specialized Transportation



### Funds

- Pavement maintenance
- Bicycle facilities
- Pedestrian infrastructure

### Annual requirement

- 5-Year Project Plan
- Public hearing
- Council adoption



# Measure D Five-Year Plan (2025–2030)



## Use of Funds

### Pavement Management Program

- June 2022: Council adopted 5-year PMP project list (SB1 + Measure D)
- Next full PMP update: FY26/27 → implementation FY27/28

### Measure D 2025–2030 list continues PMP

- Annual adjustments possible (project changes, priorities, funding)

### Projects

- FY22/23: 2022 Road Resurfacing
- FY23/24: Clares Street Traffic Calming Project
- FY24/25: FY24-25 Pavement Management Project
- **FY25/26: 41st Ave Multimodal & Pavement Rehab**

# Measure D Five-Year Plan (2025–2030)

## Recommended Action



- Conduct duly noticed public hearing
- Adopt resolution approving City's Measure D Five-Year Program of Projects (2025–2030), as required under Measure D Master Funding Agreement