

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

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF  
CAPITOLA RECOMMENDING THAT THE CITY COUNCIL ADOPT A  
RESOLUTION ADOPTING A TEXT AMENDMENT TO THE GENERAL PLAN  
LAND USE ELEMENT RESIDENTIAL MULTIFAMILY (RM) LAND USE  
DESIGNATION TO BE CONSISTENT WITH PROPOSED REVISIONS TO THE  
RM ZONE AND FIND THAT THE PROJECT IS EXEMPT FROM CEQA**

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, Housing Element Program 1.6 states that the City shall review density and other development standards in the Residential Multifamily (RM) zone and revise as appropriate to facilitate multifamily housing development;

WHEREAS, the Planning Commission held work sessions on May 2 and June 6, 2024 to consider Zoning Code amendments affecting the RM zone as called for by Housing Element Program 1.6;

WHEREAS, at a noticed public hearing on August 15, 2024, the Planning Commission directed staff to conduct additional public outreach and return to the Planning Commission for continued discussion of the RM zone amendments in 2025;

WHEREAS, on February 24, 2025 the City hosted a community workshop to receive public input on the RM zone amendments with a focus on increases allowed density in locations that could realistically accommodate additional multifamily development consistent with Housing Element Program 1.6;

WHEREAS, on March 3, 2025 the Planning Commission received an update on the RM zone amendments and provided input on a preferred approach to the RM amendments, including increased allowed density in seven RM areas;

WHEREAS, a text amendment to the General Plan Land Use Element is necessary to allow for greater density in the RM designation consistent with the proposed Zoning Code amendments;

WHEREAS, City staff prepared a text amendment to the General Plan Land Use Element (the “Amendment”) to implement Housing Element Program 1.6 and ensure consistency between the General Plan and Zoning Code;

WHEREAS, the California Department of Housing and Community Development conveyed that the City’s approach to implementing Housing Element Program 1.6 with respect to the RM amendments is generally consistent with state housing law;

WHEREAS, notice of the Amendment's availability were mailed and public review drafts were made available on August 1, 2025 in compliance with California Coastal Act public participation requirements and all applicable state laws;

WHEREAS, the Amendment and associated zoning code amendments (together, the "Project") are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element. The Amendment merely ensures vertical consistency between the General Plan and the Zoning Code.

Further, the Project was analyzed and considered as part of the City's adoption of the Addendum to the General Plan EIR for the City's Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implement Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).) The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review;; and

WHEREAS, at a duly noticed public hearing on August 21, 2025, the Planning Commission reviewed the proposed Amendment 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. Based on substantial evidence in the record, the Amendment is consistent with state

and local law, including the Municipal Code subject to approval of the associated Zoning Code amendments, and the other elements of the General Plan, including the City of Capitola Housing Element.

3. The Planning Commission recommends that the City Council:

a. Find that the Amendment and associated zoning code amendments (together, the “Project”) are exempt from the California Environmental Quality Act (CEQA), pursuant to California Public Resources Code Section 21080.85 which exempts from CEQA rezonings to implement a certified Housing Element. The Amendment merely ensures vertical consistency between the General Plan and the Zoning Code.

Further, the Project was analyzed and considered as part of the City’s adoption of the Addendum to the General Plan EIR for the City’s Housing Element, such that nothing further is required under CEQA. There are no substantial changes proposed to the Housing Element, including Program 1.6, that would require major revisions of the previous EIR or its Addendum due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. The Project merely implement Housing Element Program 1.6, which was studied and evaluated in the General Plan EIR Addendum. There are no substantial changes with respect to the circumstances under which implementation of the Housing Element will be undertaken which will require major revisions of the previous environmental document due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects. There is no new information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous Addendum was adopted.

Lastly, the Project is categorically exempt from CEQA because it can be seen with certainty that there is no possibility that the adoption of the proposed Project will have a significant effect on the environment. (CEQA Guidelines, 14 Cal. Code of Regs. Section 15061(b)(3).) The Project merely implements the Housing Element and proposes no development, and implementing projects would be subject to environmental review; and

b. Adopt a resolution adopting the text amendment to the General Plan Land Use Element as set forth in Exhibit A 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 21<sup>st</sup> day of August, 2025 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

\_\_\_\_\_  
Chair

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