

Zoning Code Amendments Consistency with LCP Land Use Plan

The proposed Zoning Code Amendments implement programs in Capitola's 2023-2031 Housing Element. Capitola committed to completing these amendments to comply with state housing laws. Many of these amendments locally codify existing state law, including provisions related to no net loss of housing element sites, housing on education and religious sites, emergency shelters, and special needs housing. Other amendments reduce barriers to housing production as required by state law, including barriers associated with parking requirements and small parcel sizes.

The proposed Zoning Code Amendments also address additional issues that have arisen since the Zoning Code was last updated, but which are not required by the Housing Element.

The majority of proposed Zoning Code Amendments do not change allowed development or uses in any manner that could impact coastal resources or conflict with the certified LCP. These amendments are consistent with the certified LCP and Coastal Act. Two proposed amendments that do warrant LCP consistency discussion are the accessory dwelling unit waiver provisions and changes to required on-site parking space.

Accessory Dwelling Unit CDP Waivers

Section 17.74.030.E adds language to the accessory dwelling unit chapter allowing the City to issue a CDP waiver for a proposed accessory dwelling unit in the coastal zone, including in locations in appealable and non-appealable to the Coastal Commission. To be eligible for a waiver, the proposed accessory dwelling unit may not be in an area subject to coastal hazards, within 200 feet of a cliff edge, or in an environmentally sensitive habitat area. The City also must determine that the accessory dwelling unit would not negatively impact coastal resources, public access, or views consistent with the City's certified Local Coastal Program.

This waiver process is consistent with the January 21, 2022 Coastal Commission memorandum on implementing new accessory dwelling unit law. This memorandum states "If a local government's LCP includes a waiver provision, and the proposed J/ADU meets the criteria for a CDP waiver, the local government may issue a CDP waiver for the proposed J/ADU." The memorandum further states that a waiver may be allowed for accessory dwelling units that are "sited, designed, and limited in such a way as to ensure any potential impacts to coastal resources are avoided (such as through habitat and/or hazards setbacks, provision of adequate off-street parking to ensure that public access to the coast is not impacted, etc.)". Lastly, the memorandum states that because public hearings are not required for accessory dwelling units, CDP waivers may be appropriate in both appealable and non-appealable areas.

For the reasons above, the waiver process is consistent with the following LCP policies:

- **Policy VI-2:** It shall be the policy of the City of Capitola to protect, maintain and, where possible, enhance the environmentally sensitive and locally unique habitats within its coastal zone, including dedication and/or acquisition of scenic conservation easements for protection of the natural environment. All developments approved by the City within or adjacent to these areas must be found to be protective of the long-term maintenances of these habitats.

- **Policy VII-1:** It shall be the policy of the City of Capitola to adequately plan for natural hazards in new development, reduce risks to life and property, and revise all plans and Zoning Ordinances to be in conformance with all the policies of the Coastal Act relating to hazards and shoreline structures.

Parking Standards

Table 17.76-2 reduces the number of required on-site parking spaces for single-family dwellings, multifamily dwellings, senior housing, and residential care facilities. These changes were made to comply with Housing Element programs that call for the City to reduce parking requirements that constrain housing production, including housing for special needs populations.

Proposed new parking standards aim to reduce housing constraints (as required by state housing laws) while also protecting coastal access, facilitating transit service, and minimize vehicle miles traveled consistent with Coastal Act policies. New parking standards allow for the density of development permitted by the General Plan, but also require a reasonable supply of new on-site parking to maintain street parking availability for visitors. For this reason, the revised parking standards are consistent with the following LCP policies:

- **Coastal Act Policy 30252:** The location and amount of new development should maintain and enhance public access to the coast by (1) facilitating the provision or extension of transit service ... (4) providing adequate parking facilities or providing substitute means of serving the development with public transportation, (5) assuring the potential for public transit for high intensity uses such as high-rise office buildings ...
- **Coastal Act Policy 30253:** New development shall do all of the following: ... (d) Minimize energy consumption and vehicle miles traveled. (e) Where appropriate, protect special communities and neighborhoods that, because of their unique characteristics, are popular visitor destination points for recreational uses.
- **Policy I-1:** It shall be the policy of the City of Capitola to maintain and enhance access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development shall be limited to the availability of parking and other alternative transportation systems, such as a shuttle bus and remote parking.