



Staff Report to the Planning Commission

Application Number: 101087

Applicant: Manuel Vieira
Owner: Vieira Enterprises, Inc.
APN: 028-091-05, -22

Agenda Date: February 22, 2012
Agenda Item #: 9
Time: After 9:00 a.m.

Project Description: Proposal to rezone an existing 58-space mobilehome park from RM4-MH to RM3-MH for consistency with the existing density and to demolish an existing accessory structure and add one new mobilehome space, for a total of 59 spaces, and to recognize the conversion of the manager's dwelling to a rental unit within the mobilehome park, and to repair and stabilize an existing failing access road within the park.

Location: The property is located on the north side of Portola Drive opposite the intersection of Portola Drive and 26th Avenue within the Ocean Breeze Mobile Home Manor at 2565 Portola Drive.

Supervisory District: First District (District Supervisor: John Leopold)

Permits Required: Rezoning from RM4-MH to RM3-MH, an Amendment to Residential Development Permits 4279-U, 3629-U, 3911-U, 2474-U and 1462-U and a Coastal Development Permit to permit an additional mobilehome space, and a Riparian Exception.

Technical Reviews: Geotechnical engineering review

Staff Recommendation:

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- Approval of Application 101087, based on the attached findings and conditions.

Exhibits

- | | |
|---|-------------------------------------|
| A. Project plans | E. Assessor's, Location, Zoning and |
| B. Findings | General Plan Maps |
| C. Conditions | F. Resolution and Ordinance |
| D. Categorical Exemption (CEQA determination) | |

Parcel Information

Parcel Size: 4.93 acres (APN 028-091-22)
1.69 acres (APN 028-091-05)

Existing Land Use - Parcel:	Mobilehome residential
Existing Land Use - Surrounding:	Multi-family residential, urban open space, visitor accomodation
Project Access:	From Portola Drive
Planning Area:	Live Oak
Land Use Designation:	R-UH, O-U (Urban High Residential, Urban Open Space)
Zone District:	RM4-MH (mobilehome residential - 4,000 square feet minimum)
Coastal Zone:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Appealable to Calif. Coastal Comm.	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No

Environmental Information

Geologic Hazards:	Mapped FEMA floodway in western portion (approximately 1/3) of the property
Soils:	178 (expansive)
Fire Hazard:	Not a mapped constraint
Slopes:	N/A
Env. Sen. Habitat:	Riparian woodlands mapped in portion (approximately 1/3) of site
Grading:	N/A
Tree Removal:	No trees proposed to be removed
Scenic:	Not a mapped resource
Drainage:	Existing drainage adequate
Archeology:	Not mapped/no physical evidence on site

Services Information

Urban/Rural Services Line:	<input checked="" type="checkbox"/> Inside <input type="checkbox"/> Outside
Water Supply:	Santa Cruz Water
Sewage Disposal:	Santa Cruz Sanitation District
Fire District:	Central Fire
Drainage District:	Zone 5

History

In December, 1958, a mobilehome park ("trailer court" at the time) was first approved on the project site under Use Permit 133-U. Use Permit 1642-U was approved in 1963 to allow for five additional spaces. On May 8, 1970, Use Permit 3629-U was approved to allow the expansion of the existing 43-space park with the addition of 15 new mobilehome spaces. However, the applicant allowed that approval to expire, due to the inability to obtain the fill material that was required. The approval for 15 new spaces was renewed under Use Permit 3911-U in 1971, and subsequently on June 5, 1972, Use Permit 4279-U again approved the expansion, after which the site capacity expanded to a total of 58 mobilehome spaces.

Project Setting

Rodeo Creek Gulch runs along the western perimeter of APN 028-091-22, and beyond the west and northwest edge of the existing developed mobilehome sites, the property drops off steeply into the riparian woodland habitat surrounding the creek. There are several other mobilehome parks in the general vicinity, as well as townhouses and other multi-family residential development.

A small part of the developed portion of the site lies within the mapped riparian woodland corridor of Rodeo Creek. However, existing site development was authorized prior to the implementation of the County Riparian Protection Ordinance, which came into effect in 1977.

Analysis

With the proposed addition of one new mobilehome to the existing park, a rezoning of the two subject parcels must be approved in order to conform the proposed (as well as the existing) density to the appropriate zoning designation.

The two parcels that comprise the mobilehome park property total approximately 6.62 gross acres. If the entire property could be counted as net developable area, there would be approximately 4,887 square feet per dwelling unit at 59 mobilehome spaces, and the current RM4-MH zoning designation would be correct. However, roughly one-third of the project site must be deducted from the net site area calculations because it is either in the Rodeo Gulch floodway (pursuant to FEMA mapping) or mapped as riparian woodland, with a significant grade change demarcation through much of this undevelopable area. Rezoning to RM3-MH would make the property consistent with the actual net density of the site: at 59 mobilehome spaces, there would be approximately 3,280 square feet per dwelling unit.

Pursuant to County Code Section 13.10.684, State of California Mobilehome Parks Act, Health and Safety Code 18200-18700 and CA Code of Regulations, Title 25, Division 1, Chapter 2, Section 1000, the regulatory authority of the County is limited and specific in regards to mobilehome parks.

A change in the number of mobilehome spaces requires both State and County approval, and because the proposed new site requires grading and engineering to create a stable pad, a review and acceptance of the applicant's geotechnical report was required.

Also under County jurisdiction are "stick built" structures on the site that are not for direct use by park residents or employees. Sometime in the past, the manager's residence became a rental unit, and as part of this review and approval, it is proposed to recognize the use of this non-modular house as a rental unit.

Riparian Exception

A Riparian Exception is requested for repair and stabilization of a small area of the north loop of the roadway within the park that falls within the mapped riparian woodland area. The area to be stabilized is previously disturbed and paved; however, the stabilization process may require

temporary incursion of equipment or workers and some ground disturbance within the undisturbed riparian footprint. There is no feasible alternative to repair of the already-developed roadway, as the existing road cannot be relocated completely out of the mapped riparian corridor. The repair-related disturbance would be minor and temporary, and project conditions would require that any disturbance to riparian vegetation would be mitigated and grading and construction impacts would be minimized. The County Riparian Protection Ordinance was adopted in 1977, well after the 1972 approval of the current site configuration.

Zoning & General Plan Consistency

The subject property is 6.6 acres and located in the RM4-MH (mobilehome residential - 4,000 square feet minimum) zone district, a designation that allows residential uses. The proposed Rezoning will be consistent with the existing mobilehome residential use and with the existing residential density of the site, and the project is consistent with the site's (R-UH, O-U) Urban High Residential, Urban Open Space General Plan designation. The subject property is adjacent or in near vicinity to other RM-3 and RM-2.5-zoned sites, therefore the density is appropriate for the area.

Local Coastal Program Consistency

The proposed Rezoning is in conformance with the County's certified Local Coastal Program, in that the existing mobile home park is visually compatible and integrated with the character of the surrounding neighborhood. Developed parcels in the area contain single-family and multi-family dwellings and other mobilehome parks. The project site is not located between the shoreline and the first public road, is not identified as a priority acquisition site in the County's Local Coastal Program and will not interfere with public access to the beach, ocean, or other nearby body of water.

Environmental Review

The currently proposed project is eligible for exemption from further environmental review pursuant to CEQA Section 15302, Existing Facilities, which exempts reconstruction work at an existing mobilehome park with a negligible increase in capacity, and also CEQA Section 15305, Minor Alterations in Land Use Limitations, for rezoning within the Urban Services Line to recognize the existing use and density.

Conclusion

As proposed and conditioned, the project is consistent with all applicable codes and policies of the Zoning Ordinance and General Plan/LCP. Please see Exhibit "B" ("Findings") for a complete listing of findings and evidence related to the above discussion.

Staff Recommendation

- Certification that the proposal is exempt from further Environmental Review under the California Environmental Quality Act.
- **APPROVAL** of Application Number **101087**, based on the attached findings and conditions.

Supplementary reports and information referred to in this report are on file and available for viewing at the Santa Cruz County Planning Department, and are hereby made a part of the administrative record for the proposed project.

The County Code and General Plan, as well as hearing agendas and additional information are available online at: www.co.santa-cruz.ca.us

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Report Reviewed By: _____
Cathy Graves
Principal Planner
Santa Cruz County Planning Department

NOTE:
 PROVIDE A NEW FIRE HYDRANT IN FRONT OF MANAGER'S
 UNIT AND PROVIDE FIRE SPRINKLER SYSTEM IN THE
 MANAGER UNIT AS PER 2010 FIRE CODE AND NFPA13

RODEO

CREEK

HIGH WATER OF
 CREEK

EX BLDG AREA,
 LAUNDRY/NURSERY
 AND STORAGE
 SPACE
 NEW MOBILE HOME

AREA OF
 ROADWAY
 REPAIR

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

PRIVATE ROAD

FIRE HYDRANT
 REMODELING

EXISTING MOBILE
 HOMES

2565 PORTOLA DRIVE

SITE PLAN

1"=40'-0"



LOCATION MAP

SITE

SITE DATA AND ZONING

CONSTRUCTION DATA

SHEET INDEX

CONSULTANTS:

STRUCTURAL ENGINEER:

MONTREY ENGINEERING

SCOPE OF WORK:

AND A NEW SPACE AND A KITCHEN
 ROOM TO THAT SPACE

RICHARD HARD
 DRAFTING AND PLANNING, INC.
 3150 HANGIN WAY, SAN JOSE, CA 95148
 (408) 522-1755 HANGIN@HARD-PLANNING.COM
 HARD DRAFTING PLANNING

SITE PLAN

OCEAN BREEZE MOBILE MANOR
 VIEIRA ENTERPRISES, INC.
 2001 LA FAYETTE ST
 SANTA CLARA, CA 95050

1
 1"=40'-0"
 NORTH

NOTES

BUILDING PROVIDING GLAZING AREA OF NOT LESS THAN 10% OF THE FLOOR AREA PROVIDE NATURAL VENTILATION BY MEANS OF OPENABLE EXTERIOR DEVICES WITH AN AREA NOT LESS THAN 5% OF THE FLOOR AREA, WITH A MAX. OF 3 SQ. FT.

NOTES

Table 10.—*Immunization Factors for Various Wells and Particles.*

3) WALL & (N) AREA SEPARATION. (1-HR

- (iii) WALLS
- (iv) WALLS
- (v) AREA SEPARATION WALL
- (vi) FRAME: IN (v) DOORWAY

1/4 1/2

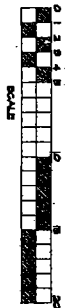
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49	Item 49	Item 49 Description	Item 49 Unit	Item 49 Price	Item 49 Quantity	Item 49 Total
50	Item 50	Item 50 Description	Item 50 Unit	Item 50 Price	Item 50 Quantity	Item 50 Total
51	Item 51	Item 51 Description	Item 51 Unit	Item 51 Price	Item 51 Quantity	Item 51 Total

RICHARD HARO
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FRONT ELEVATION

1/4" = 1'-0"



REAR ELEVATION

RIGHT SIDE ELEVATION

1/4" = 1'-0"

LEFT SIDE ELEVATION

1/4" = 1'-0"

EXHIBIT A

OCEAN BREEZE MOBILE MANOR
VIEIRA ENTERPRISES, INC.
2001 LA FAYETTE ST
SANTA CLARA, CA 95050

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ELEVATIONS OF MANAGERS UNIT



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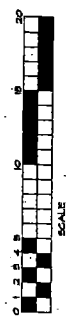
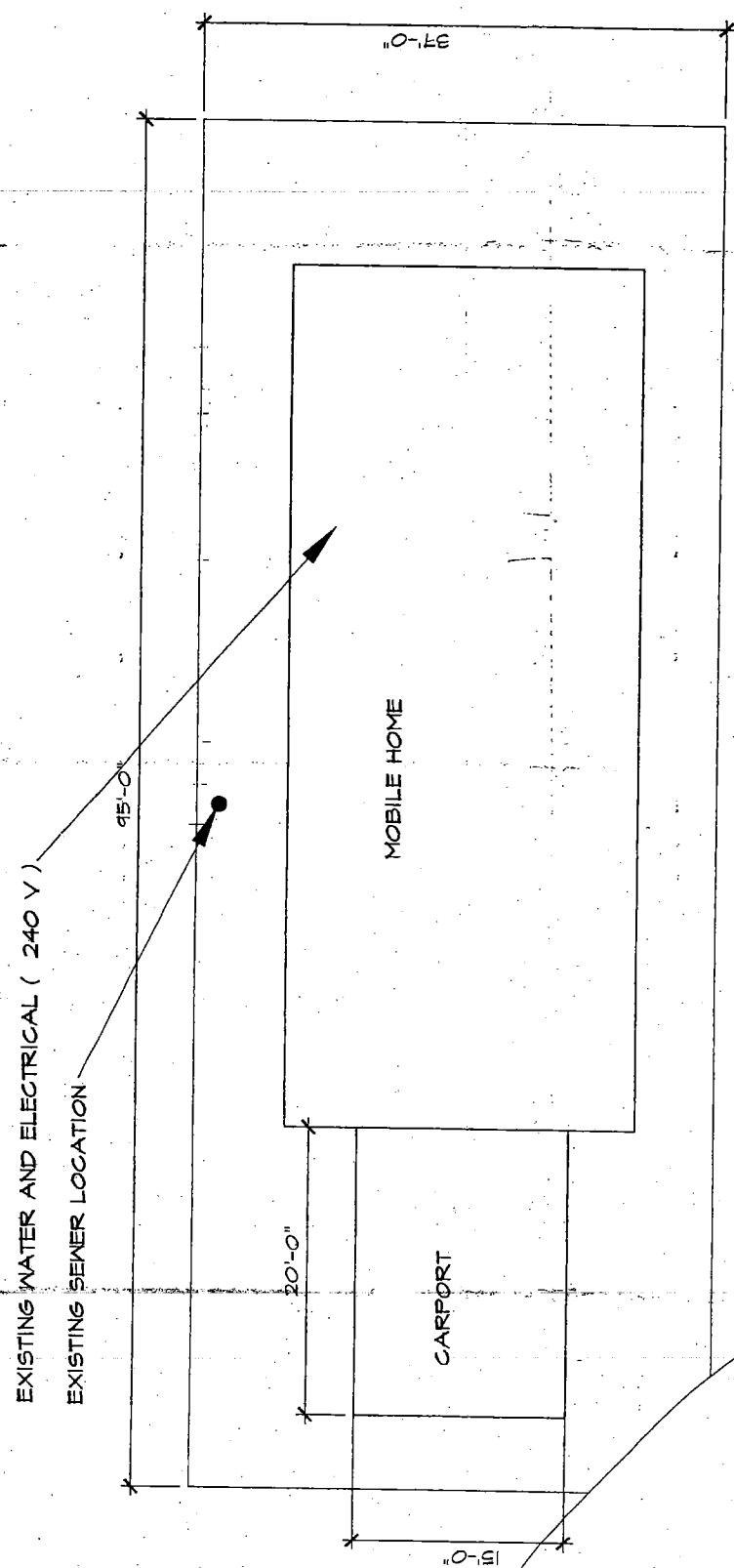
PLAT MAP OF NEW MOBILE HOME
SPACE



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OCEAN BRIDGE MOBILE HOMES, INC.
VIEIRA ENTERPRISES, INC.
2001 LA FAYETTE ST
SANTA CLARA, CA 95050

DATE: 10/1/97
BY: [Signature]
SCALE: 1/4" = 1'-0"



MOBILE HOME PLOT MAP
1"=10'-0"

Coastal Development Permit Findings

1. That the project is a use allowed in one of the basic zone districts, other than the Special Use (SU) district, listed in section 13.10.170(d) as consistent with the General Plan and Local Coastal Program LUP designation.

This finding can be made, in that the property is zoned RM4-MH (mobilehome residential - 4,000 square feet minimum), a designation that allows mobile home residential uses. The proposed Rezoning to RM3-MH and LCP Amendment is consistent with the site's (R-UH, O-U) Urban High Residential, Urban Open Space General Plan designation.

2. That the project does not conflict with any existing easement or development restrictions such as public access, utility, or open space easements.

This finding can be made, in that the proposal does not conflict with any existing easement or development restriction such as public access, utility, or open space easements as no such easements or restrictions are known to encumber the project site.

3. That the project is consistent with the design criteria and special use standards and conditions of this chapter pursuant to section 13.20.130 et seq.

This finding can be made, in that the development is consistent with the surrounding neighborhood in terms of architectural style; the site is surrounded by lots developed to a similar urban density and the site is not on a prominent ridge, beach, or bluff top.

4. That the project conforms with the public access, recreation, and visitor-serving policies, standards and maps of the General Plan and Local Coastal Program land use plan, specifically Chapter 2: figure 2.5 and Chapter 7, and, as to any development between and nearest public road and the sea or the shoreline of any body of water located within the coastal zone, such development is in conformity with the public access and public recreation policies of Chapter 3 of the Coastal Act commencing with section 30200.

This finding can be made, in that the project site is not located between the shoreline and the first public road. Consequently, the Rezoning will not interfere with public access to the beach, ocean, or any nearby body of water, and the project site is not identified as a priority acquisition site in the County Local Coastal Program.

5. That the proposed development is in conformity with the certified local coastal program.

This finding can be made, in that the proposed new mobilehome space within an existing 58-space mobilehome park is sited and designed to be visually compatible, in scale, and integrated into the character of the surrounding neighborhood. Mobilehome residential uses are allowed uses in the RM3-MH (mobilehome residential - 3,000 square feet minimum) zone district, as well as the Urban High Residential General Plan and Local Coastal Program land use designation. Developed parcels in the area contain multi-family and mobilehome park dwellings. The project is consistent with the existing range of structural development in the vicinity.

Rezoning Findings

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land-use designations of the adopted General Plan; and,

This finding can be made, in that the subject property is located within the Urban Services Line with all public services available, and is developed with existing manufactured homes and other structures with adequate area for parking and vehicular and pedestrian circulation and access to and from Portola Avenue. The property is currently zoned Mobilehome Residential, 4,000 square feet minimum parcel size (RM4-MH) and is proposed to be rezoned to Mobilehome Residential, 3,000 square feet minimum parcel size (RM3-MH) in order to accurately represent the existing (and proposed) density. Under a RM3-MH zoning designation, the subject property will be consistent with existing infrastructure constraints and existing levels of development. The mobilehome park and the proposed improvements to the park will meet these criteria, as utility availability, existing parking area and other infrastructure requirements are adequate and will be consistent with the objectives of the Urban High Residential land-use designation.

2. The proposed zone district is appropriate to the level of utilities and community services available to the land; and,

This finding can be made, in that the existing development on the subject property is connected to all utilities and all available community services, including water, power, sanitation, and all of these community services will continue to be available and adequate after the proposed rezone to Mobilehome Residential, 3,000 square feet minimum parcel size (RM3-MH).

3. The character of development in the area where the land is located has changed or is changing to such a degree that the public interest will be better served by a different zone district.

This finding can be made, because the current zoning designation (RM4-MH) has for a long time been out of consistency with the existing density of development on the project site, and with the proposed addition of one more mobilehome space, to result in a total of 59 mobilehome spaces, it is appropriate to rezone the property to accurately reflect the existing density on the site and in the surrounding vicinity. The County Zoning Ordinance residential designations are intended to provide for residential density in terms of net developable area, and approximately one-third of the gross site area must be deducted from the net area calculations, due to the FEMA-mapped Rodeo Gulch floodway and the riparian woodland. The proposed 59 total mobilehome spaces would result in a density of approximately 3,280 square feet per unit, for which the proposed RM3-MH zoning designation would be appropriate. Further, the subject property is adjacent or in near vicinity to other RM-3 and RM-2.5-zoned sites, so it is clear that such density has been considered appropriate in the area.

Riparian Exception Findings

1. That there are special circumstances or conditions affecting the property;

The special circumstance affecting this parcel is that a portion of the existing internal access road has failed. The developed portion of the site has been paved over and disturbed since 1972, prior to the adoption of the Riparian Protection Ordinance in 1977. Some of the existing developed area is within what is now mapped as riparian habitat. Repair of the roadway will necessitate temporary and minor new disturbance within the riparian corridor in order to stabilize the road foundation, however, impacts to the riparian corridor will be minimized.

2. That the exception is necessary for the proper design and function of some permitted or existing activity on the property;

The required repair of the existing mobilehome roadway cannot be made without approving construction-related minor incursions into the riparian corridor. An Exception is necessary to allow soil re-compaction and other civil-engineered methods to stabilize the area beneath the existing roadway. Because the site is densely developed with existing mobilehomes on foundations, there is no feasible means of relocating the portion of the roadway to be repaired further away from the riparian corridor. Emergency access and circulation for all the existing residential uses on the project site cannot be maintained if repair of the existing roadway cannot be allowed.

3. That the granting of the exception will not be detrimental to the public welfare or injurious to other property downstream or in the area in which the project is located;

The exception would allow for repair of a small section of existing mobilehome park interior roadway that is within the mapped riparian corridor. Conditions of approval for the proposed repair will require strict adherence to all requirements of the accepted Geotechnical Report and best management practices (BMPs) for handling construction-related drainage, thus preventing downstream impacts.

4. That the granting of the exception, in the Coastal Zone, will not reduce or adversely impact the riparian corridor, and there is no feasible less environmentally damaging alternative; and

With the required project conditions of approval, including adherence to all requirements of the accepted geotechnical report, minimization of grading, best management practices (BMPs) for containment of repair-related runoff, and required mitigation of any impacts to riparian vegetation, the Rodeo Gulch riparian corridor will not be reduced or suffer adverse impacts. Because this is a repair of an existing roadway, there is no feasible less environmentally damaging alternative.

5. That the granting of the exception is in accordance with the purpose of this chapter, and with the objectives of the General Plan and elements thereof, and the Local Coastal Program Land Use Plan.”

The riparian exception is in accordance with the purposes of the Riparian Ordinance and the objectives of the General Plan and the Local Coastal Plan in that riparian resources will be protected to the greatest extent possible while allowing the owner to maintain preexisting use of the road and prevent additional erosion. The Riparian Exception conditions will be incorporated into the Conditions of Approval that are being proposed as part of this project.

The proposed project does not conflict with any regulations adopted for the purpose of avoiding or mitigating an environmental effect.

Development Permit Findings

1. That the proposed location of the project and the conditions under which it would be operated or maintained will not be detrimental to the health, safety, or welfare of persons residing or working in the neighborhood or the general public, and will not result in inefficient or wasteful use of energy, and will not be materially injurious to properties or improvements in the vicinity.

This finding can be made, in that the project is located in an area designated for residential uses and is not encumbered by physical constraints to development. Construction will comply with prevailing building technology, the California Building Code, and the County Building ordinance to insure the optimum in safety and the conservation of energy and resources.

2. That the proposed location of the project and the conditions under which it would be operated or maintained will be consistent with all pertinent County ordinances and the purpose of the zone district in which the site is located.

This finding can be made, in that the proposed Rezoning and the conditions under which the mobilehome park will be maintained will be consistent with all pertinent County ordinances and the purpose of the RM3-MH (mobilehome residential - 3,000 square feet minimum) zone district. The rezoning from RM4-MH to RM3-MH will insure that current site standards for the zone district, including the net site density of the property, will be consistent with the County zoning ordinance.

3. That the proposed use is consistent with all elements of the County General Plan and with any specific plan which has been adopted for the area.

This finding can be made, in that the proposed mobilehome residential use is consistent with the use and density requirements specified for the Urban High Residential, Urban Open Space (R-UH, O-U) land use designation in the County General Plan.

The proposed Rezoning, additional mobilehome space and recognition of a rental unit will not have any impact on the light, solar opportunities, air, and/or open space available to other structures or properties, and the proposed project meets all current site and development standards for the zone district as specified in Policy 8.1.3 (Residential Site and Development Standards Ordinance).

The proposed Rezoning to RM3-MH, additional mobilehome space and recognition of a rental unit will ensure that development of the mobilehome park is properly proportioned to the parcel size and the character of the neighborhood as specified in General Plan Policy 8.6.1 (Maintaining a Relationship Between Structure and Parcel Sizes), in that the proposed Rezoning will allow the property to comply with the site standards for the RM3-MH zone district.

A specific plan has not been adopted for this portion of the County.

4. That the proposed use will not overload utilities and will not generate more than the acceptable level of traffic on the streets in the vicinity.

This finding can be made, in that the proposed Rezoning to RM3-MH, additional mobilehome space and recognition of a rental unit are for compliance to ordinance requirements on an existing developed lot. One new residence would be added to existing development. The expected level of traffic generated by the proposed project is anticipated to be only one peak trip per day (1 peak trip per dwelling unit) and such an increase will not adversely impact existing roads and intersections in the surrounding area.

5. That the proposed project will complement and harmonize with the existing and proposed land uses in the vicinity and will be compatible with the physical design aspects, land use intensities, and dwelling unit densities of the neighborhood.

This finding can be made, in that the proposed structure is located in a mixed neighborhood containing a variety of architectural styles, including other mobilehome parks, and developed at high urban densities, and the proposed Rezoning to RM3-MH, additional mobilehome space and recognition of a rental unit are consistent with the land use intensity and density of the neighborhood.

6. The proposed development project is consistent with the Design Standards and Guidelines (sections 13.11.070 through 13.11.076), and any other applicable requirements of this chapter.

The proposed Rezoning to RM3-MH, additional mobilehome space and recognition of a rental unit will not have a significant impact on the scale or design of the existing site development, or have an impact upon the aesthetic qualities of the surrounding properties, and will not reduce or visually impact available open space in the surrounding area.

Conditions of Approval

Exhibit A: Project plans, 5 sheets by Richard Haro and 1 sheet by Frank R. Ianucci, dated 2/1/10, and 4 sheets by JMG Engineering, dated 4/16/10.

- I. This permit authorizes the rezoning an existing 58-space mobilehome park from RM4-MH to RM3-MH for consistency with the existing density, the addition of one new mobilehome space, for a total of 59 spaces and recognition of the conversion of the manager's dwelling to a rental unit within the mobilehome park. This approval does not confer legal status on any existing structure(s) or existing use(s) on the subject property that are not specifically authorized by this permit. Prior to exercising any rights granted by this permit including, without limitation, any construction or site disturbance, the applicant/owner shall:
 - A. Sign, date, and return to the Planning Department one copy of the approval to indicate acceptance and agreement with the conditions thereof.
 - B. Obtain a Building Permit from the Santa Cruz County Building Official for alteration of the existing dwelling rental unit.
 1. Any outstanding balance due to the Planning Department must be paid prior to making a Building Permit application. Applications for Building Permits will not be accepted or processed while there is an outstanding balance due.
 - C. Obtain a Demolition Permit from the Santa Cruz County Building Official.
 - D. Submit proof that these conditions have been recorded in the official records of the County of Santa Cruz (Office of the County Recorder) within 30 days from the effective date of this permit.
- II. Prior to issuance of a Building Permit the applicant/owner shall:
 - A. Submit final architectural plans for alteration of the existing rental dwelling unit for review and approval by the Planning Department, and engineered plans for the road repair. The final plans shall be in substantial compliance with the plans marked Exhibit "A" on file with the Planning Department. Any changes from the approved Exhibit "A" for this development permit on the plans submitted for the Building Permit must be clearly called out and labeled by standard architectural methods to indicate such changes. Any changes not properly called out and labeled will not be authorized by any Building Permit that is issued for the proposed development. The final plans shall include the following additional information:
 1. Civil-engineered grading, drainage, and erosion control plans.
 2. Details showing compliance with fire department requirements.

- B. Submit four copies of the approved Discretionary Permit with the Conditions of Approval attached. The Conditions of Approval shall be recorded prior to submittal, if applicable.
- C. Provide an arborist's report that identifies by species, size, location, and health each of the trees in and within 10 feet of the limits of disturbance. The report must include protection measures for trees to remain and recommendations for additional retention and replacement.
- D. Disturbance within the riparian corridor shall be minimized to the greatest extent possible.
- E. Provide an erosion control plan. The plan shall demonstrate the means and methods of controlling drainage, erosion and sediment during and at the completion of construction. If the work will occur between October 15 and April 15 of any year, the plan must set an inspection schedule for the control measures.
- F. Submit civil-engineered grading and drainage plans showing existing and proposed contours for the area including and surrounding the new mobilehome space and road repair. Include proposed grading amounts, limits of disturbance and proposed drainage improvements.
- G. Provide cross-sections through the new mobilehome space and the proposed road repair that extend to the base of the slope to the north. Show the fill, terrace material and setback from the slope to the toe of the foundations.
- H. Meet all requirements of and pay Zone 5 drainage fees to the County Department of Public Works, Stormwater Management. Drainage fees will be assessed on the net increase in impervious area.
 - 1. All drainage is required to be released in a controlled non-erosive manner. Storage and/or release of stormwater near the top of the slope are prohibited.
- I. Meet all requirements of the County Sanitation District, including:
 - 1. Obtain a sewer lateral abandonment permit for the existing structure(s) to be demolished and have the sewer lateral abandonment inspected by the District Inspector. District Inspector shall be allowed to access structure to be demolished. District Inspector may be contacted at (831) 454-2160.
 - 2. In accordance with Sanitation District Code Section 7.04.375, Private Sanitary Sewer System repair, prior to Building Permit application, the applicant is required to televise all on-site sewer laterals and make repairs to any damaged or leaking pipes that may be shown. Color video results of a sufficient quality shall be made available to the District for review, along with District certification form completed by a plumber.

3. Building plans to be submitted shall clearly show and label all existing plumbing fixtures demolished, removed and proposed for sewer connection permit calculation. Plans shall show mobile home park's sewer system and appurtenances, including pipe size.
- J. Meet all requirements and pay any applicable plan check fee of the Central Fire Protection District.
- K. Meet all requirements of the City of Santa Cruz Water Department.
- L. Submit 3 copies of a soils report/geotechnical investigation prepared and stamped by a licensed Geotechnical Engineer.
 1. Final plans shall reference the report and include a statement that the project shall conform to the report's recommendations.
- III. All construction shall be performed according to the approved plans for the Building Permit. Prior to final building inspection, the applicant/owner must meet the following conditions:
 - A. All site improvements shown on the final approved Building Permit plans shall be installed.
 - B. The applicant shall schedule a pre-construction meeting with the Resource Planner (call 831-454-3015) prior to removal of any vegetation or commencement of construction. The Resource Planner will inspect tree protection measure and erosion control methods at the meeting.
 - C. All inspections required by the building permit shall be completed to the satisfaction of the County Building Official.
 - D. The project must comply with all recommendations of the approved soils and geotechnical reports (Tharp & Associates, Inc., Job No. 10-03, dated June 2010 and JMC Engineering, dated 4/14/10).
 - E. At the end of construction, the soils engineer and civil engineer shall provide letters stating that the project was completed in compliance with the soils report and final project plans.
 - ~~F. The applicant shall schedule a final inspection with the Resource Planner (call 831-454-3164) at the completion of construction. Final erosion control, tree protection and vegetation replacement will be inspected.~~
 - G. Pursuant to Sections 16.40.040 and 16.42.100 of the County Code, if at any time during site preparation, excavation, or other ground disturbance associated with this development, any artifact or other evidence of an historic archaeological resource or a Native American cultural site is discovered, the responsible persons shall immediately cease and desist from all further site excavation and notify the Sheriff-Coroner if the discovery contains human remains, or the Planning

Director if the discovery contains no human remains. The procedures established in Sections 16.40.040 and 16.42.100, shall be observed.

IV. Operational Conditions

- A. Any tree removal proposed within the riparian corridor or riparian buffer shall require a separate Riparian Exception application.
- B. Disturbance within the riparian corridor shall be minimized to the greatest extent possible.
- C. In the event that future County inspections of the subject property disclose noncompliance with any Conditions of this approval or any violation of the County Code, the owner shall pay to the County the full cost of such County inspections, including any follow-up inspections and/or necessary enforcement actions, up to and including permit revocation.

V. As a condition of this development approval, the holder of this development approval ("Development Approval Holder"), is required to defend, indemnify, and hold harmless the COUNTY, its officers, employees, and agents, from and against any claim (including attorneys' fees), against the COUNTY, its officers, employees, and agents to attack, set aside, void, or annul this development approval of the COUNTY or any subsequent amendment of this development approval which is requested by the Development Approval Holder.

- A. COUNTY shall promptly notify the Development Approval Holder of any claim, action, or proceeding against which the COUNTY seeks to be defended, indemnified, or held harmless. COUNTY shall cooperate fully in such defense. If COUNTY fails to notify the Development Approval Holder within sixty (60) days of any such claim, action, or proceeding, or fails to cooperate fully in the defense thereof, the Development Approval Holder shall not thereafter be responsible to defend, indemnify, or hold harmless the COUNTY if such failure to notify or cooperate was significantly prejudicial to the Development Approval Holder.

- B. Nothing contained herein shall prohibit the COUNTY from participating in the defense of any claim, action, or proceeding if both of the following occur:

- 1. COUNTY bears its own attorney's fees and costs; and
- 2. COUNTY defends the action in good faith.

- C. Settlement. The Development Approval Holder shall not be required to pay or perform any settlement unless such Development Approval Holder has approved the settlement. When representing the County, the Development Approval Holder shall not enter into any stipulation or settlement modifying or affecting the interpretation or validity of any of the terms or conditions of the development approval without the prior written consent of the County.

- D. Successors Bound. "Development Approval Holder" shall include the applicant and the successor'(s) in interest, transferee(s), and assign(s) of the applicant.
-

Minor variations to this permit that do not affect the overall concept or density may be approved by the Planning Director at the request of the applicant or staff in accordance with Chapter 18.10 of the County Code.

Please note: This permit expires three years from the effective date listed below unless a building permit (or permits) is obtained for the primary structure described in the development permit (does not include demolition, temporary power pole or other site preparation permits, or accessory structures unless these are the primary subject of the development permit). Failure to exercise the building permit and to complete all of the construction under the building permit, resulting in the expiration of the building permit, will void the development permit, unless there are special circumstances as determined by the Planning Director.

Approval Date: _____

Effective Date: _____

Expiration Date: _____

Cathy Graves
Principal Planner

Alice Daly
Project Planner

Appeals: Any property owner, or other person aggrieved, or any other person whose interests are adversely affected by any act or determination of the Planning Commission, may appeal the act or determination to the Board of Supervisors in accordance with chapter 18.10 of the Santa Cruz County Code.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

The Santa Cruz County Planning Department has reviewed the project described below and has determined that it is exempt from the provisions of CEQA as specified in Sections 15061 -15332 of CEQA for the reason(s) which have been specified in this document.

Application Number: 101087

Assessor Parcel Number: 028-091-05, -22

Project Location: 2565 Portola Drive

Project Description: Proposal to rezone an existing 58-space mobilehome park from RM4-MH to RM3-MH for consistency with the existing density and to add one new mobilehome space, for a total of 59 spaces, and to recognize the conversion of the manager's dwelling to a rental unit within the mobilehome park.

Person or Agency Proposing Project: Manuel Vieira

Contact Phone Number: 408-727-8734

- A. _____ The proposed activity is not a project under CEQA Guidelines Section 15378.
B. _____ The proposed activity is not subject to CEQA as specified under CEQA Guidelines Section 15060 (c).
C. _____ Ministerial Project involving only the use of fixed standards or objective measurements without personal judgment.
D. _____ Statutory Exemption other than a Ministerial Project (CEQA Guidelines Section 15260 to 15285).

Specify type:

E. X Categorical Exemption

Specify type: CEQA Section 15301: Existing Facilities, and
CEQA Section 15305: Minor Alterations in Land Use Limitations

F. **Reasons why the project is exempt:**

Reconstruction work at an existing mobilehome park with a negligible increase in capacity, and rezoning within the Urban Services Line to recognize the existing use and density.

In addition, none of the conditions described in Section 15300.2 apply to this project.

Alice Daly, Project Planner

Date: _____

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POR. RANCHO ARROYO DEL RODEO
N.W. 1/4 SEC. 21, T.11S., R.1W., M.D.B. & M.

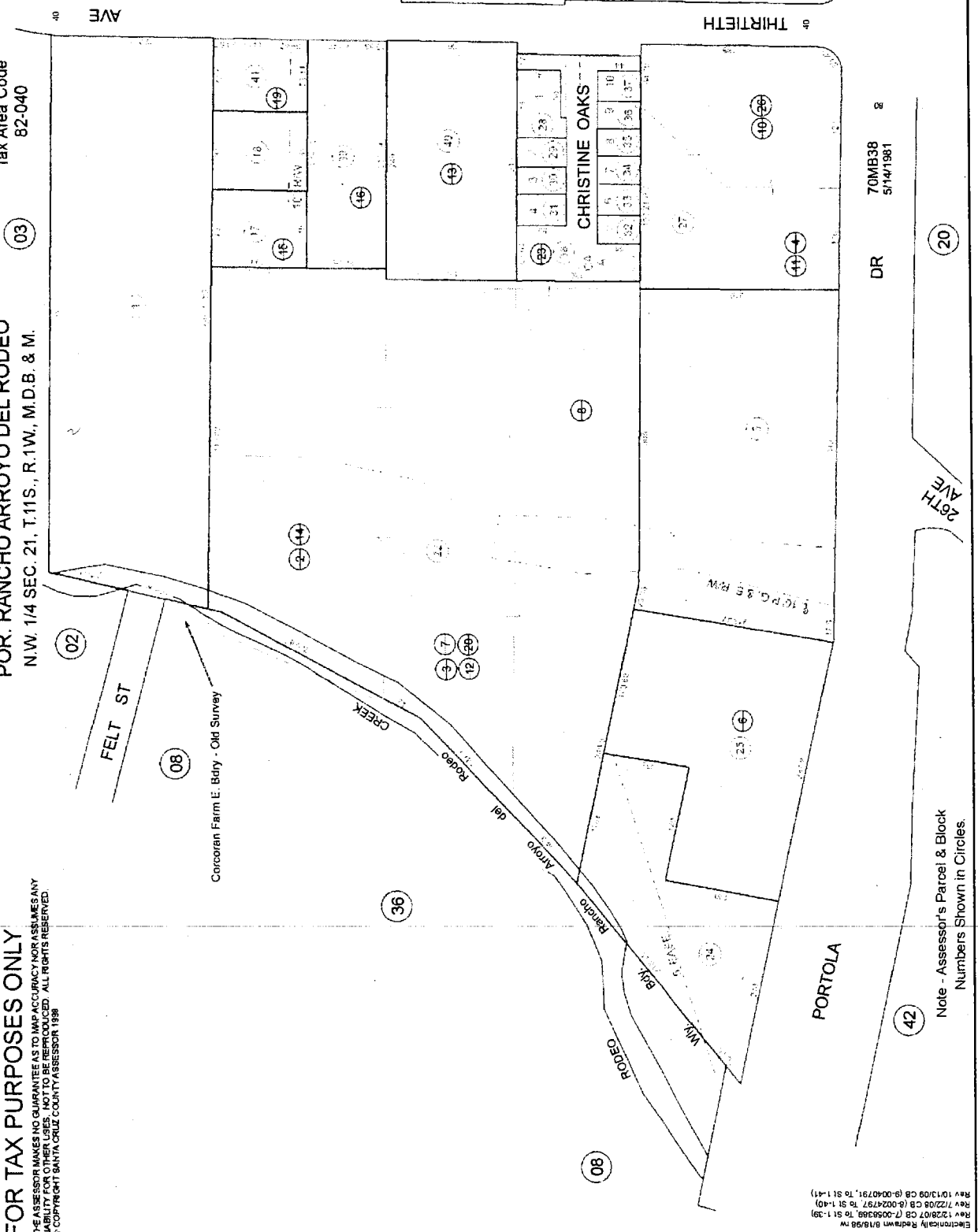
Tax Area Code
82-040

28-09



70MB14
3/4/1981

THIRTIETH OAKS TR. 1186
76MB65 10/9/1987



DR 70MB38 5/14/1981

Assessor's Map No. 28-09
County of Santa Cruz, Calif.
Aug. 1998

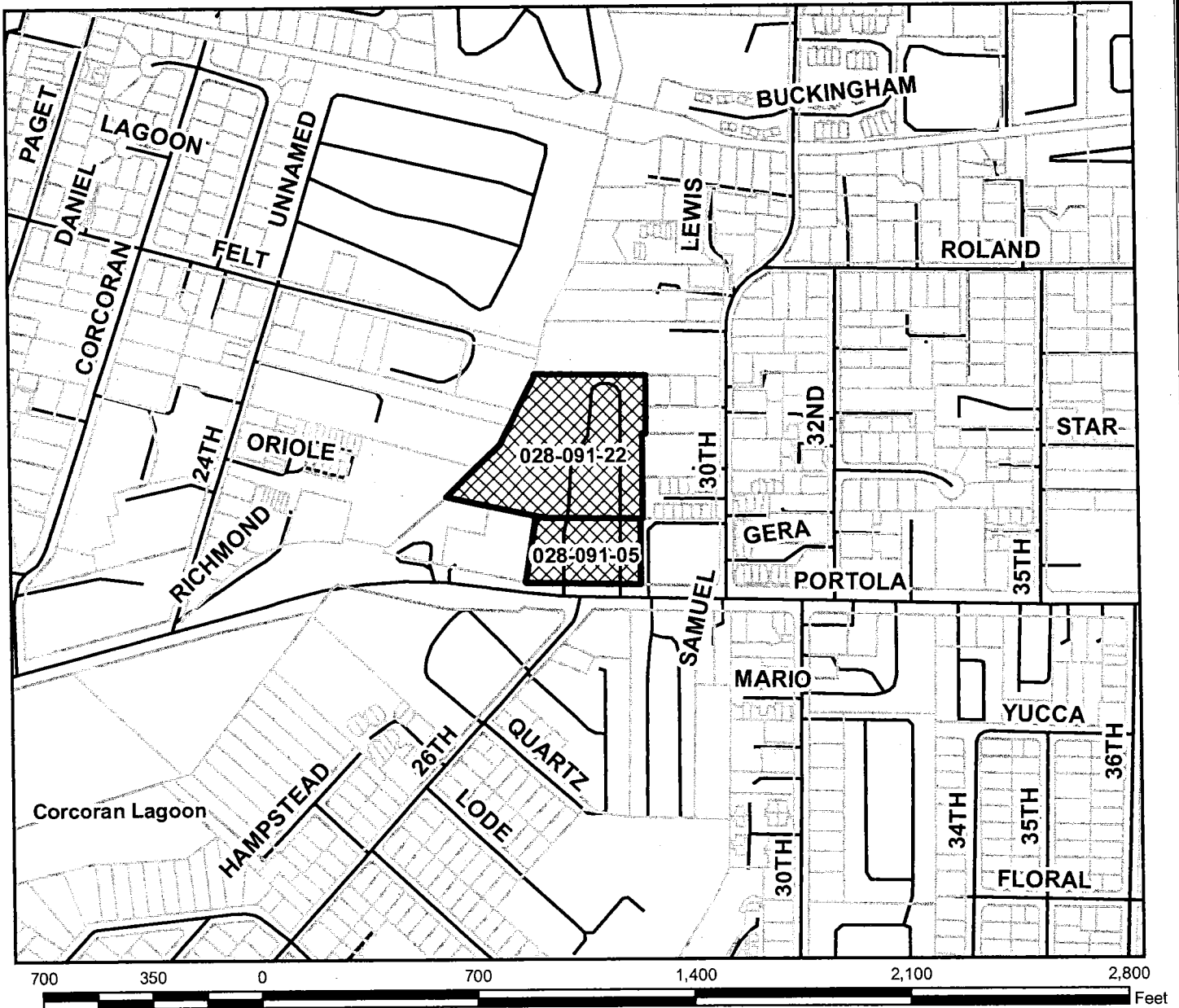
Note - Assessor's Parcel & Block
Numbers Shown in Circles.

Electronically Redrawn 8/18/98
Rev 12/28/08 CB (8-0054797 to S11-13)
Rev 10/13/09 CB (8-0040791 to S11-17)






EXHIBIT B

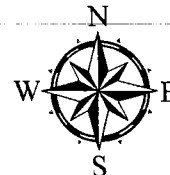


Location Map



LEGEND

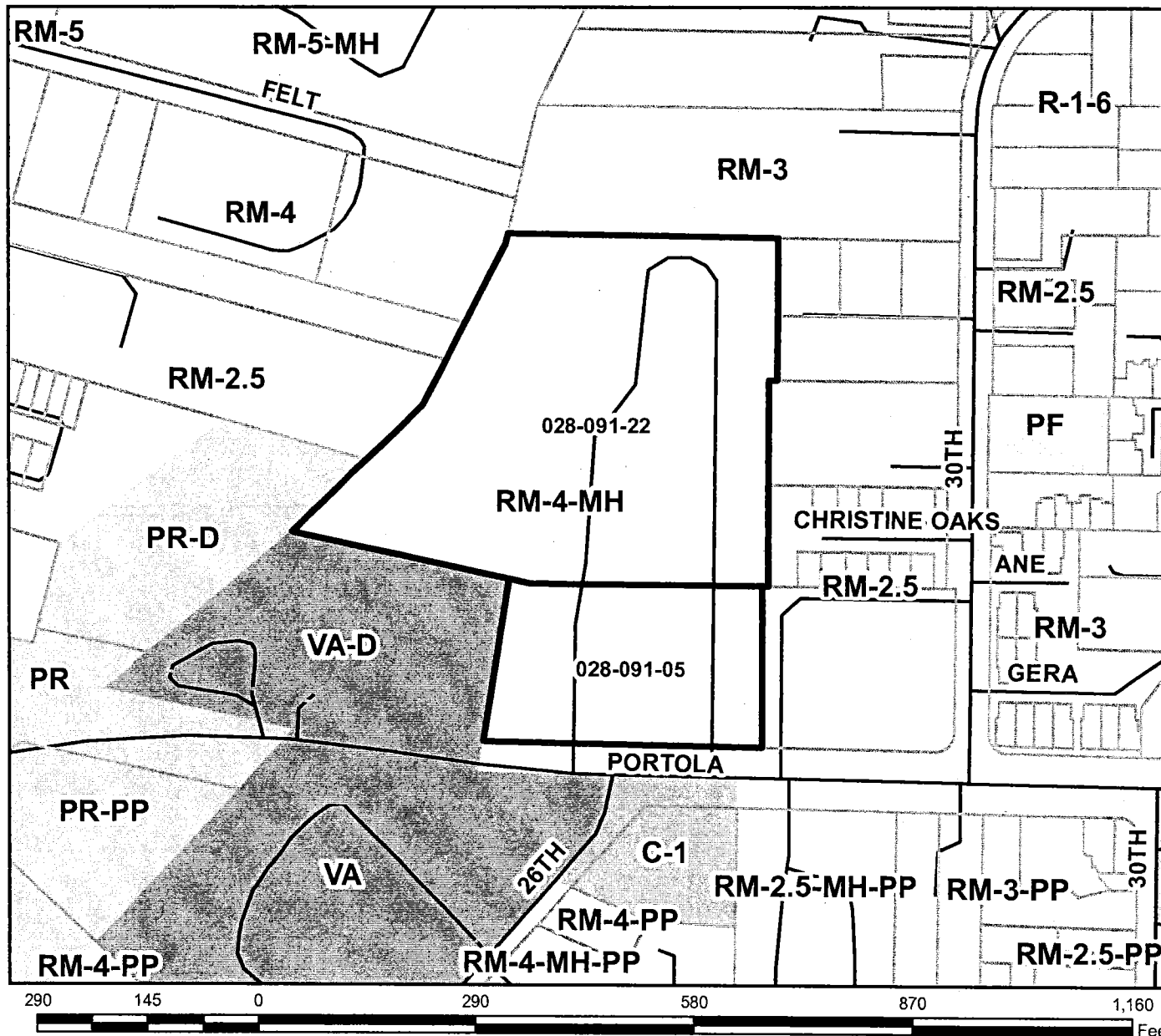
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-  APN: 028-091-05
-  Assessors Parcels
-  Streets
-  Lakes



Map Created by
County of Santa Cruz
Planning Department
October 2010

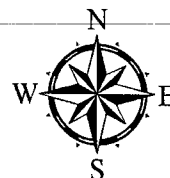


Zoning Map



LEGEND

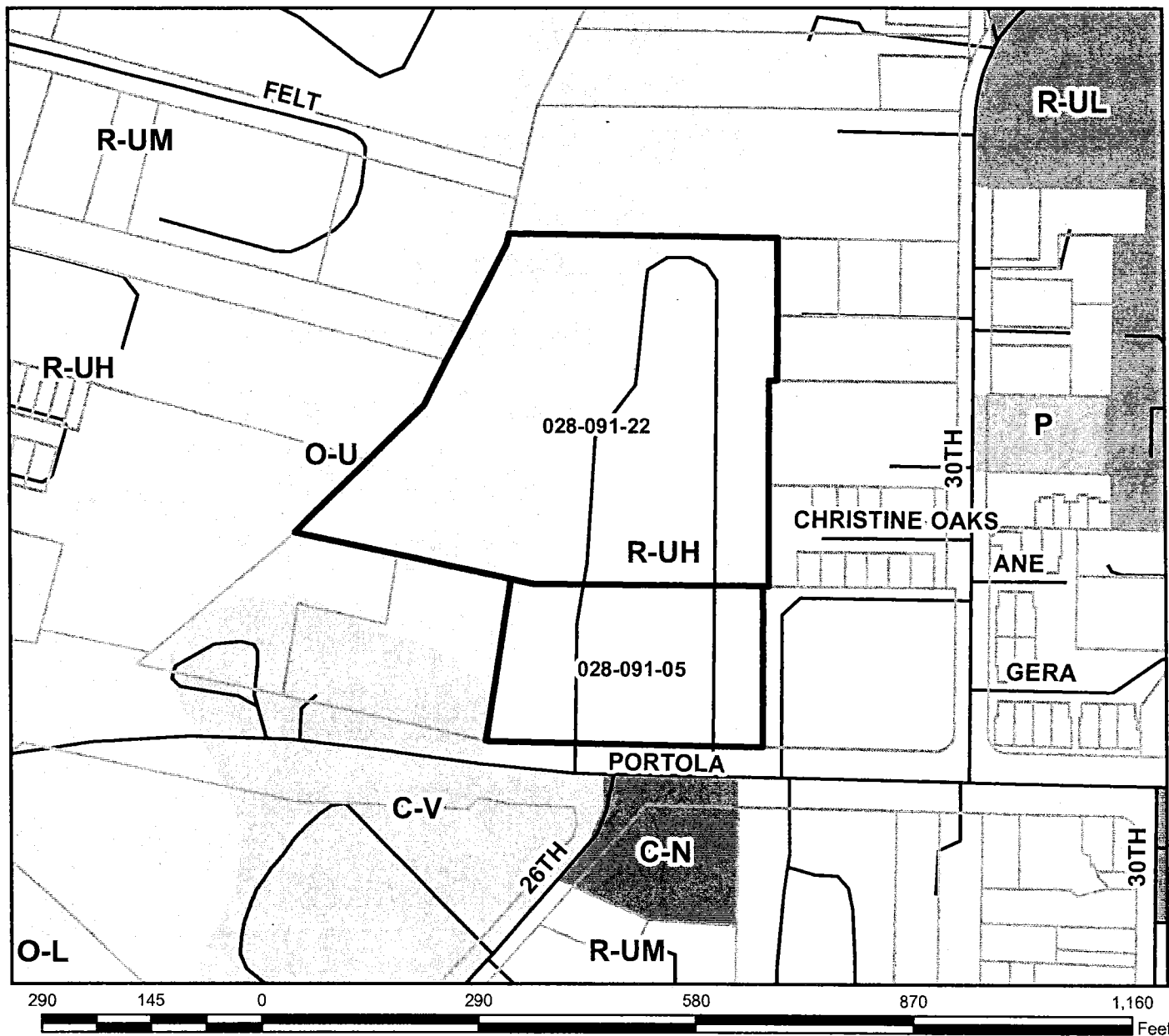
- APN: 028-091-22
- APN: 028-091-05
- Assessors Parcels
- Streets
- RESIDENTIAL-MULTI FAMILY
- RESIDENTIAL-SINGLE FAMILY
- PUBLIC FACILITY
- PARK
- COMMERCIAL-NEIGHBORHOOD
- COMMERCIAL-VISITOR ACCOM.



Map Created by
County of Santa Cruz
Planning Department
October 2010

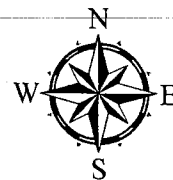


General Plan Designation Map



LEGEND

- APN: 028-091-22
- APN: 028-091-05
- Assessors Parcels
- Streets
- Residential - Urban High Density
- Urban Open Space
- Residential - Urban Medium Density
- Residential - Urban Low Density
- Commercial-Visitor Accom.
- Commercial-Neighborhood
- Public Facilities



Map Created by
County of Santa Cruz
Planning Department
October 2010

BEFORE THE PLANNING COMMISSION
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

RESOLUTION NO. _____

On the motion of Commissioner
duly seconded by Commissioner
the following Resolution is adopted:

PLANNING COMMISSION RESOLUTION
SENDING RECOMMENDATION TO THE BOARD OF SUPERVISORS
ON PROPOSED AMENDMENT TO THE GENERAL PLAN AND ZONING ORDINANCE

WHEREAS, the Planning Commission has held a public hearing on Application No. 101087, involving property located at 2565 Portola Drive (APNs 028-091-05 and -22), within the Live Oak planning area, and the Planning Commission has considered the proposed rezoning, residential development permit Amendment, Coastal Permit and Riparian Exception, and all testimony and evidence received at the public hearing, and the attached staff report.

BE IT RESOLVED, that the Planning Commission recommends that the Board of Supervisors adopt the attached ordinance amending the Zoning Ordinance by changing property from Mobilehome Residential, 4,000 square feet minimum parcel size (RM4-MH) to Mobilehome Residential, 3,000 square feet minimum parcel size RM3-MH), amending Residential Development Permits 4279-U, 3629-U, 3911-U, 2474-U and 1462-U and approving a Coastal Permit to add one mobilehome space and recognize conversion of the manager's dwelling to a rental unit, and approving a Riparian Exception for repair and stabilization of an existing access road,

BE IT FURTHER RESOLVED, that the Planning Commission makes findings on the proposed rezoning and residential development as contained in the Report to the Planning Commission.

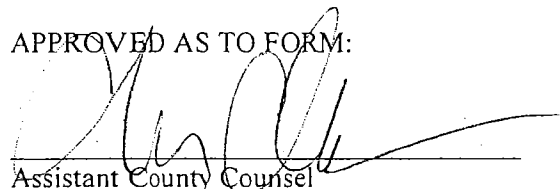
PASSED AND ADOPTED by the Planning Commission of the County of Santa Cruz, State of California, this _____ day of _____, 2012, by the following vote:

AYES: COMMISSIONERS
NOES: COMMISSIONERS
ABSENT: COMMISSIONERS
ABSTAIN: COMMISSIONERS

Chairperson

ATTEST: _____
CATHY GRAVES, Secretary

APPROVED AS TO FORM:


Assistant County Counsel

**ORDINANCE AMENDING CHAPTER 13
OF THE SANTA CRUZ COUNTY CODE
CHANGING FROM ONE ZONE DISTRICT TO ANOTHER**

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

The Board of Supervisors finds that the public convenience, necessity and general welfare require the amendment of the County Zoning Regulations to implement the policies of the County General Plan regarding the mobilehome property located at 2565 Portola Drive (APNs 028-091-05 and -22) located on the north side of Portola Drive opposite the intersection of Portola Drive and 26th Avenue within the Live Oak Planning area; finds that the zoning to be established herein is consistent with all elements of the Santa Cruz County General Plan and the Santa Cruz County Code; and finds and certifies that the project is subject to a Categorical Exemption under the California Environmental Quality Act.

SECTION II

The Board of Supervisors hereby adopts the Zoning Plan Amendment as described in Section III, and adopts the findings in support thereof without modification as set forth below:

1. The proposed zone district will allow a density of development and types of uses which are consistent with the objectives and land use designations of the adopted General Plan; and

Under the proposed RM3-MH zoning designation, existing parking areas and availability of public services are more than adequate for the proposed new mobilehome space and for the recognition of a rental unit in an existing caretaker's residence at the mobilehome park on the site, and are consistent with the existing density of development in the vicinity. The subject property is located within the Urban Services Line along a portion of Portola Drive which has an existing mix of mobilehome parks, townhouses and other high-density multi-family residential zoning. The proposed zoning designation will be consistent with the variety of urban high residential development that has been anticipated in the adopted General Plan for this portion of the Live Oak planning area.

2. The proposed zone district is appropriate for the level of utilities and community services available to the land; and

~~The proposed RM3-MH zone district is appropriate to the level of utilities and community services available to the parcel. In particular, the subject parcel is located within the Urban Services Line, where infrastructure and public services are available to the site, including publicly maintained roadways, water, sewer, and fire protection, and public transit access.~~

3. The proposed rezoning is necessary to provide for a community related use which was not anticipated when the zoning plan was adopted.

When the zoning plan was adopted, the existing zoning designation of RM4-MH appeared to accurately reflect the site density of 4,000 square feet for each residential unit upon the approval of the mobilehome

park's current configuration in 1972. However, the adoption of the County Riparian Protection Ordinance in 1977 resulted in a significant change to the net developable area of the site, thus making the zoning designation inconsistent with the existing reasonable development of the project site. The proposed rezoning to RM3-MH for the existing mobilehome park will allow the site to be consistent with the intent of the zoning plan for provision of high-density mobilehome residential uses, and will serve the public interest through the provision of needed affordable housing in the Live Oak area of the County.

SECTION III

Chapter 13.10 - Zoning Regulations of the Santa Cruz County Code is hereby amended by amending Section 13.10.210 - Zoning Plan to change the following parcel from its existing zone district to a new zone district as follows:

<u>Assessor's Parcel Numbers</u>	<u>Existing Zone District</u>	<u>New Zone District</u>
028-091-05, and -22	RM4-MH	RM3-MH

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED THIS _____ day of _____ 2012, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES:	SUPERVISORS
NOES:	SUPERVISORS
ABSENT:	SUPERVISORS
ABSTAIN:	SUPERVISORS

Chairman of the Board of Supervisors

ATTEST: _____
Clerk of the Board

APPROVED AS TO FORM:


Assistant County Counsel

Exhibit: Rezoning Map

DISTRIBUTION: County Counsel
Planning
Assessor
County GIS