

Chapter 17.74 ACCESSORY DWELLING UNITS Revised 6/20

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17.74.010 Purpose. Revised 6/20

This chapter establishes standards for the location and construction of [accessory dwelling units](#) (ADUs) consistent with Government Code Sections [65852.2](#) through [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. (Ord. [1039](#) § 2 (part), 2020; Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.74.020 Definitions. Revised 6/20

Terms used in this chapter are defined as follows:

- A. "Accessory dwelling unit" means a self-contained living unit located on the same [parcel](#) as a primary [dwelling unit](#).
- B. "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" means an [accessory dwelling unit](#) that does not share a common [wall](#) with the primary [dwelling unit](#) and is not an internal [accessory dwelling unit](#).
- D. "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](#).

E. "Junior accessory dwelling unit" means an [accessory dwelling unit](#) no more than five hundred square feet in size and contained entirely within a single-family residence.

F. "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](#).

G. "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](#). (Ord. [1039](#) § 2 (part), 2020; Ord. [1017](#) § 2 (Exh. A) (part), 2018)

17.74.030 Permitting process. Revised 6/20

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 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 sixty days from the date the city receives a completed application. If the [applicant](#) requests a delay in writing, the sixty-day time period shall be tolled for the period of the delay.

a. The city has acted on the application if it:

- i. Approves or denies the [building](#) permit for the [accessory dwelling unit](#);
- ii. Informs the [applicant](#) in writing that changes to the proposed project are necessary to comply with this chapter; or
- iii. 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 sixteen 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 Section [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 Section [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 [17.84](#) (Historic Preservation). Third-party review of the proposed project may be required as provided in Chapter [17.84](#).

2. Compliance with Chapter [17.84](#) is not required for [accessory dwelling units](#) approved ministerially with an administrative permit. (Ord. [1039](#) § 2 (part), 2020)

17.74.040 General requirements. Revised 6/20

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 Sections [17.74.050](#)(B) (Detached Accessory Dwelling Units), (C) (Nonlivable Multifamily Space), and (D) (Detached [Accessory Dwelling Units](#) on Multifamily Parcels).

C. [Residential Mixed Use](#). If one [dwelling unit](#) is on a [parcel](#) with a nonresidential 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 nonresidential use, the [dwelling units](#) are considered a [multifamily 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 Chapter [17.160](#) (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 eight hundred square feet of [floor area](#), up to sixteen 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 eight hundred 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 an existing [structure](#) within four 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 to California Health and Safety Code Section [18007](#), as may be amended from time to time, a manufactured home must:
 - a. Provide a minimum of three hundred twenty 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 three linear feet of [food preparation](#) counter space and three 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. (Ord. [1039](#) § 2 (part), 2020)

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 Sections [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 one hundred fifty 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](#) Eight Hundred 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 of this section (Internal Accessory Dwelling Units). The [accessory dwelling unit](#) must comply with the following:

1. Minimum rear and side [setbacks](#): four feet.
2. Maximum [floor area](#): eight hundred square feet.
3. Maximum height: sixteen feet.

C. Nonlivable 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 a maximum of twenty-five 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: sixteen feet.
2. Minimum rear and side [setbacks](#): four feet. (Ord. [1039](#) § 2 (part), 2020)

17.74.060 Units subject to full review standards. Revised 6/20

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 Sections [17.74.080](#) (Development standards) and [17.74.090](#) (Objective design standards).

B. One-Story Detached [Accessory Dwelling Units](#) Between Eight Hundred and One Thousand Two Hundred Square Feet. A one-story detached [accessory dwelling unit](#) with a [floor area](#) between eight hundred and one thousand two hundred square feet in compliance with

standards in Sections [17.74.080](#) (Development standards) and [17.74.090](#) (Objective design standards). (Ord. [1039](#) § 2 (part), 2020)

17.74.070 Units requiring a design permit. Revised 6/20

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 sixteen feet in height in compliance with standards in Sections [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 Sections [17.74.080](#) (Development standards) and [17.74.090](#) (Objective design standards). (Ord. [1039](#) § 2 (part), 2020)

17.74.080 Development standards. Revised 6/20

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

ADU Type/Location	Standard
Unit Size, Maximum	
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.
Floor Area Ratio, Maximum [1]	As required by zoning district [2]
Setbacks, Minimum [3,4]	
Front	Same as primary dwelling [5]
Interior Side, 1st and 2nd Story	4 ft.
Exterior Side, 1st and 2nd Story	4 ft.
Rear, 1st and 2nd Story	4 ft.
Building Coverage, Maximum	
R-M zoning district	40% [2]

ADU Type/Location	Standard
All other zoning districts	No maximum
Height, Maximum [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.
Private Open Space, Minimum [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 eight hundred 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\(I\)](#) (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 sixteen feet in height requires a design permit.

[7] [Private open space](#) may include screened terraces, [decks](#), balconies, and other similar areas.

B. Front [Setbacks](#).

- 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](#).
- In the R-1 zoning district, front [setback](#) exceptions in Riverview Terrace and on Wharf Road as allowed in Section [17.16.030\(B\)](#) apply to [accessory dwelling units](#).
- 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.

- All Areas. The following parking provisions apply to [accessory dwelling units](#) in all areas in Capitola.
 - 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.
 - Tandem Spaces. Required off-street parking may be provided as [tandem parking](#) on an existing driveway.
 - Within [Setback](#) Areas.

i. Required off-street parking may be located within minimum required [setback](#) areas from front, side, and rear property lines.

ii. 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 two and one-half 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 twenty-four-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 subsection (C)(2)(c) of this section.

c. No off-street parking is required for an [accessory dwelling unit](#) in the following cases:

i. The [accessory dwelling unit](#) is located within one-half mile walking distance of public transit, as defined in Government Code Section [65852.2\(j\)\(10\)](#).

ii. The [accessory dwelling unit](#) is located within a National Register Historic District or other historic district officially designated by the city council.

iii. The [accessory dwelling unit](#) is part of the proposed or existing primary residence or an [accessory structure](#).

iv. When on-street parking permits are required but not offered to the occupant of the [accessory dwelling unit](#).

v. 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](#).

a. One off-street [parking space](#) is required for any type of [accessory dwelling unit](#) except as provided in subsection (C)(3)(b) of this section.

b. 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](#).

c. 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 subsection (C)(3)(a) of this section.

Figure 17.74-1



(Ord. [1039](#) § 2 (part), 2020)

17.74.090 Objective design standards. Revised 6/20

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 eight 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 six-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

	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 nonreflective 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 nonreflective 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 eighteen inches from the parallel side or rear **building** wall to distinguish it from the historic **structure**. (Ord. [1039](#) § 2 (part), 2020)

17.74.100 Deviation from standards. Revised 6/20

A. When Allowed. The planning commission may approve an [accessory dwelling unit](#) that deviates from one or more standards in Sections [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). (Ord. [1039](#) § 2 (part), 2020)

17.74.110 Findings. Revised 6/20

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 sixteen feet in height; and
2. [Accessory dwelling units](#) that deviate from one or more standards in Sections [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 and 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 to 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. (Ord. [1039](#) § 2 (part), 2020: Ord. [1017](#) § 2 (Exh. A) (part), 2018. Formerly 17.74.060)

17.74.120 Deed restrictions. Revised 6/20

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 unit](#) may not be used for [vacation rentals](#) as defined in Chapter [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](#). (Ord. [1039](#) § 2 (part), 2020: Ord. [1017](#) § 2 (Exh. A) (part), 2018. Formerly 17.74.070)

17.74.130 Incentives. Revised 6/20

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. (Ord. [1039](#) § 2 (part), 2020: Ord. [1017](#) § 2 (Exh. A) (part), 2018. Formerly 17.74.080)

The Capitola Municipal Code is current through Ordinance 1040, passed March 26, 2020.

Disclaimer: The city clerk's office has the official version of the Capitola Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

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