

ORDINANCE NO. 1074
AN ORDINANCE OF THE CITY OF CAPITOLA ADOPTING AMENDMENTS TO THE LOCAL COASTAL PROGRAM IMPLEMENTATION PLAN (CAPITOLA MUNICIPAL CODE TITLE 17: ZONING ORDINANCE, CHAPTERS 17.32, 17.64, 17.68, AND 17.76) AND DIRECTING THE CITY MANAGER TO SUBMIT THE AMENDMENTS TO THE CALIFORNIA COASTAL COMMISSION FOR CERTIFICATION (CEQA EXEMPT)

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 City of Capitola's LCP includes the LCP Implementation Plan; and

WHEREAS, certain chapters of the City of Capitola Municipal Code Title 17 (Zoning Ordinance) are a component of the City's certified LCP Implementation Plan; and

WHEREAS, the Public Works Department initiated the Cliff Drive Resiliency Project as a comprehensive effort to address bluff erosion, sea-level rise, and stormwater drainage impacts along the Cliff Drive corridor while also enhancing pedestrian, bicycle, and coastal access; and

WHEREAS, the City of Capitola received a \$500,000 Coastal Commission LCP grant for the Cliff Drive Resiliency Project, requiring updates to Capitola's Municipal Code Title 17: Zoning Ordinance, Chapters 17.32, 17.64, 17.68, and 17.76 relative to the Cliff Drive improvements; and

WHEREAS, City staff prepared draft amendments to the Capitola Municipal Code Title 17 (Zoning Ordinance), specifically:

- Chapter 17.32 Parks and Open Space – to allow for Cliff Drive improvements and clarify limitations on development in parks and beaches;
- Chapter 17.64 Ecologically Sensitive Habitat Areas (ESHA) – to clarify that resource-dependent uses are permitted within ESHA;
- Chapter 17.76 Parking and Loading – to update references from Southern Pacific Railroad to the Regional Transportation Commission;
- Chapter 17.68 Geological Hazards – to update definitions, technical standards, and hazard analysis requirements;
- All together, the amendments are known as the "IP Amendments" attached hereto as Exhibit A, B C and D and incorporated herein by this reference; and

WHEREAS, the IP Amendments were made available for public review at City Hall, the Community Center, the Capitola Library, and online, in compliance with Coastal Act Section 30514; and

WHEREAS, the Planning Commission held a duly noticed public hearing on September 4, 2025, and October 2, 2025, reviewed the proposed IP Amendments, considered all public comments, and recommended the City Council approve the IP Amendments; and

WHEREAS, Coastal Commission staff have requested additional clarifying changes to the IP Amendments as detailed in the staff report associated with this Resolution, which are not

substantial and do not require reconsideration by the Planning Commission pursuant to Capitola Municipal Code section 17.144.060(D); and

WHEREAS, the City Council conducted a duly noticed public hearing on January 8, 2026 considered all testimony, and determined that the proposed IP Amendments are consistent with the General Plan, the Land Use Plan, and intended to be implemented in a manner fully conforming with the State of California and the California Coastal Act

NOW, THEREFORE, the City Council of the City of Capitola ordains 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 IP Amendments are consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860, as well as the Local Coastal Program Land Use Plan and the Coastal Act;
- b) The proposed IP Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- c) The proposed IP 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, B, C, and D.

Section 4: Environmental Review. Adoption of the IP Amendments is exempt from the California Environmental Quality Act ("CEQA") pursuant to Public Resources Code section 21080.9, which exempts activities and approvals by any local government for the preparation and adoption of a local coastal program or long-range land use development plan under the Coastal Act. Further, adoption of the IP Amendments 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)).

Section 5: Transmittal to Coastal Commission. The City Manager or their designee is directed to submit the IP Amendments to the California Coastal Commission for its review and certification.

Section 6. 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 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 8th day of January, 2026, and was adopted at a regular meeting of the City Council on the 22nd day of January, 2026, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Margaux Morgan, Mayor

Attest: _____
Julia Gautho, City Clerk

Approved as to form:

Marc Tran, City Attorney

