

**CALIFORNIA COASTAL COMMISSION**

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# F10a

**Prepared September 23, 2022 (for October 14, 2022 Hearing)**

**To:** Commissioners and Interested Persons

**From:** Dan Carl, Central Coast District Director  
Kiana Ford, Coastal Planner

**Subject: City of Capitola LCP Amendment Number LCP-3-CAP-22-0036-2 Part A  
(Objective Design Standards)**

## **Proposed Amendment**

The City of Capitola proposes to modify the Implementation Plan (IP) component of its Local Coastal Program (LCP) to add a new IP chapter (Chapter 17.82) that establishes objective standards for multifamily dwellings and mixed-use residential development, and to make conforming changes (in IP Chapters 17.16, 17.20, and 17.24) to specify that the new standards would apply in review of such projects. The proposed changes are intended to encourage multifamily and mixed-use housing production (which are generally more affordable by design) by creating clear standards applicable to all such projects. See **Exhibit 1** for the proposed amendment text.

## **Minor LCP Amendment Determination**

Pursuant to Title 14 of California Code of Regulations (CCR) Section 13555, the Executive Director may determine that a proposed LCP amendment is "minor." 14 CCR Section 13554 defines minor LCP amendments. Among other things, minor LCP amendments include:

**14 CCR Section 13554(a).** *Changes in wording which make the use as designated in the zoning ordinances, zoning district maps or other implementing actions more specific and which do not change the kind, location, intensity, or density of use and which are found by the Executive Director of the Commission or the Commission to be consistent with the land use plan as certified by the Commission.*

If the Executive Director determines that an amendment is minor, that determination must be reported to the Commission. If one-third or more of the appointed members of the Commission request that it be processed as a major LCP amendment, then the amendment shall be set for a future public hearing; if less than one-third of the appointed members of the Commission object to the minor LCP amendment

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determination, then the amendment is deemed approved and it becomes a certified part of the LCP.

### **The purpose of this notice is to advise interested parties of the Executive Director's determination that the proposed LCP amendment is minor.**

The proposed LCP amendment would establish objective standards for new multifamily dwellings, attached single-family homes (e.g., townhomes), and mixed-use residential development located within residential and mixed-use zoning districts (except single-family (R-1), mobile home (MH), mixed-use village (MU-V), and industrial (I) districts). Within the coastal zone, the amendment would affect projects within the mixed-use neighborhood (MU-N) zoning district extending approximately three blocks along Capitola Avenue and two blocks along Capitola Road, in addition to a handful of small pockets (less than one block) of low, medium, and high-density multi-family residential zoning areas (RM-L, RM-M, and RM-H). The new standards establish parameters for circulation and streetscape (e.g., enhancing visual character, encouraging pedestrian mobility, providing sufficient sidewalk width); parking and vehicle access (e.g., supporting pedestrian-friendly streetscape, minimizing visibility of parking facilities, encouraging alternative means of transportation); building placement, orientation, and entries (e.g., defining maximum front setbacks, building entrance standards, and entrance designs); building massing (e.g., large buildings are broken into smaller volumes that fit into surrounding neighborhood, minimizing visual and privacy impacts); façade roof design (e.g., reducing perceived mass and box-like building appearance, promoting design details and materials compatible with existing neighborhood character, minimizing privacy impacts); and other site characteristics.

The proposed amendment would ensure that new development includes high quality design that is consistent with the character of the community and would not change the intended use or allowable density within the applicable zoning districts. Within the Coastal Zone, all existing development standards in the LCP (e.g., structure height and setbacks) would continue to apply, as would existing LCP requirements related to coastal development permit findings, public hearings, and LCP consistency review. The proposed amendment would not apply in areas of Capitola closest to the immediate shoreline (such as Depot Hill and the Village) The proposed amendment is consistent with applicable policies in the certified Land Use Plan (LUP) that protect the City's unique and small-scale character and ensure future development is consistent with the development and design patterns found in Capitola. In sum, the proposed amendment implements the LUP's vision for maintaining the City's character and design patterns, as well as refines and strengthens the LCP with increased specificity for design standards and clarity for future development applicants, and thus can be found consistent with the certified LUP.

### **California Environmental Quality Act (CEQA)**

CEQA Section 21080.5(d)(2)(A) prohibits a proposed LCP or LCP amendment from being approved if there are feasible alternatives and/or feasible mitigation measures available that would substantially lessen any significant adverse effect that the LCP or LCP amendment may have on the environment. Although local governments are not

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required to satisfy CEQA in terms of local preparation and adoption of LCPs and LCP amendments, many local governments use the CEQA process to develop information about proposed LCPs and LCP amendments, including to help facilitate Coastal Act review. In this case, the City exempted the proposed amendment from environmental review (citing CEQA Section 15061(b)(3)).

The Coastal Commission is not exempt from satisfying CEQA requirements with respect to LCPs and LCP amendments, but the Commission's LCP/LCP amendment review, approval, and certification process has been certified by the Secretary of the Natural Resources Agency as being the functional equivalent of the environmental review required by CEQA (CCR Section 15251(f)). Accordingly, in fulfilling that review, this report has discussed the relevant coastal resource issues with the proposal and has concluded that approval of the proposed amendment is not expected to result in any significant environmental effects, including as those terms are understood in CEQA. Accordingly, it is unnecessary for the Commission to suggest modifications (including through alternatives and/or mitigation measures) as there are no significant adverse environmental effects that approval of the proposed amendment would necessitate. Thus, the proposed amendment will not result in any significant adverse environmental effects for which feasible mitigation measures have not been employed, consistent with CEQA Section 21080.5(d)(2)(A).

### **Coastal Commission Concurrence**

The Executive Director will report this minor LCP amendment determination, and any comments received on it, to the Coastal Commission at its virtual meeting on October 14, 2022. If you have any questions or need additional information regarding the proposed amendment or the method under which it is being processed, please contact Kiana Ford at the Coastal Commission's Central Coast District Office via email at [kiana.ford@coastal.ca.gov](mailto:kiana.ford@coastal.ca.gov). If you wish to comment on the proposed amendment and/or object to the proposed minor LCP amendment determination, please do so via regular mail (directed to the Central Coast District Office) or email (by emailing [centralcoast@coastal.ca.gov](mailto:centralcoast@coastal.ca.gov)) by 5:00 p.m. on October 7, 2022.

### **Procedural Note - LCP Amendment Action Deadline**

This proposed LCP amendment was filed as complete on September 12, 2022. The proposed amendment affects the LCP's IP only, and the 60-working-day deadline for the Commission to take action on it is December 8, 2022. Thus, unless the Commission extends the action deadline (it may be extended by up to one year by the Commission per the Coastal Act), the Commission has until December 8, 2022 to take a final action on this LCP amendment.

Therefore, if four or more Commissioners object to the Executive Director's determination that this amendment is minor, then staff recommends that the Commission vote to extend the deadline for final Commission action on the proposed amendment by one year. To do so, staff recommends a YES vote on the motion below. Passage of the motion will result in a new deadline for final Commission action on the

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proposed LCP amendment. The motion passes only by an affirmative vote of a majority of the Commissioners present.

*Motion: I move that the Commission extend the time limit to act on City of Capitola Local Coastal Program Amendment Number LCP-3-CAP-22-0036-2 Part A to December 7, 2023, and I recommend a yes vote.*

**Exhibit 1: Proposed Amendment Text**