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FEBRUARY 7, 2018 HEARING

EXHIBITS

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16.04.010 Citations to Government Code.

A. The format of this title is designed to be coordinated with the numbering of the Subdivision Map Act.

B. Parallel citations from the Government Code can be determined by adding the numbers “664” immediately preceding the section number found in the ordinance codified in this title. Thus, Section 11 of Ordinance [483](#) will find its parallel in Government Code Section [66411](#). (Ord. [483](#) § 1(A), 1980)

16.04.020 Adoption by reference.

Where a Government Code section is self-explanatory, it has been made a part of this title by means of the following language:

“Government Code incorporated by reference.” Such incorporation by reference is intended to include future amendments of the Subdivision Map Act by the California Legislature, as well as the wording of the particular Government Code section at the time of passage of the ordinance codified in this title. Where necessary, explanatory language has been included in any section of this title which incorporates a Government Code section by reference. (Ord. [483](#) § 1(B), 1980)

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16.08.010 Reserved.

(Ord. [483](#) § 14, 1980)

16.08.020 Advisory agency.

“Advisory agency” means the planning commission of the city of Capitola. (Ord. [483](#) § 15, 1980)

16.08.030 Appeal board.

“Appeal board” means the city council of the city of Capitola. (Ord. [483](#) § 16, 1980)

16.08.040 County surveyor.

“County surveyor” means the surveyor of Santa Cruz County. (Ord. [483](#) § 17, 1980)

16.08.050 Design.

Government Code Section [66418](#) incorporated by reference. (Ord. [483](#) § 18, 1980)

16.08.052 Flag Lot.

“Flag lot” also known as a “panhandle lot” – A lot predominantly situated behind another lot and having access to a street by means of a narrow portion of the flag lot extending out to a street.

16.08.054 Frontage.

“Frontage” means that portion of a property abutting a street.

16.08.060 Improvement.

Government Code Section [66419](#) incorporated by reference. (Ord. [483](#) § 19, 1980)

16.08.070 Local agency.

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“Local agency” means the city of Capitola. (Ord. [483](#) § 20, 1980)

16.08.080 Local ordinance.

“Local ordinance” refers specifically to the ordinance codified in this title, together with provisions of any other Capitola ordinances which meet the criteria of Government Code Section [66421](#), which is incorporated by reference. (Ord. [483](#) § 21, 1980)

16.08.082 Lot Line Adjustment.

“Lot line adjustment” refers to a process to realign the property lines between four or fewer legal lots where land is taken from a parcel and added to an adjoining parcel and no new lots are created.

16.08.090 Streets.

“Streets” means a public or private way more than 20 feet in width which affords a primary or principal means of access to an abutting property. “Streets” includes private roads and highways. (Ord. [483](#) § 22, 1980)

16.08.100 Subdivider.

Government Code Section [66423](#) incorporated by reference. (Ord. [483](#) § 23, 1980)

16.08.110 Subdivision, major division and minor division defined.

“Subdivision” is defined in Government Code Section [66424](#), which is incorporated by reference. “Major division” means a division or proposed division of a parcel into five or more parcels. “Minor division” means a division or proposed division of a parcel into two, three or four parcels. Designated remainder parcels, as defined by Government Code Section 66424.6 shall not be included in the computation of the number of lots for major or minor divisions. (Ord. [493](#) (part), 1980; Ord. [483](#) § 24, 1980)

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[16.12.130](#) Rights of appeal from planning commission decisions.

16.12.010 Reserved.

(Ord. [483](#) § 51, 1980)

16.12.020 Time limits – Extension by mutual consent.

The time limits specified in this title for reporting and acting on maps may be extended by mutual consent of the subdivider and the advisory agency or legislative body required to report or act. (Ord. [483](#) § 51.1, 1980)

16.12.030 Fees.

The city council may establish reasonable fees for the processing of tentative, final, and parcel maps and other procedures contemplated by the Subdivision Map Act by means of resolution. (Ord. [483](#) § 51.2, 1980)

16.12.040 Time and notice of public hearings held pursuant to this title or Subdivision Map Act.

Government Code Section [66451.3](#) incorporated by reference. (Ord. [483](#) § 51.3, 1980)

16.12.050 Correction and amendment of maps.

Government Code Sections [66469](#) through [66472](#) incorporated by reference. (Ord. [483](#) § 69, 1980)

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16.12.060 Approval or disapproval of map, depending upon whether imposed conditions have been performed.

Government Code Section [66473](#) incorporated by reference. Any person applying for approval of a tentative map and who desires a waiver of the provisions of this section on the grounds that failure of the map is a result of a technical and inadvertent error may, at the time of the consideration of application for final map, request that the city council determine whether the errors are, indeed, technical or inadvertent and do not materially affect the validity of the map. (Ord. [483](#) § 73, 1980)

16.12.070 Requirement for provision of future passive or natural heating or cooling opportunities.

Government Code Section [66473.1](#) incorporated by reference. (Ord. [483](#) § 73.1, 1980)

16.12.080 Proposed subdivisions must be consistent with general plan.

Government Code Section [66473.5](#) incorporated by reference. (Ord. [483](#) § 73.5, 1980)

16.12.090 Findings requiring denial of final or tentative maps.

The [planning commission or](#) city council shall deny approval of a final or tentative map if it makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision. In this connection, the city council may approve a map if it finds that alternate easements for access or for use will be provided, and

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that these will be substantially equivalent to ones previously acquired by the public. This subsection shall apply only to easements of record or to easements established by judgment of a court of competent jurisdiction.

(Ord. [483](#) § 74, 1980)

16.12.100 Mandatory approval of final maps in accord with tentative maps.

Government Code Section [66474.1](#) incorporated by reference. (Ord. [483](#) § 74.1, 1980)

16.12.110 Additional requirements for subdivisions which are also land projects.

Government Code Section [66474.5](#) incorporated by reference. (Ord. [483](#) § 74.5, 1980)

16.12.120 Waste discharge may not violate regional water quality control board requirements.

Government Code Section [66474.6](#) incorporated by reference. (Ord. [483](#) § 74.6, 1980)

16.12.130 Rights of appeal from planning commission decisions.

Government Code Section [66474.7](#) incorporated by reference. All planning commission decisions pursuant to this title which are otherwise final are appealable by any interested person to the city council in the manner provided in Section ~~2.52 16.16.130~~. (Ord. [483](#) § 74.7, 1980)

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16.16.010 When tentative and parcel maps may be required or waived.

Tentative maps shall be required where this title requires parcel maps. Parcel maps shall be required for subdivisions unless the preparation of a parcel map is waived pursuant to the provisions set forth in Sections [16.16.020](#) through [16.16.070](#). (Ord. [483](#) § 28 (part), 1980)

16.16.020 Waiver of requirement.

The requirement under the Subdivision Map Act of a parcel map shall be waived in accordance with the procedures set forth in Sections [16.16.020](#) through [16.16.070](#). A tentative map may be required in cases where a parcel map is waived. (Ord. [483](#) § 28(A), 1980)

16.16.030 Waiver – Application – Fee.

An application for waiver of the requirement of a parcel map shall be filed with the city upon such forms and accompanied by a plot plan and such information as may be prescribed by the city. The filing of such application shall be accompanied with payment of a filing fee of \$ _____, or such other fee as may hereafter be set by resolution of the city council. (Ord. [483](#) § 28(B), 1980)

16.16.040 Waiver – Action by commission.

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A. The planning commission, or the city council, on appeal, shall by written document or resolution approve the application for waiver if it finds that the proposed division of land complies with such requirements of the Subdivision Map Act and city ordinances as to area, improvement and design, floodwater drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection, and other requirements of the Subdivision Map Act or local ordinance enacted pursuant thereto, so long as the monumentation for the resulting parcels is adequate.

B. Any requirements for the construction of reasonable off-site and on-site improvements for a parcel being created by the proposed division of land shall be set forth in the instrument approving the application of waiver. The construction of such improvements shall be required prior to the subsequent issuance of a permit or other grant of approval by the city for the development of such parcel, but fulfillment of such construction requirement shall not be required until such time as a permit or other grant of approval is issued by the city. (Ord. [483](#) § 28(C), 1980)

16.16.050 Waiver – Approval for and issuance and recording of certificate of compliance.

Approval of an application for waiver of the requirement of a parcel map shall automatically constitute approval for the issuance of a certificate of compliance pursuant to the provisions of Section 66499.35 of the Subdivision Map Act and Section [16.64.030](#) of this title. When approval has been given to an application for waiver of requirement of a parcel map, then concurrently therewith or at any time thereafter, at the request of the owner of the property, the city shall, without further application or proceedings, issue a certificate of compliance consistent with such waiver and shall cause said certificate of compliance to be filed for record with the recorder of Santa Cruz County, in the manner set forth in Section [16.64.030](#) of this title. (Ord. [483](#) § 28(D), 1980)

16.16.060 Waiver – Government agencies.

In situations where the property is either conveyed or leased, either by or to the state, the county, the city, or any local agency, the community development director may waive the parcel map requirements with or without application from one of the involved parties. (Ord. [483](#) § 28(E), 1980)

16.16.070 Waiver – Findings required.

No waiver shall be granted unless a finding of the variety required by Government Code Section [66428](#) is made. (Ord. [483](#) § 28(F), 1980)

16.16.080 Tentative map – Filing.

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Tentative maps shall be filed with the community development director as a necessary part of any application for either a major division or a minor division. They shall be in such detail as the community development director determines is necessary to provide accurate, and adequate information, such that there can be informed planning commission action upon the application. (Ord. [493](#)(part), 1980; Ord. [483](#) § 52, 1980)

16.16.090 Time limitation on planning commission deliberations – Approval, disapproval or recommendations on major and minor divisions.

A. The planning commission shall render its decision ~~for minor divisions and offer or~~ recommendations ~~upon applications~~ for major divisions ~~and minor divisions~~ within the times specified in Government Code Section [66452.1](#).

B. Regarding applications for major divisions, the planning commission may recommend to the city council that the city council approve the application subject to any conditions which the planning commission recommends as appropriate. If the planning commission disapproves an application for major division, that decision is final unless appealed to the city council by the applicant in accord with the procedures specified in Section

~~2.52 16.16.130.~~

C. Regarding applications for minor divisions, the planning commission is authorized to conditionally approve, or disapprove, such application and all such decisions, unless appealed pursuant to Section ~~16.16.130~~[2.52](#), shall be final. (Ord. [493](#) (part), 1980; Ord. [483](#)§ 52.1, 1980)

16.16.100 City council proceedings upon applications for major division which have been recommended for approval by planning commission.

Government Code Section [66452.2](#) incorporated by reference. (Ord. [493](#) (part), 1980; Ord. [483](#) § 52.2, 1980)

16.16.110 Staff and planning commission reports and recommendations on applications for major and minor divisions.

Government Code Section [66452.3](#) incorporated by reference. (Ord. [493](#) (part), 1980; Ord. [483](#) § 52.3, 1980)

16.16.120 Approval of applications for major or minor divisions as a result of planning commission or city council failure to act.

Government Code Section [66452.4](#) incorporated by reference. (Ord. [493](#) (part), 1980; Ord. [483](#) § 52.4, 1980)

16.16.130 Appeal procedures and time limitations with regard to appeals.

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~~Appeal of Planning Commission decisions may be appealed to the City Council in accordance with Section 2.52. Government Code Section 66452.5 incorporated by reference. The appeal board is the city council. With respect to Government Code Section 66452.5(d), "interested persons" does not include persons who do not meet any of the following criteria:~~

~~A. Do not live within the city;~~

~~B. Do not live within one-fourth mile of the property under consideration;~~

~~C. Do not own property or operate a business within one-fourth mile of the property under consideration.~~

~~Interested persons may appeal planning commission decisions made under the authority of this title.~~

~~(Ord. 483 § 52.5, 1980)~~

16.16.140 Expiration of approved applications for major divisions or minor divisions.

Approved or conditionally approved applications for major divisions and minor divisions shall be subject to the provisions of Government Code Sections [66452.6](#) and [66463.5](#). Approvals shall expire within ~~twelve~~[twentyfour](#) months unless formally extended by the body which granted the approval. All stay proceedings provided for by Government Code Section [66452.6](#)(c) shall be heard by the city council in accordance with its normal public hearing procedures. (Ord. [493](#) (part), 1980; Ord. [483](#) § 52.6, 1980)

16.16.150 Extension of tentative map approval time to allow consideration by office of intergovernmental management.

Government Code Section [66452.7](#) incorporated by reference. (Ord. [483](#) § 52.7, 1980)

16.16.160 Review of tentative map by intergovernmental agencies.

Government Code Sections [66453](#) through [66455.7](#) incorporated by reference. (Ord. [483](#) § 53, 1980)

16.16.170 Procedure for dedication.

Any parcel map which contemplates that any public or offsite improvements will be made after the recordation of the parcel map must be approved by the city council. Tentative maps for minor division which do not involve either dedications or deferred public or offsite improvements may be approved as parcel ~~maps~~[maps](#) by the planning commission. (Ord. [493](#) (part), 1980; Ord. [483](#) § 63, 1980)

16.16.180 Expiration of approved applications for minor divisions.

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See Section [16.16.140](#). (Ord. [493](#) (part), 1980; Ord. [483](#) § 63.5, 1930)

16.16.190 Tree removal.

Applications for tentative map may request that trees for which removal is contemplated may be so designated upon the approved tentative and final maps. The city may condition any such approvals with measures necessary to ensure that if the trees are, in fact, removed the project will also be finished. Upon such approval and appropriate designation appearing upon the tentative or final map, any such designated trees may be removed without the owner of the property having to comply with any other tree removal ordinances of the city, provided such removal takes place within three years of the approval of the tentative map. (Ord. [483](#) § 100, 1980)

16.16.200 Subdivisions in the coastal zone

Subdivision applications which involve property located in the coastal zone shall require a Coastal Development Permit pursuant to Municipal Code Chapter 17.46, Coastal Zone Combining District (as may be amended). Within the coastal zone, a subdivision shall not be approved or conditionally approved unless the existing parcels are legal and the new parcels resulting from the subdivision will conform to the Local Coastal Program, including minimum parcel size and density.

Chapter 16.20 FINAL MAPS

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- [16.20.020](#) Content and form requirements of final maps – Requirement of civil engineer or licensed land surveyor preparation.
- [16.20.030](#) Owner's development liens created pursuant to Education Code Section 39327 must be shown on final map.
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- [16.20.070](#) Dedications and offers of dedications must be certified on final map.
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16.20.010 Reserved.

(Ord. [483](#) § 33, 1980)

16.20.020 Content and form requirements of final maps – Requirement of civil engineer or licensed land surveyor preparation.

Government Code Section [66434](#) incorporated by reference. (Ord. [483](#) § 34, 1980)

16.20.030 Owner's development liens created pursuant to Education Code Section 39327 must be shown on final map.

Government Code Section [66434.1](#) incorporated by reference. All geologic/ engineering reports prepared in conjunction with an application to subdivided property shall be noted on the map as provided in Government Code Section [66434](#)(f). (Ord. [628](#) § 2, 1987; Ord. [483](#) § 34.1, 1980)

16.20.040 Public inspection of soils and geologic reports.

The soils report, geologic report, or soils and geologic reports specified in subdivision (f) of Section 66434 shall be kept on file for public inspection by the city. (Ord. [483](#) § 34.5, 1980)

16.20.050 Combining certificates and acknowledgments.

Prior to filing, those certificates and acknowledgments set forth in this chapter shall appear on the final map and may be combined where appropriate. (Ord. [483](#) § 35, 1980)

16.20.060 Certificates of all parties having record title interest in real property to be subdivided – Requirement thereof – Exceptions.

Government Code Section [66436](#) incorporated by reference. (Ord. [483](#) § 36, 1980)

16.20.070 Dedications and offers of dedications must be certified on final map.

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Government Code Section [66439](#) incorporated by reference. (Ord. [483](#) § 39, 1980)

16.20.080 City clerk certificate required of all final maps – Contents of certificate.

Government Code Section [66440](#) incorporated by reference. (Ord. [483](#) § 40, 1980)

16.20.090 Engineer’s or surveyor’s certificate required on parcel maps.

Government Code Section [66441](#) incorporated by reference. (Ord. [483](#) § 41, 1980)

16.20.100 Form of engineer’s or surveyor’s certificate.

Government Code Section [66449](#) incorporated by reference. (Ord. [483](#) § 49, 1980)

16.20.110 Submission of parcel maps to city engineer – Twenty days for action thereon – Form of city engineer’s certificate.

Government Code Section [66450](#) incorporated by reference. (Ord. [483](#) § 50, 1980)

16.20.120 Multiple final maps.

Government Code Section [66456.1](#) incorporated by reference. (Ord. [483](#) § 56.1, 1980)

16.20.130 Request for final map approval.

Government Code Section [66457](#) incorporated by reference. (Ord. [483](#) § 57, 1980)

16.20.140 Time limitations for decision by city council as to whether required conditions have been met.

Government Code Section [66458](#) incorporated by reference. (Ord. [483](#) § 58, 1980)

16.20.150 Subdivision agreements.

If, at the time of approval of the final map by the city council, any public improvements required by the city pursuant to this chapter or the California Subdivision Map Act have not been completed and accepted in accordance with standards established by the city at the time of the approval or conditional approval of the tentative map, the city council, as a condition precedent to the approval of the final map, shall require the subdivider to enter into one of the agreements, as specified by the city council, that are referenced in California

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Government Code Section [66462](#) (Subdivision Map Act). All such agreements shall, at a minimum, comply with the requirements specified in California Government Code Section [66462](#). (Ord. [884](#) § 2, 2005)

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“Planning Commission” as used in this chapter means a five-person advisory body appointed by the city council and authorized to issue decisions on minor land divisions and to review and make recommendations on major land divisions in accordance with section 16.16.090. ~~city council with regard to any matter first heard by the planning commission but later reviewed by the city council.~~ (Ord. [483](#) § 11(A), 1980)

16.24.020 Standard specifications for improvements.

In addition to the specifications contained in this chapter, improvements required pursuant to any tentative map, parcel map, or subdivision map must meet the requirements of the ~~1973~~ city's “Standard Drawings” which are incorporated herein by reference and which contain specifications relative to streets, sidewalks, storm drains, signs, elevation grades, street tree placement, railways, fences, and street lighting. (Ord. [483](#) § 11(B), 1980)

16.24.030 Street alignment.

All streets shall as far as practicable be in alignment with existing adjacent streets by continuance of the centerline thereof or by adjustments by curves and shall be in general conformity with the plans of the planning commission for the most advantageous development of the area in which the subdivision lies.

(Ord. [483](#) § 11(C)(1), 1980)

16.24.040 Intersection angles.

Streets shall be required to intersect one another at an angle as near to a right angle as is practicable in each specific case. (Ord. [483](#) § 11 (C)(2), 1980)

16.24.050 Dead-ends and cul-de-sacs.

Where necessary to give access to or permit a satisfactory future subdivision of adjoining land, streets shall extend to the boundaries of the property and the resulting dead-end streets may be approved without a turnaround. In all other cases, a turnaround having a minimum radius of thirty-two feet shall be required.

(Ord. [483](#) § 11 (C)(3), 1980)

16.24.060 Intersection corner rounding.

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Whenever a major street or state highway intersects any other street or highway, the property lines at each block corner shall be rounded with a curve having a radius of not less than thirty feet. On all other street intersections, the property line at each block corner shall be rounded with a curve having a radius of not less than twenty feet. In either case, a greater curve radius may be required if streets intersect other than at right angles. (Ord. [483](#) § 11(C)(4), 1980)

16.24.070 Curve radius.

The centerline curve radius on all streets and highways shall conform to accepted engineering standards of design and shall be subject to approval of the public works director. (Ord. [483](#) § 11(C)(5), 1980)

16.24.080 Grades of streets and highways.

No street or highway shall have a grade of less than five-tenths percent nor more than seven percent unless, because of topographical conditions or other exceptional conditions, the public works director determines otherwise. (Ord. [483](#) § 11(C)(6), 1980)

16.24.090 Non-access strips.

Reserved strips controlling the access to public ways or minimizing values for special improvement assessments will not be approved, unless such strips are necessary for the protection of the public welfare or of substantial property rights, or both, and in no case unless the control and disposal of the land comprising such strips is placed definitely within the jurisdiction of the city under conditions approved by the planning commission. (Ord. [483](#) § 11(C)(7), 1980)

16.24.100 Street and highway widths.

Streets and highways not shown on a city master street and/or plan line for streets or highways plan or not affected by proceedings initiated by the council or approved by the council upon initiation by other legally constituted governmental bodies, shall not be of less width than those set forth under this chapter, except where it can be shown by the subdivider to the satisfaction of the planning commission that the topography of the small number of lots served and the probable future traffic development are such as to unquestionably justify a narrower width. Increased widths may be required where streets are to serve commercial property or where probable traffic condition warrant such. Approval or determination of street or highway classification shall be made by the planning commission. (Ord. [483](#) § 11(C)(8), 1980)

16.24.110 Service roads and off-street parking.

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When the front of any lots proposed for commercial usage front on any major or secondary street or highway, the subdivider shall be required to dedicate and improve a service road to provide ingress or egress to and from such lots or in lieu thereof, if approved by the planning commission, the subdivider shall be required to dedicate for public use and improve an area approved by the planning commission and adjacent to such lots for off-street parking purposes. When the front of any lots proposed for residential usage front on any freeway, state highway, or parkway, the subdivider shall dedicate and improve a service road at the front of such lots, unless such is already existent as a part of such freeway or parkway. In addition to any requirement for a service road, the planning commission shall require adequate off-street parking areas for all lots proposed for commercial usage. (Ord. [483](#) § 11(C)(9), 1980)

16.24.120 Non-access and planting strips.

When the rear of any lots border any major or secondary street, highway, or parkway, the subdivider may be required to execute and deliver to the city an instrument, deemed sufficient by the city attorney, prohibiting the right of ingress and egress to the rear of any lots across the side lines of such streets or highways. When the rear of any lots border any freeway, state highway, or parkway, the subdivider may be required to dedicate and improve a planting strip adjacent to such parkway or freeway. (Ord. [483](#) § 11(C)(10), 1980)

16.24.130 Alleys.

When any lots are proposed for commercial or industrial usage, alleys at least thirty feet in width may be required at the rear thereof with adequate ingress and egress for truck traffic. (Ord. [483](#) § 11(C)(11), 1980)

16.24.140 Street names.

All street names shall be as approved by the ~~Building Official-planning commission~~. (Ord. [483](#) § 11(C)(12), 1980)

16.24.150 Acre or large lot subdivision.

Where a parcel is subdivided into lots of one acre or more, the planning commission may require that the blocks shall be of such size and shape, and be so divided into lots as to provide for the extension and opening of streets and alleys at such intervals as will permit a subsequent division of any parcel into lots of normal size. (Ord. [483](#) § 11(C)(13), 1980)

16.24.160 Utilities, lighting and signs.

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A. Utilities. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground except where (1) subdivider makes a specific request for waiver of this requirement; (2) extremely unusual circumstances necessitate such waiver; (3) the planning commission approves such request and makes findings specifying the nature of the extremely unusual circumstance.

B. Easements. The subdivider shall grant easements not less than five feet in width for public utility, sanitary sewer, and drainage purposes on each side of rear lot lines, along side lot lines, and in planting strips wherever necessary, provided easements of lesser width may be allowed when at the determination of the city engineer the purpose of easements may be accomplished by easements of lesser width and provided further that in such determination the city engineer shall prescribe the width of such easements. If undergrounding is waived, overhead easements shall be at the rear of all lots, except where alleys are available, and in contiguous locations to permit anchorage, line continuity, ingress, and egress. Dedication of necessary easements shall be to the city for the purpose of installing utilities, planting strips, and for other public purpose as may be ordered or directed by the council.

C. Street Lighting. Street lighting shall be installed in accordance with city standards as provided by this title or other ordinances.

D. Street Signs and Hydrants. Street signs and hydrants shall be placed on all streets as directed by the city. (Ord. [483](#) § 11(D), 1980)

16.24.170 Lot Designs.

A. The size and shape of lots shall be in conformance to any zoning regulations effective in the area of the proposed subdivision unless an exception is granted by the Planning Commission pursuant to section [16.24.170\(H\)](#).

B. The side lines of all lots, so far as possible, shall be at right angles to the street which the lot faces, or radial or approximately radial if the street is curved.

C. The planning commission may require that building set-back lines shall be indicated by dotted lines on the subdivision map.

D. No lot shall be divided by a city boundary line.

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- E. Lots without 20-feet or more of frontage on a ~~dedicated public~~ street ~~of twenty feet or more~~ will not be permitted. Frontage requirements for flag lots may be satisfied by a driveway or private road accessing a street of twenty feet in width or more.
- F. Lots other than corner lots may front on more than one street where necessitated by topographic or other unusual conditions.
- G. In riparian corridors no lots may be created which do not contain adequate building area outside the riparian or stream setback. (See Chapter [17.95.](#)) (Ord. [634](#) § 2, 1987; Ord. [483](#) § 11(E), 1980)
- H. With the exception of minimum lot size requirements or subsections D and G above, the Planning Commission or the City Council may grant an exception to one or more of the design standards if they find that strict conformance is impractical due to the site's physical, topographic, or geometric conditions or if it would result in an undesirable or inferior subdivision design.

16.24.180 Walkways.

The subdivider may be required to dedicate and improve walkways across long blocks or to provide access to school, park, or other public areas. (Ord. [483](#) § 11(F), 1980)

16.24.190 Watercourses.

The subdivider shall, subject to riparian rights, dedicate a right-of-way for storm drainage purposed conforming substantially with the lines of any natural watercourse or channel, stream, or creek that traverses the subdivision, or at the option of the subdivider provide by dedication further and sufficient easements or construction, or both, to dispose of such surface and storm waters. (Ord. [483](#) § 11(G), 1980)

16.24.200 Deed restrictions.

A copy of the deed restrictions applicable to the subdivision shall be filed with the planning commission at the time of tentative map application. (Ord. [483](#) § 11(H), 1980)

16.24.210 Flood and geologic hazards.

If any portion of any land, within the boundaries shown on any such final map, is subject to overflow, inundation, flood hazard by storm waters, or other known geologic hazard, such fact and said portion shall be clearly shown on such final map, enclosed in a border on each sheet of said map. (Ord. [483](#) § 11(I), 1980)

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16.24.220 Erosion and grading control.

At the time of the application for any tentative map or parcel map, the applicant shall specify the general nature, the location, and the extent of all proposed grading activities. The community development director and the planning commission may require of the applicant all such technical information as is necessary to determine the erosion, including sedimentation, implications of the grading or any other development activities which may result from the applicant's project. The city shall have the authority to impose all such conditions as are necessary to prevent or mitigate damages resulting to off-site properties as a result of sedimentation or other erosion related problems. (Ord. [483](#) § 11(1), 1980)

16.24.230 Improvement approval.

A. Improvement work shall not be commenced until plans and profiles for such work have been submitted to and approved by the city engineer and/ or public works director. Such plans may be required before approval of the final map. All such plans and profiles shall be prepared on good quality tracing cloth or tracing paper in accordance with requirements of the city engineer and/or public works director, and all tracings shall become the property of the city. At completion of work, original tracings shall be made as built and filed with the city.

B. All required improvements shall be constructed under the inspection of and subject to approval of the public works director. Cost of inspection shall be paid by the subdivider in any such amount as may be set by city council resolution.

C. All underground utilities, sanitary sewers, and storm drains installed in streets, service roads, alleys, or highways shall be constructed prior to the surfacing of such streets, service roads, alleys, or highways. Service connections for all underground utilities and sanitary sewers shall be placed to such length as will obviate the necessity for disturbing the street or alley improvements, when service connections thereto are made.

D. Technical details regarding improvements which are not specifically set forth in this ordinance or other ordinances of the city shall be determined by the public works director or the city engineer. (Ord. [483](#) § 11(K), 1980)

16.24.240 City regulation of divisions into four or fewer lots – Limitations on city's ability to impose requirements – Required improvements must be noted on map – Time when city-required improvements must be constructed – Required findings.

Government Code Section [66411.1](#) incorporated by reference. (Ord. [483](#) § 11.1, 1980)

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16.24.250 Limitations on applicability of Subdivision Map Act.

Government Code Section [66412](#) incorporated by reference. (Ord. [483](#) § 12.1, 1980)

16.24.260 In applying title, housing needs of the region must be considered.

Government Code Section [66412.2](#) incorporated by reference. (Ord. [483](#) § 12.2, 1980)

16.24.270 Reserved.

(Ord. [483](#) § 12.5, 1980)

16.24.280 Effect of annexation on county-approved maps.

Government Code Section [66413](#) incorporated by reference. (Ord. [483](#) § 13, 1980)

Chapter 16.28 DEDICATIONS

Sections:

- [16.28.010](#) Required dedications.
- [16.28.020](#) Dedications for bicycle path approval.
- [16.28.030](#) Dedications for local transit facilities.
- [16.28.040](#) Solar easements.
- [16.28.050](#) Non-access strips.
- [16.28.060](#) Dedication or in-lieu fees for park and recreational purposes.
- [16.28.070](#) Acceptance or rejection of offer of dedication at time of approval of final map.
- [16.28.080](#) Acceptance of offer of dedication after acceptance of final map.
- [16.28.090](#) Acceptance of dedication offers not final until recordation of map.
- [16.28.100](#) Dedication to school districts.
- [16.28.110](#) Mandatory requirements for provision of public access to public resources.
- [16.28.120](#) Reservation of areas for parks, recreational facilities, fire stations, libraries, or other public uses.

16.28.010 Required dedications.

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Government Code Section [66475](#) incorporated by reference. It is the city's intention to maintain maximum authority under said section. (Ord. [483](#) § 75, 1980)

16.28.020 Dedications for bicycle path approval.

Government Code Section [66475.1](#) incorporated by reference. The city council may, in approving any subdivision, to the fullest extent provided in Government Code Section [66475.1](#), require the dedication of land for the purpose of providing bicycle paths. (Ord. [483](#) § 75.1, 1980)

16.28.030 Dedications for local transit facilities.

The city council, in approving subdivisions, may in the criteria of Government Code Section [66475.2](#), require dedications for purposes of providing local transit facilities as contemplated by said Government Code Section. (Ord. [483](#) § 75.2, 1980)

16.28.040 Solar easements.

Reserved. (Ord. [483](#) § 75.3, 1980)

16.28.050 Non-access strips.

In approving any subdivision that the city may require, to the fullest extent allowed by Government Code Section [66476](#), a waiver of direct access rights to streets abutting upon the subdivided property may be included. (Ord. [483](#) § 76, 1980)

16.28.060 Dedication or in-lieu fees for park and recreational purposes.

In approving subdivisions, the city may, to the fullest extent allowable under Government Code Section [66477](#), require the dedication of land or the payment of fees in lieu thereof, or a combination of both, for park and recreational purposes, so long as the criteria of Government Code Section [66477](#) are met. (Ord. [483](#) § 77, 1980)

16.28.070 Acceptance or rejection of offer of dedication at time of approval of final map.

Government Code Section [66477.1](#) incorporated by reference. (Ord. [483](#) § 77.1, 1980)

16.28.080 Acceptance of offer of dedication after acceptance of final map.

Government Code Section [66477.2](#) incorporated by reference. (Ord. [483](#) § 77.2, 1980)

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16.28.090 Acceptance of dedication offers not final until recordation of map.

Government Code Section [66477.3](#) incorporated by reference. (Ord. [483](#) § 77.3, 1980)

16.28.100 Dedication to school districts.

Reserved. (Ord. [483](#) § 78, 1980)

16.28.110 Mandatory requirements for provision of public access to public resources.

Government Code Sections [66478.1](#) through [66478.14](#) incorporated by reference. (Ord. [483](#) § 78.1, 1980)

16.28.120 Reservation of areas for parks, recreational facilities, fire stations, libraries, or other public uses.

Government Code Sections [66479](#) through [66482](#) incorporated by reference. The city shall have all authority provided by said Government Code sections, provided its adopted specific plans and general plans contain sufficient specificity. (Ord. [483](#) § 79, 1980)

Chapter 16.32 GENERAL STANDARDS

Sections:

[16.32.010](#) Reserved.

[16.32.020](#) Divisions of land which require tentative maps, final maps, or parcel maps are required.

[16.32.030](#) Maps not showing buildings or division of air space do not preclude city regulation by ordinance

of design or location of buildings – Fee computation.

[16.32.040](#) Findings required for conversion of condominiums, etc.

[16.32.050](#) Certain restrictions on condominium, etc., conversions only allowed when contained in general or specific plans.

[16.32.060](#) Reserved.

[16.32.070](#) Consent of all parties necessary for final or parcel map.

[16.32.080](#) When county surveyor may perform city engineer duties.

[16.32.090](#) Requirements for conversion of mobile home parks.

* The provisions of this chapter correlate to Chapter 2 Article 1 of the Subdivision Map Act.

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16.32.010 Reserved.

(Ord. [483](#) § 25, 1980)

16.32.020 Divisions of land which require tentative maps, final maps, or parcel maps are required.

Government Code Section [66426](#) incorporated by reference. (Ord. [483](#) § 26, 1980)

16.32.030 Maps not showing buildings or division of air space do not preclude city regulation by ordinance of design or location of buildings – Fee computation.

Government Code Section [66427](#) incorporated by reference. (Ord. [483](#) § 27, 1980)

16.32.040 Findings required for conversion of condominiums, etc.

Government Code Section [66427.1](#) incorporated by reference. (Ord. [483](#) § 27.1, 1980)

16.32.050 Certain restrictions on condominium, etc., conversions only allowed when contained in general or specific plans.

Government Code Section [66427.2](#) incorporated by reference. See also city ordinance No. 460. (Ord. [483](#) § 27.2, 1980)

16.32.060 Reserved.

(Ord. [483](#) § 29, 1980)

16.32.070 Consent of all parties necessary for final or parcel map.

Government Code Section [66430](#) incorporated by reference. (Ord. [483](#) § 30, 1980)

16.32.080 When county surveyor may perform city engineer duties.

Government Code Section [66431](#) incorporated by reference. (Ord. [483](#) § 31, 1980)

16.32.090 Requirements for conversion of mobile home parks.

For additional requirements for conditional use permits involving the conversion of mobile home parks, see Chapter [17.90](#). (Ord. [576](#) § 4, 1984)

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Chapter 16.36 FEES

Sections:

[16.36.010](#) Fees for planned drainage facilities, removal of surface and storm waters, and construction of planned sanitary sewer facilities.

[16.36.020](#) Fees for defraying actual and estimated costs of constructing bridges or major thoroughfares.

[16.36.030](#) Fees for groundwater recharge facilities.

16.36.010 Fees for planned drainage facilities, removal of surface and storm waters, and construction of planned sanitary sewer facilities.

Government Code Section [66483](#) incorporated by reference. (Ord. [483](#) § 83, 1980)

16.36.020 Fees for defraying actual and estimated costs of constructing bridges or major thoroughfares.

The city shall have the authority to require payment of fees as described in Government Code Section [66484](#), which is by reference incorporated in this chapter. Particular emphasis is called to the following facts: these must be imposed by specific reference to the circulation element of the general plan; there must be a public hearing; there must be a fair method of allocating costs. (Ord. [483](#) § 84, 1980)

16.36.030 Fees for groundwater recharge facilities.

Reserved. (Ord. [483](#) § 84.5, 1980)

Chapter 16.40 REIMBURSEMENT FOR EXPENSES

Sections:

[16.40.010](#) City may require improvements which contain supplemental size or capacity.

[16.40.020](#) Agreement with subdivider for reimbursement of portion of subdivider's costs.

[16.40.030](#) Drainage for sanitary sewer area fees.

[16.40.040](#) Establishment of area of benefit.

16.40.010 City may require improvements which contain supplemental size or capacity.

The city shall have maximum authority under Government Code Section [66485](#), and by this reference incorporates that section. (Ord. [483](#) § 85, 1980)

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16.40.020 Agreement with subdivider for reimbursement of portion of subdivider's costs.

Government Code Sections [66484](#) through [66487](#) incorporated by reference. (Ord. [483](#) § 86, 1980)

16.40.030 Drainage for sanitary sewer area fees.

Government Code Section [66488](#) incorporated by reference. (Ord. [483](#) § 88, 1980)

16.40.040 Establishment of area of benefit.

Government Code Section [66489](#) incorporated by reference. (Ord. [483](#) § 89, 1980)

Chapter 16.44 SOILS REPORT

Sections:

[16.44.010](#) Preliminary soils report required.

[16.44.020](#) Soils investigation.

16.44.010 Preliminary soils report required.

A preliminary soils report, in accord with Government Code Section [66490](#), shall be required of all subdivisions of five or more lots and may be required for applications to divide property into four or fewer parcels. However, preliminary soils reports may be waived if the determinations outlined in Government Code Section [66491](#) are made by the city. (Ord. [483](#) § 90, 1980)

16.44.020 Soils investigation.

Government Code Section [66491](#)(b) incorporated by reference. (Ord. [483](#) § 91, 1980)

Chapter 16.48 TAXES AND ASSESSMENTS

Sections:

[16.48.010](#) Taxes and assessments.

16.48.010 Taxes and assessments.

Government Code Sections [66492](#) through [66494](#) incorporated by reference. (Ord. [483](#) § 92, 1980)

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Chapter 16.52 MONUMENTS

Sections:

- [16.52.010](#) Required monumentation.
- [16.52.020](#) Circumstances where interior monuments need not be set.
- [16.52.030](#) Notice of final setting of all monuments and payments of fees.
- [16.52.040](#) Death, disability or retirement of engineer or surveyor setting monuments.

16.52.010 Required monumentation.

Government Code Section [66495](#) incorporated by reference. (Ord. [483](#) § 95, 1980)

16.52.020 Circumstances where interior monuments need not be set.

Government Code Section [66496](#) incorporated by reference. (Ord. [483](#) § 96, 1980)

16.52.030 Notice of final setting of all monuments and payments of fees.

Government Code Section [66497](#) incorporated by reference. (Ord. [483](#) § 97, 1980)

16.52.040 Death, disability or retirement of engineer or surveyor setting monuments.

Government Code Section [6698](#) incorporated by reference. (Ord. [483](#) § 98, 1980)

Chapter 16.56 IMPROVEMENT SECURITY

Sections:

- [16.56.010](#) Manner of providing security.
- [16.56.020](#) Form of faithful performance bonds.
- [16.56.030](#) Form of bond for the security of laborers and materialmen.
- [16.56.040](#) Amount of security which must be provided.
- [16.56.050](#) Procedure for reducing the amount of security.
- [16.56.060](#) Security immune from attachment.
- [16.56.070](#) Cases where performance of secured obligation is subject to approval of another agency.
- [16.56.080](#) Limitations of liability upon security given.
- [16.56.090](#) Lawsuit against security or surety.

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16.56.010 Manner of providing security.

The city disfavors the practice of allowing recordation of the final map before actual completion of all improvements. However, upon a clear showing of desirability or need, and upon approval of the city council, improvements may be allowed after recordation of the final map. In such a situation, and in any other situation in which act or agreement arises pursuant to this title, such security may be in any of the forms provided in Government Code Section [66499](#), which is by this reference incorporated in this chapter. (Ord. [483](#) § 99, 1980)

16.56.020 Form of faithful performance bonds.

Government Code Section [66499.1](#) incorporated by reference. (Ord. [483](#) § 99.1, 1980)

16.56.030 Form of bond for the security of laborers and materialmen. Government

Code Sections [66499.2](#) incorporated by reference. (Ord. [483](#) § 99.2, 1980)

16.56.040 Amount of security which must be provided.

Government Code Sections [66499.3](#) and [66499.4](#) incorporated by reference. (Ord. [483](#) § 99.3, 1980)

16.56.050 Procedure for reducing the amount of security.

Government Code Sections [66499.5](#) and [66499.7](#) incorporated by reference. (Ord. [483](#) § 99.5, 1980)

16.56.060 Security immune from attachment.

Government Code Section [66499.6](#) incorporated by reference. (Ord. [483](#) 599.6, 1980)

16.56.070 Cases where performance of secured obligation is subject to approval of another agency.

Government Code Section [66499.8](#) incorporated by reference. (Ord. [483](#) § 99.8, 1980)

16.56.080 Limitations of liability upon security given.

Government Code Section [66599.9](#) incorporated by reference. (Ord. [483](#) § 99.9, 1980)

16.56.090 Lawsuit against security or surety.

Government Code Section [66499.10](#) incorporated by reference. (Ord. [483](#) § 99.10, 1980)

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Chapter 16.60 REVERSIONS AND EXCLUSIONS

Sections:

- [16.60.010](#) Commencement of proceedings for reversion to acreage.
- [16.60.020](#) Form of petition.
- [16.60.030](#) Fee.
- [16.60.040](#) Notice.
- [16.60.050](#) Required findings.
- [16.60.060](#) Mandatory conditions of reversion.
- [16.60.070](#) Reversion, when effective.
- [16.60.080](#) Return of fees and deposits.
- [16.60.090](#) Reversion of land previously subdivided consisting of four or less contiguous parcels.
- [16.60.100](#) Merger of subdivided lands and resubdivision of same without reverting to acreage.

16.60.010 Commencement of proceedings for reversion to acreage.

Government Code Sections [66499.11](#) and [66499.12](#) incorporated by reference. (Ord. [483](#) § 99.11, 1980)

16.60.020 Form of petition.

Government Code Section [66499.13](#) incorporated by reference. (Ord. [483](#) § 99.13, 1980)

16.60.030 Fee.

Government Code Section [66499.14](#) incorporated by reference. Fee may be set or amended from time to time by council resolution. (Ord. [483](#) § 99.14, 1980)

16.60.040 Notice.

Government Code Section [66499.15](#) incorporated by reference. (Ord. [483](#) § 99.15, 1980)

16.60.050 Required findings.

Government Code Section [66499.15](#) incorporated by reference. (Ord. [483](#) § 99.16, 1980)

16.60.060 Mandatory conditions of reversion.

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Government Code Section [66499.17](#) incorporated by reference. (Ord. [483](#) § 99.17, 1980)

16.60.070 Reversion, when effective.

Government Code Section [66499.18](#) incorporated by reference. (Ord. [483](#) § 99.18, 1980)

16.60.080 Return of fees and deposits.

Government Code Section [66499.19](#) incorporated by reference. (Ord. [483](#) § 99.19, 1980)

16.60.090 Reversion of land previously subdivided consisting of four or less contiguous parcels.

Government Code Section [66499.20](#)-1/2 incorporated by reference. (Ord. [483](#) § 99.20 1/2, 1980)

16.60.100 Merger of subdivided lands and resubdivision of same without reverting to acreage.

Government Code Section [66499.20](#)-3/4 incorporated by reference. The subject of exclusions is a matter for county and court determination. Interested persons should consult Government Code Sections [66499.21](#) through [66499.29](#). (Ord. [483](#) § 99.20-3/4, 1980)

Chapter 16.64 ENFORCEMENT

Sections:

[16.64.010](#) City prohibited from issuing any permits for land in violation of this title or the subdivision map.

[16.64.020](#) City proceedings to determine whether or not real property is in violation of this title or the Subdivision Map Act – Certificate of compliance.

[16.64.030](#) Notice of intention to record a notice of violation of this title or the Subdivision Map Act.

* Government Code Sections [66499.30](#), [66499.32](#), [66499.33](#) and [66499.37](#) do not require city implementation and have no parallel sections in this chapter.

16.64.010 City prohibited from issuing any permits for land in violation of this title or the subdivision map.

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Government Code Section [66499.34](#) incorporated by reference. (Ord. [483](#) § 99.34, 1980)

16.64.020 City proceedings to determine whether or not real property is in violation of this title or the Subdivision Map Act – Certificate of compliance.

Government Code Section [66499.35](#) incorporated by reference. (Ord. [483](#) § 99.35, 1980)

16.64.030 Notice of intention to record a notice of violation of this title or the Subdivision Map Act.

Government Code Section [66499.36](#) incorporated by reference. (Ord. [493](#) § 99.36, 1980)

Chapter 16.68 CONDOMINIUM AND COMMUNITY APARTMENT CONVERSIONS

Sections:

- [16.68.010](#) Purpose.
- [16.68.020](#) Compliance with Government Code.
- [16.68.030](#) Definitions.
- [16.68.040](#) Conditional use permit and subdivision map required.
- [16.68.050](#) Contents of application for conditional use permit for conversion of condominium or community apartments.
- [16.68.060](#) Contents of application for tentative map for conversion of condominium and community apartments.
- [16.68.070](#) Waiver from application content requirements.
- [16.68.080](#) Covenants, conditions and restrictions.
- [16.68.090](#) Draft versions.
- [16.68.100](#) Residential condominium and community apartment conversion development standards – Generally.
- [16.68.110](#) Off-street parking.
- [16.68.120](#) Meters and control valves.
- [16.68.130](#) Overcurrent protection.
- [16.68.140](#) Impact sound insulation.
- [16.68.150](#) Compliance with building and housing codes.
- [16.68.160](#) Storage facilities.
- [16.68.170](#) Open spaces.

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- [16.68.180](#) Condition of equipment and appliances.
- [16.68.190](#) Waiver of requirements.
- [16.68.200](#) Property and structural pest control reports.
- [16.68.210](#) Information to purchasers.
- [16.68.220](#) Notice of intent to convert.
- [16.68.230](#) Tenant's right to purchase.
- [16.68.240](#) Vacation of units.
- [16.68.250](#) No increase in rents.
- [16.68.260](#) Special cases.
- [16.68.270](#) Moving expenses.
- [16.68.280](#) Notice to new tenants.
- [16.68.290](#) Effect of proposed conversion on city's low and moderate income housing supply.

16.68.010 Purpose.

A. This chapter is enacted to establish requirements and procedures for the control and approval of conversion of existing multifamily rental housing and nonresidential structures to residential condominium and community apartment projects. By their unique character and requirements, conversions differ specifically from other subdivisions and apartments. The unique status of such projects tends to magnify the effects associated with higher urban densities to a point where public health, safety, welfare, and economic prosperity of the city of Capitola are significantly affected. Such projects may conflict with the policy of the city as set forth in the general plan to provide a reasonable balance of rental and ownership housing within the city, to provide a variety of individual choices of tenure, type, price, and location of housing and to maintain the supply of rental housing for low and moderate income persons and families.

B. To insure that such problems are avoided in both the short and long term, it is the express intent of the city to treat such projects differently from multiple-family dwellings or other projects which are not residential condominium or community apartment projects and to establish rules and standards thereto regulating the conversion to residential condominium or community apartment projects in the city.

C. This chapter is enacted to insure that proposed conversions are approved consistent with policies and objectives of the city, particularly as follows:

1. To make adequate provisions for the housing needs of all economic segments of the community;

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2. To facilitate inhabitant ownership of residential units while recognizing the need for maintaining adequate rental housing inventories;
3. To provide a reasonable balance of rental and ownership housing;
4. To inform prospective conversion purchasers regarding the physical conditions of the structure offered for purchase. (Ord. [460](#) (part), 1979)

16.68.020 Compliance with Government Code.

- A. The city shall comply with Government Code Section [66427.1](#) in its present form and as hereafter amended.
- B. The city shall comply with Government Code Section [66427.2](#) in its present form and as hereafter amended.
This section provides in abbreviated form that without general or specific plan provision containing definite objectives, the city may not reject condominium conversions for failure to comply with the general plan or on the basis of one of the Government Code Section [66474](#) findings, justifying disapproval. Reference should be made to the full statute for particulars. (Ord. [460](#) §§ 1.1 and 1.2, 1979)

16.68.030 Definitions.

For the purpose of this section, certain words and phrases are defined and certain provisions shall be construed as set forth in this section unless it is apparent from their context that a different meaning is intended.

- A. "Association" is the organization of persons who own a condominium unit or right of exclusive occupancy in a community apartment.
- B. "Common area" is an entire project excepting all units therein.
- C. "Community apartment or stock cooperative" is an estate in real property consisting of an undivided interest in common in a parcel of real property and the improvements therein coupled with the right of exclusive occupancy for residential purposes of an apartment located thereon. All references to a "condominium" in this chapter shall be deemed to refer to a condominium, community apartment, and stock cooperative, except where specifically noted.
- D. "Condominium" is an estate in real property consisting of an undivided interest in common in a portion of a parcel or real property together with a separate interest in space in a residential, industrial, or commercial

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building on such real property, such as an apartment, office, or store. A condominium may include, in addition, a separate interest in other portions of such real property.

- E. "Conversion" is a change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, to that defined for a condominium project regardless of the present or prior use of such land and structures and whether substantial improvements have been made or are to be made to such structures.
- F. "Developer" is the owner or subdivider with a controlling proprietary interest in the proposed project.
- G. "Low and moderate income" means those income levels as defined by AMBAG in the Housing Opportunity Plan dated January, 1978, and as updated to reflect current income levels.
- H. "Organizational documents" are the declaration of covenants, conditions and restrictions, articles of incorporation, bylaws, and any contracts for the maintenance, management, or operation of all or part of the project.
- I. "Project" is a residential condominium project or a community apartment project.
- J. "Recreational open space" is an open space on the project (exclusive of the required front setback area) which shall be used exclusively for leisure and recreational purposes, for the use and enjoyment of occupants (and their visitors) of units on the project and to which such occupants (and their visitors) shall have the right of use and enjoyment. Accessory structures such as swimming pools, recreational buildings, and landscaped areas may be included as open space.
- K. A "residential condominium project" is the conversion of an existing structure to a condominium containing five or more condominiums for residential purposes.
- L. "Unit" is the element of a residential condominium project which is not owned in common with the owners of other condominiums in project or is an apartment in a community apartment project to which an owner of an undivided interest in common or community apartment project has a right of exclusive occupancy.

(Ord. [460](#) §§ 2.1 – 2.13, 1979)

16.68.040 Conditional use permit and subdivision map required.

- A. No conversion to a project shall be permitted in any district unless a conditional use permit and subsequent final map have been applied for and granted pursuant to this chapter and other applicable state and local ordinances regulating use permit and subdivision approvals.

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- B. In no case shall a unit be converted that was built (final inspections) prior to January 1, 1970.
- C. No building for which a building permit was issued after the effective date of the ordinance codified in this chapter may thereafter be converted to a condominium unless, prior to the issuance of the building permit, the project was one for which there was an approved tentative condominium subdivision map. (Ord. [460](#) § 3.1, 1979)

16.68.050 Contents of application for conditional use permit for conversion of condominium or community apartments.

The application for a conditional use permit for conversion shall include the following information:

- A. A detailed description of the project proposal to include applicant's provisions for meeting the standards set forth in Sections [16.68.100](#) through [16.68.190](#);
- B. A preliminary site plan showing all existing proposed improvements (to include designated open-space areas);
- C. A detailed analysis establishing the criteria set forth in the housing element of the city's general plan, and Section [16.68.290](#);
- D. Makeup of existing tenant households, including family size, length of residence, age of tenants, and whether receiving federal or state rent subsidies;
- E. All rental history detailing the size in square footage, the current or last rental rate, the monthly rental rate for the preceding two years, and the monthly vacancy over the preceding two years of each rental unit proposed to be converted;
- F. The planning commission may required that the applicant shall distribute to all tenants a questionnaire to be returned to the city directly. The questionnaire shall contain any or all questions deemed necessary by the planning commission in order to fully determine the physical condition of the units and/or rental history for each unit. (Ord. [460](#) § 3.2, 1979)

16.68.060 Contents of application for tentative map for conversion of condominium and community apartments.

The application for a tentative map for conversion shall include the following information:

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- A. A boundary map showing the location of all existing easements, structures and trees to be removed, and other improvements upon the property;
- B. A property report describing the condition and estimating the remaining useful life of each of the following elements of each structure situated within the project proposed for conversion: roofs, foundations, exterior paint, paved surfaces, mechanical systems, electric systems, plumbing systems. Such report shall be prepared by an appropriately licensed contractor or licensed engineer;
- C. A structural pest control report. Such report shall be prepared by a licensed structural pest control operator pursuant to Section [8516](#) of the Business and Professions Code; D. A building history report including the following:
1. The date of construction of all elements of the project,
 2. A statement of the major uses of the project since construction,
 3. The date and description of each major repair and/or renovation of any element since the date of construction. For the purposes of this subsection, a “major repair” and/or renovation shall mean any repair for which an expenditure of more than five hundred dollars was made,
 4. Statement regarding current project ownership;
- E. A true copy of each application to the Department of Real Estate of the state for issuance of a final public report for the project proposed for conversion including all attachments and exhibits thereto required by the Department pursuant to Section [11011](#) of the Business and Professions Code; a true copy of the statement of compliance (Form 643 as amended) pursuant to Title [10](#), California Administration Code, Section 2792.9, or its successor, relating to operating and maintenance funds during start-up; a statement of the amount and type of capital contributions to be provided by the developer to the association for deferred maintenance of the common areas, and the sum and date on which the association will receive said sum. All contributions shall be made prior to recordation of a final map;
- F. A true copy of the Supplemental Questionnaire for Apartments Converted to Condominium Projects submitted to the Department of Real Estate of the state for the project proposed for conversion; this shall include all attachments and exhibits thereto;

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G. The proposed annual operating budget containing a sinking fund to accumulate reserve funds to pay for major anticipated maintenance, repair, or replacement expenses, with the developer providing a proportional payment relative to the number of units held at each anniversary date;

H. A copy of warranty to be made against defects to provide a minimum coverage of two years from sale of unit. (Ord. [460](#) § 3.3, 1979)

16.68.070 Waiver from application content requirements.

An applicant may apply to the planning commission for permission to omit any of the information required by Section [16.68.050](#) or [16.68.060](#). That application shall only be granted if the planning commission concludes that the items which the applicant seeks to exclude from his or her application would be of little or no value to the commission in its deliberations. (Ord. [460](#) § 3.4, 1979)

16.68.080 Covenants, conditions and restrictions.

Unless specifically waived by the city council upon application by the applicant to the city council, the covenants, conditions and restrictions for any conversion to five or more units shall contain the following provisions;

- A. The specific assignment of parking spaces;
- B. Provisions for management and maintenance of common areas and facilities within the project;
- C. Provisions making the city a party in title to enforce maintenance requirements contained in the covenants, conditions and restrictions and to compensate the city for reasonable attorney's fees and costs in so enforcing;
- D. Provisions that, in the event of default in payment of annual assessments, members of the association shall be subjected to penalties for late payment and reasonable attorney's fees and costs incurred in collection of the assessments;
- E. Provisions allowing the association to terminate the contract of any person or organization engaged by the developer;
- F. See Section [16.68.140](#);
- G. Restrict RVs or provide separate screened area. (Ord. [460](#) § 3.5, 1979)

16.68.090 Draft versions.

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In lieu of providing the information required by the subsections E and F of Section [16.68.060](#), the applicant may submit drafts of the various required items in the event the various items have not actually been submitted to or been approved by the state agencies. In the event the applicant changes the contents of any of the documents above-mentioned from the contents of those documents submitted to the city, he or she shall immediately notify the city. Unless the city attorney determines that the changes are quite unlikely to have a bearing upon the city's interests in these matters, as described in Section [16.68.010](#), the changes in the contents of the items submitted to the city along with the application(s) shall render null and void any previous city approvals of the application(s). (Ord. [460](#) § 3.6, 1979)

16.68.100 Residential condominium and community apartment conversion development standards – Generally.

Subject to the provisions of Section 16.68.020B, to achieve the purposes of this chapter, all conversion projects shall conform to the development standards set out in Sections [16.68.110](#) through [16.68.190](#). (Ord. [460](#) § 4.1 (part), 1979)

16.68.110 Off-street parking.

The off-street parking requirements for a project shall be at least one assigned and covered space for each unit. There shall be an additional one space, per unit and at least one space per four units which shall be unassigned (for guests). (Ord. [460](#) § 4.1(a), 1979)

16.68.120 Meters and control valves.

The consumption of gas and electricity within each unit shall be separately metered so that the unit owner can be separately billed for each utility. A water shut-off valve shall be provided for each unit or for each plumbing fixture. Each unit shall have access to its own meter(s) and heater(s) which shall not require entry through another unit. (Ord. [460](#) § 4.1(b), 1979)

16.68.130 Overcurrent protection.

Each unit shall have its own panel board for all electrical circuits which serve the unit. (Ord. [460](#) § 4.1(c), 1979)

16.68.140 Impact sound insulation.

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Wall and floor-ceiling assemblies shall conform to Title 25, California Administrative Code, Section 1092, or its successor, or permanent mechanical equipment, including domestic appliances, which is determined by the director of building and zoning to be a potential source of vibration or noise, shall be shock-mounted, isolated from the floor and ceiling, or otherwise installed in a manner approved by the director of building and zoning to lessen the transmission of vibration and noise. Floor covering may only be replaced by another floor covering that provides the same or greater insulation. (Ord. [460](#) § 4.1(d), 1979)

16.68.150 Compliance with building and housing codes.

All projects shall meet the requirements of the city building and fire codes as they existed at the time of construction of the project, and the housing code as it exists at the time of application approval and also provisions of:

A. Smoke Detectors. Each living unit shall be provided with approved detectors of products of combustion other than heat conforming to the latest Uniform Building Code Standards, mounted on the ceiling or wall at a point centrally located in the corridor or area giving access to rooms used for sleeping purposes.

B. Maintenance of Fire Protection Systems. All on-site fire hydrants, fire alarm systems, portable fire extinguishers, and other fire protective appliances shall be retained in operable condition at all times maintained by the homeowner's association and delineated in the covenants, conditions, and restrictions. (Ord. [460](#) § 4.1(e), 1979)

16.68.160 Storage facilities.

Separate storage facilities shall be provided for each unit in such manner, size, and location to be determined by the planning commission at the time of use permit approval with the minimum area to be two hundred cubic feet. (Ord. [460](#) § 4.1(f), 1979)

16.68.170 Open spaces.

Provisions for open spaces shall be the same as that required for multiple-family units in the zoning ordinance. (Ord. [460](#) § 4.1(g), 1979)

16.68.180 Condition of equipment and appliances.

The applicant shall supply written certification to the buyer of each unit on the initial sale after conversion that any dishwashers, garbage disposals, stoves, refrigerators, hot water tanks, and air conditioners that are provided are in working condition as of the close of escrow. At such time as the homeowner's association takes

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over management of the development, the applicant shall provide written certification to the association that any pool and pool equipment and any appliances and mechanical equipment to be owned in common by the association is in working condition. (Ord. [460](#) § 4.1(h), 1979)

16.68.190 Waiver of requirements.

The provisions of Sections [16.68.110](#) through [16.68.180](#) may be waived by the planning commission if the existing circumstances warrant waiver and the proposed conversion substantially conforms to the intent of this section. (Ord. [460](#) § 4.1(i), 1979)

16.68.200 Property and structural pest control reports.

After reviewing the property and structural pest control reports required to be submitted pursuant to Section [16.68.040](#), and inspecting the structures situate within the project when he or she deems such inspection necessary, the building official shall identify all items evidenced by such reports and/or inspection to be hazardous to the life, health, or safety of the occupants of such structure within the project or of the general public. No final map shall be approved for recordation until the building official has certified that the requirements of this paragraph and Sections [16.68.100](#) through [16.68.190](#) have been met, or that sufficient bonding has been provided to cover the total cost of completing required modifications. (Ord. [460](#) § 5.1, 1979)

16.68.210 Information to purchasers.

The city may condition approval of the applications upon the developer agreeing to provide any or all of the documents listed in Sections [16.68.040](#) through [16.68.090](#) to each prospective purchaser or unit. Failure of the developer or his or her successors to comply with the provisions of this section shall constitute a misdemeanor. (Ord. [460](#) § 5.2, 1979)

16.68.220 Notice of intent to convert.

A notice of intent to convert shall be delivered to each tenant. Evidence of receipt shall be submitted with the tentative map. The form of the notice shall be as approved by the planning department and shall contain not less than the following:

- A. Name and address of current owner;
- B. Name and address of proposed subdivider;
- C. Approximate date on which the tentative map is proposed to be filed;
- D. Approximate date on which the final map or parcel map is to be filed;

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E. Approximate date on which the unit is to be vacated by nonpurchasing tenants;

F. Tenant's right to purchase;

G. Tenant's right of notification to vacate;

H. Tenant's right of termination of lease;

I. Statement of no rent increase;

J. Provision for special cases; and

K. Provision of moving expenses.

Other information may be required as deemed necessary. (Ord. [460](#) § 6.1, 1979)

16.68.230 Tenant's right to purchase.

As provided in Government Code Section [66427.1\(b\)](#), any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least sixty days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later. (Ord. [460](#) § 6.2, 1979)

16.68.240 Vacation of units.

Each nonpurchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall have not less than one hundred twenty days from the date of receipt of notification from the subdivider of his or her intent to convert, or from the filing date of the final subdivision map or parcel map, whichever date is later, to find substitute housing and to relocate. (Ord. [460](#) § 6.3, 1979)

16.68.250 No increase in rents.

A tenant's rent shall not be increased unless first approved by the planning commission from the time of filing of the tentative map until relocation takes place or until the subdivision is denied or withdrawn. Any requests for rent increases must be accompanied with sufficient supporting data to satisfy the planning commission as to the necessity of it. (Ord. [460](#) § 6.4, 1979)

16.68.260 Special cases.

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Any nonpurchasing tenant aged sixty-two or older or handicapped or with minor children in school shall be given an additional six months in which to find suitable replacement housing. (Ord. [460](#) § 6.5, 1979)

16.68.270 Moving expenses.

The subdivider shall provide moving expenses of one and one-half times the monthly rent to any tenant who relocates from the building to be converted after receipt of notification from the subdivider of his or her intent to convert, except when the tenant has given notice of his or her intent to move prior to receipt of notification from the subdivider of his or her intent to convert. (Ord. [460](#) § 6.6, 1979)

16.68.280 Notice to new tenants.

After submittal of the tentative map, any prospective tenants shall be notified in writing of the intent to convert prior to leasing. (Ord. [460](#) § 6.7, 1979)

16.68.290 Effect of proposed conversion on city's low and moderate income housing supply.

In reviewing requests for conversions of existing apartments to condominiums, the planning commission shall consider the following:

- A. Whether or not the amount and impact of the displacement of tenants if the conversion is approved would be detrimental to the health, safety, or general welfare of, the community;
- B. The role that the apartment structure plays in the existing housing rental market. Particular emphasis will be placed on the evaluation of rental structures to determine if the existing apartment complex is serving low and moderate income, and low and moderate income rents used by the federal and state governments will be used in the evaluation. Along with other factors, the city will consider the following:
 - 1. The probable income range of tenants living in existing apartments based on the assumption that households should pay between one-fourth and one-third of their income for housing. The income range will be used to determine whether potential displaced tenants can be categorized as low and moderate income,
 - 2. The applicant shall show provisions for insuring that a minimum of fifteen percent of the units will be available for low-income households (defined as eighty percent of median income) and that an additional

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twenty percent will be available to low and moderate income households (defined as one hundred twenty percent of median income). The provisions should include private and public financing programs, projected selling prices and other proposed considerations. Any variance to these minimum requirements must be approved by the city council. In requesting a variance, the applicant must provide sufficient evidence to clearly establish that the provisions of this section are not applicable to the proposed project due to its housing type location, etc.;

C. The need and demand for lower cost home ownership opportunities which are increased by the conversion of apartments to condominiums;

D. If the planning commission determines that vacancies in the project have been increased for the purpose of preparing the project for conversion, the tentative map may be disapproved. In evaluation of the current vacancy level under this subsection the increase in rental rates for each unit and the average monthly vacancy rate for the project over the preceding two years shall be considered. (Ord. [460](#) § 6.8, 1979)

Chapter 16.70 CONVERSION OF MOBILE HOME PARKS TO RESIDENT OWNERSHIP

Sections:

- [16.70.010](#) Purpose and intent.
- [16.70.020](#) Definitions.
- [16.70.030](#) Applicability.
- [16.70.040](#) Information and disclosure requirements for resident survey.
- [16.70.050](#) Information and disclosure requirements for impact report.
- [16.70.060](#) Application submittal requirements.
- [16.70.070](#) Criteria for approval of conversion application.
- [16.70.080](#) Tenant notification.

16.70.010 Purpose and intent.

The purpose of this chapter is to establish requirements and procedures that are necessary and appropriate to comply with state laws related to the conversion of mobile home parks to resident ownership. The city of Capitola further declares that the purposes of this chapter are also:

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- A. To ensure that conversions of mobile home parks to resident ownership are bona fide resident conversions in accordance with state law;
- B. To balance the need for increased home ownership opportunities with the need to protect existing affordable housing opportunities;
- C. To ensure the public health and safety in converted parks; and
- D. To ensure that park residents receive appropriate and timely information to assist them in fully understanding their rights and obligations under the state law. (Ord. [923](#) § 1, 2007)

16.70.020 Definitions.

For the purpose of this chapter, the following words, terms and phrases shall be defined as follows:

- A. “Mobile home park conversion to resident ownership” means the conversion of a mobile home park composed of rental spaces to a condominium or common interest development, as described in and/or regulated by Government Code Section [66427.5](#) and/or Section 66428.1.
- B. “Resident” or “tenant” means the person or persons owning a mobile home in a space within a mobile home park pursuant to a rental agreement. (Ord. [923](#) § 1, 2007)

16.70.030 Applicability.

The provisions of this chapter shall apply to all conversions of mobile home parks to resident ownership, except those conversions for which mapping requirements have been waived pursuant to Government Code Section [66428.1](#). These provisions do not apply to the conversion of a mobile home park to an alternate use pursuant to Government Code Section [65863.7](#) and Section [66427.4](#). (Ord. [923](#) § 1, 2007)

16.70.040 Information and disclosure requirements for resident survey.

To assist the residents in determining how to respond to the resident survey required by subdivision (d) of Government Code Section [66427.5](#), the following information and disclosures shall be provided by the park owner to each tenant household sufficiently in advance of the survey to allow its consideration:

- A. A statement describing the effects that the mobile home park conversion will have on the application of the rent control provisions of Capitola Municipal Code Chapter 2.18 for both lower income households and for other households who continue residency as tenants. The statement shall specifically describe the effects

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that the conversion will have on the application of the vacancy control provisions of Chapter 2.18 of this code, and a statement describing the effects of vacancy decontrol under Government Code Section [66427.5](#) on the resale value of mobile homes of both lower income households and of other households which continue residency as tenants. Included with this statement shall be a separate statement prepared by the city summarizing the major provisions of the city's mobile home park rent stabilization ordinance (Chapter 2.18 of this code).

- B. A statement specifying the income level that is applicable pursuant to subdivision (f)(2) of Government Code Section [66427.5](#), to determine whether households in the mobile home park qualify as a lower income household or are not lower income household, and requesting that the households identify whether they are a lower income household, or are not a lower income household.

- C. A statement specifying whether the subdivider will begin the phase-in of market level rents pursuant to subdivision (f)(1) and the rent adjustment provisions of subdivision (f)(2) of Government Code Section [66427.5](#) upon the sale of one lot, upon the sale of more than fifty percent of the lots, or upon the sale of some other percentage of lots.

- D. A statement specifying the method by which the fair market rent levels authorized by subdivision (f)(1) of Government Code Section [66427.5](#) will be established, or in the alternative, the specification of the range of rent levels that will be applicable to the subdivided units in the mobile home park, including, but not limited to, the inclusion of any inflation adjustment formula to be utilized.

- E. A statement specifying how space rents will be set for purchasers of mobile homes owned by lower income households and by other households (who continue residency as tenants under subdivision (f) of Government Code Section [66427.5](#)).

- F. A statement specifying the method by which the sales prices of the subdivided mobile home space parcels will be established, or in the alternative, the specification of a range of purchase prices that will be applicable to the subdivided mobile home space parcels in the mobile home park, including, but not limited to, the inclusion of any inflation adjustment formula to be utilized.

- G. A statement specifying the method for determining and enforcing the controlled rents for nonpurchasing households pursuant to Government Code Section [66427.5](#) (f)(2), and, to the extent available, identification of the number of tenant households likely to be subject to these provisions.

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- H. A statement assessing the potential for nonpurchasing residents to relocate their homes to other mobile home parks within Santa Cruz County, including the availability of sites and the estimated cost of home relocation.
- I. An engineer's report on the type, size, current condition, adequacy, and remaining useful life of each common facility located within the park, including but not limited to water systems, sanitary sewer, fire protection, storm water, streets, lighting, pools, playgrounds, and community buildings. A pest report shall be included for all common buildings and structures. "Engineer" means a registered civil or structural engineer, or a licensed general engineering contractor.
- J. If the useful life of any of the common facilities or infrastructure is less than thirty years, an engineer's estimate of the cost of replacing such facilities over their useful life, and the subdivider's plan to provide funding for same.
- K. An estimate of the annual overhead and operating costs of maintaining the park, its common areas and landscaping, including replacement costs as necessary, over the next thirty years, and the subdivider's plan to provide funding for same.
- L. A maintenance inspection report conducted on site by a qualified inspector within the previous twelve calendar months demonstrating compliance with Title 25 of the California Code of Regulations ("Title 25 Report"). Proof of remediation of any Title 25 violations or deficiencies shall be confirmed in writing by the California Department of Housing and Community Development (HCD).
- M. A detailed description of the city and state procedures to be followed for the proposed conversion, including, but not limited to, a tentative timeline.
- N. The phone number and address of an office designated by the city council that can be contacted for further information relating to the proposed mobile home park conversion.
- O. The subdivider shall attach a copy of this chapter to each survey form. (Ord. [923](#) § 1, 2007)

16.70.050 Information and disclosure requirements for impact report.

The report by the subdivider on the impact of the mobile home park conversion required by subdivision (b) of Government Code Section [66427.5](#) shall include, but not be limited to, the following disclosures:

- A. That information specified by subsections A through M of Section [16.70.040](#), required to be provided to park tenants for purposes of the resident survey.

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- B. A statement specifying the number of mobile home spaces in the park and the rental rate history for each such space over the four years prior to the filing of the application.
- C. A statement specifying the method and timetable for compliance with Government Code Section [66427.5](#) (a), and, to the extent available, an estimate of the number of existing tenant households expected to purchase their units within the first four years after conversion including an explanation of how the estimate was derived.
- D. An estimate of the number of residents in the park who are lower income households pursuant to subdivision (f)(2) of Government Code Section [66427.5](#), including an explanation of how the estimate was derived.
- E. An estimate of the number of residents in the park who are seniors (sixty-two years of age or older) or disabled, including an explanation of how the estimate was derived. (Ord. [923](#) § 1, 2007)

16.70.060 Application submittal requirements.

The following information shall be submitted as part of the resident survey results with any subdivision application for conversion to a resident owned mobile home park pursuant to Government Code Section [66427.5](#):

- A. A statement of the total number of spaces occupied by residents (excluding any spaces occupied by the subdivider, a relative of the subdivider, or employee of the subdivider); and the total number of votes of such residents in favor of the conversion and the total number of votes of such residents in opposition to the conversion, with no more than one vote allocated for each mobile home space.
- B. The subdivider shall demonstrate that the procedures and timing used to conduct the survey were in accordance with an agreement between the subdivider and an independent resident homeowners association, if any. In the event that more than one resident homeowners association purports to represent residents in the park, the agreement shall be with the resident homeowners association which represents the greatest number of tenant homeowners in the park.
- C. A written statement signed by the authorized representative(s) of an independent resident homeowners' association verifying that the survey form was approved by the association in accordance with the requirements of subdivision (d)(2) of Government Code Section [66427.5](#).
- D. A copy of the information and disclosures provided to tenant households pursuant to Section [16.70.040](#).

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- E. A copy of the tenant impact report required pursuant to Section [16.70.050](#).
- F. A tentative subdivision and final map or parcel map unless waived pursuant to Government Code Section [66428.1](#). A parcel map shall be required for all projects that contain less than five parcels and do not create more condominium units or interests than the number of rental spaces that exist prior to conversion. If additional interests are created or if the project contains more than five parcels a tentative and final subdivision map shall be required. The number of condominium units or interests to be created shall not determine the type of map required unless additional condominium units or interests are created over and above the number of rental spaces that exist prior to conversion. (Ord. [923](#) § 1, 2007)

16.70.070 Criteria for approval of conversion application.

In addition to any applicable findings for the approval of subdivision or parcel maps set forth in the California Subdivision Map Act or Title [16](#) of this code, an application for the conversion of a mobile home park to resident ownership shall be approved only if the decision maker finds that:

- A. A survey of resident support has been conducted and the results filed with the city in accordance with the requirements of Government Code Section [66427.5](#) and this chapter;
- B. A tenant impact report has been completed and filed with the city in accordance with the requirements of Government Code Section [66427.5](#) and this chapter;
- C. The conversion is a bona fide resident conversion. For purposes of determining whether a proposed conversion is a bona fide resident conversion, the following presumptions shall be applied based on the results of the survey of resident support conducted in accordance with Government Code Section [66427.5](#) and with this chapter. The presumptions created by this subsection may be overcome through the submission of substantial evidence either at or prior to the hearing.
 - 1. Where the survey of resident support shows that fifty percent or more of the resident survey vote supports the conversion to resident ownership, the proposed conversion shall be presumed to be a bona fide resident conversion.
 - 2. Where the survey of resident support shows that less than fifty percent of the resident survey vote supports the conversion to resident ownership, the proposed conversion shall be presumed to not be a bona fide resident conversion and the subdivider shall have the burden of demonstrating that the proposed conversion is a bona fide resident conversion. (Ord. [923](#) § 1, 2007)

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16.70.080 Tenant notification.

The following tenant notifications are required:

A. If the application for conversion is approved, the subdivider shall give each resident household written notice of its exclusive right to contract for the purchase of the dwelling unit or space it occupies at the same or more favorable terms and conditions than those on which such unit of space shall be initially offered to the general public. The right shall run for a period of not less than ninety days from the issuance of the subdivision public report ("white paper") pursuant to California Business and Professions Code Section [11018.2](#), unless the subdivider received prior written notice of the resident's intention not to exercise such right.

B. If the application for conversion is approved, the subdivider shall give each resident household written notice of its right to continue residency as a tenant in the park as required by Government Code Section [66427.5](#) (a). (Ord. [923](#) § 1, 2007)

Chapter 16.74 **LOT LINE ADJUSTMENTS**

Sections:

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16.74.010 Purpose.

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The purpose of this division is to establish the procedures and standards for changing the boundary or boundaries between four or fewer existing adjoining parcels as provided by the Subdivision Map Act to ensure lot line adjustments are consistent with the General Plan, Zoning Ordinance, and the Local Coastal Program.

16.74.020 Application required.

A request for a lot line adjustment must be made through submittal of a City application and requisite fees. At a minimum, an application package shall include copies of deeds for all properties included in the request, a plat map depicting existing and proposed lot lines and drawn to scale by a licensed land surveyor or registered civil engineer, and written permission from each property owner involved in the application. Additional information may be required as determined by the Community Development Director.

16.74.030 Approval authority.

The Community Development Director shall be authorized to issue decisions on lot line adjustment applications. Lot line adjustment applications accompanied by other permits under the jurisdiction of the Planning Commission or City Council shall be considered by the highest decision-making body.

16.74.040 Public hearing.

Applications for a lot line adjustment shall be considered in a public hearing if it is accompanied by other permits which require a public hearing (e.g., coastal development permit).

16.74.050 Lot line locations.

Lot lines shall not be relocated if it would result in any of the following:

1. Impair any legal access or easements.
2. Include any lots, which in the Director's judgment, based on design, size, or specifications of the original document creating the parcel, were not intended as a building site (e.g. utility lots or road lots).
3. Result in any lots which do not comply with applicable zoning regulations, including but not limited to lot size and building setback requirements, or exacerbate the non-conformity of any existing undersized lot.

16.74.060 Lot line adjustments in the coastal zone.

Lot line adjustments within the coastal zone shall require approval of a Coastal Development Permit and shall not be approved or conditionally approved unless the existing parcels are legal and the reconfigured parcels

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resulting from the lot line adjustment will conform to the Local Coastal Program, including minimum parcel size and density.

16.74.070 Findings.

The following findings shall be made to approve an application for a lot line adjustment:

1. All lots resulting from the lot line adjustment comply with the General Plan, Zoning Ordinance, and Local Coastal Program.
2. All lots involved in the proposed lot line adjustment were legally created pursuant to the California Subdivision Map Act and any local ordinance in effect at the time.
3. Reconfigured parcels resulting from a lot line adjustment in the coastal zone would provide equivalent or better protection to coastal resources.

16.74.080 Appeals.

An interested party may appeal a Community Development Director decision to the Planning Commission by filing a complete appeal application with requisite fees within 10 business days of the decision. Decisions by the Planning Commission may be appealed to the City Council in accordance with Chapter 2.52. Appeals of lot line adjustments which include a coastal development permit shall be processed in accordance with the Local Coastal Program.

16.74.090 Time limitations.

A lot line adjustment approval shall be valid for one year from the effective approval date. Prior to expiration, the property to be exchanged must be conveyed and revised deeds which describe the reconfigured parcels must be recorded with the County of Santa Cruz.

16.74.100 Time extensions.

Upon written application and requisite fees submitted prior to expiration of the lot line adjustment, a single one-year extension may be granted. The one-year extension shall commence from the initial expiration date.