

# City of Capitola Agenda



Mayor: Kristen Petersen  
Vice Mayor: Yvette Brooks  
Council Members: Jacques Bertrand  
Ed Bottorff  
Sam Storey

## CAPITOLA CITY COUNCIL REGULAR MEETING

THURSDAY, OCTOBER 22, 2020

7 PM

**PLEASE REVIEW THE NOTICE OF REMOTE ACCESS AT THE END OF THE AGENDA FOR HOW TO PARTICIPATE IN THIS MEETING & SUBMIT PUBLIC COMMENT**

### REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 7 PM

*All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Council Meeting will be distributed to Councilmembers to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Councilmembers, nor be read by them prior to consideration of an item.*

*All matters listed on the Regular Meeting of the Capitola City Council Agenda shall be considered as Public Hearings.*

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Members Jacques Bertrand, Ed Bottorff, Yvette Brooks, Sam Storey, and Mayor Kristen Petersen

**2. PRESENTATIONS**

*Presentations are limited to eight minutes.*

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
October 22, 2020

- A. Introduction of Santa Cruz County District Attorney Office Neighborhood Courts Program

**3. ADDITIONAL MATERIALS**

*Additional information submitted to the City after distribution of the agenda packet.*

**4. ADDITIONS AND DELETIONS TO AGENDA**

**5. PUBLIC COMMENTS**

*Please review the Notice of Remote Access Only for instructions.*

**6. CITY COUNCIL / STAFF COMMENTS**

*City Council Members/Staff may comment on matters of a general nature or identify issues for staff response or future council consideration. No individual shall speak for more than two minutes.*

**7. CONSENT CALENDAR**

*All items listed in the "Consent Calendar" will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Council votes on the action unless members of the City Council request specific items to be discussed for separate review. Items pulled for separate discussion will be considered following General Government.*

*Note that all Ordinances which appear on the public agenda shall be determined to have been read by title and further reading waived.*

- A. Consider the July 21, 2020, Special Meeting and the October 8, 2020, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Approval of City Check Registers Dated September 11, September 18, September 25, October 2 and October 9  
RECOMMENDED ACTION: Approve check registers.
- C. Resolution Authorizing Application for a Community Power Resiliency Grant from the California Office of Emergency Services  
RECOMMENDED ACTION: Approve the proposed resolution authorizing the Director of Public Works to submit a grant application to the California Office of Emergency Services for funding from their Community Power Resiliency Grant Program.
- D. Receive Update on the City's Pandemic Response  
RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.



**8. GENERAL GOVERNMENT / PUBLIC HEARINGS**

*All items listed in "General Government" are intended to provide an opportunity for public discussion of each item listed. The following procedure pertains to each General Government item: 1) Staff explanation; 2) Council questions; 3) Public comment; 4) Council deliberation; 5) Decision.*

A. First Reading Chapter 17 Zoning Code/Local Coastal Plan Adoption

RECOMMENDED ACTION:

1. Approve the first reading and waive reading of the text of the proposed Ordinance amending Title 17
2. Adopt the proposed Resolution authorizing staff to submit the Zoning Code Update/Local Coastal Plan Update to the Coastal Commission for certification

B. Adopt a Resolution Approving the 2020 Update to the City of Capitola Local Hazard Mitigation Plan

RECOMMENDED ACTION: Adopt the proposed resolution approving the 2020 update to the City of Capitola Local Hazard Mitigation Plan.

**9. ADJOURNMENT**

**NOTICE OF REMOTE ACCESS**

In accordance with the current Santa Cruz County Health Order outlining social distancing requirements and Executive Order N-29-20 from the Executive Department of the State of California, the City Council meeting is not physically open to the public and in person attendance cannot be accommodated.

**To watch:**

1. Online <http://capitolaca.iqm2.com/Citizens/Default.aspx>
2. Spectrum Cable Television channel 8
3. Join the Zoom Meeting (below)

**To Join Zoom:**

1. <https://us02web.zoom.us/j/88624321463?pwd=LzI5MUE0ZXB5ZWl5aHp5N3k0ci96QT09>
  - a. If prompted for a passcode, enter **432002**
2. With a landline or mobile phone, call one of the following numbers:
  - a. **1 669 900 6833**  
**1 408 638 0968**  
**1 346 248 7799**
  - b. Enter the meeting ID number: **886 2432 1463**
  - c. When prompted for a Participant ID, press #

**To submit public comment:**

When submitting public comment, one comment (via phone **or** email, not both), per person, per item is allowed. If you send more than one email about the same item, the last received will be read.

1. Zoom Meeting (Via Computer or Phone) Link:

A. IF USING COMPUTER:

- § Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak

CAPITOLA CITY COUNCIL REGULAR MEETING AGENDA  
October 22, 2020

A. IF CALLED IN OVER THE PHONE:

§ Press \*9 on your phone to “raise your hand” when the mayor calls for public comment. Once unmuted, you will have up to 3 minutes to speak

1. Send Email:

A. During the meeting, send comments via email to

[publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us)

§ Emailed comments on items will be accepted after the start of the meeting until the Mayor announces that public comment for that item is closed.

§ Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.

§ Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.

§ Emails received by [publiccomment@ci.capitola.ca.us](mailto:publiccomment@ci.capitola.ca.us) outside of the comment period outlined above will not be included in the record.

**Note:** Any person seeking to challenge a City Council decision made as a result of a proceeding in which, by law, a hearing is required to be given, evidence is required to be taken, and the discretion in the determination of facts is vested in the City Council, shall be required to commence that court action within ninety (90) days following the date on which the decision becomes final as provided in Code of Civil Procedure §1094.6. Please refer to code of Civil Procedure §1094.6 to determine how to calculate when a decision becomes “final.” Please be advised that in most instances the decision become “final” upon the City Council’s announcement of its decision at the completion of the public hearing. Failure to comply with this 90-day rule will preclude any person from challenging the City Council decision in court.

**Notice regarding City Council:** The City Council meets on the 2nd and 4th Thursday of each month at 7:00 p.m. (or in no event earlier than 6:00 p.m.), in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The City Council Agenda and the complete Agenda Packet are available for review on the City’s website: [www.cityofcapitola.org](http://www.cityofcapitola.org) and at Capitola City Hall prior to the meeting. Agendas are also available at the Capitola Post Office located at 826 Bay Avenue, Capitola. Need more information? Contact the City Clerk’s office at 831-475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Pursuant to Government Code §54957.5, materials related to an agenda item submitted after distribution of the agenda packet are available for public inspection at the Reception Office at City Hall, 420 Capitola Avenue, Capitola, California, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the City Clerk’s office at least 24 hours in advance of the meeting at 831-475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Televised Meetings:** City Council meetings are cablecast “Live” on Charter Communications Cable TV Channel 8 and are recorded to be rebroadcasted at 8:00 a.m. on the Wednesday following the meetings and at 1:00 p.m. on Saturday following the first rebroadcast on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings are streamed “Live” on the City’s website at [www.cityofcapitola.org](http://www.cityofcapitola.org) by clicking on the Home Page link “**Meeting Agendas/Videos.**” Archived meetings can be viewed from the website at any time.



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

FROM: Capitola Police Department

SUBJECT: Introduction of Santa Cruz County District Attorney Office Neighborhood Courts Program

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**BACKGROUND:** The Santa Cruz County Neighborhood Courts program is a community driven diversion program designed to divert low level misdemeanor offenses from entering the criminal justice system. The purpose of the program is to reduce recidivism and address the harm that the offense has had on the victim and/or community.

**DISCUSSION:** The Program Coordinator, Ms. Elaine Johnson J.D., of Santa Cruz County District Attorney's Office will provide a brief presentation of the program, its identified goals, and anticipated community benefits.

**ATTACHMENTS:**

1. SCNC\_Townhall\_Flyer

Report Prepared By: Terry McManus  
Police Chief

**Reviewed and Forwarded by:**

Jamie Goldstein, City Manager 10/15/2020



**SANTA CRUZ COUNTY NEIGHBORHOOD COURTS**  
**Informational Town Hall Series**  
*Community-driven restorative justice, an alternative to criminal court.*



The Santa Cruz County District Attorney's Office announces it is hosting a series of four town halls to share and discuss information about our new Neighborhood Courts program with members of the Board of Supervisors and Law Enforcement leaders throughout the county. Each town hall will feature Supervisors and Law Enforcement leaders from the same district and will take place virtually.

Members of the public may attend the town hall meetings via Zoom using a computer, smartphone, or dial-in phone. When joining the Town Hall meetings, you may be prompted to create a free Zoom account. For more information contact Elaine Johnson at [neighborhoodcourts@santacruzcounty.us](mailto:neighborhoodcourts@santacruzcounty.us)

**Series #1 with District Attorney Jeff Rosell, 4th District Supervisor Greg Caput, and Watsonville Police Chief David Honda**

Wednesday, October 7, 2020 at 06:00 PM

Join Zoom Meeting: <https://zoom.us/j/95155529700?pwd=VGISZmxsdml2UklKZnBNYU41M0hZdz09>

Meeting ID: 951 5552 9700

Passcode: 3j7cSZ

Dial by Telephone: (669)900-9128 or (253)215-8782

Meeting ID: 951 5552 9700 Passcode: 528863

**Series #2 with District Attorney Jeff Rosell, 3<sup>rd</sup> District Supervisor Ryan Coonerty, and Santa Cruz Police Chief Andy Mills**

Thursday, October 8, 2020 at 06:00 PM

Join Zoom Meeting: <https://zoom.us/j/97277435667?pwd=NWJNNEtUUnNxdlZtazhGVXgvSWIDZz09>

Meeting ID: 972 7743 5667

Passcode: K7p5Mu

Dial by Telephone: (669)900-9128 or (346)248-7799

Meeting ID: 972 7743 5667 Passcode: 762967

**Series #3 with District Attorney Jeff Rosell, 5<sup>th</sup> District Supervisor Bruce McPherson, and Scotts Valley Police Chief Steve Walpole**

Thursday, October 15, 2020 at 06:00 PM

Join Zoom Meeting: <https://zoom.us/j/98406156310?pwd=S0xnQWJLQmlyZ085WThzV0hkdTg4Zz09>

Meeting ID: 984 0615 6310

Passcode: vRyaH1

Dial by Telephone: (669)900-9128 or (253)215-8782

Meeting ID: 984 0615 6310 Passcode: 876773

**Series #4 with District Attorney Jeff Rosell, 1<sup>st</sup> and 2<sup>nd</sup> District Supervisors John Leopold and Zach Friend, Santa Cruz County Sheriff Jim Hart, and Capitola Police Chief Terry McManus**

Monday, October 19, 2020 at 06:00 PM

Join Zoom Meeting: <https://zoom.us/j/96276950374?pwd=OWRsUnVMdHV0UG0xdXlaamVqQzNGdz09>

Meeting ID: 962 7695 0374

Passcode: wdHWH6

Dial by Telephone: (669)900-9128 US or (253)215-8782

Meeting ID: 962 7695 0374 Passcode: 664614

For more information about the program, or to apply to become a volunteer, visit our website at: <https://datinternet.co.santa-cruz.ca.us/Home/NeighborhoodCourts.aspx>



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

FROM: City Manager Department

SUBJECT: Consider the July 21, 2020, Special Meeting and the October 8, 2020, City Council Regular Meeting Minutes

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RECOMMENDED ACTION: Approve minutes.

DISCUSSION: Attached for City Council review and approval are the minutes of the special meeting on July 21, 2020, and the minutes of the regular meeting of October 8, 2020.

ATTACHMENTS:

1. 7-21 draft special meeting
2. 10-8 draft

Report Prepared By: Chloe Woodmansee  
Interim City Clerk

**Reviewed and Forwarded by:**

A handwritten signature in black ink, appearing to be "J. Goldstein".

\_\_\_\_\_  
Jamie Goldstein, City Manager      10/15/2020

**DRAFT CAPITOLA CITY COUNCIL  
SPECIAL MEETING MINUTES  
TUESDAY, JULY 21, 2020 - 6 PM**

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL - 6 PM**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Member Ed Bottorff: Remote, Council Member Jacques Bertrand: Remote, Council Member Sam Storey: Remote, Mayor Kristen Petersen: Remote, Vice Mayor Yvette Brooks: Remote.

**2. ADDITIONAL MATERIALS – NONE**

**3. ADDITIONS AND DELETIONS TO AGENDA – NONE**

**4. CITY COUNCIL / STAFF COMMENTS**

Councilmember Storey reported that the Art and Cultural Commission officially canceled the traditional Plein Air art event and looks forward to its return in October 2021.

**5. GENERAL GOVERNMENT / PUBLIC HEARINGS**

**A. Zoning Code - Local Coastal Program IP Update**

**RECOMMENDED ACTION:** Accept staff presentation, provide direction on the three zoning code topics, and direct staff to prepare the zoning code update for adoption hearings.

Community Director Herlihy presented the staff report and clarified that Council direction was required on three topics; the Monarch Cove Inn, Village Parking, and the Village Hotel. There was a separate vote for each topic.

Monarch Cove Inn:

Councilmember Storey recused himself from this portion of the public hearing.

Director Herlihy presented on this item and highlighted that the idea of providing public access to a viewpoint is a compromise since Staff is proposing single family use at this property. She explained that the Coastal Commission would prefer visitor serving use, rather than the property converting to a single-family home.

Councilmember Bertrand asked about the right-of-way at this site, and if Council could request a condition requiring Air B&B (short-term rental) use. He then suggested the main building remain visitor serving while the remaining two units revert to single-family.

Councilmember Bottorff asked about the City moving forward in acquiring the property necessary to create the proposed public access to viewpoint. Director Herlihy said that an offer of dedication still stands because a quiet title change has not occurred, but that this would require much work and input from the City Attorney. She concluded that this project could be considered separately from the zoning code discussions.

CAPITOLA CITY COUNCIL SPECIAL MEETING MINUTES  
July 21, 2020

Vice-Mayor Brooks asked for further clarity from Director Herlihy about the pathway. She asked if language could be changed from “a” to “one or more viewpoints”.

Councilmember Bertrand asked if the City could request access and the viewpoint, Director Herlihy clarified that the City can request the access path, but not the viewpoint because the viewpoint location is on Monarch Cove Inn property.

In public comment, Mrs. Blodget explained that her and her husband would like to retire from the hospitality business, and simply live on their property. She added that the property was a single-family home for 60 years, and asked why visitor serving use is being imposed upon a residential neighborhood.

Mr. Blodget echoed his wife while adding that a coastal overlook public access viewpoint would be an agreeable compromise, they are happy to allow.

Councilmember Bertrand clarified with the Blodget’s that they wish to move to the main house and have family members live in the smaller two units on the property. Mr. Blodget also agreed that having an Air B&B in a small cottage on the property would not be a problem, but they would prefer simply adding the overlook.

Mayor Petersen said she has concerns with mandating an Air B&B use for this property and does not support adding this requirement to an official motion.

Vice-Mayor Brooks said she supports including flexible language, allowing for an Air B&B type use but not requiring it. She made a motion and Council continued their discussion.

Ben Noble, Regional Planning Contractor, provided insight.

Councilmember Bertrand emphasized that visitor accommodation is significant to the Coastal Commission.

Vice-Mayor Brooks said that code language for the future, and not only language with the current owners in mind, was important to consider.

Councilmember Bottorff said he did not want to include language mandating visitor accommodation use.

<b>MOTION:</b>	<b>ACCEPT PLANNING COMMISSION’S SUGGESTIONS FOR THE MONARCH COVE INN CODE ZONING CODE SECTION, WITH AMENDMENT REQUIRING ONE OVERNIGHT LODGING UNIT EXIST SOMEWHERE ON THE PROPERTY AND GRANTING PUBLIC ACCESS TO A VIEWPOINT</b>
<b>RESULT:</b>	<b>TIED [DOES NOT PASS]</b>
<b>MOVER:</b>	Brooks
<b>SECONDER:</b>	Bertrand
<b>AYES:</b>	Bertrand, Brooks
<b>NOS:</b>	Bottorff, Petersen
<b>RECUSED:</b>	Storey

Councilmember Bottorff said he appreciated the motion and intent, however urged Council to go with the Planning Commission’s recommendations.

Attachment: 7-21 draft special meeting (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL SPECIAL MEETING MINUTES  
July 21, 2020

<b>MOTION:</b>	<b>ACCEPT PLANNING COMMISSION'S SUGGESTIONS FOR THE MONARCH COVE INN CODE ZONING CODE SECTION, WITH LANGUAGE CHANGED AS FOLLOWS: "IN CONJUNCTION WITH VISITOR OVERNIGHT ACCOMMODATIONS OR GRANT OF PUBLIC ACCESS TO A VIEWPOINT"</b>
<b>RESULT:</b>	<b>ADOPTED (4 to 0)</b>
<b>MOVER:</b>	Bottorff
<b>SECONDER:</b>	Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Petersen, Brooks
<b>RECUSED:</b>	Storey

Capitola Village Parking:

Director Herlihy explained that the in-lieu parking program is not part of this code section.

Councilmember Bertrand asked about code encouraging a shuttle system and said that the City should take a firmer stance on this issue.

Vice-Mayor Brooks clarified the definition of "intensified use".

Jesse Bristow, Swenson Builders, spoke about a future hotel in the Village and said that the company supports valet and shuttle services with drop-off on Monterey Avenue. He discouraged code restricting this potential development.

Mayor Petersen confirmed with Director Herlihy that the proposed code changes would not prohibit a hotel drop off/pick up service on Monterey Avenue.

<b>MOTION:</b>	<b>ACCEPT PLANNING COMMISSION RECOMMENDATIONS WITH THE FOLLOWING CHANGE IN SECTION 17.76.040.3 "B) THE PLANNING COMMISSION PAY PERMIT OFF-SITE PARKING FOR NON-RESIDENTIAL USES IF THE SPACE(S) ARE WITHIN WALKING DISTANCE OF THE USE WHICH IT SERVES OR LOCATED AT A REMOTE SITE SERVED BY A SHUTTLE SYSTEM"</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bottorff
<b>SECONDER:</b>	Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

Future Village Hotel:

Mayor Petersen recused herself from this portion of the public hearing.

Councilmember Storey asked why the Coastal Commission staff has suggested the change in code from below the bluff to a 10-foot height allowance. Director Herlihy explained that the Coastal Commission suggested implementing a numerical measurement, rather than descriptive guidance, for the ease of applicants and City staff. Councilmember Storey clarified that Planning Commission's recommendation to keep the wording "height should be below the top elevation of the bluff" implies that no architectural features would extend past the bluff's edge (including HVAC).

Councilmember Bertrand asked about other El Camino Medio buildings and their distance from the bluff; Director Herlihy emphasized the Coastal Commission's intent to make this requirement quantitative rather than qualitative by including a number and not a description.



CAPITOLA CITY COUNCIL SPECIAL MEETING MINUTES  
July 21, 2020

During public comment, Jesse Bristow spoke in support of the Planning Commission’s recommendation to retain original code language rather than the objective 10 feet limit.

Keith Otto said that Council seems to be speaking about a specific project, and announced that the public should have the opportunity to comment about such project at the time of its proposal.

Larry Abbott Hall asked about the height of the hotel buildings on the El Camino Medio side, as the previous proposal included a blank wall displeasing to nearby homeowners. He also mentioned traffic concerns with the addition of a Village hotel.

Councilmember Storey acknowledged Mr. Hall’s concerns and said they were addressed by City Council when the hotel was last proposed. He made a motion to keep the Planning Commission’s suggested language that architectural elements remain below the bluff.

Councilmember Bottorff asked that a friendly amendment be included to the motion, for language to be added indicating that unsafe trees will be removed on the site.

Councilmember Bertrand agreed with the added tree language but was in favor of the 10-foot requirement. He reminded Council that during past public hearings, the public largely felt the hotel was too massive.

<b>MOTION:</b>	<b>ACCEPT PLANNING COMMISSION RECOMMENDATIONS WITH THE FOLLOWING CHANGES IN SECTION 17.88.050.B.2.a “A. THE MAXIMUM HEIGHT OF THE HOTEL (INCLUDING ALL ROOFTOP ARCHTIECTURAL ELEMENTS SUCH AS CHIMNEYS, CUPOLAS, ETC., AND ALL MECHANICAL APPURTENANCES SUCH AS ELEVATOR SHAFTS, HVAC UNITS, ETC.) REMAIN AT LEAST 10 FEET BELOW THE TOP ELEVATION OF THE BLUFF BEHIND THE HOTEL; AND B. THE BLUFF BEHIND THE HOTEL REMAINS VISIBLE FROM CAPITOLA BEACH, THE SOUTHERN PARKING LOT ALONG THE BLUFF OF CLIFF DRIVE, AND THE CAPITOLA WHARF AS A GREEN EDGE ABOVE THE VISIBLE TOP OF THE HOTEL WITH EXISTING MATURE TREES MAINTAINED ON SITE. TREES WHICH ARE UNHEALTHY OR UNSAFE, SHALL BE REMOVED.</b>
<b>RESULT:</b>	<b>ADOPTED (3 to 1)</b>
<b>MOVER:</b>	Storey
<b>SECONDER:</b>	Bottorff
<b>AYES:</b>	Bottorff, Storey, Brooks
<b>NOS:</b>	Bertrand
<b>RECUSED:</b>	Petersen

**6. ADJOURNMENT**

The meeting was closed at 8:25 PM.

Attachment: 7-21 draft special meeting (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL SPECIAL MEETING MINUTES  
July 21, 2020

\_\_\_\_\_  
Kristen Petersen, Mayor

ATTEST:

\_\_\_\_\_  
Chloé Woodmansee, Interim City Clerk

DRAFT

Attachment: 7-21 draft special meeting (Approval of City Council Minutes)

**DRAFT CAPITOLA CITY COUNCIL  
REGULAR MEETING ACTION MINUTES  
THURSDAY, OCTOBER 8, 2020 - 7 PM**

**CALL TO ORDER AND ROLL CALL**

Mayor Petersen called the meeting to order at 6 p.m.

Council Member Ed Bottorff: Remote, Council Member Jacques Bertrand: Remote, Council Member Sam Storey: Remote, Mayor Kristen Petersen: Remote, Vice Mayor Yvette Brooks: Remote.

No members of the public were present, and the Council adjourned to the virtual meeting with the following items to be discussed in Closed Session:

**CONFERENCE WITH LEGAL COUNSEL - SIGNIFICANT EXPOSURE TO LITIGATION**

**(Gov't Code § 54956.9(d)(2).)**

one potential case

**REGULAR MEETING OF THE CAPITOLA CITY COUNCIL – 7 PM**

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Council Member Ed Bottorff: Remote, Council Member Jacques Bertrand: Remote, Council Member Sam Storey: Remote, Mayor Kristen Petersen: Remote, Vice Mayor Yvette Brooks: Remote.

**2. REPORT ON CLOSED SESSION**

Council provided staff with direction; there was no further reportable action.

**3. ADDITIONAL MATERIALS**

There were two emails in favor of the staff recommendation for Item 8.C

**4. ADDITIONS AND DELETIONS TO AGENDA**

City Manager Goldstein recommended Council pull Item 8.A for consideration at a future meeting; Council agreed.

**5. PUBLIC COMMENTS – NONE**

**6. CITY COUNCIL / STAFF COMMENTS**

City Manager Goldstein announced that Interim City Clerk Woodmansee had been appointed as City Clerk.

Vice-Mayor Brooks reminded the public of the Black Lives Matter movement.

Councilmember Bottorff thanked the Capitola Police Department for serving the City during unprecedented times.

Mayor Petersen echoed Vice-Mayor Brooks' and Councilmember Bottorff's comments, and said that she has attended several important League of California Cities virtual seminars, including one on how to empower women in local government.

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
October 8, 2020

7. CONSENT CALENDAR

Item 7.C was pulled for discussion by Councilmember Bertrand, and was heard after a voting on the remaining Consent Calendar items.

<b>MOTION:</b>	<b>APPROVE ITEMS 7.A, 7.B AND 7.D AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Sam Storey
<b>SECONDER:</b>	Ed Bottorff
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- A. Consider the September 24, 2020, City Council Regular Meeting Minutes  
RECOMMENDED ACTION: Approve minutes.
- B. Contract with D. W. Alley & Associates for Required Biological Monitoring During Construction of the Flume and Jetty Rehabilitation Project  
RECOMMENDED ACTION: Approve a sole source \$55,000 contract with D.W. Alley and Associates for marine and fishery monitoring required under the permits for the Capitola Beach Flume and Jetty Rehabilitation Project.
- C. Out of School Time Program Budget Amendment  
RECOMMENDED ACTION: Authorize amending the Fiscal Year 2020-21 Budget based on the attached budget amendment.

Councilmember Bertrand asked Recreation Supervisor Bryant-Leblond if families had been contacted regarding newly available funding/scholarships. She responded that registration has reached out to individuals who enrolled and then dropped out due to a lack of funds, and enrollment overall has also increased.

<b>MOTION:</b>	<b>APPROVE ITEM 7.C AS RECOMMENDED</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Bottorff
<b>SECONDER:</b>	Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- D. Receive Update on the City's Pandemic Response  
RECOMMENDED ACTION: Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

8. GENERAL GOVERNMENT / PUBLIC HEARINGS

- A. First Reading of Inclusionary (Affordable) Housing Ordinance  
RECOMMENDED ACTION: Approve the first reading and waive reading of the text of the proposed Ordinance amending Title 18.02 Affordable (Inclusionary) Housing

This item was pulled from the agenda, to be heard at a future meeting.

Attachment: 10-8 draft (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
October 8, 2020

- B. Solid Waste Disposal agreement with Monterey Regional Waste Management District  
RECOMMENDED ACTION: Authorize the City Manager to enter into an updated agreement with Monterey Regional Waste Management District for solid waste generated in the City of Capitola

Assistant to the City Manager Laurent presented the staff report.

Councilmember Storey asked about a table in the packet and confirmed that Capitola rates will be increasing by about \$2 in July, and then gradually after that to the same rate as other member agencies.

Councilmember Bertrand asked about the ability to recycle organic waste and mentioned the Governor increasing the reimbursement fee for recycled glass. Assistant Laurent replied that the City does have a commercial composting program in place with GreenWaste. Tim Flanagan, General Manager for Waste Management District, said that for residential composting, Waste Management will be running a pilot program with their organic waste collector. He said the City would need to work with GreenWaste Recovery to fully implement a composting program.

There was no public comment.

<b>MOTION:</b>	<b>APPROVE STAFF RECOMMENDATION</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- C. Establish the Personnel Analyst and Deputy City Clerk Classifications  
RECOMMENDED ACTION:
  1. Approve the creation of Personnel Analyst and Deputy City Clerk classifications and job descriptions
  2. Adopt a resolution amending the City of Capitola Salary Schedule
  3. Approve Side Letter with Confidential Employees
  4. Authorize staff to recruit and fill Personnel Analyst and Deputy City Clerk positions at 20-hours per week

City Manager Goldstein presented the staff report.

There was no public comment.

<b>MOTION:</b>	<b>APPROVE STAFF RECOMMENDATION</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Jacques Bertrand
<b>SECONDER:</b>	Ed Bottorff
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

- D. Overview of Zoning Code Public Review in Preparation for Adoption  
RECOMMENDED ACTION: Accept staff presentation on the zoning code update and continue the item to the October 22, 2020, meeting for a first reading of the ordinance.

Attachment: 10-8 draft (Approval of City Council Minutes)

CAPITOLA CITY COUNCIL REGULAR MEETING MINUTES  
October 8, 2020

Director Herlihy presented the staff report. She highlighted two further topics that had changes since their last review: 1) drive-through facilities and 2) rooftop decks.

Councilmember Bertrand asked about Coastal Commission staff's perspective on the Village Hotel section of code, particularly why they had recommended changing the bluff language. Director Herlihy said that they were not attached to that specific language and had instead recommended it for the benefit of City staff and applicants. Since Council indicated a desire to keep below the bluff line language, rather than 10 feet, that will be included and should not be an issue in being approved.

There was no public comment.

Councilmember Bertrand said he did not feel the Village Hotel section of code strongly aligned with public feedback that was previously received.

<b>MOTION:</b>	<b>APPROVE STAFF RECOMMENDATION</b>
<b>RESULT:</b>	<b>ADOPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Ed Bottorff
<b>SECONDER:</b>	Jacques Bertrand
<b>AYES:</b>	Bottorff, Bertrand, Storey, Petersen, Brooks

9. **ADJOURNMENT**

The meeting was closed at 7:46 PM.

ATTEST:

\_\_\_\_\_  
Kristen Petersen, Mayor

\_\_\_\_\_  
Chloé Woodmansee, City Clerk

Attachment: 10-8 draft (Approval of City Council Minutes)



## CAPITOLA CITY COUNCIL AGENDA REPORT

### MEETING OF OCTOBER 22, 2020

FROM: Finance Department

SUBJECT: Approval of City Check Registers Dated September 11, September 18, September 25, October 2 and October 9

**RECOMMENDED ACTION:** Approve check registers.

<b>Account: City Main</b>				
Date	Starting Check #	Ending Check #	Payment Count	Amount
9/11/2020	96439	96465	28	\$ 58,428.55
9/18/2020	96466	96510	50	\$ 172,446.64
9/25/2020	96511	96561	52	\$ 234,648.60
10/2/2020	96562	96606	52	\$ 265,653.92
10/9/2020	96607	96654	48	\$ 81,902.43

The main account check register dated September 4, 2020, ended with check #96438.

<b>Account: Library</b>				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
9/11/2020	220	220	1	\$ 3,600.00
9/25/2020	221	223	3	\$ 215,445.22
10/9/2020	224	226	3	\$ 7,587.20

The library account check register dated August 28, 2020, ended with check #219.

<b>Account: Payroll</b>				
Date	Starting Check/EFT #	Ending Check/EFT #	Payment Count	Amount
9/11/2020	15327	15421	95	\$ 176,690.35
9/25/2020	15422	15512	91	\$ 156,080.90
9/30/2020	5683	5683	1	\$ 7,041.74
10/9/2020	15513	15604	92	\$ 155,234.23

The payroll account check register dated August 28, 2020, ended with EFT #15326.

Following is a list of payments issued for more than \$10,000 and descriptions of the expenditures:

Check/	Issued to	Dept	Description	Amount
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Approval of City Check Registers  
October 22, 2020

<b>EFT</b>				
96443	Burke Williams & Sorensen LLP	CM	Legal services	\$ 28,291.00
96460	Santa Cruz County Auditor-Controller	PD	August citation processing	\$ 15,726.50
96467	Albion Environmental Inc.	CD	322 Capitola Ave. archaeological report	\$ 11,190.71
96471	Cal Engineering & Geology	PW	Park Ave. storm damage construction management	\$ 10,281.81
96490	Pacific Gas & Electric	PW	September gas & electricity	\$ 14,461.09
96494	Soquel Creek Water District	PW	Irrigation & water service	\$ 14,414.16
EFT 1007	CalPERS Member Services	FN	PERS contributions PPE 9/5/20	\$ 49,652.69
EFT 1009	Internal Revenue Service	FN	Federal taxes & Medicare PPE 9/5/20	\$ 25,116.57
96521	Cal Engineering & Geology	PW	Park Ave. storm damage field observations	\$ 15,376.11
96548	Santa Cruz County Animal Shelter	PD	2 <sup>nd</sup> Quarter animal services contribution	\$ 17,151.60
96549	Santa Cruz Regional 911	PD	FY20/21 operating contribution, SCRMS, capital & debt service payment	\$ 153,131.25
96555	Transportation Alliance Bank	PW	Sweeper repairs and blended filaments	\$ 21,397.05
222	KBM Hogue	PW	Library furniture	\$ 56,516.55
223	Otto Construction Inc.	PW	Library construction	\$ 150,982.24
96566	Anderson Pacific Engineering	PW	Park Ave. sidewalk project retention release	\$ 47,157.72
96584	McKim Corporation	PW	Brommer St. retention release	\$ 28,369.15
EFT 1013	CalPERS Health	CM	October health insurance	\$ 54,318.58
EFT 1014	CalPERS Member Services	FN	PERS contributions PPE 9/19/20	\$ 49,738.54
EFT 1016	Internal Revenue Service	FN	Federal taxes & Medicare PPE 9/19/20	\$ 23,832.48
96614	Burke Williams & Sorensen LLP	CM	Legal services	\$ 17,539.70
96636	Santa Cruz Anti-Crime Team	PD	FY20/21 operational expenses contribution	\$ 17,993.00
96638	Soquel Creek Water District	PW	Irrigation & water service	\$ 12,458.61

ATTACHMENTS:

1. 9-11-20 Check Register
2. 9-18-20 Check Register
3. 9-25-20 Check Register



Approval of City Check Registers  
October 22, 2020

4. 10-2-20 Check Register
5. 10-9-20 Check Register

Report Prepared By: Mark Sullivan  
Senior Accountant

**Reviewed and Forwarded by:**



\_\_\_\_\_  
Jamie Goldstein, City Manager      10/15/2020

City main account checks dated September 11, 2020, numbered 96439 to 96465 and 1 EFT totaling \$58,428.55, 1 library check totaling \$3,600 and 95 payroll EFTs totaling \$176,690.35, for a grand total of \$238,718.90, have been reviewed and authorized for distribution by the City Manager.

As of September 11, 2020, the unaudited cash balance is \$2,463,031.66.

**CASH POSITION - CITY OF CAPITOLA**

**September 11, 2020**

	9/11/2020
General Fund	\$ (3,322,452.13)
Payroll Payables	\$ 129,828.15
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 522,829.72
Capital Improvement Fund	\$ 2,076,500.25
Stores Fund	\$ 56,860.97
Information Technology Fund	\$ 245,172.12
Equipment Replacement	\$ 478,832.92
Self-Insurance Liability Fund	\$ (148,982.98)
Workers' Comp. Ins. Fund	\$ 218,797.79
Compensated Absences Fund	\$ 144,299.19
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 2,463,031.66</b>

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).

The PERS Contingency Fund balance is \$937,160.13 (not included above).

The Library Fund balance is \$4,380,775.77 (not included above).

9/17/20

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Jamie Goldstein, City Manager Date

9/15/20

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Jim Malberg, City Treasurer Date

Attachment: 9-11-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 11, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96439	09/11/2020			ADT SECURITY SERVICES INC.	\$213.46
	Invoice	Date	Description		Amount
	ADT082920	08/29/2020	Corp. yard & museum ADT monitoring		\$213.46
96440	09/11/2020			AMAZON CAPITAL SERVICES	\$6.53
	Invoice	Date	Description		Amount
	1GRT-74W9-JGVV	09/03/2020	Mini fuse for PD		\$6.53
96441	09/11/2020			AT&T	\$9.09
	Invoice	Date	Description		Amount
	ATT090120	09/01/2020	Sept. long distance charges		\$9.09
			1000 - General Fund \$4.48		
			2211 - IT Fund \$4.61		
96442	09/11/2020			B & B SMALL ENGINE REPAIR	\$73.63
	Invoice	Date	Description		Amount
	453657	08/27/2020	Ultra mix oil, spark plug, chain		\$73.63
96443	09/11/2020			BURKE WILLIAMS AND SORENSEN LLP	\$28,291.00
	Invoice	Date	Description		Amount
	254875	05/28/2020	April legal services COVID-19		\$6,188.00
	258424	08/31/2020	Public works legal services		\$350.00
	258423	08/31/2020	Parks & Recreation legal services		\$375.00
	258420	08/31/2020	July legal services		\$12,271.50
	258419	08/31/2020	Labor & employment legal services		\$1,222.50
	258421	08/31/2020	Litigation legal services		\$3,534.00
	258422	08/31/2020	Planning legal services		\$4,075.00
	258425	08/31/2020	Litigation legal services		\$275.00
96444	09/11/2020			CENTRAL HOME SUPPLY	\$109.47
	Invoice	Date	Description		Amount
	132657	08/28/2020	Gold pathfines		\$109.47
96445	09/11/2020			CLEAN BUILDING MAINTENANCE CO.	\$2,371.92
	Invoice	Date	Description		Amount
	25736	08/31/2020	August janitorial services		\$2,371.92
			1000 - General Fund \$2,191.48		
			1311 - Wharf \$180.44		
96446	09/11/2020			CRYSTAL SPRINGS WATER CO.	\$339.50
	Invoice	Date	Description		Amount
	CSW083120	08/31/2020	August drinking water		\$339.50
96447	09/11/2020			D & G SANITATION	\$1,315.80
	Invoice	Date	Description		Amount
	274073	08/31/2020	Esplanade hand wash station		\$119.90
	274075	08/31/2020	Wharf portable toilet and hand wash station rentals		\$914.25
	274076	08/31/2020	Lower parking lot portable toilet rental		\$281.65
			1000 - General Fund \$401.55		
			1311 - Wharf \$914.25		
96448	09/11/2020			D & M TRAFFIC SERVICES	\$218.00
	Invoice	Date	Description		Amount
	73364	09/01/2020	Esplanade waterwall rental		\$218.00
96449	09/11/2020			FLYERS ENERGY LLC	\$1,567.94
	Invoice	Date	Description		Amount
	20-172966	08/26/2020	375 gallons gasoline		\$1,253.04
	20-172967	08/26/2020	100 gallons diesel		\$314.90

Attachment: 9-11-20 Check Register (Approval of City Check Registers)

## City Checks Issued September 11, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96450	09/11/2020			HOME DEPOT CREDIT SERVICES	\$194.55
	Invoice	Date	Description		Amount
	1510028	09/03/2020	Stackable bins, brooms, spray bottle, nitrile gloves, container		\$51.28
	2622828	09/02/2020	DeWalt nail set, frame hammer, face masks		\$58.76
	4612383	08/31/2020	Push broom		\$27.22
	0524100	08/25/2020	Batteries, sandpaper, city hall supplies		\$57.29
96451	09/11/2020			HYDROSCIENCE ENGINEERS INC.	\$1,682.50
	Invoice	Date	Description		Amount
	331010012	09/01/2020	4199 Clares St. stormwater review #19-0169		\$1,682.50
96452	09/11/2020			INTERSTATE TRAFFIC CONTROL PRODUCTS	\$125.25
	Invoice	Date	Description		Amount
	240069	09/04/2020	Traffic sign replacement flexible panel		\$125.25
96453	09/11/2020			JIM CLARK	\$308.75
	Invoice	Date	Description		Amount
	82820	08/28/2020	Backflow prevention device tests		\$308.75
96454	09/11/2020			KBA Document Solutions LLC	\$4.43
	Invoice	Date	Description		Amount
	55Y1115054	08/28/2020	Recreation copier usage charges		\$4.43
96455	09/11/2020			MID COUNTY AUTO SUPPLY	\$47.09
	Invoice	Date	Description		Amount
	MID-953271	09/03/2020	Masking tape, marine putty, bulk spreaders		\$47.09
96456	09/11/2020			MISSION LINEN SUPPLY	\$264.17
	Invoice	Date	Description		Amount
	513187119	09/07/2020	Recreation towels, mats, mops		\$75.00
	513115531	08/26/2020	Corp. yard linen service, mats, towels		\$96.40
	5131962966	09/02/2020	Corp. yard linen service, mats, towels		\$92.77
96457	09/11/2020			OUTDOOR SUPPLY HARDWARE	\$164.81
	Invoice	Date	Description		Amount
	B48259	08/21/2020	Esplanade restroom supplies		\$6.53
	B56619	09/02/2020	Smart phone holder		\$28.33
	OSH96279	08/14/2020	Replace chk #96279 cashed by incorrect vendor		\$129.95
96458	09/11/2020			PK SAFETY SUPPLY	\$245.08
	Invoice	Date	Description		Amount
	417861	09/08/2020	Safety glasses, gloves		\$245.08
96459	09/11/2020			SAN LORENZO LUMBER	\$88.65
	Invoice	Date	Description		Amount
	55-0572722	08/27/2020	Skate park lumber		\$29.92
	55-0574808	09/03/2020	Sharpener blade, tape, drive screws, washer, striping spray		\$58.73
96460	09/11/2020			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$15,726.50
	Invoice	Date	Description		Amount
	SCC083120	08/31/2020	August citation processing		\$15,726.50
96461	09/11/2020			SANTA CRUZ FIRE EQUIPMENT CO.	\$339.97
	Invoice	Date	Description		Amount
	106303	09/04/2020	Community center semi-annual extinguisher service, supplies		\$339.97

Attachment: 9-11-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 11, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96462	09/11/2020			SANTA CRUZ SENTINEL	\$357.65
	Invoice	Date	Description		Amount
	0001262802	08/31/2020	August legal notices		\$357.65
			1000 - General Fund \$237.65		
			1321 - BIA \$120.00		
96463	09/11/2020			SOQUEL CREEK WATER DISTRICT	\$179.99
	Invoice	Date	Description		Amount
	06-14476-0090320	09/03/2020	430 Kennedy Drive water service		\$179.99
96464	09/11/2020			THE HOME DEPOT PRO	\$1,208.03
	Invoice	Date	Description		Amount
	570849273	09/02/2020	Zep pro1 sprayer		\$23.41
	570359489	09/01/2020	Janitorial supplies		\$1,184.62
96465	09/11/2020			US BANK EQUIPMENT FINANCE	\$257.24
	Invoice	Date	Description		Amount
	422691261	08/28/2020	City Hall copier leases		\$257.24
			2210 - Stores Fund		
Check Totals:					\$55,711.00
<b>EFT</b>					
1006	09/11/2020			WELLS FARGO BANK	\$2,717.55
	Invoice	Date	Description		Amount
	WF091120	09/11/2020	Monthly client analysis charges		\$2,717.55
EFT Totals:					\$2,717.55
Library - Library					
220	09/11/2020			BOGARD CONSTRUCTION INC.	\$3,600.00
	Invoice	Date	Description		Amount
	160707-48	08/31/2020	Library project management services		\$3,600.00
Library Totals:					\$3,600.00
<b>CITY - Main City Totals</b>					
				Count	Total
Checks				27	\$55,711.00
EFTs				1	\$2,717.55
All				28	\$58,428.55
<b>Library - Library Totals</b>					
Checks				1	\$3,600.00
EFTs				0	\$0.00
All				1	\$3,600.00
<b>WELLS - Payroll Totals</b>					
Checks				1	\$0.00
EFTs				95	\$176,690.35
All				96	\$176,690.35
<b>Grand Totals:</b>					
Checks				29	\$59,311.00
EFTs				96	\$179,407.90
All				125	\$238,718.90

Attachment: 9-11-20 Check Register (Approval of City Check Registers)

City main account checks dated September 18, 2020, numbered 96466 to 96510 and 5 EFTs, totaling \$172,446.64, have been reviewed and authorized for distribution by the City Manager.

As of September 18, 2020, the unaudited cash balance is \$2,511,457.07.

**CASH POSITION - CITY OF CAPITOLA  
September 18, 2020**

	9/18/2020
General Fund	\$ (3,210,186.07)
Payroll Payables	\$ 34,503.30
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 522,829.72
Capital Improvement Fund	\$ 2,109,082.13
Stores Fund	\$ 56,678.94
Information Technology Fund	\$ 244,256.47
Equipment Replacement	\$ 478,832.92
Self-Insurance Liability Fund	\$ (148,982.98)
Workers' Comp. Ins. Fund	\$ 218,797.79
Compensated Absences Fund	\$ 144,299.19
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 2,511,457.07</b>

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).  
The PERS Contingency Fund balance is \$937,160.13 (not included above).  
The Library Fund balance is \$4,380,745.77 (not included above).

 _____ Jamie Goldstein, City Manager	9/21/20 Date
 _____ Jim Malberg, City Treasurer	9/22/20 Date

Attachment: 9-18-20 Check Register (Approval of City Check Registers)

## City Checks Issued September 18, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transactic Amount
96466	09/18/2020 Invoice 3187	09/03/2020	Description CDBG grant applications 1350 - CDBG	ADAMS ASHBY GROUP INC	\$1,500.00
96467	09/18/2020 Invoice 20200350101	09/10/2020	Description #19-0221 322 Capitola Ave. archaeological report	ALBION ENVIRONMENTAL INC.	\$11,190.71
96468	09/18/2020 Invoice 1WV6-T1XW-NGTN 1TKR-9YY7-4P9P	09/12/2020 09/14/2020	Description CA electrical code loose leaf easy tabs Neck gaiters (6), WD-40 5 pack	AMAZON CAPITAL SERVICES	\$93.75 \$71.35
96469	09/18/2020 Invoice 2009	08/26/2020	Description 216 Central Ave. historic status review	ARCHIVES & ARCHITECTURE LLC	\$375.00
96470	09/18/2020 Invoice 1293	08/14/2020	Description July zoning code amendments 1313 - General Plan	BEN NOBLE URBAN AND REGIONAL PLANNING	\$2,100.00
96471	09/18/2020 Invoice 20664	09/10/2020	Description Park Ave. storm damage repair construction management 1200 - CIP	CAL ENGINEERING & GEOLOGY INC.	\$10,281.81
96472	09/18/2020 Invoice 160618	08/31/2020	Description August CALE parking meters	CALE AMERICA INC.	\$1,829.00
96473	09/18/2020 Invoice POA090520	09/11/2020	Description POA dues PPE 9/5/20 1001 - Payroll	CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,236.50
96474	09/18/2020 Invoice 580179	08/19/2020	Description BIA regional listing 1321 - BIA	CERTIFIED FOLDER DISPLAY SERVICE INC	\$350.00
96475	09/18/2020 Invoice 85257	09/01/2020	Description Legal sourcebook site license 2211 - IT Fund	COPWARE INC.	\$400.00
96476	09/18/2020 Invoice B201092	09/10/2020	Description August building plan review services	CSG Consultants Inc.	\$656.25
96477	09/18/2020 Invoice 1166894	09/01/2020	Description Sept. LTD, STD, AD&D, life insurance 1001 - Payroll \$2,430.08 1000 - General Fund \$36.38	EQUITABLE	\$2,466.46
96478	09/18/2020 Invoice CASAT57626	09/04/2020	Description Magnets	FASTENAL COMPANY	\$102.68
96479	09/18/2020 Invoice 8737488	09/14/2020	Description Jade st. faucet handle	FERGUSON ENTERPRISES INC 795	\$72.47
96480	09/18/2020 Invoice 10590741	09/01/2020	Description Sept. armored car service	GARDAWORLD	\$209.67
96481	09/18/2020 Invoice 5613505 3613748	09/09/2020 09/11/2020	Description Concrete chisel Silicone, wire staples, auto trim and bumper restore	HOME DEPOT CREDIT SERVICES	\$52.14 \$38.70
96482	09/18/2020 Invoice 20-12 LLIP-CAP	06/30/2020	Description June landlord incentive program	HOUSING AUTHORITY OF THE COUNTY OF SANTA CRUZ	\$1,540.00

Attachment: 9-18-20 Check Register (Approval of City Check Registers)



# City Checks Issued September 18, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transactio Amount
96483	09/18/2020			HUMBOLDT PETROLEUM LLC	\$6
	Invoice	Date	Description		Amount
	089409	08/31/2020	August car wash		\$6.50
96484	09/18/2020			KBA Document Solutions LLC	\$18
	Invoice	Date	Description		Amount
	55Y1118764	09/11/2020	City Hall copier usage charges 2211 - IT Fund		\$18.65
96485	09/18/2020			KING'S PAINT AND PAPER INC.	\$40
	Invoice	Date	Description		Amount
	A0302197	09/15/2020	Rispin paint, mightypro cover		\$40.18
96486	09/18/2020			MID COUNTY AUTO SUPPLY	\$31
	Invoice	Date	Description		Amount
	MID-962416	09/11/2020	Oil filters (4)		\$31.61
96487	09/18/2020			MISSION LINEN SUPPLY	\$210
	Invoice	Date	Description		Amount
	513206083	09/09/2020	Fleet towels, uniform cleaning		\$35.99
	512753592	07/01/2020	Corp. yard linen service, mats, towels		\$138.25
	513257643	09/16/2020	Fleet uniform cleaning, towels		\$35.99
96488	09/18/2020			NORTH BAY FORD	\$80
	Invoice	Date	Description		Amount
	278048	09/10/2020	Ford Crown Vic blower motor, resistor assembly		\$80.92
96489	09/18/2020			OUTDOOR SUPPLY HARDWARE	\$47
	Invoice	Date	Description		Amount
	B46422	08/18/2020	Supplies		\$47.85
96490	09/18/2020			PACIFIC GAS & ELECTRIC	\$14,461
	Invoice	Date	Description		Amount
	PGE091320-acct5	09/13/2020	Sept. pacific cove parking lot utilities		\$828.45
	PGE091320-acct9	09/13/2020	September gas and electricity		\$13,632.64
			1000 - General Fund \$5,157.77		
			1300 - SLESF \$134.76		
			1310 - Gas Tax \$6,653.61		
			1311 - Wharf \$2,514.95		
96491	09/18/2020			PEAK COMMUNICATIONS	\$3,190
	Invoice	Date	Description		Amount
	09142020A	09/14/2020	OST program Cat 6 cabling installation		\$3,199.40
96492	09/18/2020			ROBERT M PATTERSON	\$350
	Invoice	Date	Description		Amount
	RMP090320	09/03/2020	Citation administrative hearings (7)		\$350.00
96493	09/18/2020			SANTA CRUZ MUNICIPAL UTILITIES	\$290
	Invoice	Date	Description		Amount
	SCMU083120	09/08/2020	August water service for medians		\$296.66
96494	09/18/2020			SOQUEL CREEK WATER DISTRICT	\$14,411
	Invoice	Date	Description		Amount
	42-14952-0082820	08/28/2020	Cortez Park irrigation		\$954.00
	42-15297-0082820	08/28/2020	426 Capitola Ave. irrigation		\$125.63
	42-15751-0182820	08/28/2020	2005 Wharf Road irrigation		\$142.00
	42-15969-0082820	08/28/2020	Lawn Way irrigation		\$299.37
	42-16122-0082820	08/28/2020	Esplanade fountain irrigation		\$63.73
	42-10504-0082820	08/28/2020	Cliff Drive irrigation		\$54.20
	42-11090-0182820	08/28/2020	Capitola Road irrigation		\$125.63
	42-11467-0082820	08/28/2020	Jade Street park irrigation		\$6,349.20
	42-11517-0082820	08/28/2020	41st Ave. irrigation		\$125.63
	42-14404-0082820	08/28/2020	Monterey Ave. Nobel Gulch Park irrigation		\$698.73
	42-16130-0082820	08/28/2020	Wharf Road irrigation		\$54.20
	42-16136-0082820	08/28/2020	1400 Wharf Road irrigation		\$736.62
	42-16407-0082820	08/28/2020	Bay Ave. irrigation		\$54.20
	34-18508-0082820	08/28/2020	1510 McGregor Drive water service		\$57.73
	42-14431-0082820	08/28/2020	Monterey Ave. irrigation		\$4,438.88
	42-17688-0082820	08/28/2020	Lawn Way irrigation		\$80.21
	42-18238-0082820	08/28/2020	Capitola Road irrigation		\$54.20
			1000 - General Fund \$13,677.54		
			1311 - Wharf \$736.62		
96495	09/18/2020			SOUZA'S ICE CREAM AND CANDY	\$1.08
	Invoice	Date	Description		Amount
	245001	09/10/2020	Camp Capitola ice cream		\$1,087.50

Attachment: 9-18-20 Check Register (Approval of City Check Registers)



# City Checks Issued September 18, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transactio Amount
96496	09/18/2020			STAPLES ADVANTAGE	\$330
	Invoice	Date	Description		Amount
	8059482019	08/29/2020	Purell, Lysol wipes, plates, cups, spoons, USBs		\$308.48
	8059408477	08/22/2020	Clorox wipes		\$21.76
96497	09/18/2020			SUMMIT UNIFORMS	\$31
	Invoice	Date	Description		Amount
	69033	09/09/2020	Belt		\$31.68
96498	09/18/2020			ULINE	\$26
	Invoice	Date	Description		Amount
	123842659	09/01/2020	Antiseptic towelettes (200)		\$26.95
96499	09/18/2020			US BANK EQUIPMENT FINANCE	\$288
	Invoice	Date	Description		Amount
	423127877	09/03/2020	PD copier lease		\$288.85
96500	09/18/2020			US BANK EQUIPMENT FINANCE	\$208
	Invoice	Date	Description		Amount
	423131986	09/03/2020	City Hall & Recreation copier leases		\$208.08
			1000 - General Fund \$26.05		
			2210 - Stores Fund \$182.03		
96501	09/18/2020			US BANK EQUIPMENT FINANCE	\$103
	Invoice	Date	Description		Amount
	423131861	09/03/2020	Recreation copier lease		\$103.55
96502	09/18/2020			US BANK PARS Acct 6746022400	\$1,043
	Invoice	Date	Description		Amount
	PARS090520	09/05/2020	PARS contributions PPE 9/5/20		\$1,043.83
			1001 - Payroll		
96503	09/18/2020			WELLS FARGO BANK	\$7,626
	Invoice	Date	Description		Amount
	WF090320	09/03/2020	August credit card purchases		\$7,626.32
			1000 - General Fund \$7,129.32		
			2211 - IT Fund \$497.00		
			Purchases over \$500:		
			Dell - \$4,393.62 six laptops		
			Virtual Graffiti - \$1,008.82 Firewall		
			Virtual Graffiti - \$902.21 Switch, indoor access point		
96504	09/18/2020			Christy Martin	\$36
	Invoice	Date	Description		Amount
	200127422	09/09/2020	Citation dismissed		\$36.00
96505	09/18/2020			Daniel Carley	\$36
	Invoice	Date	Description		Amount
	702125118	09/09/2020	Citation dismissed		\$36.00
96506	09/18/2020			David Trager	\$500
	Invoice	Date	Description		Amount
	20-0290	09/15/2020	Tree deposit refund #20-0290		\$500.00
96507	09/18/2020			Erik Swannack	\$38
	Invoice	Date	Description		Amount
	200128605	09/09/2020	Citation dismissed		\$38.00
96508	09/18/2020			Holden Daniels	\$2,459
	Invoice	Date	Description		Amount
	19-0306	09/14/2020	#19-0306 design permit refund 717 Monterey Ave.		\$2,459.90
96509	09/18/2020			Kevin & Alys Bellisomi	\$366
	Invoice	Date	Description		Amount
	KB091020	09/10/2020	2155 Wharf Rd. #3 loan interest refund		\$366.85
			5552 - Housing Successor		
96510	09/18/2020			Sean Murray	\$35
	Invoice	Date	Description		Amount
	702125674	09/09/2020	Citation dismissed		\$35.00

Check Totals: \$81,83

Attachment: 9-18-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 18, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transacti Amount
<u>EFT</u>					
1007	09/15/2020			CalPERS Member Services Division	\$49,65
	Invoice	Date	Description		Amount
	1001658573-6	09/15/2020	PERS contributions PPE 9/5/20 1001 - Payroll		\$49,652.69
1008	09/14/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,81
	Invoice	Date	Description		Amount
	1-959-781-664	09/14/2020	State tax PPE 9/5/20 1001 - Payroll		\$6,818.81
1009	09/14/2020			INTERNAL REVENUE SERVICE	\$25,11
	Invoice	Date	Description		Amount
	30936282	09/14/2020	Federal tax & Medicare PPE 9/5/20 1001 - Payroll		\$25,116.57
1010	09/14/2020			STATE DISBURSEMENT UNIT	\$1,23
	Invoice	Date	Description		Amount
	33323079	09/05/2020	Employee garnishments PPE 9/5/20 1001 - Payroll		\$1,232.76
1011	09/15/2020			VOYA FINANCIAL	\$7,79
	Invoice	Date	Description		Amount
	VOYA090520	09/05/2020	457 contributions PPE 9/5/20 1001 - Payroll		\$7,793.32
EFT Totals:					\$90,61
CITY - Main City Totals				Count	T
Checks				45	\$81,83
EFTs				5	\$90,61
All				50	\$172,44

Attachment: 9-18-20 Check Register (Approval of City Check Registers)

City main account checks dated September 25, 2020, numbered 96511 to 96561 and 1 EFT totaling \$234,648.60, 3 library checks totaling \$215,445.22 and 91 payroll EFTs totaling \$156,080.90, for a grand total of \$606,174.72 have been reviewed and authorized for distribution by the City Manager.

As of September 25, 2020, the unaudited cash balance is \$2,891,180.45.

**CASH POSITION - CITY OF CAPITOLA  
September 25, 2020**

	9/25/2020
General Fund	\$ (2,934,560.63)
Payroll Payables	\$ 156,638.75
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 522,829.72
Capital Improvement Fund	\$ 2,093,706.02
Stores Fund	\$ 56,463.43
Information Technology Fund	\$ 241,810.58
Equipment Replacement	\$ 478,832.92
Self-Insurance Liability Fund	\$ (148,982.98)
Workers' Comp. Ins. Fund	\$ 218,797.79
Compensated Absences Fund	\$ 144,299.19
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 2,891,180.45</b>

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).  
The PERS Contingency Fund balance is \$948,096.16 (not included above).  
The Library Fund balance is \$4,165,300.55 (not included above).

  
 \_\_\_\_\_  
 Jamie Goldstein, City Manager

9/25/20  
 \_\_\_\_\_  
 Date

  
 \_\_\_\_\_  
 Jim Malberg, City Treasurer

9/25/2020  
 \_\_\_\_\_  
 Date

Attachment: 9-25-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 25, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Amount	Transaction Amount
96511	09/21/2020	N/A	BIA assessment refund	YVONNE, YVONNE ZANNIS	\$105.00	\$105.00
96512	09/21/2020	N/A	BIA assessment refund	LEONARD TYSON	\$45.00	\$45.00
96513	09/21/2020	N/A	BIA assessment refund	MICHELLE & STEPHEN MURPHY	\$45.00	\$45.00
96514	09/25/2020			AMAZON CAPITAL SERVICES		\$16.34
	Invoice	Date	Description		Amount	
	1JF1-NKP4-GDC4	09/21/2020	iPhone lightning charger cable 5-pack		\$16.34	
96515	09/25/2020			ARTHUR S. DOVER MD		\$760.00
	Invoice	Date	Description		Amount	
	DOVER092120	09/21/2020	Influenza vaccines		\$760.00	
96516	09/25/2020			AT&T/CALNET 3		\$907.99
	Invoice	Date	Description		Amount	
	0015325742	09/13/2020	Sept. T-1 access		\$907.99	
96517	09/25/2020			AT&T/CALNET 3		\$643.81
	Invoice	Date	Description		Amount	
	0015325074	09/13/2020	Sept. telephone service		\$643.81	
			1000 - General Fund \$595.91			
			2211 - IT Fund \$47.90			
96518	09/25/2020			AXCIENT		\$124.75
	Invoice	Date	Description		Amount	
	FY20INEFI055341	08/31/2020	August AppAssure storage		\$124.75	
			2211 - IT Fund			
96519	09/25/2020			B & B SMALL ENGINE REPAIR		\$193.48
	Invoice	Date	Description		Amount	
	454773	09/11/2020	Saw blade		\$54.48	
	455270	09/16/2020	Glasses, spring, contact bar, cleanser towelettes		\$139.00	
96520	09/25/2020			BEAR ELECTRICAL SOLUTIONS INC.		\$2,305.23
	Invoice	Date	Description		Amount	
	11177	08/31/2020	August traffic signal maintenance services - routine		\$646.80	
	11243	08/28/2020	August traffic signal maintenance services - response		\$1,658.43	
			1310 - Gas Tax			
96521	09/25/2020			CAL ENGINEERING & GEOLOGY INC.		\$15,376.11
	Invoice	Date	Description		Amount	
	20596	08/10/2020	Park Ave. storm damage field observations during construction		\$15,376.11	
			1200 - CIP			
96522	09/25/2020			CAPITOLA-SOQUEL CHAMBER OF COMMERCE		\$2,348.17
	Invoice	Date	Description		Amount	
	CSCC063020	07/01/2020	April - June TOT allocation		\$2,348.17	
			1305 - Restricted TOT			
96523	09/25/2020			CHARTER COMMUNICATIONS		\$3,982.74
	Invoice	Date	Description		Amount	
	0000178090120	09/01/2020	Sept. internet service		\$3,982.74	
			1001 - General Fund \$1,814.47			
			2211 - IT Fund \$2,168.27			

Attachment: 9-25-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 25, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96524	09/25/2020			DIXON AND SON INC.	\$416.17
	Invoice	Date	Description		Amount
	228183	09/21/2020	Tire and mounting		\$416.17
96525	09/25/2020			DONALD W ALLEY	\$2,031.58
	Invoice	Date	Description		Amount
	920-01	09/23/2020	Soquel lagoon water quality monitoring		\$2,031.58
96526	09/25/2020			EXTREME TOWING	\$250.00
	Invoice	Date	Description		Amount
	015667	09/05/2020	Towed BMW motorcycle		\$250.00
96527	09/25/2020			FARWEST NURSERY	\$70.78
	Invoice	Date	Description		Amount
	915280	09/15/2020	Esplanade bark, water wand		\$70.78
96528	09/25/2020			FERGUSON ENTERPRISES INC 795	\$24.94
	Invoice	Date	Description		Amount
	8748102	09/18/2020	Jade st. bathroom supplies		\$24.94
96529	09/25/2020			FIRST ALARM	\$239.10
	Invoice	Date	Description		Amount
	568925	09/15/2020	Evidence room monitoring		\$239.10
96530	09/25/2020			FLYERS ENERGY LLC	\$4,134.86
	Invoice	Date	Description		Amount
	20-181265	09/10/2020	640 gallons gasoline		\$2,140.71
	20-177583	09/03/2020	513 gallons gasoline		\$1,718.27
	20-177584	09/03/2020	87 gallons diesel		\$275.88
96531	09/25/2020			GAYLORD ARCHIVAL	\$87.89
	Invoice	Date	Description		Amount
	2670384	09/10/2020	Museum folder stock album dividers, archival print box		\$87.89
96532	09/25/2020			HOME DEPOT CREDIT SERVICES	\$659.96
	Invoice	Date	Description		Amount
	1634201	08/24/2020	Loctite, multitool, hose bibb, demount clips		\$47.71
	3053623	09/01/2020	Safety glasses, grill brush and scraper		\$34.83
	2612611	09/02/2020	Duct tape, power inverter, leaf rake, gloves		\$101.27
	7641655	09/17/2020	Dustpan and brush set, plastic bucket, mop		\$21.81
	6063139	09/18/2020	Lightning cable		\$23.97
	6633128	09/18/2020	Face masks		\$16.32
	0624724	09/14/2020	Push broom, nozzle set, pivot coupler		\$59.86
	9624892	09/15/2020	3M earmuffs, black marker		\$31.54
	3613770	09/11/2020	Long arm hex set, folding hex key, steel alignment punch		\$40.22
	3645797	09/01/2020	Dish soap, brush, steel wool brush, grill combo brush		\$27.14
	3622664	09/01/2020	32 gallon trash cans (4)		\$143.75
	7634793	08/28/2020	Sponge, bit, electrical cover, hole step bit, broom & dustpan		\$111.54
			1001 - General Fund \$600.10		
			1311 - Wharf Fund \$59.86		
96533	09/25/2020			HUMBOLDT PETROLEUM LLC	\$13.00
	Invoice	Date	Description		Amount
	089439	09/10/2020	Car washes		\$13.00
96534	09/25/2020			KBA Document Solutions LLC	\$108.22
	Invoice	Date	Description		Amount
	55Y1120601	09/17/2020	City Hall copier usage charges		\$104.97
	55Y1121085	09/18/2020	Recreation copier usage charges		\$3.25
			1000 - General Fund \$3.25		
			2211 - IT Fund \$104.97		

Attachment: 9-25-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 25, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96535	09/25/2020			KING'S PAINT AND PAPER INC.	\$84.03
	Invoice	Date	Description		Amount
	A0302518	09/22/2020	Curb paint, plastic tray liner, pack covers		\$84.03
96536	09/25/2020			MADELINE C HORN	\$810.00
	Invoice	Date	Description		Amount
	56	09/15/2020	Museum artifact cataloging and organizing		\$690.00
	57	09/15/2020	Museum begonia festival artifacts organizing and cataloging		\$120.00
96537	09/25/2020			MID COUNTY AUTO SUPPLY	\$334.43
	Invoice	Date	Description		Amount
	MID-963968	09/12/2020	Punch set		\$117.48
	MID-969365	09/16/2020	Red diesel HD		\$104.31
	MID-960860	09/10/2020	Air filters, cabin air filters		\$112.64
96538	09/25/2020			MILLER'S TRANSFER & STORAGE CO.	\$189.50
	Invoice	Date	Description		Amount
	92401	09/18/2020	Sept. record storage		\$189.50
96539	09/25/2020			MISSION LINEN SUPPLY	\$264.17
	Invoice	Date	Description		Amount
	513257644	09/16/2020	Corp. yard linen service, mats, towels		\$92.77
	513206084	09/09/2020	Corp. yard linen service, mats, towels		\$96.40
	513276818	09/21/2020	Recreation mats, mops, towels		\$75.00
96540	09/25/2020			MOTOROLA SOLUTIONS INC.	\$2,076.33
	Invoice	Date	Description		Amount
	8230218473	04/01/2019	April - June 2019 command central analytics subscription		\$650.73
	8230250032	11/05/2019	FY19-20 crime reports subscription		\$1,425.60
96541	09/25/2020			NORTH BAY FORD	\$39.18
	Invoice	Date	Description		Amount
	277965	09/02/2020	Name plate		\$39.18
96542	09/25/2020			O'REILLY AUTO PARTS	\$31.33
	Invoice	Date	Description		Amount
	2763-160168	09/16/2020	Wiper fluid		\$31.33
96543	09/25/2020			OUTDOOR SUPPLY HARDWARE	\$160.09
	Invoice	Date	Description		Amount
	B65583	09/15/2020	Esplanade ground cover		\$60.95
	B57178	09/03/2020	PD fuse		\$4.68
	B64942	09/14/2020	Jade St. cable ties		\$57.76
	B67472	09/18/2020	Chalk line, tape measure, marking chalk		\$36.70
96544	09/25/2020			PALACE BUSINESS SOLUTIONS	\$398.00
	Invoice	Date	Description		Amount
	589424-0	09/18/2020	Paper		\$45.47
	4013148-0	09/18/2020	Museum mounting tape, envelopes, disinfectant, sanitizer		\$40.61
	588964-0	09/14/2020	Coin tote bags		\$147.14
	4013608-0	09/22/2020	Museum labels		\$13.97
	4012571-0	09/16/2020	Paper, clay, tape, notes, watercolor set, glue, felt, cards,		\$150.81
			1000 - General Fund	\$352.53	
			2210 - Stores Fund	\$45.47	
96545	09/25/2020			PITNEY BOWES	\$170.04
	Invoice	Date	Description		Amount
	PB092020	09/20/2020	City Hall postage meter rental		\$170.04
			2210 - Stores Fund	\$170.04	

Attachment: 9-25-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 25, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96546	09/25/2020			ROYAL WHOLESALE ELECTRIC	\$75.84
	Invoice	Date	Description		Amount
	7719-662943	09/17/2020	LED retrofit light		\$75.84
96547	09/25/2020			SAN LORENZO LUMBER	\$139.76
	Invoice	Date	Description		Amount
	55-0575793	09/08/2020	White striping spray		\$20.68
	55-0578305	09/16/2020	Tape, scratch pad, pin punch, pin punch center		\$30.21
	55-0577788	09/15/2020	Drill, black marker, organizer		\$71.74
	55-0577885	09/15/2020	Slucco tape, deep socket, black marker		\$17.13
96548	09/25/2020			SANTA CRUZ COUNTY ANIMAL SHELTER	\$17,151.60
	Invoice	Date	Description		Amount
	20/21-2CA	09/14/2020	2nd quarter animal services contribution		\$17,151.60
96549	09/25/2020			SANTA CRUZ REGIONAL 911	\$153,131.25
	Invoice	Date	Description		Amount
	SCR91520	09/15/2020	FY20/21 operating contribution & SCRMS		\$125,162.75
	SCR091520	09/15/2020	FY20/21 capital and debt service payment		\$27,968.50
96550	09/25/2020			SHORELIFE COMMUNITY CHURCH	\$150.00
	Invoice	Date	Description		Amount
	100	09/01/2020	OST room rental		\$150.00
96551	09/25/2020			STAPLES ADVANTAGE	\$136.16
	Invoice	Date	Description		Amount
	8059635384	09/12/2020	File boxes, paper towels, forks		\$127.34
	8059573022	09/05/2020	Paper plates		\$8.82
96552	09/25/2020			SUMMIT UNIFORMS	\$468.68
	Invoice	Date	Description		Amount
	69064	09/11/2020	Motor boots		\$468.68
96553	09/25/2020			THE HOME DEPOT PRO	\$779.14
	Invoice	Date	Description		Amount
	572547776	09/14/2020	Janitorial supplies, batteries		\$522.64
	572747129	09/14/2020	Nitrile gloves		\$256.50
96554	09/25/2020			TIRE CHOICE AUTO SERVICE CENTERS	\$242.19
	Invoice	Date	Description		Amount
	203553	09/14/2020	Two loose turf tires, mounting, balancing, recycling fee		\$242.19
96555	09/25/2020			TRANSPORTATION ALLIANCE BANK INC.	\$21,397.05
	Invoice	Date	Description		Amount
	659639	09/22/2020	Sweeper repairs		\$20,142.26
	659638	09/22/2020	Sweeper blended filaments 1310 - Gas Tax		\$1,254.79
96556	09/25/2020			WESTERN EXTERMINATOR COMPANY	\$128.00
	Invoice	Date	Description		Amount
	8359333	08/31/2020	August City Hall rodent control		\$64.00
	8359334	08/31/2020	August turnouts rodent control		\$64.00
96557	09/25/2020			WITMER-TYSON IMPORTS INC.	\$485.05
	Invoice	Date	Description		Amount
	T13708	09/08/2020	K9 supplies for training		\$485.05
96558	09/25/2020			ZUMAR INDUSTRIES INC.	\$523.63
	Invoice	Date	Description		Amount
	89626	09/02/2020	"No lifeguard on duty" signs (6)		\$523.63

Attachment: 9-25-20 Check Register (Approval of City Check Registers)

# City Checks Issued September 25, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96559	09/25/2020			Darcey Arena	\$96.00
	Invoice	Date	Description		Amount
	200129533	09/21/2020	Citation refund		\$96.00
96560	09/25/2020			Natalee Allen	\$10.00
	Invoice	Date	Description		Amount
	200129743	09/21/2020	Citation refund		\$10.00
96561	09/25/2020			Scott Newton	\$152.03
	Invoice	Date	Description		Amount
	SN091020	09/10/2020	Training - meals reimbursement		\$152.03
<b>Check Totals</b>					<b>\$234,513.60</b>

**EFT**

1012	09/25/2020			DISCOVERY BENEFITS	\$135.00
	Invoice	Date	Description		Amount
	0001216337-IN	08/31/2020	August COBRA admin.		\$135.00
<b>EFT Totals:</b>					<b>\$135.00</b>

**Library - Library**

221	09/25/2020			JOHN F OTTO INC ESCROW NO 02-701154	\$7,946.43
	Invoice	Date	Description		Amount
	13676retainer	09/17/2020	August library construction retainer		\$7,946.43
222	09/25/2020			KBM HOGUE	\$56,516.55
	Invoice	Date	Description		Amount
	94045	08/06/2020	Library furniture		\$56,516.55
223	09/25/2020			OTTO CONSTRUCTION INC	\$150,982.24
	Invoice	Date	Description		Amount
	13676	09/17/2020	August library construction		\$150,982.24
<b>Library Totals</b>					<b>\$215,445.22</b>

**CITY - Main City Totals**

	Count	Total
Checks	51	\$234,513.60
EFTs	1	\$135.00
All	52	\$234,648.60

**Library - Library Totals**

Checks	3	\$215,445.22
EFTs	0	\$0.00
All	3	\$215,445.22

**WELLS - Payroll Totals**

Checks	1	\$0.00
EFTs	91	\$156,080.90
All	92	\$156,080.90

**Grand Totals:**

Checks	55	\$449,958.82
EFTs	92	\$156,215.90
All	147	\$606,174.72

Attachment: 9-25-20 Check Register (Approval of City Check Registers)



City main account checks dated October 2, 2020, numbered 96562 to 96606 and 7 EFTs totaling \$265,653.92, and 1 payroll check totaling \$7,041.74, for a grand total of \$272,695.66, have been reviewed and authorized for distribution by the City Manager.

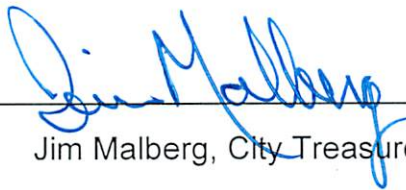
As of October 2, 2020, the unaudited cash balance is \$2,674,435.40.

**CASH POSITION - CITY OF CAPITOLA**  
**October 2, 2020**

	10/2/2020
General Fund	\$ (2,949,590.43)
Payroll Payables	\$ 3,699.29
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 522,829.72
Capital Improvement Fund	\$ 2,046,548.30
Stores Fund	\$ 55,781.75
Information Technology Fund	\$ 240,874.19
Equipment Replacement	\$ 478,832.92
Self-Insurance Liability Fund	\$ (148,982.98)
Workers' Comp. Ins. Fund	\$ 218,797.79
Compensated Absences Fund	\$ 144,299.19
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 2,674,435.40</b>

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).  
The PERS Contingency Fund balance is \$948,096.16 (not included above).  
The Library Fund balance is \$4,198,633.55 (not included above).

  
\_\_\_\_\_  
Jamie Goldstein, City Manager 10/5/20  
Date

  
\_\_\_\_\_  
Jim Malberg, City Treasurer 10/5/20  
Date

Attachment: 10-2-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 2, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96562	10/02/2020			AFLAC	\$1,444.18
	Invoice	Date	Description		Amount
	535207	09/22/2020	Sept. employee supplemental insurance 1001 - Payroll		\$1,444.18
96563	10/02/2020			ALLIED UNIVERSAL	\$738.92
	Invoice	Date	Description		Amount
	10481304	10/01/2020	Oct. Esplanade park foot patrol		\$382.50
	10481303	10/01/2020	McGregor skate park foot patrol		\$356.42
96564	10/02/2020			ALVAREZ TECHNOLOGY GROUP INC	\$240.00
	Invoice	Date	Description		Amount
	56871	09/29/2020	October antivirus 2211 - IT Fund		\$240.00
96565	10/02/2020			AMAZON CAPITAL SERVICES	\$681.68
	Invoice	Date	Description		Amount
	16KW-X3TF-CQ	09/24/2020	Air purifiers (5)		\$258.80
	1Q4V-K794-V6K	09/26/2020	HEPA air purifiers (2)		\$209.28
	19NF-PCXW-J9	09/29/2020	Air purifiers (4) 2210 - Stores Fund		\$213.60
96566	10/02/2020			ANDERSON PACIFIC ENGINEERING CONSTRUCTION INC	\$47,157.72
	Invoice	Date	Description		Amount
	AP082820	08/28/2020	Park Ave. sidewalk project retention release 1200 - CIP		\$47,157.72
96567	10/02/2020			AUTOMATION TEST ASSOCIATES	\$40.00
	Invoice	Date	Description		Amount
	48825	09/22/2020	Sept. wharf meter reading 1311 - Wharf Fund		\$40.00
96568	10/02/2020			B & B SMALL ENGINE REPAIR	\$173.83
	Invoice	Date	Description		Amount
	455973	09/24/2020	Sharpen hedger blade, gearbox grease		\$82.64
	455836	09/23/2020	Sharpen hedge trimmer, gearbox grease		\$82.64
	454657	09/10/2020	Chain catchers (2)		\$8.55
96569	10/02/2020			BIOBAG AMERICAS INC.	\$2,740.00
	Invoice	Date	Description		Amount
	475413	09/23/2020	Dog waste bags		\$2,740.00
96570	10/02/2020			CAPITOLA PEACE OFFICERS ASSOCIATION	\$1,236.50
	Invoice	Date	Description		Amount
	POA092520	09/25/2020	POA dues PPE 9/19/20 1001 - Payroll		\$1,236.50
96571	10/02/2020			CAROLYN FLYNN	\$3,915.00
	Invoice	Date	Description		Amount
	CBF-08-2020LE	09/08/2020	LEAP grant assistance		\$580.00
	CBF-08-2020	09/08/2020	August affordable housing program assistance 1000 - General Fund \$580.00 5552 - Housing Successor \$3,335.00		\$3,335.00
96572	10/02/2020			CHEVROLET OF WATSONVILLE	\$519.24
	Invoice	Date	Description		Amount
	237937	09/23/2020	2020 Tahoe brake pads and rotors		\$519.24

Attachment: 10-2-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 2, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96573	10/02/2020			COMMUNITY TELEVISION OF SANTA CRUZ COUNTY	\$559.00
	Invoice	Date	Description		Amount
	2847	09/29/2020	August televised meetings		\$559.00
96574	10/02/2020			CSG Consultants Inc.	\$4,730.00
	Invoice	Date	Description		Amount
	32489	09/14/2020	August building inspections		\$4,730.00
96575	10/02/2020			FEDERAL EXPRESS	\$71.66
	Invoice	Date	Description		Amount
	7-126-95778	09/18/2020	Planning dept. shipping		\$71.66
96576	10/02/2020			FERGUSON ENTERPRISES INC 795	\$2,694.03
	Invoice	Date	Description		Amount
	8753580	09/23/2020	Esplanade bathroom faucets		\$2,694.03
96577	10/02/2020			FLYERS ENERGY LLC	\$2,052.17
	Invoice	Date	Description		Amount
	20-185189	09/17/2020	519 gallons gasoline		\$1,730.88
	20-185190	09/17/2020	107 gallons diesel		\$321.29
96578	10/02/2020			GRANICUS LLC	\$1,190.70
	Invoice	Date	Description		Amount
	131758	10/01/2020	October legislative management software 1320 - PEG		\$1,190.70
96579	10/02/2020			HINDERLITER DELLAMAS AND ASSOCIATES	\$3,112.98
	Invoice	Date	Description		Amount
	SIN003417	08/31/2020	Sales tax contract & audit services		\$3,112.98
96580	10/02/2020			HOME DEPOT CREDIT SERVICES	\$134.83
	Invoice	Date	Description		Amount
	1634037	09/23/2020	Multi-bit ratchet, long nose pliers, machine screws		\$41.79
	1642678	09/23/2020	Cable ties, staples, staple gun, paper towels		\$93.04
96581	10/02/2020			LIUNA PENSION FUND	\$985.60
	Invoice	Date	Description		Amount
	DY1681	09/25/2020	Sept. LIUNA pension dues 1001 - Payroll		\$985.60
96582	10/02/2020			MADELINE C HORN	\$660.00
	Invoice	Date	Description		Amount
	58	09/25/2020	Museum cataloging & organizing of begonia festival artifacts		\$30.00
	59	09/25/2020	Museum cataloging & organizing museum artifacts		\$630.00
96583	10/02/2020			MBS BUSINESS SYSTEMS	\$598.24
	Invoice	Date	Description		Amount
	391833	09/24/2020	PD copier usage charges		\$598.24
96584	10/02/2020			McKim Corporation	\$28,369.15
	Invoice	Date	Description		Amount
	McKim082820	08/28/2020	Retention release for Brommer St. project 1309 - RTC		\$28,369.15
96585	10/02/2020			MID COUNTY AUTO SUPPLY	\$28.95
	Invoice	Date	Description		Amount
	MID-978957	09/23/2020	Toggle switches		\$28.95

Attachment: 10-2-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 2, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96586	10/02/2020			MISSION LINEN SUPPLY	\$132.39
	Invoice	Date	Description		Amount
	513294497	09/23/2020	Fleet uniform cleaning, towels		\$35.99
	513294498	09/23/2020	Corp. yard linen service, mats, towels		\$96.40
96587	10/02/2020			MISSION PRINTERS	\$241.46
	Invoice	Date	Description		Amount
	61004	08/31/2020	Building electric service stickers		\$241.46
96588	10/02/2020			NORTH BAY FORD	\$157.86
	Invoice	Date	Description		Amount
	278225	09/23/2020	Truck vent louvre assembly, cover assembly		\$157.86
96589	10/02/2020			OUTDOOR SUPPLY HARDWARE	\$69.74
	Invoice	Date	Description		Amount
	B70502	09/22/2020	Screwdriver set, drill bit set		\$69.74
96590	10/02/2020			PHIL ALLEGRI ELECTRIC INC.	\$140.00
	Invoice	Date	Description		Amount
	27794	09/28/2020	Jade St. park photocell switch reset		\$140.00
96591	10/02/2020			PREFERRED BENEFIT INSURANCE ADMIN.	\$5,159.10
	Invoice	Date	Description		Amount
	EIA34197	09/01/2020	Sept. dental & vision insurance		\$5,159.10
			1000 - General Fund	\$309.10	
			1001 - Payroll	\$4,850.00	
96592	10/02/2020			SAN LORENZO LUMBER	\$24.51
	Invoice	Date	Description		Amount
	55-0580411	09/24/2020	Street safety eye protection		\$24.51
96593	10/02/2020			SANTA CRUZ COUNTY AUDITOR-CONTROLLER	\$419.98
	Invoice	Date	Description		Amount
	SCC092520	09/25/2020	FY19-20 blood alcohol testing trust fund deficit		\$419.98
96594	10/02/2020			SANTA CRUZ OCCUPATIONAL MEDICAL CENTER	\$25.00
	Invoice	Date	Description		Amount
	613059	08/01/2020	New employee medical exam		\$25.00
96595	10/02/2020			SOQUEL CREEK WATER DISTRICT	\$2,110.78
	Invoice	Date	Description		Amount
	08-15299-00916	09/16/2020	Monterey Ave. water		\$579.82
	08-15562-00916	09/16/2020	Cliff and Fair View water		\$40.40
	09-15964-00916	09/16/2020	Esplanade water		\$1,144.55
	10-16317-00916	09/16/2020	420 Capitola Ave. water		\$192.71
	10-16315-00916	09/16/2020	504 Beulah irrigation		\$62.17
	10-16316-00916	09/16/2020	426 Capitola Ave. water		\$91.13

Attachment: 10-2-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 2, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96596	10/02/2020			STRIPE-A-LOT INC.	\$650.00
	Invoice	Date	Description		Amount
	9277	08/27/2020	Bike lane striping by Shadowbrook 1310 - Gas Tax		\$650.00
96597	10/02/2020			T MOBILE	\$193.69
	Invoice	Date	Description		Amount
	TM092120	09/21/2020	Sept. cell phone usage		\$193.69
96598	10/02/2020			THE HOME DEPOT PRO	\$2,119.15
	Invoice	Date	Description		Amount
	574130050	09/22/2020	Janitorial supplies		\$1,172.50
	574328605	09/22/2020	Cleaning supplies		\$329.27
	574328613	09/22/2020	Cleaning supplies		\$288.11
	574328621	09/22/2020	Cleaning supplies		\$329.27
96599	10/02/2020			TPX COMMUNICATIONS	\$1,528.92
	Invoice	Date	Description		Amount
	134693622-0	09/23/2020	Sept. phone service 1000 - General Fund \$832.53 2211 - IT Fund \$696.39		\$1,528.92
96600	10/02/2020			TRANSPORTATION ALLIANCE BANK INC.	\$779.11
	Invoice	Date	Description		Amount
	659822	09/29/2020	Sweeper G.B. set 1310 - Gas Tax		\$779.11
96601	10/02/2020			UNITED WAY OF SANTA CRUZ COUNTY	\$20.00
	Invoice	Date	Description		Amount
	UW093020	09/25/2020	Sept. United Way contributions 1001 - Payroll		\$20.00
96602	10/02/2020			UPEC LIUNA LOCAL 792	\$950.00
	Invoice	Date	Description		Amount
	UPEC093020	09/25/2020	Sept. UPEC dues 1001 - Payroll		\$950.00
96603	10/02/2020			US BANK PARS Acct 6746022400	\$927.59
	Invoice	Date	Description		Amount
	PARS092520	09/25/2020	PARS contributions PPE 9/19/20 1001 - Payroll		\$927.59
96604	10/02/2020			ZEP SALES & SERVICE	\$195.38
	Invoice	Date	Description		Amount
	9005549211	09/18/2020	Lubricant		\$195.38
96605	10/02/2020			Dean Sutton	\$1,026.00
	Invoice	Date	Description		Amount
	Sutton92820	09/28/2020	Memorial bench refund		\$1,026.00
96606	10/02/2020			Tom & Michelle Pipitone	\$500.00
	Invoice	Date	Description		Amount
	19-0059	09/21/2020	Tree deposit refund #19-0059		\$500.00
Check Totals:					\$121,445.04

Attachment: 10-2-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 2, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
<u>EFT</u>					
1013	10/01/2020			CalPERS Health Insurance	\$54,318.58
	Invoice	Date	Description		Amount
	1001670288	10/01/2020	October health insurance		\$54,318.58
			1000 - General Fund	\$2942.60	
			1001 - Payroll	\$51,375.98	
1014	09/28/2020			CalPERS Member Services Division	\$49,738.54
	Invoice	Date	Description		Amount
	1001666959-63	09/25/2020	PERS contributions PPE 9/19/20		\$49,738.54
			1001 - Payroll		
1015	09/28/2020			EMPLOYMENT DEVELOPMENT DEPARTMENT	\$6,687.63
	Invoice	Date	Description		Amount
	1-429-179-680	09/25/2020	State taxes PPE 9/19/20		\$6,687.63
			1001 - Payroll		
1016	09/28/2020			INTERNAL REVENUE SERVICE	\$23,832.48
	Invoice	Date	Description		Amount
	83839785	09/25/2020	Federal taxes & Medicare PPE 9/19/20		\$23,832.48
			1001 - Payroll		
1017	09/28/2020			STATE DISBURSEMENT UNIT	\$1,232.76
	Invoice	Date	Description		Amount
	33450437	09/25/2020	Employee garnishments PPE 9/19/20		\$1,232.76
			1001 - Payroll		
1018	09/28/2020			VOYA FINANCIAL	\$8,186.01
	Invoice	Date	Description		Amount
	VOYA092520	09/25/2020	457 contributions PPE 9/19/20		\$8,186.01
			1001 - Payroll		
1019	10/01/2020			INTERNAL REVENUE SERVICE	\$212.88
	Invoice	Date	Description		Amount
	72790334	09/30/2020	Medicare for employee's final paycheck		\$212.88
			1001 - Payroll		
Type EFT Totals:					\$144,208.88
<b>CITY - Main City Totals</b>			<b>Count</b>		<b>Total</b>
Checks			45		\$121,445.04
EFTs			7		\$144,208.88
All			52		\$265,653.92
<b>WELLS - Payroll Totals</b>					
Checks			1		\$7,041.74
EFTs			0		\$0.00
All			1		\$7,041.74
<b>Grand Totals:</b>					
Checks			46		\$128,486.78
EFTs			7		\$144,208.88
All			53		\$272,695.66

Attachment: 10-2-20 Check Register (Approval of City Check Registers)



City main account checks dated October 9, 2020, numbered 96607 to 96654 totaling \$81,902.43, 3 library checks totaling \$7,587.20 and 92 payroll EFTS totaling \$155,234.23, for a grand total of \$244,723.86, have been reviewed and authorized for distribution by the City Manager.

As of October 9, 2020, the unaudited cash balance is \$2,474,515.54.

**CASH POSITION - CITY OF CAPITOLA**  
**October 9, 2020**

	10/9/2020
General Fund	\$ (3,268,899.09)
Payroll Payables	\$ 128,014.52
Contingency Reserve Fund	\$ 2,061,345.66
Facilities Reserve Fund	\$ 522,829.72
Capital Improvement Fund	\$ 2,043,847.65
Stores Fund	\$ 55,466.74
Information Technology Fund	\$ 238,963.42
Equipment Replacement	\$ 478,832.92
Self-Insurance Liability Fund	\$ (148,982.98)
Workers' Comp. Ins. Fund	\$ 218,797.79
Compensated Absences Fund	\$ 144,299.19
<b>TOTAL UNASSIGNED GENERAL FUNDS</b>	<b>\$ 2,474,515.54</b>

The Emergency Reserve Fund balance is \$1,374,205.54 (not included above).  
The PERS Contingency Fund balance is \$948,096.16 (not included above).  
The Library Fund balance is \$4,231,046.35 (not included above).

 <hr/> Jamie Goldstein, City Manager	10/9/20 <hr/> Date
 <hr/> Jim Malberg, City Treasurer	10/9/20 <hr/> Date

Attachment: 10-9-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 9, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96607	10/09/2020			A TOOL SHED	\$206.00
	Invoice	Date	Description		Amount
	1450158-5	10/06/2020	Jade st. park scissor lift rental		\$206.00
96608	10/09/2020			ADT SECURITY SERVICES INC.	\$213.46
	Invoice	Date	Description		Amount
	ADT092920	09/29/2020	Corp. yard and museum alarm monitoring		\$213.46
96609	10/09/2020			AIR FILTER/CONTROL	\$886.40
	Invoice	Date	Description		Amount
	542479	09/25/2020	MERV 13 air filters		\$809.39
	542770	09/30/2020	MERV 13 air filters		\$77.01
96610	10/09/2020			ALLIED UNIVERSAL	\$344.93
	Invoice	Date	Description		Amount
	10481284	10/01/2020	Oct. Jade St. park foot patrol		\$344.93
96611	10/09/2020			ALLSAFE LOCK COMPANY	\$66.00
	Invoice	Date	Description		Amount
	53153	09/11/2020	Restroom door lock repair		\$66.00
96612	10/09/2020			AMAZON CAPITAL SERVICES	\$106.85
	Invoice	Date	Description		Amount
	19X6-HTY1-4GPD	09/23/2020	White t-shirts, movie, tie-dye kit, vacuum		\$72.54
	1M3F-WJWP-1MMK	10/04/2020	COVID floor decals		\$34.31
96613	10/09/2020			ARCHIVES & ARCHITECTURE LLC	\$2,648.32
	Invoice	Date	Description		Amount
	2011	10/01/2020	Wharf historic resource records search 1200 - CIP		\$2,648.32
96614	10/09/2020			BURKE WILLIAMS AND SORENSEN LLP	\$17,539.70
	Invoice	Date	Description		Amount
	259576	09/30/2020	Loma Vista legal services		\$1,938.00
	259575	09/30/2020	Housing updates		\$2,497.50
	259574	09/30/2020	August legal services		\$285.00
	259573	09/30/2020	August legal services		\$260.00
	259572	09/30/2020	August legal services COVID-19		\$104.00
	259571	09/30/2020	August labor negotiations		\$163.20
	259569	09/30/2020	Parks and recreation legal services		\$312.00
	259568	09/30/2020	Planning legal services		\$2,470.00
	259567	09/30/2020	Code enforcement		\$520.00
	259565	09/30/2020	Labor and employment legal services		\$228.00
	259566	09/30/2020	August legal services		\$8,762.00
96615	10/09/2020			CALIFORNIA COAST UNIFORM COMPANY	\$234.15
	Invoice	Date	Description		Amount
	8271	10/01/2020	Wool shirt		\$87.15
	8276	10/01/2020	Tailoring		\$22.00
	8275	10/01/2020	Tailoring		\$9.00
	8274	10/01/2020	Tailoring		\$20.00
	8272	10/01/2020	Tailoring		\$34.00
	8273	10/01/2020	Tailoring		\$62.00
96616	10/09/2020			CHARTER COMMUNICATIONS	\$4,215.02
	Invoice	Date	Description		Amount
	0000178100120	10/01/2020	October internet service		\$4,215.02
			1000 - General Fund	\$2,046.75	
			1200 - CIP	\$2,168.27	

Attachment: 10-9-20 Check Register (Approval of City Check Registers)



# City Checks Issued October 9, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96617	10/09/2020			CLEAN BUILDING MAINTENANCE CO.	\$3,553.92
	Invoice	Date	Description		Amount
	25948	09/30/2020	Sept. janitorial services		\$3,553.92
			1000 - General Fund	\$3,092.64	
			1311 - Wharf Fund	\$461.28	
96618	10/09/2020			CVS PHARMACY INC.	\$18.71
	Invoice	Date	Description		Amount
	6482	09/25/2020	Pencils, dry erasers, water		\$18.71
96619	10/09/2020			EMERYVILLE OCCUPATIONAL MEDICAL CENTER	\$35.00
	Invoice	Date	Description		Amount
	613068	08/31/2020	Employee medical testing		\$35.00
96620	10/09/2020			FLYERS ENERGY LLC	\$1,615.12
	Invoice	Date	Description		Amount
	20-189457	09/24/2020	120 gallons diesel		\$361.15
	20-189455	09/24/2020	376 gallons gasoline		\$1,253.97
96621	10/09/2020			GALLS LLC	\$47.79
	Invoice	Date	Description		Amount
	016537160	09/22/2020	Uniform shirt		\$47.79
96622	10/09/2020			HINDERLITER DELLAMAS AND ASSOCIATES	\$300.00
	Invoice	Date	Description		Amount
	SIN003745	09/21/2020	January - March district sales tax reporting		\$300.00
96623	10/09/2020			HUMBOLDT PETROLEUM LLC	\$19.50
	Invoice	Date	Description		Amount
	089471	09/20/2020	Sept. car washes (3)		\$19.50
96624	10/09/2020			JIM MALBERG - PETTY CASH CUSTODIAN	\$502.50
	Invoice	Date	Description		Amount
	PC100820	10/08/2020	Petty cash expenditures		\$502.50
96625	10/09/2020			JOHNSON ROBERTS & ASSOCIATES INC.	\$17.50
	Invoice	Date	Description		Amount
	143862	10/01/2020	PHQ report		\$17.50
96626	10/09/2020			KBA Document Solutions LLC	\$34.94
	Invoice	Date	Description		Amount
	55Y1124561	10/06/2020	Monthly copier usage charges		\$34.94
			1000 - General Fund	\$3.44	
			2211 - IT Fund	\$31.50	
96627	10/09/2020			LC ACTION POLICE SUPPLY LTD	\$1,207.32
	Invoice	Date	Description		Amount
	415632	09/17/2020	12 gauge bean bags (200), shipping		\$1,207.32
96628	10/09/2020			MASTER CLEANERS	\$353.35
	Invoice	Date	Description		Amount
	MC093020	09/30/2020	Sept. dry cleaning		\$353.35

Attachment: 10-9-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 9, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96629	10/09/2020			MISSION LINEN SUPPLY	\$110.99
	Invoice	Date	Description		Amount
	513370842	10/05/2020	Jade st. towels, mops, mat service		\$75.00
	513342956	09/30/2020	Fleet uniform cleaning, shop towels		\$35.99
96630	10/09/2020			OUTDOOR SUPPLY HARDWARE	\$26.32
	Invoice	Date	Description		Amount
	B76525	10/01/2020	Scrub sponge, scour pad		\$26.32
96631	10/09/2020			PET PALS DISCOUNT PET SUPPLIES	\$207.49
	Invoice	Date	Description		Amount
	2338137	08/30/2020	K-9 supplies		\$207.49
96632	10/09/2020			PRAXAIR DISTRIBUTION INC.	\$124.39
	Invoice	Date	Description		Amount
	99046556	09/22/2020	Acetylene rental		\$124.39
96633	10/09/2020			RDO EQUIPMENT CO.	\$376.96
	Invoice	Date	Description		Amount
	P1459839	07/14/2020	Returned seal		(\$4.04)
	P1820039	10/01/2020	Wheel, rim, shipping/handling		\$381.00
96634	10/09/2020			ROYAL WHOLESALE ELECTRIC	\$3,270.00
	Invoice	Date	Description		Amount
	7719-663400	09/30/2020	Jade St. park tennis court LED lights		\$3,270.00
96635	10/09/2020			SANTA CRUZ AUTO PARTS INC.	\$50.00
	Invoice	Date	Description		Amount
	14508-383663	09/30/2020	Turn truck rotor		\$50.00
96636	10/09/2020			SANTA CRUZ COUNTY ANTI CRIME TEAM	\$17,993.00
	Invoice	Date	Description		Amount
	2020-21CPD	09/29/2020	FY20/21 Operational expenses contribution		\$17,993.00
96637	10/09/2020			SANTA CRUZ SENTINEL	\$1,347.55
	Invoice	Date	Description		Amount
	0001266310	09/30/2020	Sept. public notices, classified advertising		\$1,347.55
96638	10/09/2020			SOQUEL CREEK WATER DISTRICT	\$12,458.61
	Invoice	Date	Description		Amount
	42-14952-0093020	09/30/2020	Cortez Park irrigation		\$1,407.15
	42-15297-0093020	09/30/2020	426 Capitola Ave. irrigation		\$125.63
	42-15751-0193020	09/30/2020	2005 Wharf Road irrigation		\$72.44
	42-15969-0093020	09/30/2020	Lawn Way irrigation		\$338.56
	42-16122-0093020	09/30/2020	Esplanade fountain irrigation		\$59.73
	42-10504-0093020	09/30/2020	Cliff Drive irrigation		\$54.20
	42-11090-0193020	09/30/2020	Capitola Road irrigation		\$125.63
	42-11467-0093020	09/30/2020	Jade Street park irrigation		\$6,850.13
	42-11517-0093020	09/30/2020	41st Avenue irrigation		\$125.63
	42-14404-0093020	09/30/2020	Monterey Ave. Nobel Gulch Park irrigation		\$726.97
	42-16130-0093020	09/30/2020	Wharf Road irrigation		\$54.44
	42-16136-0093020	09/30/2020	1400 Wharf Road irrigation		\$788.65
	42-16407-0093020	09/30/2020	Bay Ave. irrigation		\$54.20
	13-10919-0093020	09/30/2020	2000 Wharf Road water service		\$40.40
	34-18508-0092920	09/29/2020	1510 McGregor Drive water service		\$57.50
	42-14431-0093020	09/30/2020	Monterey Ave. irrigation		\$1,442.00
	42-17688-0093020	09/30/2020	Lawn Way irrigation		\$81.15
	42-18238-0093020	09/30/2020	Capitola Road irrigation		\$54.20
			1000 - General Fund	\$11,669.96	
			1311 - Wharf Fund	\$788.65	

Attachment: 10-9-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 9, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96639	10/09/2020			SOUTH BAY REGIONAL TRAINING	\$340.00
	Invoice	Date	Description		Amount
	SBRT101920	10/01/2020	POST supervisory course		\$340.00
96640	10/09/2020			STAPLES ADVANTAGE	\$165.15
	Invoice	Date	Description		Amount
	8059778685	09/26/2020	Napkins, spoons, cups, knives, sanitizing wipes		\$165.15
96641	10/09/2020			THE HOME DEPOT PRO	\$1,492.33
	Invoice	Date	Description		Amount
	575883749	09/30/2020	Janitorial supplies		\$329.27
	575684469	09/30/2020	Janitorial supplies		\$1,121.90
	575620026	09/29/2020	Janitorial supplies		\$41.16
96642	10/09/2020			TIRE CHOICE AUTO SERVICE CENTERS	\$433.11
	Invoice	Date	Description		Amount
	203728	10/02/2020	Turf tires (5)		\$433.11
96643	10/09/2020			UNITED STATES LIABILITY INSURANCE COMPANY	\$696.80
	Invoice	Date	Description		Amount
	NBP1557440B	09/21/2020	BIA liability insurance 1321 - BIA		\$696.80
96644	10/09/2020			US BANK EQUIPMENT FINANCE	\$315.01
	Invoice	Date	Description		Amount
	424866515	09/25/2020	City Hall copier leases 2210 - Stores Fund		\$315.01
96645	10/09/2020			WATSONVILLE BLUEPRINT	\$52.33
	Invoice	Date	Description		Amount
	95508	10/05/2020	Capitola Ave. retaining wall prints 1200 - CIP		\$52.33
96646	10/09/2020			LUXLAUNDER	\$500.29
	Invoice	Date	Description		Amount
	LL093020	09/30/2020	Sept. uniform cleaning		\$500.29
96647	10/09/2020			NATIONAL SECURITY GUARD	\$2,385.00
	Invoice	Date	Description		Amount
	4994	09/18/2020	Labor Day weekend COVID coverage		\$2,385.00
96648	10/09/2020			PHOENIX GROUP INFORMATION SYSTEMS	\$4,326.03
	Invoice	Date	Description		Amount
	082020070	09/15/2020	August citation processing		\$4,326.03
96649	10/09/2020			SALINAS VALLEY PRO SQUAD	\$267.50
	Invoice	Date	Description		Amount
	310203	09/29/2020	Uniform pants, boots		\$267.50
96650	10/09/2020			SANTA CRUZ COUNTY INFORMATION SERVICES	\$640.81
	Invoice	Date	Description		Amount
	SCC092620	09/26/2020	October SCAN open query charges		\$640.81

Attachment: 10-9-20 Check Register (Approval of City Check Registers)

# City Checks Issued October 9, 2020

Check Number	Invoice Date	Invoice Date	Description	Payee Name	Transaction Amount
96651	10/09/2020			STAPLES ADVANTAGE	\$5.44
	Invoice	Date	Description		Amount
	8059706166	09/19/2020	Clorox Wipes		\$5.44
96652	10/09/2020			UNITED PARCEL SERVICE	\$16.84
	Invoice	Date	Description		Amount
	0000954791390	09/26/2020	PD shipping		\$16.84
96653	10/09/2020			Denise Lehman	\$38.00
	Invoice	Date	Description		Amount
	200129333	09/29/2020	Citation refund		\$38.00
96654	10/09/2020			Nicole Evans	\$96.00
	Invoice	Date	Description		Amount
	200129792	09/25/2020	Citation refund		\$96.00
<b>Check Totals:</b>					<b>\$81,902.43</b>
<b>Library - Library</b>					
224	10/09/2020			BOGARD CONSTRUCTION INC.	\$4,135.00
	Invoice	Date	Description		Amount
	160707-49	09/30/2020	Library project management, OxBlue site camera		\$4,135.00
225	10/09/2020			BUTANO GEOTECHNICAL ENGINEERING	\$662.20
	Invoice	Date	Description		Amount
	4967	09/11/2020	Library PGE trench compaction testing		\$662.20
226	10/09/2020			JAMES P ALLEN	\$2,790.00
	Invoice	Date	Description		Amount
	100120	10/01/2020	Library arborist services		\$2,790.00
<b>Library Totals:</b>					<b>\$7,587.20</b>
<b>CITY - Main City Totals</b>					
				<b>Count</b>	<b>Total</b>
Checks				48	\$81,902.43
EFTs				0	\$0.00
All				48	\$81,902.43
<b>Library - Library Totals</b>					
Checks				3	\$7,587.20
EFTs				0	\$0.00
All				3	\$7,587.20
<b>WELLS - Payroll Totals</b>					
Checks				1	\$0.00
EFTs				92	\$155,234.23
All				93	\$155,234.23
<b>Grand Totals:</b>					
Checks				52	\$89,489.63
EFTs				92	\$155,234.23
All				144	\$244,723.86

Attachment: 10-9-20 Check Register (Approval of City Check Registers)



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

**FROM:** Public Works Department

**SUBJECT:** Resolution Authorizing Application for a Community Power Resiliency Grant from the California Office of Emergency Services

**RECOMMENDED ACTION:** Approve the proposed resolution authorizing the Director of Public Works to submit a grant application to the California Office of Emergency Services for funding from their Community Power Resiliency Grant Program.

**BACKGROUND:** On October 9, 2020, the California Office of Emergency Services (CalOES) issued a request for proposals for the second round of the Community Power Resiliency Grant Program (Attachment 1). Funding from this program is intended to help cities in California mitigate the impacts of the Public Safety Power Shutoffs implemented by PG&E and other electric utilities to reduce the threat of wildfires. The City unsuccessfully applied for funding in the first round of this grant program to provide emergency generators at the City Hall Complex and the Corporation Yard.

**DISCUSSION:** For this round of the program, staff is focusing on backup power for the City Hall complex which contains staff offices, the Police Department, City Council Chambers, and Community Room. This complex is also designated as the City's emergency operations center. The guidelines for grant applications emphasize using clean energy and green solutions. There is a cap of \$300,000 per project. Staff is investigating the feasibility and costs to install a battery power wall and solar panels to ensure continuous power during outages.

The application requires a resolution granting authority to apply for the funding. The application deadline is October 30, 2020. The application turnaround is a short 21 days, which has left staff very little time to complete the feasibility and cost analysis for this project.

Staff is recommending City Council approve a resolution authorizing submission of a grant application, with the understanding that staff will complete further analysis and may ultimately decide not to submit an application if it is determined the City cannot meet the grant requirements or the project costs significantly exceed the potential grant amount.

**FISCAL IMPACT:** If a grant is awarded, a budget amendment will be brought to the Council to recognize the revenue and authorize new Capital Improvement Program project expenditures.

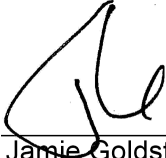
Cal OES Grant  
October 22, 2020

ATTACHMENTS:

1. CalOES Request for Proposals (PDF)

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



\_\_\_\_\_  
Jamie Goldstein, City Manager 10/15/2020

Cal OES Grant  
October 22, 2020

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AUTHORIZING THE DIRECTOR OF PUBLIC WORKS TO SUBMIT A GRANT APPLICATION TO  
THE CALIFORNIA OFFICE OF EMERGENCY SERVICES FOR FUNDING FROM THEIR  
COMMUNITY POWER RESILIENCY GRANT PROGRAM.**

**WHEREAS**, on October 9, 2020 the California Office of Emergency Services issued a Request of Proposals for grant funds from the Community Power Resiliency Grant Program; and

**WHEREAS**, these funds are designated to help cities implement preparedness measures in response to power outage events; and

**WHEREAS**, the Capitola City Hall complex, which includes staff offices, Police Department, City Council Chamber and Community Room only has emergency backup power to operate the Police Department; and

**WHEREAS**, the City Hall Complex is also designed as the City's Emergency Operations Center and the loss of power during an emergency would impact the City's ability to manage and respond to the events occurring.

**NOW, THEREFORE, BE IT FUTHER RESOLVED**, by the City Council of the City of Capitola that the Director of Public Works is hereby authorized to submit an application to the California Department of Emergency Services for funding from their Community Power Resiliency Grant Program for backup emergency power equipment at the Capitola City Hall complex.

**BE IT FURTHER RESOLVED**, should the City's application be successful, that the Public Works Director shall have authority to enter into agreements and all other documents necessary to receive the grant funds.

**I HEREBY CERTIFY** that the above and foregoing resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 22<sup>nd</sup> day of October 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

\_\_\_\_\_  
Kristen Peterson, Mayor

\_\_\_\_\_  
Chloe Woodmansee, City Clerk

GAVIN NEWSOM  
GOVERNOR



MARK S. GHILARDUCCI  
DIRECTOR

## REQUEST FOR PROPOSAL

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The California Governor's Office of Emergency Services (Cal OES), Grants Management Section, is soliciting proposals for the following program:

### **COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM**

Release Date: October 9, 2020

This Request for Proposal (RFP) provides detailed information and forms necessary to prepare a proposal for the Cal OES grant funds.

### **PROGRAM SYNOPSIS**

#### **Program Description**

The purpose of the Community Power Resiliency Allocation to Cities Program is to support California incorporated cities with additional preparedness measures in response to power outage events.

#### **Eligibility:**

California incorporated cities are the only eligible Applicants.

#### **Performance Period:**

July 1, 2020 – October 31, 2021

#### **Available Funding:**

Individual Applicants may request up to \$300,000.

#### **Submission Deadline:**

Friday, October 30, 2020



3650 SCHRIEVER AVENUE, MATHER, CA 95655  
[PSPS@caloes.ca.gov](mailto:PSPS@caloes.ca.gov)

Attachment: CalOES Request for Proposals (Cal OES Grant)



**COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM**

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## COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM

### PART I – OVERVIEW

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- A. PUBLIC RECORDS ACT NOTICE
  - B. CONTACT INFORMATION
  - C. SUBMISSION DEADLINES AND OPTIONS
  - D. ELIGIBILITY/PREFERENCE POINTS
  - E. GRANT SUBAWARD PERFORMANCE PERIOD
  - F. FUNDS
  - G. PROGRAM INFORMATION
- 

#### A. PUBLIC RECORDS ACT NOTICE

Grant proposals are subject to the California Public Records Act, Government Code Section 6250, *et seq.* Do not put any personally identifiable information or private information on this proposal. If you believe that any of the information you are putting on this proposal is exempt from the Public Records Act, please indicate what portions of the proposal and the basis for the exemption. Your statement that the information is not subject to the Public Records Act will not guarantee that the information will not be disclosed.

#### B. CONTACT INFORMATION

Questions concerning this RFP, the proposal process, or programmatic issues must be submitted in writing by email to [PSPS@caloes.ca.gov](mailto:PSPS@caloes.ca.gov).

Cal OES staff cannot assist the Applicant with the actual preparation of their proposal. Cal OES can only respond to technical questions about the RFP during the period of time between the publication date and due date.

#### C. SUBMISSION DEADLINE AND OPTIONS

One proposal must be emailed to [PSPS@caloes.ca.gov](mailto:PSPS@caloes.ca.gov) by 5:00 PM on Friday, October 30, 2020.

#### D. ELIGIBILITY/PREFERENCE POINTS

To be eligible to receive funds, the entity must be a California incorporated city.

## Community Power Resiliency Allocation to Cities Program RFP

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Incorporated cities who received an award from the fiscal year 2019-20 Public Safety Power Shutdown funding are eligible to apply for the 2020-21 Community Power Resiliency funding.

Preference points will be given to Applicants who did not receive Public Safety Power Shutdown funding in fiscal year 2019-20. Please see Rating Sheet.

Priority funding will be given to eligible Applicants if the proposal shows either a benefit to disadvantaged communities or the use of/acquisition of low/no emissions power solutions. "Disadvantaged communities" includes, but is not limited to:

- Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
- Areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.

Only one proposal per Applicant will be eligible to receive funding. If an Applicant submits more than one proposal, only the highest scoring proposal, meeting the criteria above, will be considered for funding.

### E. GRANT SUBAWARD PERFORMANCE PERIOD

The Grant Subaward performance period is July 1, 2020 – October 31, 2021.

### F. FUNDS

#### 1. Source/Amount of Funds

There is \$13,000,000 of State General Fund available for the Program for the Grant Subaward performance period. Individual Applicants may apply for up to \$300,000 for the 16-month Grant Subaward performance period.

#### 2. Allowable Use of Funds

Funds may be used to procure fixed, long term emergency electrical generation equipment, develop continuity plans, conduct risk assessments for critical infrastructure, create post event reports and



## Community Power Resiliency Allocation to Cities Program RFP

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public education materials, or purchase supplies to prepare for electric disruption.

### 3. Unallowable Use of Funds

Funds may not be used:

- To secure, compensate, or backfill professional services contracts, or
- For response costs associated with electric disruption events, including any staffing or new positions, Emergency Operations Center staffing, security, law or fire response, or other overtime charges.

## G. PROGRAM INFORMATION

### 1. Program Description

The purpose of the Community Power Resiliency Allocation to Cities Program is to support California incorporated cities in preparing for and responding to power outage events.

Subrecipients are encouraged to support one or more of the Community Power Resiliency areas: schools, food storage reserves, and/or COVID-19 testing sites.

As a condition of funding, cities will be required to collaborate with their county to support critical infrastructure and resiliency with a particular focus on public safety, vulnerable communities, and individuals with access and functional needs.

### 2. Eligible Activities

#### a. Equipment

Funds may be used for the procurement of:

- Generators and generator connections for essential facilities, with an emphasis on clean energy and green solutions, where possible, or other alternative backup sources.
- Generator fuel and fuel storage.
- Redundant emergency communications (e.g., battery-powered radios).
- Portable vehicle-mounted charging stations.

## Community Power Resiliency Allocation to Cities Program RFP

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- Portable battery-powered and rechargeable radio repeater and transmission equipment.

### b. Plans

Funds may be used for the development/update of:

- Continuity plans.
- Contingency plans for electrical disruptions that include considerations such as protecting individuals with access and functional needs, medical baseline and socially vulnerable populations, transportation, emergency public information, and preservation of essential functions.
- Risk assessments for critical infrastructure and lifelines.
- Post-event reports that identify lessons learned and corrective actions.

### c. Public Education

Funds may be used to:

- Develop public education materials.
- Purchase supplies focused on individual and family preparedness for electric disruptions.

### d. One-Time Costs

Funds may be used for one-time costs associated with identifying and equipping resource centers for the public to access during electric disruptions.

## 3. Reporting Requirements

Progress Reports serve as a record for the implementation of the project. Statistics for Progress Reports must be collected on a quarterly basis, even when reporting occurs less frequently.

California incorporated cities are required to report the following for each project or activity supported with grant funds:

- Description of each project or activity;
- The state or local entity that implemented the project or activity;
- Amount of state funding provided to the project or activity; and

## Community Power Resiliency Allocation to Cities Program RFP

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- Specific outcomes achieved by each project or activity, including whether the project or activity was completed, and whether it was used during power outage events.

**One Progress Report is due no later than November 30, 2021.** A Progress Report form will be provided by Cal OES.

#### 4. Disbursement of Funds

Requested funds, if awarded, will be advanced once all required documentation has been completed and received by Cal OES.



## COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM

### PART II – RFP INSTRUCTIONS

- A. FORMS
- B. PROPOSAL COMPONENTS

#### A. FORMS

The Applicant must use the forms provided on our website. The forms must be printed on plain white 8½" x 11" paper and single sided. **Applicants may not alter the formatting of any forms, including the Project and Budget Narratives. No tables, charts, or changes to the margins are allowed.**

#### B. PROPOSAL COMPONENTS

Applicants must complete and submit all required components. Specific information for each component is included next. The Checklist in Part V is included to ensure Applicants submit all [required components](#).

##### 1. Grant Subaward Face Sheet (Cal OES 2-101)

The Grant Subaward Face Sheet is the title page of the Grant Subaward that is signed by the Subrecipient and the Cal OES Director (or designee). Instructions are included on the form.

##### 2. Project Contact Information (Cal OES 2-102)

The Project Contact Information form provides Cal OES with all relevant Subrecipient personnel. Information for each individual should be direct contact information. Instructions are included on the form.

##### 3. Signature Authorization (Cal OES 2-103)

The Signature Authorization form provides Cal OES with signatures of authorized signers and who they authorize to sign on their behalf for all grant-related matters. Instructions are included on the form.

##### 4. Certification of Assurance of Compliance (Cal OES 2-104)

Cal OES is required by law to obtain written certifications of compliance. The Certification of Assurance of Compliance form is a

## Community Power Resiliency Allocation to Cities Program RFP

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binding affirmation that the Subrecipient will comply with the following regulations and restrictions:

- State and federal civil rights laws
- Drug Free Workplace
- California Environmental Quality Act
- Lobbying restrictions
- Debarment and Suspension requirements
- Proof of Authority documentation from the City Council/Governing Board

5. Budget Narrative (Cal OES 2-107) – Maximum 1 page

The Budget Narrative should describe the project's proposed budget supports the objectives and activities.

6. Project Narrative (Cal OES 2-108)

The Project Narrative is the main body of information describing the problem to be addressed, the plan to address the identified problem through appropriate and achievable objectives and activities, and the ability of the Applicant to implement the proposed plan.

a. Program Plan – Maximum 2 Pages

In narrative form, address the following:

- 1) The number of people and type of population of the incorporated city applying for these funds.
- 2) The amount of disaster reserve funds compared to the total incorporated city budget.
- 3) The number of hours spent in a power outage event from July 1, 2019, to present.
- 4) How the Applicant will use the funds to prepare for and respond to power outage events. Include amount being requested not to exceed \$300,000.
- 5) If the Applicant intends to support one or more of the Community Power Resiliency areas: schools, food storage



## Community Power Resiliency Allocation to Cities Program RFP

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reserves, and/or COVID-19 testing sites.

b. Emergency Plan – Maximum 1 Page

In narrative form, address the following:

- 1) The portion of your local government emergency plan that includes power outages, whether resulting from Power Safety Power Shutdown events or for any other reason, or
- 2) An attestation that power outages, whether resulting from Power Safety Power Shutdown events or for any other reason, will be included the next time your local government revises any portion of the emergency plan.

c. Priority Funding – Maximum 1 Page

In narrative form, address how the Program shows either a benefit to disadvantaged communities or the use of/acquisition of low/no emissions power solutions.

“Disadvantaged communities” includes, but is not limited to:

- Areas disproportionately affected by environmental pollution and other hazards that can lead to negative public health effects, exposure, or environmental degradation.
- Areas with concentrations of people that are of low-income, high unemployment, low levels of home ownership, high rent burden, sensitive populations, or low levels of educational attainment.

d. Preference Points

Preference points will automatically be given to Applicants who did not receive fiscal year 2019-20 Public Safety Power Shutdown funding.

## COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM

### PART III – SELECTION AND FINALIZING THE GRANT SUBAWARD

- A. SELECTION OF PROPOSAL FOR FUNDING
- B. FINALIZING THE GRANT SUBAWARD

#### A. SELECTION OF PROPOSAL FOR FUNDING

##### 1. Proposal Rating

Eligible proposals received by the deadline are generally evaluated by a three member team. The rater scores are averaged and then ranked numerically. Proposals are only evaluated numerically; no notes are taken during the evaluation. The Rating Sheet used for this process is included in Part IV of this RFP and is for informational purposes only.

##### 2. Funding Decision

Final funding decisions are made by the Director of Cal OES. Funding decisions are based on the following:

- The ranked score of the proposal
- Consideration of priorities or geographical distribution specific to this RFP
- Prior negative administrative and programmatic performance, if applicable

Projects previously funded by Cal OES will be reviewed for poor past compliance, including fiscal management, progress and annual reports, audit reports, and other relevant documentation or information. This review may result in one or more of the following actions:

- The project may not be selected for funding
- The amount of funding may be reduced
- Grant Subaward Conditions may be placed in the Grant Subaward

##### 3. Notification Process

The Authorized Signer (designated on the Grant Subaward Face Sheet) will be notified in writing, via electronic communication, of the results of

## Community Power Resiliency Allocation to Cities Program RFP

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the rating process. Applicants not selected for funding will receive a denial letter containing their average score and information on the appeal process.

The Project Narrative (Cal OES 2-107), or Budget Narrative (Cal OES 2-108) for the top-ranked proposal may be posted on the Cal OES website.

### B. FINALIZING THE GRANT SUBAWARD

#### 1. Grant Subaward Application

Once selected for funding, Cal OES may require additional documentation to finalize the Grant Subaward Application package. A Program Specialist can provide technical assistance in completing these components.

#### 2. Grant Subaward

##### a. Grant Subaward Amounts

Cal OES reserves the right to negotiate budgetary changes with the Applicant prior to executing the Grant Subaward. If this action is required, Cal OES will notify the Applicant prior to executing the Grant Subaward.

#### 3. Standard Project Funding Authority

Cal OES employees are not able to authorize an Applicant to incur expenses or financial obligations prior to the execution of a Grant Subaward.

If, during the term of the Grant Subaward, the state funds appropriated for the purposes of the Grant Subaward are reduced or eliminated by the California Legislature, Cal OES may immediately terminate or reduce the Grant Subaward by written notice to the Subrecipient.

Cal OES Grant Subawards are subject to applicable restrictions, limitations, or conditions enacted by the California Legislature subsequent to the execution of the Grant Subaward.



## COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM

### PART IV – RATING SHEET

Control # \_\_\_\_\_  
 Rater # \_\_\_\_\_  
 Applicant \_\_\_\_\_  
 Funds Requested: \_\_\_\_\_

<u>CATEGORY</u>	<u>TOTAL POINTS POSSIBLE</u>
1. PROGRAM PLAN	80
2. EMERGENCY PLAN	40
3. PRIORITY FUNDING	12
4. PREFERENCE POINTS	15
5. BUDGET NARRATIVE	12
6. COMPREHENSIVE ASSESSMENT	12
<b>TOTAL</b>	<b>171</b>

Each of the above categories contain questions assigned a point value. The point scale is divided into five columns labeled **I, II, III, IV, and V**. The Applicant's response to each question is evaluated on the following criteria:

- I. **ABSENT:** The response does not address the specific question or a response was not provided.
- II. **UNSATISFACTORY:** The response does not completely address the question. The information presented does not provide a good understanding of Applicant's intent, does not give the detailed information requested by the RFP, and/or does not adequately support the proposal or the intent of the Program.
- III. **SATISFACTORY:** The response addresses the question and provides a good understanding of the Applicant's intent. The response adequately supports the proposal and the intent of the Program.
- IV. **ABOVE AVERAGE:** The response is above average and provides a clear and detailed understanding of the Applicant's intent. The response presents a persuasive argument that supports the proposal and the intent of the Program.
- V. **EXCELLENT:** The response is outstanding, with clear, detailed and relevant information. The response presents a compelling argument that supports the proposal and the intent of the Program.

## Community Power Resiliency Allocation to Cities Program RFP

<b>PROJECT NARRATIVE</b>	<b>I</b>	<b>II</b>	<b>III</b>	<b>IV</b>	<b>V</b>
<b>a. Program Plan</b> (Maximum 2 pages) How well does the proposal:	<b>0</b>	<b>5</b>	<b>10</b>	<b>15</b>	<b>20</b>
1) Describe the number of people and type of population of the incorporated city applying for these funds?					
2) Describe the amount of disaster reserve funds compared to the total incorporated city budget?					
3) Describe the number of hours spent in a power outage event since July 1, 2019, to present?					
4) Describe how the Applicant will use the funds to prepare for and respond to power outage events? Did it include amount being requested not to exceed \$300,000?					
<b>b. Emergency Plan</b> (Maximum 1 page) How well does the proposal:	<b>0</b>	<b>10</b>	<b>20</b>	<b>30</b>	<b>40</b>
Describe the portion of the emergency plan that includes power outages, whether resulting from power outage events or for any other reason, or an attestation that power outages, whether resulting from Public Safety Power Shutdown events or for any other reason, will be included the next time their local government revises any portion of the emergency plan?					
<b>c. Priority Funding</b> (Maximum 1 page) How well does the proposal:	<b>0</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>
Show either a benefit to disadvantaged communities or the use of/acquisition of low/no emissions power solutions?					
<b>d. Preference Points</b>					<b>15</b>
The Applicant was not funded in FY 2019-20.					
<b>BUDGET NARRATIVE</b> (Maximum 1 page)	<b>0</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>
How well does the proposed Budget Narrative support the objectives and activities?					
<b>COMPREHENSIVE ASSESSMENT</b>	<b>0</b>	<b>3</b>	<b>6</b>	<b>9</b>	<b>12</b>
How well does this proposal support the overall intent, goals, and purpose of the Program?					

Attachment: CalOES Request for Proposals (Cal OES Grant)

## COMMUNITY POWER RESILIENCY ALLOCATION TO CITIES PROGRAM

## PART V – CHECKLIST

This checklist is provided to ensure that a complete application is submitted to Cal OES.

- GRANT SUBAWARD FACE SHEET (Cal OES 2-101) – Signed by the official authorized to enter into the Grant Subaward.
- PROJECT CONTACT INFORMATION (Cal OES 2-102)
- SIGNATURE AUTHORIZATION (Cal OES 2-103)
- CERTIFICATION OF ASSURANCE OF COMPLIANCE (Cal OES 2-104) – Signed by the official who signed the Grant Subaward Face Sheet and by the official delegating that authority.
- BUDGET NARRATIVE ([Cal OES 2-107](#))
- PROJECT NARRATIVE ([Cal OES 2-108](#))
  - PROGRAM PLAN
  - EMERGENCY PLAN
  - PRIORITY FUNDING



## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

FROM: City Manager Department

SUBJECT: Receive Update on the City's Pandemic Response

**RECOMMENDED ACTION:** Make the determination that all hazards related to the worldwide spread of the coronavirus (COVID-19) as detailed in Resolution No. 4168 adopted by the City Council on March 12, 2020, still exist and that there is a need to continue action.

**BACKGROUND:** The County Health Officer has incorporated all Orders of the State Public Health Officer, which set baseline statewide restrictions on travel and non-residential business activities.

On August 28, 2020, the State Monitoring List was replaced by the Blueprint for a Safer Economy. In this new system, every county in California is assigned to a tier based on its rate of new cases and positivity. The tiers are: Purple – Widespread; Red – Substantial; Orange – Moderate; Yellow – Minimal.

On September 8, 2020, Santa Cruz County moved from the Purple – Widespread tier to the Red – Substantial tier of the Blueprint. As of October 16, Santa Cruz County remains in the Red Tier.

As of October 16, 2020, data shows there are 2,670 cases of COVID-19 in Santa Cruz County and 65 cases in the City of Capitola. There have been 23 deaths due to COVID-19. In Santa Cruz County, the rate of new cases per day per 100k is at 6.8 and there is a positivity rate of 3.4%.

**DISCUSSION:** Due to the City's emergency declaration and the County's Health Order, City departments continue to implement strategies to protect the community and employees while maintaining essential levels of service to the public.

On Wednesday, October 14, the California Department of Public Health released guidance on private gatherings in anticipation of the upcoming holiday season. In summary:

- No more than three households may gather in public or private outdoor settings.
- The gatherings must take place outdoors. Guests may enter a home to use a bathroom.
- Gatherings should be two hours or less. The longer the duration, the risk of transmission increases.
- Face coverings must be worn in accordance with the CDPH Guidance on the Use of Face Coverings (PDF) unless an exemption is applicable.

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- Seating must provide at least 6 feet of distance (in all directions—front-to-back and side-to-side) between different households.
- Keep the households you interact with stable over time.

On June 2, 2020, Emergency Order 4-2020 instated Outdoor Activities and Encroachments for Businesses Operating in Compliance with Social Distancing Requirements. With the winter season fast approaching, staff has proactively begun work on how best the temporary outdoor spaces created for local restaurants can remain during winter. On September 25, 2020, the Public Works Director sent a letter to all temporary use permit holders with stormwater compliance guidance to ensure all businesses keep the curbs clear of debris to prevent blockage of the runoff and localized flooding.

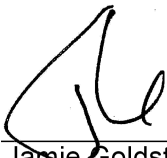
For merchants and personal service establishments with COVID-19 Temporary Outdoor Activities and Encroachment Agreements, City Staff is creating a guidance document to facilitate winterizing their outdoor spaces safely. The guidance document will include information for tents, lighting, and heating. Staff has met with merchants to gauge their needs and concerns, which will be incorporated in the guidance. Prior to public circulation, the draft document will be reviewed by the City Community Development and Public Works Departments, and by Central Fire District staff. The temporary agreements permitted by Emergency Order 4-2020 had an initial expiration date of September 30, 2020, with automatic monthly extensions through the life of the State or County mandated social distancing requirements.

If significant changes occur within Santa Cruz County between the date of agenda publication and the City Council meeting, further updates on the regional and local coronavirus response can be provided in a verbal report at the meeting.

**FISCAL IMPACT:** As previously stated, reductions in Sales Tax and Transient Occupancy Tax as a result of this health crisis is substantial. In our current fiscal year, staff projects an approximate \$1.5 million shortfall and has cut nearly \$4.5 from the annual budget.

Report Prepared By: Chloe Woodmansee  
Interim City Clerk

**Reviewed and Forwarded by:**



Jamie Goldstein, City Manager 10/15/2020





## CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

FROM: Community Development

SUBJECT: First Reading Chapter 17 Zoning Code/Local Coastal Plan Adoption

**RECOMMENDED ACTION:**

1. Approve the first reading and waive reading of the text of the proposed Ordinance amending Title 17
2. Adopt the proposed Resolution authorizing staff to submit the Zoning Code Update/Local Coastal Plan Update to the Coastal Commission for certification

**BACKGROUND:** The City of Capitola adopted the General Plan Update on June 26, 2014. Following adoption of the General Plan, staff began updating the City's Zoning Code. The current update to the Zoning Code has been underway since 2014, initiated with stakeholder outreach meetings, a public online survey, and then development of an Issues and Options white paper to guide decision making on key issues raised during public outreach. The Planning Commission and City Council provided direction on each of the issues, which became the foundation of the new Zoning Code.

The first draft of the comprehensive update to the Zoning Code was released on February 4, 2016. The Planning Commission discussed the first draft of the code during eleven public hearings in 2016; the City Council held six public hearings. All input provided by the Planning Commission and City Council was incorporated into a second draft of the Zoning Code, published on January 9, 2017. The Planning Commission reviewed the second draft in three meetings in the spring of 2017, followed by the City Council in two meetings. On May 11, 2017, the City Council directed staff to publish an updated version incorporating all Planning Commission and City Council direction for a 60-day public review period. On September 6, 2017, the Planning Commission provided a positive recommendation to City Council. City Council adopted the new Zoning Code on January 25, 2018.

To implement the new legislation inside the Coastal Zone, the new ordinance must be certified by the California Coastal Commission as part of Capitola's certified Local Coastal Program (LCP). Capitola staff has been working with Coastal Commission staff toward LCP certification over the past two and a half years. In 2018, Coastal Commission staff reviewed the adopted zoning code and proposed extensive modifications to the text.

City staff presented the modifications recommended by Coastal Commission staff to the Planning Commission during a special meeting on February 21, 2019, and a regular meeting on March 7, 2019. The Planning Commission provided recommendations to the City Council regarding which Coastal Commission staff revisions to accept. On April 5, 2019, City staff

First Reading Chapter 17 Zoning Code/LCP-IP Adoption  
October 22, 2020

published an updated draft of the zoning code on the City website which included the Planning Commission accepted Coastal Commission staff modifications in “redline” form, to clearly track changes from the 2018 zoning code.

Between April 11, 2019, and July 21, 2020, the City Council discussed the Coastal Commission staff recommended modifications during six public hearings and provided direction. On July 21, 2020, upon final review of the Coastal Commission recommendations, the City Council directed staff to publish an updated public review draft of the zoning code in preparation for local adoption and California Coastal Commission certification.

On October 1, 2020, the Planning Commission reviewed the public review draft and forwarded a positive recommendation to the City Council with two minor modifications for rooftop decks and restaurant drive-throughs.

On October 8, 2020, the City Council received an update on the Planning Commission recommendation and directed staff to prepare the ordinance for the first reading including the two minor modifications recommended by City Council.

**DISCUSSION:** The objective of the Zoning Code update is to develop a code which promotes high quality design, protects neighborhood character, satisfies current legal standards, and is easier to understand, administer, and enforce. The new code will implement the General Plan update, including zone districts which complement General Plan land use designations, and the goals, policies, and actions contained in each element.

### **Proposed Zoning Update: Core Principles**

Development of the new Zoning Code was based on the following core principles:

- Replace complex and legalistic language with concise plain English;
- Present development standards in a table format whenever possible;
- Add diagrams and illustrations to help explain standards and communicate intent;
- Reorganize the code and provide cross-references and navigation aids so that information is easier to find;
- Simplify, refine, or eliminate unnecessary and obsolete regulations and procedures; and,
- Provide a more comprehensive list of definitions, use types, and standards to address a broader range of uses and issues.
- Update to be consistent with General Plan and current legal standards
- Promote high quality design
- Protect neighborhood character
- Environmental protection and sustainability
- Historic preservation
- Support economic development
- Facilitate development review

### **Key Changes in the 2018 Zoning Code Update**

Zoning Districts and Zoning Map (Part 1)

- *Zoning Districts*- The new Mixed-Use Neighborhood (MU-N) zoning district replaces the existing PO, CR, and CN zoning districts. The Professional Office (PO) zoning district is eliminated. The Community Commercial (CC) district north of Capitola Road is now the Regional Commercial (C-R) district.
- *Overlay Zones*- The Geological Hazards and Archaeological/Paleontological Hazards

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overlays were eliminated and translated into city-wide standards. The Automatic Review overlay zone eliminated. The Floodplain overlay zone and Green Building Regulations would be moved out of the Zoning Code and inserted into the Municipal Code Title 15, Buildings and Construction.

- *Zoning Map*- Zoning district boundaries changed to be consistent with the General Plan
- Land Use Map and errors with the existing Zoning Map have been corrected (Attachment 3).

#### Zoning District Standards (Part 2)

- *Residential Zoning Districts*- New height and setback standards tailored to different neighborhood conditions.
- *Mixed Use Zoning Districts*- New building form, placement, and character design standards.
- *Commercial Zoning Districts*- New building form, placement, and character design standards. New limitations on office uses and residential transition standards.
- *Planned Developments*- PD zoning district would now be prohibited in single-family neighborhoods, the minimum parcel size requirement is eliminated, and new findings have been added requiring substantial public benefits.

#### Citywide Standards (Part 3)

- *Parking*- New carport limitations and design standards, electric vehicle charging requirements, on-site parking alternatives, and bicycle parking requirements.
- *Signs*- Updated standards tailored to different areas in the City, ability to approve signs that comply with standards administratively.
- *Historic Preservation*- New chapter with process and criteria to approve modifications to historic resources, add or remove historic resource status, and historic preservation incentives.
- *Incentives*- New chapter to implement General Plan policies that allow increased height and intensity in commercial zoning districts for projects that provide substantial community benefits. This section includes new standards for a Village hotel and redevelopment along 41st Avenue.
- *Nonconforming Uses and Structures*- New provisions to allow replication of nonconforming single-family homes and new incentives to improve nonconforming multi-family properties in single-family neighborhoods.
- *Supplemental Standards*- New standards for outdoor lighting, temporary sidewalk dining, outdoor displays of merchandise, and temporary uses and structures.

#### Permits and Administration (Part 4)

- *Design Permits*- Revised thresholds for Design Permits, Design Permit review process, and design review criteria.
- *Design Review Process*- A new Design Review Process replaces the existing Architecture and Site Review Committee. The Design Review Process is similar but not identical to the Architecture and Site Review Committee.
- *Minor Use Permit*- New Minor Use Permit allows the Community Development Director to approve certain land uses.
- *Minor Modifications*- New Minor Modification approval allows the Planning Commission to approve minor deviations from development standards without a Variance.

#### **Significant Updates to Zoning Code since the January 25, 2018 Adoption**

As previously mentioned, the Coastal Commission staff provided redlines to the 2018 Zoning Code. Many of the modifications were minor, such as referencing the possibility of a coastal

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development permit along with most permit types. All Planning Commission and City Council recommended edits since the January 25, 2018, adoption are included within the ordinance as Attachment 11. The following is a list of the substantial changes that were made to the Zoning Code in response to Coastal Commission staffs' recommendations:

- Section 17.28 Visitor Serving Overlay – Table 17.28-1 and footnotes – Page 28-3 and 28-4.  
Update: The land use table was modified to add Vacation Rental as a Conditional Uses for the Monarch Cove Inn site. Also, single-family dwelling is listed as a conditional use on the Monarch Cove Inn site with amended footnote 12 which reads “Allowed in conjunction with overnight accommodation use (at least one property) or grant of public access to a viewpoint.
- Chapter 17.44 Coastal Overlay Zone – Pages 44-1 through 44-27.  
Update: Extensive edits were made to this chapter that comply with the California Coastal Act and the necessary procedures and regulations for Coastal Development Permits.
  - Section 17.76.040.C.3 MU-V Zoning District – Pages 76-8 through 76-10 (including figure 17.76-2)  
Update: Modifications to onsite parking requirements in the MU-V zoning district were made to simplify the text to be user friendly and clarify the intent of avoiding curb cuts in the pedestrian oriented commercial core.
- Section 17.88.050.B Available Incentives – Village Hotel maximum height – Pages 88-3 through 88-4  
Update: The text was modified to include rooftop architectural elements in the maximum height regulations and clarify the viewpoints from which the bluff must remain visible.

### **60 Day Public Comment Period**

The Update Zoning Code was circulated for a 60-day public review period from July 31 to September 30, 2020. The link to the public review has remained accessible to the public for the Public Hearings in October. At the time of writing this report, no comments were received. Two agencies reached out with questions but did not submit public comment.

### **Compliance with the City of Capitola Land Use Plan**

To implement the new legislation inside the Coastal Zone, the new ordinance must be certified by the California Coastal Commission as part of Capitola's certified Local Coastal Program (LCP). Prior to submitting an LCP update for certification, the City must adopt a resolution authorizing staff to submit an amendment to the Coastal Commission. Also, analysis must be included documenting that the proposed amendment is in conformity with and adequately carries out the City's certified Land Use Plan (LUP). Attachment 9 is a resolution authorizing staff to submit the LCP amendment to Coastal Commission. Attachment 10 includes the required analysis on the consistency with the Capitola's LUP.

The Local Coastal Program Land Use Plan includes the Coastal Land Use Plan Map, which is the certified General Plan Land Use Map for the area within the coastal zone. The General Plan Land Use Map was most recently amended through Resolution No. 4142 on March 14, 2019. The General Plan Land Use Map (Attachment 12) is also included within the resolution for LCP certification.

### **Next Steps**

First Reading Chapter 17 Zoning Code/LCP-IP Adoption  
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After the City Council adopts the updated Zoning Code, City staff will submit an official LCP update application to the Coastal Commission. The Coastal Commission will either approve the new code or approve the new code contingent on Capitola adopting Coastal Commission modifications to the code. If the Coastal Commission approves the code contingent on further modifications, those modifications will be brought back to City Council for review. In this scenario, the Council could: (1) accept the modifications as adopted by the Coastal Commission (the zoning code would then be certified), (2) propose new revisions to address Coastal Commission conditions (postpones certification until Coastal Commission reviews and approves the City's alternative new revisions), or (3) not accept Coastal Commission modification and take no additional action (zoning code would not be certified or effective in the Coastal Zone).

CEQA: An Addendum to the General Plan Update Environmental Impact Report (EIR) was adopted by Resolution 4102 on January 25, 2018, and is still applicable (Attachment 8).


FINANCIAL IMPACT: None.

ATTACHMENTS:

1. ZONING ORDINANCE NO
2. Zoning Code
3. City of Capitola Zoning Map 12.21.2017
4. Archaeological Sensitivity Map
5. Coastal Map Without Permit Jurisdiction 01.11.17
6. Environmentally Sensitive Habitat Areas Map
7. Geologic Hazard Map 01.11.17
8. Resolution.GPEIR Addendum.2017-12-20.draft
9. Zoning Code LCP Amendment Resolution
10. Local Coastal Plan consistency with LUP
11. PC and CC Direction on Zoning Code Update
12. General Plan Land Use Map - Coastal Land Use Plan Map 03.14.2019

Report Prepared By: Katie Herlihy  
Community Development Director

**Reviewed and Forwarded by:**



\_\_\_\_\_  
Jamie Goldstein, City Manager      10/16/2020

**ORDINANCE NO.****AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
REPEALING AND REPLACING PORTIONS OF TITLE 17, "ZONING," OF THE  
CAPITOLA MUNICIPAL CODE**

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Findings and Purpose. The City Council finds and declares as follows:

A. The City Council of the City of Capitola ("City Council") last adopted a comprehensive update to the City of Capitola Zoning Code (Title 7 of the Capitola Municipal Code) in 1975.

B. The City Council adopted the most recent General Plan Update on June 26, 2014. Since then, the City has undertaken a series of stakeholder outreach meetings, online surveys, development of an Issues and Options white paper, and multiple public meetings as the foundation of an updated Zoning Code.

C. City staff released the first draft of the comprehensive update to the Zoning Code on February 4, 2016, after which the Planning Commission conducted 11 meetings and the City Council conducted six to gather public input, which staff incorporated into a second draft of the Zoning Code that was published on January 9, 2017.

D. The Planning Commission reviewed the second draft in three meetings in the spring of 2017, followed by the City Council in two meetings. On May 11, 2017, the City Council directed staff to publish an updated version incorporating all Planning Commission and City Council direction for a 60-day public review period.

E. Staff then circulated the revised draft Zoning Code and Zoning Map for a 60-day public review period from June 1 to July 31, 2017. On September 6, 2017, the Planning Commission reviewed the public comments and unanimously recommended the revised draft to City Council for adoption.

F. The City Council reviewed the revised draft on November 21, 2017 and at a special meeting on November 29, 2017. At that meeting, the City Council provided staff with final edits and directed staff to schedule the introduction and first reading for the first meeting in January.

G. After a duly noticed public hearing, the City Council introduced the ordinance on January 11, 2018, and adopted the ordinance on January 28, 2018.

H. Following the City Council's adoption, Capitola staff submitted the updated ordinance to Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification.

I. In November of 2018, Coastal Commission staff provided the City with redlines of the LCP showing Coastal Commission staff's recommended modifications.

J. On February 21, 2019, and March 7, 2019, the Planning Commission reviewed the

Coastal Commission staff's recommendations. On March 7, 2019, the Planning Commission provided recommendations to the City Council regarding the Coastal Commission staff's revisions.

K. On March 14, 2020, the City Council adopted a revised General Plan Land Use Map (Attachment 12). The Local Coastal Program Land Use Plan includes the Coastal Land Use Plan Map, which is the certified General Plan Land Use Map for the area within the coastal zone.

L. On April 5, 2019, City staff published a public review draft of the updated draft of the Zoning Code, which included the Coastal Commission staff modifications, as accepted by the Planning Commission.

M. Between April 11, 2019 and July 21, 2020, the City Council reviewed the Coastal Commission staff's recommended modifications during six public meetings. On July 21, 2020, the City Council directed staff to publish an updated public review draft of the Zoning Code in preparation for local adoption and California Coastal Commission certification.

N. On October 1, 2020, the Planning Commission reviewed the public review draft, including comments received from the public, and recommended adoption to the City Council. The Commission's recommendation included modifications for rooftop decks and restaurant drive-throughs.

O. On October 8, 2020, staff provided the City Council an update on the Planning Commission recommendation. At that same meeting, the Council directed staff to prepare the ordinance for the first reading, including the two modifications recommended by the Planning Commission.

P. The objective of the Zoning Code update is to promote high quality design, protect neighborhood character, satisfy current legal standards, and implement zoning regulations that are easier to understand, administer, and enforce. The modified Code will implement the General Plan update by including zoning districts that complement General Plan land use designations and the goals, policies, and actions contained in each element.

Q. The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

Section 2. Amendment of Title 17, "Zoning." Title 17, "Zoning," is hereby repealed and replaced to read as set forth in Attachment 2, attached hereto, with the exception of Chapters 17.48, "Geologic Hazards District," and 17.72, "Nonconforming Uses," which shall remain in their current form, but shall be renumbered to be consistent with the sequencing of the revised portions.

Section 3. Capitola Village Design Guidelines and 41<sup>st</sup> Avenue Design Guidelines Rescinded. The Capitola Village Design Guidelines and 41<sup>st</sup> Avenue Design Guidelines are hereby rescinded in their entirety.

Section 4. Applicable Maps. All maps adopted by the City Council on January 25, 2020 are hereby referenced in the updated Zoning Code and Implementation Plan of the City's Local Coastal Program, the Zoning Map, Archaeological Sensitivity Map, Coastal Map,

Environmentally Sensitive Habitat Areas Map, and Geological Hazards Map, as set forth in Attachments 3, 4, 5, 6, 7, and 8 respectively and incorporated herein by reference.

Section 5. Compliance with the California Environmental Quality Act. Concurrently with its January 25, 2018 adoption of the revised Zoning Code, the City Council adopted a resolution 4102 certifying the Addendum to Program Environmental Impact Report City of Capitola General Plan Update (SCH #2013072002) for the City of Capitola Zoning Code Update. Any physical changes to the environment that would occur as a result of adoption of this ordinance are within the scope of the General Plan EIR as modified by the Addendum, and none of the conditions set forth in CEQA section 21166 and CEQA Guidelines section 15162 that would require subsequent environmental review have occurred. Moreover, the ordinance implements changes to the Zoning Code that are consistent with the General Plan, so the ordinance qualifies for the Community Plan exemption from CEQA as set forth in CEQA Guidelines section 15183.

Section 6. Certification by the California Coastal Commission. The Zoning Code serves as the Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act. Concurrently with the Zoning Code adoption, the City Council adopts a resolution authorizing Capitola staff to submit the ordinance, Zoning Map, Archaeological Sensitivity Map, Coastal Map, Environmentally Sensitive Habitat Areas Map, Geological Hazards Map, and the General Plan/Coastal Land Use Plan Map to the California Coastal Commission for Local Coastal Plan certification, as set forth in Attachments 2, 3, 4, 5, 6, 7, and 8 respectively and incorporated herein by reference.

Section 8. Effective Date. Sections 2 and 7 of this ordinance, adopting Title 17, "Zoning Code," and the Zoning Map, Archaeological Sensitivity Map, Coastal Map, Environmentally Sensitive Habitat Areas Map, Geological Hazards Map, and the General Plan/Coastal Land Use Plan Map, respectively, shall be transmitted to the California Coastal Commission and shall take effect immediately upon certification by the California Coastal Commission if certified without modification, but will require formal City government review/adoption if the California Coastal Commission certifies with one or more suggested modifications.

Section 9. Severability. If any words, phrases, provisions, or sections of this Ordinance are either determined by a Court of competent jurisdiction to be void, invalid, unenforceable, or preempted by state or federal law then such words, phrases, provisions, or sections shall be severed from this Chapter, and all the remaining words, phrases, provisions, and sections of this Chapter shall remain in full force and effect; provided however, that the severing of such words, phrases, provisions, and sections does not frustrate the purposes of any of the remaining sections of this Chapter.

[remainder of page intentionally blank]



This ordinance was introduced on the \_\_\_\_ day of October 2020, and was passed and adopted by the City Council of the City of Capitola on the \_\_\_ day of \_\_\_\_, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

DISQUALIFIED:

APPROVED:

\_\_\_\_\_

Kristen Petersen, Mayor

ATTEST:

\_\_\_\_\_

Chloe Woodmansee, City Clerk

Attachment: ZONING ORDINANCE NO (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

# City of Capitola Zoning Code



Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

City Council Review Draft  
October, 2020





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# PART 1

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## Chapter 17.04 – PURPOSE AND EFFECT OF ZONING CODE

### Sections:

- 17.04.010 Title and Authority
- 17.04.020 Purpose of the Zoning Code
- 17.04.030 Relationship to the General Plan
- 17.04.040 Relationship to the Local Coastal Program
- 17.04.050 Applicability of the Zoning Code

### 17.04.010 Title and Authority

Title 17 of the Capitola Municipal Code shall be known and cited as the “Capitola Zoning Code” and referred to in this title as “the Zoning Code.” The Zoning Code is adopted pursuant to the authority in Section 65850 of the California Government Code.

### 17.04.020 Purpose of the Zoning Code

- A. **General.** The purpose of the Zoning Code is to implement the General Plan and the Local Coastal Program Land Use Plan (LUP) and to protect the public health, safety, and welfare.
- B. **Specific.** The Zoning Code is intended to:
  1. Preserve and enhance Capitola’s small-town feel and coastal village charm.
  2. Ensure that all development exhibits high-quality design that supports a unique sense of place.
  3. Protect and enhance the quality of life in residential neighborhoods.
  4. Encourage active and inviting commercial and mixed-use areas.
  5. Support a vibrant, diverse, and dynamic local economy.
  6. Allow for a broad range of housing choices that meets the needs of all segments of the community.
  7. Protect and enhance natural resources that contribute to Capitola’s unique identity and scenic beauty.
  8. Maintain and enhance coastal access and visitor-serving facilities and services.
  9. Protect and preserve Capitola’s historic resources.
  10. Support a balanced transportation system that accommodates the needs of automobiles, pedestrians, bicycles, and other forms of transportation.
  11. Ensure the protection of coastal resources.

### 17.04.030 Relationship to the General Plan

The Zoning Code implements the General Plan by regulating the use of land and structures in Capitola. If the Zoning Code conflicts with the General Plan, the General Plan governs.

### 17.04.040 Relationship to the Local Coastal Program

**A. General.** Portions of the Zoning Code are components of Capitola's Local Coastal Program (LCP) prepared in accordance with the California Coastal Act of 1976 (Coastal Act). The LCP consists of the Local Coastal Program Land Use Plan (LUP) and the Local Coastal Program Implementation Plan (IP). The LCP applies to areas within Capitola's coastal zone as generally depicted on the City of Capitola Zoning Map (also part of the IP) and within the LCP.

#### **B. Local Coastal Program Implementation Plan.**

1. The Local Coastal Program LUP is a comprehensive long-term plan for land use and physical development within the city's coastal zone. It consists of proposed policies and recommendations for land use in the coastal zone consistent with the Coastal Act. It includes the Coastal Land Use Plan Map, which is the certified General Plan Land Use Map for the area within the coastal zone.
2. The Local Coastal Program IP establishes specific land use and development regulations to implement the Local Coastal Program LUP. The following Zoning Code chapters are a part of Capitola's Local Coastal Program IP:
  - a. All chapters in Parts 1 (Enactment and Applicability), 2 (Zoning Districts and Overlay Zones), and 3 (Citywide Standards).
  - b. Chapters 17.128 (Variances), 17.136 (Minor Modifications), 17.140 (Reasonable Accommodations), 17.144 (Zoning Code Amendments and Local Coastal Program Amendments), and 17.148 (Public Notice and Hearing) in Part 4 (Permits and Administration).
  - c. Chapter 17.160 (Glossary) in Part 5 (Glossary).
3. Any portion of the Zoning Code not specifically identified in subsection (1) above is hereby declared to not be a component of Capitola's Local Coastal Program IP.
4. The Local Coastal Program IP also includes other Municipal Code Chapters and Sections, as follows:
  - a. Chapters 9.40 (Signs on Public Property or Rights of Way), 10.36 (Stopping, Standing, and Parking), 12.12 (Community Tree and Forest Management), 12.44 (Limiting Boats on Capitola Beaches During Evening Hours), 15.28 (Excavation and Grading), and 16.68 (Condominium and Community Apartment Conversions).
  - b. Title 16 (Subdivisions).

- C. Conflicting Provisions.** If provisions of the Local Coastal Program Implementation Plan conflict with provisions of the Local Coastal Program Land Use Plan, and/or if there are any questions regarding intent, the Local Coastal Program Land Use Plan, the California Coastal Act, and applicable state law shall govern.

#### **17.04.050 Applicability of the Zoning Code**

- A. Applicability to Property.** The Zoning Code applies to all land, uses, and development (including structures) within the Capitola city limits.
- B. Compliance with Regulations.** All uses, structures, and development activity in Capitola shall comply with the Zoning Code.
- C. Conflicting Regulations.** Where conflict occurs with other city regulations or with state or federal laws, higher law shall control over lower law unless local variation is permitted. Where conflicting laws are of equal stature, the more restrictive shall control unless otherwise specified in the Zoning Code or in state or federal law. In the coastal zone, in case of conflict between the Local Coastal Program and any other City law, regulation, or policy, the Local Coastal Program, the California Coastal Act, and applicable state law shall prevail.



## Chapter 17.08 – INTERPRETATION

### Sections:

- 17.08.010 Purpose
- 17.08.020 Authority
- 17.08.030 Rules of Interpretation
- 17.08.040 Procedures for Interpretation/Determinations
- 17.08.050 Zoning Code Enforcement

### 17.08.010 Purpose

This chapter establishes rules and procedures for interpreting the Zoning Code to ensure that it is applied and enforced in a consistent manner.

### 17.08.020 Authority

The City Council delegates to the Community Development Director and the Director's designees authority in accordance with 17.08.040 to interpret the meaning and applicability of all provisions in the Zoning Code.

### 17.08.030 Rules of Interpretation

**A. General Rules.** Rules of interpretation in Municipal Code Chapter 1.04 (General Provisions) apply to the Zoning Code. The following general rules also apply to the interpretation and application of the Zoning Code.

1. In the event of any conflict between the provisions of this Zoning Code, the most restrictive requirement shall control.
2. Where there is a conflict between text and any figure, illustration, graphic, heading, map, table, or caption, the text governs.
3. The words “shall,” “will,” “is to,” and “are to” are mandatory. “Should” means a regulation that is not mandatory, but must be either fulfilled or the applicant must demonstrate an alternative that fulfills the intent of the regulation or that a non-economic hardship makes compliance infeasible. “May” is permissive.
4. The following conjunctions are interpreted as follows
  - a. “And” means that all items or provisions so connected apply.
  - b. “Or” means that all items or provisions so connected apply singularly or in any combination.
  - c. “Either . . . or” means that one of the items or provisions so connected apply singularly, but not in combination.
5. All officials, bodies, agencies, ordinances, policies, and regulations referred to in the Zoning Code are those of Capitola unless otherwise noted.



**B. Calendar Days.** Numbers of days specified in the Zoning Code are continuous calendar days unless otherwise noted. Where the last of a number of days falls on a holiday or weekend (Saturday or Sunday), time limits are extended to the following working day.

**C. Land Use Regulation Tables.**

1. **Table Notation.** Land use regulation tables in Part 2 (Zoning Districts and Overlay Zones) establish permitted land uses within each zoning district. Notations within these tables have the following meanings:
  - a. **Permitted Uses.** A “P” means that a use is permitted by right in the zoning district and is not subject to discretionary review and approval.
  - b. **Administrative Permit.** An “A” means the use is permitted with the approval of an Administrative Permit.
  - c. **Minor Use Permit.** An “M” means that a use requires approval of a Minor Use Permit.
  - d. **Conditionally Permitted Uses.** A “C” means that a use requires approval of a Conditional Use Permit.
  - e. **Uses Not Allowed.** A “-” means that a use is not allowed in the zoning district.
2. **Additional Permits.** Notwithstanding paragraph (1) above, additional permits may be required (including for discretionary review and approval for “P” uses) beyond those identified in the land use regulations tables, including but not limited to Design Permits, Coastal Development Permits, and Historic Alteration Permits.

**D. Unlisted Land Uses.** If a proposed land use is not listed in the Zoning Code, the use is not permitted except as follows:

1. An unlisted use is not permitted if the use is listed as a permitted use in one or more other zoning districts. In such a case, the absence of the use in the zoning district within the land use table means that the use is prohibited in the zoning district.
2. The Community Development Director may determine that an unlisted proposed use is equivalent to a permitted or conditionally permitted use if all of the following findings can be made:
  - a. The use is similar to other uses allowed in the zoning district.
  - b. The density or intensity of the use is similar to other uses in the zoning district.
  - c. The use is compatible with permitted or conditionally permitted uses in the zoning district.
  - d. The use will meet the purpose of the zoning district.
  - e. The use is consistent with the goals and policies of the General Plan and the Local Coastal Program Land Use Plan.
  - f. The use will not be detrimental to the public health, safety, or welfare.

3. When the Community Development Director determines that a proposed use is equivalent to a listed use, the proposed use shall be treated in the same manner as the listed use with respect to development standards, permits required, and all applicable requirements of the Zoning Code.

**E. Zoning Map Boundaries.** Where uncertainty exists as to the boundaries of zoning districts as shown on the Zoning Map, the following rules apply:

1. Boundaries shown as approximately following the centerlines of streets, highways, or alleys are construed to follow the centerlines.
2. Boundaries shown as approximately following platted lot lines are construed as following the lot lines.
3. Boundaries shown as approximately following city limits are construed as following city limits.
4. Boundaries shown following railroad lines are construed to be midway between the main tracks.
5. In unsubdivided property or where a zoning district boundary divides a parcel, the location of the boundary is determined by the use of the scale appearing on the Zoning Map.
6. In case further uncertainty exists, the Community Development Director shall determine the exact location of the boundaries. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.

**F. Parcels Containing Two or More Zoning Districts.**

1. For parcels containing two or more zoning districts ("split zoning"), the location of the zoning district boundary shall be determined by the Community Development Director. The Director's decision may be appealed to the Planning Commission to determine the exact location of the boundaries.
2. For parcels containing two or more zoning districts, the regulations for each zoning district shall apply within the zoning district boundaries as identified on the Zoning Map.

**17.08.040 Procedures for Interpretation/Determinations**

**A. Request for Interpretation.** The Community Development Director shall respond in writing to written requests for interpretation of the Zoning Code if the requested interpretation would substantially clarify an ambiguity which interferes with the effective administration of the Zoning Code. The following procedures apply for a request for interpretation:

1. The request shall be in writing, shall identify the provision to be interpreted, and shall be accompanied by the fee identified in the latest Fee Schedule.

2. The request shall provide any information that the Director requires to assist in its review.
3. The Director shall respond to an interpretation request within 30 days of receiving the request.

- B. Form and Content of Interpretation.** Official interpretations prepared by the Director shall be in writing, and shall quote the Zoning Code provisions being interpreted. The interpretation shall describe the circumstance that caused the need for the interpretation.
- C. Official Record of Interpretations.** An official record of interpretations shall be kept and updated regularly by the Community Development Department. The record of interpretations shall be indexed by the number of the section that is the subject of the interpretation and made available for public inspection during normal business hours.
- D. Referral to Planning Commission.** The Director may refer any request for interpretation of the Zoning Code to the Planning Commission for review and interpretation.
- E. Appeals.** Any official interpretation prepared by the Director may be appealed to the Planning Commission. The Planning Commission's interpretation may be appealed to the City Council. Appeals shall be accompanied by the fee identified in the latest Fee Schedule.
- F. Coastal Zone Interpretations.** An applicant may submit to the Director a request for interpretation on matters related to the coastal zone from the Coastal Commission Executive Director for the Director to consider when making an official interpretation of the Zoning Code, including as specified in Chapter 17.44 (Coastal Overlay Zone).

#### 17.08.050 Zoning Code Enforcement

Enforcement of the Zoning Code shall occur in a manner consistent with Capitola Municipal Code Title 4 (General Municipal Code Enforcement).

## Chapter 17.12 – ZONING DISTRICTS AND MAP

### Sections:

- 17.12.010 Purpose
- 17.12.020 Zoning Districts
- 17.12.030 Zoning Map

### 17.12.010 Purpose

This chapter identifies the zoning districts that apply to land within the Capitola city limits and establishes the official Capitola Zoning Map.

### 17.12.020 Zoning Districts

- A. Base Zoning Districts.** Capitola is divided into zoning districts that implement the General Plan Land Use Map as shown in Table 17.12-1. Within the coastal zone, the General Plan Land Use Map is the certified Coastal Land Use Plan Map.

**TABLE 17.12-1: BASE ZONING DISTRICTS**

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
<b>Residential Zoning Districts</b>		
R-1	Residential Single-Family	Single-Family Residential (R-SF)
RM-L	Residential Multi-Family, Low Density	Multi-Family Residential (R-MF)
RM-M	Residential Multi-Family, Medium Density	
RM-H	Residential Multi-Family, High Density	
MH	Mobile Home Park	Mobile Home Park (MH)
<b>Mixed-Use Zoning Districts</b>		
MU-V	Mixed Use, Village	Village Mixed-Use (MU-V)
MU-N	Mixed Use, Neighborhood	Neighborhood Mixed-Use (MU-N)
<b>Commercial and Industrial Zoning Districts</b>		
C-C	Commercial, Community	Community Commercial (C-C)
C-R	Commercial, Regional	Regional Commercial (C-R)
I	Industrial	Industrial (I)

Zoning District Symbol	Name of Zoning District	General Plan Land Use Designation
<b>Other Zoning Districts</b>		
CF	Community Facility	Public/Quasi-Public Facility (P/QP)
P/OS	Parks and Open Space	Parks and Open Space (P/OS)
PD	Planned Development	N/A

**B. Overlay Zones.** The Zoning Code and Zoning Map include the overlay zones shown in Table 17.12-2. Overlay zones impose additional regulations on properties beyond what is required by the underlying base zoning district.

**TABLE 17.12-2: OVERLAY ZONES**

Overlay Zone Symbol	Name of Overlay Zone
-AH	Affordable Housing
-VRU	Vacation Rental Use
-VR	Village Residential
-VS	Visitor Serving
-CZ	Coastal Zone

**17.12.030 Zoning Map**

- A. Adoption.** The City Council hereby adopts the Capitola Zoning Map (“Zoning Map”), which establishes the boundaries of all base zoning districts and overlay zones provided for in the Zoning Map.
- B. Incorporation by Reference.** The Zoning Map, including all legends, symbols, notations, references, and other information shown on the map, is incorporated by reference and made a part of the Zoning Code.
- C. Location.** The Zoning Map is kept, maintained, and updated electronically by the Community Development Department, and is available for viewing by the public at the Department.

## PART 2

# Zoning Districts and Overlay Zones

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17.40.020 Affordable Housing (-AH) Overlay Zone

17.40.030 Vacation Rental Use (-VRU) Overlay Zone

17.40.040 Village Residential (-VR) Overlay Zone

**Chapter 17.44 - Coastal Overlay Zone..... 44-1**

17.44.010 Purpose

17.44.020 Local Coastal Program Components

17.44.030 Definitions (see also Chapter 17.160 - Glossary)

17.44.040 Relationship to Base Zoning Districts

17.44.050 Allowed Land Uses

17.44.060 Development Standards

17.44.070 CDP Requirements

17.44.080 CDP Exemptions

17.44.090 De Minimis Waiver of CDP

17.44.100 Challenges to City Determination of a CDP

17.44.110 Application Submittal

17.44.120 Public Notice and Hearings

17.44.130 Findings for Approval

17.44.140 Notice of Final Action

17.44.150 Appeals

17.44.160 Permit Issuance

17.44.170 Emergency CDPs

17.44.180 CDP Violations



## Chapter 17.16 - RESIDENTIAL ZONING DISTRICTS

### Sections:

- 17.16.010 Purpose of the Residential Zoning Districts
- 17.16.020 Land Use Regulations
- 17.16.030 Development Standards

### 17.16.010 Purpose of the Residential Zoning Districts

**A. General.** The purpose of residential zoning districts is to support attractive, safe, and friendly neighborhoods consistent with Capitola's intimate small-town feel and coastal village charm. Development within the residential zoning districts will feature high quality design that enhances the visual character of the community. The mass, scale, and design of new homes shall be compatible with existing homes in neighborhoods and carefully designed to minimize impacts to existing homes. Residential zoning districts contain a range of housing types and community facilities to support diverse and complete neighborhoods with a high quality of life for residents.

### B. Specific.

1. **Residential Single-Family (R-1) Zoning District.** The purpose of the R-1 zoning district is to protect and enhance the unique qualities of individual neighborhoods in Capitola. The R-1 zoning district allows for variation in development standards based on the existing development patterns within these neighborhoods. New development will respect the existing scale, density, and character of neighborhoods to strengthen Capitola's unique sense of place.
2. **Residential Multi-Family (RM) Zoning District.** The purpose of the RM zoning district is to accommodate a range of housing types to serve all Capitola residents. The RM zoning districts allows single-family and multi-family housing at higher densities to maintain and increase the supply of affordable housing choices. Housing in the RM zoning districts will be carefully designed to enhance Capitola's unique identity and to minimize impacts on adjacent land uses and structures. The RM zone is divided into three subzones (RM-L, RM-M, and RM-H) allowing for a range of permitted residential densities.
3. **Mobile Home Park (MH) Zoning District.** The MH zone provides areas for exclusive development of mobile home parks. Mobile home parks provide a valuable source of affordable housing serving Capitola's lower-income and senior residents.

### 17.16.020 Land Use Regulations

**A. Permitted Land Uses.** Table 17.16-1 identifies land uses permitted in the residential zoning districts.

**TABLE 17.16-1: PERMITTED LAND USES IN THE RESIDENTIAL ZONING DISTRICTS**

Key	Zoning District			Additional Regulations
	R-1	RM	MH	
<b>P</b> Permitted Use				
<b>A</b> Administrative Permit required				
<b>M</b> Minor Use Permit required				
<b>C</b> Conditional Use Permit required				
- Use not allowed				
<b>Residential Uses</b>				
Duplex Homes	-	P	-	
Elderly and Long Term Care	-	C	-	
Group Housing	-	P	-	
Mobile Home Parks	-	C	P [1]	Chapter 17.100
Multi-Family Dwellings	-	P	-	
Residential Care Facilities, Small	P	P	C [2]	
Residential Care Facilities, Large	C	C	C [2]	Section 17.96.080
Accessory Dwelling Units	A/C	A/C [4]	-	Chapter 17.74
Single-Family Dwellings	P	P	C [2]	
<b>Public and Quasi-Public Uses</b>				
Community Assembly	C	C	C	
Day Care Centers	C	C	C	
Home Day Care, Large	M	M	M	Section 17.96.070
Home Day Care, Small	P	P	P	
Parks and Recreational Facilities	-	C	C	
Public Pathways and Coastal Accessways	C	C	C	
Schools, Public or Private	-	C	C	
<b>Commercial Uses</b>				
Bed and Breakfast	C	C	-	
Vacation Rentals	See Section 17.40.030			
<b>Transportation, Communication, and Utility Uses</b>				
Utilities, Major	C	C	C	
Utilities, Minor	P	P	P	
Wireless Communications Facilities	See Chapter 17.104			
<b>Other Uses</b>				
Accessory Uses and Structure	P [3]	P [3]	P[3]	Chapter 17.52
Home Occupation	A	A	A	Section 17.96.040
Temporary Uses and Structures	M	M	-	Section 17.96.180
Urban Agriculture				
Home Gardens	P	P	P	
Community Gardens	M	M	M	
Urban Farms	C	C	C	

Notes:

[1] May include offices incidental and necessary to conduct a mobile home park use.

[2] Permitted on the mobile home park parcel or on a separate parcel of no less than 5,000 square feet.

[3] An accessory structure that exceed the development standards of Chapter 17.52 requires a Conditional Use Permit.

[4] Permitted only when there is one single family dwelling on the parcel.

**B. Additional Permits.** In addition to permits identified in Table 17.16-1, development projects in the residential zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Historic Alteration Permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a Coastal Development Permit pursuant to Chapter 17.44 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

**17.16.030 Development Standards**

**A. General Standards - Single-Family and Multi-Family Zoning Districts.** Table 17.16-2 identifies development standards that apply in the R-1 and RM zoning districts.

**TABLE 17.16-2: DEVELOPMENT STANDARDS IN THE R-1 AND RM ZONING DISTRICTS**

	R-1	RM	Additional Standards
<b>Site Requirements</b>			
Parcel Area, Minimum [1]	5,000 sq. ft.	N/A	
Parcel Width, Minimum [1]	30 ft.	N/A	
Parcel Depth, Minimum [1]	80 ft.	N/A	
Floor Area Ratio, Maximum	See Section 17.16.030.B.1	N/A	Section 17.16.030.B Section 17.48.040
Building Coverage, Maximum	N/A	40%	
Open Space	N/A	Section 17.030.C.2	
Parcel Area Per Unit, Minimum	N/A	<u>RM-L</u> : 4,400 sq. ft. <u>RM-M</u> : 2,900 sq. ft. <u>RM-H</u> : 2,200 sq. ft.	
Parking and Loading	See Chapter 17.76		
<b>Structure Requirements</b>			
Setbacks, Minimum			Section 17.48.030.B.2-6
Front	<u>Ground floor</u> : 15 ft. <u>Garage</u> : 20 ft. <u>Second story</u> : 20 ft.	<u>Main structure</u> : 15 ft. <u>Garage</u> : 20 ft.	Section 17.16.030.B.2 Section 17.16.030.B.5 Garage Setback: Section 17.16.030.B.4
Rear	20% of parcel depth; 25 ft. max.	15% of parcel depth	Section 17.16.030.B.5

	<b>R-1</b>	<b>RM</b>	<b>Additional Standards</b>
Interior Side	<u>Ground floor</u> : 10% of parcel width; 3 ft. min.; 7 ft. max. <u>Second story</u> : 15% of parcel width	10% of parcel width	Section 17.16.030.B.5&6
Street Side, Corner Lots	10 ft.	10 ft.	Section 17.16.030.B.5
Height, Maximum	25 ft.	<u>RM-L</u> : 30 ft. <u>RM-M</u> : 30 ft. <u>RM-H</u> : 35 ft.	Section 17.16.030.B.7&8  Section 17.48.020
Accessory Structures	See Chapter 17.52		

Notes:

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of [effective date of updated Zoning Code]. See Capitola Municipal Code Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

**B. Additional Standards in the R-1 Zoning District.** The following additional standards apply in the R-1 zoning district.

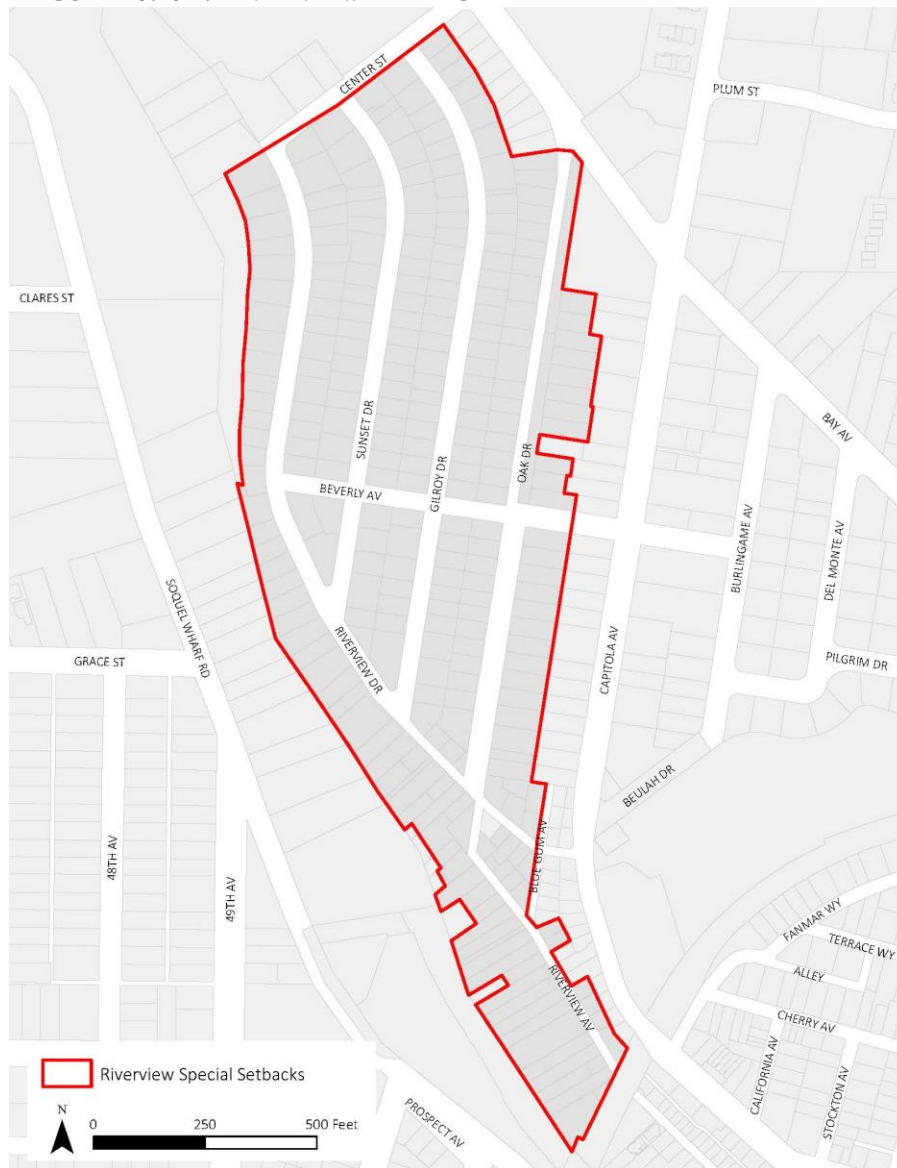
- 1. Floor Area Ratio.** Table 17.16-3 identifies the maximum permitted floor area ratio (FAR) in the R-1 zoning district. See Section 17.48.040.B for floor area calculations.

**TABLE 17.16-3: MAXIMUM FLOOR AREA RATIO IN THE R-1 ZONING DISTRICT**

<b>Lot Size</b>	<b>Maximum FAR</b>
2,650 sq. ft. or less	0.58
2,651 to 3,250 sq. ft.	0.57
3,251 to 3,500 sq. ft.	0.56
3,501 to 3,750 sq. ft.	0.55
3,751 to 4,000 sq. ft.	0.54
4,001 to 4,250 sq. ft.	0.53
4,251 to 4,500 sq. ft.	0.52
4,501 to 4,750 sq. ft.	0.51
4,751 to 5,000 sq. ft.	0.50
5,001 to 6,000 sq. ft.	0.49
More than 6,000 sq. ft.	0.48

- 2. Front Setbacks in Riverview Terrace.** Within the areas shown in Figure 17.16-1, the Planning Commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within 100 feet on the same side of the street. The reduced front setback shall in all cases be no less than 10 feet.

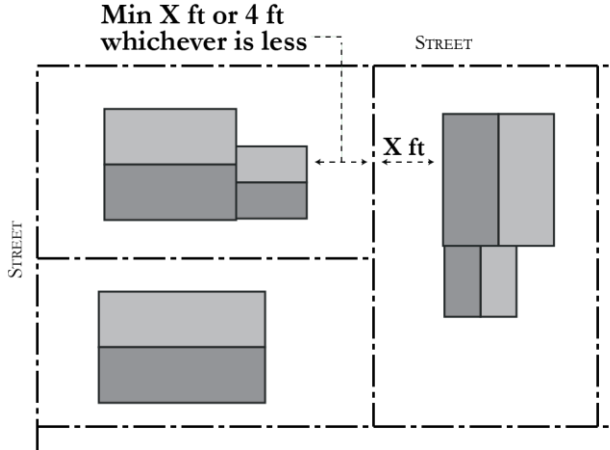
FIGURE 17.16-1: RIVERVIEW TERRACE



3. **Wharf Road Reduced Setback.** For properties on the east side of Wharf Road from 1820 Wharf Road to 1930 Wharf Road, the Planning Commission may approve a reduced front setback to reflect existing front setbacks on neighboring properties within 100 feet on the same side of the street.
4. **Garage Setbacks.**
  - a. Attached garages shall be setback a minimum of 5 feet behind the front or street side building wall of the primary structure. The Planning Commission may reduce this minimum setback to 3 feet in sidewalk exempt areas.
  - b. Required setbacks for detached garages are identified in Chapter 17.52 (Accessory Structures).
5. **Corner Lots.**

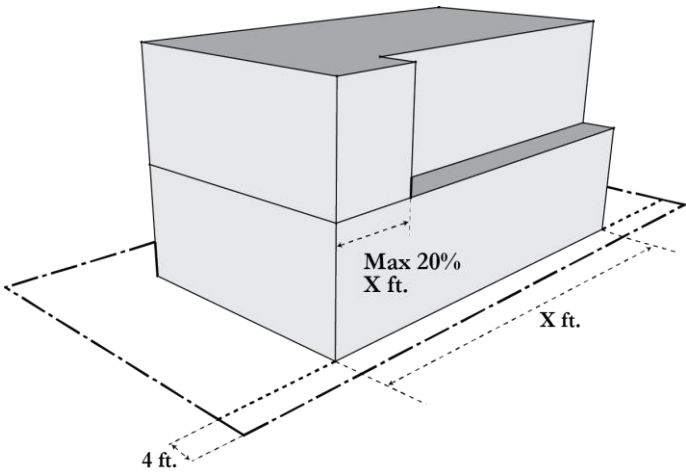
- a. The minimum rear setback for reverse corner lots shall be the minimum interior side yard of the adjacent property, but no less than 4 feet. See Figure 17.16-2.
- b. On a corner lot, the front line of the lot is ordinarily construed as the least dimension of the parcel facing the street. The Community Development Director has the discretion to determine the location of the front yard based on existing conditions and functions.

FIGURE 17.16-2: REVERSE CORNER LOT REAR SETBACK



- 6. **Second Story Setback Exceptions.** Second story additions must comply with increased setback requirements in Table 17.16-2, except in the following cases:
  - a. For lots 30 feet wide or less, the minimum interior side setback for a second story is the same as the ground floor.
  - b. Up to 20 percent of the length of an upper story wall may be constructed at the same setback as the first-floor wall if the first-floor wall is at least 4 feet from the side property line. See Figure 17.16-3.

FIGURE 17.16-3: SECOND STORY SETBACK EXCEPTION



Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

7. **Height Exceptions.** A maximum height of up to 27 feet in the R-1 zoning district is allowed in the following circumstances:
    - a. Additions to historic structures that are designed to match the roof pitch of the historic structure within the area of new addition.
    - b. Parcels greater than 6,000 sf in size.
    - c. Parcels with a width 60 feet or more.
    - d. Parcels with an average slope of 25 percent or greater.
    - e. When the plate height of structure does not exceed 22 feet.
  8. **Landscaping.** See Section 17.72.050.A for residential landscape requirements.
  9. **Mini-Bar/Convenience Areas.**
    - a. A single-family home may contain one mini-bar/convenience area in addition to a kitchen, subject to the following standards:
      - (1) Fixtures shall be limited to a small refrigerator, a microwave oven, and a small sink with a drain size less than one and one-half inches.
      - (2) No gas line or 220-volt electric service is permitted within the area.
      - (3) Only one such area is permitted within a property in addition to the kitchen.
      - (4) The mini-bar/convenience area may be located within the home or outside of the home as part of an outdoor kitchen. If located within the home, internal access to the area shall be maintained within the dwelling.
    - b. The requirements in paragraph (a) above shall not limit the establishment of an accessory dwelling unit in conformance with Chapter 17.74 (Accessory Dwelling Units).
- C. Additional Standards for RM Zoning Districts.** The following additional standards apply in the RM zoning district.
1. **Single-Family Dwellings.** Single-family dwellings in RM zoning districts shall comply with the development standards that apply in the R-1 zoning district.
  2. **Open Space.** Common and private open space in the RM zoning district shall be provided as shown in Table 17.16-4 and Figure 17.16-4.



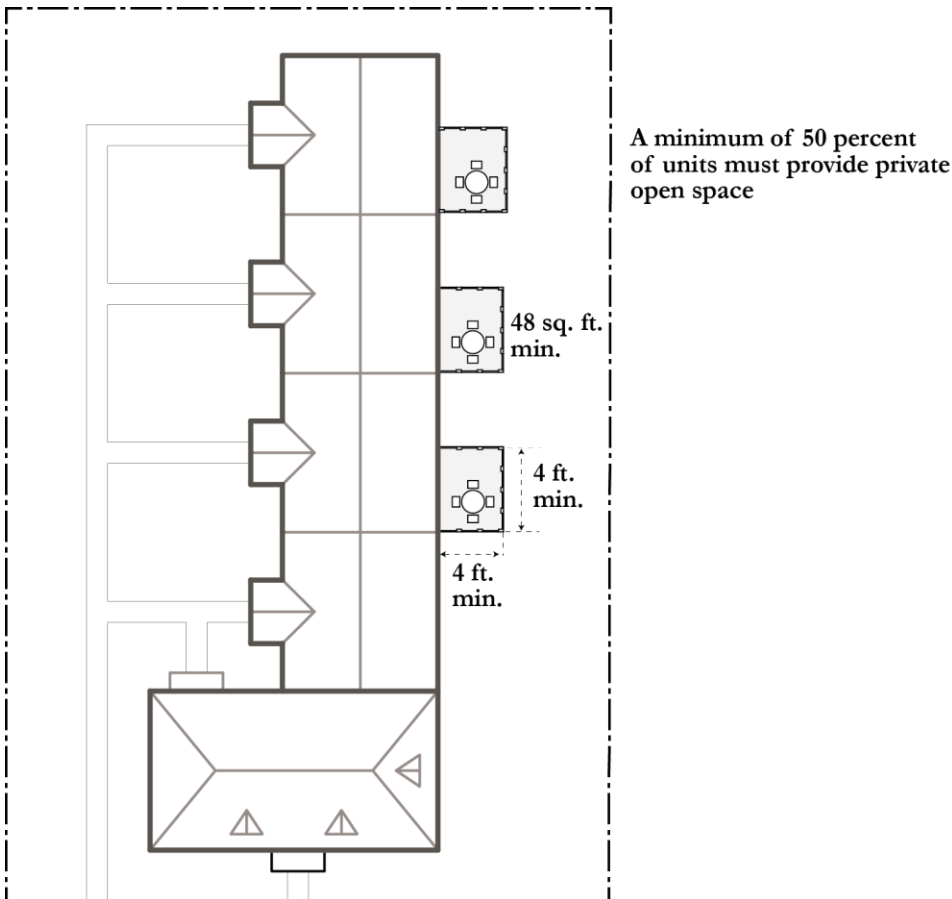
**TABLE 17.16-4: USABLE OPEN SPACE IN RM ZONING DISTRICT**

<b>Common Open Space [1]</b>	
Minimum area (percent of site area)	15% [2] [3]
Minimum horizontal dimension	15 ft.
<b>Private Open Space [4]</b>	
Minimum percentage of units with private open space	50%
Minimum area (for individual unit)	48 sq. ft.
Minimum horizontal dimension	4 ft.

Notes:

- [1] Common open space shall be fully landscaped and accessible to all residents.
- [2] Roof terraces and roof gardens may provide up to 50 percent of the required common open space area if the Planning Commission finds that roof terraces and roof gardens provide quality open space for residents and minimize noise, privacy and other potential impacts on neighboring properties.
- [3] The Planning Commission may allow reduced common open space to a minimum of 10 percent for projects less than one acre in size or for projects that provide additional private open space equal to or greater than the amount of reduced common open space.
- [4] Private open space may include screened terraces, decks, balconies, and other similar areas

**FIGURE 17.16-4: PRIVATE OPEN SPACE**



1. **Landscaping.** See Section 17.72.050.A for residential landscape requirements.

**D. Standards for the MH Zoning District.** Table 17.16-5 identifies development standards that apply in the Mobile Home (MH) zoning district.

**TABLE 17.16-5 MH ZONING DISTRICT DEVELOPMENT STANDARDS**

		Additional Standards
Site Area [1]	5 acres [2]	
Residential Density, Maximum	20 units per acre	
Setbacks [3]		17.48.030
Front	15 ft.	
Interior Side	10 ft.	
Exterior Side	10 ft.	
Rear	20 ft.	

Notes:

[1] Applies to overall mobile home park area, not sites for individual units.

[2] For vacant property rezoned to MH, the minimum lot area is 5 acres. For existing mobile home parks, the minimum parcel size is 5 acres or the existing parcel size, whichever is less.

[3] Applies only to the perimeter of the mobile home park, not to sites and structures within the interior of the park.



## Chapter 17.20 - MIXED USE ZONING DISTRICTS

### Sections:

- 17.20.010 Purpose of the Mixed Use Zoning Districts
- 17.20.020 Land Use Regulations
- 17.20.030 Development Standards – Mixed Use Village Zoning District
- 17.20.040 Development Standards – Mixed Use Neighborhood Zoning District

### 17.20.010 Purpose of the Mixed Use Zoning Districts

- A. General.** The purpose of the mixed use zoning districts is to provide for active and inviting destinations in Capitola with a diversity of residential and commercial land uses. In the mixed use zoning districts, development shall support a lively, pedestrian-friendly public realm with inviting storefronts facing the sidewalk. A diversity of local and independent businesses, recreational amenities, and public spaces balance the needs of residents and visitors. New development shall respect Capitola's history and reflect its unique coastal village character. The diversity of land uses, pedestrian-friendly development, and general level of activity in the mixed use zoning districts shall support a range of transportation choices, including walking, biking, and transit.
- B. Specific.**
1. **Mixed Use, Village (MU-V) Zoning District.** The purpose of the MU-V zoning district is to preserve and enhance Capitola Village as the heart of the community. A diversity of commercial, residential, and recreational uses in the MU-V zoning district serve both visitors and residents. Land uses and development shall enhance the vitality of the Village while maintaining a high quality of life for residents. A fine-grain mix of retail, restaurants, services, and recreational amenities in the MU-V zoning district provides a walkable environment, caters to all ages, and supports year-round activity during the day and night.
  2. **Mixed Use, Neighborhood (MU-N) Zoning District.** The purpose of MU-N zoning district is to allow for neighborhood-serving mixed use areas that enhance residents' quality of life. The MU-N zoning district contain an eclectic mix of retail, restaurants, and services for residents and visitors. A range of housing types close to non-residential uses increases housing choices and supports a walkable community. Development in the MU-N zoning district will be carefully designed to complement its surroundings and minimize impacts on neighboring properties. Land uses will strengthen connections between destinations in Capitola, including the Village, Bay Avenue, and 41<sup>st</sup> Avenue.

### 17.20.020 Land Use Regulations

- A. Permitted Land Uses.** Table 17.20-1 identifies land uses permitted in the mixed use

zoning districts.

**TABLE 17.20-1: PERMITTED LAND USES IN THE MIXED USE ZONING DISTRICTS**

Key P Permitted Use A Administrative Permit required M Minor Use Permit required C Conditional Use Permit required - Use not allowed	Zoning District		Additional Regulations
	MU-V	MU-N	
<b>Residential Uses</b>			Section 17.20.020.B, C & E
Duplex Homes	-/P [1]	P	
Elderly and Long Term Care	C [2]	C	
Group Housing	C [2]	C	
Multi-Family Dwellings	-/P [1]	C	
Residential Care Facilities, Small and Large	See Section 17.20.020.F		
Residential Care Facilities, Large	C [2]	C	Section 17.96.080
Residential Mixed Use	See Section 17.20.020.D & E	C	
Accessory Dwelling Units	-	A/C	Chapter 17.74
Single-Family Dwellings	-/P [1]	P	
<b>Public and Quasi-Public Uses</b>			
Community Assembly	C	C	
Cultural Institutions	C	C	
Day Care Centers	M	M	
Government Offices	P/C [4]	M [5]	
Home Day Care, Large	M	M	Section 17.96.070
Home Day Care, Small	P	P	
Medical Offices and Clinics	-	M [5]	
Parks and Recreational Facilities	C	C	
Public Pathways and Coastal Accessways	C	C	
Public Safety Facilities	C	C	
Schools, Public or Private	-	C	
<b>Commercial Uses</b>			Section 17.20.020.E
Alcoholic Beverage Sales	C	C	
Banks and Financial Institutions	C	P/C [3] [5]	
Commercial Entertainment and Recreation	C	C	
Eating and Drinking Places			
Bars and Lounges	C	C	
Restaurants and Cafes	C	C	
Take-Out Food and Beverage	M	M	
Gas and Service Stations	-	-	

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

Key	Zoning District		
	MU-V	MU-N	Additional Regulations
<b>P</b> Permitted Use <b>A</b> Administrative Permit required <b>M</b> Minor Use Permit required <b>C</b> Conditional Use Permit required - Use not allowed			
<b>Lodging</b>			
Bed and Breakfast	C	C	
Hotels and Motels	C	C	
Personal Services	P	P/C [3] [5]	
Professional Offices	P/C [4]	M [5]	
Retail	P	P/C [3] [5]	
Vacation Rental	See Chapter 17.40.030		
<b>Transportation, Communication, and Utility Uses</b>			
Utilities, Major	C	C	
Utilities, Minor	P	P	
Wireless Communications Facilities	See Chapter 17.104		
<b>Other Uses</b>			
Accessory Uses and Structures	See Chapter 17.52		Chapter 17.52
Home Occupations	A	A	Section 17.96.040
Permanent Outdoor Display (Accessory Use)	-	C	Section 17.96.100
Temporary Uses and Structures	See Section 17.96.180		
<b>Urban Agriculture</b>			
Home Gardens	P	P	
Community Gardens	M	M	
Urban Farms	C	C	

**Notes:**

- [1] Allowed only in the Village Residential (-VR) overlay zone. Exclusively residential uses are not allowed outside of the -VR overlay zone.
- [2] Allowed only on the second or third story of a mixed-use development outside of the -VR overlay zone. Allowed on any story in the -VR overlay zone.
- [3] Larger than 3,000 sq. ft. requires a Conditional Use Permit.
- [4] Second floor uses permitted by-right. Ground floor uses require a Conditional Use Permit. Prohibited third floor and above.
- [5] Conditional Use Permit required for parcels fronting Capitola Road.

**B. Village Residential Overlay.** Pursuant to Section 17.40.040 (Village Residential (-VR) Overlay Zone), only residential uses are permitted in the -VR overlay zone. The Village Residential (-VR) overlay zone applies to the following areas within the MU-V zoning district as shown on the Zoning Map: Six Sisters, Venetian Court, Lawn Way, and portions of Wharf Road, Riverview Avenue, Cliff Drive, Cherry Avenue, San Jose Avenue, Park Place, and California Avenue.

**C. Ground Floor Conversions to Residential.** Existing ground floor commercial uses in the MU-V zoning district may not be converted to a residential use unless located in the

Village Residential (-VR) overlay zone.

**D. Residential Mixed Use in the MU-V Zoning District.**

1. If a proposed residential mixed use project in the MU-V zoning district contains any use that requires a Conditional Use Permit, the entire project, including the residential use, requires a Conditional Use Permit.
2. If a proposed residential use replaces an existing upper floor commercial use, the residential use is allowed by-right.

**E. Third-Story Uses in the MU-V Zoning District.** Permitted land uses within the third-story of an existing or new building in the MU-V zoning district are limited to residential and hotel uses only.

**F. Residential Care Facilities.** Residential care facilities shall be allowed with the permits required for dwellings of the same type within the applicable zoning district. For example, a residential care facility in a detached single-family home requires the same permits and is subject to the same use regulations as a detached single-family home.

**17.20.030 Development Standards – Mixed Use Village Zoning District**

**A. General.** Table 17.20-2 identifies development standards that apply in the Mixed Use Village (MU-V) zoning district.

**TABLE 17.20-2: DEVELOPMENT STANDARDS IN THE MIXED USE VILLAGE (MU-V) ZONING DISTRICTS**

	MU-V	Additional Standards
<b>Site Requirements</b>		
Floor Area Ratio, Maximum	2.0	Section 17.20.030.C Chapter 17.88 Section 17.48.040
Parking and Loading	See Chapter 17.76	
<b>Structure Requirements</b>		
<b>Setbacks</b>		
Front	<u>Min:</u> 0 ft. <u>Max:</u> 15 ft.	Section 17.20.030.D
Rear	None [1]	
Interior Side	None	
Street Side	<u>Min:</u> 0 ft. <u>Max:</u> 15 ft.	
Height, Maximum	27 ft.	Section 17.20.030.B & C Section 17.48.020 Chapter 17.88



Accessory Structures	See Chapter 17.52	
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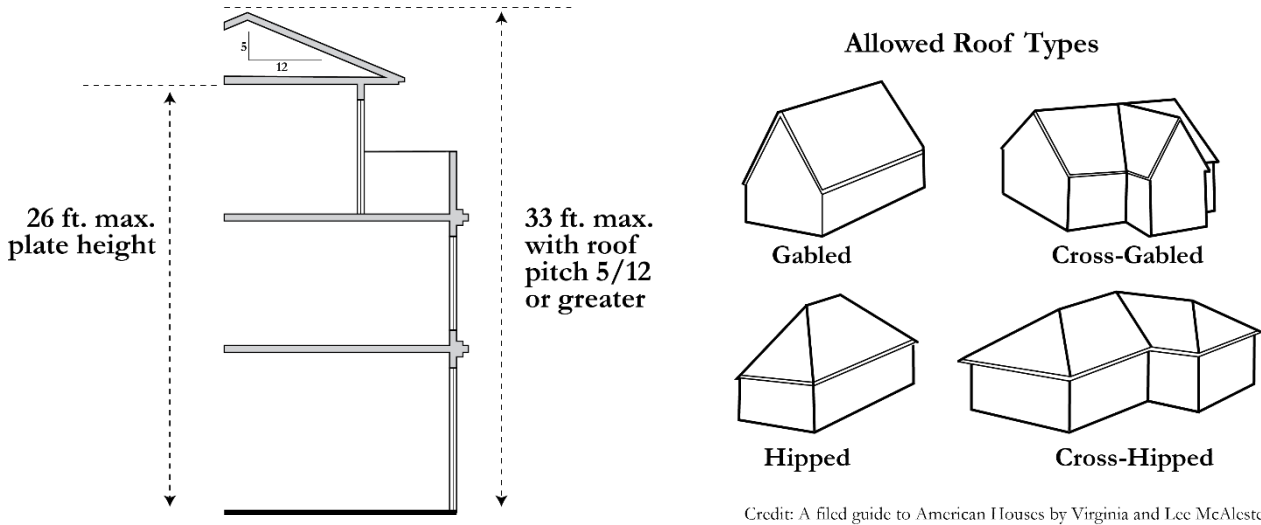
Notes:

[1] 20% of lot depth for residential use on parcel.

**B. Height Exceptions.** The following exceptions are permitted to the maximum permitted height in the MU-V zoning district as shown in Table 17.20-2:

1. Up to 33 feet for gabled or hipped roof with a minimum 5:12 roof pitch and a maximum plate height of 26 feet. There shall be no breaks in the roof slope for doors and decks. Exterior doors and decks above the 26-foot plate height are prohibited. See Figure 17.20-1.
2. The 33 feet includes the maximum height of projections for non-habitable decorative features and structures identified in Section 17.48.020.B (Height Exceptions).

**FIGURE 17.20-1: INCREASED HEIGHT IN THE MU-V ZONING DISTRICT**



**C. Increased Floor Area and Height for the Capitola Theater Site.** As provided in Chapter 17.88 (Incentives for Community Benefits), the City Council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.20-2 for the Capitola Theater site (APNs 035-262-04, 035-262-02, 035-262-11, and 035-261-10). These exceptions are intended to facilitate the development of a new hotel in the Capitola Village consistent with the General Plan/Land Use Plan.

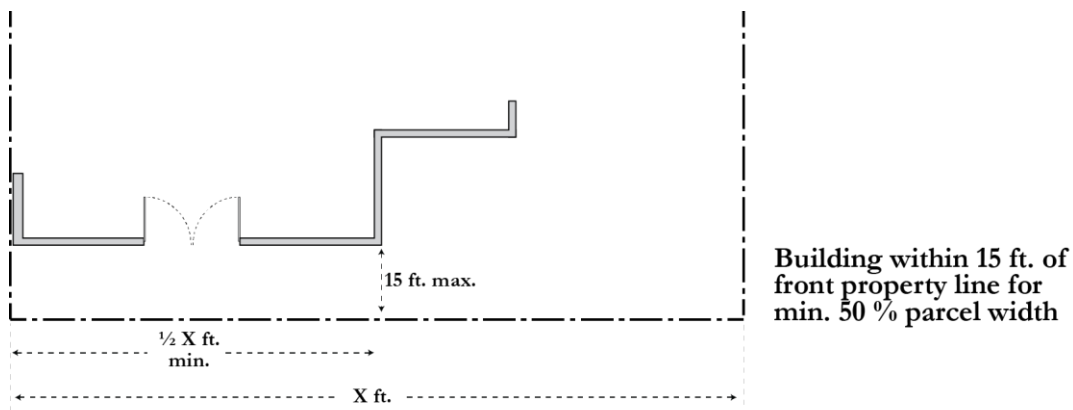
**D. Setbacks in the MU-V Zoning District.** The following setback standards apply to all new structures in the MU-V zoning district.

1. Building should be constructed within 15 feet of the front property line for a minimum of 50 percent of the parcel's linear street frontage. See Figure 17.20-2. The Planning Commission may modify or waive this requirement upon finding that:
  - a. Compliance with the build-to width requirement would render the proposed project infeasible;
  - b. The project incorporates a front-facing courtyard of public seating area; or

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

- c. An alternative site design would result in an enhanced pedestrian experience.

**FIGURE 17.20-2: BUILD TO LINE – MU-V ZONING DISTRICT**

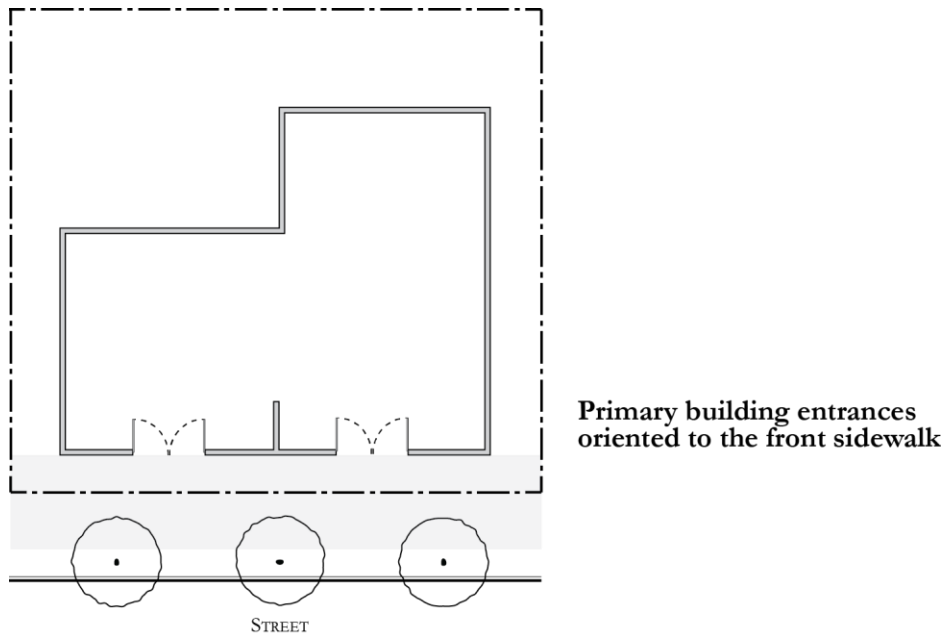


2. Front setback areas shall be pedestrian oriented and contain semi-public amenities such as courtyards or outdoor seating areas.
3. Structures shall be setback a minimum of 10 feet from the property line on the northerly side of the first two hundred fifty feet of Cliff Drive, west of the intersection of Wharf Road.

**E. General Design Standards.** The following standards apply to all new buildings and area of new additions within the MU-V zoning districts, excluding the Village Residential Overlay.

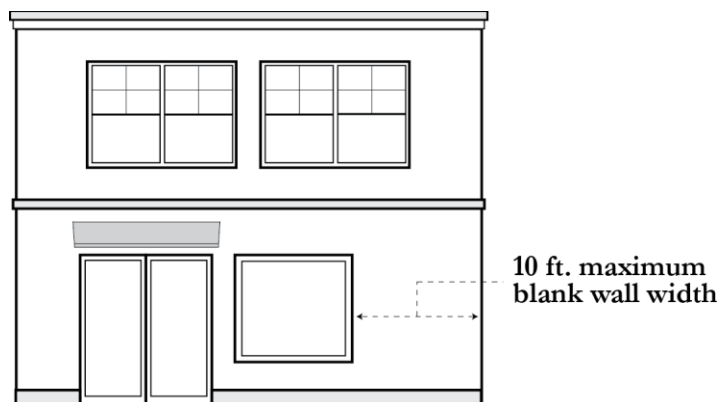
1. **Building Orientation.** Buildings should be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. See Figure 17.20-3.

FIGURE 17.20-3: BUILDING ORIENTATION



2. **Blank Walls.** The maximum length of an unarticulated/blank building wall fronting a public street shall be 10 feet. See Figure 17.20-4. Building articulation may be provided by:
  - a. Doors, windows, and other building openings;
  - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
  - c. Varying wall planes, heights or contrasting materials; and
  - d. Awnings, canopies or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.

FIGURE 17.20-4: BLANK WALL LIMITATIONS



- 3. **Storefront Width.** The maximum building/storefront width shall be 25 feet. See Figure 17.20-5. Larger buildings shall be broken down into a pedestrian-scale rhythm with differentiated storefront design every 25 feet.

FIGURE 17.20-5: STOREFRONT WIDTH



- 4. **Ground Floor Building Transparency.**
  - a. The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. See Figure 17.20-6. Windows or doors area shall be transparent to allow views into the building.

FIGURE 17.20-6: STOREFRONT TRANSPARENCY

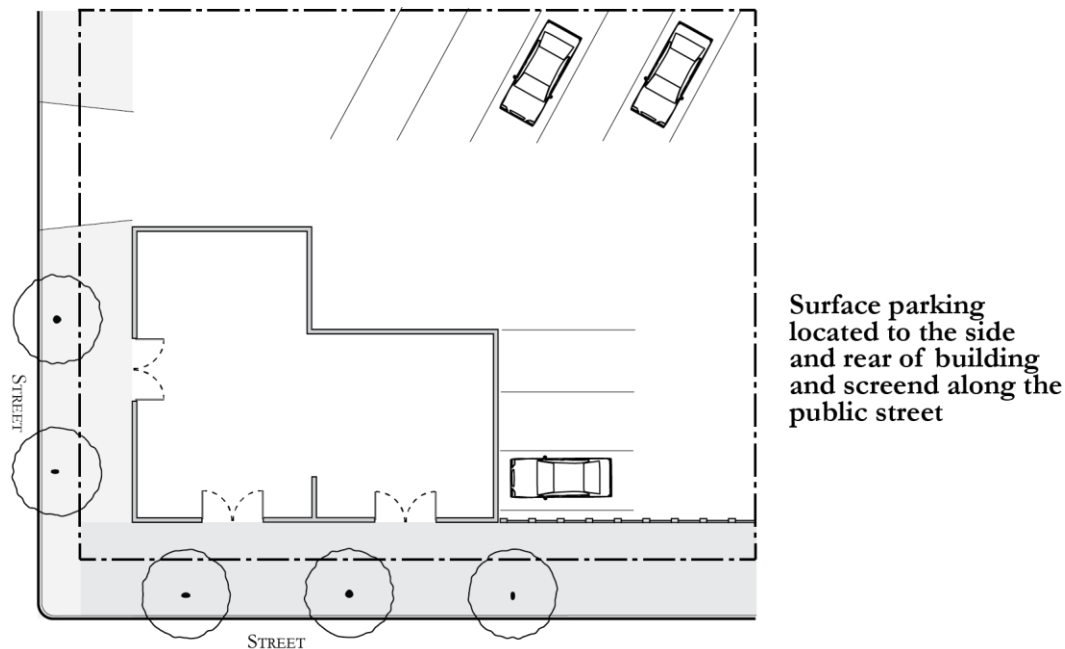


- b. Exceptions to this transparency requirement may be allowed with a Design Permit if the Planning Commission finds that:
  - (1) The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; and
  - (2) Street-facing building walls will exhibit architectural relief and detail, and will be enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

**5. Parking Location and Buffers.**

- a. Surface parking shall be located to the rear or side of buildings. Surface parking may not be located between a building and a street-facing property line. See Figure 17.20-7.
- b. Surface parking adjacent to a street-facing property line shall be screened along the public right-of-way with a decorative wall, hedge, trellis, and/or landscaping at least 3 feet in height or maximum allowed pursuant to line of sight requirements in Section 17.96.050.
- c. Loading areas shall be located to the side and rear of buildings, and shall be sufficiently screened from the public right-of-way, as determined by the Community Development Director.

**FIGURE 17.20-7: PARKING LOCATION**



6. **Driveways and Curb Cuts.**

- a. The maximum width of a new driveway crossing a public sidewalk may not exceed 40 percent of the parcel width or 20 feet, whichever is less. The Community Development Director may approve an exception to this standard in the case of shared or joint use of driveways and parking lots.
- b. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the Community Development Director. Considerations for determination include separation between curb cuts, displaced parking, and sight lines.

7. **Paved Site Areas.**

- a. The materials, colors, textures, and other design features of on-site paved areas, including courtyards, walkways, and patios, shall complement and enhance the overall design character of development on the site.
- b. The use of asphalt for on-site paving is prohibited, except when used for parking areas and vehicle circulation.

8. **Garbage and Recycling.** Facilities for garbage and recycling shall be screened from public right-of-way and either designed into the architecture of the primary building or enclosed in an accessory structure located to the side and/or rear of the primary building.

9. **Landscaping.** See Section 17.72.050.B.

**17.20.040 Development Standards – Mixed Use Neighborhood Zoning District**

- A. **General.** Table 17.20-3 identifies development standards that apply in the Mixed Use Neighborhood (MU-N) zoning district.

**TABLE 17.20-3: DEVELOPMENT STANDARDS IN THE MIXED USE NEIGHBORHOOD ZONING DISTRICT**

	Zoning District	Additional Standards
	MU-N	
<b>Site Requirements</b>		
Parcel Area, Minimum [1]	3,200 sq. ft.	
Parcel Width, Minimum [1]	40 ft.	
Parcel Depth, Minimum [1]	80 ft.	
Floor Area Ratio, Maximum	1.0	Section 17.48.040
Parking and Loading	See Chapter 17.76	
<b>Structure Requirements</b>		
Setbacks		
Front	<u>Min:</u> 0 ft. from property line or 10 ft. from curb, whichever is greater [3] [4] <u>Max:</u> 25 ft.	Section 17.20.040.C
Rear	10 ft. min. from property line [2] [3] [4]	
Interior Side	10% of lot width [3] [4]	
Street Side	<u>Min:</u> 0 ft. from property line or 10 ft. from curb, whichever is greater [3] <u>Max:</u> 25 ft.	
Height, Maximum	27 ft.	Section 17.20.040.D
Accessory Structures	See Chapter 17.52	

**Notes:**

[1] Parcel area, width, and depth requirements apply only to the creation of new parcels. These requirements do not apply to legally created parcels existing as of [effective date of updated Zoning Code]. See Capitola Municipal Code Title 16 (Subdivisions) for requirements that apply to lot line adjustments to existing parcels that do not comply with the parcel area, width, and depth requirements in this table.

[2] 20% of lot depth for residential use on parcel.

[3] The Planning Commission may approve reduced front, side, and rear setback requirements for properties fronting Capitola Avenue north of the trestle up to and including 431 Capitola Avenue.

[4] The Planning Commission may reduce front, side, and rear setbacks when a parcel is surrounded by commercial properties.

**B. Building Orientation.**

1. Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk.
2. The Planning Commission may grant an exception to the requirement in paragraph 1 above upon finding that unique conditions on the site require an alternative building orientation and that the proposed project would maintain a pedestrian-friendly and active street frontage to the greatest extent possible.

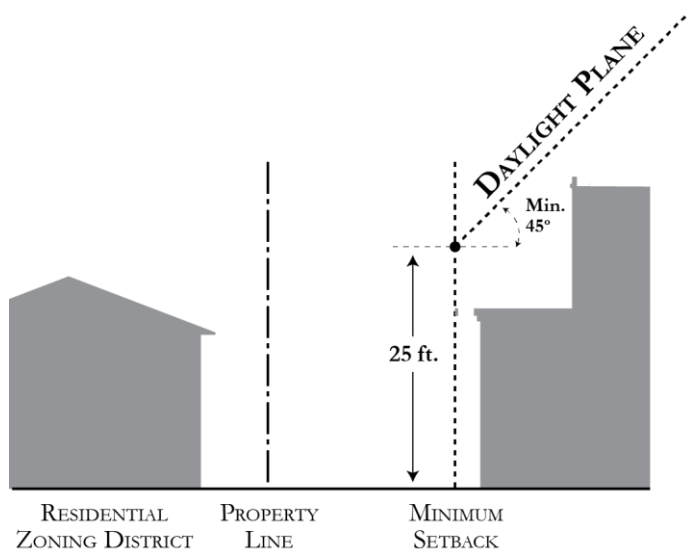
**C. Setbacks in the MU-N Zoning District.** Front setback areas in the MU-N Zoning District not used for vehicle parking or circulation shall be pedestrian oriented and shall



be either landscaped or contain semi-public amenities such as courtyards or outdoor seating areas.

- D. Residential Transitions – Daylight Plane.** When a property abuts a residential zoning district, no structure shall extend above or beyond a daylight plane having a height of 25 feet at the setback from the residential property line and extending into the parcel at an angle of 45 degrees. See Figure 17.20-8.

**FIGURE 17.20-8: RESIDENTIAL TRANSITIONS – DAYLIGHT PLANE**



- E. Parking Location and Buffers.** Surface parking shall be located to the rear or side of buildings where possible. When parking is located between a building and a street-facing property line, the parking shall be either:

1. Screened along the street with a decorative wall, hedge, trellis, and/or landscaping at least 3 feet in height; or
2. Designed to minimize visual impacts and support a pedestrian-friendly environment to the greatest extent possible as determined by the Planning Commission.

- F. Driveways and Curb Cuts.**

1. The maximum width of new driveways crossing a public sidewalk may not exceed 40 percent of the parcel width or 20 feet, whichever is less. The Community Development Director may approve exceptions to these standards in the case of shared or joint use of driveways and parking lots.
2. New curb cuts, where allowed, shall be located and designed to maximize safety and convenience for pedestrians, bicycles and mass transit vehicles, as determined by the Community Development Director. Considerations for determination include adequate separation between curb cuts, displaced parking, and sight lines.

**G. Landscaping.** See Section 17.72.050.B.

**H. Capitola Road.** The following standards apply to new primary buildings constructed in the MU-N zoning district fronting the north side of Capitola Road between 41<sup>st</sup> Avenue and 45<sup>th</sup> Avenue as shown in Figure 17.20-9. These standards do not apply to alterations or expansions to existing buildings.

1. Buildings shall feature a gabled or hipped roof with a minimum 5:12 roof pitch.
2. Buildings shall be setback from the curb or street edge in a manner that allows for a minimum 10-foot sidewalk along the property frontage.

**FIGURE 17.20-9: CAPITOLA ROAD MU-N SUBJECT TO SPECIAL STANDARDS**





## Chapter 17.24 - COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS

### Sections:

- 17.24.010 Purpose of the Commercial and Industrial Zoning Districts
- 17.24.020 Land Use Regulations
- 17.24.030 Development Standards
- 17.24.040 Residential Mixed Use Development in Commercial Zoning Districts

### 17.24.010 Purpose of the Commercial and Industrial Zoning Districts

- A. Community Commercial (C-C) Zoning District.** The purpose of the C-C zoning district is to provide areas for a variety of commercial uses serving Capitola residents and visitors. The C-C zoning district allows for retail, restaurants, and services that meet the daily needs of the community. The scale, intensity, and design of development in the C-C zoning district shall be compatible with adjacent neighborhoods and contribute to Capitola's unique coastal village character. Interspersed residential and office uses in the C-C zoning district shall support a diverse local economy and range of housing choices.
- B. Regional Commercial (C-R) Zoning District.** The purpose of the C-R zoning district is to provide areas for commercial uses that serve regional shoppers as well as Capitola residents, workers, and visitors. The C-R zoning district will maintain a critical mass of retail and service uses that maintain 41<sup>st</sup> Avenue as a successful retail destination. Office, medical, and residential uses will be restricted to protect the long-term economic vitality of the corridor. Incremental redevelopment of underutilized properties in the C-R zoning district will enhance the corridor as a pedestrian-friendly shopping destination that enhance Capitola's unique identity and quality of life.
- C. Industrial (I) Zoning District.** The purpose of the I zoning district is to provide an area for heavy commercial and light industrial uses in Capitola. The I zoning district allows for non-residential uses which are desired in the community but could be incompatible with land uses in other zoning districts. The I zoning district shall continue to accommodate businesses that contribute to a diverse economy, provide local jobs, and serve the needs of residents and other businesses in Capitola.

### 17.24.020 Land Use Regulations

- A. Permitted Land Uses.** Table 17.24-1 identifies land uses permitted in the commercial and industrial zoning districts. The City Council may approve a use not listed in Table 17.24-1 after receiving a recommendation from the Planning Commission and finding the use to be consistent with the General Plan and the purpose of the zoning district.

**TABLE 17.24-1: PERMITTED LAND USES IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

Key	Zoning District			Additional Requirements
	C-C	C-R	I	
<b>P</b> Permitted Use				
<b>A</b> Administrative Permit required				
<b>M</b> Minor Use Permit required				
<b>C</b> Conditional Use Permit required				
<b>-</b> Use not allowed				
<b>Residential Uses</b>				
Single-Family Dwellings	-	-	-	
Multi-Family Dwellings	C	C [9]	-	
Residential Mixed Use	C	C [7]	-	Section 17.24.040
<b>Public and Quasi-Public Uses</b>				
Colleges and Trade Schools	C	C	C	
Community Assembly	C	C	-	
Cultural Institutions	C	C	-	
Day Care Centers	C	C	-	
Emergency Shelters	-	-	P	Section 17.96.030
Government Offices	See 17.24.020.C		C	
Medical Offices and Clinics	See 17.24.020.C		-	
Public paths and coastal accessways	C	C	C	
Public Safety Facilities	C	C	C	
<b>Commercial Uses</b>				
Alcoholic Beverage Sales	C	C	C	
Banks	P [2]	P [2]	-	
Financial Institutions	P [2]	P [2]	-	Section 17.24.020.C
Business Services	P [2]	P [2]	P	
Commercial Entertainment and Recreation	M	M	-	
Drive-Through Facilities	-	C [4]	-	
Eating and Drinking Establishments				
Bars and Lounges	C	C	C	
Mobile Food Vendors	-	A [6]/C	A [6]/C	
Restaurants and Cafes	M [2]	M [2]	C	
Take-Out Food and Beverage	M [2]	M [2]	-	
Food Preparation	M [2]	-	P	
Gas and Service Stations	C	C	-	
Liquor Stores	C	C	-	
Lodging				
Bed and Breakfast	C	-	-	
Hotel	C	C	-	

Maintenance and Repair Services	M	C	P	
Personal Services	P [1]	P [1]	-	
Professional Offices	See 17.24.020.C		P	
Salvage and Wrecking	-	-	P	
Self-Storage	C	-	C	Section 17.96.140
Retail	P	P	-	
Vehicle Repair	C	C	P	
Vehicle Sales and Rental	C [5]	C [5]	-	
Vehicle Sales Display Room [8]	P	P	-	
Wholesaling	-	M [3]	P	
<b>Heavy Commercial and Industrial Uses</b>				
Construction and Material Yards	-	-	P	
Custom Manufacturing	M	M	P	
Light Manufacturing	-	-	P	
Warehousing and Distribution	-	-	P	
<b>Transportation, Communication, and Utility Uses</b>				
Utilities, Major	-	C	C	
Utilities, Minor	P	P	P	
Recycling Collection Facilities	C	C	C	Section 17.96.130
Wireless Communications Facilities	See 17.104			
<b>Other Uses</b>				
Accessory Uses	See 17.52			
Home Occupations	A	A	-	Chapter 17.96.040
Permanent Outdoor Display	C	C	C	Section 17.96.100
Temporary Uses	See 17.76.180			
Urban Agriculture				
Home Garden	P	P	-	
Community Garden	M	M	-	
Urban Farm	C	C	-	

Notes:

[1] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Minor Use Permit

[2] Combination of two or more tenant suites within a multi-tenant building or greater than 5,000 sq. ft. requires Conditional Use Permit

[3] Without stock. Storage of merchandise limited to samples only.

[4] Prohibited within 100 feet of a residential zoning district or residential use including residential properties outside the City limits. [Distance is measured from any site feature designed and/or used to provide drive-through service \(e.g., vehicle aisle, menu board, lighting\) to the property of the residential district or use.](#)

[5] Majority of vehicles for sale must be new.

[6] Mobile food vendors in one location two times or less per year are regulated as a temporary use in accordance with Section 17.96.180 and are allowed with an Administrative Permit in accordance with Municipal Code Chapter 9.36. Mobile food vendors in one location more than two times per year require a Conditional Use Permit.

[7] Residential uses are prohibited on the first story.

[8] Maximum 5,000 square feet.

[9] Allowed only as a part of a mixed-use project integrated with commercial structures located on the same development site.

**B. Additional Permits.** In addition to permits identified in Table 17.24-1, development projects in the commercial and industrial zoning districts may also require a Design Permit pursuant to Chapter 17.120 (Design Permits). Modifications to a historic resource may require a Historic Alternation Permit pursuant to Chapter 17.84 (Historic Preservation). Development in the coastal zone may require a Coastal Development Permit pursuant to Chapter 17.32 (Coastal Overlay Zone) independent of and in addition to any other required permit or approval.

**C. Office Uses in the C-C and C-R Zoning Districts.**

1. **New Office Uses.** In the C-C and C-R zoning districts, permits required for new office uses and conversions of non-office space to office use are shown in Table 17.24-2. Offices include professional, medical, financial institutions and governmental offices.
2. **Existing Office Uses.** Within office building utilized exclusively for office uses as of [effective date of Zoning Ordinance], office uses may continue to occupy ground floor tenant spaces. Within such office building, a new tenant is not subject to the permit requirements in Table 17.24-2 until such time that the building is redeveloped or all office space in the ground floor level is converted to a non-office use.

**TABLE 17.24-2: PERMITTED NEW OFFICE USES IN THE C-C AND C-R ZONING DISTRICTS**

Key	C-C Zoning District	C-R Zoning District
<b>P</b> Permitted Use		
<b>A</b> Administrative Permit required		
<b>M</b> Minor Use Permit required		
<b>C</b> Conditional Use Permit required		
<b>-</b> Use not allowed		
<b>Location and Size of Office Use</b>		
Ground floor, less than 5,000 sq. ft.	P	-
Ground floor, 5,000 sq. ft. or more	C	-
Upper floor above a ground floor	P	P
Located within a multi-tenant site in which the office space is not located within a storefront and is setback from the front façade.	P	-

**D. Retail Cannabis in the C-R Zoning District.** A Retail Cannabis Establishment in the C-R zoning district must be in compliance with the following standards.

1. **Permit Requirements.**
  - a. **Cannabis Retail License.** Prior to conditional use permit application, an applicant shall obtain a potential Retail Cannabis License from the City, as outlined in Chapter 5.36.



- b. **Conditional Use Permit.** A Retail Cannabis Establishment must obtain a Conditional Use Permit from the Planning Commission. The Retail Cannabis Establishment shall be in compliance with the following standards:
- (1) **Distance from Schools and Churches.** Retail Cannabis Establishments are not permitted within a path of travel of 1,000 feet from any schools and churches. The path of travel shall be measured following the shortest path of travel along a public right-of-way from the property line of the proposed Retail Cannabis Establishment parcel to the church or school.
  - (2) **Distance between Retail Cannabis Establishments.** A retail cannabis establishment shall not be located within a path of travel of 500 feet of another retail cannabis establishment. Path of travel is measured from the retail establishment suite on a multitenant property or the structure for a single tenant property.
  - (3) **Independent Access.** A retail cannabis establishment shall have an independent exterior entrance that is not shared with any other business or residence.
  - (4) **Signs.** Notwithstanding other sections of the code for signs, a retail cannabis establishment shall be limited to one exterior building sign per business location to identify the business as a retail cannabis establishment in compliance with the following standards:
    - a) Sign may include only the name of business and one green cross.
    - b) Sign area maximum of 15 square feet, or one square foot per linear frontage of the business; whichever is less.
    - c) Sign may not have any reference, through symbols or language, to cannabis with the exception of one green cross.
    - d) Sign shall not be directly illuminated except during operating hours
    - e) Sign shall otherwise be subject to Planning Commission review through a Sign Permit Application in accordance with Section 17.132.

#### 17.24.030 Development Standards

- A. **General.** Table 17.24-3 identifies development standards that apply in the commercial and industrial zoning districts.

**TABLE 17.24-3: DEVELOPMENT STANDARDS IN COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS**

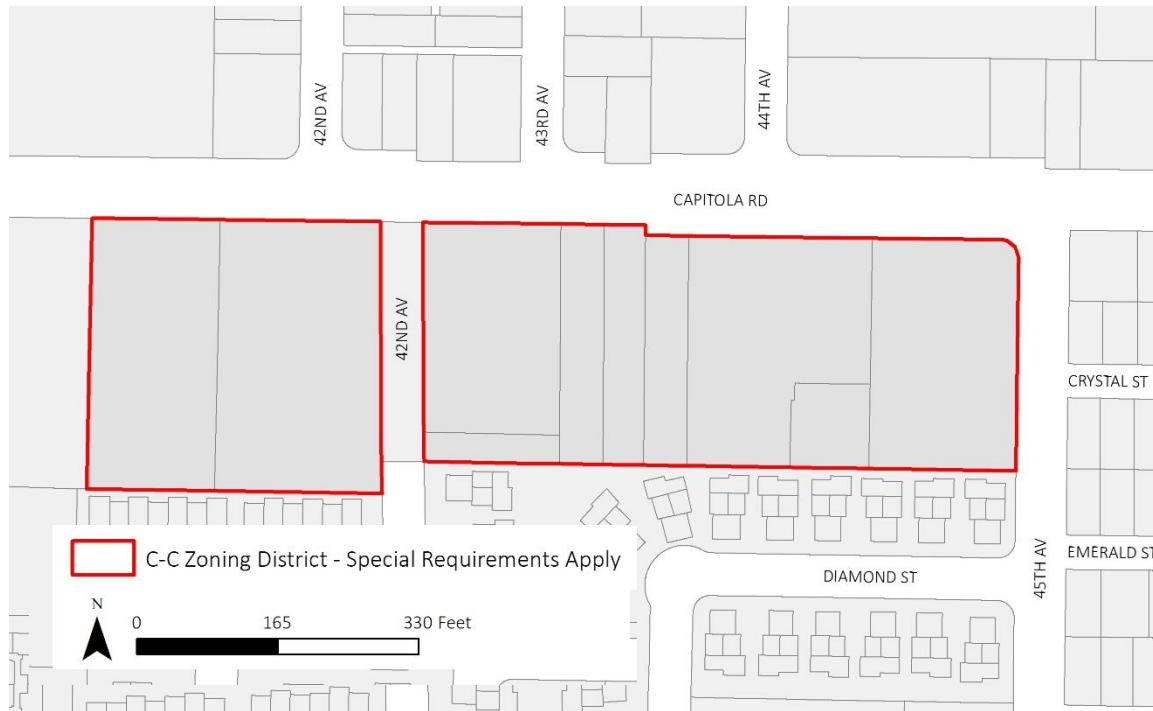
	C-C	C-R	I	Additional Standards
<b>Site Requirements</b>				
Parcel Area, Minimum	5,000 sq. ft.			
Parcel Width, Minimum	50 ft.			
Parcel Depth, Minimum	100 ft.			
Floor Area Ratio, Maximum	1.0	1.5	0.5	17.24.030.C 17.88
<b>Structure Requirements</b>				
Setbacks, Minimum				
Front	See 17.24.030.C		0 ft.	
Rear	0 ft. unless adjacent to a residential zoning district (see 17.24.030.E)			
Interior Side	0 ft. unless adjacent to a residential zoning district (see 17.24.030.E)			
Street Side	See 17.24.030.C		0 ft.	
Height, Maximum	40ft.	40 ft.	30 ft.	17.24.030.D&E 17.88
Landscaped Open Space, Minimum	5%		5%	Table 17.72-1
Parking and Loading	See 17.76			

**B. CC Zoning District Fronting Capitola Road.** The following requirements apply to C-C parcels fronting the south side of Capitola Road between 41<sup>st</sup> Avenue and 45<sup>th</sup> Avenue as shown in Figure 17.24-1

1. **Maximum Height:** 35 feet.
2. **Minimum Rear Setback:** 40 feet.
3. **Enhanced Application Review.** A proposed project with a height greater than two stories shall comply with the following enhanced application review procedures.
  - a. **Conceptual Review.**
    - (1) Prior to consideration of a formal application, the Planning Commission and City Council shall provide conceptual review of a proposed project in accordance with Chapter 17.114 (Conceptual review).

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

**FIGURE 17.24-1: PARCELS FRONTING CAPITOLA ROAD BETWEEN 41<sup>ST</sup> AVENUE AND 45<sup>TH</sup> AVENUE**



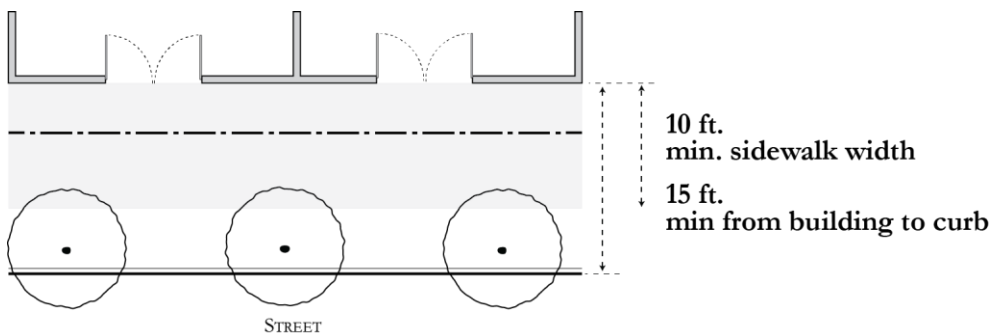
- (2) Before Planning Commission and City Council review, the applicant shall host at least one community workshop to solicit community input on preliminary project plans.
  - (3) When reviewed by the Planning Commission and City Council, the applicant shall demonstrate how the project design addresses public input received at the community workshop, as appropriate.
- b. **City Council Action.** Following conceptual review, the Planning Commission shall serve as the recommending body and the City Council shall serve as the review authority and take final action on the application.
- c. **Findings.** To approve the application, the City Council shall make all of the following findings in addition to findings for the required permits:
- (1) The project satisfies applicable Design Review criteria in 17.120.070 (Design Review Criteria).
  - (2) On-site parking, points of ingress/egress, and internal vehicle accessways are located and designed to minimize parking and traffic impacts on neighboring residential areas to the greatest extent possible.
  - (3) The project incorporates rear yard setbacks and upper story stepbacks as needed to maintain adequate light and air for abutting residential uses.
  - (4) The height and intensity of development is compatible with the scale and character of neighboring residential areas.

- (5) The project incorporates design features to support a safe and welcoming pedestrian environment. Potential features may include, but are not limited to, enhanced sidewalks along the property frontage, internal pedestrian walkways, outdoor public gathering places, unique landscaping treatments, and active ground-floor uses fronting the street.

**C. Front and Street Side Setbacks in the C-R and C-C Zoning Districts.** In the C-R and C-C zoning districts, buildings shall be setback from the front and street side property line so that:

1. The building is at least 15 feet from the curb or street edge; and
2. Building placement allows for a minimum 10-foot sidewalk along the property frontage. See Figure 17.24-2.

**FIGURE 17.24-2: FRONT AND STREET SIDE SETBACKS IN THE C-R AND C-C ZONING DISTRICTS**



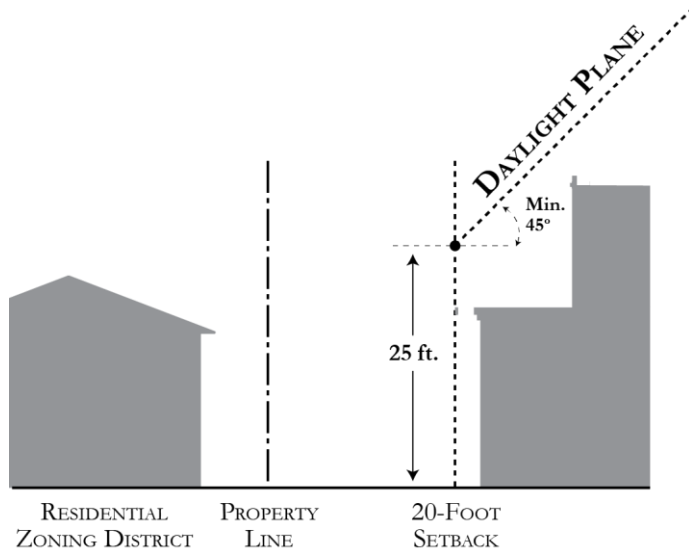
**D. Increased Floor Area and Height in C-C and C-R Zoning Districts.** As provided in Chapter 17.88 (Incentives for Community Benefits), the City Council may approve exceptions to height and floor area ratio (FAR) limits shown in Table 17.24-3 for proposed projects in the C-C and C-R zoning districts. These exceptions are intended to facilitate the redevelopment of underutilized properties along 41<sup>st</sup> Avenue consistent with the vision for the corridor described in the General Plan.

**E. Residential Transition Standards.** Where a commercial or industrial zoning district abuts a residential zoning district, the following standards apply.

1. **Setbacks.** The minimum setback from the residential property line shall be 15 feet for interior side yards and 20 feet for rear yards. For lots less than 100 feet wide, the Planning Commission may allow a reduced side yard setback upon finding that potential impacts to adjacent residential properties have been adequately minimized through enhanced building and landscape design.
2. **Daylight Plane.** No structure shall extend above or beyond a daylight plane having a height of 25 feet at the setback from the residential property line and extending

into the parcel at an angle of 45 degrees. See Figure 17.24-3.

**FIGURE 17.24-3: RESIDENTIAL TRANSITIONS – DAYLIGHT PLANE**



3. **Landscaping.** A landscaped planting area, extending a minimum of 10 feet from the property line, shall be provided along all residential property lines. A tree screen shall be planted in this area with trees planted at a minimum interval of 15 feet.
4. **Loading.** Loading and unloading shall be designed to have the least amount of impact on neighboring residential uses. When feasible, loading and unloading shall be provided from the commercial frontage rather than from areas adjacent residential uses.

**F. Capitola Mall Redevelopment.** While the Capitola Mall site has been zoned Regional Commercial (C-R) as part of the Zoning Code Update, it is expected that major redevelopment of the mall property may require a Rezone, Planned Development, Specific Plan, Development Agreement, or similar process to tailor appropriate development standards for the redevelopment project. Where an application submitted pursuant to this section includes fewer than all parcels within the Mall property, the applicant shall demonstrate that the development type and pattern and site design will be compatible and not unreasonably interfere with future redevelopment of the remaining parcels. For the purposes of this section, the mall property is defined as the area bound by 41st Avenue, Clares Street, and Capitola Road.

**G. Landscaping.** See Section 17.72.050.B for Non-Residential Landscape Requirements.

#### 17.24.040 Residential Mixed Use Development in Commercial Zoning Districts

**A. Purpose and Applicability.** This section establishes design standards for mixed use

development with housing above ground floor commercial uses in the Community Commercial (C-C) and Regional Commercial (C-R) zoning districts. These standards are intended to promote successful mixed use development that is pedestrian-friendly and contributes to the vitality of commercial districts in Capitola.

## B. Standards.

1. **Ground Floor Uses.** Ground floor spaces fronting the primary street shall be occupied by retail, restaurant, and personal service uses that generate pedestrian activity.
2. **Building Placement.** Buildings shall be placed near the edge of the sidewalk. Increased setbacks are permitted if they enhance pedestrian experience and add visual interest.
3. **Building Orientation.** Buildings shall be oriented towards a public street with the primary entrance to the site or building directly accessible from an adjacent sidewalk. The Planning Commission may allow buildings and their primary entrances to be oriented toward a public space. The primary entrance to a building shall not be oriented towards surface parking.
4. **Blank Walls.** The length of an unarticulated/blank building wall shall not exceed 10 feet. Architectural articulation should have similar pattern as other adjacent buildings to provide cohesive design in the neighborhood. Building articulation may be provided by:
  - a. Doors, windows, and other building openings;
  - b. Building projections or recesses, doorway and window trim, and other details that provide architectural articulation and design interest;
  - c. Varying wall planes, heights or contrasting materials and colors; and
  - d. Awnings, canopies, or arcades to reinforce the pedestrian scale and provide shade and cover from the elements.
5. **Storefront Width.** The width of a single building/storefront shall not exceed 50 feet. Larger buildings shall be broken down into a pedestrian-scale rhythm with individual storefront widths of 25 to 50 feet.
6. **Ground Floor Building Transparency.** The ground floor street-facing building walls of non-residential uses shall provide transparent windows or doors with views into the building for a minimum of 65 percent of the building frontage located between 2½ and 7 feet above the sidewalk. See Figure 17.24-4. Windows or doors area shall be transparent to allow views into the building. Exceptions to this transparency requirement may be allowed if the Planning Commission finds that:
  - a. The proposed use has unique operational characteristics which preclude building openings, such as for a cinema or theatre; or
  - b. Street-facing building walls will exhibit architectural relief and detail, and will be

enhanced with landscaping in such a way as to create visual interest at the pedestrian level.

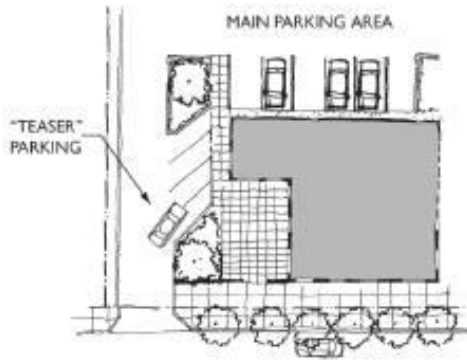
**FIGURE 17.24-4: STOREFRONT TRANSPARENCY**



7. **Retail Depth.** Ground floor commercial space shall have a depth of at least 45 feet or two-thirds of the parcel depth, whichever is less. Where possible, 60-foot depths are encouraged to accommodate a wider range of tenants, especially food tenants. The Planning Commission may grant an exception to the minimum retail depth requirement if the minimum retail depth is infeasible due to unusual physical conditions on the parcel.
8. **Ground-Floor Height.** Ground floor commercial space shall have a minimum floor-to-floor height of 15 feet. Where possible, 18-foot floor-to-floor heights are encouraged.
9. **Parking Location.** No more than 10 percent of off-street retail parking may be provided -along the side of retail as “teaser” parking. The remainder of the parking shall be behind the building or in underground/structured parking. See Figure 17.24-5
10. **Driveways and Curb Cuts.** Pedestrian and vehicle conflicts shall be minimized by limiting the number of curb cuts to two per block and the width of curb cuts to 24 feet where feasible. To the extent possible, curb cuts shall be designed so pedestrian curb ramps are limited and pathways remain level as they cross the vehicle route.



**FIGURE 17.24-5: RESIDENTIAL MIXED USE – TEASER PARKING**



Small amounts of "teaser" parking can act as a visual cue to direct drivers to additional parking out of view.

## Chapter 17.28 - VISITOR SERVING OVERLAY ZONES

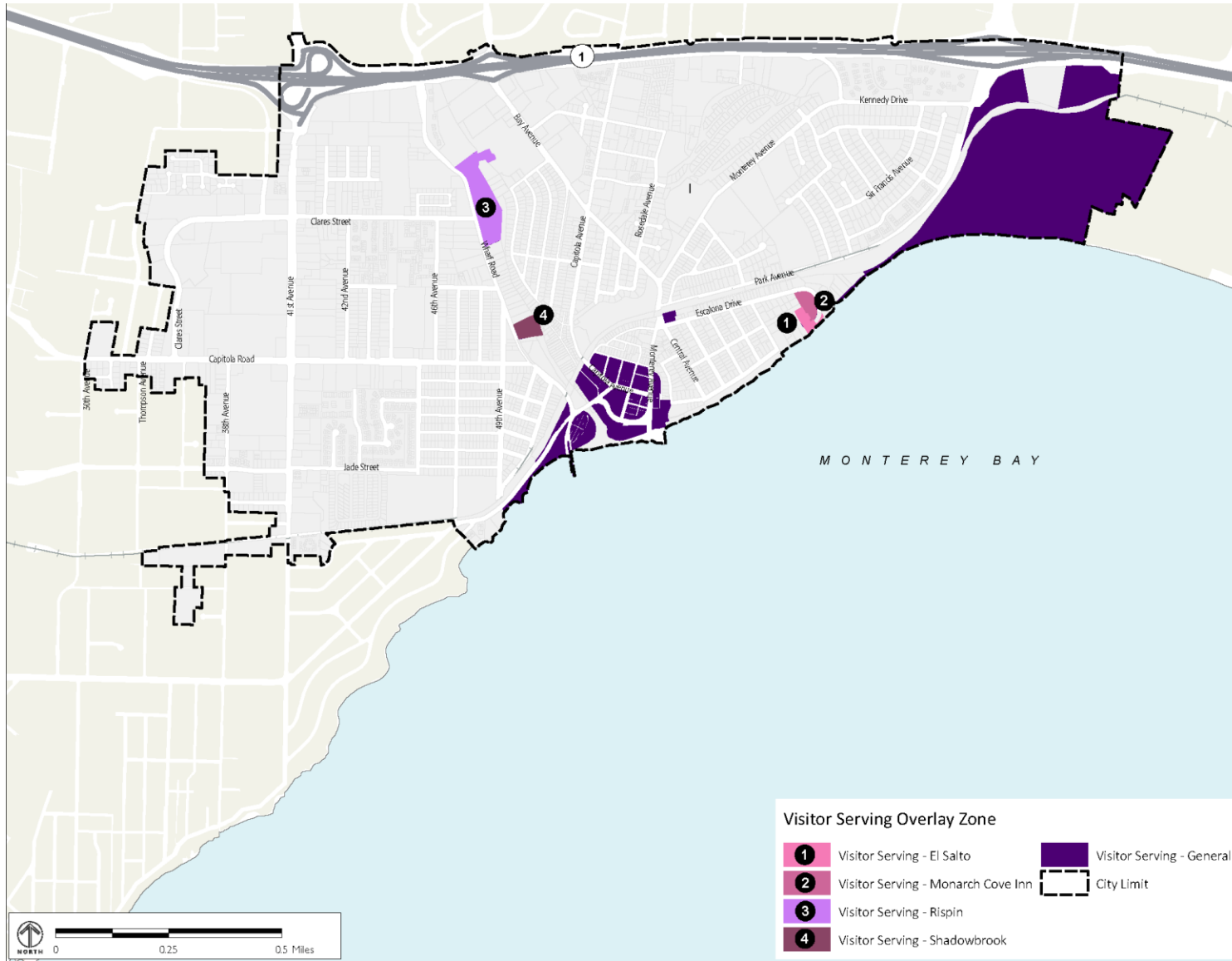
### Sections:

- 17.28.010 Purpose of the Visitor Serving Overlay Zone
- 17.28.020 Land Use Regulations
- 17.28.030 Development Standards

### 17.28.010 Purpose of the Visitor Serving Overlay Zone

- A. General.** The purpose of the Visitor Serving (-VS) overlay zone is to provide the visiting public with a range of opportunities to enjoy Capitola's coastal location. The -VS overlay zone accommodates a range of visitor serving uses including overnight accommodations, dining establishments, and active and passive recreational facilities. Specific permitted uses depend on the resources present on the site and the surrounding land use and environmental context. The -VS overlay zone implements policies to maintain and enhance visitor serving uses in Capitola consistent with the General Plan and Local Coastal Program (LCP).
- B. Visitor Serving Overlay Subzones.** The VS overlay zone is divided into five subzones (see Figure 17.128-1) with unique land use and development standards:
1. **Visitor Serving - Rispin (VS-R).** Applies to the Rispin site (APN 035-371-01 & 02).
  2. **Visitor Serving - Shadowbrook (VS-SB).** Applies to the Shadowbrook site (APN035-111-04).
  3. **Visitor Serving - Monarch Cove Inn (VS-MC).** Applies to the Monarch Cove Inn site (APN 036-143-31 & 036-142-27) and the portion of parcel 036-142-28 that is located between the two Monarch Cove Inn parcels.
  4. **Visitor Serving - El Salto (VS-ES).** Applies to the El Salto site (APN 036-143-35).
  5. **Visitor Serving – General (VS-G).** Applies to all other parcels with a Visitor Serving subzone overlay designation.

FIGURE 17.28-1: VISITOR-SERVING DISTRICTS



**17.28.020 Land Use Regulations**

**A. Permitted Land Uses.** Table 17.28-1 identifies land uses permitted in the VS overlay subzones.

**TABLE 17.28-1: PERMITTED LAND USES IN THE VISITOR SERVING OVERLAY ZONE**

Key P Permitted Use M Minor Use Permit required C Conditional Use Permit required - Use not allowed	VS Subzones					Additional Regulations
	VS-G	VS-R	VS-SB	VS-MC	VS-ES	
<b>Residential Uses</b>						
Employee Housing	C [1]	-	-	-	-	
Multi-Family Dwellings	C [2]	-	-	-	C [2]	
One Caretaker Unit for On-Site Security	C	C	C	C	C	
Single-Family Dwellings	C [3]	-	-	C [3][12]	C [3]	
<b>Public and Quasi-Public Uses</b>						
Community Assembly	C	C	-	-	-	
Cultural Institutions	C	C	-	-	-	
Day Care Centers	C	-	-	-	-	
Habitat Restoration and Habitat Interpretive facilities	C	C	C	C	-	
Parks and Recreational Facilities	C	C	-	-	-	
Public Parking Lots	C	C	-	-	-	
Public Paths and Coastal Accessways	C	C	C	C	C	
Public Safety Facilities	C	-	-	-	-	
Public Wharfs	C	-	-	-	-	
Schools, Public or Private	-	-	-	-	-	
<b>Commercial Uses</b>						
Business Establishments that Provide Commercial Places of Amusement or Recreation, Live Entertainment, or Service of Alcoholic Beverage	C [4]	C [4]	C	-	-	
Business Establishments that Sell or Dispense Alcoholic Beverages for On-Site Consumption	C	C	C	C	-	
<b>Restaurants</b>						
Full Service	C [5]	C [5]	C [5]	-	-	
<b>Lodging</b>						
Hotels, Inns, Bed and Breakfast, and Hostels	C	C	-	C	C	
Campgrounds [6]	C	-	-	-	-	
Recreational Vehicle Parks	C	-	-	-	-	
Vacation Rentals	-	-	-	C	-	

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

Utilities, Major	C	C	C	C	C	
Utilities, Minor	P	P	P	P	P	
Wireless Communications Facilities	See Chapter 17.104					
<b>Other Uses</b>						
Access Roadways	C	C	C	C	C	
Accessory Structures and Uses, New	C [7]	C	C	C	C	
Accessory Structures and Uses Established Prior to Primary Use or Structure	C	C	-	C	-	
Change of Visitor Serving Commercial Uses within a Structure	C [8]	-	-	-	-	
Food Service Accessory to a Lodging Use [9]	C	C	-	C	C	
Home Occupations	C	-	-	-	-	Section 17.96.040
Expansion of a Legal Nonconforming Use within an Existing Structure	C	-	-	-	-	
Legal Nonconforming Use Changed to a Use of a Similar or More Restricted Nature	C	-	-	-	-	
Live Entertainment	C	C	C	-	-	
Offices Accessory to Visitor Serving Use	C	C	C	C	-	
Parking Areas to Serve the Primary Use	C	C	C	C	C	
Retail Accessory to a Visitor Serving Use	C	C	-	C	-	
Temporary Assemblages of People, such as Festivals, Fairs, and Community Events	C [10]	C [10]	C [10]	C [11]	-	
Weddings	C	C	C	C	-	

Notes:

[1] Permitted only as an accessory use.

[2] Multi-family dwellings shall comply with development standards in the Multi-Family Residential, Medium Density (RM-M) zoning district.

[3] Single-family dwellings shall comply with development standards in the Single-Family Residential (R-1) zoning district.

[4] May not be located within 200 feet of the boundary of a residential zoning district.

[5] Drive up and car service is not allowed.

[6] May include moderate intensity recreational uses, including tent platforms, cabins, parks, stables, bicycle paths, restrooms, and interpretive facilities.

[7] Intensification of the primary use is not allowed.

[8] The new use may not change the nature or intensity of the commercial use of the structure.

[9] Permitted only to serve guests of the lodging use.

[10] Events may not exceed 10 days and may not involve construction of permanent facilities.

[11] Limited to a single two-day or less event per year.

[12] Allowed in conjunction with overnight accommodation use (at least one on property) or grant of public access to a viewpoint.

**B. Civic Uses in the VS-R Overlay Subzone.** The Planning Commission may allow additional civic uses in the VS-R overlay subzone beyond those specifically identified in Table 17.28-1 if the Planning Commission finds the additional civic use to be consistent

with the purpose of the VS-R overlay subzone and compatible with existing uses present on the site.

**17.28.030 Development Standards**

**A. General.** Table 17.28-2 identifies development standards that apply in the VS overlay zone outside of the Mixed Use Village (MU-V) zoning district

**TABLE 17.28-2: DEVELOPMENT STANDARDS IN THE VISITOR SERVING ZONING DISTRICTS**

	VS Overlay Zone	Additional Standards
Parcel Area, Minimum	5,000 sq. ft	
Impervious Surface, Maximum	VS-R: 25% VS-SB, VS-MC & VS-ES: 50% [1] VS-G: No maximum	
Floor Area Ratio, Maximum	0.25	
Setbacks, Minimum	See Section 17.28.030.B	
Height, Maximum	30 ft.	17.28.030.C

Notes:

[1] In the VS-SB overlay subzone, the impervious surface requirement applies to the parcel located directly adjacent to Soquel Creek. In the VS-ES overlay subzone, the impervious surface calculation excludes the portion of parcel 036-142-28 located outside of the Monarch Cove Inn.

**B. Setbacks.** The following setback requirements apply in the VS overlay zone.

1. The Planning Commission may require front, side and rear setbacks through the Design Review process to provide adequate light and air, ensure sufficient distance between adjoining uses to minimize any incompatibility, and to promote excellence of development. Where a side or rear yard abuts residential property, a setback of at least 10 feet shall be provided.
2. Front and exterior side yards shall not be used for required parking facilities.
3. For the visitor-serving El Salto parcels located adjacent to the bluff top, new development shall adhere to the setback and development provision provided in the LCP natural hazards policies and in Chapter 17.68 (Geologic Hazards).
4. To protect the waters and riparian habitat of Soquel Creek, new development on the Shadowbrook Restaurant and Rispin parcels shall adhere to the LCP natural systems policies and Chapter 17.64 (Environmentally Sensitive Habitat Areas).

**C. Height Exceptions.** With a recommendation from the Planning Commission, the City Council may approve additional height up to a maximum of 36 feet in the VS overlay zone outside of the MU-V zoning district when all of the following findings can be made:

1. The proposed development and design is compatible with existing land uses in surrounding areas, the General Plan, and the LCP.

2. Streets and thoroughfares are suitable and adequate to serve the proposed development.
  3. The proposed development does not produce shadows which may adversely affect the enjoyment of adjacent streets, buildings, or open space.
  4. Major public views of the shoreline, as identified in Capitola's Local Coastal Program, are not blocked by the proposed development.
- D. Landscaping.** See Table 17.72-2 in Chapter 17.72 (Landscaping) for minimum required landscaping requirements for Visitor Serving Properties.
- E. Lighting.** In addition to outdoor lighting standards in Section 17.96.110, (Outdoor Lighting), the following lighting requirements apply in the VS overlay zone:
1. All exterior lighting shall be minimized, unobtrusive, down-directed and shielded using the best available dark skies technology, harmonious with the local area, and constructed or located so that only the area intended is illuminated and off-site glare is fully controlled and that light spill, sky glow and glare impacts are minimized.
  2. Lighting of natural areas (such as creeks, riparian areas, the beach, etc.) shall be prohibited past the minimum amount that might be necessary for public safety purposes, except when temporarily permitted in conjunction with a temporary event.
  3. The location, type and wattage of exterior lighting must be approved by the Community Development Director prior to the issuance of building permits or the establishment of the use.
- F. Coastal Development Permit.** If a proposed development is located in the coastal zone, it may require a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).

## Chapter 17.32 - SPECIAL PURPOSE ZONING DISTRICTS

### Sections:

- 17.32.010 Purpose of the Special Purpose Zoning Districts
- 17.32.020 Land Use Regulations
- 17.32.030 Development Standards

### 17.32.010 Purpose of the Special Purpose Zoning Districts

- A. Community Facility (CF).** The CF zoning district provides areas for public and community facilities serving Capitola residents and visitors. Land uses permitted in the CF zoning district include public uses such as governmental offices, police and fire stations, community centers, schools, libraries, and other similar uses. The CF zoning district implements the Public/Quasi-Public land use designation in the General Plan.
- B. Parks and Open Space (P/OS).** The P/OS zoning district provides parks, recreational facilities, and open space for the use and enjoyment of the community and visitors. The P/OS zoning district also protects and preserves environmentally sensitive natural areas and habitat in Capitola. The P/OS zoning district implements the Parks and Open Space land use designation in the General Plan.

### 17.32.020 Land Use Regulations

- A. Permitted Uses.** Table 17.32-1 identifies land uses permitted in the CF and P/OS zoning districts.
- B. Commercial Uses in the P/OS Zoning Districts.** Commercial uses that are accessory to a permitted use in the P/OS zoning district are permitted with a Conditional Use Permit as long as the park, recreation, and open space purposes are met by the overall development.
- C. Visitor Accommodations in New Brighton State Beach.** Visitor accommodations and campground uses are permitted in the New Brighton State beach.
- D. P/OS Standards.** The following standards apply to uses in the P/OS zoning district.
  1. Any structure, land use, or removal of vegetation or natural materials that in the opinion of the Community Development Director is inconsistent with the purpose of the P/OS zoning district is prohibited.
  2. Development shall be subordinate to its recreational, scenic, or natural resource purpose consistent with the Local Coastal Program (LCP). Natural resource protection shall include protection of arroyos; creeks, riparian corridors, and other environmentally sensitive habitat; and woodlands.



3. No new structures are permitted on the open, sandy beach area of Capitola except for appropriate public facilities (e.g. the flume and jetties), required shoreline protective structures (approved beach erosion control structures), and structures required for public health and safety (e.g., lifeguard stands,) if otherwise consistent with the Local Coastal Program.

**TABLE 17.32-1: PERMITTED LAND USES IN THE CF AND P/OS ZONING DISTRICTS**

Key	Zoning District		Additional Regulations
	CF	P/OS	
<b>P</b> Permitted Use			
<b>A</b> Administrative Permit required			
<b>M</b> Minor Use Permit required			
<b>C</b> Conditional Use Permit required			
- Use not allowed			
<b>Public and Quasi-Public Uses</b>			
Colleges and Trade Schools	C	-	
Community Assembly	P [1]	-	
Cultural Institutions	P [1]	-	
Day Care Centers	P [1]	-	
Government Offices	P	-	
Parks and Recreational Facilities	P [1]	P [1]	
Public paths and coastal accessways	P	P	
Public Safety Facilities	P	-	
Schools, Public or Private	P	-	
<b>Transportation, Communication, and Utilities Uses</b>			
Recycling Collection Facilities	C	-	17.96.130
Utilities, Major	C	C	
Utilities, Minor	P	P	
Wireless Telecommunications Facilities	See Chapter 17.104		
<b>Other Uses</b>			
Accessory Uses and Structures	See Chapter 17.52		
Temporary Uses and Structures	See Section 17.96.180		
<b>Urban Agriculture</b>			
Community Gardens	M [1]	M [1]	
Urban Farms	C [1]	C [1]	

Notes:

[1] Publicly owned and/or operated facilities only.

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

**17.32.030 Development Standards**

- A. Floor Area Ratio.** The maximum permitted floor area ratio (FAR) is 0.25 in the P/OS zoning district and as determined by the Planning Commission through the Design Review process in the CF zoning district.
- B. Other Development Standards.** Other development standards (e.g., setbacks, height, building coverage) in the CF and P/OS zoning districts shall be determined by the Planning Commission through the Design Review and Coastal Development Permit (if in the coastal zone) process.



## Chapter 17.36 - PLANNED DEVELOPMENT ZONING DISTRICT

### Sections:

- 17.36.010 Purpose of the Planned Development Zoning District
- 17.36.020 Where Allowed
- 17.36.030 Permitted Land Uses
- 17.36.040 Development Standards
- 17.36.050 Required Approvals
- 17.36.060 Conceptual Review
- 17.36.070 Planned Development Rezoning
- 17.36.080 Development Plans

### 17.36.010 Purpose of the Planned Development Zoning District

The purpose of the Planned Development (PD) zoning district is to allow for high quality development that deviates from standards and regulations applicable to the other zoning districts in Capitola. The PD zoning district is intended to promote creativity in building design, flexibility in permitted land uses, and innovation in development concepts. The PD zoning district provides land owners with enhanced flexibility to take advantage of unique site characteristics and develop projects that will provide public benefits for residents, employees, and visitors. Development within each PD zoning district is regulated by a Development Plan approved by the City Council.

### 17.36.020 Where Allowed

The PD zoning district may be applied to any property in Capitola with an area of 20,000 square feet or more except for those designated as Single-Family Residential on the Zoning Map and General Plan Land Use Map. Planned developments are prohibited in the Single-Family Residential zoning district.

### 17.36.030 Permitted Land Uses

Permitted land uses in each PD zoning district shall conform to the applicable General Plan land use designation and to the Development Plan that applies to the property.

### 17.36.040 Development Standards

- A. Established in Development Plan.** Development standards (e.g., height, setbacks, building coverage) for each PD zoning district shall be established in the applicable Development Plan.
- B. Maximum Intensity.** The maximum permitted floor area ratio and residential density shall not exceed maximums established in the General Plan for the applicable land use designation.

- C. Public Improvements.** Public infrastructure and improvements in the PD zoning district shall conform to the city's standard specifications as maintained by the Public Works Director.

#### 17.36.050 Required Approvals

- A. Development Plan and Zoning Map Amendment.** Establishment of a PD zoning district requires approval of a Development Plan, Zoning Map amendment, and LCP Amendment to the Implementation Plan Zoning Map if the proposed PD zoning district is in the coastal zone.
- B. Design Review.** A proposed development must receive a Design Permit as required by Chapter 17.120 (Design Permits). All development and land uses within a PD zoning district shall be consistent with the approved Development Plan.
- C. Coastal Development Permit.** A proposed development that is located in the coastal zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).

#### 17.36.060 Conceptual Review

Prior to submittal of an application for a PD rezoning and Development Plan, an applicant must complete the Conceptual Review process as described in Chapter 17.114. The Planning Commission and City Council shall each hold at least one noticed public hearing on the project as part of the Conceptual Review process.

#### 17.36.070 Planned Development Rezoning

- A. General Procedures and Requirements.** Establishing a PD zoning district requires City Council approval of a Zoning Map amendment consistent with Chapter 17.144 (Zoning Code Amendments) and an LCP Amendment to the Implementation Plan Zoning Map if any part of the proposed PD zoning district is in the coastal zone. All procedures and requirements for Zoning Map Amendments in Chapter 17.144 apply to the establishment of a PD zoning district.
- B. Timing.** The City Council shall act on the Zoning Map Amendment concurrently with the Development Plan. A PD zoning district may be established only with concurrent approval of a Development Plan.
- C. Reference to Development Plan.** The ordinance adopted by the City Council establishing a PD zoning district shall reference the Development Plan approved concurrently with the Zoning Map Amendment.

#### 17.36.080 Development Plans

- A. Review Authority.** The City Council takes action on Development Plan applications following recommendation from the Planning Commission.
- B. Timing.** A Development Plan application shall be submitted within one year of Conceptual Review for the proposed project. If an application is not submitted within one year of Conceptual Review, the applicant shall complete a second Conceptual Review process prior to submitting the

Development Plan application.

**C. Application Submittal and Review.**

1. Development Plan applications shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department and the information required by Paragraph D (Application Materials) below.
2. If the property is not under a single ownership, all owners must join the application, and a map showing the extent of ownership shall be submitted with the application.

**D. Application Materials.** It is the responsibility of the applicant to provide evidence in support of the findings required by Paragraph G (Findings) below. Applications for approval of a Development Plan shall include the following information and materials:

1. **Project Description.** A written description of the project proposed within the PD zoning district. The project description shall include a narrative statement of the project objectives and a statement of how the proposed project will comply with General Plan goals and policies for the applicable land use designation. An overview of the proposed land use, densities, open space, and parking should be included in the project description.
2. **Community Benefits.** A description of how the proposed development is superior to development that could occur under the standards in the existing zoning districts, and how it will achieve substantial public benefits as defined in Paragraph H below.
3. **Site Plan.** Site plan depicting the existing topography, on-site structures and natural features, mature trees, and other significant vegetation and drainage patterns. The site plan shall show the proposed PD zoning district boundaries and all properties within 500 feet of the site boundary. The site plan shall be to scale and based on a stamped survey prepared by a registered civil engineer or licensed land surveyor.
4. **Concept Plan.** An overall diagram of the project concept. This diagram shall illustrate the overall development concept, including proposed land uses, buildings, circulation, open space, and any other significant elements in the proposed project. Phases shall be clearly indicated if multiple phases are proposed.
5. **Land Use.** A map showing the location of each land use proposed within the site, including open space and common areas. The land use map shall be accompanied by a narrative description of permitted land uses, allowable accessory uses, and uses allowed by-right or with a Conditional Use Permit.
6. **Subdivision Map.** If the project involves the subdivision of land, a tentative parcel map or tentative map required by Title 16 (Subdivisions) of the Capitola Municipal Code.
7. **Circulation.** A map and descriptions of the major circulation features within the site including vehicular, bicycle, pedestrian facilities; traffic flow of internal traffic; and existing and proposed public streets and sidewalk improvements.

8. **Public Facilities and Open Space.** The amount (in square feet or acres) and percentage of site area that will be dedicated for all types of open space, including proposed recreational facilities and amenities; and any public facilities, including public utility easements, public buildings and public land uses.
9. **Development Standards.** All development standards that apply within the project, including:
  - a. Land use;
  - b. Circulation of traffic;
  - c. Landscaping;
  - d. Architecture;
  - e. Density and/or intensity;
  - f. Minimum building site;
  - g. Minimum lot dimensions;
  - h. Maximum building coverage;
  - i. Minimum setbacks;
  - j. Maximum building or structure heights;
  - k. Maximum height of fences and walls;
  - l. Signs;
  - m. Off-street parking; and
  - n. Other items as deemed appropriate by the Planning Commission and City Council.

**E. Planning Commission Review and Recommendation.**

1. The Planning Commission shall hold a public hearing on the Development Plan application as required by Chapter 17.148 (Public Notice and Hearings).
2. The Planning Commission shall recommend to the City Council the approval, approval with modification, or denial of the Development Plan application. The recommendation shall be based on the findings in Paragraph G (Findings) below.

**F. City Council Review and Decision.** Upon receipt of the Planning Commission's recommendation, the City Council shall conduct a public hearing and either approve, approve in modified form, or deny the Development Plan. The City Council may approve the application only if all of the findings in Paragraph G (Findings) below can be made.

**G. Findings.** The City Council may approve an application for a Development Plan if all of the following findings can be made:

1. The proposed development is consistent with the General Plan, Local Coastal Program (if applicable), and any applicable specific plan or area plan adopted by the City Council.

2. The proposed development is superior to the development that could occur under the standards applicable in the existing zoning districts.
3. The proposed project will provide a substantial public benefit as defined in Paragraph H (Substantial Public Benefit Defined) below. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.
4. The site for the proposed development is adequate in size and shape to accommodate proposed land uses.
5. Adequate transportation facilities, infrastructure, and public services exist or will be provided to serve the proposed development.
6. The proposed development will not have a substantial adverse effect on surrounding property and will be compatible with the existing and planned land use character of the surrounding area.
7. For planned developments located adjacent to the coast, the proposed development will protect and/or enhance coastal resources and conform with the findings for approval of a CDP as specified in 17.44.130 (Finding for Approval).
8. Findings required for the concurrent approval of a Zoning Map Amendment can be made.

**H. Substantial Public Benefit Defined.** When used in this chapter, “substantial public benefit” means a project feature not otherwise required by the Zoning Code or any other provision of local, state, or federal law that substantially exceeds the city’s minimum development standards and significantly advances goals of the General Plan, and the Local Coastal Program if in the coastal zone. A project must include one or more substantial public benefits to be rezoned as a planned development. The public benefit provided shall be of sufficient value as determined by City Council to justify deviation from the standards of the zoning district that currently apply to the property. Examples of substantial public benefits include but are not limited to:

1. Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.
2. Public plazas, courtyards, open space, and other public gathering places that provide opportunities for people to informally meet and gather. The public space must either exceed the city’s minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience for the public. Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the city or other public agencies.
3. New or improved pedestrian and bicycle pathways that enhance circulation within the property and connectivity to the surrounding neighborhood and surrounding areas.
4. Green building and sustainable development features that substantially exceed the city’s



green building award status.

5. Preservation, restoration, or rehabilitation of a historic resource.
6. Public art that exceeds the city's minimum public art requirement and is placed in a prominent and publicly accessible location.
7. New or enlarged business that increase the supply and/or diversity of jobs available to Capitola residents. Types of jobs may include jobs that improve environmental quality or reduce energy or resource consumption (“green jobs), high-tech sector jobs, and jobs in industries focusing on the generation and utilization of intellectual property (“creative jobs”).
8. Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
9. Public parking lot that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district.
10. Publicly accessible parks, open space, and/or recreational amenities beyond the minimum required by the city or other public agency.
11. Habitat restoration and/or protection of natural resources beyond the minimum required by the city or other public agency.

**I. Conditions of Approval.**

1. The City Council may attach conditions of approval to a Development Plan to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
2. The City Council shall condition approval of the Development Plan on the completion of public improvements, community benefits and grants of easement shown on the Development Plan.

**J. Post-Decision Procedures.** Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Development Plans.

**K. Effect of Development Plan.** All future development and land uses within a PD zoning district shall comply with the approved Development Plan.

1. **Land Uses.** New land uses may be added in a PD zoning district provided the Development Plan identifies the use as a permitted or conditionally permitted land use. Establishing a land use not specifically permitted by the Development Plan would require an amendment to the PD zoning district.
2. **Structures.** New structures may be added in a PD zoning district provided the structures comply with development standards established in the Development Plan (e.g., height, setback, floor area ratio). Design Review consistent with Chapter 17.120 (Design Permits) is required for all new development that was not approved with the Development Plan. Development that exceeds development standards in the Development Plan is allowed only with an amendment to the PD zoning district.

## Chapter 17.40 - RESIDENTIAL OVERLAY ZONES

### Sections:

- 17.40.010 Purpose
- 17.40.020 Affordable Housing (-AH) Overlay Zone
- 17.40.030 Vacation Rental Use (-VRU) Overlay Zone
- 17.40.040 Village Residential (-VR) Overlay Zone

### 17.40.010 Purpose

This chapter contains requirements for overlay zones that primarily apply to residential uses and residential areas. Overlay zones establish additional standards and regulations to specific areas, in addition to the requirements of the underlying base zoning district.

### 17.40.020 Affordable Housing (-AH) Overlay Zone

- A. Purpose.** The purpose of the Affordable Housing (-AH) overlay zone is to facilitate the provision of affordable housing units through the retention and rehabilitation of existing affordable units, or the construction of new affordable units. The -AH overlay zone is intended to:
1. Implement the goals and policies of the General Plan Housing Element and provide the opportunity and means for Capitola to meet its regional fair share allotment of affordable units.
  2. Encourage the development of affordable units by assisting both the public and private sector in making the provision of these units economically viable.
  3. Provide assurances to the City that these units will maintain a high degree of quality and will remain affordable to the target population over a reasonable duration of time.
  4. Encourage the provision of affordable housing through the combination of the -AH overlay within the multi-family residential zone where the affordable housing projects are determined to be feasible and are consistent with the General Plan and the Local Coastal Program.
  5. Provide a means of directing and simplifying the process for creating and maintaining affordable housing.
  6. Provide incentives to developers, whether in new or rehabilitated housing, to maintain rental units for the long term (e.g., not less than 55 years) and affordable ownership units in perpetuity.
- B. Applicability.** The -AH overlay zone may be applied to parcels located in a multi-family residential or community commercial (C-C) zoning district.
- C. Definitions.**

1. “Affordable housing” means housing capable of being purchased or rented by a household with “very low,” “low,” or “moderate” income levels at an “affordable housing cost” or “affordable rent,” as those terms are defined by the State of California.
2. “Affordable housing overlay district” means a zoning district that applies in addition to existing zoning designation where the city encourages the provision of affordable housing units as described in this chapter.
3. The “very low,” “low,” and “moderate” income levels are defined by the State of California in Sections 50105, 50079.5, and 50093, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900. These income levels are:
  - a. Very Low Income. Up to and including fifty percent of the Santa Cruz County median income, adjusted for family size, as defined by the state law;
  - b. Lower Income. Fifty-one percent to eighty percent of Santa Cruz County median income, adjusted for family size, as defined by the state law;
  - c. Moderate Income. Eighty-one percent to one hundred twenty percent of Santa Cruz County median income, adjusted for family size, as defined by state law.
4. “Affordable housing cost” and “affordable rent” are defined in Sections 50052.5 and 50053, respectively, of the California Health and Safety Code, and in Subchapter 2 of Chapter 6.5 of Division 1 of Title 25 of the California Code of Regulations, commencing with Section 6900.

**D. Relationship with State Density Bonus Law and Other State Laws.**

1. In the event of any inconsistency or discrepancy between the income and affordability levels set forth in this chapter and the levels set in state laws and regulations, the state provisions shall control.
2. The -AH overlay zone provides a density increase for affordable housing development that in most cases exceeds density bonuses permitted by state law (Government Code Section 65915).
3. A development may utilize the -AH overlay zone as an alternative to the use of state density bonus but may not utilize both the overlay and state density bonuses.

**E. Permits and Approvals Required.**

1. Affordable housing developments proposed under this chapter require the execution of a Development Agreement by the City and the developer. The Development Agreement shall be prepared in accordance with the provisions of California Government Code Section 65864 et seq.
2. Affordable housing developments proposed under this chapter require approval of a Design Permit. All requirements in Chapter 17.120 (Design Permits) apply, except

that the Planning Commission recommends Design Permit approval or denial to the City Council. The City Council may take action on the Design Permit application concurrently with or subsequent to action on the Development Agreement.

3. A proposed affordable housing development that is located in the coastal zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 and the findings for approval of a CDP as specified in 17.44.130. The City Council may take action on the Coastal Development Permit application concurrently with or subsequent to action on the Development Agreement.

#### **F. Permitted Residential Density.**

1. Affordable housing developments with up to 20 units per acre are permitted in the -AH overlay zone. The 20 units per acre limit is based on a calculation that includes all existing and new units on the property.
2. Density permitted in the -AH overlay zone may not exceed what can be accommodated by the site while meeting applicable parking, unit size, and other development standards.

#### **G. Income Restrictions.**

1. A minimum of 50 percent of the units in an affordable housing development shall be income restricted affordable housing. All affordable units may be in a single category or part of a mixture of affordable unit types which include:
  - a. Moderate-income households;
  - b. Low-income households;
  - c. Very low-income households; or
  - d. Extremely low-income households.
2. At minimum 50 percent of income-restricted affordable units (25 percent of the total project units) shall be affordable to low-, very low-, and extremely-low income households. A greater level of affordability will not allow a greater level of density.

#### **H. Development Incentives.**

1. **Purpose.**
  - a. In order to reduce costs associated with the development and construction of affordable housing, affordable housing developments within the -AH overlay zone shall be eligible for specified development incentives. These incentives allow for the relaxation of development standards normally applied to housing in Capitola and are established in order to facilitate and promote the development of affordable housing in the City.
  - b. Incentives shall be targeted to improve the project design or to yield the greatest number of affordable units and required level of affordability, so as to permit

the City to meet its regional fair share allotment of affordable housing and the goals of the Housing Element of the General Plan.

2. **Relaxed Development Standards.** The City shall allow the following relaxed development standards for projects that comply with the affordability required in Subsection G (Income Restrictions):
  - a. **Minimum Building Site Area and Lot Area per Unit.** There shall be no minimum building site area requirement for individual parcels or dwelling sites within the -AH overlay zone. The building site area shall be designated on a site plan as approved by the City through the Design Permit review process.
  - b. **Density Averaging.** Project density within the -AH overlay zone may be calculated by averaging the density on a project-wide basis so as to permit higher density levels in certain project portions in exchange for advantageous project design features as determined by the City through the Design Permit review process.
  - c. **Setbacks.**
    - (1) The minimum setbacks from property lines shall be determined by the City through the Design Permit process.
    - (2) Minimum setbacks from property lines adjacent to or across from a single-family residential zone shall be same as underlying zoning district.
  - d. **Building Coverage.** The City shall determine the maximum building coverage for the proposed project through the Design Permit process.
3. **Additional Development Incentives.**
  - a. As a further inducement to the development of affordable housing beyond the relaxed development standards described in Section 2 (Relaxed Development Standards) above, the City may choose to extend one or more additional development incentives depending on the quality, size, nature, and scope of the project being proposed.
  - b. Additional development incentives may be in the form of waivers or modifications of other standards which would otherwise inhibit density and achievement of affordable housing goals for the development site, including, but not limited to, the placement of public works improvements.

## I. Design Standards.

1. **Purpose and Applicability.**
  - a. The following design standards are intended to ensure high-quality development within the -AH overlay zone that enhances the visual qualities of Capitola and respects adjacent homes and neighborhoods.

- b. Design standards shall apply to all projects receiving development incentives described in Section H (Development Incentives) or residential densities greater than allowed by the applicable base zone.
2. **Neighborhood Compatibility.**
    - a. Affordable housing developments shall be designed and developed in a manner compatible with and complementary to existing and potential development in the immediate vicinity of the project site.
    - b. Site planning on the perimeter shall provide for protection of the property from adverse surrounding influences and shall protect surrounding areas from potentially adverse influences from the property.
    - c. To the greatest extent possible, the design of the development shall promote privacy for residents and neighbors, security, and use of passive solar heating and cooling through proper placement of walls, windows, and landscaping.
    - d. Building design and materials shall blend with the neighborhood or existing structures on the site.
  3. **Building Height.** Maximum building height shall be the same as in the underlying base zoning district.
  4. **Common Open Space.**
    - a. Common open space shall comprise the greater of:
      - (1) 10 percent of the total area of the site; or
      - (2) 75 square feet for each dwelling unit.
    - b. Areas occupied by buildings, streets, driveways, parking spaces, utility units, mailboxes, and trash enclosures may not be counted in satisfying the open space requirement.
    - c. The following areas may be counted in satisfying the open space requirement:
      - (1) Landscaping and areas for passive and active recreation/open space with a minimum depth and width of 5 feet.
      - (2) Land occupied by recreational buildings and structures.
  5. **Streets.**
    - a. All public streets within or abutting the proposed development shall be improved to City specifications for the particular classification of street.
    - b. All private streets shall meet fire code and access standards.
  6. **Accessory Uses and Structures.** Accessory uses and structures shall be permitted as allowed by Chapter 17.52 (Accessory Structures and Uses) and as required through the Design Permit process.
  7. **Signs.** Signs shall be permitted as allowed by Chapter 17.80 (Signs) and as required through the Design Review process.

**J. Assurance of Affordability.**

1. Affordable housing units developed under this section shall remain available to persons and families of very low, low, and moderate income, at an affordable housing cost or affordable rental cost, at those income and affordability levels as defined in Section 17.40.020.C (Definitions), for 55 years or the natural life of the unit, whichever is greater, unless a longer period is required by a construction or mortgage financing program, mortgage insurance program, state law, or housing grant, loan or subsidy program.
2. The required period of affordability shall run concurrently with any period of affordability required by any other agency; provided, however, that the affordability period shall not be less than 55 years or the natural life of the unit, whichever is greater.
3. The project developer shall be required to enter into an appropriate agreement with the City to ensure affordability is maintained for the required period.

**K. Pre-Application Consultation.**

1. Prior to submitting an application for an affordable housing development within the -AH overlay zone, the applicant or prospective developer should request preliminary consultation meetings with the Community Development Department and other City staff as appropriate, to obtain information and guidance before incurring substantial expense in the preparation of plans, surveys and other data.
2. Preliminary consultations with City staff should address potential local, state, and federal affordable housing funding availability, and program requirements in guaranteeing project consistency with the objectives and requirements of the -AH overlay zone.

**L. Additional Application Requirements.** An application for an affordable housing development within the -AH overlay zone shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review) and shall also include the following materials and information:

1. Breakdown of affordable and market rate units including unit number, unit size, affordable designation of each unit (very low, low, or moderate), and rental rate or sale price.
2. The proposed means for assuring the continuing existence, maintenance and operation of the project as an affordable housing project.
3. Such other information as may be required by the Community Development Department to allow for a complete analysis and appraisal of the proposed project.

**M. Findings.** To approve or recommend approval of an affordable housing development, the review authority shall make all of the following findings, in addition to the findings required by Chapter 17.120 (Design Permits):



1. The incentives granted for density and deviation from development and design standards, are commensurate with the level of affordability. Specifically, the greater the extent of concessions and incentives, the greater the level of affordability, quality, size, nature, and scope of the project being proposed.
2. The design of the proposed project, even with the concessions for density and deviation from development and design standards, is appropriate for the scale and style of the site and surrounding neighborhood. Specifically, the development will provide an attractive visual transition and will not significantly impact the integrity of the surrounding neighborhoods.
3. The developer has agreed to enter into an agreement to maintain the affordability of the project specific to the requirements of the City and any funding sources with greater or longer affordability requirements.
4. If located within the coastal zone, the project is found to be in conformity with the Local Coastal Program, including, but not limited to, sensitive habitat, public viewshed, public recreational access and open space protections.

#### 17.40.030 Vacation Rental (-VR) Overlay Zone

- A. Purpose.** The -VR overlay zone identifies locations within residential areas where the short-term rental of dwelling units is permitted.
- B. Applicability.** Locations where the -VR overlay zone applies are shown on the Zoning Map.
- C. Land Use Regulations.** Permitted uses in the -VR overlay zone are the same as in the base zoning district, except that vacation rental uses are permitted with an Administrative Permit.
- D. Required Permit.** Each vacation rental unit is required to obtain a Vacation Rental Permit, as an Administrative Permit, in addition to registering each unit with the City as a business. This includes obtaining a business license, renewable annually, and transient occupancy tax registration.
- E. Development and Operations Standards.**
  1. Vacation rentals in Capitola are prohibited outside of the -VR overlay zone.
  2. Transient occupation registration is required for each vacation rental unit. A business license and transient occupancy tax registration must be obtained from the City. The business license shall be renewed annually.
  3. Permit holders must submit monthly to the City a completed transient occupancy tax report and payment of all tax owing.
  4. One parking space is required per vacation rental unit. Parking may be on site or within the Beach and Village Parking Lot 1 or 2 with proof of permit, if eligible. The



on-site parking space must be maintained for exclusive use by guests during their stay.

5. The property owner must designate a person who has the authority to control the property and represent the owner. This responsible person must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
  6. A maximum of one sign per structure, not to exceed 12 inches by 12 inches in size, is permitted to advertise the vacation rental.
  7. Each unit must post the Vacation Rental Permit in a visible location within the unit. The Vacation Rental Permit will include a permit number, the development and operations standards of this section (17.40.030.E), and space to write the contact information for the responsible party.
  8. If the unit is advertised on the internet, the first line of the posting must include the Vacation Rental Permit number for City reference.
  9. No permit holder shall have a vested right to a renewed permit. If there is a history of the permit holder or tenants violating the permit's conditions, the permit may be revoked consistent with Section 17.156.110 (Permit Revocation). After a permit is revoked, the permit holder may reapply for a new permit one year after the revocation. The Community Development Director may deny an application based on previous code enforcement issues. A decision by the Community Development Director is appealable to the Planning Commission.
  10. All vacation rental units shall have smoke detectors and carbon monoxide detectors.
  11. Accessory dwelling units may not be used for vacation rentals.
- F. Enforcement.** It is prohibited for any person (including, but not limited to property owners, property managers or real estate agents) to do any of the following without a Vacation Rental Permit:
1. Rent, sublet, lease, sublease or otherwise for remuneration allow any person or persons to carry on a vacation rental use; or
  2. To advertise for a vacation rental use; or
  3. For compensation, to arrange, or help to arrange vacation rental uses.

#### 17.40.040 Village Residential (-VR) Overlay Zone

- A. Purpose.** The purpose of the -VR overlay zone is to limit certain areas within the Village to exclusive residential use, including vacation rentals.
- B. Land Use Regulations.**
1. **Residential Uses Only.** Within the -VR overlay zone, only residential land uses (including vacation rentals) are permitted. Non-residential land uses, including but

not limited to restaurants, retail, offices, and personal services, are not permitted in the -VR overlay zone.

2. **Existing Hotels and Motels.** Alterations and modifications to existing hotels and motels shall occur in a manner consistent with Chapter 17.92 (Nonconforming Lots, Uses and Structures).

**C. Development Standards.** Development standards in the -VR overlay zone are the same as the Mixed Use Village (MU-V) zoning district.



## Chapter 17.44 - COASTAL OVERLAY ZONE

### Sections:

- 17.44.010 Purpose
- 17.44.020 Local Coastal Program Components
- 17.44.030 Definitions (see also Chapter 17.160 - Glossary)
- 17.44.040 Relationship to Base Zoning Districts
- 17.44.050 Allowed Land Uses
- 17.44.060 Development Standards
- 17.44.070 CDP Requirements
- 17.44.080 CDP Exemptions
- 17.44.090 De Minimis Waiver of CDP
- 17.44.100 Challenges to City Determination of a CDP
- 17.44.110 Application Submittal
- 17.44.120 Public Notice and Hearings
- 17.44.130 Findings for Approval
- 17.44.140 Notice of Final Action
- 17.44.150 Appeals
- 17.44.160 Permit Issuance
- 17.44.170 Emergency CDPs
- 17.44.180 CDP Violations

### 17.44.010 Purpose

- A. The purpose of this chapter is to establish review and permit procedures for the implementation of Capitola's Local Coastal Program (LCP). This chapter ensures that all private and public development within the City's coastal zone (as depicted by the -CZ overlay zone) is consistent with the City's certified LCP Land Use Plan and Implementation Program, which together constitute the City's certified LCP including:
1. To achieve the basic State goals of maximizing public access to the coast and public recreational opportunities, as set forth in the California Coastal Act and codified in Sections 30000 through 30900 of the California Public Resources Code. Section 30001.5(c) states that public access both to and along the shoreline shall be maximized consistent with sound resource conservation principles and constitutionally protected rights of private property owners; and
  2. To implement the public access and recreational policies of Chapter 3 of the Coastal Act (Sections 30210- 30224).
- B. In achieving these purposes, this chapter shall be consistent with the goals, objectives and policies of the California Coastal Act and Article X, Section 4, of the California Constitution. This chapter shall be interpreted and applied in a manner that:
1. Protects, maintains, and where feasible, enhances and restores the overall quality of the coastal zone environment and its natural and artificial resources;

2. Allows the City to adopt and enforce additional regulations, not in conflict with the Coastal Act or otherwise limited by State law, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone; and
3. Resolves conflicting provisions in a manner which balances the utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of Capitola and the state.

#### 17.44.020 Local Coastal Program Components

The City of Capitola LCP consists of the Land Use Plan (LUP) and Implementation Plan (IP) as described below.

- A. **Land Use Plan.** The LCP Land Use Plan (LUP) generally consists of descriptive text and policies as well as the adopted land use, resource, constraint, and shoreline access maps, graphics, and charts. The City's LUP (originally certified in June 1981) is divided into six components as follows:
  1. Locating and Planning New or Intensified Development and Public Works Facilities Component.
  2. Public Access Component.
  3. Visual Resources and Special Communities Component.
  4. Recreation and Visitor-Serving Facilities Component.
  5. Natural Systems Component.
  6. Natural Hazards Component.
- B. **Implementation Plan.** The Implementation Plan (IP) (first certified in January 1990), consists of the Zoning Code (Title 17) chapters and Municipal Code chapters as identified in Section 17.04.040 (Relationship to the Local Coastal Program) as well as the zoning districts and maps.

#### 17.44.030 Definitions (see also Chapter 17.160 - Glossary)

Specialized terms as used in this chapter are defined as follows:

- A. **Aggrieved Person.** Any person who, in person or through a representative, appeared at a City public hearing in connection with the decision or action on a Coastal Development Permit (CDP) that is appealed, or who, by other appropriate means prior to a hearing informed the City of the nature of their concerns, or who for good cause was unable to do either. "Aggrieved Person" includes the applicant for a CDP.
- B. **Coastal Bluff.**
  1. A landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of the following two parameters:

- a. The toe is now or was historically (generally within the last 200 years) subject to marine erosion.
  - b. The toe of which lies within an area otherwise identified in Public Resources Code Sections 30603(a)(1) or (a)(2).
2. Bluff line or edge is defined as the upper termination of a bluff, cliff, or seacliff. In cases where the top edge of the cliff is rounded away from the face of the cliff as a result of erosional processes related to the presence of the steep cliff face, the bluff line or edge is defined as that point nearest the cliff beyond which the downward gradient of the surface increases more or less continuously until it reaches the general gradient of the cliff. In a case where there is a step-like feature at the top of the cliff face, the landward edge of the topmost riser is taken to be the cliff edge. The termini of the bluff line, or edge along the seaward face of the bluff, is defined as a point reached by bisecting the angle formed by a line coinciding with the general trend of the bluff line along the seaward face of the bluff, and a line coinciding with the general trend of the bluff line along the inland facing portion of the bluff. Five hundred feet is the minimum length of bluff line or edge to be used in making these determinations.
- C. **Coastal-Dependent Development or Use.** Any development or use which requires a site on, or adjacent to, the sea to be able to function at all.
- D. **Coastal-Related Development.** Any use that is dependent on a coastal-dependent development or use.
- E. **Coastal Emergency.** A sudden, unexpected occurrence demanding immediate action to prevent or mitigate loss or damage to life, health, property, or essential public services.
- F. **Coastal Hazards.** Include, but are not limited to, episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunamis, tidal scour, coastal flooding, liquefaction, sea level rise, and the interaction of same.
- G. **Coastal Resources.** Include, but are not limited to, public access and public access facilities and opportunities, recreation areas and recreational facilities and opportunities (including for recreational water-oriented activities), public views, natural landforms, marine resources, watercourses (e.g., rivers, streams, creeks, etc.) and their related corridors, waterbodies (e.g., wetlands, estuaries, lakes, etc.) and their related uplands, ground water resources, biological resources, environmentally sensitive habitat areas, agricultural lands, and archaeological and paleontological resources.
- H. **Development.** Any of the following, whether on land or in or under water:
1. The placement or erection of any solid material or structure.
  2. Discharge or disposal of any dredged material or of any gaseous, liquid, solid or thermal waste.
  3. Grading, removing, dredging, mining or extraction of any materials.

4. Change in the density or intensity of use of land, including, but not limited to, subdivisions, and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use.
  5. Change in the intensity of use of water, or access thereto.
  6. Construction, reconstruction, demolition or alteration in the size of any structure, including any facility of any private, public or municipal utility.
  7. The removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973.
- I. **Energy Facility.** Any public or private processing, producing, generating, storing, transmitting, or receiving facility for electricity, natural gas, petroleum, coal, or other source of energy. A “major energy facility” means any of the previously listed facilities that costs more than \$283,502 as of 2019 with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624.
- J. **Environmentally Sensitive Habitat Areas (ESHA).** Any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHA includes wetlands, coastal streams and riparian vegetation, and terrestrial ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act. In addition, the following areas are categorically ESHA as identified in Capitola’s LCP:
1. Soquel Creek, Lagoon, and Riparian Corridor.
  2. Noble Gulch Riparian Corridor.
  3. Tannery Gulch Riparian Corridor.
  4. Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch.
- K. **Feasible.** That which is capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social, and technological factors.
- L. **Local Coastal Program (LCP).** The City’s Land Use Plan and Implementation Plan (including land use and zoning maps) certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
- M. **Public Works Facility.**
1. Any of the following:
    - a. All production, storage, transmission, and recovery facilities for water, sewerage, telephone, and other similar utilities owned or operated by any public agency or

- by any utility subject to the jurisdiction of the Public Utilities Commission, except for energy facilities.
- b. All public transportation facilities, including streets, roads, highways, public parking lots and structures, ports, harbors, airports, railroads, and mass transit facilities and stations, bridges, trolley wires, and other related facilities.
  - c. All publicly financed recreational facilities, all projects of the State Coastal Conservancy, and any development by a special district.
  - d. All community college facilities.
2. A “major public works facility” means any of the above listed facilities that costs more than \$283,502 as of 2019, with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624. Notwithstanding the above criteria, a "major public works facility" also means publicly financed recreational facilities that serve, affect, or otherwise impact regional or statewide use of the coast by increasing or decreasing public recreational opportunities or facilities.
- N. **Sea.** The Pacific Ocean and all harbors, bays, channels, estuaries, salt marshes, sloughs, and other areas subject to tidal action through any connection with the Pacific Ocean, excluding non-estuarine rivers, streams, tributaries, creeks, and flood control and drainage channels.
- O. **Shoreline Protective Device.** Any structure (including but not limited to a seawall, revetment, riprap, bulkhead, deep piers/caissons, bluff retaining walls, groins, swales, lagoons, etc.) designed as protection against coastal hazards or resulting in impacts to shoreline processes.
- P. **Stream.** Streams in the coastal zone, perennial or intermittent, which are mapped by the United States Geological Survey (USGS) in the National Hydrographic Dataset.
- Q. **Structure.** Any improvement permanently attached to the ground, including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
- R. **Wetland.** Lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes, open or closed brackish water marshes, swamps, mudflats, and fens.

#### 17.44.040 Relationship to Base Zoning Districts

The -CZ overlay zone applies to property in conjunction with the base zoning districts. In case of a conflict between regulations, the regulations in this chapter shall take precedence over those of the base zoning district.



#### 17.44.050 Allowed Land Uses

Allowed land uses in the -CZ overlay zone are the same as in the underlying base zoning district. Permits required for these uses (e.g., Conditional Use Permit, Administrative Permit) are the same as in the underlying base zoning district, and are required in addition to any required CDP (CDP).

#### 17.44.060 Development Standards

Development standards (e.g., structure height, setbacks) that apply to property in the -CZ overlay zone are the same as in the underlying base zoning district. These standards are maximums (or minimums as applicable) and are not an entitlement or guaranteed allowance. Where the Zoning Code allows for discretion in the application of development standards, the decision-making body may impose more stringent requirements to the extent permitted by state law to protect and enhance coastal resources.

#### 17.44.070 CDP Requirements

- A. **Permit Required.** Notwithstanding any other exemptions for other permits or authorizations, all activities that constitute development, as defined in 17.44.030.H, within the -CZ overlay zone requires a CDP except as specified in Section 17.44.080 (CDP Exemptions).
- B. **Review Authority.**
1. The Community Development Director shall take action on all CDP applications for projects that are not appealable to the Coastal Commission and do not require other discretionary approval by the Planning Commission or City Council.
  2. The Community Development Director shall, in a properly noticed public hearing, take action on all CDP applications for projects that are appealable to the Coastal Commission and do not require other discretionary approval by the Planning Commission or City Council.
  3. The Planning Commission shall, in a properly-noticed public hearing, take action on all CDP applications that are appealable and/or require other discretionary approval by the City.
  4. The Planning Commission or the City Council shall, in a properly-noticed public hearing, take action on CDP applications for public works projects that require no other discretionary permit approvals from the City other than funding approval.
  5. Development already authorized by a Coastal Commission-issued CDP, Amendment, or Waiver remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment, and revocation. Any additional development proposed on a parcel with a Coastal Commission-issued CDP, Amendment, or Waiver shall be reviewed by the City as a new CDP application, provided that:

- a. The Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-issued CDP, Amendment, or Waiver; or
  - b. The development is not located within a location where the Coastal Commission is required to retain jurisdiction under the Coastal Act.
- C. **Additional Permits.** The review of a CDP application shall be processed concurrently with any other discretionary permit application required by the City. The City may not grant any other discretionary approvals for a proposed project that conflict with this chapter. Other discretionary approvals become effective only after a CDP is approved and becomes effective as required by this chapter.
- D. **Legal Development and Permitting Processes.** Development that was legally established prior to the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide or the Coastal Act of 1976 (i.e., January 1, 1977) for all coastal zone property, whichever is applicable, is considered lawfully established development that does not require a CDP in order to continue as it legally existed prior to those dates. Any additional development since those dates (including improvements, repair, modification, and/or additions) requires a CDP or a determination that such development is excluded from CDP requirements in accordance with the provisions of this chapter.
- E. **Illegal Development and Permitting Processes.**
  - 1. See Section 17.44.180 (CDP Violations) for enforcement provisions that apply to development activity that violates a CDP or the LCP.
  - 2. Development that was not legally established (i.e. with a CDP) after the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide, or the Coastal Act of 1976 (i.e., January 1, 1977) for all coastal zone property, whichever is applicable, constitutes “unpermitted development” for purposes of this Chapter 17.44. In addition, development undertaken inconsistent with the terms and conditions of an approved CDP (or an approved waiver or amendment) is also not lawfully established or authorized development (i.e., it constitutes unpermitted development). Both categories of unpermitted development may be subject to enforcement action by the City of Capitola and/or the Coastal Commission.
  - 3. If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through removal of all or part of the unpermitted development or retention of such development if it can be found consistent with the policies and standards of the LCP and the public access and recreation policies of the Coastal Act, if applicable. If the unpermitted development cannot be found consistent, the unpermitted development must be

abated and any affected areas restored to the condition before the unpermitted development was undertaken or pursuant to the terms of a valid restoration order.

#### 17.44.080 CDP Exemptions

The following projects are exempt from the requirement to obtain a CDP unless any one of the criteria listed in subsections A (1 through 6), B (1 through 8), C (1 through 3), or F (1 through 4) are met, in which case a CDP is required.

**A. Improvements to Existing Single-Family Residences.** In accordance with Public Resources Code Section 30610(a) and 14 CCR Section 13250, where there is an existing single-family residential structure, the following shall be considered as part of that structure: fixtures and structures directly attached to a residence; landscaping; and structures normally associated with a single-family residence, such as garages, swimming pools, fences and storage sheds, but not including guest houses or self-contained residential units. This exemption also applies to replacement of a mobile home with one which is not more than ten percent larger in floor area, or equipping a mobile home with removable fixtures such as a porch, the total area of which does not exceed ten percent of the square-footage of the mobile home itself. Improvements to existing single-family residences do not require a CDP except for the following classes of development, which require a CDP because they involve a risk of adverse environmental effects:

1. Improvements to a single-family residence if the residence and/or improvement is located on a beach, in a wetland, seaward of the mean high-tide line, within an environmentally sensitive habitat area, in an area designated highly scenic in the LCP, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach, wetland, or sand dune, within 50 feet of the edge of a coastal bluff, or within an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in Subparagraph A.1 above that is located between the sea and the first public road paralleling the sea, or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated within the Land Use Plan, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure.
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section.
  - c. An increase in height by more than ten percent of an existing structure and/or any significant non-attached structure such as garages, shoreline protective works, or docks.

5. In areas which the Coastal Commission has previously declared by resolution, after public hearing, as having a critically short water supply that must be maintained for the protection of coastal resources or public recreational use, the construction of any specified major water-using development not essential to residential use including, but not limited to, swimming pools or the construction or extension of landscape irrigation systems.
6. Any improvement to a single-family residence where CDP issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a CDP.

**B. Improvements to Other Existing Structures.** In accordance with Public Resources Code Section 30610(b) and 14 CCR Section 13253, where there is an existing structure, other than a single-family residence or public works facility, the following shall be considered part of the structure: all fixtures and other structures directly attached to the structure; landscaping on the lot. Improvements to other existing structures do not require a CDP except for the following classes of development, which require a CDP because they involve a risk of adverse environmental effect, adversely affect public access, or involve a change in use:

1. Improvements to a structure if the structure and/or improvement is located on a beach, in a wetland or stream, seaward of the mean high-tide line, in an area designated highly scenic in the Land Use Plan, or within 50 feet of the edge of a coastal bluff.
2. Any significant alteration of land forms including removal or placement of vegetation on a beach or sand dune, in a wetland or stream, within 100 feet of the edge of a coastal bluff, in a highly scenic area, or in an environmentally sensitive habitat area.
3. The expansion or construction of water wells or septic systems.
4. On property not included in subparagraph B.1 above that is located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide of the sea where there is no beach, whichever is the greater distance, or in significant scenic resources areas as designated in the Land Use Plan, when one of the following circumstances apply:
  - a. Improvement that would result in an increase of 10 percent or more of internal floor area of an existing structure;
  - b. An additional improvement of 10 percent or less where an improvement to the structure has previously been undertaken pursuant to this section; or
  - c. An increase in height of an existing structure of more than 10 percent.
5. In areas which the Coastal Commission has previously declared by resolution, after public hearing, as having a critically short water supply that must be maintained for the protection of coastal recreation or public recreational use, the construction of any specified major water-using development including, but not limited to,

swimming pools or the construction or extension of any landscape irrigation system.

6. Any improvement to a structure where the CDP issued for the original structure by the Coastal Commission or City indicated that any future improvements would require a CDP.
7. Any improvement to a structure which changes the intensity of use of the structure.
8. Any improvement made pursuant to a conversion of an existing structure from a multiple unit rental use or visitor-serving commercial use to a use involving a fee ownership or long-term leasehold including, but not limited to, a condominium conversion, stock cooperative conversion, or motel/hotel timesharing conversion.

**C. Repair and Maintenance Activities.**

1. Repair and maintenance of existing public roads, including resurfacing and other comparable development necessary to maintain the existing public road facility as it was constructed, provided that:
  - a. There is no excavation or disposal of fill outside the existing roadway prism; and
  - b. There is no addition to and no enlargement or expansion of the existing public road.
2. Routine maintenance of existing public parks, including repair or modification of existing public facilities and landscaping where the level or type of public use or the size of structures will not be altered.
3. Repair, maintenance, replacement, and minor alterations of existing public water, sewer, natural gas, electrical, telephone, television, and flood control infrastructure.
4. No CDP shall be required for repair and maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, except that (in accordance with Public Resources Code Section 30610(d) and 14 CCR Section 13252) the following extraordinary methods of repair or maintenance shall require a CDP because they involve a risk of substantial adverse environmental impact:
  - a. Any method of repair or maintenance of a seawall revetment, bluff retaining wall, breakwater, groin, culvert, outfall, or similar shoreline work that involves:
    - (1) Repair or maintenance involving substantial alteration of the foundation of the protective work including pilings and other surface or subsurface structures;
    - (2) The placement, whether temporary or permanent, of rip-rap, artificial berms of sand or other beach materials, or any other forms of solid materials, on a beach or in coastal waters, streams, wetlands, estuaries and lakes or on a shoreline protective work except for agricultural dikes within enclosed bays or estuaries;
    - (3) The replacement of 20 percent or more of the materials of an existing structure with materials of a different kind; or

- (4) The presence, whether temporary or permanent, of mechanized construction equipment or construction materials on any sand area, bluff, or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams.
  - b. Any repair or maintenance to facilities or structures or work located in an environmentally sensitive habitat area, any sand area, within 50 feet of the edge of a coastal bluff or environmentally sensitive habitat area, or within 20 feet of coastal waters or streams that include:
    - (1) The placement or removal, whether temporary or permanent, of rip-rap, rocks, sand, or other beach materials or any other forms of solid materials; or
    - (2) The presence, whether temporary or permanent, of mechanized equipment or construction materials.
  - c. Unless destroyed by natural disaster, the replacement of 50 percent or more of a single-family residence, seawall, revetment, bluff retaining wall, breakwater, groin or any other structure is not repair and maintenance under Public Resources Code Section 30610(d) but instead constitutes a replacement structure requiring a CDP.
  - d. The provisions of this section shall not be applicable to those activities specifically described in the document entitled “Repair, Maintenance and Utility Hookups,” adopted by the Coastal Commission on September 5, 1978 unless the Community Development Director determines that a proposed activity will have a risk of substantial adverse impact on public access, an environmentally sensitive habitat area, wetlands, or public views to the ocean.
- D. **Replacement of Destroyed Structures.** No CDP shall be required for the replacement of any structure, other than a public works facility, destroyed by a disaster that meets the following criteria: The replacement structure shall conform to applicable existing zoning requirements, shall be for the same use as the destroyed structure, shall not exceed either the floor area, height, or bulk of the destroyed structure by more than 10 percent, and shall be sited in the same location on the affected property as the destroyed structure. As used in this section, “disaster” means any situation in which the force or forces which destroyed the structure to be replaced were beyond the control of its owner; “bulk” means total interior cubic volume as measured from the exterior surface of the structure.
- E. **Conversion of Existing Multi-Unit Residential Structures.** No CDP shall be required for the conversion of any existing multi-unit residential structure to a time-share project, estate, or use, as defined in Section 11212 of the Business and Professions Code. If any improvement to an existing structure is otherwise exempt from the permit requirements of this chapter, no CDP is required for that improvement on the basis that it is to be made in connection with any conversion exempt pursuant to this subdivision. The division of a multi-unit residential structure into condominiums, as defined in Section 783 of the Civil Code, is considered a time-share project, estate, or use for purposes of this



paragraph.

- F. **Temporary Events.** No CDP shall be required for temporary events as described in this subsection and which meet all of the following criteria:
1. The event will not occur between the Saturday of Memorial Day weekend through Labor Day, or if proposed in this period will be of less than two days in duration including setup and take-down.
  2. The event will not occupy any portion of a publicly or privately-owned sandy beach or park area, public pier, public beach parking area and there is no potential for adverse effect on sensitive coastal resources.
  3. A fee will not be charged for general public admission and/or seating where no fee is currently charged for use of the same area (not including booth or entry fees); or if a fee is charged, it is for preferred seating only and more than 75 percent of the provided seating capacity is available free of charge for general public use.
  4. The proposed event has been reviewed in advance by the City and it has been determined that it meets the following criteria:
    - a. The event will result in no adverse impact on opportunities for public use of or access to the area due to the proposed location and or timing of the event either individually or cumulatively considered together with other development or temporary events scheduled before or after the particular event;
    - b. There will be no direct or indirect impacts from the event and its associated activities or access requirements on environmentally sensitive habitat areas, rare or endangered species, significant scenic resources, or other coastal resources; and
    - c. The event has not previously required a CDP to address and monitor associated impacts to coastal resources.
- G. **Emergency Work.** See Section 17.44.170 (Emergency CDPs) for development allowed with an Emergency CDP.

#### 17.44.090 De Minimis Waiver of CDP

The Community Development Director may waive the requirement for a CDP through a De Minimis CDP Waiver in compliance with this section upon a written determination that the development meets all of the criteria and procedural requirements set forth in subsections A through G below:

- A. **No Adverse Coastal Resource Impacts.** The development has no potential for adverse effects, either individually or cumulatively, on coastal resources.
- B. **LCP Consistency.** The development is consistent with the LCP.
- C. **Not Appealable to Coastal Commission.** The development is not of a type or in a location where an action on the development would be appealable to the Coastal

Commission.

- D. **Notice.** Public notice of the proposed De Minimis CDP Waiver and opportunities for public comment shall be provided as required by Section 17.44.120 (Public Notice and Hearings), including provision of notice to the Coastal Commission.
- E. **Executive Director Determination.** The Community Development Director shall provide a notice of determination to issue a De Minimis CDP Waiver to the Executive Director of the Coastal Commission no later than 10 working days prior to the waiver being reported at a City public hearing (see subsection F below). If the Executive Director notifies the Community Development Director that a waiver should not be issued, the applicant shall be required to obtain a CDP if the applicant wishes to proceed with the development.
- F. **Review and Concurrence.**
1. The Community Development Director's determination to issue a De Minimis CDP waiver shall be subject to review and concurrence by the decision makers (i.e. Planning Commission or City Council, as applicable).
  2. The Community Development Director shall not issue a De Minimis CDP Waiver until the public comment period, including at a minimum through and including the required reporting of the waiver at a public hearing, has expired. At such public hearing, the public shall have the opportunity to testify and otherwise participate in a hearing on the De Minimis CDP Waiver. If two or more decision makers object to the waiver, the De Minimis CDP Waiver shall not be issued and, instead, an application for a CDP shall be required and processed in accordance with the provisions of this chapter. Otherwise, the De Minimis CDP Waiver shall be deemed approved, effective, and issued the day of the public hearing.
  3. In addition to the noticing requirements above, within seven calendar days of effective date of a De Minimis CDP Waiver, the Community Development Director shall send a Notice of Final Action (via first class mail) describing the issuance and effectiveness of the De Minimis CDP waiver to the Coastal Commission and any persons who specifically requested notice of such action.
- G. **Waiver Expiration.** A De Minimis Waiver shall expire and be of no further force and effect if the authorized development is not completed within two years of the effective date of the waiver. In this event, either a new De Minimis Waiver or a regular CDP shall be required for the development.

#### 17.44.100 Challenges to City Determination of a CDP

##### A. City Determination.

1. The determination of whether a development is exempt, non-appealable, or appealable to the Coastal Commission shall be made by the Community Development Director at the time the CDP application is submitted or as soon



thereafter as possible, and in all cases prior to the application being deemed complete for processing.

2. This determination shall be made with reference to the LCP, including any maps, land use designations, and zoning ordinances which are adopted as part of the LCP.

**B. Notification of Decision.**

1. The Community Development Director shall inform the applicant and the Coastal Commission district office in writing of the determination prior to:
  - a. Providing notice of any potential permit action; or
  - b. Allowing any activity without a permit for exemptions or exclusions.
2. The Community Development Director's written notification shall also identify the City's notice and hearing requirements for the proposed project, if any.

**C. Coastal Commission Review.**

1. If the Coastal Commission Executive Director chooses to review the Community Development Director's determination, the City shall provide the Executive Director with a copy of the application and determination of permit requirement.
2. If the Executive Director's determination of permit requirement is the same as the Community Development Director's determination, that determination shall become final and no further challenge is available.
3. If the Executive Director's determination conflicts with the Community Development Director's determination and the conflict cannot be resolved in a reasonable time, the Coastal Commission will hold a hearing to resolve the dispute in accordance with Coastal Commission regulations.

**17.44.110 Application Submittal**

- A. **Submittal Requirements.** CDP application submittals shall include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 17.44.130 (Findings for Approval).
- B. **Concurrent with Other Permits.** The application for a CDP shall be made concurrently with application for any other non-CDP permits or approvals required by the City.

**17.44.120 Public Notice and Hearings**

- A. **Public Hearing Required.** All Planning Commission and City Council actions on CDP applications require a noticed public hearing.

- B. **Content of Notice.** The notice of public hearing may be combined with other required project permit notice and shall include the following information:
1. A statement that the project is within the coastal zone, and that the project decision will include a determination on a CDP.
  2. The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.
  3. A determination of whether the project is appealable to the Coastal Commission and the reasons this determination.
  4. The date, time and place of the hearing and/or decision on the application, and the phone number, email address, and street address of the Community Development Department where an interested person may call or visit to obtain additional information or to provide input on the project.
  5. A statement that the proposed project is determined to be exempt from the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.
- C. **Posting.** A printed notice shall be posted at the project site at least ten calendar days prior to the hearing.
- D. **Mailing.** Notice shall be mailed at least 10 calendar days prior to the hearing to:
1. The owner(s) and owner's agent of all properties for which development is proposed, the applicant, and any applicant representatives;
  2. Each local agency expected to provide essential facilities or services to the project;
  3. Any person who has filed a request for notice (e.g., for the site or for the particular development) with the Community Development Director;
  4. All owners and all occupants of parcels of real property located within 100 feet (not including roads) of the perimeter of the real property on which the development is proposed, but at a minimum all owners and all occupants of real property adjacent to the property on which the development is proposed;
  5. All agencies for which an approval for the proposed development may be required (e.g., USFWS, CDFW, RWQCB, etc.), including the State Lands Commission and the Monterey Bay National Marine Sanctuary when an application for a CDP is submitted to the City on property that is potentially subject to the public trust;
  6. All known interested parties that have submitted a request in writing to the Community Development Director to receive notice on a specific property;
  7. The California Coastal Commission Central Coast office;

8. Any other person whose property, in the judgment of the Community Development Department, might be affected by the proposed project.
- E. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection D above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eighth page in one or more local newspapers of general circulation at least ten days prior to the hearing.
- F. **Newspaper Publication.** Notice shall be published in at least one newspaper of general circulation at least ten calendar days before the hearing.
- G. **Additional Notice.**
1. In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.
  2. Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall incorporate the blind, aged, and disabled communities in order to facilitate their participation.
- H. **Failure to Receive Notice.** The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.
- I. **Re-noticing Required.** If a decision on a CDP is continued by the review authority to a date or time not specific, the item shall be re-noticed in the same manner and within the same time limits established by this section. If a decision on CDP is continued to a specific date and time within 30 90 days of the first hearing, then no re-noticing is required.

#### 17.44.130 Findings for Approval

- A. **Conformance with LCP Required.** A CDP shall be granted only upon finding that the proposed project is consistent with the LCP. As applicable to the proposed project, the review authority shall consider whether:
1. The project is consistent with the LCP Land Use Plan, and the LCP Implementation Program.
  2. The project maintains or enhances public views.
  3. The project maintains or enhances vegetation, natural habitats and natural resources.
  4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.
  5. The project maintains or enhances opportunities for visitors.
  6. The project maintains or enhances coastal resources.

7. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.
  8. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor-serving development and public access and recreation).
- B. **Basis for Decision.** The findings shall explain the basis for the conclusions and decisions of the City and shall be supported by substantial evidence in the record.

#### 17.44.140 Notice of Final Action

The City's action on a CDP shall become final when all local rights of appeal have been exhausted per Section 17.44.150.A (Local Appeals). Within seven calendar days of a final decision on a CDP application, the City shall provide notice of its action by first class mail to the applicant, the Coastal Commission, and any other persons who have requested notice. The notice shall contain, at a minimum the following:

- A. **Cover Sheet/Memo.** The cover sheet/memo shall be dated and shall clearly identify the following information:
1. All project applicants and project representatives, their address(es), and other contact information.
  2. Project description and location.
  3. All local appeal periods and disposition of any local appeals filed.
  4. Whether the City's decision is appealable to the Coastal Commission, the reasons for why it is or is not, and procedures for appeal to the Coastal Commission.
  5. A list of all additional supporting materials provided to the Coastal Commission (see Subsection B below).
  6. All recipients of the notice.
- B. **Additional Supporting Materials to the Coastal Commission.** The additional supporting materials shall include at a minimum the following:
1. The final adopted findings and final adopted conditions.
  2. The final staff report.
  3. The approved project plans.
  4. All other substantive documents cited and/or relied upon in the decision including CEQA documents, technical reports (e.g., geologic, geotechnical, biological), correspondence, and similar documents.

#### 17.44.150 Appeals

- A. **Local Appeals.** Community Development Director decisions on CDPs may be appealed to the Planning Commission and Planning Commission decisions may be appealed to the City Council as follows:
1. **Community Development Director Decisions.** Any decision of the Community Development Director may be appealed to the Planning Commission within 10 calendar days of the Community Development Director's decision.
  2. **Planning Commission Decisions.** Any decision of the Planning Commission may be appealed to the City Council within 10 calendar days of the Planning Commission's decision.
- B. **Appeals to the Coastal Commission.**
1. In accordance with Public Resources Code Section 30603, any final approval decision by the City on a CDP in the geographic areas defined in subsections 3(a)-(b), below, or any final approval or denial decision by the City on a CDP for a major public works project (including a publicly financed recreational facility and/or a special district development), or a major energy facility located anywhere in the coastal zone, may be appealed to the Coastal Commission.
  2. Appeals to the Coastal Commission may be filed by the project applicant, any aggrieved person, or any two members of the Coastal Commission.
  3. The following types of projects may be appealed to the Coastal Commission:
    - a. Projects located between the sea and the first public road paralleling the sea or within 300 feet of the inland extent of any beach or of the mean high tide line of the sea where there is no beach, whichever is the greater distance.
    - b. Projects located on tidelands, submerged lands, public trust lands, within 100 feet of any wetland, estuary, or stream, or within 300 feet of the top of the seaward face of any coastal bluff.
    - c. Any development which constitutes a major public works project or a major energy facility.
  4. Appeals must be submitted to the Coastal Commission within 10 working days of Coastal Commission receipt of a complete notice of final action.
  5. City decisions may be appealed to the Coastal Commission only after an appellant has exhausted all local appeals pursuant to Section 17.44.150.A (Local Appeals), except that exhaustion of all local appeals is not required if any of the following occur:
    - a. The City requires an appellant to appeal to more local appellate bodies than have been certified as appellate bodies for CDPs in the coastal zone.
    - b. An appellant was denied the right of the initial local appeal by a City ordinance which restricts the class of persons who may appeal a local decision.
    - c. An appellant was denied the right of local appeal because City notice and hearing

procedures for the development did not comply with this title.

- d. The City required an appeal fee for the filing or processing of the appeal.
6. Grounds for appeal of an approved or denied CDP are limited to the following:
  - a. For approval, that the development does not conform to the standards set forth in the LCP, or the development does not conform to the public access policies of the Coastal Act;
  - b. An appeal of a denial of a permit for a major public works shall be limited to an allegation that the development conforms to the standards set forth in the LCP and the public access policies of the Coastal Act.

#### **17.44.160 Permit Issuance**

##### **A. Effective Date of a CDP.**

1. For City actions on CDPs that are not appealable to the Coastal Commission, a CDP shall become effective seven working days after the City's final decision.
2. For development within the Coastal Commission appeal area, CDPs shall become effective after ten working days if no appeal has been filed. The ten working day appeal period starts the day after the Coastal Commission receives adequate notice of the City's final decision.

##### **B. Expiration of Permits and Extensions.**

1. A CDP not exercised within two years shall expire and become void, unless the permittee applies for an extension of the expiration deadline prior to the permit expiration.
2. An extension request may only be granted for good cause, and only if there are no changed circumstances that may affect the consistency of the development with the LCP (and the Coastal Act, if applicable). In cases where an extension is not granted, the CDP shall be considered expired and the applicant shall be required to apply for a new CDP to undertake the proposed development.
3. Any extension request shall be in writing by the applicant or authorized agent prior to expiration of the two-year period. The City will not consider the extension request if received after the CDP expiration deadline. Public notice and hearing requirements for an extension requests shall be the same as for a CDP amendment.
4. De Minimis CDP Waivers may not be extended beyond the two-year authorization period.

##### **C. CDP Amendment.**

1. Provided the CDP has been exercised prior to expiration, or has not yet expired, an applicant may request a CDP amendment by filing an application to amend the CDP

- pursuant to the requirements of this chapter that apply to new CDP applications, including, but not limited to, public notice and hearing requirements.
2. Any approved CDP amendment must be found consistent with all applicable LCP requirements and the Coastal Act if applicable.
  3. Any CDP amendment shall be processed as appealable to the Coastal Commission if the base CDP was also processed as appealable, or if the development that is the subject of the amendment makes the amended project appealable to the Coastal Commission.
- D. **Revocation of Permits.** Where one or more of the terms and conditions of a CDP have not been, or are not being, complied with, or when a CDP was granted on the basis of false material information, the original review authority (Community Development Director, Planning Commission or City Council) may revoke or modify the CDP following a public hearing. Notice of such public hearing shall be the same as would be required for a new CDP application.
- E. **CDP Application Resubmittals.** For a period of twelve months following the denial or revocation of a CDP, the City shall not accept a CDP application for the same or substantially similar project for the same site, unless for good cause the denial or revocation action includes an explicit waiver of this provision.

#### 17.44.170 Emergency CDPs

- A. **Purpose.** An Emergency CDP may be granted at the discretion of the Community Development Director for projects normally requiring CDP approval. To be eligible for an Emergency CDP, a project must be undertaken as an emergency measure to prevent loss or damage to life, health or property, or to restore, repair, or maintain public works, utilities and services during and immediately following a natural disaster or serious accident.
- B. **Application.** Application for an Emergency CDP shall be made to the City in writing if time allows, and by telephone or in person if time does not allow. The applicant shall submit the appropriate fees at the time of application for an Emergency CDP.
- C. **Required Information.** The information to be reported during the emergency, if it is possible to do so, or to be fully reported after the emergency, shall include all of the following:
1. The nature of the emergency.
  2. The cause of the emergency, to the extent this can be established.
  3. The location of the emergency.
  4. The remedial, protective, or preventive work required to deal with the emergency.
  5. The circumstances during the emergency that appeared to justify the course of action taken, including the probable consequences of failing to take action.



6. All available technical reports and project plans.
- D. **Verification of Facts.** The Community Development Director or other designated local official shall verify the facts, including the existence and nature of the emergency, as time allows. The Community Development Director may request, at the applicant's expense, verification by a qualified professional of the nature of the emergency and the range of potential solutions to the emergency (including identifying how the proposed solutions meet the criteria for granting the Emergency CDP). The Community Development Director may consult with the Coastal Commission as time allows to determine whether to issue an Emergency CDP.
- E. **Public Notice.** The Community Development Director shall provide public notice, including notice to the Coastal Commission, as soon as reasonably possible, of the proposed emergency action, with the extent and type of notice determined on the basis of the nature of the emergency itself.
- F. **Criteria for Granting Permit.** The Community Development Director may grant an Emergency CDP upon making all of the following findings:
1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary CDP.
  2. The development can and will be completed within 30 days unless otherwise specified by the terms of the permit.
  3. Public comment on the proposed emergency action has been reviewed if time allows.
  4. The work proposed will be consistent with the requirements of the LCP.
- G. **Conditions.** The Community Development Director may attach reasonable terms and conditions to the granting of an Emergency CDP, including an expiration date and the necessity for a regular CDP application by a specified date. At a minimum, all Emergency CDPs shall include the following conditions:
1. The Emergency CDP shall be voided if the approved activity is not undertaken within a reasonable time period as determined by the Community Development Director.
  2. The Emergency CDP shall expire 60 days following its issuance, or alternative time period as determined by the Community Development Director. Any work completed outside of this time period requires a regular CDP approval unless an extension is granted by the City for good cause.
  3. The emergency development authorized by the Emergency CDP is only temporary, and may remain only with approval of a regular CDP.
  4. The applicant shall submit an application for a regular CDP within 30 days of completion of construction authorized by the Emergency CDP, or alternative time period as determined by the Community Development Director. The application shall include all information and materials required by the Department, including



photographs (if available) showing the project site before, during, and after emergency construction.

5. If the applicant does not apply for or obtain a regular CDP within the specified time period, the emergency development may be subject to enforcement action in accordance with Section 17.44.180 (Coastal Development Permit Violations).

#### H. **Limitations.**

1. The emergency work authorized under approval of an Emergency CDP shall be limited to activities necessary to protect the endangered structure or essential public infrastructure.
2. The Emergency CDP shall be voided if the approved Emergency CDP is not exercised within 30 days of issuance of the permit.
3. The Emergency CDP shall expire 60 days after issuance. Any work completed outside of these time periods requires a regular CDP approval unless an extension is granted by the City for good cause.

- I. **Application for Regular CDP.** After the issuance of an Emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Community Development Director, but not to exceed 30 days. All emergency development approved pursuant to this section is considered temporary and shall be subject to enforcement action in accordance with Section 17.44.180 (CDP Violations) if an application to recognize the development is not submitted within the timeframe specified in the Emergency CDP, unless the Community Development Director authorizes an extension of time for good cause.

- J. **Reporting of Emergency Permits.** The Community Development Director shall inform (within five working days) the Executive Director of the Coastal Commission that an Emergency CDP has been issued, and shall report the Emergency CDP to the City Council and Planning Commission at the first scheduled meeting after the Emergency CDP has been issued.

### 17.44.180 CDP Violations

#### A. **Enforcement of Violations.**

1. The City will actively investigate and enforce any development activity that occurs within the coastal zone without a CDP pursuant to the requirements of the LCP. The City will work to resolve any alleged violations of the LCP in a timely manner, including through the use of appropriate enforcement actions.
2. In addition to all other available remedies, the City may seek to enforce the LCP and the Coastal Act pursuant to Public Resources Code Sections 30800-30822.
3. If the City does not resolve violations in a timely manner, the Coastal Commission retains the authority to enforce the requirements of the LCP through its own enforcement actions pursuant to Coastal Act Sections 30809 and 30810.

- B. **Civil Liability.** Any person who performs or undertakes development in violation of the LCP or inconsistent with a previously issued CDP may, in addition to any other penalties, be civilly liable in accordance with Public Resources Code Section 30820.
- C. **Legal Lot Required.** Development may only be undertaken on a legally-established lot.
- D. **Removal of Existing Violations.** No CDP application (including CDPs, CDP exclusions and exemptions, and De Minimis CDP waivers) shall be approved unless all unpermitted development on the property that is functionally related to the proposed development is proposed to be removed (and the area restored) or retained consistent with the requirements of the LCP.



# PART 3

## Citywide Standards

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## Chapter 17.48 - HEIGHT, SETBACKS, AND FLOOR AREA

### Sections:

- 17.48.010 Purpose
- 17.48.020 Height Measurement and Exceptions
- 17.48.030 Setback Measurement and Exceptions
- 17.48.040 Floor Area and Floor Area Ratio

### 17.48.010 Purpose

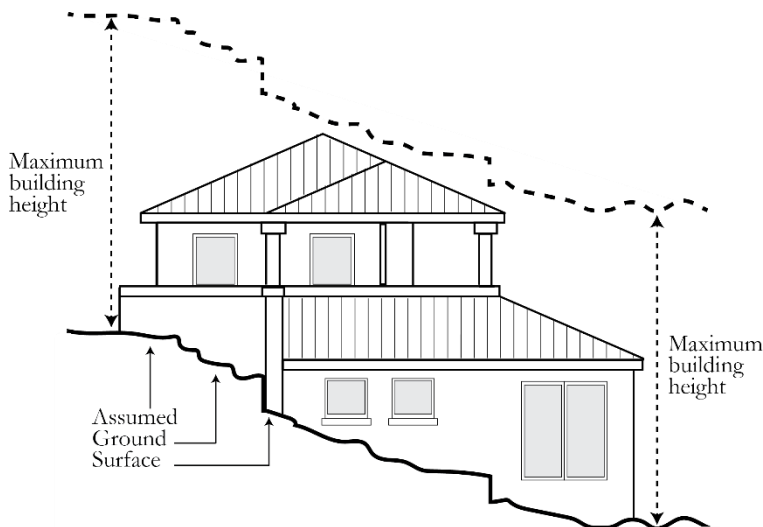
This chapter establishes rules for the measurement of height, setbacks, and floor area, and permitted exceptions to height and setback requirements.

### 17.48.020 Height Measurement and Exceptions

#### A. Measurement of Height.

1. The height of a building is measured as the vertical distance from the assumed ground surface to the highest point of the building.
2. Assumed ground surface means a line on the exterior wall of a building that connects the points where the perimeter of the wall meets the finished grade. See Figure 17.48-1.
3. If grading or fill on a property within five years of an application increases the height of the assumed ground surface, height shall be measured using an estimation of the assumed ground surface as it existed prior to the grading or fill.

FIGURE 17.48-1: MEASUREMENT OF MAXIMUM PERMITTED BUILDING HEIGHT





**B. Height Exceptions.** Buildings may exceed the maximum permitted height in the applicable zoning district as shown in Table 17.48-1. These exceptions may not be combined with any other height exceptions, including but not limited to allowances for additional height in the MU-V zone or for historic structures.

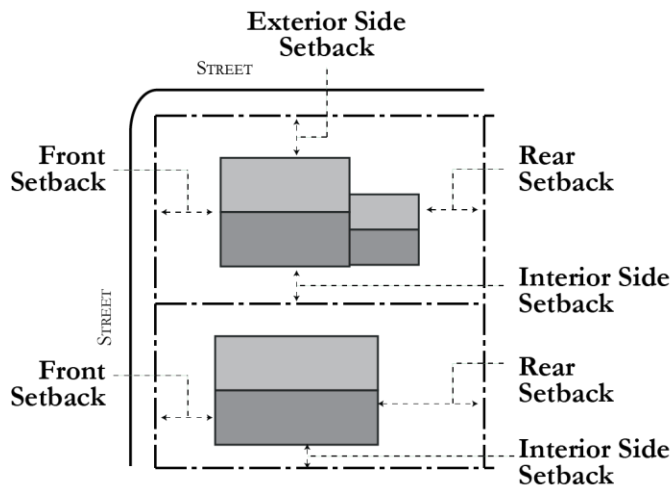
**TABLE 17.48-1: ALLOWED PROJECTIONS ABOVE HEIGHT LIMITS**

Structures Allowed Above Height Limit	Maximum Coverage	Maximum Projection Above Height Limit
Non-habitable decorative features including spires, belfries, cupolas, domes and other similar architectural elements	10% of roof area	3 ft. in the R-1 zoning district; 6 ft. elsewhere
Skylights	20% of roof area	1 ft.
Chimneys not over 6 feet in width	10% of roof area	3 ft. in R-1 zoning district; 6 ft. elsewhere
Flagpoles not over 8 inches in diameter	N/A	3 ft. in R-1 zoning district; 6 ft. elsewhere
Photovoltaic panels and thermal recovery systems	No restriction; subject to California building code	4 ft.
Building mounted telecommunications facilities	See Chapter 17.104	

**17.48.030 Setback Measurement and Exceptions**

**A. Setback Measurement.** Setbacks shall be measured as the distance between the property line and the nearest point of the structure along a line at a right angle to the property line. See Figure 17.48-2.

**FIGURE 17.48-2: SETBACK MEASUREMENT**



Note: See specific zoning district for required minimum setback

- B. Yards.** When unique circumstances exist, the Community Development Director has the authority to determine the lot configuration based on existing conditions and function of the lot.
- C. Projections over Property Lines.** Structures may not extend beyond a property line or into the public right-of-way, except when allowed with an Encroachment Permit.
- D. Projections into Required Setback.** Features of the primary structure on a lot may project into required setback areas as shown in Table 17.48-2, subject to the requirements of the Building Code. See Chapter 17.52 (Accessory Structures and Uses) for setback requirements that apply to accessory structures. New projections into setbacks associated with ESHA are limited to the exceptions of section 17.64.030.F (Setback Exceptions on Developed Lots).

**TABLE 17.48-2: ALLOWED PROJECTIONS INTO REQUIRED SETBACKS**

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>Roof Projections</b>					
Cornices, eaves, canopies, and similar roof projections	4 ft.	4 ft.	2 ft.	2 ft.	<u>All:</u> 3 ft.
<b>Building Wall Projections</b>					
Bay windows, balconies, sills, fireplaces, chimneys, and similar wall projections [1]	2 ft.	2 ft.	2 ft.	2 ft.	<u>All:</u> 3 ft.
<b>Entry Features</b>					
Stairways and fire escapes or similar features	Not allowed	4 ft.	No max	Not allowed	<u>Front:</u> Not allowed <u>Exterior Side:</u> Not allowed <u>Interior Side:</u> 3 ft. <u>Rear:</u> 5 ft.
At grade flatwork such as concrete paving and patios	No max	No max	No max	No max	<u>All:</u> No min
Landing places, patios, and decks 18 inches or less above grade	No max	No max	No max	No max	<u>Front and Exterior Side:</u> 5 ft. <u>Interior Side and Rear:</u> 3 ft.
Open and unenclosed entry porches and decks 19 to 30 inches above grade	4 ft.	6 ft.	½ of required setback	4 ft.	<u>Front:</u> 10 ft. <u>Exterior Side and Rear:</u> 5 ft. <u>Interior Side:</u> 3 ft.
Covered entry porch and decks 19 to 30 inches above grade including roof and roof overhang	5 ft.	Not Applicable	Not Applicable	4 ft.	<u>Front:</u> 10 ft. <u>Exterior side:</u> 5 ft. <u>Interior Side and Rear:</u> Not applicable
Wheelchair ramps and similar features for the disabled	No max	No max	No max	No max	<u>All:</u> No min

**Notes:**

[1] Projecting bay window may not exceed 60 percent of the width of the wall in which it is located.

- E. Allowed Encroachments in Setback Areas.** The following accessory structures and site improvements may project into required setback areas as shown in Table 17.48-3,

subject to the requirements of the Building Code. New encroachments into setbacks associated with specific coastal resource issues (e.g., ESHA setbacks, coastal hazard setbacks, etc.) are limited to the exceptions of Section 17.64.030.F (Setback Exceptions on Developed Lots).

**TABLE 17.48-2: ALLOWED ENCROACHMENTS INTO REQUIRED SETBACKS**

	Maximum Projection into Setback				Minimum Distances from Property Lines
	Front	Rear	Interior Side	Exterior Side	
<b>Decorative Site Features</b>					
Trellis structure up to 10 ft. in height open on all sides; Arbors with a minimum of two open sides utilized over a walkway	No max	No max	No max	No max	<u>All</u> : No min
Trellis structure up to 10 ft. in height open on at least three sides, and the walls of the structure are at least 50 percent transparent	Not Allowed	No max	No max	Not Allowed	<u>Rear and Interior Side</u> : No min <u>Front and Exterior Side</u> : Not allowed
Planter boxes and masonry planters with a maximum height of 42 inches	No max	No max	No max	No max	<u>All</u> : No min
Decorative ornamental features up to a maximum height of 6 ft. which does not enclose the perimeter of the property	No max	No max	No max	No max	<u>All</u> : No min
<b>Entertainment Features</b>					
Hot Tubs	Not allowed	No max	Not allowed	Not allowed	<u>Rear</u> : 2 ft. <u>All Other</u> : Not allowed
Pools	Not allowed	No max	Not allowed	Not allowed	<u>Rear</u> : 5 ft. <u>All Other</u> : Not allowed
Fire pits up to 30 inches in height	No max	No max	No max	No max	<u>All</u> : 5 ft.
Outdoor kitchens. The kitchen may include gas, electric and plumbing, except electric service may not be 220 volts and drain size may not exceed that allowed for a mini bar. Includes pizza ovens.	Not allowed	No max	Not allowed	Not allowed	<u>Rear</u> : 5 ft.
<b>Other Structures and Equipment</b>					
Children’s play equipment, movable dog house, and similar moveable objects	No max	No max	No max	No max	<u>All</u> : No min
Rain harvest tanks that do not exceed 8 ft. in height	Not allowed	No max	No max	No max	<u>Front</u> : Not allowed <u>All Other</u> : No min
Screened mechanical equipment including hot water heaters and air conditioning units	Not allowed	No max	No max	Not Allowed	<u>Rear and Interior Side</u> : 3 ft. <u>Front and Exterior Side</u> : Not allowed

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

#### F. Encroachments in the Public Right-of-Way.

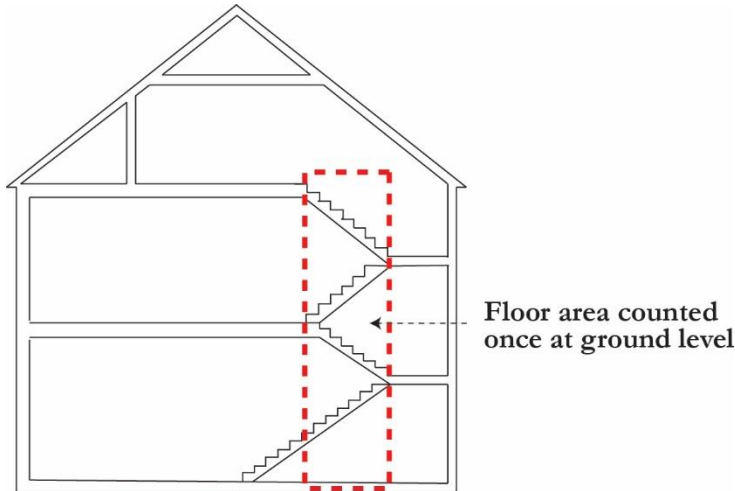
1. A privately-installed structure may encroach into the public right-of-way only when the encroachment is authorized by the Public Works Director or Planning Commission as provided in Municipal Code Chapter 12.56 (Privately Installed Improvements on Public Property or Easements).
2. In the coastal zone, a privately-installed structure encroaching into the public right-of-way may require via a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval), with the additional findings that the encroachment does not restrict lateral and vertical public coastal access, does not obstruct public coastal views, and does not impact ESHA, as identified in the Local Coastal Program. To the extent the encroachment is allowed, all encroachments shall be revocable.

#### 17.48.040 Floor Area and Floor Area Ratio

**A. Floor Area Defined.** Floor area means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls.

#### B. Floor Area Calculation.

1. Floor area includes all interior area below a roof and within:
  - a. The outer surface of the exterior walls; or
  - b. The centerlines of party walls separating buildings or portions thereof; or
  - c. All area within the roof line of a carport.
2. Floor area includes the entire area in all enclosed structures without deduction for features such as interior walls or storage areas.
3. In the case of a multi-story building with a covered or enclosed stairways, stairwells or elevator shafts, the horizontal area of such features are counted only once at the floor level of their greatest area of horizontal extent. See Figure 17.48-3.

**FIGURE 17.48-3: FAR MEASUREMENT FOR STAIRWAYS**

4. Interior area of a building with a floor-to-ceiling height of greater than 16 feet are counted twice in the floor area calculation.
5. The following features are included in the floor area calculation:
  - a. All upper floor area greater than 4 feet in height, measured between the bottom of the upper floor and the top of the ceiling.
  - b. All accessory structures other than a single building 120 square feet or less, 10 feet or less in height, and without plumbing fixtures.
  - c. Carports.
6. For all uses, the following features are excluded from the floor area calculation:
  - a. Covered or uncovered decks; and patios.
  - b. Trellises, porte-cocheres not more than 10 feet in height, and similar outdoor space which are open on at least three sides, not including carports.
  - c. Bay windows, chimneys, and other similar wall projections.
  - d. Up to 250 square feet of an enclosed garage on a lot 2,586 square feet or less.
  - e. On a lot between 2,586 and 3,018 square-feet with an enclosed garage, up to the difference between the maximum allowed floor area and 1,750 square feet.
  - f. Underground parking garages not visible from a public street.
  - g. Basements when all walls are below grade and not visible. Basements are included in calculations of required on-site parking to serve the use.
7. For non-residential uses, the following features are excluded from the floor area calculation:

- a. Outdoor improvements such as patios, decks, courtyards, outdoor dining areas, and other areas used by customers and employees. These features are included in calculations of required on-site parking to serve the use.
- b. Arcades, porticoes, and similar open areas that are located at or near street level and are accessible to the general public but are not designed or used as sales, display, storage, service, or production areas.
- c. Quasi-public seating areas located in a privately owned shopping center which is open to all of the patrons of all of the businesses of the shopping center and which consists of a seating area or similar area where there are tables, chairs, benches or landscaping or other similar amenities.

**C. Floor Area Ratio.**

1. Floor area ratio (FAR) is calculated by dividing the total floor area of all buildings on a site as defined in Section B (Floor Area Calculation) above by the net parcel area.
2. Net parcel area excludes: a) any recorded easements to allow others to use the surface of the property for access to an adjacent property or other similar use, and b) any area under the high water mark that extends into a waterway.



## Chapter 17.52 – ACCESSORY STRUCTURES AND USES

### Sections:

- 17.52.010 Purpose and Applicability
- 17.52.020 Accessory Structures
- 17.52.030 Accessory Uses

### 17.52.010 Purpose and Applicability

This chapter establishes requirements for accessory structures and uses in residential and non-residential zoning districts. These requirements do not apply to accessory dwelling units, including two-story accessory dwelling units above a detached garage, which are addressed in Chapter 17.74 (Secondary Dwelling Units).

### 17.52.020 Accessory Structures

**A. All Accessory Structures.** The following requirements apply to accessory structures in all zoning districts.

1. Accessory structures shall be clearly incidental and subordinate to the primary structure on the same lot.
2. Accessory structures may not be located on a separate lot from the primary use to which it is incidental and subordinate.
3. A Minor Design Permit is required for garages, sheds and other enclosed buildings with one or more of the following characteristics: an enclosed area of over 120 square feet, a height of over 10 feet, or plumbing fixtures per Section 17.120.030.A.
4. Accessory structures attached to a primary structure are considered a part of the primary structure and shall comply with all standards applicable to the primary structure.
5. Accessory structures may not be designed or used as a bedroom, sleeping area, and/or kitchen, except for accessory dwelling units consistent with Section 17.74 (Accessory Dwelling Units) and outdoor kitchens.
6. In the coastal zone, accessory structures shall be sited and designed so that they do not extend into setbacks associated with coastal resource issues (e.g., ESHA setbacks and coastal hazard setbacks). A proposed accessory structure that is located in the coastal zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).

**B. Accessory Structures in Residential Zoning Districts.**

1. **Development Standards.** Accessory structures in residential zoning districts shall comply with the development standards in Table 17.52-1 and in Figure 17.52-1.



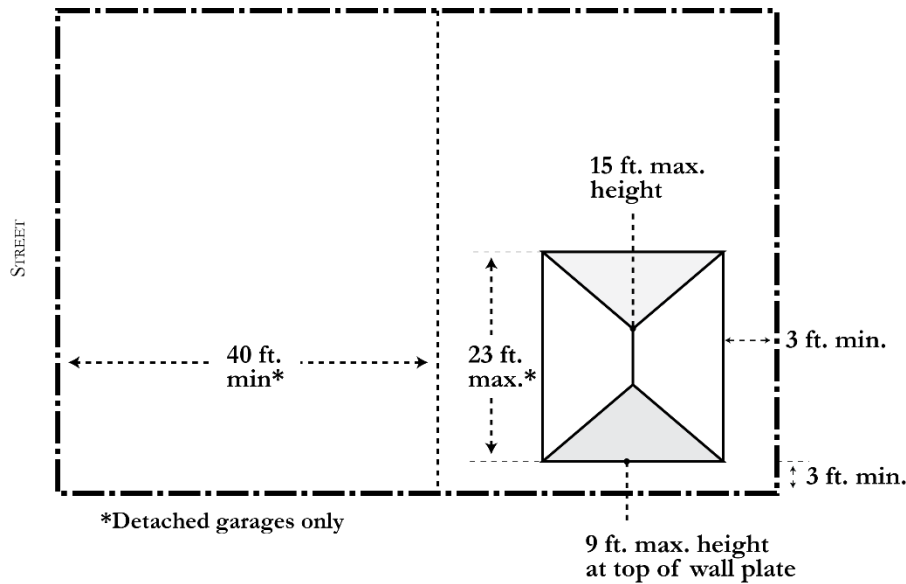
**TABLE 17.52-1: ACCESSORY STRUCTURE STANDARDS IN RESIDENTIAL ZONING DISTRICTS**

	Single-Family Residential Zoning Districts	Multi-Family Residential Zoning Districts	Additional Standards
Height, Maximum			
Structure	15 ft. [1]	15 ft.	Section 17.52.020.B.2
Top of Wall Plate	9 ft.	9 ft.	
Width, Maximum	23 ft. for detached garages; None for other accessory structures	None	
Setbacks, Minimum			Section 17.52.020.B.3
Front	40 ft. for detached garages; Same as primary structure for other accessory structures	Same as primary structure	
Interior Side	3 ft.	3 ft.	
Street Side	Same as primary structure	3 ft.	
Rear	3 ft.	3 ft.	

Note:

[1] Accessory structures less than 8 feet from a rear or interior side property line may not exceed 12 feet in height.

**FIGURE 17.52-1: DETACHED GARAGE STANDARDS IN RESIDENTIAL ZONING DISTRICTS**



- C. Height Exception.** The Planning Commission may approve an exception to allow additional height of an accessory structure if necessary to match the architectural style of the existing primary structure.
1. **Setback Exceptions.** One accessory structure permanently attached to the ground is allowed in required side and rear setback areas if the structure is less than 10 feet in height, has 120 square feet or less of enclosed area, and has no plumbing. One additional accessory structure is allowed in required side and rear setback areas with an Administrative Permit.
  2. **Driveway Standards.** The placement of detached garages shall allow for the design and location of driveways consistent with Chapter 17.76 (Parking and Loading).
  3. **Nonconforming Garages.** An existing detached garage in a residential single-family zoning district that does not comply with development standards in Table 17.52-1 is legal nonconforming and may be repaired, renovated, or replaced provided that the nonconformity is not increased or exacerbated.
- D. Accessory Structures in Non-Residential Zones.** Accessory structures in non-residential zoning districts are subject to the same development standards (e.g., height and setbacks) as primary structures in the applicable zoning district. Accessory structures should be located to the side or rear of buildings and screened from public view.

#### 17.52.030 Accessory Uses

- A. Residential Accessory Uses.** The following requirements apply to accessory uses in residential zoning district.
1. Accessory uses shall be located on the same parcel as a residence and shall be clearly incidental and subordinate to the residence.
  2. Accessory uses shall not change the character of the residential use. Examples of permitted accessory uses include home occupations and personal property sales (i.e., garage or yard sales).
- B. Non-Residential Accessory Uses.** The following requirements apply to accessory uses in non-residential zoning districts.
1. Accessory uses shall be a part of and clearly incidental and subordinate to the primary use to which it relates.
  2. Accessory uses shall be located on the same parcel as the primary use to which it is incidental and subordinate, within the structure.
  3. Accessory uses shall be customarily associated with the primary use to which it is incidental and subordinate. Examples of common non-residential accessory uses include ATMs, vending machines, newsstands, and personal service establishments (e.g., child day care, food services) intended to serve employees or customers and that are not visible from public streets.

4. All exterior vending machines require a Conditional Use Permit.
5. Accessory uses may not necessitate an increase in required number of parking spaces.

## Chapter 17.56 - ARCHAEOLOGICAL AND PALEONTOLOGICAL RESOURCES

### Sections:

- 17.56.010 Purpose and Intent
- 17.56.020 Archaeological/Paleontological Survey Report
- 17.56.030 Environmental Assessment Requirement
- 17.56.040 Development Standards

### 17.56.010 Purpose and Intent

This chapter establishes standards to protect Capitola's archaeological and paleontological resources. New land uses and development, both public and private, shall be considered compatible with this purpose only where they incorporate all feasible site planning and design features necessary to avoid or mitigate impacts to archaeological and paleontological resources.

### 17.56.020 Archaeological/Paleontological Survey Report

**A. When Required.** An archaeological/paleontological survey report is required for any development located within:

1. Property within a known archaeological or paleontological resource;
2. Property located within 100 feet of a bluff edge; or
3. An area with a probability of containing archaeological/paleontological resources, as determined through the City's onsite investigation or other available information.

**B. Report Preparation.** The city will initiate the preparation of the survey report at the applicant's expense utilizing a qualified archaeologist/paleontologist selected by the Community Development Department. The survey report shall be submitted to and accepted by the city prior to deeming the application complete.

### C. Mitigation Plan

1. Where construction on, or construction impacts to, an archaeological or paleontological site cannot be avoided, as verified in the archaeological/paleontological report prepared for the project, a mitigation plan shall be prepared for the project. The mitigation plan shall be submitted to and approved by the city prior to deeming the application complete.
2. For archaeological resources, the mitigation plan shall include preservation measures in accordance with the guidelines of the State Office of Historic Preservation and/or the State of California Native American Heritage Commission.
3. For archaeological resources, the consulting archaeologist shall file both the archaeological survey report and mitigation plan with the State Office of Historic

Preservation and where the plan contains recommendations that will impose any continuing restrictions or obligations on the property, an agreement approved by the City Attorney, binding the property's owner to the restrictions or requirements, shall also be recorded with the County Recorder. Such agreement shall list the official file number of the report and the location of the document.

4. For paleontological resources, a consulting paleontologist shall file a paleontological resource report and mitigation plan with the City to minimize on paleontological resources. The mitigation may include re-siting or redesigning the project, excavation, or coving the resources.

**D. Mitigation Measures.** The recommended mitigation measures contained in the archaeological/paleontological survey report and mitigation plan shall be made a condition of approval.

**E. Required Condition.** Where a mitigation plan has been prepared for a proposed development, a condition of project approval shall be that:

1. The preservation measures recommended in the mitigation plan shall be undertaken and completed prior to the issuance of building or grading permits, whichever comes first; or
2. Where appropriate, according to the recommendations contained in the mitigation plan, the preservation measures shall be undertaken concurrent with grading or other soil-disturbing activities and shall be undertaken in accordance with the mitigation plan, as a condition of the grading or building permit; and
3. The results of the preservation activities shall be compiled into a final report prepared by the archaeologist/paleontologist and submitted to the City prior to the issuance of building or grading permits. The City shall contract directly with the archaeologist to prepare the final report at the applicant's expense.

**F. Report Standards.** The archaeological/paleontological survey report, mitigation plan, and final report shall be prepared according to the most professional report standards (e.g.: the Society of Professional Archaeologists) and must include, at a minimum, a field survey by the archaeologist, survey of available state resource information at the Northwest Regional Information Center of the California Archaeological Inventory, description of the site's sensitivity and any identified archaeological resources, appropriate levels of development if any on the site, and recommended mitigation measures. The report may be required to include additional information, according to the circumstances of the particular site.

**G. Waiver of Report Requirement.** The requirement to prepare an archaeological/paleontological survey report may be waived by the Community Development Director if a previous report was prepared for the site by a qualified archaeologist/paleontologist, as included on the City's list of archaeological/paleontological consultants or as a member of the Society of Professional Archaeologists, and accepted by the City, and either of the following apply:

1. The report clearly and adequately included the currently-proposed development site within the scope of its survey; or
2. The proposed development does not involve land clearing, land disturbance, or excavation into native soils.

#### **17.56.030 Grading Monitoring Requirement**

The Community Development Director may require grading monitoring by a qualified archaeologist and/or paleontologist for any project which involves grading into native soils within an area identified as having a moderate to high potential to support archaeological or paleontological resources. Archaeological and paleontological monitors shall be commissioned by the City and paid for by the project applicant.

#### **17.56.040 Unexpected Discovery of Archaeological or Paleontological Resources**

If archaeological and/or paleontological resources are discovered during grading or construction activities, all work must immediately cease and the project applicant or their designated representatives must immediately contact Community Development Department staff to initiate a resource evaluation by a qualified archaeologist and/or paleontologist, as appropriate. Work shall not resume until the qualified archaeologist and/or paleontologist determines that no significant resources are present or until appropriate avoidance and/or mitigation measures have been implemented to the satisfaction of the Community Development Director.

#### **17.56.050 Environmental Assessment Requirement**

All development proposed on parcels with known archaeological and/or paleontological resources, as identified through the survey report, shall be subject to environmental assessment under the California Environmental Quality Act (CEQA) Guidelines. If human remains are discovered during construction, the project shall comply with all applicable State and Federal laws, including California Health and Safety Code Section 7050.5 and CEQA Guidelines Section 15064.5(e).

#### **17.56.060 Development Standards**

- A. Design and Location.** Development proposed within areas identified in Section 17.56.020.A (When Required) shall be designed and located so as to avoid development on or impacts to the site to the extent feasible. Alternative siting or location, reduction of project size, and other techniques shall be required where that technique will result in reduced impact to or non-disturbance of the archaeological/paleontological site.
- B. Mitigation Measures.** Development proposed within areas identified in Section 17.56.020.A (When Required) shall be subject to the mitigation measures of the archaeological/paleontological survey report as conditions of approval, to be completed prior to the issuance of building or grading permits.



## Chapter 17.60 – FENCES AND WALLS

### Sections:

- 17.60.010 Permit Requirements
- 17.60.020 Measurement of Fence and Wall Height
- 17.60.030 Height Limits
- 17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue Walkway
- 17.60.050 Materials
- 17.60.060 Parking Lot Screening
- 17.60.070 Private Agreements

### 17.60.010 Permit Requirements

- A. Administrative Permit.** An Administrative Permit is required to establish a new fence or wall consistent with the height, placement, and material standards in this chapter. Replacement of an existing fence that is in compliance with standards of this chapter does not require a permit.
- B. Design Permit.** The Planning Commission may allow fences and walls that deviate from height, placement, and material standards with the approval of a Design Permit. The Planning Commission may approve a deviation to a fence standard provided that the deviation will not result in a significant adverse impact for neighboring properties, public access or views or the community at large when one or more of the following apply:
  1. Unique circumstances exist on the site, such as a property line abutting a highly trafficked public street or path or historic use of screening for the property; and/or
  2. The deviation is necessary for the reasonable use and enjoyment of the property.
- C. Building Permit.** Fences and walls may require a building permit as required by California Building Code.
- D. Encroachment Permit.**
  1. Improvements located in the public right-of-way may require Public Works Department approval of an Encroachment Permit. See Municipal Code Section 12.56.060(A).
- E. Coastal Development Permit.** A proposed development that is located in the coastal zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).

### 17.60.020 Measurement of Fence and Wall Height

- A. Measurement of Height.** The height of a fence or wall is measured from the finished grade at the base of the fence or wall to the top edge of the fence or wall.
- B. Fences on Walls.** If a fence is atop a wall, the total height is measured from the base of the wall.



**C. Different Finished Grades.** If the adjacent finished grade is different on opposite sides of a fence or wall, the height is measured from the side with the lowest finished grade to the highest point on the fence or wall.

**17.60.030 Height Limits**

**A. Maximum Height.** The maximum height of fences and walls in all zoning districts is shown in Table 17.60-1 and Figure 17.60-1.

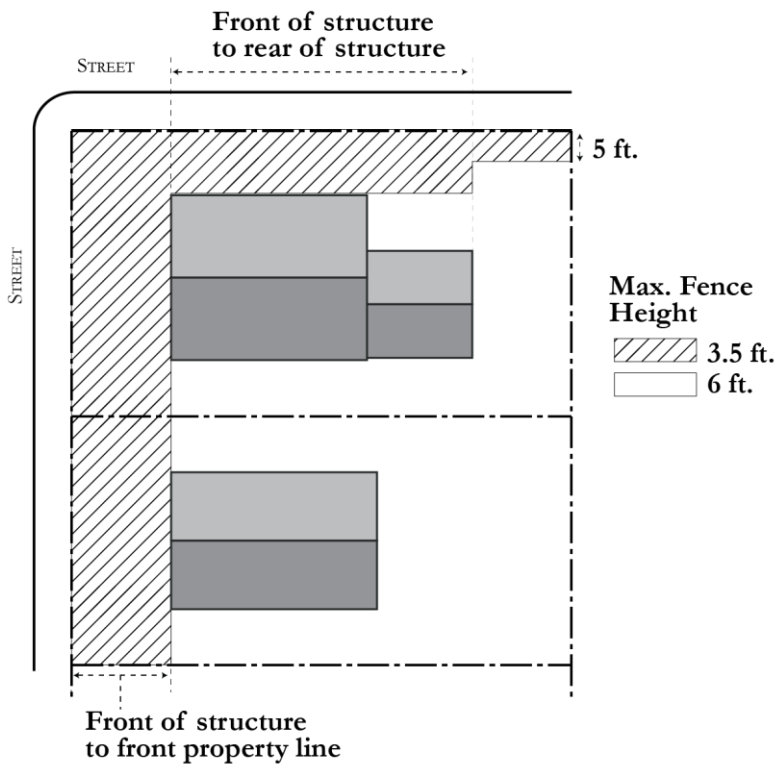
**TABLE 17.60-1: FENCE AND WALL HEIGHT**

Location	Maximum Height
Area within front setback from the front property line to the front facade of the primary structure	3 ½ ft.
Areas on a corner lot shown in Figure 17.60-1. [1]	3 ½ ft.
All other locations	6 ft.

Note:

[1] See Section 17.96.050 (Intersection Sight Distance) for addition corner lot fence requirements.

**FIGURE 17.60-1: FENCE AND WALL HEIGHT**



- B. Intersection Sight Distance.** Fences on corner parcels and adjacent to driveways shall comply with maximum height requirements as specified in Section 17.96.050 (Intersection Sight Distances) to maintain a clear view for motor vehicle drivers.
- C. Decorative Features and Materials.**
1. An additional 2 feet of fence height is permitted above a 6 foot high fence for lattice or other similar material that is at least 50 percent transparent.
  2. Decorative arches and other similar features above an entry walkway may be up to 10 feet in height within a required front and exterior side setbacks.
- D. Use of Parking Spaces.** Fences and walls may not be placed in a location that interferes with the use of a required on-site or street parking spaces.
- E. Fences Along Arterials and Collectors.** The Community Development Director may require additional transparency or reduced heights for fences along arterial and collector streets to maintain public views and/or enhance community design.
- F. Noise Walls.** The Planning Commission may allow walls along arterial and collector streets to exceed maximum permitted heights as shown in Table 17.60-1 when necessary to mitigate noise impacts on residents.
- G. Coastal Access and Public Views to the Coast.** Fences and/or walls shall not prevent or obstruct public access to the coast or shoreline. Fences and/or walls also shall not block, obscure, or otherwise adversely impact significant public views of the shoreline, as identified within the LCP Land Use Plan.

**17.60.040 Fences Adjacent to Soquel Creek Pathway and Grand Avenue Walkway**

All fences adjacent to the pedestrian paths along the east side of Soquel Creek north of Stockton Avenue and along the Grand Avenue Walkway shall comply with the following standards:

- A.** Maximum height: 3 ½ feet.
- B.** Required material: wood, ornamental steel or iron, or other similar material.
- C.** Fences may not be constructed of solid material. Fences shall maintain public views through the use of widely-spaced vertical posts or other techniques. In all cases, such fences shall not adversely impact significant public views of the coastline, as identified within the LCP Land Use Plan.

**17.60.050 Materials**

- A. Permitted Materials.** Fences and walls shall be constructed of decorative masonry, ornamental steel or iron, or wood, and shall be of a complementary color and material with the primary building. Other materials may be permitted if the Community

Development Director determines the design to be compatible with adjacent structures and its surrounding neighborhood.

**B. Prohibited Materials.**

1. Fences and walls may not be constructed of inappropriate materials such as sheet metal, vehicles, underground/above-ground tanks, garage doors, aluminum siding, corrugated tin, and other similar materials not specifically designed for use as fencing.
2. Barb-wire, razor wire, and electric fences are prohibited in all zoning districts. Chain link fences are prohibited in residential zoning districts, except for temporary use during construction with an active building permit.

**17.60.060 Parking Lot Screening**

Parking lots of six spaces or more within ten feet of a residential zoning district shall be screened with a fence or wall as required by Subsection 17.76.060.I (Screening). The Planning Commission or City Council may require a fence or wall beyond the maximum height.

**17.60.070 Private Agreements**

This chapter is not intended to interfere with any agreement between private parties regarding the placement, height, or design of fences and walls. Where conflict occurs between this chapter and such a private agreement, the City shall follow this chapter. The City is not responsible for monitoring or enforcing private agreements or mediating fence and wall disputes between neighbors.

## Chapter 17.64 - ENVIRONMENTALLY SENSITIVE HABITAT AREAS

### Sections:

- 17.64.010 Purpose
- 17.64.020 Applicability
- 17.64.030 General Standards
- 17.64.040 Soquel Creek, Lagoon, and Riparian Corridor
- 17.64.050 Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch

#### 17.64.010 Purpose

This chapter establishes standards to protect and preserve environmentally sensitive habitat areas in Capitola consistent with Capitola’s General Plan, Local Coastal Program (LCP), and the requirements of the Coastal Act.

#### 17.64.020 Applicability

This chapter applies to the following environmentally sensitive habitat areas. Environmentally sensitive habitat areas (ESHA) are any areas in which plant or animal life or their habitats are either rare or especially valuable because of their special nature or role in an ecosystem and which could be easily disturbed or degraded by human activities and developments. ESHA includes wetlands, coastal streams and riparian vegetation, and terrestrial ESHA, including habitats of plant and animal species listed under the Federal or California Endangered Species Act. The ESHA map identifies properties in the general location of sensitive habitats. The precise location of sensitive habitats within a site shall be identified in the biological study as required within Subsection 17.64.030.G (Biological Study). In addition, the following areas are categorically ESHA as identified in Capitola’s LCP:

- A. Soquel Creek, Lagoon, and Riparian Corridor
- B. Noble Gulch Riparian Corridor
- C. Tannery Gulch Riparian Corridor
- D. Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch

#### 17.64.030 General Standards

The following standards apply to all environmentally sensitive habitat areas:

- A. **Allowable Development within Sensitive Habitat Area.** The only allowed development within the sensitive habitat areas as identified in the biological study required in Subsection 17.64.030.G (Biological Study) shall be those uses dependent on the resource (e.g., low-intensity public access and recreation, nature study, restoration). The only new uses allowed in wetlands and streams/riparian areas shall be those specified in Coastal Act Sections 30233 and 30236, respectively.

- B. Impact Prevention.** Allowable development within an environmentally sensitive habitat area shall be sited and designed to prevent impacts which would significantly degrade the area.
- C. Long-Term Protection.** Allowable development shall be sited, designed, and maintained to achieve the long-term protection of the environmentally sensitive habitat areas.
- D. Prohibited Areas for Development.** With the exception of restoration and resource protection and enhancement activities, no new development may encroach into the waters of Soquel Creek or Lagoon, be sited within the root zone of riparian or butterfly host trees, or require the removal of trees in a Monarch butterfly habitat area which provide roosting habitat or wind protection.
- E. Minimum Setbacks.**
  1. Development may not encroach into required minimum setbacks from environmentally sensitive habitat areas as shown in Table 17.64-1 (Required Setbacks from Environmentally Sensitive Habitat Areas), except as allowed in subparagraph (2) below. The setbacks listed below are minimums and may be increased depending on the findings of the biological study required in 17.64.030(E), below.

**TABLE 17.64-1: REQUIRED SETBACKS FROM ENVIRONMENTALLY SENSITIVE HABITAT AREAS**

Environmentally Sensitive Habitat Area	Minimum Setback
Soquel Creek Lagoon	35 ft. from the western shoreline of Soquel Creek Lagoon [1]
Soquel Creek Riparian Corridor	25 feet from the outer edge of riparian vegetation. On the heavily developed east side of the lagoon and creek (from Stockton Avenue to Center Street) the setback requirement shall be measured from the bank of Soquel Creek. In no case may the setback be located on the west side of the pedestrian path.
Noble Gulch Riparian Corridor	35 feet from the outer edge of riparian vegetation
Tannery Gulch Riparian Corridor	50 feet from the outer edge of riparian vegetation
Other ESHA	A setback sufficient to ensure the protection of ESHA habitat values as identified in the biological study as required within Subsection 17.64.030.G (Biological Study).

Notes:

[1] Does not apply to public facilities outside the coastal zone. Within the coastal zone, applies to public facilities unless otherwise specified in Section 30233 of the Coastal Act.

2. To allow for a minimum level of development on a physically constrained lot, the City may allow a reduction to the required minimum setback provided that a biological study determines that the reduced setback does not have a significant adverse effect on the ESHA and its habitat value.

## F. Setback Exceptions on Developed Lots

1. The City may grant an exception to the minimum setbacks in Section E (Minimum Setbacks) for the following projects on developed lots:
  - a. An addition or modifications to an existing single-family home, or an accessory structure, that does not extend closer to the environmentally sensitive habitat area., and provided the addition or modification or accessory structure is compatible with, and will not significantly degrade, the ESHA and/or its habitat values.
2. A developed lot means a lot that is developed or utilized to its ultimate potential use according to the applicable zoning district. For example, an R-1 lot that contains a single-family home or a permitted public/quasi-public use is considered developed. A residential or commercial lot that is vacant or used periodically for temporary uses (e.g., seasonal holiday sales) is not considered developed.
3. The City may grant an exception with the approval of an Administrative Permit, or a Coastal Development Permit for sites located within the coastal zone, upon finding that the project is:
  - a. Sited and designed to prevent impacts which would significantly degrade environmentally sensitive habitat areas;
  - b. Consistent with the recommendation of the biological study prepared for the proposed development; and
  - c. Is compatible with the continuance of habitat and recreation activities within environmentally sensitive habitat areas.
4. The City may attach conditions to the Administrative Permit or Coastal Development Permit to ensure compliance with all City policies and regulations pertaining to the protection of environmentally sensitive habitat areas.
5. City approval of an exception shall not require the applicant to prepare a biological study.

**G. Biological Study.** For any proposed development located on a parcel within the ESHA areas identified above, the City shall contract with a qualified biologist at the applicant's expense to prepare a biological study. Biological studies shall at a minimum include the following:

1. Field surveys to determine the presence and location of any sensitive habitats and sensitive plant and animal species; and
2. A biological report which includes vegetation maps, a list of all observed native plant and animal species, an evaluation of other sensitive species which were not observed but have the potential to occur on the site, an impact analysis, and recommendations for avoiding, minimizing, or mitigating impacts. The biological report shall identify appropriate building and other setbacks, appropriate use, restoration, and

development standards within setbacks, wetland buffers, landscape recommendations, and mitigation monitoring and reporting requirements as appropriate.

- H. Waiver of Biological Study.** The City may waive the requirement of a biological study on a developed lot if a project is proposed in a previously developed area of the lot and the project will not degrade, the ESHA and/or its habitat values.
- I. Conservation Easements and/or Deed Restrictions.** If necessary and appropriate to protect natural areas and ESHA, the City shall require a permanent conservation easement or deed restriction over any portion of the property containing environmentally sensitive habitat areas and their required setbacks.
- J. Erosion Control and Water Quality.**
1. All development shall conform to erosion control and water quality requirements consistent with federal, state, and local regulations. Within riparian areas, allowed grading shall be minimized within the riparian setback area. Grading shall not be permitted to damage the roots of riparian trees or trees within butterfly habitat areas. Grading shall only take place during the dry season.
  2. During construction, erosion control measures shall be implemented, including limiting removal of vegetation, minimizing exposure of bare soils, replanting disturbed soils with suitable native species, controlling runoff, and preventing sedimentation from entering drainages. All areas outside the immediate construction areas shall not be disturbed. The City shall require measures for temporary drainage retention during construction, including mulching, erosion control seeding, and other measures as needed to prevent any sediment from reaching sensitive habitat areas.
- K. Removal of Native Riparian Trees.** Removal of native riparian trees within riparian corridors is prohibited unless it is determined by the Community Development Director, on the basis of an arborist report, that such removal is in the public interest by reason of good forestry practice, disease of the tree, or safety considerations.
- L. Dead Trees in Riparian Corridors.** Snags, or standing dead trees, shall not be removed from riparian corridors unless in imminent danger of falling, where same would lead to a public safety issue. Removal shall be consistent with all applicable provisions of Capitola Municipal Code Chapter 12.12 (Community Tree and Forest Management). Any removed tree shall be replaced with a healthy young tree of an appropriate native riparian species or appropriate habitat for Monarch butterflies.
- M. Landscaping Plan.** A landscaping plan shall be prepared for proposed developments that identifies the location and extent of any proposed modification to existing vegetation and the locations, kinds, and extent of new landscaping. The emphasis of such plans shall be on the maintenance and enhancement of native species, the removal of existing invasive species, and the enhancement of natural habitat. New invasive plant or tree



species are prohibited, with the exception of species which positively contribute to Monarch butterfly habitat.

- N. Wood-Burning Fireplaces.** Wood-burning fireplaces shall be prohibited in structures built on sites where Monarch butterflies may be disturbed due to chimney smoke. The City discourages wood-burning fireplaces for residential uses in all other areas of Capitola.

#### **17.64.040 Soquel Creek, Lagoon, and Riparian Corridor**

The following standards apply in the Soquel Creek, Lagoon, and Riparian Corridor in addition to the standards in Section 17.64.030 (General Standards):

- A. No New Development.** No new development is permitted within the riparian corridor along Soquel Creek and Lagoon, except for restoration and resource protection and enhancement activities, and, outside the coastal zone only, public facilities.
- B. Division of Land.** New divisions of land may be approved only if each new parcel contains adequate area outside the riparian or stream bank setback to accommodate new development.

#### **17.64.050 Monarch Butterfly Habitat – Rispin-Soquel Creek and Escalona Gulch**

The following standard applies to both the Rispin - Soquel Creek and the Escalona Gulch Monarch Butterfly Habitat Areas in addition to the standards in Section 17.64.030 (General Standards):

- A. Permitted Construction Periods.** Construction for otherwise allowable development within or on properties contiguous to the designated butterfly groves shall be prohibited during fall and winter months when the Monarch butterflies are present. Removal or modification of trees (including pruning) within the groves shall not be permitted during these periods except when determined by the Community Development Director, on the basis of an arborist report, to be an emergency necessary to protect human life or property.
- B. Tree Protection.**
1. Development shall be sited and designed to avoid removal of large trees. New development located immediately adjacent to large trees shall be evaluated by an arborist to ensure that the development will not negatively impact the tree in the future.
  2. Trees removed for construction shall be replaced based on a written tree replanting program developed in consultation with a qualified Monarch butterfly expert. The trees shall be sited in strategic locations as identified by the replanting program.
  3. Barrier fencing shall be installed around large trees, especially cluster trees, for protection during construction.



- C. Structure Height.** The City shall limit structure heights as needed to prevent shading of cluster sites.
- D. Construction Involving Heavy Equipment.** No construction involving heavy equipment that may bump into the cluster trees or produce heavy plumes of exhaust smoke is permitted during the months in which the Monarch butterflies are in residence (October 1st to March 1st).

## Chapter 17.72 LANDSCAPING

### Sections:

- 17.72.010 Purpose
- 17.72.020 Applicability
- 17.72.030 Water Efficient Landscape Design and Installation Ordinance
- 17.72.040 Landscape Plans
- 17.72.050 Required Landscape Areas
- 17.72.060 Landscape Standards
- 17.72.070 Landscape Maintenance

### 17.72.010 Purpose

This chapter establishes landscaping standards to enhance the aesthetic appearance of developed areas in Capitola and to promote the efficient use of water resources.

### 17.72.020 Applicability

**A. Multi-Family Residential and Non-Residential Projects.** The following multi-family and non-residential projects shall comply with all requirements of this chapter:

1. Construction of new structures.
2. Additions that increase the floor area of a multi-family or non-residential structure by 3,000 square feet or more.

**B. Single Family Residential Projects.**

1. New single-family homes shall comply with all requirements of this chapter.
2. If existing landscaping is disturbed or new landscaping is added as part of a remodel or addition to an existing single-family home that requires a Design Permit, the new landscaping shall comply with the standards in Section 17.72.060 (Landscape Standards). The City will evaluate compliance with these standards based on the plans and materials submitted as part of the Design Permit applications. Submittal of a Landscape Plan for the entire site in accordance with Section 17.72.040 (Landscape Plans) is not required.

**C. Coastal Development Permit.** A proposed development that is located in the Coastal Zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).

### 17.72.030 Water Efficient Landscape Design and Installation Ordinance

In addition to the requirements of this chapter, all applicable development in Capitola shall also comply with the applicable water provider's (i.e., the City of Santa Cruz Water Department or Soquel Creek Water District) Landscape Water Use Efficiency Ordinance. If

conflicts occur between the applicable water provider's Landscape Water Use Efficiency Ordinance and the Zoning Code, the more restrictive policy to conserve water shall control.

#### **17.72.040 Landscape Plans**

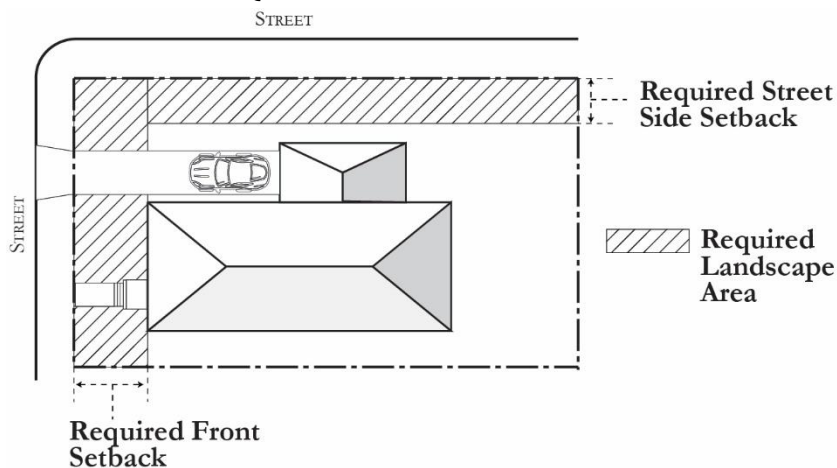
- A. Landscape Plan Required.** Projects subject to the requirements of this chapter shall submit a landscape plan as part of planning permit applications (e.g., Design Permit/Coastal Development Permit applications) and subsequent building permit applications.
- B. Required Contents.** Landscape plans shall include the following features and information:
1. Site boundaries.
  2. Existing conditions on the property, including contours and existing structures.
  3. Structures immediately adjacent to the property.
  4. New structures and improvements proposed as part of the development project.
  5. Existing landscaping, trees, and vegetation to be retained specifying plant location, species, and size. Details of all existing trees shall also include tree diameter measured 48 inches above existing grade and outer limit of tree canopy and a label identifying if the tree will remain or be removed.
  6. New landscaping proposed as part of the development project specifying plant location, species, and size.
  7. Irrigation plan specifying the location, type, and size of all components of the irrigation system.
  8. Proposed grading.
  9. Additional information as determined by the Community Development Department to demonstrate compliance with the requirements of this chapter.
- C. Review and Approval.** The Community Development Department shall review all landscape plans to verify compliance with this chapter. Landscape plans shall be approved by the review authority responsible for approving the planning permits required for the proposed project.
- D. Changes to Approved Landscape Plans.**
1. Substantial modifications to an approved landscape plan shall be allowed only by the review authority which approved the landscape plan.
  2. The Community Development Director may approve minor modifications to a landscape plan previously approved by the Planning Commission. Minor modifications are defined as changes to a landscape plan that do not alter the general design character of the landscaped area or alter a feature of the landscaped area specifically required by the Planning Commission.

### 17.72.050 Required Landscape Areas

#### A. Residential Zoning Districts.

1. All required front and street side setback areas, excluding areas required for access to the property, shall be landscaped and maintained. See Figure 17.72-1.
2. Landscaping may consist of any combination of living plants, such as trees, shrubs and grass with related natural features, such as rock, stone, or mulch; and may include patios, courtyards, and outdoor dining areas. Artificial grass may be used within required landscaping areas. Decorative hardscape featuring pervious materials is permitted within required landscaping areas when combined with natural vegetation.

FIGURE 17.72-1: REQUIRED LANDSCAPE AREA IN R-1 ZONING DISTRICT



#### B. Non-Residential Zoning Districts.

1. Except in the I zoning district, all required front and street side setback areas shall be landscaped, excluding areas required for access to the property and public or quasi-public open space such as courtyards and outdoor seating.
2. The minimum landscaped area on a site is shown in Table 17.72-1.
3. In the MU-V and MU-N zoning districts, up to 75 percent of the minimum landscaped area may be occupied by outdoor dining areas, courtyards, and other similar quasi-public areas with Planning Commission approval. Hardscape areas counting towards landscaping requirements must contain above-ground planters and other similar features that incorporate greenery and plantings into the space design. In all other zoning districts these areas may not count toward landscaping requirements.

**TABLE 17.72-1: MINIMUM LANDSCAPED AREA IN NON-RESIDENTIAL ZONING DISTRICTS**

Zoning Districts	Minimum Landscaped Area
MU-V, MU-N, C-R, C-C, CF, I	5%
P/OS, PD, VS	As determined by the permit approval process

**C. Visitor Serving Properties.** Minimum required landscaping for certain visitor serving properties are shown in the Table 17.72-2.

**TABLE 17.72-2: MINIMUM LANDSCAPED AREA FOR VISITOR SERVING PROPERTIES**

Property	Minimum Landscaped Area
Rispin Site	75% as either landscaped areas in developed areas of the site, or unlandscaped natural areas in areas subject to conservation easements
Shadowbrook Restaurant Parcel and visitor-serving El Salto and Monarch Cove parcels	50% landscaped area or undeveloped open space

**17.72.060 Landscape Standards**

**A. General Standards.** The following standards apply pursuant to 17.72.020 within all zoning districts.

1. **Plant Selection.** A minimum of 90 percent of plants and trees shall be drought-tolerant as defined by the Water Use Classification of Landscape Species (WUCOLS.) Native plants adapted to the local climate are preferred.
2. **Plant Selection along Blufftop, Beach, or ESHA.** Native plants adapted to the local climate shall be required within 50 feet of the blufftop edge, the beach, or ESHA. See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.
3. **Storm Water Management.** The landscape plan shall incorporate stormwater management controls in compliance with the Regional State Water Resources Control Board-
4. **Turf Lawns.**
  - a. Turf areas shall be limited to 25 percent of the landscaped area. The Planning Commission may approve larger areas if the lawn area provides functional open space.
  - b. Drought-tolerant grass species shall be used exclusively.
  - c. Turf shall not be used on berms, slopes, or median islands where runoff is a problem.
5. **Slopes.** Turf and high-water-use plants shall not be planted on berms and slopes greater than 25 percent.

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

6. **Plant Groupings.** Where irrigation is proposed, plants shall be grouped in separate hydrozones (i.e., plants within each irrigation valve area shall have the same watering requirements).
  7. **Water Features.** Decorative water features (e.g., fountains, ponds, waterfalls) must be approved by the Planning Commission and shall have recirculating water systems. Automatic fill valves are not recommended for use within water features
  8. **Watering Times.** Watering shall be limited to between eight p.m. and ten a.m.
  9. **Public Safety.** Plant species shall be selected and located so that at maturity they do not interfere with pedestrian, bicycle, or vehicular circulation or safety and do not conflict with overhead lights, or utility lines.
- B. Irrigation and Water Efficiency.** Irrigation systems shall be designed to avoid runoff, low head drainage, overspray, and other similar conditions where water flows outside of landscaped areas. Irrigation systems shall feature the following equipment:
1. Irrigation systems shall meet a minimum irrigation efficiency standard of the applicable water provider.
  2. Separate landscape water meters for landscape areas exceeding 10,000 square feet for single-family residential uses and 5,000 square feet for all other uses.
  3. Irrigation controllers capable of percent adjustment, multiple programming, and rain sensor.
  4. Overhead sprays shall have a precipitation rate of no more than 0.75 inches per hour.
  5. Separated valves and circuits based on water use and sun exposure. Separate valves for turf and non-turf and berm areas are required.
  6. Sprinkler heads and emitters selected for proper area coverage, application rate, operation pressure, adjustment capability, and ease of maintenance.
  7. Rain-sensing override devices are required for all irrigation systems.
  8. Drip or bubble irrigation is required for all trees. Bubblers should not exceed a flow rate of 1.5 gallons per minute.
  9. State-approved back flow prevention devices shall be installed on all irrigation systems
- C. Timing of Installation.** Landscaping systems shall be installed prior to final building permit inspection or certification of occupancy.

#### 17.72.070 Landscape Maintenance

The following landscape maintenance requirements apply to multi-family and non-residential properties.

- A. General.** Landscape areas shall be maintained in a neat and healthful condition at all times.

- B. Mulch.** Mulch shall be periodically added to the soil surface in all landscape areas.
- C. Replacement of Dead or Dying Plants.** Plants that are dead or severely damaged or diseased shall be replaced by the property owner.
- D. Removal of Landscaping.** Any removed mature landscaping shall be replaced with landscaping of similar size and maturity as that which was removed. Trees may only be removed and/or replaced in accordance with the City's Tree Ordinance, Municipal Code/Local Coastal Program Section 12.12.
- E. Irrigation Systems.** Irrigation systems shall be maintained in a fully functional manner as approved by the City and required by this chapter. Watering schedules should be adjusted periodically to reflect seasonal variations.

## Chapter 17.74 – ACCESSORY DWELLING UNITS

### Sections:

- 17.74.010 Purpose
- 17.74.020 Definitions
- 17.74.030 Permitting Process
- 17.74.040 General Requirements
- 17.74.050 Units Subject to Limited Standards
- 17.74.060 Units Subject to Full Review Standards
- 17.74.070 Units Requiring a Design Permit
- 17.74.080 Development Standards
- 17.74.090 Objective Design Standards
- 17.74.100 Deviation from Standards
- 17.74.110 Findings
- 17.74.120 Deed Restrictions
- 17.74.130 Incentives

### 17.74.010 Purpose

This chapter establishes standards for the location and construction of accessory dwelling units (ADUs) consistent with Government Code Sections 65852.2-65852.22. These standards are intended to allow accessory dwelling units as a form of affordable housing in Capitola while maintaining the character and quality of life of residential neighborhoods.

### 17.74.020 Definitions

Terms used in this chapter are defined as follows:

- A. Accessory Dwelling Unit.** “Accessory dwelling unit” means a self-contained living unit located on the same parcel as a primary dwelling unit.
- B. Attached Accessory Dwelling Unit.** “Attached accessory dwelling unit” means an accessory dwelling unit that:
  1. Shares at least one common wall with the primary dwelling unit; and
  2. Is not fully contained within the existing space of the primary dwelling unit.
- C. Detached Accessory Dwelling Unit.** “Detached accessory dwelling unit” means an accessory dwelling unit that does not share a common wall with primary dwelling unit and is not an internal accessory dwelling unit.
- D. Internal Accessory Dwelling Unit.** “Internal accessory dwelling unit” means an accessory dwelling unit that is fully contained within the existing space of the primary dwelling unit or an accessory structure.



**Junior Accessory Dwelling Unit.** “Junior accessory dwelling unit” means an accessory dwelling unit no more than 500 square feet in size and contained entirely within a single-family residence.

**E. Two-story Attached Accessory Dwelling Unit.** “Two-story attached accessory dwelling unit” means an attached accessory dwelling unit that is configured as either:

1. Two stories of living space attached to an existing primary dwelling unit; or
2. Second-story living space above a ground-floor garage or living space in an existing primary dwelling unit.

**F. Two-story Detached Accessory Dwelling Unit.** “Two-story detached accessory dwelling unit” means a detached accessory dwelling unit that is configured as either:

1. Two stories of living space in a single accessory dwelling unit; or
2. Second story living space above a ground floor garage or other accessory structure.

#### 17.74.030 Permitting Process

##### A. When Consistent with Standards.

1. Except when a Design Permit is specifically required by this chapter, an accessory dwelling unit that complies with all standards in in this chapter shall be approved ministerially with an Administrative Permit. No discretionary review or public hearing is required. A building permit application may be submitted concurrently with the Administrative Permit application.
2. If an existing single-family or multifamily dwelling exists on the parcel upon which an accessory dwelling unit is proposed, the City shall act on an application to create an accessory dwelling unit within 60 days from the date the City receives a completed application. If the applicant requests a delay in writing, the 60-day time period shall be tolled for the period of the delay.
  - a. The City has acted on the application if it:
    - (1) Approves or denies the building permit for the accessory dwelling unit;
    - (2) Informs the applicant in writing that changes to the proposed project are necessary to comply with this chapter; or
    - (3) Determines that the accessory dwelling unit does not qualify for ministerial approval.
  - b. If the accessory dwelling unit application is submitted with a permit application to create a new single-family dwelling on the parcel, the City may delay acting on the accessory dwelling unit application until the City acts on the permit application for the new single-family dwelling. The accessory dwelling unit shall be considered without discretionary review or hearing.

- B. Two-Story Units.** A two-story accessory dwelling unit (attached or detached) greater than 16 feet in height requires Planning Commission approval of a Design Permit. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110. A two-story accessory dwelling unit must comply with the standards in Sections 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) unless the Planning Commission allows a deviation through the Design Permit process.
- C. When Deviating from Standards.** An accessory unit that deviates from any standard in 17.74.080 (Development Standards) or 17.74.090 (Objective Design Standards) may be allowed with Planning Commission approval of a Design Permit. See Section 17.74.100 (Deviation from Standards).
- D. When Dependent on Separate Construction.** When a proposed attached or detached accessory dwelling unit is dependent on the construction of a new building or new portion of a building which is not a part of the accessory dwelling unit (“separate construction”) and is not proposed as part of a permit application to create a new single-family dwelling on the parcel, the City shall either:
1. Accept and begin processing the accessory dwelling unit application only after acting on an application for the proposed separate construction; or
  2. Upon written request from the applicant, review and act on the accessory dwelling unit together with the separate construction as part of a single application. In this case, the accessory dwelling unit is subject to the same review procedures as the separate construction.
- E. Within Coastal Zone.**
1. A proposed accessory dwelling unit that is located in the Coastal Zone may require a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval).
  2. Nothing in this chapter shall be construed to supersede or in any way alter or lessen the effect of application of the California Coastal Act of 1976 (Division 20, commencing with Section 30000, of the Public Resources Code), except that a public hearing for a CDP application for an accessory dwelling unit shall not be required.
- F. Historic Resources.**
1. If a Design Permit is required for an accessory dwelling unit on a property with a historic resource, the proposed project is subject to the requirements in Chapter 17.94 (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter 17.94.
  2. Compliance with Chapter 17.94 is not required for accessory dwelling units approved ministerially with an Administrative Permit.

### 17.74.040 General Requirements

The following requirements apply to all accessory dwelling units.

- A. Where Allowed.** An accessory dwelling unit is permitted:
1. In any zoning district where single-family or multifamily dwellings are a permitted use; and
  2. On any parcel with an existing or proposed single-family or multifamily dwelling.
- B. Maximum Number per Parcel.** Not more than one accessory dwelling unit is allowed per parcel except as allowed by subsections 17.74.050.B (Detached Accessory Dwelling Units), 17.74.050.C (Non-livable Multifamily Space), and 17.74.050.D (Detached Accessory Dwelling Units on Multifamily Parcels).
- C. Residential Mixed Use.** If one dwelling unit is on a parcel with a non-residential use, the dwelling unit is considered a single-family dwelling for the purpose of determining the applicable requirements in this chapter. If two or more dwelling units are on a parcel with a non-residential use, the dwelling units are considered a multi-family dwelling.
- D. Utility Connections.** Utility connection requirements shall be subject to state law and the serving utility district
- E. Fire Sprinklers.** The City shall not require accessory dwelling units to provide fire sprinklers if they would not be required for the primary residence under the current Fire Code.
- F. Vacation Rentals Prohibited.** Accessory dwelling units may not be used for vacation rentals as defined in 17.60 (Glossary).
- G. Separate Sale from Primary Dwelling.** An accessory dwelling unit shall not be sold or conveyed separately from the primary dwelling.
- H. Guaranteed Allowance.** Maximum building coverage, floor area ratio, and private open space standards in Section 17.74.080 (Development Standards) shall not prohibit an accessory dwelling unit with up to 800 square feet of floor area, up to 16 feet in height, and four-foot side and rear yard setbacks, provided the accessory dwelling unit complies with all other applicable standards. The guaranteed allowance of 800 square feet of floor area is in addition to the maximum floor area of a property.
- I. Converting and Replacing Existing Structures.**
1. An internal accessory dwelling unit may be constructed regardless of whether it conforms to the current zoning requirement for building separation or setbacks.
  2. If an existing structure is demolished and replaced with an accessory dwelling unit, an accessory dwelling unit may be constructed in the same location and to the same dimensions as the demolished structure.
  3. If any portion of an existing structure crosses a property line, the structure may not be converted to or replaced with an accessory dwelling unit. For existing structure

within 4 feet of a property line, the applicant must submit a survey demonstrating that the structure does not cross the property line.

**J. Manufactured Homes and Mobile Units.**

1. A manufactured home, as defined in California Health and Safety Code Section 18007, is allowed as an accessory dwelling unit. Pursuant California Health and Safety Code Section 18007, as may be amended from time to time, a manufactured home must:
  - a. Provide a minimum of 320 square feet of floor area;
  - b. Be built on a permanent chassis
  - c. Be designed for use as a single-family dwelling with or without a foundation when connected to the required utilities; and
  - d. Include the plumbing, heating, air conditioning, and electrical systems contained within the home.
2. Vehicles and trailers, with or without wheels, which do not meet the definition of a manufactured home, are prohibited as accessory dwelling units.
3. A prefabricated or modular home is allowed as an accessory dwelling unit.

**K. Junior Accessory Dwelling Units**

1. **General.** Junior accessory dwelling units shall comply with all standards in this chapter unless otherwise indicated.
2. **Occupancy.** The property owner must occupy either the primary dwelling unit or the junior accessory dwelling unit on the property.
3. **Sanitation Facilities.** A junior accessory dwelling unit may include sanitation facilities, or may share sanitation facilities with the primary dwelling.
4. **Kitchen.** A junior accessory dwelling unit must include, at a minimum:
  - a. A cooking facility with appliances; and
  - b. At least 3 linear feet of food preparation counter space and 3 linear feet of cabinet space.

**L. Multifamily Homeowners Associations.** If a multifamily dwelling is located in a development with a homeowners' association (HOA), an application for an accessory dwelling unit must:

1. Be signed by an authorized officer of the HOA; and
2. Include a written statement from the HOA stating that the application is authorized by the HOA, if such authorization is required.

### 17.74.050 Units Subject to Limited Standards

The City shall ministerially approve an application for a building permit within a residential or mixed-use zoning district to create the following types of accessory dwelling units. For each type of accessory dwelling unit, the City shall require compliance only with the development standards in this subsection. Standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards) do not apply to these types of accessory dwelling units.

- A. Internal Accessory Dwelling Units.** One internal accessory dwelling unit or junior accessory dwelling unit per parcel with a proposed or existing single-family dwelling if all of the following apply:
1. The internal accessory dwelling unit or junior accessory dwelling unit is within the proposed space of a single-family dwelling or existing space of a single-family dwelling or accessory structure and may include an expansion of not more than 150 square feet beyond the same physical dimensions as the existing accessory structure. An expansion beyond the physical dimensions of the existing accessory structure shall be limited to accommodating ingress and egress.
  2. The unit has exterior access from the proposed or existing single-family dwelling.
  3. The side and rear setbacks are sufficient for fire and safety.
  4. The junior accessory dwelling unit complies with Government Code Section 65852.22.
- B. One-Story Detached Accessory Dwelling Units 800 Square Feet or Less.** One detached, new construction, accessory dwelling unit for a parcel with a proposed or existing single-family dwelling. The detached accessory dwelling unit may be combined with a junior accessory dwelling unit described in Subsection A (Internal Accessory Dwelling Units) above. The accessory dwelling unit must comply with the following:
1. Minimum rear and side setbacks: 4 feet.
  2. Maximum floor area: 800 square feet.
  3. Maximum height: 16 feet.
- C. Non-Livable Multifamily Space.** One or more internal accessory dwelling units within the portions of existing multifamily dwelling structures that are not used as livable space, including, but not limited to, storage rooms, boiler rooms, passageways, attics, basements, or garages, subject to the following:
1. At least one accessory dwelling unit is allowed within an existing multifamily dwelling up to maximum of 25 percent of the existing multifamily dwelling units; and
  2. Each unit shall comply with state building standards for dwellings.
- D. Detached Accessory Dwelling Units on Multifamily Parcels.** Not more than two detached accessory dwelling units that are located on a parcel that has an existing multifamily dwelling, subject to the following:

1. Maximum height: 16 feet.
2. Minimum rear and side setbacks: 4 feet.

#### 17.74.060 Units Subject to Full Review Standards

The City shall ministerially approve an application for a building permit to create the following types of accessory dwelling units.

- A. One-Story Attached Accessory Dwelling Units.** A one-story attached accessory dwelling unit in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. One-Story Detached Accessory Dwelling Units Between 800 and 1,200 Square Feet.** A one-story detached accessory dwelling unit with a floor area between 800 and 1,200 square feet in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

#### 17.74.070 Units Requiring a Design Permit

The following types of accessory dwelling units require Planning Commission approval of a Design Permit.

- A. Two-Story Accessory Dwelling Units.** A two-story attached or detached accessory dwelling unit greater than 16 feet in height in compliance with standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Accessory Dwelling Units Deviating from Standards.** Any accessory dwelling unit that deviates from one or more standards in Subsection 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

#### 17.74.080 Development Standards

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units Subject to Limited Standards).

- A. General.** Table 17.74-1 shows development standards that apply to accessory dwelling units.

**Table 17-74-1: Development Standards**

ADU Type/Location	Standard
<b>Unit Size, Maximum</b>	
Attached ADU, one bedroom or less	50 percent of the existing primary dwelling or 850 sq. ft., whichever is greater
Attached ADU, more than one bedroom	50 percent of the existing primary dwelling or 1,000 sq. ft., whichever is greater
Detached ADU	1,200 sq. ft.
Internal ADU	No maximum

Junior ADU	500 sq. ft.
<b>Floor Area Ratio, Maximum</b> [1]	As required by zoning district [2]
<b>Setbacks, Minimum</b> [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1 <sup>st</sup> and 2 <sup>nd</sup> Story	4 ft.
Exterior Side, 1 <sup>st</sup> and 2 <sup>nd</sup> Story	4 ft.
Rear, 1 <sup>st</sup> and 2 <sup>nd</sup> Story	4 ft.
<b>Building Coverage, Maximum</b>	
R-M zoning district	40 % [2]
All other zoning districts	No maximum
<b>Height, Maximum</b> [3]	
Attached ADU	Height of primary residence or maximum permitted in zoning district, whichever is less
Detached ADU, one-story	16 ft.
Detached ADU, two-story [6]	22 ft.
<b>Private Open Space, Minimum</b> [7]	48 sq. ft. [2]

#### Notes

[1] Calculated as the total floor area ratio on the site, including both the primary dwelling and accessory dwelling unit. An applicant may request simultaneous approval of a new internal accessory dwelling unit and an addition to the primary residence as part of a single application.

[2] Standard may not prohibit an accessory dwelling unit with at least an 800 square feet of floor area. See Section 17.74.040.H (Guaranteed Allowance).

[3] Setback and height standards apply only to attached and detached accessory dwelling units. Standards do not apply to internal or junior accessory dwelling units.

[4] See also Section 17.74.040.H (Converting and Replacing Existing Structures) for setback exceptions that apply to an accessory dwelling unit created by converting or replacing an existing structure.

[5] See also 17.74.080.B (Front Setbacks).

[6] A two-story detached accessory dwelling unit greater than 16 feet in height requires a Design Permit.

[7] Private open space may include screened terraces, decks, balconies, and other similar areas.

### B. Front Setbacks.

1. Any increased front setback requirement that applies to a garage associated with a primary dwelling unit also applies to a garage that serves an accessory dwelling unit.
2. In the R-1 zoning district, front setback exceptions in Riverview Terrace and on Wharf Road as allowed in 17.16.030.B apply to accessory dwelling units.
3. In the mixed use zoning districts, minimum front setbacks in Chapter 17.20 (Mixed Use Zoning Districts) apply to accessory dwelling units. Maximum setbacks or build-to requirements do not apply.

### C. Parking.

1. **All Areas.** The following parking provisions apply to accessory dwelling units in all areas in Capitola.



- a. **Required Parking in Addition to Primary Residence.** Parking spaces required for an accessory dwelling unit are in addition to parking required for the primary residence.
  - b. **Tandem Spaces.** Required off-street parking may be provided as tandem parking on an existing driveway.
  - c. **Within Setback Areas.**
    - (1) Required off-street parking may be located within minimum required setback areas from front, side, and rear property lines.
    - (2) A parking space in a required front setback area shall be a “ribbon” or “Hollywood” design with two parallel strips of pavement. The paving strips shall be no wider than 2.5 feet each and shall utilize permeable paving such as porous concrete/asphalt, open-jointed pavers, and turf grids. Unpaved areas between the strips shall be landscaped with turf or low-growing ground cover.
  - d. **Alley-Accessed Parking.** Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.
2. **Outside of Coastal Zone and in Cliffwood Heights.** The following parking provisions apply only to accessory dwelling units outside of the Coastal Zone and in the Cliffwood Heights neighborhood as shown in Figure 17.74-1.
- a. No additional parking is required for an internal or junior accessory dwelling unit. The floor area of an internal or junior accessory dwelling unit shall not be included in the parking calculation for the primary residence.
  - b. One off-street parking space is required for an attached or detached accessory dwelling unit, except as provided in Paragraph (c) below.
  - c. No off-street parking is required for an accessory dwelling unit in the following cases:
    - (1) The accessory dwelling unit is located within one-half mile walking distance of public transit, as defined in Government Code Section 65852.2(j)(10).
    - (2) The accessory dwelling unit is located within a National Register Historic District or other historic district officially designated by the City Council.
    - (3) The accessory dwelling unit is part of the proposed or existing primary residence or an accessory structure.
    - (4) When on-street parking permits are required but not offered to the occupant of the accessory dwelling unit.
    - (5) When there is a car share vehicle pick-up/drop-off location within one block of the accessory dwelling unit.



- d. When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are not required for the demolished or converted parking structure.
3. **Within Coastal Zone and Outside Cliffwood Heights.** The following parking provisions apply only to accessory dwelling units in the Coastal Zone and outside of the Cliffwood Heights neighborhood as shown in Figure 17.74-1 in accordance with the City's adopted Local Coastal Program.
- One off-street parking space is required for any type of accessory dwelling unit except as provided in Paragraph (b) below.
  - Where the primary residence is served by four or more existing off-street parking spaces, including spaces in a tandem configuration, no off-street parking is required for the accessory dwelling unit.
  - When a garage, carport, or covered parking structure is demolished in conjunction with the construction of an accessory dwelling unit or converted to an accessory dwelling unit, replacement parking stalls are required for the demolished or converted parking structure. Replacement parking space(s) may be covered or uncovered. Replacement parking does not satisfy the one off-street parking requirement for the accessory dwelling unit in Paragraph (a) above.

**Figure 17-74-1: Cliffwood Heights ADU Parking Exclusion Area**



**17.74.090 Objective Design Standards**

The standards in this section apply to all accessory dwelling units not approved pursuant to Section 17.74.050 (Units Subject to Limited Standards).

- A. Entrance Orientation – Detached ADU.** The primary entrance to a detached accessory dwelling unit shall face the front or interior of the parcel unless the accessory dwelling unit is directly accessible from an alley or a public street.
- B. Privacy Impacts.** To minimize privacy impacts on adjacent properties, the following requirements apply to walls with windows within 8 feet of an interior side or rear property line abutting a residential use.
1. For a single-story wall or the first story of a two-story wall, privacy impacts shall be minimized by either:
    - a. A 6-foot solid fence on the property line; or
    - b. Clerestory or opaque windows for all windows facing the adjacent property.
  2. For a second story wall, all windows facing the adjacent property shall be clerestory or opaque.
- C. Second Story Decks and Balconies.** Second story decks and balconies shall be located and designed to minimize privacy impacts on adjacent residential properties, as determined by the Planning Commission through the Design Permit approval process.
- D. Architectural Details.** Table 17-74-2 shows architectural detail standards for accessory dwelling units.

**Table 17-74-2: Architectural Detail Standards**

	Non-Historic Property [1]		Historic Property [1]	
	Attached ADU	Detached ADU	Attached ADU	Detached ADU
Primary Exterior Materials [2]	Same as primary dwelling [3]	No requirement	Same as primary dwelling; or horizontal wood, fiber cement, or board and batten siding or shingles [3]	Horizontal wood, fiber cement, or board and batten siding, or shingles [4]
Window and Door Materials	No requirement		Wood, composite, pre-finished metal with a non-reflective finish	
Window Proportions	No requirement		Windows must be taller than they are wide or match the proportions of the primary dwelling window [5]	
Window Pane Divisions	No requirement		True or simulated divided lights	
Roof Material	Same as primary dwelling [3]	No requirement	Same as primary dwelling [3]	Same as primary dwelling; or architectural composition shingles, clay tile, slate, or non- reflective standing seam metal [3]
Roof Pitch	No requirement	4:12 or greater. [6]	No requirement	4:12 or greater [6]

Notes:

- [1] "Historic property" means a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of Historic Resources).
- [2] Standard does not apply to secondary and accent materials.
- [3] "Same as primary dwelling" means the type of material must be the same as the primary dwelling. The size, shape, dimensions, and configuration of individual pieces or elements of the material may differ from the primary dwelling.
- [4] If primary dwelling is predominantly stucco, stucco is allowed for the accessory dwelling unit.
- [5] Bathroom windows may be horizontally oriented.
- [6] If the primary dwelling has a roof pitch shallower than 4:12, the accessory dwelling unit roof pitch may match the primary dwelling.

**E. Building Additions to Historic Structures.** A building addition to a designated historic resource or potential historic resource as defined in Section 17.84.020 (Types of Historic Resources) for an attached accessory dwelling unit shall be inset or separated by a connector that is offset at least 18 inches from the parallel side or rear building wall to distinguish it from the historic structure.

**17.74.100 Deviation from Standards**

- A. When Allowed.** The Planning Commission may approve an accessory dwelling unit that deviates from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).
- B. Permit Required.** Deviations allowed under this section require Planning Commission approval of a Design Permit. A Variance is not required. To approve the Design Permit, the Planning Commission must make the findings in Section 17.74.110 (Findings).

**17.74.110 Findings**

- A. When Required.** The Planning Commission must make the findings in this section to approve a Design Permit for:

1. Two-story attached or detached accessory dwelling units greater than 16 feet in height; and
2. Accessory dwelling units that deviate from one or more standards in Section 17.74.080 (Development Standards) and 17.74.090 (Objective Design Standards).

**B. Findings.** To approve the Design Permit, the Planning Commission shall find that:

1. The exterior design of the accessory dwelling unit is compatible with the primary dwelling on the parcel through architectural use of building forms, height, construction materials, colors, landscaping, and other methods that conform to acceptable construction practices.
2. The exterior design is in harmony with, and maintains the scale of, the neighborhood.
3. The accessory dwelling unit will not create excessive noise, traffic, or parking congestion.
4. The accessory dwelling unit has or will have access to adequate water sewer service as determined by the applicable service provider.
5. Adequate open space and landscaping has been provided that is usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provides for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintains a compatible relationship to adjacent properties and does not significantly impact the privacy, light, air, solar access, or parking of adjacent properties.
7. The accessory dwelling unit generally limits the major access stairs, decks, entry doors, and major windows to the walls facing the primary residence, or to the alley if applicable. Windows that impact the privacy of the neighboring side or rear yard have been minimized. The design of the accessory dwelling unit complements the design of the primary residence and does not visually dominate it or the surrounding properties.
8. The site plan is consistent with physical development policies of the General Plan, any area plan or specific plan, or other City policy for physical development. If located in the coastal zone, the site plan is consistent with policies of the Local Coastal Plan. If located in the coastal zone and subject to a coastal development permit, the proposed development will not have adverse impacts on coastal resources.
9. The project would not impair public views along the ocean and of scenic coastal areas. Where appropriate and feasible, the site plan restores and enhances the visual quality of visually degraded areas.
10. The project deviation (if applicable), is necessary due special circumstances applicable to subject property, including size, shape, topography, location, existing structures, or surroundings, and the strict application of this chapter would deprive

subject property of privileges enjoyed by other properties in the vicinity and under identical zoning classification.

#### 17.74.120 Deed Restrictions

- A.** Before obtaining a building permit for an accessory dwelling unit, the property owner shall file with the County Recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the current owner. The deed restriction shall state that:
1. The accessory dwelling units may not be used for vacation rentals as defined in 17.160 (Glossary).
  2. The accessory dwelling unit may not be sold separately from the primary dwelling.
  3. For junior accessory dwelling units, restrictions on size, owner occupancy requirement, and attributes in conformance with this chapter.
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the City's approval of the accessory dwelling unit.
- C.** The deed restriction shall lapse upon removal of the accessory dwelling unit.

#### 17.74.130 Incentives

- A. Fee Waivers for Affordable Units.**
1. The City may waive development fees for accessory dwelling units that will be rented at levels affordable to low or very low income households.
  2. Applicants of affordable accessory dwelling units shall record a deed restriction limiting the rent to low or very low-income levels prior to issuance of a building permit.
  3. Landlords of accessory dwelling units shall be relieved of any affordability condition upon payment of fees in the amount previously waived as a result of affordability requirements, subject to an annual consumer price index increase commencing with the date of application for building permit.
- B. Historic Properties.** The Planning Commission may allow exceptions to design and development standards for accessory dwelling units proposed on a property that contains a Historic Resource as defined in Chapter 17.84 (Historic Preservation). To allow such an exception, the Planning Commission shall approve a Design Permit and find that the exception is necessary to preserve the architectural character of the primary residence.

## Chapter 17.76 - PARKING AND LOADING

### Sections:

- 17.76.010 Purpose
- 17.76.020 Applicability
- 17.76.030 Required Parking Spaces
- 17.76.040 General Requirements
- 17.76.050 On-site Parking Alternatives
- 17.76.060 Parking Design and Development Standards
- 17.76.070 Parking Lot Landscaping
- 17.76.080 Bicycle Parking
- 17.76.090 Visitor-Serving Parking
- 17.76.100 On-site Loading

### 17.76.010 Purpose

This chapter establishes on-site parking and loading requirements in order to:

- A. Provide a sufficient number of on-site parking spaces for all land uses.
- B. Provide for functional on-site parking areas that are safe for vehicles and pedestrians.
- C. Ensure that parking areas are well-designed and contribute to a high-quality design environment in Capitola.
- D. Allow for flexibility in on-site parking requirements to support a multi-modal transportation system and sustainable development pattern.
- E. Ensure that on-site parking areas do not adversely impact land uses on neighboring properties.

### 17.76.020 Applicability

This chapter establishes parking requirements for three development scenarios: establishment of new structures and uses, replacement of existing uses, and expansion and enlargement of existing structures and uses.

- A. **New Structures and Uses.** On-site parking and loading as required by this chapter shall be provided anytime a new structure is constructed or a new land use is established.
- B. **Replacing Existing Uses.**
  - 1. Mixed Use Village Zoning District.
    - a. Where an existing residential use is changed to a commercial use in the Mixed Use Village (MU-V) zoning district, parking shall be provided for the full amount required by the new use. No space credit for the previous use may be granted.
    - b. In all other changes of use in the Mixed Use Village (MU-V) zoning district,

additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

2. **Other Zoning Districts.** Where an existing use is changed to a new use outside of the Village Mixed Use (MU-V) zoning district, additional parking is required to accommodate the incremental intensification of the new use. Additional parking is not required to remedy parking deficiencies existing prior to the change in use.

### C. Expansions and Enlargements.

#### 1. Nonresidential Use.

- a. Where an existing structure with a nonresidential use is expanded or enlarged, additional parking is required to serve only the expanded or enlarged area, except as allowed by subparagraph b below.
  - b. Within the Mixed Use Village (MU-V) zoning district, an eating and drinking establishment may expand by up to 20 percent of the existing floor area of the business without providing additional parking. Permitted expansions include modification of the internal building layout to enlarge the dining area, additions to the size of the business within an existing building footprint, and new outdoor dining areas.
2. **Residential Use.** For an existing structure with a residential use, the full amount of parking to serve the use is required when the floor area is increased by more than ten percent.

### 17.76.030 Required Parking Spaces

- A. **Mixed Use Village Zoning District.** All land uses in the Mixed Use Village (MU-V) zoning district shall provide the minimum number of on-site parking spaces as specified in Table 17.76-1. Required parking for uses not listed in Table 17.76-1 shall be the same as required for land uses in other zoning districts as shown in Table 17.76-2.



**TABLE 17.76-1: REQUIRED ON-SITE PARKING IN THE MIXED USE VILLAGE ZONING DISTRICT**

Land Uses	Number of Required Parking Spaces
	Mixed Use Village (MU-V)
Retail	1 per 240 sq. ft.
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking; 1 per 240 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 240 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 240 sq. ft.
Personal Services	1 per 240 sq. ft.
Hotels	
With more than 20 guest rooms	As determined by a parking demand study [1]
With 20 or fewer guest rooms	1 per guest room plus additional spaces as required by the Planning Commission
<u>Notes:</u> [1] The Parking Demand Study shall be paid for by the applicant, contracted by the City, and approved by the Planning Commission. In the coastal zone, in all cases, hotel development shall provide adequate parking as determined by the Planning Commission.	

**B. Other Zoning Districts.** Land uses in zoning districts other than the Mixed Use Village zoning district shall provide a minimum number of on-site parking spaces as specified in Table 17.76-2.

**TABLE 17.76-2: REQUIRED ON-SITE PARKING IN OTHER ZONING DISTRICTS**

Land Uses	Number of Required Parking Spaces
<b>Residential Land Uses</b>	
Duplex Homes	2 per unit, 1 covered
Elderly and Long-Term Care	1 per six beds plus 1 per 300 sq. ft. of office and other nonresidential areas
Group Housing (includes single-room occupancy)	1 per unit plus 1 guest space per 6 units
Mobile Home Parks	1 per unit plus 1 per office and 1 guest space per 10 units
Multi-Family Dwellings	2.5 per unit, 1 covered
Residential Care Facilities, Small	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas



Residential Care Facilities, Large	0.5 per bed plus 1 per 300 sq. ft. of office and other nonresidential areas
Accessory Dwelling Units	See Chapter 17.74 (Accessory Dwelling Units)
Single-Family Dwellings	1,500 sq. ft. or less: 2 per unit 1,501-2,000 sq. ft.: 2 per unit, 1 covered 2,001-2,600 sq. ft.: 3 per unit, 1 covered 2,601 sq. ft. or more: 4 per unit, 1 covered
<b>Public and Quasi-Public Land Uses</b>	
Community Assembly	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Cultural Institutions	As determined by a parking demand study
Day Care Centers	1 per 400 sq. ft. of floor area used for daycare and 1 per employee
Government Offices	1 per 300 sq. ft.
Home Day Care, Large	1 per each non-resident employee
Home Day Care, Small	None beyond minimum for residential use
Medical Offices and Clinics	1 per 300 sq. ft.
Parks and Recreational Facilities	As determined by a parking demand study
Public Safety Facilities	As determined by a parking demand study
Schools, Public or Private	2 per classroom
<b>Commercial Land Uses</b>	
Banks and Financial Institutions	1 per 300 sq. ft.
Business Services	1 per 300 sq. ft.
Commercial Entertainment and Recreation	1 per 3 fixed seats, or 1 per 40 sq. ft. of assembly area for uses without fixed seats
Eating and Drinking Establishments	
Bars and Lounges	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Restaurants and Cafes	1 per 60 sq. ft. of floor area for dining and/or drinking 1 per 300 sq. ft. for all other floor area
Take-Out Food and Beverage	1 per 300 sq. ft. of gross floor area

Food Preparation	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office area
Gas and Service Stations	2 for gas station plus 1 per 100 sq. ft. of retail and as required for vehicle repair
Lodging	
Bed and Breakfast	1 per guest room plus parking required for residential use
Hotel	1 per guest room plus 1 per 300 sq. ft. of office
Maintenance and Repair Services	1 per 600 sq. ft.
Personal Services	1 per 300 sq. ft.
Professional Offices	1 per 300 sq. ft.
Salvage and Wrecking	1 per 500 sq. ft. of building area plus 1 per 0.5 acre of outdoor use area.
Self-Storage	1 per 5,000 sq. ft.
Retail	1 per 300 sq. ft. of customer area
Vehicle Repair	1 per 500 sq. ft. of non-service bay floor area plus 2 per service bay
Vehicle Sales and Rental	1 per 300 sq. ft. for offices plus 1 per 1,000 sq. ft. of display area and requirements for vehicle repair where applicable
Wholesale	1 per 5,000 sq. ft.
<b>Heavy Commercial and Industrial Land Uses</b>	
Construction and Material Yards	1 per 2,500 sq. ft.
Custom Manufacturing	1 per 2,000 sq. ft., plus 1 per 300 sq. ft. of office
Light Manufacturing	1 per 1,500 sq. ft. of use area plus 1 per 300 sq. ft. of office
Warehouse, Distribution, and Storage Facilities	1 per 1,500 sq. ft.
<b>Transportation, Communication, and Utility Uses</b>	
Utilities, Major	As determined by a parking demand study
Utilities, Minor	None
Recycling Collection Facilities	1 per 1,000 sq. ft. of floor area
Wireless Communications Facilities	None

Other Uses	
Accessory Uses	Same as primary use
Home Occupation	None beyond requirement for residence
Quasi-Public Seating Areas	None
Temporary Uses	As determined by review authority
Urban Agriculture	
Home Gardens	None beyond requirement for residence
Community Gardens	None
Urban Farms	As determined by a parking demand study

**C. Calculation of Required Spaces.**

1. **Floor Area.** Where a parking requirement is a ratio of parking spaces to floor area, the floor area is assumed to be gross floor area, unless otherwise stated. The floor area of a use shall be calculated as described in Section 17.48.040 (Floor Area and Floor Area Ratio). Floor area for the area of the required parking space (i.e. 10 ft. x 20 ft.) and up to 125 square feet of ancillary space within garages and other parking facilities are not included in the calculation of floor area for the purpose of determining on-site parking requirements.
2. **Employees.** Where a parking requirement is stated as a ratio of parking spaces to employees, the number of employees is based on the largest shift that occurs in a typical week.
3. **Seats.** Where a parking requirement is stated as a ratio of parking spaces to seats, each 24 inches of bench-type seating at maximum seating capacity is counted as one seat.
4. **Fractional Spaces.** In determining the number of required parking, fractions of spaces over one-half shall be rounded up to the next whole number.

**D. Unlisted Uses.** The parking requirement for land uses not listed in Table 17.76-1 and Table 17.76-2 shall be determined by the Community Development Director based on the requirement for the most comparable similar use, the particular characteristics of the proposed use, and any other relevant data regarding parking demand.

**E. Sites with Multiple Uses.** Where more than one land use is conducted on a site, the minimum number of required on-site parking spaces shall be the sum of the number of parking spaces required for each individual use.

**F. Additional Required Parking.** The Planning Commission may require more on-site parking than required by Table 17.76-1 and Table 17.76-2 if the Planning Commission determines that additional parking is needed to serve the proposed use and to minimize

adverse impacts on neighboring properties.

### 17.76.040 General Requirements

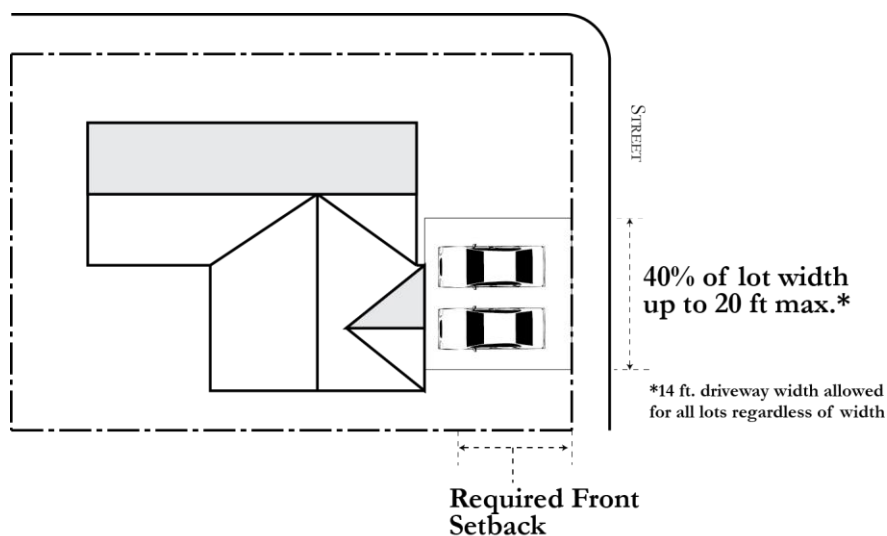
#### A. Availability and Use of Spaces.

1. In all zoning districts, required parking spaces shall be permanently available and maintained to provide parking for the use they are intended to serve.
2. Owners, lessees, tenants, or persons having control of the operation of a use for which parking spaces are required shall not prevent or restrict authorized persons from using these spaces.
3. A Conditional Use Permit is required to designate parking spaces for exclusive use by an individual tenant within an integrated commercial complex.
4. Required parking spaces shall be used exclusively for the temporary parking of vehicles and shall not be used for the sale, lease, display, repair, advertising, or storage of vehicles, trailers, boats, campers, mobile homes, merchandise, or equipment, or for any other use not authorized by the Zoning Code.

#### B. Parking in Front and Exterior Side Setback Areas.

1. **R-1 Zoning District.** In the R-1 zoning district, the width of a parking space in the required front or exterior side setback area may not exceed 40 percent of lot width up to a maximum of 20 feet, except that all lots may have a parking space of up to 14 feet in width regardless of lot width. See Figure 17.76-1. The Planning Commission may allow a larger parking area within the required front and exterior side setback areas with a Design Permit if the larger parking area incorporates design features, such as impervious materials and enhanced landscaping, which minimize visual impacts to the neighborhood.

FIGURE 17.76-1: PARKING IN FRONT SETBACK AREA IN R-1 ZONING DISTRICT



## 2. **Other Zoning Districts.**

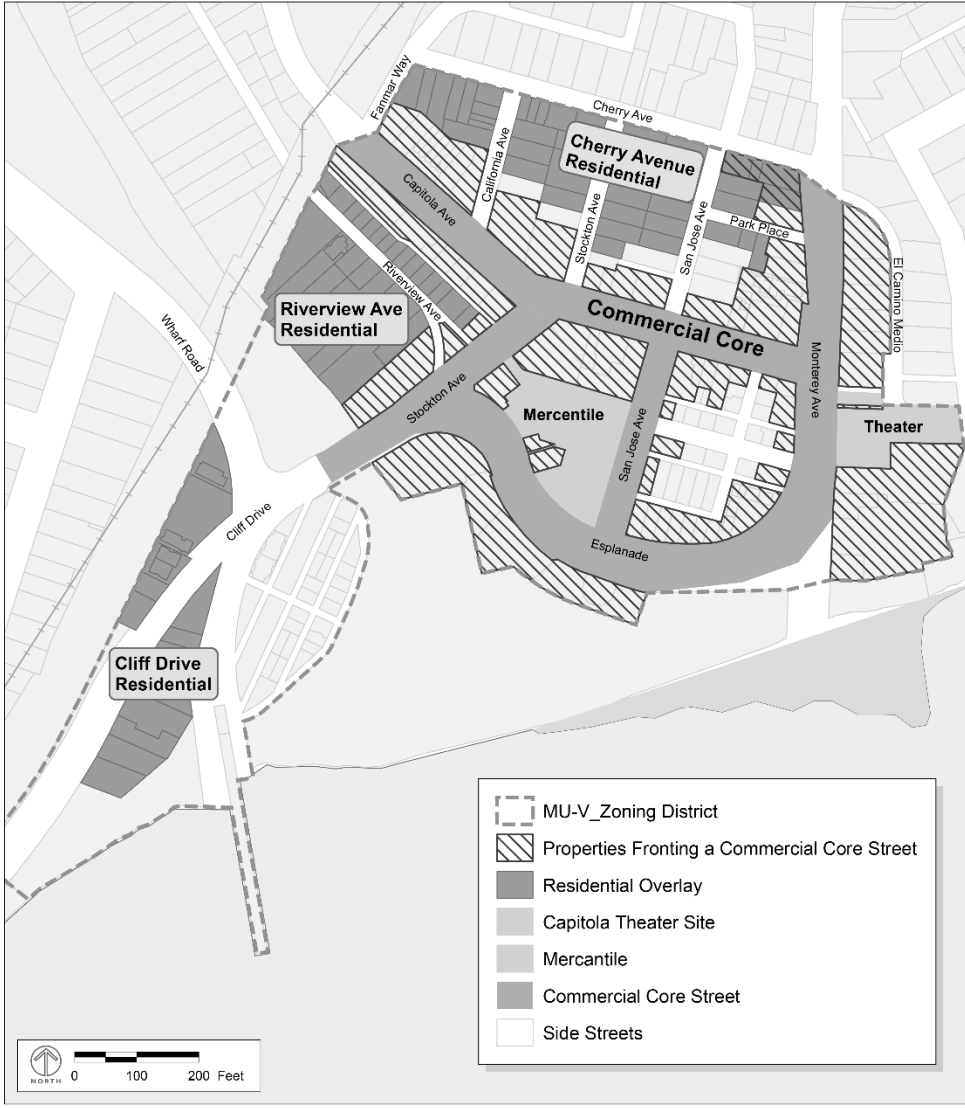
- a. In all zoning districts other than the R-1 zoning district, required parking spaces may not be located within required front or exterior side setback areas.
- b. In the Mixed Use Village zoning district, parking may be located adjacent to the street-facing property line in accordance with Section 17.20.030.E.5 (Parking Location and Buffers).
- c. In the Mixed Use Neighborhood zoning district, parking may be located in the front or exterior side setback area if approved by the Planning Commission in accordance with Section 17.20.040.E (Parking Location and Buffers).

## C. **Location of Parking.**

1. **All Zoning Districts.** Required parking spaces may not be located within any public or private right-of-way unless located in a sidewalk exempt area and if an Encroachment Permit is granted.
2. **R-1 Zoning District.** Required parking spaces in the R-1 zoning district shall be on the same parcel as the use that they serve.
3. **MU-V Zoning District.** Required parking in the MU-V district for new development and intensified uses shall be provided in compliance with the following:
  - a. The Planning Commission may approve onsite parking as follows:
    - (1) For property fronting a Commercial Core street shown in Figure 17.76-2, onsite parking is allowed if access to parking is from a side street, alleyway, or existing driveway cut. New driveway cuts are prohibited along a Commercial Core street frontage.
    - (2) For the Capitola Theater and Mercantile sites, onsite parking is allowed if parking areas are located on the interior of the site(s) and do not directly abut a Commercial Core street. Driveway cuts to serve onsite parking are limited to one cut per site; however, the Planning Commission may approve additional driveway cuts if 1) a parking and circulation study shows that additional access is necessary to reasonably serve the use; and 2) driveway cuts are located and designed to preserve or enhance pedestrian and vehicle safety.
    - (3) Within the Riverview Avenue, Cherry Avenue, and Cliff Drive residential overlays.
    - (4) On properties that do not front a Commercial Core street.
    - (5) As mandated by Federal Emergency Management Agency (FEMA) regulations.

- b. The Planning Commission may permit off-site parking if the space(s) are within walking distance of the use which it serves or located at a remote site served by a shuttle system.

**FIGURE 17.76-2: MU-V PARKING LOCATION MAP**



4. **Other Zoning Districts.** In all zoning districts other than the R-1 and MU-V zoning districts, required parking shall be located on the same lot as the use the parking is intended to serve, except as allowed by Section 17.76.050.D below.

**D. Large Vehicle Storage in the R-1 Zoning District.** In addition to the required on-site parking spaces for a single-family dwelling, one additional on-site parking or storage space may be provided on a parcel in the R-1 zoning district for a recreational vehicle, boat, camper, or similar vehicle. This space may not be located in a required front or exterior

side setback area and may be utilized only to store a vehicle that does not exceed 13.5 feet in height, 8.5 feet in width, and 25 feet in length. Such parking or storage spaces shall be finished in concrete, asphalt, semi-permeable pavers, or a similar paved surface.

#### **E. Covered Parking in the R-1 Zoning District.**

1. When required by this chapter, covered parking spaces serving a single-family dwelling shall be provided within an enclosed garage. The Planning Commission may allow required covered parking spaces to be provided within an open carport with a Design Permit if the Planning Commission finds that a garage is practically infeasible or that a carport results in a superior project design.
2. All carports serving a single-family dwelling shall comply with the following design standards:
  - a. Carports shall be designed with high quality materials, compatible with the home. The roofing design, pitch, colors, exterior materials and supporting posts shall be similar to the home. The carport shall appear substantial and decoratively finished in a style matching the home which it serves.
  - b. The slope of a carport roof shall substantially match the roof slope of the home which it serves.
  - c. Pedestrian pathways connecting the carport with the home shall be provided.
3. Garages in the R-1 zoning district may be converted to habitable living space only if the total number of required on-site parking spaces is maintained, including covered spaced for the covered parking space requirement.

#### **F. Electric Vehicle Charging.**

1. **When Required.** Electric vehicle charging stations shall be provided:
  - a. For new structures or uses required to provide at least 25 parking spaces; and
  - b. Additions or remodels that increase an existing parking lot of 50 for more spaces by 10 percent or more.
2. **Number of Charging Stations.** The number of required charging stations shall be calculated as follows:
  - a. 25-49 parking spaces: 1 charging station.
  - b. 50-100 parking spaces: 2 charging stations, plus one for each additional 50 parking spaces.
  - c. For the purpose of calculating required number of charging stations, parking spaces shall include existing and proposed spaces.
3. **Location and Signage.** Charging stations shall be installed adjacent to standard size parking spaces. Signage shall be installed designating spaces with charging stations for electric vehicles only.

**G. Parking for Persons with Disabilities.**

1. Parking spaces for persons with disabilities shall be provided in compliance with California Code of Regulations Title 24.
2. Parking spaces required for the disabled shall count toward compliance with the number of parking spaces required by Table 17.76-1 and Table 17.76-2.

**H. Curb-side Service.**

1. Curb-side (drive-up) service for retail uses is allowed in all commercial and mixed-use zoning districts.
2. Restaurant curb-side service requires a Conditional Use Permit in the Regional Commercial (C-R) zoning district and is prohibited in all other zoning districts.

**17.76.050 On-site Parking Alternatives****A. Purpose.** This section identifies alternatives to required on-site parking to:

1. Allow for creative parking solutions;
2. Enhance economic vitality in Capitola;
3. Promote walking, biking, and use of transit; and
4. Encourage the efficient use of land resources consistent with the General Plan.

**B. Eligibility.** Alternatives to required on-site parking in this section are available only to uses located outside of the Mixed Use Village zoning district, except for:

1. Valet parking (Subsection F) which is available in all zoning districts, including the Mixed Use Village zoning district; and
2. Fees in-lieu of parking (Subsection I), which is available only to uses in the Mixed Use Village zoning district.

**C. Required Approval.** All reductions in on-site parking described in this section require Planning Commission approval of a Conditional Use Permit.**D. Off-Site Parking.**

1. For multi-family housing and non-residential uses, the Planning Commission may allow off-site parking if the Commission finds that practical difficulties prevent the parking from being located on the same lot it is intended to serve.
2. Off-site parking shall be located within a reasonable distance of the use it is intended to serve, as determined by the Planning Commission.
3. A deed restriction or other legal instrument, approved by the City Attorney, shall be filed with the County Recorder. The covenant record shall require the owner of the property where the on-site parking is located to continue to maintain the parking space so long as the building, structure, or improvement is maintained in Capitola. This covenant shall stipulate that the title and right to use the parcels shall not be



subject to multiple covenant or contract for use without prior written consent of the City.

**E. Shared Parking.** Multiple land uses on a single parcel or development site may use shared parking facilities when operations for the land uses are not normally conducted during the same hours, or when hours of peak use differ. The Planning Commission may allow shared parking subject to the following requirements:

1. A parking demand study prepared by a specialized consultant contracted by the Community Development Director, paid for by the applicant, and approved by the Planning Commission demonstrates that there will be no substantial conflicts between the land uses' principal hours of operation and periods of peak parking demand.
2. The total number of parking spaces required for the land uses does not exceed the number of parking spaces anticipated at periods of maximum use.
3. The proposed shared parking facility is located no further than 400 feet from the primary entrance of the land use which it serves.
4. In the Mixed Use Neighborhood (MU-N) zoning district the reduction for shared parking is no greater than 25 percent of the required on-site parking spaces.

**F. Valet Parking.** The Planning Commission may allow up to 25 percent of the required on-site parking spaces to be off-site valet spaces (except for a hotel on the former Village theatre site (APNs 035-262-04, 035-262-02, and 035-261-10) for which there is no maximum limit of off-site valet spaces). Valet parking shall comply with the following standards:

1. Valet parking lots must be staffed when business is open by an attendant who is authorized and able to move vehicles.
2. A valet parking plan shall be reviewed and approved by the Community Development Director in consultation with the Public Works Director.
3. Valet parking may not interfere with or obstruct vehicle or pedestrian circulation on the site or on any public street or sidewalk.
4. The use served by valet parking shall provide a designated drop-off and pick-up area. The drop-off and pick-up area may be located adjacent to the building, but it may not be located within a fire lane, impede vehicular and/or pedestrian circulation, or cause queuing in the right-of-way or drive aisle.

**G. Low Demand.** The number of required on-site parking spaces may be reduced if the Planning Commission finds that the land use will not utilize the required number of spaces due to the nature of the specific use. This finding shall be supported by the results of a parking demand study approved by the Community Development Director in consultation with the Public Works Director.

**H. Transportation Demand Management Plan.** The Planning Commission may reduce

the number of required on-site parking spaces for employers that adopt and implement a Transportation Demand Management (TDM) Plan subject to the following requirements and limitations:

1. A TDM Plan reduction is available only to employers with 25 or more employees.
2. Required on-site parking spaces may be reduced by no more than 15 percent.
3. The TDM Plan shall be approved by the Community Development Director in consultation with the Public Works Director.
4. The TDM Plan shall identify specific measures that will measurably reduce the demand for on-site parking spaces. Acceptable measures must ensure a reduced demand for parking spaces (e.g., an employee operated shuttle program). Measures that only encourage the use of public transit, ridesharing, biking, or walking will not be accepted.
5. The employer shall appoint a program coordinator to oversee transportation demand management activities.
6. The program coordinator must provide a report annually to the Planning Commission that details the implementation strategies and effectiveness of the TDM Plan.
7. The Planning Commission may revoke the TDM Plan at any time and require additional parking spaces on site upon finding that that the Plan has not been implemented as required or that the Plan has not produced the reduction the demand for on-site parking spaces as originally intended.

#### **I. Fees in Lieu of Parking**

1. Within the MU-V zoning district, on-site parking requirements for hotel uses may be satisfied by payment of an in-lieu parking fee established by the City Council to provide an equivalent number of parking spaces in a municipal parking lot. Such payment must be made before issuance of a building permit or a certificate of occupancy. Requests to participate in an in-lieu parking program must be approved by the City Council. A proposed hotel may require a Coastal Development Permit as specified by Chapter 17.44 (Coastal Overlay Zones) if any part of the site is located in the Coastal Zone. A parking plan shall be reviewed within a CDP, to ensure the development will not have adverse impacts on coastal resources.
2. Fee revenue must be used to provide public parking in the vicinity of the use. In establishing parking districts, the City Council may set limitations on the number of spaces or the maximum percentage of parking spaces required for which an in-lieu fee may be tendered.

- J. Transit Center Credit.** Provided a regional transit center is located within the Capitola Mall property, the Planning Commission may reduce the number of required parking spaces by up to 10 percent for residential mixed-use projects in the Capitola Mall property bounded by Clare's Street, Capitola Road, and 41<sup>st</sup> Avenue.

### 17.76.060 Parking Design and Development Standards

**A. Minimum Parking Space Dimensions.** Minimum dimensions of parking spaces shall be as shown in Table 17.76.3.

**TABLE 17.76-3: MINIMUM PARKING SPACE DIMENSIONS**

Type of Space	Minimum Space Dimensions
Spaces Serving Single-Family Dwellings	
Uncovered and covered (garage) spaces	10 ft. by 20 ft. [1]
In sidewalk exempt areas	10 ft. by 18 ft.
Spaces Serving Multi-Family and Non-Residential Uses	
Standard Spaces	9 ft. by 18 ft.
Compact Spaces	8 ft. by 16 ft.
Tandem Spaces [2]	9 ft. by 18 ft.

Notes:

[1] The dimensions of parking spaces in an enclosed garage shall be measured from the interior garage walls.

[2] See Section 17.76.060.E.3 (Tandem Parking Spaces)

- B. Compact Spaces.** A maximum of 30 percent of required on-site parking spaces serving multi-family and non-residential uses may be compact spaces. All parking spaces for compact cars shall be clearly marked with the word “Compact” either on the wheel stop or curb, or on the pavement at the opening of the space.
- C. Parking Lot Dimensions.** The dimensions of parking spaces, maneuvering aisles, and access ways within a parking lot shall conform to the City’s official parking space standard specifications maintained by the Public Works Director and as shown in Figure 17.76-3 and Table 17.76-4.

FIGURE 17.76-3: STANDARD PARKING LOT DIMENSIONS

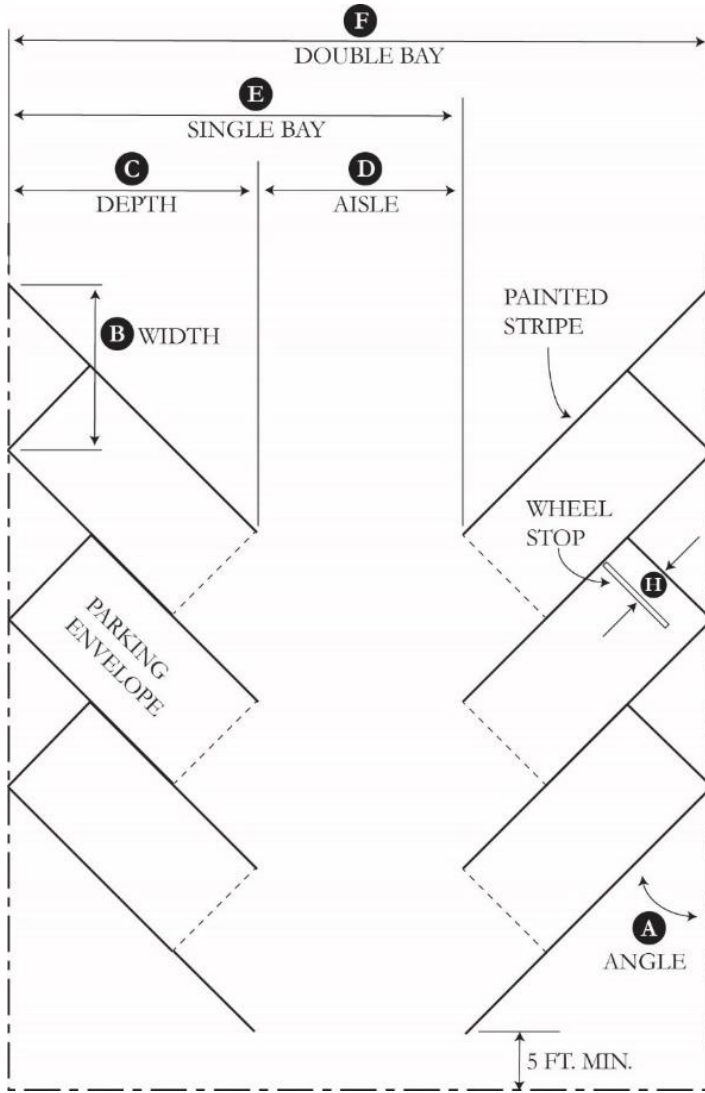


TABLE 17.76-4: STANDARD PARKING LOT DIMENSIONS

A Parking Angle	B Width		C Depth		D Aisle			E Single Bay			F Double Bay		
	Compact	Standard	Compact	Standard	Compact	Residential	Commercial	Compact	Residential	Commercial	Compact	Residential	Commercial
90	7'-6"	8'-6"	15'-0"	18'-0"	20'-0"	22'-0"	25'-0"	35'-0"	40'-0"	43'-0"	50'-0"	58'-0"	61'-0"
85	7'-7"	8'-6"	15'-7"	18'-8"	19'-0"	21'-0"	24'-0"	34'-7"	39'-8"	42'-8"	50'-2"	58'-4"	61'-0"
80	7'-8"	8'-7"	16'-1"	19'-2"	18'-0"	20'-0"	23'-0"	34'-1"	39'-2"	42'-4"	50'-2"	58'-4"	61'-0"
75	7'-9"	8'-10"	16'-5"	19'-7"	17'-0"	19'-0"	22'-0"	33'-5"	38'-7"	41'-7"	49'-10"	58'-2"	61'-0"
70	8'-0"	9'-0"	16'-9"	19'-10"	16'-0"	18'-0"	21'-0"	32'-9"	37'-10"	40'-10"	49'-6"	57'-8"	66'-8"
65	8'-4"	9'-4"	16'-10"	19'-11"	15'-0"	17'-0"	20'-0"	31'-10"	36'-11"	39'-11"	48'-8"	56'-10"	59'-10"
60	8'-8"	9'-10"	16'-9"	19'-10"	14'-0"	16'-0"	19'-0"	30'-9"	35'-10"	38'-10"	47'-6"	55'-8"	58'-8"
55	9'-1"	10'-4"	16'-7"	19'-7"	13'-0"	15'-0"	18'-0"	29'-7"	34'-7"	37'-7"	46'-2"	54'-2"	57'-2"
50	9'-10"	11'-1"	16'-4"	19'-2"	12'-0"	14'-0"	17'-0"	28'-4"	33'-2"	36'-2"	44'-8"	52'-4"	55'-4"
45	10'-7"	12'-0"	15'-11"	18'-8"	11'-0"	13'-0"	16'-0"	25'-5"	30'-0"	33'-0"	42'-10"	50'-4"	53'-4"
40	11'-8"	13'-2"	15'-15"	18'-0"	10'-0"	12'-0"	15'-0"	24'-8"	28'-2"	31'-2"	40'-10"	48'-0"	51'-0"
35	13'-1"	14'-10"	14'-8"	17'-2"	10'-0"	11'-0"	14'-0"	24'-0"	26'-2"	29'-2"	39'-4"	45'-4"	48'-4"
30	15'-3"	17'-0"	14'-0"	16'-2"	10'-0"	10'-0"	13'-0"	35'-0"	40'-0"	43'-0"	38'-0"	42'-4"	45'-4"

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

**D. Surfacing.**

1. All parking spaces, maneuvering aisles, and access ways shall be paved with asphalt, concrete, or other all-weather surface.
2. Permeable paving materials, such as porous concrete/asphalt, open-jointed pavers, and turf grids, are a preferred surface material, subject to approval by the Public Works Director.

**E. Tandem Parking Spaces.** Tandem parking spaces are permitted for all residential land uses, provided that they comply with the following standards:

1. Parking spaces in a tandem configuration shall be reserved for and assigned to a single dwelling unit.
2. For single-family dwellings, tandem parking is permitted for up to two uncovered spaces in front of a garage, with a maximum of three tandem spaces, including the covered space in a single garage. Tandem parking spaces of three spaces or more require Planning Commission approval.
3. The minimum size of an uncovered tandem parking space may be reduced to 9 feet by 18 feet.
4. All required guest parking shall be provided as single, non-tandem parking spaces.
5. Tandem parking spaces shall not block the use of the driveway to access other parking spaces located within the parking area.
6. Tandem parking spaces shall be used to accommodate passenger vehicles only.

**F. Parking Lifts.** Required parking may be provided using elevator-like mechanical parking systems (“lifts”) provided the lifts are located within an enclosed structure or otherwise screened from public view. Parking lifts shall be maintained and operable through the life of the project.**G. Lighting.**

1. A parking area with six or more parking spaces shall include outdoor lighting that provides adequate illumination for public safety over the entire parking area.
2. Outdoor lighting as required above shall be provided during nighttime business hours.
3. All parking space area lighting shall be energy efficient and directed away from residential properties to minimize light trespass.
4. All fixtures shall be hooded and downward facing so the lighting source is not directly visible from the public right-of-way or adjoining properties.
5. All fixtures shall meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light (“dark sky compliant”).

**H. Pedestrian Access.**

1. Parking lots with more than 30 parking spaces shall include a pedestrian walkway in compliance with ADA requirements.
  2. The design of the pedestrian walkway shall be clearly visible and distinguished from parking and circulation areas through striping, contrasting paving material, or other similar method as approved by the Community Development Director.
- I. Screening.** Parking lots of six spaces or more shall comply with the following screening standards.
1. **Location.** Screening shall be provided along the perimeter of parking lots fronting a street or abutting a residential zoning district.
  2. **Height.**
    - a. Screening adjacent to streets shall have a minimum height of 3 feet.
    - b. For parking lots within 10 feet of a residential zoning district, screening shall have a minimum height of 6 feet, with additional height allowed with Planning Commission approval.
  3. **Materials – General.** Required screening may consist of one or more of the following materials (see Section 17.76.070 (Parking Lot Landscaping) for landscaping screening requirements):
    - a. Low-profile walls constructed of brick, stone, stucco or other durable material
    - b. Evergreen plants that form an opaque screen.
    - c. An open fence combined with landscaping to form an opaque screen.
    - d. A berm landscaped with ground cover, shrubs, or trees.
  4. **Materials – Adjacent Residential.** Parking lots within 10 feet of a residential zoning district shall be screened by a masonry wall.
- J. Drainage.** A drainage plan for all parking lots shall be approved by the Public Works Director.
- K. Adjustments to Parking Design and Development Standards.** The Planning Commission may allow adjustments to parking design and development standards in this section through the approval of a Minor Modification as described in Chapter 17.136 (Minor Modifications).

#### 17.76.070 Parking Lot Landscaping

- A. General Standards.** All landscaping within parking lots shall comply with the requirements of Chapter 17.72 (Landscaping) in addition to the standards within this section.
- B. Landscaping Defined.** Except as otherwise specified in this section, landscaping and landscaped areas shall consist of plant materials, including any combination of trees, shrubs, and ground cover.

- C. Interior Landscaping.** All areas within a parking lot not utilized for parking spaces or access/circulation shall be landscaped. For parking lots with more than 15 spaces, the minimum amount of interior landscaping is specified in Table 17.76-5. Interior landscaping is defined as any landscaped area surrounded on at least two sides by parking spaces or drive aisles, and excluding areas around the perimeter of the parcel or development site.

**TABLE 17.76-5: MINIMUM REQUIRED PARKING LOT LANDSCAPING**

Number of Required Parking Spaces	Percent of Surface Parking Area to be Landscaped
16 to 30	10%
31 to 60	15%
Over 60	20%

**D. Shade Trees.**

- One shade tree shall be provided for every five parking spaces in a parking lot.
- Shade trees shall be a minimum 24-inch box in size and shall provide a minimum 30-foot canopy at maturity.
- Shade trees shall be of a type that can reach maturity within 15 years of planting and shall be selected from a City-recommended list of canopy tree species.
- Shade trees shall be arranged in a parking lot to provide maximum shade coverage (based on a 30-foot canopy) on August 21. The arrangement should approximate nearly 50 percent shade coverage.
- The Planning Commission may grant an exception to the required tree plantings if the 50% shade coverage exists within the parking lot.

**E. Concrete Curbs.**

- All landscape areas shall be separated from parking spaces, drive aisles and driveways by a continuous, raised concrete curb. Raised concrete curbs shall be a minimum of 4 inches high by 4 inches deep.
- The City may approve alternatives to raised concrete curbs as needed to comply with any mandatory stormwater drainage standards.

- F. Parking Space Landscaping.** A maximum of 2 feet at the front end of a parking space may be landscaped with low shrubs or ground cover in which a vehicle could extend over in lieu of paving surface. This landscaping may not count toward minimum required parking lot landscaped area.

- G. Timing.** Landscaping shall be installed prior to the City's authorization to occupy any



buildings served by the parking area, or prior to the final inspection for the parking lot.

- H. Green Parking Exemptions.** Parking lots that incorporate solar panels, bioswales, and other similar green features into the parking lot design are eligible for reduced parking lot landscaping requirements with Planning Commission approval of a Design Permit.
- I. Exceptions.** The Planning Commission may grant an exception to the parking lot landscaping requirements in this section with the approval of a Design Permit upon finding that:
1. Full compliance with the requirement is infeasible or undesirable;
  2. The project complies with the requirement to the greatest extent possible; and
  3. The project incorporates other features to compensate for the exception and create a high quality design environment.

#### 17.76.080 Bicycle Parking

- A. Applicability.** All new multi-family developments of 5 units or more and commercial uses served by parking lots of 10 spaces or more shall provide bicycle parking as specified in this section.
- B. Types of Bicycle Parking.**
1. **Short-Term Bicycle Parking.** Short-term bicycle parking provides shoppers, customers, messengers and other visitors who generally park for two hours or less a convenient and readily accessible place to park bicycles.
  2. **Long-Term Parking.** Long-term bicycle parking provides employees, residents, visitors and others who generally stay at a site for several hours or more a secure and weather-protected place to park bicycles. Long-term parking may be located in publicly accessible areas or in garages or other limited access areas for exclusive use by tenants or residents.
- C. Bicycle Parking Spaces Required.** Short-term and long-term bicycle parking spaces shall be provided as specified in Table 17.76-6.

**TABLE 17.76-6 REQUIRED BICYCLE PARKING SPACES**

Land Use	Required Bicycle Parking Spaces	
	Short-Term Spaces	Long-Term Spaces
Multi-Family Dwellings and Group Housing	10% of required automobile spaces; minimum of 4 spaces	1 per unit
Non-Residential Uses	10% of required automobile spaces	1 per 20 required automobile spaces for uses 10,000 sq. ft. or greater

- D. Short-Term Bicycle Parking Standards.** Short-term bicycle parking shall be located within 100 feet of the primary entrance of the structure or use it is intended to serve.
- E. Long-Term Bicycle Parking Standards.** The following standards apply to long-term bicycle parking:
1. **Location.** Long-term bicycle parking shall be located within 750 feet of the use that it is intended to serve.
  2. **Security.** Long-term bicycle parking spaces shall be secured. Spaces are considered secured if they are:
    - a. In a locked room or area enclosed by a fence with a locked gate;
    - b. Within view or within 100 feet of an attendant or security guard;
    - c. In an area that is monitored by a security camera; or
    - d. Visible from employee work areas.
- F. Parking Space Dimensions.**
1. Minimum dimensions of 2 feet by 6 feet shall be provided for each bicycle parking space.
  2. An aisle of at least 5 feet shall be provided behind all bicycle parking to allow room for maneuvering.
  3. Two feet of clearance shall be provided between bicycle parking spaces and adjacent walls, polls, landscaping, pedestrian paths, and other similar features.
  4. Four feet of clearance shall be provided between bicycle parking spaces and adjacent automobile parking spaces and drive aisles.
- G. Rack Design.** Bicycle racks must be capable of locking both the wheels and the frame of the bicycle and of supporting bicycles in a fixed position. The Planning Commission may allow creative approaches to rack design (e.g., vertical wall-mounted bicycle racks) if physical site constraints render compliance with bicycle parking design standards impractical or undesirable.
- H. Cover.** If bicycle parking spaces are covered, the covers shall be permanent and designed to protect bicycles from rainfall.

#### 17.76.090 Visitor Serving Parking

- A. Shuttle Program Parking.** Parking for the free summer beach shuttle program shall be provided in a remote lot or lots, such as those located on Bay Avenue and the Village public parking lots. The free shuttle shall operate, at a minimum, on weekends and holidays between Memorial Day weekend and Labor Day weekend.
- B. Public Parking in the Coastal Zone.**
1. Public parking existing as of [date of Zoning Ordinance adoption] in the following

locations in the CF zoning district shall be maintained for public parking:

- a. The Upper City Hall parking lot;
  - b. The Cliff Drive overlook parking; and
  - c. The Cliff Drive Southern Pacific railroad right-of-way parking unless Cliff Drive must be relocated due to cliff erosion.
2. Substantial changes in public parking facilities in the coastal zone require a Local Coastal Program (LCP) amendment.
  3. Expansion of any existing legally established residential parking programs and/or new residential parking programs in the coastal zone require an amendment to Coastal Development Permit 3-87-42 and consistency with the LCP Land Use Plan.
  4. The City shall evaluate the potential impact on public coastal access when considering a Coastal Development Permit application for any development that would reduce public parking spaces near beach access points, shoreline trails, or parklands, including any changes to the residential parking program established under Coastal Development Permit 3-87-42. When parking is reduced, the City shall evaluate alternative opportunities for public coastal access as needed to ensure existing levels of public access are maintained, or if possible enhanced. Such opportunities may include bicycle lanes and bicycle parking, pedestrian trails, relocated vehicular parking spaces, and enhanced shuttle/transit service.
  - 5.

#### 17.76.100 On-site Loading

- A. Applicability.** All retail, hotel, warehousing, manufacturing, and similar uses that involve the frequent receipt or delivery of materials or merchandise shall provide on-site loading spaces consistent with the requirements of this section.
- B. Number of Loading Spaces.** The minimum number of required loading spaces shall be as specified in Table 17.76-7.

**TABLE 17.76-7: REQUIRED LOADING SPACES**

Floor Area	Required Loading Spaces
Less than 10,000 sq. ft.	None
10,000 to 30,000 sq. ft.	1
Greater than 30,000 sq. ft.	2 plus 1 per each additional 20,000 sq. ft.

**C. Location.**

1. Required loading spaces shall be located on the same lot as the use they are intended to serve.

2. No loading space shall be located closer than 50 feet to a residential zoning district, unless the loading space is wholly enclosed within a building or screened by a solid wall not less than 8 feet in height.

**D. Dimensions.**

1. Each loading space shall have minimum dimensions of 10 feet wide, 25 feet long, and 14 feet in vertical clearance.
2. Deviations from the minimum dimensions standards may be approved by the Community Development Director if the spatial needs are less than the minimum required due to the truck size and type that will be utilized in the operation of a specific business.

**E. Design and Configuration.**

1. Loading spaces shall be configured to ensure that loading and unloading takes place on-site and not within adjacent public rights-of way.
2. Sufficient maneuvering area shall be provided for loading spaces so that vehicles may enter and exit an abutting street in a forward direction.
3. Loading spaces and their associated maneuvering areas shall not encroach into required employee or visitor parking areas or other on-site areas required for vehicle circulation.
4. Loading spaces shall be striped and clearly identified as for loading purposes only.



## Chapter 17.80 – SIGNS

### Sections:

17.80.010	Purpose and Applicability
17.80.020	Definitions
17.80.030	Permit Requirements
17.80.040	Rules of Measurement
17.80.050	Signs Allowed Without Permits
17.80.060	Prohibited Signs
17.80.070	General Sign Standards
17.80.080	Standards for Specific Types of Signs
17.80.090	Design Standards
17.80.100	Residential Signs
17.80.110	Temporary Signs
17.80.120	Adjustment to Sign Standards
17.80.130	Master Sign Program
17.80.140	Nonconforming Signs
17.80.150	Violations and Enforcement

### 17.80.010 Purpose and Applicability

**A. Purpose.** This chapter establishes standards relating to the permitted type, size, height, placement, number, and design of signs. The intent of these standards is to:

1. Support economically viable businesses serving city residents, workers, and visitors.
2. Allow for signage that identifies businesses in a fair and equitable manner.
3. Protect and enhance the aesthetic qualities of the city.
4. Minimize hazards to motorists and pedestrians resulting from excessive, confusing, and distracting signs.
5. Allow for a simple and streamlined sign permitting process.

**B. Applicability.** This chapter applies to all signs in Capitola, except for City-installed signs and signs required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.

### 17.80.020 Definitions

The following definitions apply to this chapter:

**A. Awning Sign.** A sign incorporated into, attached, or painted on an awning.

- B. Awning Face Sign.** A sign located on the sloping plane face of an awning.
- C. Awning Valance Sign.** A sign located on the valance of an awning perpendicular to the ground.
- D. Center Identification Sign.** A sign identifying the name of a shopping center and that does not include the name of any business within the center. A shopping center is a commercial building or group of buildings operated as a unit on a single parcel, sharing common parking areas or commonly owned adjacent parcels.
- E. Commercial Message.** Any sign copy that directly or indirectly names, draws attention to, or advertises a business, product, good, service, or other commercial activity, or which proposes a commercial transaction.
- F. Commercial Sign.** A sign with a commercial message.
- G. Construction Site Sign.** An on-premise sign for an approved construction project that publicizes the future building and occupants as well as the architects, engineers and construction organizations involved in the project.
- H. Directory Sign.** An on-premise sign which shows the direction to or location of a customer entrance to a business.
- I. Election Period.** The period beginning 120 days before and ending 1 day after any national, state, or local election in which city electors may vote..
- J. Flags.** Fabric, textile, or material with colors and/or patterns which display a symbol of a nation, state, company, or idea.
- K. Monument Sign.** An independent, freestanding structure supported on the ground as opposed to being supported on the building.
- L. Projecting Sign.** Any sign permanently attached to a building or wall such that the sign face or faces are perpendicular to the building or wall.
- M. Roof Sign.** Any sign that is mounted on a roof or a parapet, of a building.
- N. Sidewalk Sign.** Movable or permanent business identification signs placed in or attached to a public sidewalk.
- O. Sign.** Any device, fixture, placard or structure that uses any color, form, graphic, illumination, symbol or writing to advertise or announce the purpose of a business or entity, or to communicate information of any kind to the public.
- P. Sign Area.** See Section 17.80.040.A (Calculation of Sign Area).
- Q. Sign Copy.** The area of a sign occupied by letters, numbers, graphics, or other content intended to inform, direct, or otherwise transmit information.
- R. Sign Face.** The area of a sign where sign copy is placed.
- S. Wall Sign.** A sign which is attached to or painted on the exterior wall of a structure with the display surface of the sign approximately parallel to the building wall.

- T. Window Sign.** A sign posted, painted, placed, or affixed in or on a window exposed to public view or within one foot and parallel to a window exposed to public view.

### 17.80.030 Permit Requirements

- A. Administrative Sign Permits.** An Administrative Sign Permit (Chapter 17.132) is required to install, construct, or enlarge a sign, except for:

1. Signs exempt from the permit requirements of this chapter as specified in Section 17.80.050 (Signs Allowed without Permits).
2. Signs requiring a Sign Permit as identified in Section B below.

- B. Sign Permits.** Planning Commission approval of a Sign Permit (Chapter 17.132) is required for the following types of signs and approvals:

1. New signs in the Mixed Use Village (MU-V) zoning district.
2. Exterior neon signs.
3. Monument signs for more than four tenants.
4. Auto dealership signs in the C-R zoning district (Section 17.80.080.A) that are not otherwise allowed with an Administrative Sign Permit.
5. Adjustments to sign standards in low visibility areas in commercial zoning districts (17.80.120.E).
6. Signs that do not conform with permitted sign types and standards in Section 17.80.080 (Standards for Specific Types of Signs)
7. Master sign programs (Section 17.80.130).

- C. Noncommercial Signs.** Noncommercial signs are allowed wherever commercial signs are permitted and are subject to the same standards and total maximum allowances per site or building of each sign type specified in this chapter.

**D. Message Neutrality.**

1. It is the City's policy to regulate signs in a constitutional manner that does not favor commercial speech over noncommercial speech, and is content neutral as to noncommercial messages which are within the protections of the First Amendment to the U.S. Constitution and the corollary provisions of the California Constitution.
2. Where necessary, the Director will interpret the meaning and applicability of this chapter in light of this message neutrality policy.

**E. Message Substitution.**

1. Subject to the property owner's consent, a message of any type may be substituted, in whole or in part, for the message displayed on any legally established sign without consideration of message content.



2. Message substitutions are allowed by-right without a permit.
3. This message substitution provision does not:
  - a. Create a right to increase the total amount of signage beyond that otherwise allowed or existing;
  - b. Affect the requirement that a sign structure or mounting device be properly permitted, when a permit requirement applies;
  - c. Allow a change in the physical structure of a sign or its mounting device;
  - d. Allow the establishment of a prohibited sign as identified in 17.80.060 (Prohibited Signs); or
  - e. Nullify or eliminate any contractual obligation through a development agreement or similar agreement that specifies the allowable content of a sign.

**F. City-Installed Signs.** City-installed signs in all zoning districts do not require a permit.

**G. Other Government-Installed Signs.** Governmental agency-installed signs to carry out its responsibility to protect the public health, safety, and general welfare in all zoning districts do not require a permit.

**H. Signs in the Coastal Zone.**

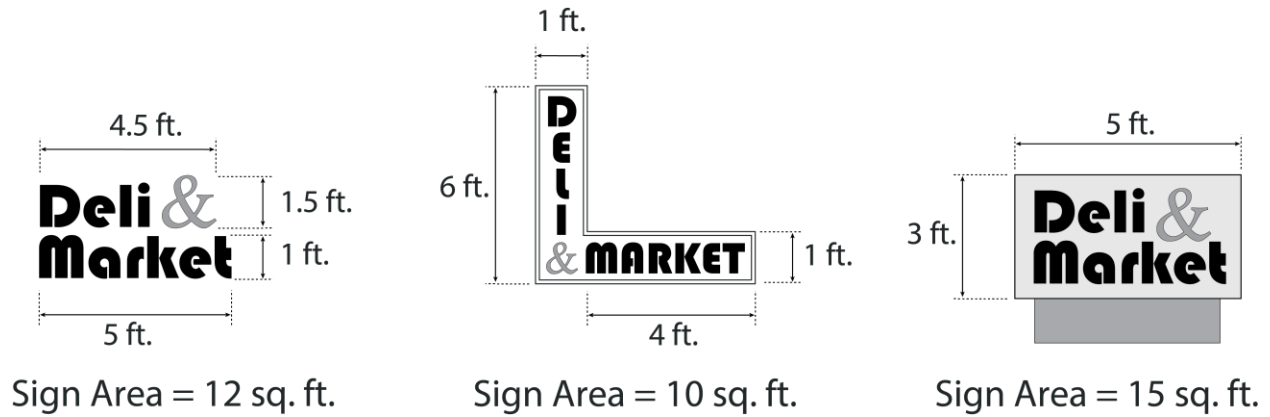
1. If a proposed sign is located in the Coastal Zone, it may require a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay Zone). Approval of a CDP requires conformance with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).
2. Notwithstanding all applicable standards in this Chapter, any sign that could reduce public coastal access, including signs limiting public parking or restricting use of existing lateral and/or vertical accessways, requires a CDP.

**17.80.040 Rules of Measurement**

**A. Calculation of Sign Area.**

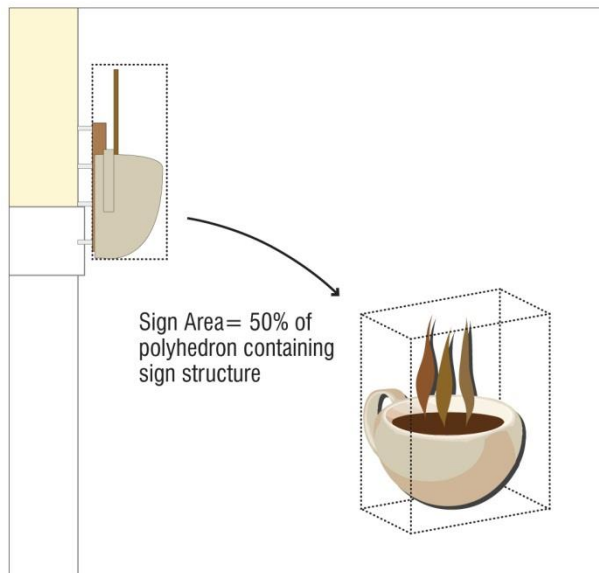
1. Sign area is measured as the area of all sign copy, framing, or other display enclosed within a continuous perimeter forming a single geometric shape with no more than six sides. See Figure 17-80-1.

FIGURE 17-80-1: MEASUREMENT OF SIGN AREA



2. Supporting framework or bracing that is clearly incidental to the display itself shall not be calculated as sign area.
3. The area of a double-faced (back-to-back) sign shall be calculated as a single sign face if the distance between each sign face does not exceed 18 inches and the two faces are parallel with each other
4. The area of spherical, free-form, sculptural or other non-planar signs are measured as 50 percent of the sum of the area enclosed within the four vertical sides of the smallest four-sided polyhedron that will encompass the sign structure. See Figure 17.80-2.

FIGURE 17.80-2: NON-PLANER SIGN AREA



**B. Monument Sign Height Measurement.** The height of a monument or other freestanding sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.

### 17.80.050 Signs Allowed Without Permits

**A. Types of Signs.** The following signs are allowed without a planning permit and shall not be counted towards the allowable sign area or number of signs on a parcel:

1. On-site directional signs which do not include commercial messages or images, not to exceed 3 feet in height and 6 square feet in area.
2. Informational signs which do not include commercial messages or images, displayed for the safety and convenience of the public, providing information such as “restrooms,” “danger,” “impaired clearance,” “no smoking,” “parking in rear,” “coastal access,” and other signs of a similar nature.
3. Flags bearing noncommercial messages or graphic symbols.
4. One commemorative plaque identifying a building name, date of construction, or similar information that is cut into, carved, or made of stone, concrete, metal, or other similar permanent material.
5. One bulletin board on a parcel occupied by a noncommercial organization, with a maximum area of 12 square feet.
6. Political signs during an election period located outside of a public street, path, or right-of-way except to the extent such signs are prohibited by State or Federal law. Political signs may not exceed 6 feet in height and 32 square feet per unit..
7. Constitutionally protected non-commercial message signs not to exceed 3 feet in height, with a maximum of 6 square feet per unit; and 6 square feet per non-residential property.
8. Signs within a building, or on the premises of a building, that are not visible from the public right-of-way and are intended for interior viewing only.
9. Murals on the exterior of a building that do not advertise a product, business, or service.
10. Official or legal notices required by a court order or governmental agency.
11. Signs installed by a governmental agency within the public right-of-way.
12. Signs, postings, or notices required by a governmental agency to carry out its responsibility to protect the public health, safety, and general welfare.
13. Restaurant menu signs attached to a building, with a maximum area of 3 square feet.
14. Real estate listings posted in the window of a real estate office, with a maximum area of 25 percent of the total window area.
15. Residential signs not requiring a building permit as specified in Section 17.80.100 (Residential Signs).
16. Temporary signs allowed without a permit as provided in Section 17.80.110 (Temporary Signs).
17. Vacation rental signs up to 12 inches by 12 inches.

18. Garage sale signs limited to the day of the garage sale.
- B. Building Permit Review.** Planning staff shall review all proposed signs listed in Section A (above) that require a Building Permit to verify compliance with all applicable standards.
- C. Changes to Sign Face.** Changes to a sign face that do not structurally alter or enlarge a legally-established sign and utilize similar materials shall not require a planning permit.
- D. Routine Maintenance.** The painting, cleaning, repair, and normal maintenance of a legally-established sign shall not require a planning permit.

#### 17.80.060 Prohibited Signs

- A. Prohibited Sign Types.** The following types of signs are prohibited:
1. Signs or sign structures which have become a public nuisance or hazard due to inadequate maintenance, dilapidation, or abandonment.
  2. Portable signs placed on the ground other than sidewalk signs permitted in the MU-V zoning district consistent with Section 17.80.080.K (Sidewalk Signs).
  3. Roof signs.
  4. Signs emitting odors, gases, or fluids.
  5. Signs that feature a flag, pennant, whirligig, or any device which is designed to wave, flutter, rotate or display other movement under the influence of wind, excluding flags and insignia of any government.
  6. Digital display and electronic readerboard signs which allow the image on a sign to be changed by electronic control methods, except for digital gas and service station signs consistent with Section 17.80.080.H (Gas and Service Station Signs) and parking garage signs consistent with Section 17.80.080.I (Parking Garage Signs).
  7. Animated signs, with the exception of clocks and barber poles.
  8. Signs that emit sound.
  9. Signs which simulate in size, color, lettering, or design a traffic control sign or signal.
  10. Signs which flash, blink, change color, or change intensity.
  11. Beacons.
  12. Signs mounted or attached to a vehicle parked for the purpose of calling attention to or advertising a business establishment.
  13. Signs that have been abandoned, or whose advertised use has ceased to function for a period of 90 days or more.
  14. Signs adversely affecting traffic control or safety.
  15. Signs with exposed raceways.
  16. Signs attached to trees.

17. Signs erected or maintained with horizontal or vertical clearance from overhead utilities less than required by State agencies.
18. Signs erected for the dominant purpose of being seen by travelers on a freeway, except for auto dealership signs as allowed by Section 17.80.080.A (Auto Dealership Signs).
19. Inflatable signs and balloons greater than fifteen inches in diameter, except for temporary auto dealership signs.
20. Signs on or affecting public property (e.g., 'tenant parking only') not placed there by the public entity having the possessory interest in such property.
21. All other signs not specifically permitted by or exempted from the requirements of this chapter.

**B. Prohibited Sign Content.**

1. The following sign content is prohibited:
  - a. Obscene or indecent text or graphics.
  - b. Text or graphics that advertise unlawful activity.
  - c. Text or graphics that constitute defamation, incitement to imminent lawless action, or true threats.
  - d. Text or graphics that present a clear and present danger due to their potential confusion with signs that provide public safety information (for example, signs that use the words "Caution," or "Danger," or comparable words, phrases, symbols, or characters in such a manner as to imply a safety hazard that does not exist).
2. The content prohibited by Paragraph (1) above is either not protected by the United States or California Constitutions or are offered limited protection that is outweighed by the substantial governmental interests in protecting the public safety and welfare. It is the intent of the City Council that each subparagraph of Paragraph (1) above be individually severable in the event that a court of competent jurisdiction were to hold one or more of them to be inconsistent with the United States or California Constitutions.

**17.80.070 General Sign Standards**

- A. Maximum Permitted Sign Area.** Table 17.80-1 identifies the maximum cumulative/total sign area permitted on a property in each zoning district. Each business may have a mix of the sign types allowed by Section 17.80.080 (Standards for Specific Sign Types) provided the area of all signs on the property does not exceed the maximum established in Table 17.80-1.

**TABLE 17.80-1: SIGN AREA STANDARDS**

Zoning District	Area per Linear Foot of Building Frontage
MU-V, MU -N	0.5 sq. ft. per linear foot 36 sq. ft. max
, C-R, C-C, I	1 sq. ft. per linear foot 50 sq. ft. max
VS, CF, P/OS [1]	As determined through Sign Permit
PD	As determined through the Development Plan

Notes:

Sign requirements in the Visitor Serving overlay zone shall be as required by the base zoning district.

- B. Maintenance.** Signs, including all supports, braces, and anchors, shall be maintained in a state of good repair at all times. Damage to signs, including cracked sign faces, frayed or weathered fabric, and broken lighting, shall be repaired promptly.
- C. Building Surface Repair.** When an existing sign is replaced or modified, any newly exposed portions of a building surface on which the sign is displayed shall be repaired and repainted to restore a uniform appearance to the surface. Compliance with this requirement includes the removal of any excess conduit and supports, and the patching or filling of any exposed holes.
- D. Illumination.**
1. Non-residential signs may be internally or externally illuminated except where specifically prohibited. Internal illumination is permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Internally illuminated boxes are prohibited, except that the copy of an existing internally illuminated box sign may be replaced with a change of business.
  2. The light source for externally illuminated signs shall be positioned so that light does not shine directly on adjoining properties or cause glare for motorists or pedestrians.
  3. Exposed bulbs are not permitted.
  4. Internal illumination is prohibited in the Mixed-Use Village (MU-V).
- E. Materials and Design.**
1. Except for interior window signs, all permanent signs shall be constructed of wood, metal, plastic, glass, or similar durable and weatherproof material.
  2. The design of signs, including its shape, features, materials, colors, and textures, shall be compatible with the design character of the development or use it identifies and will not have an adverse effect on the character and integrity of the surrounding area.
- F. Location and Placement.**

1. All signs shall be located on the same parcel as the business or use that it serves, except as otherwise allowed by this chapter.
2. Signs shall not obstruct the ingress to, or egress from, a door, window, fire escape, or other required accessway.
3. Signs shall not interfere with visibility at an intersection, public right-of-way, driveway, or other point of ingress/egress. The City may require sign setbacks greater than specified in this chapter as needed to maintain adequate visibility for motorists and pedestrians. See Section 17.96.050 (Intersection Sign Distance).

#### **G. Signs in the Public Right-of-Way.**

1. No sign shall be permitted in the public right-of-way, except for:
  - a. Signs installed or required by a governmental agency.
  - b. Awning, canopy, marquee, projecting, or suspended signs attached to a building wall subject to the requirements in Section 17.80.080 (Standards for Specific Types of Signs).
  - c. Sidewalk signs in the Village Mixed Use (MU-V) zoning district consistent with Section 17.80.080.G (Sidewalk Signs).
  - d. Shared auto dealership signs consistent with Section 17.80.080.A (Auto Dealership Signs).
2. Any sign illegally installed or placed on public property shall be subject to removal and disposal as specified in Section 17.80.150 (Violations and Enforcement). The City shall have the right to recover from the owner or person placing such a sign the full costs of removal and disposal of the sign.
3. Signs in the public right-of-way may require City approval of an Encroachment Permit.

#### **17.80.080 Standards for Specific Types of Signs**

Signs consistent with the standards in this section are allowed with an Administrative Permit unless Planning Commission approval of a Sign Permit is specifically required. Signs that deviate from the standards in this section may be allowed with Planning Commission approval of a Sign Permit in accordance with Section 17.80.120 (Adjustment to Sign Standards).

##### **A. Auto Dealership Signs.**

1. In addition to signs allowed with an Administrative Sign Permit (17.080.030.A), the Planning Commission may allow special auto dealership signage in the C-R zoning district with approval of a Sign Permit subject to the following standards:
  - a. Location: On or adjacent to an auto dealership land use.
  - b. Placement: 10 feet minimum setback from property line abutting the public right-of-way.

- c. Maximum Height: At or below roof line.
- d. The Planning Commission shall review the Sign Permit application if the total combined sign area on the site exceeds 100 square feet.
- e. The Planning Commission may allow one shared sign used by multiple auto dealerships at the entry of Auto Plaza Drive which extends into or above the public right-of-way.

The Planning Commission may allow temporary auto dealership signage, such as signage on light poles and flags and pennants, that deviate from temporary sign standards in 17.80.110 (Temporary Signs) with the approval of a Sign Permit.

**B. Awning Signs.**

- 1. Standards for awning signs in each zoning district are as shown in Table 17.80-2.
- 2. Awning signs shall be located on the awning above a display window or the entrance to the business it serves.
- 3. An awning sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

**TABLE 17.80-2: AWNING SIGN STANDARDS**

Zoning District	Awning Face Sign		Awning Valance Sign		
	Maximum Area	Maximum Number	Maximum Area	Maximum Letter Height	Maximum Number
MU-V, MU-N	Sign Permit Required (Chapter 17.132)		75 percent of valance	Two-thirds of valance height	1 sign per awning located on either the awning face or the awning valance
C-R, C-C	30 percent of awning face	1 sign per awning located on either the awning face or the awning valance			
I	20 percent of awning face				

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for awning signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for awning signs shall be established by the City Council in the Development Plan.

**C. Monument Signs.**

- 1. Standards for monument signs in each zoning district are as shown in Table 17.80-3.



**TABLE 17.80-3: MONUMENT SIGN STANDARDS**

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V	12 sq. ft.	4 ft.	1 per property
MU-N	16 sq. ft.		
C-R	60 sq. ft.	8 ft.	1 per building frontage
C-C	35 sq. ft.		
I			4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for monument signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for monument signs shall be established by the City Council in the Development Plan.

2. Monument signs shall be placed on the property of the business associated with the sign.
3. Where two monument signs are allowed on a corner parcel, each sign shall be placed at least 200 feet from the intersection corner.
4. A monument sign for up to four tenants may be approved with an Administrative Sign Permit. Monument signs listing more than four tenants require Planning Commission approval of a Sign Permit.
5. The area surrounding the base of a monument sign shall be landscaped consistent with Chapter 17.72 (Landscaping).
6. Monument signs shall be placed at least 5 feet away from any public or private driveway.
7. Monument signs shall be placed at least 5 feet behind sidewalk or property line, whichever is greater.
8. The height of a monument sign is measured as the vertical distance from the sidewalk or top of curb nearest the base of the sign to the top of the highest element of the sign.
9. Monument signs are not allowed in conjunction with wall signs on a property with three or fewer businesses.

#### **D. Center Identification Signs.**

1. Standards for center identification signs in each zoning district are as shown in Table 17.80-4.
2. Center identification signs shall identify the name of the center but may not include the name of any business or businesses within the center.

- No more than one freestanding sign is permitted per center street frontage. If a monument sign is located along the center frontage, an additional center identification sign is not permitted.

**TABLE 17.80-4: CENTER IDENTIFICATION SIGN STANDARDS**

Zoning District	Maximum Area	Maximum Height	Maximum Number
MU-V and MU-N	Not permitted		
C-R	60 sq. ft.	5 ft.	1 per shopping center
C-C	35 sq. ft.		
I	Not permitted		

Note: In the Planned Development (PD) zoning district, standards for center identification signs shall be established by the City Council in the Development Plan.

### E. Directory Signs.

- Standards for directory signs in each zoning district are as shown in Table 17.80-5.
- Directory signs may not be legible from adjacent public rights-of-way.
- Directory signs shall identify the names of the occupant of the building or complex.

**TABLE 17.80-5: DIRECTORY SIGN STANDARDS**

Zoning District	Maximum Area	Maximum Height
MU-V	12 sq. ft.	4 ft.
MU-N	16 sq. ft.	
C-R	30 sq. ft.	5 ft.
C-C	25 sq. ft.	
I	25 sq. ft.	4 ft.

Note: In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for directory signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for directory signs shall be established by the City Council in the Development Plan.

**F. Wall Signs.**

1. Standards for wall signs in each zoning district are as shown in Table 17.80-6.
2. Wall signs shall be attached parallel to the exterior wall of the business associated with the sign and may not extend above the top of building wall.
3. Wall signs may be in cabinets, on wood, or on similar material attached to the wall or painted directly on the wall.
4. Any portion of a wall sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.
5. Wall signs are not allowed in conjunction with a monument sign on a property with three or fewer businesses.
6. On a corner lot, one wall sign is allowed per street frontage.

**TABLE 17.80-6: WALL SIGN STANDARDS**

Zoning District [1]	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V	0.5 sq. ft. per linear foot of shopfront, not to exceed 36 sq. ft. max	4 in.	1 per shopfront
MU-N	1.0 sq. ft. per linear foot of shopfront, not to exceed 36 ft.		
C-R, C-C, I [2]		12 in.	1 per shopfront

Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for wall signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for wall signs shall be established by the City Council in the Development Plan.

[2] Wall signs are not allowed in conjunction with a monument sign in the Industrial (I) zoning district.

**G. Projecting Signs.**

1. Standards for projecting signs in each zoning district are as shown in Table 17.80-7.
2. Projecting signs shall be attached to the ground floor exterior wall of the business associated with the sign and may not extend above the top of the second story finished floor.
3. Projecting signs shall maintain a minimum 2-foot horizontal clearance from a driveway or street curb.
4. An encroachment permit must be obtained for all signs projecting over a public right-of-way.

5. A projecting sign that projects over any public walkway or walk area shall have an overhead clearance of at least 8 feet.

**TABLE 17.80-7: PROJECTING SIGN STANDARDS**

Zoning District	Maximum Area	Maximum Projection from Wall	Maximum Number
MU-V, MU-N	4 sq. ft.	4 ft.	1 per business entryway or storefront
C-R, C-C, I	8 sq. ft.	4 ft.	1 per business entryway or storefront

Note:

In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for projecting signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for projecting signs shall be established by the City Council in the Development Plan.

**H. Gas and Service Station Signs.** In addition to signs allowed with an Administrative Sign Permit (Section 17.080.030.A), the Planning Commission may allow special gas and service station signs that comply with the following standards .

1. A maximum of two signs, not exceeding 4 square feet, shall be allowed on each pump island to denote either full service or self-service.
2. No other signs will be allowed to be attached to pumps or islands other than required by State law. (See Business & Professions Code Section 13530.)
3. A six-foot-high monument sign which displays prices charged, credit cards accepted or special services rendered shall be allowed on each street frontage.
4. Digital changeable copy signs for gasoline pricing is permitted.
5. Two additional signs up to a maximum of 1 square foot are permitted to advertise ancillary services such as ATMs and propane. Such signs must be attached to another sign or structure and may not be a portable freestanding sign.

**I. Parking Garage Signs.** A maximum of one digital display signs not exceeding four square feet on each street frontage is permitted to show the number of available parking spaces.

**J. Window Signs.**

1. Standards for window signs in each zoning district are as shown in Table 17.80-8.
2. Window signs may be attached only to the inside of a ground floor window of the business associated with the sign.
3. Interior signs within one foot of a window and publicly visible from outside of the building shall be included in the calculation of sign area for the property.

**TABLE 17.80-8: WINDOW SIGN STANDARDS**

Zoning District	Maximum Area
MU-V, MU-N	25 percent of window
C-R, C-C, I	30 percent of window

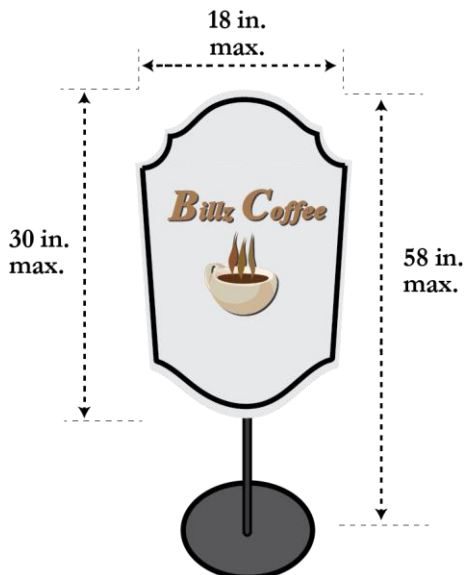
Note:

[1] In the Visitor Serving (VS), Community Facility (CF) and Parks and Open Space (P/OS) zoning districts, standards for window signs shall be established by the Planning Commission through a Sign Permit. In the Planned Development (PD) zoning district, standards for window signs shall be established by the City Council in the Development Plan.

**K. Sidewalk Signs.**

1. **Where Allowed.** Sidewalk signs are permitted only in the MU-V zoning district consistent with the requirements of this section.
2. **Permits Required.**
  - a. Sidewalk signs consistent with this section and the approved BIA design as illustrated in Figure 17-80-3 can be issued an over the counter sign permit by the Community Development Director.
  - b. All sidewalk signs shall obtain an encroachment permit. The encroachment permit will identify the location and method used to drill a hole in the sidewalk and/or the location of a sign on a base.
  - c. The owner of any business desiring to place a sidewalk sign on the City right-of-way shall provide an executed City hold harmless waiver and proof of liability insurance to the satisfaction of the City Attorney in the amount of one million dollars prior to placing the sign within said right-of-way.

**FIGURE 17-80-3: SIDEWALK SIGN STANDARDS AND DESIGN CONCEPTS**



3. **Dimensions.** Sidewalk signs shall comply with the dimension standards in Table 17.80-9.

**TABLE 17.80-9: SIDEWALK SIGNS STANDARDS**

Zoning District	Sign Face			Entire Sign
	Maximum Area	Maximum Width	Maximum Height	Maximum Height [1]
MU-V	3.75 sq. ft.	18 in.	32 in.	58 in.
All Other Zoning Districts	Not permitted			

Note:

[1] Measured from sidewalk to top of sign

4. **Number of Signs.**

- Only one two-sided sidewalk sign per business establishment is permitted.
- Multi-tenant developments are permitted one sidewalk sign per each common exterior public business entrance.

5. **Materials and Design.**

- Sidewalk signs shall be attached to metal poles. Poles may be either drilled into the sidewalk or inserted into a moveable base. Moveable bases shall be constructed of metal, form a circle with a diameter of no more than 18 inches, and must be approved as part of the sign permit.
- Lights, banners, flags or similar objects shall not be placed on or adjacent to sidewalk signs.
- Signs faces shall be constructed of solid wood, metal or similar durable and weatherproof material.
- No sidewalk sign may contain lights of any kind.

6. **Sidewalk Clearance.**

- The sidewalk in front of the business must be at least 78 inches in width.
- Sidewalk signs shall not interfere with pedestrian ingress or egress as required by the building code or obstruct vehicular traffic sight distance requirements. A 48-inch level clear path of travel on concrete or similar material must be maintained where the sign is located.

7. **Separation from Other Sidewalk Signs.** Sidewalk signs shall be spaced a minimum of 30 linear feet from all other permitted sidewalk signs.

8. **Display During Open Hours.** Sidewalk signs may be used only during the hours when the business is open to the public. At all other times the sign and base must be stored within the business premises.
9. **Advertising Multiple Businesses.** Individual signs may advertise more than one business.
10. **Other Business Signage.**
  - a. No other temporary advertising signs (Section 17.80.110) may be used at the same time as the sidewalk sign is in use.
  - b. All other signs on the property must be in conformance with the City's sign regulations prior to a sidewalk sign permit being issued.

#### 17.80.090 Design Standards

- A. **Design Standards for Mixed Use Zoning Districts.** The following design standards apply to all signs in the MU-V and MU-N zoning districts.
  1. Signs shall preserve, complement, or enhance the architectural composition and features of the building to which it is attached. Signs may not cover or obscure significant architectural details of the building to which it is attached.
  2. Signs shall be coordinated with the overall façade composition, including ornamental details and other signs on the building to which it is attached.
  3. Signs shall be mounted to fit within existing architectural features. The shape of the sign shall be used to reinforce the relationship of moldings and transoms seen along the street.
  4. Signs shall be located and designed so that they are legible when viewed from the sidewalk. Sign letter styles and sizes shall be designed for legibility from the sidewalk, not the street.
  5. To the extent possible, sign attachment parts shall be reused in their original location (holes in the façade or fixing positions) to protect the original building materials.
  6. Internally illuminated signs are prohibited in the MU-V and MU-N zoning districts.
  7. Wiring conduit for sign lighting shall be carefully routed to avoid damage to architectural details and to be concealed from view as much as possible.
  8. Sign materials and colors shall be compatible with the period and style of building to which it is attached. Sign panels shall avoid the extensive use of primary color or significant areas of white or cream.
  9. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.
  10. The sign will not have a significant adverse effect on the character and integrity of the surrounding area.
- B. **Design Standards for Commercial Zoning Districts.** The following design standards apply to all signs in the C-C and C-R zoning districts.

1. Sign design shall conform to and be in harmony with the architectural character of the building.
2. Signs shall be symmetrically located within a defined architectural space.
3. Internally illuminated signs are permitted only when the portion of the sign that appears illuminated is primarily the sign lettering, registered trademark, or logo. Large panel internally illuminated signs are prohibited.
4. The design of monument and other freestanding signs shall relate to the architecture of the building or development they serve. Exterior materials, finishes and colors shall be the same or similar to those of the building or structures on site.
5. Letters and logos shall be raised, routed into the sign face, or designed to give the sign variety and depth.

**C. Design Standards for Industrial Zoning District.** Signs within the Industrial (I) zoning district shall be constructed of metal or other materials consistent with the light industrial character of the zoning district.

#### **17.80.100 Residential Signs – Multi-Unit Properties**

Multi-unit properties may display one or more master signs subject to the following requirements:

- A.** A master sign program (17.80.130) has been approved for the multi-unit property.
- B.** Maximum allowable sign area: 20 square feet per property.
- C.** A master sign for a multi-unit property requires an Administrative Sign Permit.

#### **17.80.110 Temporary Signs**

- A. Permitted Temporary Signs.** Table 17.80-10 (Temporary Sign Standards) identifies temporary signs permitted either by-right or with the approval of an Administrative Sign Permit. The Planning Commission may allow other types of temporary signs or temporary signs that do not comply with the standards in Table 17.80-1 with approval of a Sign Permit.



**TABLE 17.80-10 TEMPORARY SIGN STANDARDS**

Sign Type	Permit Required	Use Restriction	Maximum Number	Maximum Area/ Size	Maximum Duration
Auto Dealership Signs - Flags - Pennants - Balloons	None	Auto dealerships on Auto Plaza Drive only	No maximum	0.5 sq. ft. per linear business frontage; 30 sq. ft. max; 1/3 of window max	Year-round; must be maintained in good condition
Commercial Banner Signs	Administrative Sign Permit	Non-residential uses only	1 per 500 ft. of linear building frontage; 2 sign maximum	30 sq. ft.	30 continuous calendar days; no more than 60 days each calendar year
Construction Site Signs - Residential	Administrative Sign Permit	Residential uses only	1 per 500 ft. of linear building frontage; 2 sign maximum	Height: 5 ft. Area: 12 sq. ft.	From issuance of building permit to certificate of occupancy
Construction Site Signs - Non-Residential	Administrative Sign Permit	Commercial and industrial uses only	1 per 500 ft. of linear building frontage; 2 sign maximum	Height: 8 ft.; 4 ft. in MU-V Area: 40 sq. ft.; 12 sq. ft. in MU-V	From issuance of building permit to certificate of occupancy
For Sale, Lease, and Rent Signs, Non-Residential	None	Commercial and industrial uses only	1 per property	Height: 8 ft. Area: 40 sq. ft.	1 year; Director may approve extension
For Sale, Lease, and Rent Signs, Residential	None	Residential uses only	1 per property	Height: 4 ft. Area: 6 sq. ft.	180 days; Director may approve extension
Open House or model home	None	None	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of open house.
Special Event	None	Special events.	1 per property and 1 on other property with owner consent	Height: 4 ft. Area: 6 ft.	Limited to day of special event.
Residential Subdivision	Administrative Sign Permit	Residential subdivisions and condominiums located in the city	1 per subdivision	Height: 10 ft. Area: 40 sq. ft.	180 days or upon the sale of the last unit, whichever comes first

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

### 17.80.120 Adjustment to Sign Standards

This section establishes procedures to allow the Planning Commission to approve signs that deviate from certain standards to provide reasonable flexibility in the administration of the sign ordinance.

- A. Permit Required.** Adjustments to sign standards allowed by this section requires Planning Commission approval of a Sign Permit.
- B. Permitted Adjustments.** The Planning Commission may allow adjustment to the following sign standards:
1. The type of sign allowed in non-residential zoning districts (e.g., awning signs, monument signs).
  2. Requirements for temporary signs.
  3. The maximum permitted sign area up to a 25 percent increase.
  4. The maximum permitted sign height up to 25 percent increase.
- C. Excluded Adjustments.** The Planning Commission may not use the sign standards adjustment process to approve deviations to the following sign standards:
1. Prohibited Signs (Section 17.80.060).
  2. All general Sign Standards (Section 17.80.070) except maximum permitted sign area (17.80.70.A).
  3. Maximum number of signs allowed per property.
  4. Residential signs (Section 17.80.100).
- D. Findings.** The Planning Commission may approve an adjustment to sign standards as allowed by this section if the following findings can be made in addition to findings required to approve Sign Permit applications:
1. The sign will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
  2. The sign will not adversely impact neighboring properties or the community at large.
  3. The adjustment is necessary due to unique characteristics of the subject property, structure, or use.
  4. The sign will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
  5. The adjustment will not establish an undesirable precedent.
- E. Low Visibility Commercial Properties.**
1. In addition to adjustments allowed by subsection A through D above, the Planning Commission may allow additional adjustments to sign standards for low visibility properties

in the C-R and C-C zoning districts. A low visibility property means a property where signage consistent with applicable standards would not be easily visible from the street or sidewalk due to the width of street frontage, parcel depth or configuration, placement of buildings on the property, topography, vegetation, or other physical characteristic of the property.

2. Adjustments to sign standards for low visibility properties require Planning Commission approval of a Sign Permit.
3. Adjustments are allowed to required sign types, height, size, placement, and number. Adjustments may not allow for prohibited signs or monument signs.
4. The Planning Commission may approve additional or variations to any type of signage upon making the following findings:
  - a. The special signage, as designed and conditioned, is necessary and appropriate for the subject commercial site, in order to allow the site and the businesses located within it to be competitive with other businesses of a similar nature located elsewhere, and/or to be competitive with industry standards governing sale of the merchandise offered at the site.
  - b. The special signage, as designed and conditioned, will not have a significant adverse effect on the character and integrity of the surrounding area.

#### 17.80.130 Master Sign Program

- A. Purpose.** The purpose of the Master Sign Program is to provide a coordinated approach to signage for multi-family development and multi-tenant commercial developments.
- B. Applicability.** A Master Sign Program is required for multi-family uses with more than one permanent sign proposed, and any non-residential development with four or more tenants.
- C. Permit Required.** A Master Sign Program requires Planning Commission approval of a Sign Permit.
- D. Applications.** Applications shall be filed with the Planning Department on the appropriate City forms, together with all the necessary fees, deposits, exhibits, maps, and other information required by the Department to clearly and accurately describe the proposed Master Sign Program.
- E. Master Sign Program Contents.** All Master Sign Programs shall identify the materials, color, size, type, placement and general design of signs located on a project or property.
- F. Design Standards.**
  1. Master Sign Programs shall feature a unified and coordinated approach to the materials, size, type, placement and general design of signs proposed for a project or property. Master Sign Programs may allow for variety in the design of individual signs.

2. A Master Sign Program may deviate from standards contained in this chapter relating to permitted sign height, number of signs, sign area, and type of sign. A Master Sign Program may not allow a prohibited signs as identified in Section 17.80.060 (Prohibited Signs).

**G. Effect of Master Sign Program.**

1. All subsequent signs proposed for a development or property subject to an approved Master Sign Program shall comply with the standards and specifications included in the Master Sign Program.
2. Signs consistent with an approved Master Sign Program are allowed with an Administrative Sign Permit.
3. Approval of a Master Sign Program shall supersede the regulations of this chapter. Any aspect of the proposed signs not addressed by the Master Sign Program shall be in compliance with this chapter.

**17.80.140 Nonconforming Signs**

This section applies to all legally-established signs that do not conform to current requirements in this chapter.

**A. Continuation.**

1. Except as required by paragraph 2 below, a nonconforming sign may continue its use as a sign if it was legally established in compliance with all applicable regulations in effect at the time it was established. It is the applicant's responsibility to demonstrate that the sign was legally established.
2. At time of review of a Design Permit application for a property with a non-conforming sign on the site, the Planning Commission shall review the existing non-conforming sign in conjunction with the Design Permit. The Planning Commission may allow the continuation of the nonconforming sign only upon finding the sign is compatible with the design character and scale of the surrounding area and does not adversely impact the public health, safety, or general welfare.

**B. Allowed Changes.**

1. Changes to sign copy/face and repainting of legal nonconforming signs is permitted as long as there is no alteration to the physical structure or support elements of the sign.
2. A legal-nonconforming sign that sustains less than 50-percent damage to its structure may be repaired to its original pre-damaged condition, provided that such repair is completed within 180 days after the date of the damage.

**C. Required Compliance.** A legal nonconforming sign shall be removed or brought into compliance with this chapter in the following situations:

1. The use advertised by the sign has ceased to function for a period of 90 days or more.

2. The sign has sustained at least 50-percent damage to its structure.
3. The sign is located on a remodeled building façade.
4. The sign is relocated to a different lot or building.

#### 17.80.150 Violations and Enforcement

**A. Illegal Signs.** It is unlawful for any person to install, place, construct, repair, maintain, alter or move a sign in a manner that does not comply with the requirements of this chapter.

**B. Removal of Illegal Signs.**

1. The City may immediately remove or cause the removal of any sign that places the public in immediate peril or that is located within the public right-of-way.
2. For illegal signs that do not place the public in immediate peril and are located on private property, the City shall serve the business owner, property owner, or person responsible for the sign a written certified notice that:
  - a. Describes the physical characteristics of the subject sign.
  - b. Explains the nature of the violation.
  - c. States that the sign shall be removed or brought into compliance with this article within a specified number of days after the notice is received.
  - d. States that the City will remove the sign if the business owner or person responsible for sign does not correct the violation within the specified number of days after the notice is received.
  - e. States that the City may destroy the illegal sign if it is not retrieved within 20 days of removal by the City.
  - f. States that the business owner or person responsible for all costs associated with the removal, storage, and destruction of the sign.
3. If an illegal sign is not removed or brought into compliance within the specified number of days after a notice is received, the City may issue a citation to the business owner or person responsible for the sign as provided in Municipal Code Title 4 (General Municipal Code Enforcement) and may remove or cause the removal of the sign.
4. Any accessory structures, foundations, or mounting materials which are unsightly or a danger to the public health, safety, and welfare shall be removed at the time of the sign removal.
5. A sign removed by the City shall be stored for a minimum of 20 days. If the sign is not retrieved by the business owner or person responsible for the sign within this 20-day period, the City may destroy the sign.

## Chapter 17.84 – HISTORIC PRESERVATION

### Sections:

- 17.84.010 Purpose
- 17.84.020 Types of Historic Resources
- 17.84.030 Architectural Historian
- 17.84.040 Adding or Removing Designated Historic Resource Status
- 17.84.050 Maintenance of Potential Historic Resource List
- 17.84.060 Criteria for Designating Historic Resources
- 17.84.070 Historic Alteration Permit
- 17.84.080 Demolition of Historic Resources
- 17.84.090 Historic Preservation Incentives

### 17.84.010 Purpose

This chapter establishes procedures for the classification of historic resources and requirements for alterations to these resources. These provisions are intended to preserve and enhance Capitola's historic character while maintaining the ability of property owners to reasonably improve and modify historic homes and structures in Capitola.

### 17.84.020 Types of Historic Resources

The Zoning Code establishes two types of historic resources: Designated Historic Resources and Potential Historic Resources identified in the City's list of potential historic resources. The City intends for both types of historic resources to be comprised primarily of structures from the pre-World War II era of Capitola's history.

#### A. Designated Historic Resources. Designated Historic Resources include the following:

1. Resources listed on the National Register of Historic Places or determined by the State Historical Resources Commission to be eligible for listing on the National Register of Historic Places.
2. Resources listed on the California Register of Historical Resources or determined by the State Historical Resources Commission to be eligible for listing on the California Register of Historical Resources.
3. A contributing structure within a National Register Historic District (Venetian Court, Six Sisters, Lawn Way, and Old Riverview Districts).
4. Other resources officially designated by the City Council as a Designated Historic Resource based on the criteria in Section 17.84.060 (Criteria for Designating Historic Resources).

#### B. Potential Historic Resource. A Potential Historic Resource is a site, structure, or feature that has previously been identified by the City as potentially historic and is included on a list of potentially historic resources as maintained by the Community

Development Department consistent with Section 17.84.050 (Maintenance of Potential Historic Resource List). The purpose of the list of Potential Historic Resources is to maintain an inventory of properties that are potentially historic for use by City staff when reviewing development project applications.

### **17.84.030 Architectural Historian**

#### **A. General.**

1. The City of Capitola shall utilize the services of an Architectural Historian as specified in this chapter to assist with the review of development project applications and to advise on other matters associated with historic preservation in the City of Capitola.
2. The Architectural Historian must be certified by the State of California as a historic preservation professional and must be familiar with the history and architecture of the City of Capitola.
3. When the services of the Architectural Historian are needed to assist with a development project application, all costs associated with the Architectural Historian's services shall be paid for by the applicant.

#### **B. Role.** The Architectural Historian shall assist the City in the administration and enforcement of this chapter. Specific duties may include:

1. Reviewing applications to add or remove Designated Historic Resource status in accordance with Section 17.84.040 (Adding or Removing Designated Historic Resource Status).
2. Recommending to the Community Development Director additions or removal of structures from the City's list of Potential Historic Resources in accordance with Section 17.84.050 (Maintenance of Potential Historic Resource List).
3. Completing DPR523 forms or equivalent documentation to record the historic significance of historic resources.
4. Reviewing Historic Alteration Permit applications, Design Permit applications, and other applications involving a modification or potential impact to a historic resource.
5. Advising the City on other matters related to historic preservation in the City of Capitola.

### **17.84.040 Adding or Removing Designated Historic Resource Status**

**A. Initiation.** The City Council, Planning Commission, or property owner may request to designate a property as a Designated Historic Resource or remove such designation from a property.

**B. Application Contents.** An application by a property owner shall be on a form designated by the Community Development Department and shall include the following information:



1. **Photographs – Subject Property & Context.**
    - a. Photographs of each exterior elevation of all buildings and structures on the site, including retaining walls and fences.
    - b. Photographs of exterior details (façade materials, porches, columns, cornices, window trim, wall materials, and fence materials).
    - c. Historic photographs of original structure if available.
  2. **Physical Condition – Written and Graphic.** A detailed written description on the physical condition of the structure with supporting photographs.
  3. **Property History.** A description of the history of the property, if known.
  4. **Requests to Remove Classification.** A property owner may request to remove the Designated Historic Resource status by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property’s lack of historic significance.
  5. **Additional Information.** Any additional information requested by the Community Development Director necessary to process and evaluate the application.
- C. Application Review.** The Community Development Director shall review applications for adequacy and completeness under the requirements of this section. The application shall be reviewed by the City’s Architectural Historian to assess whether the property exhibits characteristics for classification as a Designated Historic Resource described in Section 17.84.060 (Criteria for Designating Historic Resources). If the property exhibits characteristics for classification, the Architectural Historian will complete a DPR523 or equivalent for the City’s records. A staff report with a recommendation on the approval, approval with conditions, or denial of the application based upon the evaluation of the proposed historic resource classification, shall be prepared by the Community Development Department for Planning Commission consideration.
- D. Planning Commission Recommendation.** The Planning Commission shall review a Designated Historic Resource application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings) and provide a recommendation to approve, conditionally approve, or deny the application.
- E. City Council Action.** The City Council shall approve, conditionally approve, or deny the application by resolution. The action of the City Council is final.
- F. Effect of Classification.** The classification of a Designated Historic Resource shall run with the land and be binding to subsequent owners of the property. Upon classification, the City shall add the structure to the City’s Designated Historic Resource list.



### 17.84.050 Maintenance of Potential Historic Resource List

- A. Authority to Maintain.** The Community Development Director shall be responsible for maintaining the list of Potential Historic Resources. The Director may add or remove structures from the list based on input from an Architectural Historian.
- B. Additions to List.** Any structure added to the Potential Historic Resource list shall meet one or more of the criteria in Section 17.84.060.B (Potential Historic Resource). The property owner shall be notified in writing of a decision to add a property to the list. Decisions of the Community Development Director to add a property to the list may be appealed to the Planning Commission.
- C. Removal of Listed Structures.** A property owner may request the removal of a property from the Historic Structure List by submitting to the Community Development Department a written request accompanied by a description with photograph documentation explaining the property's lack of historic significance. Decisions of the Community Development Director to maintain a structure on the list despite a request for its removal by the property owner may be appealed to the Planning Commission.

### 17.84.060 Criteria for Designating Historic Resources

- A. Designated Historic Resources.** Designated Historic Resources represent particularly noteworthy community resources that exemplify the City's unique historic identity, primarily from the pre-World War II era of Capitola's history. Designated Historic Resources possess iconic landmark status that contribute to Capitola's unique sense of place due to physical characteristics of the resource visible from a public place. The City Council may classify a property as a Designated Historic Resource if it meets any of the following criteria:
1. It exemplifies or reflects special elements of the City's cultural, social, economic, political, aesthetic, engineering, architectural or natural history.
  2. It embodies distinctive characteristics of a style, type, period or method of construction, or is a valuable example of the uses of indigenous materials or craftsmanship.
  3. It is an example of a type of building once common in Capitola but now rare.
  4. It contributes to the significance of an historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related groupings of properties which contribute to each other and are united aesthetically by plan or physical development.
- B. Potential Historic Resource.** Based on a recommendation from the City's Architectural Historian, the Community Development Director may add a structure to the Potential Historic Resource list if it meets any of the above criteria for classifying a Designated Historic Resource or any of the following criteria:

1. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, district, or the city.
2. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation.
3. It is similar to other distinctive properties, sites, areas or objects based on an historic, cultural or architectural motif.
4. It is one of the few remaining examples in the City, region, State or nation possessing distinguishing characteristics of an architectural or historic type or specimen.

#### 17.84.070 Historic Alteration Permit

- A. Purpose.** A historic alteration permit is an approval required to alter the exterior of a historic resource.
- B. Requirement for Designated Historic Resources.** A historic alteration permit is required for any exterior alteration to a Designated Historic Resource as defined in Section 17.84.020 (Types of Historic Resources).
- C. Requirement for Potential Historic Resource.**
1. **When Permit is Required.** A historic alteration permit is required for an alteration to a Potential Historic Resource if:
    - a. The project requires a discretionary approval (e.g., Design Permit, Coastal Development Permit, etc.); and
    - b. The Community Development Director determines that the project may result in a significant adverse impact of a historic resource as defined in the California Environmental Quality Act (CEQA) Guidelines Section 15064.5. A structure found not to be historically significant through a historic evaluation does not require a historic alteration permit.
  2. **Historic Resource Assessment and Consultation.** A proposed alteration to a Designated Historic Resource or a Potential Historic Resource that requires a discretionary permit will be reviewed by the City's Architectural Historian to assess if the project may result in a significant adverse impact of a historic resource. The Community Development Director shall use this assessment to determine if the findings of approval for the historic alteration permit can be made. Review by the City's Architectural Historian is not required for in-kind repairs in accordance with subsection E (Exception for Preservation and in-Kind Rehabilitation) below.
- D. Alteration Defined.** As used in this chapter, "alteration" means any exterior change or modification to a structure, cutting or removal of trees and other natural features, disturbance of archeological sites or areas, and the placement or removal of any accessory structures affecting the exterior visual qualities of the property. Painting is not considered

an alteration unless painted features are designated as significant or characteristic of a historic resource.

- E. Exception for Preservation and In-Kind Rehabilitation.** A historic alteration permit is not required for preservation or rehabilitation due to damage to windows, doors, trim, or other similar building elements. The rehabilitation shall be in-kind, matching the original design in size, detail, materials, and function. To qualify for this exception, the applicant must provide evidence of original design and details of the in-kind replacement.
- F. Review Authority.** The Planning Commission shall take action on all applications for a historic alteration permit.
- G. Application Requirements.** Applications for a historic alteration permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees.
- H. Public Notice and Hearing.** The Planning Commission shall consider applications for a historic alteration permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- I. Findings for Approval.** The Planning Commission may approve a historic alteration permit only if all of the following findings can be made:
1. The historic character of a property is retained and preserved. The removal of distinctive materials or alteration of features, spaces, and spatial relationships that characterize the property is avoided.
  2. Distinctive materials, features, finishes, and construction techniques or examples of fine craftsmanship that characterize a property are preserved.
  3. Any new additions complement the historic character of the existing structure. New building components and materials for the addition are similar in scale and size to those of the existing structure.
  4. Deteriorated historic features are repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature matches the old in design, color, texture, and, where possible, materials.
  5. Archeological resources are protected and preserved in place. If such resources must be disturbed, mitigation measures are undertaken.
  6. The proposed project is consistent with the General Plan, the Local Coastal Program, any applicable Specific Plan, the Zoning Code, and the California Environmental Quality Act (CEQA).
  7. If a proposed development is located in the coastal zone and requires a Coastal Development Permit (CDP) as specified in Chapter 17.44 (Coastal Overlay zone), approval of a CDP requires compliance listed in 17.84.070.I and the CDP findings as specified in 17.44.060 (Findings for Approval).

- J. Conditions of Approval.** The Planning Commission may attach conditions of approval to a historic alteration permit to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
- K. Appeals.** Decisions on historic alteration permit may be appealed as described in Chapter 17.152 (Appeals).

#### 17.84.080 Demolition of Historic Resources

- A. Permit Required.** The demolition of a historic resource requires approval of a Historic Resource Demolition Permit.
- B. Review Authority.**
1. The Planning Commission takes action on Historic Resource Demolition Permit applications to demolish a Potential Historic Resource.
  2. The Planning Commission recommends and the City Council takes action on Historic Resource Demolition Permits applications to demolish a Designated Historic Resource.
- C. Application Submittal and Review.** Applications for a Historic Resource Demolition Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees to the satisfaction of the CDD or Planning Commission. The City may require third-party review of these materials at the applicant's expense. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.84.080.F (Findings for Approval).
- D. Planning Commission Recommendation.** For Historic Resource Demolition Permit applications to demolish a Designated Historic Resource, the Planning Commission shall provide a recommendation to the City Council on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The Planning Commission shall base its recommendation on the findings specified in Paragraph F (Findings for approval) below.
- E. Public Notice and Hearing.** The review authority shall review and act on a Historic Resource Demolition Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- F. Findings for Approval.** To approve a Historic Resource Demolition Permit, the review authority shall make one or more of the following finding:
1. The structure must be demolished because it presents an imminent hazard to public health and safety as determined by a licensed structural engineer.
  2. The structure proposed for demolition is not structurally sound despite evidence of the applicant's efforts to rehabilitate and properly maintain the structure.

3. The rehabilitation or reuse of the structure is economically infeasible. Economic infeasibility shall be demonstrated by preparing actual project costs and by comparing the estimated market value of the property in its current condition, after rehabilitation and after demolition.
4. No feasible alternative use of the structure exists that can earn a reasonable economic return.

**G. Limitations on Findings of Economic Hardship.** The review authority may not approve a Historic Resource Demolition Permit if an economic hardship was caused by any of the following:

1. Willful or negligent acts by the applicant.
2. Purchasing the property for substantially more than market value.
3. Failure to perform normal maintenance and repairs.
4. Failure to diligently solicit and retain tenants.
5. Failure to prescribe a rental amount which is reasonable for the current market.
6. Failure to provide normal tenant improvements.

**H. Post-Decision Procedures.** Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Historic Resource Demolition Permit.

#### 17.84.090 Historic Preservation Incentives

- A. Mills Act Agreement.** Upon request of the owner of a Designated Historic Resource, the City Council may elect to enter into a Mills Act Agreement with the owner. See Government Code Section 50280 et seq. The Mills Act Agreement shall run with the land and be binding upon subsequent owners of the Designated Historic Resource. If the City Council elects to enter into a Mills Act Agreement, the City shall file the Mills Act Agreement for recording with the County Recorder.
- B. California Historical Building Code.** The California Historical Building Code (Title 24, Part 8) shall apply to all Designated Historic Resources to facilitate the preservation and continuing use of the building while providing reasonable safety for the building's occupants and access for persons with disabilities.
- C. Grant or Loan Priority.** The City shall give the highest priority to Designated Historic Resources when distributing grants or loans whose purpose is historic preservation.
- D. Permitting Fees.** The City Council shall waive application and review fees for Planning permits required for development projects that preserve, retain, and rehabilitate a historic structure. Planning permit fees shall be waived only for significant rehabilitations of noteworthy historic structures, not for remodels or additions to older homes that would not substantially advance the City's historic preservation goals. Required third-party reviews shall be paid for by the applicant.

- E. Modifications to Development Standards.** The City Council may approve modifications to development standards in the applicable zoning district, such as parking and setbacks, if the modification is necessary to allow for the preservation, rehabilitation, or restoration of a historic resource, and if coastal resources are protected. Modifications associated with specific coastal resource standards (e.g., ESHA setbacks, geologic hazard setbacks, etc.) are not allowed.



## Chapter 17.88 - INCENTIVES FOR COMMUNITY BENEFITS

### Sections:

17.88.010	Purpose
17.88.020	Incentives Restricted to Added Benefits
17.88.030	Eligibility
17.88.040	Allowable Benefits
17.88.050	Available Incentives
17.88.060	Relationship to State Density Bonus Law
17.88.070	Application Submittal and Review
17.88.080	Findings
17.88.090	Post-Decision Procedures

### 17.88.010 Purpose

This chapter establishes incentives for applicants to locate and design development projects in a manner that provides substantial benefits to the community. These incentives are intended to facilitate the redevelopment of underutilized properties along 41<sup>st</sup> Avenue consistent with the vision for the corridor described in the General Plan and to encourage the development of a new hotel in the Village as called for by the General Plan and the Local Coastal Program (LCP).

### 17.88.020 Incentives Restricted to Added Benefits

The City may grant incentives only when the community benefits or amenities offered are not otherwise required by the Zoning Code or any other provision of local, state, or federal law. Community benefits or amenities must significantly advance General Plan and/or LCP goals and/or incorporate a project feature that substantially exceeds the City's minimum requirements.

### 17.88.030 Eligibility

**A. Eligibility for Incentive.** The City may grant incentives for the following projects:

1. Projects in the Regional Commercial (C-R) and Community Commercial (C-C) zoning districts that:
  - a. Front 41<sup>st</sup> Avenue; or
  - b. Front Capitola Road between Clares Street and 42<sup>nd</sup> Avenue, or
  - c. Are located on the Capitola Mall site.
2. A hotel on the former Capitola Theater site (APN 035-262-04, 035-262-02, 035-262-11, 035-261-10) in the Mixed Use Village zoning district.



- B. Setback Required – 41<sup>st</sup> Avenue.** Structures on properties fronting the east side of 41<sup>st</sup> Avenue must be set back a minimum of 100 feet from the property line abutting a residential property.

#### 17.88.040 Allowable Benefits

- A. All Eligible Projects.** The City may grant incentives to all eligible projects as identified in Section 17.88.030 (Eligibility) that provide one or more of the following community benefits. The public benefit provided shall be of sufficient value as determined by the Planning Commission to justify deviation from the standards of the zoning district that currently applies to the property.
1. **Public Open Space.** Public plazas, courtyards, and other public gathering places that provide opportunities for people to informally meet and gather. Open space must be accessible to the general public at all times. Provision must be made for ongoing operation and maintenance in perpetuity. The public space must either exceed the City's minimum requirement for required open space and/or include quality improvements to the public realm to create an exceptional experience.
  2. **Public Infrastructure.** Improvements to streets, sidewalks, curbs, gutters, sanitary and storm sewers, street trees, lighting, and other public infrastructure beyond the minimum required by the City or other public agency.
  3. **Pedestrian and Bicycle Facilities.** New or improved pedestrian and bicycle pathways that enhance the property and connectivity to the surrounding neighborhood.
  4. **Low-Cost Visitor Serving Amenities.** New or improved low-cost visitor-serving recreational opportunities or accommodations within the Central Village area.
  5. **Transportation Options.** Increased transportation options for residents and visitors to walk, bike, and take public transit to destinations and reduce greenhouse gas emissions.
  6. **Historic Resources.** Preservation, restoration, or rehabilitation of a historic resource.
  7. **Public Parking.** A public parking structure that provides parking spaces in excess of the required number of parking spaces for use by the surrounding commercial district. Excess parking provided as part of a Village hotel may not be located on the hotel site and must be located outside of the Mixed Use Village zoning district.
  8. **Green Building.** Green building and sustainable development features that exceed the City's green building award status.
  9. **Public Art.** Public art that exceeds the City's minimum public art requirement and is placed in a prominent and publicly accessible location.
  10. **Child Care Facilities.** Child care centers and other facilities providing daytime care and supervision to children.

11. **Other Community Benefits.** Other community benefits not listed above, such as entertainment destinations, as proposed by the applicant that are significant and substantially beyond normal requirements.
- B. 41<sup>st</sup> Avenue/Capitola Road Projects.** In addition to the community benefits in Subsection A above, the City may grant incentives to eligible projects fronting 41<sup>st</sup> Avenue or Capitola Road between Clares Street and 42<sup>nd</sup> Avenue or on the Capitola Mall site that provide one or more of the following community benefits:
1. **Capitola Mall Block Pattern.** Subdivision of the existing Capitola Mall property into smaller blocks with new intersecting interior streets. May include the extension of 40<sup>th</sup> Avenue south into the Mall property to form a new pedestrian-friendly private interior street.
  2. **Surface Parking Lot Redevelopment.** Redevelopment of existing surface parking lots fronting 41<sup>st</sup> Avenue and Capitola Road while introducing new sidewalk-oriented commercial buildings that place commercial uses along the street frontage.
  3. **Transit Center.** Substantial infrastructure improvements to the transit center on the Capitola Mall property that are integrated with a possible future shuttle system in Capitola. The transit center may be moved to an alternative location consistent with the operational requirements of Santa Cruz Metro.
  4. **Affordable Housing.** Affordable housing that meets the income restrictions applicable in the Affordable Housing (-AH) overlay zone.

#### 17.88.050 Available Incentives

- A. 41<sup>st</sup> Avenue/Capitola Road Projects.** The City may grant the following incentives to an eligible project fronting 41<sup>st</sup> Avenue, Capitola Road between Clares Street and 42<sup>nd</sup> Avenue, or on the Capitola Mall site:
1. An increase in the maximum permitted floor area ratio (FAR) to 2.0.
  2. An increase in the maximum permitted building height to 50 feet.
- B. Village Hotel.** The City may grant the following incentives to a proposed hotel on the former Capitola Theater site (APN 035-262-04, 035-262-02, 035-262-11, 035-261-10):
1. An increase in the maximum permitted floor area ratio (FAR) to 3.0.
  2. An increase to the maximum permitted building height provided that:
    - a. The maximum height of the hotel (including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.) remains below the elevation of the bluff behind the hotel; and

- b. The bluff behind the hotel remains visible as a green edge when viewed from the southern parking lot along the bluff of Cliff Drive and the Capitola wharf. Existing mature trees shall be maintained on the site, except that trees that are unhealthy or unsafe may be removed.

#### **17.88.060 Relationship to State Density Bonus Law**

The incentives allowed by this section are in addition to any development incentive required by Section 65915 of the California Government Code.

#### **17.88.070 Application Submittal and Review**

- A. **Request Submittal.** A request for an incentive in exchange for benefits shall be submitted concurrently with an application for the discretionary permits required for the project by the Zoning Code. Applications shall be accompanied by the following information:
  - 1. A description of the proposed amenities and how they will benefit the community.
  - 2. All information needed by the City Council to make the required findings described in Section 17.88.080 (Finding) below, including a pro forma analysis demonstrating that the benefit of the proposed amenities to the community is commensurate with the economic value of the requested incentives.
- B. **Conceptual Review.** Prior to City action on a request for an incentive, the request shall be considered by the Planning Commission and City Council through the Conceptual Review process as described in Chapter 17.114 (Conceptual Review). Conceptual Review provides the applicant with non-binding input from the City Council and Planning Commission as to whether the request for incentives is worthy of consideration.
- C. **Theater Site Story Poles.** Prior to City action on a proposed hotel on the former Capitola Theater site the Planning Commission or City Council may require the applicant to install poles and flagging on the site to demonstrate the height and mass of the proposed project.
- D. **Planning Commission Recommendation.** Following Conceptual Review, the Planning Commission shall provide a recommendation to the City Council on the proposed project and requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- E. **City Council Action.** After receiving the Planning Commission's recommendation, the City Council shall review and act on the requested incentives at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings). The City Council shall also review and act on other permits required for the project requesting incentives.

**17.88.080 Findings**

**A. All Eligible Projects.** The City Council may approve the requested incentives for all eligible projects only if all of the following findings can be made in addition to the findings required for any other discretionary permit required by the Zoning Code:

1. The proposed amenities will provide a substantial benefit to the community and advance the goals of the General Plan.
2. There are adequate public services and infrastructure to accommodate the increased development potential provided by the incentive.
3. The public benefit exceeds the minimum requirements of the zoning code or any other provisions of local, state, or federal law.
4. The project minimizes adverse impacts to neighboring properties to the greatest extent possible.
5. If in the coastal zone and subject to a Coastal Development Permit, the project enhances coastal resources.

**B. Village Hotel.** In addition to the findings in Subsection A above, the City Council may approve the requested incentives for a proposed hotel on the former Capitola Theater site only if the following findings can be made:

1. The design of the hotel respects the scale and character of neighboring structures and enhances Capitola's unique sense of place.
2. The hotel will contribute to the economic vitality of the Village and support an active, attractive, and engaging pedestrian environment.
3. The hotel design minimizes impacts to public views of the beach and Village from vantage points outside of the Village, and in particular as seen from the top of the bluff behind the hotel, and does not adversely impact significant public views of the coastline as identified in the LCP Land Use Plan.
4. Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects public parking options.

**17.88.090 Post-Decision Procedures**

Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to decisions on incentives for community benefits.



## Chapter 17.96 - SUPPLEMENTAL STANDARDS

### Sections:

- 17.96.010 Purpose
- 17.96.020 Animal Keeping
- 17.96.030 Emergency Shelters
- 17.96.040 Home Occupations
- 17.96.050 Intersection Sight Distance
- 17.96.060 Large Commercial Land Uses
- 17.96.070 Large Home Day Care
- 17.96.080 Large Residential Care Facilities
- 17.96.090 Offshore Oil Development Support Facilities
- 17.96.100 Permanent Outdoor Displays
- 17.96.110 Outdoor Lighting
- 17.96.120 Placement of Underground Utilities
- 17.96.130 Recycling Collection Facilities
- 17.96.140 Self-Storage Facilities
- 17.96.150 Solar Energy Systems
- 17.96.160 Soquel Creek Pathway
- 17.96.170 Temporary Sidewalk Dining
- 17.96.180 Temporary Uses and Structures

### 17.96.010 Purpose

This chapter establishes supplemental standards for land uses, activities, and development that apply in all zoning districts.

### 17.96.020 Animal Keeping

**A. General Standards.** The following standards apply to the keeping of all animals in Capitola.

1. **Public Health and Safety.** It shall be unlawful and shall constitute a nuisance to keep any animal that poses a threat to public health or safety.
2. **Animal Noise.** In addition to the standards in Municipal Code Chapter 9.12 (Noises), no animal may disturb neighbors with its noise between sunset and one-half hour after sunrise.
3. **Sanitation.** It shall be unlawful and shall constitute a nuisance for any person to keep animals in an unsanitary manner or produce obnoxious odors. All debris, refuse, manure, urine, food waste, or other animal byproduct shall be removed from all the premises every day or more often as necessary.

4. **Property Confinement.** Animals other than household pets, where allowed, shall be confined to the property within a fenced yard.

**B. Household Pets.**

1. **Compliance with General Standards.** The keeping of dogs, cats, domesticated birds, rabbits, rodents, reptiles and amphibians, potbelly pigs less than 150 pounds, and other household pets is permitted provided they comply with Paragraph A above.
2. **Maximum Number.** A maximum of four of each type of household pet with a maximum of eight pets total is permitted in a single dwelling unit.

**C. Chickens.**

1. **Permitted Location.** Keeping of chickens is permitted only on properties of 5,000 square feet or more occupied by a single-family dwelling.
2. **Prohibitions on Roosters.** Only hens are permitted pursuant to this chapter. Roosters are prohibited.
3. **Number of Chickens.** A maximum of four chickens are permitted on a single property.
4. **Enclosure Requirement.** Chickens shall be kept in a coop which is sufficient to contain chickens. When outside of a coop, chickens shall be confined to the property within a fenced yard.
5. **Location of Coops.**
  - a. Chicken coops must be located behind the primary structure on the lot.
  - b. Chicken coops may not be located within a required front and side setback area or closer than 20 feet to dwelling units on adjacent properties.

**D. Honeybees.**

1. **Permitted Location.** Keeping of beehives is permitted only on properties occupied by a single-family dwelling.
2. **Minimum Lot Size and Number of Hives.** A maximum of one beehive is permitted on properties of at least 5,000 square feet.
3. **Location of Beehives.** Beehives shall be located behind the primary structure on the property. Beehives shall not be located closer than 20 feet to dwellings on adjacent properties or 5 feet from a property line.

**E. Prohibited Animals.** Keeping the following animals is prohibited:

1. Roosters, fowl other than chickens and ducks, goats, pigs other than potbelly pigs, and other livestock.

2. Wild animals as defined in Section 2118 of the California Fish and Game Code, except when authorized by the State Department of Fish and Game under Fish and Game Code Section 2150 et seq.

### 17.96.030 Emergency Shelters

Emergency shelters will comply with the following standards:

- A. Lighting.** Adequate external lighting shall be provided for security purposes. The lighting shall be stationary, directed away from adjacent properties and public rights-of-way, and of an intensity compatible with the neighborhood.
- B. Physical Characteristics.** Emergency shelters shall comply with applicable State and local housing, building, and fire code requirements.
- C. Security.** Facilities shall have on-site security during hours of operation. Parking and outdoor facilities shall be designed to provide security for residents, visitors and employees.
- D. Laundry Facilities.** Facilities shall provide laundry facilities or services adequate for the number of residents.
- E. Common Facilities.** Facilities shall contain amenities appropriate to the population to be served to include the following:
  1. Central cooking and dining room.
  2. Recreation room.
  3. Counseling services.
  4. Child care facilities.
  5. Other support services.
- F. Outdoor Activity.** For the purpose of noise abatement, organized outdoor activities may only be conducted between the hours of eight a.m. and ten p.m.
- G. Refuse.** Emergency shelters shall provide a refuse storage area that is in accordance with city requirements for accessory refuse structures. The storage area shall accommodate a standard-sized trash bin adequate for use on the parcel, or other enclosures as approved by the Community Development Director. The refuse enclosure shall be accessible to refuse collection vehicles.
- H. Emergency Shelter Provider.** The agency or organization operating the emergency shelter shall comply with the following requirements:
  1. Temporary shelter shall be available to residents for no more than six months.
  2. Staff and services shall be provided to assist residents to obtain permanent shelter and income.



3. The provider shall have a written management plan including, as applicable, provisions for staff training, good neighbor policies, security, transportation, client supervision, food services, screening of residents to insure compatibility with services provided at the facility, and for training, counseling, and treatment programs for residents. Such plan shall be submitted to and approved by the planning, inspections, and permitting department prior to operation of the emergency shelter. The plan shall include a floor plan that demonstrated compliance with the physical standards. The operator of each emergency shelter shall annually submit the management plan to the planning, inspections and permitting department with updated information for review and approval. The City Council may establish a fee by resolution, to cover the administrative cost of review of the required management plan.
- I. **Limited Terms of Stay.** The maximum term of staying at an emergency shelter is six months in a consecutive twelve-month period.
  - J. **Transportation Plan.** A transportation plan is required.
  - K. **Parking.** The emergency shelter shall provide on-site parking at a rate of one space per staff member plus one space per six occupants allowed at the maximum capacity.
  - L. **Bicycle Parking.** The shelter shall provide secure bicycle parking at a rate of one space per occupant.
  - M. **Development Standards.** An emergency shelter must comply with all development standards in the Industrial (I) zoning district.

#### 17.96.040 Home Occupations

- A. **Required Permit.** An Administrative Permit is required to establish or operate a home occupation.
- B. **Standards.** All home occupations shall comply with the following standards:
  1. **Size.** Home occupations may not occupy more than 25 percent of the floor area of the dwelling unit or 400 square feet, whichever is less.
  2. **Sales and Displays.** Products may not be sold onsite directly to customers within a home occupation. Home occupations may not establish window displays of products to attract customers.
  3. **Advertising.** No newspaper, radio, or television service shall be used to advertise the location of business; however, contact information, including phone numbers and email address, are allowed on advertisements.
  4. **Signs.** One single, non-illuminated, wall-mounted outdoor sign of not more than 1 square foot in area is permitted.
  5. **Vehicle Traffic.** A home occupation may not generate vehicle traffic greater than normally associated with a residential use. No excessive pedestrian, automobile, or

truck traffic may be introduced to the neighborhood as a result of the home occupation.

6. **Deliveries.** Deliveries and pick-ups for home occupations may not interfere with vehicle circulation, and shall occur only between 8:00 a.m. and 8:00 p.m., Monday through Saturday.
  7. **Mechanical Equipment.** Mechanical equipment that is not normally associated with a residential use is prohibited.
  8. **Performance Standards.** Home occupations shall not generate dust, odors, noise, vibration, or electrical interference or fluctuation that is perceptible beyond the property line.
  9. **Hazardous Materials Prohibited.** The storage of flammable, combustible, or explosive materials is prohibited.
  10. **Employees.** Employees of a home occupation shall be limited to the persons residing in the dwelling unit.
  11. **On-Site Client Contact.** No more than one client/customer at the property at one time. Customer or client visits are limited to three per day, or six per day for personal instruction services (e.g., musical instruction or training, art lessons, academic tutoring)
  12. **Outdoor Storage Prohibited.** Goods, equipment, and materials associated with a home occupation shall be stored within an enclosed structure or in a manner that is not visible from the property line.
- C. Permit Revocation.** An Administrative Permit for a home occupation that violates any of the standards in Paragraph B (Standards) above may be revoked consistent with Section 17.156.110 (Permit Revocation).

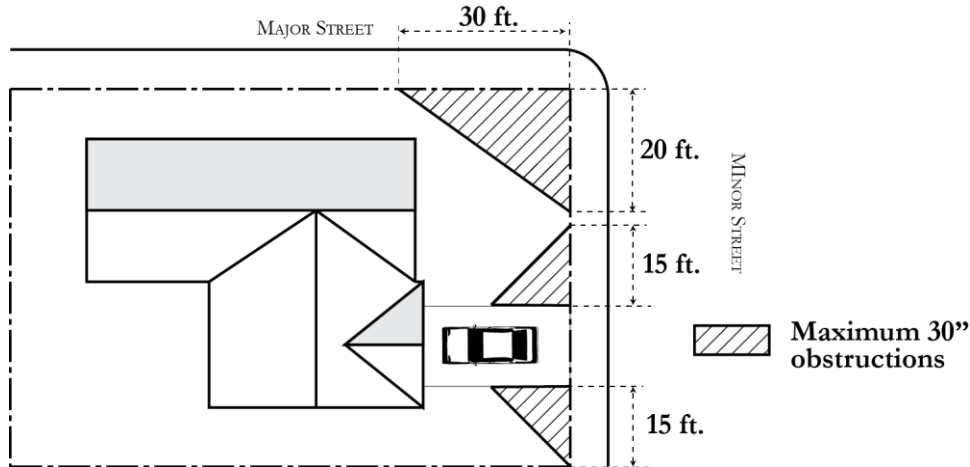
#### 17.96.050 Intersection Sight Distance

- A. Vision Triangle Required.** In zoning districts which require a front and street side setback for primary structures, all corner parcels shall provide and maintain a clear vision triangle at the intersection of the streets' right-of-way and adjacent to driveways for the purpose of traffic safety.
- B. Vision Triangle Defined.**
1. **Intersections.** The intersection vision triangle shall be the area formed by measuring 30 feet along the major street front property line and 20 feet along the minor street property line from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.
  2. **Driveways.** The driveway vision triangle is the area formed by measuring 15 feet along the driveway and the street from the point of intersection, and diagonally connecting the ends of the two lines. See Figure 17.96-1.

### C. Maintenance of Sight Lines.

1. No structure, vehicle, object, or landscaping over 30 inches in height may be placed within a vision triangle, except as allowed by subsection 2 below.
2. Trees pruned at least 8 feet above the established grade of the curb so as to provide clear view by motor vehicle drivers are permitted within a vision triangle.

FIGURE 17-96-1: VISION TRIANGLES



#### 17.96.060 Large Commercial Land Uses

- A. Purpose and Applicability.** This section establishes special findings that the Planning Commission must make to approve a Conditional Use Permit for commercial land uses with more than 12,000 square feet of floor area within one or more buildings. This requirement applies to all proposed new commercial land uses except for:
1. Uses already specifically approved in an applicable Master Conditional Use Permit pursuant to Section 17.124.100 (Master Use Permit); and
  2. Uses within a shopping center or mall with a floor area of 300,000 square feet or more.
- B. Findings.** To approve a Conditional Use Permit for a commercial land use with 12,000 square feet or more of floor area, the Planning Commission shall make the following findings in addition to the findings in Section 17.124.070 (Findings for Approvals):
1. Vehicle traffic and parking demand created by the proposed use will not have substantial adverse impacts on properties within the vicinity of the subject property.
  2. The structure occupied with the proposed use is compatible with the scale and character of existing structures in the surrounding area.
  3. The proposed use is compatible with existing land uses in the surrounding area.

4. The size of the proposed use is similar to the average size of similar uses located in the surrounding area.
5. The use will support the surrounding local economy and attract visitors to the commercial area.

**C. Purpose of Findings.** The purpose of additional findings for large commercial uses is to enable the Planning Commission to ensure that all new uses and development are consistent with the General Plan and compatible with the character of existing neighborhoods and districts. These findings are not intended to involve the City in the normal competition that arises between similar businesses in Capitola.

#### 17.96.070 Large Home Day Care

As allowed by Health and Safety Code Sections 1597.465 et seq., the City shall approve a large home day care if it complies with the following standards.

- A. Care Provider Occupancy.** The single-family home in which the large home day care is located shall be the principal residence of the care provider. The day care use shall be clearly residential in character and shall be accessory to the use of the property as a residence.
- B. License.** The care provider shall obtain and maintain a license from the State of California Department of Social Services.
- C. Separation.** A large home day care facility within a residential zoning district may not be located within 500 feet of another large home day care.
- D. Yard Requirement.** A large home day care shall either be located within the R-1 zoning district with outdoor play space or shall have 75 square feet of outdoor activity space for each child. A large home day care outside the R-1 shall have an outdoor area owned or leased by the applicant and cannot be shared with other property owners unless permission is granted by the joint owners. The City may waive this space requirement if the applicant can demonstrate that there is a public park or other public open area that is in close proximity to the large home day care.
- E. Screening.** A fence or wall shall be located on all property lines or around all outdoor activity areas. The fence or wall shall comply with all applicable standards in Chapter 17.60 (Fences and Walls).
- F. Noise.** Outdoor activities may not occur before 7:00 a.m. or after 8:00 p.m. when the site is located within or adjacent to a residential zoning district.
- G. Parking.** Off-street parking shall be provided as required by Chapter 17.76 (Parking and Loading).
- H. Garage.** The garage shall be utilized for the parking of the property owner's vehicles. Use of the garage for the day care home function, such as for a play area, is not allowed.

- I. Safety Compliance.** The applicant is required to have the home inspected and submit a letter of compliance from the following:
1. **City Building Division.** The homes shall be inspected and brought into compliance with the building codes relative to the proposed use.
  2. **Fire Marshal.** The home shall be inspected and brought into compliance with the California Health and Safety code and Fire code relative to the proposed use.
- J. Pick-Up and Drop-Off Plan.** The Community Development Director shall approve a plan for the pick-up and drop-off of children. The plan shall demonstrate that adequate parking and loading areas are available to minimize congestion and conflict on public streets. The plan shall include an agreement for each parent or client to sign that includes, at a minimum:
1. A scheduled time for pick-up and drop-off with allowances for emergencies; and
  2. Prohibitions of double-parking, blocking driveways of neighboring properties, or using driveways of neighboring properties to turn around.

#### 17.96.080 Large Residential Care Facilities

Large residential care facilities shall comply with the following standards:

- A. Separation.** A large residential care facility in a residential zoning district shall not be located within 500 feet of another large residential care facility.
- B. Screening and Landscaping.** A wall or fence shall be provided for purposes of screening and securing outdoor recreational areas in compliance with Chapter 17.60 (Fences and Walls).
- C. License.** The care provider shall obtain and maintain a license from the State of California Department of Social Services. Large residential care facilities shall be operated according to all applicable State and local regulations.
- D. Safety Compliance.** The applicant is required to have the facility inspected and submit a letter of compliance from the following:
1. **City Building Department.** The facility shall be inspected and brought into compliance with the building codes relative to the proposed use.
  2. **Fire Marshal.** The facility shall be inspected and brought into compliance with the California Health and Safety code and Fire code relative to the proposed use.

#### 17.96.090 Offshore Oil Development Support Facilities

- A. Prohibition.** There shall be no construction, reconstruction, operation, or maintenance of any commercial or industrial offshore oil development support facility within the City of Capitola.

**B. Facilities and Activities Included in Prohibition.** Prohibited facilities and activities include, but are not limited to:

1. Oil or gas storage facilities, pipe and drilling materials, or equipment repair or storage facilities, which operates directly in support of any offshore oil or gas exploration, development, drilling, pumping or production.
2. Construction, reconstruction, or operation of facilities to process any oil or natural gas taken or removed from any offshore oil or gas drilling or pumping operations.

#### 17.96.100 Permanent Outdoor Displays

**A. Permitted Displays.** A single permanent outdoor display of retail goods that complies with this section is permitted as an accessory use to a primary commercial use in the mixed use, commercial, and industrial zoning districts, except in the MU-V zoning district, where permanent outdoor displays are prohibited.

**B. Permits Required.** Permanent outdoor displays require Planning Commission approval of a Conditional Use Permit.

**C. Standards.**

1. **Height.** Displayed items shall not exceed 6 feet in height.
2. **Size.** Display areas are limited to 6 feet wide or 10 percent of the width of the front building elevation. A display area may extend a maximum of 3 feet from the front building wall.
3. **Goods Permitted.** Displayed items shall be of the same type that are lawfully displayed and sold inside the building occupied by the primary commercial use. Only the business or entity occupying the building may sell merchandise in an outdoor display area.
4. **Hours.** Items shall be displayed only during the operating hours of the primary commercial use. Items shall be removed from display and moved into a permanently enclosed structure upon close of business.
5. **Screening.** If outdoor display areas are proposed as part of a project subject to discretionary review (e.g., Conditional Use or Design Permit) and approval by the City, the review authority may require that display areas be screened from view from neighboring properties with a solid wall, fence, or landscaped berm.
6. **Vending Machines.** Vending machines are not permitted as part of an outdoor display. Vending machines are considered an accessory use requiring Planning Commission approval of a Conditional Use Permit.
7. **Design Standards.**
  - a. Outdoor displays shall be designed to enhance the shopping environment. The outdoor display shall be designed to complement the architecture of the building and public realm.

- b. Outdoor displays shall be self-supporting, stable, and constructed to withstand wind or contact. The display shall not be permanently affixed to any object, structure or the ground including utility poles, light poles, and trees.
- c. Outdoor displays may not contain any information which would routinely be placed on a business sign located on the building such as the name or type of business, hours of business operation, business logo, brand name information, etc. The outdoor display may include a sign which indicates the price of the display items or simply indicates a "sale" on the items limited in size to 4 square inches.
- d. Outdoor displays shall be continuously maintained in a state of order, security, safety and repair. The display surface shall be kept clean, neatly painted, and free of rust, corrosion, protruding tacks, nails and/or wires.

**8. Location.**

- a. All outdoor display areas shall be located on the same parcel as the primary commercial use.
- b. Outdoor display areas may not be placed within any permanent landscaped area, required parking space, or loading area.
- c. No items may be displayed within the public right-of-way, including public sidewalks.
- d. Outdoor display areas may not be placed in a location that would cause a safety hazard, obstruct the entrance to a building, encroach upon driveways, or otherwise create hazards for pedestrian or vehicle traffic.

**D. Exceptions to Standards.** The Planning Commission may grant exceptions to the standards in Paragraph C above with a Conditional Use Permit upon finding that the exception is necessary and that the outdoor display with the exception will comply with the basic intent of the standards.

**17.96.110 Outdoor Lighting**

**A. Purpose.** This section establishes standards for outdoor lighting to minimize light pollution, maintain enjoyment of the night sky, and reduce light impacts on adjacent properties.

**B. Applicability.** The standards in this section apply to all outdoor lighting in Capitola except for:

- 1. Lighting installed and maintained by the City of Capitola or other public agency;
- 2. Athletic field lights used within a school campus or public or private park;
- 3. Temporary construction and emergency lighting; and
- 4. Seasonal lighting displays related to cultural or religious celebrations.



**C. Maximum Height.** Lighting standards shall not exceed the maximum heights specified in the Table 17.76-1.

**TABLE 17.96-1 MAXIMUM LIGHT STANDARD HEIGHT**

Zoning District	Maximum Height
Residential Zoning Districts	16 ft.
Mixed Use and Commercial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 20 ft. in any other location
Industrial Zoning Districts	16 ft. within 100 ft. of any street frontage or residential property line; 25 ft. in any other location
Community Facility and Parks/Open Space Zoning Districts	25 ft., or as necessary for safety and security

**D. Prohibited Lighting.** The following types of exterior lighting are prohibited:

1. Exposed bulbs and/or lenses;
2. Mercury vapor lights; and
3. Searchlights, laser lights, or any other lighting that flashes, blinks, alternates, or moves.

**E. Fixture Types.** All lighting fixtures shall be shielded so the lighting source is not directly visible from the public right-of-way or adjoining properties. All fixtures shall meet the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light ("dark sky compliant").

**F. Light Trespass.** Lights shall be placed to direct downward and deflect light away from adjacent lots and public streets, and to prevent adverse interference with the normal operation or enjoyment of surrounding properties.

1. Direct or sky-reflected glare from floodlights shall not be directed into any other parcel or street, or onto any beach.
2. No light or activity may cast light exceeding one foot-candle onto a public street, with the illumination level measured at the centerline of the street.
3. No light or activity may cast light exceeding one-half foot-candle onto a residentially zoned parcel or any parcel containing residential uses.

**G. Required Documentation.** Prior to issuance of building permits, project applicants shall submit to the City photometric data from lighting manufacturers demonstrating compliance with the requirements of this section.

**H. Coastal Development Permit.** In the coastal zone, and notwithstanding the other provisions of this section, all lighting shall be sited and designed to limit lighting to the



minimum necessary to provide for adequate public safety. All lighting shall be sited and designed so that it limits the amount of light or glare visible from public viewing areas (including but not limited to the beach and other such natural areas) to the maximum extent feasible (including through uses of lowest luminosity possible, directing lighting downward, directing lighting away from natural areas, etc.). In addition, exterior lighting adjacent to habitat areas shall be wildlife-friendly and shall use lamps that minimize the blue end of the spectrum. All lighting that requires a CDP shall also be subject to a CDP finding that such lighting does not adversely impact significant public views.

#### **17.96.120 Placement of Underground Utilities**

New construction or additions that increase existing floor area by 25 percent or more shall place existing overhead utility lines underground to the nearest utility pole.

#### **17.96.130 Recycling Collection Facilities**

All recycling collection facilities where permitted shall comply with the standards in this section.

- A. Accessory Use.** Recycling collection facilities may be established only as an accessory use in conjunction with an existing commercial or industrial use which complies with the Zoning Code and the Capitola Building and Fire Codes.
- B. Permit Required.** Where allowed by Part 2 (Zoning Districts and Overlays), a recycling collection facility requires Planning Commission approval of a Conditional Use Permit.
- C. Attendant Required.** Facilities may accept materials for recycling only when an attendant is present on site.
- D. Maximum Size.** Recycling collection facilities may occupy no more than 5,000 square feet of area on a property.
- E. Parking Areas.**
  - 1. Recycling collection facilities shall provide parking for removal of the materials and for customers depositing the materials.
  - 2. Occupation of parking spaces by the facility and by the attendant may not reduce available parking spaces below the minimum number required for the primary host use, unless a study shows that existing parking capacity is not already fully utilized during the time the recycling facility will be on the site.
- F. Accepted Items.** Recycling collection facilities may accept only glass, metal or plastic containers, papers and reusable items. Used motor oil may be accepted with a permit from the Santa Cruz County Environmental Health Department and the Hazardous Materials Advisory Commission.
- G. Power-driven Processing Equipment.** Except for reverse vending machines, recycling collection facilities may not use power-driven processing equipment.

**H. Location.**

1. Mobile vending facilities shall be located in a designated area without eliminating the required parking or landscaping;
2. Facilities shall be at least 100 feet from any property zoned or occupied for residential use, unless there is a recognized service corridor and acoustical shielding between the containers and the residential use.

**I. Maintenance.** The site shall be maintained free of litter and any other undesirable materials. Mobile facilities, at which trucks or containers are removed at the end of each collection day, shall be swept at the end of each collection day.

**J. Noise.** Facilities shall not exceed noise levels of 60 dBA as measured from the property line of a residentially zoned property or a residential use. Facilities shall not exceed noise levels of 70 dBA measured from all other property lines.

**K. Hours of Operation.** Facilities shall operate only between the hours of nine a.m. and seven p.m.

**L. Facility Information and Display.**

1. Containers shall be clearly marked to identify the type of materials which may be deposited.
2. The facility shall be clearly marked to identify the name and telephone number of the facility operator and the hours of operation, and display a notice stating that no material shall be left outside the recycling enclosure or containers.

**M. Signs.** Signs may be provided as follows:

1. Recycling facilities may have identification signs with a maximum of 10 square feet, in addition to informational signs required by subsection J above.

**N. Landscaping.** The facility shall comply with all landscaping standards required by Chapter 17.72 (Landscaping) and other City ordinance.

**17.96.140 Self-Storage Facilities**

**A. Purpose and Applicability.** This section establishes special findings for the Planning Commission to approve self-storage facilities in the Community Commercial (C-C). These findings are intended to ensure that new self-storage facility will not adversely impact the economic vitality of Capitola's commercial districts.

**B. Required Findings.** In addition to the findings in Chapter 17.124 (Use Permits), the Planning Commission must make the following findings to approve a self-storage facility in the Community Commercial (C-C) zoning districts:

1. The location of the proposed self-storage facility is conducive/better suited as self-storage rather than traditional retail due to limited access to or poor visibility from the street.

2. The proposed self-storage facility would be compatible with existing land uses in the surrounding area.
3. Streets and other means of egress are adequate to serve the proposed self-storage facility.

### 17.96.150 Solar Energy Systems

#### A. Required Permits.

1. **Rooftop Systems.** Rooftop solar energy systems and solar water heaters are permitted by-right in all zoning districts. No permit or approval is required other than a building permit and fire department review.
2. **Other Systems.** Solar energy systems that are not located on the rooftop of a primary structure require a Conditional Use Permit.

**B. Height Exceptions.** Rooftop solar energy systems may project up to 4 feet above the maximum permitted structure height in the applicable zoning district. This exception is applicable to the solar energy system only, not the structure on which it is located.

**C. Mixed Use Village Zoning District.** Rooftop solar facilities in the Mixed Use Village zoning district shall be located and design to minimize visibility from a street or other public place to the greatest extent possible.

**D. Building Permit Review and Approval.** Building permit applications for rooftop solar energy systems shall be reviewed and approved in compliance with Municipal Code Chapter 15.10 (Expedited Solar Permitting Ordinance).

**E. Coastal Development Permit.** A proposed solar energy system may require a Coastal Development Permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the Coastal Development Permit findings for approval as specified in 17.44.130 (Findings for Approval).

### 17.96.160 Soquel Creek Riverview Pedestrian Pathway

The following standards apply to the Soquel Creek Riverview Pedestrian Pathway, which extends from the Stockton Avenue Bridge along the eastern side of Soquel Creek, under the Railroad Trestle, to 427 Riverview Avenue, where it follows a drainage easement to Riverview Avenue. As used in this section, “pathway” means the area within which the pedestrian walking surface (comprised of brick, decomposed granite and other surface materials) and any related public amenities are located.

- A. The pathway shall be maintained at a minimum of either the existing pathway width shown in the March 2005 survey maintained by the City of Capitola, or 4 feet, whichever is greater.
- B. The pathway shall have a minimum overhead clearance of 8 feet.

- C. Structures east of the pathway shall be setback a minimum of 5 feet from the edge of the pathway.
- D. Development, including decks, fencing, landscaping and other improvements shall not encroach into the pathway.
- E. Property owners shall trim and maintain landscaping so that it does not encroach into the pathway.
- F. Permeable surface variations (i.e., brick, decomposed granite and other surfaces) are permitted.
- G. Deck handrails may not exceed 42 inches in height. The space between the deck and the handrails may not be filled in to create a solid appearance.
- H. Signage indicating that the pathway is open to the public is allowed.
- I. All bulkheads shall be constructed in a rustic manner and finished in wood.
- J. A maximum of two freestanding lights are allowed for each deck to a maximum height of 8 feet.

#### 17.96.170 Temporary Outdoor Dining

This section establishes requirements for temporary outdoor dining areas located on a public sidewalk or other area within the public right-of-way.

- A. **Required Permits.** Temporary outdoor dining within the public right-of-way requires an Administrative Permit and an Encroachment Permit. Temporary outdoor dining may require a Coastal Development Permit as specified by Chapter 17.44 (Coastal Overlay Zone) if any part of the site is located in the coastal zone and the proposed development shall conform with the CDP findings for approval as specified in 17.44.130 (Findings for Approval).
- B. **Permitted Zoning Districts.** Temporary outdoor dining within the public right of way is allowed in the Commercial Community (C-C), Commercial Regional (C-R), and Mixed Use, Neighborhood (MU-N) zoning districts. Temporary outdoor dining within the public right of way is not permitted in the Mixed Use Village (MU-V) zoning district.
- C. **Standards.** Temporary sidewalk dining shall comply with the following standards.
  1. **Location.** Outside dining is permitted on the public sidewalk:
    - a. When incidental to and part of a restaurant; and
    - b. Along the restaurant's frontage.
  2. **Number of Dining Areas.** An indoor restaurant may operate only one outside dining area confined to a single location.
  3. **Safe Passage.**

- a. Temporary sidewalk dining is permitted only where the sidewalk is wide enough to adequately accommodate both the usual pedestrian traffic in the area and the operation of the outside dining area.
  - b. The sidewalk immediately adjacent to the restaurant shall have adequate space to accommodate tables and chairs and shall provide adequate safe passage along the sidewalk for pedestrian and wheelchair users of the sidewalk. Safe and adequate passage of at least 4 feet in width shall be provided along the sidewalk and from the curb to the sidewalk. No tables or chairs or any other objects shall be placed or allowed to remain on any sidewalk that inhibit such passage.
4. **Furniture and Signage Location.**
- a. Tables and chairs in a sidewalk dining area shall be set back at least 2 feet from any curb and from any sidewalk or street barrier, including a bollard, and at least 8 feet from a bus stop.
  - b. All outdoor dining furniture, including tables, chairs, umbrellas, and planters, shall be movable.
  - c. All temporary improvements to separate the outdoor dining area from the sidewalk, such as a railing, shall relate to the architectural design of the primary restaurant structure in color, materials, and scale.
  - d. Umbrellas shall be secured with a minimum base of not less than 60 pounds.
  - e. All signs are subject to Chapter 17.80.
5. **Food and Beverages.** The service of alcoholic beverages within the sidewalk dining area requires a Conditional Use Permit, and shall comply with the following requirements:
- a. The outside dining area shall be situated immediately adjacent to and abutting the indoor restaurant which provides it with food and beverage service.
  - b. The outside dining area shall be clearly separate and delineated from the areas of the sidewalk which remains open to pedestrian traffic.
  - c. One or more signs shall be posted during hours of operation stating that alcohol is prohibited outside of the dining area.
  - d. The outside dining area shall receive all licenses required for on-site consumption of alcoholic beverages from State authorities.
6. **Trash and Maintenance.**
- a. Storage of trash is prohibited within or adjacent to the sidewalk dining area. All trash and litter shall be removed as it accumulates or otherwise becomes a public nuisance.
  - b. The sidewalk dining area, including the sidewalk surface and furniture, shall be maintained in a clean and safe condition.

7. **Hours of Operation.** Sidewalk dining may occur between 7 a.m. and 10 p.m. seven days a week. Tables, chairs, other outdoor dining furniture, and all other structures and materials associated with the outdoor dining area shall be removed from the sidewalk and stored indoors at night and when the sidewalk dining area is not in operation.

#### 17.96.180 Temporary Uses and Structures

- A. **Purpose.** This section establishes requirements for the establishment and operation of temporary uses and structures. These requirements allow for temporary uses and structures in Capitola while limiting impacts on neighboring properties and the general public.
- B. **Temporary Uses Allowed By Right.** The following temporary uses are permitted by right. No permits or approvals from the Community Development Department are required.
  1. **Garage Sales.** Garage sales for individual residences limited to three, one- to two-day events per calendar year. One block or neighborhood sale per calendar year is allowed in addition to individual sales.
  2. **Storage Containers.** Storage containers delivered to a home, loaded at the residence, and delivered to another location, for a maximum of two weeks on private property. Storage containers on a residential property for more than two weeks may be approved by the Planning Commission with a Conditional Use Permit.
  3. **Outdoor Fund Raising Events.** Outdoor fund raising events on commercial sites when sponsored by a non-profit organization directly engaged in civic or charitable efforts. Outdoor fund raising events are limited to two days each month for each sponsoring organization.
  4. **On-Site Construction Yards.** Temporary construction yards and office trailers that are located on-site, less than 1 acre in size, and established in conjunction with an approved project. The construction yard and trailer shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
- C. **Temporary Uses Requiring a Permit.** An Administrative Permit is required for the following temporary uses.
  1. **Seasonal Sales.** Seasonal sales (e.g., Christmas trees, pumpkins) for a maximum of 45 calendar days, no more than four times per year on a single property. Seasonal sales are prohibited on residentially zoned property.
  2. **Temporary Outdoor Displays of Merchandise and Parking Lot Sales.** Temporary outdoor displays of merchandise and parking lot sales on private property for a maximum of three days no more than two times per year on a single property. Following the completion of the temporary display, all signs, stands, poles, electrical

wiring, or any other fixtures, appurtenances or equipment associated with the display shall be removed from the premises.

3. **Farmer's Markets.** Farmer's markets for a maximum of one day per week in a non-residential zoning district. Farmer's markets for more than one day per week in a non-residential zoning district are permitted with a Conditional Use Permit. Farmer's markets in a residential zoning district are permitted with a Conditional Use Permit.
  4. **Off-Site Construction Yards.** Construction yards located off-site in conjunction with an approved project. The construction yard shall be immediately removed within 10 days of completion of the construction project or expiration of the building permit.
  5. **Employee Trailers.** Trailer or commercial modular units used as a work site for employees of a business displaced during construction, for a maximum of 12 months. The Community Development Director may grant up to two 12-month extensions for ongoing construction activity requiring more than 12 months to complete
  6. **Mobile Food Vendors.** Mobile food vendors in one location four times or less per year in accordance with Municipal Code Chapter 9.36. Mobile food vendors in one location more than four times per year require a Conditional Use Permit.
  7. **Real Estate Offices.** Real estate offices used exclusively for the sale of homes or other real estate units located within an approved multi-unit development project for a maximum of three years or within 30 days when the last home is sold, whichever comes first.
  8. **Other Similar Activities.** Similar temporary activities determined by the Community Development Director to be compatible with the applicable zoning district and surrounding uses.
- D. Temporary, Publicly Attended Activities/Events.** Temporary, publicly attended activities such as festivals, outdoor entertainment, and other similar events may be permitted pursuant to Municipal Code Chapter 9.36 (Temporary, Publicly Attended Activities). If in the coastal zone, see Subsection 17.44.080.H (Temporary Events) to determine if a Temporary Event requires a Coastal Development Permit.
- E. Conditions of Approval.** Upon the approval of a permit for a temporary use, the City may attach the following conditions when necessary in connection with the temporary use:
1. Hours of operation.
  2. Maintenance of accessibility for the disabled.
  3. Protection of fire lanes and access.
  4. Preservation of adequate on-site circulation.



5. Preservation of adequate on-site parking or a parking management plan to temporarily park off-site.
6. Cleanup of the location or premises.
7. Use of lights or lighting or other means of illumination.
8. Operation of any loudspeaker or sound amplification in order to prevent the creation of any nuisance or annoyance to the occupants of or commercial visitors to adjacent buildings or premises.





## Chapter 17.100 - MOBILE HOME PARK CONVERSIONS

### Sections:

- 17.100.010 Purpose and Intent
- 17.100.020 Applicability
- 17.100.030 Definitions
- 17.100.040 Relocation Impact Report
- 17.100.050 Notice to Prospective Occupants of Pending Change in Park Status
- 17.100.060 Exemptions from Relocation Assistance Obligations
- 17.100.070 Application for Change of Use – Public Hearing – Findings
- 17.100.080 Measures to Prevent Avoidance of Relocation Assistance Obligations
- 17.100.090 Compliance with Relocation Assistance
- 17.100.100 Modification and Revocation of Approved Closure or Conversion
- 17.100.110 Expiration and Extension of Approval
- 17.100.120 Preemption
- 17.100.130 Severability

### 17.100.010 Purpose and Intent

This chapter establishes standards for the closure of a mobile home park and addresses the impact of such closures upon the ability of displaced residents to find adequate housing in another mobile home park. Mobile home parks are an important source of affordable housing within Capitola. The purpose of this chapter is to provide financial compensation and relocation assistance to displaced residents and provide mobile home park owners with protection from unreasonable relocation costs, in compliance with Government Code Sections 65863.7 and 66427.4. Nothing in this chapter shall be construed to mean that the City supports any change of use of any mobile home park.

### 17.100.020 Applicability

This chapter applies to the closure of any mobile home park or the conversion of a mobile home park to a different use.

### 17.100.030 Definitions

As used in this chapter, the following words and phrases shall have the following meanings:

- A. “Applicant” means a person or entity who has filed an application for change of use of a mobile home park.
- B. “Change of use” includes all activities specified in Section 798.10 of the California Civil Code and amendments to the General Plan or any applicable specific plan, rezoning of property, land use permits, such as a Conditional Use Permit or a Variance, Tentative

Parcel or Tentative Tract Maps, and building permits when the effect of the change will be to decrease the number of spaces available for mobile home habitation.

- C. “Change without new use” refers to what Civil Code Section 798.56(g)(2) describes as a “change of use [requiring] no local governmental permit” [other than approval of the RIR].
- D. “Comparable housing” means housing which, on balance, is comparable in floor area, number of bedrooms, and amenities, proximity to public transportation, shopping, schools, employment opportunities and medical services and other relevant factors to the mobile home to which comparison is being made.
- E. “Comparable mobile home park” means a mobile home park substantially equal in terms of park condition, amenities and other relevant factors, including, but not limited to, proximity to public transportation, shopping, medical services, employment opportunities and schools.
- F. “Director” means the Community Development Director.
- G. “Eligible mobile home resident” or “eligible resident” means a mobile home resident whose mobile home was located in a mobile home park on the date of an application for change of use. Eligible resident includes the spouse, parents, children and grandchildren of the eligible resident when those persons resided in the mobile home on the date of the application.
- H. “Legal owner” means any person or entity having an ownership interest in a mobile home other than the registered owner, such as a lender or mortgagor.
- I. “Mobile home” has the meaning set forth in Section 798.3 of the California Civil Code.
- J. “Mobile home owner” means the registered owner or registered owners of a mobile home, regardless of the number of such owners or the form of such ownership.
- K. “Mobile home park” or “park” has the meaning set forth in Section 798.4 of the California Civil Code.
- L. “Mobile home park owner” or “park owner” means the person, persons or entity that owns a mobile home park and includes any person authorized by the park owner to seek approval of an application for change of use or respond to a rent review petition filed pursuant to this chapter.
- M. “Mobile home tenant” or “tenant” is a person who occupies a mobile home within a mobile home park pursuant to a bona fide lease or rental agreement and who, during his or her tenancy, was not the owner of that mobile home.
- N. “Handicapped mobile home resident” means a mobile home resident with any medically determinable physical or mental impairment as demonstrated by a finding of a state or federal agency or a medical certificate, or who requires special care facilities in the mobile home or special care equipment, such as, but not limited to, a wheelchair.

- O.** “Low income” means an income of eighty percent or less of current median income as established annually by the United States Department of Housing and Urban Development (“HUD”) for the statistical area in which Capitola is located, as adjusted for household size.

#### **17.100.040 Relocation Impact Report**

- A. Submittal to Director.** Prior to a change of use of a mobile home park, a Relocation Impact Report (RIR) complying with the requirements of this chapter must be filed with the Director. It is the park owner’s responsibility to comply with the notice requirements of subsections g(1) and (2) of Civil Code Section 798.56. Because the Civil Code Section 798.56(g)(2) notice cannot be given until after the approval of both the project and the sufficiency of the (RIR), the park owner is encouraged to consult with staff (especially if any waiver of Municipal Code Section 17.100.040.B requirements will be requested) early in the process about the contents of the RIR.
- B. Required Information.** The RIR shall be prepared by an independent agent acceptable to the City at the applicant’s expense and shall include the following information unless the Director determines the information is not necessary:
1. A detailed description of the proposed or change of use, or change without new use.
  2. A timetable for conversion of the mobile home park.
  3. A legal description of the mobile home park.
  4. The number of spaces in the park, length of occupancy by the current occupant of each space and current rental rate for each space.
  5. The date of manufacture and size of each mobile home.
  6. Appraisals addressing relevant issues identified by the Director. A qualified appraiser shall be selected by the City and the cost of the appraisals shall be borne by the applicant. The appraisals shall identify those mobile homes which cannot be moved due to type, age or other considerations. Appraisal information shall be provided on the effect upon the homeowner’s investment in the mobile home, such as the change in value of effected mobile homes that would result from the proposed change of use.
  7. The results of questionnaires to all homeowners/occupants regarding the following: whether the occupant owns or rents, whether this is the only residence, occupants’ ages, whether the occupants have disabilities that would be aggravated by the moving process, the purchase date and price paid by the mobile home owner, the costs incurred by the mobile home owner in improving the home, and the amount and relevant terms of any remaining mortgage. Answering such questionnaire shall be voluntary.

8. The name and mailing address of each eligible resident, mobile home tenant, mobile home resident, resident mobile home owner and legal owner of a mobile home in the park.
  9. The purchase price of condominiums similar in size to the mobile homes within a reasonable distance, and the rental rates and moving costs involved in moving to an apartment or other rental unit within a reasonable distance including, but not limited to, fees charged by moving companies and any requirement for payment of the first and last month's rent and security deposits.
  10. A list of comparable mobile home parks within a 20 mile radius and a list of comparable mobile home parks within a radius of 25 to 50 miles of the applicant's mobile home park. For each comparable park, the list should, if possible, state the criteria of that park for accepting relocated mobile homes, rental rates and the name, address and telephone number of the park representative having authority to accept relocated homes, including any written commitments from mobile home park owners willing to accept displaced mobile homes. The purpose of this requirement is to provide information necessary to create appropriate relocation compensation. It is not meant to suggest that the City, in any sense, favors tenants relocating out of any mobile home park in Capitola.
  11. Estimates from two moving companies as to the minimum and per mile cost of moving each mobile home, including tear-down and set-up of mobile homes and moving of improvements such as porches, carports, patios and other moveable amenities installed by the residents. Said moving companies shall be approved by the director prior to inclusion in the final RIR.
  12. Proposed measures to mitigate the adverse impacts of the conversion upon the mobile home park residents.
  13. Identification of a relocation specialist to assist residents in finding relocation spaces and alternate housing. The specialist shall be selected by the applicant, subject to the City's approval, and shall be paid for by the applicant.
- C. Filing of Relocation Impact Report.** The City shall not consider an RIR to be filed, within the meaning of Government Code Section 65863.7, until the applicant has submitted to the Community Development Department both a draft RIR which applicant believes meets the requirements of Municipal Code Section 17.100.040.B, and a written statement that such draft RIR has been filed pursuant to Government Code Section 65863.7.
- D. Refusal to Review Relocation Impact Report.** If the City Attorney determines that the proposed conversion or closure of the mobile home park would be illegal, the Community Development Director shall not process the RIR unless a court of competent jurisdiction rules that the proposed use would be legal.

### 17.100.050 Notice to Prospective Occupants of Pending Change in Park Status

After an application for change of use of a mobile home park (or for City approval of a RIR) has been filed with the Director, the applicant shall give notice to all known prospective mobile home purchasers and tenants that the application for change of use has been filed. Notice shall be given in addition to notices required by Civil Code Section 798.56 (g) (1) and in all cases shall be given prior to execution of any new rental agreement. The park owner shall obtain a signed acknowledgment of receipt of such notice from each prospective purchaser or tenant and file it with the Director. If the prospective purchaser or tenant refuses to sign, a dependable record of delivery of notice shall be maintained by the park owner.

### 17.100.060 Exemptions from Relocation Assistance Obligations

- A. Exemption Available.** Any person who files an application for change of use may file an application for total or partial exemption from the obligation to provide relocation assistance.
- B. Notice of Application.** Notice of an application for exemption shall be given pursuant to Section 17.100.070.B and C. Notices shall contain the information in provided in the exemption application.
- C. Basis for Application.**
1. **Total Exemption.** An application for total exemption may be made on one of two grounds:
    - a. The imposition of any relocation obligations would eliminate substantially all reasonable use or economic value of the property for alternate uses; or
    - b. The park is exempt from the requirement of relocation assistance under state law governing changes of use of mobile home parks.
  2. **Partial Exemption.** An application for partial exemption may be made on one of two grounds:
    - a. The imposition of particular relocation obligations would eliminate substantially all reasonable use or economic value of the property for alternate uses; or
    - b. The obligation would exceed limitations imposed by Government Code Section 65863.7(e). The application shall specify the particular relocation obligations which would cause this result.
- D. Application Contents.**
1. An application for exemption made pursuant to subsections (1)(a) and (2)(a) above shall contain, at a minimum, an estimate of the value of the subject property by a qualified real estate appraiser if the park were permitted to be developed for the use proposed in the application for change of use, or other use consistent with applicable zoning, and an estimate of the value of such park by such appraiser if use of the property as a mobile home park is continued.

2. An application for exemption pursuant to subsection (1)(b) and (2)(b) above shall specify the provisions of state law providing the claimed exemption and documentation demonstrating entitlement to such exemption.

**E. Notice of Approval.** If the City grants an exemption after the applicant provides notice consistent with Civil Code Section 798.56(g)(2) notice, renoticing will be required.

#### **17.100.070 Application for Change of Use – Public Hearing – Findings**

- A. City Review of RIR.** Upon the filing of an RIR, the Director shall examine the RIR and advise the applicant in writing within 30 days whether it is complete. When an application and RIR have been accepted as complete, the Director shall set a time, date and place for a hearing before the Planning Commission not later than 60 days after the date of acceptance. Because certain required information in an RIR (e.g., appraisals, tenant data) cannot be obtained until after filing an application for change of use, the initial application for change of use and RIR shall contain all pertinent available information to start the process of obtaining the information required for a complete application and RIR.
- B. Owner and Resident Notice.** Not less than 30 days prior to the scheduled public hearing before the Planning Commission, the park owner shall deliver to the each mobile home owner and resident within the park a copy of the approved RIR and the notice of the date, time and place of the public hearing on the application. Notice shall be delivered by certified mail or personal delivery.
- C. Verification of Notice Requirements.** Not less than 15 days prior to the scheduled public hearing before the Planning Commission on the RIR, the park owner shall file with the Director a verification of noticing required by this chapter and Government Code Section 65863.7. The form and manner of such verification shall be approved by the City Attorney.
- D. Planning Commission Recommendation.**
1. **Public Hearing.** The Planning Commission shall hold a public hearing on the application for a change of use and the RIR within 95 days of the date the application and RIR were accepted as complete. The Planning Commission shall provide a recommendation to the City Council on the approval of the change of use and RIR and may recommend measures to mitigate adverse impacts on residents impacted by the change of use.
  2. **Mitigation Measures.** Measures to mitigate adverse impacts on residents shall not exceed reasonable cost and may include, but are not limited to, the following:
    - a. Payment of the cost of physically moving the mobile home to a new site, including tear-down and setup of mobile homes, including, but not limited to, movable improvements such as patios, carports and porches.



- b. Payment of a lump sum based on consideration of any increase in security deposit at the new mobile home park which the resident or tenant lacks the ability to pay.
- c. Payment of a lump sum based on consideration of any differential between rental rates at the closing mobile home park and the new mobile home park during the first year of the new tenancy.
- d. For those mobile home residents who move to apartments or other rental housing alternatives, payment of a lump sum based on consideration of any differential in the rental rate between the closing park and the comparable housing, requirements for payment of security deposits and cleaning fees. Mobile home households may be compensated based on the number of bedrooms in the mobile home so that a one bedroom mobile home may be compensated based on a one bedroom apartment, a two bedroom mobile home based on a two bedroom apartment, etc.
- e. Provision of a replacement space within a reasonable distance of the closing mobile home park.
- f. For residents whose mobile home cannot be relocated to a comparable park within a 50-mile radius of the closing mobile home park, payment of a lump sum based upon consideration of the value of the mobile home, including resident improvements (e.g., landscaping, porches, carports), any increase in mortgage obligations of the resident on the mobile home, and the costs of purchasing a mobile home on-site in a comparable park or acquiring other comparable replacement housing.
- g. The park owner shall make the monetary payments contemplated in this subsection a reasonable period of time (to be set by the City Council) in advance of the actual relocation of a resident or homeowner. The resident or homeowner shall not be under a legal obligation to relocate by the method used to measure mitigation costs.

#### E. City Council Decision.

1. **Hearing and Decision.** The City Council shall hold a noticed public hearing on an application for a change of use within 45 days of the Planning Commission's recommendation. The City Council shall take action on the application within 80 days of the Planning Commission's recommendation.
2. **Mitigation Measures.** The City Council may impose reasonable measures not exceeding the reasonable costs of relocation to mitigate the adverse impacts of the change of use on eligible mobile home residents pursuant to Paragraphs D and G of this section.
3. **Statute of Limitations.** The decision of the City Council is final. Pursuant to Code of Civil Procedure 1094.6, the statute of limitations for bringing a judicial challenge to any decision concerning a change of use of mobile home park is 90 days. Notice



of the City's decision to the applicant, park owner and affected residents shall include notice that the 90 day statute of limitations in 1094.6 applies.

- F. Extension of Time Periods.** Time periods in this section may be extended as necessary to comply with the California Environmental Quality Act (CEQA) or the California Coastal Act.
- G. Cost of Mitigation Measures.** Notwithstanding any other provision in this section, the cost of mitigation measures shall comply with Government Code Section 65863.7 which states that "the steps taken to mitigate shall not exceed the reasonable costs of relocation."

#### 17.100.080 Measures to Prevent Avoidance of Relocation Assistance Obligations

- A. Notice.** If any change of use or RIR approval application is withdrawn or denied, those previously given notices or announcements shall be so informed in writing by the mobile home park owner.
- B. No Waiver of Rights.** No prospective mobile home resident or existing mobile home resident may be required to sign a waiver, or a lease or rental agreement which includes a waiver, of their rights under this chapter. Any waiver of rights under this chapter by such a mobile home resident shall be deemed invalid unless the resident or prospective resident and the park owner obtain the prior approval of the waiver from the Director, who may grant such approval only upon a finding that the waiver is voluntary and was made after being fully informed of the terms of this chapter.

#### 17.100.090 Compliance with Relocation Assistance

- A. Acceptance of Mitigation Measures.**
  1. The applicant shall execute and record a certificate, and file proof with the Director, accepting the mitigation measures imposed on the approval of a closure or conversion within 90 days of the final City Council action approving the change of use. The applicant shall give the six- or twelve-month notice of the termination of tenancy and closure of the park required by Civil Code Section 798.56(g) within 120 days of that action.
  2. An approval of a change of use shall automatically become null and void if the certificate accepting the conditions is not filed and executed within 90 days of the date of the approval of the change of use and the notice of termination of tenancy has not been given within 120 days of that resolution.
- B. Timing of Mitigation.** All mitigation measures imposed on the approval of a change of use shall be fully performed for each resident prior to that resident's required vacation of the mobile home park, unless otherwise provided in the mitigation measure. No eligible resident shall be required to vacate a mobile home space unless the applicant is in full compliance with all mitigation measures pertaining to the resident, and has otherwise fulfilled the notice requirements of the California Mobile Home Residency Law relating to termination of tenancy.

- C. Issuance of Building Permits.** The City may not issue any building permit for the development within a converted or closed mobile home park until the City has adopted a resolution approving the change of use and the mobile home park owner has fully complied with the relocation assistance required by that resolution.

### **17.100.100 Modification and Revocation of Approved Closure or Conversion**

#### **A. Modification.**

1. After a change of use has been approved and after the applicant has executed and recorded a certificate of acceptance of the conditions of any approval, the City may consider modification of the mitigation measures imposed upon the filing of a written application by the applicant. The City may approve modifications on the grounds that there has been a change in circumstances or that new information which could not reasonably have been known or considered at the time of the hearings on the application has become available. Examples of such new information or changed circumstances include, but are not limited to, revised plans by the applicant and a change in the availability of relocation spaces. Modifications may not be approved when it would unreasonably prejudice the ability of the residents to relocate to comparable spaces or comparable alternate housing.
2. Any application for modification shall be subject to the notice and hearing procedures set forth in Sections 17.100.070 (Application for Change of Use – Public Hearing – Findings). The decision in connection with a modification request shall take place as with the initial approval.

#### **B. Revocation.**

1. The City Council may initiate revocation proceedings on the grounds that the mobile home park owner or applicant has violated this chapter or the terms of the approval of the change of use. Action to initiate revocation proceedings shall specify the grounds for revocation and shall set a hearing before the City Council to consider the revocation not sooner than 45 and not later than 60 days after the action to initiate proceedings.
2. Notice of revocation proceeding shall be sent to the mobile home park owner by certified mail or personal delivery together with notice that any response from the owner must be filed at least 20 days prior to the date set for the revocation hearing.
3. The City Council shall render its findings and decision concerning revocation within 90 days after initiating revocation proceedings.

### **17.100.110 Expiration and Extension of Approval**

- A. Expiration.** Approval of a change of use shall become null and void if the notice of termination of tenancy has not been given within the time provided in Section 17.100.090 (Compliance with Relocation Assistance) and relocation pursuant to the conditions of approval has not occurred within twelve months of the effective date of the approval of

the change of use, unless otherwise extended as provided in Paragraph B below, or unless otherwise provided in the resolution approving it.

**B. Extensions.**

1. The City Council may approve an extension to the date of giving notice and/or to the approval of the change of use. Applications for an extension shall be submitted in writing by the mobile home park owner to the Community Development Department. Applications must be submitted on or before the date to give the notice of termination or the expiration of the approval of the change of use.
2. The City Council may deny the request upon finding that the mobile home park owner has unreasonably delayed implementation of the mitigation measures or that further delay will result in prejudice or further adverse impacts upon eligible residents remaining in the mobile home park. Approval of an extension may be conditioned on reasonable measures designed to mitigate the adverse impacts resulting from the delay. The application for extension shall be subject to the notice and hearing procedures set forth in Section 17.100.100.B (Revocation).

**17.100.120 Preemption**

In the event the provisions of this chapter conflict with any code, ordinance or regulation of the City, the provisions of this chapter shall govern. In the event any provisions of this chapter conflict with a provision of state law, this chapter shall be interpreted and applied in conformity with state law.

**17.100.130 Severability**

If any part or provision of this chapter or the application of such to any person or circumstance is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be effected and shall continue in full force and effect. To this end the provisions of this chapter are severable.

## Chapter 17.104 – WIRELESS COMMUNICATIONS FACILITIES

### Sections:

- 17.104.010 Purpose and Intent
- 17.104.020 Definitions
- 17.104.030 Applicability and Exemptions
- 17.104.040 Permit Requirements
- 17.104.050 Standard Conditions of Approval
- 17.104.060 Preferred Siting and Location
- 17.104.070 Development Standards
- 17.104.080 Operation and Maintenance Requirements
- 17.104.090 Temporary Wireless Communications Facilities
- 17.104.100 Limited Exemption from Standards
- 17.104.110 Severability

### 17.104.010 Purpose and Intent

- A. Purpose.** This chapter establishes requirements for the development, siting, collocation, installation, modification, relocation, and operation of wireless communications facilities consistent with applicable state and federal laws. These requirements aim to protect public health, safety, and welfare while balancing the benefits of robust wireless services with the unique community character, aesthetics, and local values of the City of Capitola.
- B. Intent.** This chapter does not intend to, and shall not be interpreted or applied to:
1. Prohibit or effectively prohibit personal wireless services;
  2. Unreasonably discriminate among wireless communications providers of functionally equivalent personal wireless services;
  3. Regulate the installation, operation, collocation, modification, or removal of wireless facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such emissions comply with all applicable Federal Communications Commission (FCC) regulations;
  4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under state or federal law; or
  5. Preempt any applicable state or federal law.

### 17.104.020 Definitions

- A. Terms Defined.** Terms used in this chapter are defined as follows:
1. “Amateur radio facilities” are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a

written authorization from the Federal Communications Commission to operate an amateur radio facility.

2. “Antenna” means a device or system of wires, poles, rods, dishes, discs, or similar devices used to transmit and/or receive radio or electromagnetic waves.
3. “Applicable FCC decisions” means the same as defined by California Government Code Section 65964.1(d)(1), as may be amended, which defines that term as “In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009) and In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014).”
4. “Array” means one or more antennas mounted at approximately the same level above ground on tower or base station.
5. “Base station” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as follows:
  - a. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Section 1.40001(b)(9) or any equipment associated with a tower.
  - b. “Base station” includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - c. “Base station” includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
  - d. “Base station” includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of 47 C.F.R. Section 1.40001 that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - e. “Base station” excludes any structure that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of 47 C.F.R. Section 1.40001.
6. “Collocation” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the

purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.

7. “Eligible facilities request” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.”
8. “Eligible support structure” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)4), as may be amended, which defines that term as “[a]ny tower or base station as defined in [47 C.F.R. Section 1.40001], provided that it is existing at the time the relevant application is filed with the State or local government under [47 C.F.R. Section 1.40001].”
9. “Existing” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(5), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of the [FCC rules implementing Section 6409 of the Spectrum Act] if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”
10. “FCC” means the Federal Communications Commission or its successor agency.
11. “Personal wireless services” has the same meaning as provided in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”
12. “Section 6409(a)” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
13. “Service provider” means a wireless communications provider, company or organization, or the agent of a company or organization that provides wireless communications services.
14. “Significant gap” is a gap in the service provider’s own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.
15. “Site” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public

rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”

16. “Stealth facility” is any facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees. Also referred to as concealed communications facilities.
17. “Substantial change” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes and paraphrases the FCC’s criteria and thresholds for a substantial change according to the facility type and location. The definition of substantial change contained in this section shall be interpreted and applied so as to be consistent with 47 C.F.R. Section 1.40001(b)(7) (as may be amended) and the applicable FCC decisions, rules and orders and court rulings relating to the same. In the event of any conflict between the definition of substantial change contained in this section and the definition contained in 47 C.F.R. Section 1.40001(b)(7) (as may be amended), 47 C.F.R. Section 1.40001(b)(7) (as may be amended) shall govern and control.
  - a. For towers outside the public right-of-way, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
    - (2) The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    - (3) The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or
    - (4) The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
  - b. For towers in the public right-of-way and for all base stations, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or



- (2) The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or
  - (3) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four 4cabinets; or
  - (4) The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no pre-existing ground cabinets associated with the structure; or
  - (5) The proposed collocation or modification involves the installation of any ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or
  - (6) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- (1) The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Community Development Director; or
  - (2) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets, or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- d. Interpretation of Thresholds.
- (1) The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.
  - (2) The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).
18. “Temporary wireless communications facility” means a wireless communications facility located on a parcel of land and consisting of a vehicle-mounted facility, a building mounted antenna, or a similar facility, and associated equipment, that is used



to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted, permanent wireless communications facility necessitated by the demolition or major alteration of a nearby property.

19. “Tower” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.
  20. “Transmission equipment” means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.”
  21. “Wireless” means any FCC-licensed or authorized wireless communications service transmitted over frequencies in the electromagnetic spectrum.
  22. “Wireless communications facility” is a facility that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, and other accessory development; and screening and concealment elements. (Also referred to as “facility”).
  23. “Wireless communications provider” is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as “service provider”).
  24. “Zoning Code” means the City of Capitola Zoning Code.
- B. Terms Not Defined.** Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

**17.104.030 Applicability and Exemptions**

- A. Applicability.** This chapter applies to all new facilities and all modifications to existing facilities proposed after the effective date of this chapter unless exempted by Subsection B (Exemptions) below.
- B. Exemptions.** This chapter does not apply to:
1. Amateur radio facilities;
  2. Direct-to-home satellite dishes, TV antennas, wireless cable antennas, and other OTARD antennas covered by the Over-the-Air Reception Devices rule in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq.;
  3. Non-commercial wireless communications facilities owned and operated by a public agency, including but not limited to the City of Capitola; and
  4. All antennas and wireless facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.

**17.104.040 Permit Requirements**

- A. Required Permits.** Wireless communications facilities are grouped into four tiers, each with its own permit requirement as shown in Table 17.104-1.

**TABLE 17.104-1: WIRELESS COMMUNICATIONS FACILITY TIERS AND REQUIRED PERMITS\***

	Types of Facilities	Permit Required
<b>Tier 1</b>	Modifications to an existing facility that qualify as an “eligible facility request” as defined in Section 17.104.020.A.7	Section 6409(a) Permit
<b>Tier 2</b>	<p>Building- and facade-mounted facilities in the C-C, C-R, or I zoning district when the proposed facility (1) is a stealth facility, (2) does not generate noise in excess of the City’s noise regulations and (3) does not exceed the applicable height limit in the applicable zoning district.</p> <p>Pole-mounted facilities in the public right-of-way consistent with Section 17.104.070.D when the facility is either (1) incorporated into a steel pole with all antennas, equipment, and cabling entirely concealed from view, or (2) mounted to a wood pole with all equipment other than antennas located substantially underground and pole-mounted equipment, where necessary, extends no more than 2 feet horizontally and 5 feet vertically from the pole.</p> <p>A collocation that is not a Tier 1 Facility.</p> <p>A modification to an eligible support structure that is not a Tier 1 Facility.</p>	Administrative Permit
<b>Tier 3</b>	Building- and facade-mounted facilities in the C-C, C-R, or I zoning district that are not Tier 2 Facilities.	Minor Use Permit

	Types of Facilities	Permit Required
	Building- and facade-mounted facilities in the MU-V, MU-N, VS, or CF zoning district.  Pole-mounted facilities in the public right-of-way consistent with Section 17.104.070.D that are not Tier 2 Facilities.	
<b>Tier 4</b>	New towers in any zoning district  Any facility in the R-1, RM, or MH zoning district [1]  Any facility within a public park or open space  Any facility that is not a Tier 1, 2, or 3 Facility	Conditional Use Permit

Notes:

[1] Except pole-mounted facilities located in a public right-of-way that qualify as either a Tier 2 or 3 Facility.

\* Any wireless communications facility located in the City’s coastal zone may also require a Coastal Development Permit per Zoning Code Chapter 17.46 (CZ Coastal Zone Combining District), in which case the public notice and hearing requirements (and required findings) set forth in Chapter 17.46 will also apply.

**B. Review Authority.**

1. **Tier 1 and Tier 2 Facilities.** The Community Development Director shall review and take action on all Section 6409(a) Permit applications for Tier 1 facilities and Administrative Permit applications for Tier 2 facilities.
2. **Tier 3 Facilities.** The Community Development Director shall review and take action on Minor Use Permit applications for Tier 3 facilities. If a member of the public requests a public hearing in accordance with Subsection G.3 (Tier 3 Facilities (Minor Use Permit)) below, the Community Development Director may refer the application to the Planning Commission for review and final decision.
3. **Tier 4 Facilities.** The Planning Commission shall review and take action on Conditional Use Permit applications for Tier 4 facilities.

**C. Conflicting Provisions.** Conditional Use Permits required for a wireless communications facility shall be processed in compliance with Chapter 17.124 (Use Permits) and with this chapter. In the event of any conflict between this chapter and Chapter 17.124 (Use Permits), this chapter shall govern and control.

**D. Coastal Zone.** A Coastal Development Permit may also be required for any wireless communications facility located (or proposed to be located) in the City’s coastal zone. Coastal Development Permits required for wireless communications facilities shall be processed in conformance with chapter 17.44 (Coastal Overlay Zone, as may be amended) and with this chapter. In the event of any conflict between this chapter and Chapter 17.44 (as may be amended), Chapter 17.44 shall govern and control, to the extent consistent with applicable federal law (including, but not limited to, the

Telecommunications Act of 1996, Section 6409(a), and applicable FCC decisions, rules and orders) and not preempted by applicable state or federal law.

**E. Other Permits.** A permit issued under this chapter is not in lieu of any other permit required under the Municipal Code (including, but not limited to, coastal development permits, encroachment permits, building permits, etc.), except as specifically provided in this chapter. In addition to any Section 6409(a) permit, administrative use permit, minor use permit, or conditional use permit that may be required under this chapter, the applicant must obtain all other required permits and/or approvals from other City departments, and/or state or federal agencies. **Pre-Application Conference.** The City encourages prospective applicants to request a pre-application conference with the Community Development Department in accordance with Section 17.112.020.A (Pre-application Conference) before completing and filing a permit application.

**F. Permit Application and Review.**

1. **Application Required.** All permits granted under this chapter shall require an application filed in compliance with this chapter and Chapter 17.112 (Permit Application and Review).
2. **Application Contents.** All applications shall include the following:
  - a. The applicable application fee(s) established by the City. Fees required to process permit applications are identified in the Planning Fee Schedule approved by the City Council.
  - b. A fully completed and executed application using an official City application form.
  - c. The application must state what approval is being sought (i.e., Conditional Use Permit, Minor Use Permit, Administrative Permit, or Section 6409(a) Permit). If the applicant believes the application is for a Section 6409(a) Permit, the applicant must provide a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request subject to a Section 6409(a) Permit.
  - d. A completed and signed application checklist available from the City, including all the information, materials, and fees specified in the City's application checklist for proposed wireless communications facilities.
  - e. If the proposed facility is to be located on a City-owned building or structure, the application must be signed by an authorized representative of the City.
  - f. For Section 6409(a) Permits and Administrative Permits involving a collocation or modification to an eligible support structure, the application must be accompanied by all prior approvals for the existing facility (including but not limited to all conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment), as well as all permit applications with required application materials for each

separate permit required by the City for the proposed facility, including but not limited to a building permit and an encroachment permit (if applicable).

- g. All other materials and information required by the Community Development Director as publicly stated in the application checklist(s).

### 3. **Application Review.**

- a. The Community Development Department shall review applications in accordance with Chapter 17.112 (Permit Application and Review). In the event of any conflict between this chapter and Chapter 17.112 (Permit Application and Review), this chapter shall govern and control.
- b. The application processing time for applications subject to this chapter shall be in conformance with the time periods and procedures established by applicable FCC decisions, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time.

## **G. Public Notice and Hearing.**

1. **All Facilities.** Public notice of pending decision or hearing for all facilities shall contain the following:
  - a. A description of the proposed facility, collocation, or modification.
  - b. The location of the subject property.
  - c. Required permits and approvals.
  - d. How the public can obtain additional information on the proposed project.
2. **Tier 1 Facilities (Section 6409(a) Permit) and Tier 2 Facilities (Administrative Permit).**
  - a. City approval or denial of a Tier 1 or Tier 2 facility is a ministerial action which does not require a public hearing.
  - b. The applicant shall post notice of pending action on a Tier 1 or Tier 2 facility application on the subject property at least ten (10) calendar days prior to the City taking action on the application.
  - c. In addition to the information identified in Subsection F.1 (All Facilities) above, the notice of a pending action for Tier 1 facilities shall contain the following statement: "Federal law may require approval of this application. Further, Federal Communications Commission Regulations may deem this application granted by the operation of law unless the City timely approves or denies the application, or the City and applicant reach a mutual tolling agreement."
3. **Tier 3 Facilities (Minor Use Permit).**
  - a. A public hearing for a Tier 3 facility is required only if the Community Development Director receives a written request for a public hearing from the public.

- b. The City shall mail public notice of a pending action on a Tier 3 facility to the owners of the real property located within a radius of 100 feet from the exterior boundaries of the subject property at least ten (10) calendar days prior to the City taking action on the application.
  - c. In addition to the information identified in Subsection G.1 (All Facilities) above, the notice of a pending action shall contain a statement that the City is considering the application and that the Community Development Director will hold a public hearing for the application only upon receiving by a specified date written request for a hearing.
  - d. If the City receives a request for a public hearing by the specified date, the Community Development Director shall hold a noticed public hearing on the application or refer the application to the Planning Commission for review and final decision. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.
  - e. If no written request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.
4. **Tier 4 Facilities (Conditional Use Permit).**
- a. The Planning Commission shall review and take action on Tier 4 facility applications at a noticed public hearing in conformance with this chapter and Chapter 17.124 (Use Permits), as may be amended from time to time.
  - b. At least ten (10) calendar days prior to the scheduled hearing date, the City shall provide public notice of the hearing by:
    - (1) Mailing public notice of the hearing to the following recipients:
      - a) The owners of the subject property or the owner's authorized agent and the applicant;
      - b) The owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property;
      - c) Each local agency expected to provide essential facilities or services to the subject property;
      - d) Any person who has filed a written request for notice with the Community Development Department; and
      - e) Any other person, whose property, in the judgment of the Community Development Department, might be affected by the proposed project; and
    - (2) Posting a printed notice at the project site.

- c. If the number of property owners to whom notice would be mailed in compliance with Subsection 4.b.1 above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eight page in one or more local newspapers of general circulation at least ten (10) calendar days prior to the scheduled hearing date.
- d. In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.
- e. The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.
- f. In addition to the information identified in Subsection G.1 (All Facilities) above, the notice of a public hearing shall identify the date, location, and time of the hearing.

**H. Applicant Notifications for Deemed Granted Remedies.** Under state and/or federal law, the City's failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling, may result in the permit being deemed granted by operation of law. To the extent federal or state law provides a "deemed granted" remedy for wireless communications facility applications not timely acted upon by the City, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:

- 1. For all Tier 2, Tier 3 and Tier 4 Facility applications:
  - a. Completes all public noticing required pursuant to Section 17.104.040.G (Public Notice and Hearings) and California Government Code Section 65091 to the Community Development Director's satisfaction.
  - b. No more than 30 days before the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide the following written notice to the City and other specified recipients as follows:
    - (1) For Tier 2 Facilities, the written notice shall be delivered to the City and posted on the subject property.
    - (2) For Tier 3 Facilities, the written notice shall be delivered to the City and mailed to the owners of the subject property (or the owner's authorized agent), and the owners of the real property located within a radius of 100 feet from the exterior boundaries of the subject property and any person who has filed a written request for notice with the Community Development Department.



- (3) For Tier 4 Facilities, the written notice shall be delivered to the City and mailed to the owners of the subject property (or the owner's authorized agent), the owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property, each local agency expected to provide essential facilities or services to the subject property, any person who has filed a written request for notice with the Community Development Department, and any other person identified by the Community Development Department as a person whose property might be affected by the proposed project.
  - (4) The notice shall be delivered to the City in person or by certified United States mail.
  - (5) The notice must state that the applicant has submitted an application to the City, describe the location and general characteristics of the proposed facility, and include the following statement: "Pursuant to California Government Code Section 65964.1, state law may deem the application approved in 30 days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."
2. For all facility applications:
- a. Submits a complete application package consistent with the application procedures specified in this chapter and applicable federal and state laws and regulations.
  - b. Following the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the City that the application is deemed granted by operation of law.

#### **I. Basis for Approval – Tier 1 Facilities.**

1. This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC and court decisions and determinations relating to the same. In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or a FCC rule or regulation that interprets Section 6409(a), such that federal law would not mandate approval for any eligible facilities request, then all proposed modifications to existing facilities subject to this section must be approved by an Administrative Permit, Minor Use Permit, or Conditional Use Permit, as applicable, and subject to the discretion of the Community Development Director.
2. The Community Development Director shall approve a Section 6409(a) Permit for a Tier 1 facility upon finding that the proposed facility qualifies as an eligible facilities request and does not cause a substantial change as defined in Section 17.104.020 (Definitions).



3. In addition to any other alternative recourse permitted under federal law, the Community Development Director may deny a Section 6409(a) Permit upon finding that the proposed facility:
    - a. Defeats the effect of existing concealment elements of the support structure;
    - b. Violates any legally enforceable standard or permit condition related to compliance with generally applicable building, structural, electrical and/or safety codes;
    - c. Violates any legally enforceable standard or permit condition reasonably related to public health and/or safety; or
    - d. Otherwise does not qualify for mandatory approval under Section 6409(a) for any lawful reason.
- J. Basis for Approval – Tier 2 Facilities.** To approve an Administrative Permit for a Tier 2 facility, the Community Development Director must find that the proposed facility complies with the requirements of this chapter and all other applicable requirements of the Zoning Code.
- K. Basis for Approval – Tier 3 and 4 Facilities.** To approve a Minor Use Permit or Conditional Use Permit for a proposed Tier 3 or Tier 4 facility, the review authority must make all of the following findings:
1. The facility is consistent with the requirements of this chapter.
  2. All the findings required for the Minor Use Permit or Conditional Use Permit as specified in Chapter 17.124 (Use Permits) can be made for the proposed facility.
- L. Appeals.**
1. **Tier 1 Facilities:** Community Development Director decisions on a Section 6409(a) Permit are final and may not be appealed.
  2. **Tier 2 and 3 Facilities.** Community Development Director decisions on an Administrative Permit for a Tier 2 Facility and a Minor Use Permit for a Tier 3 Facility may be appealed to the Planning Commission in accordance with Chapter 18.112 (Appeals). Planning Commission decisions on such an appeal may be appealed to the City Council.
  3. **Tier 4 Facilities.** Planning Commission decisions on a Conditional Use Permit for a Tier 4 facility may be appealed to the City Council in accordance with Chapter 18.112 (Appeals).
- M. Permit Revocation.**
1. **Basis for Revocation.** The City may revoke a permit for a wireless communications facility for noncompliance with any enforceable permit, permit condition, or law applicable to the facility.

## 2. Revocation Procedures.

- a. When the Community Development Director finds reason to believe that grounds for permit revocation exist, the Director shall send written notice to the permit holder that states the nature of the violation or non-compliance and a means to correct the violation or non-compliance. The permit holder shall have a reasonable time from the date of the notice (not to exceed 60 calendar days from the date of the notice or a lesser period if warranted by a public emergency) to correct the violation or cure the noncompliance, or show that the violation has not occurred or the facility is in full compliance.
- b. If after receipt of the notice and opportunity to cure described in Section 17.104.040.M.2.a above, the permit holder does not correct the violation or cure the noncompliance (or demonstrate full compliance), the Community Development Director may schedule a public hearing before the Planning Commission at which the Planning Commission may modify or revoke the permit.
- c. For permits issued by the Community Development Director, the Community Development Director may revoke the permit without such public hearing. The Community Development Director decision to revoke may be appealed to the Planning Commission.
- d. The Planning Commission may revoke the permit upon making one or more of the following findings:
  - (1) The permit holder has not complied with any enforceable permit, permit condition, or law applicable to the facility.
  - (2) The wireless communications provider has failed to comply with the conditions of approval imposed.
  - (3) The permit holder and/or wireless communications provider has failed to submit evidence that the wireless communications facility complies with the current FCC radio frequency standards.
  - (4) The wireless communications facility fails to comply with the requirements of this chapter.
- e. The Planning Commission's decision may be appealed to the City Council in accordance with Chapter 18.112 (Appeals).
- f. Upon revocation, the City may take any legally permissible action or combination of actions necessary to protect public health, safety and welfare.

## N. Cessation of Operations

1. **Notice to City.** Wireless communications providers shall provide the City with a notice of intent to vacate a site a minimum of 30 days prior to the vacation.

2. **New Permit Required.** A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.
3. **Removal of Equipment.** The service provider or property owner shall remove all obsolete and/or unused facilities and associated equipment from the site within 180 days of the earlier of:
  - a. Termination of the lease with the property owner; or
  - b. Cessation of operations.

#### O. Abandonment

1. To promote the public health, safety and welfare, the Community Development Director may declare a facility abandoned or discontinued when:
  - a. The permit holder or service provider abandoned or discontinued the use of a facility for a continuous period of 90 days; or
  - b. The permit holder or service provider fails to respond within 30 days to a written notice from the Community Development Director that states the basis for the Community Development Director's belief that the facility has been abandoned or discontinued for a continuous period of 90 days; or
  - c. The permit expires and the permit holder or service provider has failed to file a timely application for renewal.
2. After the Community Development Director declares a facility abandoned or discontinued, the permit holder or service provider shall have 60 days from the date of the declaration (or longer time as the Community Development Director may approve in writing as reasonably necessary) to:
  - a. Reactivate the use of the abandoned or discontinued facility subject to the provisions of this chapter and all conditions of approval; or
  - b. Remove the facility and all improvements installed in connection with the facility (unless directed otherwise by the Community Development Director), and restore the site to its original pre-construction condition in compliance with all applicable codes and consistent with the previously-existing surrounding area.
3. If the permit holder and/or service provider fail to act as required in Section 17.104.040.O.2 within the prescribed time period, the following shall apply:
  - a. City may but is not obligated to remove the abandoned facility, restore the site to its original pre-construction condition, and repair any and all damages that occurred in connection with such removal and restoration work.
  - b. The City may but is not obligated to store the removed facility or any part thereof, and may use, sell or otherwise dispose of it in any manner the City deems appropriate.

- c. The last-known permit holder (or its successor-in-interest), the service provider (or its successor-in-interest), and, if on private property, the real property owner shall be jointly liable for all costs and expenses incurred by the City in connection with its removal, restoration, repair and storage, and shall promptly reimburse the City upon receipt of a written demand, including, without limitation, any interest on the balance owing at the maximum lawful rate.
  - d. The City may but is not obligated to use any financial security required in connection with the granting of the facility permit to recover its costs and interest.
  - e. Until the costs are paid in full, a lien shall be placed on the facility, all related personal property in connection with the facility and, if applicable, the real private property on which the facility was located for the full amount of all costs for removal, restoration, repair and storage (plus applicable interest). The City Clerk shall cause the lien to be recorded with the County of Santa Cruz Recorder's Office. Within 60 days after the lien amount is fully satisfied including costs and interest, the City Clerk shall cause the lien to be released with the County of Santa Cruz Recorder's Office.
4. If a permit holder, service provider, and/or private property owner fails to comply with any provisions of this Section 17.104.040.O (Abandonment), the City may elect to treat the facility as a nuisance to be abated as provided in Municipal Code Title 4 (General Municipal Code Enforcement).

**P. Relocation for Facilities in the Right-of-Way.**

- 1. The Public Works Director may require a permit holder to relocate and/or remove a facility in the public right-of-way as the City deems necessary to:
  - a. Change, maintain, repair, protect, operate, improve, use, and/or reconfigure the right-of-way for other public projects; or
  - b. Take any actions necessary to protect the public health, safety and welfare.
- 2. The Public Works Director shall provide the permit holder with adequate written notice identifying a specified date by which the facility must be relocated and/or removed.
- 3. The relocation and/or removal of the facility shall be at the permit holder's sole cost and expense and in accordance with the standards in this chapter applicable to the facility.

**Q. Transfer of Ownership.**

- 1. **Notice.** Any wireless communications provider that is buying, leasing, or is considering a transfer of ownership of a previously approved facility shall submit a letter of notification of intent to the Community Development Director a minimum of 30 days prior to the transfer.

2. **Responsibilities.** In the event that the original permit holder sells its interest in a wireless communications facility, the succeeding carrier shall assume all facility responsibilities and liabilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval.
3. **Contact Information.** A new contact name for the facility shall be provided by the succeeding provider to the Community Development Department within 30 days of transfer of interest of the facility.

#### 17.104.050 Standard Conditions of Approval

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following standard conditions of approval. Standard conditions of approval shall apply in addition to other conditions of approval attached to the project by the review authority in compliance with the Zoning Code and as allowed by state and federal law.

- A. **All Facilities.** The following standard conditions of approval apply to all facilities and shall be included in all Administrative Permits, Minor Use Permits, and Conditional Use Permits:
  1. **Compliance with Chapter.** The facility shall comply with the requirements of this chapter, including but not limited to requirements in Section 17.104.070 (Development Standards) and Section 17.104.080 (Operation and Maintenance Requirements).
  2. **Compliance with Applicable Laws.** The permit holder and service provider shall at all times comply with all applicable provisions of the Zoning Code, any permit issued under the Zoning Code, and all other applicable federal, state and local laws, rules and regulations. Failure by the City to enforce compliance with applicable laws shall not relieve any applicant of its obligations under the Municipal Code (including, but not limited to, the Zoning Code), any permit issued under the Zoning Code, or any other applicable laws, rules, and regulations.
  3. **Compliance with Approved Plans.** The facility shall be built in compliance with the approved plans on file with the Community Development Department.
  4. **Approval Term.** The validly issued Administrative Permit, Minor Use Permit, or Conditional Use Permit for the wireless communications facility shall be valid for an initial maximum term of ten years, except when California Government Code Section 65964(b), as may be amended, authorizes the City to issue a permit with a shorter term. The approval may be administratively extended by the Community Development Director from the initial approval date for a subsequent five years and may be extended by the Director every five years thereafter upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved. Costs associated with the review process shall be borne by the service provider, permit holder, and/or property owner.

5. **Inspections; Emergencies.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder and service provider shall cooperate with all inspections. The City reserves the right to enter or direct its designee to enter the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
6. **Contact Information for Responsible Parties.** The permit holder and service provider shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one person. All such contact information for responsible parties shall be provided to the Community Development Director upon request.
7. **Graffiti Removal.** All graffiti on facilities must be removed at the sole expense of the permit holder within 48 hours after notification from the City.
8. **FCC (including, but not limited to, RF Exposure) Compliance.** All facilities must comply with all standards and regulations (including, but not limited to, those relating to RF exposure) of the FCC and any other state or federal government agency with the authority to regulate such facilities. The City may require submission on an ongoing basis of documentation evidencing that the facility and any collocated facilities complies with applicable RF exposure standards and exposure limits and affirmations, under penalty of perjury, that the subject facilities are FCC compliant and will not cause members of the general public to be exposed to RF levels that exceed the maximum permissible exposure (MPE) levels deemed safe by the FCC.
9. **Implementation and Monitoring Costs.** The permit holder and service provider (or their respective successors) shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval, including, without limitation, costs incurred by the Community Development Department, the Public Works Department, the City Manager's Department, the office of the City Attorney and/or any other appropriate City department or agency. The Community Development Department shall collect costs on behalf of the City
10. **Indemnities.** The permit holder, service provider, and, if applicable, the non-government owner of the private property upon which the facility, tower and/or base station is installed (or is to be installed) shall defend (with counsel satisfactory to the City), indemnify and hold harmless the City of Capitola, its officers, officials, directors, agents, representatives, and employees (i) from and against any and all damages, liabilities, injuries, losses, costs and expenses and from and against any and all claims, demands, lawsuits, judgments, writs of mandamus and other actions or proceedings brought against the City or its officers, officials, directors, agents, representatives, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from and against any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands,



lawsuits, judgments, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of, in connection with or relating to the acts, omissions, negligence, or performance of the permit holder, the service provider, and/or, if applicable, the private property owner, or any of each one's agents, representatives, employees, officers, directors, licensees, contractors, subcontractors or independent contractors. It is expressly agreed that the City shall have the right to approve (which approval shall not be unreasonably withheld) the legal counsel providing the City's defense, and the property owner, service provider, and/or permit holder (as applicable) shall reimburse City for any and all costs and expenses incurred by the City in the course of the defense.

**B. Tier 1 Facilities.** In addition to the applicable conditions in Subsection A (All Facilities), all Tier 1 facilities shall comply with and all Section 6409(a) Permits shall include the following standard conditions of approval:

1. **No Permit Term Extension.** The City's grant or grant by operation of law of a Section 6409(a) Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Permit will not extend the permit term for any Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station. If requested in writing by the applicant at the time of application submittal, the permit term for the underlying Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval may be administratively extended by the Community Development Director (at his/her discretion) from the initial approval date upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved.
2. **No Waiver of Standing.** The approval of a Section 6409(a) Permit (either by express approval or grant by operation of law) does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a), or any eligible facilities request.

#### 17.104.060 Preferred Siting and Location

The following siting and location preferences apply to all proposed new facilities and substantial changes to existing facilities. The Community Development Director may require the applicant to submit an alternative sites analysis and evidence to demonstrate that a proposed facility could not be feasibly installed in a preferred site or location.

**A. Preferred Siting.** To the extent feasible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:

1. Sites on a City owned or controlled parcel (excluding public parks and/or open spaces); then

2. Collocations on eligible support structures in the public right-of-way; then
3. Collocations on eligible support structures outside of the public right-of-way; then
4. New base stations in the public right-of-way; then
5. New base stations outside of the public right-of-way; then
6. New towers in the public right-of-way, then
7. New towers outside the public right-of-way.

**B. Discouraged Siting – Utility Poles in Planned Utility Undergrounding Project Areas.** The City discourages the placement of new facilities on utility poles within the public right-of-way in areas where there is a planned utility undergrounding project. In such cases, new facilities should be placed on utility poles within the planned utility undergrounding project area only if an alternative placement is infeasible or undesirable based on the standards and/or criteria contained in this chapter. If a utility undergrounding project is initiated, the City may require the removal of any facilities on utility poles in the public right-of-way in accordance with Section 17.104.040.P (Relocation for Facilities in the Right-of-Way).

**C. Preferred Locations – General.** All applicants should, to the extent feasible, locate proposed facilities in non-residential zoning districts.

**D. Preferred Locations – Non-Residential Zoning Districts.** To the extent feasible, all proposed facilities in non-residential zoning districts should be located according to the following preferences, ordered from most preferred to least preferred:

1. Parcels in the industrial (I) zoning district; then
2. Parcels in the commercial (C-R, and C-C) zoning districts; then
3. Parcels in all other non-residential zoning districts.

**E. Preferred Locations – Residential Zoning Districts.** If a facility is proposed in a residential (R-1, RM, MH) zoning district, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:

1. Parcels that contain approved non-residential uses and do not contain residential uses; then
2. Parcels that contain approved non-residential uses and also contain residential uses; then
3. All other parcels.

**F. Coastal Zone Siting.** In addition to the preferred and discouraged siting considerations described in subsections A through E above, new wireless communications facilities in the coastal zone shall avoid being sited between the sea and the first road paralleling the sea, within 100 feet of Soquel Creek, within New Brighton State Beach, or within any environmentally sensitive habitat area to the extent feasible and consistent with federal and state law.



- G. Additional Alternative Sites Analysis.** If an applicant proposes to locate a new facility or substantial change to an existing facility on a parcel that contains a single-family or multi-family residence, or a site located in the City's coastal zone on the seaward side of the first through public road parallel to the sea, the applicant shall provide an additional alternative sites analysis that at a minimum shall include a meaningful comparative analysis of all the alternative sites in the more preferred locations that the applicant considered and states the underlying factual basis for concluding why each alternative in a more preferred location was (i) technically infeasible, (ii) not potentially available and/or (iii) more intrusive.

### 17.104.070 Development Standards

- A. General Design Standards.** All new facilities and substantial changes to existing facilities shall conform to the following design standards:

1. **Concealment.** To the maximum extent feasible, all facilities shall incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property shall be completely concealed to the maximum extent feasible according to the following preferences, ordered from most preferred to least preferred:
  - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse or dumpster corral; then
  - b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then
  - c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.
2. **Underground Equipment.** To the extent feasible, power and telecommunication lines servicing wireless communications facilities must be placed underground. Additional expense to install and maintain such lines underground does not exempt an applicant from this requirement, except where the applicant demonstrates by clear and convincing evidence that this requirement will effectively prohibit the provision of personal wireless services.
3. **Height.**
  - a. All facilities may not exceed the height limit in the applicable zoning district except as allowed in subsections (b) or (c) below.
  - b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is:
    - (1) Mounted on the rooftop of an existing building;
    - (2) Completely concealed; and
    - (3) Architecturally integrated into the underlying building; and

- (4) If located (or proposed to be located) in the City's coastal zone, does not impact public views to and along the ocean and scenic coastal areas.
  - c. The review authority may approve a height exception for towers or utility poles when:
    - (1) The proposed facility is no taller than the minimum necessary to meet service objectives;
    - (2) The height exception is necessary to address a significant gap in the applicant's existing service coverage;
    - (3) The applicant has demonstrated to the satisfaction of the Planning Commission through a detailed alternatives analysis, that there are no viable, technically feasible, and environmentally (e.g., visually) equivalent or superior potential alternatives (i.e., sites, facility types, siting techniques, and/or designs) that comply with the height standard and meet service objectives ; and
    - (4) The proposed facility complies with design standards and preferences in Section B (Tower-Mounted Facilities) below to the maximum extent feasible.
4. **Setbacks.** All facilities shall comply with all setback requirements in the applicable zoning district.
5. **Collocation.** Facilities shall be designed, installed, and maintained to accommodate future collocated facilities to the extent feasible.
6. **Landscaping.** Landscaping shall be installed and maintained as necessary to conceal or screen the facility from public view. All landscaping shall be installed, irrigated, and maintained consistent with Chapter 17.72 (Landscaping) for the life of the permit.
7. **Lights.** Security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties.
8. **Noise.** All transmission equipment and other equipment (including but not limited to air conditioners, generators, and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in Municipal Code Chapter 9.12 (Noise).
9. **Public Right-of-Way.**
  - a. Facilities located within or extending over the public right-of-way require City approval of an encroachment permit.
  - b. To conceal the non-antenna equipment, applicants shall install all non-antenna equipment underground to the extent feasible and appropriate for the proposed location. Additional expense to install and maintain equipment underground does not exempt an applicant from these requirements, except where the

applicant demonstrates by clear and convincing evidence that the requirement will effectively prohibit the provision of personal wireless services.

- c. Applicants must install ground-mounted equipment so that it does not obstruct pedestrian or vehicular traffic or incommode the public use of the right-of-way.

10. **Signage.**

- a. A facility may not display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
  - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.
11. **Advertising.** No advertising signage or identifying logos shall be displayed on wireless communications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning, unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
12. **Historic Features.** A facility which modifies the exterior of a historic feature as defined in Chapter 17.84.020 (Types of Historic Resources) shall comply with the requirements of Chapter 17.84 (Historic Preservation).
13. **Coastal Zone Considerations.** Facilities in any portion of the City's coastal zone shall be consistent with applicable policies of the City's Local Coastal Program (LCP) and the California Coastal Act. To the extent technically feasible and legally permissible, all facilities located in the City's coastal zone must be designed, installed, mounted, and maintained so that no portion of a facility extends onto or impedes access to a publicly used beach.

**B. Tower-Mounted Facilities.**

- 1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new towers should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks and water tanks); then
  - b. Faux trees; then
  - c. Monopoles that do not conceal the antennas within a concealment device.
- 2. **Tower-mounted Equipment.** All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but

not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.

3. **Ground-mounted Equipment.** Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The City may require additional design and/or landscape features to blend the equipment or enclosure into the surrounding environment.
4. **Concealment Standards for Faux Trees.** All faux tree facilities shall comply with the following standards:
  - a. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least 18 inches.
  - b. The canopy shall be naturally tapered to mimic the particular tree species.
  - c. All tower-mounted equipment, including antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat natural colors to mimic the particular tree species.
  - d. All antennas and other tower-mounted equipment cabinets shall be covered with broadleaf or pine needle “socks” to blend in with the faux foliage.
  - e. The entire vertical structure shall be covered with permanently-affixed three-dimensional faux bark cladding to mimic the particular tree species.

### C. Building and Facade Mounted Facilities.

1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new building and facade mounted facilities should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Completely concealed and architecturally integrated facade or rooftop mounted base stations which are not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); then
  - b. Completely concealed new structures or appurtenances designed to mimic the support structure’s original architecture and proportions (examples include, but are not limited to, cupolas, steeples, and chimneys); then
  - c. Facade-mounted facilities incorporated into “pop-out” screen boxes designed to be architecturally consistent with the original support structure.
2. **Ground-mounted Equipment.** Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, outdoor ground-mounted equipment shall be concealed with opaque fences or landscape features that mimic the adjacent structures (including, but not limited to, dumpster corrals and other accessory structures).

#### D. Pole-Mounted Facilities in the Public Right-of-Way.

1. **All Facilities.** All facilities mounted to steel light poles and wood utility poles in the public right-of-way shall comply with the following design standards:
  - a. Antennas, brackets, and cabling shall all be painted a single color that matches the pole color.
  - b. Unnecessary equipment manufacturer decals shall be removed or painted over.
  - c. The facility shall not alter vehicular circulation or parking within the public right-of-way or impede vehicular or pedestrian access or visibility along the public right-of-way.
  - d. All pole-mounted transmission equipment (including, but not limited to, antennas) shall be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile.
  - e. Colors and materials for facilities shall be chosen to minimize visibility. All visible exterior surfaces shall be constructed with non-reflective materials and painted and/or textured to match the support pole. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
  - f. An applicant may request an exemption from one or more standards in this Section 17.104.070.D (Pole-Mounted Facilities in the Public Right-of-Way) on the basis that such exemption is necessary to comply with Public Utilities Commission General Order 95. The applicant bears the burden to demonstrate why such exemption should be granted.
2. **Steel Pole Facilities.** Facilities mounted to a steel light pole in the public right-of-way shall comply with the following design standards:
  - a. All equipment and cabling shall be located in the pole and concealed from view.
  - b. Antennas shall be located on the top of the pole as a vertical extension of the pole. Antennas and equipment may not be mounted onto the side of the pole.
  - c. To the extent technically feasible, antennas shall be contained within a maximum 14-inch wide enclosure on the top of the pole.
3. **Wood Pole Facilities.** Facilities mounted to a wood utility pole in the public right-of-way shall comply with the following design standards:
  - a. Equipment enclosures shall be as narrow as feasible with a vertical orientation to minimize its visibility when attached to the pole. The equipment mounting base plates may be no wider than the pole.
  - b. Side-mounted equipment may extend no more than five feet horizontally from the side of the pole.
  - c. Equipment shall be stacked close together on the same side of the pole.

- d. A line drop (no electric meter enclosure) shall be used if allowed by the utility company.
  - e. Shrouds, risers, or conduit shall be used to reduce the appearance of cluttered or tangled cabling.
  - f. Side-mounted antennas shall be attached to the pole using an arm with flanges/channels that reduces the visibility of cabling and passive RF gear.
  - g. To the extent technically feasible, top-mounted antennas may be no wider than the width of the pole top.
4. **Undergrounding of Cabling between Pole Mounted Facilities in the Coastal Zone.** For new pole mounted facilities located in the City's coastal zone, any proposed cable between such facilities shall be placed underground to the extent feasible.

#### 17.104.080 Operation and Maintenance Requirements

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following operation and maintenance requirements.

- A. **General Compliance.** All facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards; the California Coastal Act; and the California Environmental Quality Act (CEQA).
- B. **Access Control.** All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The Community Development Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance.
- C. **Noise.** All facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. At any time, noise attenuation measures may be required by the Community Development Director when deemed necessary. Facilities shall comply with all applicable noise standards in the General Plan and Municipal Code. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the Community Development Director.
- D. **General Maintenance.** The site and the facility, including but not limited to all landscaping, fencing, transmission equipment, antennas, towers, equipment, cabinets, structures, accessory structures, signs, and concealment and/or stealth features and standards shall be maintained in a state of good repair, in a neat and clean manner, and in accordance with all approved permits and conditions of approval. Damage to the site



and the facility shall be repaired promptly. This shall include keeping all wireless communications facilities graffiti free and maintaining security fences in good condition.

- E. Change in Federal or State Regulations.** All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the immediate removal of the facility at the wireless communications provider's expense.
- F. Service after Natural Disaster.** All wireless communications facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation.

#### 17.104.090 Temporary Wireless Communications Facilities.

- A.** A temporary wireless communications facility, such as a "cell-on-wheels" (COW), may be used to replace wireless communications facility services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this chapter, and during public emergencies.
- B.** A temporary wireless communications facility shall be processed as an administrative use permit under a proposed or existing permit when used during the relocation or rebuilding process of an existing wireless communications facility, or when used for a festival or other temporary event or activity.
- C.** A temporary wireless communications facility to protect public health, safety or welfare during an emergency shall be processed as a Tier 2 Administrative Permit. The applicant shall submit an application for a temporary emergency use permit before installation of such temporary wireless communications facility.
- D.** The Community Development Director may approve a temporary wireless communications facility for no more than ninety (90) days.
- E.** A temporary wireless facility may be approved for a period of up to one year if the following requirements are met:
1. The Planning Commission determines that the temporary wireless communications facility shall be sited and constructed so as to:
    - a. Avoid proximity to residential dwellings to the maximum extent feasible;
    - b. Be no taller than needed;

- c. Be screened to the maximum extent feasible; and
  - d. Be erected for no longer than reasonably required, based on the specific circumstances.
2. Permits and/or authorizations in excess of ninety (90) days for temporary wireless communications facilities shall be subject to the notice and review procedures required by Section 17.104.040.G (Public Notice and Hearing).
- F.** The property owner and service provider of the temporary wireless communications facility installed pursuant to this Section 17.104.090 (Temporary Wireless Communications Facilities) shall immediately remove such facility from the site at the end of the specified term or the conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first. The property owner and service provider of the temporary wireless communications facility shall be jointly and severally liable for timely removal of such temporary facility. The City may (but is not obligated to) remove any temporary wireless communications facility installed pursuant to this Section 17.140.090 (Temporary Wireless Communications Facilities) at the owner and provider's cost immediately at the end of the specified term or conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first.

#### **17.104.100 Limited Exemption from Standards**

- A. Request for Exemption.** An applicant may request an exemption from one or more requirements in this chapter on the basis that a permit denial would effectively prohibit personal wireless services in Capitola.
- B. Basis for Approval.** For the City to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:
- 1. A significant gap in the applicant's service coverage exists;
  - 2. All alternative sites identified in the application review process are either technically infeasible or not potentially available; and
  - 3. Permit denial would effectively prohibit personal wireless services in Capitola.
- C. Applicant Must Demonstrate Basis for Approval.** The applicant always bears the burden to demonstrate why an exemption should be granted.

#### **17.104.110 Severability**

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.





# PART 4

## Permits and Administration

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Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

**Chapter 17.108 – ADMINISTRATIVE RESPONSIBILITY**

**Sections:**

- 17.108.010 Purpose
- 17.108.020 Planning Agency
- 17.108.030 Review and Decision-Making Authority
- 17.108.040 Design Review Process

**17.108.010 Purpose**

This chapter describes the authority and responsibilities of the City Council, Planning Commission, and the Community Development Director in the administration of the Zoning Code.

**17.108.020 Planning Agency**

The City Council, Planning Commission, and Community Development Director function as the Planning Agency and as the Advisory Agency in compliance with Government Code Section 65100.

**17.108.030 Review and Decision-Making Authority**

Table 17.108-1 shows the review and decision-making authority of the City Council, Planning Commission, and Community Development Director in the administration of the Zoning Code.

**TABLE 17.108-1: REVIEW AND DECISION-MAKING AUTHORITY**

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
<b>Legislative Actions</b>			
Development Agreements	Recommend	Recommend	Decision
General Plan/Coastal Land Use Plan Amendments	Recommend	Recommend	Decision
Zoning Code/Municipal Code Chapter 17 Amendments	Recommend	Recommend	Decision
<b>Permits</b>			
Administrative Permits	Decision	Appeal	Appeal
Administrative Sign Permits	Decision	Appeal	Appeal
Sign Permits	Recommend	Decision	Appeal
Design Permits	Recommend	Decision	Appeal
Minor Design Permits	Decision	Appeal	Appeal

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

Type of Action	Role of Authority [1]		
	Community Development Director	Planning Commission	City Council
Coastal Development Permits	See 17.44.070(B) (Coastal Development Permit Requirements)		
Conditional Use Permits	Recommend	Decision	Appeal
Historic Resource Demolition Permits [2]	Recommend	Recommend/Decision	Decision/Appeal
Master Use Permits	Recommend	Decision	Appeal
Minor Use Permits	Decision	Appeal	Appeal
Tenant Use Permits	Decision	Appeal	Appeal
<b>Other Approvals and Actions</b>			
Conceptual Review	See 17.114 (Conceptual Review)		
Historic Alteration Permit	Recommend	Decision	Appeal
Minor Modifications	Recommend	Decision	Appeal
Preliminary and Final Development Plans (PD)	Recommend	Recommend	Decision
Reasonable Accommodations	Decision	Appeal	Appeal
Variations	Recommend	Decision	Appeal

Notes:

[1] “Recommend” means that the review authority makes a recommendation to a higher decision-making body; “Decision” means that the review authority makes the final decision on the matter; “Appeal” means that the review authority shall consider and decide appeals of decisions of an earlier decision-making body, in compliance with Chapter 17.152 (Appeals).

[2] The Planning Commission is the decision-making authority on Historic Resource Demolition Permits applications for Potential Historic Resources. The City Council is the decision authority on Historic Resource Demolition Permits applications for Designated Historic Resources.

**17.108.040 Design Review Process**

**A. Purpose.**

1. The Design Review process allows for City staff and City-contracted design professionals to provide preliminary recommendations to the applicant on Design Permit applications prior to Planning Commission review.
2. Through the Design Review process, City staff and City-contracted design professionals shall work with applicants to produce the best possible project design consistent with City policies and regulations prior to a hearing before the Planning Commission. The Design Review process does not result in a Design Permit approval or a specific recommendation to the Planning Commission for approval or denial of a Design Permit application.

**B. Participating Staff and Consultants**

1. City staff involved in the Design Review process include City staff representing the Planning, Public Works, and Building Departments.

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

2. A City-contracted landscape architect, architect, and architectural historian may also participate in the Design Review process for significant and/or sensitive projects as determined by the Community Development Director. A City-contracted architect shall participate in the Design Review process for all new proposed multi-family and non-residential construction projects.





## Chapter 17.112 – PERMIT APPLICATION AND REVIEW

### Sections:

- 17.112.010 Purpose
- 17.112.020 Application Preparation and Filing
- 17.112.030 Application Fees
- 17.112.040 Application Review
- 17.112.050 Multiple Permit Applications
- 17.112.060 Project Evaluation and Staff Reports
- 17.112.070 Environmental Review
- 17.112.080 Applications Deemed Withdrawn

### 17.112.010 Purpose

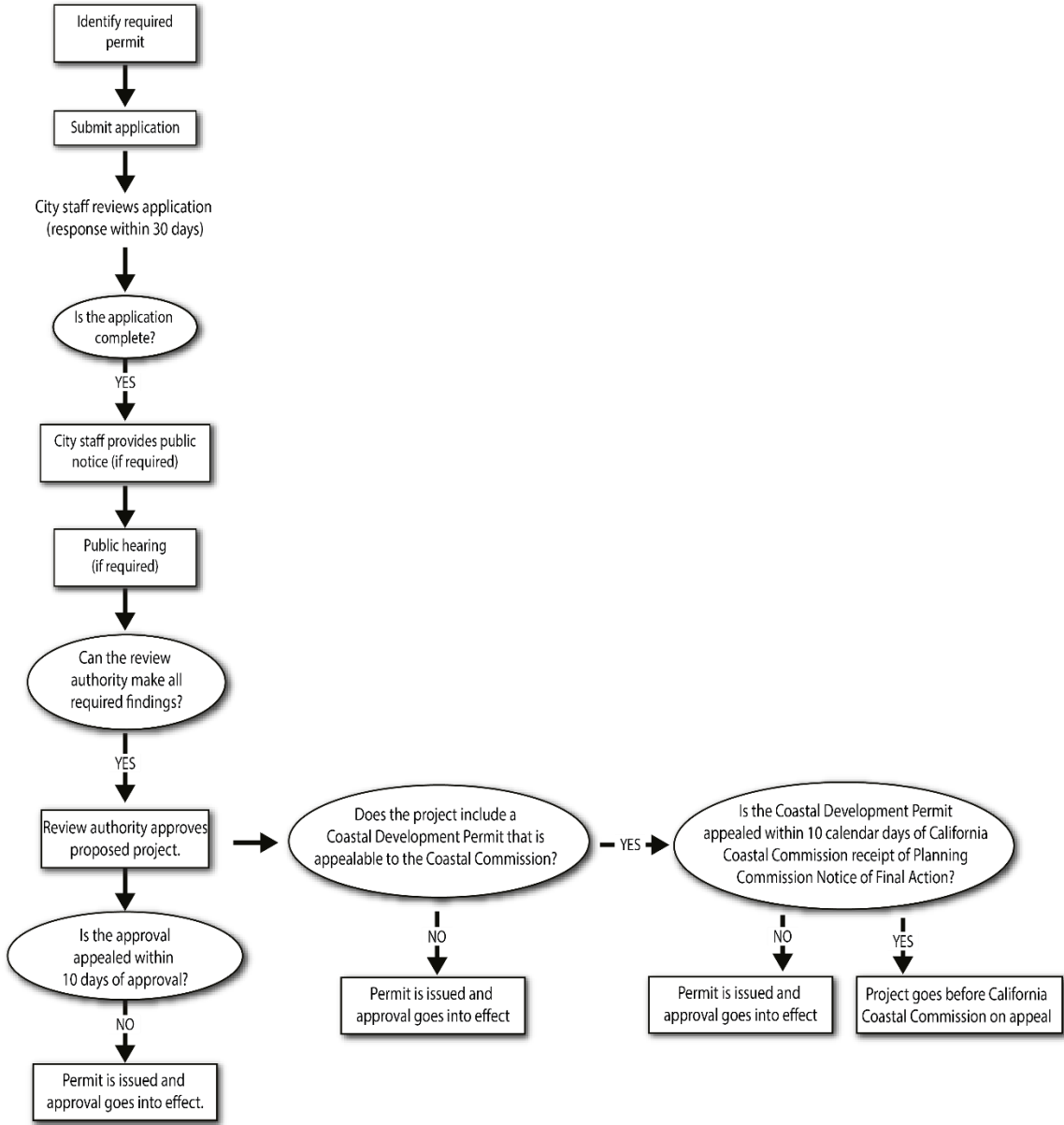
This chapter establishes procedures for the preparation, filing, and processing of permits required by the Zoning Code. The term “permit” when used in this chapter refers to any action, permit, or approval listed in Table 17.108-1 (Review and Decision-Making Authority).

### 17.112.020 Application Preparation and Filing

#### A. Pre-Application Conference.

1. The City encourages prospective applicants to request a pre-application conference with the Community Development Department before completing and filing a permit application.
2. The purpose of this conference is to:
  - a. Inform the applicant of City requirements as they apply to the proposed project;
  - b. Inform the applicant of the City’s review process;
  - c. Identify information and materials the City will require with the application, and any necessary technical studies and information relating to the environmental review of the project; and
  - d. Provide guidance to the applicant of possible project alternatives or modifications.
3. The pre-application conference and any information provided to prospective applicants by City staff shall not be construed as a recommendation for approval or denial of an application.
4. Failure by City staff to identify all permit requirements shall not constitute a waiver of those requirements

Figure 17.112-1: Typical Permit Review and Approval Process



Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

**B. Application Contents.**

1. All permit applications shall be filed with the Community Development Department on an official City application form.
2. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department.

**C. Eligibility for Filing.**

1. An application may only be filed by the property owner or the property owner's authorized agent.
2. The application shall be signed by the property owner or the property owner's authorized agent if written authorization from the owner is filed concurrently with the application.

#### 17.112.030 Application Fees

**A. Fee Schedule.** Fees required to process permit applications are identified in the Planning Fee Schedule approved by the City Council.

**B. Requirement of Payment.**

1. The City may deem an application complete and begin processing the application only after all required fees have been paid.
2. Failure to pay any required supplemental application fees is a basis for denial or revocation of a permit application.

**C. Refunds and Withdrawals.**

1. Application fees cover City costs for public hearings, mailings, staff and consultant time, and the other activities involved in processing applications. Consequently, the City will not refund fees for a denied application.
2. In the case of an application withdrawal, the Community Development Director may authorize a partial refund of a deposit account based upon the pro-rated costs to date and the status of the application at the time of withdrawal.
3. Flat fees submitted in conjunction with a permit application are non-refundable.

#### 17.112.040 Application Review

**A. Review for Completeness.**

1. **Initial Review.** The Community Development Department shall review each application for completeness and accuracy before it is accepted as being complete and officially filed.
2. **Basis for Determination.** The Community Development Department's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference and during the initial application review period.
3. **Notification of Applicant.** Within 30 calendar days of application submittal, the Community Development Department shall inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required.

4. **Appeal of Determination.** When the Community Development Department has determined that an application is incomplete, and the applicant believes that the application is complete or that the information requested by the Community Development Department is not required, the applicant may appeal the Community Development Department's determination in compliance with Chapter 17.152 (Appeals).
5. **Submittal of Additional Information.**
  - a. When the Community Development Department determines that an application is incomplete, the time used by the applicant to submit the required additional information is not considered part of the time within which the determination of completeness for resubmitted materials shall occur.
  - b. Additional required information shall be submitted in writing.
  - c. The Community Development Department's review of information resubmitted by the applicant shall be in compliance with subsection 'a' above, along with another 30-day period of review for completeness.
6. **Environmental Information.** After the Community Development Department has accepted an application as complete, the Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

#### 17.112.050 Multiple Permit Applications

- A. **Concurrent Filing.** An applicant for a development project that requires the filing of more than one application (e.g., Zoning Map Amendment and a Conditional Use Permit) shall file all related applications concurrently unless the concurrent filing requirements are waived by the Community Development Director.
- B. **Concurrent Processing.** The Community Development Department shall process multiple applications for the same project concurrently. Projects requiring multiple permit applications shall be reviewed and acted upon by the highest review authority designated by the Zoning Code for any of the applications (e.g., a project requiring a Zoning Map Amendment and a Conditional Use Permit shall have both applications decided by the City Council, instead of the Planning Commission acting on the Conditional Use Permit). The Planning Commission shall provide a recommendation to the City Council on permits and approvals ordinarily acted upon by the Planning Commission.

#### 17.112.060 Project Evaluation and Staff Reports

- A. **Staff Evaluation.** The Community Development Department shall review all permit applications to determine if they comply with the Zoning Code, the General Plan, the Local Coastal Program, and other applicable City policies and regulations.

- B. Staff Report.** For all permit applications requiring review by the Planning Commission or City Council, the Community Development Department shall prepare a staff report describing the proposed project and including, where appropriate, a recommendation to approve, approve with conditions, or deny the application.
- C. Report Distribution.** Staff reports shall be furnished to the applicant at the same time as they are provided to the review authority before action on the application.

#### 17.112.070 Environmental Review

- A. CEQA Review.** After acceptance of a complete application, the Community Development Department shall review the project in compliance with the California Environmental Quality Act (CEQA) to determine whether:
  1. The proposed project is exempt from the requirements of CEQA;
  2. The proposed project is not a project as defined by CEQA;
  3. A Negative Declaration may be issued;
  4. A Mitigated Negative Declaration may be issued; or
  5. An Environmental Impact Report (EIR) is required.
- B. Compliance with CEQA.** These determinations and, where required, the preparation of appropriate environmental documents shall be in compliance with CEQA and any adopted City CEQA guidelines.
- C. Special Studies Required.** Special studies, paid for in advance by the applicant, may be required to supplement the City's CEQA compliance review.

#### 17.112.080 Applications Deemed Withdrawn

- A. Response Required.** If an applicant does not pay required supplemental fees or provide information requested in writing by the Community Development Department within nine months following the date of the letter, the application shall expire and be deemed withdrawn without any further action by the City.
- B. Resubmittal.** After the expiration of an application, future City consideration shall require the submittal of a new complete application and associated filing fees.



## Chapter 17.114 – CONCEPTUAL REVIEW

### Sections:

- 17.114.010 Purpose
- 17.114.020 When Required/Eligibility
- 17.114.030 Review Authority
- 17.114.040 Application Submittal Requirements
- 17.114.050 Application Review
- 17.114.060 Environmental Review
- 17.114.070 Permit Streamlining Act
- 17.114.080 Noticed Public Meeting
- 17.114.090 Non-Binding Input

### 17.114.010 Purpose

This chapter describes the process for Conceptual Review of a proposed project. Conceptual Review allows an applicant to receive preliminary non-binding input from the Planning Commission and/or City Council on a proposed project prior to City action on a formal permit application.

### 17.114.020 When Required/Eligibility

- A. Planned Development Projects.** Conceptual Review is required for proposed Planned Development projects in accordance with Chapter 17.36 (Planned Development Zoning District).
- B. Other Projects.** Conceptual Review is not required for projects other than a Planned Development project, but may be requested by an applicant. Conceptual Review is intended for complex or controversial projects that would benefit from preliminary input prior to City action on a permit application. An applicant may also request conceptual review to receive input on policy interpretations and sensitive community issues that would benefit from early input from the Planning Commission.

### 17.114.030 Review Authority

- A. Planned Development Projects.** Both the Planning Commission and the City Council shall provide input on a Conceptual Review application for a Planned Development project.
- B. Other Projects.**
  1. For a project other than a Planned Development project that requires Planning Commission approval, the Planning Commission shall provide input on the Conceptual Review application.



2. For projects other than a Planned Development project that requires both Planning Commission and City Council approval, the Planning Commission shall provide input on the Conceptual Review application; the City Council may also provide input on the application upon the applicant's request.

#### **17.114.040 Application Submittal Requirements**

##### **A. All Projects.**

1. An applicant requesting Conceptual Review shall file an application with the Community Development Department on an official City application form.
2. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department. Application fees for Conceptual Review are subject to the requirements specified in Section 17.112.030 (Application Fees).

##### **B. Planned Development Projects.** In addition to application materials required by paragraph 1 above, Conceptual Review applications for Planned Development projects shall also include the following:

1. A statement describing the proposed project and how it complies with the findings required for the approval of a Planned Development project in Section 17.36.080.G (Findings).
2. Project plans, diagrams, and graphics as needed to illustrate the overall development concept, including proposed land uses, buildings, circulation, open space, and any other significant elements in the project.

#### **17.114.050 Application Review**

##### **A. Completeness Review.** The Community Development Department shall review each Conceptual Review application for completeness and accuracy. The Department may request additional information if necessary for consideration of the Planning Commission and/or City Council.

##### **B. Staff Report.** The Community Development Department shall prepare a staff report describing the proposed project and including, where appropriate, an analysis of project compliance with applicable City policies and regulations. Staff reports shall be furnished to the applicant at the same time as they are provided to the review authority before consideration of the application.

#### **17.114.060 Environmental Review**

Conceptual Review applications are not defined as a project pursuant to the California Environmental Quality Act (CEQA) and as such are not subject to environmental review process as required by CEQA.

### 17.114.070 Permit Streamlining Act

Conceptual Review applications are not subject to the requirements of the California Permit Streamlining Act (Act). An application that receives Conceptual Review shall not be considered complete pursuant to the requirements of the Act unless and until the Director has received an application for approval of a development project, reviewed it, and determined it to be complete under Chapter 17.112 (Permit Application and Review).

### 17.114.080 Noticed Public Meeting

- A. Noticed Public Meeting Required.** The Planning Commission or City Council (“review authority”) shall consider a Conceptual Review application at a public meeting noticed in accordance with Section 17.148.020 (Notice of Hearing).
- B. Information Received.** At the meeting the review authority shall receive information from staff and the applicant and receive public comment on the proposed project.
- C. Preliminary Input.** The review authority shall provide the applicant with preliminary input on the proposed project, including the project compliance with applicable City policies and regulations.
- D. Input on Planned Development Projects.** For Planned Development projects, the review authority shall provide preliminary input on project compliance with findings required for the approval of a Planned Development project in Section 17.36.080.G (Findings).

### 17.114.090 Non-Binding Input

Review authority input on the Conceptual Review application shall not be construed as a recommendation for City approval or denial of the project. Any recommendation that results from Conceptual Review is advisory only and shall not be binding on either the applicant or the City.



## Chapter 17.116 – ADMINISTRATIVE PERMITS

### Sections:

- 17.116.010 Purpose
- 17.116.020 When Required
- 17.116.030 Review Authority
- 17.116.040 Application Submittal, Review, and Action
- 17.116.050 Public Notice and Hearing
- 17.116.060 Conditions of Approval
- 17.116.070 Appeals and Post-Decision Procedures

#### 17.116.010 Purpose

This chapter identifies the process to obtain an Administrative Permit. An Administrative Permit is required for uses permitted by-right yet subject to specific Zoning Code standards. An Administrative Permit is a ministerial procedure for the City to verify that a proposed use complies with all applicable standards and to ensure that the applicant understands and accepts these standards.

#### 17.116.020 When Required

Uses that require an Administrative Permit are specified in the land use regulation tables for each zoning district found in Part 2 (Zoning Districts and Overlay Zones).

#### 17.116.030 Review Authority

The Community Development Director takes action on all Administrative Permit applications.

#### 17.116.040 Application Submittal, Review, and Action

- A. An application for an Administrative Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review).
- B. Community Development Department staff shall review the application to verify compliance with the Zoning Code. If the project complies with the Zoning Code, the Community Development Director shall approve the application.

#### 17.116.050 Public Notice and Hearing

No public notice or hearing is required for an Administrative Permit.

#### 17.116.060 Conditions of Approval

No conditions of approval may be attached to the approval of an Administrative Permit.

**17.116.070 Appeals and Post-Decision Procedures**

- A. Community Development Director decisions on Administrative Permits may be appealed to the Planning Commission as described in Chapter 17.152 (Appeals).
- B. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Administrative Permits.

## Chapter 17.120 - DESIGN PERMITS

### Sections:

- 17.120.010 Purpose
- 17.120.020 Types of Design Permits
- 17.120.030 When Required
- 17.120.040 Application Submittal and Review
- 17.120.050 Design Review Process
- 17.120.060 Public Notice and Hearing
- 17.120.070 Design Review Criteria
- 17.120.080 Findings for Approval
- 17.120.090 Conditions of Approval
- 17.120.100 Appeals and Post-Decision Procedures

### 17.120.010 Purpose

This chapter establishes the process to obtain a Design Permit. A Design Permit is a discretionary action that enables the City to ensure that proposed development exhibits high quality design that enhances Capitola's unique identity and sense of place. The Design Permit process is also intended to ensure that new development and uses are compatible with their surroundings and minimize negative impacts on neighboring properties.

### 17.120.020 Types of Design Permits

The Zoning Code establishes two types of Design Permits: Design Permits reviewed and approved by the Planning Commission and Minor Design Permits reviewed and approved by the Community Development Director.

### 17.120.030 When Required

- A. Types of Projects.** The types of projects that require a Design Permit, and the type of Design Permit for each project, are listed in Table 17.120-1. If a type of development project or activity is not specifically listed in Table 17.120-1, a Design Permit is not required.

**TABLE 17.120-1: PROJECTS REQUIRING DESIGN PERMITS**

Type of Project	Type of Permit
<b>Single-Family Residential Projects</b>	
Ground floor additions to existing single-family homes where the addition is visible from a public street and does not exceed 15 ft. in height, except for exempt additions (Section 17.120.030.B)	Minor Design Permit
Accessory structures greater than 10 ft. in height and/or 120 sq. ft. to 300 sq. ft.	Minor Design Permit
Accessory structures greater than 300 sq. ft.	Design Permit
Upper floor decks and balconies on the side or rear of a home that are not adjacent to public open space	Design Permit
<u>All rooftop decks</u>	<u>Design Permit</u>
Upper floor additions to an existing single-family homes	Design Permit
New single-family homes	Design Permit
<b>Multi-Family Residential Projects</b>	
Ground-floor additions less than 15% of total floor area of an existing multi-family structure	Minor Design Permit
Upper floor decks and balconies on the side or rear of a structure that are not adjacent to public open space	Design Permit
<u>All rooftop decks</u>	<u>Design Permit</u>
Accessory structures including garbage and recycling enclosures	Minor Design Permit
Ground-floor additions 15% of total floor area or more to an existing multi-family structure	Design Permit
Upper floor additions to an existing multi-family structure	Design Permit
New multi-family residential structures	Design Permit
<b>Non-Residential Projects (Including Mixed-Use)</b>	
Exterior modifications to an existing structure that do not increase the floor area of the structure	Minor Design Permit
Accessory structures 120 sq. ft. to 300 sq. ft. including garbage and recycling enclosures	Minor Design Permit
Accessory structures greater than 300 sq. ft. including garbage and recycling enclosures	Design Permit
Additions less than 15% of the floor area of an existing non-residential structure where the addition is not visible from the primary street frontage	Minor Design Permit
Additions 15% or more of the floor area of an existing non-residential structure where the addition is visible from the primary street frontage	Design Permit
Additions to an existing non-residential structure of 3,000 sq. ft. or more	Design Permit
New non-residential structures	Design Permit

**B. Single-Family Exemptions.** The following additions to a single-family dwelling are exempt from the Design Permit requirement:

1. Ground-floor single-story additions up to 400 square feet at the rear of the home.

2. Enclosure of an existing recessed entrance up to 25 square feet.
3. Enclosure of an existing open porch up to 50 square feet.
4. Installation of bay windows.
5. A single accessory structures that does not exceed 120 square feet in floor area and 10 feet in height with no connection to water or sewer.
6. Minor exterior modification or replacement of materials on an existing structure including siding, windows, doors, and roof.
7. Other similar minor additions to a single-family dwelling as determined by the Community Development Director.
8. Upper floor decks and balconies immediately adjacent to a street or public open space.

#### 17.120.040 Application Submittal and Review

- A. General.** An application for a Design Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information required by the Community Development Department with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.120.080 (Findings for Approval).
- B. Streetscape Illustration.** For all proposed new buildings, the applicant shall submit streetscape illustrations that includes neighboring structures within 100 feet of the side property lines.
- C. Enhanced Visualization.** The City may require enhanced project visualization materials (e.g., 3-D renderings, photo-simulations, physical models, expanded streetscape diagrams, viewpoint analysis, story poles) when any of the following apply:
  1. The project is proposed within a prominent or highly visible development site as determined by the Community Development Director.
  2. The project would be located within or adjacent to vista points or visually-sensitive areas as identified in the General Plan.
  3. The applicant is requesting a Variance for height.
  4. Substantial changes to the exterior of an existing structure.
  5. The Community Development Director determines that enhanced visualization is necessary to determine if the findings for approval can be made for the proposed project.
  6. Story poles shall only be required by the Planning Commission or City Council.
- D. Review by Architectural Historian.** Proposed projects that involve an exterior alteration to a Designated Historic Resource or a Potential Historic Resource as defined in Section 17.84.020 (Types of Historic Resources) shall be reviewed by an Architectural



Historian and may require a Historic Alteration Permit as provided in Section 17.84.070 (Historic Alteration Permit).

#### 17.120.050 Design Review Process

- A. **Review Required.** All Design Permit applications shall be reviewed by City staff and City-contracted design professionals as specified in Section 17.108.040 prior to review and action on the application by the Planning Commission.
- B. **Purpose of Review.** The purpose of the Design Review process is to provide recommendations to the applicant on the design of the project based on Design Review criteria in Section 17.120.070. Applicants are encouraged to consider comments from the Design Review process and modify the project design as needed prior to Planning Commission consideration of the application.

#### 17.120.060 Public Notice and Hearing

- A. **Design Permits.** The Planning Commission shall review and act on a Design Permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- B. **Minor Design Permits.** Public notice of a pending action on a Minor Design Permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The Community Development Director shall hold a public hearing for a Minor Design Permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of Pending Action).

#### 17.120.070 Design Review Criteria

When considering Design Permit applications, the City shall evaluate applications to ensure that they satisfy the following criteria, comply with the development standards of the zoning district, conform to policies of the General Plan, the Local Coastal Program, and any applicable specific plan, and are consistent with any other policies or guidelines the City Council may adopt for this purpose. To obtain Design Permit approval, projects must satisfy these criteria to the extent they apply.

- A. **Community Character.** The overall project design including site plan, height, massing, architectural style, materials, and landscaping contribute to Capitola's unique coastal village character and distinctive sense of place.
- B. **Neighborhood Compatibility.** The project is designed to respect and complement adjacent properties. The project height, massing, and intensity is compatible with the scale of nearby buildings. The project design incorporates measures to minimize traffic, parking, noise, and odor impacts on nearby residential properties.

- C. Historic Character.** Renovations and additions respect and preserve existing historic structure. New structures and additions to non-historic structures reflect and complement the historic character of nearby properties and the community at large.
- D. Sustainability.** The project supports natural resource protection and environmental sustainability through features such as on-site renewable energy generation, passive solar design, enhanced energy efficiency, water conservation measures, and other green building techniques.
- E. Pedestrian Environment.** The primary entrances are oriented towards and visible from the street to support an active public realm and an inviting pedestrian environment.
- F. Privacy.** The orientation and location of buildings, entrances, windows, doors, decks, and other building features minimizes privacy impacts on adjacent properties and provides adequate privacy for project occupants.
- G. Safety.** The project promotes public safety and minimizes opportunities for crime through design features such as property access controls (e.g., placement of entrances, fences), increased visibility and features that promote a sense of ownership of outdoor space.
- H. Massing and Scale.** The massing and scale of buildings complement and respect neighboring structures and correspond to the scale of the human form. Large volumes are divided into small components through varying wall planes, heights, and setbacks. Building placement and massing avoids impacts to public views and solar access.
- I. Architectural Style.** Buildings feature an architectural style that is compatible with the surrounding built and natural environment, is an authentic implementation of appropriate established architectural styles, and reflects Capitola’s unique coastal village character.
- J. Articulation and Visual Interest.** Building facades are well articulated to add visual interest, distinctiveness, and human scale. Building elements such as roofs, doors, windows, and porches are part of an integrated design and relate to the human scale. Architectural details such as trim, eaves, window boxes, and brackets contribute to the visual interest of the building.
- K. Materials.** Building facades include a mix of natural, high-quality, and durable materials that are appropriate to the architectural style, enhance building articulation, and are compatible with surrounding development.
- L. Parking and Access.** Parking areas are located and designed to minimize visual impacts and maintain Capitola’s distinctive neighborhoods and pedestrian-friendly environment. Safe and convenient connections are provided for pedestrians and bicyclists.
- M. Landscaping.** Landscaping is an integral part of the overall project design, is appropriate to the site and structures, and enhances the surrounding area.
- N. Drainage.** The site plan is designed to maximize efficiency of on-site drainage with runoff directed towards permeable surface areas and engineered retention.

- O. Open Space and Public Places.** Single-family dwellings feature inviting front yards that enhance Capitola’s distinctive neighborhoods. Multi-family residential projects include public and private open space that is attractive, accessible, and functional. Non-residential development provides semi-public outdoor spaces, such as plazas and courtyards, which help support pedestrian activity within an active and engaging public realm.
- P. Signs.** The number, location, size, and design of signs complement the project design and are compatible with the surrounding context.
- Q. Lighting.** Exterior lighting is an integral part of the project design with light fixtures designed, located, and positioned to minimize illumination of the sky and adjacent properties.
- R. Accessory Structures.** The design of detached garages, sheds, fences, walls, and other accessory structures relate to the primary structure and are compatible with adjacent properties.
- S. Mechanical Equipment, Trash Receptacles, and Utilities.** Mechanical equipment, trash receptacles, and utilities are contained within architectural enclosures or fencing, sited in unobtrusive locations, and/or screened by landscaping.

#### 17.120.080 Findings for Approval

To approve a Design Permit application, the review authority shall make all of the following findings:

- A.** The proposed project is consistent with the General Plan, Local Coastal Program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the City Council.
- B.** The proposed project complies with all applicable provisions of the Zoning Code and Municipal Code.
- C.** The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
- D.** The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
- E.** The proposed project complies with all applicable Design Review criteria in Section 17.120.070 (Design Review Criteria)
- F.** For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.

#### 17.120.090 Conditions of Approval

The Planning Commission or Community Development Director may attach conditions of approval to a Design Permit to achieve consistency with the General Plan, Local Coastal

Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

**17.120.100 Appeals and Post-Decision Procedures**

- A. Planning Commission decisions on Design Permits may be appealed to the City Council as described in Chapter 17.152 (Appeals).
- B. Community Development Director decisions on Minor Design Permits may be appealed to the Planning Commission as described in Chapter 17.152 (Appeals).
- C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to Design Permits.



## Chapter 17.124 – USE PERMITS

### Sections:

- 17.124.010 Purpose
- 17.124.020 When Required
- 17.124.030 Review Authority
- 17.124.040 Application Submittal and Review
- 17.124.050 Public Notice and Hearing
- 17.124.060 Considerations
- 17.124.070 Findings for Approval
- 17.124.080 Conditions of Approval
- 17.124.090 Appeals and Post-Decision Procedures
- 17.124.100 Master Use and Tenant Use Permits

### 17.124.010 Purpose

This chapter describes the process to obtain Use Permits, which include Conditional Use Permits, Minor Use Permits, Master Use Permits, and Tenant Use Permits. A Use Permit is required for land uses that are generally appropriate within a zoning district, but potentially undesirable on a particular parcel or in large numbers. A Use Permit is a discretionary action that enables the City to ensure that a proposed use is consistent with the General Plan and Local Coastal Program Land Use Plan and will not create negative impacts to adjacent properties or the general public.

### 17.124.020 When Required

- A. Land uses that require a Conditional Use Permit or a Minor Use Permit are shown in the land use regulation tables for each zoning district found in Part 2 (Zoning Districts and Overlay Zones).
- B. Land uses eligible for a Master Use Permit or a Tenant Use Permit are described in Section 17.124.100 (Master Use and Tenant Use Permits).

### 17.124.030 Review Authority

- A. The Planning Commission takes action on Conditional Use Permit and Master Use Permit applications.
- B. The Community Development Director takes action on Minor Use Permit and Tenant Use Permit applications.
- C. The Community Development Director may refer any Minor Use Permit and Tenant Use Permit application to the Planning Commission for review and final decision.

#### **17.124.040 Application Submittal and Review**

Use Permit applications shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.124.070 (Findings for Approval).

#### **17.124.050 Public Notice and Hearing**

- A.** The Planning Commission shall review and act on a Conditional Use Permit or a Master Use Permit application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- B.** Public notice of a pending action on a Minor Use Permit application shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings). The Community Development Director shall hold a public hearing for a Minor Use Permit application only upon receiving a written request for a public hearing as provided in Section 17.148.030 (Notice of Pending Action).
- C.** No public hearing is required for a Tenant Use Permit.

#### **17.124.060 Considerations**

When evaluating a Conditional Use Permit, Minor Use Permit, or Master Use Permit application, the review authority shall consider the following characteristic of the proposed use:

- A.** Operating characteristics (hours of operation, traffic generation, lighting, noise, odor, dust, and other external impacts).
- B.** Availability of adequate public services and infrastructure.
- C.** Potential impacts to the natural environment.
- D.** Physical suitability of the subject site for the proposed use in terms of design, location, operating characteristics, shape, size, topography.

#### **17.124.070 Findings for Approval**

To approve a Conditional Use Permit, Minor Use Permit, or Master Use Permit, the review authority shall make all of the following findings:

- A.** The proposed use is allowed in the applicable zoning district.
- B.** The proposed use is consistent with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
- C.** The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

- D. The proposed use will not be detrimental to the public health, safety, and welfare.
- E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

#### **17.124.080 Conditions of Approval**

The Planning Commission or Community Development Director may attach conditions of approval to a use permit to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

#### **17.124.090 Appeals and Post-Decision Procedures**

- A. Planning Commission decisions on Conditional Use Permits may be appealed to the City Council as described in Chapter 17.152 (Appeals).
- B. Community Development Director decisions on Minor Use Permits or Tenant Use Permits may be appealed to the Planning Commission as described in Chapter 17.152 (Appeals).
- C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to Use Permits.

#### **17.124.100 Master Use and Tenant Use Permits**

- A. **Purpose.** A Master Use Permit is a type of Conditional Use Permit that identifies permitted land uses within a commercial property occupied by multiple tenants. Tenant Use Permits are issued by the Community Development Director for individual tenants that comply with a Master Use Permit.
- B. **Master Use Permit Eligibility.** To be eligible for a Master Use Permit, a property must:
  1. Contain more than 10,000 square feet of floor area on a single parcel or on multiple adjoining parcels under one ownership;
  2. Conform to all applicable parking and landscaping requirements; and
  3. Contain leasable space for two or more tenants.
- C. **Permitting Process and Restrictions.** The process to review and approve a Master Use Permit is the same as for a Conditional Use Permit, except as follows:
  1. When approving a Master Use Permit, the Planning Commission shall specify the uses allowed on the property. Allowed uses are limited to uses permitted or conditionally permitted in the applicable zoning district.
  2. The Planning Commission may establish a maximum size for an individual tenant and/or use.
  3. A change of tenant larger than 12,000 square feet in a property with a Master Use Permit requires Planning Commission approval of an amendment to the existing



Master Use Permit. A change in tenant larger than 12,000 square feet may not be approved with a Tenant Use Permit.

4. The Planning Commission may deny a Master Use Permit upon finding that particular circumstances of the property, including an existing or proposed use, require a standard Conditional Use Permit process to protect the public health, safety, and welfare.

**D. Tenant Use Permits.**

1. A land use proposed within a property subject to a Master Use Permit may be established with a Tenant Use Permit, except for tenants 12,000 square or more as described in paragraph 3 above.
2. Tenant Use Permits are approved by the Community Development Director. The Director shall approve a Tenant Use Permit if the proposed use is consistent with the conditions of the Master Use Permit and the requirements of this section.

- E. Tenant Notification.** Prior to leasing space on a property with a Master Use Permit, the permit holder shall inform the prospective tenant of the conditions of approval attached to the Master Use Permit and the requirements of this section.

## Chapter 17.128 – VARIANCES

### Sections:

- 17.128.010 Purpose
- 17.128.020 When Allowed
- 17.128.030 Review Authority
- 17.128.040 Application Submittal and Review
- 17.128.050 Public Notice and Hearing
- 17.128.060 Findings for Approval
- 17.128.070 Conditions of Approval
- 17.128.080 Precedent
- 17.128.090 Appeals and Post-Decision Procedures

### 17.128.010 Purpose

This chapter identifies the process to obtain a Variance. A Variance is a discretionary permit that allows for deviation from development standards in the Zoning Code. The City may grant a Variance only when the strict application of development standards creates a unique hardship due to unusual circumstances associated with the property.

### 17.128.020 When Allowed

- A. Allowable Variances.** The City may grant a Variance to allow for deviation from any physical development standard that applies to the subject property. Examples of physical development standards include height, setbacks, open space, floor area ratio (FAR), and off-street parking requirements.
- B. Variances Not Allowed.** A Variance may not be granted to:
1. Permit a use other than a use permitted in the zoning district as specified in Part 2 (Zoning Districts and Overlay Zones).
  2. Reduce the minimum lot size for single-family dwellings or minimum site area per dwelling unit requirements for multi-family developments.
  3. Reduce the protection of an environmentally sensitive habitat area except as specifically provided in Chapter 17.64 (Environmentally Sensitive Habitat Areas).
  4. Reduce a geologic setback as provided in Chapter 17.68 (Geologic Hazards).
  5. Allow deviation from a requirement of the General Plan or Local Coastal Program Land Use Plan.

### 17.128.030 Review Authority

The Planning Commission takes action on all Variance applications.

#### **17.128.040 Application Submittal and Review**

An application for a Variance shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review) and, in the coastal zone, in compliance with Chapter 17.44 (Coastal Overlay Zone) as part of the Coastal Development Permit application. The application shall include the information and materials required by the Community Development Department for Variance applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.128.060 (Findings for Approval).

#### **17.128.050 Public Notice and Hearing**

The Planning Commission shall review and act on a Variance application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

#### **17.128.060 Findings for Approval**

To approve a Variance application, the Planning Commission shall make all of the following findings:

- A. There are unique circumstances applicable to the subject property, including size, shape, topography, location, or surroundings, that do not generally apply to other properties in the vicinity or in the same zone as the subject property.
- B. The strict application of the Zoning Code requirements would deprive the subject property of privileges enjoyed by other property in the vicinity or in the same zone as the subject property.
- C. The Variance is necessary to preserve a substantial property right possessed by other property in the vicinity or in the same zone as the subject property.
- D. The Variance will not be materially detrimental to the public health, safety, or welfare, or be injurious to the property or improvements in the vicinity or in the same zone as the subject property.
- E. The Variance does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity or in the same zone as the subject property.
- F. The Variance will not have adverse impacts on coastal resources.

#### **17.128.070 Conditions of Approval**

The Planning Commission may attach conditions of approval to a Variance to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

**17.128.080 Precedent**

The approval of a Variance shall not set the precedent for the granting of any future Variance. Each application shall be considered only on its individual merits.

**17.128.090 Appeals and Post-Decision Procedures**

- A.** Planning Commission decisions on Variances may be appealed to the City Council as described in Chapter 17.152 (Appeals)
- B.** Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) shall apply to Variances.



## Chapter 17.132 – SIGN PERMITS

### Sections:

- 17.132.010 Purpose
- 17.132.020 Types of Sign Permits
- 17.132.030 When Required
- 17.132.040 Review Authority
- 17.132.050 Application Submittal and Review
- 17.132.060 Public Notice and Hearing
- 17.132.070 Findings for Approval
- 17.132.080 Conditions of Approval
- 17.132.090 Post-Decision Procedures

### 17.132.010 Purpose

This chapter establishes the process for obtaining a Sign Permit. A Sign Permit is a discretionary action that enables the City to ensure that a proposed sign is consistent with all General Plan and Local Coastal Program Land Use Plan goals and policies and will not create negative impacts to adjacent properties or the general public.

### 17.132.020 Types of Sign Permits

The Zoning Code establishes two types of Sign Permits: Sign Permits reviewed and approved by the Planning Commission and Administrative Sign Permits reviewed and approved by the Community Development Director.

### 17.132.030 When Required

A Sign Permit is required for types of signs identified in Chapter 17.80.030 (Permit Requirements).

### 17.132.040 Review Authority

- A. The Planning Commission takes action on all Sign Permit applications.
- B. The Community Development Direction takes action on all Administrative Sign Permit applications.

### 17.132.050 Application Submittal and Review

An application for a Sign Permit shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.132.060 (Findings for Approval).

**17.132.060 Public Notice and Hearing**

- A. The Planning Commission shall review and act on a Sign Permit at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- B. No public hearing is required for an Administrative Sign Permit.

**17.132.070 Findings for Approval**

The reviewing authority may approve a Sign Permit if all of the following findings can be made:

- A. The proposed signs are consistent with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
- B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).
- C. The proposed sign will not adversely impact the public health, safety, or general welfare.
- D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.
- E. The proposed signs are restrained in character and no larger than necessary for adequate identification.

**17.132.080 Conditions of Approval**

The review authority may attach conditions of approval to a Sign Permit to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

**17.132.090 Post-Decision Procedures**

- A. Planning Commission decisions on Sign Permits may be appealed to the City Council as described in Chapter 17.152 (Appeals).
- B. Community Development Director decisions on Administrative Sign Permits may be appealed to the Planning Commission as described in Chapter 17.152 (Appeals).
- C. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to Sign Permits.

## Chapter 17.136 – MINOR MODIFICATIONS

### Sections:

- 17.136.010 Purpose
- 17.136.020 When Allowed
- 17.136.030 Review Authority
- 17.136.040 Application Submittal and Review
- 17.136.050 Public Notice and Hearing
- 17.136.060 Findings for Approval
- 17.136.070 Conditions of Approval
- 17.136.080 Appeals and Post-Decision Procedures

### 17.136.010 Purpose

This chapter establishes the process to obtain a Minor Modification. A Minor Modification allows for small deviations from development standards to accommodate projects which meet the needs of property owners, are consistent with the purpose of the Zoning Code and General Plan and Local Coastal Program Land Use Plan, and do not negatively impact neighboring properties or the community at large.

### 17.136.020 When Allowed

- A. **Permitted Modifications.** The Planning Commission may approve a Minor Modification to allow for a maximum 10 percent deviation from a physical development standard that applies to the subject property. Types of physical development standards eligible for a Minor Modification include:
1. Dimensional standards and setbacks for parking spaces, driveways, garages, parking lots, and loading areas; and
  2. Minimum and maximum setbacks from property lines;
  3. Other similar dimensional standards as determined by the Community Development Director.
- B. **Excluded Modifications.** The City may not approve Minor Modifications for:
1. Minimum required on-site open space and landscaping;
  2. Maximum height of buildings, fences, walls, and other structures;
  3. Lot area, width, or depth;
  4. Minimum number of off-street parking spaces;
  5. Maximum residential density; or
  6. Maximum floor area ratio (FAR).



7. Setbacks from ESHA or geologic hazards.

#### **17.136.030 Review Authority**

The Planning Commission takes action on Minor Modifications applications.

#### **17.136.040 Application Submittal and Review**

An application for a Minor Modification shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review) or, in the coastal zone, Chapter 17.44 (Coastal Overlay Zone) with a Coastal Development Permit. The application shall include the information and materials required by the Community Development Department for Minor Modification applications, together with all required application fees. It is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.136.060 (Findings for Approval).

#### **17.136.050 Public Notice and Hearing**

The Planning Commission shall review and act on a Minor Modification application at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).

#### **17.136.060 Findings for Approval**

To approve a Minor Modification application, the Planning Commission shall make all of the following findings:

- A. The modification will be compatible with adjacent structures and uses and is consistent with the character of the neighborhood or district where it is located.
- B. The modification will not adversely impact neighboring properties or the community at large.
- C. The modification is necessary due to unique characteristics of the subject property, structure, or use.
- D. The modification will be consistent with the purpose of the zoning district, the General Plan, Local Coastal Program, and any adopted area or neighborhood plan.
- E. The modification is consistent with the General Plan, Local Coastal Program, and any applicable specific plan or area plan adopted by the City Council.
- F. The modification will not establish a precedent.
- G. The modification will not adversely impact coastal resources.

**17.136.070 Conditions of Approval**

The Planning Commission may attach conditions of approval to a Minor Modification to achieve consistency with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.

**17.136.080 Appeals and Post-Decision Procedures**

- A. Planning Commission decisions on Minor Modifications may be appealed to the City Council as described in Chapter 17.152 (Appeals)
- B. Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to Minor Modifications



## Chapter 17.140 – REASONABLE ACCOMMODATIONS

### Sections:

- 17.140.010 Purpose
- 17.140.020 When Allowed
- 17.140.030 Review Authority
- 17.140.040 Public Notice of Process Availability
- 17.140.050 Application Requirements
- 17.140.060 Review Procedure
- 17.140.070 Criteria for Decision
- 17.140.080 Conditions of Approval
- 17.140.090 Appeals and Post-Decision Procedures

### 17.140.010 Purpose

This chapter establishes a procedure for requesting reasonable accommodation for persons with disabilities seeking equal access to housing under the Federal Fair Housing Act and the California Fair Employment and Housing Act. A reasonable accommodation is typically an adjustment to physical design standards to accommodate the placement of wheelchair ramps or other exterior modifications to a dwelling in response to the needs of a disabled resident.

### 17.140.020 When Allowed

- A. Eligible Applicants.** A request for reasonable accommodation may be made by any person with a disability, their representative, or any entity, when the application of the Zoning Code or other land use regulations, policy, or practice acts as a barrier to fair housing opportunities.
- B. Definition.** A person with a disability is a person who has a physical or mental impairment that limits or substantially limits one or more major life activities, anyone who is regarded as having this type of impairment, or anyone who has a record of this type of impairment.
- C. Eligible Request.** A request for reasonable accommodation may include a modification or exception to the rules, standards, and practices for the siting, development, and use of housing or housing-related facilities that would eliminate regulatory barriers and provide a person with a disability equal opportunity to housing of their choice.

### 17.140.030 Review Authority

- A. Community Development Director.** The Community Development Director shall take action on reasonable accommodation applications if the application is not filed for concurrent review with an application for discretionary review by the Planning Commission or City Council.

- B. Other Review Authority.** If a reasonable accommodation application is submitted concurrently with a permit application reviewed by the Planning Commission or City Council, the reasonable accommodation application shall be reviewed by the Planning Commission or City Council.
- C. Referral to Planning Commission.** The Community Development Director may refer any reasonable accommodation application to the Planning Commission for review and final decision.

#### 17.140.040 Public Notice of Process Availability

Notice of the availability of the reasonable accommodation process shall be publicly displayed at City Hall. Forms for requesting reasonable accommodation shall be available to the public at the Community Development Department at City Hall.

#### 17.140.050 Application Requirements

- A. Application.** A request for reasonable accommodation shall be submitted on an application form provided by the Community Development Department along with any fees required by the Planning Fee Schedule.
- B. Review with Other Land Use Applications.** If the project for which the request for reasonable accommodation is being made also requires some other discretionary approval (e.g., Conditional Use Permit, Design Review, Coastal Development Permit), then the applicant shall file the reasonable accommodation application materials together for concurrent review with the application for discretionary approval.
- C. Application Timing.** A request for reasonable accommodation may be filed at any time that the accommodation is necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligation to comply with other applicable regulations not at issue in the requested accommodation.
- D. Application Assistance.** If an individual needs assistance in making the request for reasonable accommodation, the City will provide assistance to ensure that the process is accessible to the individual.

#### 17.140.060 Review Procedure

- A. Director Review.**
  1. The Community Development Director shall make a written determination within 45 days and either grant, grant with modifications, or deny a request for reasonable accommodation.
  2. If necessary to reach a determination on the request for reasonable accommodation, the Community Development Director may request further information from the applicant consistent with fair housing laws. In the event that a request for additional

information is made, the forty-five-day period to issue a decision is stayed until the applicant submits the requested information.

- B. Other Review Authority.** The determination on whether to grant or deny the request for reasonable accommodation submitted concurrently with a discretionary permit application shall be made by the Planning Commission or City Council in compliance with the review procedure for the discretionary review.

#### 17.140.070 Criteria for Decision

The review authority shall make a written decision and either approve, approve with modifications, or deny a request for reasonable accommodation based on consideration of all of the following factors:

- A. Whether the housing which is the subject of the request will be used by an individual defined as disabled under the Americans with Disabilities Act.
- B. Whether the request for reasonable accommodation is necessary to make specific housing available to an individual with a disability under the Americans with Disabilities Act.
- C. Whether the requested reasonable accommodation would impose an undue financial or administrative burden on the City.
- D. Whether the requested reasonable accommodation would require a fundamental alteration in the nature of a City program or law, including but not limited to land use and zoning.
- E. Potential impacts on surrounding uses.
- F. Physical attributes of the property and structures.
- G. Other reasonable accommodations that may provide an equivalent level of benefit.

#### 17.140.080 Conditions of Approval

In approving a request for reasonable accommodation, the review authority may impose conditions of approval to ensure that the reasonable accommodation will comply with the criteria required by Section 17.140.070 (Criteria for Decision)

#### 17.140.090 Appeals and Post-Decision Procedures

- A. **Appeals.** Reasonable accommodation decisions may be appealed consistent with Chapter 17.152 (Appeals). If an applicant needs assistance in filing an appeal on an adverse decision, the City will provide assistance to ensure that the appeals process is accessible.
- B. **Other Post-Decision Procedures.** Post-decision procedures and requirements in Chapter 17.156 (Post-Decision Procedures) apply to reasonable accommodation decisions.



## Chapter 17.144 – ZONING CODE AND LOCAL COASTAL PROGRAM AMENDMENTS

### Sections:

- 17.144.010 Purpose
- 17.144.020 Initiation
- 17.144.030 Application
- 17.144.040 Planning Commission Hearing and Action
- 17.144.050 City Council Hearing and Action
- 17.144.060 Findings for Approval
- 17.144.070 Effective Dates
- 17.144.080 Local Coastal Program Amendments

### 17.144.010 Purpose

This chapter establishes procedures for amending the Zoning Code and Zoning Map. All amendments to the Zoning Code shall be processed as set forth in Government Code Section 65853 et seq. and as specified in this chapter.

### 17.144.020 Initiation

- A. Zoning Map Amendment.** A request for an amendment to the Zoning Map may be initiated by:
1. The City Council;
  2. The Planning Commission;
  3. The Community Development Director; or
  4. One or more owners of the property for which the amendment is sought.
- B. Zoning Code Text Amendment.** A request for an amendment to the text of the Zoning Code may be initiated by the following:
1. The City Council;
  2. The Planning Commission;
  3. The Community Development Director; or
  4. Any resident, property owner, or business owner in the city.

### 17.144.030 Application

An application for a Zoning Code Amendment shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review). The application shall include the information and materials required by the Community Development Department, together with all required application fees. For amendments submitted by a resident, property owner,



or business owner, it is the responsibility of the applicant to provide evidence in support of the findings required by Section 17.144.060 (Findings for Approval).

#### **17.144.040 Planning Commission Hearing and Action**

- A. Public Notice and Hearing.** The Planning Commission shall review and act on a proposed Zoning Map Amendment and Zoning Code Amendment at a noticed public hearing in compliance with Chapter 17.148 (Public Notice and Hearings).
- B. Recommendation of Approval.** The Planning Commission may recommend to the City Council the approval or conditional approval of the proposed Zoning Map Amendment or Zoning Code Amendment, based upon the findings specified in Section 17.144.060 (Findings for Approval). The Planning Commission shall forward a written recommendation, and the reasons for the recommendation, to the City Council within 90 days after the date the hearing was closed to the public. A recommendation for approval shall be made by a majority vote of the total membership of the Planning Commission.
- C. Denial.** The Planning Commission may deny the proposed Zoning Code Amendment based upon the findings specified in Section 17.144.060 (Findings for Approval). For a Zoning Map Amendment, if the action of the Planning Commission is to recommend denial, the City Council is not required to take further action on the proposed amendment unless an interested party requests a hearing in writing with the City Clerk within ten days after the Planning Commission recommendation is filed with the City Council.

#### **17.144.050 City Council Hearing and Action**

- A. General.** After receipt of the Planning Commission's recommendation to approve a proposed Zoning Code Amendment or Zoning Map Amendment, the City Council shall hold a public hearing on the proposal in compliance with Chapter 17.148 (Public Notice and Hearings).
- B. Approval or Denial.** The City Council may approve, conditionally approve, or deny the proposed Zoning Code Amendment or Zoning Map Amendment based upon the findings specified in Section 17.144.060 (Findings for Approval).
- C. Finality of Action.** The action by the City Council shall be made by a majority vote of the total membership of the City Council and shall be final and conclusive except for amendments within the coastal zone, in which case the City shall submit the Zoning Code Amendment or the Zoning Map Amendment to the Coastal Commission for certification (see Section 17.144.080 (Local Coastal Program Amendments)).
- D. Referral to Planning Commission.** If the City Council proposes to adopt a substantial modification to the Zoning Code Amendment not previously considered by the Planning Commission, the proposed modification shall be first referred to the Planning Commission for its recommendation.

- E. Failure to Report.** The failure of the Planning Commission to report back to the City Council within 40 days after the reference, or within the time set by the City Council, shall be deemed a recommendation of approval.

#### 17.144.060 Findings for Approval

The City Council may approve a Zoning Code Amendment or Zoning Map Amendment only if all of the following findings are made:

- A. Findings for all Zoning Code and Zoning Map Amendments.**
1. The proposed amendment is consistent with the General Plan and any applicable specific plan as provided by Government Code Section 65860.
  2. The proposed amendment will not be detrimental to the public interest, health, safety, convenience, or welfare of the City.
- B. Additional Finding for Zoning Code Text Amendments.** The proposed amendment is internally consistent with other applicable provisions of the Zoning Code.
- C. Additional Finding for Zoning Map Amendments.** The affected site is physically suitable in terms of design, location, shape, size, and other characteristics to ensure that the permitted land uses and development will comply with the Zoning Code and General Plan and contribute to the health, safety, and welfare of the property, surrounding properties, and the community at large.

#### 17.144.070 Effective Dates

A Zoning Code Amendment or Zoning Map Amendment becomes effective 30 days following the adoption of the ordinance by the City Council unless the Zoning Code Amendment affects a component of the certified Local Coastal Program Implementation Plan or if a Zoning Map Amendment affects property in the coastal zone (see Section 17.44.080 (Local Coastal Program Amendments) below).

#### 17.44.080 Local Coastal Program Amendments

Upon adoption by the City Council of amendments to the Local Coastal Program (LCP) Land Use Plan (LUP) and/or the LCP Implementation Plan (IP), the City shall submit the amendments to the Coastal Commission for certification.

- A. Adopted Resolution.** All LCP Amendment submittals must include a City Council Resolution that:
1. Is signed and dated by an authorized member of the City Council;
  2. Indicates that the LCP Amendment is intended to be carried out in a manner fully consistent with the Coastal Act;

3. Indicates whether the proposed LCP Amendment will take effect automatically upon final Coastal Commission certification or will require formal City Council review/adoption after final Coastal Commission certification,

**B. Copy of the Proposed LCP Amendment.** The submittal shall include a copy of the relevant document (LUP/community plan/ordinance) in strikethrough and underline format. If the LCP Amendment proposes a change to an approved map, the submittal must include a graphic depiction of how the map is being changed.

**C. Local Government Staff Report.** The submittal shall include copies of the local government staff reports, as these are necessary to demonstrate consistency of the LCP Amendment with Chapter 3 of the Coastal Act (for LUP amendments) or to demonstrate conformity with and adequacy to carry out the certified Land Use Plan (for IP amendments).

1. The staff report should include a discussion of the LCP Amendments relationship and effect on other section of the LCP.
2. For LUP Amendments:
  - i. The staff report should include an analysis of how the amendment is consistent with the Chapter 3 policies of the Coastal Act.
  - ii. The staff report should also indicate what zoning measures or implementation actions will be used to carry out the LUP amendment.
3. For IP (zoning/municipal code) amendments, the staff report should include an analysis of how the amendment is in conformity with and adequate to carry out the certified LUP.
4. In addition, if the affected area or application of an ordinance would involve land situated between the ocean and first public through road, or overall intensity of development, the local government staff report should address any potential effects that the proposed amendment will have on public access.

**D. Supplementary Information/Environmental Review Documents.** In addition to the City's staff reports, the submittal should include any supplementary analysis or information prepared or relied on (e.g. vulnerability assessments, hazard mitigation plans, biological studies, traffic analyses, geotechnical reports, etc.) and a copy of any environmental document.

**E. Local Hearing Dates and Notices.**

1. The submittal must include a listing of the local hearing dates and copies of all local hearing notices.
2. These materials must document that:
  - i. The LCP Amendment was properly noticed (i.e. the notices must indicate the item involves an LCP amendment and is not effective until or and unless approved by the Coastal Commission);

- ii. The notices of availability were mailed and public review drafts were available at least six weeks prior to the City's final action date, and;
- iii. The City's hearing notices to all interested parties and public agencies were distributed no less than ten working days before the hearing and that the hearing was also noticed by general publication.

**F. Copies of Speaker Slips, Written Comments and Adopted Minutes.** The submittal must include copies of all speaker slips, all written correspondence received, and the Planning Commission/City Council minutes for the item. The copies should be accompanied by a separate list of each speaker or written correspondence received, and their contact information.

**G. Mailing/Noticing List.** The submittal must include a copy of the mailing/noticing list used by the City. Notices for local LCP Amendment hearings must be sent to: 1) anyone who requests it; 2) each contiguous local government; 3) any local government, special district or port district that could be affected by the LCP Amendment; 4) local libraries and media; 5) and any regional or federal agencies that may have an interest in or be affected by the LCP Amendment.



## Chapter 17.148 – PUBLIC NOTICE AND HEARINGS

### Sections:

- 17.148.010 Purpose
- 17.148.020 Notice of Hearing
- 17.148.030 Notice of Pending Action for Minor Use Permits and Administrative Design Permits
- 17.148.040 Notice for Wireless Communication Facility Applications
- 17.148.050 Scheduling of Hearing
- 17.148.060 Hearing Procedure
- 17.148.070 Recommendations
- 17.148.080 Decision and Notice

### 17.148.010 Purpose

This chapter establishes procedures for public notices and hearings required by the Zoning Code.

### 17.148.020 Notice of Hearing

When the Zoning Code requires a noticed public hearing, the City shall provide notice of the hearing as required by this section and by the California Government Code.

- A. Content of Notice.** Notice of a public hearing shall include all of the following information, as applicable.
1. **Hearing Information.** The date, time, and place of the hearing; the name of the hearing body; and the phone number, email address, and street address of the Community Development Department where an interested person could call or visit to obtain additional information.
  2. **Project Information.** The name of the applicant, the City's file number assigned to the application, a general explanation of the matter to be considered, a general description of the location of the subject property, and any recommendation from a prior hearing body.
  3. **Statement on Environmental Document.** A statement that the proposed project is determined to be exempt from the California Environmental Quality Act (CEQA), or that a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report has been prepared for the project. The hearing notice shall state that the hearing body will consider approval of the CEQA determination or document prepared for the proposed project.
  4. **Zoning Map Amendments (Rezoning).** Public notices posted onsite for proposed Zoning Map Amendments (rezoning) shall consist of the words "Notice of Proposed Change of Zone" printed in plain type with letters not less than 1½ inches in height.

**B. Method of Notice Distribution.** Notice of a public hearing required by the Zoning Code shall be given at least ten calendar days before the hearing date in compliance with Sections 1 through 5 below and as summarized in Table 17.148-1.

**TABLE 17.148-1: METHOD OF NOTICE DISTRIBUTION**

Type of Permit or Approval Hearing	Mailed notice	Printed notice posted at site	Notice published in newspaper
Conceptual Review Design Permit & Appeal Major Revocable Encroachment Permit & Appeal Minor Modification & Appeal Minor Design Permit Appeal Minor Use Permit Appeal Removal of Structure from Designated Historic Structure List Sign Permit & Appeal Historic Alteration Permit Historic Resource Demolition Permit Tenant Use Permit Appeal	Yes  300-foot radius for adjacent property owners	Yes	No
Development Agreement Variance & Appeal Conditional Use Permit & Appeal Master Use Permit, Amendment, & Appeal Condominium Conversion & Appeal Subdivision & Appeal Development Plans (PD Zones)	Yes  300-foot radius for adjacent property owners	Yes	Yes
Zoning Code and Map Amendment General Plan Amendment Coastal Land Use Plan Amendment	Determined by type of proposed amendment. See California Government Code.	Determined by type of proposed amendment. See California Government Code.	Yes
Coastal Development Permit & Appeal	Yes  100-foot radius for adjacent property owners	Yes	Yes
Notice of Administrative Review for Minor Design Permit and Minor Use Permit	Yes  100-foot radius	Yes	No

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

Wireless Communication Facility Permits and Approvals	See Chapter 17.104 (Wireless Communication Facilities)
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1. **Newspaper Publication.** Where required by Table 17.148-1, notice shall be published in at least one newspaper of general circulation at least ten calendar days before the hearing.
2. **Mailing.** Where required by Table 17.148-1, notice shall be mailed at least ten calendar days before the scheduled hearing to the following recipients:
  - a. **Project Site Owners and the Applicant.** The owners of the subject property or the owner’s authorized agent, and the applicant.
  - b. **Adjacent Property Owners.** For all hearings before the Planning Commission and appeals thereof with the exception of solely Coastal Development Permits, the owners of the real property located within a radius of 300 feet from the exterior boundaries of the subject property.
  - c. **California Coastal Commission.** For applications including a Coastal Development Permit, a notice shall be mailed to the California Coastal Commission Central Coast office.
  - d. **Local Agencies.** Each local agency expected to provide roads, schools, sewerage, streets, water, or other essential facilities or services to the subject property, whose ability to provide those facilities and services may be significantly affected.
  - e. **Persons Requesting Notice.** Any person who has filed a written request for notice with the Community Development Department.
  - f. **Blind, Aged, and Disabled Communities.** Whenever a hearing is held regarding a permit for a drive-through facility, or modification of an existing drive-through facility permit, notice procedures shall incorporate the blind, aged, and disabled communities in order to facilitate their participation.
  - g. **Other Persons.** Any other person whose property, in the judgment of the Community Development Department, might be affected by the proposed project.
3. **Alternative to Mailing.** If the number of property owners to whom notice would be mailed in compliance with Subsection 2 above is more than 1,000, the Community Development Department may choose to provide notice by placing a display advertisement of at least one-eighth page in one or more local newspapers of general circulation at least ten days prior to the hearing.
4. **Posting.** A printed notice shall be posted at the project site at least ten calendar days prior to the hearing.

Attachment: Zoning Code (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)



5. **Additional Notice.** In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.
6. **Failure to Receive Notice.** The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.

#### **17.148.030 Notice of Pending Action for Minor Use Permits and Minor Design Permits**

- A. For Minor Use Permit and Administrative Design Review applications, public notice of a pending action shall be mailed to the owners of the real property located within a radius of 100 feet from the exterior boundaries of the subject property at least ten calendar days prior to the City taking action on the application.
- B. In addition to information required by Section 17.148.020.A, the notice of a pending action shall state that the City is considering the application and that the Community Development Director will hold a public hearing for the application only if a member of the public submits to the City a written request for a hearing within ten calendar days of the notice being sent.
- C. If the City receives a request for a public hearing within ten calendar days of the notice being sent, the Community Development Director shall hold a noticed public hearing on the application consistent with this chapter. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.
- D. If no request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.

#### **17.148.040 Notice for Wireless Communication Facility Applications**

Public notice for wireless communication facility applications shall be given in accordance with Section 17.104.040 (Public Notice and Hearing).

#### **17.148.050 Scheduling of Hearing**

After the completion of any environmental document required by the California Environmental Quality Act (CEQA), and a Community Development Department staff report, a matter requiring a public hearing shall be scheduled on the next available agenda reserved for public hearings, but no sooner than any minimum time period established by State law.

**17.148.060 Hearing Procedure**

- A. General.** Hearings shall be conducted in a manner consistent with the procedures adopted or endorsed by the hearing body and consistent with the open meeting requirements of the Ralph M. Brown Act.
- B. Time and Place of Hearing.** A hearing shall be held at the date, time, and place for which notice was given, unless the required quorum of hearing body members is not present.
- C. Continued Hearing.** Any hearing may be continued without further public notice, provided that the chair of the hearing body announces the date, time, and place to which the hearing will be continued before the adjournment or recess of the hearing.
- D. Motion of Intent.** The hearing body may announce a tentative decision, and defer action on a final decision until appropriate findings and conditions of approval have been prepared.

**17.148.070 Recommendations**

After a public hearing resulting in a recommendation to another hearing body, the recommendation shall be forwarded to the other hearing body. A copy of the staff report to other hearing body with the recommendation shall be provided to applicant.

**17.148.080 Decision and Notice**

- A. Date of Action.** The hearing body shall take action on the matter being considered following the close of the public hearing. The hearing body shall also take action on projects within the following timeframe as required by the California Environment Quality Act (CEQA):
  1. Within 60 days of the date a Negative Declaration or Mitigated Negative Declaration has been adopted for project approval, the City shall take action on the accompanying discretionary project.
  2. Within 180 days from the date the decision-making authority certifies a final Environmental Impact Report (EIR), the City shall take action on the accompanying discretionary project.
- B. Decision.**
  1. The hearing body may announce and record its decision on the matter being considered at the conclusion of a scheduled hearing, or make a motion of intent and continue the matter to a later meeting agenda.
  2. At the conclusion of a hearing conducted by the Community Development Director, the Community Development Director may choose to refer the matter to the Planning Commission for review and final decision. Referral to the Planning

Commission may be chosen in cases of unusual public sensitivity, controversy, or complexity relating to the requested approval.

**C. Notice of Decision.**

1. If the review authority denies a permit, notice shall be mailed to the applicant and property owner the next day and shall include procedures for appeal, if applicable.
2. Following a final decision granting a permit and conclusion of the appeal period as described in Section 17.152, the Community Development Department shall provide notice of the final action to the applicant and to any person who specifically requested notice of the final action.
  - a. Notice of an approved final action shall contain applicable findings, conditions of approval, reporting and monitoring requirements, and the expiration date of the permit.
  - b. Notice of final actions that include a Coastal Development Permit that may be appealed to the California Coastal Commission will include notice that they are subject to an additional ten-working-day appeal period.

## Chapter 17.152 – APPEALS

### Sections:

- 17.152.010 Purpose
- 17.152.020 Appeal Subjects and Jurisdiction
- 17.152.030 Filing and Processing of Appeals
- 17.152.040 Judicial Review

### 17.152.010 Purpose

This chapter establishes procedures for the appeal and call for review of actions and decisions made by the Planning Commission and the Community Development Director. This chapter supplements general procedures for appeals to the City Council in Municipal Code Chapter 2.52 (Appeals to the City Council). In the case of any conflict between this chapter and Chapter 2.52, this chapter governs.

### 17.152.020 Appeal Subjects and Jurisdiction

- A. Community Development Director Decisions.** Any decision of the Community Development Director may be appealed to the Planning Commission.
- B. Planning Commission Decisions.** Any decision of the Planning Commission may be appealed to the City Council.
- C. Coastal Development Permits.** Appeal procedures for Coastal Development Permits shall be as specified in Chapter 17.44.150 (Appeals).

### 17.152.030 Filing and Processing of Appeals

- A. Eligibility.** Any person may submit an appeal of a decision by the Community Development Director and the Planning Commission.
- B. Timing of Appeal.** An appeal shall be filed within ten calendar days following the date the decision was rendered, unless a longer appeal period is specified as part of the project approval. In the event the completion of the appeal period falls on a weekend or holiday, the decision shall become effective after 5:00 pm on the first business day following the completion of the appeal period.
- C. Form of Appeal.**
  1. An appeal shall be submitted in writing on an official City application form together with all required application fees.
  2. The appeal application shall state the pertinent facts and the basis for the appeal.
  3. The whole decision or part of the decision may be appealed. If an appellant chooses, an appeal may be taken solely from any finding, action, or condition.

**D. Effect of Appeal.** Once an appeal is filed, any action on the associated project is suspended until the appeal is processed and a final decision is rendered by the review authority.

**E. Report and Scheduling of Hearing.**

1. When an appeal has been filed, the Community Development Department shall prepare a report on the matter, including all of the application materials in question, and schedule the matter for a public hearing by the appropriate review authority within 90 days of receiving the appeal.
2. Notice of the hearing shall be provided and the hearing shall be conducted in compliance with Chapter 17.148 (Public Notice and Hearings).
3. Any interested person may appear and be heard regarding the appeal.
4. All appeals on a single project shall be considered together at the same hearing.

**F. Hearing and Decision.**

1. During the appeal hearing, the review authority may take action on any aspect of the appealed project (de novo review). The review authority shall make its own decision supported by findings.
2. The review authority's decision may:
  - a. Affirm, affirm in part, or reverse the action that is the subject of the appeal;
  - b. Adopt additional conditions of approval that address the matter appealed; or
  - c. Remand the appeal for further review, recommendation, or action to the previous review authority.
3. The review authority's action shall be based upon findings of fact about the particular case. The findings shall identify the reasons for the action on the appeal and verify the compliance of the subject of the appeal with the Zoning Code.
4. A matter being heard on appeal may be continued for good cause (e.g. additional California Environmental Quality Act (CEQA) review is required).
5. If the hearing body is unable to reach a decision on the matter appealed, the appeal and the decision of the previous review authority shall remain in effect.

**G. Effective Date of Appeal Decision.**

1. **City Council's Decision.** A decision of the City Council on an appeal is final and shall be effective on the date the decision is rendered.
2. **Other Decisions.** A decision of the Planning Commission is final and effective after 5:00 p.m. on the tenth calendar day following the date the decision is rendered, when no appeal to the decision or call for review has been filed in compliance with this chapter. In the event the completion of the appeal period falls on a weekend or

holiday, the decision shall become effective after 5:00 pm on the first business day following the completion of the appeal period.

**17.152.040 Judicial Review**

No person may seek judicial review of a City decision on a permit or other matter in compliance with the Zoning Code until all appeals to the Planning Commission and City Council have been first exhausted in compliance with this chapter.



## Chapter 17.156 – POST-DECISION PROCEDURES

### Sections:

- 17.156.010 Purpose
- 17.156.020 Issuance of Permits
- 17.156.030 City Council Decisions
- 17.156.040 Effective Date of Decision
- 17.156.050 Conformance to Approved Plans
- 17.156.060 Performance Guarantees
- 17.156.070 Changes to an Approved Project
- 17.156.080 Time Limits and Extensions
- 17.156.090 Resubmittals
- 17.156.100 Permits to Run with the Land
- 17.156.110 Permit Revocation

### 17.156.010 Purpose

This chapter establishes procedures and requirements that apply following a City decision on a permit required by the Zoning Code.

### 17.156.020 Issuance of Permits

Permits shall not be issued until the effective date, provided that no appeal of the review authority's decision has been filed in compliance with Chapter 17.152 (Appeals).

### 17.156.030 City Council Decisions

All decisions of the City Council on appeals, legislative actions, and other matters are final and conclusive except for decisions which may be appealed to the Coastal Commission.

### 17.156.040 Effective Date of Decision

#### A. City Council Decisions.

1. A decision of the City Council on a project outside of the Coastal Zone is final and shall be effective on the date the decision is rendered.
2. A decision of the City Council on a project within the Coastal Zone that is not appealable to the Coastal Commission is final and shall be effective on the date the Coastal Commission receives a Notice of Final Action consistent with Section 17.44.130 (Notice of Final Action).
3. A decision of the City Council on a project within the coastal zone that is appealable to the Coastal Commission is final and shall be effective after 5:00 p.m. on the tenth working day following the Coastal Commission's receipt of the Notice of Final



Action when no appeal of the decision has been filed with the Coastal Commission in compliance with Chapter 17.44.150 (Appeals).

- B. Other Decisions.** The decision of the Community Development Director or Planning Commission is final and effective after 5:00 p.m. on the tenth day following the date the decision is rendered, when no appeal of the decision has been filed in compliance with Chapter 17.152 (Appeals).

#### 17.156.050 Conformance to Approved Plans

- A. Compliance.** All work performed under an approved permit shall be in compliance with the approved drawings and plans and any conditions of approval imposed by the review authority.
- B. Changes.** Changes to an approved project shall be submitted and processed in compliance with Section 17.156.070 (Changes to an Approved Project).

#### 17.156.060 Performance Guarantees

- A. Security Required.** The Community Development Director may require an applicant to provide adequate security to guarantee the proper completion of any approved work or compliance with any conditions of approval.
- B. Form of Security.** The security shall be in the form of cash, a certified or cashier's check, or a performance bond executed by the applicant and a corporate surety authorized to do business in California and approved by the City.
- C. Amount of Security.** The Community Development Director shall determine the amount of the security necessary up to 150 percent of project cost to ensure proper completion of the approved work or compliance with any conditions of approval.
- D. Duration of Security.** The security shall remain in effect until all work has been completed and conditions fulfilled to the satisfaction of the Community Development Director or until a specified warranty period has elapsed.
- E. Release of Security.** The security deposit shall be released upon completion of the approved work or compliance with any conditions of approval.
- F. Failure to Comply.**
1. Upon failure to complete any work or comply with conditions, the City may complete the work or fulfill the condition, and may collect from the applicant or surety all costs incurred, including administrative, engineering, legal, and inspection costs.
  2. Any unused portion of the security shall be refunded to the funding source.

### 17.156.070 Changes to an Approved Project

An approved project shall be established only as approved by the review authority, except when changes to the project are approved in compliance with this section.

- A. Request for a Change.** An applicant shall request desired changes in writing, and shall submit appropriate supporting materials and an explanation for the request.
- B. Notice and Hearing.** If the original approval required a noticed public hearing, a noticed public hearing is required for the requested change, except as allowed by Subsection C (Minor Changes).
- C. Minor Changes.** The Community Development Director may authorize minor changes to an approved project if the changes comply with all of the following criteria:
  1. The requested changes are consistent with the Zoning Code.
  2. The requested changes are consistent with the spirit and intent of the original approval.
  3. The requested changes do not involve a feature of the project that was a basis for findings in a Negative Declaration, Mitigated Negative Declaration, or Environmental Impact Report for the project.
  4. The requested changes do not involve a feature of the project that was a basis for conditions of approval for the project.
  5. The requested changes do not involve a feature of the project that was a specific consideration by the review authority in granting the approval.
  6. The requested changes do not involve any expansion, intensification, or increase in size of the land use or structure.
  7. The requested changes comply with the criteria above and involve a minor change to the project design that maintains the essential elements of the project as originally approved. Minor changes to a project design include but are not limited to modifications to:
    - a. The location, size, or design of a surface parking area if consistent with Chapter 17.76 (Parking and Loading).
    - b. The location or design of an accessory structure 120 square feet and 10 feet in height or less.
    - c. The size, placement, or number of doors and windows provided the changes affect fewer than 25 percent of the structure's doors and windows and no new privacy impacts would be created.
    - d. Materials affecting less than 25 percent of the building facade provided the changes maintain the approved architectural style of the structure.
    - e. Fences and walls if consistent with Chapter 17.60 (Fences and Walls).

- f. Landscaping if consistent with Chapter 17.72 (Landscaping).
- g. Exterior lighting if consistent with Chapter 17.96 (Supplemental Standards).
- h. Roof forms and materials provided there is no increase in structure height.
- i. Facade articulation such as porch columns, shutters, tile work, and other architectural details. Modifications that fundamentally alter the architectural style of a structure are not considered a minor change.
- j. The number, location, and size of decks and patios provide no new noise or privacy impacts would be created.
- k. The number, size, type, and location of skylights.
- l. Other similar minor changes to project design as determined by the Community Development Director.

#### 17.156.080 Time Limits and Extensions

##### A. Expiration of Permit.

- 1. A permit not exercised within two years shall expire and become void, except where an extension of time is approved as allowed by Subsection C (Extension of Time) below.
- 2. A permit shall expire and become void if the permitted land use is abandoned or discontinued for one year or longer.

##### B. Exercised Defined. A permit or approval shall be considered exercised when:

- 1. A building permit is issued and construction has commenced;
- 2. A certificate of occupancy is issued; or
- 3. The land use is established.

##### C. Extension of Time. The Community Development Director may approve extensions to a permit in the following manner:

- 1. Extensions to a permit may be approved by the review authority which originally approved the permit.
- 2. In instances where the Community Development Director was the approval authority, the Community Development Director may choose to refer any action to extend a permit to the Planning Commission for review and final decision.
- 3. The review authority may approve up to two two-year extensions (four years total) to a permit. The review authority may also approve an extension up to the expiration date of a valid tentative map as allowed by the Subdivision Map Act for projects involving a subdivision of land if such an extension is necessary to prevent a substantial hardship for the project applicant.

4. The applicant shall submit to the Community Development Department a written request for an extension of time no later than ten days before the expiration of the permit.
5. The review authority may extend the permit if the applicant has proceeded in good faith and has exercised due diligence in efforts to exercise the permit in a timely manner.
6. The burden of proof is on the applicant to demonstrate that the permit should be extended.

#### 17.156.090 Resubmittals

- A. Resubmittals Prohibited.** For a period of twelve months following the denial or revocation of a permit, the City shall not accept an application for the same or substantially similar permit for the same site, unless the denial or revocation was made without prejudice, and so stated in the record.
- B. Determination.** The Community Development Director shall determine whether the new application is for a permit which is the same or substantially similar to the previously denied or revoked permit.
- C. Appeal.** The determination of the Community Development Director may be appealed to the Planning Commission, in compliance with Chapter 17.112 (Permit Application and Review).

#### 17.156.100 Permits to Run with the Land

Permits issued in compliance with the Zoning Code remain valid upon change of ownership of the site, structure, or land use that was the subject of the permit application.

#### 17.156.110 Permit Revocation

Any discretionary permit may be revoked as provided for in this section.

- A. Review Authority.**
  1. A permit may be revoked by the review authority which originally approved the permit.
  2. In instances where the Community Development Director was the approval authority, the Community Development Director may choose to refer any action to revoke a permit to the Planning Commission for review and final decision.
- B. Property Owner Notification.** Prior to initiating proceedings to revoke a permit, the Community Development Director shall notify the property owner of the permit violations, identify necessary corrections, and establish a reasonable period within which the property owner shall correct the violations. If the property owner has not corrected

the violation within the specified period of time, the City may proceed with the process to revoke the permit.

- C. Public Notice and Hearing.** Public notice and hearing for any action to revoke a permit shall be provided in compliance with Chapter 17.148 (Public Notice and Hearings).
- D. Findings.** The review authority may revoke a permit only if one or more of the following findings can be made:
1. The applicant or property owner has altered the circumstances under which the permit was granted to a degree that one or more of the findings required to grant the original permit can no longer be made.
  2. Permit issuance was based on misrepresentation by the applicant, either through the omission of a material statement in the application, or in public hearing testimony.
  3. One or more conditions of approval have been violated, or have not been complied with or fulfilled.
  4. The use or structure for which the permit was granted no longer exists or has been discontinued for a continuous period of at least twelve months.
  5. The applicant or property owner has failed or refused to allow inspections for compliance.
  6. Improvements authorized by the permit are in violation of the Zoning Code or any law, ordinance, regulation, or statute.
  7. The use or structure is being operated or maintained in a manner which constitutes a nuisance.
- E. Effect of Revocation.** The revocation of a permit shall have the effect of terminating the approval and denying the privileges granted by the permit.
- F. Appeals.** A decision on a permit revocation may be appealed in accordance with Chapter 17.152 (Appeals).

# PART 5

## Glossary

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Chapter 17.160 - Glossary..... 160-1



## Chapter 17.160 - GLOSSARY

### Sections:

17.160.010 Purpose

17.160.020 Definitions

### 17.160.010 Purpose

This chapter provides definitions of terms and phrases used in the Zoning Code that are technical or specialized, or which may not reflect common usage. If any of the definitions in this chapter conflict with others in the Municipal Code, these definitions shall control for only the provisions of this Zoning Code. If a word is not defined in this chapter or in other chapters of the Zoning Code, the Community Development Director shall determine the appropriate definition.

### 17.160.020 Definitions

#### A. "A" Terms.

1. **Abutting.** "Abutting" or "adjoining" means having a common boundary, except that parcels having no common boundary other than a common corner shall not be considered abutting.
2. **Accessory Dwelling Unit.** "Accessory dwelling unit" means a self-contained living unit, either attached to or detached from, and in addition to, the primary residential unit on a single parcel.
  - a. "Accessory dwelling unit, attached," means an accessory dwelling unit that shares at least one common wall with the primary residential unit.
  - b. "Accessory dwelling unit, detached," means a secondary dwelling unit that does not share a common will with the primary residential unit.
3. **Accessory Structure.** "Accessory structure" means a structure that is incidental and subordinate to a primary structure or use located on the same parcel.
4. **Accessory Use.** "Accessory use" means a land use which is incidental and subordinate to a primary land use located on the same parcel.
5. **Addition.** "Addition" means any development or construction activity that expands the footprint or increases the habitable floor area of a building.
6. **Adjacent.** "Adjacent" means directly abutting, having a boundary or property line(s) in common or bordering directly, or contiguous to.
7. **Alcoholic Beverage Sales.** "Alcoholic beverage sales" means the sale of alcoholic beverages for on-site consumption at a restaurant, bar, nightclub or other establishment, or the retail sale of alcoholic beverages for off-site consumption.
8. **Alteration.** See "Modification."



9. **Applicant.** “Applicant” means any person, firm, partnership, association, joint venture, corporation, or an entity or combination of entities which seeks City permits and approvals.
10. **Assumed Ground Surface.** “Assumed ground surface” means a line on each elevation of an exterior wall or vertical surface which connects those points where the perimeter of the structure meets the finished grade.
11. **Average Slope.** “Average slope” means the average slope of a parcel calculated using the formula:  $S = 100(I)(L)/A$ , where:
  - a. S = Average slope (in percent);
  - b. I = Contour interval (in feet);
  - c. L = Total length of all contour lines on the parcel (in feet); and
  - d. A = Area of subject parcel (in square feet).

#### B. “B” Terms.

1. **Balcony.** “Balcony” means a platform that projects from the wall of a building thirty inches or more above grade that is accessible from the building’s interior, is not accessible from the ground and is not enclosed by walls on more than two sides.”
2. **Banks.** “Banks” means a commercial establishment providing retail banking services. Includes only establishments serving walk-in customers or clients, including banks, savings and loan institutions, check-cashing services, and credit unions.
3. **Base Zoning District.** “Base zoning district” means the primary zoning, as distinguished from an overlay zone, that applies to a parcel of land as shown on the Zoning Map.
4. **Basement.** “Basement” means that portion of a building between floor and ceiling, which is partly or all below grade, and where more than the vertical distance from grade to ceiling is below the average ground contact level of the exterior walls of the building.
5. **Bay Window.** “Bay Window” means a window or series of windows serving as an important element of the building’s architecture; forming an alcove in a room and projecting outward from the wall in a rectangular, polygonal, or curved form.
6. **Block.** “Block” means the property abutting on one side of a street and lying between the two nearest intersecting streets.”
7. **Bluff or Cliff.** “Bluff” or “cliff” means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what are commonly known as “cliffs.” See also the definition of “Coastal Bluff” in Section 17.44.030.
8. **Building.** “Building” means any structure used or intended for supporting or sheltering any use or occupancy.

9. **Building Coverage.** “Building coverage” means the land area covered by all buildings and accessory structures on a parcel.
10. **Building Face.** “Building face” means and includes the general outer surface of a main exterior wall of a building. For example, a building with a rectangular plan has four main exterior walls and four building faces.
11. **Building Height.** “Building height” means the vertical distance measured from the assumed ground surface of the building to the highest point of the roof, ridge, or parapet wall.
12. **Business Services.** “Business Services” means an establishment that provides services to other businesses on a fee or contract basis. Includes computer rental and repair, catering, printing and duplicating services, outdoor advertising services, package delivery services, equipment rental and leasing, and other similar land uses.
13. **By-Right.** “By-right” means permitted without any form of discretionary approval.

### C. “C” Terms.

1. **California Environmental Quality Act (CEQA).** California Environmental Quality Act (CEQA) means California State law (Public Resources Code Section 2100 et seq.) requiring government agencies to consider the environmental consequences of their actions before taking action on a proposed project.
2. **Capitola Village.** “Capitola Village” means the central core of Capitola generally bounded by the Monterey Bay shoreline to the south, the railroad trestle to the north and west, and Cliff Avenue and Depot Hill to the east.
3. **Caretaker Quarters.** “Caretaker quarters” means a residence that is accessory to a nonresidential primary use of the site, where needed for security, or 24-hour care or supervision.
4. **Carport.** “Carport” means an accessory building to a residential structure, open on two, three or four sides and attached to, or detached from, a dwelling and established for the loading or unloading of passengers or the storage of an automobile.
5. **Coastal Zone.** “Coastal zone” means the area of land and water extending from the state’s outer seaward limit of jurisdiction inland to the boundary as shown in Capitola’s Local Coastal Program (LCP) as certified by the California Coastal Commission.
6. **Colleges and Trade Schools.** “Colleges and trade schools” means institutions of higher education providing curricula of a general, religious or professional nature, typically granting recognized degrees. Includes junior colleges, business and computer schools, management training, vocational education, and technical and trade schools.
7. **Community Assembly.** “Community assembly” means a facility that provides space for public or private meetings or gatherings. Includes places of worship,

community centers, meeting space for clubs and other membership organizations, social halls, union halls, banquet centers, and other similar facilities.

8. **Community Benefit.** “Community benefit” means a public amenity offered by a project applicant that advances General Plan goals but is not required by the Zoning Code or any other provision of local, State, or federal law.
9. **Commercial Entertainment and Recreation.** “Commercial entertainment and recreation” means an establishment that provides entertainment or recreation activities or services for a fee or admission charge. Includes bowling alleys, electronic game arcades, billiard halls, pool halls, sports clubs, commercial gymnasiums, dancehalls, and movie theatres.
10. **Community Development Director.** “Community Development Director” means the Community Development Director of the City of Capitola or his or her designee.
11. **Construction and Material Yards.** “Construction and material yards” means storage of construction materials or equipment on a site other than a construction site. Includes public utility buildings and service yards used by a governmental agency.
12. **Cultural Institution.** “Cultural institution” means a public or nonprofit institution that engages in cultural, scientific, and/or educational enrichment. Includes libraries, museums, performing art centers, aquariums, environmental education centers, non-profit art centers and galleries, botanical gardens, and other similar uses.
13. **Curb-side Service.** “Curb-side service” or “drive-up service” means service provided by a commercial establishment while a customer remains waiting within a vehicle.
14. **Custom Manufacturing.** See “Manufacturing, Custom.”

#### D. “D” Terms

1. **Dark Sky Compliant.** “Dark sky compliant” means a lighting fixture that meets the International Dark Sky Association's (IDA) requirements for reducing waste of ambient light.
2. **Day Care Center.** “Day care center” means a facility that provides non-medical care and supervision of minors for periods of less than 24 hours. Includes nursery schools, day nurseries, child care centers, infant day care centers, cooperative day care centers, and similar uses.
3. **Daylight Plane.** “Daylight plane” means the imaginary line beginning at a height of 20 feet at the setback from a property line and extending into the parcel at an angle of 45 degrees.
4. **Deck.** “Deck” means an outdoor a platform, either freestanding or attached to a building, which is supported by pillars or posts.

5. **Demolition, Substantial.** “Substantial demolition” means the removal or replacement of either 50 percent or more of the lineal footage of existing interior and exterior walls or 50 percent or more of the area of existing floor, ceilings, and roof structures.
6. **Density.** “Density” means the number of dwelling units per acre of land, excluding street rights-of-way, public easements, public open space, land under water, and certified wetlands and floodplains.
7. **Design Review.** “Design Review” means that process for the City to review and act on a Design Permit application.
8. **Designated Historic Resource.** See Section 17.84.020.A (Designated Historic Resources).
9. **Development.** “Development” means any human-caused change to the land or a structure that requires a permit or approval from the City, including construction, rehabilitation, and reconstruction. See Section 17.44.030 for the definition of “Development” that applies in the coastal zone.
10. **Development Standards.** “Development standards” means regulations in the Zoning Code that limit the size, bulk, or placement of structures or other improvements and modifications to a site.
11. **Discretionary Approval.** “Discretionary approval” means an action by the City by which individual judgment is used as a basis to approve or deny a proposed project.
12. **Drive-Through Facility.** “Drive-Through Facility” means a facility where a customer is permitted or encouraged, either by the design of physical facilities or by the service procedures offered, to be served while remaining seated within a vehicle. Includes drive-through restaurants, coffee shops, pharmacies, banks, automatic car washes, drive-up windows, and other similar land uses and services.
13. **Duplex Home.** “Duplex home” means a residential structure that contains two dwelling units, each with its own entrance. Each unit within a duplex home provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
14. **Dwelling Unit.** “Dwelling unit” means a building or a portion of a building containing one or more habitable rooms used or designed for occupancy by one family for living and sleeping purposes, including kitchen and bath facilities.

#### E. “E” Terms.

1. **Eating and Drinking Establishments.** “Eating and drinking establishments” means businesses primarily engaged in serving prepared food and/or beverages for consumption on or off the premises.
  - a. “Bars and Lounges” means a business devoted to serving alcoholic beverages for consumption by guests on the premises and in which the serving of food is

- only incidental to the consumption of such beverages. Includes cocktail lounges, nightclubs, taverns, and other similar uses.
- b. “Restaurants and Cafes” means a business establishment serving food and beverages to customers where the food and beverages may be consumed on the premises or carried out and where more than 160 square feet of public area is open to customers. Includes full service restaurants, fast-food restaurants, coffee shops, cafes, and other similar eating and drinking establishments.
  - c. “Take-Out Food and Beverage” means establishments where food and beverages may be consumed on the premises, taken out, or delivered, but where the area open to customers is limited to no more than 160 square feet. Includes take-out restaurants, take-out sandwich shops, limited service pizza parlors and delivery shops, and snack bars. Also includes catering businesses or bakeries that have a storefront retail component.
2. **Elderly and Long-Term Care.** “Elderly and Long Term Care” means establishments that provide twenty-four-hour medical, convalescent or chronic care to individuals who, by reason of advanced age, chronic illness or infirmity, are unable to care for themselves, and is licensed as a skilled nursing facility by the State of California, including but not limited to rest homes and convalescent hospitals, but not residential care, hospitals, or clinics
  3. **Emergency Shelter.** Housing with minimal supportive services for homeless persons that is limited to occupancy of six months or less by a homeless person, as defined in Section 50801 of the California Health and Safety Code.

#### F. “F” Terms

1. **Farmers’ Market.** “Farmers’ market” means a market held in an open area or in a structure where groups of individual sellers offer for sale to the public such items as fresh produce, seasonal fruits, fresh flowers, locally produced arts and crafts items but excludes second-hand goods. Food and beverages dispensed from booths located on site is permitted as an accessory use.
2. **Financial Institution.** “Financial institution” means a professional office conducting businesses within the financial industry. Excludes commercial establishments providing retail banking services to walk-in customers or clients (see “banks”).
3. **Fence.** “Fence” means a structure connected by boards, masonry, rails, panels, or other similar permanent building material for the purpose of enclosing space or separating parcels of land. This definition includes gates but excludes hedges and other living plants.
4. **Floor Area.** “Floor area” means the sum of the horizontal areas of all floors of an enclosed structure, measured from the outside perimeter of the exterior walls as described in Section 17.48.040 (Floor Area and Floor Area Ratio).

5. **Floor Area Ratio.** “Floor area ratio” means the gross floor area of all of the buildings on the parcel divided by the net parcel area.
6. **Food Preparation.** “Food Preparation” means a businesses preparing and/or packaging food for off-site consumption, excluding those of an industrial character in terms of processes employed, waste produced, water used, and traffic generation. Includes catering kitchens, and small-scale specialty food production.
7. **Frontage.** “Frontage” means that portion of all property abutting a street.

#### G. “G” Terms

1. **Garage.** “Garage” means an enclosed structure or a part of a building designed or used for the storage of automobiles and other motor vehicles.
2. **Garage Sale.** “Garage Sale” means a temporary sale for the purpose of selling, trading or otherwise disposing of household furnishings, personal goods or other tangible properties of a resident of the premises on which the sale is conducted.
3. **Gas and Service Stations.** “Gas and service stations” means a retail business establishment supplying gasoline and oil and minor accessories for automobiles. Included in this definition are incidental food and beverage and car wash facilities.
4. **Group Housing.** “Group housing” means shared living quarters without separate kitchen or bathroom facilities for each room or unit, offered for rent for permanent or semi-transient residents on a weekly or longer basis. Includes rooming and boarding houses, single-room occupancy housing, dormitories, and other types of organizational housing, and extended stay hotels intended for long-term occupancy (30 days or more). Excludes hotels, motels, bread and breakfasts, and residential care facilities.
5. **Geological Hazard.** “Geological hazard” means a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami or storm wave inundation.
6. **Government Offices.** “Government offices” means a place of employment occupied by governmental agencies and their employees. Includes offices for administrative, clerical, and public contact functions but excludes corporation yards, equipment service centers, and similar facilities that primarily provide maintenance and repair services and storage facilities for vehicles and equipment
7. **Grading.** “Grading” means any and all activities involving earthwork, including placement or fill and/or excavation.
8. **Ground Floor.** “Ground floor” means the first floor of a building other than a cellar or basement that is closest to finished grade.

#### H. “H” Terms



1. **Habitable Space.** “Habitable space” means an area within a building that is conditioned (heated or cooled) with a finished floor and a ceiling height of at least 7 feet 6 inches. Excludes unfinished attics, cellars, crawl spaces, and other similar utility areas.
2. **Height.** See “building height.” For structures other than buildings, “height” means the vertical distance from grade to the highest point of the structure directly above.
3. **Home Day Care.** “Home day care” means a facility providing daytime supervision and care for adults, children, or elderly located in the provider’s own home.
  - a. “Home day care facilities, large” means a day care home facility supervising 9 to 14 persons.
  - b. “Home day care facilities, small” means a day care home facility supervising 8 persons for less.
4. **Historic Resource.** “Historic Resource” means either a Designated Historic Resource or a Potential Historic Resource as defined in Section 17.84.020 (Types of Historic Resources).
5. **Historic Alteration Permit.** “Historic alteration permit” means the City permit required to alter the exterior of a historic resource in accordance with Section 17.84.060 (Historic Alteration Permit).
6. **Home Occupation.** “Home occupation” means the conduct of a business within a dwelling unit or residential site, with the business activity being subordinate to the residential use of the property.

**I. “I” Terms.”**

1. **Impervious Surface.** “Impervious surface” means any surface that does not permit the passage of water. Impervious surfaces include buildings, parking areas, and all paved surfaces.

**J. “J” Terms.** None.

**K. “K” Terms”**

1. **Kitchen.** “Kitchen” means any room or part of a room used or intended or designed to be used for cooking or the preparation of food for a single dwelling unit, and distinct from a “mini-bar/convenience area” which is intended as a supplemental food preparation area within a single-family home.

**L. “L” Terms.**

1. **Land Use.** An activity conducted on a site or in a structure, or the purpose for which a site or structure is designed, arranged, occupied, or maintained. The meaning of the term “use” is identical to “land use.”
2. **Landscaping.** “Landscaping” means the planting and maintenance of living plant material, including the installation, use, and maintenance of any irrigation system for

the plant material, as well as nonliving landscape material (such as rocks, pebbles, sand, mulch, walls, fences, or decorative paving materials).

3. **Liquor Store.** “Liquor store” means a business selling alcoholic beverages for off-site consumption with the sale of alcoholic beverages constituting its primary source of revenue.
4. **Local Coastal Program (LCP).** “Local Coastal Program” means the City’s Land Use Plan and Implementation Plan which includes portions of municipal code, portions of the Zoning Code, Zoning Map (as more specifically identified in Chapter 17.44 (Coastal Overlay) and actions certified by the Coastal Commission as meeting the requirements of the California Coastal Act of 1976.
5. **Light Manufacturing.** See “Manufacturing, Light.”
6. **Lodging.** “Lodging” means an establishment providing overnight accommodations to transient patrons for payment for periods of less than 30 consecutive days.
  - a. “Bed and breakfast” means a residential structure that is in residential use with one or more bedrooms rented for overnight lodging and where meals may be provided.
  - b. “Hotel” means an establishment providing overnight lodging to transient patrons. Hotels and motels may provide additional services, such as conference and meeting rooms, restaurants, bars, or recreation facilities available to guests or to the general public. Includes motor lodges, motels, extended-stay hotels, and tourist courts, but does not include group housing or bed and breakfast establishments, which are separately defined and regulated.
7. **Lot.** See “Parcel.”

#### M. “M” Terms.

1. **Maintenance and Repair Services.** “Maintenance and repair services” means businesses which provide construction, maintenance and repair services off-site, but which store equipment and materials or perform fabrication or similar work on-site. Includes off-site plumbing shops, general contractors, contractor’s storage yards, appliance repair, janitorial services, electricians, pest control, heating and air conditioning, roofing, painting, landscaping, septic tank service, and other similar uses.
2. **Manufacturing, Custom.** “Manufacturing, custom” means establishments primarily engaged in on-site production of goods by hand manufacturing or artistic endeavor, which involves only the use of hand tools or small mechanical equipment and the incidental direct sale to consumers of only those goods produced on site. Typical uses include ceramic studios, candle making shops, woodworking, and custom jewelry manufacturers.
3. **Manufacturing, Light.** “Manufacturing, Light” means the manufacture, predominantly from previously prepared materials, of finished products or parts,



including processing, fabrication, assembly, treatment, and packaging of such products, and incidental storage, sales and distribution of such products, but excluding basic industrial processing and custom manufacturing.

4. **Material Change.** “Material change” means any significant alteration, by private or public action, in the external appearance or surface of an improvement, landscape or vista. This shall not include ordinary maintenance which does not require a permit.
5. **Ministerial Action.** “Ministerial action” means a City decision on a planning permit which involves only the use of fixed standards or objective measurements and does not require the exercise of discretion.
6. **Mini-Bar/Convenience Area.** “Mini-bar/convenience area” means a supplemental food preparation area within a single-family home subject to the standards in Section 17.16.030.B.9 (Mini-Bar/Convenience Areas).
7. **Medical Offices and Clinics.** “Medical offices and clinics” means a facility where medical, mental, dental, or other personal health services are provided on an outpatient basis using specialized equipment. Includes offices for physicians, dentists, and optometrists, diagnostic centers, blood banks and plasma centers, and emergency medical clinics offered exclusively on an out-patient basis. Hospitals are excluded from this definition.
8. **Mixed Use.** “Mixed use” means two or more different land uses located in one structure or on one parcel or development sites.
9. **Mobile Food Vendors.** “Mobile Food Vendors” means businesses selling food or drinks from temporary and semi-permanent structures or mobile equipment such as food trucks or pushcarts.
10. **Mobile Home Park.** See Section 17.100.030 (Definitions) of Chapter 17.100 (Mobile Home Park Conversions).
11. **Modification.** “Modification” means any construction or physical change in the internal arrangement of rooms or the supporting members of a structure, or a change in the external appearance of any structure, not including painting.
12. **Multi-Family Dwelling.** “Multi-family dwelling” means a building that contains three or more dwelling units, with each unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

#### N. “N” Terms.

1. **Nonconforming Parcel.** “Nonconforming parcel” means a parcel that was lawfully established but that no longer conforms with the parcel size or dimension standards of the zoning district in which it is located.
2. **Nonconforming Structure.** “Nonconforming structure” means a structure which does not meet the current development standards for the district in which the

structure is located. Development standards include, but are not limited to setbacks, height or lot coverage regulations of the zoning district, but do not include standards contained in the Uniform Codes, such as the Building Code.

3. **Nonconforming Use.** “Nonconforming use” means a use that lawfully occupied a building or land at the time the use was established, but that no longer conforms with the use regulations of the zoning district in which it is located.

#### O. “O” Terms.

1. **Open Space, Private.** “Open space, private” means open areas for outdoor living and recreation that are adjacent and directly accessible to a single dwelling unit, reserved for the exclusive use of residents of the dwelling unit and their guests.
2. **Open Space, Common.** “Open space, common” means areas for outdoor living and recreation that are intended for the use of residents and guests of more than one dwelling unit.
3. **Overlay Zone.** “Overlay zone” means an additional zoning district as shown on the Zoning Map that prescribes special regulations to a parcel in combination with the base zoning district.

#### P. “P” Terms.

1. **Parcel.** “Parcel” means a lot, tract, or area of land whose boundaries have been established by a legal instrument such as a deed or map recorded with the County of Santa Cruz, and which is recognized as a separate legal entity for purposes of transfer of title, except public easements or rights-of-way. The meaning of “lot” is identical to “parcel.”
2. **Parcel Area, Gross.** “Gross parcel area” means the total horizontal area included within the parcel lines of the parcel, including one-half the width of any alley or portion thereof abutting a parcel line.
3. **Parcel Area, Net.** “Net parcel area” means the gross parcel area excluding: a) any recorded easements to allow others to use the surface of the property for necessary access to an adjacent property or other similar use such as a shared driveway or public access agreement (excludes utility easements), and b) any area under the high water mark that extends into a waterway.
4. **Parcel, Corner.** “Corner parcel” means a parcel situated at the junction of two or more intersecting streets, with a parcel line bordering on each of the two or more streets.
5. **Parcel Depth.** “Parcel depth” means the average distance from the front parcel line to the rear parcel line, measured in the general direction of the side parcel lines.
6. **Parcel Line.** “Parcel line” means the lines bounding a parcel.
7. **Parcel Line, Front.** “Front parcel line” means that dimension of a parcel or portion of a parcel, abutting on a street except the side of a corner parcel. On a corner parcel

the narrowest street frontage is considered the front parcel line. The Community Development Director may designate the front parcel line for irregularly shaped parcels with unusual development patterns.

8. **Parcel Line, Rear.** “Rear-parcel line” means ordinarily, the line of a parcel which is generally opposite the front parcel line of said parcel. The Community Development Director may designate the rear parcel line for irregularly shaped parcels with unusual development patterns.
9. **Parcel Line, Interior Side.** “Interior side parcel line” means any boundary line not a front line or a rear line shared with another parcel.
10. **Parcel Line, Exterior Side.** “Exterior side parcel line” means any boundary line not a front line or a rear line adjacent to a street.
11. **Parcel, Reversed Corner.** “Reversed corner parcel” means a corner parcel, the side street line of which is substantially a continuation of the front line of the parcel upon which it rears.
12. **Parcel Width.** “Parcel width” means the average distance between the side parcel lines, measured at right angles to the parcel depth.
13. **Parking Lot.** “Parking lot” means an open area of land, a yard or other open space on a parcel other than a street or alley, used for or designed for temporary parking for more than four automobiles and available for public use, whether free, for compensation, or as an accommodation for clients or customers.
14. **Parking Space.** “Parking space” means land or space privately owned, covered or uncovered, laid out for, surfaced, and used or designed to be used for temporary parking or storage of standard motor vehicles.
15. **Parks and Recreational Facilities.** “Parks and recreational facilities” means non-commercial public facilities that provide open space and/or recreational opportunities. Includes parks, community gardens, community centers, passive and active open space, wildlife preserves, playing fields, tennis courts, swimming pools, gymnasiums, and other similar facilities.
16. **Personal Services.** “Personal services” means an establishment that provides services to individuals and that may provide accessory retail sales of products related to the services provided. Includes barber shops and beauty salons, nail salons, dry cleaning establishments, self-service laundromats, tailors, tanning salons, State-licensed massage therapists, fitness studios, yoga studios, dance studios, pet grooming services, veterinary clinics, and other similar land uses. Also includes establishments that primarily offer specialized classes in personal growth and development such as music, martial arts, vocal, fitness and dancing instruction. This does not include professional office that offer classes in addition to the professional office spaces.

17. **Planning Permit.** “Planning permit” means any permit or approval required by the Zoning Code authorizing an applicant to undertake certain land use activities.
18. **Potential Historic Resource.** See Section 17.84.020.B (Potential Historic Resources).
19. **Primary Use.** “Primary use” means the main purpose for which a site is developed and occupied, including the activities that are conducted on the site a majority of the hours during which activities occur.
20. **Primary Structure.** “Primary structure” means a structure that accommodates the primary use of the site.
21. **Professional Office.** “Professional office” means a place of employment occupied by businesses providing professional, executive, management, or administrative services. Includes offices for accountants, architects, advertising agencies, insurance agents, attorneys, commercial art and design services, non-retail financial institutions, real estate agents, news services, photographers, engineers, employment agencies, , and other similar professions. Also includes research and development facilities that engage in research, testing, and development of commercial products or services in technology-intensive fields.
22. **Public Safety Facility.** “Public safety facility” means a facility operated by a governmental agency for the purpose of protecting public safety. Includes fire stations and other fire-fighting facilities, police stations, public ambulance dispatch facilities, and other similar land uses.

**Q. “Q” Terms.** None.

**R. “R” Terms.**

1. **Recreational Vehicle (RV).** “Recreational vehicle” means a motor home, travel trailer, truck camper, or camping trailer, with or without motive power, originally designed for human habitation for recreational, emergency, or other occupancy, which meets all of the following criteria:
  - a. Contains less than 320 square feet of internal living room area, excluding built-in equipment, including wardrobe, closets, cabinets, kitchen units or fixtures, and bath or toilet rooms;
  - b. Contains 400 square feet or less of gross area measured at maximum horizontal projections;
  - c. Is built on a single chassis; and
  - d. Is either self-propelled, truck-mounted, or permanently towable on the highways without a towing permit.
2. **Recycling Collection Facility.** A center for the acceptance by donation, redemption, or purchase, of recyclable materials from the public.

3. **Remodel.** “Remodel” means a change or alteration in a building that does not increase the building’s net square footage.
4. **Residential Care Facility.** “Residential care facility” means a state-licensed residential facility providing social and personal care for residents. Includes children’s homes, homes for the elderly, orphanages, self-help group homes, and transitional housing for the homeless. Excludes facilities where medical care is a core service provided to residents, such as nursing and convalescent homes.
  - a. “Residential care facility, large” means a residential care facility for 7 or more persons.
  - b. “Residential care facility, small” means a residential care facility for 6 or fewer persons.
5. **Residential Mixed Use.** “Residential mixed use” means one or more structures on a single parcel that contains both dwelling units and non-residential uses such as retail, restaurants, offices, or other commercial uses. Different land uses may be within a single structure (vertical mixed use) or in separate structures on a single parcel (horizontal mixed use).
6. **Retail.** “Retail” means stores and shops selling merchandise to the general public. Includes drug stores, general merchandise stores, convenience shops, pet stores, department stores, and other similar retail establishments.
7. **Review Authority.** “Review authority” means the City official or City body that is responsible, under the provisions of the Zoning Code, for approving or denying a permit application or other request for official City approval.

#### S. “S” Terms.

1. **Salvage and Wrecking.** “Salvage and wrecking” means storage and dismantling of vehicles and equipment for sale of parts, as well as their collection, storage, exchange or sale of goods including, but not limited to, any used building materials, used containers or steel drums, used tires, and similar or related articles or property.
2. **Schools, Public or Private.** “Schools, Public or Private” means public or private facilities for education, including elementary, junior high, and high schools, providing instruction and study required in public schools by the California Education Code.
3. **Setback.** “Setback” means the minimum allowable distance from a given point or line of reference such as a property line to the nearest vertical wall or other element of a building or structure as defined in this chapter, or from a natural feature such as a bluff edge or an environmentally sensitive habitat area. Setbacks for buildings or structures shall be measured at right angles from the nearest property line establishing a setback area line parallel to that parcel line. Where a property line is located within a street, the setback shall be measured from the edge of the right-of-way containing the street.
4. **Sign.** See Chapter 17.80 (Signs).

5. **Single-Family Dwelling.** “Single-family dwelling” means a residential structure designed for occupancy by one household. A single-family dwelling provides complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
6. **Single-Room Occupancy.** Housing consisting of a single room dwelling unit that is the primary residence of its occupants. A single-room occupancy must include either food preparation or sanitary facilities (or both) and must be 400 square feet or less.
7. **Site.** “Site” means a parcel or adjoining parcels that are under single ownership or single control, and that are considered a unit for the purposes of development or other use.
8. **Site Area.** “Site area” means the total area included within the boundaries of a site.
9. **Self-Storage.** “Self-storage” means a structure or group of structures with controlled access that contains individual and compartmentalized stalls or lockers for storage of customers’ goods.
10. **Split Zoning.** “Split zoning” means a parcel on which two or more zoning districts apply due to zoning district boundaries crossing or otherwise not following the parcel boundaries.
11. **Story.** “Story” means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under-floor space is more than 6 feet above grade as defined in this chapter for more than 50 percent of the total perimeter or is more than 12 feet above grade as defined in this chapter at any point, such basement, cellar or unused under-floor space shall be considered as a story.
12. **Story, Half.** “Half story” means a partial story under a gable, hip or gambrel roof, the wall plates of which are at least two opposite exterior walls and which are not more than four feet above the floor plate of the second floor, and may include shed or dormer projections from those walls. Dormers may constitute not more than one-third of the length of the wall upon which they are located, whether as a single unit or multiple dormers.
13. **Street.** “Street” means a public way more than 20 feet in width which affords a primary or principal means of access to abutting property. “Streets” includes private roads and highways.
14. **Structural Alterations.** “Structural alterations” means any change in the supporting members of a building, such as bearing walls, columns, beams, girders, floor, ceiling or roof joists and roof rafters, or change in roof exterior lines which would prolong the life of the supporting members of a building.



15. **Structure.** “Structure” means anything constructed or erected that requires attachment to the ground, or attachment to something located on the ground. Pipelines, poles, wires, and similar installations erected or installed by public utility districts or companies are not included in the definition of “structure.” In the coastal zone, “structure” includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

#### T. “T” Terms.

1. **Tandem Parking.** “Tandem parking” means an arrangement of parking spaces such that one or more spaces must be driven across in order to access another space or spaces.
2. **Temporary Structure.** “Temporary structure” means a structure that is erected for a limited period of time, typically no longer than 180 days, and that does not permanently alter the character or physical facilities of a property.
3. **Temporary Use.** “Temporary use” means a short-term activity that may or may not meet the normal development or use standards of the applicable zone, but that occurs for a limited period of time, typically less than 12 months and does not permanently alter the character or physical facilities of a property.
4. **Trellis.** “Trellis” means a structure made from an open framework or lattice of interwoven or intersecting pieces of wood, bamboo or metal made to support and display climbing plants.

#### U. “U” Terms.

1. **Upper Floor.** “Upper floor” means any story of a building above the ground floor.
2. **Urban Agriculture.** “Urban agriculture” means activities involving the raising, cultivation, processing, marketing, and distribution of food in urban areas.
  - a. “Home garden” means the property of a single-family or multifamily residence used for the cultivation of fruits, vegetables, plants, flowers, or herbs by the residents of the property, guests of the property owner, or a gardening business hired by the property owner.
  - b. “Community garden” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by multiple users. Community gardens may be divided into separate plots for cultivation by one or more individuals or may be farmed collectively by members of the group and may include common areas maintained or used by group members.
  - c. “Urban farm” means privately or publicly owned land used for the cultivation of fruits, vegetables, plants, flowers, or herbs by an individual, organization, or business with the primary purpose of growing food for sale.
3. **Use.** See “Land Use.”

4. **Utilities, Major.** “Utilities, major” means generating plants, electric substations, solid waste collection, including transfer stations and materials recovery facilities, solid waste treatment and disposal, water or wastewater treatment plants, and similar facilities of public agencies or public utilities
5. **Utilities, Minor.** “Utilities, Minor” means infrastructure facilities that are necessary to serve development within the immediate vicinity such as electrical distribution lines and underground water and sewer lines.

#### V. “V” Terms.

1. **Vacation Rental.** “Vacation rental” means the occupancy for hire of residential property or a portion thereof for a period of less than 30 consecutive calendar days. See Section 17.40.030 (Vacation Rental Overlay Zone) “For hire,” for purposes of this section, does not include:
  - a. The owner or long-term lessee of the property, without consideration, allowing family or friends to use the property;
  - b. An arrangement whereby the owner or long-term lessee of the property agrees to a short-term trade with another property owner or long-term lessee whereby the sole consideration is each concurrently using the other’s property.
2. **Valet Parking Service.** “Valet parking service” means a parking service provided to accommodate patrons of one or more businesses that is accessory and incidental to the business and by which an attendant on behalf of the business takes temporary custody of a patron’s motor vehicle and moves, parks, stores or retrieves the vehicle for the patron’s convenience.
3. **Vehicle Repair.** Vehicle repair means an establishment for the repair, alteration, restoration, or finishing of any vehicle, including body repair, collision repair, painting, tire and battery sales and installation, motor rebuilding, tire recapping and retreading, and towing. Repair shops that are incidental to a vehicle sales or rental establishment on the same site are excluded from this definition.
4. **Vehicle Sales and Rental.** “Vehicle sales and rental” means an establishment for the retail sales or rental of new or used vehicles. Includes the sale of vehicle parts and vehicle repair, provided that these activities are incidental to the sale of vehicles.
5. **Vehicle Sales Display Room.** “Vehicle sales display room” means an establishment for the retail sales of new vehicles conducted entirely within an enclosed building. Outdoor storage and display of vehicles are not permitted.

#### W. “W” Terms.

1. **Wall.** “Wall” means a permanent upright linear structure made of stone, concrete, masonry, or other similar material.
2. **Warehousing and Distribution.** “Warehousing and distribution” means an establishment used primarily for the storage and/or distributing goods to retailers,



contractors, commercial purchasers or other wholesalers, or to the branch or local offices of a company or organization. Includes vehicle storage, moving services, general delivery services, refrigerated locker storage facilities, and other similar land uses.

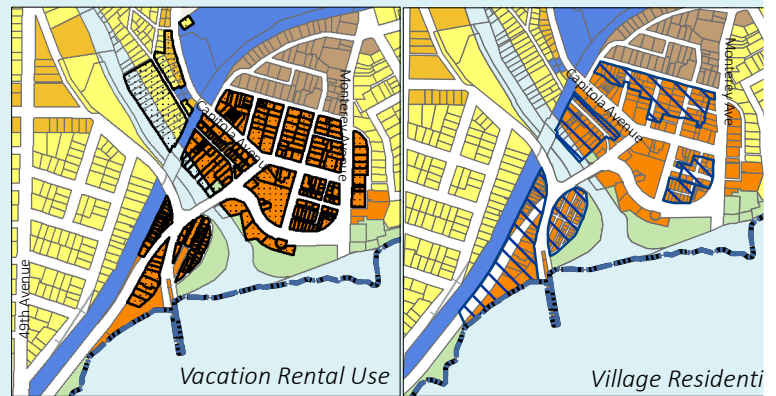
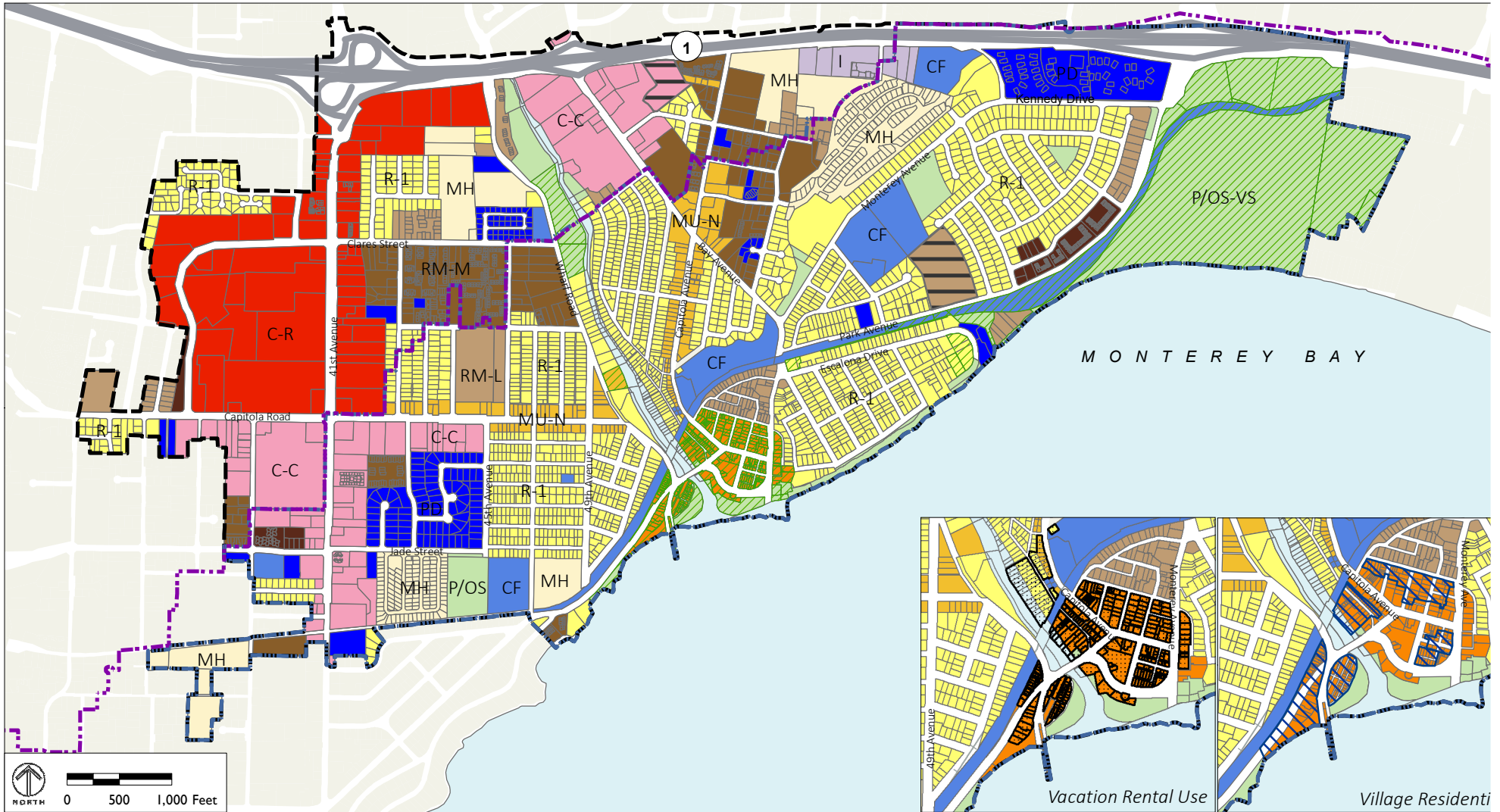
3. **Wholesaling.** “Wholesaling” means indoor storage and sale of goods to other firms for resale. Wholesalers are primarily engaged in business-to-business sales, but may sell to individual consumers through mail or Internet orders. Wholesalers normally operate from a warehouse or office having little or no display of merchandise, and are not designed to solicit walk-in traffic.
4. **Wireless Communication Facilities.** “Wireless Communications Facility” means a facility that transmits or receives electromagnetic signals for the purpose of transmitting voice or data communications. See Chapter 17.114. (Wireless Communication Facilities).

X. **“X” Terms.** None.

Y. **“Y” Terms.**

1. **Yard.** “Yard” means an open space, other than a court, on the same parcel with a building, unoccupied and unobstructed from the ground upward, except for such encroachments allowed by the Zoning Code.
2. **Yard, Front.** “Front yard” means a yard extending across the full width of the parcel, the depth of which is the minimum horizontal distance between the front line of the parcel and the nearest line of the main building or enclosed or covered porch. On a corner parcel the front line of the parcel is ordinarily construed as the least dimension of the parcel fronting on a street.
3. **Yard, Rear.** “Rear yard” means a yard extending across the full width of the parcel, and measured between the rear line of the main building or enclosed or covered porch nearest the rear line of the parcel; the depth of the required rear yard shall be measured horizontally.
4. **Yard, Side.** “Side yard” means a yard on each side of the main building extending from the front yard to the rear yard, the width of each yard being measured between the side line of the parcel and the nearest part of the main building or enclosed or covered porch.

CITY OF CAPITOLA  
ZONING CODE UPDATE



**Residential Zoning Districts**

- R-1 - Single-Family Residential
- RM-L - Multi-Family Residential, Low Density
- RM-M - Multi-Family Residential, Medium Density
- RM-H - Multi-Family Residential, High Density
- MH - Mobile Home Park

**Mixed-Use Zoning Districts**

- MU-V - Mixed Use Village
- MU-N - Mixed Use Neighborhood

**Commercial and Industrial Zoning Districts**

- C-R - Regional Commercial
- C-C - Community Commercial

**Other Zoning Districts**

- I - Industrial
- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development

**Overlay Zones\***

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

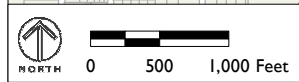
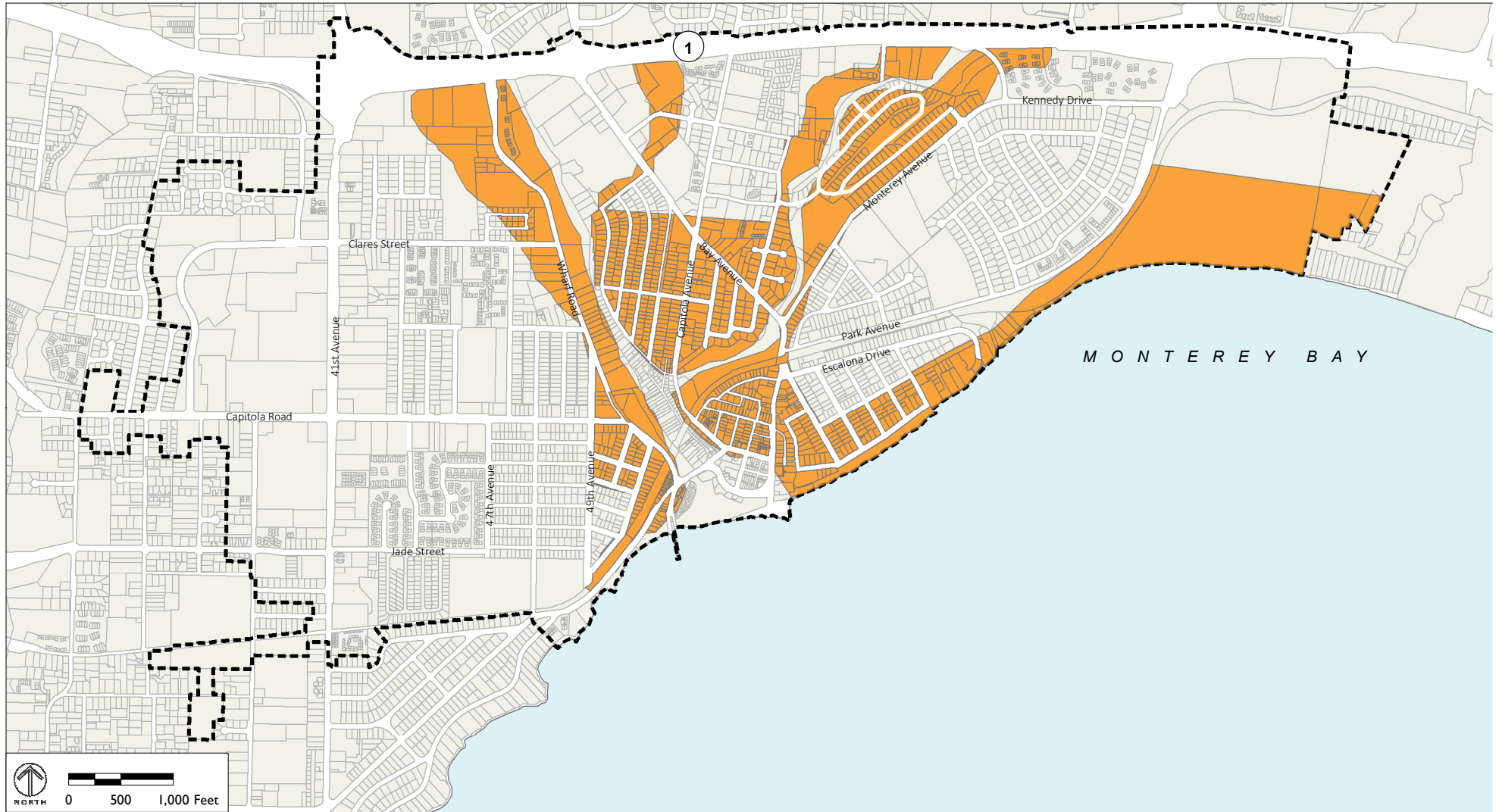
**City Limit**

- Santa Cruz Coastal Zone Boundary

Source: ESRI, 2017; PlaceWorks, 2017

\*See Local Coastal Program Habitats Map for boundaries of Environmentally Sensitive Habitats Area Overlay Zone.

CITY OF CAPITOL  
ZONING CODE UPDA

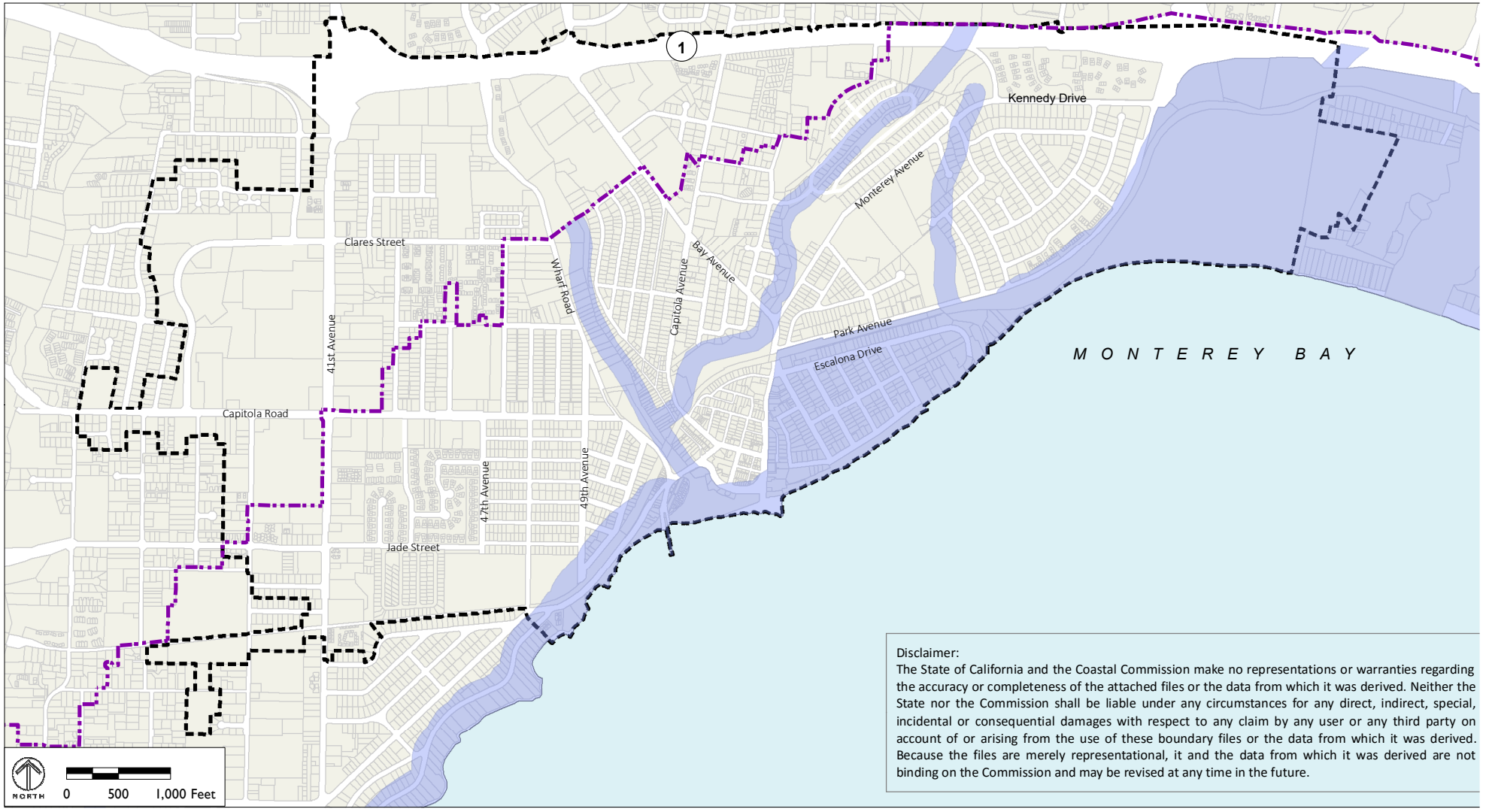


- High Sensitivity Prehistoric Resources
- City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Archaeological Sensitivity Map (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

CITY OF CAPITOL  
ZONING CODE UPDATE



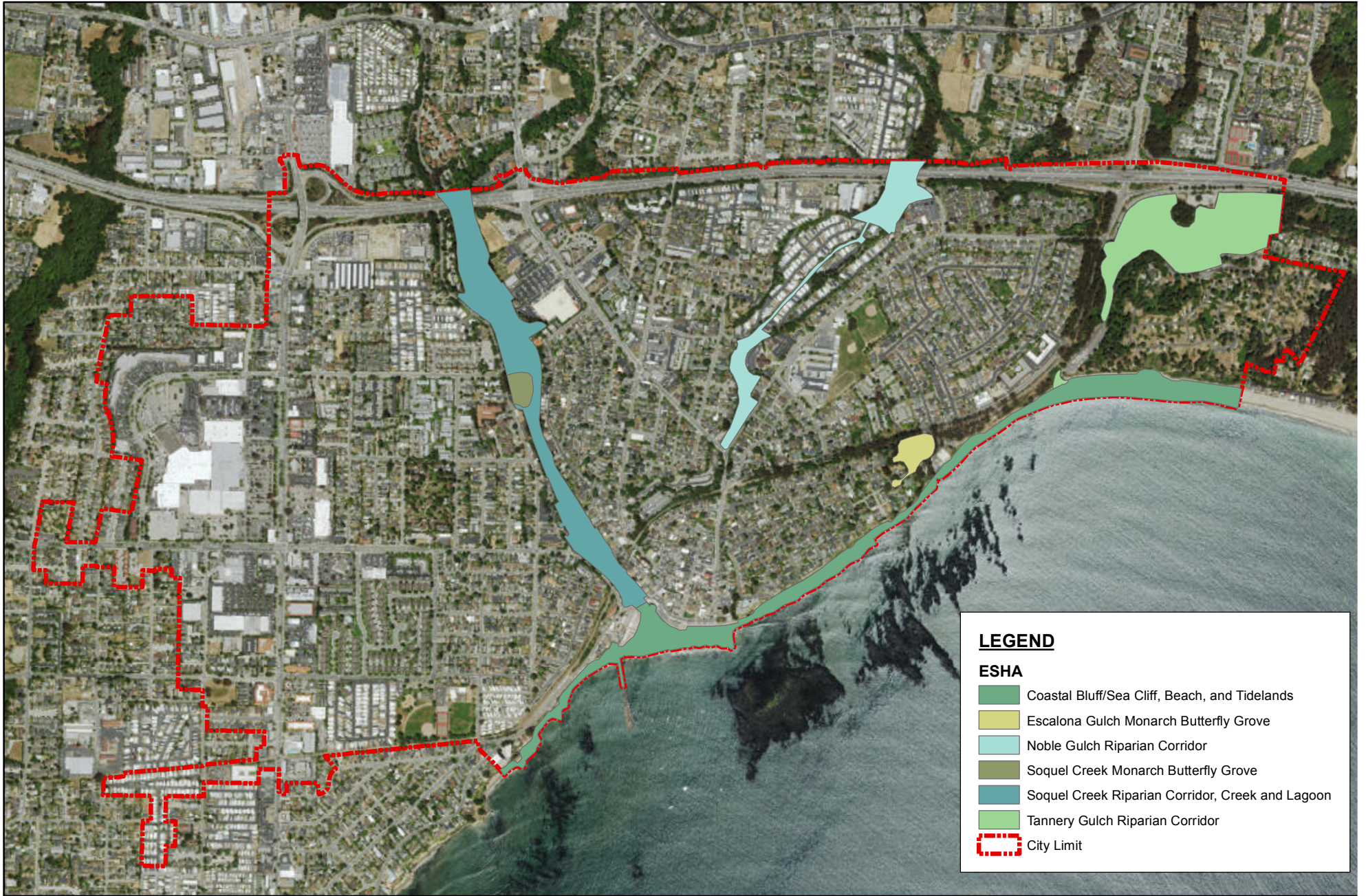
Disclaimer:  
 The State of California and the Coastal Commission make no representations or warranties regarding the accuracy or completeness of the attached files or the data from which it was derived. Neither the State nor the Commission shall be liable under any circumstances for any direct, indirect, special, incidental or consequential damages with respect to any claim by any user or any third party on account of or arising from the use of these boundary files or the data from which it was derived. Because the files are merely representational, it and the data from which it was derived are not binding on the Commission and may be revised at any time in the future.

- Santa Cruz Coastal Zone Boundary
- Coastal Zone Appeal Jurisdiction Boundary
- City Limit

Source: ESRI, 2017; PlaceWorks, 2017

Attachment: Coastal Map Without Permit Jurisdiction 01.11.17 (First Reading Chapter 17 Zoning

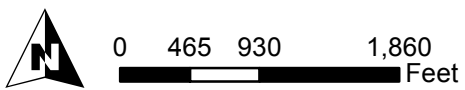




**LEGEND**

**ESHA**

- Coastal Bluff/Sea Cliff, Beach, and Tidelands
- Escalona Gulch Monarch Butterfly Grove
- Noble Gulch Riparian Corridor
- Soquel Creek Monarch Butterfly Grove
- Soquel Creek Riparian Corridor, Creek and Lagoon
- Tannery Gulch Riparian Corridor
- City Limit



Source: ESRI, 2017; Kimley-Horn, 20

Attachment: Environmentally Sensitive Habitat Areas Map (First Reading Chapter 17 Zoning Code/LCP-IP



CITY OF CAPITOL  
ZONING CODE UPDA



- Geological Hazard
- City Limits
- Land Parcels

Source: ESRI 2017; PlaceWorks, 20

Attachment: Geologic Hazard Map 01.11.17 (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)



**RESOLUTION NO. 4102**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
APPROVING AN ADDENDUM TO THE GENERAL PLAN UPDATE FINAL EIR  
(State Clearinghouse No. 2013072002) FOR THE CITY OF CAPITOLA  
ZONING CODE UPDATE**

**WHEREAS**, the last comprehensive update to the City of Capitola Zoning Code (Title 17 of the Capitola Municipal Code) was adopted in 1975; and

**WHEREAS**, on June 26, 2014, the City Council of the City of Capitola certified an Environmental Impact Report prepared to analyze the environmental impacts associated with the proposed General Plan Update and adopted the General Plan Update Final EIR (State Clearinghouse No. 2013072002) ("General Plan EIR") dated March 27, 2014; and

**WHEREAS**, since its adoption, the City has under taken a series of stakeholder outreach meetings, online surveys, development of an Issues and Options white paper, and multiple public meetings as the foundation adoption of the new Zoning Code (the "Project"); and

**WHEREAS**, the objective of the Zoning Code update is to promote high quality design, protect neighborhood character, satisfy current legal standards, and implement zoning regulations that are easier to understand, administer, and enforce, and that will implement the General Plan update, including zone districts which complement General Plan land use designations and the goals, policies, and actions contained in each element; and

**WHEREAS**, in order to conduct environmental review of the Project in accordance with the California Environmental Quality Act ("CEQA," codified at California Public Resources Code §§ 21000, et seq., as further governed by the State CEQA Guidelines, 14 California Code of Regulations §§ 15000, et seq.), an addendum to the General Plan EIR has been prepared for the Project (the "Addendum," attached hereto and incorporated herein as Exhibit A); and

**WHEREAS**, per 14 C.C.R. § 15164(b), the Addendum concludes that no supplemental or subsequent EIR is required because: (a) no substantial changes are proposed in the Project which will require major revisions of the General Plan EIR; (b) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions in the General Plan EIR; and (c) no new information which was not known and could not have been known at the time the General Plan EIR was certified has become available; and

**WHEREAS**, on September 6, 2017, the Planning Commission of the City of Capitola held a duly-noticed public hearing to consider the Addendum and the Project, and considered evidence presented by City staff and other interested parties, and recommended that the City Council adopt the Addendum and approve the Project in its entirety; and

**WHEREAS**, at a duly-noticed meeting of the City Council on January 11, 2018, the City Council had the opportunity to receive and consider public comment on the Addendum and the Project, as well as to review and independently consider those documents themselves, along with a presentation from staff on the same; and

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RESOLUTION NO. 4102

WHEREAS, the documents and other materials which constitute the record of proceedings upon which the City Council bases its decision and the findings contained within this Resolution are available and may be reviewed at the Capitola City Hall, located at 420 Capitola Avenue, Capitola, California 95010.

NOW, THEREFORE, the City Council of the City of Capitola hereby finds, determines and resolves as follows:

SECTION 1. Recitals. The recitals set forth above are adopted as further findings of the City Council.

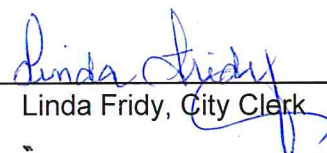
SECTION 2. California Environmental Quality Act Findings. The City Council has reviewed the Addendum to Program Environmental Impact Report – City of Capitola General Plan Update (SCH #2013072002) for the City of Capitola Zoning Code Update attached hereto as Exhibit A and finds that an addendum is the proper environmental review document under CEQA because: (a) no substantial changes are proposed in the Project which will require major revisions to the General Plan EIR; (b) no substantial changes have occurred with respect to the circumstances under which the Project is being undertaken which will require major revisions to the General Plan EIR; and (c) no new information has become available which was not known and could not have been known with the exercise of reasonable diligence at the time the General Plan EIR was certified that shows any of the factors set forth in 14 C.C.R. § 15162 are applicable. The City Council further finds that the Addendum reflects the Council's independent judgment and analysis, and that there is no substantial evidence that the Project will have a significant effect on the environment. Based on its independent review and consideration, the City Council hereby finds that the Addendum complies with the requirements of CEQA and adopts the conclusions in the Addendum on the basis of the evidence and reasoning set forth therein.

SECTION 3. City Council Approval of Addendum. The City Council hereby approves Exhibit A, the Addendum to Program Environmental Impact Report – City of Capitola General Plan Update (SCH #2013072002) for the City of Capitola Zoning Code Update for the Project based on the above findings. Moreover, the City Council finds that the Addendum has fully and accurately reviewed the Project and all findings set forth in Section 2 above are still true and correct.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 25<sup>th</sup> day of January, 2018, by the following vote:

- AYES: Council Members Bertrand, Bottorff, and Petersen and Mayor Termini
- NOES: None
- ABSENT: Council Member Harlan
- ABSTAIN: None

  
 \_\_\_\_\_  
 Michael Termini, Mayor

ATTEST:   
 \_\_\_\_\_  
 Linda Fridy, City Clerk

Attachment: Resolution.GPEIR Addendum.2017-12-20.draft (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)



## Exhibit A

### ADDENDUM TO PROGRAM ENVIRONMENTAL IMPACT REPORT CITY OF CAPITOLA GENERAL PLAN UPDATE (SCH #2013072002)

#### For the CITY OF CAPITOLA ZONING CODE UPDATE

#### INTRODUCTION

This addendum has been prepared to document compliance with the California Environmental Quality Act (CEQA) for the City of Capitola's proposed Zoning Code update. The proposed Zoning Code update would implement the City of Capitola's 2014 General Plan Update and includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan.

This addendum provides an analysis of whether the adoption of the Zoning Code update would result in any new or more severe adverse environmental effects which were not previously analyzed in the 2014 General Plan Update Program EIR pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

#### PROJECT DESCRIPTION

The City of Capitola proposes a comprehensive update to its Zoning Code (Municipal Code Chapter 17) which includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan update. The existing Zoning Code has not been comprehensively updated since 1975.

The Zoning Code update would establish new and modified land use regulations which will guide future development and design throughout the City of Capitola. The proposed Zoning Code update includes new and revised zoning districts, permitting procedures, and development standards throughout the City of Capitola. Development standards and uses in the Zoning Code update have been modified from the existing code to be consistent with current federal and state regulations, better reflect current conditions, desired development trends, and best planning practices.

The proposed Zoning Code update would also move the City's Green Building and Floodplain District Ordinances from Municipal Code Chapter 17 (Zoning Code) to Chapter 15 (Buildings and Construction). No changes are currently proposed to the Green Building or Floodplain Ordinances other than moving it to another chapter of the Municipal Code.

Changes to the Zoning Code are primarily administrative in nature, including a new and more user-friendly format, improved organization and clarity, revised nomenclature and naming conventions, and previously uncodified procedural requirements. The updated Code presents information and standards in table formats and relies more heavily on graphics to illustrate the meaning and intent of various regulations.

A summary of notable changes included in the proposed Zoning Code update are outlined below:

- Improved organization and format to improve clarity and usability;

- A new user guide to help citizens access, understand, and apply the Zoning Code;
- Revised regulations to comply with federal and state law;
- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements;
- Combined the current Commercial-Residential and Neighborhood-Commercial zoning districts into a new Neighborhood Mixed-Use zoning district to be consistent with the General Plan land use designation;
- Consolidated/eliminated 6 overlay zones which were redundant with other zoning and/or CEQA regulations to simplify the zoning map;
- Updated coastal overlay chapter with significantly improved organization and clarity;
- Improved historic preservation chapter which codifies process to review and modify historic structures and provides incentives and exceptions to promote preservation;
- Simplified legal non-conforming standards which eliminates the existing 80% valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current 6-seat rule with a square-footage allowance;
- Relaxed development standards for secondary dwelling units;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or General Plan allowances for increased floor area ratio;
- Simplified formula to calculate Floor Area Ratio;
- New lighting standards to prevent light trespass;
- New regulations to control unattended donation boxes;
- Improved guidance on when post-approval changes to a project trigger review by the Planning Commission;
- New standards to limit the allowable area of outdoor commercial displays;
- Incentives to encourage non-conforming multi-family uses in single-family zones to make needed property improvements. Also reduced allowable extensions from 50 to 25 years.
- New standards to allow parklets and sidewalk dining areas;
- New minor modification process to allow the Planning Commission to authorize minor deviations to certain development standards which don't meet variance findings;
- New standards to regulate the placement of outdoor decks in residential zones;
- Modified Design Review process to allow a second architect to review major projects;
- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.



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While some of the above-listed revisions will result in modest changes to existing development standards, none of the revisions would allow increased density, reduced lot size requirements, or substantial changes to lot coverage, floor area ratio, height, or requirements for on-site parking.

Use regulations have also been revised in the proposed code to account for modern use types not contemplated in the current code and to remove outdated and inapplicable use classifications. Like the current code, the updated code would require a discretionary use permit for use types which have the potential to adversely affect existing community character.

**CEQA ADDENDUM PROCEDURES**

This document has been prepared in accordance with CEQA Guidelines sections 15164 and 15168 to explain the rationale for determining that the proposed Capitola Zoning Code update would not create any new or substantially more severe significant effects on the environment that were not analyzed in the General Plan Update EIR.

In determining whether an Addendum is the appropriate document to analyze modifications to the General Plan EIR, State CEQA Guidelines Section 15164 states:

- (a) The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Since the General Plan EIR has been certified, the environmental impacts of subsequent activities proposed under the General Plan must be examined in light of the impact analysis in the certified EIR to determine if additional CEQA documentation must be prepared. One of the standards that applies is whether, under Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15163, there are new significant effects or other grounds that require preparation of a subsequent EIR or supplemental EIR in support of further agency action on the project. Under these guidelines, a subsequent or supplemental EIR shall be prepared if any of the following criteria are met:

(a) *When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
  - A. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - B. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - C. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
  - D. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

As demonstrated in the environmental analysis contained herein, none of the conditions that had been analyzed in the General Plan EIR would change with adoption of the proposed Zoning Code update. Furthermore, no new information of substantial importance meeting the criteria listed in State CEQA Guidelines Section 15162 has been identified.

#### **PRIOR ENVIRONMENTAL DOCUMENT**

The Capitola City Council adopted the General Plan Update and certified the associated EIR on June 26, 2014. The certified EIR found that adoption of the GPU would have significant, unavoidable effects to air quality, hydrology and water quality, traffic, utilities and service systems, and greenhouse gas emissions. In accordance with CEQA section 15091, the Capitola City Council adopted findings of overriding considerations to certify the EIR.



## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

### I. AESTHETICS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?*

Response: The proposed Zoning Code update would not result in new or increased severity of significant visual and light/glare impacts beyond what was addressed in the General Plan EIR. The amendments to the Zoning Code are consistent with the development assumptions under the adopted General Plan. Housing and commercial uses would be developed in the same locations and within prescribed densities and intensities as contemplated in the General Plan EIR. All future development projects would be subject to applicable City requirements pertaining to visual resources, as well as to further CEQA analyses of project specific impacts.

### II. AGRICULTURAL AND FORESTRY RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland and/or conflict with existing zoning for agricultural use or Williamson Act contract?*

Response: There are no forest lands, farmlands of state or local importance, or agriculturally zoned properties in the City of Capitola. Consequently, the GP EIR concluded that there would be no significant impacts to agriculture or forestry resources. The proposed Zoning Code update would not result in any new impacts not previously considered by the GP EIR.

### III. AIR QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to*

*substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to air quality through an increase in mobile and stationary source emissions and cumulative contributions to regional air quality standards. The proposed Zoning Code update would not increase any residential densities or commercial intensities nor does it include new allowances which could facilitate development which could result in direct or indirect air quality impacts. Therefore, there are no project changes or any new information of substantial importance which indicate that the proposed Zoning Code update would exacerbate air quality impacts beyond the analysis and conclusions in the General Plan EIR.

#### IV. BIOLOGICAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to biological resources. The proposed Zoning Code update does not include any policies or actions which would involve new or altered physical changes to the environment which have the potential to adversely affect biological resources. There have been no changes in the project or is there any new information of substantial importance to indicate that the proposed Zoning Code update would result in new or more severe impacts to biological resources.

#### V. CULTURAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?*



Response: The General Plan EIR found that implementation of the Plan could result in significant impacts to cultural resources, but that mitigation measures could be applied to reduce the impact to a less than significant level. The proposed Zoning Code update does not include any residential density or commercial intensity increases which could result in additional housing development above what was evaluated in the General Plan EIR. Therefore, there have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to cultural resources.

## VI. GEOLOGY AND SOILS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Response: The General Plan EIR found that implementation of the Plan would have no potential to result in significant impacts to/from geology and soils. There have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to/from geology and soils.

## VII. GREENHOUSE GASES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?*

Response: The General Plan EIR found that implementation of the Plan would result in significant, unavoidable impacts to greenhouse gases and climate change. The proposed Zoning Code update includes the same residential densities and commercial intensities as what was evaluated by the General Plan EIR, therefore, there have not been any changes to

the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to greenhouse gas emissions.

### VIII. HAZARDS AND HAZARDOUS MATERIALS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to/from hazards and hazardous materials. There have been no changes to the project, or new information of substantial importance which indicate that the proposed Zoning Code update would result in a new or more severe impact to hazards and hazardous materials.

### X. HYDROLOGY AND WATER QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff;*



*place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?*

Response: The General Plan EIR found that the implementation of the Plan could result in significant unavoidable impacts to groundwater supply, but found no significant impacts to water quality, drainage, erosion, or flooding. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development. Therefore, there have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to hydrology or water quality.

## XI. LAND USE AND PLANNING

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to land use and planning. There have been no changes in the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to land use and planning.

## XII. MINERAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Response: There are no mineral resource deposits in the City of Capitola which could be reasonably extracted given existing non-compatible land uses. Accordingly, the General Plan EIR found that implementation of the Plan would not result in any impacts to mineral resources. There have been no changes to the project or new information of substantial

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importance which indicate that the proposed Zoning code update would result in new or more severe impacts to mineral resources.

### XIII. NOISE

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts from noise resulting from construction of future projects authorized by the Plan. Consequently, the General Plan EIR included mitigation measures to reduce impacts from noise to a less than significant level. However, there have been no changes in the project or new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to/from noise.

### XIV. POPULATION AND HOUSING

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to population and housing. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to population and housing.

### XV. PUBLIC SERVICES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information*



*of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to public services. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to public services.

## XVI. RECREATION

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to recreation. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to recreation.

## XVII. TRANSPORTATION/TRAFFIC

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency*

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*access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to transportation. The proposed Zoning code update does not include any increased residential densities or commercial intensities which would facilitate new development, which could result in additional traffic. Therefore, there have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to transportation.

#### **XVIII. UTILITIES AND SERVICE SYSTEMS**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?*

Response: The General Plan EIR found that implementation of the Plan could result in significant unavoidable impacts to utilities and service systems due to the potential for groundwater overdraft. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development or the need for new or expanded wastewater treatment facilities or landfills. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to utilities and service systems.

#### **XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in any mandatory finding of significance listed below?



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*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Response: There have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to the quality of the environment, including adverse impacts to habitat for sensitive species, cumulative environmental impacts, or adverse direct or cumulative effects on human beings.



## RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA  
AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE  
CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM  
REPLACING CHAPTER 17 (ZONING) OF THE CAPITOLA MUNICIPAL CODE AND  
REPLACING THE COASTAL LAND USE PLAN MAP.

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 Capitola City Council adopted the most recent comprehensive update to the City of Capitola Zoning Code (Title 17 of the Capitola Municipal Code) in 1975; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal and includes the Coastal Land Use Plan Map, which is the adopted General Plan Land Use Map for the area within the coastal Zone and included as Attachment 11; and

WHEREAS, since the adoption of the General Plan, the City has under taken a series of stakeholder outreach meetings, online surveys, development of an Issues and Options white paper, and multiple public meetings as the foundation of a revised Zoning Code; and

WHEREAS, the first draft of the comprehensive update to the Zoning Code was released on February 4, 2016, after which the Planning Commission conducted 11 public meetings and the City Council conducted six to gather public input, which was incorporated into a second draft of the Zoning Code that was published on January 9, 2017; and

WHEREAS, the Planning Commission reviewed the second draft in three meetings in the spring of 2017, followed by the City Council in two meetings. On May 11, 2017, the City Council directed staff to publish an updated version incorporating all Planning Commission and City Council direction for a 60-day public review period; and

WHEREAS, the revised draft Zoning Code and Zoning Map were then circulated for a 60-day public review period from June 1 to July 31, 2017; and

WHEREAS, on September 6, 2017, the Planning Commission reviewed the public comments and unanimously recommended that the City Council adopt the draft Zoning Code; and

WHEREAS, the City Council reviewed the draft on November 21, 2017 at a special meeting on November 29, 2017, at which time the City Council provided staff with final edits and directed staff to schedule the first reading of the revised ordinance for the first meeting in January; and

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on January 11, 2018, at which the City Council introduced and performed a first reading of the revised Zoning Code. On January 25, 2018, the City Council adopted the revised Zoning Code, which amended Chapter 17 (Zoning) of the Capitola Municipal Code; and

WHEREAS, following the City Council's adoption, Capitola staff submitted the Zoning Code update to the California Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, in November 2018, Coastal Commission staff provided the City with extensive

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redlines of the LCP showing Coastal Commission staff's recommended modifications; and

WHEREAS, on February 21, 2019, and March 7, 2019, the Planning Commission reviewed the Coastal Commission staff's recommendations and, on March 7, 2019, the Planning Commission provided recommendations to the City Council regarding the Coastal Commission staff's revisions; and

WHEREAS, on April 5, 2019, City staff published an public review draft of the updated draft of the zoning code which included the Coastal Commission staff's modifications, as accepted by the Planning Commission; and

WHEREAS, between April 11, 2019, and July 21, 2020, the City Council reviewed the Coastal Commission staff's recommended modifications during six public meetings and, on July 21, 2020, the City Council directed staff to publish an updated public review draft of the Zoning Code in preparation for local adoption and California Coastal Commission certification; and

WHEREAS, on October 1, 2020, the Planning Commission reviewed the public review draft and recommended the City Council adopt the public review draft, with two minor modifications; and

WHEREAS, On October 8, 2020, City staff provided the City Council an update on the Planning Commission recommendation. At that same meeting, the City Council directed staff to prepare the Ordinance for the first reading by City Council.

WHEREAS, the Capitola City Council conducted a duly noticed public hearing on October 22, 2020, at which it introduced and performed a first reading of the revised Zoning Code. On November 12, 2020, the City Council adopted the revised Zoning Code, which amended Chapter 17 (Zoning) of the Capitola Municipal Code; and ; and

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 17 (Zoning) and the Zoning Map are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the California Coastal Commission is in the process of drafting a Sea Level Rise Adaptation Guide for Residential Development, which is expected to be completed in 2021 or 2022, and will guide future updates to the Geologic Hazards chapter and the non-conforming parcel, uses, and structures chapter of the City's Zoning Code; and

WHEREAS, Zoning Code Chapter 17.48 Geologic Hazards, shall become Chapter 17.68 within the revised Zoning Code; and

WHEREAS, Zoning Code Chapter 17.72 Nonconforming parcels, uses, and structures shall become Chapter 17.92 within the revised Zoning Code; and

WHEREAS, on January 25, 2018, the City Council adopted Resolution 4102 approving an Addendum to the General Plan Update Environmental Impact report, which found that the proposed revised Zoning Code and LCP amendment would not have a significant effect on the environment; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP  
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achments\4868.docx



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Implementation Plan as it pertains to Chapter 17 (Zoning) and the Coastal Land Use Plan Map as it pertains to the General Plan Land Use Map within the City of Capitola, as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the \_\_\_\_ day of November, 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Kristen Petersen, Mayor

ATTEST: \_\_\_\_\_  
Chloe Woodmansee, City Clerk

Attachment: Zoning Code LCP Amendment Resolution (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)

### Local Coastal Plan – Implementation Plan Consistency with Capitola’s Land Use Plan

The zoning code update is consistent with the Capitola’s Coastal Land Use Plan. Specifically, consistency was identified as follows:

- ❖ The updated LCP respects the existing development patterns and city land use policies of the LUP.
- ❖ The updated LCP maintains and enhances access to Capitola Beach, Village, and Wharf while maintaining and enhancing the existing character of Capitola Village and the surrounding residential areas. The intensity of new development is limited to the availability of parking and other alternative transportation systems.
- ❖ The updated LCP encourages mixed commercial/residential development in the Village and to designate certain existing residential areas as exclusively residential.
  - Residential use is allowed in the central village.
  - There is a residential overlay within the central village to protect the historic residential neighborhoods.
- ❖ The updated LCP complies with the policies and implementation for public access component of the Capitola LCP. Chapter 17.44 for the Coastal Overlay zone has been updated to ensure compliance with the Coastal Act and Capitola’s LUP. Chapter 17.44 protects coastal access and requires findings related to protected coastal access in the review of the Coastal Development Permit applications.
- ❖ The updated LCP complies with the visual resources and special communities component of Capitola’s Land Use Plan. The character and history of the village is protected within the LCP update. New standards for historic preservation have been incorporated into the update to protect Capitola historic districts and historic structures. Views, paths, public spaces, and passageways are protected within the update. Also, new form-based code standards are incorporated into the mixed-use village zoning district to protect the scale and fabric of the Capitola Village.
- ❖ The updated LCP protects recreation and visitor serving facilities. The Visitor Serving Overlay zone has been updated to clarify previously confusing standards and continue to protect recreation and visitor serving facilities and opportunities.
- ❖ The updated LCP protects Capitola’s natural systems. The Environmentally Sensitive Habitat Area Overlay Zone has been updated to better reflect the policy direction in the Land Use Plan and the Coastal Act. Capitola’s ESHA map was updated at the direction of the Coastal Commission staff to capture all habitat areas.

Meeting	Section	Page	Planning Commission Direction
3/7/2019	17.04.040.B.1	Page 04-02	Add B.1: <u>The Local Coastal Program LUP is a comprehensive long-term plan for land use and physical development within the City's coastal zones. It consists of proposed policies and recommendations for land use in the coastal zone consistent with the Coastal Act. It includes the Coastal Land Use Plan Map, which is the certified General Plan Land Use Map for the area within the coastal zone.</u>
3/7/2019	17.04.040.B.1.b (changed to 17.04.040.C.1.b)	Page 04-02	1) Remove Chapter 17.112 Permit Application and Review from the IP (04-2)
3/7/2019	17.12.020.A	Page 12-1	A. Base Zoning Districts. Capitola is divided into zoning districts that implement the General Plan Land Use Map as shown in Table 17.12-1. <u>Within the coastal zone, the General Plan Land Use Map is the certified Coastal Land Use Plan Map.</u>
3/7/2019	17.16.030.B	16-5	Remove exception for Cliffwood Heights
3/7/2019	Table 17.24-3	24-5	Remove maximum density limits from CC/CR districts.
3/7/2019	Figure 17.28-1 and Table 17.28.020	28-1 through 28-5	Remove VS-NB.
3/7/2019	Table 17.28-1	28-4	Change note 12: <u>allowed in conjunction with visitor accomodation use or a grant of public access to a viewpoint.</u>
3/7/2019	17.28.030.E.1 and 2	28-6	Keep new lighting edits added by Coastal Commission.
3/7/2019	17.28.030.C.5 moved to 17.28030.F	28-6	This should be a subparagraph. Will move to Subparagraph F.
3/7/2019	17.32.020.D.3	32-2	Amend as follows: The Coastal Commission revised the language to be more broad allowing "appropriate public facilities (e.g. the flume and jetties), required shoreline protective structures ( <u>approved beach erosion control structures</u> ), and structures required for public health and safety (e.g. lifeguard stands) if otherwise consistent with the Local Coastal Program.
3/7/2019	17.36.040.B	36-1	Remove CC edit adding "or the Local Coastal Program in the coastal zone".
3/7/2019	17.36.080.G.7	36-5	Amend to: For planned developments <u>located adjacent to the coast</u> , the proposed development will protect and/or enhance coastal resources and conform with the findings for approval of a CDP as specified in 17.44.130 (Finding for Approval).
Pending PC Review 5/2	17.40.030.F	40-8	Staff suggest adding enforcement measures to carry over previous requirements of 17.84.030 of the new code prohibiting management, rental, or advertising of vacation rentals without a vacation rental permit. Add: F. Enforcement. It is prohibited for any person (including, but not limited to property owners, property managers or real estate agents) to do any of the following without a Vacation Rental Permit: 1.Rent, sublet, lease, sublease or otherwise for remuneration allow any person or persons to carry on a vacation rental use; or 2.To advertise for a vacation rental use; or 3.For compensation, to arrange, or help to arrange vacation rental uses.

Meeting	Section	Page	Planning Commission Direction
3/7/2019	17.44.010	44-1	Amend to: The purpose of this chapter is to establish review and permit procedures for the implementation of Capitola's Local Coastal Program. <del>This chapter, and to ensure</del> that all private and public development within the City's coastal zone as depicted by the (CZ) coastal overlay zone is consistent with the City's certified Local Coastal Program Land Use Plan and Impentation Program which together consistute the City's certified Local Coastal Program (LCP) <del>and including:</del>
3/7/2019	17.44.010.B	44-2	Amend to: "In achieving these purposes, this chapter shall be consistent with the goals, objectives and policies of the California Coasta Act and Article X, Section 4, of the California Constitution."
3/7/2019	17.44.020.B	44-2	Amend to: B. Implementation Plan. The Implementation Plan (IP) first certified in January 1990, consists of the Zoning Code (Title 17) chapters and Municipal Code Chapters as identifice in Section 17.04.040 (Relationship to the Local Coastal Program) as well as the zoning districts and maps.
3/7/2019	17.44.030.J	44-4	Keep California endangered species
3/7/2019	17.44.060	44-6	Remove both sentences.
3/7/2019	17.44.070.B.1	44-7.	Keep draft language for Community Development Director review of administrative permits.
3/7/2019	17.44.070.D.	44-7/8	Under review by Legal.
3/7/2019	17.44.110	44-16	Section 17.44.110 will be limited to the first paragraph as follows : 17.44.110 Application Submittal. A. Coastal Development Permit applications shall include all the information and materials required by the Community Development Department together with all required application fees. It is the responsiblity of the applicant to provide all necessary and requested evidence to allow the review authority to make a decision regarding whether the proposed development is consistent with the LCP, including the respect to the findings required by Section 17.44.130 (Finding for Approval).
3/7/2019	17.44.120	44-17	Mirror the language for public notice that exists in Chapter 17.148 for noticing.
3/7/2019	17.48.040.B.6	48-5	Revise the FAR exception to allow up to 250 square-feet of an enclosed garage on a lot of 2,586 square-feet or less and allow lots between 2,586 and 3,018 square-feet with an enclosed garage to have a garage area exception of the difference between their maximum floor area and 1,750 square feet to adequately incentivize garages on small lots while removing the inequitable advantage. 1750 sq. ft. – (maximum floor area for lot size) = area of garage exclusion
3/22/2019	17.48.030.F	Page 48-5	Add "This provision does not include temporary encroachment permits, which are handled administratively through the Public Works Department"

Meeting	Section	Page	Planning Commission Direction
3/7/2019	17.56.020.A1	56-1	Deleted 17.56.020.A.1 due to the map being extremely broad and would require an excessive amount of studies.
3/7/2019	17.060.030.C1	60-3	17.060.030 C1 - keep standard that lattice is at least 50% transparent.
3/22/2019	17.60.030.G	Page 60-3	Coastal Access and Public Views to the Coast. Fences and/or walls shall not prevent or obstruct public access to the coast or shoreline. Fences and/or walls also shall not block, obscure, or otherwise adversely impact significant public views of the shoreline, as identified within the LCP Land Use Plan.
3/22/2019	17.64.030.E	Page 64-2	Decrease setback to 25 feet to match LCP Land Use Plan
3/22/2019	17.64.030.H	Page 64-4	17.64.030 .H Waiver of Biological Study.The <u>Community Development Director</u> may waive the requirement of a biological study on a developed lot if a project is proposed in a previously developed area of the lot and the project will not degrade the ESHA and/or its habitat value.
3/22/2019	ESHA MAP	MAP	Remove beach area from map. Not habitat area.
3/7/2019	17.72.060.A.	72-5	Delete the second sentence of the Coastal Commission edit, as follows: Plant Selection along the Blufftop, Beach, or ESHA. Native plants adapted to local climate shall be required within 50 feet of the blufftop edge, the beach or ESHA. <del>No plant species listed as problematic and/or invasive by the California Native Plant Society, the California Invasive Plan Council, or as may be so identified from time to time by the State of California and no plant species listed as "noxious weed" by the State of California or the U.S. Federal Government, is allowed.</del> See Chapter 17.64 (Environmentally Sensitive Habitat Areas) for habitat requirements.
3/7/2019	17.74.040.H	74-4	Specify that the maximum floor area of 0.60 is only applicable to lots greater than 4,000 square feet in size. Also, update Table 17.16-3 in the R-1 zone to clarify.
3/7/2019	17.74.040.H	74-4	Specify that conversion to ADU can be in conjunction with addition up to 0.60 FAR.
3/22/2019	17.76.090.B.4	Page 76-22	<u>Simplify sentence as follows: The City shall evaluate the potential impact on public coastal access when</u> considering a Coastal Development Permit application for any development that could reduce or degrade public parking opportunities near beach access points, shoreline trails, or parklands, including any changes in parking fees, timing and availability. <u>The City shall</u> ensure existing levels of public access are at least maintained and if possible enhanced, including by providing alternative access opportunities such as bicycle lanes and bicycle parking, pedestrian trails, and relocated vehicular parking spaces, so as to fully mitigate any potential negative impacts and to maximize access opportunities.
3/7/2019	17.76-1	76-3	Leave footnote as "The Parking Demand Study shall be paid for bythe applicant contracted by the City, and approved by the Planning Commission. In the coastal zone, in all cases, hotel development shall provide adequagte parking."
3/7/2019	17.76.030.D	76-6	Allow up to 125 square feet of ancillary space within a garage that is not calculated toward the onsite parking requirement.

Meeting	Section	Page	Planning Commission Direction
3/7/2019	17.76.040.C.3	76-8	Reintroduce standard A and discuss with City Council 3. MU-V Zoning District. Required parking spaces for new <del>nonresidential development</del> and intensified uses in the MU-V zoning district shall be provided on sites outside of the Village area. These spaces shall be within walking distance of the use which it serves or at remote sites served by a shuttle system. The planning commission may approve exceptions to allow on-site parking in the MU-V district for: <u>a. Nonhistoric structures in residential areas bounding the central commercial district of the village; and</u> <u>b. The Capitola Theater site (APN 035-262-04) and Mercantile site (APN 035-221-17) if driveway cuts are minimized to the extent possible and parking areas are located on the interior of the sites; and</u> <u>c. If mandated under Federal Emergency Management Agency regulations and as consistent with the certified local coastal program.</u>
3/22/2019	17.80.030	Page 80-3	C. <u>City-Installed Signs.</u> City-installed signs in all zoning districts do not require a permit. D. <u>Other Government-Installed Signs.</u> Governmental agency-installed signs to carry out its responsibility to protect <u>the public health, safety, and general welfare in all zoning districts do not require a permit.</u>
3/7/2019	17.80.060.U	80-7	Reword as follows " <u>sign affecting public property</u> (e.g. 'tenant parking only') not placed there by the public entity having the possessory interest in such property.
3/7/2019	17.84.070.(I)(7)	84-6	"coastal zone" - no caps
3/7/2019	17.84.070.(I)(6)	84-6	Keep finding I.6 as drafted "The proposed project is consistent with the General Plan, the Local Coastal Program including the required geologic hazards setback, any applicable Specific Plan, the Zoning Code, and the California Environmental Quality Act (CEQA).
3/7/2019	17.84.080(F)(5)	84-8	Amend so F5 is not be an alternative basis for approval, but a universal requirement. Restructure section F so that the review authority must find one of 1-4 plus 5.
3/7/2019	17.84.080.F.	84-7	Findings for Approval. To approve a Historic Resource Demolition Permit ( <u>and associated Coastal Development Permit if in the coastal zone</u> ), the review authority shall make one or more of the following findings.
3/22/2019	17.88.050.A and B	Page 88-3	No change to hotel height limit. Specify the cliff drive location as the southern parking lot along the bluff of Cliff Drive
3/22/2019	17.88.070.C	Page 88-4	Theater Site Storey Poles. Prior to City action on a proposed hotel on the former Capitola Theater site the applicant <u>may be required by the Planning Commission or City Council to</u> install poles and flagging on the site to demonstratethe height and mass f the proposed project.
3/22/2019	17.88.080.B.4	Page 88-5	Parking for the hotel is provided in a way that minimizes vehicle traffic in the Village, strengthens the Village as a pedestrian-oriented destination, and protects <del>and enhances</del> public parking options.
3/7/2019	17.96.	96-1	Reinsert standard from previous zoning code: 17.81.040.E. Rules Governing Openspace which was not carried over to new code, as follows "In the Soquel Creek area within the city limits, the following shall apply: All bulkheads shall be constructed in a rustic manner and finished in wood. All handrails on decks shall not exceed forty-two inches in height, nor shall the space between the deck and the handrails be filled in creating a solid appearance. Only two freestanding lights shall be allowed for each deck and to a maximum height of eight feet.
3/7/2019	17.120.040.C.6	120-3	Reword to: "Story poles shall only be required <del>upon request of</del> <u>by the Planning Commission or City Council.</u> "
3/7/2019	17.128.090(A)and (B)	128-3	Staff suggest rewording to " <u>and, when appealed in the coastal zone in conjunction with a coastal development permit,</u> as described in Chapter 17.44 (Coastal Overlay Zone).
3/7/2019	D.9	160-5	Redefine development to: "Development" means any proposed change to the land or structure that requires a permit or approval from the City including construction, rehabilitation, and reconstruction. See section 17.44.030 for the definition of "Development" that applies in the coastal zone.

Attachment: PC and CC Direction on Zoning Code Update (First Reading Chapter 17 Zoning Code/LCP-IP

Meeting	Section	Page	Planning Commission Direction
3/7/2019	P.1	160-11	No change to the definition of "Parcel". Lot and parcel are synonymous as the code now provides. See, e.g., 16.08.082, 16.08.110.
Pending PC Review 5/2	S.6	160-15	Add definition for Single Room Occupance. Unit with kitchen facilities (studio apartments) with are four hundred square feet or less.
10/1/2020	17.24.929.A Table 17.24-1	24-2	Update: Clarify that the 100 feet is measured from any portion of the outdoor drive-through facility by rewording note 4 for drive-through to read "Prohibited within 100 feet of a residential zoning district or residential use including residential properties outside the City limits. <u>Distance is measured from any site feature designed and/or used for drive-through services (e.g. vehicle aisle, menu board, lighting) to the property line of the residential district or use.</u> "
10/1/2020	17.120.030, Table: 17.120-1	120-2	Update table to clarify that a Design Permit is required for any rooftop deck on any commercial or residential building.

Meeting	Section	Page	City Council Direction	Notes
5.23.2019	17.16.030.B.9.d	16-7	Allow a single-family home to have one kitchen and one mini-bar/convenience area. The requirement was drafted requiring internal access and therefore prevented outdoor mini-bar/convenience areas. The updated mini-bar/convenience area standard will specify that it may either be located within the home if there is internal access OR outside the home.	
5.23.2019	Table 17.24-3	24-5	Remove maximum density limits from CC/CR districts.	
5.23.2019	17.40.030.F	40-8	Carry over previous requirements of 17.84.030 of the new code prohibiting management, rental, or advertising of vacation rentals without a vacation rental permit. Add: F. Enforcement. It is prohibited for any person (including, but not limited to property owners, property managers or real estate agents) to do any of the following without a Vacation Rental Permit: 1. Rent, sublet, lease, sublease or otherwise for remuneration allow any person or persons to carry on a vacation rental use; or 2. To advertise for a vacation rental use; or 3. For compensation, to arrange, or help to arrange vacation rental uses.	
5.23.2019	17.48.040.B.6	48-5	Revise the FAR exception to allow up to 250 square-feet of an enclosed garage on a lot of 2,586 square-feet or less and allow lots between 2,586 and 3,018 square-feet with an enclosed garage to have a garage area exception of the difference between their maximum floor area and 1,750 square feet to adequately incentivize garages on small lots while removing the inequitable advantage. 1750 sq. ft. – (maximum floor area for lot size) = area of garage exclusion	
5.23.2019	17.76.030.D	76-6	Allow up to 125 square feet of ancillary space within a garage that is not calculated toward the onsite parking requirement.	
5.23.2019	17.88.040.10	88-2	Councilmember Brooks requested that childcare centers be added to the Community Benefits section of Code.	
5.23.2019	17.74	74-1 - 74-9	Accepted all Capitola staff redlines for Accessory Dwelling Units	Note: The entire ADU chapter was update in 2020.
5.23.2019	17.160.S.6	160-15	Add definition for Single Room Occupance. Unit with kitchen facilities (studio apartments) with are four hundred square feet or less.	
6.27.2019	17.44.030.O	44-5	Add "swales" and "Lagoons" to shoreline protective device list.	
6.27.2019	Chapter 17.44	all pages in chapter	Consistent use of CDP or Coastal Development Permit.	
6.27.2019	17.44.070.E	44-8	Add reference to CDP Violations section 17.44.180	Note: These requested modifications were incorporated into the updated version of 17.44 which was further
6.27.2019	17.44.080.C.5	44-12	Unnecessary space after Public Roads .	



Meeting	Section	Page	City Council Direction	Notes
6.27.2019	17.44.100	44-15	Change title to "Challenges to City Determination of a Coastal Development Permit"	amended by Coastal Commission staff then the City Council on 5/14/2020.
6.27.2019	17.44.130.A.7	44-19	Verify wording. Should "and uses" be "land uses"?	
6.27.2019	17.44.170.A	44-24	Keep or other designate local official	
6.27.2019	17.44.170.I	44-26	remove "for" in second sentence.	
5.14.2020	Chapter 44	44 - all pgs	City staff provided an extensive update of the Coastal Overlay zone based on discussions with staff of coastal commission staff. Council accepted the updated chapter with the one modification to 17.44.010B.3 in the next row.	Complete updated draft of Chapter 17.44 provided to City Council on 5.14.2020
5.14.2020	17.44.010.B.3.	44 - 2	remove "the" in people of "the" capitolat	
5.14.2020	17.76.090.B.4	76-22	Change to: City shall <del>evaluate</del> <u>require</u> alternative opportunities ...	
3.26.2020	Chapter 17.80	80 all pgs.	City adopted entirely sign ordinance chapter	Note: New sign ordinance adopted
3.26.2020	Chapter 17.74	74 all	City adopted entirely new ADU chapter	Note: New ADU ordinance adopted
3.26.2020	17.15.100		Remove note "Lots of five thousand or more square feet with approved second dwelling units are permitted a maximum FAR of sixty percent for all structures, in accordance with Chapter 17.99 Secondary Dwelling Units.	
7.21.2020	17.28 Table 17.28-1 Footnote 1	28-4	Change to: "in conjunction with <del>visitor</del> <u>overnight</u> accomodations or grant of public access to a viewpoint"	
7.21.2020	17.76.040.3	76-6 & 76-9	<p>1.MU-V Zoning District. Required parking in the MU-V district for new development and intensified uses shall be provided in compliance with the following:</p> <p>a.The Planning Commission may approve onsite parking if any following conditions are applicable:</p> <p>(1)For property fronting a Commercial Core street shown in Figure 17.76-2, onsite parking is allowed if access to parking is from a side street, alleyway, or existing driveway cut. New driveway cuts are prohibited along a Commercial Core street frontage.</p> <p>(2)For the Capitola Theater and Mercantile sites, if driveway cuts are minimized to the extent possible and parking areas are generally located on the interior of the sites.</p> <p>(3)Within the Riverview Avenue, Cherry Avenue, and Cliff Drive residential overlays.</p> <p>(4)As mandated by Federal Emergency Management Agency (FEMA) regulations.</p> <p>b.The Planning Commission may permit off-site parking f <del>or non-residential</del> <del>uses</del> if the space(s) are within walking distance of the use which it serves or located at a remote site served by a shuttle system.</p>	

Meeting	Section	Page	City Council Direction	Notes
7.21.2020	17.88.050.B.2.a	88-3	<p>1.An increase in the maximum permitted floor area ratio (FAR) to 3.0.</p> <p>2.An increase to the maximum permitted building height provided that:</p> <p>a.The maximum height of the hotel <u>(including all rooftop architectural elements such as chimneys, cupolas, etc., and all mechanical appurtenances such as elevator shafts, HVAC units, etc.)</u> remains <del>at least 10 feet</del> below the <del>top</del> elevation of the bluff behind the hotel; and</p> <p>b.The bluff behind the hotel remains visible from <del>Capitola Beach, the southern parking lot along the bluff of Cliff Drive,</del> and the Capitola wharf as a green edge <u>above the visible top of the hotel</u> with existing mature trees maintained on site. Trees which are unhealthy or unsafe, shall be removed.</p>	

**REVISIONS TO ADDRESS PRIOR INTERIM CITY ATTORNEY COMMENTS**

<b>Code Section</b>	<b>Page</b>	<b>Coastal Commission Staff Proposed Amendment</b>	<b>City Attorney Comment</b>	<b>Resolution</b>
17.44.010 (B)	44- 1/2	Coastal staff proposed the addition of language reading, “This chapter shall be given the broadest interpretation possible so as to protect, restore, and enhance coastal resources...” City staff and Planning Commission have recommended against this amendment.	SPECIALIST COUNSEL ADVISORY	Subsection B revised to more closely track with Coastal Act Sections 30001.5, 30005, and 30007.5:  “B. In achieving these purposes, this chapter shall be consistent with the goals, objectives and policies of the California Coastal Act and Article X, Section 4, of the California Constitution. <u>This chapter shall be interpreted and applied in a manner that:</u>  <u>1. Protects, maintains, and where feasible, enhances and restores the overall quality of the coastal zone environment and its natural and artificial resources;</u>  <u>2. Allows the City to adopt and enforce additional regulations, not in conflict with the Coastal Act or otherwise limited by State law, imposing further conditions, restrictions, or limitations with respect to any land or water use or other activity which might adversely affect the resources of the coastal zone; and</u>  <u>4.3. Resolves conflicting provisions in a manner which balances the utilization and conservation of coastal zone resources, taking into account the social and economic needs of the people of the Capitola and the state.”</u>
17.44.030 (I)	44-4	Coastal staff proposed new definition for “Energy Facility.”	The proposed amendment would substantially expand the definition of “energy facilities.” As drafted, it could be argued to include private operation of residential solar panels or other energy-generating technologies.	Requested edit accepted. Energy Facility definition matches Coastal Act Section 30107. Major energy facility definition matches Coastal Commission Regulations Section 13012:  “ <b>I. Energy Facility.</b> Any public or private processing, producing, generating, storing, transmitting, or receiving facility for electricity, natural gas, petroleum, coal, or other source of energy. A “major energy facility” means any of the previously listed facilities that costs more than <del>\$275,882,283,502</del> as of <del>2017</del> 2019 with an automatic annual increase in accordance with the Engineering News Record Construction Cost Index except for those governed by the provisions of Public Resources Code Section 30610, 30610.5, 30611, or 30624.”
17.44.030 (Q)	44-5	Coastal staff proposed a new definition for “structure.”	The proposed amendment would substantially expand the definition of “structure” by removing the important qualifier of “permanently attached to the ground.” This would have the effect of incorporating nearly any man-made object into the definition of structure (including things like tents or umbrellas), which would substantially broaden the application of the LCP, and the corresponding requirement to obtain a CDP, for the placement or erection of such structures.	Returned to City’s existing definition, including the permanently attached to the ground qualifier. Coastal Commission staff indicated this is acceptable.  “ <b>Q. Structure.</b> <del>As used in this chapter, “structure” includes, but is</del> Any improvement permanently attached to the ground, including, but not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.
17.44.060	44-6	Coastal staff proposed adding language reading, “All standards (including with respect to height, setbacks, density, coverage, etc.) shall be interpreted as maximums (or minimums as applicable) that shall be reduced (or increased as applicable) to protect and enhance coastal resources and meet LCP objectives to the maximum extent feasible depending on the facts presented. Protection of coastal resources shall be a priority in all City actions and decisions for development within the -CZ overlay zone, and such development must conform to all applicable	Coastal staff recently indicated they would not accept the City’s proposed LCP update if it did not include the language stricken by City staff and the Planning Commission. Coastal staff indicate they believe the language merely “reiterates and expounds” on the tenets of the Coastal Act.	New compromise language added to 17.44.060:  “Development standards (e.g., structure height, setbacks) that apply to property in the -CZ overlay zone are the same as in the underlying base zoning district. <u>These standards are maximums (or minimums as applicable) and are not an entitlement or guaranteed allowance. Where the Zoning Code allows for discretion in the application of development standards, the decision-making body may impose more stringent requirements to the extent permitted by state law to protect and enhance coastal resources.</u> ”

Code Section	Page	Coastal Commission Staff Proposed Amendment	City Attorney Comment	Resolution
		LCP policies related to hazards, water and marine resources, scenic resources, biological resources and environmentally sensitive habitat areas, cultural resources, and public access and recreation.” City staff and Planning Commission have recommended against this amendment, and have proposed a compromise.		
17.44.070 (B)(5)	44-6/7	Coastal staff proposed adding language reading, “Any additional development proposed on a parcel with a Coastal Commission-issued <del>Coastal Permit</del> <u>authorization</u> shall be reviewed by the City pursuant to an application for a new <del>Coastal Permit</del> <u>CDP</u> , provided that the Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission- <del>issued permit authorization or would not be more appropriately processed through a Commission authorization.</del> ”	Coastal staff struck “issued Coastal Permit” and substituted “authorization,” which would ostensibly broaden the potential for Coastal staff to demand review of <i>all</i> additional development – including City-issued CDPs which could be argued to represent “Coastal Commission authorization.”  Coastal staff also added the following clause to the end of the paragraph: “or would not be more appropriately processed through a Commission authorization.” It is unclear what this language means, and it introduces ambiguity and increases the potential for subjective arguments instead of the application of objective, concrete standards.	Revisions to B (5) to clarify that Coastal Commission “authorizations” include Coastal Permits, amendments, or waivers. Clarifies that the Commission is the permitting authority if the project is in the Commission’s retained jurisdiction.  “5. Development already authorized by a Coastal Commission-issued <del>Coastal Development Permit</del> <u>CDP</u> , Amendment, or Waiver remains under the jurisdiction of the Coastal Commission for the purposes of condition compliance, amendment, and revocation. Any additional development proposed on a parcel with a Coastal Commission- <del>authorization-issued CDP, Amendment, or Waiver</del> shall be reviewed by the City <del>pursuant to a</del> <u>as a new CDP</u> application- <del>for a new CDP</del> , provided that <del>the</del> :  a. <u>The Coastal Commission determines that the development is not contrary to any terms or conditions of the Commission-<del>authorization or would not be more appropriately processed through a Commission authorization.</del>-issued CDP, Amendment, or Waiver; or</u>  b. <u>The development is not located within a location where the Coastal Commission is required to retain jurisdiction under the Coastal Act.</u> ”
17.44.070 (D)	44-7	Coastal staff revised the subsection for “Legal Development and Permitting Processes.”	The proposed amendment would substantially increase the potential for argumentation regarding the legality of previous development, and would increase the scope of the development over which the Coastal staff would claim authority under the Coastal Act.	Revisions accepted, determined to be consistent with Coastal Act.  “D. <b>Legal Development and Permitting Processes.</b> Development that was legally established prior to the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide or the Coastal Act of 1976 (i.e., January 1, 1977) for all coastal zone property, whichever is applicable, is considered lawfully established development that does not require a <del>Coastal Development Permit</del> <u>CDP</u> in order to continue as it legally existed prior to those dates. Any additional development since those dates (including improvements, repair, modification, and/or additions) requires a CDP <u>or a determination that such development is excluded from CDP requirements</u> in accordance with the provisions of this chapter.”
17.44.070 (E)	44-8	Coastal staff revised the subsection for “Illegal Development and Permitting Processes.”	As with the section identified immediately above, this proposed amendment would substantially increase the potential for argumentation regarding the legality of previous development, and would increase the scope of the development over which the Coastal staff would claim authority under the Coastal Act.  It adds new requirements for determining consistency with the LCP, and provides if a project cannot be found to be consistent, it must “be abated and any affected areas restored to at least the condition before the unpermitted development was undertaken if not better.”	Revisions accepted, determined to be consistent with Coastal Act Sections 30810 and 30811.  “E. <b>Illegal Development and Permitting Processes.</b>  1. Development that was not legally established (i.e. with a Coastal Development Permit) after the effective date of Proposition 20 (i.e., February 1, 1973) for property within 1,000 yards of the mean high tide, or the Coastal Act of 1976 (i.e., January 1, 1977) for all coastal zone property, whichever is applicable, constitutes “unpermitted development” <u>for purposes of this Chapter 17.44.</u> In addition, development undertaken inconsistent with the terms and conditions of an approved CDP (or an approved waiver or amendment) is also not lawfully established or authorized development (i.e., it constitutes unpermitted development). Both categories of unpermitted development may be subject to enforcement action by the City of Capitola and/or the Coastal Commission.

Code Section	Page	Coastal Commission Staff Proposed Amendment	City Attorney Comment	Resolution
				<p>2. If development is proposed on a site with unpermitted development, then such application may only be approved if it resolves all permitting and coastal resource issues associated with the unpermitted development, including through removal <del>or retention</del> of all or part of the unpermitted development <u>or retention of such development</u> if it can be found consistent with the policies and standards of the <del>City's</del> LCP and the public access and recreation policies of the Coastal Act, if applicable. If the unpermitted development cannot be found consistent, the unpermitted development must be abated and any affected areas restored to <del>at least</del> the condition before the unpermitted development was undertaken <del>if not better</del> <u>or pursuant to the terms of a valid restoration order.</u>"</p>
17.44.080 (C)(4)(d)	44-11	Coastal staff proposed the following amendment: The " <u>provisions of this section shall not be applicable to those activities specifically described in the document entitled "Repair, Maintenance and Utility Hookups," adopted by the Coastal Commission on September 5, 1978 unless a proposed activity will have a risk of substantial adverse impact on public access, an environmentally sensitive habitat area, wetlands, or public views to the ocean.</u> "	The proposed amendment could introduce ambiguity into the Zoning Ordinance and create a basis for subjective argumentation not rooted in the application of objective, concrete standards (specifically, the phrase "unless a proposed activity will have a risk of..."). 4	"d. The provisions of this section shall not be applicable to those activities specifically described in the document entitled "Repair, Maintenance and Utility Hookups," adopted by the Coastal Commission on September 5, 1978 unless <u>the Community Development Director determines that</u> a proposed activity will have a risk of substantial adverse impact on public access, an environmentally sensitive habitat area, wetlands, or public views to the ocean."
17.44.100 (B)	44-14/15	Coastal staff proposed the adding the Executive Director of the Coastal Commission to those who are required to receive notice, allowed to challenge the designation of, development for purposed of CDP requirements.	The proposed language would erode local control and discretionary authority. It is inconsistent with the provisions of the Coastal Act, which limit Coastal Commission appeals jurisdiction to final actions, not initial determinations.	17.44.100 revised to conform with CCR Section 13569. See pages 44-14/15
17.44.110	44-15	Coastal staff proposed adding new requirements for applications. City staff proposed allowing the City's Community Development Director discretion to determine the materials necessary for any application.	Coastal staff has not indicated whether the City's version is acceptable.	Coastal staff has not provided feedback. City's preferred language consistent with other permits specified in the Zoning Code is maintained.  "A. <b>Submittal Requirements.</b> <del>Coastal Development Permit</del> CDP application submittals shall include all the information and materials required by the Community Development Department. It is the responsibility of the applicant to provide all necessary and requested evidence to allow for the reviewing authority to make a decision regarding whether the proposed development is consistent with the LCP, including with respect to the findings required by Section 17.44.130 (Findings for Approval)."
17.44.160 (A)	44-20	Coastal staff proposed changing the effective dates of CDPs to the date to "after ten working days <u>of Coastal Commission receipt of a complete notice of final action</u> if no appeal has been filed. The ten- <del>working</del> -day appeal period shall start the day after the Coastal Commission receives adequate notice of the <u>City's</u> final local action."	This language is internally inconsistent, requiring "receipt of a complete notice of final action" and simultaneously starting the 10 day clock after Coastal Commission receives "adequate notice."	17.44.160 revised to confirm with CCR 13313 and Coastal Commission interpretation of this requirement.  "A. <b>Effective Date of a Coastal Development Permit.</b>  1. For City actions on <del>Coastal Development Permits</del> CDPs that are not appealable to the Coastal Commission, a <del>Coastal Development Permit</del> CDP shall become effective seven working days after the City's final decision.  2. For <del>City actions on Coastal Development Permits that are appealable to development within</del> the Coastal Commission, <del>a Coastal Development Permit CDP appeal area, CDPs</del> shall become effective after ten working days <del>of Coastal Commission receipt of a complete notice of final action</del> if no appeal has been filed. The ten- <del>working</del> -day appeal period <del>shall start</del> <u>starts</u> the day after the Coastal Commission receives adequate notice of the City's final <del>local action</del> - <u>decision</u> ."

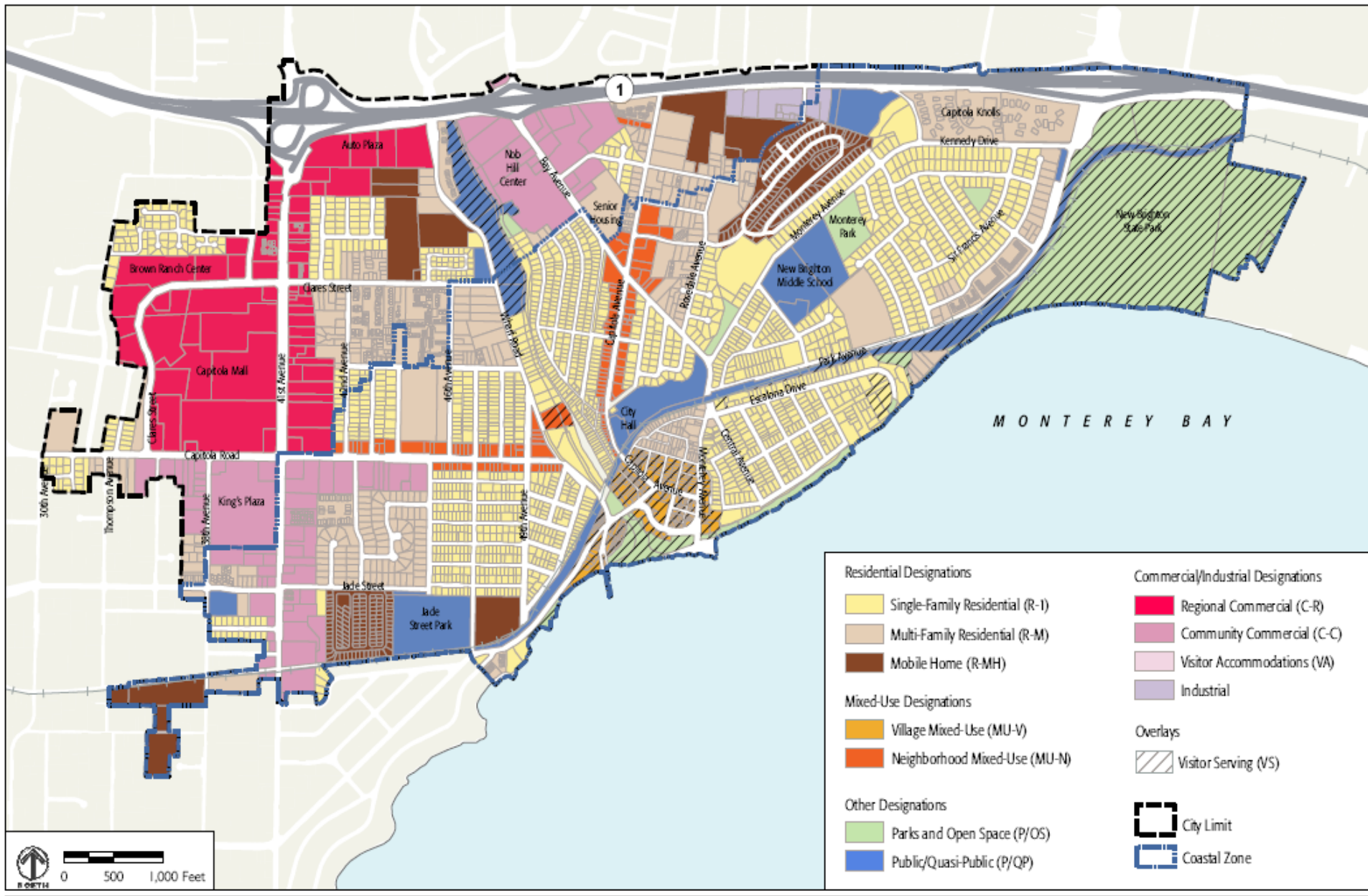


Code Section	Page	Coastal Commission Staff Proposed Amendment	City Attorney Comment	Resolution
17.44.170 (D)	44-22	Coastal staff proposed removing “designated local official” and requiring the Community Development Director take action. Coastal staff further proposed of the following new requirement: “ <u>The Community Development Director shall consult with the Coastal Commission as time allows in determining whether to issue an Emergency CDP.</u> ”	This removed language reduces local control and authority to designate appropriate officials, inconsistent with the Coastal Act, and the additional language creates potential for argument as to whether the City properly consulted with the Commission staff.	Replaces “designated local official” with “other appropriate local official” to match language in 13329.2. Replaces “shall consult with the Coastal Commission” with “may consult with the Coastal Commission” as this is not required by 13329.3 or 13329.4.  “D. <b>Verification of Facts.</b> The Community Development Director <u>or other appropriate local official</u> shall verify the facts, including the existence and nature of the emergency, as time allows. The Community Development Director may request, at the applicant’s expense, verification by a qualified professional <u>of</u> the nature of the emergency and the range of potential solutions to the emergency (including identifying how the proposed solutions meet the criteria for granting the <del>emergency Coastal Development Permit</del> ). <u>Emergency CDP</u> . The Community Development Director <del>shall</del> <u>may</u> consult with the Coastal Commission as time allows <del>in determining to determine</del> whether to issue an Emergency CDP.”
17.44.170 (F)	44-23	Coastal staff proposed adding a new requirement for granting emergency CDPs: “ <u>The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.</u> ”	This new requirement creates significant room for debate and argument as to whether the work is “the minimum amount necessary.”	New requirement is removed as there is no specific regulatory basis.  “F. <b>Criteria for Granting Permit.</b> The Community Development Director may grant an Emergency CDP upon making all of the following findings:  1. An emergency exists and requires action more quickly than permitted by the procedures for ordinary <del>Coastal Development Permits</del> <u>CDP</u> .  2. The development can and will be completed within <del>thirty</del> <u>30</u> days unless otherwise specified by the terms of the permit.  3. Public comment on the proposed emergency action has been reviewed if time allows.  4. The work proposed will be consistent with the requirements of the <del>certified</del> -LCP.  <del>5. The proposed work is the minimum amount of temporary development necessary to abate the emergency in the least environmentally damaging manner.</del>
17.44.170 (G)	44-23	Coastal staff proposed adding additional requirements for the issuance of emergency CDPs, including removing any work accomplished by an emergency CDP that is not later endorsed by a full CDP. The “ <u>emergency development authorized by the Emergency CDP is only temporary, and can only be allowed to remain provided a regular CDP is obtained to recognize it. Absent a regular CDP, the emergency development shall be removed and the affected area restored to pre-emergency conditions or better within 6 months of Emergency CDP issuance.</u> ”	This language significantly reduce the ability to issue emergency CDPs and perform emergency work in a variety of contexts.	Replaced Coastal staff revision with the following:  “5. <u>If the applicant does not apply for or obtain a regular CDP is complete shall also be provided to the Community within the specified time period, the emergency development may be subject to enforcement action in accordance with Section 17.44.180 (Coastal Development Director Permit Violations).</u> ”
17.44.170 (H)	44-23	Coastal staff proposed limiting the projects or development which qualifies for an emergency CDP: “The emergency work authorized under approval of an <del>Emergency permit</del> <u>CDP</u> shall be limited to activities necessary to protect the endangered structure or essential public <del>structure</del> <u>infrastructure</u> .”	The change from “structure” to “infrastructure” lessens the City’s ability to utilize emergency CDPs to protect public structures, only permitting work on “infrastructure,” which is undefined.	Changed to “essential public <u>structures and</u> infrastructure.”  “1. The emergency work authorized under approval of an Emergency CDP shall be limited to activities necessary to protect the endangered structure or essential public <u>structures and</u> infrastructure.”
17.44.170 (I)	44-24	Coastal staff proposed the following change: “Upon the issuance of an <del>Emergency permit</del> <u>CDP</u> , the applicant shall submit a completed <del>Coastal Permit</del> <u>CDP</u> application and any required technical reports within a time specified by the Community Development Director, <u>but</u> not to exceed 30 days. <u>All emergency development approved pursuant to this section is</u>	As noted above, this modification requires removal of work and “restoration,” which remains undefined, if a complete full CDP is not obtained. The new requirement of 6 months for a full CDP	Changed to:  “I. <b>Application for Regular Coastal Development Permit.</b> <del>Upon</del> <u>After</u> the issuance of an Emergency CDP, the applicant shall submit a completed CDP application and any required technical reports within a time specified by the Community Development Director, but not to exceed 30 days. All emergency development approved pursuant to this section is

Code Section	Page	Coastal Commission Staff Proposed Amendment	City Attorney Comment	Resolution
		<p><del>considered temporary and must be removed and the area restored if an application for to recognize the development is not submitted within 6 months of the date of the emergency CDP issuance, unless the Community Development Director authorizes an extension of time for good cause.”</del></p>	<p>submittal is also inconsistent with the Coastal Act’s more lenient provisions.</p>	<p><del>considered temporary and mustshall be removed and the area restoredsubject to enforcement action in accordance with Section 17.44.180 (Coastal Development Permit Violations) if an application for to recognize the development is not submitted within 6 months ofthe timeframe specified in the date of the emergencyEmergency CDP-issuance, unless the Community Development Director authorizes an extension of time for good cause.”</del></p>
17.48.030 (F)	48-5	<p>Coastal staff proposed including the following findings required for the issuance of encroachment permits: “with the additional findings that the encroachment does not restrict lateral and vertical public coastal access, does not obstruct public coastal views, and does not impact ESHA, as identified in the Local Coastal Program.”</p>	<p>This language could result in the denial of an encroachment permit for work in the Capitola Village if the permitted work even temporarily impacted public access or public views.</p>	<p>Language on encroachments into the public right-of-way edited as follows:  <b>“F. Encroachments in the Public Right-of-Way.</b></p> <ol style="list-style-type: none"> <li>1. <del>Encroachment of private development</del>A privately-installed structure may encroach into the public right-of-way <del>may be allowed, but only when such encroachments arethe encroachment is</del> authorized by the Public Works Director or Planning Commission.<del>Encroachments as provided in the public right-of-way inMunicipal Code Chapter 12.56 (Privately Installed Improvements on Public Property or Easements.</del></li> <li>2. <del>In the coastal zone, a privately-installed structure encroaching into the public right-of-way</del> may require via a Coastal Development Permit (CDP) as specified by Chapter 17.44 (Coastal Overlay Zone) and the findings for approval of a CDP as specified in 17.44.130 (Findings for Approval), with the additional findings that the encroachment does not restrict lateral and vertical public coastal access, does not obstruct public coastal views, and does not impact ESHA, as identified in the Local Coastal Program. <del>In addition, toTo</del> the extent the encroachment is allowed, <del>annual fees shall be charged with revenues dedicated to public coastal access improvements, and all encroachments shall be revocable. removed if the area is needed to provide for the continuance of public coastal access.”</del></li> </ol>
17.76.090	76-22	<p>Coastal staff proposed the following amendment: <del>“The City shall evaluate the potential impact on public coastal access when considering a Coastal Development Permit application for any development that could reduce or degrade public parking opportunities near beach access points, shoreline trails, or parklands, including any changes in parking fees, timing and availability. The City shall ensure existing levels of public access are at least maintained and if possible enhanced, including by providing alternative access opportunities such as bicycle lanes and bicycle parking, pedestrian trails, and relocated vehicular parking spaces, so as to fully mitigate any potential negative impacts and to maximize access opportunities.”</del></p>	<p>This requirement imposes a new obligation on the City to ensure that all existing levels of public access, including parking, are maintained. It further restricts the City’s ability to adjust parking fees, timing, and availability.</p>	<p>Coastal staff proposed language edited to more closely track Coastal Action Section 30252:</p> <ol style="list-style-type: none"> <li>4. <del>When</del>The City shall evaluate the potential impact on public coastal access when considering a Coastal Development Permit application for any development that <del>couldwould</del> reduce <del>or degrade</del> public parking <del>opportunities-spaces</del> near beach access points, shoreline trails, or parklands, including any changes <del>into the residential parking fees, timing and availability</del>program established under Coastal Development Permit 3-87-42. When parking is reduced, the City shall <del>evaluate the potential impact orrequire alternative opportunities for</del> public coastal access, <del>and as needed to</del> ensure existing levels of public access are <del>at least maintained and, or</del> if possible enhanced, <del>including by providing alternative access. Such</del> opportunities <del>such asmay include</del> bicycle lanes and bicycle parking, pedestrian trails, <del>and</del>relocated vehicular parking spaces, <del>so as to fully mitigate any potential negative impacts and to maximize access opportunities and enhanced shuttle/transit service.</del></li> </ol>

Attachment: PC and CC Direction on Zoning Code Update (First Reading Chapter 17 Zoning Code/LCP-IP Adoption)





Source: City of Capitola, 2018.

GENERAL PLAN LAND USE MAP  
ADOPTED MARCH 14, 2019



# CAPITOLA CITY COUNCIL AGENDA REPORT

**MEETING OF OCTOBER 22, 2020**

FROM: Public Works Department

SUBJECT: Adopt a Resolution Approving the 2020 Update to the City of Capitola Local Hazard Mitigation Plan

**RECOMMENDED ACTION:** Adopt the proposed resolution approving the 2020 update to the City of Capitola Local Hazard Mitigation Plan.

**BACKGROUND:** On May 3, 2013, the City's first Local Hazard Mitigation Plan (LHMP) was approved by the Federal Emergency Management Agency (FEMA). Federal regulations require the plan be updated every five years in order to remain eligible for benefits awarded under the Disaster Mitigation Act. On May 13, 2018, the California Office of Emergency Service (CalOES) approved \$41,438 of grant funding to update the City of Capitola's LHMP. In addition, the City provided a required 25 percent match (\$13,812) of the total project cost of \$55,250. In September 2018, a contract was awarded to Kimley-Horn, who had previously prepared the 2013 LHMP, to complete the update. Work has continued since 2018, and an updated LHMP is now ready for Council review. CalOES indicated the City's 2013 LHMP would remain in effect if work on an updated version progressed, with the update ultimately adopted by Capitola City Council.

The LHMP includes identification of potential natural hazards, such as climate change, and preparation of detailed mitigation and response plans. A current LHMP has the potential to position the City for significant future grant funds for flood and disaster relief and recovery, which are separate from the State and Federal government's Disaster Declaration Funds. The updated LHMP report is included as Attachment 1.

**DISCUSSION:** The update's scope of work included a stakeholders meeting, comprised of public and private local agencies, to review the 2013 plan and determine which sections needed updating. The focus of the update was on climate change. Since the 2013 plan's adoption, several sea-level rise studies and reports have been prepared, including the 2017 report "Capitola Coastal Climate Change Vulnerability Report". Based on the latest sea-level rise information and the new zoning codes, Kimley-Horn reviewed all sections of the previous LHMP and updated it with current information. Staff from the Federal Emergency Management Agency has review and tentatively approved the LHMP, pending City adoption (Attachment 2).

In April 2020, the public review draft of the LHMP update was published on the City Website. The City received one public comment from Surf Rider Foundation (Attachment 3). In response to these comments the LHMP was modified with the addition of mitigation action item 2Z on page 109 to

LHMP Update Approval  
October 22, 2020

investigate long term options to manage sea-level rise including living shorelines and soft armoring techniques. In addition, Surf Rider Foundation recommended using a 2018 Ocean Protection Study in the analysis of the impacts of sea-level rise. This study was utilized, and the City will continue to rely on the most current studies when completing further impact analysis.

FISCAL IMPACT: Grant funds were received, and the local share of the project cost was included in the Community Development Department's contract services budget. The contract was completed on budget.

ATTACHMENTS:

1. Capitola Local Hazard Mitigation Plan - 2020 Update (PDF)
2. LHMP letter from FEMA (PDF)
3. Capitola LHMP Comments Surf Rider Final (PDF)

Report Prepared By: Steve Jesberg  
Public Works Director

**Reviewed and Forwarded by:**



\_\_\_\_\_  
Jamie Goldstein, City Manager 10/16/2020

RESOLUTION NO. \_\_\_\_\_

**RESOLUTION ADOPTING A LOCAL HAZARD MITIGATION PLAN  
FOR THE CITY OF CAPITOLA**

**WHEREAS**, the Disaster Mitigation Act of 2000, as amended, requires that state and local governments, tribal nations and other eligible applicants develop and adopt hazard mitigation plans in order to receive certain federal assistance, and

**WHEREAS**, The City of Capitola first adopted a Local Hazard Mitigation Plan (LHMP) in 2013 and the Disaster Mitigation Act requires the plan to be updated every five year; and

**WHEREAS**, The City of Capitola received a grant through the California Office of Emergency Services in 2018 and began the update process; and

**WHEREAS**, the consulting firm who assisted the City with the 2013 LHMP was hired to review and develop an update to the mitigation plan for the City; and

**WHEREAS**, a Technical Advisory Committee (TAC) comprised of representatives from the City and partnering local agencies was reconvened in order to review the 2103 LHMP and make recommendations on updating the report for mitigating the effects of hazards to the City of Capitola; and

**WHEREAS**, the efforts of the TAC members and the consulting firm, in consultation with members of the public, private, and non-profit sectors, have resulted in the development of a updated 2020 Local Hazard Mitigation Plan for the City of Capitola; and

**WHEREAS**, the Federal Emergency Management Agency (FEMA) has reviewed and given tentative approval to the updated LHMP pending adoption by the City.

**NOW THEREFORE, BE IT RESOLVED** by the City Council of the City of Capitola, that the updated 2020 Local Hazard Mitigation Plan is hereby approved and adopted for the City of Capitola, in accordance with the Federal Disaster Mitigation Act of 2000.

**I HEREBY CERTIFY** that the above and foregoing Resolution was passed and adopted by the City Council of the City of Capitola at its regular meeting held on the 22<sup>nd</sup> day of October 2020, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Kristen Peterson, Mayor

ATTEST:

\_\_\_\_\_  
Chloe Woodmansee, City Clerk





Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

# Local Hazard Mitigation Plan

2020 Five Year Update



DRAFT



**Local Hazard Mitigation Plan  
2020 Five Year Update**

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Prepared by







# Acknowledgements

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## **City of Capitola**

Jamie Goldstein, City Manager

Steve Jesberg, Public Works Director

Katie Herlihy, Community Development Director

Terry McManus, Chief of Police

Larry Laurent, Assistant to the City Manager

## **Consulting Team**

Kimley-Horn and Associates



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# Appendices

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Appendix A – Timeline of Capitola Natural Hazard Events

Appendix B – Detailed Critical Facilities Inventory

Appendix C – City of Capitola Coastal Climate Change Vulnerability Report (June 2017)



# 1 Chapter One - Introduction

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Natural hazards and extreme weather events are an ongoing part of the cycle of weather and seasons. However, when natural hazards such as earthquakes, tsunamis or coastal storms are at their height, they pose severe risk to people and property. They can cause death or leave people injured or displaced, cause significant damage to our communities, businesses, public infrastructure and environment, and cost tremendous amounts in terms of response and recovery dollars and can contribute to economic loss.

In March 2011, the City of Capitola experienced significant rain events that caused a catastrophic failure of a storm drain, resulting in flooding of the Capitola Village. Damages associated with this flooding were estimated at approximately \$4 million in the City of Capitola and \$15 million dollars countywide, damaging many business and City facilities. In response to this event, the City pursued grant funding to prepare their first Local Hazard Mitigation Plan (LHMP or the Plan), which was completed in May of 2013.

The Disaster Mitigation Act of 2000 (DMA, Section 201.6(c)(4)(i) requires a Plan Maintenance Process which includes periodically reviewing and updating hazard mitigation plans. FEMA requires jurisdictions to update their LHMP every five years, subject to approval by the California Office of Emergency Services (CalOES). An approved and adopted LHMP is required to receive future federal and state emergency funding.

This document is the City of Capitola 2020 LHMP Five Year Update. It is the first update undertaken by the City.

The intent of the current Plan, while incorporating much of the prior LHMP versions, is to:

- Include any newly identified hazards
- Update hazards/risk data
- Update development data
- Review and revise as necessary the hazard mitigation goals and actions
- Update demographic data and maps
- Incorporate the City of Capitola Coastal Change Vulnerability Report (June 2017)

A successful hazard mitigation strategy enables the implementation and sustaining of local actions that reduce vulnerability and risk from hazards, or reduce the severity of the effects of hazards on people and property. Historically, in many local jurisdictions, disasters are followed by repairs and reconstruction which simply restore the area to pre-disaster conditions. Capitola has experienced many natural hazard events during its history (Appendix A – Timeline of Capitola Natural Hazard Events). Such efforts expedite a return to normalcy; however, the replication of pre-disaster conditions results in a cycle of damage, reconstruction, and repeated damage. Hazard mitigation ensures that post-disaster repairs and reconstruction result in a true reduction in future hazard vulnerability.

While we cannot prevent disasters from happening, their effects can be reduced or eliminated through a well-organized public education and awareness effort, preparedness activities and mitigation actions. For those hazards which cannot be fully mitigated, the community must be prepared to provide efficient and effective response and recovery. As a coastal community, the City of Capitola has historically experienced extreme wave surges, coastal storms, and flooding on a cyclical basis. In addition, Capitola is near the San Andreas earthquake fault line, and is at risk from tsunamis, and a variety of other natural disasters. This Plan outlines opportunities to increase Capitola's resiliency in the face of future natural hazards.

## 1.1 Purpose of the Plan

As the cost of damages from natural disasters continues to increase, the City of Capitola understands the importance of identifying effective ways to reduce vulnerability to disasters. This Plan assists Capitola in reducing vulnerability to disasters by identifying critical facilities ([Appendix B – Detailed Critical Facilities Inventory](#)), resources, information, and strategies for risk reduction, while helping to guide and coordinate mitigation actions.

The Plan provides a set of strategies intended to do the following: reduce risk from natural hazards through education and outreach programs, foster the development of partnerships, and implement risk reduction activities.

The resources and information within the Plan:

- Establish a basis for coordination and collaboration among participating agencies and public entities;
- Identify and prioritize future mitigation projects; and
- Assist in meeting the requirements of federal assistance programs.

The Capitola Hazard Mitigation Plan works in conjunction with other plans, including the General Plan, Local Coastal Plan, and Emergency Operations Plan.

## 1.2 Authority

The Disaster Mitigation Act of 2000 (DMA 2000), Section 322 (a-d) requires that local governments, as a condition of receiving federal disaster mitigation funds, have a mitigation plan that describes the process for identifying hazards, risks and vulnerabilities, identifies and prioritizes mitigation actions, encourages the development of local mitigation and provides technical support for those efforts. This Plan serves to meet these requirements.

## 1.3 Plan Adoption

The City of Capitola will use a resolution to adopt the local hazard mitigation plan (see sample below).

## 1.4 Plan Use

Each section of this Plan provides information and resources to assist people in understanding the hazard-related issues facing residents, businesses, and the environment. The structure of the plan enables people to use a section of interest to them and allows the City of Capitola to review and update sections when new data is available. The ability to update individual sections of the mitigation plan places less of a financial burden on the City. Decision makers can allocate funding and staff resources to selected pieces in need of review, thereby avoiding a full update, which can be costly and time consuming. The ease of incorporating new data will result in a Plan that remains current and relevant to Capitola.

The Plan is comprised of the following chapters:

### **Chapter 1: Introduction**

The Introduction describes the background and purpose of developing the mitigation plan in addition to introducing the mitigation priorities and summarizing the planning process.

### **Chapter 2: Community Profile**

The Community Profile presents the history, geography, demographics, and socioeconomics of Capitola. It serves as a tool to provide a historical perspective of natural hazards in the City.

**Chapter 3: Hazards Assessment**

This chapter provides information on hazard identification, hazard profiles, vulnerability and risk associated with natural hazards, and a vulnerability assessment of critical facilities in relation to the identified hazards.

**Chapter 4: Mitigation Actions**

This chapter provides strategies and mitigation actions to reduce potential risks to Capitola's critical facilities, residents, and businesses.

**Chapter 5: Plan Maintenance/ Capabilities**

This chapter provides information on plan implementation, monitoring and evaluation, discusses the assets and capabilities available to achieve the proposed mitigation actions outlined in Chapter 4, and opportunities for continued public involvement.

**1.5 Change in Priorities**

Subsequent to adoption of the 2013 LHMP, there has been no change in the hazard rankings. However, several technical studies related to sea level rise have been prepared, including most notably the City of Capitola Coastal Climate Change Vulnerability Report (June 2017). This report provides a detailed assessment of the potential impacts of sea level rise and recommended measures to minimize its impact. These measures have been incorporated into [Table 37: Capitola Hazard Mitigation Actions](#).

With respect to the other mitigation actions identified in [Table 37: Capitola Hazard Mitigation Actions](#), the General Plan was adopted in 2014. It includes a Safety and Noise element, providing further guidance on hazard-related issues and policy direction. The City also made improvements to the Noble Gulch storm drain facilities and completed and evaluation of the likelihood of debris flow impacts to the Stockton Avenue bridge during a catastrophic flooding event.

City staff continue to work in close coordination with other jurisdictions and agency to address local and regional hazards. In particular, the City has been working with the Soquel Creek Water District to construct and implement the Pure Water Soquel, Groundwater Replenishment and Seawater Intrusion Prevention Project. This includes plans to construct a new Seawater Intrusion Prevention Well on Monterey Avenue.

**1.6 Mitigation Priorities and Goals**

The purpose of the Capitola Local Hazard Mitigation Plan is to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from natural hazards. This can be achieved by increasing public awareness, documenting the resources for risk reduction and loss-prevention, and identifying activities to guide the City toward building a safer, more sustainable community.

Sample City Council Resolution

**RESOLUTION ADOPTING A LOCAL HAZARD MITIGATION PLAN FOR THE City of Capitola:**

WHEREAS, the Disaster Mitigation Act of 2000, as amended, requires that state and local governments, tribal nations and other eligible applicants develop and adopt hazard mitigation plans in order to receive certain federal assistance, and

WHEREAS, the City of Capitola having developed a Local Hazard Mitigation Plan Five Year Update meeting the requirements of Section 409 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and Section 322 of the Disaster Mitigation Act of 2000 (DMA 2000); and

WHEREAS, the DMA 2000 requires all cities, counties, and special districts to adopt a Local Hazard Mitigation Plan, and to update that plan at lease every five years as a condition of future funding for disaster mitigation from multiple FEM pre- and post-disaster mitigation grant programs; and

WHEREAS the City of Capitola seeks to maintain and enhance both a disaster-resistant and resilient city reducing the potential loss of life, property damage, and environmental degradation from natural disasters, which accelerating economic recovery from those disasters.

NOW THEREFORE, BE IT RESOLVED that the City of Capitola does hereby adopt the City of Capitola 2019-2024 Local Hazard Mitigation Plan Five Year Update as an official plan in accordance with the federal Disaster Mitigation Act of 2000, thereby meeting the continued eligibility requirements for the potential receipt of hazard mitigation grant funds; and

Be it further resolved that the City of Capitola will submit this Adopted Resolution to the Federal Emergency Management Agency Region IX Mitigation Division IX official to enable the plan’s final approval

ADOPTED by the City Council this \_\_\_ day of \_\_\_\_\_, 2020.

APPROVED:

\_\_\_\_\_

(Title, Name)

\_\_\_\_\_

(Title, Name)

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

The four primary goals for reducing disaster risk in Capitola include:

1. Avoid or reduce the potential for loss of life, injury and economic damage to Capitola residents from earthquakes, floods, drought, tsunami, coastal erosion/ bluff failure, and other geological hazards.
2. Increase the ability of the City government to serve the community during and after hazard events.
3. Protect Capitola's unique character, scenic beauty and values from being compromised by hazard events.
4. Encourage mitigation activities to increase the disaster resilience of institutions, private companies and systems essential to a functioning City of Capitola.

## 1.8 Hazard Mitigation Planning Process

This document is the first update to the Local Hazard Mitigation Plan pursuant to the Disaster Mitigation Act of 2000 for the City of Capitola. The primary City staff developing, maintaining, and implementing this plan comprise the Hazard Mitigation Planning (HMP) Team. Members of this team represent the following City Departments:

- Public Works Department
- City Manager's Office
- Police Department
- Community Development Department
- Kimley-Horn & Associates (Consultants)

### 1.8.1 2020 Capitola LHMP Update

In 2018, the City initiated the planning effort to update the 2013 LHMP. The LHMP team identified characteristics and potential consequences of natural hazards that are a potential threat to the City of Capitola. With the understanding of the risks posed by the identified hazards, the team determined and reviewed previously listed priorities and assessed various methods to avoid or minimize any undesired effects. Recent historical incidents were noted and assessed. Responsible departments were consulted in the review and development of the goals, objectives and actions. As a result, the mitigation strategy, including goals, objectives and actions, were determined, followed by an implementation and monitoring plan. This monitoring plan included tracking of hazard mitigation projects, changes in day-to-day City operations, and continued hazard mitigation development.

#### *Local Capabilities Assessment and Integration*

This assessment of the mitigation goals, programs and capabilities included a review of the following items:

- Human and technical resources
- Financial resources and funding sources
- Local ordinances, zoning and building codes
- On-going plans and projects

Consistency with other City plans, programs and policies were reviewed by consulting with the respective City departments. This included a review of the City's 2014 General Plan, Local Coastal Plan, and Emergency Operations Plan.

#### *Agency and Stakeholder Coordination*

On February 28, 2019, the City of Capitola held a meeting inviting agencies and stakeholders that were involved in preparation of the 2013 LHMP to inform them about the 2020 LHMP update process and to seek their input

regarding hazards and hazard planning for Capitola. The invitation was sent to the following organizations identified in [Table 1: 2020 LHMP Agency and Stakeholder Contact List](#).

**Table 1: 2020 LHMP Agency and Stakeholder Contact List**

Name	Organization	Title
Jamie Goldstein	City of Capitola	City Manager
Susan Westman	City of Capitola	Interim Community Dev. Director
Steve Jesberg	City of Capitola	Public Works Director
Michael Card	City of Capitola	Chief of Police
Tom Held	City of Capitola	Captain
Larry Laurent	City of Capitola	Information Technology
Carolyn Flynn	City of Capitola	LHMP Coordinator
Scotty Douglas	Santa Cruz Regional 911	General Manager
Paul Horvatt	County of Santa Cruz	Emergency Services Manager
Kevin C. Cole	Soquel Creek Water District	Field Crew Supervisor/ Safety
Shelley Flock	Soquel Creek Water District	Staff Analyst
Paul Rucker	Soquel Union Elementary School District	Director of Maintenance and Operations
Jeff Maxwell	Central Fire Protection District of Santa Cruz County	Chief/Battalion Chief
Tom Evans	National Weather Service Forecast Office, NOAA	Warning Coordination Meteorologist
Patsy Hernandez	Red Cross	
Charles Bockman	California State Parks	Parks Superintendent
Don Hill	SC County Public Works & Flood Control & Water Conservation District (Zone 5)	Assistant Director, Public Works
Rachel Lather	Santa Cruz County Sanitation District	Senior Civil Engineer
Wendy Abbott Sarsfield	PG&E	Central Coast Government Relations
Bill Wiseman	Kimley-Horn & Associates	Project Consultant

The meeting was attended by representatives from the City of Capitola, Soquel Union Elementary School District, and PG&E. Comments included general questions about the update process and schedule and subsequent coordination needs. PG&E wanted to confirm that fire hazards would be addressed in the plan, which was confirmed.

The Public Review Draft 2020 LHMP was also emailed to the above listed organizations on April 12, 2020 requesting they review document and send any comments to Steve Jesberg by April 29, 2020. No comments were received.

**Public Involvement**

When the 2020 Draft LHMP update was completed, a 14-day public comment period was initiated by posting the document to the City’s web site on April 15, 2020, and requesting comments be submitted to the Public Works

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Director by April 29, 2020. Copies were also made available at City Hall. A copy of the notice posted on the City's website is shown in Appendix D.

The only comment received was a letter from the Surfrider Foundation, dated April 29, 2020. In summary, the letter recommended adapting to sea level rise with modalities that preserve the coast; such as living shorelines, soft armoring techniques, and relocation of development within coastal hazard zones. They recommended against implementing the jetty improvement project, identifying alternative options for beach replenishment, and preparing a comprehensive, long-term proactive management plan to protect Depot Hill in a way that preserves the natural coastline and avoids hard armoring. To address these issues, Mitigation Action 2S was broadened to investigate various opportunities for beach nourishment and replenishment in concert with rebuilding the City's groin located at the east end of the main beach. Additionally, a new Mitigation Action 2Z was added to investigate long-term options to manage sea level rise and coastal erosion, referencing recommendations as identified by the Surfrider Foundation.





## 2 Chapter Two – Community Profile

### 2.1 Physical Setting

Capitola is a small coastal community in Santa Cruz County, encompassing approximately two square miles. The city is located north of the Monterey Bay shoreline, south of Highway 1, east of the City of Santa Cruz, and west of the unincorporated towns of Soquel and Aptos. [Exhibit 1: Regional Vicinity Map](#), depicts Capitola’s regional location. Capitola has a temperate Mediterranean climate and distinct landforms influenced by the San Andreas Fault system. Figure 1 is a historic photo of Capitola viewed from the Esplanade.

The City of Capitola is a popular tourist destination due to its beaches, historic charm, visitor amenities, and scenic location. Capitola has a population of approximately 10,000 residents; however, the number of tourists visiting the City on a given day can be more than three times this number.

### 2.2 History

Capitola has always been a popular tourist and resort area. Between 1874 and 1883, “Camp Capitola” was primarily a campground for families vacationing during the summer season. Capitola’s owner, Frederick Augustus Hihn, contracted for construction of the resort’s first hotel in 1878. He began to subdivide surrounding tracts for the sale of lots for summer homes in 1882. Two years later, Hihn added an annex to the hotel and built a ballroom/skating rink and other amenities. About that time, the railroad through Capitola was broad gauged. Costing between \$100 and \$300, the lots began to sell rapidly with the added convenience of the improved rail line. Hihn’s improvements continued, including construction of the Grand Hotel Capitola from 1894-1897 and the addition of the Union Traction Company streetcar line in 1903-4.

When Hihn died in 1913, his Capitola resort properties were inherited by his daughter Katherine Henderson. In 1919, she sold to capitalist H. Allen Rispin and a syndicate of San Francisco investors. By 1920, Rispin owned the entire waterfront, the Capitola Hotel, resort concessions, and 30 acres along Soquel Creek. The decade between 1920 and 1930 saw an increase in construction in Capitola; however, during the Depression many buildings burned, including the hotel.



Figure 1 – The Esplanade (ca. 1910)

In 1949, the residents of Capitola were successful in their campaign to incorporate. The new city had a population of 2,000 residents. In the late 1960's and early 1970's, Capitola experienced a growth surge with the construction of the Capitola Mall along 41st Avenue. For several decades, Capitola Mall was the regional shopping destination in the County. New retail options countywide beginning in the 1990's meant less growth for Capitola's primary retail mall area.

Today, Capitola remains a popular tourist destination. Shops and restaurants are located throughout the Village while the beach areas offer a variety of opportunities for recreational activities. Throughout the years since Capitola was first developed a myriad of hazard events have occurred that have impacted the City's residents, businesses, and infrastructure. Appendix A – Timeline of Capitola Natural Hazard Events provides a chronology of the natural hazard events that have affected the City, which includes dates and times (where available), pictures, and background information regarding the event.

## 2.3 Community Profile

The City of Capitola has a population of approximately 10,000 residents within an area of approximately two square miles. Tables 2 through 4 provide an overview of the City's population data, ethnicity, and education levels.

Table 2: **Capitola Population Data**

Population	
Total Population	10,080
Median Resident Age	41.9
Median Household Income	\$ 69,016
Per Capita Income	\$ 38,229
Median House Value	\$ 585,100
Source <a href="#">U. S. Census American Community Survey, July 2018</a>	

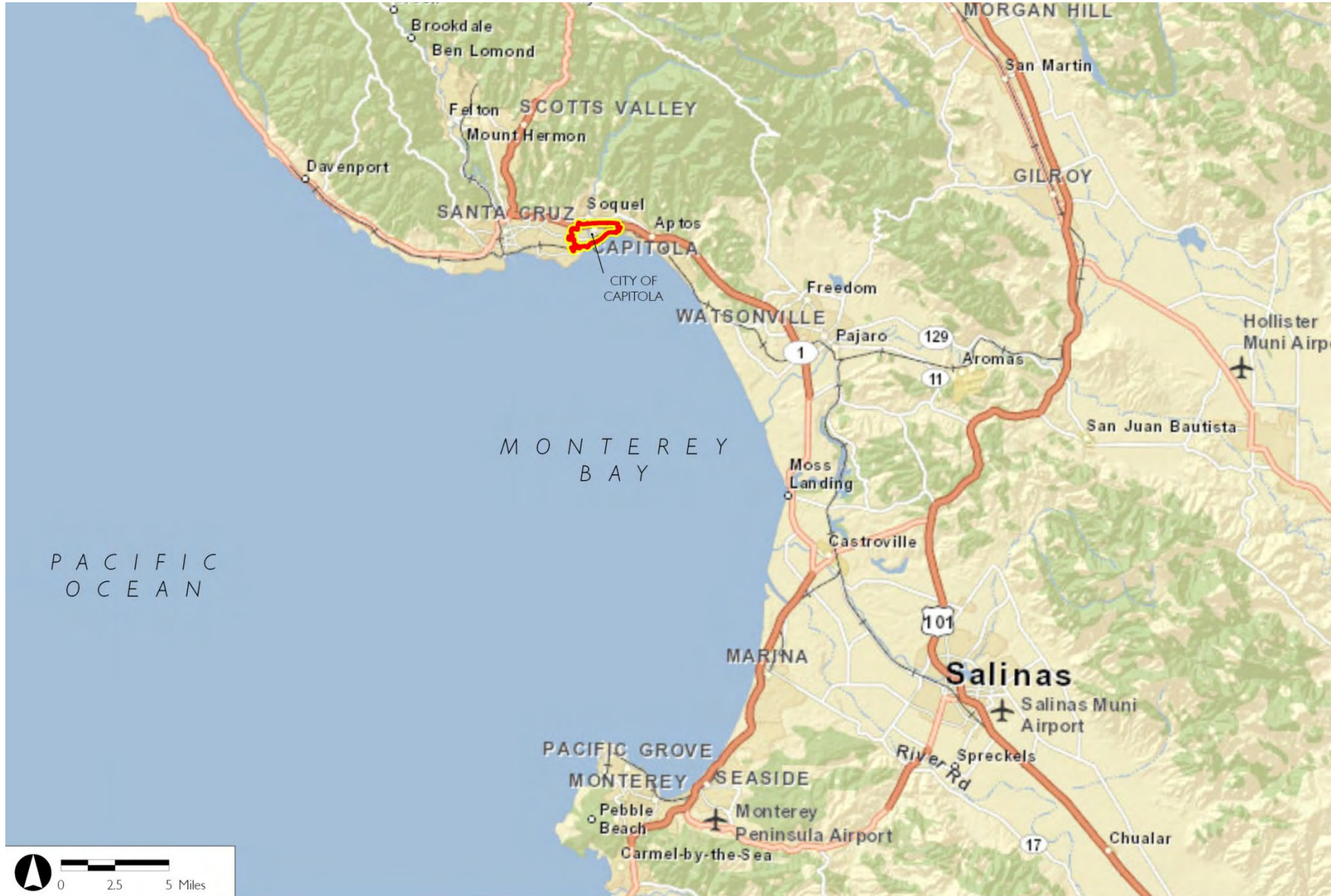
Table 3: **Capitola Ethnicity**

Ethnicity	
White (non-Hispanic)	86.7%
Black	0.5%
American Indian	0.1%
Asian	4.3%
Pacific Islander	0.0%
Two or More Races	5.8%
Hispanic or Latino	26.8%
Source <a href="#">U. S. Census American Community Survey, July 2018</a>	

Table 4: **Capitola Education Levels**

Education Attainment (Age 25 and Over)	
High school graduate or higher	92.7%
Bachelor's degree or higher	36.8%
Source <a href="#">U. S. Census American Community Survey, July 2018</a>	

Exhibit 1: Regional Vicinity Map



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## 2.4 Economic Trends

Capitola City is predominantly occupied by residential uses. The City contains a large retail presence, particularly along 41<sup>st</sup> Avenue. There is strong demand for visitor accommodations, particularly during the summer months.

Capitola's high rate of workers commuting to jobs outside the City shows that Capitola largely serves as a bedroom community for people working outside the City. However, the City also features more jobs than employed residents, thus indicating a mismatch between the kinds of jobs offered versus the skill levels and occupations of residents.

## 2.5 Existing Land Use

The General Plan is the principle policy document that regulates land use in Capitola. The Land Use Element contains a Land Use Map (refer to [Exhibit 2: Land Use Map](#)), that identifies 12 land use designations. [Table 4: General Plan Land Use Designations](#) identifies the General Plan land use designations and description of the typical uses allowed within each designation. The City of Capitola General Plan addresses the use and development of private land, including residential and commercial areas.

Capitola's land use pattern is well established and is unlikely to change in the future. Single-family homes are the most common land use in Capitola, occupying 26 percent of the city. Residential land uses, as a group, occupy more than half of the City area. Retail is the most common commercial land use, occupying 11 percent of the city. A relatively small percentage of Capitola is occupied by office, industrial and mixed uses (1 percent each). A relatively large percentage of the city (14 percent) is occupied by open space and recreational land uses, and approximately 4 percent of City land is vacant.

Using these land use designations, the City of Capitola has some capability to reduce risks to lives and property from natural and man-caused hazards. For example, open space land use can be designated in areas of hazard risk to prevent damage to developed property. Similarly, understanding where residential and commercial land uses are in relation to hazard risk is a key component to implementing mitigation strategies.

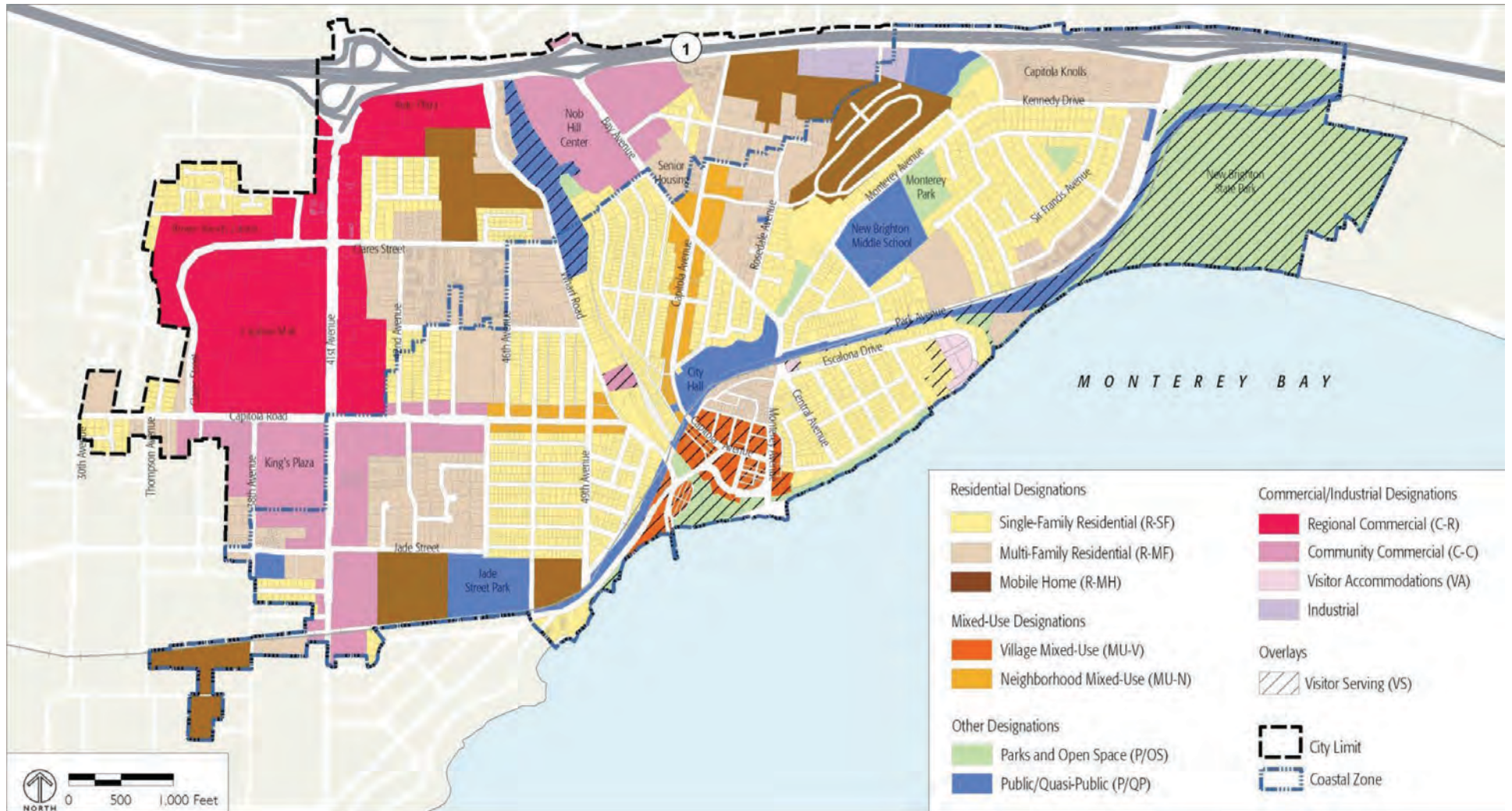
Table 5: General Plan Land Use Designations

	Land Use Designation	Description
RESIDENTIAL	Single-Family Residential (R-1)	Primarily detached single-family homes. Allows residential uses up to 10 dwelling units per acre.
	Multi-Family Residential (RM)	Allows residential uses at a density of 5 to 20 units per acre.
	Mobile Home (R-MH)	Allows mobile home development at 20 mobile homes per acre.
COMMERCIAL	Village Mixed-Use (MU-V)	Applies to properties the Capitola Village. Allows for a mix of commercial, residential, visitor-serving, recreational, and public uses.
	Neighborhood Mixed Use (MU-N)	Allows for a mixture of commercial and residential land uses.
	Community Commercial (C-C)	Allows for commercial areas that serve local neighborhoods.
	Regional Shopping (C-R)	Allows for large-scale shopping areas that provide goods and services to the regional population.
	Industrial (I)	Allows for industrial land uses.
VISITOR SERVING		
	Visitor Serving (VS)	Allows for visitor-serving land uses and activities.
OTHER	Parks and Open Space (P/OS)	Applies to open space lands whose primary purpose is recreation.
	Public/Quasi-Public (P/QP)	Applies to areas for public utility facilities.

Source: City of Capitola General Plan, 2019



EXHIBIT 2: Land Use Map



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



## 2.6 Residential Neighborhoods

Residential uses in Capitola are grouped together in neighborhoods, each with their own special character. The general boundaries of these neighborhoods are shown in [Exhibit 3 - Capitola Neighborhoods](#). Each neighborhood has a unique identity defined by its history, design character, land use mix, and natural setting.

### EXHIBIT 3: Capitola Neighborhoods



#### 2.6.1 41st Avenue/West Capitola

The 41st Avenue/ West Capitola neighborhood is comprised of an assortment of detached single-family homes, multi-family housing, and three mobile home parks. The area is known by some as the “North Forties” and includes the Trotter Street area. Housing constructed in the 1970s and 1980s creates a more modern feel to the neighborhood. The Rispin property, the Shadowbrook property, and the Capitola Library are located along the eastern edge of the neighborhood.

#### 2.6.2 Cliffwood Heights

The Cliffwood Heights neighborhood consists primarily of detached single-family homes as well as multi-family housing on Monterey Avenue and Park Avenue. Homes are typically one or two stories occupying relatively large lots. Wider streets with sidewalks and newer homes contribute to a more contemporary feel to the neighborhood. Monterey Park, Cortez Park, and New Brighton Middle School are also located within the Cliffwood Heights neighborhood.

### 2.6.3 Depot Hill

The Depot Hill neighborhood is nestled along Capitola’s shoreline and overlooks Capitola Village. Detached single-family homes on relatively small lots create an intimate feel. A high concentration of historic single-family homes, a variety of architectural styles, and a sidewalk exemption allowance contributes to the neighborhood’s coastal village feel. The Inn at Depot Hill and Monarch Cove Inn (formerly El Salto Re-sort) are located in the Depot Hill neighborhood.

### 2.6.4 Jewel Box

The Jewel Box neighborhood is tucked in the northerly cliff, bounded by the Prospect bluff overlooking the Wharf and Village, located south of Capitola Road and east of 41st Avenue. East of 45th Avenue detached single-family homes occupy quaint lots. Vintage beach cottages and bungalows contribute to a coastal village feel in this community. Multi-family condominiums line the west side of 45th Avenue, with lawns between buildings. The Jewel Box neighborhood includes the West Cliff neighborhood and also contains two mobile home parks, the 10-acre Jade Street Park, Opal Cliffs Elementary School, and the Jade Street Community Center; and a few commercial establishments along Capitola Road.

### 2.6.5 Riverview Terrace

The Riverview Terrace neighborhood is bordered by Soquel Creek, Capitola Avenue, Bay Avenue, and Center Street. The neighborhood contains a high concentration of historic homes, including many smaller cottages and bungalows. Many homes occupy small lots, with minimal setbacks and structures in close proximity to one another and the street. Narrow streets with on-street parking and no sidewalk contribute to a compact and intimate feel.

### 2.6.6 Upper Village

The Upper Village neighborhood contains a variety of housing types, including single-family homes, multi-family apartment complexes, and three mobile home parks. In many cases these different land uses are adjacent to or facing one another. Homes located closer to the Village tend to have a more historic and intimate character than those located closer to Highway 1.

### 2.6.7 Capitola Village

Capitola Village is the “heart” of Capitola and possesses the charm of an inti-mate coastal village. The Village is a true mixed-use district with a diversity of visitor-serving commercial establishments, public amenities, and residential uses. During the summer months, the Village is a popular tourist destination. Visitors are attracted by Capitola Beach, unique accommodations, and the historic village character. Village residents enjoy these amenities year round. The Village is pedestrian friendly, with human-scale architecture and a diversity of public gathering places. Capitola Village contains a high concentration of landmark destinations such as the Esplanade Park, Capitola Beach, the Six Sisters, the Venetian, and the historic Capitola Wharf.

## 2.7 Development Trends

The City of Capitola is largely built-out, with very little vacant land remaining for new development. The majority of future development in the City is likely to consist of extensive remodeling of existing structures or redevelopment of properties requiring demolition and replacement of existing buildings.

The Capitola City Hall contains the City's administrative departments as well as the Police Department. Across the street is the Central Fire Protection District Station No. 4. Both a portion of City Hall and the fire station are located within the FEMA 100 year flood plain.

Note no changes in development that would result in a decrease or increase in risk to the city...

## 2.8 Critical Facilities

As shown in [Table 5: Capitola Critical Facilities List](#), there are 25 critical facilities in the City of Capitola. [Exhibit 4 – Capitola Critical Facilities](#) identifies their location. These include a police station, fire station, City owned properties, shelters, and other facilities that provide important services to the community. Damage to these facilities during a hazard event has the potential to impair response and recovery from the event and may lead to disruption of critical emergency services. This list includes facilities owned and operated by City or local utilities and districts, but does not include state or federal facilities, which are outside local control.

The LHMP Team identified replacement and contents values for a majority of the facilities. These represent the total potential loss value for each facility. If a facility is destroyed in a hazard event, the replacement and contents values indicate the cost to replace the facility. Typically, the cost to repair a damaged facility will be less than the replacement value. While the replacement and contents values are used throughout this plan to estimate potential losses, it is noted that the actual cost to recover from a hazard event will depend on the type and magnitude of the event.

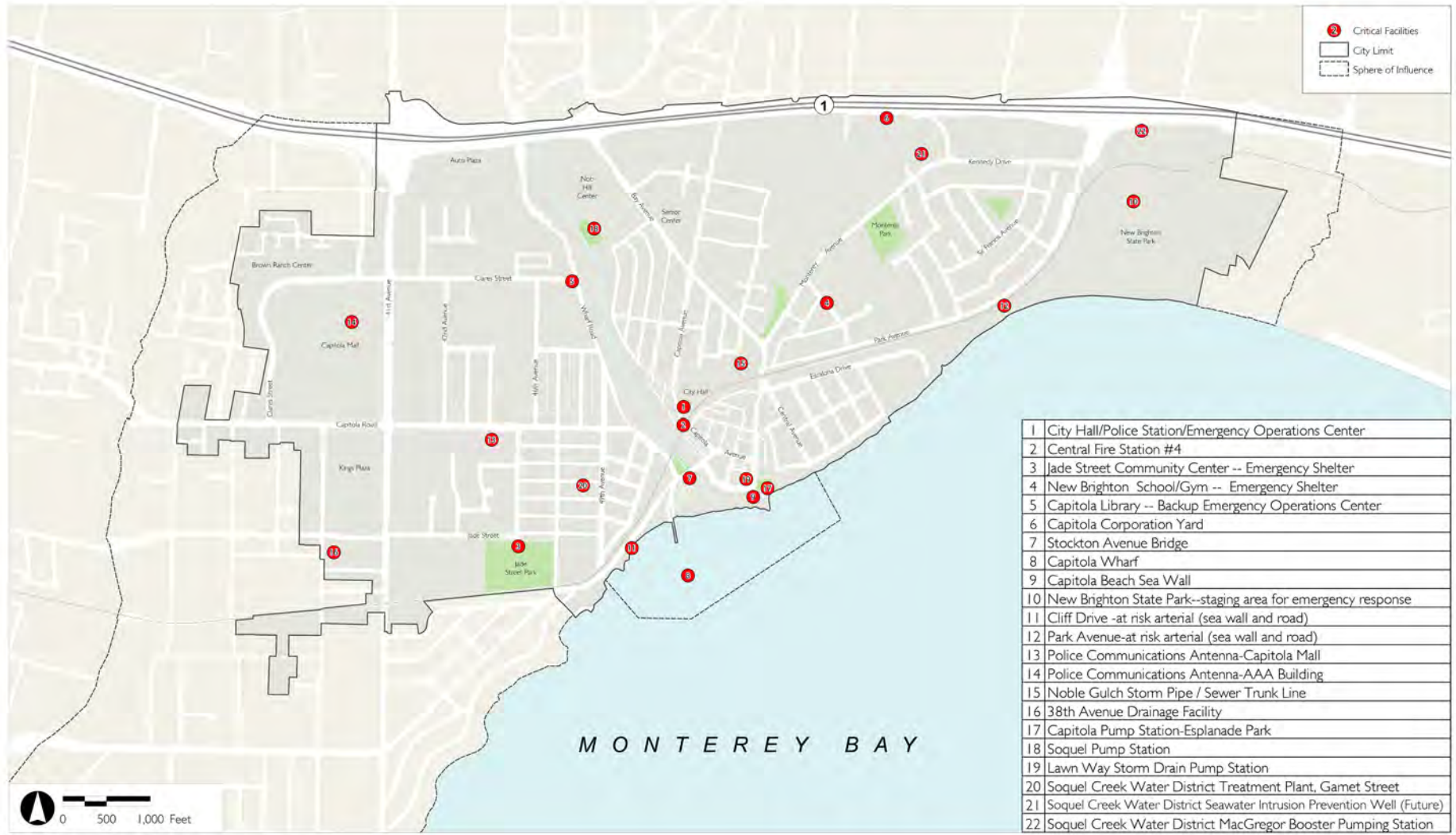
Table 6: **Capitola Critical Facilities List**

Map #	Facility	Notes	Replacement Value	Contents Value
1	City Hall/Emergency Operations Center	Steep hillside on southern portion of site	\$8,000,000	\$750,000
1	Capitola Police Station	Steep hillside on southern portion of site	\$4,000,000	\$750,000
2	Central Fire Station #4	Steep slope across Capitola Road	\$3,000,000	\$100,000
3	Jade Street Community Center - Emergency Shelter and Police Antenna		\$3,000,000	\$200,000
4	New Brighton Gym and Performing Arts Center-- Emergency Shelter		\$2,500,000	\$75,000
4	New Brighton School Performing Arts Center-Back-up Emergency Shelter		\$4,000,000	\$700,000
5	Capitola Library -- Backup Emergency Operations Center	Wharf Road in vicinity of library located adjacent to steep slope hazard area	\$10,000,000	\$700,000
6	Capitola Corporation Yard	Creek to the east has steep slopes, no risk	\$2,000,000	\$500,000
7	Stockton Avenue Bridge	Mid-span piers catch mud and debris	\$10,000,000	N/A
8	Capitola Wharf		\$20,000,000	\$300,000
9	Capitola Beach Sea Wall		\$5,000,000	N/A
10	New Brighton State Park - staging area for emergency response		N/A	N/A
11	Cliff Drive - at risk arterial (sea wall and road)		\$8,000,000	N/A

Table 6: Capitola Critical Facilities List

Map #	Facility	Notes	Replacement Value	Contents Value
12	Park Avenue - at risk arterial (sea wall and road)		\$4,000,000	N/A
13	Police Communications Antenna - Capitola Mall		\$100,000	N/A
14	Police Communications Antenna-AAA Building		\$100,000	N/A
15	Noble Gulch Storm Pipe		\$10,000,000	N/A
16	38th Avenue Drainage Facility		\$2,000,000	\$300,000
17	Capitola Sewage Pump Station - Esplanade Park		\$10,000,000	\$800,000
18	Soquel Sewage Pump Station		\$10,000,000	\$1,700,000
19	Lawn Way Storm Drain Pump Station		\$500,000	N/A
20	Soquel Creek Water District Treatment Plant, Garnet Street	Costs per SCWD.	\$2,000,000	\$700,000
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue	To be constructed as part of the Pure Water Soquel project.	\$2,000,000	\$70,000
22	Soquel Creek Water District MacGregor Booster Pumping Station		\$300,000	N/A
23	Capitola Beach Flume		\$2,000,000	N/A
24	Capitola Beach Jetty		\$3,000,000	N/A
25	Grand Avenue Cliffs		N/A	N/A
<b>Total Potential Losses</b>			<b>\$125,500,000</b>	<b>\$7,645,000</b>

**CAPITOLA CRITICAL FACILITIES**  
EXHIBIT 4



Source: City of Capitola, 2010; Santa Cruz County, 2010.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



## 3 Chapter Three – Hazards Assessment

This chapter provides a detailed discussion of the potential hazards and potential risk/ vulnerability to City facilities.

### 3.1 Hazard Identification and Prioritization

#### 3.1.1 Hazard Identification

Table 7: *City of Capitola Hazard Identification* summarizes the natural hazards and shows which were identified in the 2013 LHMP and retained in this update. Hazards that have been excluded from further consideration are shaded gray.

Table 7: **City of Capitola Hazard Identification**

Hazard	Risk	Rationale
Agricultural Pests	No	Not enough agriculture in the City to warrant a concern.
Avalanche	No	Not Applicable
Coastal Erosion / Bluff Failure	Yes	This is an event based concern as well as a long term concern, specifically because storm/sewer utility pipelines run through the bluffs.
Coastal Storm	Yes	Concerns include high surf, high tide, storm related coastal flooding from ocean and fluvial (Soquel Creek), wharf protection
Dam Failure	No	There are no levees or dams that failure would impact the City.
Drought	Yes	The City receives about 90% of its water supply from Soquel Creek Water District (SqCWD) while the remaining 10% is supplied by the City of Santa Cruz Water Department (SCWD). Both agencies are solely dependent upon local water supplies as no water is imported from outside of the area. SqCWD obtains 100% of its supply from groundwater sources, whereas the SCWD is primarily supplied by surface water sources. Both water providers are susceptible to drought and water supply shortages. While groundwater sources are generally less susceptible to seasonal drought than surface water sources, coastal groundwater levels in the area are below elevations that protect the local groundwater basin from seawater intrusion, creating a state of overdraft that is exacerbated by drought conditions.
Earthquake (Liquefaction)	Yes	Capitola is located in an area susceptible to earthquake ground shaking and liquefaction.

Hazard	Risk	Rationale
Expansive soils	No	Discussion during TAC Meeting #1 indicated some concern regarding expansive soils along Soquel Creek and other parts of the City. Mapping conducted after the meeting indicated that expansive soils are identified within the City, however no issues as a result of these soils have been reported.
Extreme Temperature	No	During the 2006 heat wave, the City of Capitola did not experience any problems. Extreme cold in the past has caused a few pipe breaks but no significant problems.
Flood	Yes	Flooding within Capitola occurs as a result of surface water runoff from the mountainous areas north and east of the City, changes in tidal elevations (high tide), local coastal storms, and surges from distant storms offshore. These sources can occur separately or in conjunction with one another increasing the magnitude of the effects.
Geological Hazards	N/A	This category may be used to group bluff erosion, earthquake, landslides, etc. in the hazard profiles.
Hailstorm	No	There has been no significant damage from previous storms. The TAC noted that thunderstorms with lightning could damage antennas used for communication, but agreed it was not a significant risk.
Hazardous Materials Spills	Yes	The majority of properties within the City containing hazardous materials are located along 41 <sup>st</sup> Avenue. Additional concerns include Highway 1, railroad, oil spills, and the drinking water treatment facility in the Jewel Box area.
Hurricane	No	Not Applicable
Land Subsidence	No	Not Applicable
Landslide and Mudflow	Yes	Due to steep topography, there is a potential for landslides and mudflows to occur below Wharf Road and above Soquel Creek, which could impact the Stockton Avenue Bridge and Village.
Human Caused Hazards	No	Except for Hazardous Materials Spills, the TAC agreed the intent of this plan is to focus on natural hazard risk.
Severe Winter Storm	No	Not Applicable
Tornado	No	Tornados and water spouts are possible, but very rare. The TAC noted that a tornado occurrence could be devastating, but the probability does not warrant inclusion in this plan.
Tsunami	Yes	Due to its location along the coast, Capitola is susceptible to Tsunami inundation, which could reach as high as 30 feet depending on the location of the source. Evacuations within the City occurred as a result of the most recent tsunami event in March 2011; however, no damage occurred within the City.
Volcano	No	The City is not located within a region of active volcanism.



Hazard	Risk	Rationale
Wildfire	Yes	Concerns include: Wharf Road Corridor, New Brighton area, eucalyptus trees along the bluffs
Wind	No	Regular wind does not cause significant damage
Windstorm	Yes	During severe windstorms trees fall. Severe wind also exacerbates wildfires.
Sea Level Rise	Yes	The City is located adjacent to the Pacific Ocean and is therefore prone to the effects of sea level rise. To address this issue, the City recently participated in a sea level rise study and its potential impacts in and around Capitola, which is included as Appendix C.
Climate Change	N/A	Climate change will be considered as an exacerbation factor for all of the identified hazards.

**3.1.2 Hazard Prioritization**

City staff and their consultant involved in preparing the 2020 LHMP update assigned each hazard a ranking based on probability of occurrence and potential impact. These rankings were based on group discussion, knowledge of past occurrences, and familiarity with the City’s infrastructure vulnerabilities. The results are presented in [Table 8: Capitola Hazard Ranking Worksheet](#).

[Table 9: Capitola Hazard Ranking Worksheet Legend](#) provides additional detail regarding how the probability, affected area, and impact categories were weighted and how the total score was calculated.

**Table 8: Capitola Hazard Ranking Worksheet**

Hazard Type	Probability	Impact			Total Score	Hazard Planning Consideration
		Affected Area	Primary Impact	Secondary Impacts		
Earthquake (and Liquefaction)	4	4	4	4	64.00	Significant
Flood (riverine and coastal, including storm surge)	4	4	4	4	64.00	Significant
Sea Level Rise	4	1	4	4	44.80	Significant
Drought	3	4	3	3	40.80	Moderate
Windstorm	3	4	3	2	37.80	Moderate
Coastal Erosion / Bluff Failure	4	1	3	2	31.20	Moderate
Tsunami	2	2	4	4	25.60	Moderate
Hazardous Materials	2	3	3	3	24.00	Moderate
Wildfire	2	2	2	2	16.00	Moderate
Landslide and Mudflow	2	1	2	2	12.80	Moderate
Expansive soils	1	2	2	2	8.00	Limited

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 9: Capitola Hazard Ranking Worksheet Legend

Probability	Importance	2.0	Secondary Impacts	Importance	0.5
Based on estimated likelihood of occurrence from historical data			Based on estimated secondary impacts to community at large		
Probability		Score	Impact		Score
Unlikely (Less than 1% probability in next 100 years or has a recurrence interval of greater than every 100 years.)		1	Negligible - no loss of function, downtime, and/or evacuations		1
Somewhat Likely (Between 1 and 10% probability in next year or has a recurrence interval of 11 to 100 years.)		2	Limited - minimal loss of function, downtime, and/or evacuations		2
Likely (Between 10 and 100% probability in next year or has a recurrence interval of 10 years or less.)		3	Moderate - some loss of function, downtime, and/or evacuations		3
Highly Likely (Near 100% probability in next year or happens every year.)		4	High - major loss of function, downtime, and/or evacuations		4
Affected Area	Importance	0.8	Total Score = Probability x Impact, where:		
Based on size of geographical area of community affected by hazard			Probability = (Probability Score x Importance)		
Affected Area		Score	Impact = (Affected Area + Primary Impact + Secondary Impacts), where:		
Isolated		1	Affected Area = Affected Area Score x Importance		
Small		2	Primary Impact = Primary Impact Score x Importance		
Medium		3	Secondary Impacts = Secondary Impacts Score x Importance		
Large		4			

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 9: Capitola Hazard Ranking Worksheet Legend

Primary Impact	Importance	0.7	Hazard Planning Consideration			
Based on percentage of damage to typical facility in community			Total Score	(Range)	Distribution	Hazard Level
Impact		Score	0.0	12.0	1	Limited
Negligible - less than 10% damage		1	12.1	42.0	7	Moderate
Limited - between 10% and 25% damage		2	42.1	64.0	3	Significant
Critical - between 25% and 50% damage		3				
Catastrophic - more than 50% damage		4				
<p>The probability of each hazard is determined by assigning a level, from unlikely to highly likely, based on the likelihood of occurrence from historical data. The total impact value includes the affected area, primary impact and secondary impact levels of each hazard. Each level's score is reflected in the matrix. The total score for each hazard is the probability score multiplied by its importance factor times the sum of the impact level scores multiplied by their importance factors. Based on this total score, the hazards are separated into three categories based on the hazard level they pose to the communities: Significant, Moderate, and Limited.</p>						

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Based on this ranking exercise, the City of Capitola confirmed the identified hazards and corresponding planning considerations for this 2020 LHMP update as those listed in [Table 10: Capitola Identified Hazards and Planning Considerations](#).

Table 10: **Capitola Identified Hazards and Planning Considerations**

Identified Hazard	Hazard Planning Consideration
Earthquake (and Liquefaction)	Significant
Coastal Storm / Flooding	Significant
Sea Level Rise	Significant
Drought	Moderate
Windstorm	Moderate
Coastal Erosion / Bluff Failure	Moderate
Tsunami	Moderate
Hazardous Materials	Moderate
Wildfire	Moderate
Landslide and Mudflow	Moderate

### 3.2 Climate Change Considerations

It should be noted that sea level rise was originally identified as an explicit hazard by the Technical Advisory Committee, however through follow up discussion with the HMP Team, it was determined that sea level rise is an effect associated with climate change. Since climate change also can affect other hazards within the City, the HMP Team determined that it would be best to discuss climate change considerations throughout all applicable hazard profiles.

In June of 2017, the Central Coast Wetlands Group published the City of Capitola Coastal Climate Change Vulnerability Report. This report is incorporated into this 2020 LHMP update by reference and is included as [Appendix C](#). The evaluation provides a predictive chronology of future risks to assist with local coastal planning and foster discussions with state regulatory and funding agencies.

Climate change is a serious issue, as it affects communities in a variety of ways. For the City of Capitola, climate change can result in a multitude of impacts and potentially exacerbate existing natural and human caused hazards or create new hazards. To address potential climate change impacts, the City of Capitola has identified climate change considerations within each hazard profile in this Plan. These considerations deal with issues such as sea level rise, changing weather patterns and precipitation regimes, coastal storms, flooding, and other hazards that could be exacerbated by these changing conditions. Within each hazard profile, the City has provided a discussion of some of the potential impacts that could be a result of climate change. This discussion is intended to supplement, but not replace, the Probability of Future Occurrence discussion.

### 3.3 Vulnerability/Risk Assessment Methodology<sup>1</sup>

The critical facilities listed in the section above were mapped in GIS and overlaid with mapped hazard areas to determine which assets are located within each hazard area. Hazard area and critical facility overlays were

<sup>1</sup> All GIS data used in the vulnerability analyses profiled in Section 3.3 was provided by the City of Capitola, County of Santa Cruz or applicable State or Federal Agency.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

conducted for flood, beach erosion, cliff erosion, liquefaction, landslide/mudslide (slope), and tsunami. For hazardous materials, it was determined which critical assets are located within 500 and 1,000 feet of a hazardous materials site.

Hazard and critical facility overlays were not conducted for wildfire, windstorm, drought, and earthquake. Per Santa Cruz County fire hazard maps, there are no fire hazard areas located in the City of Capitola. Windstorms affect the entire City and therefore all facilities listed in the critical facility inventory could be potentially susceptible to damage from a windstorm. Drought does not inflict physical damage on Capitola's critical assets; however, residents could be impacted by potential restrictions from the two water districts. 90% of the City's water supply is provided by the Soquel Creek Water District, which, although supplied by groundwater and less susceptible to seasonal drought, is susceptible to overdraft. The remaining 10% of the water supply is provided by the City of Santa Cruz Water Department, which is supplied by surface water and is susceptible to seasonal drought. There are no fault zones that fall within the City of Capitola and therefore an overlay was not conducted for earthquake.

Each hazard profile in the section below includes a Vulnerability/Risk Assessment section that presents the results of the methodology described above. Replacement and contents values for the facilities that fall within the hazard areas are tallied in each vulnerability table to estimate the total potential losses to each hazard. It should be noted that the actual losses will depend on the type and extent of the hazard event.

Combined coastal climate change hazards were based on findings as described in the City of Capitola Coastal Change Vulnerability Report, June 2017, which is incorporated in this LHMP update and included as [Appendix C](#).

A comprehensive list of facilities and the hazard areas they fall within can be found in [Appendix A – Critical Facilities Inventory](#).

### 3.4 Hazard Profiles

The following are profiles of the hazards identified for the City of Capitola. The profiles include a vulnerability analysis and risk assessment using the methodologies described in the Vulnerability/ Risk Assessment Section above.

#### 3.4.1 Geologic Hazards (Earthquake and Liquefaction)

##### *Identifying Earthquake and Liquefaction Hazards*

An earthquake is a sudden release of energy in the earth's crust. Caused by movement along fault lines, earthquakes vary in size and severity. The focus of an earthquake is found at the first point of movement along the fault line (which may be beneath the surface), and the epicenter is the corresponding point above the focus at the earth's surface.

Damage from an earthquake varies with the local geological conditions, the quality of construction, the energy released by the earthquake, the distance from the earthquake's focus, and the type of faulting that generates the earthquake. Earthquake related hazards include primary impacts (fault rupture and ground shaking) and secondary impacts (liquefaction). This hazard profile will discuss ground shaking and liquefaction, since these are the two most likely impacts anticipated as a result of an earthquake.

**Ground Shaking:** Ground motion/shaking is the primary cause of damage and injury during earthquakes and can result in surface rupture, liquefaction, landslides, lateral spreading, differential settlement, tsunamis, building and infrastructure failure, which could lead to fire and other collateral damage. Typically, areas underlain by thick, water-saturated, unconsolidated material will experience greater shaking motion than areas underlain by firm bedrock, but, in some cases, topographic relief may intensify shaking along ridge tops, where landslides may develop.

Fires and structural failure are the most hazardous results of ground shaking. Most earthquake-induced fires start because of ruptured power lines and gas lines or electrically powered stoves and equipment. Structural failure is generally a result of age, quality, and type of building construction.

**Liquefaction:** Liquefaction is the transformation of loose, water-saturated granular materials (such as sand and silt) from a solid to a liquid state. This results in the loss of soil strength and the soil's ability to support weight. Buildings and their occupants are at risk when the ground can no longer support these buildings and structures.

### *Profiling Earthquake and Liquefaction Hazards*

#### **Location**

Capitola is located in one of the most seismically active areas of the country. Significant earthquakes occur along well-defined, active fault zones that trend northwesterly. The regional faults of significance potentially affecting Capitola include the San Andreas, the Zayante, and the Palo Colorado-San Gregorio faults. The most probable seismic hazards to Capitola are from the San Andreas Fault (in the Santa Cruz Mountains) and, further south, the Palo Colorado-San Gregorio fault as shown in [Exhibit 5 - Active Fault Zones](#).

The main trace of the San Andreas Fault is approximately nine miles northeast of Capitola. One of the largest local earthquakes in recent history occurred on October 17, 1989 due to movement on this fault (Loma Prieta Earthquake) and measured 7.1 on the Richter scale.

The Zayante fault is located approximately five miles northeast of Capitola, and the Palo Colorado-San Gregorio is located 14 miles southwest of Capitola. The California Geologic Survey considers the Zayante fault active, although it has not caused any significant earthquakes historically, only some aftershocks after the Loma Prieta earthquake. The Palo Colorado-San Gregorio fault is not well understood, but is considered potentially active with an estimated maximum credible magnitude of 7.7 and a recurrence level of 800+ years (City of Capitola General Plan White Paper #4 Environmental Resources & Hazards, 2011).

Liquefaction can also occur in Capitola. [Exhibit 6: Liquefaction Potential](#) shows the liquefaction potential in Capitola. Significant portions of Capitola have either High or Very High potential for liquefaction. These areas are generally located along the alignment of drainage courses like Soquel Creek, Noble Gulch and Tannery Gulch. More specifically, areas determined to have a Very High potential include the northern end of Bay Avenue, including Highway 1/Bay Avenue/Porter Avenue interchange, and a large portion of Capitola Village. Areas determined to have a High potential include the residential and commercial areas along the southern portion of Bay Avenue and along Capitola Avenue.

#### **Extent of Earthquake**

The size and magnitude (M) of an earthquake is measured in various ways. The Richter scale determines the amount of ground displacement or shaking that occurs near the epicenter. This scale is shown in [Table 11: Richter Scale](#).



Another scale, the Moment Magnitude scale, measures the magnitude of medium and large sized earthquakes by characterizing the amount of energy released by the earthquake. The magnitude is based on the seismic moment of the earthquake, which is equal to the rigidity of the Earth multiplied by the average amount of slip on the fault and the size of the area that slipped. (USGS, Glossary of Terms on Earthquake Maps) The Modified Mercalli Intensity Scale measures ground shaking intensity in terms of perception and damage and takes into account localized earthquake effects. This scale is shown in [Table 12: Modified Mercalli Intensity Scale for Earthquakes](#).

**Table 11: Richter Scale**

Richter Magnitudes (M)	Earthquake Effects
Less than 3.5	Generally not felt, but recorded.
3.5-5.4	Often felt, but rarely causes damage.
Under 6.0	At most slight damage to well-designed buildings. Can cause major damage to poorly constructed buildings over small regions.
6.1-6.9	Can be destructive in areas up to about 100 kilometers across where people live.
7.0-7.9	Major earthquake. Can cause serious damage over larger areas.
8 or greater	Great earthquake. Can cause serious damage in areas several hundred kilometers across.

**Table 12: Modified Mercalli Intensity Scale for Earthquakes**

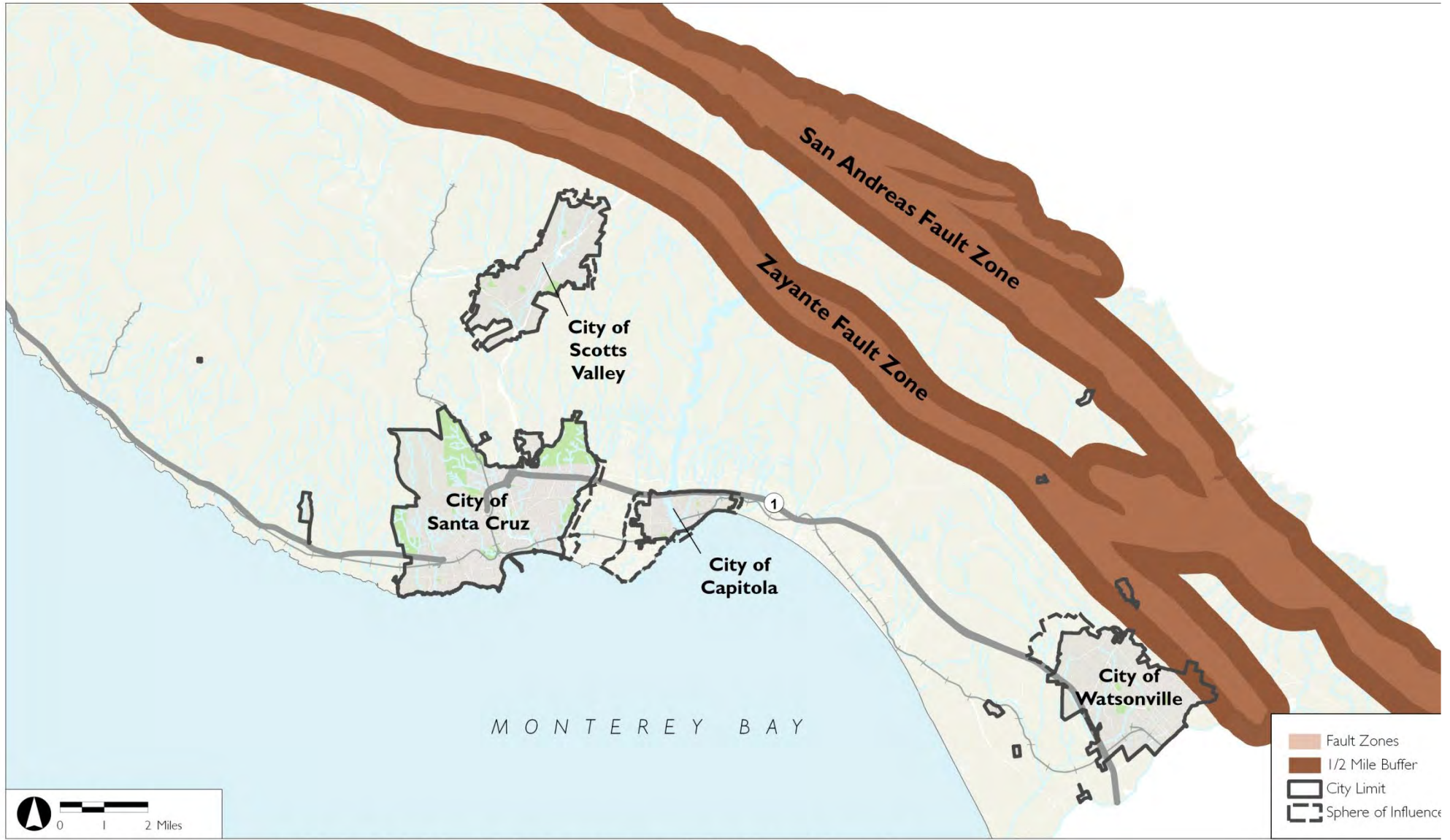
Scale	Intensity	Earthquake Effects	Corresponding Richter Scale Magnitude
I	Instrumental	Detected only on seismographs	
II	Feeble	Some people feel it	<4.2
III	Slight	Felt by people resting; like a truck rumbling by	
IV	Moderate	Felt by people walking	
V	Slightly Strong	Sleepers awake; church bells ring	<4.8
VI	Strong	Trees sway; suspended objects swing; objects fall off shelves	<5.4
VII	Very Strong	Mild Alarm; walls crack; plaster falls	<6.1
VIII	Destructive	Moving cars uncontrollable; masonry fractures; poorly constructed buildings damaged	

Table 12: Modified Mercalli Intensity Scale for Earthquakes

Scale	Intensity	Earthquake Effects	Corresponding Richter Scale Magnitude
IX	Ruinous	Some houses collapse; ground cracks; pipes break open	<6.9
X	Disastrous	Ground cracks profusely; many buildings destroyed; liquefaction and landslides widespread	<7.3
XI	Very Disastrous	Most buildings and bridges collapse; roads, railways, pipes and cables destroyed; general triggering of other hazards	<8.1
XII	Catastrophic	Total destruction; trees fall; ground rises and falls in waves	>8.1

Seismic historical records of Capitola show that earthquakes of 6.5 – 7.0 M occur periodically on the San Andreas Fault (City of Capitola General Plan White Paper #4 Environmental Resources & Hazards, 2011). The San Andreas Fault zone poses the most significant threat to Santa Cruz County and to the City of Capitola. Based on records from the 1906 San Francisco earthquake, it is estimated that the maximum credible earthquake likely to occur on the San Andreas Fault would equal 8.3 M on the Richter scale, which represents more than 30 times the energy released by the 1989 Loma Prieta Earthquake. Santa Cruz County was one of the hardest hit counties during that earthquake.

ACTIVE FAULT ZONES  
EXHIBIT 5



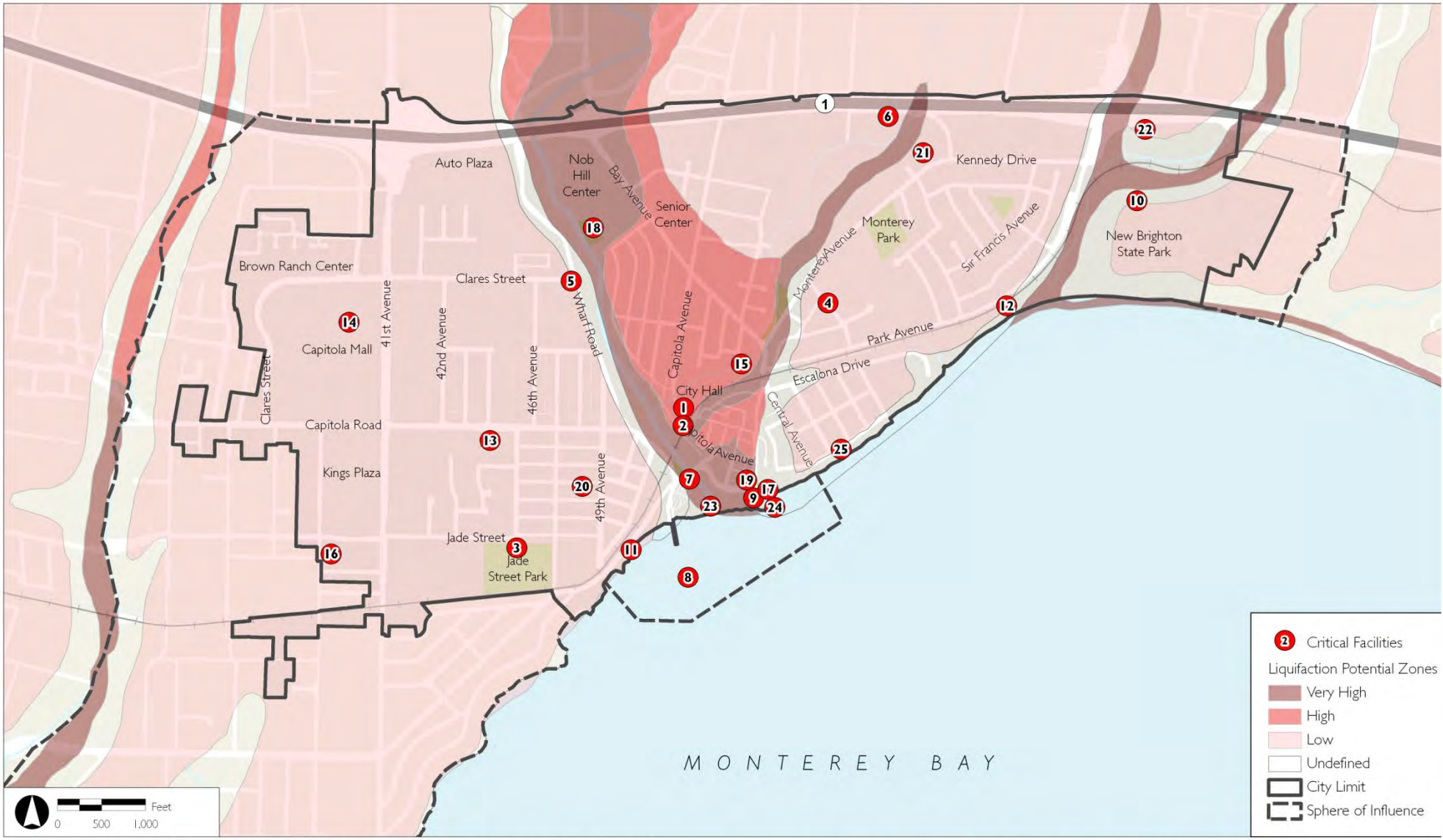
Source: City of Capitola, 2010; Santa Cruz County, 2010; Hazards. "Fault Zones." [shapefile]. (2012). Santa Cruz County Geographic Information System File Download Site. Available at <<http://scctfmap.co.santa-cruz.ca.us/File%20Download%20Site/Hazards/Shapefiles/Hazards.zip>>. Downloaded: February 1, 2012.

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LIQUEFACTION POTENTIAL

EXHIBIT 6



Source: City of Capitola, 2010; Santa Cruz County, 2010; Hazards. "Liquefaction." [shapefile]. (2009) Available at <http://sccftpmap.co.santa-cruz.ca.us/File%20Download%20Site/Hazards/Shapefiles/Hazards.zip>, Downloaded: January 29, 2011.

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### Extent of Liquefaction

Areas within Capitola that have a High and Very High potential for liquefaction (as identified on Exhibit 6) would be the primary areas affected by liquefaction during an earthquake event. In addition, other areas within the City that experience shallow groundwater conditions (less than 50 feet beneath the ground surface [bgs]) may also be susceptible to liquefaction if loose unconsolidated materials are located beneath the surface within these areas.

### Past Occurrences - Earthquake

While Santa Cruz County has sustained numerous earthquakes throughout history, the two most destructive incidents were the 1906 San Francisco earthquake and the 1989 Loma Prieta earthquake. [Table 13 Historical Earthquake Events](#) summarizes historical records collected by the City of Capitola Historical Museum.

Table 13: Historical Earthquake Events

Date	Time	Impact/Property Damage
January 9, 1857		Three earthquakes struck the Santa Cruz vicinity in a series. The tower and a portion of the Santa Cruz Mission Church collapsed.
August 1, 1863		Described as "severe shock"
October 8, 1865		Unknown
October 25, 1868		"Second only to October 1865"
July 1, 1882		Worst since 1868
March 1883		Severe shock with several aftershocks recorded. No damaged listed for Capitola.
September 18, 1888		Described as extremely severe.
1906	5:12am	Nine men killed in mudslide at the Loma Prieta mill above Soquel; surge on local creeks; water pipes broken; chimneys and walls cracked. Splits in the earth. Magnitude 8.3.
October 28, 1926		Damage recorded in Capitola
April 15, 1941		Santa Cruz epicenter. No damage.
June 2, 1941		Sharp jolt
April 15, 1954		Falling plaster, broken chimneys, shattered dishes
January 16, 1980		Epicenter of 3.6 magnitude quake in Corralitos
October 17, 1989	5:04pm, Duration: 15 seconds	6.9 magnitude earthquake, epicenter 3 miles north of Aptos. Comparatively, damage to Capitola homes and businesses was not severe. Within the city, no buildings immediately collapsed and no one was injured physically. Damage countywide ultimately estimated to be about \$1 billion.

The events described below were all recorded by a seismic recorder at the Capitola Fire Station.

**San Francisco Earthquake:** April 18, 1906 - Magnitude 8.3, Intensity VIII-XIII, occurred 91.1 miles away from City center – The earthquake was felt from southern Oregon to south of Los Angeles and inland as far as central Nevada. There were no recorded deaths in Santa Cruz but the old courthouse partially collapsed and approximately 1/3 of the chimneys within the city of Santa Cruz were destroyed or damaged. Landslides were observed throughout the Santa Cruz Mountains, and fault rupture was nearly continuous along the San Andreas

Fault zone, and nearby fault zones in the county of Santa Cruz. Infrastructure was destroyed and broken water mains and pipes shut off water supply in many areas.

**Monterey Bay Earthquake:** October 1926 - Magnitude 6.1 – Two large earthquakes caused considerable damage in the Monterey Bay region. The first shock was severe at Santa Cruz, where many chimneys were knocked down, and old brick buildings sustained damage.

**Coyote Lake Earthquake:** August 6, 1979 - Magnitude 5.9, Intensity VI-VII, occurred 20.7 miles away from City center – Felt from approximately 37 miles north of Bakersfield, north to Sacramento, east to the Pacific Ocean.

**Livermore Earthquake:** January 24, 1980 - Magnitude 5.9, occurred 52.5 miles from City center – The earthquake injured 44 people and caused an estimated \$11.5 million in property damage. The shock was associated with surface rupture along the Greenville fault. It was felt over a large area of central California and a few towns in western Nevada.

**Morgan Hill Earthquake:** April 24, 1984 - Magnitude 6.2, Intensity VII-IX, occurred 26.5 miles from City center – Damage from the earthquake estimated at 7.5 million dollars. The earthquake was felt from Bakersfield to Sacramento and from San Francisco to Reno.

**Unnamed Earthquake:** June 27, 1988: Magnitude 5.9, occurred 11.4 miles from City center

**Loma Prieta Earthquake:** October 17, 1989 - Magnitude 7.1 occurred 5 miles from City Center (see Figure 2) – This major earthquake caused 63 deaths, 3,757 injuries, and an estimated \$6 billion in property damage statewide. It was the largest earthquake to occur on the San Andreas Fault since the San Francisco earthquake in April 1906. Communities sustaining heavy damage in the epicentral area included Los Gatos, Santa Cruz, and Watsonville. Liquefaction occurred as far as 110 kilometers from the epicenter and contributed to significant property damage in the Santa Cruz and Monterey Bay area. The severe shaking near Santa Cruz caused heavy damage to the unreinforced masonry buildings in that area. Most of the landslides and rockfalls that occurred as a result of the earthquake occurred in the Santa Cruz Mountains. Shaking from this earthquake was felt throughout Capitola and resulting damage varied from minor structural damage and window and chimney breakage throughout the city. The most extensive damage in the city occurred in mobile home parks where coaches were knocked off their foundations disrupting gas and water services. Figure 3 shows what the City of



Figure 2 - Loma Prieta Earthquake



Capitola looked like just minutes after the earthquake occurred. As seen in the photo a significant amount of dust was generated as a result of the shaking.

**San Juan Bautista Earthquake:** August 12, 1998 – Magnitude 5.0 – Earthquake occurred on the San Andreas Fault, 12 kilometers southeast of San Juan Bautista.

**Gilroy Earthquake:** May 13, 2002 – Magnitude 4.9



**Figure 3 - Dust Generated from the Loma Prieta Earthquake (ca. 1989)**

**Parkfield Earthquake:** September 28, 2004 – Magnitude 6.0 – Earthquake occurred on the San Andreas Fault. It ruptured roughly the same segment of the fault that broke in 1966. Strong shaking lasted for about 10 seconds.

**Alum Rock Area Earthquake:** October 30, 2007 – Magnitude 5.6. This was the last significant earthquake before 2020 to occur

#### Past Occurrences - Liquefaction

Prior instances of liquefaction have not occurred or have been extremely isolated within the City of Capitola.

#### Probability of Future Occurrence

There are at least six major faults and fault systems within or near Santa Cruz County and the City of Capitola, placing both locations in an area of high seismic risk. Earthquakes can cause severe damage over a long distance and, therefore, Santa Cruz County and Capitola remain at risk from seismic activity along the faults in the greater San Francisco Bay area. The reduction of seismic stresses that occurred in the Loma Prieta earthquake did nothing to relieve, and possibly increased, stresses along other faults, including other sections of the San Andreas Fault.

To clarify the extent of future earthquake risk, a partnership between the United States Geological Survey, California Geologic Survey, and Southern California Earthquake Center was formed in September 2004 to provide a uniform forecast. Known as the Working Group on California Earthquake Probabilities, this group evaluated and systemized currently available historic and paleoseismic information to produce a probabilistic seismic hazards analysis to indicate the type of future earthquakes. One product of this analysis is a method of estimating the probability of ground shaking, which is illustrated in [Table 14: Ten Most Likely Damaging Earthquake Scenarios](#). The 30-year probability of an  $M \geq 6.7$  earthquake on the northern segment of the San Andreas Fault is 21% and on the San Gregorio Fault is 6%. Other faults within the region can also cause damage in the county, including the Hayward-Rogers Creek Fault that has a 31% probability of having a  $M \geq 6.7$  earthquake in the next thirty years.

Because the ten most likely future earthquakes in the Bay area occur on faults throughout the region, the impact and potential losses reported here reveal significant risk for the entire San Francisco Bay area region including Santa Cruz County and the City of Capitola.

The probability that liquefaction will occur in the future in Capitola is dependent on many factors including the intensity of ground shaking, location of the earthquake, and subsurface conditions (including groundwater



elevation). For those areas of the City identified with a High and Very High liquefaction potential, it should be anticipated that potential damage could occur under anticipated future earthquakes.

**Table 14: Ten Most Likely Damaging Earthquake Scenarios**

Earthquake Fault	30-year probability	Magnitude
Rodgers Creek	15.2%	7.0
Northern Calaveras	12.4%	6.8
Southern Hayward (possible repeat of 1868 EQ)	11.3%	6.7
Northern + Southern Hayward	8.5%	6.9
Mt. Diablo	7.5%	6.7
Green Valley –Concord	6.0%	6.7
San Andreas: Entire N. CA Segment (possible repeat of 1906 EQ)	4.7%	7.9
San Andreas: Peninsula Segment (possible repeat of 1838 EQ)	4.4%	7.2
Northern San Gregorio segment	3.9%	7.2
San Andreas: Peninsula + Santa Cruz segment	3.5%	7.4

### Climate Change Considerations

As climate change occurs, it is anticipated that changes to precipitation regimes and hydrological patterns would result. Since liquefaction is dependent on the presence of shallow subsurface water, an increase in groundwater levels could occur due to increased precipitation, as well as sea-level rise, which is anticipated to inundate low lying coastal areas within Capitola. The potential increase in shallow subsurface water conditions could expand the potential liquefiable areas within the City, increasing the risk of future damage to structures within the City.

### Vulnerability/Risk Assessment

While Capitola remains a seismically active area, there are no active earthquake faults located within the City limits. Therefore, an overlay analysis between the earthquake faults and the City’s critical facilities was not conducted. However, given the proximity to active faults, it is anticipated that a seismic event will produce intense shaking that could impact the entire community’s population and systems. Depending on the intensity of shaking and location of the earthquake epicenter, buildings, structures, roadways, and utility systems (i.e. water lines, sewer lines, power lines, and storm drains) could be damaged. It is difficult to identify specific areas within the City that may be more vulnerable than others as a result of this impact. Based on this, it is assumed that all areas are equally vulnerable as a result of seismic impact.

Based on the extent of liquefaction potential zones within the City (Exhibit 6) and the location of critical facilities (depicted on Exhibit 6), [Table 15: Capitola Critical Facilities Located in a Liquefaction Potential Zone](#) identifies the critical facilities that fall within each zone of liquefaction potential, ranging from low to very high and the financial implications of their loss. Those areas where liquefaction potential is unknown is determined to be “Undefined”.

It is expected that a liquefaction event would most likely impact facilities within the “Very High” potential zone. If all of the facilities in that zone are completely destroyed the loss would amount to \$27,500,000. A liquefaction event impacting facilities in the “High” potential zone could result in a total loss of \$22,000,000. While it is unlikely that an event would impact facilities in the low liquefaction potential zones and the undefined liquefaction areas, a rare, large, catastrophic event could impact facilities within all liquefaction zones. The total potential losses for an event of this scale are estimated to be a total of \$125,500,000.

The extent of the liquefaction potential layer did not allow for the intersection of the Capitola Wharf location. However, given the proximity to water and similar characteristics to other areas of high liquefaction potential within the City, it is assumed that liquefaction could occur in the vicinity of this location.

Table 15: **Capitola Critical Facilities Located in a Liquefaction Potential Zone**

Map #	Facility	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	Replacement Value	Contents Value	Potential Loss
1	City Hall/Emergency Operations Center		X			\$8,000,000	\$750,000	\$8,750,000
1	Capitola Police Station		X			\$4,000,000	\$750,000	\$4,750,000
2	Central Fire Station #4		X			\$3,000,000	\$100,000	\$3,100,000
3	Jade Street Community Center -- Emergency Shelter			X		\$3,000,000	\$200,000	\$3,200,000
4	New Brighton Gym -- Emergency Shelter			X		\$2,500,000	\$75,000	\$2,575,000
4	New Brighton School -- Back-up Emergency Shelter			X		\$4,000,000	\$700,000	\$4,700,000
5	Capitola Library -- Backup Emergency Operations Center			X		\$10,000,000	\$700,000	\$10,700,000
6	Capitola Corporation Yard			X		\$2,000,000	\$500,000	\$2,500,000
7	Stockton Avenue Bridge	X				\$10,000,000	N/A	\$10,000,000
8	Capitola Wharf	Outside of Hazard layer extent				\$20,000,000	\$300,000	\$20,300,000
9	Capitola Beach Sea Wall	X				\$5,000,000	N/A	\$5,000,000
10	New Brighton State Park--staging area for emergency response		X	X	X	N/A	N/A	N/A

Table 15: Capitola Critical Facilities Located in a Liquefaction Potential Zone

Map #	Facility	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	Replacement Value	Contents Value	Potential Loss
11	Cliff Drive -at risk arterial (sea wall and road)			X		\$8,000,000	N/A	\$8,000,000
12	Park Avenue-at risk arterial (sea wall and road)			X		\$4,000,000	N/A	\$4,000,000
13	Police Communications Antenna-Capitola Mall			X		\$100,000	N/A	\$100,000
14	Police Communications Antenna-AAA Building			X		\$100,000	N/A	\$100,000
15	Noble Gulch Storm Pipe		X			\$10,000,000	N/A	\$10,000,000
16	38th Avenue Drainage Facility			X		\$2,000,000	\$300,000	\$2,300,000
17	Capitola Pump Station-Esplanade Park				X	\$10,000,000	\$800,000	\$10,800,000
18	Soquel Pump Station	X				\$10,000,000	\$1,700,000	\$11,700,000
19	Lawn Way Storm Drain Pump Station	X				\$500,000	N/A	\$500,000
20	Soquel Creek Water District Treatment Plant, Garnet Street			X		\$2,000,000	\$700,000	\$2,700,000
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue			X		\$2,000,000	\$70,000	\$2,070,000
22	Soquel Creek Water District MacGregor Booster Pumping Station			X		\$300,000	N/A	\$300,000
23	Capitola Beach Flume	X				\$2,000,000	N/A	\$2,000,000

Table 15: Capitola Critical Facilities Located in a Liquefaction Potential Zone

Map #	Facility	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	Replacement Value	Contents Value	Potential Loss
24	Capitola Beach Jetty				X	\$3,000,000	N/A	\$3,000,000
25	Grand Avenue Cliffs				X	N/A	N/A	N/A
	Total Potential Losses					\$125,500,000	\$7,645,000	\$133,145,000

### 3.4.2 Coastal Storm/ Flooding

#### *Identifying Coastal Storm and Flooding Hazards*

Flooding and coastal storms present similar risks and are usually related types of hazards in Capitola. Coastal storms can cause increases in tidal elevations (called storm surge), wind speed, coastal erosion, and debris flows, as well as flooding.

Coastal storms are generated in the Pacific Ocean and, as they rise over the mountain and ridges that border the eastern boundaries of Santa Cruz County, the air associated with these storms cools, resulting in large amounts of precipitation. The topography of the County provides fairly steep and well defined watershed areas to funnel the falling rain into runoff tributaries. Periods of heavy rainfall are common during fall and winter months causing Soquel Creek, the major drainage course through Capitola, and its tributaries to rise.

During a flood, excess water from rainfall or storm surge accumulates and overflows onto stream banks, beaches, and adjacent floodplains (as illustrated in Figure 4). Floodplains are lowlands adjacent to rivers, lakes, and oceans that are subject to recurring floods. Several factors determine the severity of floods, including rainfall intensity and duration; creek and storm drain system capacity, and the infiltration rate of the ground.

A flood occurs when a waterway receives a discharge greater than its conveyance capacity. Floods may result from intense rainfall, localized drainage problems, tsunamis or failure of flood control or water supply structures such as culverts, levees, dams or reservoirs. Floods usually occur in relation to precipitation. Flood severity is determined by the quantity and rate at which water enters the waterway, increasing volume and velocity of water flow. The rate of surface runoff, the major component of flood severity, is influenced by the topography of the



**Figure 4 - Flooding Along Soquel Creek Northwest of the Capitola Village (ca. 1996)**

region as well as the extent to which ground soil allows for infiltration in addition to the percent of impervious surfaces.

Floodwaters can carry large objects downstream with a force strong enough to destroy stationary structures such as homes and bridges and break utility lines. Floodwaters also saturate materials and earth resulting in the instability, collapse, and destruction of structures as well as the loss of human life.

### 3.4.3 Profiling Coastal Storm/ Flood Hazards

#### *Location*

**Capitola Wharf:** The Capitola Wharf is located in Monterey Bay and serves as a tourist attraction within Capitola Village. The wharf has a long history within the City, first founded in 1857. The current Capitola Wharf (Figure 5) was constructed in the 1980's following storm damage. It is an 855 foot long structure that contains a bait shop, restaurant, restroom facilities, and free fishing. This wharf is particularly vulnerable to coastal storms.



**Figure 5 - View of Capitola Wharf looking South (ca. 2012)**

**Soquel Creek Watershed:** Capitola is located in the lower reaches of the Soquel Creek Watershed, which is located between the cities of Santa Cruz and Watsonville. The Soquel Creek watershed drains an area of approximately 42 square miles. Major tributaries include the West Branch (Burns, Laurel, Hester Creek, Amaya Creek, Fern Gulch, Ashbury Gulch, and Hinkley Creek) and the Main Branch (Moore's Gulch, Grover Gulch, Love Creek, and Bate's Creek). Other tributaries include Noble Gulch, Porter Gulch, Tannery Gulch and Borregas Creek. Principal land use in the watershed includes urban development, rural residential development, agriculture, parks and recreation, and mining and timber harvesting. The Village, a cultural and business center in Capitola, is located at the terminus of Soquel Creek, where it enters the Pacific Ocean. Storm events can result in a significant amount of vegetation debris, which can get blocked at the Stockton Bridge and further exacerbate flood conditions.

**Noble Gulch:** Noble Gulch is a significant drainage that flows into Soquel Creek at the Capitola Village. Starting in the 1920's, the last 2,000 feet of the Gulch (west of Bay Avenue) was diverted via a 72-inch drainage pipe that extends under the current Pacific Cove Mobile Home Park. During a heavy storm in March 2011, high storm flows in Noble Gulch broke a 72 inch storm drain resulting in flood waters damaging the mobile home park and downstream properties. More information about this event is provided in the *Past Occurrences* section below.

**FEMA Special Flood Hazard Area Map:** [Exhibit 7 - Flood Hazard Zones](#) identifies the 100 and 500 year floodplains as identified by FEMA. The entire stretch of Soquel Creek (within the City limits) and a portion of Noble Gulch creek are located within the 100-year flood zone, which is generally narrow and follows the flow path of the main channel.

#### *Extent*

Exhibit 7 identifies the special flood hazard areas within the City of Capitola. These areas are subject to the 100 year flood (1 percent annual chance flood event), 500 year flood (.2 percent annual chance flood event), and

coastal flooding (1 percent annual chance flood event with additional hazards associated with storm-induced waves). The TAC noted that occasionally waves from coastal storms do surpass the seawall built in the 1980s, which can cause localized flooding in the Capitola Village. [Table 16: FEMA Flood Zones](#) provides definitions of the FEMA Special Flood Hazard Area Zones delineated on Flood Insurance Rate Maps (FIRMs).

**Table 16: FEMA Flood Zones**

Annual Probability of Flooding of 1% or greater (100 Year Flood Zones)	
A	Subject to 100-year flood. Base flood elevation undetermined.
AE or A1-A30	Both AE and A1-A30 represent areas subject to 100-year flood with base flood elevation determined.
AH	Subject to 100-year shallow flooding (usually areas of ponding) with average depth of 1-3 feet. Base flood elevation determined.
AO	Subject to 100-year shallow flooding (usually sheet flow on sloping terrain) with average depth of 1-3 feet. Base flood elevation undetermined.
V	Subject to 100-year flood and additional velocity hazard (wave action). Base flood elevation undetermined.
VE or V1-V30	Both VE and V1-V30 represent areas subject to 100-year flood and additional velocity hazard (wave action). Base flood elevation determined.
Annual Probability of Flooding of 0.2% to 1% (500 Year Flood Zone)	
B or X500	Both B and X500 represent areas between the limits of the 100-year and 500-year flood; or certain areas subject to 100-year flood with average depths less than 1 foot or where the contributing drainage area is less than 1 square mile; or areas protected by levees from the 100-year flood.
Annual Probability of Flooding of Less than 0.2%	
C or X	Both C and X represent areas outside the 500-year flood plain with less than 0.2% annual probability of flooding.
Annual Probability of Flooding of Less than 1%	
No SFHA	Areas outside a "Special Flood Hazard Area" (or 100-year flood plain). Can include areas inundated by 0.2% annual chance flooding; areas inundated by 1% annual chance flooding with average depths of less than 1 foot or with drainage areas less than 1 square mile; areas protected by levees from 1% annual chance flooding; or areas outside the 1% and 0.2% annual chance floodplains.

The potential extent of flooding from Soquel Creek is quantified using the scale depicted in Figure 6. This scale illustrates stage level (water elevation within the creek) and the corresponding stage category (base flow, watch, monitor, flood warning) on the left hand side and past events (included measured flood depth) on the right hand side. Seven events in the past 30 years have exceeded a five year flood event, triggering a flood warning stage along Soquel Creek. Information regarding historic flooding events, including flood depth, are described in the Past Occurrences section of this hazard profile.

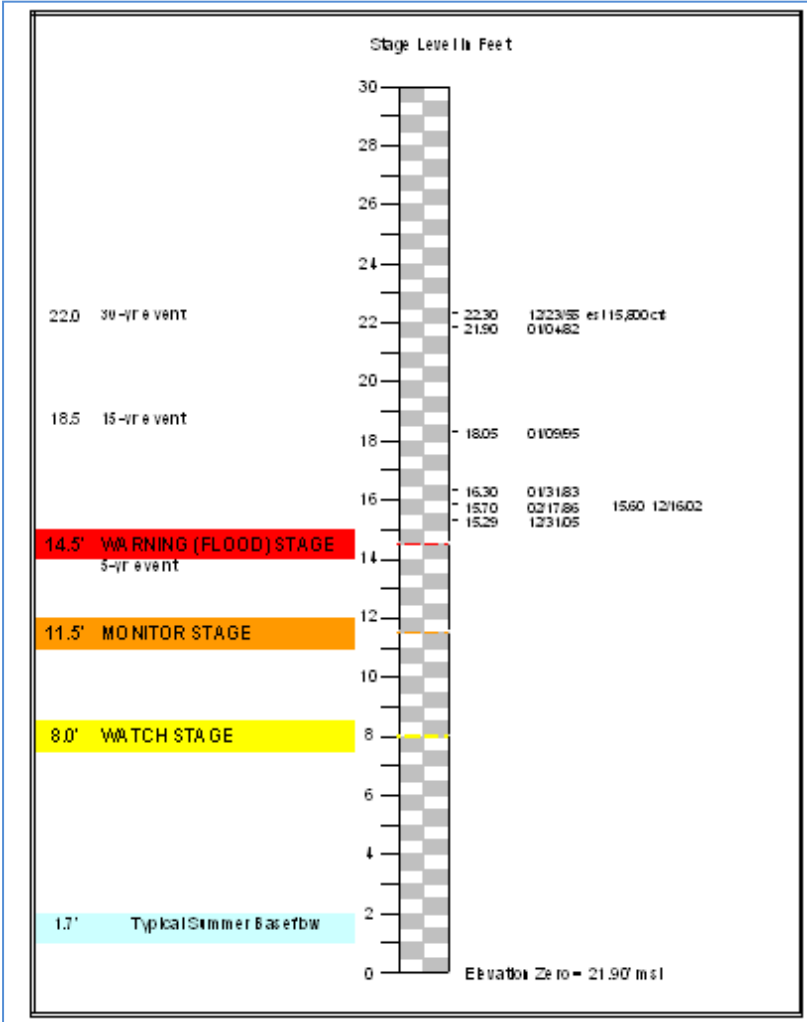


Figure 6 - Soquel Creek Stage Data

(Source: City of Capitola Public Works)

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



FLOOD HAZARD ZONES  
EXHIBIT 7

Note: This map is for planning purposes only and is not intended to be used in lieu of FEMA Flood Insurance Rate Maps.



FEMA Flood Zones depicted over the ocean are subject to 100-year flood and additional velocity hazard (wave-action)

- 2 Critical Facilities
- City Limit
- Sphere of Influence
- Flood Hazard Zones
- 500 year flood zone
- 100 year flood zone
- 100 year flood zone (coastal flooding)

Source: City of Capitola, 2010; Santa Cruz County, 2011; FEMA DFIRM Santa Cruz County, California, USA. DFIRM Special Flood Hazard Areas (Flood Plains). FIRM and FIS effective date December 1, 2003.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

*Past Occurrences*

Coastal Storm: Past events of storm surge, high surf/tide, flooding, and coastal erosion that have affected the City are identified in [Table 17: Historical Coastal Storm and High Surf Events](#). This information along with the pictures depicting flooding and coastal storm damage in Figures 7 through 9 were provided by the City of Capitola Historical Museum.



Figure 7: Coastal Storm (ca. 1926)



Figure 8: Coastal Storm (ca. 1940)



Figure 9: Coastal Storm (ca. 1983)

Table 17: Historical Coastal Storm and High Surf Events

Date	Event	Injury	Impact/Property Damage
January 1862	Storm/Flood		Major event- Soquel village inundated; mills, flumes, school, town hall, houses and barns were destroyed. Massive pile of debris went out to sea and then washed ashore at Soquel Landing.
November 25, 1865	Storm/High Tide		500 feet of the Soquel Landing wharf is lost; the remaining 600 feet are deemed "useless". Nearby barn blown down. Two young whales and a hair cloth sofa washed ashore. Waves described as "mountain high". Wharf damage is \$6,000. Pilings are deposited in a potato field beyond the beach.
December 14, 1867	Storm		Wharves damaged in Aptos and Watsonville but no specifics are listed for Soquel Landing.
September 19, 1868	Tidal Wave		High tide described as tidal wave; damage unknown.
February 3, 1869	Storm/ Flood/ Slides/ Washouts		New bridge washed away at Soquel; roads impassable.
December 23, 1871	Southeast gale, food, high tide		Water gauged to be "higher than flood of 1862."
January 24, 1874	Storm		Roaring surf. Rain threatens crops.
January 19, 1878	Storm with Tide		No Capitola impact recorded.
January 30, 1881	Storm		Conflicting reports on damage to Capitola. One report describes the resort as destroyed, while another stated damage was "not as serious"
December 16, 1886	High surf		Capitola impact unknown
December 30, 1886	High surf		High seas; ships prevented from landing.
May 10, 1887	Heaviest surf of the season		No damage reported for Capitola.
January 5, 1889	Storm		Damage to beach areas
December 26, 1889	Storm		Train service stopped; Santa Cruz County becomes isolated.
January 6, 1890	Storm / Mudslides in mountains		Worst winter in 40 years; concern for grain crops
February 8, 1892	High Tides	Swimmers endangered	Yacht "Petrel" washed ashore at Capitola; beachfront concessions damaged.
January 12, 1899	Severe Storm		Duration of several days; damage unknown.
January 2, 1900	Storm		Severe; no damage listed.
March 14, 1905	Storm		Judged to be "worst in 27 years." Capitola impact unknown.
April 27, 1907	Storm		High water and flooding; Capitola damage unknown.
January 21, 1911	Storm		Unknown



Table 17: Historical Coastal Storm and High Surf Events

Date	Event	Injury	Impact/Property Damage
March 7, 1911	Storm		Unknown
November 27, 1913	Storm and Tide	Fisherman Alberto Gibelli stranded when mid-section of wharf washed away.	Great groundswells when the tide was highest. Waves ran across the beach to the Esplanade and water spread "clear to the railroad tracks." Union Traction Company tracks covered with sand. Water reached the Hihn Superintendent's Building (Capitola and Monterey Avenues), and waves were described as "monster." About 200 feet washed of wharf washed away. Stranded fisherman rescued and pulled underwater to safety. A huge pile of debris covered the beach and was cut-up for firewood.
November 28, 1919	Storm		Damage high; no Capitola details.
December 27, 1921	Storm		Described as "great".
February 12 and 13, 1926	High Tides		Waves to 20 feet. Wharf damaged. Sea wall promenade broken at Venetian Courts. Apartments flooded. Breakers slammed into Esplanade, destroying boathouse/bathhouse, beach concessions. Tide hits the second floor of Hotel Capitola. Water runs a foot deep through village.
December 26, 1931	Storm		Soquel Creek rises; cleans lagoon at Capitola. Debris and wood deposited on the beach.
December 28 and 29, 1931	Storm and High Tide		Damage to cottages and concessions at New Brighton Beach. Roads fill with "the muck of the sea." At Seacliff Beach, the concrete ship Palo Alto is shaken loose and moved about three feet as if "impelled by the spirit of the sea to fulfill its destiny and start moving." Soquel "River" widens to sixty feet, the highest since 1890, damaging property in Soquel and all the way to the mouth at Capitola. Orchards are lost with the rapid rise of water. Hundreds gather to watch the tides batter the concessions at the beach. There is a "vortex of water where the river and sea meet." The waterfront is piled high with flood debris thrown back up the beach. The creek cuts across the beach and moves sand below the new outlet. Two months later, workers discovered a noticeable settling of the western end of the bathhouse, due to a break in the retaining wall. This left a portion of the bathhouse supported only by its concrete flooring. Repairs required rebuilding the retaining wall and replacing the fill.
March 22 and 23, 1937	Storm		Boats in the streets at Capitola. An estimated \$3,000 is spent to repair the sea wall at the Venetian Court Apartments.

Table 17: Historical Coastal Storm and High Surf Events

Date	Event	Injury	Impact/Property Damage
January 4, 1939	Wind and Waves		Main damage to Capitola Beach Club at the Esplanade and Monterey Avenue. Water and sand carried into the structure and spread out over the dance floor to the bandstand. While the storm was still raging, thieves jimmed the back door of the club's tap room, and made away with two slot machines, along with the stands on which they had rested. Ocean also swept over the Esplanade during the night, and into town for a block-and-a-half, carrying sand and rocks, some 6-8 inches in diameter. Waves hit the front and sides of the pier. Sand and rocks were swept into lower terraces of the Venetian Court and covered porches of the casino on the waterfront, but did no serious damage.
January 8, 1940 9pm until Noon	Storm		The "old Capitola casino" owned by Capitola Amusement Company was the principal victim of storm. Casino "capsized" shortly after 9 a.m. Plans for new structure announced immediately.
January 12, 1940	Storm		Most rain "since 1890" reported.
January 26, 1940	Storm		"Shatters all records"
March 31, 1940	Storm		"Wettest day in Santa Cruz history."
December 23, 1940	Storm		Flood conditions, winds
February 9, 1941	Storm		Near record storm
April 2, 1941	Severe Storm		Lasting many days. Damage unknown.
August 1, 1949	"Heaviest surf in 20 years"		18 foot waves recorded along the coast. Swimmer drowns in Santa Cruz.
Winter 1953	Giant Swells		Ocean side of building at the end of the Capitola Wharf smashed in by waves 20-30 feet at high tide. Six pilings broken off.
April 3, 1958	High Tide		Esplanade smashed by tides. Andy Antonetti's Merry-go-round damaged; horses are knocked off and washed down San Jose Avenue.
February 9, 1960	Gale winds, heavy seas		Power outages, slides, and winds 35-40 mph. Capitola hardest hit. Damage estimated at \$100,000. Ten Venetian Court apartments flooded. "A sign was ripped off the end of the wharf, rolled into a ball, and deposited into an apartment." Heavy waves smashed the beach restaurants, amusement concessions, and the merry-go-round. Rocks and logs strewn across the beach. Water pushed back under the Stockton Bridge, crushing the riverfront fences 100 yards on either side. An estimated \$5,000 in damage was done to the wharf building, but not much happened to the wharf itself. Cliffs crumbled on Grand Avenue. Police Chief Marty Bergthold called it "The worst storm in 15 years." A portion of Grand Avenue falls into the ocean.'

Table 17: Historical Coastal Storm and High Surf Events

Date	Event	Injury	Impact/Property Damage
December 1965	Storm		The City replaced 21 pilings under the wharf that were weakened by the storm. Capitola officials fear that waves would smash the seawall which protected sewer lines that ran from Capitola's pumping station to the East Cliff Sanitation District plant. That winter, the county public works department offered 500 cubic feet of rock rubble to be placed against the seawall.
January 1967	Storm		Reported as heavy
January 1973	Storm		Beach littered with tons of driftwood after heavy rains.
December 21, 1976	High waves		Waves crash over wharf
January 1978	High waves		Capitola Village streets flooded. Waves crash over wharf.
October 2, 1979	High waves		At least eight sailboats were destroyed at Capitola during the morning. A powerful swell brook 15 boats from their moorings off the Capitola Wharf. The boats were pushed ashore by 12-to-20 foot waves that pounded the shoreline
December 17, 1982	Storm		Restaurant on the newly renovated Capitola Wharf is damaged in storm.
January 27, 1983	High Tide		Capitola Wharf buildings, the Venetian Courts, the former boathouse building (Mr. Toots Downstairs) and all other business of the Esplanade were flooded. Water extends down San Jose Avenue and Lawn Way. Huge logs and debris are scattered through town. The giant surf took out a 30-foot section of the wharf which had been renovated in 1982.
February 10, 1983	High Tide		Surf rolls over the sea wall along the Esplanade. Water and debris extend as far as Capitola Avenue.
March 1, 1983	High Tide/Strong Winds		Waves damaged the restaurant at the end of the wharf, crashed over beach wall and entered restaurants on the Esplanade, "but damage was nothing compared to the million-dollar loss suffered in January," said Capitola City Manager Steve Burrell.
Winter 2008	High Tide		Old bathhouse/boathouse building (Margaritaville/Stockton Bridge Grill) battered by swells. This was the last significant coastal storm/flooding event before 2020 to occur.

**Flooding:** Table 18: Historical Flood Events identifies notable occasions of flooding as researched by the City of Capitola Historical Museum.

**Table 18: Historical Flood Events**

Date	Injury	Impact/Property Damage
1791-1792		Santa Cruz Mission destroyed.
1847		Sawmill constructed on Soquel Creek (Rancho Soquel) destroyed. It had been built by John Hames and John Daubenbiss, who later obtained lands of the Rancho Rodeo, and became the founders of the town of Soquel (1852).
1852		This was a major flood event but impact not recorded (no newspapers had yet been established).
December 4, 1875		Compared to ferocity of the 1862 flood.
March 10, 1884		Storm lasted five days. No Capitola impact described in newspapers.
January 27, 1890		Judged to be as bad as 1852, 1862, and 1871; Capitola floods, footbridge and span of wagon bridge destroyed. Esplanade flooded—buildings to be replaced in “permanent form.” A huge pile of debris appears along the beach.
January 20, 1906		Buildings from Loma Prieta Lumber Company camp above Soquel are destroyed. Debris at Capitola. Downtown Soquel floods. Landslides in hills.
January 1, 1914		Flood in Soquel and along Soquel Creek.
January 4, 1935		Capitola Village floods; thirty feet of the sea wall is taken out. Beach playground disappears. Venetian Courts hit hard but damage minimal.
February 14, 1937		Soquel Creek floods in Soquel Village due to logjam at the bridge on Soquel Drive. Landslides in watershed.
February 27, 1940		Logs pile against bridge in downtown Soquel and village floods. Landslides in watershed.
February 5, 1945		Local damage unknown.
December 22, 1955		At the Soquel Drive bridge in downtown Soquel, remains of a four-room house and five cabins joined the rubble that wedged against the bridge abutments, causing the bridge to collapse. Overall damage to property in Soquel and Capitola exceeded \$1 million. Capitola damage included the Venetian Courts. Noble Creek and Tannery Creek also flooded.
December 20, 1964		Storm and tide alarms City with a disappearing beach.
January 1980		No damage reported.
January 3-5, 1982	Estimated damage to public property: \$270,889	Torrential rainfall, floods, mudslides countywide. Soquel Creek overflowed and flooded Soquel. The logjam at the bridge was estimated to be nearly 100 yards wide and 25 feet high. In Capitola, damage was comparatively minimal. The roadway leading to the Stockton Avenue bridge was damaged. The bridge bulkhead was undercut. Several of the Venetian Court units were damaged and a portion of the seawall gave way.
March 1995		The creek rose near the village.
Winter 1996		Yards and basements of homes along both sides of Soquel Creek near the village were flooded.
March 24 and 26, 2011		Noble Creek floods village; Tannery Creek rushes through New Brighton Parking lot and undermines the cliff roadway.



The most recent and damaging event that has occurred in the past 15 years is the 2011 flooding event in Capitola, which is summarized below:

March 2011: Rushing water from a heavy storm overwhelmed an underground pipe drain that sends water from Noble Gulch Creek, which a tributary to Soquel Creek. This event caused a sinkhole at Pacific Cove Mobile Home Park, causing damage to mobile homes and businesses within Capitola Village. Water cascaded down Capitola Avenue into the Village flooding numerous businesses as well as City buildings (Police Station, Fire Station, and City Hall), see Figure 10. The Capitola Public Works Director estimated approximately \$500,000 worth of damage to city property, and several million dollars' worth of damage to the city-owned Pacific Cove Mobile Park occurred as a result of this event. According to the National Climactic Data Center (NCDC), property damage county-wide resulting from this flood was estimated at \$15.5 million.



**Figure 10 - Flooding within the Capitola Village (ca. 2011)**

This was the last significant flooding event before 2020 to occur

Sea Level Rise: No considerable events associated with sea level rise have occurred since the 2013 LHMP was approved. However, sea level rise has been an ongoing issue in Capitola due to its location adjacent to the Pacific Ocean and global impacts associated with climate change. As described below in Vulnerability/Risk Assessment, sea level rise is expected to become more severe in future due to projected global increases in sea level.

### *Probability of Future Occurrence*

Coastal Storms: Significant storms, with associated damage, strike the Monterey Bay communities with a frequency of one large storm every 3 to 4 years (Ott Water Engineers, Inc., 1984). This equates to a 25% to 33% chance of a large storm occurring within Capitola in a given year.

Flooding: The FEMA flood zones identified on Exhibit 7 provide the probability of a future occurrence of a flood in Capitola. The probability of occurrence is expressed in a percentage of the change of a flood of a specific extent occurring in any given year. For areas located within the 100 year flood zone, there is a 1% chance in a given year that this area will be inundated by flood waters. For areas located within the 500 year flood zone, this probability decreases to 0.2%. Exhibit 7 also identifies the critical facilities within the City that are located within the 100 and 500 year floodplains.

**Climate Change Considerations**

Climate change can increase the probability and intensity of both fluvial (river) and coastal storms, which could increase the probability and intensity of flooding in Capitola, particularly in the Village and along the Soquel River.

The City of Capitola Coastal Climate Vulnerability Report (CCWG, 2017) considers flooding and severe coastal storms, which are exacerbated due to sea level rise to be a considerable, potential risk to the City and its residents. Sea level rise has been an on-going progression and due to climate change, this progression has recently and will in the future become more severe.

As shown in [Exhibit 8 - Future Combine Coastal Climate Change Hazard Zones \(2030, 2060, and 2100\)](#), flooding and coastal storm hazard zones were projected and mapped for the years 2030, 2060, and 2100, and quantified in terms of number of damaged or lost facilities and assets and their value (see analysis below). A copy of the report is included as Appendix C and incorporated herein by reference as part of this LHMP update.

**Vulnerability/Risk Assessment**

**Table 19: Capitola Critical Facilities Located in a FEMA Flood Zone** identifies the Capitola critical facilities located within the 100 year FEMA floodplain, which have a greater risk to flooding. The potential loss is based on the assumption that all facilities within the 100 year flood zone would be completely destroyed during a coastal storm/flooding event and shows the maximum potential losses. While this is possible, actual losses will vary based on the magnitude of the event. In addition to loss of critical facilities, it is estimated based on 2010 Census Tract data that up to 967 residents located within the City and Sphere of Influence could be impacted by 100 year flood events. This estimate is based on the area of flood impact within each Census Tract multiplied by the population density of the Census Tract. Since the majority of the City’s 100 year flood zone is located along Noble Gulch and Soquel Creek, roadways and utility systems (water pump stations, sewer lift stations, storm drains, and overhead electric lines) adjacent to these drainages are most susceptible to flood related hazards.

**Table 19: Capitola Critical Facilities Located in a FEMA Flood Zone**

Map #	Facility	Within 100 Year Flood Zone	Replacement Value	Contents Value	Potential Loss
1	City Hall/Emergency Operations Center	Y	\$8,000,000	\$750,000	\$8,750,000
1	Capitola Police Station	Y	\$4,000,000	\$750,000	\$4,750,000
2	Central Fire Station #4	Y	\$3,000,000	\$100,000	\$3,100,000
7	Stockton Avenue Bridge	Y	\$10,000,000	N/A	\$10,000,000
8	Capitola Wharf	Y	\$20,000,000	\$300,000	\$20,300,000
9	Capitola Beach Sea Wall	Y	\$5,000,000	N/A	\$5,000,000
15	Noble Gulch Storm Pipe	Y	\$10,000,000	N/A	\$10,000,000
17	Capitola Pump Station-Esplanade Park	Y	\$10,000,000	\$800,000	\$10,800,000

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 19: Capitola Critical Facilities Located in a FEMA Flood Zone

Map #	Facility	Within 100 Year Flood Zone	Replacement Value	Contents Value	Potential Loss
18	Soquel Pump Station	Y	\$10,000,000	\$1,700,000	\$11,700,000
19	Lawn Way Storm Drain Pump Station	Y	\$500,000	N/A	\$500,000
23	Capitola Beach Flume	Y	\$2,000,000	N/A	\$2,000,000
24	Capitola Beach Jetty	Y	\$3,000,000	N/A	\$3,000,000
	<b>Total Potential Losses</b>		<b>\$85,500,000</b>	<b>\$4,400,000</b>	<b>\$89,900,000</b>

### *Combined Impacts of Coastal Climate Change*

The California Coastal Commission Sea Level Rise Policy Guidance (November 2018) recommends all communities evaluate the impacts from sea level rise on various land uses. The guidance recommends using a method called “scenario-based analysis”. Since sea level rise projections are not exact, but rather presented in ranges, scenario-based planning includes examining the consequences of multiple rates of sea level rise, plus extreme water levels from storms and El Niño events.

In general, the Coastal Commission recommends using best available science (currently the 2018 State of California Ocean Protection Council [OPC] SLR Guidance) to identify a range of sea level rise scenarios, including the low, medium-high, and, as appropriate, extreme risk aversion scenario. These projections are an update from a previous scenario estimate by the National Research Council (NRC) Sea Level Rise study prepared in 2012. A comparison of these two scenarios are shown below in [Table 20: Comparison of Sea Level Rise Estimates for Medium-High Risk Aversion for Capitola](#). The delta between the two methodologies suggests that sea level rise could be greater than previously anticipated, particularly by the year 2100.

Table 20: Comparison of Sea Level Rise Estimates for Medium-High Risk Aversion for Capitola

Time Horizon	NRC 2012 Projected SLR	OPC 2018 Projected SLR (Monterey Tide Gauge)	Difference
2030	0.3 ft.	0.8 ft.	0.5 ft.
2060	2.4 ft.	2.6 ft.	0.2 ft.
2100	5.2 ft.	6.9 ft.	1.7 ft.

**Regardless of the estimates, sea level rise, when combined with coastal storm flooding and rising tides, creates a significant threat to Capitola.** For the purposes of assessment of these combined impacts of coastal climate change, the conclusions below are based on the 2017 CCWG City of Capitola Coastal Climate Change Vulnerability

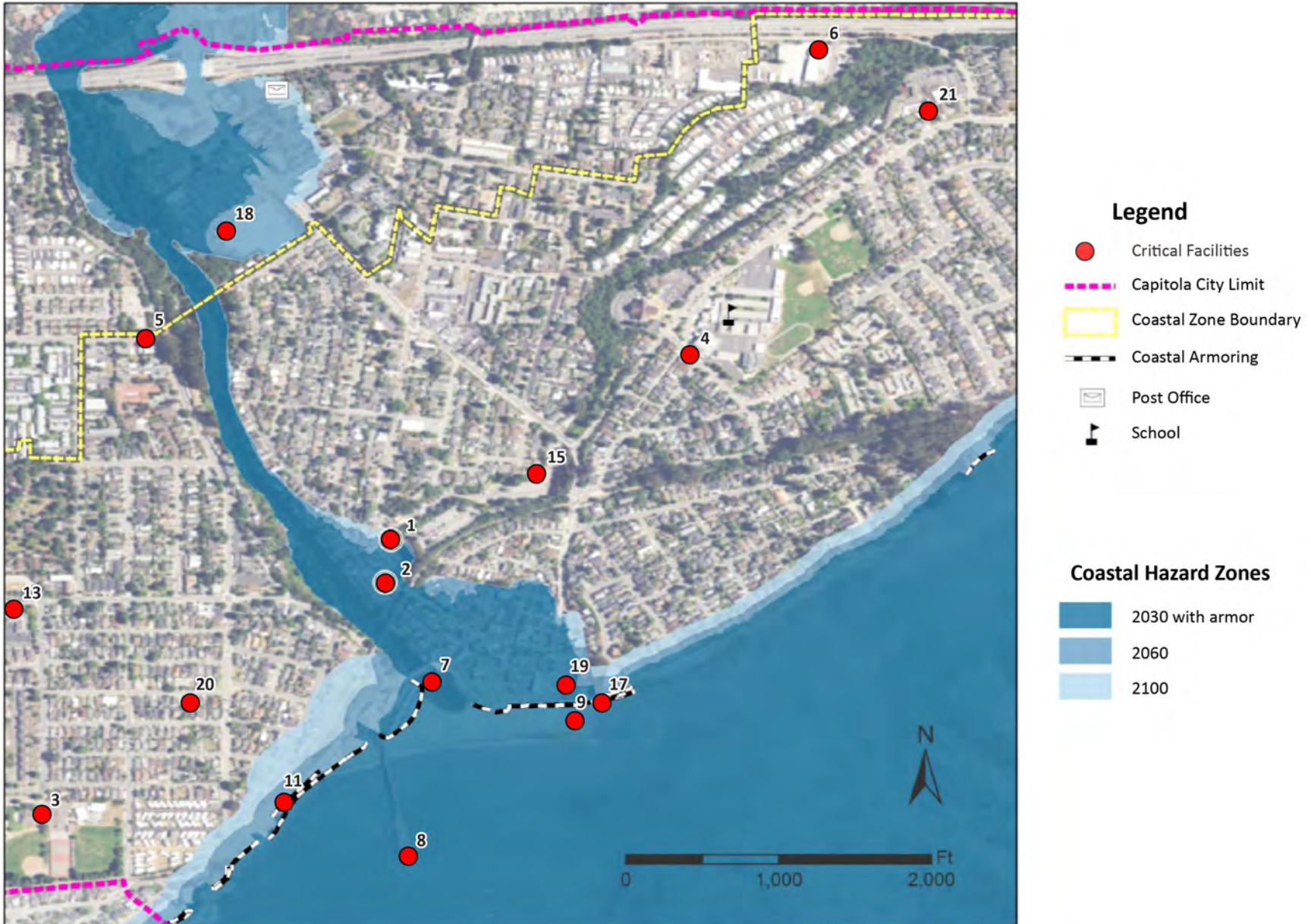
Report (included as part of this LHMP as Appendix C) as it analyzed a comprehensive vulnerability assessment of Capitola's public and private land use and infrastructure assets. [Exhibit 8 - Future Combine Coastal Climate Change Hazard Zones \(2030, 2060, and 2100\)](#) identifies areas of Future Combine Coastal Climate Change Hazard Zones (2030, 2060, and 2100). To the degree these impacts could be greater based on evolving scenario estimates only reinforces the fact that policy planning that addresses the long-range effects of the combined impacts of coastal climate change is an important issue for the City of Capitola.

Key findings from the CCWG report include:

- Infrastructure closest to the beach will continue to be impacted by the force of waves, the deposition of sand, kelp and other flotsam, and by floodwaters that do not drain between waves.
- Infrastructure further inland is most vulnerable to flooding by a combination of ocean and riverine sources.
- Infrastructure identified as vulnerable to coastal flooding by 2030 is similar to that which is currently vulnerable.
- Total property values at risk from the combined hazards of coastal climate change for 2030 were estimated at \$200 million.
- Property value at risk may increase to \$275 million dollars by 2060. That value is reduced by approximately \$50 million dollars if current coastal armoring is replaced or upgraded.
- By 2060 use of all 12 public access ways may be restricted due to various coastal climate vulnerabilities.
- Projected flood water depths along the river walkway are estimated to be as much as 8 feet by 2060.
- Cliff Drive remains a key western access road into the downtown area and is vulnerable to cliff erosion by 2060 if coastal armoring is not replaced.
- By 2100 most of the beach may be lost due to higher sea levels and beach erosion if back beach structures are rebuilt in their current locations.
- As many as 221 properties are within the 2100 bluff erosion zone if protective structures are not maintained or replaced.
- By 2100 SLR and Fluvial models used in this analysis project that much of the downtown area may be periodically flooded during winter storms and high river discharges.
- By 2100 tidal inundation within portions of the downtown area may become a serious challenge, risking 23 residential and 23 commercial buildings to monthly flooding.
- By 2100, portions of Capitola may be too difficult and costly to protect from the combined hazards of Coastal Climate Change.



Exhibit 8 - Future Combined Coastal Climate Change Hazard Zones



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## 3.5 Drought and Water Resources

### 3.5.1 Identifying Drought Hazards

**Drought:** A drought is a period of dry weather that persists long enough to cause problems such as crop damage and/or water supply shortages. Droughts can occur in short durations (single year occurrence) or can persist for several years (multi-year) which can impact hydrologic cycles and biologic communities. Droughts may not be predictable, but they should be expected. They occur with some regularity and varying levels of severity. The magnitude and duration of a drought is something that can be predicted based on historical records and should be taken into account in water resource planning.

The City of Capitola receives about 90% of its water supply from the Soquel Creek Water District (SqCWD), while the remaining 10% is supplied by the City of Santa Cruz Water Department (SCWD). In general, SqCWD serves areas of the City that are located east of 41<sup>st</sup> Avenue and the SCWD serves the portions of the City that are located west of 41<sup>st</sup> Avenue. Neither agency receives imported water from sources outside of the area, thus both agencies are solely dependent on local water supplies and face a number of critical constraints in their ability to provide enough water to meet current and future demand.

SqCWD obtains 100 percent of its water supply from two groundwater sources within the Soquel-Aptos area. While groundwater sources in general are usually less susceptible to seasonal drought than surface water sources, droughts do impact SqCWD's groundwater supply. Due to cumulative over-pumping for many years, coastal groundwater levels are below elevations that protect the local groundwater basin from seawater intrusion. This condition creates a state of overdraft that is exacerbated by drought conditions to the extent that less rainfall reduces groundwater recharge and generally increases water demand.

The SCWD obtains the majority of its water supply from surface water sources. Approximately 79 percent of its annual water supply needs are met by coastal stream surface diversions, and about 17 percent of its needs are met by Loch Lomond Reservoir. The remaining 4 percent of SCWD's annual supply needs are met by its Live Oak groundwater wells. The SCWD's water supply has limited capacity to serve additional users under normal conditions and has insufficient supply to meet existing demand under drought conditions.

Both water providers have experienced drought periods which resulted in water supply curtailment actions, the most recent occurring from 2007-2009, and both are susceptible to drought conditions in the future. In addition to the 2007-2009 drought, California experienced two other state-wide drought periods within the last forty years: 1976-1977 and 1987-1992.

**Groundwater supply:** The water supply in Capitola is primarily provided by SqCWD, which has been able to meet historical demand within its service area even though the underlying groundwater basin is overdrafted and at risk from seawater intrusion. In order to recover groundwater levels to protective elevations and eliminate overdraft, SqCWD needs to and is planning on reducing pumping to the Pre-Recovery Pumping Yield of 2,900 acre-feet per year (afy) within approximately 5 years, and maintaining pumping at or below this level for approximately 20 years. For perspective, the SqCWD pumped about 4,000 acre-feet of groundwater in 2011, so an approximate pumping reduction of 30 percent is required to meet the Pre-Recovery Pumping Yield. In response to overdraft conditions and the resulting need to reduce pumping by approximately 30 percent from 2011 levels, SqCWD continues to advocate water conservation and evaluate a desalination project with the SCWD as a supplemental

water supply. SqCWD maintains an Urban Water Management Plan<sup>2</sup>, which outlines water conservation strategies. SqCWD also completed a Well Master Plan and will be developing up to five new wells over the next five or so years to redistribute pumping inland away from vulnerable coastal areas and to achieve more uniform drawdown of the groundwater basin.

**Seawater Intrusion:** Seawater intrusion is the movement of ocean water into an area occupied by fresh groundwater, causing chloride contamination of the groundwater. While coastal aquifers naturally experience some seawater intrusion due to the seawater and freshwater interface, freshwater naturally serves as a barrier to seawater moving further inland. However, when coastal groundwater levels are depressed near or below sea level due to over-pumping, seawater can move inland and contaminate groundwater.

The State of California has declared the Santa Cruz Mid-County Groundwater Basin — which supplies water to the SqCWD, Central Water District, City of Santa Cruz, and over a thousand private well users and private mutual systems — as critically overdrafted and mandated that the basin be brought into sustainability by 2040. This mandate affects all basin users, not just the SqCWD.

The SqCWD is solely dependent on groundwater as is most of the Santa Cruz Mid-County area. In addition to the groundwater basin being overdrafted, seawater intrusion is present in Pleasure Point, Aptos, Seascapes, and La Selva Beach; data collected in 2017 confirmed the entire coastline is at-risk.

To address this issue, SqCWD is actively working on a groundwater replenishment and seawater intrusion prevention project called Pure Water Soquel. This project will involve taking already treated municipal wastewater from the City of Santa Cruz, purifying it through advanced water purification methods, replenishing the basin through recharge wells, and creating a seawater barrier. One of these recharge wells will be located on Monterey Avenue and replace the existing (now decommissioned) SqCWD Treatment Plant (critical facility # 21). The goal is to have the project operational by 2022.

### 3.5.2 Profiling Drought Hazards

#### *Location*

**Exhibit 9 - Water Supply** illustrates the SqCWD and SCWD boundaries as well as the limits of the local groundwater basin.

**Drought:** Droughts can occur over large regions (multiple states) or be isolated to small areas such as a City or County. The Santa Cruz County Hazard Mitigation Plan notes the entire county is susceptible to and at risk of drought conditions. Likewise, the City of Capitola is susceptible to drought.

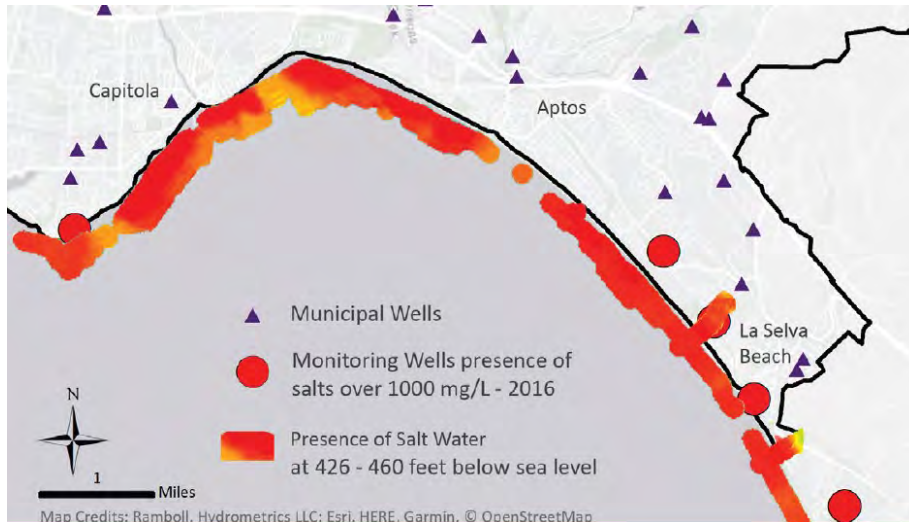
**Groundwater Supply:** The majority of Capitola is served by the SqCWD, which currently relies solely on groundwater aquifers within the Soquel-Aptos area. The aquifers are located within two geologic formations that underlie the SqCWD service area. The Purisima Formation provides approximately two-thirds of SqCWD's annual production and serves the communities of Capitola, Soquel, Seacliff Beach, and Aptos. The Aromas Red Sands aquifer provides the remaining one-third of SqCWD's annual production and mainly serves the communities of Seascapes, Rio Del Mar, and La Selva Beach.

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<sup>2</sup> Soquel Creek Water District Urban Water Management Plan



**Seawater Intrusion:** As shown in the image below, seawater intrusion is actively occurring on the Monterey Bay coastline, including Capitola.



### Extent

**Drought:** For a county-wide perspective on the extent of seasonal drought impacts, it is helpful to reference the SCWD since they rely on surface water for water supply. They are able to meet 100% of the existing water demand in about 7 out of every 10 years and at least approximately 90% of existing demand in about 9 out of 10 years. A significant shortage occurs on average about one out of every 10 years.

In addition to water supply shortages, prolonged periods of drought in the Capitola region can exacerbate the potential for wildfires that may affect the City. A decline in water supply can also negatively affect the ability to protect lands from wildfire and/or the City's ability to respond to fire incidents.

### Groundwater Supply and Seawater Intrusion:

The Pure Water Soquel project includes facilities in portions of the cities of Santa Cruz and Capitola, and in the Live Oak, Soquel, and Aptos communities of unincorporated Santa Cruz County. The treatment process is planned to be split: tertiary treatment at the Santa Cruz Wastewater Treatment Facility and Advanced Water Purification at the corner of Chanticleer Avenue/Soquel Avenue and the planned three seawater intrusion prevention wells at Monterey Avenue, Willowbrook Lane, and Cabrillo College Drive. The project will; help increase the sustainability of the District's groundwater supply, upon which it currently relies for 100% of its water supply, reduce the degree of overdraft conditions in the District's groundwater basin, protect against and aid in preventing further seawater intrusion of the groundwater basin, and promote beneficial reuse by reducing discharge of treated wastewater to the Monterey Bay National Marine Sanctuary by 25%.

### Past Occurrences

**Drought:** In recent history, Santa Cruz County was impacted by 3 statewide drought occurrences: 1976-77, 1987-1992, and 2007-09. [Table 21: Historical Drought Events](#) presents the impacts of drought researched by the City of Capitola Historical Museum.

Table 21: Historical Drought Events

Date	Impact/Property Damage
1863-1864	Unknown.
1877	Capitola's founder, S.A. Hall, was boarding 300 horses at his stable during the summer. The price of hay went to \$20.00 a ton due to the drought, and he lost money. When landowner F.A. Hihn increased the rent two years later, Hall couldn't afford the increase, and left
1928-1937	Reported as one of longest and most severe in state's history. Capitola is bordered by bulb ranches and floral nurseries, as well as poultry ranches and rabbit farms.
December 14, 1936	Long drought ended by rain.
1947-1949	Statewide.
1976-1977	Water conservation ordered.
1987-1992	Severe drought, water conservation ordered.
2007-2009	Water waste regulations strictly enforced; voluntary 15% conservation savings requested by local water providers.
2013 - 2017	On-going drought conditions resulted in water use restrictions throughout California. This was the last significant drought event before 2020 to occur

Groundwater Supply: The Soquel Creek Water District is currently experiencing a water supply shortfall due to overdraft of the groundwater basin.

#### *Probability of Future Occurrence*

Drought: As noted in the Santa Cruz County Hazard Mitigation Plan, one approach to evaluating probability of future events focuses on the magnitude of the worst case drought, because it is the degree of shortfall that determines what actions the community would have to take and the resulting hardships the public would face. It should also take into account, though, the chance of that event occurring before a solution is achieved. The amount of time that elapses before new supply can be developed is an important consideration because it also has a bearing on the degree of risk faced by water customers; the longer the delay, the greater the risk. As with the threat of other natural hazards like a flood or an earthquake, the probability of a severe drought in any one-year may be comfortably low.

For instance, the drought on record of 1977 has a recurrence interval of 1 in 59 years. This means the probability of such an event is 1/59 or 0.017, which is the same as a 1.7% chance of occurrence in any one year. But the percent probability of occurrence, or chance, of a shortage occurring over a longer time frame is considerably higher, which changes the perception of the significance of risk.

Groundwater Supply: The SqCWD Urban Water Management Plan addresses the fact that without incorporating additional conservation methods and a supplemental supply of water to their existing groundwater water supply, the District will be unable to service all water demands in the future without exacerbating overdraft conditions in the basin or imposing significant water use restrictions.

Seawater Intrusion: As discussed above, seawater intrusion in and around Capitola is being addressed by the Pure Water Soquel project.

### 3.5.3 Climate Change Considerations

Per the SqCWD Urban Water Management Plan, consistent future use of the Aromas and Purisima groundwater sources may be affected by climate change. Climate change forecasts indicate a potentially significant decrease (e.g., 30%) in recharge of groundwater basins. Additionally, projected rises in sea level may increase the risk and extent of seawater intrusion. Due to climate change, the City of Capitola may expect more severe droughts of longer duration.

#### *Vulnerability/Risk Assessment*

Drought does not inflict physical damage on Capitola's critical assets; however, residents and businesses could be impacted by the water district they are provided by. 90% of the City's water supply is provided by the Soquel Creek Water District, which, although supplied by groundwater and less susceptible to seasonal drought, is susceptible to overdraft. The remaining 10% of the water supply is provided by the City of Santa Cruz Water Department, which is supplied by surface water and is susceptible to seasonal drought. [Exhibit 9: Water Supply](#) shows the water district boundaries.

**WATER SUPPLY**  
EXHIBIT 9



Source: City of Capitola, 2010; Santa Cruz County, 2012.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## 3.6 Windstorm

### 3.6.1 Identifying Windstorm Hazards

Winds are horizontal flows of air that blow from areas of high pressure to areas of low pressure. Wind strength depends on the difference between the high- and low-pressure systems and the distance between them. A steep pressure gradient results from a large pressure difference or short distance between these systems and causes high winds. High winds are defined as those that last longer than 1 hour at greater than 39 miles per hour (mph) or for any length of time at greater than 57 mph.

### 3.6.2 Profiling Windstorm Hazards

#### Location

As illustrated in [Exhibit 10 - Prevailing Wind Patterns](#), Capitola experiences prevailing wind conditions that are generated from the north and northwest, following the California coast. Due to its proximity to the ocean, Capitola also experiences ocean breezes that average between 1-2 miles per hour.

#### Extent

Since 2004 the highest recorded wind speed in Capitola has reached 46 mph.<sup>3</sup> Wind damage in Capitola may not always be associated with wind, but with tree falls that occur during windy conditions. If soil is saturated due to rain, the trees are more susceptible to falling in the wind.

#### Past Occurrences

[Table 22: Windstorms Reported in Santa Cruz County, California 1965-2011](#) identifies past high wind, strong wind, and tornado events in Santa Cruz County from 1965 through 2011.

**Table 22: Windstorms Reported in Santa Cruz County, California 1965-2011**

Date	Type of Event	Magnitude	Countywide Property Damage
4/1/1965	Tornado	F1 (73-112 mph)	\$0
12/05/1998	Tornado	F0 (40-72 mph)	\$50,000
4/3/1999	High Winds	85 MPH	\$0
4/4/2001	High Winds	71 MPH	\$2,700,000
11/24/2001	High Winds	85 MPH	\$7,100,000
12/21/2001	Tornado	F1 (73-112 mph)	\$250,000
1/7/2005	High Winds	58 MPH	\$0
2/27/2006	High Winds	70 MPH	1 Fatality
12/27/2006	High Winds	40 MPH	\$100,000
10/12/2008	Strong Winds	47 MPH	\$150,000
1/25/2009	Strong Winds	39 MPH	\$25,000
2/15/2009	High Winds	64 MPH	\$25,000
4/14/2009	Strong Winds	48 MPH	\$70,000
10/13/2009	High Winds	61 MPH	\$0
11/28/2009	Strong Winds	43 MPH	\$50,000
1/18/2010	Strong Winds	39 MPH	\$150,000
1/19/2010	Strong Winds	44 MPH	\$200,000

<sup>3</sup> Capitola Weather Net, accessed February 24, 2012. <http://www.capitolaweather.net/climate.php>



Table 22: **Windstorms Reported in Santa Cruz County, California 1965-2011**

Date	Type of Event	Magnitude	Countywide Property Damage
4/11/2010	Strong Winds	45 MPH	\$25,000
10/24/2010	Strong Winds	47 MPH	\$15,000
11/20/2010	Strong Wind	48 MPH	\$500,000
12/19/2010	Strong Winds	45 MPH	\$15,000
12/28/2010	High Winds	50 MPH	\$15,000
2/25/2011	Strong Winds	39 MPH	\$35,000
11/30/2011	High Winds	56 MPH	\$8,000

National Climatic Data Center

<http://www4.ncdc.noaa.gov/cgi-win/wwcgi.dll?wwevent~storms>

Since 2011, NOAA has recorded 11 events with wind speeds 60 knots and higher in Santa Cruz County. The last strong wind event occurred on February 9, 2020.

The City of Capitola Historical Museum researched the historical impacts from wind events as presented in [Table 23: Historical Wind Events](#).

Table 23: **Historical Wind Events**

Date	Injury	Impact/Property Damage
February 10, 1938		Winds up to 70 mph; 500 trees uprooted throughout county.
December 9, 1943		60-mile-an-hour winds create damage in county
1975		40 knot winds downed trees and power lines.
1976		Winds downed power lines
February 9, 2020		Winds over 70 mph downed trees and power lines.

In addition to the historical wind events listed above, historical coastal storm events, listed in the flood profile, may also produce wind damage.

#### ***Probability of Future Occurrence***

Due to its location, it is anticipated that Capitola will experience windstorms in the future. The predominant wind pattern throughout this area is from north to south, however strong winds have been known to occur from other directions as well. It is difficult to predict the amount of damage that could occur from a windstorm with great precision. Based on current modeling and information it is anticipated that most windstorms will follow the general patterns that have historically affected the City. However, what is difficult to predict far into the future is the intensity and duration of a storm. Understanding that windstorm will occur within the City, it is better for the City to determine what potential vulnerabilities exist associated with a windstorm and mitigate these vulnerabilities effectively.

#### ***Climate Change Considerations***

It is anticipated that wind patterns and windstorm development may be altered due to climate change. The resulting change could increase future storm intensity and duration and potentially change the location of where these storms are generated. With this in mind it will be important for the City to consider how anticipated changes

in weather patterns may change future events and how they respond and mitigate hazards associated with windstorms.

#### *Vulnerability/Risk Assessment*

The entire City of Capitola and all critical facilities are susceptible to windstorm damage. A majority of windstorm damage that occurs is associated with fallen trees/ tree limbs. Facilities located in close proximity to large trees may be more susceptible to windstorm damage as a result. It is highly unlikely that a windstorm would completely destroy any of the identified critical facilities. However, the replacement values for these facilities may be referenced in [Table 7: Capitola Critical Facilities List](#).



PREVAILING WIND PATTERNS  
EXHIBIT 10



Source: City of Capitola, 2010; Santa Cruz County, 2010; ESRI, 2011.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

### 3.6.3 Coastal Erosion/Bluff Failure

#### *Identifying Coastal Erosion/Bluff Failure Hazards*

Coastal erosion is the wearing away of coastal land. It is commonly used to describe the horizontal retreat of the shoreline along the ocean. Erosion can be measured as a rate, with respect to either a linear retreat (feet of shoreline recession per year) or volumetric loss (cubic yards of eroded sediment per linear foot of shoreline frontage per year).

Erosion rates are not uniform and vary over time at any single location. Annual variations are the result of seasonal changes in wave action and water levels. Erosion is caused by coastal storms and flood events, changes in the geometry of tidal inlets and bays and man-made structures and human activities such as shore protection structures and dredging.

Coastal erosion includes both cliff and bluff erosion and beach erosion, and is a result of both winter wave attack as well as constant wave action. Beaches change seasonally in response to changes in wave conditions. Winter storm waves are larger, steeper, and contain more energy, typically moving significant amounts of sand from the beaches to offshore sandbars, creating steep, narrow beaches. In the summer, lower, less energetic waves return the sand, widening beaches, and creating gentle slopes. During the winter months when beaches are narrow, or absent altogether, the storm waves attack the cliffs and bluffs more frequently. There are many factors involved in coastal erosion, including human activity, sea-level elevation, seasonal fluctuations and climate change, and sand movement from year to year in the same location.

Wind, waves, and the long-shore currents are some of the driving forces behind coastal erosion. The removal and deposition of sand creates long-term changes to beach shape and structure. Sand may be transported to landside dunes, deep ocean trenches, other beaches, and deep ocean bottoms.

Coastal erosion such as cliff and bluff erosion is also a result of processes related to the land such as rainfall and runoff, weathering, uplift, and earthquakes.

### 3.6.4 Profiling Coastal Erosion/Bluff Failure Hazards

#### *Location*

Capitola is a coastal city, residing within the Monterey Bay area of the Pacific Ocean. The entire coastal edge of the City is affected by coastal erosion. Areas of particular concern include:

Capitola Beach: Capitola Beach is a gently rising beach. A jetty located at the eastern edge of the beach has allowed the beach to remain relatively stable. Seasonal changes cause the amount of sand to change whereby winter storms deplete the sand supply, which is then replenished in summer months.

Capitola Cliffs: Located along Cliff Drive and the Depot Hill neighborhood. These areas have experienced high levels of coastal erosion (see Figure 11). The cliffs are characterized by gently dipping, late Tertiary sedimentary rocks that are generally overlain by nearly horizontal, quaternary terrace deposits. The local shoreline is nearly parallel to the dominant direction of approach for refracted waves. As a result, littoral drift is rapid, inhibiting formation of a continuous protective beach. Instead, a series of pocket beaches, which are sensitive to seasonal changes and human intervention, have formed. Cliff Drive within this portion of the City has been armored with a rip rap toe and concrete walls along the bluff, which provides erosion protection, however the Depot Hill neighborhood portion is unprotected.



The sanitation district is interested in seeing where the coastal erosion and bluff failure risks are the highest so they can evaluate if it will affect their infrastructure. They are actively planning to relocate sewers based on risk. They use the Capital Improvement Program to budget for these projects.

#### *Extent*

**Coastal Bluff Failure:** The historic rate of bluff retreat in Capitola is approximately 0.9 feet per year. If this rate continues, the pedestrian pathway along the cliff area in the Depot Hill neighborhood would be unusable within 10-15 years and the Grand Avenue right-of-way almost entirely gone within 25 years. Assuming this constant rate of retreat, the first houses would be threatened or damaged in approximately 50 years, and most would be damaged or destroyed within approximately 75 years. After 100 years, some of the second-line houses could be threatened.



**Figure 11 - Episodic coastal bluff failure in Capitola**



**Figure 12a - Cliff Erosion Beneath Apartments on Depot Hill (c. 1984)**

An example of coastal bluff failure are illustrated in Figures 12a and b. Both sewer and sanitary infrastructure run through the bluffs in Capitola and have the potential to be impacted by bluff failure. In addition, sewer treatment plants are commonly located along the coast of California and are at risk to bluff failure and beach erosion in many locations. In addition, development that has been placed on top of bluffs within Capitola is vulnerable to erosion, as illustrated in Figure 13.

In 2018, the City closed a portion of the Grand Avenue pedestrian pathway between Sacramento Avenue and Oakland Avenue due to concern for bluff failure. On December 2, 2019, a portion of the bluff failed taking with it a portion of the pathway with it.



**Figure 12b – Grand Avenue Pedestrian Pathway Erosion**

**Beach Erosion:** Beach erosion (as shown in Figure 13) is a seasonal occurrence during the winter months within Capitola. In a 2009 study prepared by the USGS<sup>4</sup>, the highest long-term shoreline erosion rates along the California coast were found in the Monterey Bay region, where the average rate of erosion was -0.6 meters/year. The short-



**Figure 13 - Capitola Beach Erosion**

<sup>4</sup> Rates and Trends of Coastal Change in California and the Regional Behavior of the Beach and Cliff system ([http://allenpress.com/pdf/COAS\\_25.3\\_603\\_615.pdf](http://allenpress.com/pdf/COAS_25.3_603_615.pdf))

term erosion rate was also high, at -0.8 meters/year. These erosion rates not only contribute to the loss of beach sand along the Capitola coast, but also contribute to erosion along the cliffs within this part of the State as well.

### *Past Occurrences*

Although coastal erosion is a continuous process, the rate of erosion is accelerated during times of severe storm activity. The NCDC database captures ocean surf events, which include high tides and surf, rip currents, and storm surge on a county-wide basis. The events noted in the NCDC database that may have contributed to increased coastal erosion in Capitola include:

October 28-29, 1999: A 15 foot swell in association with a relatively high tide produced waves as high as 40 feet which broke through the seawall in Capitola and flooded low lying streets and businesses. The Capitola Wharf was closed because the waves were breaking up through the decking of the wharf. The event caused \$1 million in property damage.

February 25, 2004: A strong winter storm brought ocean water onto the Capitola Wharf producing damage on the wharf and adjacent restaurant.

Additional coastal erosion in Capitola’s history as researched by the City of Capitola Historical Museum is presented in [Table 24: Historic Erosion Events](#).

**Table 24: Historic Erosion Events**

Date	Impact/Property Damage
1911	Incidents of cliff erosion along Grand Avenue prompt Lewis B. Hanchett, the owner of El Salto Resort, to begin chopping down trees along what is left of “Lover’s Lane” along the bluff of Depot Hill. Hanchett believed that when the trees fell, they further hastened the cliff erosion.
January 24, 1930	About 130 residents appear before Santa Cruz County Supervisors to protest announced firing of 12-inch guns at Camp McQuaide, Capitola. Among petitioners claims are that “the terrific jar of the guns loosens the rim of the cliffs, and the earth is sloughing off to a dangerous degree.”
January 9, 1935	Near the seawall cave-in by the site of the old hotel, a tree fell sixty feet from Grand Avenue. The “new favorite outdoor sport” for onlookers is to walk behind the sewer plant to see the fallen tree and debris of the broken sea wall.
May 2, 1955	Sentinel: Capitola City Council Asks Cleanup Help “Believe it or not, a few people still occasionally throw garbage over the cliff, particularly along Grand Avenue. This not only creates health hazards, but also attracts rodents which burrow into and weaken the cliff, increasing the rate of cliff erosion....”
1963	Capitola City Council votes to start condemnation proceedings against Harry Hooper to obtain 320 feet of Hooper Beach for erosion control to protect Cliff Drive, where a high rise development was planned.
1963	Capitola City Council considers construction of seawall to control erosion from Grand Avenue to New Brighton Beach. The filled in area would also provide parking for approximately 400 cars.
December 20, 1964	Construction begins on controversial Crest “prestige” 24-unit apartment house on the bay side of Grand Avenue on Depot Hill. Robert Lamberson, architect. Grand Avenue residents eventually sue the City over a disputed 10-foot setback for the project, which was built on a former park site at the top of the bluff.  In the 1980s, several units facing the bay were removed due to cliff erosion. \$500,000



Table 24: Historic Erosion Events

Date	Impact/Property Damage
January 13, 1965	Capitola considers feasibility study to build 370-foot seawall along Grand Avenue. Backfilling below Grand Avenue would be used for a 1,000-car parking lot. Developers expressed desire to lease portion of the parking lot for a three-story, 20 unit convention hotel with restaurant and cocktail bar, to be built along the Grand Avenue bluff. First step was to have the beach deeded to the city by the state. \$1,228,000 estimated cost for parking lot \$275,000 estimated cost for hotel.
Summer 1965	Capitola requests help from the State Department of Water Resources to solve the problem of disappearing sand, due to "failure of Santa Cruz harbor officials to install a recommended sand bypass at the harbor jetty.
Summer 1965	Off-Shore parking lot plan revised. Parking lot to extend 430 feet out into the bay from the cliffs south of Capitola beach for about 1,500 feet. A breakwater is planned to extend 600 feet south to the end of the high cliff area, to prevent cliff erosion. The parking lot would also be used as an "overnight parking unit" with commercial concessions for tourists. Project to cover ten acres reclaimed from the bay.
1966	Lifelong resident Violet Gooch hired Granite Construction to build a rip-rap wall at the base of the cliff at the end of the row of homes west of the wharf. (Hooper Beach)
1968	Army Corps of Engineers begins work to construct a groin, completed the following spring. \$160,000.
February 15, 1984  1984 – present	Even though planner Susan Tupper warned the plan might not be a lasting solution, Capitola City Council approved a plan to stabilize its crumbling cliffs by installing artificial seaweed—a series of floating plastic fronds anchored to a sand-filled tube. The intent was to capture sand that drifts down the coast each year, thereby building a sandy beach in front of the cliffs below Grand Avenue. The "ersatz" seaweed lasted until the next major storm and then drifted to sea. The cliff continues to erode at a rate of 12-18 feet per year. \$120,000. Ongoing isolated slope failures have occurred along the Grand Avenue Bluff.

In addition to the past erosion events listed above, coastal storms and high tides can also contribute to erosion and bluff failure. Figure 14 depicts a bluff failure along Grand Avenue that occurred in conjunction with the coastal storm that occurred in 1960. Additional detail of these past events can be found in the flood profile.

#### *Probability of Future Occurrence*

Based on its coastal location, bluff and shoreline erosion will continue to occur in Capitola in the future. The amount of erosion will be dependent on the intensity of future storms and whether or not corrective actions are taken by the City or County to protect shoreline areas by reducing erosion rates. With regard to beach erosion/ bluff failure, it is less a matter of whether or not the hazard will occur and more a matter of the rate in which the hazard will cause additional damage (i.e. structural failure).

#### *Climate Change Considerations*

As a coastal community, the potential for sea level rise could increase Capitola's vulnerability to flooding and coastal erosion. The cliffs and sandy beaches that line sections of the Capitola coastline are already susceptible to erosion due to wave attack. It is anticipated that this susceptibility will increase in the event of sea-level rise. In areas not lined with vertical cliffs and bluffs, the depletion of sandy beaches may expose previously protected areas to additional flood hazards.



**Figure 14 - Bluff Failure along Grand Avenue (associated with 1960 coastal storm)**

**Exhibit 11 - Erosion Risk from Sea Level Rise**, shows the location of future erosion hazard areas in the Year 2100, assuming a 1.4 meter rise in Mean Sea Level. The hazard area is a swath of land approximately 250 feet wide that extends the length of nearly all of Capitola's shoreline, with the exception of a .2 mile gap along the low-lying area at the mouth of Soquel Creek in the Village. Assuming a rise in MSL of 1.4 meters, a total of 40 additional acres of land in Capitola will be vulnerable to bluff erosion hazards. Future vulnerable areas include Cliff Drive and surrounding open space and residential areas in the City's Jewel Box neighborhood, between the Village and New Brighton State Park. In addition, the coastal edge of New Brighton State Park on the east side of the City would be vulnerable to bluff erosion. An estimated 19 acres of land in Capitola would be susceptible to beach erosion in the year 2100, most likely in the low-lying area where Soquel Creek meets the Monterey Bay. At-risk areas include most of Capitola Village on both the south and north side of Soquel Creek.

#### *Vulnerability/Risk Assessment*

Intersections between critical facilities and areas of beach erosion and cliff erosion were conducted to determine which facilities are at risk to erosion. Based on this analysis, [Table 25: Capitola Critical Facilities Exposed to Increased Erosion Potential](#) identifies the facilities that could be impacted by increased beach and/ or cliff erosion in the future. The total potential loss shown in the table below is based on the assumption that all facilities within



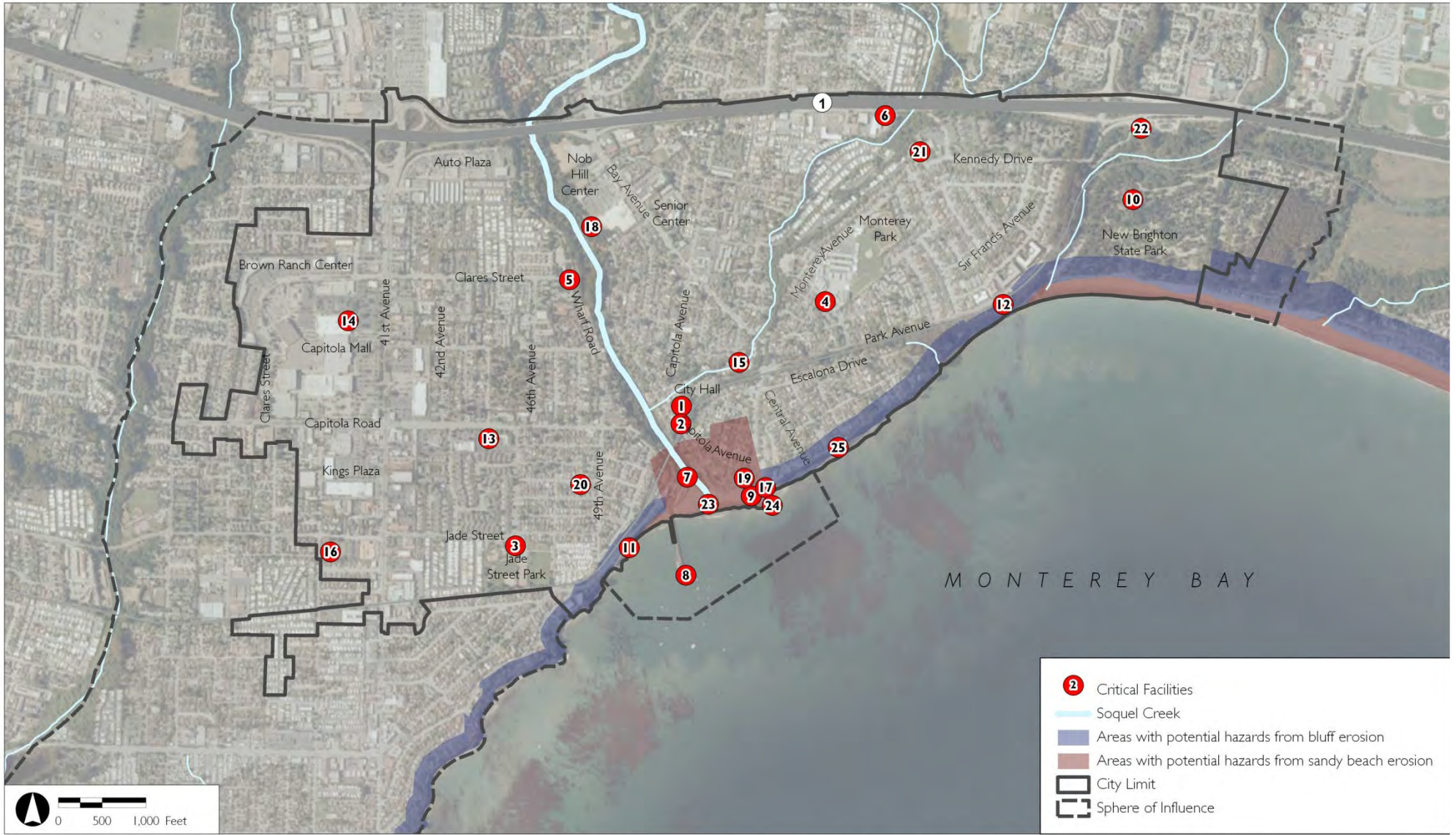
the beach and cliff erosion potential areas would be completely destroyed during an erosion event and shows the maximum potential losses. While this is possible, actual losses will vary based on the type and magnitude of the event.

Table 25: Capitola Critical Facilities Exposed to Increased Erosion Potential

Map #	Facility	Within Area of Beach Erosion Potential	Within Area of Cliff Erosion Potential	Replacement Value	Contents Value	Potential Loss
7	Stockton Avenue Bridge	X		\$10,000,000	N/A	\$7,000,000
11	Cliff Drive -at risk arterial (sea wall and road)		X	\$8,000,000	N/A	\$5,000,000
12	Park Avenue-at risk arterial (sea wall and road)		X	\$4,000,000	N/A	\$3,000,000
17	Capitola Pump Station- Esplanade Park		X	\$10,000,000	800,000	\$2,800,000
19	Lawn Way Storm Drain Pump Station	X		\$500,000	N/A	\$200,000
25	Grand Avenue Pathway		X	N/A	N/A	N/A
	Total Potential Losses			\$17,200,000	\$800,000	\$18,000,000

EROSION RISK FROM SEA LEVEL RISE

EXHIBIT II



Source: City of Capitola, 2010; Santa Cruz County, 2010; Pacific Institute, 2012; The Impacts of Sea-Level Rise on the California Coast. "Bluff erosion hazard with a 1.4 meter sea-level rise, 2100." [shapefile]. (2009). Oakland, CA: Pacific Institute. Available at <[http://www.pacinst.org/reports/sea\\_level\\_rise/files/Bluff\\_hz\\_yr2100.zip](http://www.pacinst.org/reports/sea_level_rise/files/Bluff_hz_yr2100.zip)>. Downloaded: March 14, 2012. Disclaimer: This map is for planning purposes only. It is not to be used in lieu of site-specific studies of erosion.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

### 3.6.5 Tsunami

#### 3.6.6 Identifying Tsunami Hazards

A tsunami is a series of traveling ocean waves of extremely long length generated primarily by earthquakes occurring below or near the ocean floor. Underwater volcanic eruptions and landslides can also generate tsunamis. In the deep ocean, the tsunami waves propagate across the deep ocean with a speed exceeding 500 miles per hour and a wave height of only one foot or less. Tsunami waves are distinguished from ordinary ocean waves by their great length between wave crests, often exceeding 60 miles or more in the deep ocean, and by the time between these crests, ranging from ten minutes to an hour.

As tsunamis reach the shallow waters of the coast, the waves slow down and the water can pile up into a wall of destruction 30 feet or more in height. The effect can be amplified where a bay, harbor or lagoon is present, funneling the wave as it moves inland. Large tsunamis have been known to rise over 100 feet. Even a tsunami 10 to 20 feet high can be very destructive and cause many deaths and injuries.

Tsunamis can be categorized as “local” and Pacific-wide. Typically, a Pacific-wide tsunami is generated by major vertical ocean bottom movement in offshore deep trenches. A “local” tsunami can be a component of the Pacific-wide tsunami in the area of the earthquake or a wave that is confined to the area of generation within a bay or harbor and caused by movement of the bay itself or landslides. The local tsunami may be the most serious threat as it strikes suddenly, sometimes before the earthquake shaking stops.

#### 3.6.7 Profiling Tsunami Hazards

##### *Location and Extent*

The City of Capitola is located on the Monterey Bay. Several active and potentially active earthquake faults are located near Capitola. Even a moderate earthquake occurring on any of the nearby faults could result in local source tsunamis from submarine landsliding in Monterey Bay. Additionally, distinct source tsunamis from the Cascadia Subduction Zone to the north, or Teletsunamis from elsewhere in the Pacific Ocean are also capable of causing tsunamis, which could result in inundation and damage in Capitola.

According to the Cal EMA Tsunami Inundation Maps of the Soquel and Santa Cruz Quadrangles, prepared on July 1, 2009, the entire Capitola coastline is susceptible to inundation by a tsunami. Properties located along Capitola Beach could experience significant damage from tsunami run up. In addition, inland areas of the City along Soquel Creek could experience flooding as far north as California State Route 1 (SR1) following a tsunami.

[Exhibit 12 – Tsunami Inundation Risk](#), identifies the tsunami hazard areas within Capitola based on the Cal EMA Tsunami Inundation Mapping. This mapping is based on a theoretical worst case earthquake causing theoretical worst case inundations that could extend approximately 100 feet inland from the coast, encompassing the Capitola Village up to Cherry Avenue, the Lower Riverview neighborhood, and the Venetian Court area adjacent to Wharf Road. Along Soquel Creek, tsunami inundation could extend north to SR 1, essentially dividing the City in two and potentially limiting access between the eastern and western portions of the City.

##### *Past Occurrences*

Tsunamis have been documented extensively in California since 1806. [Table 26: Tsunami Events in Northern California 1930-2011](#), contains a list of tsunamis that have impacted Northern California.



Table 26: Tsunami Events in Northern California 1930-2011

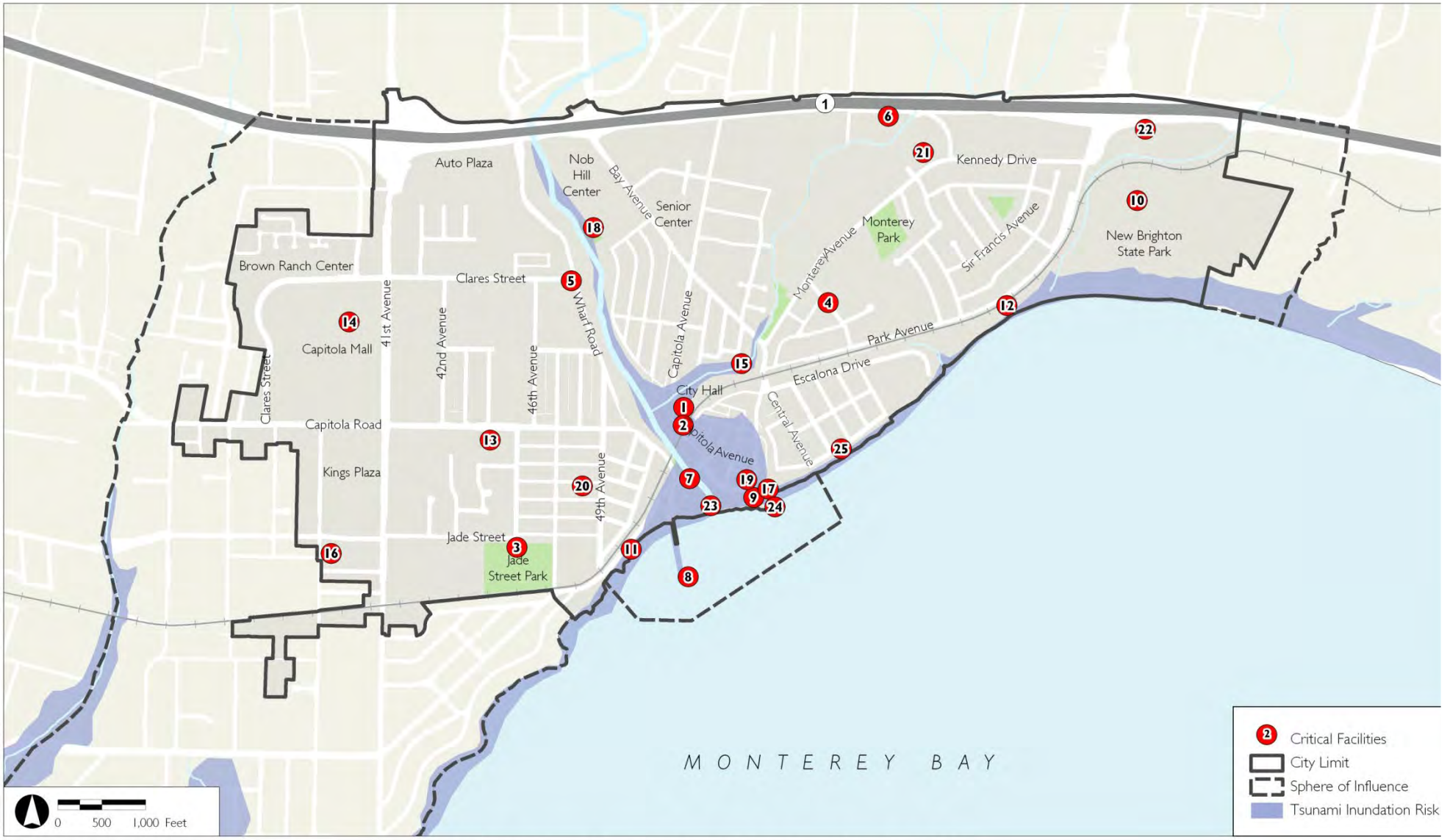
Date	Tsunami Location	Maximum Water Height*(m)	Earthquake Magnitude	Tsunami Source Location
10/3/1931	San Francisco	0.03	7.9	Solomon Islands
3/2/1933	San Francisco	0.07	8.4	Sanriku, Japan
11/10/1938	Crescent City	0.18	8.2	Alaska
4/6/1943	San Francisco	0.03	8.2	Chile
12/7/1944	San Francisco	0.02	8.1	Japan
4/1/1946	Santa Cruz	3.5	8.1	Unimak Island, Alaska
12/20/1946	San Francisco	0.05	8.1	Honshu, Japan
3/4/1952	San Francisco	0.02	8.1	Hokkaido, Japan
11/4/1952	San Francisco	0.54	9	Kamchatka Peninsula, Russia
3/9/1957	Monterey	0.61	8.6	Alaska
11/6/1958	San Francisco	0.2	8.3	Kuril Islands, Russia
5/22/1960	Santa Cruz	0.91	9.5	Chile
10/13/1963	San Francisco	0.1	8.5	Kuril Islands, Russia
3/28/1964	Capitola	2.13	9.2	Alaska
2/4/1965	Santa Cruz	0.61	8.7	Aleutian Islands, Alaska
10/17/1966	San Francisco	0.1	8.1	Lima, Peru
5/16/1968	San Francisco	0.1	8.2	Japan
7/26/1971	Crescent City	0.06	7.9	Papua New Guinea
10/3/1974	Crescent City	0.08	8.1	Lima, Peru
11/29/1975	San Francisco	0.06	7.1	Hawaii
5/7/1986	Crescent City	0.06	8	Aleutian Islands, Alaska
11/30/1987	San Francisco	0.05	7.9	Yakutat, Alaska
3/6/1988	San Francisco	0.01	7.7	Alaska
10/19/1989	Monterey	0.2	6.9	California
4/25/1992	Monterey	0.03	7.2	Cape Mendocino, CA
9/1/1994	Crescent City	0.07	7	California
10/4/1994	Crescent City	0.5	8.3	Kuril Islands, Russia
7/30/1995	Monterey	0.04	8	Chile
12/3/1995	Monterey	0.1	7.9	Kuril Islands, Russia
2/17/1996	Monterey	0.05	8.2	Indonesia
6/10/1996	San Francisco	0.02	7.9	Andreanof Islands, AK
6/23/2001	Monterey	0.08	8.4	Peru
9/25/2003	Monterey	0.05	8.3	Hokkaido Island, Japan
12/26/2004	Monterey	0.1	9.1	Indonesia
6/15/2005	Crescent City	0.1	7.2	California
5/3/2006	San Francisco	0.05	8	Tonga
1/13/2007	San Francisco	0.05	8.1	Kuril Islands, Russia
8/15/2007	Crescent City	0.16	8	Peru
9/29/2009	Monterey	0.15	8	Samoa Islands
10/7/2009	Monterey	0.05	7.6	Vanuatu Islands
2/27/2010	Monterey	0.28	8.8	Chile
3/11/2011	Santa Cruz	1.9	9	Honshu Island, Japan

\* The maximum water height above sea level in meters NOAA/WDC Tsunami Runup Database

<http://www.ngdc.noaa.gov/nndc/struts/form?t=101650&s=167&d=166>

**TSUNAMI INUNDATION RISK**

EXHIBIT 12



Source: City of Capitola, 2010; Santa Cruz County, 2012; Tsunami Inundation Risk of California, USC Tsunami Research Center, 2009 via California Resources Agency ArcGIS Map Server.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

**Table 27: Historic Tsunami Events** highlights the tsunami occurrences which impacted the City of Capitola, as researched by the City of Capitola Historical Museum.

**Table 27: Historic Tsunami Events**

Date	Impact/Property Damage*
April 1946	Earthquake in Aleutians produced 115-foot wave. Tsunami observed along the West Coast. A man was swept to sea in Santa Cruz. Ten-foot waves hit the coastline.
March 11, 2011	Capitola Village received warnings, but no damage

\* Historical information provided by City of Capitola Historical Museum, 2012.

The March 2011 Tsunami event closed roads in Capitola Village. As a precaution, the City of Capitola issued a voluntary evacuation, notifying individuals through reverse 911, for the hotels on the wharf and a significant portion of the village. They used reverse 911 to issue the voluntary evacuation. Fortunately, it was low tide at the time the tsunami reached the California coast. The water receded past the end of the wharf, which is a very rare occurrence. If the tide was higher, the tsunami could have been large enough to overtop the seawall. No significant damage occurred from the tsunami event. This was the last Tsunami event before 2020 to occur.

#### **Probability of Future Occurrence**

Since scientists cannot predict when earthquakes will occur, they cannot determine exactly when a tsunami will be generated. Tsunamis are caused by large offshore earthquakes and ocean landslides. Dangerous tsunamis would most likely originate in the Aleutian and Chilean trenches, or the eastern coast of Japan or the Pacific Islands.

Based on modeling prepared by the California Geologic Survey, Tsunami Flow Depth Estimates for Capitola are provided in **Table 28: Tsunami Flow Depth Estimates for Capitola**. This table identifies the modeled source location of the earthquake event, magnitude of the modeled earthquake, approximate travel time and maximum flow depth values of the waves generated by the event. As indicated in this table Capitola is most susceptible to Tsunamis generated in the Alaska/ Aleutian Islands area as well as a local tsunami generated by a landslide within the Monterey Canyon.

**Table 28: Tsunami Flow Depth Estimates for Capitola**

Tsunami Source Location	Magnitude (Mw)	Approximate Travel Time	Tsunami Flow Depth (in feet above MSL)
Cascadia Subduction Zone	9.0	1 hour	5
Alaska/ Aleutian Islands	8.9-9.3	5 hours	7 - 30
Kuril Islands	8.8	9 hours	4 - 5
Japan	8.8	10 hours	4
Marianas Subduction Zone	8.6	11 hours	3
Chile	9.3-9.4	13-14 hours	4-6
Monterey Canyon Landslide*	N/A	7-15 minutes	16

\*A Monterey Canyon Landslide could be triggered by an average earthquake.

Capitola is participating in the Tsunami Ready Program in order to mitigate the effects of future tsunamis. The Tsunami Ready Program is designed to help cities, towns, counties, universities, and other large sites in coastal areas reduce the potential for disastrous tsunami-related consequences. Tsunami Ready status is achieved

through a vigorous certification program that includes planning, communication, and education specifically addressing tsunami hazards. As part of this program, tsunami inundation maps, evacuation maps, and a tsunami ready signage plan, indicating the perimeter of an inundation zone and the appropriate action to be taken by individuals on the beach when an earthquake occurs, were created.

### *Climate Change Considerations*

As a coastal community, the threat of inundation from a Tsunami is always there. Given the anticipated changes in sea level elevation associated with climate change, it is likely that the City's risk to tsunami inundation would increase. With a sea level increase, larger portions of the Capitola coast would be inundated by the rising sea, allowing for greater tsunami run up into the interior portions of the City. The main areas that would experience inundation due to sea level rise are the lower reaches of Soquel Creek and coastal areas of New Brighton State Park. Since these same areas are also susceptible to tsunami inundation, it is likely that additional areas along the periphery of the zone identified on Exhibit 12 would experience run up as sea level increases.

### *Vulnerability/Risk Assessment*

Table 29: [Capitola Critical Facilities Exposed to Tsunami Inundation](#) identifies the critical facilities that are potentially at risk during a tsunami event. Depending on the location or origination, severity of movement, and time of year when the event occurs, these facilities could be impacted by tsunami inundation. The total potential loss shown in the table below is based on the assumption that all facilities within the tsunami inundation zone would be completely destroyed during a tsunami event and shows the maximum potential losses. In addition to loss of critical facilities, it is estimated based on 2010 Census Tract data that up to 1,694 residents located within the City and Sphere of Influence could be impacted by tsunami inundation. This estimate is based on the area of flood impact within each Census Tract multiplied by the population density of the Census Tract. A majority of the impact would occur along the shoreline and within the Capitola Village area of the City. Roadways and utility systems (water pump stations, sewer lift stations, storm drains, and overhead electric lines) within these areas are most susceptible to tsunami hazards. While this is possible, actual losses will vary based on the magnitude of the event.



Table 29: Capitola Critical Facilities Exposed to Tsunami Inundation

Map #	Facility	Within Tsunami Inundation Zone	Replacement Value	Contents Value	Potential Loss
1	City Hall/Emergency Operations Center	Y	\$8,000,000	\$750,000	\$4,750,000
1	Capitola Police Station	Y	\$4,000,000	\$750,000	\$2,750,000
2	Central Fire Station #4	Y	\$3,000,000	\$100,000	\$1,100,000
7	Stockton Avenue Bridge	Y	\$10,000,000	N/A	\$7,000,000
8	Capitola Wharf	Y	\$20,000,000	\$300,000	\$7,300,000
9	Capitola Beach Sea Wall	Y	\$5,000,000	N/A	\$3,000,000
11	Cliff Drive -at risk arterial (sea wall and road)	Y	\$8,000,000	N/A	\$5,000,000
15	Noble Gulch Storm Pipe	Y	\$10,000,000	N/A	\$5,500,000
17	Capitola Pump Station-Esplanade Park	Y	\$10,000,000	\$8,000,000	\$10,000,000
19	Lawn Way Storm Drain Pump Station	Y	\$500,000	N/A	\$200,000
23	Capitola Beach Flume	Y	\$2,000,000	N/A	\$2,000,000
24	Capitola Beach Jetty	Y	\$3,000,000	N/A	\$3,000,000
	<b>Total Potential Losses</b>		<b>\$83,500,000</b>	<b>\$9,900,000</b>	<b>\$51,600,000</b>

### 3.6.8 Hazardous Materials

#### *Identifying Hazardous Material Release Hazards*

“Hazardous materials” covers a large number of substances that are a danger to the public. These include toxic metals, chemicals, and gases; flammable and/or explosive liquids and solids; corrosive materials; infectious substances; and radioactive materials. The City of Capitola has adopted a Hazardous Materials Ordinance which requires that the City be notified of all use, storage, and transport of hazardous materials.

In addition to the immediate risk to life safety, public health, and air quality, the potential for water source contamination and the potential environmental impacts of accidental hazardous materials releases and toxic substances, there is also concern over the long-term public health and environmental impacts that may result from the sustained use of or exposure to certain substances. An incident could result in the evacuation of a few people, a section of a facility, or an entire neighborhood.

#### *Profiling Hazardous Material Release Hazards*

##### *Location and Extent*

Hazardous materials are everywhere and are accidentally released or spilled many times during any given day. On average, the California State Warning Center receives eight to ten thousand hazardous material spill reports on hazardous material incidents and potential hazardous material incidents. Of these incidents, most are minor but some do cause significant impacts such as injuries, evacuation, and the need for cleanup. As illustrated in [Exhibit 13 - Hazardous Materials Locations](#), the western portion of Capitola contains the majority of City’s hazardous materials locations, with a significant number of locations located along 41<sup>st</sup> Avenue.

One area of special concern regarding toxic spills is the close proximity of the Capitola Auto Plaza Mall and Highway One, to Soquel Creek. In case of a hazardous materials spill from either location, the discharge could migrate into Soquel Creek. Another concern regarding hazardous materials spills is the potential for chemicals and substances to migrate into the groundwater table. Since a majority of the City is served by Soquel Creek Water District which relies on groundwater, any potential contaminants entering the groundwater aquifer could impact the District's ability to serve its customers.

### *Past Occurrences*

Table 30: RIMS Spill Database for Capitola, CA contains a list of spills documented on the CalOES's (CalEMA) Regional Information Management System (RIMS) between 2006 and the beginning of 2012. Since 2006 there have been 14 cases documented within Capitola, which equates to an average of approximately 2.7 spills per year. One historic event documented by the Capitola Historical Museum includes birds known as Sooty Shearwaters falling from the sky in the summer of 1961 due to toxins from red algae. The birds covered the streets, wharf, and beach.

### *Probability of Future Occurrence*

Although past occurrences can be an indicator of future impacts, in the case of hazardous materials spills, the City is constantly improving the mechanisms by which they approve and regulate businesses that use hazardous materials. In addition, technological advances and increases in industry standards are also improving safety and further preventing/ minimizing potential releases of hazardous materials. As a result, it is anticipated that future incidents will decrease over time as newer technologies, standards, and regulations are put in place.

Table 30: RIMS Spill Database for Capitola, CA

Date	Spill Site	Substance
2/6/2006	Storm Drain	Raw Sewage
4/24/2006	Railroad	Unknown
5/12/2006	Road	Raw Sewage
7/4/2006	Waterways	Unspecified
8/13/2006	Merchant/Business	Raw Sewage
4/3/2007	Residence	Raw Sewage
4/26/2007	Railroad	Unspecified
2/22/2009	Merchant/Business	Raw Sewage
3/23/2009	Other	Raw Sewage
4/27/2011	Residence	Other
7/9/2011	Ship/Harbor/Port	Petroleum
7/9/2011	Waterways	Petroleum
8/1/2011	Waterways	Petroleum
1/20/2012	Merchant/Business	Chemical

Hazardous Materials Spill Report <http://www.oes.ca.gov/operational/mal haz.nsf>

The chemical spill on January 20, 2012 is the last known significant hazard event before 2020 to occur in Capitola.

### *Climate Change Considerations*

Anticipating that precipitation regimes may change in the future as a result of climate change, there may be greater opportunity for the release of hazardous materials to enter local waterways and the groundwater aquifer.

It is anticipated that if this concern increases that the City and other regulating agencies would re-visit procedures and practices in place to ensure that the greatest amount of protection occurs.

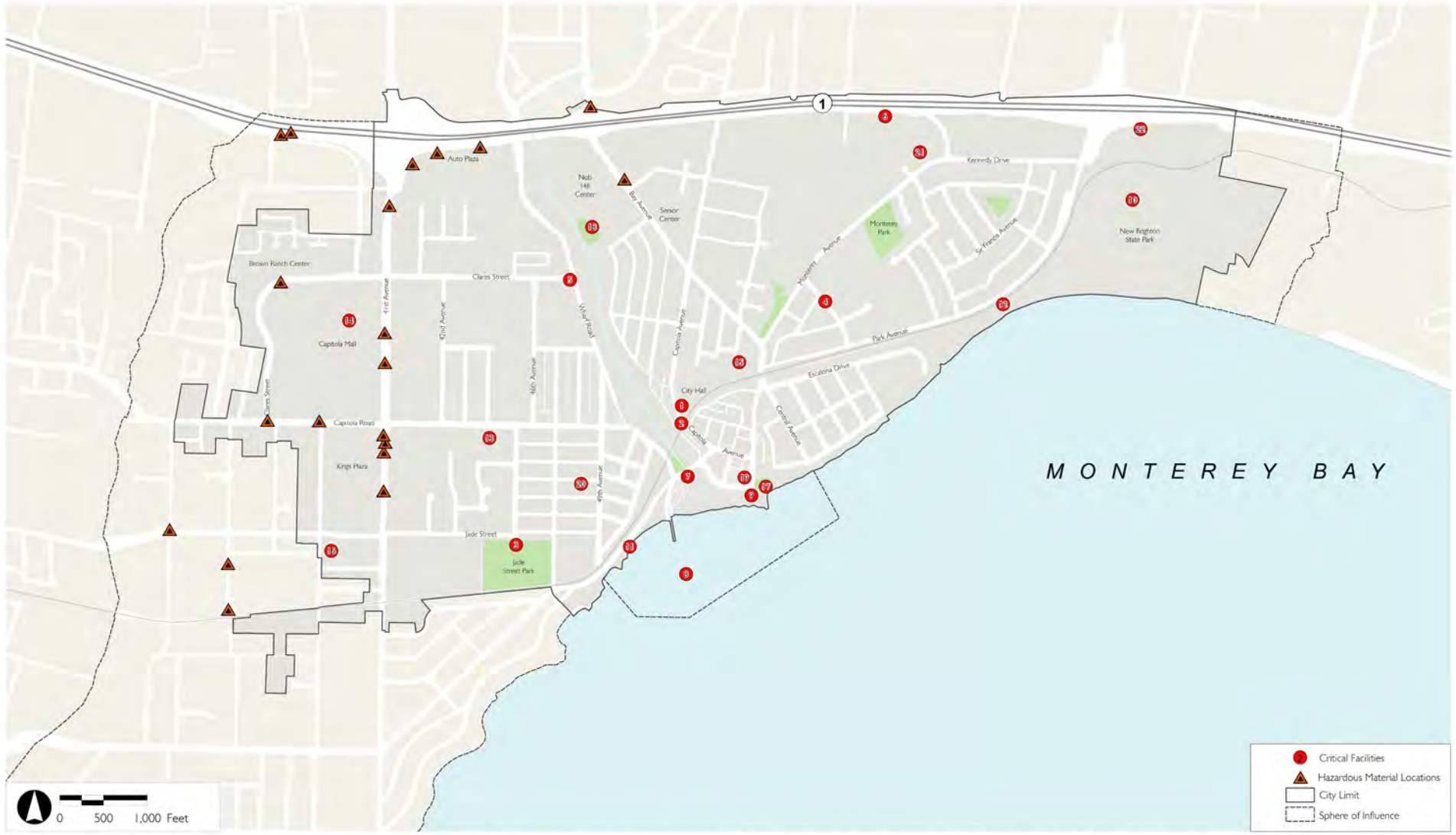
### *Vulnerability/Risk Assessment*

Table 31: *Capitola Critical Facilities Located Close to Hazardous Materials Locations* identifies locations that could be exposed to hazardous materials releases during a disaster event. These locations only take into consideration the proximity to existing hazardous materials facilities and do not include potential exposure associated with the movement/ transport of hazardous materials. The total potential loss shown in the table below is based on the assumption that all facilities within 1,000 feet of a hazardous materials facility would be completely destroyed during a hazardous materials release/event and shows the maximum potential losses. While this is possible, actual losses will vary based on the location and magnitude of the event.

**Table 31: Capitola Critical Facilities Located Close to Hazardous Materials Locations**

Map #	Facilities	Hazardous Materials within 500'	Hazardous Materials within 1000'	Replacement Value	Contents Value	Potential Loss
14	Police Communications Antenna-AAA Building	X	X	\$100,000	N/A	\$100,000
16	38th Avenue Drainage Facility		X	\$2,000,000	\$300,000	\$2,300,000
18	Soquel Pump Station		X	\$10,000,000	\$1,700,000	\$11,700,000
17	Capitola Pump Station – Esplanade Park		X	\$10,000,000	\$800,000	\$10,800,000
	<b>Total Potential Losses</b>			<b>\$22,100,000</b>	<b>\$2,800,000</b>	<b>\$24,900,000</b>

HAZARDOUS MATERIALS LOCATIONS  
EXHIBIT 13



Source: City of Capitola, 2010; Santa Cruz County, 2011; Environmental Protection Agency (EPA) Resource Conservation and Recovery Act (RCRA) Information System, "Facilities Regulated by EPA" (April 17, 2009). Washington D.C. U.S. Environmental Protection Agency, Headquarters. Available at <<http://www.epa.gov/emefdata/em4efhome>>. Downloaded February 3, 2012.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

### 3.6.9 Wildfire

#### *Identifying Wildfire Hazards*

Fire hazards threaten lives, property, and natural resources, and also present a considerable risk to vegetation and wildlife habitat. Fires occur in wildland and urban areas.

A wildfire is an uncontrolled fire spreading through vegetative fuels. Wildfires can be caused by human error (such as campfires), intentionally by arson, by mechanical sources of ignition (such as heaters and generators), and by natural events (such as lightning). Wildfires often occur in forests or other areas with ample vegetation. In areas where structures and other human development meets or intermingles with wildland or vegetative fuels (referred to as the “wildland urban interface”), wildfires can cause significant property damage and present extreme threats to public health and safety.

Urban fires usually result from sources within structures themselves and are generally related to specific sites and structures. The availability of firefighting services is essential to minimizing losses that result from a fire. Effective fire protection in urban areas is based upon several factors, such as the age of structures, efficiency of circulation routes (ultimately affects response times), and availability of water resources to combat fires.

### 3.6.10 Profiling Wildfire Hazards

#### *Location and Extent*

As indicated in Exhibit 14 - Fire Hazard Areas, there are no fire hazard areas located in the City of Capitola based on the available fire mapping for Santa Cruz County. However, fire hazard areas do exist two miles north of the city limits along the foothills of the Santa Cruz Mountains.

In addition to the mapped fire hazard areas within the County, the areas that are most susceptible to fire hazards are drainage courses that have a significant amount of vegetation within them such as Soquel Creek. It is likely that these areas within the City would experience fires due to natural or man-made causes. The wildland threat for Capitola is increased due to localized invasive species such as Eucalyptus groves.

#### *Past Occurrences*

There are no significant wildfire events that have impacted the City of Capitola.

#### *Probability of Future Occurrence*

Despite the fact that there has not been a recent wildland fire within the city limits, residential development continues to spread into wildland/urban interface areas increasing the danger to life and property should a fire occur. Areas of concern associated with wildland fire are those adjacent to natural areas that are heavily vegetated (i.e. Soquel Creek). These areas are even more susceptible if human activities are allowed within, as these activities can introduce new ignition sources into these areas.

Cal FIRE has not identified fire hazard areas within the City of Capitola. Based on this, threats to populations and systems associated with wildland fires are anticipated to be minimal. However, a fire threat will always exist in a wildland/urban interface area as long as vegetation, trees, down and dead fuels, structures and humans co-exist. There is a high probability that fires will occur in one or more of these areas.

#### *Climate Change Considerations*

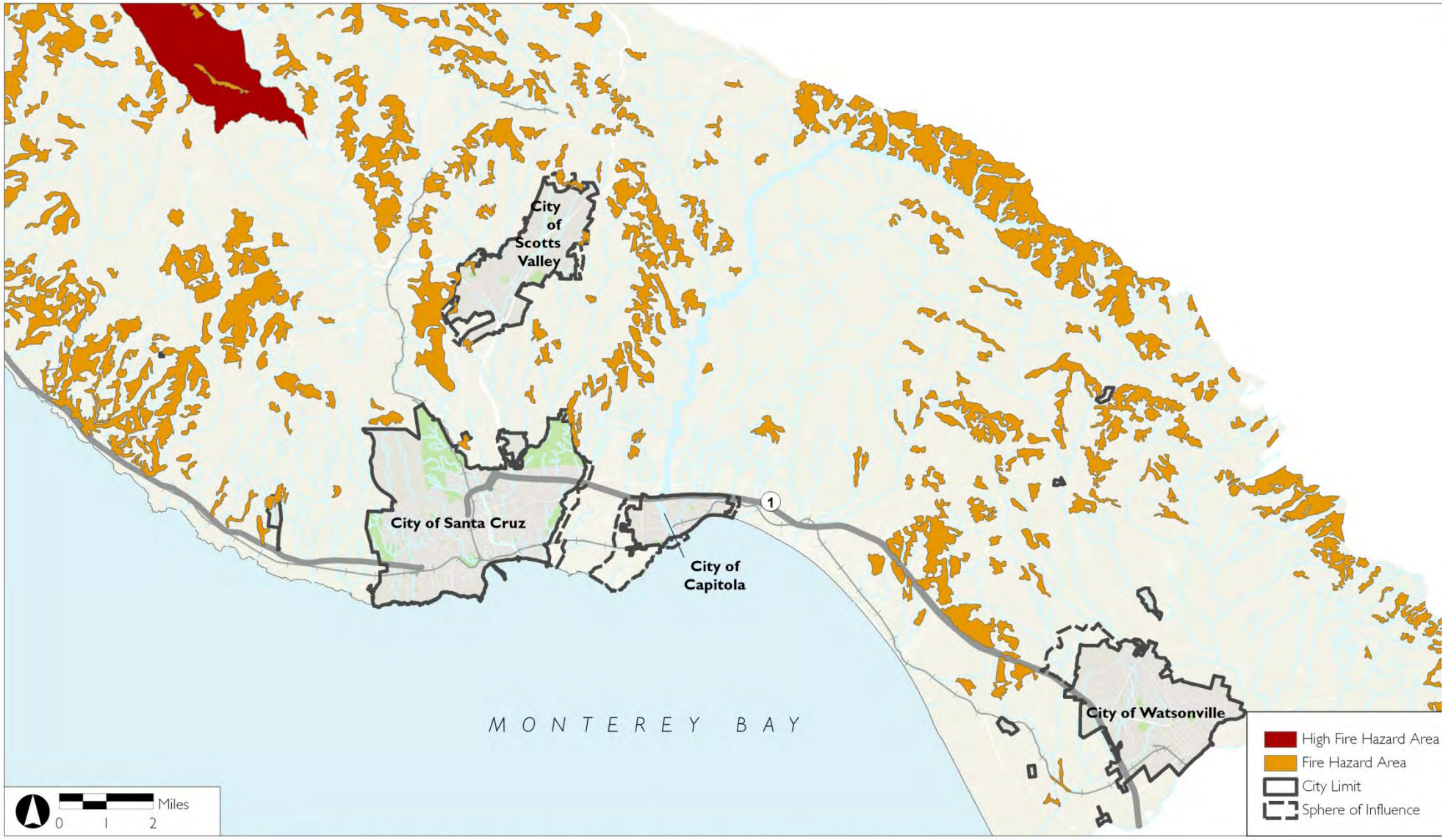
Anticipating that precipitation regimes may change in the future as a result of climate change, there may be greater opportunity for wildfire hazards throughout the State of California. Increases future droughts and hotter temperatures could increase fuel loads within wildland areas increase the risk associated with wildland fires.

***Vulnerability/Risk Assessment***

As indicated in Exhibit 14 - Fire Hazard Areas, there are no fire hazard areas located in the City of Capitola based on the available fire mapping for Santa Cruz County. Intersections between critical facilities and fire hazard areas were not conducted since these areas are not within the City.



FIRE HAZARD AREAS  
EXHIBIT 14



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Source: City of Capitola, 2010; Santa Cruz County, 2010; Emergency Management. "Fire Hazard Areas." [shapefile]. (2010). Santa Cruz County Geographic Information System File Download Site. Available at <<http://sccftpmap.co.santa-cruz.ca.us/File%20Download%20Site/Emergency%20Management/Shapefiles/EmergencyMgmt.zip>>. Downloaded: January 29, 2011.



## 3.7 Landslide and Mudflow

### 3.7.1 Identifying Landslide and Mudflow Hazards

General slope stability is determined by a number of factors such as the angle of the slope, vegetative cover, wildland fire, bedrock, soil, seismic activity, precipitation, groundwater, erosion, and human alterations to land such as hillside grading activities.

Slopes may be in temporary equilibrium until one of the aforementioned factors is modified by natural or human activity resulting in an unstable condition and potential slope failure.

A landslide is defined as a downward and outward movement of soil and rock. Such a movement occurs when steep slopes are destabilized by excess water accumulation in the soil, the addition of excess weight to the top of a slope, the removal of support from the bottom of a slope, or a combination of the above. The force of rocks, soils, or other debris moving down a slope can devastate anything in its path as illustrated in Figure 15.



**Figure 15 - Debris generated during the Flash Floods (ca. 1955)**

Mudflows, often referred to as "debris flows" or "mudslides" are caused by sustained and intense rain fall that is accompanied by rocks, vegetation and other debris. These are fast moving down slope flows and can cause severe damage. The rapid movement and sudden arrival of debris flows pose a hazard to life and property during and immediately following the triggering rainfall. In order to trigger "debris flows" a storm must have a critical combination of rainfall intensity and duration leading to saturation of the hill slope soils, generation of positive pore fluid pressures within the soil and ultimately, slope failure.

Examples of common impacts can include death and injuries, damage to structures and infrastructure, environmental damages (such as destruction of plant life and habitat), economic impacts, impacts to continuity of business and/or government, etc. They can be general statements as they apply to the City.

### 3.7.2 Profiling Landslide and Mudflow Hazards

#### *Location and Extent*

Landslides are a common occurrence in the Santa Cruz Mountains. Intense winter storms, high rainfall amounts, and steep terrain are all conducive to land sliding. Earthquake activity can exacerbate this hazard. The 1906 San Francisco earthquake set off dozens of large landslides in the Santa Cruz Mountains, some of which claimed human lives.

Capitola's topography ranges in steepness from 0 percent slope (flat) to more than 50 percent slope. The majority of the City falls into a relatively flat category. The primary area of concern for the City of Capitola with regard to

landslides is the land above Soquel Creek and below Wharf Road. Exhibit 15 - *Topographic Relief* categorizes the City of Capitola and surrounding areas based on the percentage of slope. Areas on the map most susceptible to landslides and mudflows have slopes greater than 50% and are colored red. The majority of these areas are coastal bluffs, escarpments of decomposed rock or soil resulting from erosion or faulting, with a vertical elevation of at least ten feet. In addition to the coastal bluffs, there are areas along Soquel Creek, Nobel Gulch, and Tannery Gulch that have steep slopes that could be susceptible to landslides and mudflows.

Coastal bluff areas within Capitola that have steep topography include Cliff Drive and surrounding open space, residential areas in the City's Jewel Box neighborhood, as well as shoreline residences and open space areas of the Depot Hill neighborhood, between the Village and New Brighton State Park.

### *Past Occurrences*

Table 32: *Landslides and Mudflows* identifies past landslide and mudflow events in Santa Cruz County from 2005 through 2011. No major landslides or mudflows have occurred in Capitola.

Table 32: **Landslides and Mudflows**

Date	Location	Magnitude	County-wide Property Damage
3/22/2005	Valencia Road in Aptos	Mudflow	\$150,000
3/22/2005	Scotts Valley	Landslide	\$375,000
3/22/2005	Santa Cruz County	Landslide	\$1,000,000
10/13/2009	Highway 84	Landslide	\$10,000
12/19/2010	Old San Jose Road	Mudflow	\$4,000

National Climatic Data Center <http://www4.ncdc.noaa.gov/cgi-win/wwcgi.dll?wwevent~storms>

In addition to the past landslide and mudflow events listed above, coastal storms can contribute to landslide and mudflow. Historical events describing coastal storms of this nature can be found in the flood profile.

### *Probability of Future Occurrence*

Although nature caused landslides are beyond control, most recent landslides in the Santa Cruz Mountains have been caused by a combination of human activity and natural factors. Human activities that may destabilize slopes include logging, woodland conversion, road building, housing construction and any activity which alters normal drainage patterns. Whether or not any of these activities will trigger landslides depends on the existing natural conditions. Some soil and rock types are more prone to land sliding than others. In Capitola, areas of greatest concern are located within drainage courses like Soquel Creek, Noble Gulch, and Tannery Gulch. Landslides within these drainages could occur in areas of steep topography, if conditions allow.

### *Climate Change Considerations*

Anticipating that precipitation regimes may change in the future as a result of climate change, there may be greater opportunity for landslides and mudflows. Current climate change science indicates that storms may become less frequent and more intense, which could result in greater amounts of runoff at higher velocities within the various drainages in Capitola. With greater amounts of precipitation underlying soils and rock units could become saturated quicker increasing the risk for landslides. In addition, if water runoff is occurring at greater velocities, there is greater potential for erosion, which could induce landslides and mudflows within Capitola.

### *Vulnerability/Risk Assessment*

Table 33: *Topographic Relief Associated with Capitola Critical Facilities* identifies the critical facilities located within the increasing slope categories identified on Exhibit 15: *Topographic Relief*. The greater the slope, the more

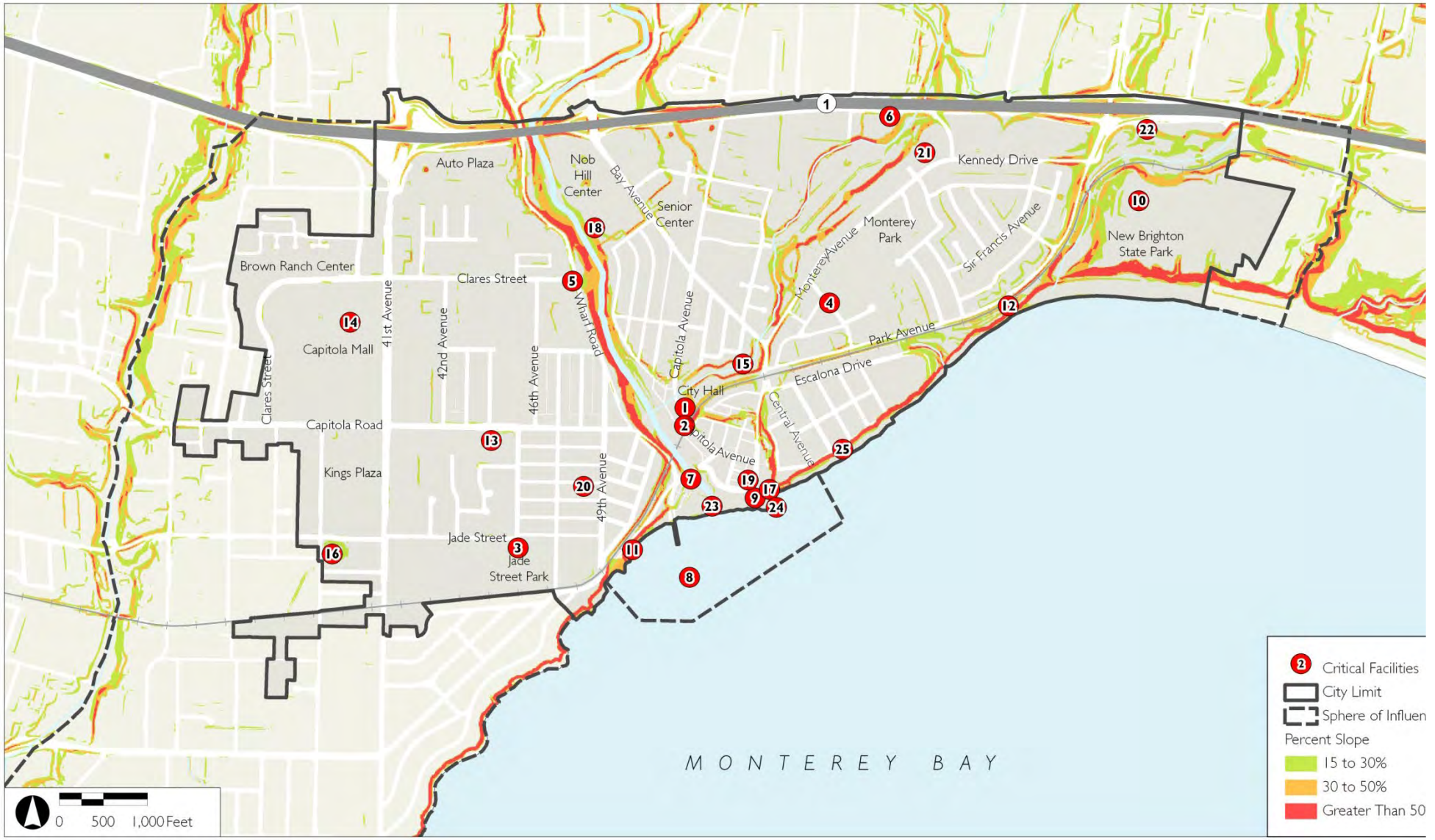
susceptible the area is to a landslide or mudflow. The replacement, contents, and potential loss values have been calculated for each facility located in a sloped area. As stated above, the greater the slope, the more susceptible the area is to a landslide or mudflow.

Map #	Facility	Topographic Relief (Slope)				Replacement Value	Contents Value
		0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)		
1	City Hall/Emergency Operations Center	X	X	X	X	\$8,000,000	\$750,000
1	Capitola Police Station	X	X	X	X	\$4,000,000	\$750,000
2	Central Fire Station #4	X				\$3,000,000	\$100,000
3	Jade Street Community Center -- Emergency Shelter	X				\$3,000,000	\$200,000
4	New Brighton Gym -- Emergency Shelter	X				\$2,500,000	\$75,000
4	New Brighton School - - Back-up Emergency Shelter	X				\$4,000,000	\$700,000
5	Capitola Library -- Backup Emergency Operations Center	X				\$10,000,000	\$700,000
6	Capitola Corporation Yard	X				\$2,000,000	\$500,000
7	Stockton Avenue Bridge	X	X	X	X	\$10,000,000	N/A
9	Capitola Beach Sea Wall	X				\$5,000,000	N/A
10	New Brighton State Park--staging area for emergency response	X				N/A	N/A
11	Cliff Drive -at risk arterial (sea wall and road)	X	X	X	X	\$8,000,000	N/A
12	Park Avenue-at risk arterial (sea wall and road)	X	X	X	X	\$4,000,000	N/A
13	Police Communications Antenna-Capitola Mall	X				\$100,000	N/A
14	Police Communications Antenna-AAA Building	X				\$100,000	
15	Noble Gulch Storm Pipe	X	X	X	X	\$10,000,000	N/A
16	38th Avenue Drainage Facility	X	X			\$2,000,000	\$300,000

Map #	Facility	Topographic Relief (Slope)				Replacement Value	Contents Value
		0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)		
17	Capitola Pump Station-Esplanade Park	X	X	X	X	\$10,000,000	\$800,000
18	Soquel Pump Station	X	X	X		\$10,000,000	\$1,700,000
19	Lawn Way Storm Drain Pump Station	X				\$500,000	N/A
20	Soquel Creek Water District Treatment Plant, Garnet Street	X				\$2,000,000	\$700,000
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue	X				\$2,000,000	\$70,000
22	SCWD MacGregor Booster Pumping Station	X	X	X		\$300,000	N/A
23	Capitola Beach Flume	X				\$2,000,000	N/A
24	Capitola Beach Jetty	X				\$3,000,000	N/A
25	Grand Avenue Cliffs	X				N/A	N/A
	Total Potential Losses					\$115,500,000	\$7,345,000



TOPOGRAPHIC RELIEF  
EXHIBIT 15



Source: City of Capitola, 2010; Santa Cruz County, 2012.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

### 3.7.3 Expansive Soils

The Technical Advisory Committee initially identified expansive soils as a hazard of risk to the City of Capitola with limited hazard planning consideration. Based on the lack of past occurrences and minimal risk of future impacts from expansive soils, the Hazard Mitigation Planning Team decided not to include a profile for expansive soils. This hazard may be re-visited in future updates to this Plan.

## 3.8 Summary of Vulnerability

Table 33: Risk Assessment Summary shows a summary of critical facilities that intersect with hazard areas in the City of Capitola. Those facilities that intersect with a hazard area are indicated with a “Y” and a red shaded cell. Facilities that do not fall within the hazard area are designated by an “N” and a green shaded cell. The Capitola Beach Sea Wall and New Brighton State Park were not intersected (“NA”) with the liquefaction potential hazard area because they fall outside the hazard area boundary.

As stated above, hazard and critical facility overlays were not conducted for wildfire, windstorm, drought, and earthquake. Overlays were conducted for erosion, flood, hazardous materials, liquefaction, landslide/mudslide, and tsunami. More detailed findings from this analysis can be found in the sections below.

## 3.9 Significant Hazards

The vulnerability assessments within each hazard profile are used to understand the varying levels of risk to the City of Capitola. Based on these assessments, the planning team concluded the two hazards of greatest concern to the City of Capitola are **coastal storm/flooding** and **tsunami**. For both of these hazards, 12 of the City’s 25 critical facilities fall within the 100 year flood zone and the tsunami inundation zone. **Liquefaction** also poses a significant threat to the City. Nine critical facilities fall within the Very High and High liquefaction potential zones, 13 facilities fall within the low liquefaction potential zone, meaning that 22 of the City’s 25 critical facilities are at risk to damage caused by liquefaction. **Landslide and mudslide** also pose a risk to the City, with 12 facilities falling within the 30% to greater than 50% slope range.

Table 33: Risk Assessment Summary

Facility		Beach Erosion	Cliff Erosion	Flood	Hazardous Materials			Liquefaction Potential				Topo (Slope)				Tsunami
				100 yr.	intersect	within 500'	within 1000'	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)	
1	City Hall/Emergency Operations Center	N	N	Y	N	N	N	N	Y	N	N	N	N	N	Y	Y
1	Capitola Police Station	N	N	Y	N	N	N	N	Y	N	N	N	N	N	Y	Y
2	Central Fire Station #4	N	N	Y	N	N	N	N	Y	N	N	Y	N	N	N	Y
3	Jade Street Community Center -- Emergency Shelter	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
4	New Brighton Gym Emergency Shelter	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
4	New Brighton School Backup Emergency Shelter	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N

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Table 33: Risk Assessment Summary

Facility		Beach Erosion	Cliff Erosion	Flood	Hazardous Materials			Liquefaction Potential				Topo (Slope)				Tsunami
				100 yr.	intersect	within 500'	within 1000'	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)	
5	Capitola Library Backup Emergency Operations Center	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
6	Capitola Corporation Yard	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
7	Stockton Avenue Bridge	Y	N	Y	N	N	N	Y	N	N	N	Y	Y	Y	Y	Y
8	Capitola Wharf	N	N	Y	N	N	N	NA	NA	NA	NA	N	N	N	N	Y
9	Capitola Beach Sea Wall	N	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	Y
10	New Brighton State Park--staging area for emergency response	N	N	N	N	N	N	NA	NA	NA	NA	Y	N	N	N	N
11	Cliff Drive -at risk arterial (sea wall and road)	N	Y	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	Y

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 33: Risk Assessment Summary

Facility		Beach Erosion	Cliff Erosion	Flood	Hazardous Materials			Liquefaction Potential				Topo (Slope)				Tsunami
				100 yr.	intersect	within 500'	within 1000'	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)	
12	Park Avenue-at risk arterial (sea wall and road)	N	Y	N	N	N	N	N	N	Y	N	Y	Y	Y	Y	N
13	Police Communications Antenna-Capitola Mall	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
14	Police Communications Antenna-AAA Building	N	N	N	N	Y	Y	N	N	Y	N	Y	N	N	N	N
15	Noble Gulch Storm Pipe	N	N	Y	N	N	N	N	Y	N	N	Y	Y	Y	Y	Y
16	38th Avenue Drainage Facility	N	N	N	N	N	Y	N	N	Y	N	Y	Y	N	N	N
17	Capitola Pump Station-Esplanade Park	N	Y	Y	Y	N	N	YY	N	N	Y	Y	Y	Y	Y	Y
18	Soquel Pump Station	N	N	Y	N	N	Y	Y	N	N	N	Y	Y	Y	N	N

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 33: Risk Assessment Summary

Facility		Beach Erosion	Cliff Erosion	Flood	Hazardous Materials			Liquefaction Potential				Topo (Slope)				Tsunami
				100 yr.	intersect	within 500'	within 1000'	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)	
19	Lawn Way Storm Drain Pump Station	Y	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	Y
20	Soquel Creek Water District Treatment Plant, Garnet Street	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue	N	N	N	N	N	N	N	N	Y	N	Y	N	N	N	N
22	Soquel Creek Water District MacGregor Booster Pumping Station	N	N	N	N	N	N	N	N	Y	N	Y	Y	Y	N	N
23	Capitola Beach Flume	N	N	Y	N	N	N	Y	N	N	N	Y	N	N	N	Y

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Table 33: Risk Assessment Summary

Facility		Beach Erosion	Cliff Erosion	Flood	Hazardous Materials			Liquefaction Potential				Topo (Slope)				Tsunami
				100 yr.	intersect	within 500'	within 1000'	Very High (A)	High (B)	Low (D)	Undefined (Unkn)	0-15%(no color)	15-30% (green)	30-50% (orange)	>50% (red)	
24	Capitola Beach Jetty	N	N	Y	N	N	N	N	N	N	Y	Y	N	N	N	Y
25	Grand Avenue Cliffs	N	Y	N	N	N	N	N	N	N	Y	Y	N	N	N	N
Y denotes that the critical facility intersects the hazard layer					N denotes that the critical facility does not intersect the hazard layer					NA denotes that the hazard layer is not available within the geographic extent of the analysis						

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

### 3.10 Facilities at Most Risk

The critical facilities listed in [Table 35: Capitola Critical Facilities At Risk](#) are the most at risk to hazard events in the City of Capitola. They fall within multiple hazard zones making them susceptible to future damage from a variety of potential events.

Table 34: **Capitola Critical Facilities At Risk**

Facility	Erosion	Flood	HAZMAT	Liquefaction	Slope	Tsunami
Stockton Avenue Bridge	Y	Y	N	Y	Y	Y
Capitola Pump Station- Esplanade Park	Y	Y	Y	Y	Y	Y
Cliff Drive	Y	N	N	Y	Y	Y
Noble Gulch Storm Pipe	N	Y	N	Y	Y	Y
Park Avenue	Y	N	N	Y	Y	N
Soquel Pump Station	N	Y	Y	Y	Y	N

### 3.11 Potential Losses

[Table 36: Most Costly Capitola Critical Facilities](#) identifies the critical facilities with the greatest replacement value (combination of building replacement and contents value), in the City of Capitola. Should these facilities be completely destroyed by a hazard event, their replacement will be the most costly compared to other identified critical facilities.

Table 35: **Most Costly Capitola Critical Facilities**

Map #	Facility	Replacement Value
8	Capitola Wharf	\$20,000,000
5	Capitola Library -- Backup Emergency Operations Center	\$10,000,000
7	Stockton Avenue Bridge	\$10,000,000
15	Noble Gulch Storm Pipe	\$10,000,000
17	Capitola Sewage Pump Station - Esplanade Park	\$10,000,000
18	Soquel Sewage Pump Station	\$10,000,000
1	City Hall/Emergency Operations Center	\$8,000,000
11	Cliff Drive - at risk arterial (sea wall and road)	\$8,000,000
9	Capitola Beach Sea Wall	\$5,000,000

Of these facilities, the Stockton Avenue Bridge, Cliff Drive, the Noble Gulch Storm Pipe, and the Soquel Sewage Pump Station are also facilities that are most susceptible to hazard events in the City of Capitola.

# 4 Chapter Four – Mitigation Actions

Hazard mitigation strategies are used to reduce the hazard impacts on large employment and industrial centers, public infrastructure, and critical facilities. This section of the City of Capitola Hazard Mitigation Plan is derived from an in-depth review of the vulnerabilities and capabilities described in this Plan. Mitigation actions from the Santa Cruz County Hazard Mitigation Plan and City of Santa Cruz Hazard Mitigation Plan were also reviewed so that the City of Capitola can support these actions. Overall, the actions represent Capitola’s risk-based approach for reducing and/or eliminating the potential losses as identified in the Vulnerability Assessment section of each Hazard Profile.

## 4.1 Hazard Mitigation Overview

### 4.1.1 FEMA’S National Flood Insurance Program

In 1968, the US Congress created the National Flood Insurance Program (NFIP). Participation in the NFIP by a Community is voluntary; however, in order to receive funding from FEMA, a Community is required to participate in the program.

The City of Capitola participates in the NFIP and development in the floodplain is permitted according to Title 15.20 Floodplain District of the Municipal Code. Ordinance No. 970 adopted on May 10, 2012 amended the Title 15.20 floodplain management regulations per FEMA guidance and for consistency with the 2010 updated digital flood insurance rate maps. The ordinance is administered, implemented, and enforced by the City’s Building Official as the designated floodplain administrator. The Building Official grants or denies building permits in accord with Title 15.20 Floodplain District of the Municipal Code.

The Community Rating System (CRS) is a voluntary part of the National Flood Insurance Program that seeks to coordinate all flood-related activities, reduce flood losses, facilitate accurate insurance rating, and promote public awareness of flood insurance by creating incentives for a community to go beyond minimum discounts. CRS ratings are on a 10-point scale (from 10 to 1, with 1 being the best rating), with residents of the community who live within FEMA’s Special Flood Hazard Areas (SFHA) receiving a 5% reduction in flood insurance rates for every Class improvement in the community’s CRS rating. The City of Capitola does not currently participate in the Community Rating System.

Repetitive Loss Properties: According to FEMA, in Capitola there are nine properties with a total of 28-repetitive loss incidents which total \$615,891.00 dollars (avg. \$21,996 per incident).

### 4.1.2 Hazard Mitigation Goals

The plan goals, presented in the Mitigation Priorities and Goals section of Chapter 1, serve as basis for direction to promote sound public policy designed to protect citizens, critical facilities, infrastructure, private property, and the environment from hazards. The Plan goals guide the direction of future activities aimed at reducing risk and preventing loss from natural hazards. The goals also serve as checkpoints as agencies and organizations begin implementing mitigation action items.

The hazard mitigation actions identified below list those activities which the City of Capitola will utilize to reduce their risk to potential hazards. These mitigation actions were identified through data collection and research, collaboration with the Technical Advisory Committee, and public input. Mitigation actions as related to coastal



climate change vulnerability as derived in part from the Coastal Climate Change Vulnerability Report, June 2017, which is included as part of this LHMP update and included as Appendix C.

Some of these actions may be eligible for funding through Federal and State grant programs, and other funding sources as made available to the City. The mitigation actions are intended to address the comprehensive range of identified hazards. Some actions may address risk reduction from multiple hazards.

**4.1.3 Hazard Mitigation Prioritization**

Through discussion and self-analysis, the TAC used the STAPLE/E (Social, Technical, Administrative, Political, Legal, Economic, and Environmental) criteria, as described in [Table 36: STAPLE/E Review and Selection Criteria](#), when considering and prioritizing the most appropriate mitigation alternatives for the City. This methodology (as endorsed by FEMA) requires that social, technical, administrative, political, legal, economic, and environmental considerations be taken into account when reviewing potential actions to undertake. This process was used to help ensure that the most equitable and feasible actions would be undertaken based on the City's unique capabilities.

To develop a consensus priority ranking for the mitigation actions, each representative at the third milestone meeting was given ten votes to identify their highest priority mitigation actions. The votes were tallied to identify the highest priority mitigation actions and results incorporated into the final mitigation action priority rankings.

**Table 36: STAPLE/E Review and Selection Criteria**

Social
<ul style="list-style-type: none"> <li>• Is the proposed action socially acceptable to the jurisdiction and surrounding community?</li> <li>• Are there equity issues involved that would mean that one segment of the jurisdiction and/or community is treated unfairly?</li> <li>• Will the action cause social disruption?</li> </ul>
Technical
<ul style="list-style-type: none"> <li>• Will the proposed action work?</li> <li>• Will it create more problems than it solves?</li> <li>• Does it solve a problem or only a symptom?</li> <li>• Is it the most useful action in light of other jurisdiction goals?</li> </ul>
Administrative
<ul style="list-style-type: none"> <li>• Can the jurisdiction implement the action?</li> <li>• Is there someone to coordinate and lead the effort?</li> <li>• Is there sufficient funding, staff, and technical support available?</li> <li>• Are there ongoing administrative requirements that need to be met?</li> </ul>
Political
<ul style="list-style-type: none"> <li>• Is the action politically acceptable?</li> <li>• Is there public support both to implement and to maintain the project?</li> </ul>

Table 36: STAPLE/E Review and Selection Criteria

Legal
<ul style="list-style-type: none"> <li>• Is the jurisdiction authorized to implement the proposed action?</li> <li>• Are there legal side effects? Could the activity be construed as a taking?</li> <li>• Will the jurisdiction be liable for action or lack of action?</li> <li>• Will the activity be challenged?</li> </ul>
Economic
<ul style="list-style-type: none"> <li>• What are the costs and benefits of this action?</li> <li>• Do the benefits exceed the costs?</li> <li>• Are initial, maintenance, and administrative costs taken into account?</li> <li>• Has funding been secured for the proposed action?</li> </ul> <p>If not, what are the potential funding sources (public, non-profit, and private)?</p> <ul style="list-style-type: none"> <li>• How will this action affect the fiscal capability of the jurisdiction?</li> <li>• What burden will this action place on the tax base or local economy?</li> <li>• What are the budget and revenue effects of this activity?</li> <li>• Does the action contribute to other jurisdiction goals?</li> <li>• What benefits will the action provide?</li> </ul>
Environmental
<ul style="list-style-type: none"> <li>• How will the action affect the environment?</li> <li>• Will the action need environmental regulatory approvals?</li> <li>• Will it meet local and state regulatory requirements?</li> <li>• Are endangered or threatened species likely to be affected?</li> </ul>

#### 4.1.4 Hazard Mitigation Benefit-Cost Review

FEMA requires local governments to analyze the benefits and costs of a range of mitigation actions that can reduce the effects of each hazard within their community. Benefit-cost analysis is used in hazard mitigation to show if the benefits to life and property protected through mitigation efforts exceed the cost of the mitigation activity. Conducting benefit/cost analysis for a mitigation activity can assist communities in determining whether a project is worth undertaking now, in order to avoid disaster related damages later. The analysis is based on calculating the frequency and severity of a hazard, avoided future damages, and risk.

A hazard mitigation plan must demonstrate that a process was employed that emphasized a review of benefits and costs when prioritizing the mitigation actions. The benefit-cost review must be comprehensive to the extent that it can evaluate the monetary as well as the non-monetary benefits and costs associated with each action. The benefit-cost review should at least consider the following questions:

- How many people will benefit from the action?
- How large an area is impacted?

- How critical are the facilities that benefit from the action (which is more beneficial to protect, the fire station or the administrative building)?
- Environmentally, does it make sense to do this project for the overall community?

For the Capitola LHMP, the Technical Advisory Committee used these questions to determine the appropriateness of mitigation actions. Those actions that did not have adequate benefits were excluded from the preliminary list of mitigation actions.

## 4.2 Hazard Mitigation Actions

The process used to identify hazard mitigation actions for this Plan included the following:

- Review of the Risk Assessment presented in Chapter 3 of this plan;
- Review of the Capabilities Assessment presented in Chapter 5 of this plan;
- Review of the Santa Cruz County and City of Santa Cruz Hazard Mitigation Plan mitigation actions;
- Review of new concerns/ issues that need to be addressed to reduce hazards to critical facilities.

**Table 37: Capitola Hazard Mitigation Actions** identifies the primary hazard, mitigation action priority, proposed mitigation action, City department responsible for implementation, the anticipated funding source(s), and the target completion date.

Potential Funding Source(s) identified in the table include the following:

PDM	Pre-Disaster Mitigation (FEMA)
HMGP	Hazard Mitigation Grant Program (FEMA)
CDBG	Community Development Block Grant (CA Department of Housing & Community Development)
FMA	Flood Mitigation Assistance (FEMA)
FHA	Federal Highway Administration
CalEMA	CalOES
Caltrans	California Department of Transportation

Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
<b>1. Earthquake / Liquefaction Hazard Related Actions</b>					
A. Continue to enforce the requirements of the Geologic Hazards District (Chapter 17.48) of the Capitola Municipal Code which requires the assessment of geologic hazards by a registered geologist or professional engineer for all new development projects. The geologic hazards identified through this assessment process are then mitigated by avoidance or through measures designed by civil engineers using the California Building Code.	Community Development, Public Works, and Building	Staff budget, Review Fees, Development Impact Fees	Ongoing	Low	Unchanged
B. Continue to enforce the most current versions of both the California Building Code (CBC) and the California Building Standards with regards to seismicity, including requiring engineering and liquefaction studies for all potentially affected development.	Public Works and Building	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
C. In cooperation with other agencies, conduct seismic evaluations of all City owned critical facilities (including roadways, water, sewer, storm drains and emergency use facilities) and coordinate with other agencies to evaluate non-city owned critical facilities. Seek funding sources to assist in necessary upgrades of these critical facilities.	Public Works and Other Agencies	PDM, HMGP, Staff budget, and General Fund	2025	Low	Unchanged
D. Work with Caltrans and other relevant agencies to evaluate and retrofit the structural integrity of all bridges to ensure their safety during a seismic event.	Public Works	PDM, HMGP, Staff budget	2030	Low	Unchanged
E. Continue training appropriate plan check staff on seismic requirements for new and existing structures.	Building	Staff budget	Ongoing	Low	Unchanged
<b>2. Coastal Storm / Flooding Hazard Related Actions</b>					
A. Evaluate the likelihood of debris flow impacts to the Stockton Avenue bridge during a catastrophic flooding event.	Public Works	FHA, FMA, Staff budget	2017	High	Completed
B. Improve the Noble Gulch storm drain facilities to protect against flooding within the Capitola Village.	Public Works and Community Development	PDM, HMGP, General Fund	2025	High	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
C. Relocate or elevate critical facilities (e.g. City hall, police, fire, etc.) above the level of the 100-year flood elevation.	Public Works and Community Development	PDM, HMGP, General Fund	2035	High	Unchanged
D. Continue to implement the Soquel Creek Lagoon Management Plan.	Public Works and Community Development	PDM, HMGP, FMA, Staff budget	Ongoing	Medium	Unchanged
E. Participate in the National Weather Service (NWS) Storm Ready Program	Community Development and Public Works	Staff budget, General Fund	Ongoing	Medium	Unchanged
F. Assist in the planning and/or improvement of infrastructure (e.g. sewers) and facilities to help minimize flooding impacts, particularly in critical flood-prone areas (e.g. Capitola Village).	Public Works and Community Development in coordination with the County Sanitation District	FHA, PDM	Ongoing	Low	Unchanged
G. Continually monitor and review CA State Water Resources Control Board regulations and permit requirements to ensure consistency with city policies and regulations. This includes on-site retention of stormwater runoff from impervious surfaces and the implementation of Low Impact Development (LIDs) standards on new development.	Public Works and Community Development	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
H. Limit development and monitor conditions of development and grading permits to prevent sedimentation in natural channels and wetlands.	Community Development	Staff budget	Ongoing	Low	Unchanged
I. Develop more accurate GIS maps of the City's drainage system in coordination with future updates of the Capitola Stormwater Management Program.	Public Works and Community Development	CalEMA, General Fund, Staff budget	2025	Low	Unchanged
J. In coordination with the Santa Cruz County Public Works & Flood Control & Water Conservation District (Zone 5), evaluate the effectiveness of current policies and ordinances to ensure that storm water runoff from impervious surfaces does not contribute to flooding.	Public Works and Community Development	Staff budget	2025	Low	Unchanged
K. Continually monitor and review FEMA's National Flood Insurance Program (NFIP) requirements to ensure the City's floodplain management regulations are in compliance.	Public Works and Community Development	Staff budget	Ongoing	Low	Unchanged
L. Participate in the FEMA NFIP Community Rating System (CRS).	Community Development	Staff budget	2025	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
M. Work in coordination with the Santa Cruz County Public Works & Flood Control & Water Conservation District (Zone 5) to develop and disseminate public education materials on flood protection and mitigation by working collaboratively with community groups, non-governmental organizations and the local media.	Community Development	General Fund	Ongoing	Low	Unchanged
N. Review and update the city’s existing ordinances as they relate to storm / flooding hazards, consistent with the risks identified in this LHMP.	Community Development	Staff budget, PDM, HMGP, General Fund	2025	Low	Unchanged
O. Adopt policies to limit municipal capital improvements that would be at risk.	Public Works and Community Development	Staff budget, General Fund	2030	Low	Unchanged
P. Improve resiliency to flooding along Soquel Creek and Coast such as the construction of flood walls and improved building guidelines (increase free board and first floor parking).	Public Works and Community Development	PDM, HMGP, CDBG, CalEMA, FMA	2050	Low	New
Q. Investigate natural habitat buffering to reduce coastal flooding such as beach and kelp management.	Public Works and Community Development	HMGP	2030	Low	New

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
R. Upgrade vulnerable storm drains with tidal flap gates and pumps, as appropriate.	Public Works	PDM, HMGP, FMA, CalEMA, General Fund	2030	Low	New
S. Investigate various opportunities for beach nourishment and replenishment in concert with rebuilding the City's groin located at the east end of the main beach.	Public Works	PDM, HMGP	2020	Medium	New
T. Prepare a coastal bluff and beach management plan for Capitola that outlines short- and long-term coastal bluff management strategies that will help to establish local protection and adaptation priorities.	Public Works and Community Development	PDM, HMGP, CDBG, General Fund	2030	Medium	New
U. Prioritize coastal protection structures for upgrade and replacement including the sea wall along The Esplanade and coastal revetments.	Public Works	PDM, HMGP, CDBG, General Fund	2040	Low	New
V. Consider resiliency improvements to protect and maintain critical vehicular and non-vehicular coastal access ways.	Public Works and Community Development	PDM, HMGP, CDBG, General Fund	2030	Medium	New
W. Adopt policies to limit municipal capital improvements that would be at risk.	Public Works and Community Development	Staff budget, General Fund	2025	Medium	New

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
X. Improve resiliency to flooding along Soquel Creek including the possibility of a temporary or permanent flood wall along the Soquel Creek walking path may help to reduce flooding within high risk areas.	Public Works and Community Development	PDM, HMGP, FMA, CalEMA	2050	Low	New
Y. Identify priority areas for future protection accounting for costs, structural feasibility and secondary implications (flood wall, seawall or revetment).	Public Works and Community Development	PDM, HMGP, FMA, CalEMA; Staff budget; General Fund	2060	Low	New
Z. Investigate long-term options to manage sea level rise and coastal erosion such as living shorelines, soft armoring techniques, and relocation of development within coastal hazard zones. As part of this investigation, consider the preparation of a comprehensive, long-term proactive management plan to protect Depot Hill in a way that preserves the natural coastline and avoids hard armoring.	Public Works and Community Development	PDM, HMGP, FMA, CalEMA; Staff budget; General Fund	2060	Low	New
<b>3. Drought Hazard Related Actions</b>					
A. Work in coordination with the City of Santa Cruz and the Soquel Creek Water District to implement water conservation strategies that maximize the use of existing water resources.	Community Development	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
B. Work in coordination with the Soquel Creek Water District to construct and implement the Pure Water Soquel, Groundwater Replenishment and Seawater Intrusion Prevention Project	Public Works	Staff budget, Prop 84 – IRWMP	2022	High	Unchanged
C. Coordinate with the Soquel Creek Water District and City of Santa Cruz to inform public of water conservation restrictions and drought conditions.	Community Development	Staff budget	Ongoing	Low	Unchanged
<b>4. Windstorm Hazard Related Actions</b>					
A. Coordinate with Pacific Gas & Electric to implement an ongoing tree trimming program for trees located in close proximity to overhead power lines.	Public Works	Staff budget, PG&E	Ongoing	Low	Unchanged
B. Establish a working relationship with the NWS Decision Support program to be advised of upcoming weather conditions in a manner that enables smart decisions.	Police Department	Staff budget	2025	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
<b>5. Coastal Erosion/ Bluff Failure Hazard Related Actions</b>					
A. Work in close coordination with state and local agencies and organizations to protect and preserve the coastline and its coastal bluffs through restoration efforts to help ensure safe coastal access and the protection of adjacent infrastructure and facilities. These efforts may include beach replenishment, coastal bluff protection, seawall construction, and other appropriate measures.	Public Works, Community Development, County Sanitation District	Staff budget	Ongoing	Medium	Unchanged
<b>6. Tsunami Hazard Related Actions</b>					
A. Continue implementation of Tsunami Ready Program	Community Development, Public Works, Police	Staff budget	Ongoing	Medium	Unchanged
B. Maintain a public communication system to warn the public of a potential tsunami threat.	Community Development, Public Works, Police	Staff budget	Ongoing	Medium	Unchanged
C. Support the timely and accurate update of tsunami inundation maps within the Monterey Bay area. Then integrate the new tsunami inundation maps into the risk assessment of this Local Hazard Mitigation Plan	Community Development, Public Works, Police	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
D. Continue to work collaboratively with relevant agencies and organizations to investigate tsunami threat to the City based on the best available information.	Community Development, Public Works, Police	Staff budget	Ongoing	Low	Unchanged
<b>7. Hazardous Materials Related Actions</b>					
A. Continue to coordinate with the Santa Cruz County Department of Environmental Health Services, on enforcement of State and local statutes and regulations pertaining to hazardous materials/ waste storage, use, and disposal.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
B. Support staff training and education requirements regarding emergency response procedures associated with transportation-based hazardous materials releases.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
C. Continue to coordinate the Urban Area Security Initiative to enhance preparedness efforts.	Police	UASI, Homeland Security Grant	Ongoing	Not Ranked*	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
<b>8. Fire Hazard Related Actions</b>					
A. Coordinate with the Fire District and Department of Corrections to create fuel reduction zones near properties at risk, shaded fuel breaks, and clean up areas prone to ground fuel litter common with invasive species habitat (i.e. Eucalyptus)	Fire, Public Works	Staff Budget	Ongoing	Not Ranked*	Unchanged
B. Continue to maintain cooperative fire protection and fire prevention agreements with the Central Fire Protection District and other relevant agencies.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged
C. Identify inadequate access roadways. Develop a program to address inadequacies.	Community Development, Public Works, Fire, Police	PDM, HMGP, General Fund	Ongoing2025	Low	Unchanged
D. Promote land use planning and implement building codes to reduce incidence of human-caused wildfires especially in very high fire hazard areas.	Community Development, Building, Fire	Staff budget	Ongoing	Low	Unchanged
E. Implement building codes relevant to fire protection in new development or major renovations. (i.e. built-in fire extinguishing and fire alarm systems)	Community Development, Building, Fire	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
F. Work cooperatively with Central Fire Protection District, CalFire, and other relevant agencies to promote the implementation and awareness of fire prevention programs.	Community Development, Fire	Staff budget	Ongoing	Low	Unchanged
<b>9. Landslide/ Mudflow Hazard Related Actions</b>					
A. Continue to require that geologic/engineering reports be prepared for any proposed construction near landsliding and require mitigation of landslide hazards before issuing any building or grading permits.	Community Development, Building, Public Works	Staff budget	Ongoing	Low	Unchanged
<b>10. Multi-Hazard Related Actions</b>					
B. Coordinate hazard mitigation progress/efforts with the Santa Cruz County Office of Emergency Services and other agencies and cities within Santa Cruz County.	Community Development, Public Works, Police, Fire, City Manager	Staff budget	Ongoing	Medium	Unchanged
C. Continue to work with Santa Cruz 911 and other relevant agencies to maintain a coordinated and effective emergency communication system.	Community Development, Public Works, Police, Fire	Staff budget	Ongoing	Low	Unchanged

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Table 37: Capitola Hazard Mitigation Actions

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
D. Continue to update and enhance mapping data and the City’s GIS for all hazards.	Information Technology	General Fund	Ongoing	Low	Unchanged
E. Verify the replacement value of City-owned critical facilities and coordinate with other agencies for non city-owned facilities to improve the risk assessment within this plan.	Public Works, Community Development, Finance	General Fund	2019	Low	Completed
F. Work with the appropriate cellular phone service providers to ensure there is always adequate cellular services to critical facilities within the City.	Police, Information Technology	Staff budget	Ongoing	Low	Unchanged
G. Reference and integrate the City’s Local Hazard Mitigation Plan into the Safety Element of the General Plan.	Community Development	General Fund, DRI	2015	Low	Completed
H. Integrate the results of the Monterey Bay Sea Level Rise Study into the Local Hazard Mitigation Plan risk assessment and the General Plan Safety Element.	Community Development	DRI	2025	Low	New
I. As part of the General Plan Update process, develop a plan to address climate change/ climate adaptation issues within the City and its surroundings.	Community Development	Staff budget	2014	Low	Completed

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**Table 37: Capitola Hazard Mitigation Actions**

Mitigation Action	Responsible Department	Potential Funding Source(s)	Target Completion Date	Priority	Status Since 2013 LHMP
J. Protect and preserve the coastline through permit review and continue to review coastal development for conformance with applicable City regulations (e.g. geologic, flood).	Community Development, Public Works	Staff budget	Ongoing	Low	Unchanged
K. Review and update the city’s existing ordinances as they relate to hazards and risks identified in this LHMP.	Community Development	Staff budget	2025	Low	Unchanged

\*These mitigation actions were added after mitigation action ranking was conducted.

### 4.3 Capabilities Assessment

This capability assessment is designed to identify existing local agencies, personnel, planning tools, public policy and programs, technology, and funds that have the capability to support hazard mitigation activities and strategies outlined in this LHMP. To create this capability assessment, the Technical Advisory Committee collaborated to identify current local capabilities and mechanisms available to the City of Capitola for reducing damage from future natural hazard events. These plans and resources were reviewed while developing the Local Hazard Mitigation Plan and summarized below.

#### 4.3.1 Key Resources

The City of Capitola and the County of Santa Cruz have several key departments with resources to support the implementation of mitigation actions. These departments offer a variety of planning, technical, policy, and staffing resources as summarized in [Table 38: Capitola Capabilities Assessment](#).

Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
Community Development Department		
Personnel Resource	Community Development Director	Leads the development and implementation of this Local Hazard Mitigation Plan. Can use personnel resources to include outreach to the public.
Policy Resource	Zoning Ordinance	The Zoning Ordinance is the main tool to implement the City’s General Plan. It sets land use regulations and the zoning map for the City. Hazard mitigation related zones include the floodplain district and the geologic hazards district. Mitigation actions outlined in this Plan can be adopted in the form of land use/development regulations.
Policy Resource	Building Code/Fire Code	International Building Code, International Fire Code.
Policy Resource	Code Enforcement	Each zoning district has specific zoning codes and guidelines that were developed to enhance and protect each district. The Community Development Department enforces and carries out these guidelines.
Technical and Personnel Resources	GIS Program	GIS creates an updated zoning map and General Plan map and also maintains an interactive parcel map that residents can use to determine if they are located in a floodplain, floodway, or redevelopment district.

Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
Plan Resource	General Plan	Principal policy document that guides conservation, development, and change in the City. Identifies City programs and policies as they pertain to land use, public services, housing, natural resources, and safety. Hazard data and mitigation actions described in this Plan have been incorporated into the General Plan. Capitola’s General Plan was adopted 2014. The City can adopt the 2020 LHMP into the Safety Element of the General Plan
Policy Resource	Housing Program	The City offers numerous programs to help residents maintain safe housing.
Plan Resource	Flood Management Plan	The City manages floodplain per Chapter 17.50 Floodplain Management of the Capitola Municipal Code.
Personnel Resource	Planning Commission	The Planning Commission meets once per month to discuss planning capabilities in Capitola. They review and comment on the LHMP.
Plan Resource	2007 Economic Development Strategic Plan	The underlying belief of the Economic Development Strategy is that the local economy interlinks with many other aspects of a community, including housing, transportation, recreation, and safety. This document helps understand economic development trends in Capitola.
Plan Resource	Existing Conditions White Papers	Provide background information on City of Capitola.
Plan and Technical Resource	Local Coastal Program Land Use Plan	Land Use maps will be revised as part of the LCP update which is currently underway. Planning and IT departments may update the General Plan maps, as relevant, to address mitigation identified in this LHMP.
Plan Resource	2005 Historic Structures List	Provides a list of historic structures in Capitola.
Plan Resource	Climate Action Plan	Completed 2015.
<b>Building Department</b>		
Personnel Resource	Building Official	Enforces building codes and development ordinances including the floodplain management ordinance. New and updated building codes can address hazards as addressed in this LHMP.
Policy Resource	Inspections & Permit	Building permits ensure that zoning requirements as well as fire and structural safety standards are met.
<b>City Council</b>		
Policy Resource	Policy Approval	Policy legislation and implementation

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Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
<b>City Administration</b>		
Administrative / Personnel Resource	City Manager	Supports the development and implementation of this Local Hazard Mitigation Plan by allocating the appropriate personnel and resources.
Financial Resource	Finance	Budgeting and Risk Management for City owned facilities. Money for the local match for FEMA mitigation funding are available from the City of Capitola General Fund.
<b>Public Works Department</b>		
Personnel Resource	Public Works Director	Participates in the development and implementation of this Hazard Mitigation Plan.
Technical and Policy Resource	Streets Program	Provides maintenance and improvement of the City’s streets and highways. Also provides maintenance of Soquel Creek, Capitola Lagoon, City owned buildings, and the municipal wharf.
Policy and Plan Resource	Storm Water Management Program	The Depot Hill Drainage Study was conducted in 2008 and the Storm Water Management Program is updated annually.
Policy and Plan Resource	Capital Improvement Program	The Capital Improvement Program should be informed by the strategies identified and prioritized in this plan.
Personnel Resource	Grant writing	Part of the Engineering Department
<b>Police Department</b>		
Training and Personnel Resource	Police Chief	Coordinates preparedness training, public outreach on safety and emergency preparedness, and emergency response.
Policy and Plan Resource	Emergency Preparedness	Includes emergency preparedness guides for the elderly, physically challenged, and children.
<b>Special Districts</b>		
<b>Central Fire Protection District of Santa Cruz County</b>		
Personnel Resource	Fire Chief	Coordinates emergency response, fire prevention education, CERT training, and wildfire education and prevention.
Plan Resource	Wildland Fire Structure Protection Plan	A western portion of the City limits (where there is a large stand of Eucalyptus trees) is located in the Central Fire Districts Wildland Protection Zone CTL 11.
Plan Resource	Central Fire District Master and Strategic Plan	This Plan can assist the City in identifying future improvements and prioritize mitigation activities.

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Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
Personnel Resource	Emergency Services	Coordinates with City staff on emergency preparedness, response, and mitigation activities.
Policy Resource	Public Education Program and CERT Training	Educates City employees and residents on hazards awareness, prevention, and preparedness.
Policy Resource	Commercial Building Inspections and Permits	The Fire District provides reoccurring fire prevention inspections of all commercial buildings in the City. The District also provides plan check and permit functions for commercial development addressing Fire Code Standards.
Soquel Creek Water District		
Plan Resource	Urban Water Management Plan and Pure Water Soquel Project	Identifies adequate water supplies and proper planning, funding, and construction of future water infrastructure improvements.
Plan Resource	Emergency Response Plan (ERP)	The goals of the ERP are to rapidly restore water service after an emergency, ensure adequate water supply for fire suppression, minimize water system damage, minimize impact and loss to customers, minimize negative impacts on public health and employee safety, and provide emergency public information concerning customer service.
Plan Resource	Groundwater Management Plan	Enhances existing water supplies and identifies future opportunities for planning and funding of groundwater management activities.
Soquel Union Elementary School District		
Personnel and Technical Resource	New Brighton School	The School District owns and manages the New Brighton Middle School which is the City's back-up Emergency shelter location, which is co-located with the New Brighton Gym (the city-owned primary emergency shelter.)
911 Communications Center		
Technical Resource	Santa Cruz Regional 911	Provides a means of notification to residents and listed phone numbers during an emergency situation allowing resident and businesses to relocate out of a potentially vulnerable area.
City of Santa Cruz Water District		
Plan and Personnel Resource	Wildfire Preparedness	Links to various wildfire educational websites. Personnel can develop and outreach program to inform the public that these website exist.

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Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
Plan Resource	Urban Water Management Plan	A long range planning document to aid in updating city and county General Plans and for preparation of environmental documents under the California Environmental Quality Act. Serves as a detailed source of information to coordinate local water supply availability and certain land use decisions made by cities and counties.
Plan Resource	Water Supply Assessment	Assesses the adequacy of the water supply to meet the demand of proposed projects over the next 20 years in addition to the public water system’s existing and planned future uses.
Plan Resource	Adequacy of Municipal Water Supplies to Support Future Development	Provides information on the ability of the system to deliver water and offers possible approaches that could be used by policy makers to integrate local land use decisions with long-term water supply availability.
Plan Resource	Water Shortage Contingency Plan	Establishes procedures and actions that can be taken to respond to a large, long term shortage in the water supply.
Plan Resource	City of Santa Cruz/Soquel Creek Water District Evaluation of Regional Water Supply Alternative	Provides an evaluation of “regional” desalination and wastewater reclamation facilities to augment water supplies for both the City and the District.
<b>Santa Cruz County</b>		
Technical Resource	County Flood Control and Water Conservation District (5)	Provides flood protection and regulation and stormwater services for Zone 5 facilities.
Technical Resource	County Sanitation District	Operates water and wastewater services.
Technical Resource	County Public Works	Assist the City in protecting the public’s health, safety, and welfare through superior engineering, maintenance, operations, and administrative services that incorporate customer service and integrity with competence and productivity for a sustained commitment to excellence.
Plan Resource	San Mateo-Santa Cruz Community Wildfire Protection Plan	Identifies wildfire hazard areas and methods for reduction/ elimination of fire hazards.

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Table 38: Capitola Capabilities Assessment

Type of Resource	Resource Name	Ability to Support Mitigation
Plan Resource	Hazard Mitigation Plan	Identifies mitigation actions for County of Santa Cruz critical facilities.
Plan Resource	Coastal Incident Response Plan	Establishes response framework and protocols for incidents along the Santa Cruz County coastline, including the City of Capitola.
Plan Resource	Operational Area Emergency Management Plan (2005)	Overall emergency management plan for the Santa Cruz County Operational Area.
Plan Resource	Tsunami Response Plan Annex (2010)	The City of Capitola relies on the Tsunami Response Plan Annex developed to accompany the Operational Area Emergency Management Plan.
Plan Resource	General Plan	Provides policies within Santa Cruz County intended to reduce hazards and disasters.
Plan Resource	Emergency Preparedness Guide	Provides a resource for residents/ businesses to better prepare for future disaster/ emergency situations.
Policy Resource	Growth Management	Reduces development potential within hazard prone areas.
Technical Resource	Rain and Stream Gauging	Allow the City to better monitor rainfall and stream flow totals to gauge the adequacy of storm drain infrastructure capacity.
Technical and Staffing Resource	NIMS Training	On an ongoing basis, County OES conducts training for all department heads on their role in an emergency based on the National Incident Management Systems (NIMS). This training proved to be successful in the response to the severe floods in March 2011.
Technical Resource	National Weather Service	Decision Support Program (improved forecast interpretations for making informed decisions)
Technical Resource	CalOES	Hazard Mitigation Web Portal provides guidance and examples of hazard mitigation planning as well as notifications regarding available funding.
Technical Resource	Federal Emergency Management Agency	Guidance for hazard mitigation planning processes and resources.

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### 4.3.2 Fiscal Capability

#### *City of Capitola Budget Department Overview*

The following summarizes Capitola's fiscal capabilities in terms of the City's financial resources and allocated spending. Sales tax and property tax are the primary sources of Capitola's financial resources. The City has allocated the majority of these financial resources to Public Safety, Community Development, Public Works, and City Manager/City Clerk/Human Resources departments which are all relevant for implementing hazard mitigation actions.

The City Council, City Manager, Community Development, Police, and Public Works departments all have a general fund that could be used toward mitigation activities. These departments also have budgets used to employ City staff that are an integral part of the mitigation planning process. These staff members include:

- The City Manager's department employs an Information Systems Specialist.
- The Community Development Department staff includes a community development director, one planner, and a building inspector and official.
- Public Works Department staff includes a public works director and a ten person maintenance crew.
- The Police Department employees a chief, captain, sergeant, and 16 police officers. This department is also responsible for the City's Emergency Preparedness.

#### *Capital Improvement Projects: 2020-2022*

Capital improvements projects scheduled for the 2020-21 fiscal year include several projects that include hazard mitigation elements. Three specific projects to rehabilitate the Capitola wharf, beach jetty and flume address sea level rise, coastal storm damage, and climate change. The flume and jetty project, scheduled for Fall of 2020, will rehabilitate these structures to their designed specifications. The wharf project, currently in environmental review and permitting, will increase the storm resiliency of the structure while providing for future raising of the wharf deck to further address sea level rise. The water project is currently on schedule to begin construction in 2021.



# 5 Chapter Five - Plan Maintenance Process

This Chapter identifies the formal process that will ensure that the Capitola LHMP (the Plan) remains an active and relevant document. The Plan maintenance process includes a schedule for monitoring and evaluating the Plan annually and producing an update every five years.

This chapter describes how Capitola will integrate public participation throughout the plan maintenance and implementation process. It also describes how the City intends to incorporate the mitigation actions outlined in this Plan into existing planning mechanisms and programs. These include the Capitola General Plan, the City's Capital Improvement Program, as well as building code enforcement and implementation. The Plan's format allows the City to readily update sections when new data becomes available, resulting in a Plan that will remain current and relevant to the City of Capitola.

## 5.1 Monitoring, Evaluating and Updating the Plan

### 5.1.1 Coordinating Body

The Capitola Hazard Mitigation Planning Team will be responsible for the maintenance of this LHMP. The City of Capitola Community Development Department will take the lead in LHMP maintenance issues, by coordinating maintenance of this Plan and undertaking the formal review process and the rewrite of the LHMP.

### 5.1.2 Convener

The City of Capitola Community Development Department will facilitate the Hazard Mitigation Planning Team meetings, and will assign tasks such as updating and presenting the Plan to other Departments, Stakeholder Groups, and/or elected officials. Plan implementation and evaluation will be a shared responsibility among all of the Hazard Planning Team.

### 5.1.3 Evaluation

The minimum task of the ongoing annual hazard mitigation planning team meeting will be the evaluation of the progress of the Plan and incorporating the actions into other planning documents. This review will include the following:

- Summary of any hazard events that occurred during the prior year and their impact on the community.
- Review of successful mitigation initiatives identified in the Plan.
- Brief discussion about why targeted mitigation strategies were not completed.
- Re-evaluation of the mitigation actions plan to determine if the timeline for identified projects needs to be amended (such as changing a long-term project to a short-term project due to funding availability).
- Recommendations for new mitigation actions.
- Changes in, or potential for, new funding options/grant opportunities.
- Integration of new GIS data and maps that can be used to inform the Plan.
- Evaluation of any other planning programs or initiatives within the City that involve hazard mitigation.

The City will create a template to guide the LHMP team in preparing a progress report. The City will also prepare a formal annual report on the progress of the LHMP. This report will be used as follows:

- Distributed to City department heads for review.
- Provided to the local media through a press release.
- Presented in the form of a council report to the City Council.

## 5.2 Method and Schedule for Updating the Plan within 5 years

Section 201.6.(d)(3) of Title 44 of the Code of Federal Regulations requires that local hazard mitigation plans be reviewed, revised if appropriate, and resubmitted for approval in order to remain eligible for benefits awarded under the Disaster Mitigation Act (DMA). The City intends to update the Plan on a five-year cycle from the date of initial plan adoption. It is anticipated that this update process will occur one year prior to expiration of the existing plan. This cycle may be accelerated to less than five years based on the following triggers:

- A Presidential Disaster Declaration that impacts the City of Capitola.
- A hazard event that causes loss of life.

The intent of the update process will be to add new planning process methods, community profile data, hazard data and events, vulnerability analyses, mitigation actions and goals to the adopted plan so that the Plan will always be current and up to date. Based on the needs identified by the planning team, the update will, at a minimum, include the elements below:

1. The update process will be convened through a committee appointed by the Community Development Director and will consist of at least one member of the General Plan Update Advisory Committee or staff to ensure consistency between Plans.
2. The hazard risk assessment will be reviewed and updated using best available information and technologies on an annual basis.
3. The evaluation of critical structures and mapping will be updated and improved as funding becomes available.
4. The mitigation actions will be reviewed and revised to account for any actions completed, deferred, or changed to account for changes in the risk assessment or new City policies identified under other planning mechanisms, as appropriate (such as the General Plan).
5. The draft update will be sent to appropriate agencies for comment.
6. The public will be given an opportunity to comment prior to adoption.
7. The Capitola City Council will adopt the updated Plan.

## 5.3 Adoption

The Capitola City Council is responsible for adopting the Plan. This formal adoption should take place every five years. Once the Plan has been adopted, the City of Capitola Community Development Department will be responsible for final submission to the Governor's Office of Emergency Services (CalOES). CalOES will then submit the Plan to the Federal Emergency Management Agency (FEMA) for final review and approval.

## 5.4 Implementation through Existing Programs

The effectiveness of the City's non-regulatory LHMP depends on the implementation of the Plan and incorporation of the outlined mitigation action items into existing City plans, policies, and programs. The Plan includes a range of action items that, if implemented, would reduce loss from hazard events in the City. Together, the mitigation action items in the Plan provide the framework for activities that the City can choose to implement over the next five years. The City has prioritized the plan's goals and identified actions that will be implemented (resources permitting) through existing plans, policies, and programs.



The Community Development Department has taken on the responsibility for overseeing the Plan's implementation and maintenance through the City's existing programs. The Community Development Director, or designated appointee, will assume lead responsibility for facilitating LHMP implementation and maintenance meetings. Although the Community Development Department will have primary responsibility for review, coordination, and promotion, plan implementation and evaluation will be a shared responsibility among all departments identified as lead departments in the mitigation action plan. The Community Development Department will continue to work closely with the Santa Cruz County Emergency Operations Manager to insure consistency with all relevant plans.

## 5.5 Incorporation into Existing Planning Mechanisms

The following planning mechanisms from the 2013 LHMP were implemented:

- Capitola Building Codes
- Monterey Bay Sea Level Rise studies (various)

The following planning mechanisms were not implemented:

- Santa Cruz County Emergency Management Plan
- Capitola Capital Improvement Program
- Capitola Storm Water Management Program
- Capitola Emergency Operations Plan

The information on hazards, risk, vulnerability, and mitigation contained in this Plan is based on the best information and technology available at the time the LHMP was prepared. As previously stated, the City's General Plan is considered to be an integral part of this plan. The City, through adoption of its 1994 General Plan (Safety Element) goals, has planned for the impact of natural hazards. The City's General Plan is currently being updated and the LHMP process has allowed the City to review and expand upon the policies contained within the General Plan Safety Element. The City views the General Plan and the LHMP as complimentary planning documents that work together to achieve the ultimate goal of the reduction of risk exposure to the citizens of Capitola. Many of the ongoing recommendations identified in the mitigation strategy are programs recommended by the General Plan and other adopted plans. The City will coordinate the recommendations of the LHMP with other planning processes and programs including the following:

## 5.6 Continued Public Involvement

The public will continue to be apprised of the LHMP actions through the City website and by providing copies of the annual progress report to the media. Copies of the Plan will be distributed to the Santa Cruz Library System. Upon initiation of the LHMP update process, a new public involvement strategy will be developed based on guidance from the planning team. This strategy will be based on the needs and capabilities of the City at the time of the update. At a minimum, this strategy will include the use of local media outlets within the planning area and the City's website.

## 5.7 Point of Contact

Steve Jesberg  
City of Capitola  
City of Capitola Public Works Director  
831/475-7300



# Local Hazard Mitigation Plan

## Appendices

2020

## Appendix A – Timeline of Capitola Natural Hazard Events


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Prepared by Carolyn Swift, Former Museum Director, City of Capitola

## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1791-1792	Flood	Santa Cruz Mission destroyed	
1847	Flood	Sawmill constructed on Soquel Creek (Rancho Soquel) destroyed. It had been built by John Hames and John Daubenbiss, who later obtained lands of the Rancho Rodeo, and became the founders of the town of Soquel (1852).	
1852	Flood	This was a major flood event but impact not recorded (no newspapers had yet been established).	
1/9/1857	Earthquake	Three earthquakes struck the Santa Cruz vicinity in a series. The tower and a portion of the Santa Cruz Mission Church collapsed.	
Jan. 1862	Storm/Flood	Major event—Soquel village inundated; mills, flumes, school, town hall, houses and barns were destroyed. Massive pile of debris went out to sea and then washed ashore at Soquel Landing.	
8/01/1863	Earthquake	Described as “severe shock.”	
1863-64	Drought	Unknown	
10/08/1865	Earthquake	Unknown	
11/25/1865	Storm/High Tide	500 feet of the Soquel Landing wharf is lost; the remaining 600 feet are deemed “useless.” Nearby barn blown down. Two young whales and a hair cloth sofa washed ashore. Waves described as “mountain high.” Wharf damage is \$6,000. Pilings are deposited in a potato field beyond the beach.	

## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
12/14/1867	Storm	Wharves damaged in Aptos and Watsonville but no specifics are listed for Soquel Landing.	
9/19/1868	"Tidal Wave"	High tide described as tidal wave; damage unknown	
10/24/1868	Earthquake	"Second only to October 1865"	
2/03/1869	Storm, flood, slides, washouts	New bridge washed away at Soquel; roads impassable.	
12/23/1871	Southeast gale, flood, high tide	Water gauged to be "higher than flood of 1862."	
1/24/1874	Storm	Roaring surf. Rain threatens crops.	
12/04/1875	Flood	Compared to ferocity of the 1862 flood	
1877	Severe drought	Capitola's founder, S.A. Hall, was boarding 300 horses at his stable during the summer. The price of hay went to \$20.00 a ton due to the drought, and he lost money. When landowner F.A. Hihn increased the rent two years later, Hall couldn't afford the increase, and left.	



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1/19/1878	Storm with tide	No Capitola impact recorded.	
7/01/1882	Earthquake	Worst since 1868	
1/30/1881	Storm	Conflicting reports on damage to Capitola. One report describes the resort as destroyed, while another stated damage was "not as serious."	
March 1883	Earthquake	Severe shock with several aftershocks recorded. No damage listed for Capitola.	
3/10/1884	Flooding and Washouts	Storm lasted five days. No Capitola impact described in newspapers	
12/16/1886	High surf	Capitola impact unknown	
12/30/1886	High surf	High seas; ships prevented from landing	
5/10/1887	Heaviest surf of the season	No damage reported for Capitola.	
9/18/1888	Earthquake	Described as extremely severe.	
1/05/1889	Storm	Damage to beach areas	
12/26/1889	Storm	Train service stopped; Santa Cruz County becomes isolated.	
1/06/1890	Storm/ Mudslides in mountains	Worst winter in 40 years; concern for grain crops	




# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1/27/1890	Floods	Judged to be as bad as 1852, 1862, and 1871; Capitola floods, footbridge and span of wagon bridge destroyed. Esplanade flooded—buildings to be replaced in “permanent form.” A huge pile of debris appears along the beach.	
2/08/1892	High tides	Yacht “Petrel” washed ashore at Capitola; beachfront concessions damaged. Swimmers endangered.	
1/12/1899	Severe storm	Several days duration; damage unknown	
1/02/1900	Storm	Severe; no damage listed.	
3/14/1905	Storm	Judged to be “worst in 27 years.” Capitola impact unknown.	
1/20/1906	Flood	Buildings from Loma Prieta Lumber Company camp above Soquel are destroyed. Debris at Capitola. Downtown Soquel floods. Landslides in hills.	


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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1906, 5:12am	Earthquake	Nine men killed in mudslide at the Loma Prieta mill above Soquel; surge on local creeks; water pipes broken, chimneys and walls cracked. Splits in the earth. Magnitude 8.3.	
4/27/1907	Storm	High water and flooding; Capitola damage unknown	
1/21/1911	Storm	Unknown	
3/07/1911	Storm	Unknown	
1911	Erosion	<p>Incidents of cliff erosion along Grand Avenue prompt Lewis B. Hanchett, the owner of El Salto Resort, to begin chopping down trees on what is left of "Lover's Lane" along the bluff of Depot Hill. Hanchett believed that when the trees fell, they further hastened the cliff erosion.</p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)


# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
11/27/1913	Storm and tide	<p>Great groundswells when the tide was highest. Waves ran across the beach to the Esplanade and water spread "clear to the railroad tracks." Union Traction Company tracks covered with sand. Water reached the Hihn Superintendent's Building (Capitola and Monterey Avenues), and waves were described as "monster." About 200 feet of wharf washed away. Stranded fisherman rescued and pulled underwater to safety. A huge pile of debris covered the beach and was cut-up for firewood. Fisherman Alberto Gibelli stranded when mid-section of wharf washed away.</p>	
1/01/1914	Flood	Flood in Soquel and along Soquel Creek.	
11/28/1919	Storm	Damage high; no Capitola details	
12/27/1921	Storm	Described as "great."	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)




# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
2/12 and 2/13/1926	High tides	<p>Waves to 20 feet. Wharf damaged. Sea wall promenade broken at Venetian Courts. Apartments flooded. Breakers slammed into Esplanade, destroying boathouse/bathhouse, beach concessions. Tide hits the second floor of Hotel Capitola. Water runs a foot deep through village.</p>	 <p>The 'IMAGES' column contains three historical black and white photographs. The top photograph shows a large, multi-story building (Hotel Capitola) with a prominent tower, partially obscured by a massive wave crashing against a sea wall. The middle photograph shows a flooded street with a small boat in the water and buildings in the background. The bottom photograph shows a large pile of debris, including wooden planks and structural remains, with workers visible in the background, indicating significant destruction.</p>


Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
		<p><i>Top photo courtesy of Homer Berry</i></p>	 <p>The 'IMAGES' column contains three historical photographs. The top photograph shows a street scene with a large concrete wall in the foreground and buildings in the background. The middle photograph shows a large body of water with a turbulent, white-capped wave crashing over a structure. The bottom photograph shows a large building with a porch and a person standing on it, with a turbulent sea in the foreground.</p>

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)


# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
10/28/1926	Earthquake	Damage recorded in Capitola	
1/24/1930	Erosion	About 130 residents appear before Santa Cruz County Supervisors to protest announced firing of 12-inch guns at Camp McQuaide, Capitola. Among petitioners claims are that "the terrific jar of the guns loosens the rim of the cliffs, and the earth is sloughing off to a dangerous degree."	
1928-1937	Drought	Reported as one of longest and most severe in state's history. Capitola is bordered by bulb ranches and floral nurseries, as well as poultry ranches and rabbit farms.	
12/26/1931	Storm	Soquel Creek rises; cleans lagoon at Capitola. Debris and wood deposited on the beach.	
12/28 and 12/29/1931	Storm and high tide	<p>Damage to cottages and concessions at New Brighton Beach. Roads fill with "the muck of the sea." At Seacliff Beach, the concrete ship Palo Alto is shaken loose and moved about three feet as if "impelled by the spirit of the sea to fulfill its destiny and start moving."</p> <p>Soquel "River" widens to sixty feet, the highest since 1890, damaging property in Soquel and all the way to the mouth at Capitola. Orchards are lost with the rapid rise of water. Hundreds gather to watch the tides batter the concessions at the beach. There is a "vortex of water where the river and sea meet." The waterfront is piled high with flood debris thrown back up the beach.</p>	<p><i>Photo courtesy of Lee Lester</i></p> 

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)




## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
		The creek cuts across the beach and moves sand below the new outlet. Two months later, workers discovered a noticeable settling of the western end of the bathhouse, due to a break in the retaining wall. This left a portion of the bathhouse supported only by its concrete flooring. Repairs required rebuilding the retaining wall and replacing the fill.	
1/04/1935	Flood	Capitola Village floods; thirty feet of the sea wall is taken out. Beach playground disappears. Venetian Courts hit hard but damage minimal.	<i>Photo courtesy of Lee Lester</i>
1/09/1935	Erosion	Near the seawall cave-in by the site of the old hotel, a tree fell sixty feet from Grand Avenue. The "new favorite outdoor sport" for onlookers is to walk behind the sewer plant to see the fallen tree and debris of the broken sea wall.	
12/14/1936	Drought	Long drought ended by rain.	
2/14/1937	Flood	Soquel Creek floods in Soquel Village due to logjam at the bridge on Soquel Drive. Landslides in watershed.	
3/22-23/1937	Storm	Boats in the streets at Capitola. An estimated \$3,000 is spent to repair the sea wall at the Venetian Court Apartments.	
2/10/1938	Storm winds	Winds up to 70 mph; 500 trees uprooted throughout county. Thunderous seas lashed the waterfront from Aptos to Capitola.	





# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1/04/1939, 10:30pm	Wind and waves	<p>Main damage to Capitola Beach Club at the Esplanade and Monterey Avenue. Water and sand carried into the structure and spread out over the dance floor to the bandstand.</p> <p>While the storm was still raging, thieves jimmied the back door of the club's tap room, and made away with two slot machines, along with the stands on which they had rested.</p> <p>Ocean also swept over the Esplanade during the night, and into town for a block-and-a-half, carrying sand and rocks, some 6-8 inches in diameter. Waves hit the front and sides of the pier. Sand and rocks were swept into lower terraces of the Venetian Court and covered porches of the casino on the waterfront, but did no serious damage.</p>	
1/8/1940, 9pm-Noon	Storm	<p>The "old Capitola casino" owned by Capitola Amusement Company was the principal victim of storm. Casino "capsized" shortly after 9 a.m. Plans for new structure announced immediately.</p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

# Timeline of Natural Hazard Events Impacting the City of Capitola


DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
		<p><i>Photo courtesy of Homer Berry</i></p>	
1/12/1940	Storm	Most rain "since 1890" reported.	
1/26/1940	Storm	"Shatters all records."	
2/27/1940	Severe Flood	<p>Logs pile against bridge in downtown Soquel and village floods. Landslides in watershed.</p>	

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## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
3/31/1940	Storm	"Wettest day in Santa Cruz history."	
12/23/1940	Storm	Flood conditions, winds	
2/09/1941	Near record storm		
4/2/1941	Severe Storm	Lasting many days Damage unknown	
4/15/1941	Earthquake	Santa Cruz is epicenter. No damage.	
6/02/1941	Earthquake	Sharp jolt	
6/18/1941		Capitola announces plans to lengthen flume	
12/09/1943	Gale winds	60-mile-an-hour winds create damage in county	
2/5/1945	Flood conditions	Local damage unknown	
April 1946	Tsunami	Earthquake in Aleutians produced 115-foot wave. Tsunami observed along the West Coast. A man was swept to sea in Santa Cruz. Ten-foot waves hit the coastline.	
1947-1949	Drought	Statewide	
8/01/1949	"Heaviest surf in 20 years"	18-foot waves recorded along the coast. Swimmer drowns in Santa Cruz.	


# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
<p>Winter 1953</p>	<p>Giant swells</p>	<p>Ocean side of building at the end of the Capitola Wharf smashed in by waves 20-30 feet at high tide. Six pilings broken off.</p>	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
4/15/1954	Earthquake	Falling plaster, broken chimneys, shattered dishes	
12/22/1955	Highest Flood	<p>At the Soquel Drive bridge in downtown Soquel, remains of a four-room house and five cabins joined the rubble that wedged against the bridge abutments, causing the bridge to collapse. Overall damage to property in Soquel and Capitola exceeded \$1 million. Capitola damage included the Venetian Courts. Noble Creek and Tannery Creek also flooded.</p> <p><i>Photos courtesy of Carolyn Swift</i></p>	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
5/2/1955	Erosion	<p>Sentinel: Capitola City Council Asks Cleanup Help</p> <p>“Believe it or not, a few people still occasionally throw garbage over the cliff, particularly along Grand Avenue. This not only creates health hazards, but also attracts rodents which burrow into and weaken the cliff, increasing the rate of cliff erosion....”</p> <p><i>Photos courtesy of Covello and Covello Photography.</i></p>	
4/3/1958	High Tide	<p>Esplanade smashed by tides. Andy Antonetti’s Merry-go-round damaged; horses are knocked off and washed down San Jose Avenue.</p> <p><i>Photo courtesy of Covello and Covello Photography.</i></p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

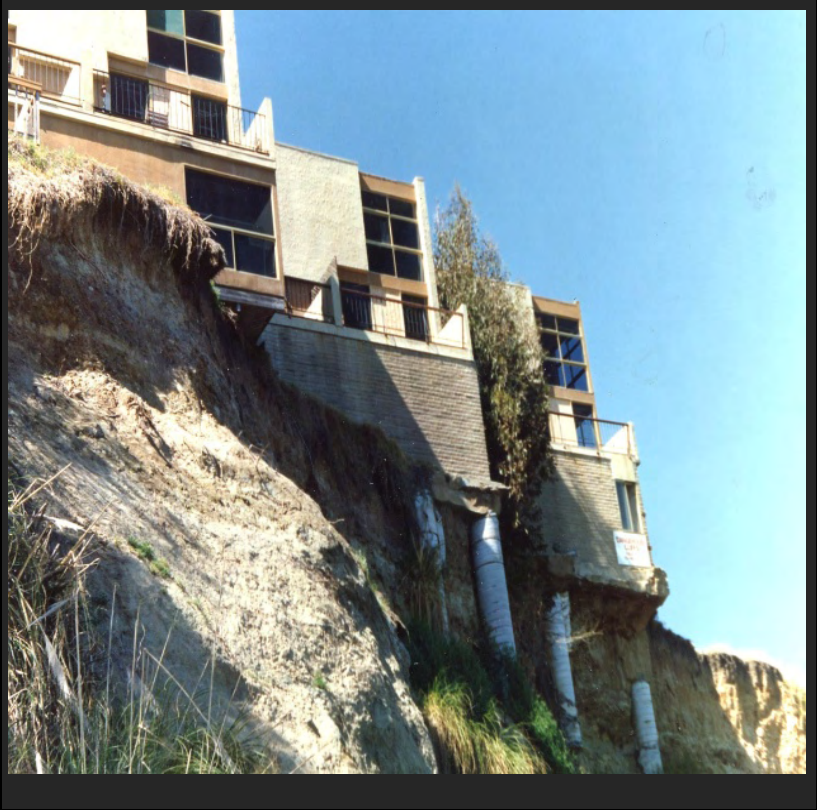


## Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
2/09/1960	Gale winds, heavy seas	<p>Power outages, slides, and winds 35-40 mph. Capitola hardest hit. Damage estimated at \$100,000. Ten Venetian Court apartments flooded. "A sign was ripped off the end of the wharf, rolled into a ball, and deposited into an apartment."</p> <p>Heavy waves smashed the beach restaurants, amusement concessions, and the merry-go-round. Rocks and logs strewn across the beach. Water pushed back under the Stockton Bridge, crushing the riverfront fences 100 yards on either side. An estimated \$5,000 in damage was done to the wharf building, but not much happened to the wharf itself. Cliffs crumbled on Grand Avenue.</p> <p>Police Chief Marty Bergthold called it "The worst storm in 15 years."</p> <p>A portion of Grand Avenue falls into the ocean.'</p> <p><i>15 people knocked to the ground by breakers. One woman injured.</i></p>	
Summer 1961	Birds fall from sky	<p>Sooty Shearwaters fall from the sky; they are affected by toxins from red algae. Birds cover streets, wharf, and beach. Alfred Hitchcock inspired to move ahead with filming "The Birds."</p>	

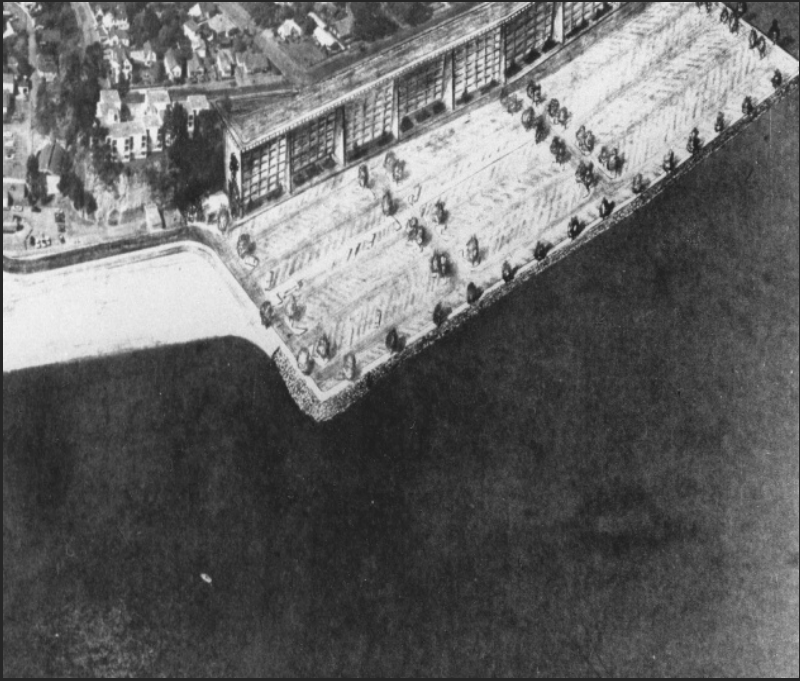



# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1963	Erosion	Capitola City Council votes to start condemnation proceedings against Harry Hooper to obtain 320 feet of Hooper Beach for erosion control to protect Cliff Drive, where a high rise development was planned.	
1963	Erosion	Capitola City Council considers construction of seawall to control erosion from Grand Avenue to New Brighton Beach. The filled in area would also provide parking for approximately 400 cars.	
Dec. 20, 1964	Erosion	<p>Construction begins on controversial Crest "prestige" 24-unit apartment house on the bay side of Grand Avenue on Depot Hill. Robert Lamberson, architect. Grand Avenue residents eventually sue the City over a disputed 10-foot setback for the project, which was built on a former park site at the top of the bluff. <i>Cost \$500,000.</i></p> <p>In the 1980s, several units facing the bay were removed due to cliff erosion.</p> <p><i>Photo courtesy of Minna Hertel.</i></p>	
12/20/1964	Flood threat	Storm and tide alarms City with a disappearing beach	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1/13/1965	Erosion	<p>Capitola considers feasibility study to build 370-foot seawall along Grand Avenue. Backfilling below Grand Avenue would be used for a 1,000-car parking lot.</p> <p>Developers expressed desire to lease portion of the parking lot for a three-story, 20 unit convention hotel with restaurant and cocktail bar, to be built along the Grand Avenue bluff.</p> <p>First step was to have the beach deeded to the city by the state.</p> <p><i>\$1,228,000 estimated cost for parking lot</i></p> <p><i>\$275,000 estimated cost for hotel.</i></p> <p><i>Photo courtesy of Covello and Covello Photography.</i></p>	
Summer 1965	Erosion	<p>Capitola requests help from the State Department of Water Resources to solve the problem of disappearing sand, due to "failure of Santa Cruz harbor officials to install a recommended sand by-pass at the harbor jetty.</p> <p><i>Photo courtesy of Al Lowry.</i></p>	



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## Timeline of Natural Hazard Events Impacting the City of Capitola


DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
Summer of 1965	Erosion	<p>Off-Shore parking lot plan revised. Parking lot to extend 430 feet out into the way from the cliffs south of Capitola beach for about 1,500 feet. A breakwater is planned to extend 600 feet south to the end of the high cliff area, to prevent cliff erosion. The parking lot would also be used as an "overnight parking unit" with commercial concessions for tourists. Project to cover ten acres reclaimed from the bay.</p> <p><i>Photo courtesy of Covello and Covello Photography.</i></p>	
December 1965	Storm	<p>The City replaced 21 pilings under the wharf that were weakened by the storm.</p> <p>Capitola officials fear that waves would smash the seawall which protected sewer lines that ran from Capitola's pumping station to the East Cliff Sanitation District plant.</p> <p>That winter, the county public works department offered 500 cubic feet of rock rubble to be placed against the seawall.</p>	

# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1966	Erosion	<p>Lifelong resident Violet Gooch hired Granite Construction to build a rip-rap wall at the base of the cliff at the end of the row of homes west of the wharf. (Hooper Beach)</p> <p><i>Photo courtesy of Covello and Covello Photography.</i></p>	
January 1967	Storm	Reported as heavy	
1968	Erosion	<p>Army Corps of Engineers begins work to construct a groin, completed the following spring. <i>Cost \$160,000.</i></p>	
January 1973	Storm	Beach littered with tons of driftwood after heavy rains.	
1975	Wind storm	40 knot winds downed trees and power lines.	
1976-77	Severe drought	Water conservation ordered	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1976	Strong winds	Winds downed power lines	
12/21/1976	High waves	Waves crash over wharf	
10/2/1979	High waves	At least eight sailboats were destroyed at Capitola during the morning. A powerful swell broke 15 boats from their moorings off the Capitola Wharf. The boats were pushed ashore by 12-to-20 foot waves that pounded the shoreline.	
Jan 1980	Flood	No damage reported	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1/16/1980	Earthquake	Epicenter of 3.6 magnitude quake in Corralitos	

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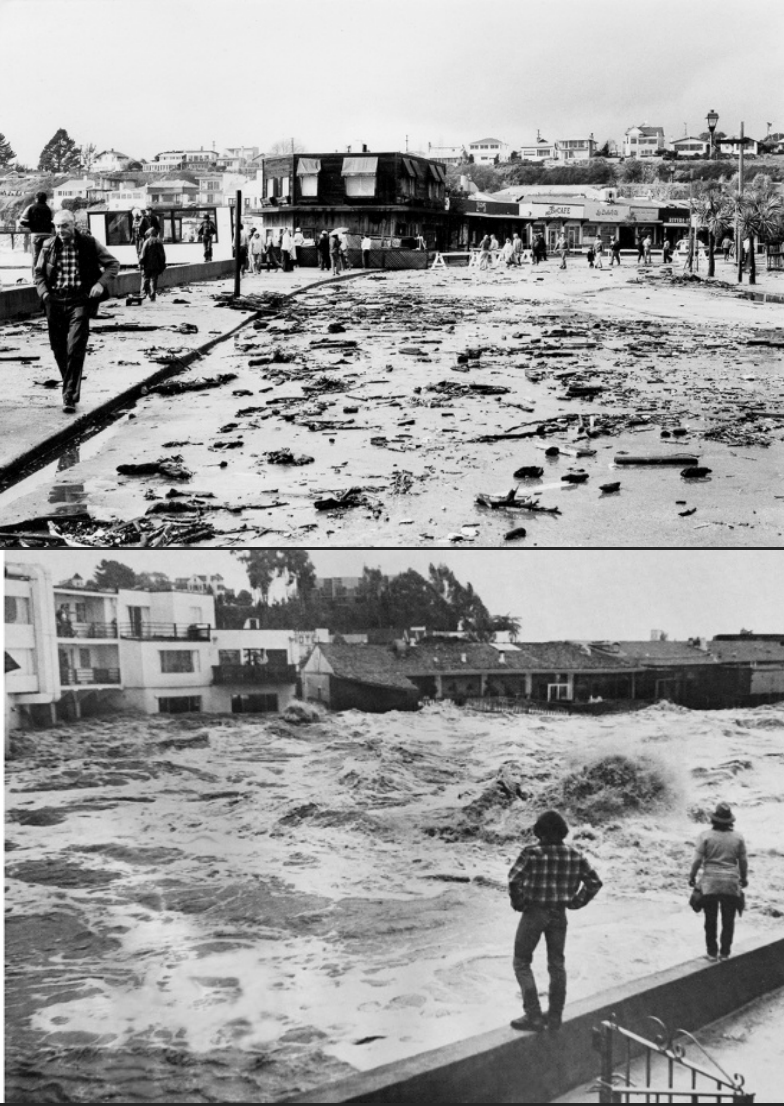
# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
<p>January 3-5, 1982</p>	<p>Flood</p>	<p>Torrential rainfall, floods, mudslides countywide. Soquel Creek overflowed and flooded Soquel. The logjam at the bridge was estimated to be nearly 100 yards wide and 25 feet high. In Capitola, damage was comparatively minimal. The roadway leading to the Stockton Avenue bridge was damaged. The bridge bulkhead was undercut. Several of the Venetian Court units were damaged and a portion of the seawall gave way.</p> <p><i>City officials estimated damage to public property at \$270,889.</i></p>	

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# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
12/17/1982	Storm	<p>Restaurant on the newly renovated Capitola Wharf is damaged in storm.</p>	
1/27/1983	High Tide	<p>Capitola Wharf buildings, the Venetian Courts, the former boathouse building (Mr. Toots Downstairs) and all other business of the Esplanade were flooded. Water extends down San Jose Avenue and Lawn Way. Huge logs and debris are scattered through town.</p> <p>The giant surf took out a 30-foot section of the wharf which had been renovated in 1982.</p> <p><i>Photos courtesy of Minna Hertel.</i></p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
		<p><i>Top photo courtesy of Minna Hertel; middle photo courtesy of Sandy Lydon.</i></p>	
<p>2/10/1983</p>	<p>High Tide</p>	<p>Surf rolls over the sea wall along the Esplanade. Water and debris extend as far as Capitola Avenue.</p> <p><i>(Photo courtesy of Minna Hertel)</i></p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

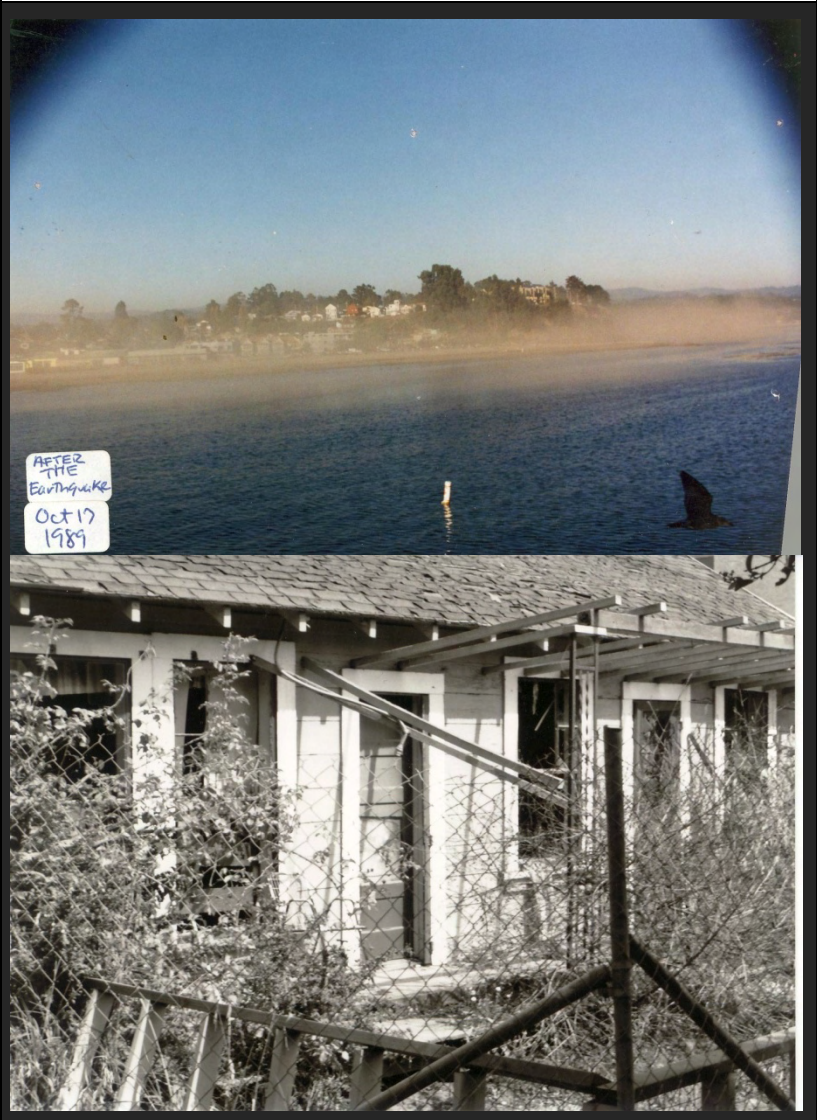


# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
			
3/1/1983	High Tide/strong winds	<p>Waves damaged the restaurant at the end of the wharf, crashed over beach wall and entered restaurants on the Esplanade, "but damage was nothing compared to the million-dollar loss suffered in January," said Capitola City Manager Steve Burrell.</p>	
2/15/1984	Erosion	<p>Even though planner Susan Tupper warned the plan might not be a lasting solution, Capitola City Council approved a plan to stabilize its crumbling cliffs by installing artificial seaweed—a series of floating plastic fronds anchored to a sand-filled tube. The intent was to capture sand that drifts down the coast each year, thereby building a sandy beach in front of the cliffs below Grand Avenue. The "ersatz" seaweed lasted until the next major storm and then drifted to sea. <i>Cost \$120,000.</i></p> <p>The cliff continues to erode at a rate of 12-18 feet per year.</p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
1987-1992	Drought	Severe drought, water conservation ordered.	
10/17/1989, 5:04pm, Duration of 15 Seconds	Earthquake	<p>Loma Prieta 6.9 mag earthquake with epicenter 3 miles north of Aptos. Comparatively, damage to Capitola homes and businesses was not as severe. Within the city, no buildings damaged and no one was injured physically.</p> <p><i>Damage countywide ultimately estimated to be about \$1 billion.</i></p> <p><i>(Top photo courtesy of Karen Nevis)</i></p>	 <p>The top photograph shows a coastal town with a bird in flight. A handwritten note on the photo reads "AFTER THE Earthquake Oct 17 1989". The bottom photograph shows a building with significant structural damage, including a collapsed roof section, viewed through a chain-link fence.</p>
March 1995	Flood	The creek rose near the village.	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)




# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
Winter 1996	Flood	Yards and basements of homes along both sides of Soquel Creek near the village were flooded.	
2007-2009	Drought	Water waste regulations strictly enforced; voluntary 15% conservation savings requested by local water providers.	
Winter 2008	High tide	<p>Old bathhouse/boathouse building (Margaritaville/Stockton Bridge Grill) battered by swells.</p> <p><i>(Photo courtesy of Karen Nevis)</i></p>	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)


# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
3/11/2011	Tsunami	Capitola Village received warnings, but no damage	
March 24 and 26, 2011	Noble Creek and Tannery Creek Floods	Noble Creek floods village; Tannery Creek rushes through New Brighton Parking lot and undermines the cliff roadway.	

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
			

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



# Timeline of Natural Hazard Events Impacting the City of Capitola

DATE	TYPE	IMPACT/PROPERTY DAMAGE	IMAGES
			

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## Appendix B – Detailed Critical Facilities Inventory

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Critical Facilities Inventory

Facility ID	Facility	Year Built	Type of Structure	Replacement Value	Contents Value	Occupancy	Facility Address
1	City Hall/Emergency Operations Center	1975	Government	\$8,000,000	\$750,000	30	420 Capitola Ave
1	Capitola Police Station	1975	Government	\$4,000,000	\$750,000	30	422 Capitola Ave
2	Central Fire Station #4		Government	\$3,000,000	\$100,000	20	405 Capitola Ave
3	Jade Street Community Center - Emergency Shelter and Police Antenna	1978	Government	\$3,000,000	\$200,000	varies	4500 Jade Street
4	New Brighton Gym and Performing Arts Center-- Emergency Shelter	1980	Government	\$2,500,000	\$75,000	varies	300 Washburn Ave
4	New Brighton School Performing Arts Center- Back-up Emergency Shelter	2010	Education	\$4,000,000	\$700,000	varies	300 Washburn Ave
5	Capitola Library -- Backup Emergency Operations Center	1990	Government	\$10,000,000	\$700,000	20	2005 Wharf Road
6	Capitola Corporation Yard	1980	Government	\$2,000,000	\$500,000		430 Kennedy Dr
7	Stockton Avenue Bridge	1934	Government	\$10,000,000	N/A	N/A	N/A
8	Capitola Wharf	1986	Government	\$20,000,000	\$300,000	N/A	1400 Wharf Rd
9	Capitola Beach Sea Wall	late 80's	Government	\$5,000,000	N/A	N/A	Capitola Beach
10	New Brighton State Park - staging area for emergency response	N/A	Government	N/A	N/A	N/A	McGregor Drive
11	Cliff Drive - at risk arterial (sea wall and road)	N/A	Government	\$8,000,000	N/A	N/A	Cliff Drive (Wharf Rd to Opal Cliff Dr)
12	Park Avenue - at risk arterial (sea wall and road)	N/A	Government	\$4,000,000	N/A	N/A	Park Ave (Wesley St to Coronado Ave)
13	Police Communications Antenna - Capitola Mall		Government	\$100,000	N/A	N/A	4400 Capitola Road
14	Police Communications Antenna-AAA Building		Government	\$100,000	N/A	N/A	1855 41st Ave
15	Noble Gulch Storm Pipe	1963	Utilities	\$10,000,000	N/A	N/A	426 Capitola Ave
16	38th Avenue Drainage Facility		Utilities	\$2,000,000	\$300,000	N/A	Brommer & 38th
17	Capitola Sewage Pump Station - Esplanade Park	1978	Utilities	\$10,000,000	\$800,000	N/A	104 Monterey Ave
18	Soquel Sewage Pump Station	1975	Utilities	\$10,000,000	\$1,700,000	N/A	N/A
19	Lawn Way Storm Drain Pump Station	2002	Utilities	\$500,000	N/A	N/A	N/A
20	Soquel Creek Water District Treatment Plant, Garnet Street		Utilities	\$2,000,000	\$700,000	N/A	4809 Garnet St
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue		Utilities	\$2,000,000	\$70,000	N/A	N/A
22	Soquel Creek Water District MacGregor Booster Pumping Station		Utilities	\$300,000	N/A	N/A	McGregor Drive
23	Capitola Beach Flume	1940	Government	\$2,000,000	N/A	N/A	Capitola Beach
24	Capitola Beach Jetty	1985	Government	\$3,000,000	N/A	N/A	Capitola Beach
25	Grand Avenue Cliffs	N/A	N/A	N/A	N/A	N/A	Grand Ave b/w Saxon and Oakland Ave
<b>Total</b>				<b>\$125,500,000</b>	<b>\$7,645,000</b>		

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Critical Facilities Inventory

Facility ID	Facility	Longitude	Latitude	Contact Person	Organization	Contact #	Generator
1	City Hall/Emergency Operations Center	121.57.12	36.58.28	Steve Jesberg	City of Capitola	831-475-7300	No
1	Capitola Police Station	121.57.12	36.58.28	Captain Andrew Dally	City of Capitola	831-475-4242	Yes
2	Central Fire Station #4	121.57.12	36.58.26	Chief Steve Hall	Central Fire Protection District	831-4796842	Yes
3	Jade Street Community Center - Emergency Shelter and Police Antenna	121.27.35	36.58.12	Elise LeGare	City of Capitola	831-475-5935	No
4	New Brighton Gym and Performing Arts Center-- Emergency Shelter	121.26.52	36.58.40	Steve Jesberg	City of Capitola	831-475-7300	No
4	New Brighton School Performing Arts Center- Back-up Emergency Shelter	121.26.52	36.58.40	Paul Rucker	Soquel Union School District	831-464-5639	No
5	Capitola Library -- Backup Emergency Operations Center	121.57.28	36.58.42	Jonell Jel'enedra	City of Capitola/SC Public Libraries	831-427-7705	No
6	Capitola Corporation Yard	121.56.44	36.59.01	Eddie Ray Garcia	City of Capitola	831-476-4227	No
7	Stockton Avenue Bridge	121.57.11	36.58.20	Steve Jesberg	City of Capitola	831-475-7300	No
8	Capitola Wharf	121.57.11	26.59.09	Steve Jesberg	City of Capitola	831-475-7300	No
9	Capitola Beach Sea Wall	121.57.02	36.58.18	Steve Jesberg	City of Capitola	831-475-7300	No
10	New Brighton State Park - staging area for emergency response	121.56.09	36.58.52	Charles Bockman	CA State Parks	831-247-3610	n/a
11	Cliff Drive - at risk arterial (sea wall and road)	121.57.19	36.58.12	Steve Jesberg	City of Capitola	831-475-7300	No
12	Park Avenue - at risk arterial (sea wall and road)	121.56.27	36.58.40	Steve Jesberg	City of Capitola	831-475-7300	No
13	Police Communications Antenna - Capitola Mall	121.57.39	36.58.24	Chief Steve Hall	City of Capitola	831-475-4242	Yes
14	Police Communications Antenna-AAA Building	121.57.59	36.58.37	Chief Steve Hall	City of Capitola	831-475-4242	Yes
15	Noble Gulch Storm Pipe	121.57.12	36.58.28	Steve Jesberg	City of Capitola	831-475-7300	No
16	38th Avenue Drainage Facility	121.58.01	36.58.11	Rachel Fatoohi	County of Santa Cruz	831-454-2160	No
17	Capitola Sewage Pump Station - Esplanade Park	121.57.00	36.58.19	Rachel Lather	SC County Sanitation	831-454-2160	Yes
18	Soquel Sewage Pump Station	121.57.25	36.58.48	Rachel Lather	SC County Sanitation	831-454-2160	Yes
19	Lawn Way Storm Drain Pump Station	121.57.03	36.58.20	Steve Jesberg	City of Capitola	831-475-7300	No
20	Soquel Creek Water District Treatment Plant, Garnet Street	121.57.26	36.58.19	Ron Duncan	Soquel Creek Water District	831-475-8500	Yes
21	Soquel Creek Water District Seawater Intrusion Prevention Well, Monterey Avenue	121.56.39	36.58.56	Ron Duncan	Soquel Creek Water District	831-475-8500	Yes
22	Soquel Creek Water District MacGregor Booster Pumping Station	121.56.08	36.59.00	Ron Duncan	Soquel Creek Water District	831-475-8500	Yes
23	Capitola Beach Flume	121.57.08	36.58.17	Steve Jesberg	City of Capitola	831-475-7300	No
24	Capitola Beach Jetty	121.56.59	36.58.17	Steve Jesberg	City of Capitola	831-475-7300	No
25	Grand Avenue Cliffs	121.56.50	36.58.23	Steve Jesberg	City of Capitola	831-475-7301	No
<b>Total</b>							

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Appendix C – **City of Capitola Coastal Climate Change  
Vulnerability Report (June 2017)**

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# City of Capitola

## Coastal Climate Change Vulnerability Report



Image: L. Engelking

JUNE 2017

CENTRAL COAST WETLANDS GROUP

MOSS LANDING MARINE LABS | 8272 MOSS LANDING RD, MOSS LANDING, CA



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**Prepared by**

Central Coast Wetlands Group at Moss Landing Marine Laboratories

**Technical assistance provided by**

ESA

Revell Coastal

The Nature Conservancy

Center for Ocean Solutions, Stanford University

**Prepared for**

City of Capitola

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Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

# Summary of Findings

This hazard evaluation is intended to provide a predictive chronology of future risks to benefit local coastal planning and foster discussions with state regulatory and funding agencies. Estimates of the extent of assets at risk of various climate hazards were made using best available regional data. This approach allows planners to understand the full range of possible impacts that can be reasonably expected based on the best available science, and build an understanding of the overall risk posed by potential future sea level rise. The hazard maps provide projected hazard zones for each climate scenario for each of the three planning horizons. For clarity, this report focuses the hazard analysis on a subset of those scenarios, recommended by local and state experts.

## Key findings for the City of Capitola include:

- Infrastructure closest to the beach will continue to be impacted by the force of waves, the deposition of sand, kelp and other flotsam, and by floodwaters that do not drain between waves.
- Infrastructure further inland is most vulnerable to flooding by a combination of ocean and riverine sources.
- Infrastructure identified as vulnerable to coastal flooding by 2030 is similar to that which is currently vulnerable.
- Total property values at risk from the combined hazards of coastal climate change for 2030 were estimated at \$200 million.
- Property value at risk may increase to \$275 million dollars by 2060. That value is reduced by approximately \$50 million dollars if current coastal armoring is replaced or upgraded.
- By 2060 use of all 12 public access ways may be restricted due to various coastal climate vulnerabilities.
- Projected flood water depths along the river walkway are estimated to be as much as 8 feet by 2060.
- Cliff Drive remains a key western access road into the downtown area and is vulnerable to cliff erosion by 2060 if coastal armoring is not replaced.
- By 2100 most of the beach may be lost due to higher sea levels and beach erosion if back beach structures are rebuilt in their current locations.

- As many as 221 properties are within the 2100 bluff erosion zone if protective structures are not maintained or replaced.
- By 2100 SLR and Fluvial models used in this analysis project that much of the downtown area may be periodically flooded during winter storms and high river discharges.
- By 2100 tidal inundation within portions of the downtown area may become a serious challenge, risking 23 residential and 23 commercial buildings to monthly flooding.
- By 2100, portions of Capitola may be too difficult and costly to protect from the combined hazards of Coastal Climate Change.

This study confirms that coastal flooding will remain a primary risk to low-lying areas of Capitola Village. This study also suggests that river flooding may be of greater risk to the community than previously realized and significant investments will be required to protect all public and private infrastructure from future erosion risks. Establishing strategic managed retreat policies early will likely best enable the long-term implementation of these policies and ensure long term sustainability for the community.

# 1. Introduction

## 1.1 Project Goals

This report was funded by The Ocean Protection Council through the Local Coastal Program Sea Level Rise Adaptation Grant Program. This grant program is focused on updating Local Coastal Programs (LCPs), and other plans authorized under the Coastal Act<sup>1</sup> such as Port Master Plans, Long Range Development Plans and Public Works Plans (other Coastal Act authorized plans) to address sea-level rise and climate change impacts, recognizing them as fundamental planning documents for the California coast.

This project will achieve three key objectives to further regional planning for the inevitable impacts associated with sea-level rise (SLR) and the confounding effects of SLR on fluvial processes within the City of Capitola. This project will:

1. Identify what critical coastal infrastructure may be compromised due to SLR and estimate when those risks may occur;
2. Identify how fluvial processes may increase flooding risk to coastal communities in the face of rising seas; and
3. Define appropriate response strategies for these risks and discuss with regional partners the programmatic and policy options that can be adopted within Local Hazard Mitigation Plan and LCP updates.

This report is intended to provide greater detail on the risks to the city from coastal climate change during three future time horizons (2030, 2060 and 2100). Risks to properties were identified using the ESA PWA Monterey Bay Sea Level Rise Vulnerability Study<sup>2</sup> layers developed in 2014 using funding from the California Coastal Conservancy.

The City of Capitola adopted a Hazard Mitigation Plan in May 2013.<sup>3</sup> This plan “identifies critical facilities that are vital to the city's and other local agencies' response during a natural disaster, particularly those that are currently vulnerable or at risk, assesses vulnerability to a variety of natural disasters

<sup>1</sup> State of California. California Coastal Act of 1976. <http://www.coastal.ca.gov/coactact.pdf>

<sup>2</sup> ESA PWA. 2014. Monterey Bay Sea Level Rise Vulnerability Study: Technical Methods Report Monterey Bay Sea Level Rise Vulnerability Study. Prepared for The Monterey Bay Sanctuary Foundation, ESA PWA project number D211906.00, June 16, 2014

<sup>3</sup> RBF and Dewberry. 2013. City of Capitola Local Hazard Mitigation Plan. Prepared for the City of Capitola.

(earthquake, flood, coastal erosion, etc.), and identifies needed mitigation actions.” Sea level rise is noted as a significant hazard to the city. The plan also sets goals to protect the city from sea level rise. Potential actions listed include integrating the results of this City of Capitola Coastal Hazards Vulnerability Report into the Local Hazard Mitigation Plan risk assessment and incorporating climate change risks and climate adaptation options into the general plan.

## 1.2 Study Area

The planning area for Capitola’s Local Coastal Program encompasses the Coastal Zone within the City of Capitola. However, because the vulnerability study includes a fluvial analysis for Soquel Creek, the study area for the purpose of this report extends outside of the Coastal Zone along Soquel Creek (Figure 1).

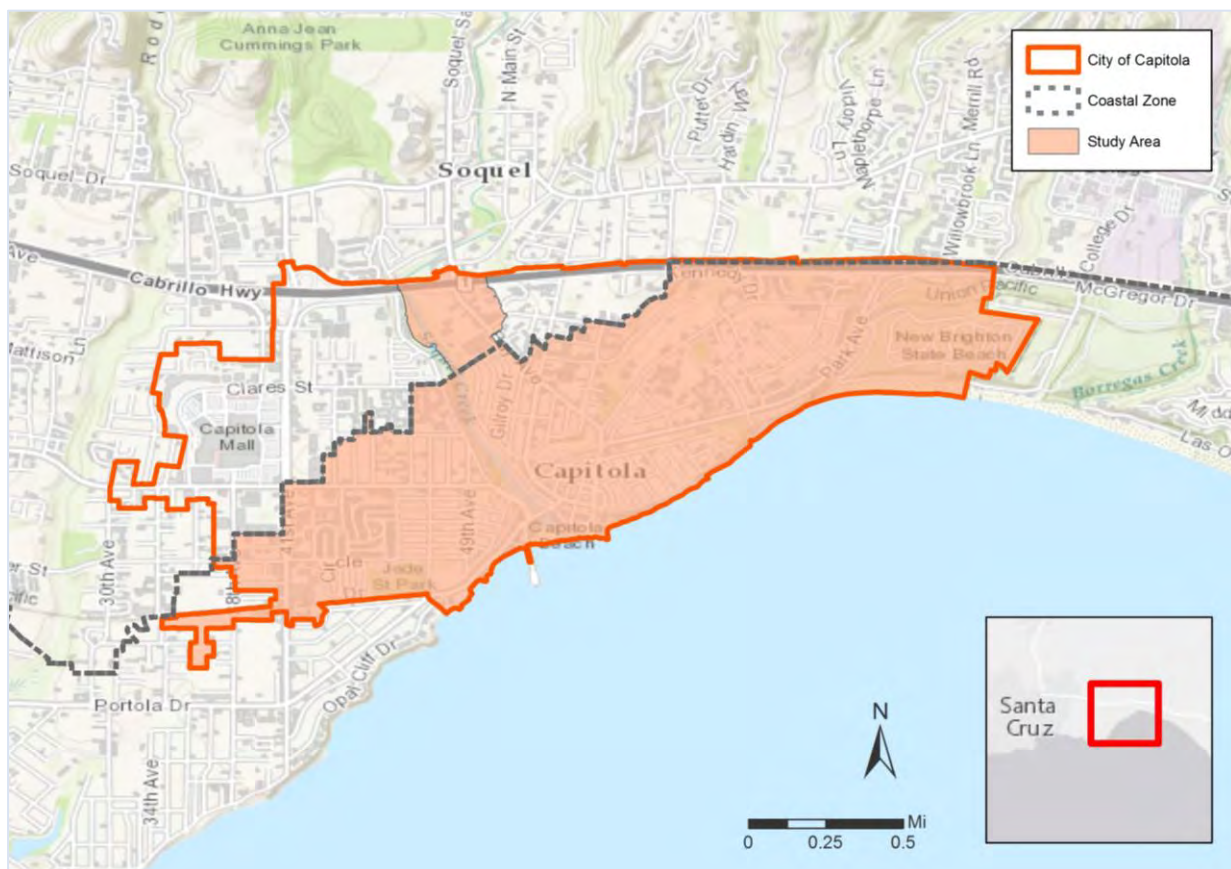


Figure 1. City of Capitola Vulnerability Assessment Study Area with Soquel Creek floodplain

## 2. Community Profile

### 2.1 Setting and Climate

Capitola is a small coastal city located in Santa Cruz County in California’s Monterey Bay Area (figure 1.). The town was founded in the late 1800’s first as a vacation resort. Capitola’s main beach is located at the mouth of the Soquel Creek, buffered by coastal cliffs and pocket beaches to the East and West. The Capitola Esplanade provides a pleasant stroll along a row of restaurants, historic homes and small shops and unique vistas of Monterey Bay. In September, Capitola hosts a number of beach front events (Begonia Festival and the Capitola Art & Wine Festival) along the Esplanade.

According to the United States Census Bureau<sup>5</sup>, the city has a total area of 1.7 square miles, of which 1.6 square miles is land and 0.1 square miles (5%) is water of Soquel Creek. Capitola’s climate is mild with summer temperatures in the mid-70s and winter temperatures in the mid-50s. Capitola has an average of 300 sunny days a year with low humidity for a coastal city. Average rainfall is 31 inches per year, with most of the rainfall occurring between November and April.<sup>4</sup>

### 2.2 Demographics

The community has a population of 10,189 residents, 52.4% female and 47.6% male. 80.3% identify as white, 1.2% identify as black, 4.3% identify as Asian, and 19.7% identify as Hispanic or Latino (of any race). The median household income is \$56,458, and 7.1% of the civilian workforce is unemployed, with 7.4% of people under the poverty line. 92.7% of people have a high school diploma, and 38.3% have a bachelor’s degree or higher.<sup>5</sup>

### 2.3 Community Resources and Assets

#### Land Use

**Critical Facilities:** Capitola’s Police and Fire Stations, as well as City Hall, are located downtown, in close proximity to the beach and the Village. Emergency shelters are located at Jade Street Community Center and New Brighton School, and the Public Library is used as a backup emergency response center. There are several storm and wastewater pump stations, one of which is located in Esplanade Park.

<sup>4</sup> National Oceanic and Atmospheric Administration. NowData – NOAA Online Weather Data. Retrieved from <http://w2.weather.gov/climate/xmacis.php?wfo=ilx> (Aug 6, 2016)

<sup>5</sup> United States Census Bureau. 2015. American Community Survey 5-Year Estimates. Retrieved from [https://factfinder.census.gov/faces/nav/jsf/pages/community\\_facts.xhtml](https://factfinder.census.gov/faces/nav/jsf/pages/community_facts.xhtml) (April 2, 2016)



## 2. Community Profile

**Capitola Village:** The downtown commercial and visitor serving district of Capitola supports about 45 tourist shops and 27 other businesses, 20 restaurants and 10 cafes, 4 hotels, and 30 vacation rentals (28 listed).<sup>6</sup> The Village is a true mixed-use district with a diversity of visitor-serving commercial establishments, public amenities, and residential uses.<sup>7,8</sup> Capitola has a popular beach and waterfront area, with the beach area used for tourism, junior lifeguarding, surfing, and more.

**Capitola Wharf:** The Wharf is a popular destination for fishermen. With its restaurant and great views of Capitola and the ocean, the wharf is popular with tourists and provides access to boat rentals and boat moorings offshore.

**Historical Buildings and Districts:** Based on a 1986 architectural survey of structures prior to 1936, that had retained architectural integrity, Capitola has approximately 240 buildings that “best represented traditional architectural styles locally or the community’s vernacular architecture.” As a result of the survey, three National Register Historic Districts were established in Capitola in 1987: Venetian Court District, Six Sisters/Lawn Way District, and Old Riverview Historic District.<sup>9</sup>

### Recreation and Public Access

**Beaches and Parks:** Capitola Beach is a popular tourist destination and is in close proximity to Capitola Village’s shops and restaurants, and the Capitola Wharf. The beach (averaging 5.8 acres of summer sand) supports numerous sports and community events including junior lifeguards program, surfing lessons, sand castle contests, volleyball and other beach activities. There are eight City parks in Capitola, totaling 18 acres, including Monterey Avenue Park, Noble Gulch Park, Peery Park, Soquel Creek Park, Jade Street Park and Esplanade Park. New Brighton State Beach is also located within Capitola.

**Coastal Access:** Defined coastal access points (with specific access ways to coastal resources) were mapped specifically for this project (Figure 2). There are two stairway coastal access ways and one partially paved ramp near the wharf that are used extensively by the public to reach Capitola beach. The low wall along the Venetian Court allows easy access to

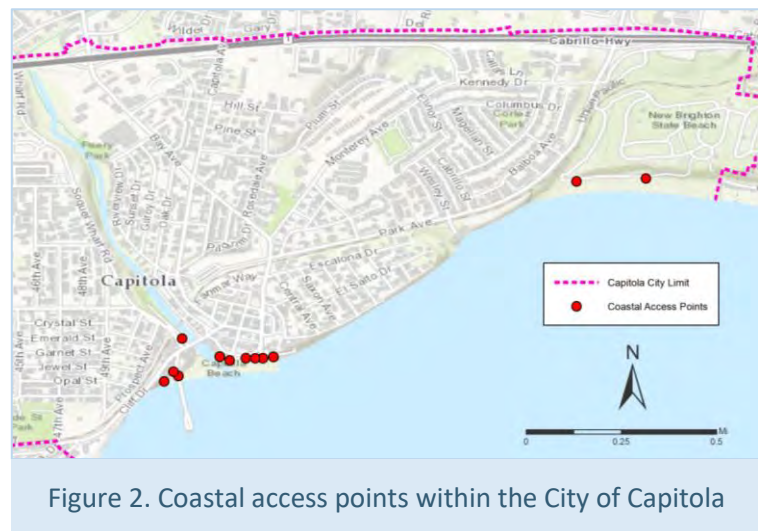


Figure 2. Coastal access points within the City of Capitola

<sup>6</sup> Capitola Village Business Industry Association. Capitola Village. Retrieved from [www.capitolavillage.com](http://www.capitolavillage.com) (March 2, 2016)

<sup>7</sup> City of Capitola. 2014. Capitola General Plan.

<sup>8</sup> For the purpose of this analysis Capitola building land use was cross-walked with Santa Cruz County and Monterey County land uses so that the analysis could be consistent between jurisdiction, however many of the buildings in the village are actually designated as mixed-use by the City of Capitola.

<sup>9</sup> Swift, C. 2004. Historical Context Statement for the City of Capitola. Prepared for City of Capitola Community Development Department.

the beach along its entire stretch. There are numerous access ways along the Esplanade, all of which can be blocked during winter storms to restrict incoming waves.

**Public Visitor Parking:** Public parking is distributed throughout the community and includes metered parking along the Esplanade and other downtown streets, several parking lots within the downtown area, and parking lots located within Noble Gulch and above City Hall.

**Coastal Trail:** The Coastal Trail in Capitola runs along the railroad track and the coastline.

## Transportation

**Roads:** Some of the main roads in Capitola Village include Monterey Ave, Cliff Drive, Wharf Road, Stockton Avenue, and the Esplanade. The Stockton Bridge crosses Soquel Creek and connects the cliffs to the Village.

**Summer Shuttle:** There is a free weekend summer shuttle that transports people from parking lots to the beach.

**Railroad:** The railroad through Capitola has been closed to passengers since the 1950s but was recently purchased by the county to provide pedestrian, bike and rail opportunities in the future.<sup>10</sup> The railroad trestle bridge crosses Soquel Creek north of Stockton Bridge.

## Natural Resources

**Wetland:** Soquel Creek and Noble Creek are mapped as Riverine systems by the National Wetland Inventory. The mouth of the creek is mapped as an Estuarine and Marine Wetland.<sup>11</sup>

**Kelp Forest:** Kelp forests persist offshore of Capitola and provide valuable habitat and fishing opportunities within a short boat ride of the wharf.

**Critical Habitat:** The Soquel Creek is home to several endangered species such as Steelhead Trout and Coho Salmon.<sup>12</sup> Restoration efforts are underway to help these populations recover.

## Utilities

**Water Infrastructure:** The City of Capitola has extensive below ground drinking water, storm drain and wastewater infrastructure within the areas identified as vulnerable. There is a wastewater pump station located next to the Esplanade Park restroom. Storm drain structures discharge to the river and beach.

<sup>10</sup> Whaley, D., Santa Cruz Trains, Capitola. retrieved from: <http://www.santacruztrains.com/2014/11/capitola.html> (July 8, 2016)

<sup>11</sup> US Fish and Wildlife Service. National Wetland Inventory. Retrieved from <https://www.fws.gov/wetlands/Data/Mapper.html> (July, 8, 2016)

<sup>12</sup> California Natural Diversity Database (CNDDDB). 2015. Records of Occurrence for Capitola USGS quadrangle. Sacramento, California. 2014. Retrieved from <http://www.dfg.ca.gov/biogeodata/cnddb/mapsanddata.asp> (October 2015)

**Utility Infrastructure:** PG&E electric and natural gas infrastructure data were not available for this study.

## 2.4 Historic Events

Capitola has experienced many coastal flooding events caused by high wave action during winter high tides. Table 1 provides a list of these storms. The 1982-1983 El Niño was an extreme example of the periodic impacts this coastal community faces from severe winter storms (Figure 3).

Historical flooding from the river is well documented, including the December 1931 flood, which is depicted as:

*“Soquel “River” widens to sixty feet, the highest since 1890, damaging property in Soquel and all the way to the mouth at Capitola. Orchards are lost with the rapid rise of water. Hundreds gather to watch the tides batter the concessions at the beach. There is a “vortex of water where the river and sea meet.” The waterfront is piled high with flood debris thrown back up the beach.”<sup>13</sup>*

On March 26, 2011, a large flood event occurred on the Noble Creek causing a subsurface storm drain pipe to fail during a large winter storm, causing creek waters to flow down Noble Gulch, flooding the downtown commercial district. Commercial and residential properties, including the fire and police stations, were flooded, leading to significant costs for repair.



Figure 3. January 23rd, 1983: high tide, high river flow event in Capitola. (Photo: Minna Hertel)

<sup>13</sup> City of Capitola Historical Museum. 2013. Capitola Local Hazard Mitigation Plan, Appendix A: Timeline of Natural Hazard events impacting the City of Capitola

## 2. Community Profile

Table 1. Major Floods in Soquel and Capitola Villages 1890 to Present  
(adapted from Appendix A of the Capitola Hazard Mitigation Plan)

NEWSPAPER DATE	HAZARD	DESCRIPTION OF DAMAGE
1862	Flood	Major event—Soquel village inundated; mills, flumes, school, town hall, houses and barns were destroyed. Massive pile of debris went out to sea and then washed ashore at Soquel Landing
1890	Flood	Capitola floods, footbridge and span of wagon bridge destroyed. Esplanade flooded
1906	Flood	Buildings from Loma Prieta Lumber Company camp above Soquel are destroyed. Debris at Capitola.
1913	Storms and Tide	Waves ran across the beach to the Esplanade and water spread “clear to the railroad tracks.” Union Traction Company racks covered with sand. Water reached the Hihn Superintendent’s Building (Capitola and Monterey Avenues), and waves were described as “monster.” About 200 feet of wharf washed away.
1914	Flood	Flood along Soquel Creek
1926	High Tide	High Tide: Waves to 20 feet. Wharf damaged. Sea wall promenade broken at Venetian Courts. Apartments flooded. Breakers slammed into Esplanade, destroying boathouse/bathhouse, beach concessions. Tide hits the second floor of Hotel Capitola. Water runs a foot deep through village
1931	Storm and High Tide	Soquel “River” widens to sixty feet, the highest since 1890, damaging property in Soquel and all the way to the mouth at Capitola. The creek cuts across the beach and moves sand below the new outlet.
1935	Flood	Capitola Village floods; thirty feet of the sea wall is taken out. Beach playground disappears. Venetian Courts hit hard but damage minimal.
1940	Flood	Logs pile against bridge in downtown Soquel and village floods. Landslides in watershed.
1955	Flood	Capitola exceeded \$1 million damage including the Venetian Courts. Noble Creek and Tannery Creek also flooded.
1982-1983	El Nino Storm and High Tide	Early winter storms initiated erosion and left the beaches eroded and vulnerable to subsequent storms in January-February 1983.
1995	Flood	The creek rose near the village.
1997-1998	Flood	Yards and basements of homes along both sides of Soquel Creek near the village were flooded.
2011	Flood	Noble Creek floods village; Tannery Creek rushes through New Brighton State Park parking lot and undermines the cliff roadway within the State Park

## 2.5 Coastal Protection Infrastructure and Management

There are 1.2 miles of sea walls and rip-rap that protect coastal structures from winter storms and wave impacts. Capitola's downtown commercial district is currently protected from winter storms by low hip-walls along the Esplanade and Venetian Court and a large concrete wall that protects portions of the eastern cliff from erosion. Two rip-rap groins on the east end of the beach lay perpendicular to the Esplanade and help accumulate sand and increase the width of the beach. Rip-rap protects the cliffs west of the wharf and concrete walls maintain the edge of the creek under restaurants along the Esplanade (Figure 4). Table 2 outlines the existing coastal armoring that helps protect Capitola from coastal hazards.

The Soquel River mouth lagoon is actively managed to minimize flooding during the winter and maximize recreational opportunities during the summer. The river mouth is closed before Memorial Day and remains closed (draining excess flow through the concrete spillway) until after Labor Day. The river is mechanically breached in the fall to reconnect the lagoon with the ocean and prepare for increased flows during winter storms. The lower 2000 feet of the river are channelized and restricted by a combination of wood and concrete channel walls. Private yards and a public access trail parallel the channel from the Stockton Ave Bridge inland 800 feet to the Noble creek culvert and Blue Gum Ave.

Table 2. Inventory of Existing Coastal Protection Structures in Capitola

STRUCTURE LOCATION	TYPE OF STRUCTURE	PUBLIC OR PRIVATELY OWNED
Grand Ave, eastern end of promenade, below Crest apartment	Retaining wall	Public
Grand Ave, eastern end of promenade, below Crest apartment	Concrete wall	Private
Esplanade, seaward of road and parking lot	Concrete wall	Public
Esplanade, in front of restaurant	Revetment	Public
Esplanade, in front of Zeldas at inlet of river	Revetment	Public
Seaward of Venetian Court adjacent to Capitola Beach	Wall	Private
Cliff Drive, seaward of residences at beach	Revetment	Private
Cliff Drive, at the top of coastal bluff underneath recreation path	Retaining wall	Public
Cliff Drive, seaward of road at base of bluff	Revetment	Public
Opal Cliff Drive, seaward of residence on the upper portion of bluff	Surface armor	Private
Grove Lane, base of cliff	Revetment	Private



COASTAL PROTECTIONS

Sea Wall in front of Esplanade Park



Hip wall in front of the Venetian



Rip rap against cliff below Cliff Drive



Rip rap along Capitola Beach looking West



Hip wall in front of Village Center restaurants



Jetty off Capitola Beach looking East



Hip wall in front of the Esplanade



The coastal protection structures within Capitola are of various ages, conditions and levels of service. The current condition of these structures (sea walls, rip-rap and groins) was evaluated with the intent of estimating the expected future lifespan of these structures.

Observational data were collected for the dominant structures along the city coastline. The technical team determined that these field observations can be used to provide some estimate of future life expectancy, but not at a level of certainty any more precise than assuming that all current coastal protection infrastructure will need to be replaced or significantly improved at some point between 2030 and 2060.

Figure 4. Coastal Protection Structures around the City of Capitola  
(Photos: Ross Clark and Sarah Stoner-Duncan)



## 3. Projecting Impacts

### 3.1. Disclaimer: Hazard Mapping and Vulnerability Assessment

#### Funding Agencies

The hazard GIS layers were created with funding from The Coastal Conservancy and this Vulnerability Analysis was prepared with funding from the Ocean Protection Council. The results and recommendations within these planning documents do not necessarily represent the views of the funding agencies, its respective officers, agents and employees, subcontractors, or the State of California. The funding agencies, the State of California, and their respective officers, employees, agents, contractors, and subcontractors make no warranty, express or implied, and assume no responsibility or liability, for the results of any actions taken or other information developed based on this report; nor does any party represent that the uses of this information will not infringe upon privately owned rights. These study results are being made available for informational purposes only and have not been approved or disapproved by the funding agencies, nor has the funding agencies passed upon the accuracy, currency, completeness, or adequacy of the information in this report. Users of this information agree by their use to hold blameless each of the funding agencies, study participants and authors for any liability associated with its use in any form.

#### ESA PWA Hazard Layers

This information is intended to be used for planning purposes only. Site-specific evaluations may be needed to confirm/verify information presented in these data. Inaccuracies may exist, and Environmental Science Associates (ESA) implies no warranties or guarantees regarding any aspect or use of this information. Further, any user of this data assumes all responsibility for the use thereof, and further agrees to hold ESA harmless from and against any damage, loss, or liability arising from any use of this information. Commercial use of this information by anyone other than ESA is prohibited.

#### CCWG Vulnerability Assessment

This information is intended to be used for planning purposes only. Site-specific evaluations may be needed to confirm/verify information presented in these data. Inaccuracies may exist, and Central Coast Wetlands Group (CCWG) implies no warranties or guarantees regarding any aspect or use of this information. Further, any user of this data assumes all responsibility for the use thereof, and further agrees to hold CCWG harmless from and against any damage, loss, or liability arising from any use of this information. Commercial use of this information by anyone other than CCWG is prohibited.

## Data Usage

These data are freely redistributable with proper metadata and source attribution. Please reference ESA PWA as the originator of the datasets in any future products or research derived from these data. The data are provided "as is" without any representations or warranties as to their accuracy, completeness, performance, merchantability, or fitness for a particular purpose. Data are based on model simulations, which are subject to revisions and updates and do not take into account many variables that could have substantial effects on erosion, flood extent and depth. Real world results will differ from results shown in the data. Site-specific evaluations may be needed to confirm/verify information presented in this dataset. This work shall not be used to assess actual coastal hazards, insurance requirements or property values, and specifically shall not be used in lieu of Flood Insurance Studies and Flood Insurance Rate Maps issued by FEMA. The entire risk associated with use of the study results is assumed by the user. The Monterey Sanctuary Foundation and ESA shall not be responsible or liable to you for any loss or damage of any sort incurred in connection with your use of the report or data."

## 3.2. Coastal Hazard Processes

The ESA coastal hazard modeling and mapping effort<sup>14</sup> led to a set of common maps that integrate the multiple coastal hazards projected for each community (i.e. hazards of coastal climate change). There is however a benefit to evaluating each hazard (or coastal process) separately. Two important limitations of the original hazard maps were addressed within this focus effort for Capitola. ESA was contracted for this project to model the combined effects of rising seas and increased winter stream flows due to future changes in rainfall. CCWG staff further accounted for reductions in potential hazards provided by current coastal protection infrastructure (see section 3.4). This refinement of coastal hazard mapping helped to better understand the future risks Capitola may face from each coastal hazard process.

Each modeled coastal process will impact various coastal resources and structures differently. This report evaluates the risks to infrastructure from each coastal hazard process for each time horizon. The following is a description of the hazard zone maps that were used for this analysis. For more information on the coastal processes and the methodology used to create the hazard zones please see the Monterey Bay SLR Vulnerability Assessment Technical Methods Report.<sup>15</sup>

### FEMA

FEMA flood hazard maps are used for the National Flood Insurance Program and present coastal and fluvial flood hazards. These flood maps were used to identify current hazards as defined by FEMA. These maps, however, are believed to underestimate coastal flood hazards for future time horizons.

### Combined Hazards

CCWG merged the coastal hazard layers provided by ESA to create a new combined hazard layer for each planning horizon (2030, 2060 and 2100). These merged layers represent the combined vulnerability zone for "Coastal Climate Change" for each time horizon. Projections of the combined hazards of Coastal

<sup>14</sup> ESA PWA. 2014. Monterey Bay Sea Level Rise Vulnerability Assessment Technical Methods Report

<sup>15</sup> Ibid.

Climate Change are intended to help estimate the cumulative effects on the community and help identify areas where revised building guidelines or other adaptation strategies may be appropriate. Combined hazards however, do not provide municipal staff with the necessary information to select specific structural adaptation responses. Therefore, this study also evaluates the risks associated with each individual coastal hazard.

### Rising Tides

These hazard zones show the area and depth of inundation caused simply by rising tide and ground water levels (not considering storms, erosion, or river discharge). The water level mapped in these inundation areas is the Extreme Monthly High Water (EMHW) level, which is the high water level reached approximately once a month. There are two types of inundation areas: (1) areas that are clearly connected over the existing digital elevation through low topography, (2) and other low-lying areas that don't have an apparent connection, as indicated by the digital elevation model, but are low-lying and flood prone from groundwater levels and any connections (culverts, storm drains and underpasses) that are not captured by the digital elevation model. This difference is captured in the "Connection" attribute (either "connected to ocean over topography" or "connectivity uncertain") in each Rising Tides dataset. These zones do not, however, consider coastal erosion or wave overtopping, which may change the extent and depth of regular tidal flooding in the future. Projected risks from rising tides lead to reoccurring flooding hazards during monthly high tide events.

### Coastal Storm Flooding

These hazard zones depict the predicted flooding caused by future coastal storms. The processes that drive these hazards include (1) storm surge (a rise in the ocean water level caused by waves and pressure changes during a storm), (2) wave overtopping (waves running up over the beach and flowing into low-lying areas, calculated using the maximum historical wave conditions), and (3) additional flooding caused when rising sea level exacerbate storm surge and wave overtopping. These hazard zones also take into account areas that are projected to erode, sometimes leading to additional flooding through new hydraulic connections between the ocean and low-lying areas. These hazard zones do NOT consider upland fluvial (river) flooding and local rain/run-off drainage, which likely play a large part in coastal flooding, especially around coastal confluences where creeks meet the ocean. Storm flood risks represent periodic wave impact and flooding.

### Cliff and Dune Erosion

These layers represent future cliff and dune (sandy beach) erosion hazard zones, incorporating site-specific historic trends in erosion, additional erosion caused by accelerating sea level rise and (in the case of the storm erosion hazard zones) the potential erosion impact of a large storm wave event. The inland extent of the hazard zones represents projections of the future crest of the dunes, or future potential cliff edge, for a given sea level rise scenario and planning horizon. Erosion can lead to a complete loss of habitat, infrastructure and/or use of properties.

### Fluvial Flooding

An additional river flooding vulnerability analysis was done as part of this study to evaluate the cumulative impacts of rising seas and future changes in fluvial discharge due to changes in rainfall within the Soquel watershed. The ESA modeling team expanded hydrologic models of the Soquel watershed provided by the County to estimate discharge rates under future climate scenarios. The fluvial model estimates localized flooding along the Soquel Creek when discharge is restricted by future high tides. The model results are presented here and reviewed within the separate Fluvial Report by ESA.<sup>16</sup>

### 3.3. Scenario Selection and Hazards

The California Coastal Commission guidance document<sup>17</sup> recommends all communities evaluate the impacts from sea level rise on various land uses. The guidance recommends using a method called “scenario-based analysis” (described in Chapter 3 of this Guidance). Since sea level rise projections are not exact, but rather presented in ranges, scenario-based planning includes examining the consequences of multiple rates of sea level rise, plus extreme water levels from storms and El Niño events. As recommended in the Coastal Commission guidance, this report uses sea level rise projections outlined in the 2012 NRC Report, *Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future*<sup>18</sup> (Figure 5). The goal of scenario-based analysis for sea level rise is to understand where and at what point sea level rise and the combination of sea level rise and storms, pose risks to coastal resources or threaten the health and safety of a developed area. This approach allows planners to understand

the full range of possible impacts that can be reasonably expected based on the best available science, and build an understanding of the overall risk posed by potential future sea level rise. The coastal climate change vulnerability maps used for this study identify hazard zones for each climate scenario for each of the three planning horizons. For clarity, this report focuses the hazard analysis on a subset of those scenarios,

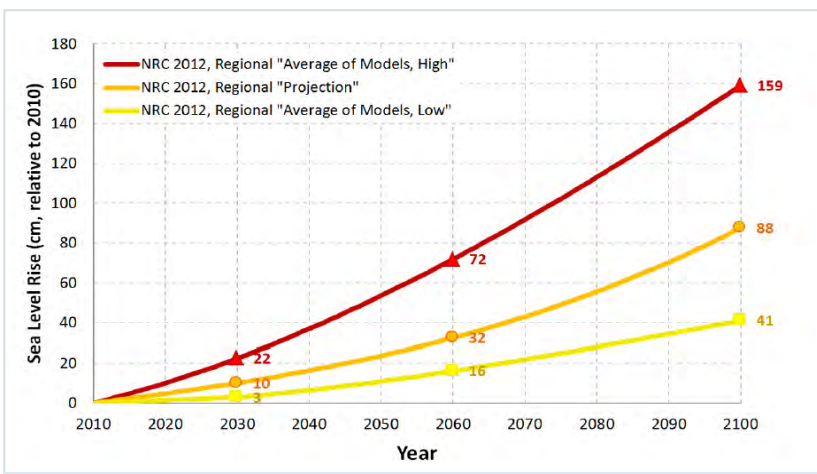


Figure 5. Sea Level Rise scenarios for each time horizon (Figure source: ESA PWA 2014)

<sup>16</sup> ESA. 2016. Climate Change Impacts to Combined Fluvial and Coastal Hazards. May 13, 2016.

<sup>17</sup> California Coastal Commission. 2015. California Coastal Commission Sea Level Rise Policy Guidance: Interpretative Guidelines for Addressing Sea Level Rise in Local Coastal Programs and Coastal Development Permits. Adopted August 12, 2015.

<sup>18</sup> National Research Council (NRC). 2012. Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future. Report by the Committee on Sea Level Rise in California, Oregon, and Washington. National Academies Press, Washington, DC. 250 pp.

recommended by local and state experts (Table 3).

The Coastal Commission recommends all communities evaluate the impacts of the highest water level conditions that are projected to occur in the planning area. Local governments may also consider including higher scenarios (such as a 6.6 ft (2m) Scenario) where severe impacts to Coastal Act resources and development could occur from sea level rise. We use a similarly high scenario of 1.59m with an increase in projected storm intensity for this analysis (Table 3). In addition to evaluating the worst-case scenario, planners need to understand the minimum amount of sea level rise that may cause impacts for their community, and how these impacts may change over time.

Table 3. Sea level rise scenarios selected for analysis

TIME HORIZON	EMISSIONS SCENARIO	SLR	NOTES
2030	med	0.3 ft (10 cm)	Erosion projection: Includes long-term erosion and the potential erosion of a large storm event (e.g. 100-year storm)
2060	high	2.4 ft (72 cm)	Erosion projection: Includes long-term erosion and the potential erosion of a large storm event (e.g. 100-year storm) Future erosion scenario: Increased storminess (doubling of El Niño storm impacts in a decade)
2100	high	5.2 ft (159 cm)	Erosion projection: Includes long-term erosion and the potential erosion of a large storm event (e.g. 100-year storm) Future erosion scenario: Increased storminess (doubling of El Niño storm impacts in a decade)

### 3.4. Assumptions and Modifications to ESA Hazard Zones

#### Coastal Armoring

The ESA coastal hazard projections do not account for the protections that existing coastal armoring provide. The areas identified as vulnerable by the original coastal erosion ESA GIS layers overestimate future hazard zones (as recognized within the ESA supporting documentation). A GIS layer of existing coastal armoring was referenced within this analysis to recognize areas where some level of protection currently exists.<sup>19</sup>

To account for the protections provided by coastal armor, properties and structures located behind those structures were in most cases reclassified as protected from erosion for the 2030 erosion vulnerability analysis. Coastal flooding layers, however, did account for the height of coastal structures (hip walls etc.) and estimate wave overtopping and flooding that may occur with those structures in place. Some structures were therefore identified as protected from coastal erosion and vulnerable to coastal flooding.

<sup>19</sup> California Coastal Commission. 2014. GIS layer of existing coastal armor structures in Santa Cruz County.

Because the life span of coastal infrastructure is limited, this vulnerability analysis assumes that all existing coastal protection infrastructure will fail and may need to be removed, replaced or significantly redesigned at some point between 2030 and 2060. If these structures are removed once they fail, erosion will accelerate and quickly meet projected inland migration rates (as documented at Stilwell Hall, Fort Ord) unless protective measures are implemented. Therefore, the vulnerability analysis for the 2060 and 2100 planning horizons assumes that current coastal armoring will no longer function and that the modeled hazard zone layers provided by the ESA technical team fully represent future hazards for these time horizons.

### Erosion

Cliff erosion and dune erosion were originally two sets of separate coastal hazard layers provided by ESA-PWA. Cliff erosion was characterized as erosion of mudstone cliff sides generally along the Santa Cruz County coastline. Whereas dune erosion was characterized as erosion of sandy slopes predominantly found along the Monterey Bay coastline. Since these two hazards were functionally different and spatially separate, it was decided to merge them into one set of 'Erosion' coastal hazard process layers using the 'Merge' tool within ArcGIS. Therefore, for each time horizon both cliff erosion and dune erosion impact zones were combined into a single erosion impact zone. The 'erosion' coastal hazard series was used throughout the analysis and included in the tables. Erosion hazard layers were modified as described above to account for the protections provided by existing seawalls through 2030.

### Coastal Storm Flooding

The ESA hazard layers included cliff areas predicted to have eroded during previous time horizons as being vulnerable to coastal flooding hazards, because the land elevation within those areas was assumed to have been reduced due to that cliff erosion. For example, sections of cliff in Capitola that are projected to erode by 2060 (after coastal armoring is assumed to no longer function) are also projected to experience coastal flooding and wave over-topping within those newly eroded coastal areas. This is an accurate interpretation of the projected coastal processes but does not reflect the progression of asset losses. For simplicity, Cliff top assets predicted to be vulnerable to coastal flooding for the 2060 and 2100 planning are reported as vulnerable. This is likely inaccurate because those assets would likely no longer be present but lost due to previous impacts from coastal erosion.

To more accurately represent coastal flooding and wave over-topping vulnerabilities of low-lying assets behind coastal armoring for the Existing (2010) and 2030 planning horizons, assets located below the 20-foot topographic contour line along the base of existing cliffs were reported to be vulnerable.

## 3.5. Assets Used in Analysis

For this study, city infrastructure and assets were categorized as: Land Use and Buildings; Water and Utility Infrastructure; Recreation and Public Access; Transportation; Natural Resources and Other. GIS layers were obtained from data repositories, or created by the Central Coast Wetlands Group. In some cases, assets that were used in the analysis fell outside of the planning area and therefore were not



## 3. Projecting Impacts

included in this report. Further, several data layers that were intended to be used in this analysis were not available. Table 4 lists the assets used in the analysis.

Table 4. List of Data Layers used for Analysis

ASSET CATEGORY	ASSET	STATUS OF ASSET IN ANALYSIS
Land Use	Building footprints	Analyzed
	Commercial, Residential, Public, Visitor Serving	Analyzed
	Emergency Services: Hospitals, Fire, Police	Analyzed
	Schools, Libraries, Community Centers	Analyzed
	Parcels	Not used in analysis <sup>20</sup>
	Farmland	None in Planning Area
	Military	None in Planning Area
Water and Utilities	Historical and Cultural Designated Buildings	Analyzed, but not reported <sup>21</sup>
	Sewer Structures & Conduits	Analyzed
	Water Main Lines	Analyzed
	Gas	Unable to obtain for analysis
	Storm Drain Structures & Conduits	Analyzed
Recreation and Public Access	Tide gates	None in Planning Area
	Coastal Access Points	Analyzed
	Parks	Analyzed, but not reported <sup>22</sup>
	Beaches	Analyzed
	Coastal Trail	Analyzed
Transportation	Coastal Access Parking	Analyzed
	Roads	Analyzed <sup>23</sup>
	Rail	Analyzed
	Bridges	Analyzed
Natural Resources	Tunnels	None in Planning Area
	Wetlands	Analyzed
	Critical Habitat	Analyzed, but not reported <sup>24</sup>
Other	Dunes	None in Planning Area
	Hazmat cleanup sites, Landfills, etc.	None in Planning Area

<sup>20</sup> Building foot print layers were used instead of parcels maps to better project future structural vulnerabilities.

<sup>21</sup> The data are available but not reported within this document.

<sup>22</sup> The parks layer included acres of State Beaches as well as City Parks and was duplicative with the Beach impact analysis. City parks vulnerable to various hazards are listed within the text but not included in tabular form.

<sup>23</sup> All projected impacts to Hwy 1 were determined to be unreliable in this area due to the height of the roadway.

<sup>24</sup> Critical habitat data layers were not of high enough resolution to provide accurate estimates of impacts.

## 4. Combined Impacts of Coastal Climate Change

### 4.1 Background

Predicted storm driven hazards to the Capitola shoreline and low-lying areas was derived by compiling the geographic extend of hazard areas for a combination of different coastal processes. Waves can damage buildings through blunt force impact, often damaging exterior doors and window, railings, stairways and walkways. Waves that overtop beaches and coastal structures lead to flooding of low lying areas. Flooding is often exacerbated by coastal walls and malfunctioning storm drains that impede drainage of those waters back to the ocean. Future risks of flooding and wave damage may be magnified as higher local sea levels and greater wave heights combined with higher river discharges during winter storms. Greater wave impact intensity may cause greater damage to coastal structures and greater wave heights may extend risks of damage further inland as waves overtop coastal structures more intensively and propagate further up the Soquel Creek. These cumulative threats are termed within this document as the risks of “Coastal Climate Change.”<sup>25</sup>

### 4.2 Existing Vulnerability

#### FEMA

FEMA maps identify a large portion of the Capitola Village as vulnerable to riverine flooding during a 100-year flood event (Figure 6). Similar flooding occurred during the 2011 Noble Gulch event that flooded much of the downtown commercial district. A total of 262 mixed use buildings, more than 6,500 feet of roadway, 6,800 feet of storm drain pipe and 132 storm drain boxes are located within the FEMA hazard map 100-year flood zone (Table 5).

Flooding within the FEMA hazard map areas is expected to become more severe (although not currently recognized by FEMA) due to changing rainfall patterns associated with climate change. Future threats from increased river flows during these less frequent but more intense rain events were investigated within this project and are reported in Section 5.4.

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<sup>25</sup> This study did not investigate the risks from increased heat, decreases in water supply or increases in threats from fire that are also predicted for Santa Cruz County due to climate change.

#### 4. Combined Impacts of Coastal Climate Change

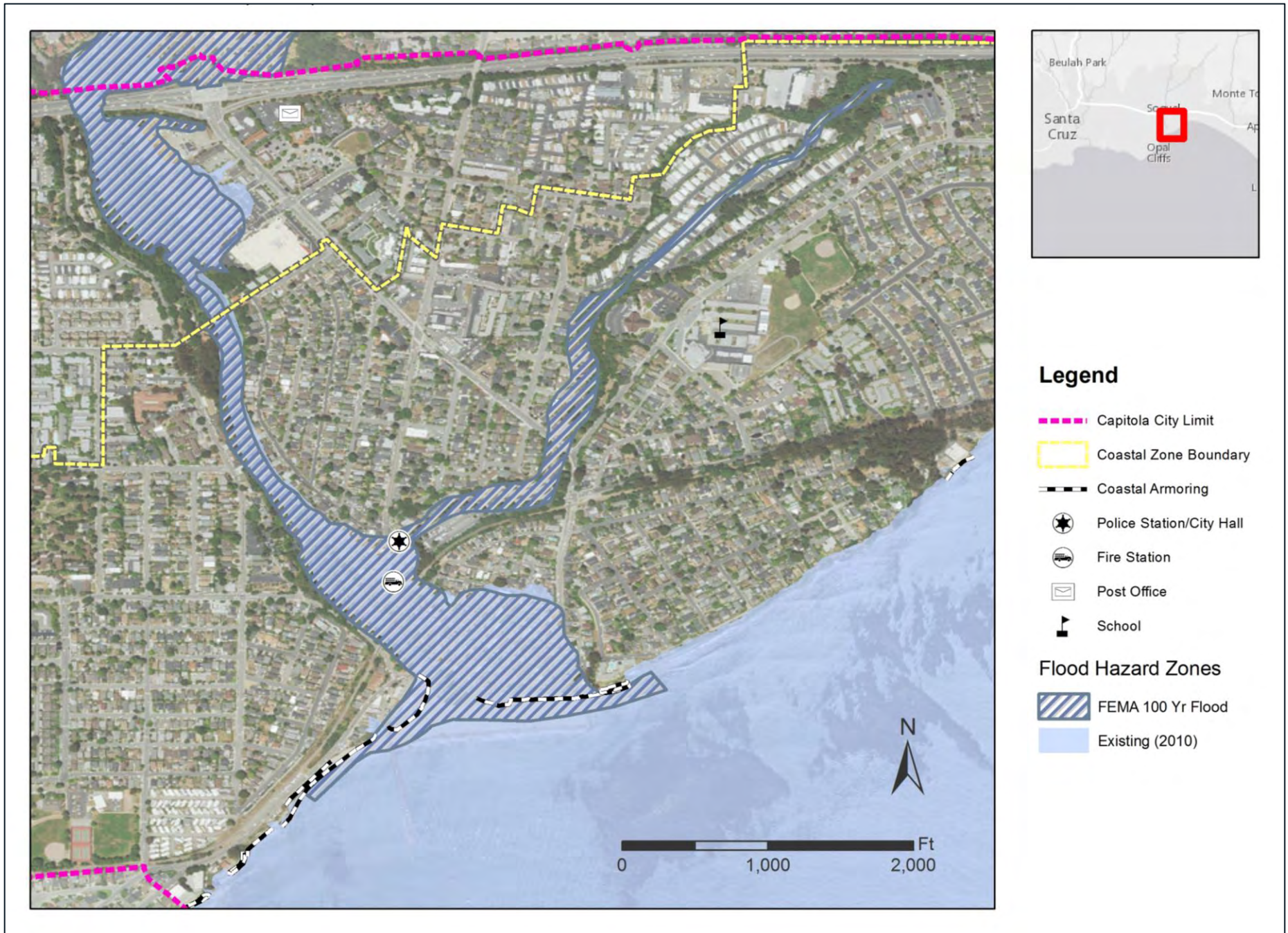
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##### Existing (2010 with Armoring)

The combined risks of Coastal Climate Change from current climatic conditions (2010 model year) were evaluated for Capitola (Figure 6). The ESA coastal hazard modeling results for the 2010 planning year overlay 62 residential and 134 commercial properties, suggesting they are presently vulnerable to the impacts of storm flooding, classified as Coastal Climate Change (Table 5).

To note, FEMA flood maps do not account for projected sea level rise which may lead to greater regularity of flooding than that FEMA 100-year flood zone identifies. Figure 6 compares assets that lie within the FEMA hazard zone and the modified 2010 combined coastal climate change hazard zone. Many of the additional residents that fall within the FEMA hazard zone are located further upstream along the river outside of the zone threatened by storm induced ocean swells. One of the main emergency service facilities (Capitola fire station) is within this flood hazard area, and was impacted during the 2011 flood. The police station falls outside of the ESA modeled existing (2010) hazard zone, but within the FEMA 100-year flood hazard zone. The station was also impacted during the 2011 flood.

Figure 6. Existing (2010) Flood Hazard Zone Compared to FEMA 100-Year Flood zone





## 4. Combined Impacts of Coastal Climate Change

Table 5. Existing Conditions Comparison between FEMA and Existing (2010) hazard layers.

ASSET	UNIT	TOTAL	FEMA	2010 (WITH ARMOR)
<b>Land Use and Buildings</b>				
Total Buildings	Count	3,025	262	206
Residential	Count	2,600	122	62
Commercial	Count	326	132	134
Public	Count	67	6	6
Visitor Serving	Count	15	2	4
Other	Count	17	0	0
Schools	Count	1	0	0
Post Offices	Count	1	0	0
Emergency Services	Count	2	2	0
<b>Transportation</b>				
Roads	Feet	119,994	6,651	6,473
Rail	Feet	8,503	496	422
Bridges	Count	4	3	3
<b>Recreation and Public Access</b>				
Beaches	Acres	5.8	3.9	6
Coastal Access Points	Count	12	9	11
Parking Lots	Acres	4	1	0.7
Coastal Trail	Feet	9,543	0	0
<b>Water and Utility Infrastructure</b>				
Storm Drain Structures	Count	667	132	160
Storm Drain Conduits	Feet	50,173	6,869	8,039
Sewer Structures	Count	472	59	55
Sewer Conduits	Feet	118,365	12,555	12,636
Water Mains	Feet	144,206	11,946	12,857
<b>Natural Resources</b>				
National Wetlands	Acres	16	10	16

### 4.3 Summary of Future Vulnerabilities by Planning Horizon

Due to climate change, the cumulative number of Capitola properties and infrastructure at risk increases as projected ocean water elevation and storm intensity increase (Table 6). There is a significant increase in the number of properties projected to be at risk of coastal climate change impacts after the 2030 planning horizon. This increase in vulnerability is driven by two assumptions made when interpreting the model outputs. First, by 2060 ocean levels are estimated to rise by 72 cm<sup>26</sup>, leading to a greater portion of the downtown area being vulnerable to flooding during winter storms. Flood waters in the downtown area are projected to be higher due to increased wave energy and higher tides pushing more water past current beachfront infrastructure. Some buildings within the downtown area at elevations that do not flood today may be affected by flooding in the future.

Secondly, the technical team determined that it is likely that all coastal protection infrastructure (sea walls, rip-rap, and groins) will need to be replaced or significantly improved at some point before 2060, and therefore the 2060 and 2100 coastal erosion analyses do not account for the protections provided by existing structures. Rather, the analysis accounts for the expected lifespan of coastal structures and assumes that future actions must be taken to replace structures if the community intends to protect structures from these projected hazards. This approach to future hazard analysis recognizes that current coastal armoring may continue to provide protection from wave impacts through 2030 but may fail prior to 2060.

#### 2030

For 2030, the vulnerability analysis was completed assuming that current coastal protective structures would still be present and functioning. A total of 219 buildings are vulnerable to coastal climate impacts by 2030, only 13 more properties than currently at risk (2010 vulnerability assessment). This suggests that current coastal protection infrastructure does not provide full protection from all future hazards.

More than 7,000 linear feet of roadway may be vulnerable to coastal climate change (primarily flooding) by 2030 and approximately 10% of sewer and storm drain infrastructure is within the identified hazard areas. Roads and utilities are not equally vulnerable to different coastal hazards (flooding, erosion etc.) and therefore the analysis of individual coastal hazards (Section 5) may be more useful for response planning.

#### 2060

By 2060, 113 residential buildings and 166 commercial mixed use buildings may become vulnerable to the combined effects of coastal climate change. Only 76 additional buildings are vulnerable to Coastal Climate Change by 2060 than are vulnerable in 2030 even though the 2060 vulnerability model no longer accounts for protections provided by current coastal armoring. Risks to roadways nearly double (in linear feet) by 2060, reflecting the predicted loss of protections provided by coastal armoring for Cliff

<sup>26</sup> National Research Council (NRC). 2012. Sea-Level Rise for the Coasts of California, Oregon, and Washington: Past, Present, and Future.



#### 4. Combined Impacts of Coastal Climate Change

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Drive. Upgraded coastal armoring is estimated to cost between \$20 and \$52 million per mile (\$10,000 per linear foot) to construct.<sup>27</sup>

##### 2100

By 2100 the combined models used in this analysis project that much of the downtown area may be flooded during winter storms and high river discharges. Furthermore, most of the dry beach (98%) may be lost due to higher sea levels and beach erosion if back beach structures are rebuilt in their current locations. Further, hundreds of storm drain structures may be compromised and may become conduits for inland flooding if modifications are not made.

By 2100 the impacts experienced periodically during large winter storms may become more frequent and for many coastal properties, may become an annual event. Wave run-up energy may impact structures during most high tides causing flood and wave damage. River flooding is projected to be more frequent and threats of coastal erosion may become more significant as ocean forces migrate inland and impact structures more routinely and forcefully. Maintaining and replacing coastal armoring may become more costly and difficult to engineer. By 2100, portions of Capitola may be too difficult and costly to protect from the combined hazards of Coastal Climate Change.

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<sup>27</sup> Evaluation of erosion mitigation alternatives for Southern Monterey Bay, ESA PWA 2012.

Figure 7. Future Combined Coastal Climate Change Hazard Zones (2030, 2060, 2100)

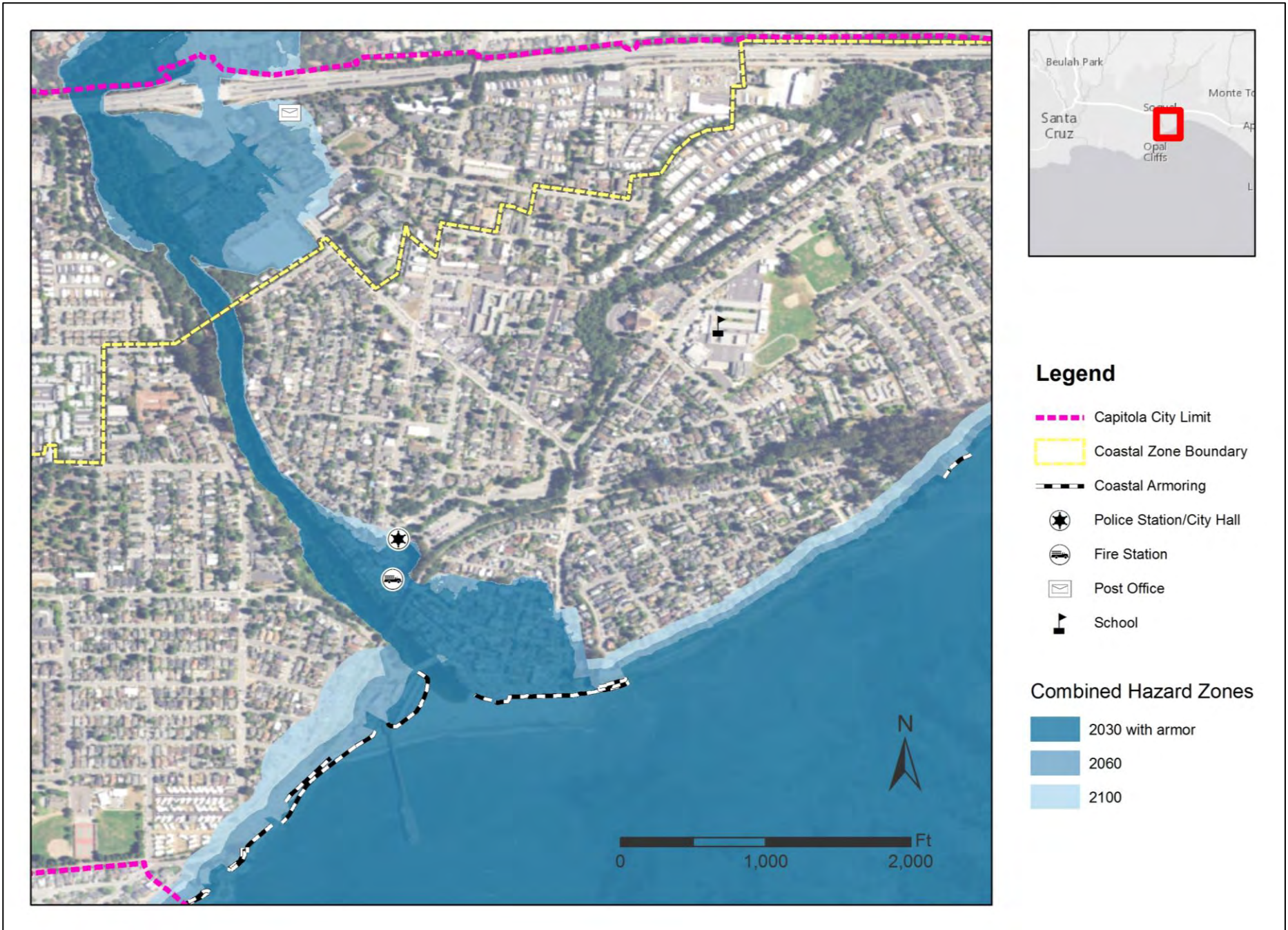
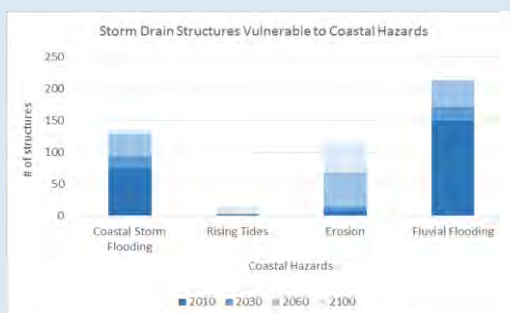
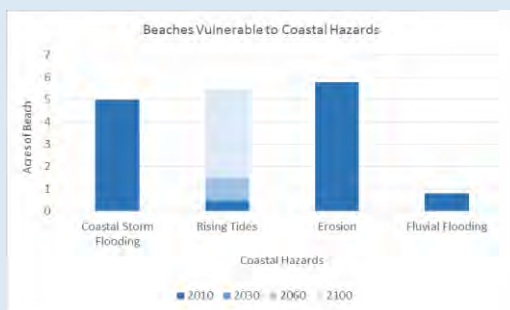
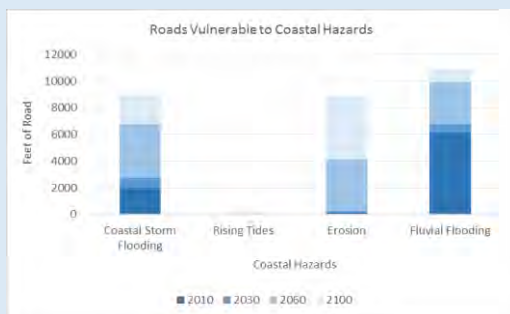
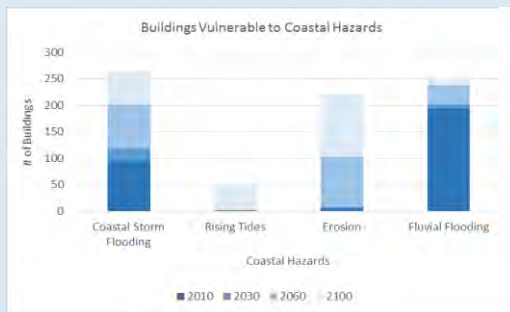


Table 6. Summary of Assets Vulnerable to all Coastal Hazards at 2030, 2060, and 2100

ASSET	UNIT	TOTAL	2030 (WITH ARMOR)	2060 (NO ARMOR)	2100 (NO ARMOR)
<b>Land Use and Buildings</b>					
Total Buildings	Count	3,025	219	295	370
Residential	Count	2,600	68	113	176
Commercial	Count	326	138	166	172
Public	Count	67	7	9	13
Visitor Serving	Count	15	6	7	9
Other	Count	17	0	0	0
Public Facilities	Count	16	0	0	0
Schools	Count	1	0	0	0
Post Offices	Count	1	0	0	1
Emergency Services	Count	2	1	2	2
<b>Transportation</b>					
Roads	Feet	119,994	7,012	13,316	17,138
Rail	Feet	8,503	422	2,076	3,261
Bridges	Count	4	3	3	4
<b>Recreation and Public Access</b>					
Beaches	Acres	5.8	5.8	5.8	5.8
Coastal Access Points	Count	12	11	12	12
Parking Lots	Acres	4	0.7	1.4	1.9
Coastal Trail	Feet	9,543	0	1,705	3,020
<b>Water and Utility Infrastructure</b>					
Storm Drain Structures	Count	667	185	239	244
Storm Drain Conduits	Feet	50,173	8,686	11,864	11,992
Sewer Structures	Count	472	56	83	102
Sewer Conduits	Feet	118,365	13,452	19,819	23,901
Water Mains	Feet	144,206	13,744	19,360	23,339
<b>Natural Resources</b>					
National Wetlands	Acres	16	16	16	16

## 5. Vulnerability by Individual Coastal Hazard



Estimating the risks from the combined hazards of Coastal Climate Change can help establish areas for modified building guidelines and estimate the cumulative effects on sectors of the social and economic community. Combined hazards, however, do not provide city staff with the necessary information to select appropriate adaptation responses. Therefore, to better link vulnerabilities with adaptation alternatives (Section 7), this project has evaluated the temporal risks of infrastructure for each time horizon and for each coastal hazard process separately.

The risks associated with each of the modeled coastal processes (wave run-up and overtopping, coastal erosion, rising tides and fluvial flooding) threaten various types of coastal infrastructure differently. Wave and fluvial flooding can damage buildings, temporarily restrict use of public amenities, make storm drains and tide gates ineffective and limit the use of roads and walkways. Many of these impacts are temporary and repairs can be made. Cliff erosion and monthly high tide flooding, however, are permanent impacts and may require extensive rebuilding, a change in property use or the abandonment of the property. In Section 7 of this report we investigate possible adaptation strategies for properties at risk from these various hazards.

Figure 8. Assets vulnerable to coastal climate change hazards at each time horizon



## 5.1 Vulnerability to Hazards by Time Horizon

Different hazards threaten different assets more significantly at different times (Figure 8). River and coastal storm flooding hazards threaten the greatest number of buildings up through 2030. Coastal erosion begins to threaten similar numbers of buildings between 2060 and 2100. Storm drains and roads are vulnerable to river flooding as well and erosion threatens more infrastructure by 2060. By 2100, Capitola beach is potentially lost due to frequent tidal flooding.

## 5.2 Vulnerability to Rising Tides

Flooding from the predicted increases in monthly high tides (due to local sea level rise) poses minimal threat to Capitola until 2100. Table 7 outlines the projected impacts to assets within Capitola from rising tides. Tidal inundation poses unique threats to low lying areas that may be difficult for many types of development to adapt. Specifically, monthly tidal flooding may lead to salt water damage and a reduction in reliability and availability of some properties and infrastructure. Monthly tidal flooding poses long term maintenance issues and the loss of public service reliability.

### Land Use and Buildings

Projected inundation from 2060 high tides is limited. By 2100 high tides may become a more serious risk and may impact 23 residential and 23 commercial properties along Soquel Creek. The areas projected to be vulnerable to tidal flooding by 2100 (mainly properties along the creek) may need to be elevated by approximately 20-40cm to be above projected tidal range.

### Transportation

Few roads are projected to be at risk from rising tides till 2100. By 2100, one street (Riverview Ave) may be flooded monthly.

### Recreation and Public Access

Rising tides may lead to a reduction in beach width and a loss of recreational opportunities. By 2100 the Capitola main beach width is estimated to be reduced by 95% if back shore structures remain in their current location. By 2100 high tides may temporarily impact four of the 12 public access ways.

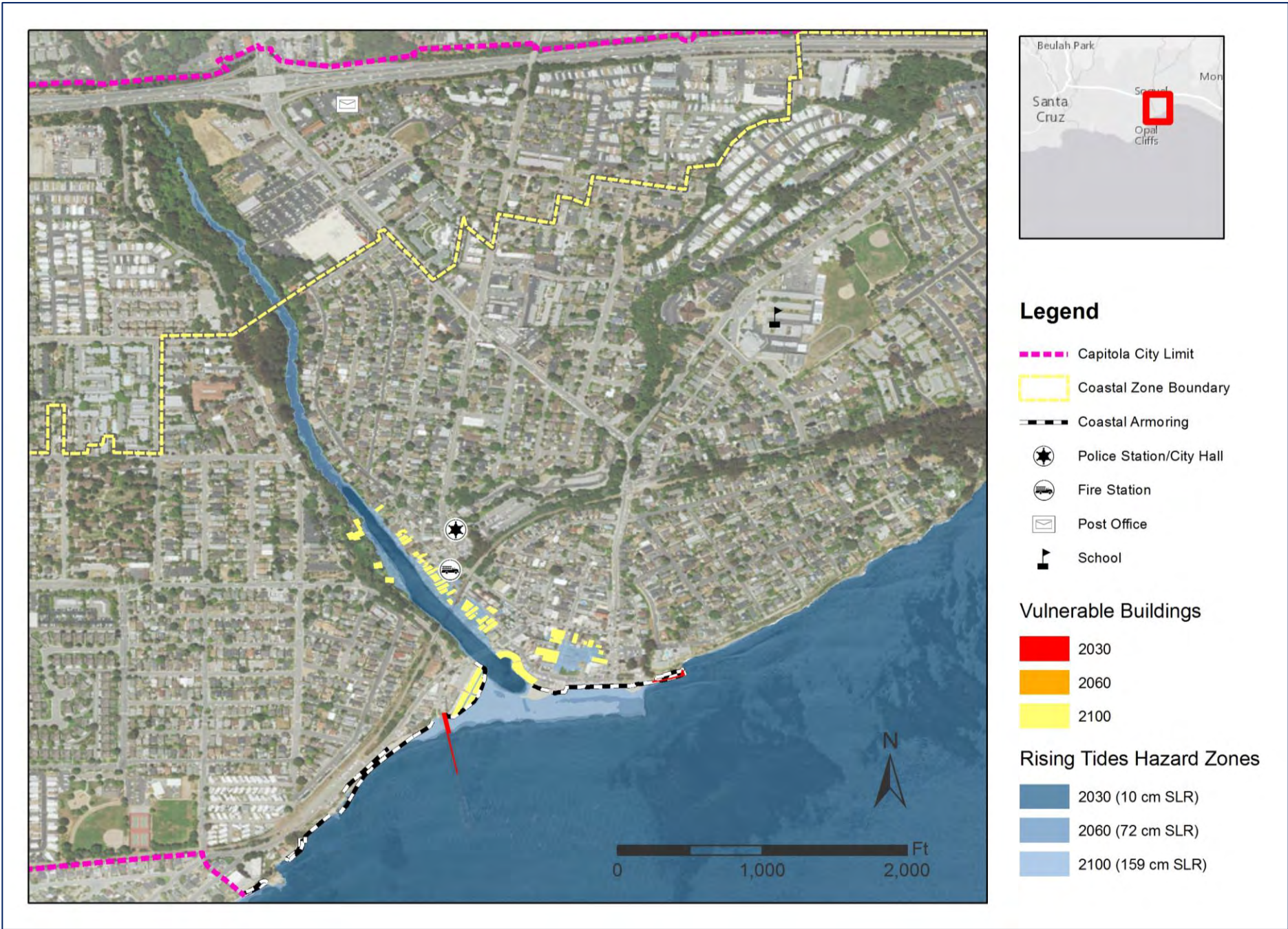
### Water and Utilities

Two storm drains are already under water along the Soquel Creek. The number of storm drains that will be below mean water elevation in the river and ocean may increase to 13 by 2100.

### Natural Resources

Higher tides driven by sea level rise may modify hydrology of the Soquel Creek and flood up to 2/3 of existing wetland habitat monthly with salt water by 2100. These wetlands will likely transition towards a brackish water ecosystem.

Figure 9. Buildings Vulnerable to Rising Tides



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



## 5. Vulnerability by Individual Coastal Hazard

Table 7. Summary of Assets Vulnerable to Impacts by Rising Tides

ASSET	UNIT	TOTAL	2010 (WITH ARMOR)	2030 (WITH ARMOR)	2060 (NO ARMOR)	2100 (NO ARMOR)
<b>Land Use and Buildings</b>						
Total Buildings	Count	3,025	1	1	2	48
Residential	Count	2,600	0	0	1	23
Commercial	Count	326	0	0	0	23
Public	Count	67	1	1	1	1
Visitor Serving	Count	15	0	0	0	1
Other	Count	17	0	0	0	0
Schools	Count	1	0	0	0	0
Post Offices	Count	1	0	0	0	0
Emergency Services	Count	2	0	0	0	0
<b>Transportation</b>						
Roads	Feet	119,994	0	0	0	238
Rail	Feet	8,503	0	0	0	183
Bridges	Count	4	0	0	0	2
<b>Recreation, and Public Access</b>						
Beaches	Acres	5.8	0.4	0.5	1.5	5.5
Coastal Access Points	Count	12	0	0	1	4
Parking Lots	Acres	4.1	0	0	0	0
Coastal Trail	Feet	9,543	0	0	0	0
<b>Water and Utility Infrastructure</b>						
Storm Drain Structures	Count	667	2	2	2	13
Storm Drain Conduits	Feet	50,173	17	21	34	342
Sewer Structures	Count	472	0	0	0	1
Sewer Conduits	Feet	118,365	0	0	0	552
Water Mains	Feet	144,206	0	0	0	564
<b>Natural Resources</b>						
National Wetlands	Acres	16	1.6	1.6	2.1	10.3

### 5.3 Vulnerability to Coastal Storm Flooding

Coastal flooding due to high winter waves has long been a hazard to Capitola. The ESA hazard models estimated that both wave run-up force and the height of flood water within low lying areas may be greater over time. Infrastructure closest to the beach will continue to be impacted by the force of waves, the deposition of sand, kelp and other flotsam, and by the floodwaters that do not drain between waves. Infrastructure further inland is most vulnerable to flooding by a combination of ocean and riverine sources (Section 5.4). Table 8 outlines the projected impacts to assets within Capitola from coastal storm flooding.

#### Land Use and Buildings

Infrastructure projected to be at risk from coastal flooding by 2030 is similar to those properties currently vulnerable. In total, 27 residential and 84 commercial buildings may be vulnerable to storm flooding by 2030 (22 more than presently).

Coastal storm flooding may pose risks to 84 additional buildings by 2060 than are projected at risk in 2030, including the Capitola fire station. By 2100, even more structures may be at risk of flooding (48 additional residential and 11 commercial). Before 2060, structures adjacent to the shore may see more frequent and severe wave damage due wave run-up encroachment inland while infrastructure location remains static (Figure 10). However, for the 2060 and 2100 planning horizons projected flood zones may be misleading. For instance, cliff areas where coastal armoring is not replaced by 2060 are assumed to retreat as projected in the erosion hazard models (see Section 5.5). Houses within this erosion zone will be lost prior to this area becoming vulnerable to flooding in 2060.



Tidal inundation and wave run-up in Capitola Jan, 2008 (Photo: Patrick Barnard, USGS Santa Cruz)

#### Transportation

For the 2030 planning horizon, six local roadways (Esplanade Rd, San Jose Ave, Riverview Ave, Capitola Ave, Monterey Ave, and California Ave) are projected to be at risk of flooding during winter storms, restricting crosstown traffic and totaling more than 2,700 feet. Almost twice as many feet of roadway may be flooded by 2060.

## 5. Vulnerability by Individual Coastal Hazard

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### Recreation and Public Access

Most of Capitola beach currently floods and may continue to flood during winter storms. Most coastal access ways may be unavailable during storms. Areas of Esplanade Park and Soquel Creek Park may be impacted by coastal storm flooding as early as 2030.

### Water and Utilities

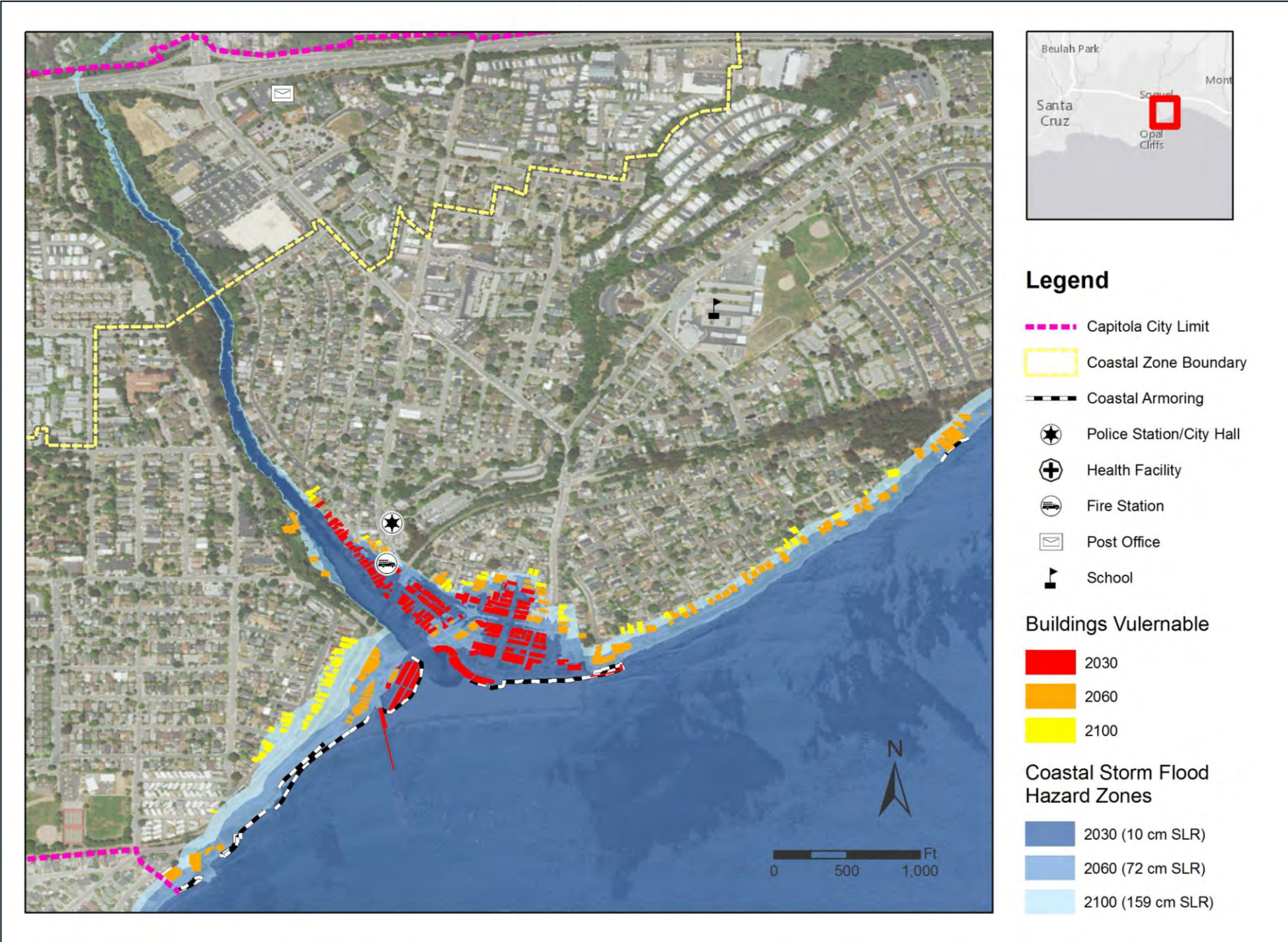
Currently, more than 70 storm drains are projected to be impacted by coastal storm flooding, with an additional 19 storm drains projected by 2030. Additionally, four of the storm drain discharge points along the Esplanade that provide coastal storm flood relief, may be compromised. Significant amounts of subsurface water and wastewater infrastructure is located within the flood zones and may see impacts from periodic flooding.

### Natural Resources

Few natural resources are vulnerable to flooding by 2100 other than 6.8 acres of Soquel Creek, most of which is currently vulnerable.



Figure 10. Buildings Vulnerable to Coastal Storm Flooding



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## 5. Vulnerability by Individual Coastal Hazard

Table 8. Summary of Assets Vulnerable to Coastal Storm Flooding

ASSET	UNIT	TOTAL	2010 (WITH ARMOR)	2030 (WITH ARMOR)	2060 (NO ARMOR)	2100 (NO ARMOR)
<b>Land Use and Buildings</b>						
Total Buildings	Count	3,025	94	118	201	263
Residential	Count	2,600	24	27	66	114
Commercial	Count	326	65	84	122	133
Public	Count	67	4	4	6	7
Visitor Serving	Count	15	1	3	7	9
Other	Count	17	0	0	0	0
Schools	Count	1	0	0	0	0
Libraries	Count	0	0	0	0	0
Post Offices	Count	1	0	0	0	0
Emergency Services	Count	2	0	0	1	1
<b>Transportation</b>						
Roads	Feet	119,994	2,014	2,759	6,772	8,950
Rail	Feet	8,503	229	291	1,107	3,261
Bridges	Count	4	2	2	3	3
<b>Recreation and Public Access</b>						
Beaches	Acres	5.8	5.8	5.8	5.8	5.8
Coastal Access Points	Count	12	10	10	12	12
Parking Lots	Acres	4.1	0.4	0.5	1.3	1.7
Coastal Trail	Feet	9,543	0	0	1,428	1,684
<b>Water and Utility Infrastructure</b>						
Storm Drain Structures	Count	667	74	93	128	135
Storm Drain Conduits	Feet	50,173	2,429	3,125	5,007	5,869
Sewer Structures	Count	472	19	24	51	70
Sewer Conduits	Feet	118,365	4,741	5,916	12,925	16,219
Water Mains	Feet	14,4206	4,127	6,128	9,870	11,238
Culverts	Count	3	0	0	0	0
<b>Natural Resources</b>						
National Wetlands	Acres	16	5.2	5.3	6.3	6.8

## 5.4 Vulnerability to River Flooding

Storm intensity is predicted to increase within Santa Cruz County through 2100. These more infrequent but intense rain events are predicted to cause rivers and creeks to rise rapidly leading to localized flooding and erosion. This study evaluated the combined threats of higher ocean levels during storm events and higher river discharge caused by excessive localized rain events within the Soquel watershed. This fluvial analysis generated an additional hazard zone for each time horizon that was then used to evaluate structures vulnerable to this river flooding. The projected increase in fluvial discharge within Soquel Creek due to more intense rainfall during storms used for this analysis is outlined in Table 9.<sup>28</sup> River flooding height due to more intense rainfall is estimated to increase by approximately 2 feet (increasing depth to 8.5 feet in parts of downtown) between 2010 and 2060. Table 10 outlines the projected impacts to assets within Capitola from fluvial flooding.

Table 9. Increase in 100-year Discharge for Soquel Creek Relative to Historic Period (1950-2000)

EMISSIONS SCENARIO	2030	2060	2100
Medium (RCP 4.5 5 <sup>th</sup> percentile)	13%	15%	20%
High (RCP 8.5 90 <sup>th</sup> percentile)	62%	68%	95%

### Land Use and Buildings

Large areas of Capitola and Soquel are vulnerable to river flooding along Soquel Creek, Capitola Village and the Nob Hill shopping center (Figure 11). Fifty-nine residential properties (along Riverview Dr. and within Capitola Village) are currently projected to be vulnerable to flooding from the combined threat of high river levels during high tide events. In total, 84 more buildings are identified as at risk of river flooding by 2030 than identified within the coastal flooding layer for 2030.

### Transportation

Twice the length of roadway is projected to be at risk of flooding from the Soquel River than is projected to be at risk from coastal storm flooding alone. Access to Highway 1 may be compromised due to flooding of on-ramps by 2100.

### Recreation and Public Access

River flooding poses a lesser risk to coastal access but may impact parks adjacent to Soquel Creek such as Soquel Creek Park. Peery Park, although adjacent to the Soquel Creek, is at an elevation where it should not be impacted.

<sup>28</sup> ESA. 2016. Monterey Bay Sea Level Rise: Climate Change Impacts to Combined Fluvial and Coastal Hazards.



5. Vulnerability by Individual Coastal Hazard

**Water and Utilities**

Currently 149 storm drains are projected to be impacted by Soquel Creek flood waters (twice that of coastal flooding) and an additional 22 storm drains may be compromised by the higher ocean and river elevation by 2030. Several drains that currently provide flood relief may be further compromised due to higher river water levels and may become conduits for inland flooding by 2060 to areas isolated from current flooding.

**Natural Resources**

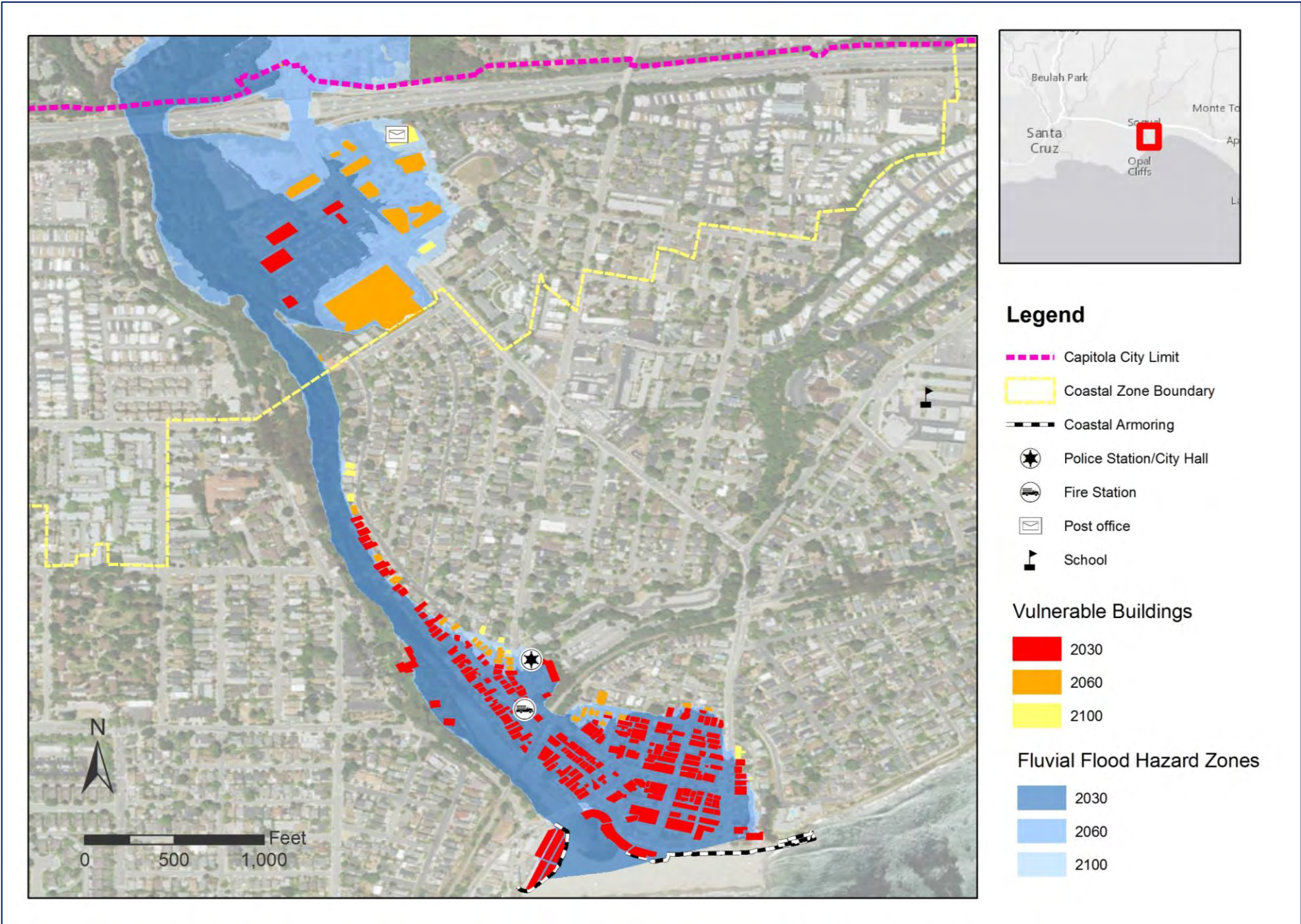
Wetland and Riparian resources along Soquel Creek are identified within the fluvial hazard layer as early as 2030 but are likely resilient to these hazards.



Capitola Avenue flooded from Noble Gulch Creek on Saturday March 26, 2011 (Photo: Santa Cruz Sentinel)

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Figure 11. Buildings Vulnerable to River (Fluvial) Flooding



## 5. Vulnerability by Individual Coastal Hazard

Table 10. Summary of Assets Vulnerable to River (Fluvial) Flooding

ASSET	UNIT	TOTAL	2010	2030	2060	2100
<b>Land Use and Buildings</b>						
Total Buildings	Count	3,025	194	202	238	248
Residential	Count	2,600	59	62	78	82
Commercial	Count	326	130	134	154	160
Public	Count	67	4	4	4	4
Visitor Serving	Count	15	1	2	2	2
Other	Count	17	0	0	0	0
Schools	Count	1	0	0	0	0
Post Offices	Count	1	0	0	0	1
Emergency Services	Count	2	1	2	2	2
<b>Transportation</b>						
Roads	Feet	119,994	6,128	6,783	9,932	10,889
Rail	Feet	8,503	428	431	435	435
Bridges	Count	4	3	3	3	3
<b>Recreation and Public Access</b>						
Beaches	Acres	5.8	0.8	0.8	0.8	0.8
Coastal Access Points	Count	12	2	2	2	2
Parking Lots	Acres	4.1	0.6	0.6	0.7	0.8
Coastal Trail	Feet	9,543	0	0	0	0
<b>Water and Utility Infrastructure</b>						
Storm Drain Structures	Count	667	149	171	213	214
Storm Drain Conduits	Feet	50,173	7,319	8,068	10,685	10,836
Sewer Structures	Count	472	44	45	58	61
Sewer Conduits	Feet	118,365	8,846	9,703	12,301	12,854
Water Mains	Feet	144,206	11,078	11,911	14,539	15,326
<b>Natural Resources</b>						
National Wetlands	Acres	16	7.2	7.2	7.3	7.3



## 5.5 Vulnerability to Erosion

Capitola is vulnerable to impacts from coastal erosion along the cliff edges west and east of downtown. There are rip-rap and concrete structures in place along the base of portions of these cliffs that have reduced bluff erosion significantly. If these structures are not upgraded or replaced they may continue to decay as climate change stresses add to current intensity of storm damage. Table 11 outlines the assets vulnerable to beach and cliff erosion. Project specific studies however may be needed to better estimate site specific erosion rates.

### Land Use and Buildings

Several residential and commercial structures are currently threatened by coastal erosion in areas where seawalls or other structures are not present. Five buildings are at risk of bluff erosion currently and this may increase to 8 properties by 2030. The number of properties vulnerable to erosion may increase significantly (32) by 2060 as new areas not protected by armoring begin to become vulnerable. An additional 100 properties are at risk by 2060 if current coastal armoring is not upgraded or replaced. A total of 98 homes are at risk of being lost by 2100 along Grand Avenue and Cliff Drive if coastal armoring is allowed to deteriorate or is removed. Bluff erosion is also predicted for the base of the Wharf and the Venetian Courts if sea walls are not maintained or rebuilt. As many as 221 properties are within the bluff erosion zone by 2100 if protective structures are not maintained, expanded or replaced.

Although many of these homes are more than 200 feet from the current bluff edge, the models highlight the significant erosion risk to this area in the future if existing coastal armoring fails. If bluff retreat is halted by replacing coastal armoring, however, many beach access ways and most of Capitola beach may be lost (Figure 12) as ocean tides progress inward towards these stationary structures (aka Coastal Squeeze).

### Transportation vulnerable to erosion

Lateral road access along the east side of town has already been lost due to cliff erosion. Cliff Drive remains a key western access road into the downtown area and is vulnerable to cliff erosion by 2060 if protective measures are not implemented. Additional transportation infrastructure that is in jeopardy



Photo Source: Timeline of Natural Hazard Events Impacting the City of Capitola, City of Capitola

## 5. Vulnerability by Individual Coastal Hazard

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include the public access way along what remains of Grand Avenue and the rail corridor which was recently purchased by the county to provide alternate transportation corridor throughout the county.

### Recreation and Public Access

Cliff erosion threatens numerous parks and visitor serving resources within Capitola. Five coastal access points are currently vulnerable to bluff erosion and by 2060 all access ways may be at risk unless coastal protection is updated. Loss of beach area (95% by 2100) is reported within Section 5.4 (Tidal Inundation).

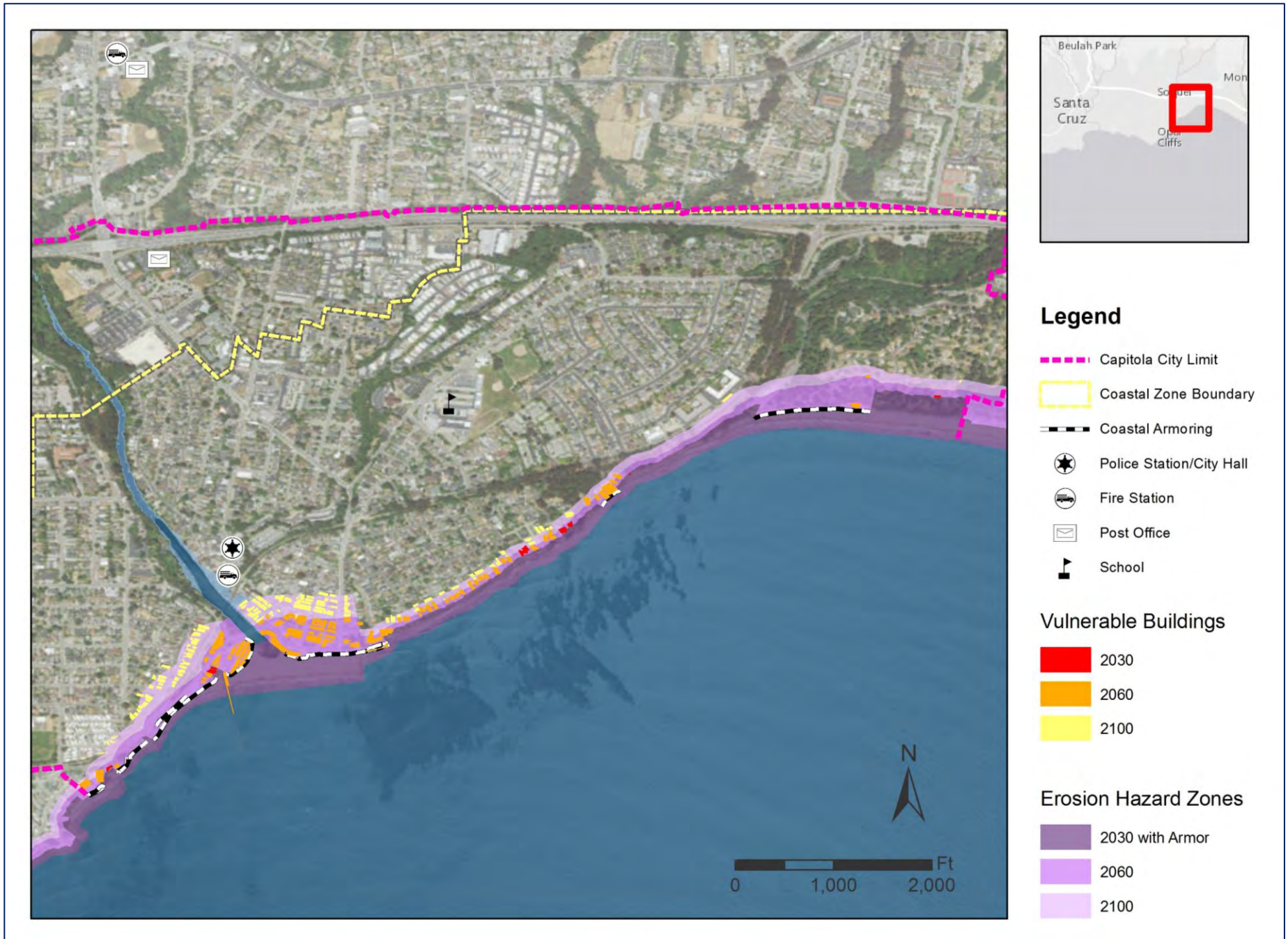
### Water and Utilities

A significant number of storm water and wastewater structures are currently vulnerable to erosion, when accounting for coastal protective structures. The number of structures and feet of pipe at risk increase significantly by 2060 if coastal armoring is not maintained or replaced. Sewer and water mains are vulnerable during all time horizons to failure due to coastal erosion.

### Natural Resources

Approximately half of the wetland habitat along Soquel Creek is vulnerable to erosion by 2100.

Figure 12. Buildings Vulnerable to Erosion





## 5. Vulnerability by Individual Coastal Hazard

Table 11. Summary of Assets Vulnerable to Erosion

ASSET	UNIT	TOTAL	2010 (WITH ARMOR)	2030 (WITH ARMOR)	2060 (NO ARMOR)	2100 (NO ARMOR)
<b>Land Use and Buildings</b>						
Total Buildings	Count	3,025	5	8	103	221
Residential	Count	2,600	0	3	39	98
Commercial	Count	326	2	2	52	105
Public	Count	67	1	1	6	10
Visitor Serving	Count	15	2	2	6	8
Other	Count	17	0	0	0	0
Schools	Count	1	0	0	0	0
Post Offices	Count	1	0	0	0	0
Emergency Services	Count	2	0	0	0	0
<b>Transportation</b>						
Roads	Feet	119,994	152	247	4,140	8,891
Rail	Feet	8,503	0	0	986	3,142
Bridges	Count	4	0	0	0	1
<b>Recreation and Public Access</b>						
Beaches	Acres	5.8	5.8	5.8	5.8	5.8
Coastal Access Points	Count	12	5	8	12	12
Parking Lots	Acres	4.1	0.1	0.0	1.4	1.9
Coastal Trail	Feet	9,543	3	32	1,550	2,404
<b>Water and Utility Infrastructure</b>						
Storm Drain Structures	Count	667	8	14	68	114
Storm Drain Conduits	Feet	50,173	387	500	2,914	4,568
Sewer Structures	Count	472	3	3	38	63
Sewer Conduits	Feet	118,365	892	950	9,808	17,192
Water Mains	Feet	144,206	756	1,038	6,966	13,898
<b>Natural Resources</b>						
National Wetlands	Acres	15.6	0.9	1.2	8.3	8.3

## 5.6 Summary of Specific Vulnerable Assets

### Venetian Court

The Venetian court hip-wall provides protection from mild winter storms and maintains a sand free walkway adjacent to the beach. Currently the beach and walkway are approximately the same elevation on opposite sides of the wall. As ocean encroachment progresses, the wall will provide a hard backshore resisting the migration of the beach inward but may provide less protection from wave overtopping and wave damage.

### Capitola Esplanade

The Esplanade walkway provides a defined boundary between the urban area and the beach. The hip-wall adjacent to the walkway provides a key protective function during winter high wave events, reducing wave impacts and flooding to the Village. The Esplanade includes several public access points that can be blocked off during winter storms. There are discharge holes that provide minimal drainage and several storm drain discharge points seaward of the wall. As wave height and sea levels rise, the hip-wall may provide less and less protection to the commercial district along the Esplanade. Wave run-up energy may be more significant in the future, leading to greater volumes of water overtopping the wall, causing additional flooding downtown. Greater wave heights may possibly lead to greater structural impacts from water and debris. The Esplanade may need to be realigned landward in the future if the community wishes to maintain beach width and storm protection capacity.

### Historic Districts

All three of the designated Historic Districts in Capitola are projected to be impacted by coastal climate change hazards. The proximity of the Venetian Historic District to coastal hazards leaves it vulnerable to coastal erosion, coastal storm flooding and wave impacts. The Old Riverview Historic District is adjacent to Soquel Creek making it most vulnerable to river flooding. Six Sisters/Lawn Way Historic District lies within the low-lying areas of Capitola Village and is vulnerable to coastal wave impacts and storm flooding, river flooding, and erosion after 2030 if coastal armoring begins to fail.

### River walkway

The river walkway parallels the east side of Soquel Creek from the Stockton St. Bridge inland to the Noble Creek culvert near Riverview and Blue Gum avenues. The walkway provides a valuable public access way along the river and a pedestrian link between the residential area and the coast. Presently there are private patios and yards westward of the walkway. The yards and the walkway are approximately 3 feet above base flow within the creek. During extreme river flow conditions, this area is prone to flooding. In addition, a number of storm drains flow under the walkway and discharge to the creek. Flood water depths along the river walkway are estimated to be as much as 8 feet by 2060.

## 5. Vulnerability by Individual Coastal Hazard

### Parking lots and public access ways

Parking spaces along the Esplanade are already vulnerable to periodic flooding during storm events. By 2030 such flooding may occur more often. Beach and Village Parking Lots number 1 and 2 near City Hall are also vulnerable to river flooding. A number of public access ways are vulnerable to flooding due to higher river levels, wave impacts and coastal erosion. By 2060 use of all 12 public access ways may be periodically restricted due to various coastal climate risks.

### Emergency services and city hall

The Capitola fire station is currently at risks of coastal storm flooding and river flooding (FEMA flood maps). City Hall and the police station, which are currently located in the 100-year FEMA flood zone, are vulnerable to river flooding by 2030.

### Schools

No schools are at risk.

### Storm drains

Capitola already experiences periodic flooding of the downtown during winter storms. During these storms the storm drain system may back up or be overwhelmed when submerged during ocean storms and high river elevations. These submerged discharge pipes may also become a conduit for inland flooding, bypassing coastal protection structures. Field surveys were completed to document the surface elevation of storm drains and drop inlets throughout the village. Storm drain elevations were correlated with tidal water height for each planning horizon to document when these storm drains may act as conduits for inland flooding (Figure 13). By 2060, five storm drain drop boxes located within city streets may be below high tide elevations, posing a monthly flood risk to these areas of the community. Some of these storm drains are inland of the Rising Tides hazard zones, suggesting that storm drains may prove to exacerbate tidal flooding by mid-century.

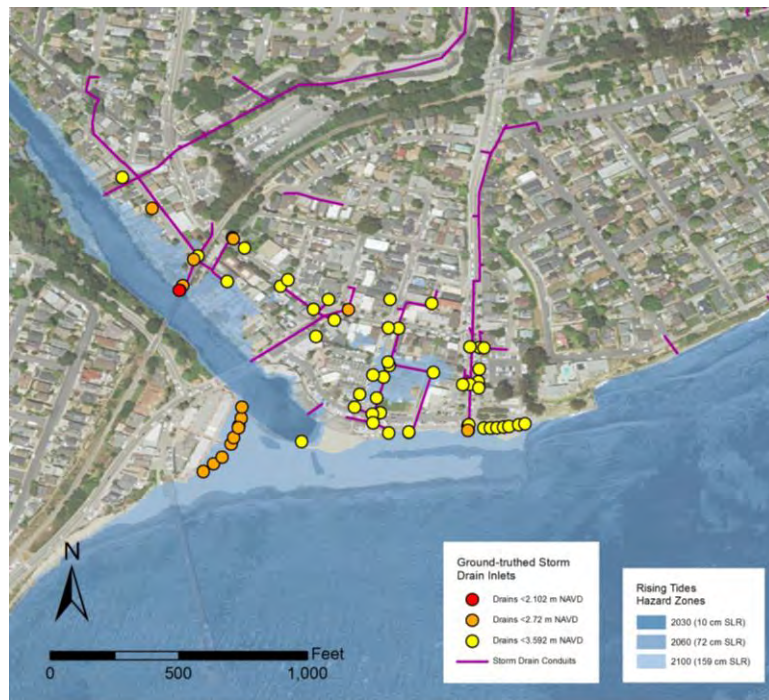


Figure 13. Storm drains with elevations within the projected tidal range for each time horizon

## 5. Vulnerability by Individual Coastal Hazard

Table 12 further outlines the earliest time horizon that specific assets may become vulnerable to each of the coastal hazards.

Table 12. Important Assets Vulnerable to Coastal Hazard Impacts

FACILITY	TYPE	COASTAL HAZARD IMPACT	IMPACT THRESHOLD
Fire Station	Emergency	Coastal storm flooding River flooding	2060 2030
Police Station	Emergency	River flooding	2030
City Hall/ Emergency Operations	Public	River flooding	2030
Post office	Government	River flooding	2100
Capitola Historical Museum	Public/Visitor Serving and Historic District	River flooding	2030
Capitola Venetian (and Historical District)	Visitor Serving	Coastal storm flooding River flooding Erosion Rising Tides	2010 2010 2060 2100
Capitola Wharf	Public/Visitor Serving	Coastal storm flooding Erosion	2030 2060
Soquel Creek Park	Park	Coastal storm flooding River flooding Rising tides	2010 2030 2100
Esplanade Park	Park	Coastal storm flooding Erosion	2010 2030
Capitola Beach	Beach	Coastal storm flooding Erosion River flooding	2010 2030 2030
Beach access at Esplanade	Coastal Access	Coastal storm flooding Erosion Rising tides River flooding	2010 2030 2060 2030
Cliff Drive beach access	Coastal Access	Erosion	2060
Coastal Trail	Trail	Coastal storm flooding Erosion	2060 2060
Esplanade parking lot	Parking lot	Coastal storm flooding Erosion River flooding	2010 2060 2030
Wharf Rd parking lot	Parking lot	Coastal storm flooding Erosion	2030 2060

## 5. Vulnerability by Individual Coastal Hazard

FACILITY	TYPE	COASTAL HAZARD IMPACT	IMPACT THRESHOLD
Cliff Drive parking	Parking lot	Erosion	2060
Prospect Avenue parking	Parking lot	Erosion	2100
City Hall parking lot	Parking lot	River flooding	2030
Esplanade Road	Road	Coastal storm flooding Erosion River flooding	2010 2060 2030
Cliff Drive	Road	Erosion	2060
Wharf Avenue	Road	Coastal storm flooding	2030
Grand Avenue	Road	Erosion	2030
Prospect Drive	Road	Erosion	2100
Stockton Bridge	Bridge	Erosion	2060
Soquel Creek	Creek/Wetland	Coastal storm flooding Rising Tides	2010 2030
Six Sisters/Lawn Way Historic District	Historic District	Coastal storm flooding Erosion River flooding Rising Tides	2010 2060 2030 2100
Old Riverview Historic District	Historic District	Coastal storm flooding Erosion River flooding Rising Tides	2010 2060 2010 2100

## CUMULATIVE RISKS TO CAPITOLA FROM COASTAL CLIMATE CHANGE

This study suggests that by 2030 flooding during winter storms may increase in intensity as ocean wave run-up energy and increases in river discharge act together. Coastal erosion currently threatens five unprotected structures in Capitola including two commercial properties (Figure 12). By 2030 eight structures may be at risk including two residential properties if current coastal protection structures remain in place but no new structures are constructed. A significant number of storm, water and wastewater structures and many feet of pipe are vulnerable from coastal erosion during all time horizons. Cliff Drive remains a key western access road into the downtown area and is vulnerable to cliff erosion by 2060 if protective measures are not replaced. A table of key facilities at risk of various hazards and time horizons (Table 12) is intended to aid adaptation planning. This study confirms that coastal flooding may remain a primary risk for Capitola. This study also finds that river flooding may be of greater risk to the community than previously realized and that sea level rise may greatly impact the beach and public areas by 2100 unless retreat policies are adopted.

## 6. Economics of Future Climate Risks

The costs to repair damage caused by wave impacts and flooding can be quite large. For example, the Capitola Public Works Director estimated that approximately \$500,000 worth of damage to city property, and several million dollars' worth of damage to the city-owned Pacific Cove Mobile Park occurred as a result of the 2011 flood event in Capitola Village.

The protection of structures and properties within the coastal and fluvial flood hazard zones is a high priority for the community. Understanding the cumulative value of the properties and infrastructure that are vulnerable to the identified hazards may aid the selection of protection and adaptation strategies, and help to direct limited public and private resources towards the most pragmatic and effective actions. Longevity of various protection and adaptation strategies, the costs to construct and the future reliability of coastal infrastructure should all be weighed before response strategies are selected.

### Property valuation of vulnerable properties and infrastructure

Some studies (Santa Cruz County Hazard Mitigation Plan<sup>29</sup> and Coastal Regional Sediment Management Plan for the Santa Cruz Littoral Cell<sup>30</sup>) have estimated future property loss separately for building values and land values. This technique allows impacts to be calculated separately for structural impacts (due to coastal and river flooding) and property loss (due to coastal erosion and sea level rise). Unfortunately, the property value estimates used within these studies are linked to County assessor data which are often much lower than current appraised value and thus underrepresent real economic risks.

A simple economic estimation of costs of the projected climate hazards was completed to provide rough estimates of property loss for each time horizon. The average property value for residential and commercial properties within Capitola were estimated (Table 13) and used to quantify the cumulative economic impact of replacing or relocating these buildings and services. The Capitola Hazard Mitigation Plan identified costs to replace or move critical municipal infrastructure found to be at risk of various natural hazards (not including price of property to relocate).

<sup>29</sup> County of Santa Cruz. 2015. Santa Cruz County Local Hazard Mitigation Report

<sup>30</sup> United States Army Corps. 2015. Coastal Regional Sediment Management Plan for the Santa Cruz Littoral Cell, Pillar Point to Moss Landing. Prepared for The California Coastal Sediment Management Workgroup.



## 6. Economics of Future Climate Risks

Table 13. Property valuation data sources for economic analysis

ASSET	VALUATION	SOURCE
Residential properties	\$930,000	Capitola average sale price <sup>31</sup>
	\$2,100,000	Capitola beach front sale price <sup>32</sup>
	\$662,631	US Census <sup>33</sup>
	\$809,860	Santa Cruz Littoral Cell report <sup>34</sup>
	\$1,400,000	Pacific Institute Report 2009 <sup>35</sup>
	\$987,727	SCC-LHMP fire residential <sup>36</sup>
	<b>\$958,043</b>	<b>Average of studies</b>
Commercial properties	\$145,005	SCC-LHMP fire commercial
	\$2,600,000	Average LoopNet Listings <sup>37</sup>
Public	\$4,000,000	Capitola Local Hazard Mitigation Plan <sup>38</sup>
Emergency Services	\$1,500,000	Capitola Local Hazard Mitigation Plan
Roads /ft	\$280	TNC 2016 <sup>39</sup>
Rail /ft	\$237	SJVR Business Plan <sup>40</sup>
Storm Drain conduit /ft	\$1,080	TNC 2016
Waste Water conduit /ft	\$1,080	TNC 2016
Drinking Water conduit /ft	\$189	TNC 2016

<sup>31</sup> Zillow. Capitola. <http://www.zillow.com/capitola-ca/> (Dec 2016)

<sup>32</sup> Ibid.

<sup>33</sup> United States Census Bureau. Capitola Quick Facts. <http://www.census.gov/quickfacts/table/PST045215/0611040> (Dec 2016)

<sup>34</sup> United States Army Corps. 2015. Coastal Regional Sediment Management Plan for the Santa Cruz Littoral Cell, Pillar Point to Moss Landing.

<sup>35</sup> Heberger M, H Cooley, P Herrera, PH Gleick, E Moore. 2009. The Impacts of Sea-Level Rise on the California Coast. Prepared by the Pacific Institute for the California Climate Change Center.

<sup>36</sup> County of Santa Cruz. 2015. Santa Cruz County Local Hazard Mitigation Report

<sup>37</sup> LoopNet. Capitola. <http://www.loopnet.com/for-sale/capitola-ca/?e=u> (Dec 2016)

<sup>38</sup> City of Capitola. 2014. Capitola Local Hazard Mitigation Plan

<sup>39</sup> Leo, K.L., S.G. Newkirk, W.N. Heady, B. Cohen, J. Calil, P. King, A. McGregor, F. DePaolis, R. Vaughn, J. Giliam, B. Battalio, E. Vanderbroek, J. Jackson, D. Revell. 2017. Economic Impacts of Climate Adaptation Strategies for Southern Monterey Bay. Technical Report prepared for the California State Coastal Conservancy by The Nature Conservancy. SCC Climate Ready Grant #13-107.

<sup>40</sup> Railroad Industries Incorporated. 2011. Business Plan for Operations of the SJVR in Fresno County. Prepared for Fresno Council of Governments

## 6. Economics of Future Climate Risks

Currently \$211 million in property and infrastructure are vulnerable to the combined hazards of coastal climate change within the City of Capitola (Table 14). By 2030, the total value increases to \$227 million in property and infrastructure. By 2030 \$62 million (26% of potential losses) in residential properties are at risk. Almost \$130 million in commercial properties (57% of potential losses) are vulnerable to 2030 hazards. Approximately \$35 million in public properties and infrastructure are within the hazard zone for 2030. Waste water and storm drain conduit are the infrastructure at greatest risk of projected hazards within the City.

Table 14. Total Value (2016 dollars) of Capitola Properties at Risk

ASSET	VALUE PER UNIT	2010 (WITH ARMOR)	2030 (WITH ARMOR)	2060 (NO ARMOR)	2100 (NO ARMOR)
<b>PROPERTIES</b>					
Residential	\$930,000	\$56,730,000	\$62,310,000	\$104,160,000	\$162,750,000
Commercial	\$930,000	\$124,620,000	\$128,340,000	\$154,380,000	\$159,960,000
Public	\$500,000	\$4,500,000	\$7,500,000	\$12,500,000	\$17,500,000
Emergency Services	\$2,000,000	\$0	\$2,000,000	\$4,000,000	\$4,000,000
<i>Property losses</i>		<i>\$185,850,000</i>	<i>\$200,150,000</i>	<i>\$275,040,000</i>	<i>\$344,210,000</i>
<b>TRANSPORTATION</b>					
Roads (ft)	\$280	\$1,812,440	\$1,963,360	\$3,728,480	\$4,798,640
Rail (ft)	\$280	\$118,160	\$118,160	\$581,280	\$913,080
<i>Transportation losses</i>		<i>\$1,930,600</i>	<i>\$2,081,520</i>	<i>\$4,309,760</i>	<i>\$5,711,720</i>
<b>WATER AND UTILITY INFRASTRUCTURE</b>					
Storm Drain conduit (ft)	\$1,080	\$8,678,466	\$9,376,932	\$12,807,727	\$12,945,909
Waste Water conduit (ft)	\$1,080	\$12,872,500	\$12,872,500	\$21,839,205	\$28,457,898
Drinking Water conduit (ft)	\$189	\$2,603,030	\$2,603,030	\$3,666,667	\$4,420,265
<i>Utility Losses</i>		<i>\$24,153,996</i>	<i>\$24,852,462</i>	<i>\$38,313,598</i>	<i>\$45,824,072</i>
<b>TOTAL COMBINED LOSSES</b>		<b>\$211,934,596</b>	<b>\$227,083,982</b>	<b>\$317,663,358</b>	<b>\$395,745,792</b>

Property values within the 2060 coastal climate hazard zone increase to \$317 million unless current coastal armoring is replaced and new structures are constructed to protect infrastructure vulnerable to 2060 hazards. If almost one mile of coastal armoring within the city is upgraded or replaced before 2060 (at an estimated cost of \$20-52 million to construct), the total value of properties at risk is reduced by relatively small \$56 million. The total value of private residential properties at risk increases to \$162 million (41% of all assets at risk) by 2100.

## 6. Economics of Future Climate Risks

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Many of the properties identified during each time horizon are vulnerable to multiple hazards (i.e. erosion and coastal flooding). Depending on the engineering complexity and costs of replacing these coastal protection structures, and the secondary environmental and economic impacts of such construction, protecting all of the identified properties is likely cost prohibitive.

This initial economic evaluation highlights the need for constructive discussions between city decision makers, public citizens and private property owners to establish protection and adaptation policies that fairly allocate costs of protection and adaptation efforts and that weigh public and private property concerns equitably.

A more comprehensive economic analysis that accounts for relative scale of property damage for each projected hazard (i.e. temporarily flooded or total loss of property) is possible with the current data but is beyond the scope of this study. Using the compiled hazard and vulnerability data generated by this project, coastal armor construction costs and the secondary environmental and economic impacts resulting from constructed structures can be compared with costs to move structures and losses resulting from abandoning vulnerable structures. Together these data can be used to generate temporal cost/benefit/consequence scenarios for each section of coastline and each time horizon.

## 7. Adaptation

The risks associated with each of the modeled coastal processes (wave run-up and overtopping, coastal erosion, rising tides and fluvial flooding) threaten various types of coastal infrastructure differently. Selection of adaptation options must be driven by consideration of the possible damage of each risk and the frequency of reoccurring impact. Unfortunately, the models used for this report estimate the likelihood of each hazard for each of three time horizons, but do not report the likely frequency.

Wave and fluvial flooding can damage buildings, and temporarily restrict use of public amenities, make storm drains ineffective and limit the use of roads and walkways. Storm flood risks represent periodic impacts and require periodic responses.

Cliff erosion and flooding during high tides are permanent or reoccurring impacts that can lead to a complete loss of infrastructure and use of those properties. Such hazards require extensive rebuilding or reinforcement, a change in use of the property, or abandonment of the property entirely.

Future investments in the protection of public and private structures need to be weighed by city staff and property owners against the property's value, construction costs of selected adaptive measures, limitations provided by regulatory agencies, and the expected effectiveness and longevity of the adaptation strategy selected. Secondary implications of adaptation options should also be considered, including restrictions to coastal access, loss of beach and the visual degradation of the coastline. This adaptation analysis highlights the need for long-range coastal management planning to best balance property values and adaptation measures costs with the resulting changes to the public beach and coastline.

### 7.1 Current Strategies Used by the City of Capitola

Capitola currently relies on various storm protection strategies to reduce winter storm flooding. These include building sand berms on the beach to reduce wave impacts (Figure 14), placement of flashboards at access points in the Esplanade hip-wall, sandbags within door and access ways, opening Soquel Creek to the ocean and ensuring that storm drains have been services and are functioning properly. Capitola has also installed 1.2 miles of sea walls along the coastline to reduce cliff erosion and flooding during winter storms. Residents and businesses in Capitola prepare for impacts by boarding doors and windows and placing sand bags.



Figure 14. Berms built at Capitola Beach help to decrease coastal flooding of the Village (Photo: R. Clark)

During storms, City staff provides response services including visual monitoring of creeks and storm drain inlets throughout the city and manned response with equipment including pumps and generators as needed to address localized flooding. Once storms have ended, cleanup of sand and debris and repair of damaged infrastructure begins. Response and municipal repair costs for the 2014-2015 El Niño winter totaled an estimated \$20,000 to date with another \$130,000 pending.

Costs of storm response for the 2016-2017 winter La Niña are not tallied as of completion of this report but are expected to be significantly higher. Early estimates for 2017 road repairs for Santa Cruz County exceed \$30 million.

## Strategies listed within existing Capitola Plans

### General Plan

On June 26 2014, the Capitola City Council adopted the General Plan Update to replace the City's previous 1989 General Plan. The General Plan Update provides new goals and policies to promote sustainability, improve protections of residential neighborhoods and historic resources, and enhance economic vitality.<sup>41</sup> Among the Guiding Principles described within the General Plan for Environmental Resources is to:

*“Embrace environmental sustainability as a foundation for Capitola’s way of life. Protect and enhance all natural resources—including the beaches, creeks, ocean, and lagoon—that contribute to Capitola’s unique identity and scenic beauty. Reduce greenhouse gas emissions and prepare for the effects of global climate change, including increased flooding and coastal erosion caused by sea-level rise.”*

### Hazard Mitigation Plan

The 2014 Capitola Local Hazard Mitigation Plan<sup>42</sup> evaluates risks from river and coastal flooding and makes programmatic and project related recommendations to address these risks. A number of those recommended actions will directly address the risks identified within this report (Table 15).

<sup>41</sup> City of Capitola. 2014. Capitola General Plan.

<sup>42</sup> RBF and Dewberry. 2013. Capitola Local Hazard Mitigation Plan

Table 15. City of Capitola Local Hazard Mitigation Plan Recommendations

<b>ACTIONS WITHIN HAZARD MITIGATION PLAN THAT ADDRESS PREDICTED CLIMATE RISKS</b>
<ul style="list-style-type: none"> <li>▪ Evaluate the likelihood of debris flow impacts to the Stockton Avenue bridge during a catastrophic flooding event.</li> <li>▪ Relocate or elevate critical facilities (e.g. City hall, police, fire, etc.) above the level of the 100-year flood elevation.</li> <li>▪ Assist in the planning and/or improvement of infrastructure (sewers) and facilities to help minimize flooding impacts, particularly in critical flood-prone areas (e.g. Capitola Village).</li> <li>▪ Continually monitor and review FEMA’s National Flood Insurance Program (NFIP) requirements to ensure the City’s floodplain management regulations are in compliance.</li> <li>▪ Review and update the city’s existing ordinances as they relate to storm / flooding hazards, consistent with the risks identified in this LHMP.</li> <li>▪ Work in close coordination with state and local agencies and organizations to protect and preserve the coastline and its coastal bluffs through restoration efforts to help ensure safe coastal access and the protection of adjacent infrastructure and facilities. These efforts may include beach replenishment, coastal bluff protection, seawall construction, and other appropriate measures.</li> <li>▪ Support the timely and accurate update of tsunami inundation maps within the Monterey Bay area. Then integrate the new tsunami inundation maps into the risk assessment of this Local Hazard Mitigation Plan</li> <li>▪ Continue to update and enhance mapping data and the City’s GIS for all hazards <i>(including coastal climate change)</i>.</li> <li>▪ Integrate the results of the Monterey Bay Sea Level Rise Study (this report) into the Local Hazard Mitigation Plan risk assessment and the General Plan Safety Element.</li> <li>▪ As part of the General Plan Update process, develop a plan to address climate change/ climate adaptation issues within the City and its surroundings.</li> <li>▪ Protect and preserve the coastline through permit review and continue to review coastal development for conformance with applicable City regulations (e.g. geologic, flood).</li> <li>▪ Review and update the city’s existing ordinances as they relate to hazards and risks identified in this LHMP</li> </ul>



## 7.2 Future Adaptation Options and Strategies

Numerous reports have compiled lists of sea level rise adaptation options and described their use in addressing different climate risks.<sup>43</sup> Information on the costs to implement these strategies is limited but examples of most strategies exist. Local public works departments are best able to estimate the true costs of various construction projects and municipal planners, NGOs and consultants continue to evaluate the feasibility and efficacy of planning and regulatory options. Table 16 provides an overview of which adaptation strategies may be appropriate for each coastal climate change hazard. A special investigation of the role that natural habitats may play in reducing the vulnerabilities identified within this report was completed by Center for Ocean Solutions<sup>44</sup> (Appendix A). Policy options are also discussed within the report.

## 7.3 Potential Strategies for Capitola Climate Adaptation

### 2017-2030 Adaptation Options

#### **Adopt policies to limit municipal capital improvements that would be at risk (Building Codes and Resilient Designs)**

Prudent adaptive management to climate change begins with not placing new municipal infrastructure at risk to known future hazards. City policies that establish review processes for proposed Capital Improvement Projects located within future hazard zones have been adopted by the City of San Francisco.<sup>45</sup> These guidelines help staff to review proposed infrastructure projects and ensure that those projects will not become vulnerable to projected climate risks within the projects expected lifespan.

#### **Improve resiliency to flooding along the Creek and Coast (Flood Wall and Elevate)**

This risk assessment suggests that flooding of the downtown area will continue to be a primary hazard. Continued focus on emergency response and improved building guidelines (increase free board and first floor parking) can help reduce temporary impacts of flooding. A temporary or permanent flood wall along the Soquel Creek walking path may help to reduce flooding within high risk areas.

#### **Investigate natural habitat buffering to reduce coastal flooding (beach and kelp management)**

The Center for Ocean Solutions investigated the protective role that coastal habitats (Kelp, surf grass, wetlands, dunes) may play to reduce projected hazards.<sup>46</sup> Figure 15 shows locations of these habitats. For Capitola, the report finds that “the small beach and lagoon system at the mouth of Soquel Creek plays a relatively moderate role in reducing exposure to erosion and inundation.” The report similarly

<sup>43</sup> Grannis, J. 2011. Adaptation Tool Kit: Sea Level Rise and Coastal Land Use

<sup>44</sup> Center for Ocean Solutions. 2016. Coastal Adaptation Policy Assessment: Monterey Bay

<sup>45</sup> City and County of San Francisco Sea Level Rise Committee. Guidance for Incorporating Sea Level Rise into Capital Planning in San Francisco: Assessing Vulnerability and risk to Support Adaptation. Prepared for the San Francisco Capital Planning Committee. Adopted by Capital Planning Committee December 14, 2015.

<sup>46</sup> Center for Ocean Solutions. 2016. Coastal Adaptation Policy Assessment: Monterey Bay

finds that “the proximity of Capitola’s commercial development to the coast limits the city’s options for nature-based adaptation strategies.” Maintaining Capitola’s beach and kelp forests, however, will likely provide some reduction in wave impacts.



Figure 15. Distribution of natural habitats that may play protective role in Capitola. (Figure source: COS, 2016)

**Storm drain upgrades (tidal (flap) gate and pumps)**

Storm drains are currently vulnerable to high water during winter storms and these systems may be compromised further as water levels rise at discharge points along the coast and creek. Greater flood water volumes projected in the downtown by 2030 may further strain the effectiveness of the storm drain system. Coastal flood hazard models suggest that 93 storm drain structures may be compromised by high water levels by 2030 (Table 8, page 29). These submerged discharge pipes may become a conduit for inland flooding, possibly bypassing coastal protection structures. To address this issue, storm drain upgrades including gates and check valves should be investigated and additional pumping of storm water within vulnerable storm drains may be needed by 2030. The Capitola Hazard mitigation plan similarly identifies several structures (Noble Gulch Storm Pipe (already repaired), Capitola Pump Station and Soquel Pump Station (both wastewater facilities), and Lawn Way Storm Drain Pump Station) within the FEMA flood zone that may need to be upgraded.

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

## STATE GUIDANCE

The Coastal Act allows for protection of certain existing structures. However, armoring can pose significant impacts to coastal resources.

To minimize impacts, innovative, cutting-edge solutions will be needed, such as the use of living shorelines to protect existing infrastructure, restrictions on redevelopment of properties in hazardous areas, managed retreat, partnerships with land trust organizations to convert at risk areas to open space, or transfer of development rights programs. Strategies tailored to the specific needs of each community should be evaluated for resulting impacts to coastal resources, and should be developed through a public process, in close consultation with the Coastal Commission and in line with the Coastal Act

Coastal Commission support of Cities that update their Local Coastal Plans to include the adaptation measures prioritized by the community can aid successful implementation of a community's adaptation strategy

Living shorelines provide an alternative to bulkheads and seawalls, while also providing critical habitat. (Photo: Tracey Skrabal)



## 7. Adaptation

Table 16. List of Adaptation Strategies (short= 0-5 years, med= 5-30 years, long= 30+ years)

TYPE	DURATION OF PROTECTION	RIVER FLOODING	COASTAL STORM FLOODING	EROSION	WAVE IMPACTS	RIISING TIDES
<b>Hard</b>						
Levee	medium	•	•			•
Seawall or Revetment	medium		•	•	•	
Tidal Gate	medium		•			•
Flood wall	medium	•	•			•
Groin	medium		•	•	•	
<b>Soft</b>						
Wetland shoreline	medium		•		•	
Dune restoration	medium		•	•	•	•
Beach Nourishment	short		•		•	
Offshore structure	medium		•		•	
<b>Accommodate</b>						
Elevate	medium	•	•			
<b>Managed Retreat</b>						
Retreat	long	•	•	•	•	•
Rolling easement	long	•	•	•	•	•
Strict land use re-zone	long	•	•	•	•	•
<b>Regulatory Tools</b>						
Stricter Zoning	long	•	•	•	•	•
Floodplain Regulations	long	•	•		•	•
Building Codes and Resilient Designs	long	•	•		•	•
Setbacks/Buffers	long	•	•	•	•	•
Rebuilding Restrictions	long	•	•	•	•	•
<b>Planning Tools</b>						
Comprehensive Plan	long	•	•	•	•	•

### Rebuild current beach groins

Capitola currently has two groins located on the east end of the main beach. These structures were designed and constructed in response to changes in sediment supply that occurred after the construction of Santa Cruz harbor breakwater. The two groins were constructed in the 1960's to capture sediment being transported east and to build the width of Capitola beach. The groins have since deteriorated, reducing their height and sediment capture efficiency. Rebuilding or upgrading these structures may be a cost-effective adaptation response to mitigate short term beach loss. Long term (2060-2100) capacity of these structures to retain beach width may be reduced as ocean elevations rise.

Using groins to capture sand may lead to accelerated cliff erosion along Grand Avenue. The 2016 TNC report<sup>47</sup> found that the combination of groin construction and beach nourishment was a cost effective medium duration adaptation measure that helped reduce the loss of public beaches and natural habitats for an estimated twenty years (periodic sand replenishment would be required). Although this analysis was done in Monterey County, it provides useful information that may be transferable to Capitola.

### Investigate beach nourishment in concert with groins

Small to medium scale opportunistic beach nourishment has been found to be a cost effective, although temporary, adaptation measure when material is available.<sup>48</sup> Such materials are routinely diverted from the Santa Cruz harbor down current towards Capitola (providing beach sands for the Pleasure Point area). Other sources may include excess accumulation in local rivers that compromise flood management. Sediments from dam maintenance projects may also be obtained. Off shore sand has also been examined by the 2016 TNC report and may be cost effective but may also initiate more complex regulatory processes. Groins are recommended to extend sand retention time and upgrades to existing groins should be considered in Capitola to support any beach nourishment project.

Large sand placement projects were estimated to cost approximately \$3,300,000 per linear km and opportunistic nourishment was estimated at \$400,000 per linear km but must be repeated more often.<sup>49</sup> An example opportunistic sand placement project occurred along Del Monte Beach in Monterey where approximately 8000 cubic meters of sand was placed on the beach between 2012 and 2013. Sand helped protect inland structures but, because no groins were present to limit sand movement, much of the sand was redistributed during 2015 winter storms.<sup>50</sup>

### Prioritize coastal protection structures for upgrade and replacement (seawall and revetment)

The most common community response to cliff erosion that threatens private and public property and infrastructure is to construct or upgrade coastal armoring structures. The costs to replace or construct new coastal armoring however, is high. Recent estimates for constructing new seawalls that withstand

<sup>47</sup> Leo et al. 2017. Economic Impacts of Climate Adaptation Strategies for Southern Monterey Bay.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.

<sup>50</sup> The Watershed Institute, California State University Monterey Bay. A Small-Scale Beach Nourishment Project in Monterey. California. Publication No. WI-2015-05. 25pp.

periodic wave impacts are estimated at up to \$52 million per mile.<sup>51</sup> Therefore, completion of a coastal bluff and beach management plan for Capitola that outlines short and long term coastal bluff management strategies will help to establish local protection and adaptation priorities.

The secondary environmental and economic impacts that result from the construction of sea walls are significant. The 2016 TNC report found that coastal armoring was less expensive than beach nourishment and groin construction (although Capitola already has groins in place that may lower costs) and effectively reduced municipal and private property losses. Economic and community impacts from the loss of beach area, however, were estimated to be twice the value of the properties those structures were intended to protect. Therefore, the future allocation of public funds to protect current infrastructure should to be prioritized and weighed against the longevity and feasibility of the proposed protective structures.

Depending on cost, construction feasibility and legality of replacing current protective structures, it may be decided that some of the sea walls may be replaced or upgraded while other development may need to adapt to the projected hazards or be lost. Both the construction costs as well as the secondary implications of such armoring on coastal resources (access, beach width, view) may likely be significant.

### **Consider resiliency improvements to protect coastal access ways**

The City may consider additional resiliency improvements and/or new protective structures to maintain critical vehicular and coastal access ways (including Cliff Drive and the Wharf. note: the City is currently evaluating resiliency improvements for the wharf).

### **2030-2060 Adaptation Options**

Protection of all properties and infrastructure identified at risk during each time horizon is likely infeasible. Therefore, Capitola will need to establish adaptation strategies that best meet local long-term goals. Coastal municipalities will need to set adaptation policies that weigh public cost considerations, longevity of adopted strategies and resultant changes to the community. Establishing equitable managed retreat policies for coastal properties years before they are implemented will benefit successful long-term implementation of these policies and help to ensure the sustainability of the community. Selecting time horizons and climate conditions for which next phase adaptation strategies are triggered will allow the community to anticipate and prepare for future actions.

### **Identify priority areas for future protection accounting for costs, structural feasibility and secondary implications. (flood wall, seawall or revetment)**

This study assumes that the 1.2 miles of coastal protection infrastructure will need to be replaced, upgraded or removed sometime after 2030. Decisions regarding which structures to rebuild in their current location and which structures to remove or relocate (managed retreat) will need to be made.

<sup>51</sup> ESA-PWA. 2012. Evaluation of Erosion Mitigation Alternatives for Southern Monterey Bay. Report prepared for the Monterey Bay Sanctuary Foundation and the Southern Monterey Bay Coastal Erosion Working Group. <http://montereybay.noaa.gov/research/techreports/tresapwa2012.html>.



Secondary impacts of coastal protection should be considered including loss of public access, beach area, economic valuation of the beach and impacts to community identity.

Between 2060 and 2100, Capitola is at risk of losing much (95%) of its public beach if all current coastal protection structures are rebuilt in their current location. Additionally, some structures (Venetian Court and Esplanade hip walls) would need to be raised significantly to protect structures from future projected wave impacts. The raising of these walls would likely compromise public and private valuation of the coastline significantly, making such actions undesirable and contrary to Capitola community values.

#### TNC ECONOMIC ANALYSIS REPORT 2016

The 2016 TNC report suggests that net benefits of non-armoring approaches are consistently greater than armoring approaches for almost all near-term scenarios. Future funding should be sought to further investigate the cost benefit relationships of various adaptation strategies and the legal and financial strategies necessary to offset municipal and private losses with public benefits.

#### **Identify priority areas for managed retreat to retain sufficient beach area for recreational use (Stricter Zoning, Floodplain regulation, Rolling Easements, Retreat)**

Further site-specific modeling is needed to identify which areas can be protected from the combined forces of sea level rise and increased storm intensity. Between 2060 and 2100, some properties may be too difficult or expensive to protect in place and therefore a change in use may be necessary. Such policy decisions should be made early enough for property owners to accommodate these changes. Coordination with State and federal agencies can help municipalities implement these policies and ensure that programs are established to compensate private property owners for the transition of private properties to public use (i.e. beaches, public access and river and bluff setbacks).

#### **2060-2100 Adaptation Options**

Between 2060 and 2100, increased coastal wave damage, greater flooding frequency and depth, and higher tides may threaten significant portions of current beach front properties. Protection of all properties from these risks may be costly, technically challenging and may degrade *Capitola's unique identity and scenic beauty*. Decisions regarding what the urban/beach front area may look like in 2100 will need to be made much earlier (i.e. coastal bluff and beach management plan) if adaptation is to be strategic and cost effective. Adopting coastal adaptation and retreat policies once all efforts to protect existing infrastructure fail is a more costly strategy.

### Implement managed retreat strategies (Comprehensive Plan, Strict land use Re- zone, Rolling Easement)

There are a number of theoretical managed retreat strategies that have been described within the literature. Examples of coastal communities adopting re-zoning, building restrictions and other land use policies to drive the removal of buildings and infrastructure from the California coast, however, are few.

How retreat strategies can be adopted within a fully developed community like Capitola is unclear. Restrictions on redevelopment triggered by coastal development permit actions may lead to individual property owners implementing setbacks and building restrictions while neighbors are not required to comply. Such a case by case (or “Swiss Cheese”) approach will most likely have limited success protecting either coastal properties or coastal resources. Rather, adaptation strategies and future land use decisions (that account for the costs to private property owners and the city) should be drafted long before they become enforceable. Programs to systematically implement adopted adaptation strategies along stretches of coastline (similar to Pacifica) will need support of state agencies and non-governmental organizations. The Local Coastal Program could be an excellent tool to drive these strategies.

Cost sharing between private property owners and state and local agencies will need to be defined and local land trusts may play an important role in administering these programs in years to come. Coastal Hazard (similar to Geologic Hazard) Abatement Districts where neighbors collect taxes on their properties to fund neighborhood scale

### EXPLORING ADAPTATION POLICY

The Coastal Commission 2015 Guidance references strategies that include:

*“restrictions on redevelopment of properties in hazardous areas, managed retreat, partnerships with land trust organizations to convert at risk areas to open space, or transfer of development rights programs”*

The 2014 Pacifica LCP<sup>52</sup> sets policy for coastal bluff development so that,

*“All new development proposed on or adjacent to a coastal bluff shall require a site stability survey conducted by a licensed Certified Engineering Geologist or Geotechnical Engineer to determine the necessary setback, taking into account bluff retreat projected over the economic life of the development.”*

This and most revised municipal policies set a process to establish setbacks for new development, there are no policies yet adopted that outline areas where current development will be modified or removed due to changing coastal hazards projected from these climate models.

The Marin SLR Adaptation effort<sup>53</sup> completed focus area analysis of coastal communities (i.e. Bolinas) similar to this Capitola report and has identified infrastructure that will need to be raised or otherwise modified to respond to tides and coastal flooding. Agriculture lands have been identified for transition to wetlands. No residential or commercial private properties have been identified for removal and no procedures have been identified to support municipalities to *“convert at risk areas to open space.”*

<sup>52</sup> Dyett and Bhatia. 2014. Draft Pacifica Local Coastal Land Use Plan. Prepared for City of Pacifica. March 2014.

<sup>53</sup> Sea-Level Marin: Adaptation Response Team and Marin County Community Development Agency. 2015. Marin Ocean Coast Sea Level Rise Vulnerability Assessment, Draft Report.

solutions have been suggested to serve this function.

### Realign roads and utility infrastructure (Retreat and other building designs)

Future realignment of roadways and utility infrastructure is costly but those costs can be minimized if managed adaptation and retreat policies are established decades before implementation. City and utility districts and companies can integrate future land use changes into current infrastructure repair and replacement decisions to minimize future costs of infrastructure loss and realignment. Basic cost estimate (based on previous reports) to realign roads and infrastructure that may be at risk by 2100 is outlined in Table 14 (page 47).

A draft adaptation strategy for the City of Capitola is provided below (Table 17).

Table 17. Draft Adaptation Strategy for the City of Capitola

ADAPTATION CATEGORY:											
1. hard protection		2. soft protection		3. accommodate		4. Managed retreat		5. regulatory		6. planning	
COASTAL HAZARDS	THROUGH 2030	CATEGORY	THROUGH 2060	CATEGORY	THROUGH 2100	CATEGORY					
Coastal Storm Flooding	employ temporary protective structures	1, 2	employ secondary containment	1, 2	Implement Managed retreat policies	5					
	upgrade storm drains	3	upgrade building guidelines in vulnerable areas	6							
	integrate storm pumps into flood response	3	Establish Managed retreat policies	6							
	investigate secondary barriers to coastal flooding	1, 2									
	Maintain and upgrade building standards in vulnerable areas	5									
Wave Impacts	continue winter sand berm placement	2	Establish Managed retreat policies	6	Implement Managed retreat policies	5					
	increase efficiency of sand bag deployment	2									
	upgrade building guidelines in vulnerable areas	6									
	maintain coastal protection structures	1									

## 7. Adaptation

COASTAL HAZARDS	THROUGH 2030	CATEGORY	THROUGH 2060	CATEGORY	THROUGH 2100	CATEGORY
River Flooding	Increase freeboard along riverwalk (hip wall)	1	Establish Managed retreat policies	6	Implement Managed retreat policies	5
	upgrade storm drains	3				
	integrate storm pumps into adaptation	3				
	upgrade building standards in vulnerable areas	5				
	investigate secondary barriers to river flooding	1, 2				
Erosion	Maintain current coastal protective structures	1	prioritize replacement of coastal protection structures based on cost, feasibility, longevity and secondary implications	1	Implement Managed retreat policies	5
	Upgrade groins on beach	1	Establish Managed retreat policies	6		
	Investigate beach nourishment options	1, 2	Implement Coastal management strategy	5		
	set strategies for unprotected areas identified at risk	6				
	Investigate long-term feasibility and costs of maintaining current placement of coastal structures	6				
Rising Tides	Identify areas vulnerable to tidal flooding and integrate into zoning and building guidelines	6	Establish Managed retreat policies	6	Implement Managed retreat policies	5
	Draft coastal management plan for 2030, 2060 and 2100 to inform land use policy and private investments	6				

## 8. Conclusion

This vulnerability analysis is intended to provide a projected chronology of future hazards in order to support local adaptation planning and inform discussions within the community and with State regulatory and funding agencies.

Capitola has responded to and adapted to numerous environmental hazards throughout its 150 years. Development has changed, hotels have burned, and the city has flooded. After each disaster, the community has responded through reconstruction, upgraded infrastructure, and modifications in land use, all intended to retain Capitola's unique charm while responding to nature's lessons.

This vulnerability assessment provides projections of future hazards so the community can begin planning for strategic adaptation to these hazards rather than responding to future climatic events without sufficient forethought or understanding of costs and consequences. Capitola is uniquely vulnerable to coastal climate change. Capitola has stepped forward to partner with County and State agencies to complete this vulnerability assessment and begin planning proper responses to these environmental risks. The State has recently begun providing funding for projects that implement adaptation strategies. This vulnerability report is intended to provide Capitola with necessary information to prioritize actions to become more resilient and to partner with state agencies to implement selected priority actions. Additional State and federal funding is needed to aid local municipalities like Capitola who have taken steps to identify appropriate adaptation strategies.

### POSSIBLE NEXT STEPS

- Adopt Capital Improvement Project review guidelines for sea level rise hazard areas.
- Integrate 2030 hazard maps into future Capitola Local Hazard Mitigation Plan updates.
- Investigate beach groin upgrade costs and effectiveness.
- Identify and prioritize storm drain upgrades necessary to address future hazards.
- Work with California Coastal Commission to integrate preferred adaptation strategies into the Capitola Local Coastal Program.
- Continue to participate in regional discussions regarding climate hazard avoidance and adaptation best practices.
- Initiate public outreach and education efforts to inform citizens of projected future hazards.

## 8. Conclusion

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Mechanisms to implement the identified adaptation strategies requires further investigation, coordination among municipalities within the Monterey Bay and coastal California and development of partnerships that ensure efficient implementation of adopted strategies. Additional strategic dialog with California Coastal Commission staff is needed. The climate report team will work with the City of Capitola and Santa Cruz County to obtain additional funding to extend the adaptation opportunity analysis to the rest of Santa Cruz County, expand the environmental and economic implication analysis and further develop an adaptation implementation strategy for integration into general plans and local coastal programs.



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# City of Capitola

## Coastal Climate Change Vulnerability Report

### Appendices

JUNE 2017

CENTRAL COAST WETLANDS GROUP

MOSS LANDING MARINE LABS | 8272 MOSS LANDING RD, MOSS LANDING, CA

## Appendix A.

### Coastal Adaptation Policy Assessment: Monterey Bay (Center for Ocean Solution, 2016)



## Coastal Adaptation Policy Assessment: Monterey Bay

August 30, 2016

To support decisionmakers in their efforts to manage coastal resources in a changing climate, the Center for Ocean Solutions (Center) engaged with Monterey and Santa Cruz Counties and other partners to model, map and assess the role of natural habitats along the coast of Monterey Bay in providing the ecosystem service of coastal protection. In addition, the Center evaluated existing and potential land use policy strategies that prioritize nature-based climate adaptation strategies. Ecosystem service modeling and assessment was conducted using the Integrated Valuation of Environmental Services and Tradeoffs (InVEST) decision support tool, a suite of tools to map and value the goods and services from nature. Specifically, the Center utilized the InVEST Coastal Vulnerability model for this assessment.

This ecosystem services and adaptation policy assessment focuses on the coastline of Monterey Bay and two specific geographic areas of interest: Capitola in Santa Cruz County and Moss Landing in Monterey County. For each location, we identify the distribution and ecosystem services provided by coastal habitats, map the role of those habitats in reducing exposure to storm impacts, evaluate land use policy adaptation strategies with the potential to maintain or improve nature's role in reducing exposure to these impacts, and highlight policy considerations relevant for each strategy. In addition, we include an introduction to our science-to-policy approach, a compilation of general considerations for pursuing land use policy approaches, as well as a summary of our analysis methodology.

This assessment addresses Task 4B of the Ocean Protection Council's grant entitled: "Collaborative Efforts to Assess SLR Impacts and Evaluate Policy Options for the Monterey Bay Coast." Results from this assessment will inform local planning in both Capitola and Moss Landing, as well as regional or county-wide planning in both Monterey and Santa Cruz Counties. This collaborative, regional project is underway in parallel with other coastal jurisdictions through a statewide investment in updating coastal land use plans in accordance with projections of rising sea levels and more damaging storms.



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## Coastal Adaptation Policy Assessment: Monterey Bay

### EXECUTIVE SUMMARY

As sea levels rise, the impacts of more frequent large storm events driven by the El Niño Southern Oscillation (ENSO) will be greater than those historic events of similar magnitude, exposing coastal areas to the combined effects of elevated tides, increased storm run up and enhanced wave impacts. This increase in the frequency and intensity of storms will likely lead to economic, social and environmental vulnerabilities for coastal communities. California has proactively prioritized coastal adaptation planning that addresses vulnerabilities associated with a changing climate. As a result, the Monterey Bay Region is one of many locations to receive significant funding support to conduct a regional assessment of coastal vulnerability. The results of this coastal adaptation policy assessment will provide information that municipalities can leverage as they engage in adaptation planning for coastal land use.

Successful local, regional and state climate adaptation planning should take into account the role of natural habitats in ensuring a resilient coastline. Coastal habitats can play a protective role in reducing exposure to wind and wave impacts while also providing many additional beneficial ecosystem services to people and nature. Through proactive climate adaptation planning, coastal communities should prioritize nature-based strategies (e.g., dune or wetland restoration, conservation easements, etc.) when and where they are most feasible. If nature-based strategies are not practical in a given location, then coastal planners should consider approaches that seek to maintain the integrity of natural habitats and allow for adaptive coastal planning in the future (e.g., planned retreat, redevelopment limits, etc.).

With combined funding from the State Coastal Conservancy's (SCC) Climate Ready and Ocean Protection Council's (OPC) Local Coastal Program Sea Level Rise grant programs, the Monterey Bay Region is a part of a statewide investment to update coastal land use plans in accordance with projections of rising sea levels and more damaging storms. In parallel with additional select counties, the SCC and OPC provided funding in 2013 for Monterey and Santa Cruz Counties to include impacts from rising sea levels in their ongoing Local Coastal Program updates. The full study area includes the Monterey Bay coastline from Año Nuevo in Santa Cruz County to Municipal Wharf Two in Monterey County. Through discussion with county and city planners as well as with grant organizers from Central Coast Wetlands Group, two community-level study areas were identified—Capitola and Moss Landing—for exposure of coastal assets analyses, the role of natural habitats in reducing coastal exposure and the implications for potential climate adaptation strategies. Detailed analysis and synthesis in these case study locations will be the catalyst for similar investigations throughout Monterey Bay and potentially other sections of the California coast.

## Executive Summary: Key Messages

### **Monterey Bay Coastal Study Area**

- The Monterey Bay coastline features diverse coastal habitats including: dense kelp forests; brackish wetland habitats along creeks, lagoons, and sloughs; and expansive beach and dune systems that cover the central and southern sections of the coastline.
- While each coastal habitat plays some protective role, the dune systems in southern Monterey Bay play the highest role in reducing exposure of coastal development to erosion and inundation during storms relative to the entire study area.
- Any climate adaptation strategies under consideration along the Monterey Bay coastline should conform with the strictures of the Coastal Act, consider the recommendations from the Coastal Commission’s sea level rise guidance, and respect the cultural significance of the region.
- A primary consideration for proactive coastal adaptation is to incentivize proactive climate adaptation planning that utilizes a blend of approaches across multiple timescales; optimal strategies should not limit adaptation options for future generations.

### **Capitola**

- The small beach and lagoon system at the mouth of Soquel Creek plays a relatively moderate role in reducing exposure to erosion and inundation in comparison with the entire study area.
- The proximity of Capitola’s commercial development to the coast limits the city’s options for nature-based adaptation strategies.
- Adaptation options for developed sections of Capitola include implementing overlay zones that account for anticipated rising seas. In addition, limiting redevelopment or implementing redevelopment guidelines in these zones can provide a plan for relocation in coming years.

### **Moss Landing**

- Relative to the entire Monterey Bay study area, the large dunes north and south of Moss Landing provide the highest protective role from coastal storm impacts.
- Nature-based climate adaptation options in the Moss Landing case study area include restoration or preservation of dune and wetland habitats. In addition, nourishing beachfront locations with additional sediment can be an option if appropriate environmental concerns are addressed.
- Built structures—including some coastal dependent structures—limit adaptation options for parts of Moss Landing. Critical infrastructure such as the Moss Landing power plant, harbor infrastructure, and Highway 1 all present challenges to implementing many otherwise viable strategies.

**Our Climate and Ecosystem Services Science-to-Policy Approach**

Coastal decisionmakers are actively determining how coastal communities will adapt to rising sea levels and more damaging storms. Favorable adaptation approaches consider the role of natural habitats and prioritize resilient strategies that do not limit future planning options.<sup>1</sup> Since 2010, the Center for Ocean Solutions has worked with coastal planners and managers to incorporate the role of natural habitats in climate adaptation planning.<sup>2</sup> Below, we outline our scalable, transferable approach to bridging a spatial assessment of natural protective services with coastal land use policy decisions in an era of changing climate.<sup>3</sup>

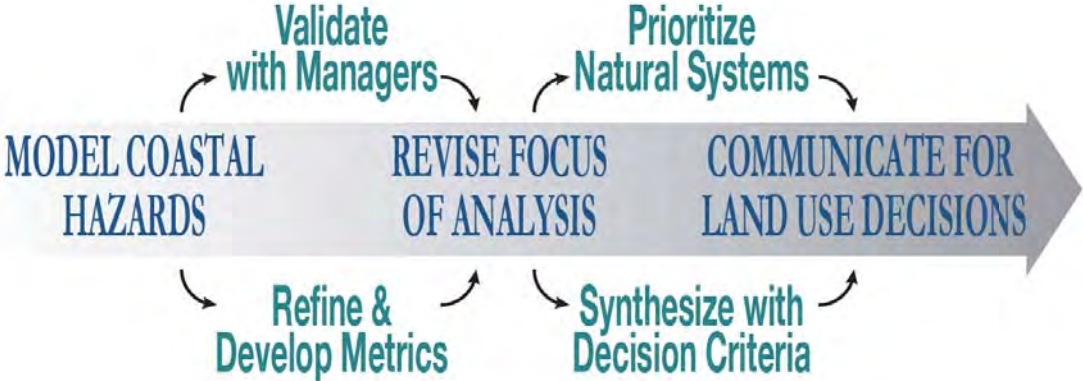


Fig. 1: Our transferable, scalable ecosystem services to coastal adaptation policy approach.

Coastal Ecosystem Services

Ecosystem services are the benefits that natural habitats provide to people (e.g., water purification, aesthetic attachment, carbon sequestration and coastal protection). Thriving, healthy ecosystems provide the greatest provision of services and are most resilient in the face of dynamic environmental conditions. In the coastal context, ecosystems play an important role in protecting shorelines against wave action by dissipating wave energy, or, in the case of sand dunes, physically impeding wave run-up. Climate change impacts, such as rising sea levels and increased storm intensity, are altering patterns of wave action along the coast and exposing new locations to physical forces. As waves travel from the open sea to coastal regions with shallower waters, they interact with the natural and geologic features of the seabed. Increased intensity and frequency of storms and rising seas, further emphasizes the important role of coastal habitats in reducing shoreline erosion and of increasing resilience in coastal areas.

<sup>1</sup> Jon Barnett & Saffron O’Neill, *Maladaptation* 20 GLOBAL ENVTL. CHANGE 211 (2010).  
<sup>2</sup> Suzanne Langridge et al., *Key lessons for incorporating natural infrastructure into regional climate adaptation planning* 95 OCEAN & COASTAL MANAGEMENT 189 (2014); Sarah Reiter et al., *Climate Adaptation Planning in the Monterey Bay Region: An Iterative Spatial Framework for Engagement at the Local Level* 6 NATURAL RESOURCES 375 (2015); Lisa Wedding et al., *Modeling and Mapping Coastal Ecosystem Services to Support Climate Adaptation Planning*, in OCEAN SOLUTIONS EARTH SOLUTIONS 389 (Dawn J. Wright ed., 2016).  
<sup>3</sup> See Figure 1. For further information on this approach, see also the “Analysis, Methodology and Assumptions” section *infra*.

Diverse habitats along California’s coastline (e.g., sea grasses, kelp forests, salt marshes, dunes) play a role in reducing exposure to storm impacts while also providing a variety of additional services. As coastal development and rising sea levels degrade or damage these habitats, coastlines, communities and infrastructure become increasingly vulnerable to storms. An important challenge for decisionmakers is determining the best climate adaptation strategies that protect people and property while also protecting the ability of coastal habitats to provide a protective service into the future. To address this challenge, coastal communities need to identify where natural habitats provide the greatest protective benefits so that they may prioritize adaptation planning efforts that protect or restore their critical natural habitats.

#### *Spatial Modeling and Mapping of the Protective Services*

Modeling and mapping the ecosystem service of coastal protection can support the spatial prioritization of science-based climate adaptation strategies. For this assessment, we used InVEST (Integrated Valuation of Ecosystem Services and Tradeoffs) in combination with ArcGIS to identify areas where natural coastal habitats provide greater relative protection from storms and shoreline erosion.<sup>4</sup> The spatial models account for service supply (e.g., natural habitats as buffers for storm waves), the location and activities of people who benefit from services and infrastructure potentially affected by coastal storms. The InVEST Coastal Vulnerability model produces a qualitative estimate of coastal impact exposure to erosion and inundation during storms. By coupling exposure results with population information, it can identify the areas along a given coastline where humans are most vulnerable to storm waves and surge. The model does not value any environmental service directly, but ranks sites as having a relatively low, moderate or high risk of erosion and inundation through an exposure index.

The Coastal Exposure index is calculated by combining the ranks of the seven biophysical variables at each shoreline segment: geomorphology, natural habitats (biotic and abiotic), net sea level change, wind and wave exposure, surge potential and relief (bathymetry and topography). Model inputs serve as proxies for various complex shoreline processes that influence exposure to erosion and inundation. The resulting coastal exposure ranks range from very low exposure (rank=1) to very high exposure (rank=5), based on a mixture of user- and model-defined criteria. The model output helps to highlight the relative role of natural habitats at reducing exposure—also through a 1–5 ranking. This relative role output can be used to evaluate, how certain management actions can increase or reduce exposure of human populations to the coastal hazards of erosion and inundation. For this assessment, the model outputs were mapped on the shoreline of the Monterey Bay study area in order to interpret the relative role of natural habitats in reducing nearshore wave energy levels and coastal erosion—thus highlighting the protective services offered by natural habitats to coastal populations.

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<sup>4</sup> InVEST is a free and open-source suite of software models created by the Natural Capital Project at the Stanford Woods Institute for the Environment to map and value the goods and services from natural capital. See INTEGRATED VALUATION OF ECOSYSTEM SERVICES AND TRADEOFFS, [http://www.naturalcapitalproject.org/models/coastal\\_vulnerability.html](http://www.naturalcapitalproject.org/models/coastal_vulnerability.html) (last visited Aug. 30, 2016).

### Coastal Vulnerability Model Considerations

While this vulnerability modeling approach includes average wave and storm conditions, the InVEST Coastal Vulnerability model does not account for coastal processes that are unique to a region, nor does it predict changes in fluvial flooding or shoreline position or configuration. The model incorporates a scenario-based approach to evaluate the role that coastal habitats play in reducing exposure to coastal impacts. We use the Coastal Vulnerability index here to better understand the relative contributions of different input variables to coastal exposure and highlight the protective services offered by natural habitats to coastal populations. Results provide a qualitative representation of erosion and inundation risks, rather than quantifying shoreline retreat or inundation limits. The compiled role of habitat map products depicts results from a “presence/absence” analysis that calculates the difference between erosion indices with and without habitats in place. In effect, this approach indicates the change in coastal exposure if natural habitats are lost or degraded.

### Connecting Spatial Modeling to Planning

Understanding the role that nearshore habitats play in the protection of coastal communities is increasingly important in the face of a changing climate and rising seas. To develop this analysis, we integrated feedback from coastal planners to better understand their information needs on coastal vulnerability and potential adaptation options. The map products created from the InVEST Coastal Vulnerability model support the spatial evaluation of nature-based adaptation planning alternatives with rising sea levels, and highlight how protective services might change in the future. Connecting these model results with existing land use planning and zoning information and current policies provides a pathway for identifying locations in which nature-based strategies can be prioritized as more effective and feasible than competing traditional strategies.



**Monterey Bay Coastal Study Area**

*Monterey Bay Coastal Management Context*

The study area from Año Nuevo in Santa Cruz County to Wharf Two in Monterey County features a diverse range of land uses and densities. This range includes the City of Santa Cruz’s highly developed coastline, the sparsely populated coastal properties of southern Santa Cruz County, and undeveloped beaches in Santa Cruz and Monterey Counties.<sup>5</sup> Farmlands dominate much of the inland areas, especially around Watsonville, Castroville, and Salinas. The main feature of the coastline is the Monterey Bay itself, which includes a submarine canyon leading seaward from Elkhorn Slough and the coast of Moss Landing. The Moss Landing power plant is the largest structure on the Bay, and the coastline features numerous important points of interest, roads, critical infrastructure, and research and educational facilities.

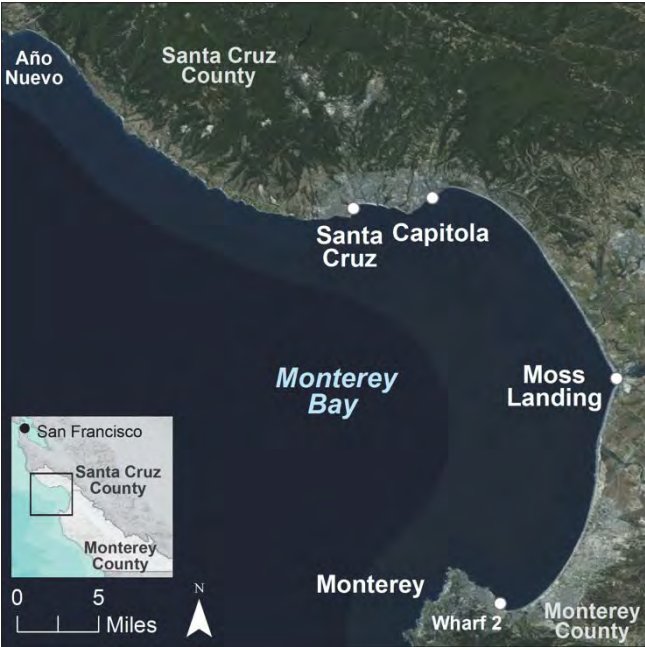


Fig. 2: Satellite image of Monterey Bay.

Several governmental agencies oversee the Monterey Bay coastline. For instance, the California Department of Parks and Recreation manages the state parks and reserves. The California Department of Transportation (CalTrans) oversees the coastal roadways, particularly the Pacific Coast Highway (Highway 1). The California Energy Commission regulates the Moss Landing power plant. The U.S. Fish and Wildlife Service governs the Salinas River National Wildlife Refuge. The National Oceanic and Atmospheric Administration (NOAA) administers the Elkhorn Slough National Estuarine Research Reserve (ESNERR) in partnership with the California Department of Fish and Wildlife. ESNERR and the non-profit Elkhorn Slough Foundation protect 5,500 acres of land, comprising property owned and managed by the reserve and property owned or managed by the foundation in the surrounding hillsides.<sup>6</sup> NOAA also administers the Monterey Bay National Marine Sanctuary and has jurisdiction over the marine mammals in the area. The most active land management agencies in the coastal zone include: the California Coastal Commission, which oversees land use and public access; the State Coastal Conservancy, which strives to protect or improve natural coastal ecosystems; and the State Lands Commission, which manages California’s public trust lands.<sup>7</sup>

<sup>5</sup> The full project study area includes the Monterey Bay coast from Año Nuevo in Santa Cruz County to Municipal Wharf Two in the City of Monterey. Note that this study area does not include sections of Santa Cruz County north of Año Nuevo or sections of Monterey County west and south of Wharf 2. See Figure 2.

<sup>6</sup> ELKHORNSLOUGH.ORG, <http://www.elkhornslough.org/conservation/what.htm> (last visited Aug. 29, 2016).

<sup>7</sup> Public trust lands are held and managed by the state for the benefit of the public. In the coastal zone, public trust lands include all ungranted tide and submerged lands. The Coastal Commission also retains some oversight over the use of granted tide and submerged lands.

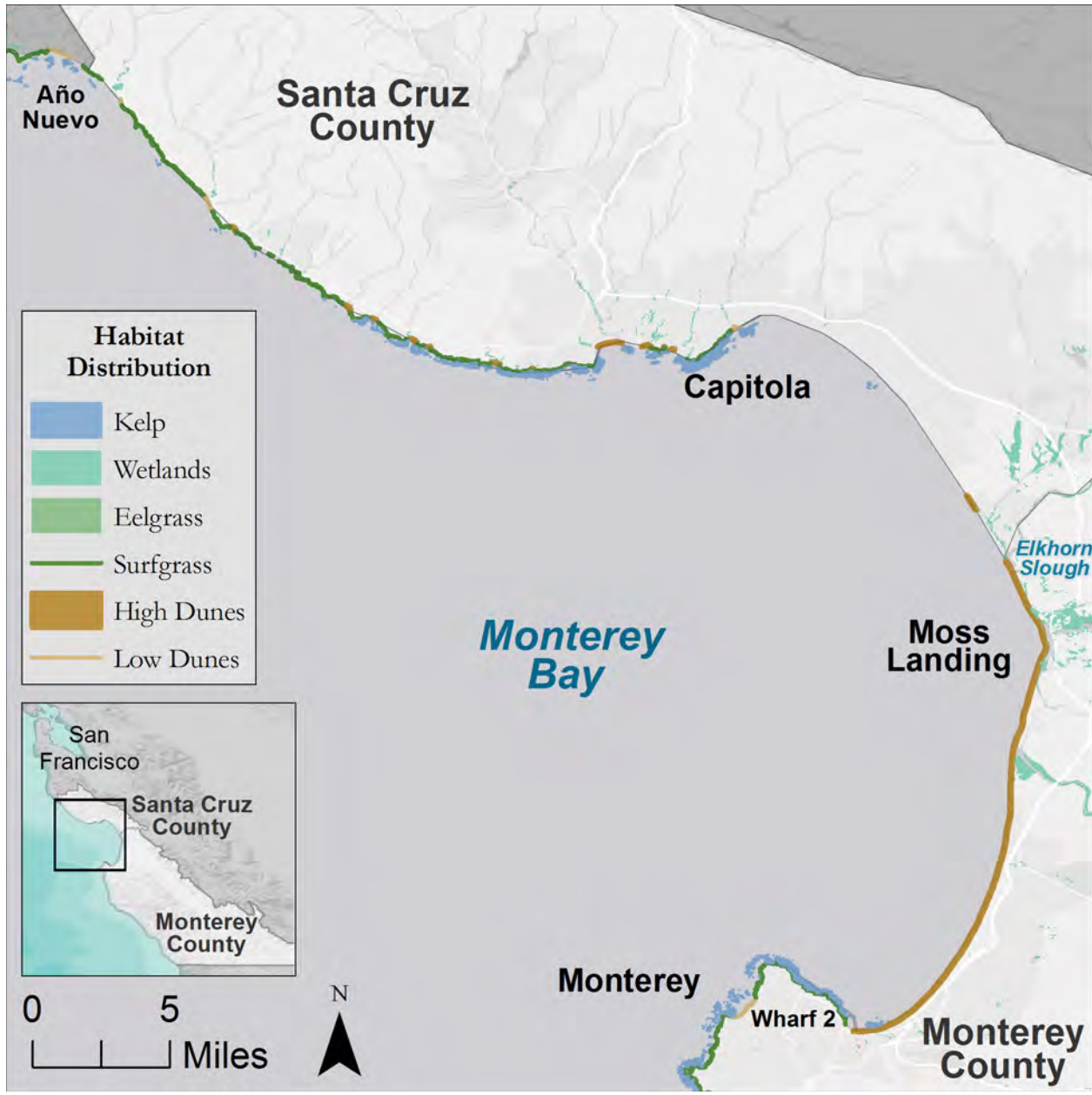


Fig. 3: Coastal habitats in Monterey Bay and surrounding area.

The Pacific coast of Santa Cruz and Monterey Counties has extensive natural habitats including some of the most imperiled habitats in the United States. Freshwater wetlands, coastal prairie and maritime chaparral, as well as kelp forests, estuarine wetlands, small and large beaches, and dunes are all present in the region.<sup>8</sup> The northern section of the study area (Año Nuevo to Capitola) includes a mostly rocky coastline fronted by seaweeds and surfgrass, backed by open agricultural lands. Occasional pocket beaches, typically fed by creeks, interrupt the bluffs and provide coastal access. Near the river mouths of the city of Santa Cruz, there is a greater concentration of small pocket beaches and wetland habitats than elsewhere in the area. The central section of the study

<sup>8</sup> See Figure 3.

area (Capitola to Moss Landing), is predominantly characterized by beaches and low dune systems backed by cliffs that decrease in size from north to south. The southern section of the study area (Moss Landing to Monterey) is dominated by large dune systems at the southern extent of the Santa Cruz littoral cell—the cycle of sediment sources and sinks from Pillar Point to the Monterey Canyon.<sup>9</sup> These habitats are all locally important and provides significant ecosystem services and benefits to certain communities.

#### Monterey Bay Protective Role of Habitats

Coastal habitats provide the ecosystem service of coastal protection for people, property and infrastructure by providing a natural buffer to mitigate erosion and inundation from ocean waves and storms. Our analysis focused on the direct effects of sea level rise on the risk of coastal communities to erosion and flooding. Our model results suggest that with rising sea levels the ability of dune systems to mitigate coastal exposure and keep this section of coastline in the low-moderate exposure range could be compromised.<sup>10</sup> Rising seas will likely impact the protective role of many beaches and dune habitat backed by coastal armoring that could result in the loss of existing beach area and the associated recreation and tourism income to coastal communities.<sup>11</sup> Overall, the loss of coastal dunes, wetlands, kelp forests and seagrass habitats would increase the exposure to erosion and flooding along the Monterey Bay study area. The extensive high dune systems throughout the southern section of Monterey Bay play a relatively high protective role compared to other natural habitats along the coastline. Storm surge is an important model factor from Marina to Monterey which alludes to the high role of coastal habitats in this area for protecting people and property along the coast. The coastal dune habitat in the Monterey Bay region suffers from high rates of erosion.<sup>12</sup> As a result, shoreline armoring has been used extensively along developed areas to address erosion and protect infrastructure and other areas of coastal development from waves, erosion and inundation. With increasing human pressure on these coastal ecosystems, there is a need to prioritize adaptation planning efforts in these important dune systems and other habitats that play significant roles in coastal protection.

Coastal wetlands along Monterey Bay stabilize shorelines and protect coastal communities by attenuating waves. Wetland habitat in the study area provides a relatively moderate role in mitigating erosion and inundation during storms. As sea levels rise, wetlands need to migrate to maintain their protective role. A recent study in Santa Cruz found that 17% of wetland habitat will be unable to migrate with sea level rise due to existing development.<sup>13</sup> The model does not predict migration or loss of habitat under the different sea level rise scenarios. Further research is needed to understand the extent to which habitats will be able to adapt to climate change effects.<sup>14</sup>

<sup>9</sup> U.S. ARMY CORPS OF ENGINEERS, COASTAL REGIONAL SEDIMENT MANAGEMENT PLAN FOR THE SANTA CRUZ LITTORAL CELL, PILLAR POINT TO MOSS LANDING (2015).

<sup>10</sup> See Figure 4.

<sup>11</sup> Philip G. King et al., THE ECONOMIC COSTS OF SEA-LEVEL RISE TO CALIFORNIA BEACH COMMUNITIES (2011).

<sup>12</sup> Gary Griggs & Rogers Johnson, *Coastline erosion: Santa Cruz County, California* 32 CALIFORNIA GEOLOGY 67 (1979); Edward Thornton et al., *Sand mining impacts on long-term dune erosion in southern Monterey Bay* 229 MARINE GEOLOGY 45 (2006).

<sup>13</sup> MATTHEW HEBERGER ET AL., THE IMPACTS OF SEA-LEVEL RISE ON THE CALIFORNIA COAST (2009).

<sup>14</sup> Langridge, *supra* note 2.

The southern coastline of Monterey Bay is exposed to high wave energy, which was a substantial driver of the high coastal exposure in this area. Surfgrass provides some wave attenuation for the adjacent shoreline but compared to other habitats in the study area, it plays a relatively low role in reducing overall exposure. Although kelp forest habitats along the broader Monterey Bay coastline also play a relatively low role in reducing exposure to coastal hazards compared to the coastal dune habitats, these habitats offer important co-benefits to California's people and the economy such as fisheries habitat and recreation.

#### Monterey Bay Ecosystem Services of Coastal Habitats

The Monterey Bay is nationally regarded as a culturally important marine habitat. This section of the coast includes six state marine protected areas as well as a national marine sanctuary.<sup>15</sup> Monterey Bay also supports a diverse ocean and coastal-based economy including agriculture, tourism, industry, aquaculture, fishing as well as a number of marine research and education institutions. Many tourists flock to the area for offshore whale watching, coastal birding, kayaking, surfing, boating, fishing, and beach-going. The diverse habitats noted below play an important role in preserving the open natural system of this region.

#### Creeks, Rivers, and Lagoons

Along the Northern coast of Monterey Bay there are numerous creeks and rivers reaching coastal lagoons and beaches along the Pacific shoreline. Several waterways also weave through the urbanized residential areas in Santa Cruz or Capitola, along with more rural neighborhoods such as in Aptos. These coastal waterways provide habitat for commercially important fish species (e.g., salmon and steelhead) during juvenile stages of their lifecycle. Many non-commercial fish and birds are also endemic to these creeks, while amphibians and reptiles use the damp banks for shelter and a source for food.<sup>16</sup> These riparian corridors and their lagoons provide aesthetic value and streamside recreation opportunities in the form of parks and trails, particularly in more urbanized neighborhoods. They also perform water filtration services, and nutrient cycling. When this habitat remains intact, it can aid in flood control and water storage during the wet season and major storm events.<sup>17</sup>

<sup>15</sup> The Marine Protected Areas include: Greyhound Rock and Elkhorn Slough State Marine Conservation Areas as well as Año Nuevo, Natural Bridges, Elkhorn Slough, and Moro Cojo State Marine Reserves.

<sup>16</sup> Mary E. Power et al., *Rivers*, in ECOSYSTEMS OF CALIFORNIA 713 (Harold Mooney & Erika Zavaleta eds., 2016).

<sup>17</sup> Walter G. Duffy et al., *Wetlands*, in ECOSYSTEMS OF CALIFORNIA 669 (Harold Mooney & Erika Zavaleta eds., 2016).



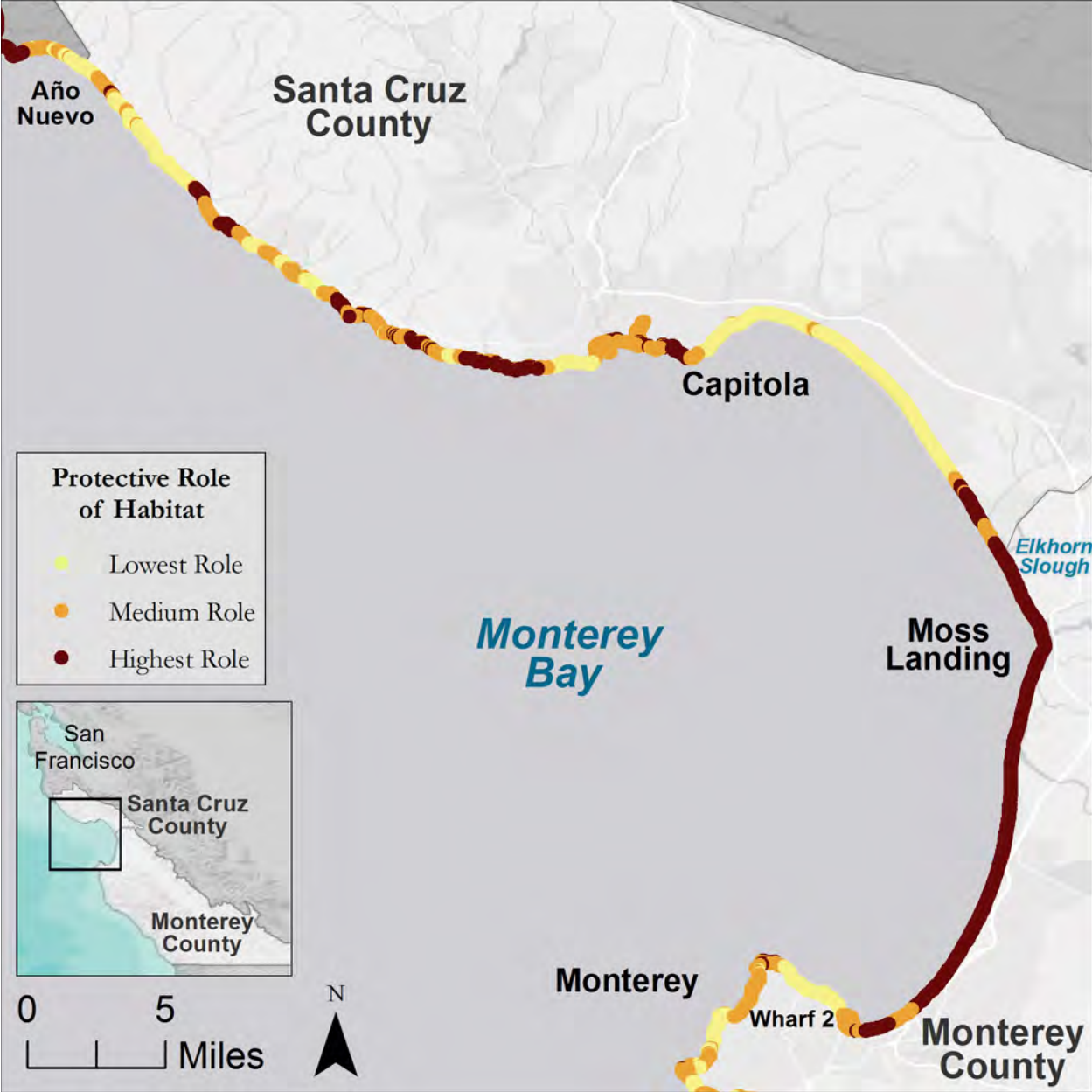


Fig. 4: Relative role of coastal habitats around Monterey Bay in reducing exposure to erosion and inundation.

*Kelp Forests of Monterey Bay’s Northern Coast*

On the Northern end of the bay, near Año Nuevo, dense kelp forests grow from the sandstone and claystone reefs offshore. Kelp forests provide juvenile fish habitat and shelter them from predation. Kelp is also harvested at small scales to provide food for abalone aquaculture, particularly for abalone farms along the wharfs of Monterey.<sup>18</sup> Since no recreational or commercial fishing of any abalone species is allowed south of San Francisco, local aquaculture operations are the only source

<sup>18</sup> Mark H. Carr & Daniel C. Reed, *Shallow Rocky Reefs and Kelp Forests*, in ECOSYSTEMS OF CALIFORNIA 311 (Harold Mooney & Erika Zavaleta eds., 2016).

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

of Monterey Bay abalone for human consumption.<sup>19</sup> Forests of giant kelp (*Macrocystis pyrifera*) and bull kelp (*Nereocystis luetkeana*), nourished by cold, nutrient-rich waters, are highly productive and support a food web of hundreds of fish and invertebrate species along with a diverse assemblage of birds and marine mammals.<sup>20</sup> In addition, litter from broken kelp fronds washes up on local beaches as wrack and detritus, sustaining a separate food web of terrestrial insects and shorebirds.<sup>21</sup> Kelp require high light levels and cool water temperatures to grow. As such they are sensitive to excess sedimentation and nutrient overloads that stimulate growth of light-blocking organisms. Strong wave action from storms can rip out entire kelp patches and significantly damage the remaining fronds. Accordingly, shifts in ocean thermal regimes or winter storm patterns such as El Niño can pose threats to sustaining kelp habitats.<sup>22</sup>

#### *Wetlands of Elkhorn Slough*

At the heart of Monterey Bay is Elkhorn Slough, an estuarine system known for its biological significance. Its channels, mudflats, eelgrass beds, salt marshes, and hard substrates provide habitat for more than 100 fish, 265 bird, and 500 marine invertebrate species, and more than two dozen rare, threatened, or endangered species.<sup>23</sup> Elkhorn Slough also provides safe habitat for several species of marine mammals. Sheltered from larger marine predators, harbor seals and Southern sea otters use the Slough as a safe feeding and pupping ground. Because of its rich diversity of birds and mammals, Elkhorn Slough's sheltered waters are a popular location for kayaking, paddle boarding, and wildlife viewing. These wetlands contribute to flood control, water filtration, and nitrogen runoff control services.<sup>24</sup> Wetlands provide additional benefits as sinks for carbon through their vegetation growth and accumulation of slowly decomposing sediment.<sup>25</sup>

#### *Coastal Dune and Beach Systems*

Extensive coastal dune systems along the southern coast of Monterey Bay support important plant communities between mean high tide and the furthest reach of storm waves.<sup>26</sup> The Monterey Bay beaches and dunes are also a favorite for locals and tourists alike due to its pristine coastline and sandy shores along many coastal access sites. The beach and dune habitats in this region also

<sup>19</sup> CALIFORNIA DEPARTMENT OF FISH AND WILDLIFE, STATUS OF THE FISHERIES REPORT (2011).

<sup>20</sup> Yuri Springer et al., *Toward ecosystem-based management of marine macroalgae—the bull kelp, Nereocystis luetkeana* 48 OCEANOGR. MAR. BIOL. ANNUAL REVIEW 1 (2010); see also Carr & Reed, *supra* note 18.

<sup>21</sup> Jenny Dugan et al., *The response of macrofauna communities and shorebirds to macrophyte wrack subsidies on exposed sandy beaches of southern California* 58 ESTUARINE COASTAL AND SHELF SCIENCE 25 (2003).

<sup>22</sup> Yuri Springer et al., *Toward ecosystem-based management of marine macroalgae - the bull kelp, Nereocystis luetkeana* 48 OCEANOGRAPHY AND MARINE BIOLOGY: AN ANNUAL REVIEW 1 (2010); Paul Dayton & Mia Tegner, *Catastrophic Storms, El Niño, and Patch Stability in a Southern California Kelp Community* 224 SCIENCE 283 (1984).

<sup>23</sup> CHANGES IN A CALIFORNIA ESTUARY: A PROFILE OF ELKHORN SLOUGH 4 (Jane Caffrey et al. eds., 2002) (Elkhorn Slough's habitats include "the slough's channels, mudflats, eelgrass beds, salt marsh, and hard substrate; the adjacent harbor, coastal dunes, and open beaches; and the grasslands, oak, woodlands, chaparral, and other upland areas."); Jessica Lyons, *Scientists and Activists Aim to Save Elkhorn Slough from Erosion and Development Before it is too Late*, MONTEREY CNTY. WEEKLY, Dec. 13, 2007, available at

[http://www.montereycountyweekly.com/news/cover/article\\_11c69d2e-dfd5-502d-92ca-bada34be8709.html](http://www.montereycountyweekly.com/news/cover/article_11c69d2e-dfd5-502d-92ca-bada34be8709.html).

<sup>24</sup> James E. Cloern et al., *Estuaries: Life on the Edge*, in ECOSYSTEMS OF CALIFORNIA 359 (Harold Mooney & Erika Zavaleta eds., 2016).

<sup>25</sup> John Callaway et al., *Carbon Sequestration and Sediment Accretion in San Francisco Bay Tidal Wetlands* 35 ESTUARIES AND COASTS 1163 (2012).

<sup>26</sup> Iris Hendriks et al., *Photosynthetic activity buffers ocean acidification in seagrass meadows* 11 BIOGEOSCIENCES 333 (2014).



provide numerous benefits to people and nature, such as critical shoreline bird habitat, mammal haul out locations, as well as coastal recreation and shoreline fishing spots.

### General Policy Considerations

There are several general policy considerations that apply to the entire study area, regardless of the adaptation strategy implemented.<sup>27</sup> Most importantly, any climate adaptation strategies should conform to the various strictures of the Coastal Act, and take into account the Coastal Commission’s sea level rise recommendations. Additionally, adaptation solutions should be place-based, designed with each specific location’s characteristics and limitations in mind. Adaptation strategies should also incentivize proactive planning and limit subsidizing building in hazardous locations. Finally, the cultural significance of the study area should be considered. These considerations are investigated below.

The Coastal Act sets out various legal requirements with which all coastal adaptation policies must be consistent.<sup>28</sup> Likewise, the Commission’s Sea Level Rise Guidance (Guidance) contains several persuasive and compelling recommendations. The Guidance recommends pursuing a suite of actions designed to protect in the short term, accommodate in the midterm, and promote retreat in the long term, instead of focusing on any one strategy type or time scales.<sup>29</sup> This hybrid approach permits flexibility and allows communities to tailor adaptation strategies to their unique circumstances. For instance, it would allow the use of protection, accommodation, and retreat strategies simultaneously—as needed and as appropriate—and would also allow these strategies to change over time.<sup>30</sup> Under such an approach, protection of existing structures is allowed but may be limited by certain factors, such as the economic life of a structure.

While a variety of coastal adaptation strategies for adjusting coastal land uses in response to climate impacts are possible in any given area, the appropriate adaptation measures for specific locations will depend on factors such as those locations’ topographies and existing infrastructure. Accordingly, each location’s unique characteristics should inform the adaptation strategies employed there. For example, the strategies suitable for the study area’s open and undeveloped coastlines are likely unsuitable for the city of Santa Cruz and other highly developed areas. Furthermore, specific strategies should take into account predicted rates of local sea level rise and an area’s vulnerability to storm events. Finally, existing regulations for each targeted location—such as local coastal programs, rules specific to the Monterey Bay National Marine Sanctuary<sup>31</sup> and any other applicable federal, state or local laws<sup>32</sup>—should be noted and followed.

<sup>27</sup> These considerations are in addition to the overarching policy consideration of this assessment: that nature-based solutions could be prioritized when possible to ensure maximum co-benefits and beneficial services associated with these strategies.

<sup>28</sup> See, e.g., CAL. PUB. RES. CODE §30235.

<sup>29</sup> CALIFORNIA COASTAL COMMISSION, SEA LEVEL RISE ADOPTED POLICY GUIDANCE 125 (2015) available at <http://www.coastal.ca.gov/climate/slrguidance.html>.

<sup>30</sup> *Id.* at 122-23 (“In many cases, a hybrid approach that uses strategies from multiple categories will be necessary, and the suite of strategies chosen may need to change over time.”).

<sup>31</sup> See, e.g., 15 C.F.R. § 922.132 (listing prohibited or otherwise regulated activities in the MBNMS).

<sup>32</sup> For instance, the National Historic Preservation Act of 1966 would govern efforts to move or alter historic buildings on the National Register of Historic Places. 16 U.S.C. §§ 470 *et seq.*

Keeping these limitations in mind, communities should pursue strategies that internalize the risks associated with building and buying properties in hazardous locations and incentivize proactive planned retreat and relocation where appropriate. Proactive planning is especially important in areas with a large number of repetitive loss properties, such as Aptos.<sup>33</sup> Superstorm Sandy and other disasters have proven that making decisions early is less expensive, and potentially less devastating, than waiting until the effects of a disaster take hold.<sup>34</sup> One way governments could internalize the risks associated with building in hazardous locations would be to stop spending public funds to rebuild private structures on sites damaged by rising seas and storms. Another option to internalize these risks would be to amend existing flood insurance policies.<sup>35</sup>

The cultural significance of California's beaches and the Monterey area can also be considered. California's beaches are important to Californians and play a large part in the State's identity. Furthermore, Monterey, and its surrounding areas, are culturally important for many reasons. Coastal adaptation planning can take the area's rich heritage into account when considering which coastal adaptation strategies to pursue. Particularly, adaptation decisions should consider the potential social impacts of decisions affecting culturally and socially significant areas. Moreover, culturally important points of interest in the area should be preserved if possible. Accordingly, decisionmakers can consider the social impacts of any proposed adaptation actions when prioritizing coastal adaptation strategies.

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<sup>33</sup> Particularly State Park Drive and Beach Drive in Aptos, CA. COUNTY OF SANTA CRUZ LOCAL HAZARD MITIGATION PLAN 2015-2020 64 (2015) available at <http://www.sccoplanning.com/Portals/2/County/Planning/policy/2015%20LHMP%20Public%20Review%20Draft.pdf>.

<sup>34</sup> See, e.g., Anne R. Siders, *Anatomy of a Buyout—New York Post-Superstorm Sandy*, Vermont Law School 16<sup>th</sup> Annual Conference on Litigating Takings Challenges to Land Use and Environmental Regulations (Nov. 22, 2013) (explaining lessons learned in acquisition and buyout programs post-Sandy in New York).

<sup>35</sup> Such a change would need to come at the federal level through amendment to the National Flood Insurance Program. 42 U.S.C. § 4001.

## Community-Level Study Areas

### Capitola: Coastal Setting

Capitola was one of the earliest populated beaches on the west coast and hosts a highly developed coastline. Similar to the neighboring city of Santa Cruz, Capitola faces flooding, cliff erosion and episodic bluff failure during King Tides—highest annual tides—and ENSO storm events. Soquel Creek bisects Capitola, and its beach, and plays a large role in riverine inundation in the area. Riprap lines the beach and protects both the beach and development beyond it, such as a modest commercial area that is the economic center of the community.



Fig. 5: Satellite image of Capitola.

Capitola’s unique characteristics inform the adaptation policies and strategies that might be prioritized in the area.<sup>36</sup> The coastal city of Capitola is dominated by steep cliffs, pocket beaches and low dune systems. Surfgrass beds line the shore and kelp forests populate nearshore reefs from the mouth of Soquel Creek westward toward the city of Santa Cruz. There are a number of low coastal terraces and cliffs that allow coastal access to these scattered beaches. Downtown Capitola and Capitola Beach are saddled between two steep coastal cliffs forming an economically important beachfront tourist destination and coastal recreation site for the community. Soquel Creek runs through downtown Capitola, housing a string of wetlands before flowing to the ocean through an ephemeral lagoon system.

### Capitola: Protective Role of Habitats

The low dune and beach habitat in Capitola plays a relatively moderate role in reducing the exposure of Capitola Village and the mouth of Soquel Creek to erosion and inundation during storms compared to the lower protection provided by rest of the adjacent coastline.<sup>37</sup> Beach sands in front of the creek mouth buffer wave run-up and the reach of salt water upstream during storm surge. The main drivers of coastal exposure in the Capitola area are the low elevation and erodible geomorphology surrounding Soquel Creek. The presence of wetlands reduces wave heights along the overall Monterey Bay coastline as coastal wetland and creek vegetation serve as a shoreline buffer. However, model results suggest that Soquel Creek does not serve a strong role in protecting the Capitola shoreline in all locations or scenarios due to the low-lying elevation and coastal flooding during storm events. This phenomenon is not unique to Soquel Creek as large scale regional erosion and river outflow can often overwhelm the ability of vegetation to attenuate waves.<sup>38</sup> The Capitola area is less exposed to wind and waves compared to the broader Monterey Bay study region, yet the relatively greater distance from the continental shelf drives an increase in storm surge potential. Kelp forest habitats along the broader Capitola coastline play a relatively low protective role, based on the model ranking methodology, in reducing exposure compared to the coastal dune and wetland habitats in this area.

<sup>36</sup> See Figure 5.

<sup>37</sup> See Figure 6.

<sup>38</sup> Keryn Gedan et al., *The present and future role of coastal wetland vegetation in protecting shorelines: answering recent challenges to the paradigm* 106 CLIMATIC CHANGE 7 (2011).

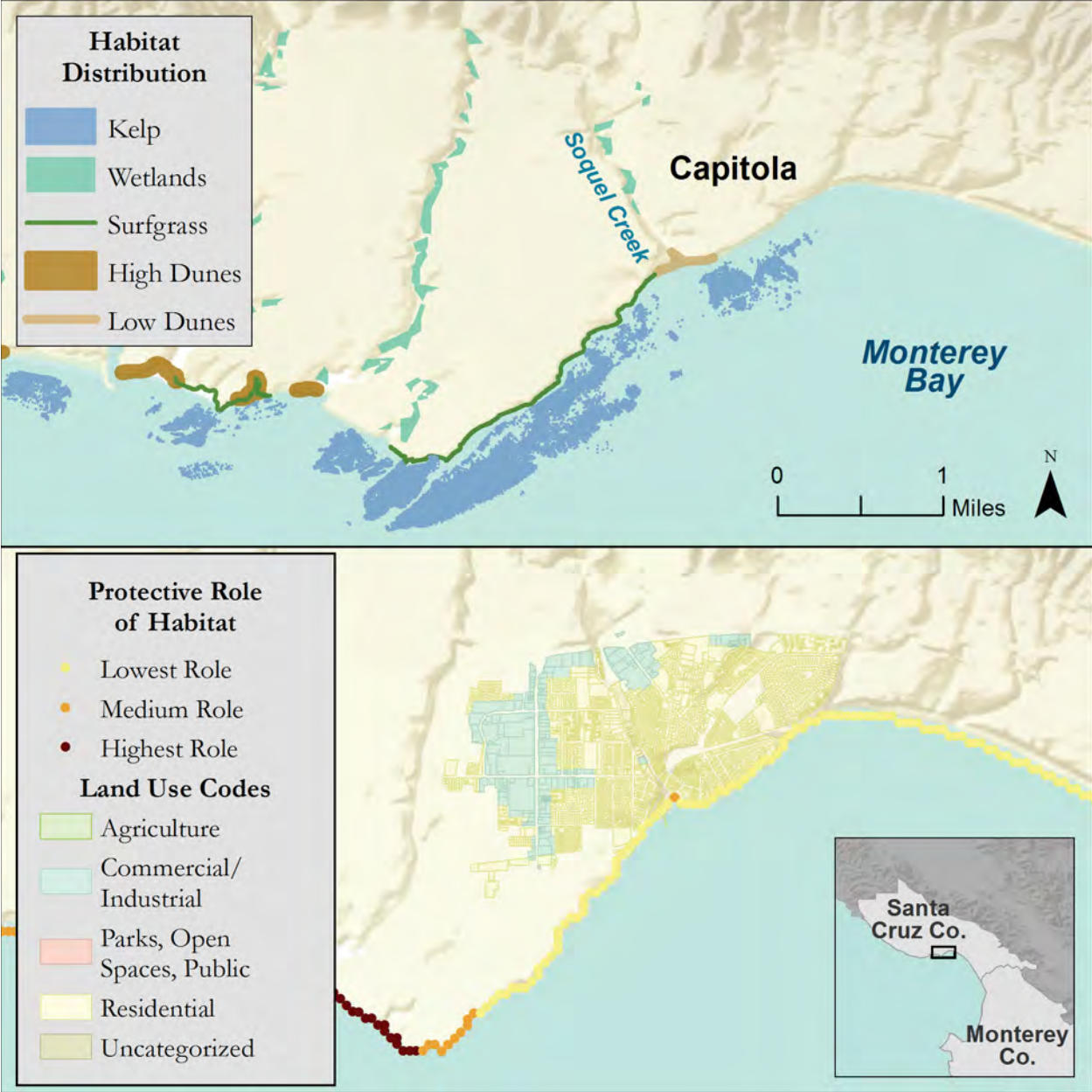


Fig. 6: Coastal habitats around Capitola, CA (Top). The relative role of coastal habitats along the shoreline of Capitola in reducing exposure to erosion and inundation with relevant land use zoning information (Bottom). Land use categories from the General Plan Land Use Codes were aggregated into four broad land use codes (see Bottom legend). Nearly all areas belonged distinctly to one category of land use. Only one land classification, Visitor Serving/L-M Density Residential, had uses from multiple categories, and it was categorized as Residential for this map.

*Capitola: Ecosystem Services of Coastal Habitats*

*Wetlands in Riverine System*

As Soquel Creek approaches the Pacific Ocean, the change in slope provides opportune locations for wetland habitats that slow the pace of the river and filter nutrients and pollutants, which leads to an improvement in water quality.<sup>39</sup> Closer to the coast, the river may transition into a lagoon

<sup>39</sup> Duffy et al., *supra* note 17.



system depending on the extent of the beach and low dune system at the mouth. Fish, small invertebrates and birds inhabit the lagoon as a feeding and breeding ground.<sup>40</sup> During strong rains, the lagoon typically breaches to create a direct opening to the ocean.<sup>41</sup> The distinction between this tidal versus lagoon interface plays a significant role in managing flood risks for the city of Capitola, particularly due to the many homes that line the creek and lagoon. While lagoon status influences the volume of tidal water that enters the creek system, intact wetlands can buffer surrounding areas against inundation. For instance, water is absorbed into soils instead of collecting on impermeable surfaces.<sup>42</sup>

### *Coastal Dune and Beach Systems*

The beach and low dune habitat along the mouth of Soquel Creek provides the coastal community with recreation opportunities (e.g., surfing, fishing, kayaking, swimming, beach access). The Capitola Village and beach areas near the mouth of the creek draw over twenty percent of Santa Cruz County's tourism visitors annually.<sup>43</sup> The lagoon system at the mouth of Soquel Creek is actively managed by artificial breaching to release water as part of flood control and water quality maintenance. When open to the ocean, lagoons effectively function as small estuaries. Breaching alters the amount of tidal exchange, temperatures, salinity profiles and water flow for the lower portion of the creek. Depending on time of year and conditions surrounding the breaching event, the shift from closed to open system may influence patterns of species movement and habitat use.<sup>44</sup> Controlled breaching events are typically closely overseen by City Watershed Management monitoring teams, with crews on hand to keep threatened and endangered fish in their respective habitats with nets or transport upstream if needed.<sup>45</sup>

### *Kelp Forests and Surfgrass*

Surfgrass and kelp forest habitats near the Capitola shoreline serve an important natural service by providing food and habitat for a suite of marine species that are also important to recreational fishing for residents and visitors. Kelp forests of the Monterey Bay support rockfish, urchins, crabs and many other commercially valuable species, while surfgrass acts as a nursery for juveniles of these adult kelp forest species.<sup>46</sup> Detritus from kelp forests washes out into open water and submarine canyons, providing subsidies of nutrients and food material to the Monterey Bay's deeper habitats.<sup>47</sup>

<sup>40</sup> Cloern et al., *supra* note 24.

<sup>41</sup> *Id.*

<sup>42</sup> Walter Duffy and Sharon Kahara, *Wetland ecosystem services in California's Central Valley and implications for the Wetland Reserve Program* 21 ECOLOGICAL APPLICATIONS S18 (2011).

<sup>43</sup> LAUREN SCHLAU CONSULTING, SANTA CRUZ COUNTY VISITOR PROFILE (2010).

<sup>44</sup> Cloern et al., *supra* note 24.

<sup>45</sup> Jessica York, *Beach lagoon breached to alleviate flooding*, SANTA CRUZ SENTINEL, August 17, 2015, <http://www.santacruzsentinel.com/article/NE/20150817/NEWS/150819676>.

<sup>46</sup> Kevin Hovel, *Habitat fragmentation in marine landscapes: relative effects of habitat cover and configuration on juvenile crab survival in California and North Carolina seagrass beds* 110 BIOLOGICAL CONSERVATION 401 (2003); Carey J. Galst & Todd W. Anderson, *Fish-habitat associations and the role of disturbance in surfgrass beds* 365 MARINE ECOLOGY PROGRESS SERIES 177 (2008); *see also* Carr & Reed, *supra* note 18.

<sup>47</sup> Christopher Harrold et al., *Organic enrichment of submarine-canyon and continental-shelf macroalgal drift imported from nearshore kelp forests benthic communities by macroalgal drift imported from nearshore kelp forests* 43 LIMNOLOGY & OCEANOGRAPHY 669 (1998).

Both kelp forests and surfgrass beds also have potential to sequester some carbon dioxide from the atmosphere and surrounding water by incorporating carbon into their tissues. On a short-term scale, photosynthesis temporarily removes carbon dioxide from the water during the day, potentially reducing the impacts of ocean acidification.<sup>48</sup> Over time, marine sediments slowly bury and trap the plant matter—and therefore the carbon—for longer time scales.<sup>49</sup> As carbon sequestration markets develop, this ecosystem function could be of economic interest to the Capitola area from both a hazard and emission mitigation perspective.

### Capitola: Adaptation Strategies & Considerations

#### *Coastal Adaptation Options*

Capitola’s highly developed coastline limits the available coastal adaptation options. Due to high-density development and the prevalence of cliffs and bluffs, limited opportunities exist to apply nature-based strategies, with the exception of Capitola’s beach—a possible candidate for beach nourishment. Beach nourishment could reinforce the beach and surrounding areas, slowing coastal erosion due to rising seas. This strategy would also buffer the upland structures—at least in the short term—from rising seas and storm events.

Other adaptation options would also be feasible in Capitola. A particularly useful and flexible option would be to develop sea level rise overlay zones for Capitola’s vulnerable areas.<sup>50</sup> An overlay zone is a tool that groups certain properties together because of a feature they share, or because of some regulatory aim that a local government wishes to accomplish. An overlay zone would allow additional zoning regulations or building code restrictions to be established in the future for the properties in that zone, as deemed necessary. Establishing a sea level rise overlay zone would provide immediate notice to owners of homes and businesses that they are in an area that is vulnerable to rising sea levels.<sup>51</sup> This zone could be coterminous with, or go beyond, existing floodplain zones in the area.<sup>52</sup>

Overlay zones can also designate certain areas as protection, accommodation, or retreat zones and implement appropriate regulations for restricting future development and redevelopment in each zone. For instance, regulations might allow rebuilding of structures in an “accommodation zone,” but only if they are raised or otherwise built to withstand rising seas. Likewise, a “retreat zone” might include setbacks and other redevelopment restrictions, such as requiring certain uses to end after a specific time period. Finally, a “protection zone” could allow protection strategies for properties that feature coastal dependent structures, such as harbors.

An overlay zone might also include additional strategies to promote responsible coastal adaptation. For instance, redevelopment in vulnerable areas could be limited through downzoning. This

<sup>48</sup> Hendriks, *supra* note 26; Lester Kwiatkowski et al., *Nighttime Dissolution in a Temperate Coastal Ocean Ecosystem Increases under Acidification* 6 SCIENTIFIC REPORTS 1 (2016).

<sup>49</sup> Elizabeth McLeod et al., *A blueprint for blue carbon: Toward an improved understanding of the role of vegetated coastal habitats in sequestering CO<sub>2</sub>* 9 FRONTIERS IN ECOLOGY AND THE ENVIRONMENT 552.

<sup>50</sup> Capitola currently uses several overlay districts in its zoning classifications. *See, e.g.*, CAPITOLA CITY, CAL., MUNICIPAL CODE §17.20.010 (affordable housing overlay district).

<sup>51</sup> A building moratorium could be put in place while overlay zones are developed. The building moratorium could encompass all areas that might be included in these zones. *See* CAL. GOV. CODE § 65858 (outlining procedures for local governments adopting interim ordinances as urgency measures).

<sup>52</sup> CAPITOLA CITY, CAL., MUNICIPAL CODE §17.50.090.



strategy rezones land to less intensive uses. Currently, the properties at the greatest risk of flooding and rising seas in Capitola are those close to Soquel Creek. These properties are currently zoned for several different land uses and could be prioritized for efforts to downzone.<sup>53</sup> Downzoning would lead to nonconforming uses in the short term—i.e., uses not allowed under the new zoning ordinances, but nonetheless “grandfathered” in because they existed prior to the downzoning. Regulations can be framed to allow these nonconforming uses initially but require them to cease after some period of time.

To achieve these longer-term coastal adaptation strategies, Capitola could consider taking several proactive steps in the short term. For instance, retreat strategies require that uplands be identified and purchased to make space for relocated structures. Land banking properties now could satisfy this future need.<sup>54</sup> Since these lands might not be used for this purpose immediately, this strategy could proceed gradually through phased and voluntary purchases of suitable upland properties. If this strategy does not succeed, or if the timeline becomes more urgent due to rising seas, it could be accomplished through eminent domain.<sup>55</sup> Likewise, Capitola could use transfers of development rights (TDRs) (where landowners sell the rights to develop their property) of vulnerable properties to help facilitate retreat.<sup>56</sup> This strategy could monetarily incentivize coastal landowners to provide their properties for retreat, and it could keep undeveloped coastal land undeveloped.

Capitola’s existing coastal protection structures might also be studied to determine their efficacy and need for replacement or removal. Capitola’s large sandy beach currently relies on two rip-rap groins on its east end to accumulate sand. To facilitate managed retreat, some of the existing coastal protection structures might need to be phased out. Others might need to be replaced if they are deemed necessary to coastal protection and provided they fit within Capitola’s overall coastal adaptation strategy now and in the projected future.

### *Barriers and Considerations*

There are several considerations that should be taken into account when moving forward with any of these coastal adaptation strategies in Capitola. First, limited undeveloped land is available immediately upland of the vulnerable areas, limiting retreat options in the area. As a result, businesses and residences that relocate might have to be moved farther inland than would be necessary elsewhere on the coast. Furthermore, the vulnerability of properties on bluffs and cliffs are less predictable than those along the lower-lying coastline, making long-term planning in these areas more challenging.<sup>57</sup>

<sup>53</sup> See Figure 6.

<sup>54</sup> Land banking is the buying of land for some future use. Michael Allan Wolf, *Strategies for Making Sea-Level Rise Adaptation Tools “Takings-Proof”* 28 J. LAND USE & ENVTL. L. 157, 182 (2013).

<sup>55</sup> Eminent domain is the power of the government to take land for a public purpose. This power is limited by the U.S. Constitution and the California Constitution. U.S. CONST. AMEND. V; CAL. CONST. ART. I § 19.

<sup>56</sup> JESSICA GRANNIS, ADAPTATION TOOL KIT: SEA-LEVEL RISE AND COASTAL LAND USE 57-60 (2011).

<sup>57</sup> Cliffs and bluffs are more vulnerable to episodic erosion than beaches, which alternatively face constant erosive pressures. See, e.g., episodic erosion events at Pacifica Lands End Apartments.

Takings concerns routinely arise when local governments undertake proactive planning for rising seas.<sup>58</sup> To avoid takings concerns, restrictions could be tailored to avoid depriving property owners of all economic value of their parcels.<sup>59</sup> Furthermore, restrictions could account for the economic lives of properties to avoid takings concerns, or could be grounded in avoiding and abating nuisances. Furthermore, any building moratoria could be tailored to be temporary.<sup>60</sup>

Third, regarding zoning classifications, any changes to the current classifications would likely include a grandfather provision allowing existing nonconforming uses to continue.<sup>61</sup> If grandfathering provisions are included in new ordinances, downzoning would only immediately affect undeveloped properties or properties whose uses have been abandoned. But, “grandfathered” provisions could be written to require landowners to comply with new zoning restrictions after a landowner renovates or rebuilds on his property, or when s/he changes the use.<sup>62</sup> Furthermore, as explained above, nonconforming uses could only be allowed for a certain period of time, after which they must cease.

Finally, cost and ecological drawbacks of proposed coastal adaptation strategies are necessary considerations when planning coastal adaptation strategies in Capitola. Cost is an important consideration because Capitola is highly developed and much of its vulnerable areas are in private ownership. Some parcels will be more expensive to buyout or pay just compensation for than others. Likewise, buyouts of private property might be less feasible than comparable options involving state or city lands. Property buyouts to facilitate relocation and to promote retreat face similar concerns. Likewise, cost versus long-term benefits of competing coastal adaptation options should be considered. Similarly, the ecological drawbacks of strategies such as beach nourishment should be weighed against their cost and their relatively short-term effectiveness.

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<sup>58</sup> Governmental taking of private property for public good—as well as regulations that “go too far” and result in “regulatory takings”—are common themes and constant considerations that arise when considering coastal adaptation strategies that require retreat from increasingly dangerous coastlines due to rising seas. *Penn Coal Co. v. Mahon*, 260 U.S. 393 (1922).

<sup>59</sup> *Lucas v. South Carolina Coastal Council*, 505 U.S. 1003 (1992).

<sup>60</sup> *Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency*, 535 U.S. 302 (2002).

<sup>61</sup> *See, e.g.*, CAPITOLA MUNICIPAL CODE § 17.50.310 (“A structure which was lawful before enactment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued as a nonconforming structure subject to the following condition: if any nonconforming structure is destroyed by flood, earthquake, tsunami or, for another cause to the extent of fifty percent or more of its fair market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.”).

<sup>62</sup> Local governments may end nonconforming uses in a variety of ways. Declare nuisance, pay just compensation, or require use to stop after a date certain. CECILY TALBERT BARCLAY & MATTHEW S. GRAY, CALIFORNIA LAND USE & PLANNING LAW 60-61 (2016).

### Moss Landing: Coastal Setting

Moss Landing's relatively undeveloped coastline, surrounded by large tracts of farmlands, provides more adaptation options than other more densely populated sections of the coast. The shores surrounding Moss Landing are lined with high dune and sandy beach habitats extending north to Rio Del Mar and south to the edges of the city of Monterey.<sup>63</sup> This area includes many state beaches as well as local beach access points. Sediment for these beaches originates from rivers draining into the Monterey Bay.<sup>64</sup> Just inland of Highway 1, Elkhorn Slough drains the seasonal creeks and rivers that supply water to the surrounding agricultural areas, creating a network of wetlands and estuaries of gradually changing salinity.<sup>65</sup> Within the estuary, eelgrass and salt marsh habitats are prevalent. Much of this area is part of the ESNERR or the California network of Marine Protected Areas. While agriculture often runs up to the boundaries of arable land, most public recreational access to the water is constrained to a few entry points in local parks or at the Moss Landing Harbor.

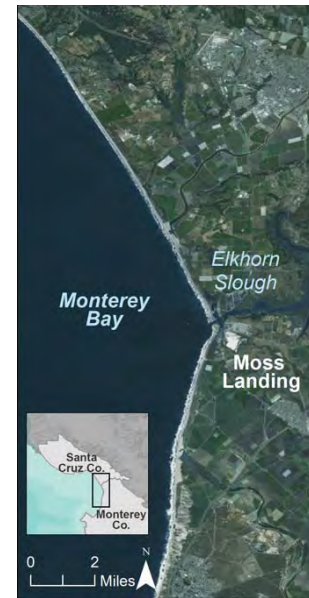


Fig. 7: Satellite image of Moss Landing.

Moss Landing is the center point of the Monterey Bay coastline and is adjacent to diverse natural systems, including extensive wetland habitats in nearby Elkhorn Slough, sand dunes along the open coast, and sandy beaches north and south of the harbor mouth. Along with this connection to multiple natural systems, Moss Landing is a primary commercial and party-boat fishing hub for the central California coast with landing locations for market squid, rockfish, crab, lingcod, groundfish and other fisheries. Moss Landing also functions as a key marine research center due to the confluence of ecosystems and direct access to the deep Monterey Submarine Canyon.<sup>66</sup>

### Moss Landing: Protective Role of Habitats

The dune and beach systems starting just north of Moss Landing and continuing south to Monterey play a greater protective role relative to the full study area extent.<sup>67</sup> The orientation of the coastline in the Moss Landing study area, which directly faces predominant incoming waves, is a significant driver of exposure in this region. In addition, coastal geomorphology and low elevation contribute to high exposure index scores in this location, meaning that existing habitats are critical to countering this relatively high exposure to hazards. Model results indicate that the presence of wetlands can reduce wave heights and associated damages to property from storm events. Coastal wetlands are not as effective at reducing erosion in areas of high wave energy.<sup>68</sup> The Moss Landing coastline is a high wave energy environment and the wetlands in this area play a moderate role in reducing coastal exposure to erosion and inundation during storms compared to the large dune

<sup>63</sup> See Figure 7.

<sup>64</sup> See U.S. ARMY CORPS OF ENGINEERS, *supra* note 9.

<sup>65</sup> A key concern in this area is the historic changes in groundwater levels in the Pajaro and Salinas Valleys. These changes are further exacerbated by the effect of saltwater intrusion on highly productive agricultural lands as well as domestic potable water quality.

<sup>66</sup> Monterey Bay Aquarium Research Institute (MBARI) and Moss Landing Marine Labs (MLML) are two primary centers for marine research in the region.

<sup>67</sup> See Figure 7.

<sup>68</sup> Gedan, *supra* note 38.

systems. Loss of wetland habitat with rising seas will affect agriculture lands near Moss Landing. These wetland areas are highly exposed to waves mainly due to their large extent and proximity to the coastal zone.

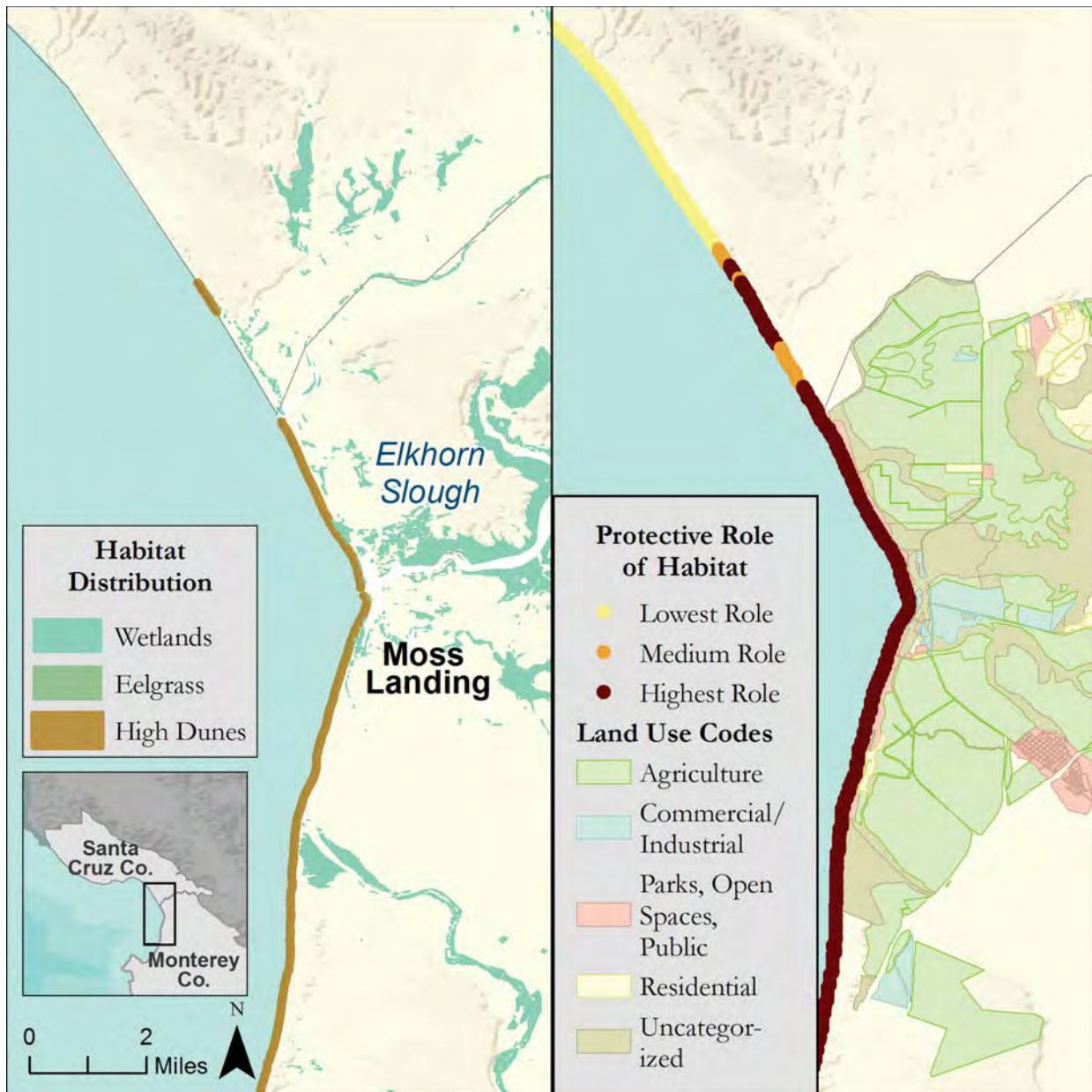


Fig. 7: Coastal habitats around Moss Landing, CA (Left). The relative role of coastal habitats near the mouth of Elkhorn Slough in reducing exposure to erosion and inundation with relevant land use zoning information (Right). Zoning information was distilled using the same methodology used for Capitola (Fig. 5).

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)



*Moss Landing: Ecosystem Services of Coastal Habitats*

*Coastal Dune and Beach Systems*

The relatively dry areas on the high beach behind dunes are sheltered from wind and spray, serving as nesting grounds for endemic shorebirds and haul out spots for marine mammals. These beaches provide opportunities for coastal recreation, fishing, and wildlife viewing in the surrounding area in addition to their role protecting the coastline from high energy waves.

*Elkhorn Slough*

The estuarine system of Elkhorn Slough is the largest marsh habitat in California outside of San Francisco Bay and provides critical habitat for shorebirds and fishes. This area has also been home to a suite of competing human uses for more than 150 years (e.g., agriculture, cattle grazing, railroad and road construction, fishing, municipal energy production, marine research, tourism, recreation) that have led to the historical development of engineered structures (e.g., levees, embankments) and the construction of Moss Landing Harbor at the mouth of the estuary. These engineered structures have significantly influenced the structure and function of the estuarine system.<sup>69</sup> While the wetland systems in Elkhorn Slough are an ecologically and economically important feature of the area, they are also at risk due to a squeeze between rising sea levels and little room to migrate inland.<sup>70</sup>

Wetland habitats provide a number of key ecosystem services beyond coastal protection, including carbon sequestration, water quality improvement, flood abatement and biodiversity support.<sup>71</sup> The sheltered estuarine waters and seagrass meadows within the slough serve as a nursery for juveniles of commercially important fish species.<sup>72</sup> Elkhorn Slough is one of the few remaining freshwater and saltwater resting stops on the Pacific flyway. The slough is a critical habitat for migratory bird species and was designated a globally important bird area in 2000.<sup>73</sup> The banks of the Slough also serve as a major haul out area for marine mammals.

Additionally, wetland habitats store large amounts of carbon in their submerged soils when kept intact and have the potential to be used for carbon sequestration on the scale of decades or longer.<sup>74</sup> On a more immediate time scale, coastal vegetation helps buffer against ocean acidification by removing carbon dioxide from the water.<sup>75</sup> As larval fish and invertebrates experience more harmful effects from acidifying water conditions than adults, the wetlands and marshes of Elkhorn Slough may aid in protecting important species from harmful water chemistry in addition to protecting them from predators.<sup>76</sup>

<sup>69</sup> Eric Van Dyke & Kerstin Wasson, *Historical Ecology of a Central California Estuary: 150 Years of Habitat Change* 28 ESTUARIES 173, 179 (2005); see also CHANGES IN A CALIFORNIA ESTUARY: A PROFILE OF ELKHORN SLOUGH (Jane Caffrey et al. eds., 2002).

<sup>70</sup> Kerstin Wasson et al., *Ecotones as Indicators of Changing Environmental Conditions: Rapid Migration of Salt Marsh–Upland Boundaries* 36 ESTUARIES AND COASTS 654 (2013).

<sup>71</sup> WORLD RESOURCES INSTITUTE, ECOSYSTEMS AND HUMAN WELL-BEING: WETLANDS AND WATER SYNTHESIS (2005) (a report of the Millennium Ecosystem Assessment).

<sup>72</sup> Michael Beck et al., *The identification, conservation, and management of estuarine and marine nurseries for fish and invertebrates* 51 BIOSCIENCE 633 (2001).

<sup>73</sup> CHANGES IN A CALIFORNIA ESTUARY: A PROFILE OF ELKHORN SLOUGH, *supra* note 23.

<sup>74</sup> Cloern et al., *supra* note 24; McLeod, *supra* note 49.

<sup>75</sup> Hendriks, *supra* note 26.

<sup>76</sup> Haruko Kurihara, *Effects of CO<sub>2</sub>-driven ocean acidification on the early developmental stages of invertebrates* 373 MARINE ECOLOGY PROGRESS SERIES 275 (2008); Philip Munday et al., *Replenishment of fish populations is threatened*

Wetland habitats are threatened in the Elkhorn Slough area—and throughout the state—due to increased erosion from rising sea levels and land use development (agricultural, urban and/or rural). Fertilizer from agricultural runoff contributes to eutrophication and massive algal blooms that smother native flora, while urban pollutants may impair water quality.<sup>77</sup> Wetlands and coastal dunes that are exposed to coastal hazards could potentially migrate upslope given a path free of barriers from coastal development or shoreline hardening.

*Moss Landing: Adaptation Strategies & Considerations*  
*Coastal Adaptation Options*

Moss Landing's coastline lends itself to several nature-based adaptation strategies. For instance, because the dunes in the area play a large role in protecting Moss Landing's coastline, adaptation strategies that protect, restore and enhance these areas could be targeted to maintain the integrity of the area. A dune restoration and enhancement project currently provides protection for MBARI. Additional suitable areas for dune restoration in Moss Landing could be identified and prioritized based on the protective role of specific dune habitats as well as factors specifically relevant to the local planning community. Beach nourishment might also be used to stem beach loss and to buffer these important dunes from erosion. Wetland restoration is another nature-based solution possible for Moss Landing. Wetland restoration in the area would carry various possible co-benefits including: sequestration of carbon dioxide, maintaining these areas as corridors for gradual coastline retreat and providing protection against storm surges.

Other nature-based options might be suitable here as well. Conservation easements could be implemented in some of these areas, particularly those most vulnerable to rising seas. This strategy involves either paying a landowner not to develop vulnerable land, or the landowner agreeing to do so without compensation, or in exchange for some other incentive, such as a tax break. This strategy would ensure that undeveloped lands stay undeveloped, and it could help transition currently developed but threatened lands to undeveloped lands. Rolling easements are another attractive but controversial option.<sup>78</sup> These can be used to allow the sea to migrate inland while slowly requiring the removal of structures within some distance of the approaching sea.<sup>79</sup>

In addition to the nature-based options outlined above, Moss Landing's coastline might also be suitable for other coastal adaptation strategies. For instance, accommodation and armoring might be appropriate for Moss Landing because it features a number of coastal dependent structures, such as the Monterey Bay Aquarium Research Institute, the Moss Landing Marine Laboratories, the Moss Landing power plant, and various boating and fishing facilities. Any of these structures might be protected or raised, depending on building design and construction, the anticipated

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by *ocean acidification* 107 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCE OF THE UNITED STATES OF AMERICA 12930 (2010).

<sup>77</sup> Brent Hughes et al., *Recovery of a top predator mediates negative eutrophic effects on seagrass* 111 PROCEEDINGS OF THE NATIONAL ACADEMY OF SCIENCES 36444 (2014).

<sup>78</sup> See generally Meg Caldwell & Craig Holt Segall, *No Day at the Beach: Sea Level Rise, Ecosystem Loss, and Public Access Along the California Coast*, 34 *ECOLOGY* L.Q. 533, 535 (2007) (explaining that a rolling easement is “a device, rooted in statutory or common law or in permit conditions, that allows the publicly owned tidelands to migrate inland as the sea rises, thereby preserving ecosystem structure and function.”).

<sup>79</sup> JAMES G. TITUS, *ROLLING EASEMENTS* (2011) available at <https://www.epa.gov/sites/production/files/documents/rollingeasementsprimer.pdf>.



building life cycle, end of use, and planned deconstruction. Furthermore, because of the various coastal-dependent buildings in the area, moveable structures could be installed and moved as needed in order to keep these structures on the coast as needed.

Other options can be pursued for undeveloped parcels in the area and existing structures that are not coastal dependent. Highway 1 could be moved inland or raised.<sup>80</sup> As was discussed for Capitola, an overlay zone could provide notice to the owners of vulnerable properties and restrict building and redevelopment in the area, as deemed appropriate. Furthermore, a moratorium on development could be imposed for some certain time period, while proactive coastal planning is pursued.

Moss Landing has a large amount of surrounding undeveloped and agricultural land.<sup>81</sup> Accordingly, some of these open spaces may be appropriate, stable sites for managed retreat of buildings in the area. Buyouts might be necessary in certain areas where planning is not able to sufficiently address increasingly rising seas.<sup>82</sup> Transfers of development rights might also be appropriate in certain similar circumstances.<sup>83</sup>

#### *Barriers and Considerations*

This area of the coastline is dominated by water, protected areas and sensitive ecosystems. The abundance of seawater and wetland areas might pose challenges for coastal adaptation for several reasons. For instance, the abundance of inland waterways and wetlands means that there is not much land immediately upland to move vulnerable buildings via managed retreat. Additionally, while this area features many coastal dependent facilities that might be protected or raised, there are drawbacks to pursuing these strategies. For instance, raising structures might bring additional regulatory requirements, such as those imposed by the Americans with Disabilities Act.<sup>84</sup>

Developing coastal adaptation strategies for coastal dependent structures carries with it its own set of unique challenges. Coastal dependent structures are prioritized for coastal land use under the Coastal Act.<sup>85</sup> Coastal dependent structures are not a high priority to move upland because of their dependence on water, but they need to be protected from rising seas nonetheless. Leaving these coastal dependent assets where they are makes them more susceptible to massive storm events than slowly rising seas. However, protecting these structures by armoring with seawalls would exacerbate erosion around these protective structures. If these coastal dependent structures are armored in the short term, long-term plans should be made to remove the armoring and move the structures.

Moving or raising Highway 1 presents issues as well. While raising Highway 1 in place is a possible short-term solution, Highway 1 may eventually need to be moved inland due to rising seas and repeated storm events. Moving Highway 1 immediately landward of its current location also presents drawbacks. Inland relocation would put it right in the middle of protected areas such

<sup>80</sup> The issues with this proposition are discussed *infra* in the Barriers and Considerations section.

<sup>81</sup> See Figure 7.

<sup>82</sup> See, e.g., New York's Recreate NY Smart Home Buyout Program.

<sup>83</sup> See, e.g., Penn Central Transportation Co. v. New York City, 438 U.S. 104 (1978).

<sup>84</sup> 42 U.S.C. §§12101-12213.

<sup>85</sup> CAL. PUB. RES. CODE §§ 30235 & 30255.

as Elkhorn Slough<sup>86</sup> and could restrict coastal access.<sup>87</sup> Moving Highway 1 would also require CalTrans to exercise its eminent domain authority, which can be controversial. Finally, moving Highway 1 to upland areas, such as those currently used for agriculture, will introduce additional complexities because of how these lands are currently prioritized in the current LCP.<sup>88</sup>

Managed retreat faces several challenges in this area. While Moss Landing is surrounded by open area, much of the region comprises wetlands or otherwise sensitive or protected areas. For instance, the area features Elkhorn Slough State Marine Conservation Area, Elkhorn Slough State Marine Reserve, Moro Cojo Slough State Marine Reserve, Moss Landing State Beach, and the Moss Landing Wildlife Area. The abundance of state lands and conservation lands creates challenges for managed retreat. On the other hand, public and open spaces might be well-suited for conservation easements such that they are set aside to become inundated and form new wetland and marsh areas. Section 30240 of the Coastal Act protects environmentally sensitive habitat areas (ESHAs), and further complicates using any of the areas surrounding these protected areas in Moss Landing for managed retreat.<sup>89</sup>

Another issue is possible challenges to zoning changes in the area. Property owners affected by new regulations sometimes claim that these regulations impermissibly “take” their property without just compensation. As was the case for Capitola, local governments should be weary of enacting regulations that possibly deprive property of all of its economic value and of instituting moratoria that do not specify end dates.

### **Summary**

Communities in the Monterey Bay region, like many areas of California and the nation, are actively planning for a changing climate. Rising sea levels and increasingly damaging storm events are expected to cause increased erosion and inundation, which will further threaten people, property, infrastructure and coastal habitats. If these habitats are lost, degraded or unable to adapt by migrating inland, then local communities also lose the beneficial services they provide, including carbon sequestration, improving water quality, buffering ocean chemistry, providing nursery or nesting grounds, and protecting from erosion and inundation.

Proactive adaptation planning that takes into account the role of coastal habitats—coupled with advanced construction designs and technologies—and policy pathways for implementation, will allow local communities to proceed from planning to implementation more effectively. Ultimately, this approach—in concert with similar coastal adaptation decisions throughout California—can lead to coastal management processes that are consistent for statewide needs and flexible for local needs while ensuring a vibrant coastline for future generations.

<sup>86</sup> See list of protected areas in region *supra* note 15.

<sup>87</sup> The Coastal Act seeks to protect and maximize public coastal access. CAL PUB. RES. CODE. § 30211.

<sup>88</sup> MONTEREY COUNTY, NORTH COUNTY LAND USE PLAN 45-49 (1982).

<sup>89</sup> CAL. PUB. RES. CODE § 30240.

Habitat Type	Relative Protective Role*	Protective Attributes	Additional Ecosystem Services	Management Options
Kelp Forests	Relatively Low Role	Kelp forests attenuate low-energy wave action and have a diminished protective role as wave power increases.	Habitat for commercially viable fish and invertebrate species	Maintain healthy water conditions for kelp growth and reproduction.
			Vegetation harvested for commercial abalone aquaculture	
			Nutrient and vegetation export to local beach ecosystems	
			Integral ecosystem for culturally important species	
Wetlands	Relatively Moderate Role	Wetland ecosystems absorb water to reduce inundation and also serve to dissipate wave energy.	Flood control from inland inundation	Consider conservation of key areas of vegetation and soils before allowing development.
			Nutrient and sediment retention for improved water quality	
			Habitat for diverse species including marine mammals	Provide space for habitat to migrate inland as sea level rises.
			Carbon sequestration	
Seagrass	Relatively Low Role	Eelgrass beds attenuate low-energy waves which help decrease erosion of loose soils.	Wave attenuation	Provide space for habitat to migrate inland as sea level rises.
			pH buffer	Conserve existing habitat and restore damaged submerged aquatic vegetation.
			Nursery and essential habitat for fish and invertebrate species	
			Carbon sequestration	Maintain healthy water conditions and limit habitat degradation.
High Dune Systems**	Relatively High Role	Large dune systems dissipate high-energy waves and resist runoff from powerful storms.	Cultural and aesthetic attachment	Maintain dune structure and vegetation.
			Location for recreation	
			Habitat for important bird and plant species	Regulate and/or limit dune sediment extraction.
Low Dunes** & Beaches	Relatively Moderate to High Role	Low dune systems and beaches dissipate low and moderate energy waves.	Habitat for important bird and plant species	Limit the implementation of built structures that impede migration of beach systems.
			Location for recreation	
			Cultural and aesthetic attachment	Maintain beach structure and access to continued sediment supply.

Table 1: Compilation of Ecosystem Services

\*Protective role is based on model outputs created for and relative to the full study area (Año Nuevo to Wharf 2).

\*\*Dunes were classified as “high dune” if their crest was higher than five meters. High dunes are less likely to lead to overwash and inundation from coastal storms.

Adaptation Strategy	Definition*	Example**	Potential Applications	Role of Natural System
<b>Protection:</b> <i>Hold the Line</i>	Employ built measure to defend development in current location	Wetland Restoration	Elkhorn Slough; northern section of Moss Landing Harbor; potentially in creeks near Capitola	Enhances extent of ecologically important natural areas
		Dune Restoration	North and south of Moss Landing on outer coast; southern Monterey Bay	Enhances extent of ecologically important natural areas
		Beach Nourishment	Soquel Creek Lagoon; outer coast of Moss Landing	Adds to natural system; requires thorough environmental monitoring
		Hard Protection	Near coastal-dependant or critical infrastructure such as power plant or critical transportation routes	Often limits natural habitat migration and increases erosion at edges of armoring
<b>Accommodation:</b> <i>Adjust to the line</i>	Modify existing or new development to decrease hazard risks	Overlay Zones	Existing flood zones or areas expected to be impacted by rising sea levels	N/A
		Limit Redevelopment	Locations that encounter repetitive loss or in (newly delineated) sea level rise overlay zones	May facilitate migration of natural systems or allow them to reestablish themselves
		Mobile Structures	Structures that are location dependent yet also encounter large episodic flood events	N/A
		Conservation Easement	Open and undeveloped areas in existing flood plain and areas adjacent to flood plains	Keeps natural system intact
<b>Retreat:</b> <i>Get away from the line</i>	Relocate existing development out of hazard areas and/or limit construction of new development in vulnerable areas	Planned Retreat	Highly vulnerable areas or locations with suitable upland areas available nearby	Removes structures allowing corridor for habitats to naturally migrate inland
		Buyout Programs	Lands suitable for becoming open areas	Can help promote natural system to replace previously developed area
<b>Hybrid:</b> <i>Maintain a flexible line</i>	Using strategies from multiple categories that may need to change over time	Accommodate over short term; relocate over long term	Hybrid adaptation options could be designed with enough flexibility to be applied across many different areas as needed	Provides pathway for taking actions that allow habitat to migrate and may provide opportunities for nature-based solutions
	Update land use designations and zoning ordinances			
	Redevelopment restrictions			
	Permit conditions			

Table 2: Compilation of Adaptation Strategies

\* Definitions of adaptation strategies are distilled explanations derived from chapter seven of the California Coastal Commission’s Sea Level Rise Guidance (Guidance).

\*\* Many examples are summarized descriptions from figure 17 of the Guidance.

### Analysis, Methodology, and Assumptions

This assessment involved a combination of ecosystem service modeling and adaptation policy research in an effort to identify and map priority locations for nature-based strategies that reduce vulnerability of critical assets using feasible land use policy methods.

To map and value the goods and services from natural habitats, we used the InVEST (Integrated Valuation of Environmental Services and Tradeoffs) free and open-source suite of software models created by the Natural Capital Project at Stanford University. The InVEST Coastal Vulnerability model incorporates a scenario-based approach to evaluate the role of natural habitats in reducing exposure to coastal impacts.<sup>90</sup> The InVEST Coastal Vulnerability model produces a qualitative estimate of coastal exposure. The Exposure Index differentiates areas with relatively high or low exposure to erosion and inundation during storms.

Data inputs included: 1) **Geomorphology**: Polyline representing coastal geomorphology based on the National Oceanic and Atmospheric Administration (NOAA) Environmental Sensitivity Index; 2) **Coastal habitat**: Polygons representing the location of natural habitats (e.g., seagrass, kelp, wetlands, etc.) from the Department of Fish and Wildlife website created for Marine Life Protection Act process; 3) **Wind and wave exposure**: Point shapefile containing values of observed storm wind speed and wave power across an area of interest using Wave Watch III data provided by NOAA; 4) **Surge potential**: Depth contour that can be used as an indicator for surge level default contour is the edge of the continental shelf. In general, the longer the distance between the coastline and the edge of the continental shelf at a given area during a given storm, the higher the storm surge; 5) **Relief**: A digital elevation model (DEM) representing the topography and (optionally) the bathymetry of the coastal area—this analysis includes a five meter bathymetric and topographic merge from US Geologic Survey for the California coast; 6) **Sea-level rise**: Rates of (projected) net sea-level change derived from the National Research Council 2012 report (highest range for 2030: 12” of sea level change);<sup>91</sup> 7) **Hard Armoring**: Data set inventory of man-made structures and natural coastal barriers that have the potential to retain sandy beach area in California. This armoring dataset is a compilation of the UC Santa Cruz Sand Retention Structures, Monterey County Barriers, and US Army Corps of Engineers Coastal Structures.

One main limitation with this modeling approach is that the dynamic interactions of complex coastal processes occurring in a region are overly simplified into the geometric mean of seven variables and exposure categories. InVEST does not model storm surge or wave field in nearshore regions. More importantly, the model does not take into account the amount and quality of habitats, and it does not quantify the role of habitats for reducing coastal hazards. Also, the model does not consider any hydrodynamic or sediment transport processes: it has been assumed that regions that belong to the same broad geomorphic exposure class behave in a similar way. In addition, using this model we assume that natural habitats provide protection to regions that are protected against erosion independent of their geomorphology classification (e.g., rocky cliffs). This limitation artificially deflates the relative vulnerability of these regions, and inflates the relative vulnerability

<sup>90</sup> INTEGRATED VALUATION OF ECOSYSTEM SERVICES AND TRADEOFFS, [http://www.naturalcapitalproject.org/models/coastal\\_vulnerability.html](http://www.naturalcapitalproject.org/models/coastal_vulnerability.html) (last visited Aug. 30, 2016).

<sup>91</sup> NATIONAL RESEARCH COUNCIL (NRC) COMMITTEE ON SEA LEVEL RISE IN CALIFORNIA, OREGON, AND WASHINGTON, SEA-LEVEL RISE FOR THE COASTS OF CALIFORNIA, OREGON, AND WASHINGTON: PAST, PRESENT, AND FUTURE (2012).

of regions that have a high geomorphic index. Based on these limitations and assumptions, the InVEST Coastal Vulnerability tool is an informative approach to investigate *relative exposure* for a coastline and identify locations where coastal habitats play a relatively significant role in reducing exposure. However, for local scale decisions regarding locally specific geomorphic conditions, further analysis is needed (e.g., the InVEST Nearshore Wave and Erosion model).

Results can help evaluate tradeoffs between climate adaptation strategy approaches. In this assessment, we compared the InVEST Exposure Index results both with and without the protective services provided by natural habitats. This approach (computing the difference between exposure indices) provides a priority index for locations in which coastal habitats play the largest relative role in reducing exposure to erosion and inundation. These locations can then be further investigated for nature-based strategies to reduce vulnerability.

We began our policy research by exploring academic and practitioner guidance on potentially appropriate coastal adaptation strategies for sea-level rise. We reviewed a number of guidance documents that outline land use planning and regulatory options that should be considered in coastal areas. Next, we identified how priority or high-risk locations align with various land-use or zoning designations in Monterey and Santa Cruz Counties using land use zoning layers provided by Monterey and Santa Cruz Counties as well as from planning staff from the City of Capitola. The zoning designations and population density in the various high-risk areas guided our determination of the strategies most feasible in each location. For example, high-density zoning designations—in most cases—reduce the feasibility of habitat restoration or retreat options. We also researched relevant state- and county-level laws and policies on acceptable strategies for near- and long-term adaptation to rising sea levels. We identified the limitations these policies place on adaptation options in the Monterey Bay Region and explored potential changes to the existing policies that may increase adaptive capacity. Ultimately, these prioritized policy considerations may be relevant to both Santa Cruz and Monterey Counties—as well as local jurisdictions—through the development of the Local Coastal Program update process.

In addition to this specific engagement in the Monterey Bay Region, the Center for Ocean Solutions is also involved in Local Coastal Program updates throughout the state. The Center is playing a key role in compiling, distilling, and distributing information on incremental adaptation actions with current county partners (i.e., Sonoma, Marin, Santa Cruz, and Monterey Counties) as well as with the State Coastal Conservancy and California Coastal Commission through the development of the California Coastal Adaptation Network. By developing a transferable methodology that incorporates the role of natural capital into county-level coastal adaptation planning, the Center for Ocean Solutions is scaling these best practices to a statewide prioritization of adaptation strategies that preserve the integrity of natural systems. The Center’s work advances the state’s efforts for flexible consistency in accordance with the California Coastal Commission’s Sea Level Rise Policy Guidance.



## Appendix B.

### Climate Change Impacts to Combined Fluvial and Coastal Hazards (ESA, 2016)

# MONTEREY BAY SEA LEVEL RISE

Climate Change Impacts to Combined Fluvial and Coastal Hazards

Prepared for  
Moss Landing Marine Labs with Funding from the  
California Ocean Protection Council

May 13, 2016



Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

# MONTEREY BAY SEA LEVEL RISE

## Climate Change Impacts to Combined Fluvial and Coastal Hazards

Prepared for  
Moss Landing Marine Labs with Funding from the  
California Ocean Protection Council

May 13, 2016



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# 1 INTRODUCTION

As part of the Sea Level Rise study for the Monterey County Local Coastal Program (LCP) ESA simulated and mapped the potential inundation from extreme coastal and fluvial conditions for multiple scenarios of future climate conditions. Two fluvial systems were analyzed for this effort (1) the Reclamation Ditch watershed which includes Gabilan Creek and Tembladero Slough the and drains to the Moss Landing Harbor, and (2) Soquel Creek which runs through the City of Capitola in Santa Cruz County. The Reclamation Ditch watershed is mostly agricultural while the lower reaches on Soquel Creek are mostly urbanized. These two systems were selected to enable risk assessment for a range of natural and manmade resources.

Climate data analysis was conducted to evaluate future extreme rainfall-runoff events and extreme coastal tide and wave events. For the rainfall-runoff and fluvial climate change analysis ESA used public climate model data to develop medium and high estimates of 100-year discharge for 2030, 2060, and 2100 time periods. ESA also developed estimates of extreme tide conditions with sea level rise for medium and high climate change scenarios for the three future periods. The flood levels and extents were then estimated for these scenarios using hydraulic modeling driven by combined watershed and coastal water level conditions under climate stress.

The study developed geospatial datasets for the extent and depth of inundation under flooding for existing conditions and future climate scenarios. The key products and findings for this study include:

- **Key products developed**
  - GIS layers of flood inundation extent for the Moss Landing Harbor and surrounding areas, and Soquel Creek in Capitola, for six scenarios (1) existing conditions 100-year flood, (2) future conditions 100-year flood under high emissions for 2030, (3 and 4) medium and high emissions for 2060, and (5 and 6) medium and high emissions for 2100.
  - GIS depth rasters for both systems and the six scenarios listed above.
  - Amendments to previously developed coastal flooding layers based on newly surveyed structural information in flooded areas in Monterey Bay.
  - Technical metadata and reporting contained herein
- **Key analysis findings**
  - Analysis of existing hydrologic climate data indicates an increase in peak flow for the 100-year discharge of 337 cfs (25%) for high emissions by 2100 on the Reclamation

Ditch system and by 1660 cfs (95%) for Soquel Creek for the same emissions and time horizon scenario.

- Analysis of existing sea level rise trends and anticipated coastal flood levels indicate an increase in downstream water level of 5.2 ft for high emissions by 2100.
- As anticipated the increase in rainfall intensity and 100-year discharge combined with the increase in sea level under climate change increases flood extent on both systems. In comparing the 100-year event under existing conditions with the year 2100 high-emissions scenario, the increase in flood extent for the Reclamation Ditch system is approximately 1736 acres (95%) and the change in flood depth is approximately 2.6 feet (36%). The same comparison for Soquel Creek, which is more topographically constrained, shows a total increase in flood extent of 65 acres (65%) and an increase in flood depth of 3.01 feet (29%).

The following four report sections lay out the technical analysis methodologies, flood hazard mapping results, and applications for the resulting information in planning and adaptation assessments. Specifically Section 2 describes the climate analysis conducted to develop boundary conditions for the hydraulic model for several scenarios representing change in 100-year discharge due to increased precipitation intensity and depth with climate change and the change in extreme ocean level coincident with the 100-year flow. Section 3 describes the model development process for both the Reclamation Ditch and Soquel Creek systems. Section 4 summarizes the flood hazard mapping analysis conducted to develop the geospatial datasets of flood hazard for the climate scenarios analyzed. Section 5 summarizes the applicability of the datasets to planning and adaptation efforts for the communities that may be at risk of additional flooding under stress by climate change.

## 2 CLIMATE ANALYSIS

### 2.1 Emissions Scenarios

The goal of the climate change data analysis was to review existing climate model data to estimate changes in extreme rainfall, coastal water level, and the resulting extent of flood hazards. The changes in extreme rainfall conditions were used to drive the inflow boundary for the hydraulic models of the two systems. Climate model data were evaluated for the latest set of General Circulation Models (GCMs) developed for the IPCC's fifth Assessment Report (AR5). The GCM data produced for AR5 has been aggregated by the World Climate Research Programme under the Coupled Model Intercomparison Project Phase 5 (CMIP5). The emissions scenarios used to drive the GCMs for CMIP5 are referred to as Representative Concentration Pathways (RCPs). The highest scenario, RCP 8.5, reflects a track with little mitigative measures to reduce greenhouse gas emissions resulting in a net increase in radiative forcing of  $8.5 \text{ W/m}^2$  by 2100 relative to pre-industrial conditions. A medium level emissions scenario, RCP 4.5, reflects a future wherein changes in technology and energy usage stabilize the increase in net radiative forcing to  $4.5 \text{ W/m}^2$  by 2100. These emissions scenarios, RCP 4.5 and RCP 8.5, were used to reflect respectively medium and high emissions trajectories for this study. Existing conditions was also modeled which is representative of a low emissions scenario thus the scenarios selected effectively span low, medium, and high climate change conditions.

These emissions scenarios supersede the scenarios developed in the Special Report on Emissions Scenario (SRES) utilized for the IPCC's fourth Assessment Report (AR4) and used to drive GCMs for CMIP Phase 3 (CMIP3). In general, the RCP4.5 emissions scenario tracks closely with the prior SRES B1 scenario, while RCP8.5 tracks slightly above SRES A2. The following figure (Figure 1) compares the change in mean surface temperature for the SRES and RCP emissions scenarios.

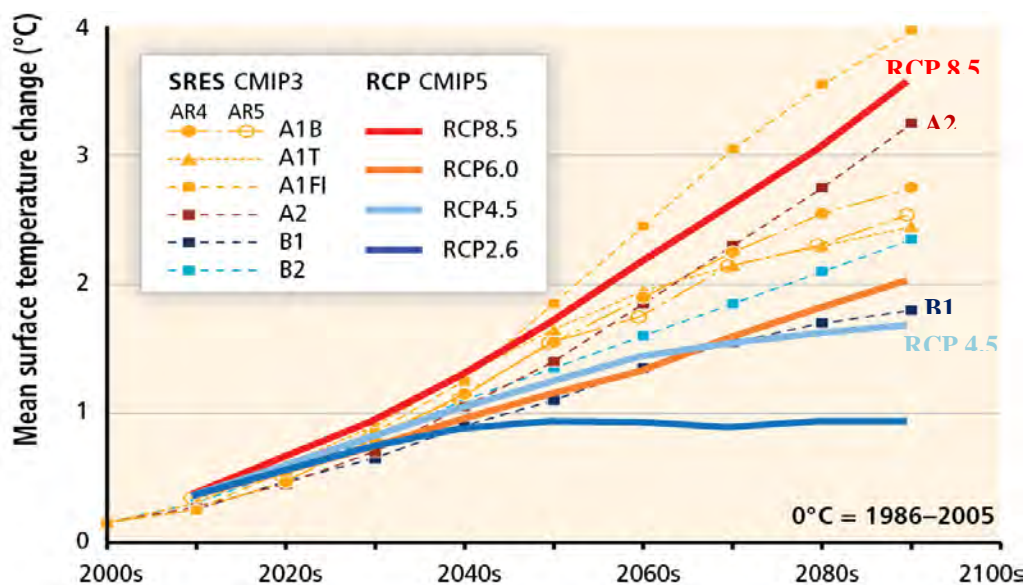


Figure 1. Comparison between SRES and RCP emissions scenarios. Reproduced from Figure 1-4 of IPCC AR5, WGII, Chapter 1

## 2.2 Extreme Fluvial Streamflow Analysis

Model output from GCMs driven by the RCP emissions scenarios was downscaled by CMIP5 institutions to regionalize the data from a global scale to higher resolution local scale. The downscaled data were then used to drive hydrologic models and estimate runoff for a daily timestep on a 12km x 12km grid from 1950-2100 in a study conducted by the USBR (2014). ESA used the resulting data from the USBR study to route baseflow and surface runoff and generate a time series of daily streamflow at the outlet of the two systems. The routing routine used is a component of the Variable Infiltration Capacity (VIC) model used in the USBR study to develop the runoff datasets.

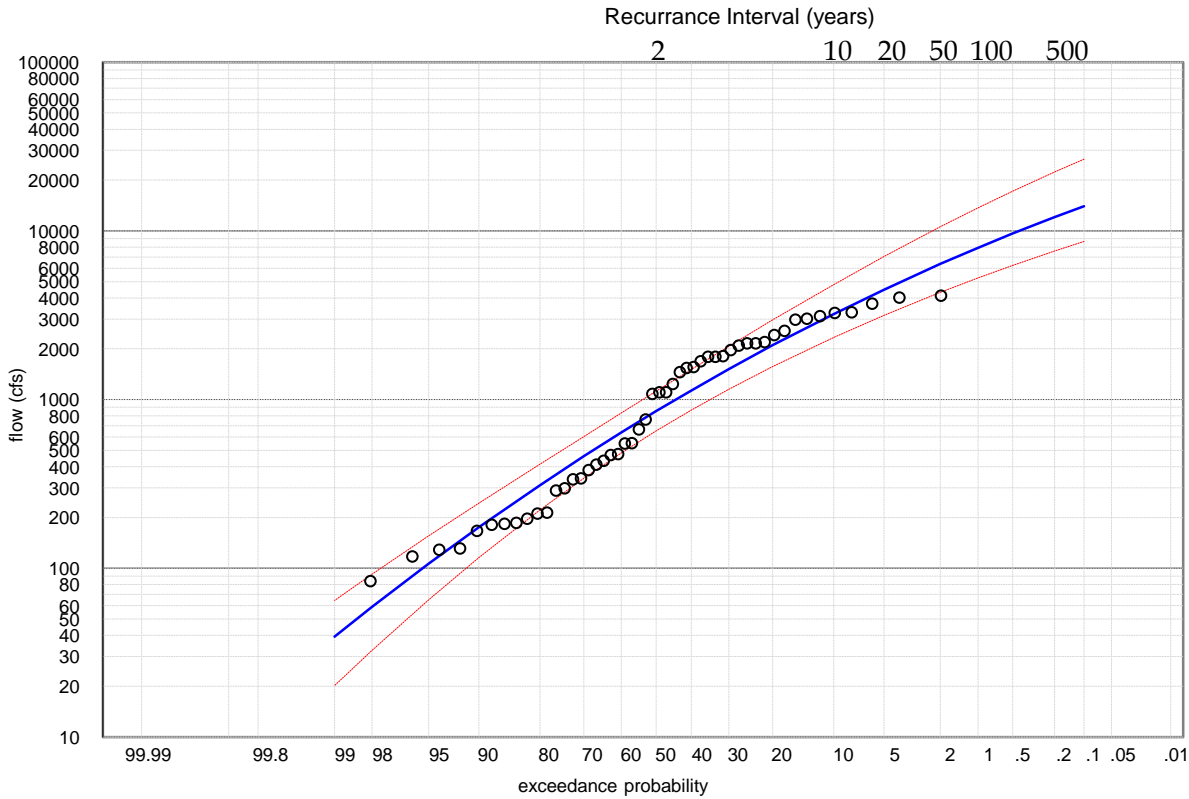
The resulting daily streamflow time series from 1950-2100 was used to conduct flood frequency analysis to estimate 100-year discharge ( $Q_{100}$ ) for medium and high emissions for 2030, 2060, and 2100. From the daily time series, peak annual flows were extracted for each year from 1950- 2100. A frequency curve was then fit to subsets of the peak annual flows using the Log Pearson III (LP-III) fitting method outlined in the USGSs Bulletin 17b (USGS, 1982). The USGS conducted a 2011 study updating many of the elements of Bulletin 17b based on updated gage records through water year 2006 for California gages (USGS, 2011). Two significant elements that were updated were the methods for estimating values for generalized skew ( $G_{gen}$ ) and mean square error for generalized skew ( $MSE-G_{gen}$ ) based on the average elevation of the basin. The average elevation of the basin is 479 feet for the Reclamation Ditch system and 1,141 feet for Soquel Creek. Based on the non-linear model for  $G_{gen}$  and the relationship between  $MSE-G_{gen}$  and average basin elevation summarized in USGS, 2011 Tables 7 and 8 respectively, the values estimated for  $G_{gen}$  and  $MSE-G_{gen}$  for the Reclamation Ditch watershed are -0.613 and 0.14, respectively, and -0.581 and 0.14 respectively for Soquel Creek.

Using these updated values in the LP-III method, we computed 100-year discharge for each GCM and each emissions scenario for an historical period, and three future time periods—2030, 2060 and 2100. A sample figure for the flood frequency curve for the historic time period for a single GCM for RCP4.5 is shown in Figure 2. Subsets of the data were selected for the time periods as summarized in Table 1.

**TABLE 1  
SUBSETS FOR TIME PERIODS USED IN FLOOD FREQUENCY ANALYSIS**

Time period	Years for which peak annual flow was used in flood frequency analysis	Emissions scenario	GCM percentile	Resulting 100-year flow variable
2030	2015-2045	RCP 4.5 (medium)	50 <sup>th</sup>	$Q_{100}$ -2030-medium
		RCP 8.5 (high)	90 <sup>th</sup>	$Q_{100}$ -2030-high
2060	2045-2075	RCP 4.5 (medium)	50 <sup>th</sup>	$Q_{100}$ -2060-medium
		RCP 8.5 (high)	90 <sup>th</sup>	$Q_{100}$ -2060-high
2100	2070-2100	RCP 4.5 (medium)	50 <sup>th</sup>	$Q_{100}$ -2100-medium
		RCP 8.5 (high)	90 <sup>th</sup>	$Q_{100}$ -2100-high

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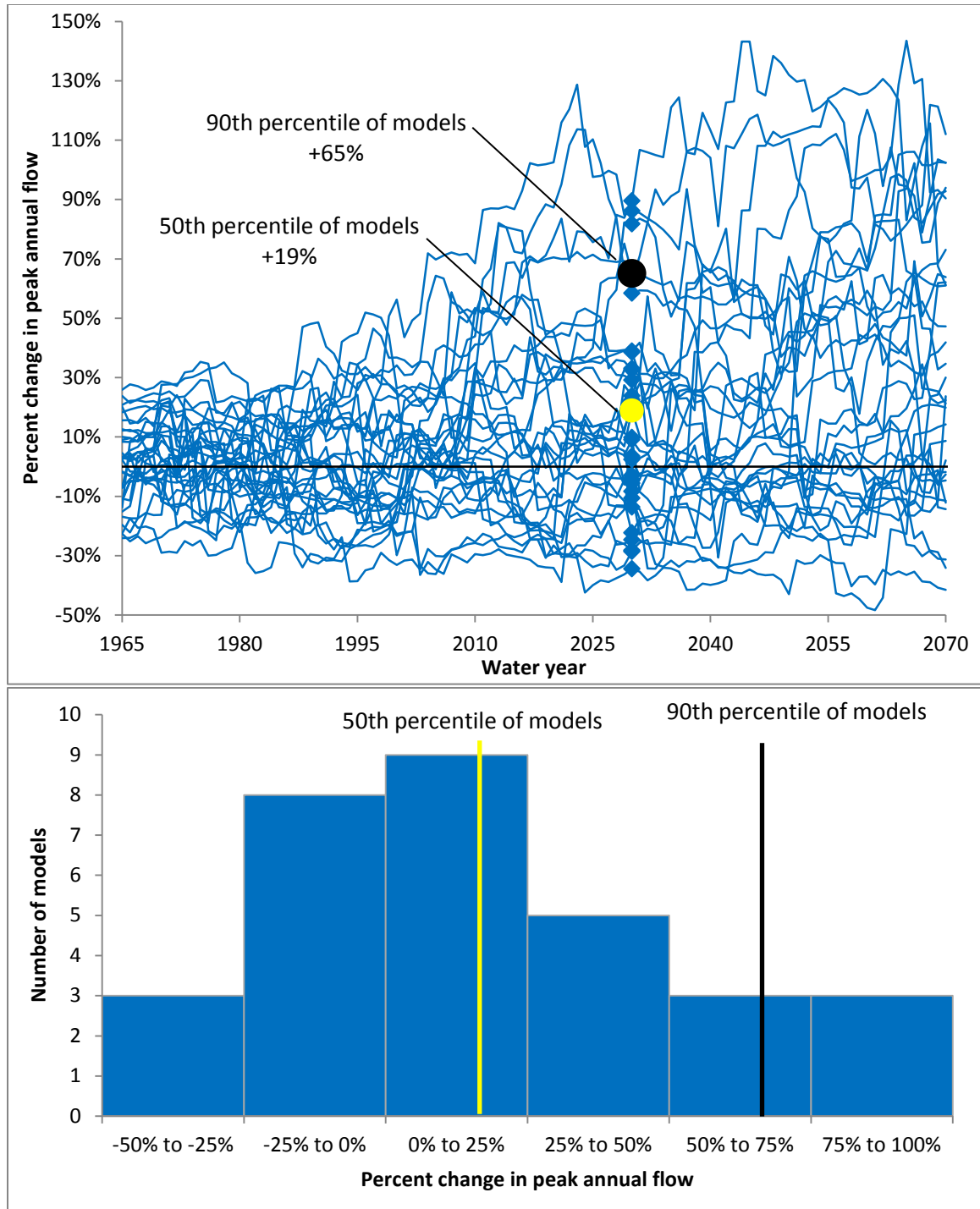


**Figure 2. Log Pearson III flood frequency curve for historic time period (1950-2000) for GCM ACCESS<sup>1</sup> 1-0 for the RCP4.5 emissions scenario. The black dots show peak annual flow from routed GCM hydrology, the blue line shows the fitted LP-III curve, and the red lines show the 95- and 5-percent confidence intervals.**

Because this analysis was conducted for each individual GCM, a distribution of GCMs can be created. The distribution highlights the discrepancy between individual models and the need to select a representative percentile for characterizing climate risk on any system. An example of the distribution of all models considered for a single emissions scenario and selected percentiles within the model distribution is shown for change in peak annual flow in Figure 3.

<sup>1</sup> Australian Community Climate and Earth-System Simulator (ACCESS)





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**Figure 3. Percent change in peak annual flow relative to 1950-2000 average for all GCMs under RCP 4.5 emissions, blue lines show individual GCM trajectories and blue dots show result at year 2030 (top), and (bottom) histogram of total number of models for given ranges of percent change in peak annual flow**

The 100-year discharge and the change in 100-year discharge for the three future time periods relative to the historic time period was calculated for each GCM based on the following equation:

$$\Delta Q_{100} = Q_{100\text{-year-emissions}} - Q_{100\text{-hist}}$$

Where  $\Delta Q_{100}$  is the change in  $Q_{100}$  in cfs  
 $Q_{100\text{-year-emissions}}$  is the  $Q_{100}$  for a given GCM at a specific time horizon and emissions scenario  
 $Q_{100\text{-hist}}$  is the  $Q_{100}$  for the historical time period based on the GCM data

The distribution of GCMs for the change in  $Q_{100}$  on the Reclamation Ditch is shown for RCP 4.5 in Figure 4 and for RCP 8.5 in Figure 5. The distribution of GCMs for the change in  $Q_{100}$  on the Soquel Creek is shown for RCP 4.5 in Figure 6 and for RCP 8.5 in Figure 7.

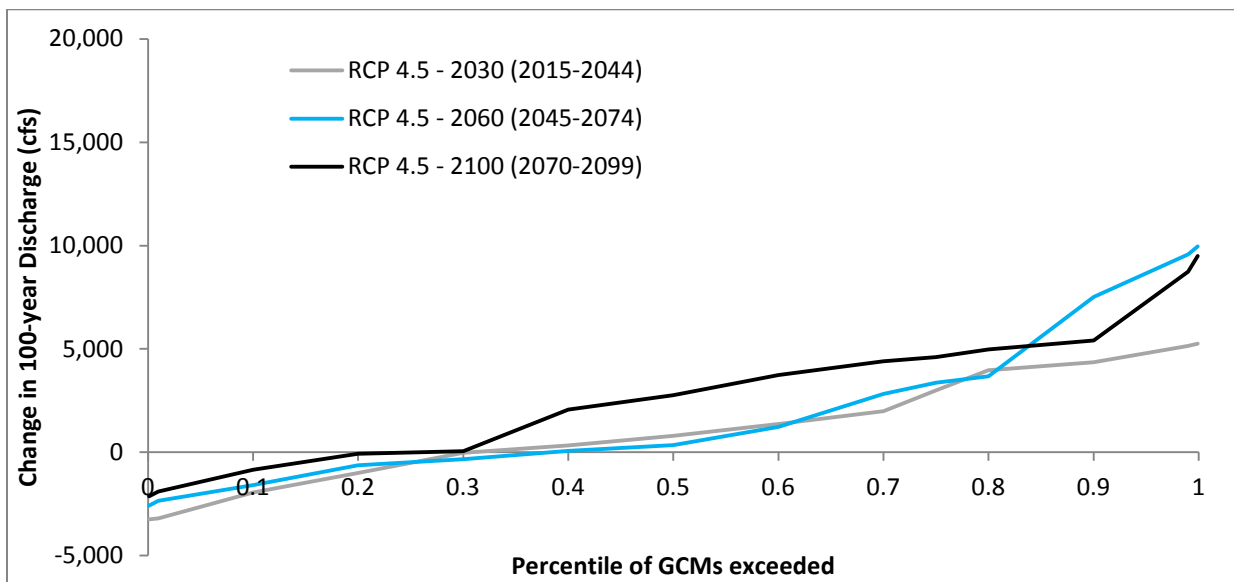


Figure 4. Distribution of change in  $Q_{100}$  for each GCM for 2030, 2060, and 2100 for RCP 4.5 on the Reclamation Ditch System

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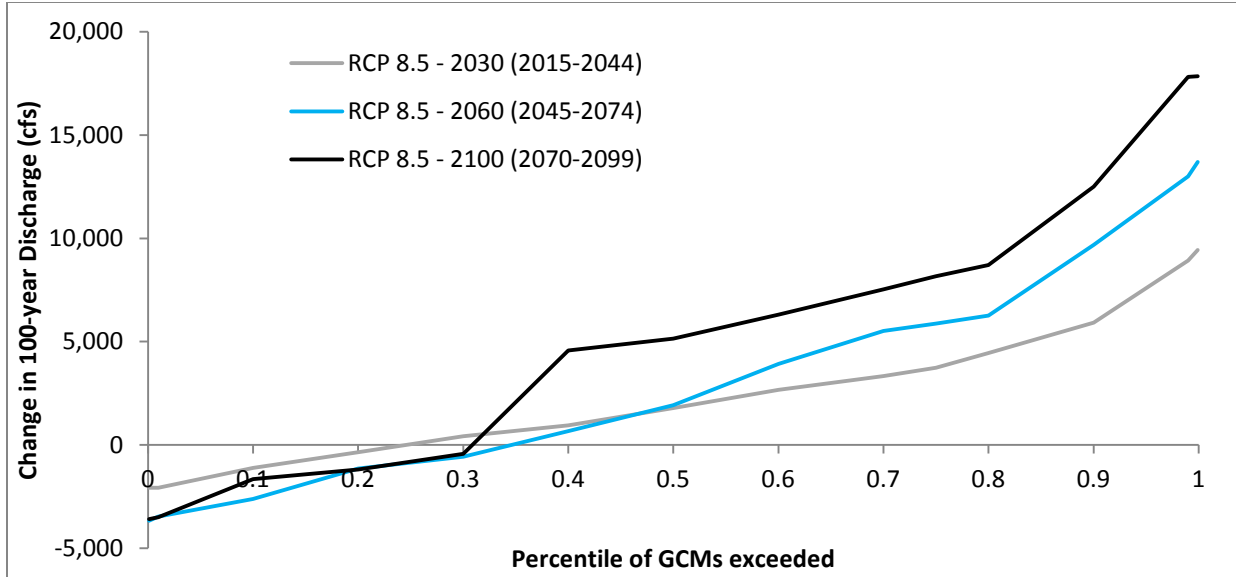


Figure 5. Distribution of change in  $Q_{100}$  for each GCM for 2030, 2060, and 2100 for RCP 8.5 on the Reclamation Ditch

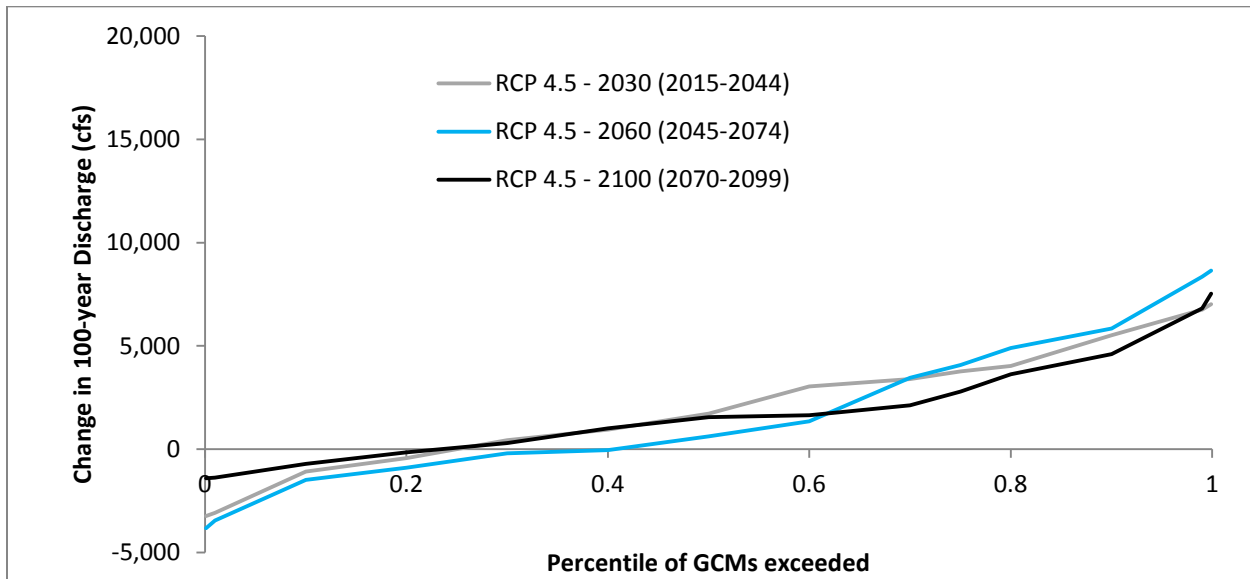
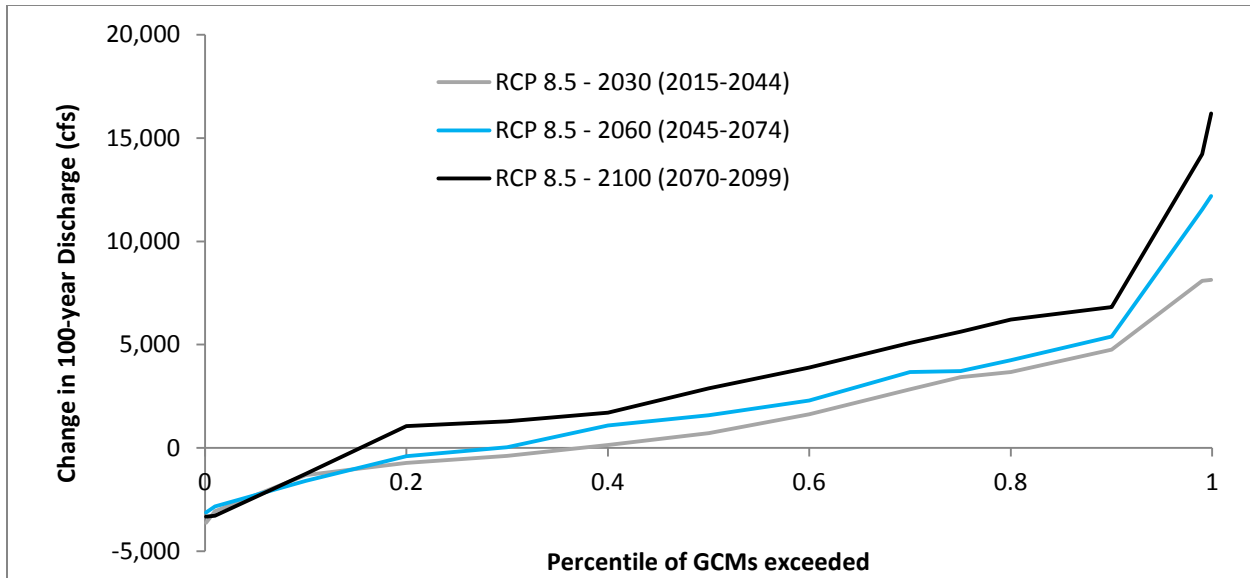


Figure 6. Distribution of change in  $Q_{100}$  for each GCM for 2030, 2060, and 2100 for RCP 4.5 on Soquel Creek

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**Figure 7. Distribution of change in  $Q_{100}$  for each GCM for 2030, 2060, and 2100 for RCP 8.5 on Soquel Creek**

These figures indicate that for RCP 4.5, the emissions scenarios are grouped fairly closely for each future time period. The ‘medium’ emissions scenario was estimated from approximately the 50<sup>th</sup> percentile for the three time periods for RCP 4.5. It was determined that the 90<sup>th</sup> percentile of the models for RCP 8.5 for each individual year would be used to represent the ‘high’ emissions scenario. The changes estimated for 100-year discharge for both systems are summarized in Table 2.

**TABLE 2  
CHANGE IN 100-YEAR DISCHARGE FOR BOTH SYSTEMS RELATIVE TO HISTORIC PERIOD (1950-2000)**

Emissions scenario	Reclamation Ditch system			Soquel Creek		
	2030	2060	2100	2030	2060	2100
Medium (RCP 4.5 50th percentile)	20%	40%	60%	13%	15%	20%
High (RCP 8.5 90th percentile)	140%	210%	275%	62%	68%	95%

The flows estimated in the extreme streamflow analysis were used to drive the hydraulic models which, in turn, were used to map inundation extents for existing conditions and the five future climate conditions (2030 high, 2060 and 2100 medium and high emissions). In addition to the extreme streamflow change, the downstream coastal water levels are influenced by sea level rise. The following section describes the analyses conducted to characterize the extreme coastal water level that would be coincident with the 100-year flood.

## 2.3 Extreme Coastal Water Level Analysis

### 2.3.1 Reclamation Ditch Extreme Tide Levels

The ocean boundary condition from the existing unsteady HEC-RAS hydraulic model consisted of a repeated tide cycle that peaked at about MHHW. To represent extreme tide conditions we used a 10-year tide as the ocean boundary for existing conditions. Given that the mouth of this system (the mouth to Moss Landing Harbor) is relatively deep we assumed that the mouth would not support wave setup, and therefore no additional water level increase was added for wave setup. The input ocean stage hydrograph was scaled up to peak at the 10-year water level (7.69 ft NAVD, from Monterey NOAA Buoy 9413450).

For future conditions the 10-year tide was increased at the rate of sea level rise based on the CA Coastal Commission guidance document (CCC, 2013). The total amount of SLR added for each scenario was estimated by fitting curves to the NRC 2012 SLR values, following this guidance. The peak tide elevation for each scenario is summarized in Table 3. These are the same water levels used by ESA for the Monterey Bay hazard mapping (ESA PWA, 2014).

**TABLE 3  
EXTREME TIDE CONDITIONS FOR RECLAMATION DITCH SYSTEM**

Time period	Sea level rise (ft)		10-year tide level + SLR (ft NAVD)	
	Medium	High	Medium SLR	High SLR
2015	-	-	7.69	
2030	0.3	0.7	8.0	8.4
2060	1.1	2.4	8.8	11.0
2100	2.9	5.2	10.6	12.9

### 2.3.2 Soquel Creek Extreme Tide Levels

The Soquel Creek model is steady state thus there is no time dimension to the peak coastal water level. Recognizing this, it was deemed not representative to use the 10-year peak water level to represent extreme tide levels given that this elevation is only reached for a brief period during the 10-year event. We selected the 1-year recurrence interval as a tide level that would have a long enough time dimension to be considered credibly steady-state during an extreme tide event. Based on the Monterey Bay tide gauge (NOAA# 9413450), the 99% exceeded (1-year recurrence) tide elevation is 6.87 ft NAVD. Additionally, given the geomorphic configuration of this system, we added an additional increase in the steady state boundary to account for storm surge and wave setup. We selected 2-feet to account for these factors based historic data and previous studies of joint probability between coastal storm surge and high intensity rainfall as described below.

The steady downstream water surface boundary condition for Soquel Creek was chosen based on review of traditional practice and consideration of past analyses of joint probability of peak river discharges with elevated ocean water levels. A past study on San Lorenzo Creek by (USACE 2011) showed a correlation

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between peak discharges and storm surges, with average tidal residuals during river flood events ranging from 0.4 to 1.5 feet and wave setup ranging from 0.2 to 2 feet. We also examined historic data for Soquel Creek and nearby Aptos Creek for coastal storm events based on USGS stream gauge, CDIP buoy, and NOAA tide gauge records to estimate the wave setup during past events. We found similar patterns in the tide residuals, wave setup, and tide peak elevation during the storm. The wave setup and tide peak for a set of extreme tide and flow events is summarized in Table 4. The tidal peak water level that occurred around the time of the peak river discharge was found to be near the 1-year recurrence elevation with an average residual 0.5 feet and average estimated wave runoff of 1.2 feet.

**TABLE 4  
COASTAL STORM SURGE AND WAVE SETUP FOR EVENTS ON SOQUEL AND APTOS CREEKS**

Creek	Date	Approximate peak flow (cfs)	Ocean Residual ft (1-day average)	Offshore Wave Height, H (ft) approx	Wave Setup hsetup (ft) <sup>1</sup>	Total ocean water anomaly (wave setup + residual) ft	Tide Peak During Storm (ft NAVD)
Aptos	2/6/1983	210	0.74	16	1.6	2.38	6.1
Aptos	2/25/1983	210	0.43	11	1.1	1.58	6.9
Aptos	2/23/2009	280	-0.04	7	0.7	0.7	5.6
Aptos	1/20/2010	210	1.17	21	2.1	3.3	6
Aptos	12/21/2010	310	0.65	10	1	1.63	7
Aptos	12/29/2010	140	0.23	16	1.6	1.87	6.3
Aptos	2/25/2011	n/a	0.12	8	0.8	0.94	5.6
Soquel	10/13/2009	4000	0.85	7	0.7	1.51	6.1

<sup>1</sup>steady (average) setup  $\approx$  0.1\*H

The future conditions 100-year discharge combined with the future conditions extreme coastal tide level were used as boundary conditions for the hydraulic modeling analysis. The modeling analysis is described in the following section.



## 3 HYDRAULIC AND HYDRODYNAMIC MODELING ANALYSIS

### 3.1 Reclamation Ditch Unsteady Modeling

The basis for the unsteady HEC-RAS hydraulic model was a model provided by the Monterey County Water Resources Agency (MCWRA) to ESA in 2014. The model is an updated version of the HEC-RAS model originally developed by Schaaf & Wheeler (1999) for flood analysis. The model has been periodically updated for flood mapping studies. However, the original channel data dates back to the original study. The existing conditions 100-year hydrology was also developed by Schaaf & Wheeler in 1999 using a HEC-1 hydrologic model for the Gabilan Creek watershed. This formed the basis for the existing conditions 100-year unsteady hydrograph boundary conditions used in the model. Updates to the model geometry required including positioning the model in real geospatial coordinates and updating overbank areas with LiDAR topography are described in the following section.

#### 3.1.1 Model Geometry Development

**Hydraulic Roughness** – The parameter representing the resistance to flow within a channel or floodplain due to vegetation, bedform, and bed material is known as the manning’s roughness or ‘n’ value. The manning’s n values were adopted from the existing model. The values are 0.025 for channel roughness and 0.065 for floodplain roughness.

**Georeferencing** – The original model provided by Monterey County required georeferencing to spatially orient the model input and output. The original mode was shifted to correctly orient the confluence of the Tembladero Slough and drainage canal from Merritt Lake (just upstream of Castroville). Tembladero Slough was digitized from Moss Landing up the Reclamation Ditch to the Hwy 101 crossing in Salinas using the HEC-GeoRAS toolbar in ArcGIS and then imported to the HEC-RAS model. Cross section spacing was then adjusted in HEC-RAS to align known bridge crossings with their spatial location. The model layout is shown in Figure 8.



**Figure 8. Reclamation Ditch hydraulic model layout**

**Update with LiDAR** – Because the overbank representation of the existing model was limited, it was necessary to update the overbank topography from new sources. This was accomplished by first extending the channel cross sections to include the full floodplain and then updating the cross section

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station-elevation data with topography from the 2009-2011 CA Coastal Conservancy Coastal Lidar Project: Hydro-flattened Bare Earth DEM that was downloaded from <http://coast.noaa.gov/dataviewer/>. This was only done for cross sections downstream of the railroad crossing west of Hwy 183, as the focus was primarily on flood behavior downstream. We determined that the elevations of the existing model were vertically referenced to an old vertical datum NGVD29. We thus converted the elevations to NAVD88 using the conversion factors listed in the FIS (+2.7 ft for Tembladero Slough, +2.77 ft for Reclamation Ditch). The model was also expanded into the Moro Cojo Slough and historic slough area between the Tembladero and Moro Cojo to represent alternate flood pathways that became apparent during the December 2014 flood.

**Incorporation of MLML data** – Hydraulic structure data was provided by Ross Clark, Charlie Endris, that was used to develop preliminary geometry for hydraulic structures located in the expanded portions of the model including:

1. Cabrillo Hwy crossing over Moro Cojo Slough
2. Moss Landing Rd tide gates at Moro Cojo

Other minor structure crossings in the model area were not accounted for due to lack of data. One improvement to the model would be to survey these crossings and add them into the model geometry to improve the representation of flow routing in the system.

### 3.1.2 Model Hydrology Inputs

Future flows determined in the future  $Q_{100}$  climate analysis were simulated by scaling the existing unsteady 100-year hydrographs that came with the HEC-RAS model provided by Monterey County. Base flow was maintained for the input hydrographs by only scaling the peak of each input hydrograph (flows  $> \sim 75\%$  of the existing peak discharge). Within each hydrograph peak, a polynomial scaling function was used to produce smooth transitions between the existing rising and falling limbs and the future hydrograph peaks.

Inflow hydrographs were developed for Moro Cojo Slough and the unnamed canals/historic slough watershed. Area was determined for each watershed using USGS streamstats online tools. Then hydrographs were scaled from nearby subwatersheds analyzed by Schaff and Wheeler that possessed similar attributes (drainage area, relief, and impervious percentage) using watershed area as the scaling factor. These were scaled for future conditions using the method described above.

The downstream boundary was driven by an unsteady tide as described in the extreme coastal tide level section for the Reclamation Ditch.

### 3.1.3 Model Validation

The results of the updated hydraulic model run with the existing conditions 100-year hydrology and MHHW tailwater were compared to flooding extent and hydraulic flowpaths from a flood event that occurred in December 2014. The MLML provided a map of estimated extents and observed flow



directions during this event. One key observation for this event was that flow backing up at the Moss Landing tide gates overtopped adjacent farm fields contributing additional water into Moro Cojo Slough which routes water to the harbor through the culverts under Moss Landing Road. The model reproduced this observed pattern for the 100-year flow as shown in Figure 9.

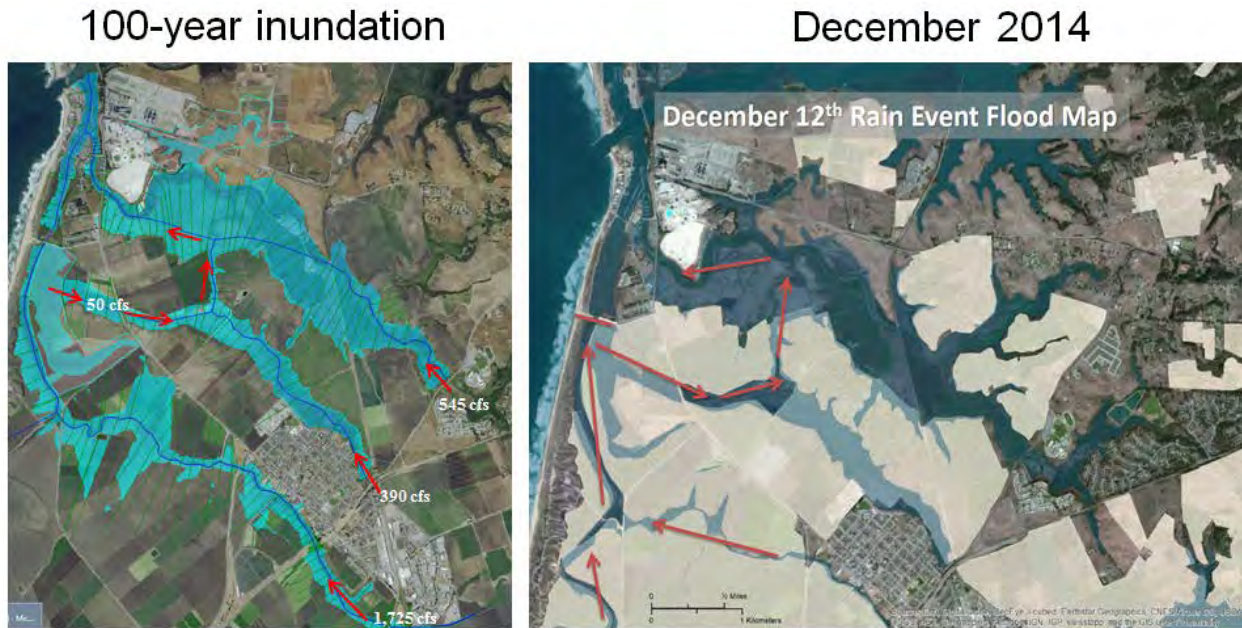


Figure 9. Comparison of Modeled 100-year flowpaths and observed flowpaths during December 2014 flood

### 3.1.4 Model Limitations

Flood mapping was truncated for Tembladero Slough at the Cabrillo Hwy, Moro Cojo up to the Railroad, and the historic slough in between. From the Tembladero up to the City of Salinas, the cross sections are limited to in channel portions, and floodplains were not mapped for any of the model coverage upstream. Given the uncertainty regarding the location of cross-sections an improvement to the model would be collecting new channel cross-sections and channel bathymetry in the model domain. Additionally, replacing the overbank areas with 2D flow elements would improve the routing of flow once it escapes the channel and goes out of bank. Lastly, the main Salinas River channel is not represented in the model. There are known interactions with the Salinas River and the Reclamation Ditch system including breakout flows from upstream entering the Reclamation Ditch and a water control structure connection between the mouth of the Salinas River and the old Salinas River alignment. The model could be improved significantly by combining the model with a model of the Salinas River and replacing the overbank areas with 2D flow elements.

## 3.2 Soquel Creek Steady State Modeling

### 3.2.1 Model Geometry Development

**Hydraulic Roughness** – The manning’s n values were adopted from the existing FEMA model to maintain consistency. The channel and floodplain n values are 0.1 and 0.4 respectively.

**Georeferencing** – The existing conditions model for Soquel Creek came from the effective FEMA model for the system which was provided by FEMA as HEC-2 data-the precursor to HEC-RAS. The model was converted to HEC-RAS and georeferencing was performed to geospatially orient the model cross-sections and flood results. The georeferencing was accomplished by digitizing the length of Soquel Creek from the Pacific Ocean upstream to the limit of existing model coverage with HEC-GeoRAS tools in ArcGIS. Once the new stream centerline was imported to HEC-RAS, cross section spacing was adjusted to align bridge crossings with the known locations determined by the Terrain or aerial imagery. The model cross-section layout is shown in Figure 10.



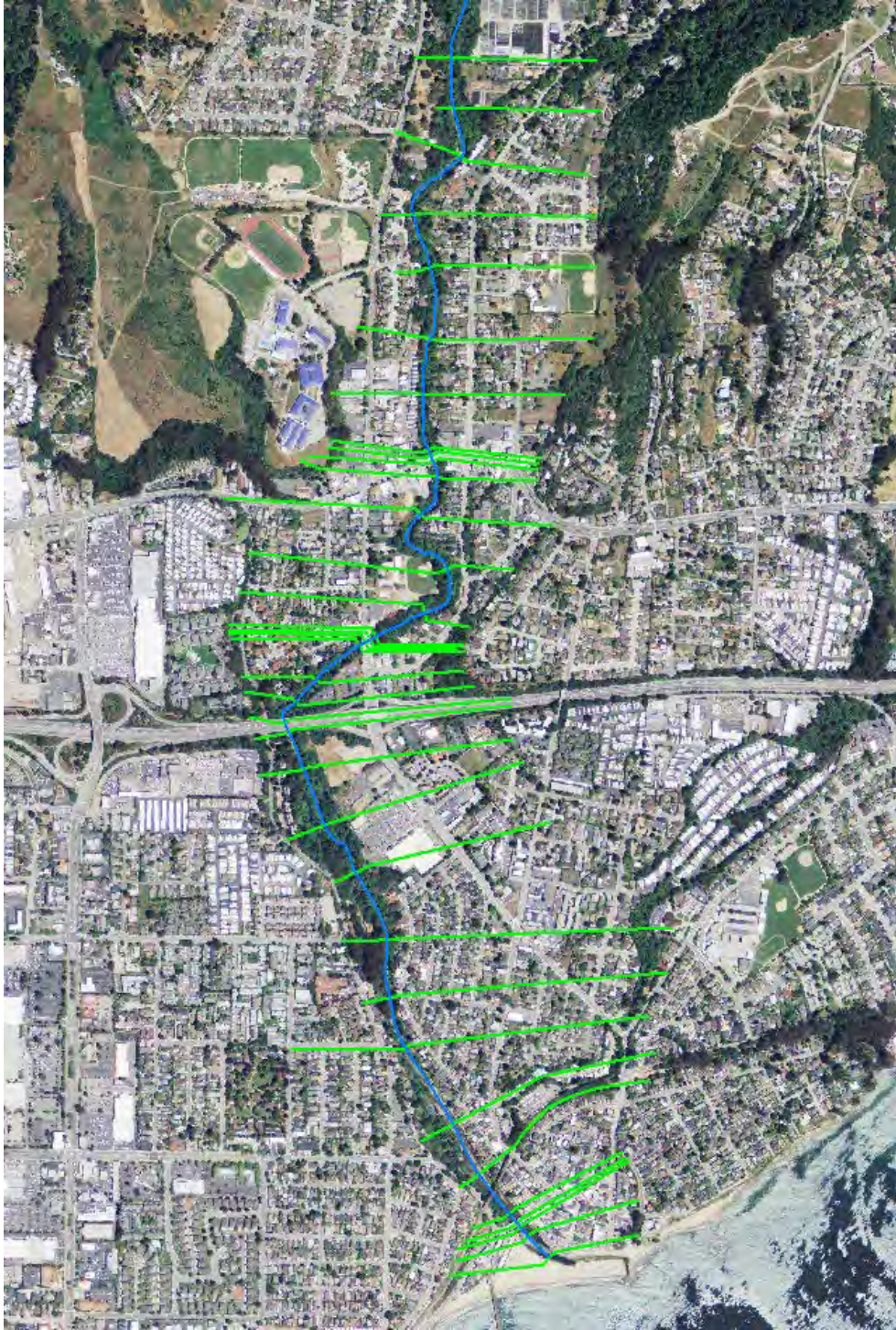


Figure 10. Soquel Creek hydraulic model layout

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**Update with LiDAR** – Channel cross sections were extended to include the full floodplain and the cross section station-elevation data was updated with topography from the 2009 - 2011 CA Coastal Conservancy Coastal Lidar Project: Hydro-flattened Bare Earth DEM (downloaded here: <http://coast.noaa.gov/dataviewer/>). This was only done for cross sections downstream of Soquel Nursery Growers Plant Nursery. In-channel bathymetry and hydraulic structure data were maintained, and were shifted from NGVD29 to NAVD88 using the datum conversion factor from the FIS (+2.75 ft).

**Incorporation of MLML data** – Hydraulic structure data (stormdrains, manholes, etc.) were provided by Ross Clark, Charlie Endris, but were not used in the model. These data can (are going to) be used to update flood connectivity of previously mapped coastal flooding hazards (ESA 2014), and would serve to improve fluvial flood mapping from an unsteady model of Soquel Creek.

### 3.2.2 Model Hydrology Inputs

Future peak flows determined in the future  $Q_{100}$  climate analysis were modeled in steady state. Flows were increased by the percent change calculated for the medium and high emissions scenarios and the three future time horizons. The downstream boundary was driven by a steady tide as described in the extreme coastal tide level section for Soquel Creek.

### 3.2.3 Model Limitations

The geometry information in the model, including hydraulic structures and in-channel bathymetry, are out of date and may not be representative of current channel conditions. These should be updated to better represent the current conditions in Soquel Creek. Because the model is steady state, overbank flooding is potentially overestimated. Flooding extents could be improved by switching to an unsteady model.

# 4 MODEL RESULTS AND FLOOD HAZARD MAPPING

The hydraulic model results include water elevations in each cross-section which were translated into geospatial datasets of flood extent and depth for each of the scenarios modeled. This flood hazard mapping process was accomplished using the HEC-GeoRAS toolbar for ArcGIS which enables data transfer between GIS and HEC-RAS. Water surface profiles from the model results were exported to GIS and differenced against the underlying NOAA LiDAR topography to map flood extent. This topographic dataset does not include bathymetry below the water line thus flow depths in the channel are representative of depth above the water line at the time during which the LiDAR data were surveyed. Though some channel bathymetry for Tembladero Slough and the Reclamation Ditch was present in the original HEC-RAS model, no clear geospatial information was available for precisely locating these data. Thus the bathymetry from the cross-sections was not integrated into the topographic surface. The results of the inundation mapping are shown for the Reclamation Ditch system in Figure 11 and for Soquel Creek in Figure 12.

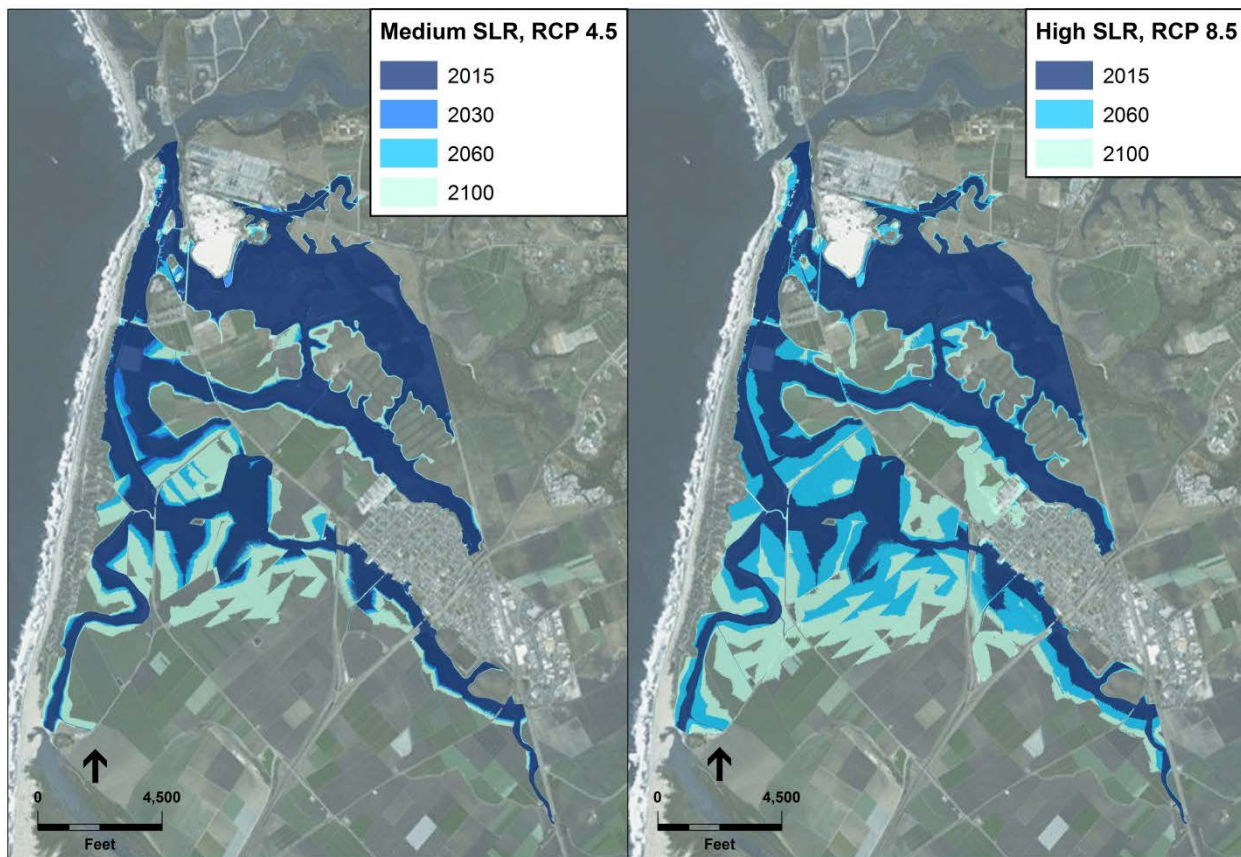
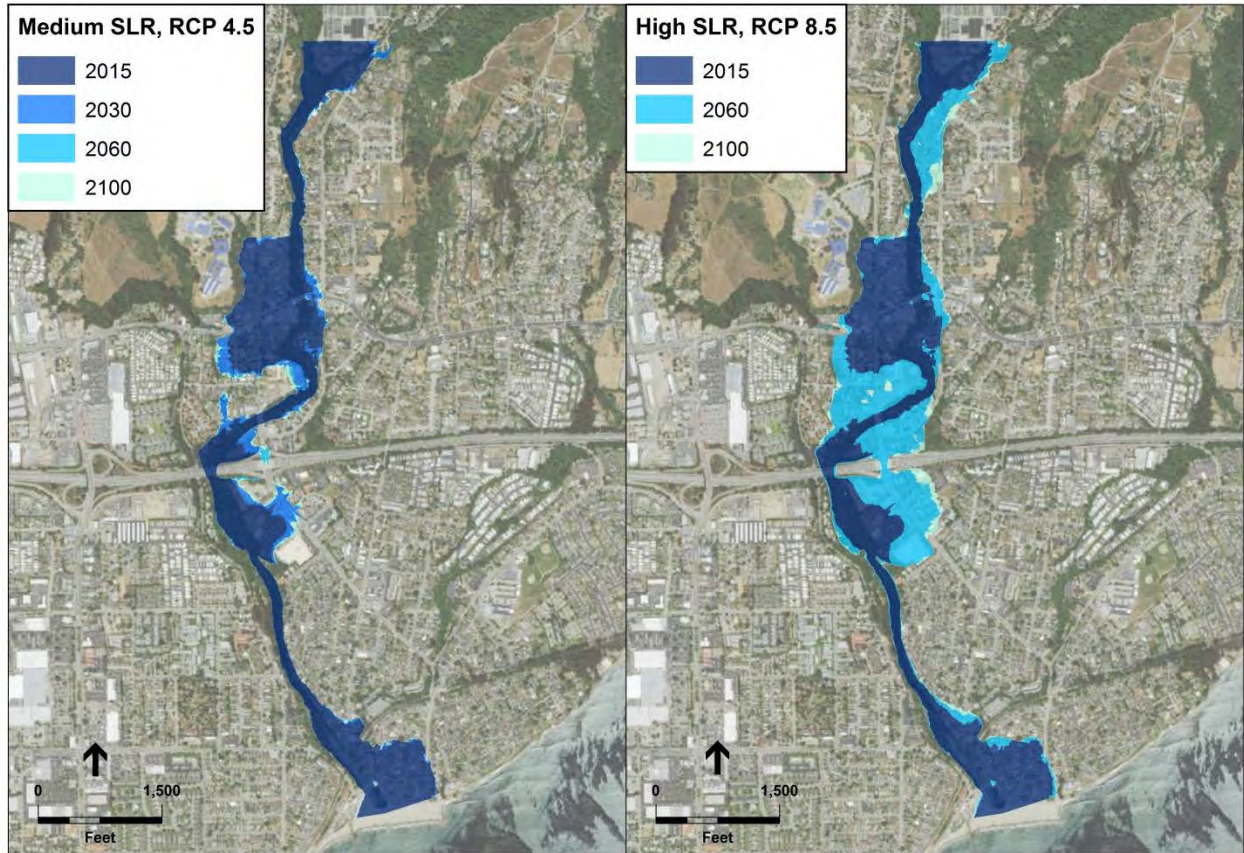


Figure 11. Flood inundation hazard maps for multiple climate scenarios on the Reclamation Ditch system

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**Figure 12. Flood inundation hazard maps for multiple climate scenarios on Soquel Creek**

As Figure 11 shows, the flood extent increases significantly from existing conditions to 2100 on the Reclamation Ditch system. The majority of additional flooding is on the agricultural properties adjacent to Tembladero Slough and the Old Salinas River channel. The increase is exacerbated by the flatness of the terrain which results in a large increase in flooding for small increases in discharge. The additional flooded area is approximately 960 and 1740 acres for the Medium and High scenarios respectively, and the increase in flood depth is approximately 1.1 and 2.6 feet respectively. Depth measurements were sampled just upstream of the Hwy 156 crossings on Tembladero Slough.

For Soquel Creek, the change in 100-year discharge is less significant than on the Reclamation Ditch system. Additionally, the topography is more constrained in areas that are already flooded by the existing conditions 100-year flood. Thus the extent of flooding does not change as significantly on this system. The additional flooded area is approximately 18 and 65 acres for the Medium and High scenarios respectively, and the increase in flood depth is approximately 0.8 and 3.0 feet respectively.

In addition to the fluvial flood hazard mapping analysis, coastal storm flooding hazard zones were provided for the purposes of updating flooding connectivity in the Capitola and Salinas-Elkhorn areas. Coastal storm flooding hazards were previously mapped for the Monterey Bay Sea Level Rise Vulnerability Study (ESA PWA 2014) prepared for The Monterey Bay Sanctuary Foundation, and were provided in shapefile format for these two areas.

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For the Capitola area (Soquel Creek), ESA provided MLML with intermediate coastal hazards shapefiles that contained separate polygons for the various hazards modeled. Equipped with the separated hazards and by using GIS data of storm drain networks and other flood management infrastructure, staff at MLML can make any warranted flood connectivity updates to the coastal flooding hazard layers provided in the MBSLR study (ESA PWA 2014). Described in the shapefile metadata, the separated versions of the coastal flooding hazards include layers for wave overtopping, wave runup, event tide flooding (100-yr tide), and erosion layers depicting eroded conditions of cliffs and dune areas (which would be considered as flooded in the future). Elevations associated with each flooding mechanism (except the erosion layers) are provided as attributes for each mechanism (“Method” in the attributes table).

As a part of a subsequent study “Economic Impacts of Climate Adaptation Strategies for Southern Monterey Bay” by ESA, The Nature Conservancy and others, flood connectivity was updated to reflect known water control structures in the area. The main structures considered are the tide gates on Tembladero Slough at Potrero Road, the Cabrillo Hwy road crest separating low lands from backwatering from the Moro Cojo Slough, and the water control structure between the Salinas Lagoon and Old Salinas channel to the north. In this update, flooding methods and associated flooding elevations for the Salinas River were altered to produce more accurate flood extents:

- Beach berm flooding – the elevation of flooding behind the beach berm at the Salinas River lagoon mouth was lowered from 4.88 m NAVD to 3.66 m NAVD (from 16ft to 12 ft) to represent the hydraulic control structure that diverts water north to the old Salinas River channel. These flooding layers also assume a 15 ft crest elevation for the levee on the north bank of the Salinas River, estimated from LiDAR.
- 100-yr tide flooding – flooding by the 100-year tide was updated to reflect the Potrero Rd tide gates and the road crest at Cabrillo Hwy, which affects primarily farmlands south of the Elkhorn Slough mouth.

The geospatial layers for the flood hazard extent and depths were compiled in an ESRI ArcGIS compatible geodatabase. The geodatabase was provided to MLML on 1/29/2016. Additionally the coastal flooding shapefiles adjusted to incorporate structural information on both systems was provided with this geodatabase. A table of the layers provided is included in Attachment A.

## 5 DISCUSSION

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The climate analysis and hydraulic modeling show how future conditions flooding can change with increased precipitation intensity and higher coastal water levels with extreme coastal flood events. The flood hazard inundation extents can be used to inform planning efforts in the areas that are at risk of increased flooding as climate change puts added pressure on flood parameters. The range of scenarios provided allows for interpretation of potential flood risk given uncertainty in how climate will evolve. Planning efforts can be informed by considering a range of future scenarios and associated vulnerabilities, and the community's tolerance for risk, which should conceptually relate to the community's resilience.

The fluvial flood hazard maps add value to the previous coastal flooding analyses conducted by ESA by incorporating changes to watershed hydrology into the flood potential. This enables an assessment of the flood risk from combined changes in increasing coastal water levels and increased precipitation intensity. This is beneficial to communities at risk of flooding from both coastal and fluvial sources and provides a more complete set of scenarios for planning in those communities.

The resulting hazard maps can be used to assess risk as well as plan for future adaptation measures. By highlighting areas at risk currently and areas potentially at risk under different climate scenarios, communities can begin to develop and implement specific localized measures for adapting to these future risks. Future study should be considered to develop adaptation plans now that the tools for assessing risk have been developed and are available for further use.

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## 7 LIST OF PREPARERS

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**Monterey Bay Sea Level Rise**  
**Climate Change Impacts on Combined Fluvial and Coastal Hazards**

**ATTACHMENT A**  
**GIS Data Layers Provided With Report**

Attachment A - Files transmitted via 20150126\_fluvialHZ\_w\_Metadata.zip

Folder	Subfolder	File	Geographic Location	Type	SLR	Emissions	
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		river100yr_floodplain_hi2060.shp	Tembladero Slough	Fluvial flooding extents polygon shapefile	High	RCP 8.5	
		river100yr_floodplain_hi2100.shp	Tembladero Slough	Fluvial flooding extents polygon shapefile	High	RCP 8.5	
		river100yr_floodplain_med2030.shp	Tembladero Slough	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
		river100yr_floodplain_med2060.shp	Tembladero Slough	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
		river100yr_floodplain_med2100.shp	Tembladero Slough	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
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		MaxDepth_100yr_hi2060.tif	Tembladero Slough	Fluvial flooding max depth raster	High	RCP 8.5	
		MaxDepth_100yr_hi2100.tif	Tembladero Slough	Fluvial flooding max depth raster	High	RCP 8.5	
		MaxDepth_100yr_med2030.tif	Tembladero Slough	Fluvial flooding max depth raster	Medium	RCP 4.5	
		MaxDepth_100yr_med2060.tif	Tembladero Slough	Fluvial flooding max depth raster	Medium	RCP 4.5	
		MaxDepth_100yr_med2100.tif	Tembladero Slough	Fluvial flooding max depth raster	Medium	RCP 4.5	
	SoquelCreek_UTMz10	area	river100yr_floodplain_ec2010.shp	Soquel Creek	Fluvial flooding extents polygon shapefile	none	none
			river100yr_floodplain_hi2060.shp	Soquel Creek	Fluvial flooding extents polygon shapefile	High	RCP 8.5
river100yr_floodplain_hi2100.shp			Soquel Creek	Fluvial flooding extents polygon shapefile	High	RCP 8.5	
river100yr_floodplain_med2030.shp			Soquel Creek	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
river100yr_floodplain_med2060.shp			Soquel Creek	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
river100yr_floodplain_med2100.shp			Soquel Creek	Fluvial flooding extents polygon shapefile	Medium	RCP 4.5	
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		MaxDepth_100yr_hi2060.tif	Soquel Creek	Fluvial flooding max depth raster	High	RCP 8.5	
		MaxDepth_100yr_hi2100.tif	Soquel Creek	Fluvial flooding max depth raster	High	RCP 8.5	
		MaxDepth_100yr_med2030.tif	Soquel Creek	Fluvial flooding max depth raster	Medium	RCP 4.5	
		MaxDepth_100yr_med2060.tif	Soquel Creek	Fluvial flooding max depth raster	Medium	RCP 4.5	
		MaxDepth_100yr_med2100.tif	Soquel Creek	Fluvial flooding max depth raster	Medium	RCP 4.5	
Key							
SLR		High	high sea level rise (NRC 2012) of 159 cm by 2100, relative to 2010				
	Med	medium sea level rise (NRC 2012) of 72 cm by 2100, relative to 2010					
Emissions	RCP 8.5	future emissions scenario (IPCC, AR 5)					
	RCP 4.5	future emissions scenario (IPCC, AR 5)					

100-year fluvial flooding rasters and polygons are projected to UTM Zone 10N coordinates. Raster depths are in Feet.

Attachment A - Files transmitted via 20150129\_Draft\_UpdatedCoastalFloodHZ

Folder	File	Geographic Location	Type	SLR
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subfolder "combined"	coastal_floodhz_ec2010_dissolved.shp coastal_floodhz_s12030_dissolved.shp coastal_floodhz_s12060_dissolved.shp coastal_floodhz_s12100_dissolved.shp coastal_floodhz_s22030_dissolved.shp coastal_floodhz_s22060_dissolved.shp coastal_floodhz_s22100_dissolved.shp coastal_floodhz_s32030_dissolved.shp coastal_floodhz_s32060_dissolved.shp coastal_floodhz_s32100_dissolved.shp	Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek	Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents	none Low Low Low Medium Medium Medium High High High
subfolder "separated"	coastal_floodhz_ec2010.shp coastal_floodhz_s12030.shp coastal_floodhz_s12060.shp coastal_floodhz_s12100.shp coastal_floodhz_s22030.shp coastal_floodhz_s22060.shp coastal_floodhz_s22100.shp coastal_floodhz_s32030.shp coastal_floodhz_s32060.shp coastal_floodhz_s32100.shp	Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek Capitola / Soquel Creek	Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes	none Low Low Low Medium Medium Medium High High High
event_flood_SMB_SalinasElkhorn				
subfolder "combined"	event_flood_AER_ec2010.shp event_flood_AER_s22030.shp event_flood_AER_s22060.shp event_flood_AER_s22100.shp event_flood_AER_s32030.shp event_flood_AER_s32060.shp event_flood_AER_s32100.shp	Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug	Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents Coastal Storm flooding extents	none Medium Medium Medium High High High
subfolder "separated"	event_flood_AER_ec2010_EL.shp event_flood_AER_s22030_EL.shp event_flood_AER_s22060_EL.shp event_flood_AER_s22100_EL.shp event_flood_AER_s32030_EL.shp event_flood_AER_s32060_EL.shp event_flood_AER_s32100_EL.shp	Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug Salinas River / Elkhorn Sloug	Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes Coastal Storm flooding extents, with separate EL and HZ type attributes	none Medium Medium Medium High High High
Key				
SLR	low sea level rise (NRC 2012) of 22 cm by 2100, relative to 2010 medium sea level rise (NRC 2012) of 72 cm by 2100, relative to 2010 high sea level rise (NRC 2012) of 159 cm by 2100, relative to 2010			
coastal storm flooding rasters and polygons are projected to UTM Zone 10N coordinates				

Attachment: Capitola Local Hazard Mitigation Plan - 2020 Update (LHMP Update Approval)

Appendix D – **City of Capitola Notice of Availability of  
Public Review Draft 2020 LHMP**

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## Advance Planning - LHMP Public Comment Period Now Open

### ADVANCE PLANNING OVERVIEW

Advance Planning maintains and updates the City's long-range planning documents, including the **General Plan**, **Housing Element**, **Zoning Code**, **Local Coastal Program**, and design guidelines. Advance Planning functions also include policy and ordinance development, coordination with neighboring agencies on regional planning issues, and grant preparation and administration.

### ADVANCE PLANNING PROJECTS

#### Local Hazard Mitigation Plan Update - Public Comment Period Now Open

The City is currently in the process of updating the Local Hazard Mitigation Plan. The public comment period will be open from April 15, 2020 through April 29, 2020. Please submit written comment to [planning@ci.capitola.ca.us](mailto:planning@ci.capitola.ca.us).

Draft Local Hazard Mitigation Plan for public comment period

The purpose of the LHMP is to develop a comprehensive local public planning process to assess and develop a response to the city's vulnerability to natural hazards. The LHMP identifies critical facilities that are vital to the city's and other local agencies' response during a natural disaster, particularly those that are currently vulnerable or at risk, assesses vulnerability to a variety of natural disasters (earthquake, flood, coastal erosion, etc.) and identifies needed mitigation actions.

### Community Development

Planning Applications

- **Advance Planning**

2014-2023 Housing Element

Capitola General Plan

Climate Action Plan

+ New Zoning Code

+ Affordable Housing

Building

Code Enforcement

+ Current Planning

Applications and Forms

U.S. Department of Homeland Security  
FEMA Region IX  
1111 Broadway, Suite 1200  
Oakland, CA 94607



**FEMA**

July 17, 2020

Steve Jesberg  
Public Works Director  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Dear Mr. Jesberg:

We have completed our review of the *City of Capitola Local Hazard Mitigation Plan* and have determined that this plan is eligible for final approval pending its adoption by the City of Capitola.

Formal adoption documentation must be submitted to the FEMA Region IX office within one calendar year of the date of this letter, or the entire plan must be updated and resubmitted for review. We will approve the plan upon receipt of the documentation of formal adoption.

If you have any questions regarding the planning or review processes, please contact the FEMA Region IX Hazard Mitigation Planning Team at [fema-r9-mitigation-planning@fema.dhs.gov](mailto:fema-r9-mitigation-planning@fema.dhs.gov).

Sincerely,

*for* Juliette Hayes  
Director  
Mitigation Division  
FEMA Region IX

Enclosure

cc: Victoria LaMar-Haas, Hazard Mitigation Planning Chief, California Governor's Office of  
Emergency Services  
Jennifer Hogan, State Hazard Mitigation Officer, California Governor's Office of  
Emergency Services



April 29, 2020

City of Capitola  
 Kristen Peterson, Mayor  
 420 Capitola Ave  
 Capitola, CA 95010

Cc: Jaime Goldstein, City Manager

Re: Comments on Local Hazard Mitigation Plan Update

Dear Mayor Peterson and Councilmembers,

On behalf of the Surfrider Foundation's Santa Cruz Chapter, we submit the following comments on the Local Hazard Mitigation Plan 2020 Update (LHMP). The Surfrider Foundation (Surfrider) is a non-profit grassroots organization dedicated to the protection and enjoyment of our world's oceans, waves and beaches, and fueled by a powerful network of activists. Founded in 1991, our Santa Cruz chapter has been instrumental in advocating for clean water, healthy beaches, and ensuring coastal access to all.

As the impacts of climate change and sea level rise (SLR) bear down on the future of our coastlines, the City of Capitola must stay ahead of the curve by proactively planning for changes at the local level. While Surfrider appreciates the City's efforts to update the LHMP for climate change related hazards; we are particularly concerned with the proposed actions to mitigate sea level rise and coastal erosion. Indeed, Capitola's beautiful coast – and the ecological, recreational and economical values it provides – is in grave jeopardy.

The LHMP describes the many actions the City will take to protect its infrastructure. **It is also vital that the City recognize the importance of protecting its precious natural resources by adapting to sea level rise with modalities that preserve the coast, such as living shorelines, soft armoring techniques, and relocation of development within coastal hazard zones.**

To protect and preserve the public's coast and coastal access, we offer the following comments regarding the LHMP's proposed mitigation actions:

- Action 2
  - The City must include an action to evaluate opportunities for beneficial reuse of sediment for beach replenishment from upstream locations.
- Action 2S



- Investigation should not only include beach nourishment but also living shoreline/green infrastructure and managed retreat as long-term shoreline restoration solutions. The City should complete an alternatives analysis that evaluates soft solutions over the long term instead of relying on the existing groin, the "Capitola Jetty". Over the long term the groin may exacerbate erosion down coast for the Depot Hill bluff top community and adjacent bluff and beach.
- Action 5A
  - The LHMP should state a preference for soft solutions and living shorelines - avoidance of seawalls and hard armoring of coastal bluffs as much as possible. The City should begin to establish a program to assess managed retreat of bluff top infrastructure.
- Action 10H
  - The Monterey Bay Sea Level Rise Study was completed in 2014 - this data may be outdated. The City of Capitola's Vulnerability Assessment was completed in July 2017. The City should incorporate the OPC-SAT's 4<sup>th</sup> Climate Assessment data released in 2018 and include consideration for an extreme sea level rise scenario.

The California Ocean Protection Council's Science Advisory Council anticipates in their Fourth California Climate Assessment (2018) that sea levels are likely to rise somewhere between 7 to 10 feet by 2100, swallowing beaches, and impacting public access, recreation, and healthy ecosystems. Factor in storms increasing in frequency and severity and we can expect our beaches will disappear even faster.

But by engaging in proactive planning, governments can facilitate the use of non-structural solutions to protect against risks; a proactive response involves advanced planning and implementation of measures that are designed to preemptively mitigate the negative consequences from natural hazards and human responses to those hazards. **Although implementing proactive non-structural measures may cost more initially, these types of solutions are typically more cost-effective and less environmentally damaging over the long term than reactive responses, yielding significant cost savings.**

Unfortunately, private property owners and public property managers have long been in the habit of responding to erosion with hard armoring, despite all the evidence showing that hard armoring – which includes seawalls, jetties and groins – exacerbates erosion. In the case of seawalls, this happens through several processes: Passive erosion is the erosion seen in front of a hard structure that causes gradual sand loss as the water deepens and the shore face moves landward; placement loss occurs when armoring is placed on the beach and public property (beach) is lost; active erosion occurs due to wave reflection, wave scouring, "end around" effects that increase the rate of beach loss.



For example, groins and jetties block longshore sediment transport down coast. In Capitola, this means that the bluffs at Depot Hill south of the jetty may be at risk. Although the beach there is naturally narrow, more research needs to be done as to the potential increase in beach and bluff erosion caused by the jetty and exacerbated by sea level rise.

Public access and visual/aesthetic impacts also suffer as a result of hard armoring. All of these lead to economic impacts due to loss of a recreational area. Additionally, hard armoring has been shown to reduce habitat and biodiversity, a simply unacceptable impact within the Monterey Bay National Marine Sanctuary (MBNMS).

California State Agencies state a strong preference for the avoidance of hard armoring as a response to sea level rise wherever possible due to the vast destruction they cause to the coast<sup>1</sup>.

**Notably, the City's Capital Improvement Project is contradictory in many ways, particularly with regard to the jetty improvement project.** While the jetty improvement project would likely increase sediment accretion on the beach and provide some protection to Capitola Village, it will only exacerbate erosion south of the jetty and further inhibit the formation of any type of protective beach below the Depot Hill neighborhood.

On page 63 and 64, the LHMP clearly states that the Depot Hill neighborhood and its underlying infrastructure is already unprotected and vulnerable, and will experience major impacts in the next 10-20 years. If the City of Capitola follows through on the jetty improvement project (scheduled for Fall 2020) without simultaneously mitigating for impacts to Depot Hill, the 10-20 year timeline for major impacts may actually come sooner, and should fall under the purview of this LHMP update. The LHMP does not adequately address potential bluff and beach erosion at Depot Hill. **A comprehensive, long-term proactive management plan to protect Depot Hill in a way that preserves the natural coastline and avoids hard armoring should be developed.**

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<sup>1</sup> The Ocean Protection Council's Sea Level Rise Guidance 2018 Update makes a number of planning and adaptation recommendations. Notably, recommendation (2) *Adaptation strategies should prioritize protection of coastal habitats and public access* lists "implement natural solutions for shoreline protection, including managed retreat" as the first strategy.

The Natural Resources Agency's Safeguarding California plan recommends that priority should be given to options that protect, enhance, and maximize coastal resources and access, including giving full consideration to innovative nature-based approaches such as living shoreline techniques or managed/planned retreat.

Principle 12 of the Coastal Commission's Sea Level Rise Guidance document states, "Priority should be given to options that enhance and maximize coastal resources and access, including innovative nature-based approaches such as living shoreline techniques or managed/planned retreat."

In 2018, the Coastal Commission adopted a Resolution on Sea Level Rise and Shoreline Protection – a vision to protect and increase natural landscape along the California coast to face down the threats of sea level rise. The vision prioritizes increasing adaptive capacity of coastal habitats including wetlands and important habitat corridors, by identifying and planning for inland migration and other measures to protect them from sea level rise.



Given Capitola's unique geography, location within the ecologically rich MBNMS, important recreational opportunities and economic dependence on having healthy beaches, the City must take every measure to proactively preserve the coast from climate change related hazards.

A recent report by the State's Legislative Analyst Office, [\*Preparing for Rising Seas: How the State Can Help Support Local Coastal Adaptation Efforts\*](#), highlights the importance of proactive sea level rise adaptation and the urgent need for action. Mitigation will not work forever, and Capitola's Capital Improvement Project should strive to incorporate, in collaboration with the State, adaptive components to the jetty, flume and wharf that can serve as pilot projects to guide the State moving forward.

Thank you for your consideration. We look forward to working with the City moving forward in its efforts to proactively plan and adapt to sea level rise and coastal hazards.

Sincerely,

Alli Webster – Chair  
Kyle Bergerson – Vice Chair  
Sam Blakesley - Volunteer