

ORDINANCE NO. ____

**AN ORDINANCE OF THE CITY OF CAPITOLA TO ADOPT AMENDMENTS TO
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 recommended the City Council adopt the Zoning Code Amendments.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Capitola 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 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.

Section 3: Title 17, Chapter 17.74 (Accessory Dwelling Units) of the Capitola Municipal Code is amended as set forth in Exhibit A, attached hereto and incorporated herein by this reference.

Section 4: Environmental Review.

The City Council finds and determines that 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));

Section 5: 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 6: 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 7: 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 11th day of September, 2025, and was adopted at a regular meeting of the City Council on the 25th day of September, 2025, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Joe Clarke, Mayor

Attest: _____
Julia Gautho, City Clerk