

RESOLUTION NO. ____

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT AN
ORDINANCE AMENDING MUNICIPAL CODE TITLE 17, CHAPTER 17.74
(ACCESSORY DWELLING UNITS), AND FIND THAT ADOPTION OF THE
ORDINANCE IS EXEMPT FROM CEQA**

WHEREAS, on November 14, 2024, City of Capitola Ordinance No. 1066 went into effect, amending, among other sections, Municipal Code Chapter 17.74 (Accessory Dwelling Units) (the “ADU Ordinance”);

WHEREAS, on December 19, 2024, the City submitted Ordinance No. 1066 to HCD for review and comment on the ADU Ordinance;

WHEREAS, the City received a letter from HCD dated February 26, 2025, providing an informal “fly over” review of the ADU Ordinance, with suggested revisions;

WHEREAS, after discussions with HCD staff, City staff submitted a letter to HCD dated June 4, 2025, documenting revisions to the ADU Ordinance that reflect revisions, as agreed upon by City and HCD staff, to be sufficient to address comments in the February 26, 2025, HCD letter;

WHEREAS City staff prepared draft amendments (“Amendments”) to the ADU Ordinance to implement the revisions agreed upon by City and HCD staff;

WHEREAS, notice of the Amendments’ availability was mailed and public review drafts were made available on August 1, 2025, in compliance with California Coastal Act public participation requirements and applicable state law;

WHEREAS, the Amendments are exempt from the California Environmental Quality Act (CEQA), pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)); and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission reviewed the proposed Amendments at which time it considered all evidence presented, both written and oral.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.

2. Pursuant to Capitola Municipal Code Section 17.144.040 and 17.144.060 and based on substantial evidence in the record:

a) The proposed Amendments are consistent with the General Plan, including the Housing Element and Land Use Element and any applicable specific plan as provided by Government Code Section 65860.

b) The proposed Amendments will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.

c) The proposed Amendments are internally consistent with other applicable provisions of the Zoning Code.

3. The Planning Commission has considered the Amendments' consistency with the certified Local Coastal Program (LCP) and finds the Amendments in conformity with and adequate to carry out the certified Land Use Plan.

4. The Planning Commission recommends that the City Council:

a. Find that the proposed Amendments are exempt from CEQA pursuant to Public Resources Code section 21080.17 and CEQA Guidelines section 15282(h), which exempts adoption of ordinances implementing state law regarding accessory dwelling units. Further, the proposed Amendments are categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Amendments will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3)); and

b. Adopt an ordinance amending Capitola Municipal Code Chapter 17.74 (Accessory Dwelling Units) set forth in Exhibit A attached hereto and incorporated herein.

SEVERABILITY

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 21st day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____ Katie Herlihy, Community Development
Director