

CALIFORNIA COASTAL COMMISSION

CENTRAL COAST DISTRICT OFFICE
725 FRONT STREET, SUITE 300
SANTA CRUZ, CA 95060
(831) 427-4863

**RECORD PACKET COPY****W19a**

May 15, 2001

TO: COMMISSIONERS AND INTERESTED PERSONS

FROM: TAMI GROVE, CENTRAL COAST DEPUTY DIRECTOR
CHARLES LESTER, DISTRICT MANAGER
SUSAN CRAIG, COASTAL PROGRAM ANALYST

SUBJECT: STAFF RECOMMENDATION ON CITY OF CAPITOLA LCP MAJOR
AMENDMENT NO. 1-01 (For Public Hearing and Possible Commission Action at
the Meeting of June 13, 2001)

SYNOPSIS

The City of Capitola proposes to re-designate a portion (approximately 1,920 square feet) of parcel 035-301-12 at 609 Capitola Avenue from C-P (Pedestrian Commercial) to R-LM (Residential Low-Medium: 5-10 units/acre) (Land Use Plan amendment) and rezone the property from CN (Neighborhood Commercial) to R-1 (Single Family Residence) (Implementation Plan Amendment). Staff has reviewed the proposed amendment to the Land Use Plan for conformance with the Coastal Act and the Implementation Plan amendment for consistency with the proposed amended Land Use Plan. As discussed in detail below, Staff recommends approval of the City of Capitola Local Coastal Program proposed Land Use Plan and Implementation Zoning Ordinance Major Amendment No. 1-01, as submitted.

The Commission certified the City of Capitola's Land Use Plan on June 5, 1981. The Implementation Plan was certified on January 10, 1990 and the City assumed coastal development permit authority on April 11, 1990. The City has organized and submitted this LCP amendment request in accordance with the standards for amendments to certified LCPs (Coastal Act Section 30514, California Code of Regulations 13551 through 13553). The amendment was filed on April 12, 2001. The City Council held noticed public hearings. In addition, noticed public hearings at the Planning Commission level were held. Excerpts from the City's amendment submittal are attached as Exhibit 1.

Further information on the submittal may be obtained from Susan Craig at the Central Coast District Office of the Coastal Commission at 725 Front Street, Suite 300, Santa Cruz, CA 95060, (831) 427-4863.



California Coastal Commission
June 2001 Meeting in Long Beach, CA

Staff: S.Craig Approved by: *RSW*

STAFF RECOMMENDATION

Staff recommends adoption of the following resolutions:

Resolution I. (Resolution to approve City of Capitola Land Use Plan Amendment No. 1-01 as submitted)

Staff recommends a YES vote on the motion below. Approval of this motion will result in the approval of the amendment as submitted and adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the appointed Commissioners.

Motion. I move that the Commission certify Major Amendment #1-01 to the City of Capitola Land Use Plan as submitted by the City of Capitola.

Resolution to Approve. The Commission hereby approves certification of Major Amendment #1-01 to the City of Capitola Land Use Plan of the Capitola Local Coastal Program for the specific reasons discussed in the following findings on the grounds that, as submitted, these amendments and the LUP as thereby amended meet the requirements of Chapter 3 of the Coastal Act. This amendment is consistent with applicable decisions of the Commission that guide local government actions pursuant to Section 30625 (c) and approval will not have significant environmental effects for which feasible mitigation measures have not been employed consistent with the California Environmental Quality Act.

Resolution II. (Resolution to approve City of Capitola Implementation Plan Amendment No. 1-01 as submitted)

Staff recommends a NO vote on the motion below. Passage of this motion will result in approval of the Implementation Plan amendment and the adoption of the following resolution and the findings in this staff report. The motion passes only by an affirmative vote of a majority of the Commissioners present.

Motion. I move that the Commission reject Major Amendment #1-01 to the City of Capitola Local Coastal Program Implementation Plan as submitted.

Resolution to Approve The Commission hereby approves certification of Major Amendment #1-01 to the Implementation Zoning Ordinance of the Capitola City Local Coastal Program on the grounds that the amendment to the Zoning Ordinance conforms with, and is adequate to carry out the provisions of the Land Use Plan as certified. The approval of the Implementation Plan amendment will not have any significant adverse on the environment and is the least environmentally damaging alternative.



Findings and Declarations

The Commission finds and declares as follows:

Amendment Description

The City of Capitola (Exhibit 2) proposes an amendment to the Land Use Plan to re-designate a portion (approximately 1,920 square feet) of parcel 035-301-12 at 609 Capitola Avenue from C-P (Pedestrian Commercial) to R-LM (Residential Low-Medium: 5-10 units/acre). The City also proposes an amendment to the Implementation Plan to rezone the above-stated portion of the property from CN (Neighborhood Commercial) to R-1 (Single-Family Residence) (Implementation Plan amendment) (see Exhibits 3 & 4). The entire parcel totals approximately 16,000 square feet. The property is located approximately one-half mile from coastal access points. Sensitive habitats and/or species have not been identified on site. Eventual development of this parcel would constitute infill development within the City. Existing development to the north and south consists of commercial office and retail use and single-family residences. Development to the east consists of commercial office space; development to the west consists of single family residences.

The subject amendment has been submitted to allow subdivision of the western portion of the property into two lots (these lots would contain the 1,920 square feet portion proposed for re-designation and rezoning), leaving a single third lot on the eastern portion of the parcel. Two detached structures on the property are proposed for demolition and a third detached structure is proposed for relocation to the eastern portion of the parcel to serve as a garage for an existing single family residence (see Exhibit 5 for site plan). The City has approved one new house on one of the proposed western lots. No development on the other proposed western lot has been approved at this time. If the amendment is approved by the Commission as submitted, the demolition of the two detached structures and the relocation of the third detached structure would be allowed to proceed, as well as development of the approved house. The City's amendment submittal will be processed according to CCR Section 13518(b)(1), which states:

A local government or governing authority may submit its proposed LCP or LRDP either:

- (1) as a program that will take effect automatically upon coastal Commission approval pursuant to Public Resources Code Sections 30512, 30513, and 30519 for LCP's, or Public Resources Code Section 30605 form LRDPs or...*

In addition to approving the proposed LCP amendments, the City has also approved a tentative subdivision map, architectural and site review permit, and coastal permit, which would become effective upon approval of the LCP amendment. At this time the Commission is only approving the LCP amendments and not the coastal permit, which is in the City's jurisdiction and which would not be appealable to the Commission. Even though the Commission is aware that the City has approved a permit for a particular development at this location in conjunction with the proposed LCP amendment, there is no guarantee that the specific development will actually be accomplished.



Analysis of Land Use Plan Re-Designation

Coastal Act Section 30250(a) states in full:

New residential, commercial, or industrial development, except as otherwise provided in this division, shall be located within, contiguous with, or in close proximity to, existing developed areas able to accommodate it or, where such areas are not able to accommodate it, in other areas with adequate public services and where it will not have significant adverse effects, either individually or cumulatively, on coastal resources. In addition, land divisions, other than leases for agricultural uses, outside existing developed areas shall be permitted only where 50 percent of the usable parcels in the area have been developed and the created parcels would be no smaller than the average size of surrounding parcels.

Other sections of the Act address the siting of priority visitor-serving, recreational, and coastal dependent uses.

As stated above, the parcel contains an existing single family residence and three detached structures. The 1,920 square foot portion proposed for re-designation is located behind an existing residence and is not located directly along any roadway. The re-designation from C-P (Pedestrian Commercial) to R-LM (Residential Low-Medium: 5-10 units/acre) would preclude commercial development on this portion of the parcel. However, as seen in Exhibit 3, a substantial portion of the surrounding area is designated for commercial use. Therefore, the commitment of this 1,920 square feet to residential use will not preclude continued commercial use in the surrounding area. Also, changing the land use designation of a portion of the parcel would be in conformance with existing residential development in the immediate area. Any new residential development on this portion of the parcel would be located within, contiguous with, and in close proximity to an existing developed area able to accommodate it.

The parcel is located approximately one-half mile from any coastal resource or access points. The project would not have an adverse impact either individually or cumulatively on coastal resources. Finally, the site is not important for providing, nor would it preclude, priority uses in the City's coastal zone. Therefore, as submitted, the proposed LUP amendment will not impact coastal access or resources and is approved as being consistent with the policies of Chapter Three of the Coastal Act.

Analysis of Zoning District Re-Designation

The City proposes to rezone the above-mentioned 1,920 square feet to the R-1 zoning district to implement the R-LM land use designation. The purpose of the R-1 zoning district, according to Section 17.15.020 of the Implementation Plan, is to "maintain an area which provides the traditional qualities of privacy, landscaping, parking, and character associated with single-family residential neighborhoods..."

As discussed above, the proposed LCP amendment has been submitted to facilitate the development of two single-family residences at the site. The intensity of development proposed through this development under the R-1 zoning district designation is consistent with that allowed under the R-LM land use designation. If this proposed development were not to occur,



the City would automatically review any new development proposal for a similar, different, or combination of land use(s) for consistency with the LCP. With any newly proposed development the City would have to find that it is compatible with the general plan/local coastal program, and according to the requirements of IP Chapter 17.15, such development would have to remain at an intensity consistent with the R-LM land use designation.

Therefore the Commission finds that the proposed Implementation/Zoning amendment is approved as being consistent with the new LUP designation and is adequate to carry out its provisions.

CONSISTENCY WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

The Coastal Commission's Local Coastal Program development and certification process has been designated by the Secretary of Resources as the functional equivalent of the California Environmental Quality Act (CEQA). No impacts are associated with the proposed land use plan and zoning changes. The City of Capitola adopted a Mitigated Negative Declaration for the reclassification and rezoning and in doing so found that, after mitigation, the project would not have significant adverse environmental impacts. As discussed above, the City's proposal is consistent with the Coastal Act and will not have any significant adverse environmental impacts. Therefore, the Commission finds that Amendment No. 1-01 is consistent with the provisions of the California Environmental Quality Act.



RESOLUTION NO. 3110

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CAPITOLA
AMENDING THE GENERAL PLAN/LOCAL COASTAL PLAN DESIGNATION
FOR A PORTION OF ASSESSOR'S PARCEL NUMBER 035-301-12,
609 CAPITOLA AVENUE FROM THE "C-P" (PEDESTRIAN COMMERCIAL)
LAND USE DESIGNATION TO THE "R-LM" (RESIDENTIAL LOW-MEDIUM:
5-10 UNITS PER ACRE) LAND USE DESIGNATION**

APPLICATION# 00-54

WHEREAS, the City of Capitola reviews land use designations and zoning in order to regulate appropriate use of land and to protect the public health, safety and welfare; and

WHEREAS, Zoning Districts specifying allowable uses, permit requirements, and development standards are applied to lands in order to implement General Plan/Local Coastal Plan land use designations; and


WHEREAS, the City Council of the City of Capitola and the California Coastal Commission have adopted and certified a General Plan/Local Coastal Plan Map which specifies the "C-P" (Pedestrian Commercial) and "R-LM" (Residential Low-Medium: 5-10 Units per Acre) land use designation(s) for the subject property;

WHEREAS, an application was filed on the subject property to change the General Plan/Local Coastal Plan designation of a portion of said parcel from "C-P" (Pedestrian Commercial) to "R-LM" (Residential Low-Medium: 5-10 Units per Acre), as shown on the attached map, to allow a three lot minor land division;

WHEREAS, in accordance with the California Environmental Quality Act, the Capitola City Planning staff prepared an Initial Study for the General Plan/Local Coastal Plan Amendment, Rezoning and other land use entitlements which concluded that no significant impacts would occur as a result of the amendment(s) and a Notice of Intent to Adopt a Mitigated Negative Declaration was filed with the County Clerk on August 16, 2000;

WHEREAS, the Planning Commission held public hearings, noticed as required by law, on September 7, 2000, and December 7, 2000, and considered public testimony in addition to review and consideration of information presented in the Mitigated Negative Declaration and the documentary record, and recommended that the City Council approve the General Plan/Local Coastal Plan amendment;

WHEREAS, the City Council has held public hearings, noticed as required by law, on January 11, 2001 and considered public testimony in addition to review and consideration of information presented in the Mitigated Negative Declaration and the documentary record;

EXHIBIT NO. <u>1</u>
APPLICATION NO.
CAP-MAJ-1-01
 <u>881 of 2</u> California Coastal Commission

RESOLUTION NO. 3110

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Capitola that the Mitigated Negative Declaration for the General Plan/Local Coastal Plan amendment and rezoning is hereby adopted; and, and furthermore the City Council finds that the proposed project, will be de minimis in its effect on fish and wildlife because there is no evidence before the City that the project will have potential for adverse effect, either individually or cumulatively, on fish or wildlife resources.

BE IT FURTHER RESOLVED by the City Council of the City of Capitola that the Local Coastal Program and General Plan Amendments attached hereto and made a part hereof, are hereby adopted as being in full conformance with the City of Capitola General Plan, and the City of Capitola Local Coastal Program and the provisions of the California Coastal Act.

BE IT FURTHER RESOLVED by the City Council of the City of Capitola that the General Plan/Local Coastal Plan amendment for the subject parcel, as shown on the attached map, is hereby adopted to become effective upon the date of Coastal Commission approval,

BE IT FURTHER RESOLVED, that the City Manager is hereby authorized and directed to submit the Local Coastal Program amendment to the California Coastal Commission for its review and certification. If the amendment package is approved by the Coastal Commission as approved by the City of Capitola, it will take effect automatically upon Coastal Commission approval. If it is modified by the Coastal Commission, it will require formal action by the City of Capitola.

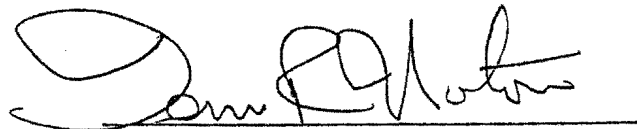
I HEREBY CERTIFY that the foregoing resolution was passed and adopted by the City Council of the City of Capitola at its meeting held on the 11th day of January, 2001, by the following vote:

AYES: Council Members Ortiz, Gualtieri, Arthur and Mayor Norton

NOES: Council Member Harlan

ABSENT: None

ABSTAIN: None



Dennis R. Norton, Mayor

ATTEST:

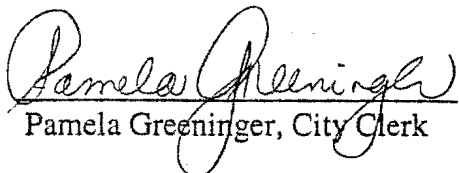

 CMC
Pamela Greeninger, City Clerk

EXHIBIT NO. 1
APPLICATION NO.
CAP-MAJ-1-01
PP 2 of 2
 California Coastal Commission

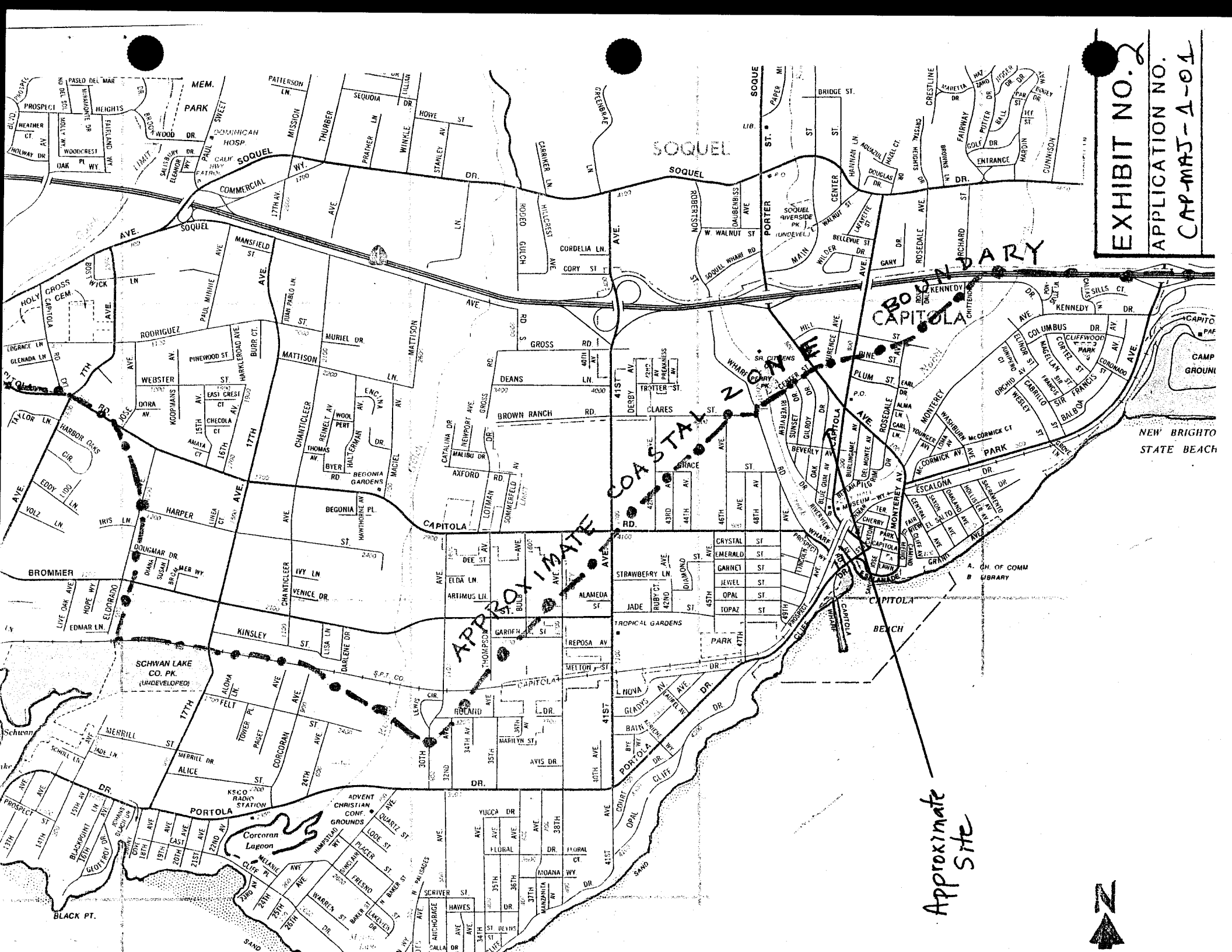


EXHIBIT NO. 2
 APPLICATION NO.
 CAP-MAJ-1-01

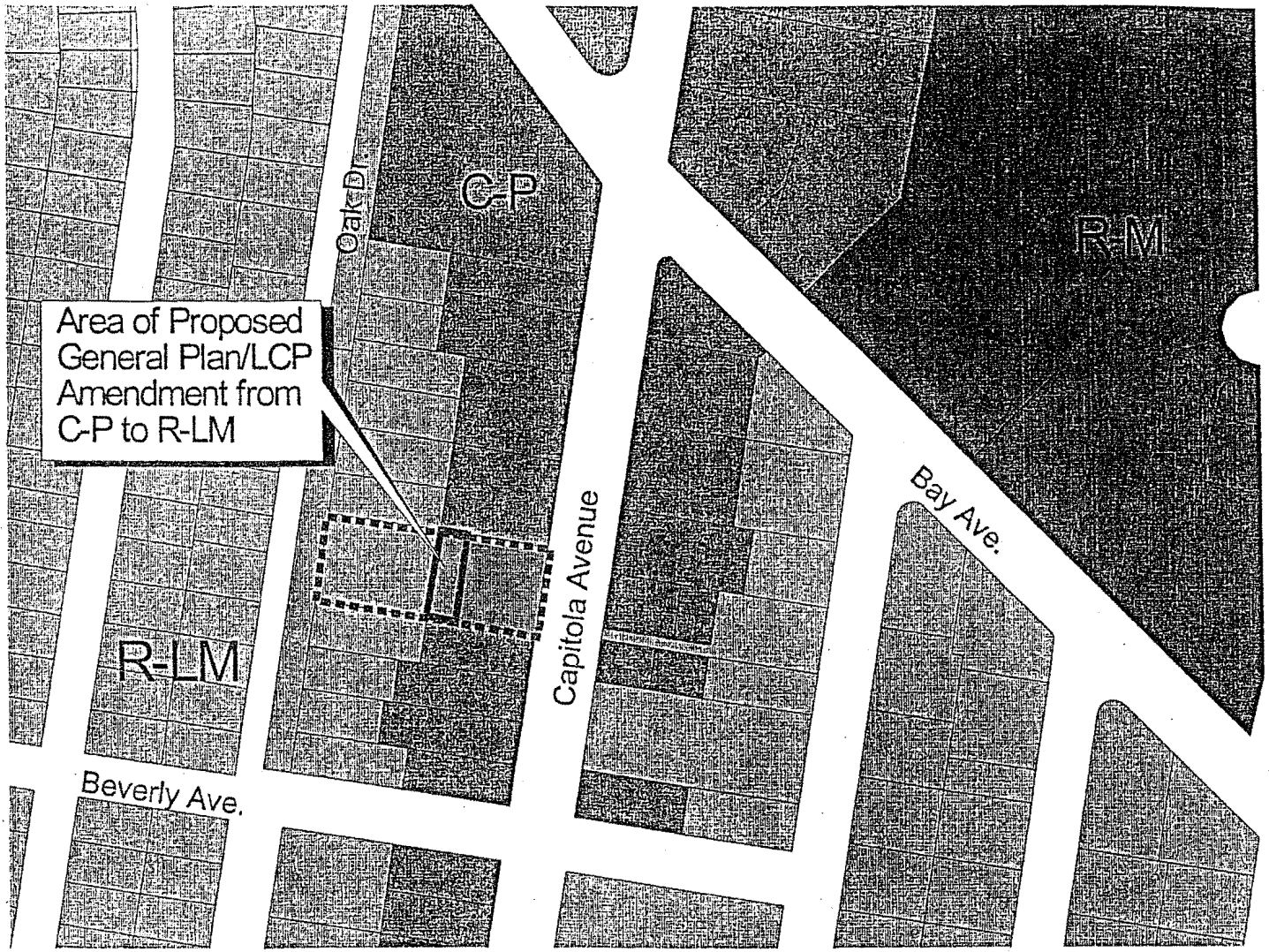
APPROXIMATE COASTAL ZONE

BOUNDARY

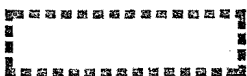
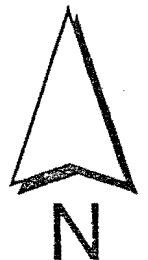
Approximate Site



CITY OF CAPITOLA
AMENDMENT TO THE GENERAL PLAN/LOCAL COASTAL PLAN MAP



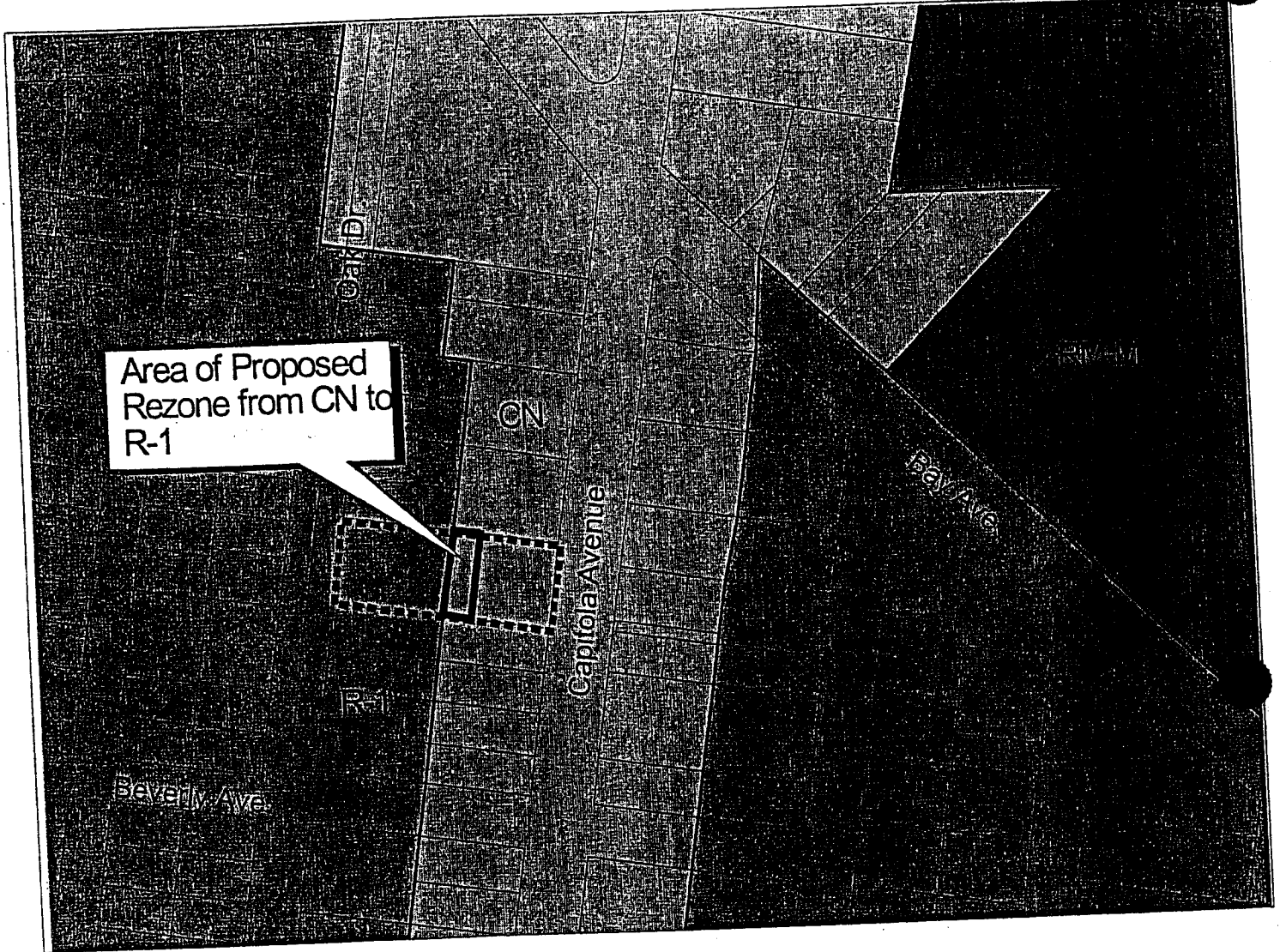
Applicant: Guy Tringali
Application #: 00-54
APN: 035-301-12
Address: 609 Capitola Avenue



Subject Parcel

EXHIBIT NO. 3
APPLICATION NO.
CAP-MAJ-1-01
PG 1 of 1 California Coastal Commission


CITY OF CAPITOLA AMENDMENT TO THE ZONING MAP

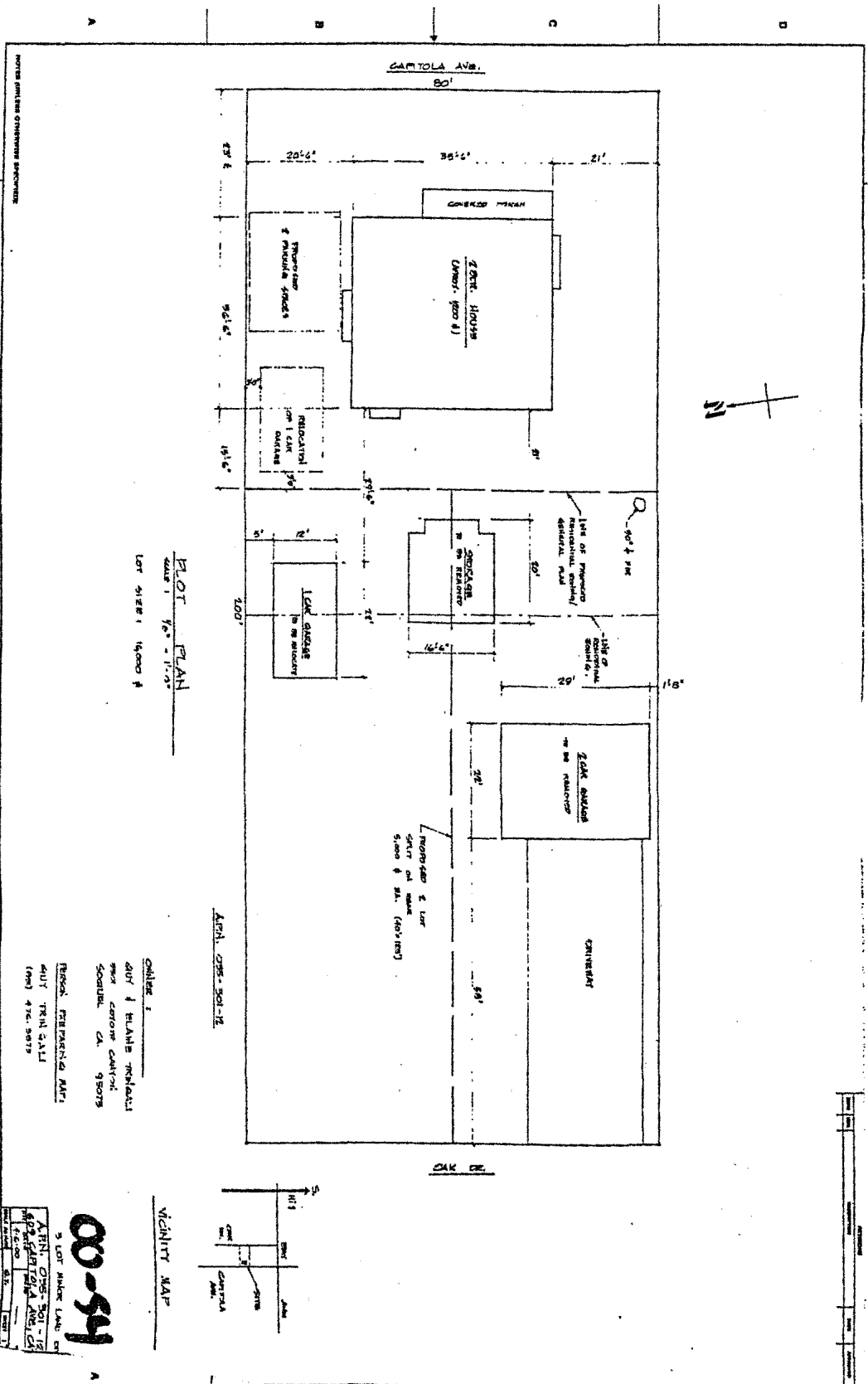


Applicant: Guy Tringali
Application #: 00-54
APN: 035-301-12
Address: 609 Capitola Avenue

 Subject Parcel



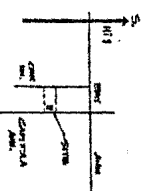
EXHIBIT NO. 4
APPLICATION NO.
CAP-MAJ-1-01
PR 1d1
 California Coastal Commission



LOT PLAN
 DATE: 1/28/79
 LOT SIZE: 16,000 sq ft


OWNER:
 DOT & BLAINE REHMAN
 7000 CAROLINE CANYON
 SOQUEL, CA 95075

TRUCK PREPARED MAP:
 4017 TRIN SULLI
 (408) 476-5075



VICINITY MAP

00-54
 3 LOT MAKE LAMB BY
 APN: 025-301-15
 408 CARTOLA AVE CA
 95075

EXHIBIT NO. 5
APPLICATION NO.
CAP-MAJ-1-01
 PG 1 of 1 California Coastal Commission

