

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO MUNICIPAL CODE TITLE 17 (ZONING)**

**WHEREAS**, on October 12, 2020 the City of Capitola adopted a comprehensive Zoning Code update that applied to areas outside of the coastal zone; and

**WHEREAS**, on April 15, 2021 the Coastal Commission certified the Zoning Code resulting in the updated code applying throughout the city, including in the coastal zone; and

**WHEREAS**, on April 15, 2021 the Coastal Commission did not certify proposed amendments to the Zoning Code and Zoning Map to change the Monarch Cove Inn property from a Visitor Serving base zone to R-1 Single-Family Residential base zone with a Visitor Serving overlay zone;

**WHEREAS**, on April 15, 2021 the Coastal Commission advised the Monarch Cove Inn owner and the City of Capitola to bring the proposed Monarch Cove Inn amendments back before the Coastal Commission as a separate item for consideration;

**WHEREAS**, since the updated Zoning Code was adopted and certified by the Coastal Commission, City staff has identified a number of needed amendments to the Zoning Code to correct drafting errors, resolve ambiguities, improve code organization, and address new issues that have arisen since the updated code was adopted; and

**WHEREAS**, at duly notice public hearings on October 20 and November 3, 2022, the Planning Commission reviewed the proposed Zoning Code amendments, including the proposed Monarch Cove amendments; and

**WHEREAS**, on November 3, 2022, the Planning Commission recommended to the City Council adoption of the proposed Zoning Code amendment; and

**WHEREAS**, the City Council adopted Resolution No. \_\_\_ - 2022 to amend the General Plan Land Use Map to change the Monarch Cove Inn land use designation from Visitor Serving to Single-Family Residential with Visitor Serving Overlay.

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

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

**Section 2:** Title 17 (Zoning) of the Capitola Municipal Code is amended as set forth in Attachment 1, attached hereto and incorporated herein by this reference.

**Section 3:** The official Zoning Map of the City of Capitola is amended as set forth in Attachment 2.

**Section 4:** Environmental Review.

The City Council finds and determines that enactment of this Ordinance is statutorily exempt from the provisions of the California Environmental Quality Act ("CEQA"), pursuant to CEQA Guidelines Sections 15061(b)(3), the common sense exception that

CEQA applies only to projects which have the potential for causing a significant effect on the environment and 15183, projects consistent with a community plan, general plan or zoning.

**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 10<sup>th</sup> day of November, 2022, and was adopted at a regular meeting of the City Council 22<sup>nd</sup> day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Sam Storey, Mayor

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