

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT  
AMENDMENTS TO CHAPTER 17.108 AND 17.120 IN MUNICIPAL CODE TITLE  
17 (ZONING) AND CHAPTER 18.03 (DENSITY BONUS)**

WHEREAS, on September 19, 2024, the City Council adopted Resolution No. 24-02 recommending the City Council adopt Zoning Code Amendments to implement the Housing Element of the General Plan;

WHEREAS the Housing Element contains programs that call for the City to amend Municipal Code Chapter 18.03 (Density Bonus) to implement Housing Element goals and policies;

WHEREAS the Zoning Code Amendments recommended in Resolution No. 24-02 excluded amendments to design review procedures in Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits) to allow for continued Planning Commission discussion of these amendments;

WHEREAS, on September 19, 2024, the Planning Commission continued the public hearing of the proposed Zoning Code Amendments related to the design review procedures in Chapter 17.108 (Administrative Responsibility) and Chapter 17.120 (Design Permits) to October 3, 2024;

WHEREAS on October 3, 2024, the Planning Commission reviewed the proposed amendments to Zoning Code Chapter 17.108 and 17.120 at which time it considered all evidence presented, both written and oral; and

WHEREAS, the proposed amendments to Zoning Code Chapter 17.108 and 17.120 are exempt from the California Environmental Quality Act (CEQA), pursuant to CEQA Guidelines Section 15061(b)(3), which provides that a project is exempt from CEQA if the activity is covered by the commonsense exemption that CEQA applies only to projects which have the potential for causing a significant effect on the environment.

NOW, THEREFORE, BE IT RESOLVED, that the Planning Commission hereby finds that, based on substantial evidence in the record:

1. The foregoing recitals are true and correct and are incorporated by reference into this action.
2. The Planning Commission recommends that the City Council adopt amendments to Capitola Municipal Code Chapter 17.108 and 17.120 set forth in Exhibit 1 attached hereto and incorporated herein.
3. The Planning Commission recommends that the City Council adopt amendments to Capitola Municipal Code Chapter 18.03: Density Bonus set forth in Exhibit 2 attached hereto and incorporated herein.

4. The Planning Commission has considered the Zoning Code Amendments consistency with the certified Local Coastal Program (LCP) and finds the Zoning Code Amendments in conformity with and adequate to carry out the certified Land Use Plan as described in Exhibit 3 attached hereto and incorporated herein.

**SEVERABILITY**

If any term, provision, or portion of these findings or the application of these findings to a particular situation is held by a court to be invalid, void or unenforceable, the remaining provisions of these findings, or their application to other actions related to the Project, shall continue in full force and effect unless amended or modified by the City.

ADOPTED by the Planning Commission of the City of Capitola at a meeting this 3<sup>rd</sup> day of October 3, 2024 by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
Chair

Attest: \_\_\_\_\_  
Katie Herlihy, Community  
Development Director