

RESOLUTION NO.

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A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AUTHORIZING SUBMITTAL TO THE CALIFORNIA COASTAL COMMISSION FOR THE CERTIFICATION OF AN AMENDMENT TO THE LOCAL COASTAL PROGRAM ADDING MUNICIPAL CODE CHAPTER 17.82 TO ESTABLISH OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT, AMENDING SECTION 17.16 RESIDENTIAL ZONING DISTRICTS, SECTION 17.20 MIXED USE ZONING DISTRICTS, AND 17.24 COMMERCIAL AND INDUSTRIAL ZONING DISTRICTS TO REFERENCE CHAPTER 17.82 OBJECTIVE STANDARDS FOR MULTIFAMILY DWELLINGS AND MIXED-USE RESIDENTIAL DEVELOPMENT.

WHEREAS, the City of Capitola's Local Coastal Program (LCP) was certified by the California Coastal Commission in December of 1981 and has since been amended from time to time; and

WHEREAS, the City Council adopted the General Plan Update on June 26, 2014; and

WHEREAS, the Local Coastal Program Land Use Plan is a comprehensive long-term plan for land use and physical development within the City's coastal zone and includes the Coastal Land Use Plan Map; and

WHEREAS, SB-35 (Chapter 366, Statutes of 2017) enacted section 65913.4 to the Government Code, effective January 1, 2018; and

WHEREAS, Government Code section 65913.4 requires cities and counties to approve qualifying multifamily projects through a streamlined ministerial process if a project conforms to applicable objective standards and meets other requirements;

WHEREAS, The Housing Accountability Act (HAA), Government Code section 65589.5, limits the ability of cities and counties to deny or reduce the density of housing development projects that are consistent with objective standards;

WHEREAS, SB-330 (Chapter 654, Statutes of 2019) enacted Government Code section 66300 which prohibits cities and counties from establishing design standards that are not objective;

WHEREAS, the HAA and SB-330 apply within the coastal zone, but do not alter or lessen the effect or application of Coastal Act resource protection policies;

WHEREAS, Capitola's Zoning Code currently contains limited objective design standards for multifamily residential development;

WHEREAS, Capitola currently relies on subjective design review criteria in Zoning Code Section 17.120.070 to ensure that multifamily residential development exhibits high-quality design that enhances Capitola's unique identity and sense of place;

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WHEREAS, for a project requesting streamlined review under SB-35, the City cannot enforce these requirements;

WHEREAS, under the Housing Accountability Act and SB-330, the City cannot require compliance with these standards for any multifamily or mixed-use residential project in a manner that disallows or reduces the density of the proposed project;

WHEREAS, in 2021 Capitola was awarded an SB-2 grant from the State of California established to fund city planning efforts to streamline housing approvals and accelerate housing production;

WHEREAS, Capitola elected to use part of this SB-2 grant to prepare new objective standards for multifamily and mixed-use residential development;

WHEREAS, the Planning Commission held a study session on February 3, 2021 and the City Council held a study session on April 8, 2021 to provide feedback on the project goals and approach;

WHEREAS, a stakeholder group including architects, developers, and residents provided input on new objective standards at meetings on July 21, 2021 and February 16, 2022;

WHEREAS, on March 31, 2022, the Planning Commission provided feedback on draft objective standards.

WHEREAS, on April 21, 2022, the Planning Commission recommended to the City Council adoption of the objective standards.

WHEREAS, the draft ordinance was then circulated for a 60-day public review period on April 14, 2022; and

WHEREAS, the Planning Commission held a duly noticed public hearing on March 31, 2022, and April 21, 2022, at which time it reviewed the proposed amendments, considered all public comments on the revisions and related CEQA exemption, and provided input on the draft ordinance, and a recommendation to approve the proposed ordinance; and

WHEREAS, the Capitola City Council conducted duly noticed public hearings on May 12, 2022, at which the City Council introduced and performed a first reading of the added and revised municipal code sections. On May 26, 2022, the City Council adopted the ordinance, which added Municipal Code Chapter 17.82 to establish objective standards for multifamily dwellings and mixed-use residential development, amending section 17.16 residential zoning districts, section 17.20 Mixed use zoning districts, and 17.24 Commercial and Industrial zoning districts to reference Chapter 17.82 Objective Standards for Multifamily Dwellings and Mixed-Use residential development;, and

WHEREAS, the City Council determined that the amendments are consistent with the General Plan and that the revisions would be internally consistent with all other provisions of the Municipal Code.

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WHEREAS, the amendments would become a component of Implementation Plan of the City's Local Coastal Program and is intended to be implemented in a manner that is in full conformance with the California Coastal Act.

WHEREAS, following the City Council's adoption, Capitola staff submitted the Zoning Code update to the Californian Coastal Commission staff for preliminary review in preparation for Local Coastal Plan (LCP) certification; and

WHEREAS, the Local Coastal Program Implementation Plan establishes specific land use and development regulations to implement the Local Coastal Program Land Use Plan, and Chapter 16 (Subdivision), Chapter 17 (Zoning) and the Zoning Map are part of Capitola's Local Coastal Program Implementation Plan; and

WHEREAS, the City provided Public Notice, as required under Coastal Act 30514 et seq., for Certification of the LCP Implementation Plan and Corresponding Maps.

NOW, THEREFORE, BE IT HEREBY RESOLVED, by the City Council of the City of Capitola, that this Resolution declares and reflects the City's intent to amend the LCP Implementation Plan as it pertains to Chapter 17 (Zoning), as drafted, if certified by the California Coastal Commission, in full conformity with the City of Capitola LCP and provisions of the California Coastal Act.

BE IT FURTHER RESOLVED, that the City Manager or his designee is directed to submit the said Coastal Commission LCP Amendments to the California Coastal Commission for its review and certification. If the Coastal Commission approves the amendment package, it will take

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effect automatically upon Coastal Commission approval. If the Coastal Commission modifies the amendment package, only the modifications will require formal action by the City of Capitola.

I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola on the 12th day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Sam Storey, Mayor

ATTEST: _____
Chloé Woodmansee, City Clerk