

CALIFORNIA COASTAL COMMISSION

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Prepared December 22, 2009 (for January 14, 2010 hearing)

To: Commissioners and Interested Persons

From: Dan Carl, Central Coast District Manager
 Susan Craig, Coastal Planner

Subject: City of Capitola LCP Amendment Number 2-09 Part 2 (Mixed Use Residential Development in the Community Commercial District). Proposed major amendment to the City of Capitola certified Local Coastal Program to be presented for public hearing and California Coastal Commission action at the Commission's January 14, 2010 meeting to take place at the Huntington Beach City Council Chambers located at 2000 Main Street in Huntington Beach.

Summary

The City of Capitola is proposing to amend its Local Coastal Program (LCP) to allow residential mixed-use development in the C-C (Community Commercial) zoning district as a conditional use secondary to the primary commercial use. The proposed amendment will allow for consideration of mixed-use projects along the City's main commercial corridor at 41st Avenue, and will not have any adverse impacts either individually or cumulatively on coastal resources. In fact, the amendment is premised on, and is expected to result in, increased live-work opportunities and synergies associated with such smart growth principles (e.g., reduced traffic, clustered urban development, etc.). As such, Staff recommends approval of the proposed amendment as submitted.

Staff Note: LCP Amendment Action Deadline

This proposed LCP amendment was filed as complete on October 21, 2009. The proposed amendment affects the IP only, and the original 60-day action deadline is December 20, 2009. On December 11, 2009, the Commission extended the action deadline by one year to December 20, 2010. Thus, the Commission has until December 20, 2010 to take a final action on this LCP amendment.

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California Coastal Commission

CAP-2-09 Part 2 (Mixed Use Residential Development in C-C District) stfprt 1.14.2010 hrg

I. Staff Recommendation – Motion and Resolution

Staff recommends that the Commission, after public hearing, approve the proposed amendment as submitted. The Commission needs to make one motion in order to act on this recommendation.

Approval of Implementation Plan Amendment as Submitted

Staff recommends a **NO** vote on the motion below. Failure of the motion will result in certification of the implementation plan amendment as submitted and the adoption of the following resolution and findings. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission **reject** Amendment Number 2-09 Part 2 to the City of Capitola Local Coastal Program Implementation Plan as submitted by the City of Capitola.

Resolution to Certify the IP Amendment as Submitted. The Commission hereby certifies Major Amendment Number 2-09 Part 2 to the Capitola Local Coastal Program Implementation Plan as submitted by the City of Capitola and adopts the findings set forth below on the grounds that the amendment is consistent with and adequate to carry out the certified Land Use Plan. Certification of the Implementation Plan amendment complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the plan on the environment, or 2) there are no further feasible alternatives or mitigation measures which could substantially lessen any significant adverse impact which the Implementation Plan Amendment may have on the environment.

II. Findings and Declarations

The Commission finds and declares as follows:

A. Description of Proposed LCP Amendment

The proposed amendment would modify Section 17.27.060 of the IP to allow mixed-use residential development in the Community Commercial (CC) zoning district. The proposed amendment would not require residential development in the CC zoning district, but would allow for residential use as a conditional use secondary to a primary commercial use on any site zoned CC. Please see Exhibit A for the proposed amendment text and Exhibit B for the location of the CC zoning district in the City's coastal zone.



B. Consistency Analysis

1. Standard of Review

The proposed amendment affects the IP component of the City of Capitola LCP. The standard of review for IP amendments is that they must be consistent with and adequate to carry out the policies of the certified Land Use Plan (LUP).

2. IP Amendment Consistency Analysis

A. Applicable Land Use Plan (LUP) Policies

The following LUP policy (in relevant part) encourages mixed-use development in the coastal zone of the City of Capitola:

***LUP Policy 1-2:** It shall be the policy of the City of Capitola to encourage mixed commercial/residential development...*

Other sections of the LUP address the siting of priority visitor-serving and recreational uses. The LUP also provides for protection of the public viewshed, public access and recreation, and sensitive habitats within City limits.

B. Analysis

The proposed amendment would allow for mixed-use residential development as a conditional use in the Community Commercial (CC) zoning district, secondary to a primary commercial use. The CC zoning district is located primarily along and adjacent to 41st Avenue within the City's coastal zone (see Exhibit B). This area is highly urbanized and is intensely developed with existing commercial uses.

The CC district in the City's coastal zone is located about ½ a mile from coastal waters and is an ideal location for applying the smart growth principle of mixed-residential/commercial use. Not only could it help to bring an enhanced community feel to this area, but it also could lead to related improvements associated with residents living near where they shop, recreate, and work (e.g., reduced traffic, etc.). For example, 41st Avenue and the surrounding area are located along a main public transportation line, which will provide alternative transportation options for residents of any mixed-use development. Therefore, the proposed amendment to allow mixed-use residential development in the CC zoning district will not have an adverse impact either individually or cumulatively on coastal resources, and should enhance the City's CC-zoned areas. Therefore, as submitted, the proposed IP amendment will not impact coastal access or resources and is approved as being consistent with the certified LUP.



C. California Environmental Quality Act (CEQA)

The Coastal Commission's review and development process for LCPs and LCP amendments has been certified by the Secretary of Resources as being the functional equivalent of the environmental review required by CEQA. Therefore, local governments are not required to undertake environmental analysis of proposed LCP amendments, although the Commission can and does use any environmental information that the local government has developed. CEQA requires that alternatives to the proposed action be reviewed and considered for their potential impact on the environment and that the least damaging feasible alternative be chosen as the alternative to undertake.

The City of Capitola adopted a Negative Declaration for the proposed IP amendment and in doing so found that the amendment would not have significant adverse environmental impacts. This staff report has discussed the relevant coastal resource issues with the proposal. All public comments received to date have been addressed in the findings above. All above findings are incorporated herein in their entirety by reference.

As such, there are no additional feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse environmental effects which approval of the amendment would have on the environment within the meaning of CEQA. Thus, the proposed amendment will not result in any significant environmental effects for which feasible mitigation measures have not been employed consistent with CEQA Section 21080.5(d)(2)(A).



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ORDINANCE NO. 937

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CAPITOLA AMENDING SECTION 17.27.060 OF THE CAPITOLA MUNICIPAL CODE PERTAINING TO CONDITIONAL USES IN THE CC - COMMUNITY COMMERCIAL ZONING DISTRICT BY ADDING PARAGRAPH V. TO ALLOW MIXED USE RESIDENTIAL DEVELOPMENT

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAPITOLA AS FOLLOWS:

Section 1. Paragraph V. is hereby added to Section 17.27.060 of the Capitola Municipal Code to read as follows:

* ["V. Multiple-family residences provided the residential use is secondary to a principle permitted use on the same lot."] *

Section 2. This ordinance shall take effect and be in full force thirty (30) days after its final adoption. (See Note Below)

This ordinance was introduced on the 9th day of April, 2009, and was passed and adopted by the City Council of the City of Capitola on the 23rd day of April, 2009, by the following vote:

- AYES: Council Members Graves, Storey, Nicol, Norton, and Mayor Begun
NOES: None
ABSENT: None
ABSTAIN: None
DISQUALIFIED: None

CCC Exhibit A (page 1 of 1 pages)

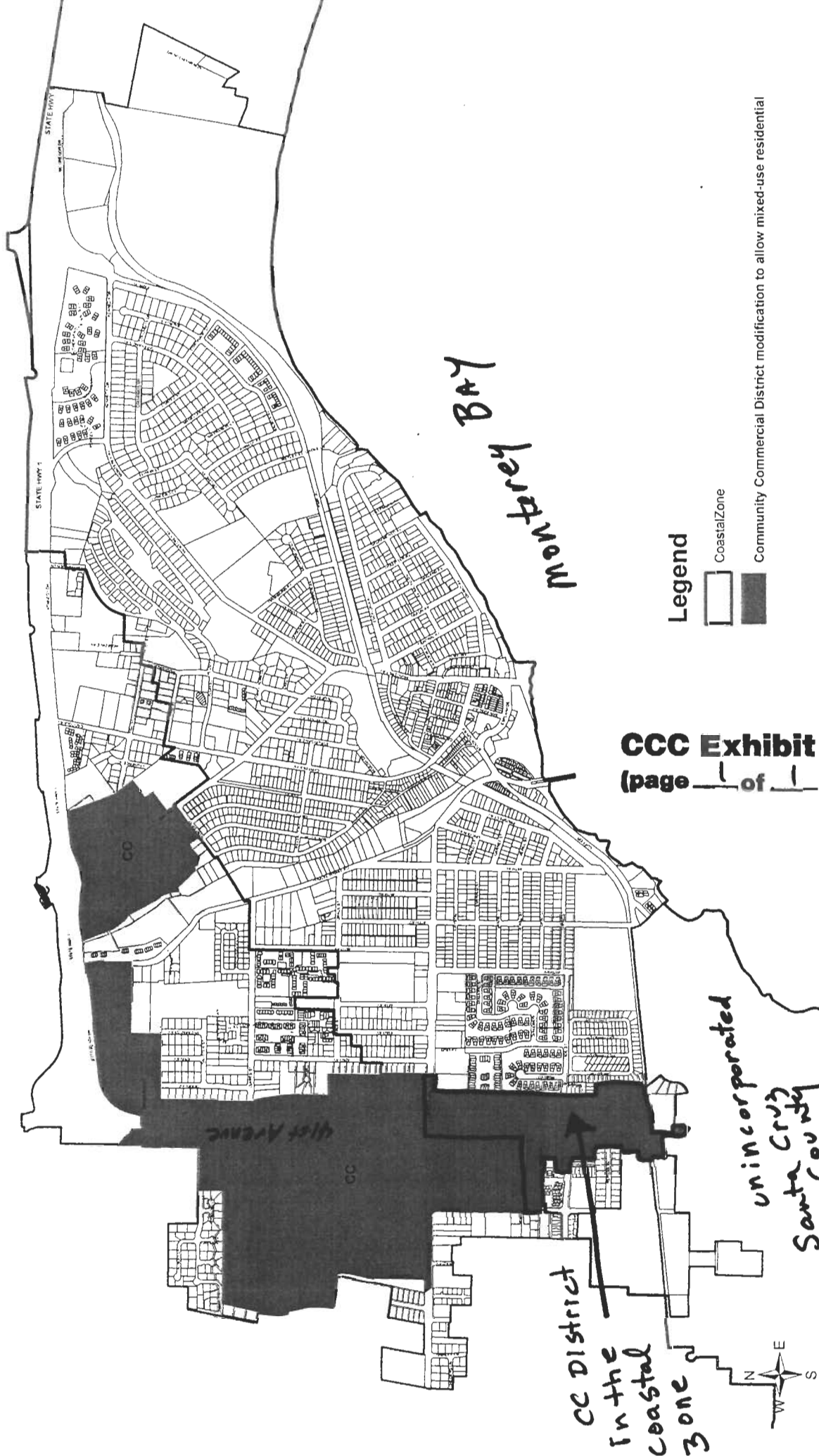
(*NOTE: This zoning change does not apply to any properties located within the Coastal Zone until the change has been approved by the California Coastal Commission.)

APPROVED: Robert A. Begun, Mayor

ATTEST: Pamela Greeninger, CMC Pamela Greeninger, City Clerk

This is to certify that the above and foregoing is a true and correct copy of Ordinance No. 937 passed and adopted by the Capitola City Council on the 23rd day of April, 2009.

Pamela Greeninger, CMC, City Clerk



CCC Exhibit B
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