

RESOLUTION NO.

A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CAPITOLA, CALIFORNIA APPROVING APPLICATION NUMBER 2022-0244 A DESIGN PERMIT, CONDITIONAL USE PERMIT, COASTAL DEVELOPMENT PERMIT AND DENSITY BONUS FOR CONSTRUCTION OF A 36 UNIT, 100 PERCENT AFFORDABLE HOUSING PROJECT AT 4401 CAPITOLA ROAD APN(S) 034-123-05 AND 034-124-18 AND FINDING THE PROJECT EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

WHEREAS, CRP Affordable Housing & Community California, LLC (“Applicant”) has submitted an application for the construction of a 36-unit, 100 percent affordable housing project on an approximate 0.81-acre site on the northeast corner of Capitola Road and 44th Avenue, located at 4401 Capitola Road in the City of Capitola. The project includes a mix of 1-bedroom, 2-bedroom and 3-bedroom apartment units, configured in two 3-story buildings. (“Project”); and

WHEREAS, the Project requires Planning Commission approval of a Design Permit, Conditional Use Permit, Coastal Development Permit, and Density Bonus; and

WHEREAS, the Staff reviewed the project and provided comments to the Applicant on December 14, 2022, and

WHEREAS, pursuant to Government Code sections 65915 through 65918 (“Density Bonus Law”) the Applicant has requested certain concessions related to the required daylight plane, side setback, parking ratio, and percentage of compact parking spaces, as well as waivers from building height, mitigation tree size, entry orientation, and massing breaks;

WHEREAS, the Planning Commission of the City of Capitola held a duly noticed public hearing on January 25, 2023, at which time it considered all oral and documentary evidence presented, and voted to continue the item off calendar to request that city staff commission a consultant to conduct a safety review of traffic impacts of the intersection in front of the Project site and verify that the 300-foot public noticing requirement is accurately conducted;

WHEREAS, the Planning Commission of the City of Capitola held a second duly noticed public hearing on March 2, 2023, at which time it considered all oral and documentary evidence presented, and incorporated all testimony and documents into the record by reference.

NOW, THEREFORE, BE IT RESOLVED by the Planning Commission of the City of Capitola as follows:

- A. The above recitals are true and correct and material to this Resolution.
- B. In making its findings, the Planning Commission relied upon and hereby incorporates by reference all correspondence, staff reports, and other related materials.

BE IT FURTHER RESOLVED that the Planning Commission of the City of Capitola does hereby find that the Project qualifies for a Class 32 exemption under CEQA. CEQA Guidelines Section 15332, as described below, applies to the Project:

The project is consistent with both the general plan land use designation and zoning. The site is within city limits and is surrounded by developed sites and urban uses. No known habitat or rare or threatened species have been identified on the subject site. Potential for traffic, noise, air quality, water quality, and cultural resources impacts were all evaluated and found less than significant. The site is well served by available public utilities and services.

In addition, none of the CEQA exceptions to the Class 32 exemptions apply. The Project will not result in a cumulative impact as it is replacing an existing professional office building, with no major changes to the intensity of the use. There are also no unusual circumstances as the Project is of comparable size and density to nearby multi-family developments, and, at 36 units, is of typical size and density of smaller-scale multi-family developments. Finally, the Project will not damage scenic resources within a scenic highway, is not located on a hazardous waste site, and will not impact historical resources.

BE IT FURTHER RESOLVED THAT the City of Capitola Planning Commission hereby finds as follows:

Conditional Use Permit Findings

A. The proposed use is allowed in the applicable zoning district.

Multifamily housing is a conditional use in the MU-N zone. The project complies with state law or local codes, as required, and provides needed affordable housing units in Capitola.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.

The proposed use, as conditioned, is consistent with local long range and implementation planning documents as listed. The Project site has a General Plan land use designation that allows for residential uses. The Project is consistent with the local coastal program, and with the zoning code except for the allowable incentives and concessions under Density Bonus Law. The Project is not located within a Specific Plan. The Project meets Design Review criteria.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.

The project will have a minimal effect on trip generation and improve the jobs to housing ratio in the region, which according to the Office of Planning and Research, will have a net beneficial effect on traffic and greenhouse gas emissions. In addition, surrounding land uses and structures include a mix of multi-family developments, a church, and professional offices. The proposed Project is a multi-family development, similar in size and scope to the surrounding land uses.

D. The proposed use will not be detrimental to the public health, safety, and welfare.

The building provides required affordable housing and RHNA units, will be fire sprinkled, and will be served by all necessary public utilities.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.

The proposed use is appropriately located and generally mitigated from impacts to adjacent residential uses. The project is within 0.75 miles of State Route 1 and within 200 feet of bus route 55. The property will be served by all utilities.

Design Permit Findings

A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.

Community Development staff, the Development and Design Review Committee, consultant RRM and the Planning Commission have all reviewed the project. The proposed project, as conditioned, is consistent with local long range and implementation planning documents. The Project site has a General Plan land use designation that allows for residential uses. The Project is consistent with the local coastal program, and with the zoning code except for the allowable incentives and concessions under Density Bonus Law. The Project is not located within a Specific Plan. The project meets the Design Review Criteria.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.

Community Development Staff, the Design and Development Review Committee, and the Planning Commission have all reviewed the project. The proposed 32,475 square foot multi-family development complies with all development standards of the MU-N zoning district and/or applicable state law, outside of those standards being waived by incentives or waivers pursuant to Density Bonus law.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).

The Project has been reviewed in compliance with and found to be exempt from CEQA through a Class 32 Infill exemption.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

The proposed multifamily development will not have an impact to public, health, safety, and welfare. The building will be fire sprinkled and will be served by all necessary public utilities.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

Community Development Staff, the Design and Development Review Committee, design consultant RRM and the Planning Commission have all reviewed the project. The

proposed 32,475 square foot multifamily development and supporting improvements comply with the applicable design review criteria and as described by RRM.

F. For projects in residential neighborhoods, the proposed project maintains the character, scale, and development pattern of the neighborhood.

The project site is in a mixed use zone with professional office, single family and multi family uses in nearby proximity. The design complies with local standards with the exception of state permitted concessions and waivers. The proposed use does not introduce any new or unusual impacts.

Coastal Findings

1. The project is consistent with the LCP land use plan, and the LCP implementation program.

The proposed project conforms to the City's certified Local Coastal Plan (LCP) land use plan and the LCP implementation program.

2. The project maintains or enhances public views.

The proposed project has no permanent impact on view or coastal access.

3. The project maintains or enhances vegetation, natural habitats and natural resources.

The proposed project has no impact on coastal vegetation, habitats, or resources.

4. The project maintains or enhances low-cost public recreational access, including to the beach and ocean.

The project has no impact on recreation access or cost.

5. The project maintains or enhances opportunities for visitors.

The project has no impact on visitors and opportunity.

6. The project maintains or enhances coastal resources.

The proposed multifamily project has no negative impact on coastal resources.

7. The project, including its design, location, size, and operating characteristics, is consistent with all applicable design plans and/or area plans incorporated into the LCP.

The proposed multifamily project allows Capitola to produce needed affordable housing units in an area that is zoned for this type of use. The project is consistent with the LCP.

8. The project is consistent with the LCP goal of encouraging appropriate coastal development and land uses, including coastal priority development and land uses (i.e., visitor serving development and public access and recreation).

The project will not obstruct public access and has no impact on recreation or visitor opportunities and experiences. The project allows the city to produce affordable housing and deliver required RHNA units to the region.

Density Bonus Findings

Pursuant to Density Bonus Law, the Project qualifies for four incentives and concessions and unlimited waivers from development standards. The Project has requested incentives and concessions related to the required daylight plane, side setback, parking ratio, and percentage of compact parking spaces. The Project has requested waivers from building height, mitigation tree size, entry orientation, and massing breaks. Pursuant to Density Bonus Law, proposed concessions or incentives must be approved unless it can be established by written findings based on a preponderance of the evidence that the proposed concession or incentive does not result in identifiable and actual cost reductions, would cause a public health or safety problem, would cause an environmental problem, would harm historical property, or would be contrary to law. The Planning Commission finds that such findings cannot be made; therefore, the incentives, concessions and waivers must be approved.

NOW, THEREFORE, BE IT FURTHER RESOLVED that based on the above findings, the Planning Commission of the City of Capitola hereby approves the following:

1. The Conditional Use Permit pursuant to the findings and analysis included in the Staff Report and subject to the included Conditions of Approval incorporated herein by this reference; and
2. The Density Bonus request for concessions and waivers under State Density Bonus Law based on the findings and analysis included in the Staff Report and subject to the included Conditions of Approval; and
3. The Design Permit including the proposed water feature, pursuant to the findings and analysis included in the Staff Report and subject to the included Conditions of Approval; and
4. The Coastal Development Permit pursuant to the findings and analysis included in the Staff Report and subject to the included Conditions of Approval.

PASSED, ADOPTED, AND APPROVED by the Planning Commission of the City of Capitola, California, at a regular meeting thereof this 2nd day of March, 2023 by the following vote:

AYES:

NAYS:

ABSTAIN:

ABSENT:

CHAIR

ATTEST:

CLERK

