

Zoning Code Amendments Consistency with LCP Land Use Plan

RM Zone Amendments

The proposed amendments to the Residential Multifamily (RM) zone implement Program 1.6 in Capitola's 2023-2031 Housing Element. Capitola committed to completing these amendments to comply with state housing laws.

The proposed RM amendments increase allowed residential density in seven areas, six of which are within Capitola's coastal zone. The City has selected these areas using criteria that aim to avoid environmentally sensitive habitat, avoid coastal hazards, and locate new development in areas well-served by existing infrastructure and services. Table 1 identifies the basis of finding the proposed RM amendments consistent with applicable LCP policies.

Table 1: RM Zone Amendment Consistency Determination

LCP Policies	Basis for Consistency Finding
Coastal Act Policy 30250: New residential, commercial or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it, or, where such areas are not able to accommodate it, in other areas with adequate public services, and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources.	All areas with increased density are surrounded on all sides by existing development and do not contain known environmental sensitive habitat areas or sensitive coastal resources as defined in Coastal Action Section 30116.
Coastal Act Policy 30253: New development shall: 1) Minimize risks to life and property in areas of high geologic, flood and fire hazard ...	All areas with increased density are located outside of active fault zones, high and very high liquefaction potential zones, 100 year flood zones, areas with potential hazards from bluff and sand beach erosion, tsunami inundation risk areas and fire hazard areas as identified in the City's Local Hazard Mitigation Plan.
Coastal Act Policy 30240: a) Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on such resources shall be allowed within such areas ...	None of the following categorical ESHA areas, as identified in the certified LCP, are located in areas with increased density: A. Soquel Creek, Lagoon, and Riparian Corridor; Noble Gulch Riparian Corridor; Tannery Gulch Riparian Corridor; and Monarch butterfly habitat – Rispin-Soquel Creek and Escalona Gulch.
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.	See basis for Coastal Act Policy 30253 above.

ADU Amendments

The proposed amendments to Capitola's accessory dwelling unit (ADU) regulations are required to comply with state ADU law. The amendments are necessary to respond to comments provided by the California Department of Housing and Community Development (HCD) dated February 26, 2025.

The majority of HCD's requested amendments clarify existing requirements with no substantive change to allowed development. However, HCD's comment that historic preservation standards may apply only to properties on the California Register of Historic Resources raises Coastal Act conformance issues. Almost all historic resources in Capitola are locally designated but not listed on the California Register of Historic Resources. To remove historic preservation standards for these properties would conflict with policies in Capitola's certified LCP that call for the City to protect historic resources and to protect the scenic and visual qualities of coastal areas. To address this conflict, the proposed amendments maintain existing historic preservation standards for locally-designated historic resources located in the coastal zone. This approach is supported by HCD as a way to reconcile state ADU law with the Coastal Act. For these reasons, the proposed ADU amendments are consistent with the following LCP policies:

- **Policy I-3:** It shall be the policy of the City of Capitola to provide for the protection, preservation, and proper disposition (where necessary) of archaeological, historical and paleontological resources within Capitola.
- **Section 30251 Scenic and visual qualities:** The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to ... be visually compatible with the character of surrounding areas ...