

RESOLUTION NO. XXXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA RESCINDING AND REPLACING RESOLUTION NO. 4394 AND ACCEPTING CALIFORNIA COASTAL COMMISSION MODIFICATIONS TO THE CITY OF CAPITOLA'S LOCAL COASTAL PROGRAM AMENDMENTS TO THE LOCAL COASTAL PROGRAM LAND USE PLAN MAP, CHAPTER 17.28 AND 17.30 OF THE ZONING CODE AND THE CAPITOLA ZONING MAP, AND DIRECTING THE COMMUNITY DEVELOPMENT DIRECTOR TO TRANSMIT THE ACCEPTANCE TO THE CALIFORNIA COASTAL COMMISSION

WHEREAS, pursuant to authority delegated to the City of Capitola by the California Coastal Commission, the City of Capitola regulates development in the portion of the coastal zone that lies in the City boundary and that is outside of the original jurisdiction of the California Coastal Commission and the Local Coastal Program; and

WHEREAS the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 17: Zoning of the Capitola Municipal Code and the Capitola Zoning Map (Exhibit A) are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal zone and includes the Coastal Land Use Plan Map, which is the adopted General Plan Land Use Map for the area within the coastal zone and included as Exhibit B; and

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; and

WHEREAS, the Capitola City Council adopted the most recent comprehensive update to the City of Capitola Zoning Code (Title 17 of the Capitola Municipal Code) in 2021; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on November 10, 2022, at which the City Council introduced and performed a first reading of the revised Zoning Code and Zoning Map. On November 22, 2022, the City Council adopted the revised Zoning Code chapters 17.28 and 17.30, which amended the Capitola Municipal Code (Zoning) and Zoning Map; and

WHEREAS, following the City Council's adoption of the amended Zoning Code and Zoning Map in 2022, Capitola staff submitted the amended Municipal Code and Zoning Map to the California Coastal Commission staff for review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, on May 9, 2024, the California Coastal Commission held a public hearing on the amendments to the Capitola Local Coastal Program, Land Use Map, the Zoning Map, and Chapters 17:28 and 17:30 of the Zoning Code adopted by the City Council and certified the amendments to the Capitola Local Coastal Program with modifications; and

WHEREAS, on August 22, 2024, the City Council adopted Resolution 4394 with an

incorrectly attached Exhibit A; and

WHEREAS, the City Council now intends to adopt the corrected version of Exhibit A; and

WHEREAS, the modifications proposed by the California Coastal Commission to the Capitola Local Coastal Program, Land Use Map, the Zoning Map, and Chapters 17:28 and 17:30 of the Zoning Code, are summarized in a letter dated May 10, 2024 from the Coastal Commission and included as Attachment 2 of the staff report; and

WHEREAS, insofar as the proposed changes to the Capitola Land Use Map, Zoning Map, and Zoning Code are amendments to the Local Coastal Program and LCP Implementation Plan, the application of the proposed amendments in the coastal zone is statutorily exempt from California Environmental Quality Act (CEQA) review pursuant to CEQA Guidelines Section 15265 and the California Public Resources Code Section 21089.9.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED that the City Council hereby rescinds Resolution 4394 and its exhibits.

BE IT FURTHER RESOLVED AND ORDERED that the City Council accepts each of the modifications suggested by the California Coastal Commission to the Capitola Zoning Code, the Land Use Map, and the Zoning Map attached and incorporated as Exhibit A.

BE IT FURTHER RESOLVED AND ORDERED that the City Council hereby directs the Community Development Director or their designee to transmit this acceptance and any adopted ordinance that incorporates these modifications to the California Coastal Commission for concurrence by its Executive Director.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 24th day of October 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kristen Brown, Mayor

ATTEST:
Julia Gautho, City Clerk

Exhibit A – Zoning Code Text Amendments and Zoning Map

Chapter 17.28

VISITOR SERVING OVERLAY ZONE

Sections:

- 17.28.010 Purpose of the visitor serving overlay zone.
- 17.28.020 Land use regulations.
- 17.28.030 Development standards.

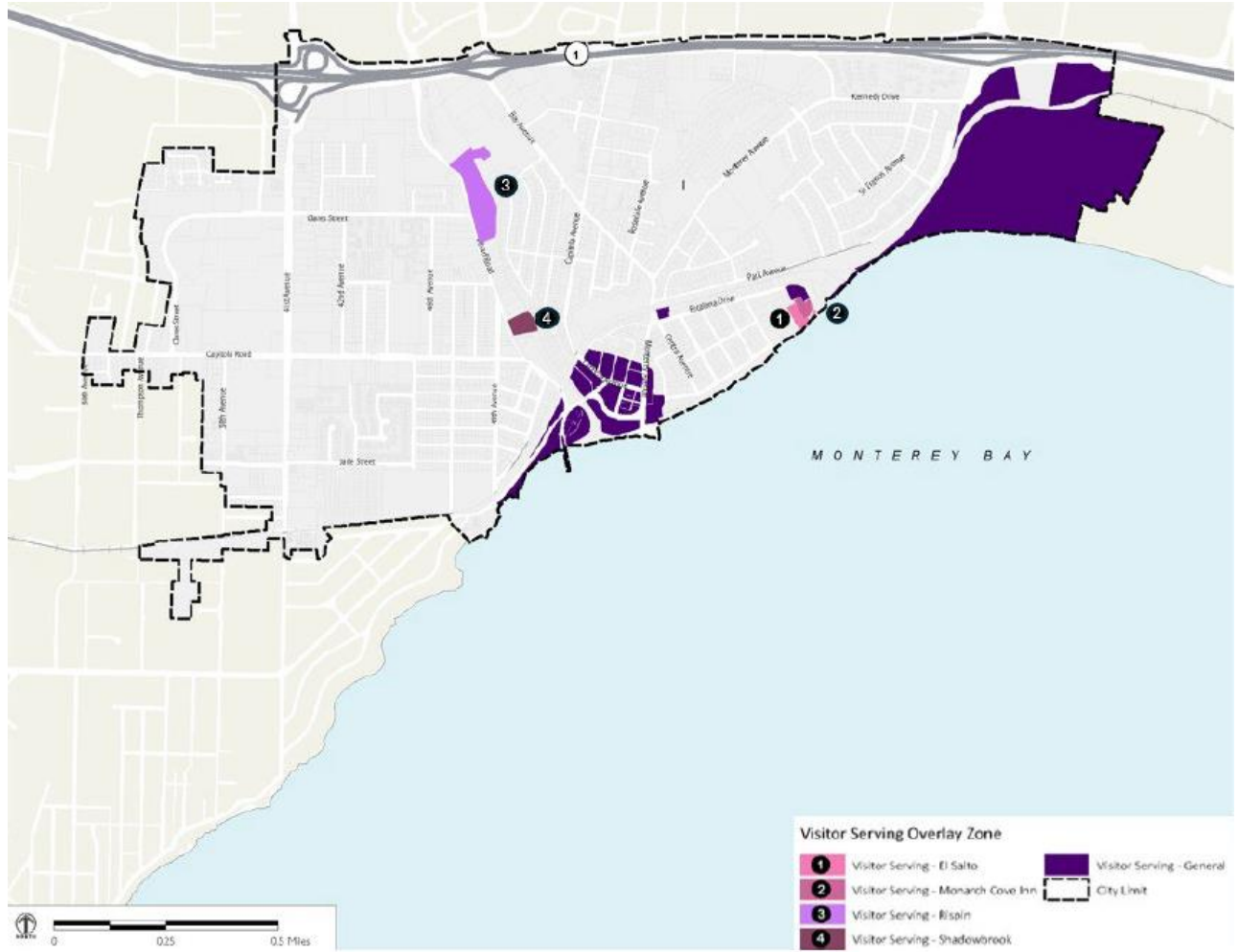
17.28.010 Purpose of the visitor serving overlay zone.

A. General. The purpose of the visitor serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the general plan and local coastal program (LCP).

B. Visitor Serving Overlay Subzones. The -VS overlay zone is divided into subzones (see Figure 17.28-1) with unique land use and development standards:

1. Visitor Serving – Rispin (VS-R). Applies to the Rispin site (APNs 035-371-01 and 035-371-02).
2. Visitor Serving – Shadowbrook (VS-SB). Applies to the Shadowbrook site (APN 035-111-04).
3. Visitor Serving - Monarch Cove Inn (VS-MC). Applies to the Monarch Cove Inn site (APNs 036-143-31) and the southwestern portion of parcel 036-142-28 as depicted in Figure 17.28-1. The VS zoning overlay designation on the Monarch Cove Inn site acts as both the base zoning district and an overlay district (i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter).
- ~~4~~3. Visitor Serving – El Salto (VS-ES). Applies to the El Salto site (APN 036-143-35).
- ~~5~~4. Visitor Serving – General (VS-G). Applies to all other parcels with a visitor serving subzone overlay designation including the residentially zoned parcels formerly associated with the Monarch Cove Inn (comprised of APN 036-142-27 and the northeastern portion of APN 036-142-28 as depicted in Figure 17.28-1) The -VS overlay designation on the Inn at Depot Hill site (APNs 036-121-38 and 036-121-33) acts as both the base zoning district and an overlay district (i.e., the permitted land uses identified in Table 17.28-1 are the only permitted land uses allowable on the site and the applicable land use regulations and development standards are limited to those identified in this chapter).

Figure 17.28-1: Visitor Serving Districts



17.28.020 Land use regulations.

A. Permitted Land Uses. Table 17.28-1 identifies land uses permitted in the -VS overlay subzones.

Table 17.28-1: Permitted Land Uses in the Visitor Serving Overlay Zone

Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required - Use not allowed	-VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
Residential Uses						
Employee Housing	C [1]	-	-	<u>C</u>	-	
Multifamily Dwellings	C [2][11]	-	-	-	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	<u>C</u>	C	
Single-Family Dwellings	C [3][11]	-	-	-	C [3]	
Public and Quasi-Public Uses						
Community Assembly	C	C	-	-	-	
Cultural Institutions	C	C	-	-	-	
Day Care Centers	C	-	-	-	-	
Habitat Restoration and Habitat Interpretive Facilities	C	C	C	<u>C</u>	-	
Parks and Recreational Facilities	C	C	-	<u>C</u>	-	
Public Parking Lots	C	C	-	-	-	
Public Paths and Coastal Accessways	C	C	C	<u>C</u>	C	
Public Safety Facilities	C	-	-	-	-	
Public Wharfs	C	-	-	-	-	
Schools, Public or Private	-	-	-	-	-	
Commercial Uses						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverages	C [4]	C [4]	C	-	-	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	<u>C</u>	-	
Restaurants						
Full Service	C [5]	C [5]	C [5]	-	-	
Lodging						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	-	<u>C</u>	C	
Campgrounds [6]	C	-	-	-	-	
Recreational Vehicle Parks	C	-	-	-	-	

Vacation Rentals with onsite manager	<u>C</u> [12]	-	-	<u>C</u> [12]	-	
Utilities, Major	C	C	C	<u>C</u>	C	
Utilities, Minor	P	P	P	<u>P</u>	P	
Wireless Communications Facilities	See Chapter 17.104					
Other Uses						
Access Roadways	C	C	C	<u>C</u>	C	
Accessory Structures and Uses, New	C [7]	C	C	<u>C</u>	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	<u>C</u>	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	-	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	<u>C</u>	C	
Home Occupations	C	-	-	-	-	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	-	-	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	-	-	
Live Entertainment	C	C	C	-	-	
Offices Accessory to Visitor Serving Use	C	C	C	<u>C</u>	-	
Parking Areas to Serve the Primary Use	C	C	C	<u>C</u>	C	
Retail Accessory to a Visitor Serving Use	C	C	-	<u>C</u>	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	<u>C</u> [13]	-	
Weddings	C	C	C	<u>C</u>	-	

Notes:

[1] Permitted only as an accessory use.

[2] Multifamily dwellings shall comply with development standards in the multifamily residential, medium density (RM-M) zoning district.

[3] Single-family dwellings shall comply with development standards in the single-family residential (R-1) zoning district.

[4] May not be located within two hundred feet of the boundary of a residential zoning district.

[5] Drive-up and car service is not allowed.

[6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.

[7] Intensification of the primary use is not allowed.

[8] The new use may not change the nature or intensity of the commercial use of the structure.

[9] Permitted only to serve guests of the lodging use.

[10] Events may not exceed ten days and may not involve construction of permanent facilities.

[11] Prohibited on the former Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10) and the Inn at Depot Hill (APNs 036-121-38 and 036-121-33). For the residential Monarch Cove parcels (APNs 036-142-27 and the northeast portion of APN 036-142-28), single-family residential uses must meet the provisions of Section 17.28.030 (G).

[12] Vacation rental allowed on VS-MC only with 24-hour, full time onsite staff in residence during times of occupancy. Vacation rental allowed on the residentially zoned parcels formerly associated with the Monarch Cove Inn (comprised of APN 036-142-27 and the northeast portion of APN 036-142-28) without a 24-hour, full time onsite staff in residence.

[13] Limited to a single two-day or less event per year.

B. Civic Uses in the VS-R Overlay Subzone. The planning commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the planning commission finds the additional civic use to be consistent with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site. (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020)

17.28.030 Development standards.

A. General. Table 17.28-2 identifies development standards that apply in the -VS overlay zone outside of the mixed-use village (MU-V) zoning district.

Table 17.28-2: Development Standards in the Visitor Serving Zoning Districts

	-VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft.	
Impervious Surface, Maximum	VS-R: 25% VS-SB, VS-MC, and VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030(B)	
Height, Maximum	30 ft.	Section 17.28.030(C)

Note:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

B. Setbacks. The following setback requirements apply in the -VS overlay zone:

1. The planning commission may require front, side and rear setbacks through the design review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least ten feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (GH Geologic Hazards District).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

C. Height Exceptions. With a recommendation from the planning commission, the city council may approve additional height up to a maximum of thirty-six feet in the -VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the general plan, and the LCP.
2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
4. Major public views of the shoreline, as identified in Capitola's local coastal program, are not blocked by the proposed development.

D. Landscaping. See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for visitor serving properties.

E. Lighting. In addition to outdoor lighting standards in Section 17.96.110 (Outdoor lighting), the following lighting requirements apply in the -VS overlay zone:

1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.

2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.

3. The location, type and wattage of exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

F. Coastal Development Permit. If a proposed development is located in the coastal zone, it may require a coastal development permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in Section 17.44.130 (Findings for approval). (Res. 4223, 2021; Ord. 1043 § 2 (Att. 2), 2020).

G. Monarch Cove Inn /Monarch Cove Residential Properties Additional Requirements. The following additional requirements shall apply to the VS-MC subzone (i.e., APN 036-143-31 and the southwest portion of APN 036-142-28) as well as the Monarch Cove residential properties. (i.e. APN 036-242-27 and the northeastern portion of APN 036-142-28) as depicted on Figure 17.28-1. Approval of any proposed development on these sites shall only be allowed if:

a. Adequate parking and fire/safety ingress/egress to serve both inland (residential) and seaward (visitor-serving) properties is provided.

b. Adequate public access is provided from El Salto Drive to the coastal bluff and to existing rights-of-way along Escalona Drive and area trails, including as may need to be relocated inland due to coastal erosion. Such public access shall, at a minimum, be provided parallel to the northern property boundary of APN 036-143-31 to connect with the existing public rights-of-way.

c. Unless determined to be infeasible, ingress/egress to any new development on the inland residential property shall be provided from Escalona Drive.

Chapter 17.30

VISITOR SERVING DISTRICT— MONARCH COVE INN

Sections:

- 17.30.010—Applicability.
- 17.30.020—Purpose.
- 17.30.030—Architectural and site approval.
- 17.30.040—Conditionally permitted uses—Monarch Cove Inn.
- 17.30.050—Accessory uses.
- 17.30.060—Height.
- 17.30.070—Lot area.
- 17.30.080—Lot coverage.
- 17.30.090—Yards.
- 17.30.100—Parking.
- 17.30.110—Loading areas.
- 17.30.120—Landscaping and lighting.

17.30.010—Applicability.

The regulations set forth in this chapter apply to the Monarch Cove Inn parcels. (Res. 4223, 2021)

17.30.020—Purpose.

The purpose of the V-S district is to accommodate the visiting public with a range of opportunities to enjoy the city of Capitola's coastal location. (Res. 4223, 2021)

17.30.030—Architectural and site approval.

A design permit shall be secured for the establishment and conduct of any conditional or accessory use in a V-S district as provided in Chapter 17.120. (Res. 4223, 2021)

17.30.040—Conditionally permitted uses—Monarch Cove Inn.

The following are the conditionally permitted uses allowed on the Monarch Cove Inn parcels and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels:

- A. Accessory structures and accessory uses appurtenant to any conditionally allowed use;
- B. Hotels, motels, hostels, inns; bed and breakfast lodging;
- C. Food service related to lodging;
- D. Assemblages of people, such as festivals, not exceeding ten days and not involving construction of permanent facilities;
- E. Accessory structures and uses established prior to establishment of main use or structure;
- F. Habitat restoration; habitat interpretive facility;
- G. Live entertainment;
- H. Public paths;
- I. Business establishments that provide commercial places of amusement or recreation, live entertainment, or service of alcoholic beverages and that are located within two hundred feet of the boundary of a residential district;
- J. Weddings;
- K. Business establishments that sell or dispense alcoholic beverages for consumption upon the premises;

~~L. Other visitor serving uses of a similar character, density, and intensity as those listed in this section and determined by the planning commission to be consistent and compatible with the intent of this chapter and the applicable land use plan;~~

~~M. Offices and limited retail use, accessory to visitor serving uses;~~

~~N. One caretaker unit for the purpose of providing on-site security;~~

~~O. Access roadway;~~

~~P. Residential use by the owners and their family members of up to one unit per parcel on the three parcels, as long as a minimum of six guest bedrooms are available for visitor serving use within the three parcels.~~

~~Q. Nonfamily residential use during the off-season months (November through April). (Res. 4223, 2021)~~

17.30.050 — Accessory uses.

The following are accessory uses permitted in a V-S district:

~~A. Signs complying with the applicable regulations set forth in the sign ordinance.~~

~~B. Accessory uses and buildings customarily appurtenant to a permitted use. (Res. 4223, 2021)~~

17.30.060 — Height.

~~No structures shall exceed thirty feet in height. Exceptions up to thirty-six feet in height may be granted subject to approval by the city council upon the recommendation of the planning commission when the following findings can be made:~~

~~A. The proposed development and design are compatible with existing land uses of surrounding areas and the general plan;~~

~~B. Streets and thoroughfares are suitable and adequate to serve the proposed development.~~

~~C. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings or open space.~~

~~D. Major public views are not blocked by the proposed development. (Res. 4223, 2021)~~

17.30.070 — Lot area.

~~The minimum lot area required shall be five thousand square feet. (Res. 4223, 2021)~~

17.30.080 — Lot coverage.

~~There shall be no specific maximum lot coverage set except as follows:~~

~~A. Sufficient space shall be provided to satisfy off-street parking and loading area requirements, notwithstanding that all parking may be provided within a structure(s);~~

~~B. Front yard and open space requirements shall be satisfied;~~

~~C. For the Monarch Cove Inn parcels, the allowable impervious site coverage (e.g., buildings, paving, decks, etc.) is fifty percent. (Res. 4223, 2021)~~

17.30.090 — Yards.

~~A. Front, side and rear yard setbacks may be required through design permit approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. Where a side or rear yard abuts residential property a setback of at least ten feet shall be provided.~~

~~B. Front yards and corner lot side yards shall not be used for required parking facilities.~~

~~C. For the Monarch Cove Inn parcels located adjacent to the bluff top, new development shall adhere to the setback and development provisions provided in the LUP's natural hazards policies and in certified zoning Chapter 17.68~~

(GH Geologic Hazards District). (Res. 4223, 2021)

17.30.100 — Parking.

Parking standards shall be as provided in Chapter 17.76. (Res. 4223, 2021)

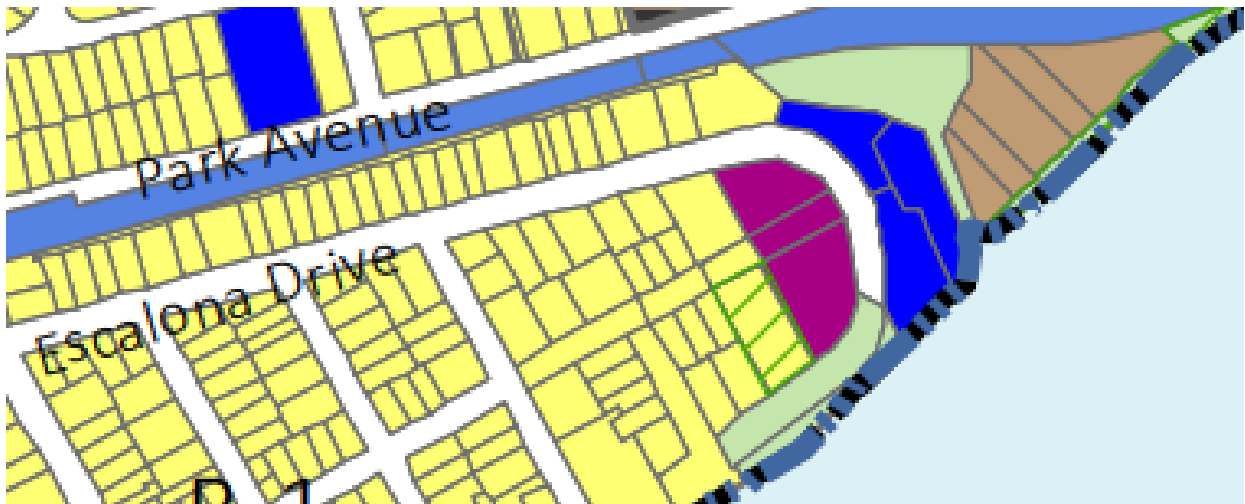
17.30.110 — Loading areas.

Loading areas shall be as provided in Chapter 17.76. (Res. 4223, 2021)

17.30.120 — Landscaping and lighting.

A minimum of five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards. For the visitor serving Monarch Cove Inn parcels, fifty percent of the parcels shall consist of landscaped or open space areas. The planting of invasive plant species is prohibited. All exterior lighting shall be unobtrusive, harmonious with the local area and constructed or located so that only the area intended is illuminated and off site glare is fully controlled. The location, type and wattage of the exterior lighting must be approved by the community development director prior to the issuance of building permits or the establishment of the use.

Zoning Map



Existing Zoning Map



Proposed Zoning Map

Residential Zoning Districts

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

Mixed-Use Zoning Districts

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

Commercial and Industrial Zoning Districts

- C-R - Regional Commercial
- C-C - Community Commercial

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

Overlay Zones*

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

General Plan and Local Coastal Plan Land Use Map



Existing General Plan Land Use Map



Proposed General Plan Land Use Map

Residential Designations

- Single-Family Residential (R-1)
- Multi-Family Residential (R-M)
- Mobile Home (R-MH)

Mixed-Use Designations

- Village Mixed-Use (MU-V)
- Neighborhood Mixed-Use (MU-N)

Other Designations

- Parks and Open Space (P/OS)
- Public/Quasi-Public (P/QP)
- Visitor Serving (VS)

Commercial/Industrial Designations

- Regional Commercial (C-R)
- Community Commercial (C-C)
- Visitor Accommodations (VA)
- Industrial

Overlays

- Visitor Serving (VS)



City Limit



Coastal Zone