

**MINUTES**

**CAPITOLA PLANNING COMMISSION MEETING**

**THURSDAY, JULY 18, 2013**

**7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

Chairperson Routh called the Regular Meeting of the Capitola Planning Commission to order at 7 p.m.

**1. ROLL CALL AND PLEDGE OF ALLEGIANCE**

Commissioners: Ron Graves, Gayle Ortiz, Linda Smith, and TJ Welch and

Chairperson Mick Routh

**2. ORAL COMMUNICATIONS**

### Additions and Deletions to Agenda

Item 5C was pulled for action at the staff level on the advice of the city attorney.

## Public Comments

None

1. Commission Comments

Commissioner Graves commented about the renovations to the market at the corner of Bay and Capitola avenues now called Bacon’s. He said it looks very nice but is concerned about inaccuracy of the wording on the awning that includes “restaurant.” Such a use was not approved and there is not adequate parking. He said he confirmed with staff that the interior is appropriate with approved uses. Chairman Routh noted that legal guidelines indicate the City does not have jurisdiction over wording on signs. Community Development Director Rich Grunow said staff will return with a report on what if any options there are for review and enforcement.

Commissioner Welch thanked departing Interim Senior Planner Danielle Uharriet and welcomed new Senior Planner Katie Cattan.

**D.** Staff Comments

Director Grunow introduced Senior Planner Cattan.

He also noted the commission received revised conditions for item 5D that reflect the fact that no new construction is planned as part of the subdivision process.

**3. APPROVAL OF MINUTES**

1. June 6, 2013, Regular Planning Commission Meeting

**A motion to approve the June 6, 2013, meeting minutes was made by Commissioner Graves and seconded by Commissioner Smith.**

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

**4. CONSENT CALENDAR**

 **A. 213 MONTEREY AVE. #13-067 APN: 035-185-03**

Coastal Permit and Design Permit to construct a mansard roof to shield solar collectors and roof equipment on a multi-family residence in the CV (Central Village) Zoning District.

This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: David and Karen Johnson, file: 5/10/13

Representative: William Fisher Architecture, Inc.

**A motion to approve project application #13-067 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project is a Coastal Permit and Design Permit to construct a mansard roof to shield solar collectors and roof equipment on a multi-family residence in the CV (Central Village) Zoning District at 213 Monterey Avenue.
2. Any significant modifications to the exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.
4. Prior to a final building inspection, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
5. Planning Fees associated with permit #13-067 shall be paid in full prior to building permit issuance.

**FINDINGS**

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

Community Development Staff, the Architectural and Site Review Committee, the Planning Commission, and Coastal Commission staff have reviewed the project. The project conforms to the development standards of the CV (Central Village) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

1. **The application will maintain the character and integrity of the neighborhood.**

Community Development Staff, the Architectural and Site Review Committee, the Planning Commission, and Coastal Commission staff have reviewed the project. The project conforms to the development standards of the CV (Central Village) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the surrounding neighborhood. The proposed mansard roof improvements compliments the existing residential and commercial neighborhood in use, mass and scale, materials, height, and architecture.

1. **This project is categorically exempt under Section 15303(b) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

This project involves installation of a mansard roof, solar collector system, and access hatch of an existing multi-family residence in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project. The construction of minor modifications made to the exterior of a multi-family residential structure.

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

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| **B.** | **2052 EDMUND LANE      #13-073      APN  034-412-56** |
| Design Permit to construct a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.Environmental Determination:  Categorical ExemptionProperty Owner:  Hacienda Homes, LLC, filed:  5/28/13Representative:  Scott Zazueta |

Commissioner Smith pulled items 4B and 4C from the consent agenda. She would like to add a condition that garbage be concealed or removed from public view.

Neighbor John Mann said residents are pleased the lots will be developed, but did note that several children live in the small cul-de-sac and asked for consideration during construction. He asked that any damage done to the street during construction be repaired, and warned the developers that the property has heavy clay soil that causes ponding during rainy winters.

Commissioner Smith said she supports the projects with the additional condition.

**A motion to approve project application #13-073 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Ortiz:**

### CONDITIONS

1. The project approval consists of construction of a new 2,404-square-foot two-story single-family structure with a 483-square-foot attached garage at 2052 Edmund Lane.

2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.

3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.

4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.

5. An encroachment permit shall be acquired for any work performed in the right-of-way.

1. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
2. The project shall implement Low Impact Development BMPs outlined in the *Slow it. Spread it. Sink it. Homeowner’s Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.  The applicant shall provide details on the BMPs implemented with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
3. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
4. Planning fees associated with permit #13-073 shall be paid in full prior to building permit issuances.
5. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
7. Garbage and recycling containers shall be placed out of public view on non-collection days.

**FINDINGS**

**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

 Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. The application will maintain the character and integrity of the neighborhood.**

 Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence is compliments the existing single-family residential neighborhood in use, mass and scale, materials, height, and architecture.

**C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

 This project involves construction of a new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

**C. 2064 EDMUND LANE #13-074 APN: 034-412-57**

Design Permit to construct a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Hacienda Homes, LLC, filed: 5/28/13

Representative: Scott Zazueta

**A motion to approve project application #13-074 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Ortiz:**

### CONDITIONS

1. The project approval consists of construction of a new 2,404-square-foot two-story single-family structure with a 483-square-foot attached garage at 2064 Edmund Lane.

2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.

3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.

4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.

5. An encroachment permit shall be acquired for any work performed in the right-of-way.

6. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.

7. The project shall implement Low Impact Development BMPs outlined in the *Slow it. Spread it. Sink it. Homeowner’s Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.  The applicant shall provide details on the BMPs implemented with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.

8. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.

9. Planning fees associated with permit #13-074 shall be paid in full prior to building permit issuances.

10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.

11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

12. Garbage and recycling containers shall be placed out of public view on non-collection days.

**FINDINGS**

**A. The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**

 Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

**B. The application will maintain the character and integrity of the neighborhood.**

 Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood. The proposed single-family residence is compliments the existing single-family residential neighborhood in use, mass and scale, materials, height, and architecture.

**C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

 This project involves construction of a new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

**5.** **PUBLIC HEARINGS**

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| **A.** | **1330 47th AVENUE      #13-014      APN:  034-066-13** |
| Plan revision to a previously approved design permit for a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.Environmental Determination:  Categorical ExemptionProperty Owner:  Gary Lindeke, filed:  1/25/13 |

Interim Senior Planner Uharriet presented the staff report and background on the project, noting that the change in materials had been presented to the Architectural and Site Committee prior to submission to the Planning Commission and were consistent with the description in the staff report in spite of the older images on the plans.

Chairperson Routh confirmed the color choice.

Chairperson Routh opened public hearing. Gary Lindeke, applicant, reiterated the plan revision was prior to Arch and Site review and was discussed at that meeting. He said he was not asked for additional plans for the Planning Commission hearing, which he had been ready to provide.

Chairperson Routh closed the public hearing. Commissioner Graves asked staff to identify ways to prevent such confusion in the future, and Director Grunow agreed.

**A motion to approve revised exterior elevations and building materials as presented in the building permit plans for project application #13-014 was made by Commissioner Smith and seconded by Commissioner Welch.**

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

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| **B.** | **507 PLUM STREET/712 CAPITOLA AVENUE      #13-068      APN:  034-412-56** |
| Design permit to construct a second dwelling unit above a two-car garage with a one-story single-family residence in the CN (Neighborhood Commercial) Zoning District.Environmental Determination:  Categorical ExemptionProperty Owner:  Terry Evan David, filed:  5/21/13Representative:  Dennis Norton |

Commissioner Ortiz recused herself because she owns a business close to the project.

Senior Planner Cattan presented the staff report. She noted that although staff recommended approval for the second dwelling unit, it could not determine sufficient findings to grant a requested exception for requiring underground utilities. She said during Architectural and Site review, the city landscape architect suggested replacing the existing six-foot solid redwood fence topped with lattice that fronts on Plum with a softer material, but the applicant preferred to keep the fence and encourage plantings that would come through the lattice.

Commissioner Graves confirmed that the front door of the addition faces Plum Street, although the address for the full parcel is on Capitola Avenue.

Commissioner Welch asked whether the unit requires a second water meter. Director Grunow replied that the building department only requires a “will-serve” notice and determination of whether to require a meter is the water district’s jurisdiction.

Chairperson Routh opened the public hearing. There was no comment.

Commissioner Welch said he could support the project without a hardship finding for the

underground utility conversion.

Commissioner Graves said he could not support the project with the existing fence, which is too high for a frontage.

Commissioner Smith said she does not wish to require removal of something that is already there and supports project approval.

**A motion to approve project application #13-068 with the following conditions and findings was made by Commissioner Smith and seconded by Commissioner Welch:**

**CONDITIONS**

1. The project approval consists of the construction of a 689-square-foot second dwelling unit above a 524-square-foot attached garage to a single-story single-family residence at 507 Plum Street/ 712 Capitola Avenue in the CN (Neighborhood Commercial) zoning district.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Hours of construction shall be Monday to Friday 7:30 a.m.- 9 p.m. and Saturday 9 a.m. – 4 p.m., per city ordinance.
5. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The side yard landscaping between the new garage and fence along Plum Street will be installed prior to final building occupancy.
6. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
7. An encroachment permit shall be acquired for any work performed in the right-of-way.
8. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.
9. Planning fees associated with permit #13-068 shall be paid in full prior to building permit issuances.

**FINDINGS**

1. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance and General Plan.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The project conforms to the development standards of the CN (Neighborhood Commercial) Zoning District, and carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

1. **The application will maintain the character and integrity of the neighborhood.**

Community Development Department Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The project conforms to the development standards of the CN (Neighborhood Commercial) Zoning District, and will not have a negative impact on the character and integrity of the neighborhood. The proposed garage and second dwelling unit compliments the existing neighborhood commercial district in use, mass and scale, materials, height, and architecture.

C. **This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves an addition to a one-story single-family residence that is considered infill development. No adverse environmental impacts were discovered during review of the proposed project

**The motion carried by the following vote: Aye: Commissioners Smith, and Welch and Chairperson Routh. No: Commissioner Graves. Abstain: Commissioner Ortiz.**

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| **C.** | **701 ESCALONA DRIVE      #13-080      APN:  036-142-18** |
| Tree Permit review of the replacement tree plan for an unlawfully removed tree in the R-1 (Single-Family Residence) Zoning District.Environmental Determination:  Categorical ExemptionProperty Owner:  Stewart and Pam Greeninger, filed:  6/10/13 |

This item was pulled for action at the staff level on the advice of the city attorney.

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| **D.** | **750 47th AVENUE      #12-144      APN:  034-551-01** |
| Coastal Development Permit and Vesting Tentative Subdivision Map for the conversion of Surf and Sand Mobile Home Park (MHP) from a rental MHP to an ownership MHP in the MHE (Mobile Home Exclusive) Zoning District. Approval would result in 73 privately owned lots and 4 common-owned lots.This project requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.Environmental Determination: Categorical ExemptionOwner: Surf and Sand , LLC and Ronald Reed. Application filed 11/6/12Representative: Mark Alpert, Hart King & Coldren |

Commissioner Ortiz rejoined the meeting.

Contract Planner Kim Tschantz presented the staff report. The project would convert an existing rental mobile home park to owner-occupied on individual parcels, creating 73 individual lots and 4 common lots. (The number of lots was initially reported at 74.) The lot lines will be based on existing spaces and no new construction is planned. A homeowners’ association will manage the common lots. He explained the state’s Subdivision Map Act addresses mobile home subdivision and overrides local zoning. The project does require a Coastal Development Permit under Capitola’s Local Coastal Program and the project complies with those local requirements.

Planner Tschantz noted the state subdivision act is designed to prevent displacement of low and moderate income people and explained the requirements. The required report has been prepared and a survey conducted that shows support for conversion.

The Mello Act provides for retention of low and moderate income housing near the coast, and requires replacement when such housing is demolished or converted, including a subdivision. The act includes provisions for a waiver within built-out jurisdictions. He explained Capitola does not have 50 vacant acres so the Planning Commission can make findings that the Mello Act does not apply.

Chairman Routh clarified that “no construction” does not include work on individual mobile homes.

Commissioner Graves asked why only 42 of the lots participated in the survey. Planner Tschantz explained that the remainder are owned by Surf and Sand or are vacant.

Mark Alpert spoke on behalf of the applicant. He said the conversion will have no effect on low-income leases. The applicant also has agreed to take over the city’s rental support of low-income homeowners.

Chairperson Routh asked whether Mr. Reed will be required to participate in the homeowners’ association by paying dues on each of the lots he owns and was told yes. Commissioner Graves asked what would happen if the adopted CCRs prohibited rentals. Mr. Alpert noted that the CCRs will be prepared before filing and he assumes existing renters would be grandfathered in. He added that the point of converting is to get out of the business of renting and eventually he would expect the land and coach would be sold together. Mr. Alpert confirmed that each lot would have one vote to elect a board of directors, which will operate the association. In response to a commission question, he said Mr. Reed likely would maintain management control initially because he has more votes.

Commissioner Smith asked if empty homes would be repopulated by the subdivision process. Mr. Alpert responded the factor is individual coach renovations. He also noted the plan is to have a brand new infrastructure and convert to direct billing by the utilities, so they will take over and maintain those systems.

Commissioner Welch asked about assistance to those needing rent help under previous agreements. Mr. Alpert confirmed the applicant has agreed to take on the City’s portion of those costs.

Engineer Robert Dewitt also spoke for the applicant. He noted that the actual count of spaces that will become private lots is 73. Although the space numbers go to 74, there is not a lot 23.

Chairperson Routh opened the public hearing.

Homeowner Valerie Tudor said she had not seen any upgrade of utilities or streets. She is concerned if that work is not done prior to subdivision she may face a large cost should she purchase her lot. Mr. Alpert replied the upgrade is a lengthy process, but that new land owners will have no further cost toward utility upgrade. He added a disclosure will be given to each potential purchaser with a description of costs and estimated dues.

Ralph McCall asked if the utility systems will be brought up to current standards in order for utility providers to take them over. Mr. Dewitt replied that the applicant is working with providers to meet the standards.

Chairperson Routh closed the public hearing.

**A motion to recommend to the City Council granting of a Coastal Development Permit and Vesting Tentative Map for project application #12-144 with the following conditions and findings was made by Commissioner Ortiz and seconded by Commissioner Smith:**

**CONDITIONS**

1. The project is a subdivision of APN 34-551-01 into 73 privately owned lots for mobile home dwelling use and 4 common-owned lots as shown on the Vesting Tentative Map prepared by DeWitt and Associates consisting of 5 sheets, dated October 24, 2012. This approval converts 73 individual mobile home rental spaces to 73 ownership lots. Internal streets serving the mobile home lots will be the same internal streets that served the mobile home spaces on one single lot. This approval will place internal streets in common-owned lots shown as Lots A, B and D on the tentative map. A common-owned lot, shown as Lot C on the tentative map, will provide a clubhouse/meeting room/laundry building and its associated parking area. No new construction of streets, utilities or similar improvements is proposed or authorized as a result of this approval.

2. The applicant shall submit a Final Map to the Director of Public Works for review and approval. The Final Map shall be in substantial conformance with the approved Vesting Tentative Map. The Final Map shall show the following:

1. The locations of all property lines and internal roadways;
2. The locations of all utility easements;
3. Identification of all common-owned lots that differentiates them from privately owned lots;
4. All utility easements shall be shown in a manner which meets the requirements of the utility companies and the Director of Public Works;
5. A notation that no new construction will occur associated with the approval of the Final Map.

3. Submittal of the Final Map to the Public Works Department shall include reproducible mylars and electronic files of the plans. These documents shall become the property of the City of Capitola at the time of approval.

4. Prior to recordation of the Final Map, the applicant shall submit CC&Rs to the Community Development Department and the City Attorney for review and approval. The CC&Rs shall include the legal establishment of a Homeowners Association (HOA) with the following rights and responsibilities:

1. Authority to administer and enforce the CC&Rs;
2. Equal voting rights where each mobile home dwelling lot shall have one vote in voting matters of the HOA;
3. A form of security to ensure management and repair of internal streets and all improvements on the four common-owned lots; and
4. Collection of dues on an equal basis from each owner of the 74 privately owned lots to fund the management, repair and security for the common-owned lots.

5. Prior to recordation of the Final Map, the applicant shall submit to the Community Development Department and the City Attorney for review and approval. a form of the proposed rental/purchase option agreement to be reviewed only for compliance with California Government Code §66427.5 The form of agreement shall offer each existing tenant the opportunity to purchase their lot or to continue as a tenant. Such form will not be modified except to comply with the requirements of state or federal law or as mutually agreed upon by applicant and tenant. This agreement shall include the following limits on future rents for non-purchasing homeowners who are not subject to a long term lease:

1. Limiting the rent increase of the non-purchasing low income homeowners to not exceed increases in the Consumer Price Index for the same period;
2. Phasing any rent increases for non-purchasing homeowners who are *not* low income to market rate rents by phasing the increase in equal increments over a four-year period.

6. Preparation of the final map shall proceed in compliance with all applicable state and federal laws. The subdivider shall comply with all of the provisions of the approved Vesting Tentative Map and all pertinent provisions of State Law and the Capitola Local Coastal Plan.

7. Planning Fees associated with permit #12-144 shall be paid in full prior to recordation of the Final Map.

**FINDINGS**

**Coastal Development Permit**

1. The California Coastal Act, at Public Resources Code Section 30106, defines the term “development” to include “change in the density or intensity of use of land, including but not limited to, subdivisions, and any other division of land.”. Similarly, the City of Capitola’s Local Coastal Program, at Capitola Municipal Code Section 17.46.030.I.4, defines “development” to include “subdivisions, and any other division of land…”.

1. The California Coastal Act, at Public Resources Code Section 30600, provides that any person wishing to perform or undertake any development in the coastal zone shall obtain a Coastal Development Permit. Public Resources Code Section 30600 further provides that after certification of a Local Coastal Program by the California Coastal Commission, the local government for the jurisdiction covered by the certified Local Coastal Program shall be responsible for the issuance or denial of Coastal Development Permits within that jurisdiction. The City of Capitola has a certified Local Coastal Program and, accordingly, is legally responsible for processing and considering applications for Coastal Development Permits relative to coastal zone development in the City of Capitola.
2. The project, which is the objective of the subject Coastal Development Permit application, entails the subdivision of the Surf and Sand Mobile Home Park into seventy-three lots for mobile home dwellings, and four common area lots. The Surf and Sand Mobile Home Park property is located in the coastal zone of the City of Capitola. Accordingly, the project constitutes “development” for purposes of the California Coastal Act and the City’s certified Local Coastal Program and, in turn, requires a Coastal Development Permit from the City of Capitola.
3. Pursuant to the City of Capitola’s Local Coastal Program, certified by the California Coastal Commission in December, 1981, the City must find, in accordance with Capitola Municipal Code Section 17.46.090.D “A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program …” before it can issue a Coastal Development Permit.
4. Findings can be made that the project conforms to all applicable polices of the City’s Local Coastal Program and associated implementing ordinances, including all applicable provisions of Capitola Municipal Code Section 17.46.090. The project and the property where the project is located have the characteristics which allow an exemption from the requirements of Section 17.46.090 in that:
	1. The project will have no effect on existing open space or recreational facilities in or near the City as no new construction nor an increase in the existing residential density will occur from the project;
	2. The project will not obstruct or otherwise affect existing vertical or horizontal coastal or recreational accesses as the project property is not located at the shoreline or on a coastal bluff or at an area that provides potential access to the beach or other outdoor recreational resource areas;
	3. A description and analysis of anticipated changes to shoreline processes, including erosion or accretion, character and sources of sand, wave and sand movement, is not applicable to the project site as it is located 200 feet from the seaward edge of the nearest coastal bluff and it not located between the first through road and the ocean;
	4. There is no evidence that any portion of the site has been used by the public during the last 5 years for active or passive recreation or coastal access;
	5. The City’s LCP does not identify the project site as containing important coastal resources or for future coastal access dedication; and
	6. The project is not one where a management plan should be created to guide development. No new development will occur as a result of converting an existing tenant-occupied mobile home park to a subdivided owner-occupied mobile home park.
5. The conversion of Surf and Sand Mobile Home Park to a subdivided owner-occupied park will occur on land designated by the City’s Local Coastal Program as “Mobile Home Exclusive” land use and said conversion is a use permitted in the land use designation.
6. The Mello Act, codified at California Government Code Section 66590, constitutes coastal housing policy for the State of California, relative to the preservation of low-income and moderate-income housing in the California coastal zone. The Mello Act, at subsection (b), specifies that its provisions and requirements do not apply if a project is located within a local jurisdiction which has less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use and the City of Capitola has, within its boundaries, less than 50 acres, in aggregate, of land which is vacant, privately owned and available for residential use.
7. In light of the foregoing, the Planning Commission hereby finds and determines that the Mello Act does not apply to Coastal Development Permit #12-144.

**Tentative Map**

1. The Applicant prepared a report on the impact of converting the mobile home park to a subdivided owner-occupied park and this report was made available to the residents of the Surf and Sand Mobile Home Park at least 15 days prior to the Planning Commission hearing on this application.
2. The Applicant has met the requirements of Government Code 66427.5(a) by agreeing to offer each existing tenant the option to either purchase their subdivided lot created by the conversion to a resident ownership mobile home park or to continue their residency as a tenant.
3. The Applicant conducted a survey of resident support for the subdivision in accordance with an agreement between the Applicant and the Surf and Sand Homeowners Association, the results of which were submitted to the City, and show that of the 42 mobile home residents who own their homes, 25 households support the application; 3 households oppose the application and 2 households abstained.
4. The conversion of the Surf and Sand Mobile Home Park to a subdivided owner-occupied park meets the requirements of Municipal Code Section 16.70.070 pertaining to required findings for mobile home park conversions in that:
	1. A survey of residents was conducted with 89% of respondents indicating support of the conversion and the results of the Applicant-conducted survey were submitted to the City and upon review, the City agrees with the survey results showing resident support for the proposed subdivision.;
	2. A tenant impact report has been completed and filed with the City in accordance with all requirements of California [Government Code](http://qcode.us/codes/othercode.php?state=ca&code=gov) Section 66427.5; and
	3. The project is a bona fide conversion as evidenced by the vote of support for the proposed conversion by residents of Surf and Sand Mobile Home Park.
5. The proposed mobile home park subdivision has been reviewed for compliance with applicable State law and standards and the requirements of the Subdivision Map Act, codified at California Government Code Sections 66425−66431 have been met.
6. The California Coastal Act, at Public Resources Code Section 30106, defines the term “development” to include “change in the density or intensity of use of land, including but not limited to, subdivisions, and any other division of land.”. Similarly, the City of Capitola’s Local Coastal Program, at Capitola Municipal Code Section 17.46.030.I.4 defines “development” to include “subdivisions, and any other division of land…”.

1. The California Coastal Act, at Public Resources Code Section 30600, provides that any person wishing to perform or undertake any development in the coastal zone shall obtain a coastal development permit. Public Resources Code Section 30600 further provides that after certification of a local coastal program by the California Coastal Commission, the local government for the jurisdiction covered by the certified local coastal program shall be responsible for the issuance or denial of coastal development permits within that jurisdiction. The City of Capitola has a certified local coastal program and, accordingly, is legally responsible for processing and considering applications for coastal development permits relative to coastal zone development in the City of Capitola.
2. The project entails the subdivision of the Surf and Sand Mobile Home Park into 73 lots for mobile home dwellings, and four common area lots. The Surf and Sand Mobile Home Park property is located in the coastal zone of the City of Capitola. Accordingly, the project constitutes “development” for purposes of the California Coastal Act and the City’s certified Local Coastal Program and, in turn, requires a coastal development permit from the City of Capitola.
3. The Planning Commission has also made the required findings for a Coastal Development Permit for this project.

**The motion carried by the following vote: Aye: Commissioners Graves, Ortiz, Smith, and Welch and Chairperson Routh. No: None. Abstain: None.**

1. **DIRECTOR’S REPORT**

The City released a notice of preparation for an Environmental Impact Report for the General Plan update on July 1 for a 30-day public review. A scoping meeting is scheduled for July 23. Director Grunow will present a budget update for the General Plan process to the Council on July 25 and will update the Planning Commission at its Aug. 1 meeting.

1. **COMMISSION COMMUNICATIONS**

None.

1. **ADJOURNMENT**

The Planning Commission adjourned the meeting at 8:09 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, Aug. 1, 2013, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on Aug. 1, 2013.

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Linda Fridy, Minute Clerk