

RESOLUTION NO. ____

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

WHEREAS, on August 22, 2024, the City Council adopted amendments to the 2023-2031 Housing Element of the General Plan (Housing Element) and Addendum to the General Plan Final Environmental Impact Report;

WHEREAS the Housing Element contains programs that call for the City to amend Municipal Code Title 17 (Zoning Code) and Chapter 18.03 (Density Bonus) to implement Housing Element goals and policies;

WHEREAS City staff prepared draft amendments to Municipal Code Title 17, Chapter 18.03, and the Zoning Map (collectively, the Zoning Code Amendments) to implement the Housing Element and address additional issues that have arisen since the Zoning Code was last updated;

WHEREAS the Planning Commission held work sessions on February 1, February 16, May 2, June 6, July 23, August 15, and September 5 to consider preliminary draft Zoning Code Amendments, receive public comment, and provide feedback to City staff;

WHEREAS, notice of Zoning Code Amendments availability were mailed on September 3, 2024 and public review drafts were made available on August 26, 2024, in compliance with California Coastal Act public participation requirements;

WHEREAS, the proposed Zoning Code Amendments 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; and

WHEREAS, at a duly noticed public hearing on September 19, 2024, the Planning Commission reviewed the Zoning Code Amendments at which time it considered all evidence presented, both written and oral.

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 Title 17: Zoning Code and Chapter 18.03: Density Bonus set forth in Exhibit 1 attached hereto and incorporated herein.

3. The Planning Commission recommends that the City Council adopt amendments to the official Zoning Map of the City of Capitola 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 19th day of September, 2024 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

Attest: _____
Katie Herlihy, Community
Development Director