



Outlook

[PDF] 12/4/2025 Item 6C - Capitola Mall Zoning Code Amendments

From Santa Cruz YIMBY <santacruzylimby@gmail.com>

Date Wed 12/3/2025 8:25 PM

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

Cc hello@santacruzylimby.org <hello@santacruzylimby.org>

 1 attachment (119 KB)

2025-12-03 Capitola Mall Zoning Amendments.pdf;

Dear Planning Commissioners,

Please find attached Santa Cruz YIMBY's comments regarding the Capitola Mall Zoning Code Amendments being discussed at Thursday's meeting. If you have any questions or would like to follow up, please reach out to us at hello@santacruzylimby.org

Thank you,
Santa Cruz YIMBY Leads



December 3, 2025

To: Capitola Planning Commission

Re: Capitola Mall Zoning Code Amendments

Dear Planning Commissioners:

Santa Cruz YIMBY appreciates the significant time and effort that staff and the Commission have invested in shaping the Capitola Mall Zoning Code Amendments. We strongly support a vision for transforming the Mall into a walkable, mixed-use district with new housing, improved connectivity, and high-quality urban design. Our comments below are intended to help ensure the zoning amendments are internally consistent, legally defensible, and aligned with the City's adopted Housing Element.

Summary of Our Main Points

1. The City has presented conflicting explanations about whether the Mall rezoning is an upzoning or a downzoning, and these inconsistencies affect compliance with Housing Element Law and the No Net Loss Law.
2. If the 48 du/acre assumption in the Housing Element cannot be achieved under today's zoning, then the Mall was subject to a required shortfall rezoning that is now past due.
3. If unlimited density was feasible under current zoning, then imposing a 48 du/acre cap, especially with new development constraints, is a downzoning requiring a No Net Loss analysis.
4. The City has added new constraints since the Special Planning Commission meeting but has provided no written analysis showing the 48 du/acre capacity remains achievable.
5. The proposal excludes two Mall parcels and downzones them to 20 du/acre, contradicting Housing Element Program 1.7 and requiring a No Net Loss analysis.
6. In every case, the City has relied on verbal assurances, rather than documented, data-supported analysis.

Conflicting explanations about whether the rezoning is an upzoning or a downzoning

The draft zoning amendments rely on two incompatible claims: (1) that the Mall parcels already allow unlimited residential density to avoid shortfall rezoning, and (2) that the Housing Element's 48 du/acre assumption is not achievable under current zoning. These positions directly contradict each other, yet each is used at different times to justify different elements of the rezoning proposal.

If the 48 du/acre assumption in the Housing Element cannot be achieved under today's zoning, the City missed its required shortfall rezoning deadline

At the November 19, 2025 Planning Commission meeting, both the City's contract architect and land use counsel stated that 48 du/acre is not feasible under current zoning. If this is correct, then the Mall parcels did not have the realistic capacity assumed in the Housing Element, and the City was required to complete the rezoning within one year of Housing Element adoption. That deadline has now passed. In this scenario, the rezoning must be treated as a late shortfall rezoning program and must meet all Housing Element Law requirements.

If unlimited density was feasible, then imposing a 48 du/acre cap and adding constraints is a downzoning requiring No Net Loss analysis

If unlimited density was truly feasible before, then establishing a new 48 du/acre maximum is a reduction in allowable density. That concern is heightened because the City is also adding multiple constraints.

Constraints identified at the Special Planning Commission meeting included the required hotel, open space requirements, circulation conditions, and parking requirements. No written analysis demonstrating feasibility was provided—only verbal descriptions and assurances from the contract architect.

New constraints added since that meeting include new internal streets, 16-foot required setbacks, an increase in required commercial space from

25,000 to 40,000 square feet, and additional circulation and site design requirements. These further reduce developable area and achievable FAR, yet no updated analysis has been provided.

Under Government Code section 65863, any action that reduces allowable or realistic capacity requires a No Net Loss analysis and, if necessary, identification of replacement sites at the time of the action. The City has not provided this analysis.

Downzoning and exclusion of two Mall parcels conflicts with state law and Housing Element Program 1.7

The draft amendments create a distinction between “Capitola Mall Property” and “Capitola Mall Housing Element Sites,” excluding two parcels—APNs 034-261-52 and 034-261-07, totaling 9.16 acres—from the redevelopment program.

These parcels currently allow unlimited density, 1.5 FAR, 40-foot height, and 100% residential use. The proposal would downzone them to a 20 du/acre maximum while applying some new objective standards but excluding the height and FAR increases applied to other Mall parcels. This is a clear downzoning under SB 330 and requires a No Net Loss analysis that has not been provided.

This exclusion also contradicts Housing Element Program 1.7, which commits the City to apply objective Mall redevelopment standards to the entire Capitola Mall area, defined as the area bounded by Clares Street, 41st Avenue, and Capitola Road. Program 1.7 requires allowing up to 75 feet of height, defining Mall redevelopment as mixed-use, excluding parking garages from FAR, and adopting objective development standards for the entire area.

RECOMMENDATIONS

We respectfully ask the Planning Commission to recommend that the City:

1. Provide written feasibility and capacity analysis, not verbal assurances, demonstrating whether the 48 du/acre assumption is achievable under both existing zoning and the newly proposed constraints.

2. Prepare and publish a full No Net Loss analysis addressing the new 48 du/acre cap, the cumulative effect of new development constraints, and the downzoning of the two excluded parcels.
3. Implement Program 1.7 as written, applying objective standards and redevelopment allowances to the entire Capitola Mall area.
4. Delay recommending approval of the zoning amendments until the required analyses are completed, published, and reviewed.

Thank you for your consideration. We support a successful redevelopment of the Capitola Mall and believe that clear, consistent, and legally compliant standards will help achieve the City's goals.

Thank you for your consideration.

Rafa Sonnenfeld
Janine Roeth
Ryan Meckel

Volunteer Leads, Santa Cruz YIMBY