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LCP-3-CAP-22-0037-1-PART B (SB 9 HOUSING PROVISIONS) FEBRUARY 10, 2023 HEARING EXHIBITS

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CHAPTER 16.78 – URBAN LOT SPLITS

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16.78.010 Purpose and Intent

This chapter contains requirements for urban lot splits to implement Government Code Section 66411.7. These requirements are necessary to preserve of the public health, safety, and general welfare, and to promote orderly growth and development. In cases where a requirement in the chapter directly conflicts with Government Code Section 66411.7, the Government Code governs.

16.78.020 Eligibility

- A. Parcel Map Required.** A parcel map is required for all urban lot splits pursuant to Government Code Section 66411.7.
- B. Requirements to Accept Application.** The City shall accept a parcel map application for an urban lot split only if the application complies with all of the following requirements:
 - 1. **Existing Parcel Size.** The area of the existing parcel is 2,400 square feet or more.
 - 2. **Number of New Parcels.** The urban lot split creates no more than two new parcels.
 - 3. **New Parcel Size.** The area of each newly created parcel is:
 - a. At least 1,200 square feet; and
 - b. No smaller than 40 percent of the parcel area of the original parcel.
 - 4. **Zoning District.** The parcel is located within the Residential Single-Family (R-1) zoning district.
 - 5. **Environmental Resources and Hazards.**
 - a. The parcel satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.
 - b. The parcel is not located in any of the following areas as identified in the City's certified Local Coastal Program:
 - (1) Geological hazard areas.

- (2) 100-year and/or 500-year flood hazard areas.
 - (3) Environmentally Sensitive Hazard Habitat Areas (ESHA).
6. **Affordable and Rental Housing.** The proposed urban lot split would not require demolition or alteration of any of the following types of housing:
- a. Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
 - b. Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
 - c. A parcel or parcels on which an owner of residential real property has exercised the owner's rights under Chapter 12.75 (commencing with Section 7060) of Division 7 of Title 1 of the Government Code (the Ellis Act) to withdraw accommodations from rent or lease 15 years before the date that the development proponent submits an application.
 - d. Housing that has been occupied by a tenant in the last three years based on the date of the application for an urban lot split.
7. **Historic Resources.**
- a. The parcel is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Section 5020.1 of the Public Resources Code.
 - b. The parcel is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.
8. **No Prior Urban Lot Split.**
- a. The parcel has not been established through prior exercise of an urban lot split provided for in Government Code Section 66411.7 of this chapter.
 - b. Neither the owner of the parcel being subdivided nor any person acting in concert with the owner has previously subdivided an adjacent parcel using an urban lot split as provided for in this chapter.

16.78.030 Objective Standards

All urban lot splits shall comply with the following standards, unless the applicant can demonstrate that a standard would have the effect of physically precluding the construction of two units on either of the resulting parcels or would preclude a unit size of 800 square feet for either unit.

- A. Parcel Line Angles.** New parcel lines that abut a street shall maintain right angles to streets or radial to the centerline of curved streets, or be parallel to existing parcel lines.
- B. Street Frontage/Flag Lots.** Parcels without 20 feet or more of frontage on a street are not permitted, except that flag lots are permitted if:

1. The front corridor portion of the flag lot is at least 5 feet in width; and
2. The lot shares with the other newly created lot a driveway or private road at least 10 feet in width and no more than 40 percent of the parcel width or 20 feet, whichever is less.

C. Parking.

1. **Number of Spaces.**

- a. A minimum of one off-street parking space shall be provided for each dwelling unit except that no parking is required where the parcel satisfies one or more of the following circumstances:
 - (1) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - (2) There is a car share vehicle located within one block of the parcel. A car share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization that meet all the following criteria:
 - (a) Provides hourly or daily service;
 - (b) Vehicle reservations are processed and paid for using an on-line system;
 - (c) Vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up the keys; and
 - (d) Fleet has more than five cars in Capitola and more than twenty cars in Santa Cruz County.
- b. The exception for parcels that satisfy subparagraphs (1) or (2) does not apply to areas identified in Figure 1.

Figure 1



2. **Shared Driveways.**

- a. Both newly created parcels shall share one driveway providing vehicle access to the parcels. A maximum of one curb cut is permitted to serve both newly created parcels.
- b. The maximum width of the new driveway crossing a public sidewalk is 12 feet.

D. Access to Public Right-of-way. The newly created parcels shall provide access to or adjoin the public right-of-way, sufficient to allow development on the parcel to comply with all applicable property access requirements under the California Fire Code section 503 (Fire Apparatus Access Roads) and California Code Regulations Title 14, section 1273.00 et seq. (Intent).

E. Setbacks.

1. No setback is required for an existing structure or a structure reconstructed in the same location and to the same dimensions as an existing structure. In all other circumstances minimum setbacks consistent with Zoning Code Section 17.75.050 (Objective Development Standards) are required.
2. Within the coastal zone, structures must comply with minimum setbacks from environmentally sensitive habitat areas and geologic hazards as specified in Zoning Code

Chapter 17.64 (Environmentally Sensitive Habitat Areas) and Chapter 17.68 (GH Geologic Hazards District).

3. Verification of size and location of the existing and proposed structure requires pre- and post-construction surveys by a California licensed land surveyor.
- F. **Existing Structure on One Parcel.** The proposed lot split shall not result in the splitting of any structure between the two parcels and shall not create a new encroachment of an existing structure over a property line.
- G. **Residential Land Use.** The proposed new parcels must be intended for residential use.
- H. **Floor Area Calculation.** Floor area calculation exclusions in 17.48.040(B)(6) do not apply to an SB9 residential development.
- I. **Compliance with Subdivision Requirements.** The parcel map shall satisfy the objective requirements of the Subdivision Map Act and this title regarding parcel maps, including Chapter 16.24 (Design Standards) except as provided in this chapter.

16.78.040 Parcel Map Application Review and Action

- A. **Application Contents.** A parcel map application for an urban lot split must be filed with the Community Development Department on an official City application form. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department. At a minimum, an application package shall include the following:
 1. Title report showing the current ownership and all liens and encumbrances.
 2. Copies of deeds for all properties included in the request.
 3. A plat map drawn to scale by a licensed land surveyor or registered civil engineer depicting all of the following:
 - a. Existing and proposed parcel lines.
 - b. Location of easements required for the provision of public services and facilities to each of the proposed parcels.
 - c. Location of any easements necessary for each parcel to have access to the public right-of-way.
 - d. Survey of existing conditions signed and stamped by licensed land surveyor or civil engineer.
 - e. Site plan with existing conditions, proposed parcel lines, driveways, and location of utility easements.
 4. An affidavit, signed by the property owner under penalty of perjury, declaring all of the following to be true:

- a. Any housing units proposed to be demolished or altered have not been occupied by a tenant at any time within three years of the date of the application for an urban lot split.
- b. The owner of the parcel intends to occupy one of the housing units as their principal residence for a minimum of three years from the date of the approval of the urban lot split. Owner-occupancy is not required if the owner is a community land trust or qualified nonprofit corporation under Sections 214.15 or 402.1 of the Revenue and Taxation Code.
- c. The owner has not previously subdivided an adjacent parcel using an urban lot split.
- d. The owner has not previously acted in concert with any person to subdivide an adjacent parcel using an urban lot split. “Acted in concert” means that the owner, or a person acting as an agent or representative of the owner, knowingly participated with another person in joint activity or parallel action toward a common goal of subdividing the adjacent parcel.

B. Ministerial Approval. The Community Development Director shall ministerially approve a parcel map for an urban lot split if the application complies with all requirements of this chapter. No public hearing or discretionary review is required.

C. Basis for Denial.

1. The Community Development Director shall deny the urban lot split if either of the following is found:
 - a. The urban lot split fails to meet or perform one of more objective requirements imposed by the Subdivision Map Act or by this chapter. Any such requirement or condition that is the basis for denial shall be specified by the Community Development Director in writing.
 - b. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed subdivision would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5 of the Government Code, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
2. For an urban lot split in the coastal zone, the Community Development Director shall deny the application upon finding that the development is inconsistent with policies of the Local Coastal Plan and/or will have an adverse impact on coastal resources.
3. The Community Development Director shall not deny an urban lot split solely because it proposes adjacent or connected structures provided that the structures meet building code safety standards and are sufficient to allow separate conveyance.

D. Conditions of Approval.

1. **Easements.** The Community Development Director shall condition parcel map approval on the dedication of any easements deemed necessary for the provision of public services to

the proposed parcels and any easements deemed necessary for access to the public right-of-way.

2. **Nonconforming Zoning Conditions.** The Community Development Director may not require the correction of nonconforming zoning conditions on the parcel a condition of parcel map approval.

E. Within Coastal Zone.

1. A proposed urban lot split 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. A public hearing for a CDP application for an urban lot split is not required.
3. 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).

16.78.050 Use and Development Requirements

A. Short-term Rentals Prohibited. It is unlawful to use a dwelling unit constructed on a parcel created under this chapter for vacation rentals as defined in Chapter 17.160 (Glossary).

B. Residential Use. The primary use of a dwelling unit constructed on a parcel created under this chapter must be residential.

C. Maximum Unit Size. New dwelling units constructed on a parcel created under this chapter shall be no more than 800 square feet in floor area, or 1,200 square feet if each newly created parcels contain only one dwelling unit.

D. Compliance with Zoning Requirements

1. New dwelling units constructed on a parcel created under this chapter are subject to the requirements of Zoning Code Chapter 17.75 (Two-Unit Developments) and shall also comply with all applicable objective zoning requirements set forth in Zoning Code.
2. The standards described in this paragraph (1) of this subsection apply to all urban lot splits except where a standard directly conflicts with a provision of this chapter, or where the applicant demonstrates that a standard would:
 - a. Have the effect of physically precluding the construction of two units on either of the newly created parcels; or
 - b. Necessarily result in a unit size of less than 800 square feet.

E. Maximum Number of Dwelling Units. Notwithstanding any other provision of the Municipal Code, no more than two dwelling units, including any accessory dwelling units or junior accessory dwelling units, are permitted on a parcel created under this chapter.

16.78.060 Deed Restrictions

- A.** Before obtaining a building permit for a dwelling unit constructed on a parcel created under this chapter, 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 maximum size of the dwelling unit is limited to 1,200 square feet for two-unit projects and 800 square feet for three and four-unit projects;
 2. The primary use of the unit must be residential;
 3. Use of shared driveway must be permanently provided and maintained for both newly created parcels through a reciprocal access easement or other comparable mechanism; and
 4. The unit may not be used for vacation rentals as defined in Zoning Code Chapter 17.160 (Glossary).
- B.** The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C.** The deed restriction shall lapse upon removal of all dwelling units established on a parcel created under this chapter.

CHAPTER 17.75 – SB 9 RESIDENTIAL DEVELOPMENTS

Sections:

- 17.75.010 Purpose and Intent
- 17.75.020 Definitions
- 17.75.030 Permitting Process
- 17.75.040 General Requirements
- 17.75.050 Objective Development Standards
- 17.75.060 Objective Design Standards. Deed
- 17.75.070 Restrictions

17.75.010 Purpose and Intent

This chapter contains requirements for SB 9 residential developments pursuant to Government Code Section 65852.21. These requirements are necessary to preserve the public health, safety and general welfare, and to promote orderly growth and development. In cases where a requirement in the chapter directly conflicts with Government Code Section 65852.21, the Government Code governs.

17.75.020 Definitions

- A. SB 9 Residential Development.** An SB 9 residential development is a proposed residential project pursuant to Government Code Section 65852.21.
- B. Urban Lot Split.** The subdivision of a parcel within the Residential Single-family (R-1) zoning district into two parcels pursuant to Government Code Section 66411.7 and Municipal Code Chapter 16.78 (Urban Lot Splits).

17.75.030 Permitting Process

- A. Administrative Permit.** The Community Development Director shall ministerially approve an Administrative Permit for an SB 9 residential development if the application complies with all requirements of this chapter and Municipal Code Chapter 16.78 (Urban Lot Split), when applicable. No discretionary review or public hearing is required.
- B. Basis for Denial.**
 - 1. The Community Development Director shall deny an application for an SB 9 residential development if either of the following is found:
 - a. The two-unit development fails to comply with any objective requirement imposed by this chapter. Any such requirement or condition that is the basis for denial shall be specified by the Community Development Director in writing; or

- b. The building official makes a written finding, based upon a preponderance of the evidence, that the proposed development would have a specific, adverse impact, as defined and determined in paragraph (2) of subdivision (d) of Section 65589.5, upon public health and safety or the physical environment and for which there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact.
 - 2. For an SB 9 residential development in the coastal zone, the Community Development Director shall deny the application upon finding that the development is inconsistent with policies of the Local Coastal Plan and/or will have an adverse impact on coastal resources.
 - 3. The Community Development Director shall not deny an SB 9 residential development solely because it conflicts with the City's density limitations for the R-1 zoning district.
- C. **Within Coastal Zone.** A proposed Two-Unit 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 Section 17.44.130 (Findings for approval).
 - 1. A public hearing for a CDP application for an SB 9 residential development is not required.
 - 2. Nothing in this chapter shall be construed to supersede or in any other 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).
- D. **Building Permit.** A building permit for an SB 9 residential development may be submitted only after:
 - 1. The City approves the Administrative Permit for the two-unit development; and
 - 2. A parcel map for the urban lot split parcel map is recorded by the Santa Cruz County Recorder if a dwelling unit will be constructed on a lot created by an urban lot split.

17.75.040 **General Requirements**

- A. **Eligibility Requirements.** The City shall accept an application for an SB 9 residential development only if the project complies with the following requirements:
 - 1. **Zoning District.** The two-unit development is located in the Residential Single-Family (R-1) zoning district.
 - 2. **Compliance with Chapter.** The two-unit development complies with all applicable requirements of this chapter.
 - 3. **Environmental Resources and Hazards.**
 - a. The two-unit development satisfies the requirements of Government Code subparagraphs (B) to (K), inclusive, of paragraph (6) of subdivision (a) of Section 65913.4, which prohibits development on sites subject to specified environmental resources and hazards.

b. The parcel is not located in any of the following areas as identified in the City's certified Local Coastal Program:

- (1) Geological hazard areas.
- (2) 100-year and/or 500-year flood hazard areas.
- (3) Environmentally Sensitive Hazard Habitat Areas (ESHA).

4. **Affordable and Rental Housing.**

a. The two-unit development will not require demolition or alteration of any of the following types of housing:

- (1) Housing that is subject to a recorded covenant, ordinance, or law that restricts rents to levels affordable to persons and families of moderate, low, or very low income.
- (2) Housing that is subject to any form of rent or price control through a public entity's valid exercise of its police power.
- (3) Housing that has been occupied by a tenant in the last three years.

b. The parcel subject to the proposed Two-Unit Development is not a parcel on which an owner of residential real property has exercised the owner's rights under Government Code Section 7060 et seq. (the Ellis Act) to withdraw accommodations from rent or lease within 15 years before the date that the Two-Unit Development proponent submits an application.

5. **Historic Resources.**

a. The two-unit development is not located within a historic district or property included on the State Historic Resources Inventory, as defined in Public Resources Code Section 5020.1.

b. The two-unit development is not located on a site which includes a structure that is a Designated Historic Resource or that meets the criteria provided in Capitola Municipal Code Section 17.84.020.B. to qualify as a Designated Historic Resource.

B. Number of Primary Dwelling Units.

1. A maximum of two primary dwelling units are allowed on a parcel.
2. If a parcel is subdivided pursuant to Municipal Code Chapter 17.78 (Urban Lot Splits), a maximum of two primary dwelling units are allowed on each newly created parcel. Up to four units are allowed on the two parcels combined.

C. Accessory Dwelling Units.

1. **Projects with Urban Lot Split.** The following accessory dwelling unit (ADU) rules apply to a parcel created through an urban lot split as provided in Chapter 16.78 (Urban Lot Split.)

a. If the parcel contains one primary dwelling unit, one ADU or Junior ADU is also allowed on the parcel.

- b. If the parcel contains two primary dwelling units, an ADU or Junior ADU is not allowed on the parcel.
 - 2. **Projects Without Urban Lot Split.** Where a parcel has not been subdivided as provided in Chapter 16.78 (Urban Lot Split), one ADU and/or JADU is allowed on the parcel in addition to the two primary dwelling units.
- D. Utility Connections.**
- 1. Each dwelling unit shall be served by a separate utility connection for water, sewer, and electrical services.
 - 2. The Community Development Director shall condition approval of a dwelling unit on the dedication of any easements deemed necessary to provide public services to the unit and access to the public right-of-way.
- E. Residential Uses Only.**
- 1. The primary use of a dwelling unit must be residential. A dwelling unit may not be utilized for a non-residential primary use otherwise permitted in the R-1 zoning district as identified in Table 17.16-1.
 - 2. Home occupations and other accessory uses are permitted in a dwelling unit consistent with Section 17.96.040 (Home Occupations) and Section 17.52 (Accessory Uses).
- F. Vacation Rentals.** A dwelling unit may not be used for vacation rentals as defined in Chapter 17.160 (Glossary).
- G. Guaranteed Allowance.**
- 1. The standards in 17.75050 (Objective Development Standards) and 17.75.060 (Objective Design Standards) shall not prohibit up to two dwelling units each with up to 800 square feet of floor area, provided the dwelling units comply with all other applicable standards.
 - 2. The Community Development Director shall determine which standards must be adjusted, if any, to comply with this section.
- H. Floor Area Calculation.** Floor area calculation exclusions in 17.48.040(B)(6) do not apply to an SB9 residential development.
- I. Existing Nonconformities.** Establishing a dwelling unit shall not require the correction of an existing legal nonconforming zoning condition on the property.

17.75.050 Objective Development Standards.

- A. General.** Table 17.75-1 shows development standards for two-unit development on parcels with an area of 5,500 square feet or more. Table 17.75-2 shows development standards on parcels with an area of less than 5,500. Parcel sizes are based on the area of a parcel prior to an urban lot split.

Table 17.75-1: Development Standards for Parcels 5,500 Sq. Ft. or More

Maximum Unit Size	
Projects with Two Units	1,200 sq. ft. per unit
Projects with Three and Four Units [1]	800 sq. ft. for each unit within the project
Minimum Setbacks	
Front	
Ground floor	15 ft.
Second story	15 ft.
Garage	20 ft.
New Interior Property Line [2]	0 ft.
Rear	4 ft.
Interior Side	4 ft.
Street Side	4 ft.
Maximum Height	
One-story Building	16 ft.
Two-story Building	
Plate height [3]	20 ft.
Roof peak	3 ft. above plate height
Three-story Building	Not allowed
Minimum Private Open Space [4]	48 sq. ft.

Notes:

[1] For projects with a dwelling unit on a parcel created through an urban lot split pursuant to Chapter 16.78 (Urban Lot Split).

[2] “New interior property line” means a property line created pursuant to 16.78 (Urban Lot Split) that does not abut an existing parcel outside of the property subject to the urban lot split.

[3] “Plate height” means the vertical distance from the assumed ground surface of the building to the point that exterior wall meets the roof eave.

[4] Private open space may include screened terraces, decks, balconies, and other similar areas.

Table 17.75-2: Development Standards for Parcels Less than 5,500 Sq. Ft.

	Number of Units [1]		
	Up to Two	Three	Four
Maximum Unit Size	1,200 sq. ft.	800 sq. ft.	800 sq. ft.
Minimum Setbacks			
Front			
Ground floor	15 ft. [2]	10 ft.	0 ft.
Second story	15 ft. [2]	10 ft.	0 ft.
Garage	20 ft. [2]	10 ft.	0 ft.
New Interior Property Line [3]	0 ft.	0 ft.	0 ft.
Rear	4 ft. [4]	4 ft. [4]	4 ft. [5]
Interior Side	4 ft. [4]	4 ft. [4]	4 ft. [6]
Street Side	4 ft. [4]	4 ft. [4]	4 ft. [6]
Maximum Height			
One-story Building	16 ft.	16 ft.	16 ft.
Two-story Building			
Plate height [7]	20 ft.	20 ft.	20 ft.
Roof peak	3 ft. above plate height	3 ft. above plate height	3 ft. above plate height
Three-story Building	Not allowed	Allowed [8]	Allowed
Plate height [7]	=	20 ft.	28 ft.
Roof peak	=	33 ft.	3 ft. above plate height
Minimum Private Open Space [9]	48 sq. ft.	48 sq. ft.	48 sq. ft.

Notes:

[1] Standards for three and four-unit projects apply to projects with a dwelling unit on a parcel created through an urban lot split pursuant to Chapter 16.78 (Urban Lot Split). Standards apply to all units established as part of the project.

[2] For parcels less than 3,200 sq. ft., minimum front setback is 10 feet for ground floor and second story and 15 feet for garage.

[3] "New interior property line" means a property line created pursuant to 16.78 (Urban Lot Split) that does not abut an existing parcel outside of the property subject to the urban lot split.

[4] For parcels less than 3,200 sq. ft., the minimum rear, interior side, and street side setback is 3 feet.

[5] On parcels less than 3,200 sq. ft., 0 ft. rear setback allowed where a side driveway provides vehicle access to parking located behind the front building. A 3-foot rear setback is allowed for all other 4-unit configurations on parcels less than 3,200 sq. ft.

[6] 0 ft. side setback allowed where a side driveway provides vehicle access to parking located behind the front building. A 3-foot side setback is allowed for all other 4-unit configurations on parcels less than 3,200 sq. ft.

[7] "Plate height" means the vertical distance from the assumed ground surface of the building to the point that exterior wall meets the roof eave.

[8] Third story must be built into roof element (2 ½ stories)

[9] Private open space may include screened terraces, decks, balconies, and other similar areas.

B. Additional Setback Standards.

1. **Converting and Replacing Existing Structures.** No setback is required for an existing structure or a structure constructed in the same location and to the same dimensions as an existing structure.
2. **Within Coastal Zone.** Within the coastal zone, structures must comply with minimum setbacks from environmentally sensitive habitat areas and geologic hazards as specified in Zoning Code Chapter 17.64 (Environmentally Sensitive Habitat Areas) and Chapter 17.68
3. (GH Geologic Hazards District).

C. Separation Between Dwelling Units.

1. No minimum separation is required between dwelling units on a parcel.
2. Dwelling units may be connected if the structures meet building code safety standards and are sufficient to allow a separate conveyance.

D. Parking.

1. **Required Parking.** A minimum of one off-street parking space is required per dwelling unit except as provided in subsection (D)(7) of this section.
2. **Tandem Spaces.** Required off-street parking for two separate dwelling units shall not be provided as tandem parking.
3. **Parking Placement.** Required off-street parking may not be located within minimum required front setback area.
4. **Number of Driveways.**
 - a. A maximum of one curb cut is allowed to provide vehicle access to the parking.
 - b. Shared driveways are required to serve parking on separate parcels created through an urban lot split.
5. **Driveway Width.** The maximum width of a new driveway crossing a public sidewalk is 12 feet.
6. **Alley Access.** Parking accessed from an alley shall maintain a 24-foot back-out area, which may include the alley.
7. **Exceptions to Required Parking.**
 - a. No off-street parking is required in the following cases:
 - (1) The parcel is located within one-half mile walking distance of either a high-quality transit corridor, as defined in subdivision (b) of Section 21155 of the Public Resources Code, or a major transit stop, as defined in Section 21064.3 of the Public Resources Code.
 - (2) There is a car share vehicle located within one block of the parcel. A car share vehicle means a motor vehicle that is operated as part of a regional fleet by a public or private car sharing company or organization that meet all the following criteria:
 - (a) Provides hourly or daily service;
 - (b) Vehicle reservations are processed and paid for using an on-line system;
 - (c) Vehicles can be accessed where they are parked without having to go to a different physical location to execute a contract and/or pick up the keys;
and
 - (d) Fleet has more than five cars in Capitola and more than twenty cars in Santa Cruz County.

- b. The exception for parcels that satisfy subparagraphs (1) or (2) does not apply to areas identified in Figure 1.

Figure 1



17.75.060 Objective Design Standards

- A. **Entrance Orientation.** The primary entrance to each new dwelling unit shall face the front or interior of the parcel unless the dwelling unit is directly accessible from an alley.
- B. **Neighbor Privacy.** 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 or three-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 or third-story wall, all windows facing an adjacent property shall be clerestory or opaque.
- C. **Upper Story Decks and Balconies.** Second and third-story exterior decks and balconies and rooftop decks are prohibited.
- D. **Front Porches, Patios and Entry Features.**
 - 1. If a dwelling unit is set back 15 feet or more from a front property line, a front porch or covered patio may project up to 5 feet into the front setback area.
 - 2. A front porch or covered patio less than 15 feet from a front property line may not exceed a width greater than 10 feet.
 - 3. For a dwelling unit setback less than 15 feet from a front property line, the primary entrance may be covered by a roof element, or other similar overhanging feature provided that:
 - a. The covering is attached to the building wall and is not supported by columns, walls, or other vertical structural elements that extend to the ground; and
 - b. The covering dimensions do not exceed five feet width and three feet depth.
- E. **Pervious Surface Area.** Pervious materials shall be used for all on-site paved areas including driveways, walkways, and patios.
- F. **Stormwater.** SB 9 residential developments shall comply with Municipal Code Chapter 13.16 (Stormwater Pollution Prevention and Protection).

17.75.070 Deed Restrictions

- A. Before obtaining a building permit for an SB 9 residential development, 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 maximum size of the dwelling unit is limited to 1,200 square feet for two-unit projects and 800 square feet for three and four-unit projects;
 - 2. The primary use of the dwelling unit must be residential;
 - 3. For SB 9 residential developments involving an urban lot split, use of shared driveway must be permanently provided and maintained for both newly created parcels through a reciprocal access easement or other comparable mechanism; and
 - 4. The dwelling unit may not be used for vacation rentals as defined in 17.160 (Glossary).
- B. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement.
- C. The deed restriction shall lapse upon removal of all dwelling units established under this chapter.

Chapter 16.08
DEFINITIONS

Sections:

- 16.08.010 Reserved.
- 16.08.020 Advisory agency.
- 16.08.030 Appeal board.
- 16.08.040 County surveyor.
- 16.08.050 Design.
- 16.08.052 Flag lot.
- 16.08.054 Frontage.
- 16.08.060 Improvement.
- 16.08.070 Local agency.
- 16.08.080 Local ordinance.
- 16.08.082 Lot line adjustment.
- 16.08.090 Street.
- 16.08.100 Subdivider.
- 16.08.110 Subdivision, major division and minor division defined.
- 16.08.120 Urban lot split.

16.08.010 Reserved.

(Ord. 1014 § 1 (part), 2017; Ord. 483 § 14, 1980)

16.08.020 Advisory agency.

“Advisory agency” means the planning commission of the city of Capitola. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 15, 1980)

16.08.030 Appeal board.

“Appeal board” means the city council of the city of Capitola. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 16, 1980)

16.08.040 County surveyor.

“County surveyor” means the surveyor of Santa Cruz County. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 17, 1980)

16.08.050 Design.

Government Code Section 66418 incorporated by reference. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 18, 1980)

16.08.052 Flag lot.

“Flag lot,” also known as a “panhandle lot,” means a lot predominantly situated behind another lot and having access to a street by means of a narrow portion of the flag lot extending out to a street. (Ord. 1014 § 1 (part), 2017)

16.08.054 Frontage.

“Frontage” means that portion of a property abutting a street. (Ord. 1014 § 1 (part), 2017)

16.08.060 Improvement.

Government Code Section 66419 incorporated by reference. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 19, 1980)

16.08.070 Local agency.

“Local agency” means the city of Capitola. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 20, 1980)

16.08.080 Local ordinance.

“Local ordinance” refers specifically to the ordinance codified in this title, together with provisions of any other Capitola ordinances which meet the criteria of Government Code Section 66421, which is incorporated by reference. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 21, 1980)

16.08.082 Lot line adjustment.

“Lot line adjustment” refers to a process to realign the property lines between four or fewer legal lots where land is taken from a parcel and added to an adjoining parcel and no new lots are created. (Ord. 1014 § 1 (part), 2017)

16.08.090 Street.

“Street” means a public or private way more than twenty feet in width which affords a primary or principal means of access to an abutting property. “Streets” include private roads and highways. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 22, 1980)

16.08.100 Subdivider.

Government Code Section 66423 incorporated by reference. (Ord. 1014 § 1 (part), 2017; Ord. 483 § 23, 1980)

16.08.110 Subdivision, major division and minor division defined.

“Subdivision” is defined in Government Code Section 66424, which is incorporated by reference. “Major division” means a division or proposed division of a parcel into five or more parcels. “Minor division” means a division or proposed division of a parcel into two, three or four parcels. Designated remainder parcels, as defined by Government Code Section 66424.6, shall not be included in the computation of the number of lots for major or minor divisions. (Ord. 1014 § 1 (part), 2017; Ord. 493 (part), 1980; Ord. 483 § 24, 1980)

16.08.120 Urban lot split.

The subdivision of a parcel within a residential single-family (R-1) zone into two parcels pursuant to Section 66411.7 of the Government Code and Chapter 16.78 of the Capitola Municipal Code.

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 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. 1043 § 2 (Att. 2), 2020)

17.74.020 Definitions.

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. 1043 § 2 (Att. 2), 2020)

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 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. 1043 § 2 (Att. 2), 2020)

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 Sections 17.74.050(B) (One-Story Detached Accessory Dwelling Units Eight Hundred Square Feet or Less), 17.74.050(C) (Nonlivable 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 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. 1043 § 2 (Att. 2), 2020)

M. Pursuant to the authority provided by section 65852.21(f) of the Government Code, no accessory dwelling unit or junior accessory dwelling unit shall be permitted on any lot in a single-family zoning district if: 1) an Urban Lot Split has been approved pursuant to Chapter 16.78 herein; and 2) a SB9 Residential Development with two units has been approved for construction pursuant to Chapter 17.75 herein.

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 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. 1043 § 2 (Att. 2), 2020)

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 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. 1043 § 2 (Att. 2), 2020)

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 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. 1043 § 2 (Att. 2), 2020)

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
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]
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.

ADU Type/Location	Standard
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 subsection B of this section (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.

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 Section 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.
 - 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: Cliffwood Heights ADU Parking Exclusion Area



(Ord. 1043 § 2 (Att. 2), 2020)

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 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
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. 1043 § 2 (Att. 2), 2020)

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 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. 1043 § 2 (Att. 2), 2020)

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 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 have been provided that are usable for both the accessory dwelling unit and the primary residence. Open space and landscaping provide for privacy and screening of adjacent properties.
6. The location and design of the accessory dwelling unit maintain a compatible relationship to adjacent properties and do 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. 1043 § 2 (Att. 2), 2020)

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 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. 1043 § 2 (Att. 2), 2020)

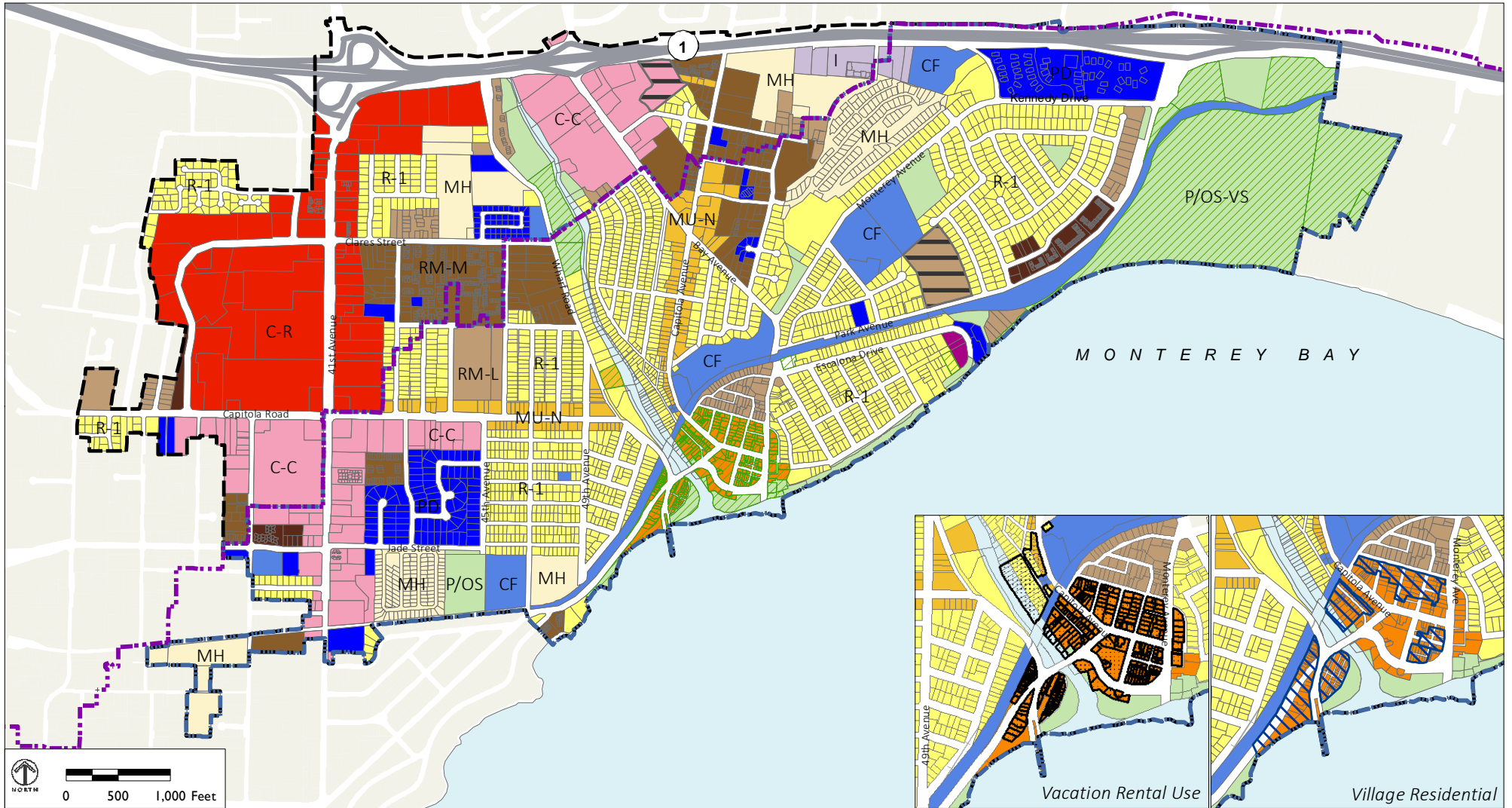
17.74.130 Incentives.

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. (Ord. 1043 § 2 (Att. 2), 2020)



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

I - Industrial

Other Zoning Districts

- P/OS - Parks and Open Space
- CF - Community Facility
- PD - Planned Development
- VS - Visitor Serving

Overlay Zones*

- AHO - Affordable Housing Overlay
- CZ - Coastal Zone
- VRU - Vacation Rental Use
- VR - Village Residential
- VS - Visitor Serving

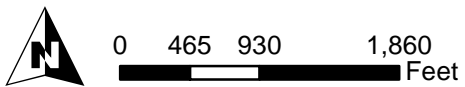
City Limit

- 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 CAPITOLA
ENVIRONMENTALLY SENSITIVE HABITAT



Source: ESRI, 2017; Kimley-Horn, 2017.

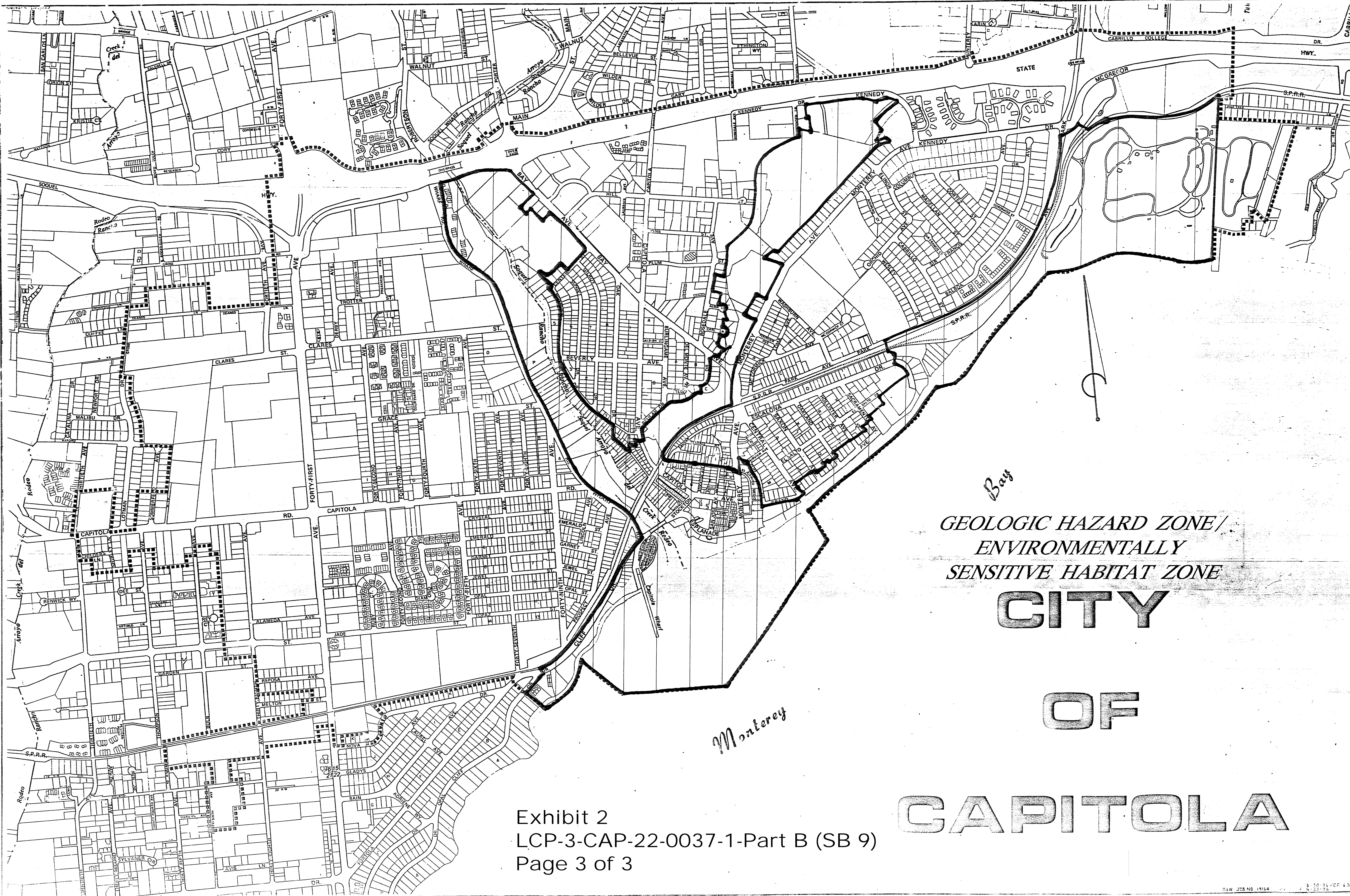


Exhibit 2
LCP-3-CAP-22-0037-1-Part B (SB 9)
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Bay
**GEOLOGIC HAZARD ZONE /
ENVIRONMENTALLY
SENSITIVE HABITAT ZONE**
CITY
OF
CAPITOLA

Monterey