



# AGENDA

## CAPITOLA PLANNING COMMISSION

### Thursday, November 3, 2016 – 7:00 PM

Chairperson            T.J. Welch  
Commissioners        Ed Newman  
                                  Gayle Ortiz  
                                  Linda Smith  
                                  Susan Westman

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

#### 2. ORAL COMMUNICATIONS

##### A. Additions and Deletions to Agenda

##### B. Public Comments

*Short communications from the public concerning matters not on the Agenda. All speakers are requested to print their name on the sign-in sheet located at the podium so that their name may be accurately recorded in the Minutes.*

##### C. Commission Comments

##### D. Staff Comments

#### 3. APPROVAL OF MINUTES

##### A. Planning Commission - Regular Meeting - Oct 6, 2016 7:00 PM

#### 4. CONSENT CALENDAR

*All matters listed under "Consent Calendar" are considered by the Planning Commission to be routine and will be enacted by one motion in the form listed below. There will be no separate discussion on these items prior to the time the Planning Commission votes on the action unless members of the public or the Planning Commission request specific items to be discussed for separate review. Items pulled for separate discussion will be considered in the order listed on the Agenda.*

##### A. 154 Cortez Street            #15-110            APN: 036-222-12

One-year update on Conditional Use Permit for large community care residential facility located in the R-1 (Single-Family Residential) Zoning District.

##### B. 231 Esplanade #16-186            APN: 035-21-101

Sign Permit application for a wall sign, projecting sign, and menu box sign for the new Sotola Bar and Grill restaurant (previously Stockton Bridge Grill) located in the CV (Central Village) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Ashley Bernardi, filed: 10/4/16

## 5. PUBLIC HEARINGS

*Public Hearings are intended to provide an opportunity for public discussion of each item listed as a Public Hearing. The following procedure is as follows: 1) Staff Presentation; 2) Public Discussion; 3) Planning Commission Comments; 4) Close public portion of the Hearing; 5) Planning Commission Discussion; and 6) Decision.*

- A. 407 El Salto Drive #16-178 036-133-18**  
 Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.  
 This project is in the Coastal Zone but does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Rebecca Peters  
 Representative: Rebecca Peters, filed: 9/26/16  
NOTE: Request for Continuance to December 1, 2016 Planning Commission Meeting
- B. 4025 Bromer Street #16-177 APN: 034-164-08**  
 Conceptual Review to demolish an existing office building and to construct a new three-story mixed-use building with office space on the first floor and two residences on the second and third floors, located in the CC (Community Commercial) zoning district.  
 This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Stuart Family Trust  
 Representative: Lot C Architecture, filed: 9/26/16
- C. 226 Monterey Avenue #16-125 036-111-15**  
 Design Permit for an addition to an existing two-story single-family home and construction of a new secondary dwelling unit with a variance to the maximum 80% valuation for improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) Zoning District.  
 This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Nancy and Mark Nicholson  
 Representative: Derek Van Alstine, filed 6/16/2016
- D. 105 Sacramento Avenue 16-133 036-144-05**  
 Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence with variance requests for height, setbacks, and landscaping, located in the R-1 (Single-Family Residential) Zoning District.  
 This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Lani and Tim Holdener  
 Representative: Derek Van Alstine, filed: 6/28/16

**6. DIRECTOR'S REPORT****7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT**

**APPEALS:** The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review can be appealed to the City Council within the (10) working days following the date of the Commission action. If the tenth day falls on a weekend or holiday, the appeal period is extended to the next business day.

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar (\$500.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

**Notice regarding Planning Commission meetings:** The Planning Commission meets regularly on the 1<sup>st</sup> Thursday of each month at 7:00 p.m. in the City Hall Council Chambers located at 420 Capitola Avenue, Capitola.

**Agenda and Agenda Packet Materials:** The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org). Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

**Agenda Materials Distributed after Distribution of the Agenda Packet:** Materials that are a public record under Government Code § 54957.5(A) and that relate to an agenda item of a regular meeting of the Planning Commission that are distributed to a majority of all the members of the Planning Commission more than 72 hours prior to that meeting shall be available for public inspection at City Hall located at 420 Capitola Avenue, Capitola, during normal business hours.

**Americans with Disabilities Act:** Disability-related aids or services are available to enable persons with a disability to participate in this meeting consistent with the Federal Americans with Disabilities Act of 1990. Assisted listening devices are available for individuals with hearing impairments at the meeting in the City Council Chambers. Should you require special accommodations to participate in the meeting due to a disability, please contact the Community Development Department at least 24 hours in advance of the meeting at (831) 475-7300. In an effort to accommodate individuals with environmental sensitivities, attendees are requested to refrain from wearing perfumes and other scented products.

**Televised Meetings:** Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed on the following Monday and Friday at 1:00 p.m. on Charter Channel 71 and Comcast Channel 25. Meetings can also be viewed from the City's website: [www.cityofcapitola.org](http://www.cityofcapitola.org).



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, OCTOBER 6, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

Commissioner Linda Smith: Present, Commissioner Gayle Ortiz: Present, Commissioner Edward Newman: Present, Chairperson TJ Welch: Present, Commissioner Susan Westman: Present.

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda- None**

**B. Public Comments**

Pat Trimble, Loma Vista Estates, raised two issues regarding the pending application at 2205 Wharf Road. He said the planter box on the south side of the property blocks an emergency access easement that provides both PG&E access to a gas line and the park's emergency exit. He also said the park believes the existing duplex being converted to a triplex ties in to the park's private sewer system. This apparently was done at the time all properties had same owner. He believes the current load is already over capacity and the proposed new single-family home will increase the overage.

**C. Commission Comments - None**

**D. Staff Comments - None**

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes for the Regular Meeting of Sept. 1, 2016**

<b>RESULT:</b>	<b>ACCEPTED [UNANIMOUS]</b>
<b>MOVER:</b>	Susan Westman, Commissioner
<b>SECONDER:</b>	Linda Smith, Commissioner
<b>AYES:</b>	Smith, Ortiz, Newman, Welch, Westman

**4. PUBLIC HEARINGS**

**A. 4810 Topaz Street #16-130 034-066-10**

Design Permit application to build a new two-story home and Variance request to the maximum floor area ratio. The property is located on an existing vacant lot in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is not appealable to the Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Tim Martin DAPC LLC

Representative: Dennis Norton, filed: 6/21/16

Planner Ryan Safty presented the staff report. As designed the project needs a variance to maximum square footage. He noted the applicant contends the front second-story deck should not be included because in the zoning code update it would not count toward FAR (Floor Area Ratio). Staff could not make findings for a variance.

Minutes Acceptance: Minutes of Oct 6, 2016 7:00 PM (Approval of Minutes)

Tim Martin, applicant, said he thought the new code would be in place by the time the project was reviewed or built. He wants to keep the second story deck for its character.

Commissioner Smith asked if he could reduce the back deck, but Mr. Martin said it becomes unusable. Commissioner Westman confirmed that the proposed code would still count similar decks because it is enclosed on three sides.

Commissioner Newman said the state has strict rules for supporting a variance and the City should not deviate given the number of similar lots. Other commissioners agreed they could not make findings.

Motion: Approve a Design Permit and Coastal Development Permit and deny the Variance with the following conditions and findings:

### **CONDITIONS OF APPROVAL**

1. The project approval is for the construction of a new, two-story home at 4810 Topaz Street. The project consists of construction of a 751 square foot first floor with a 263 square foot single-car garage and a 787 square foot second floor with 173 square feet of second-story deck space. The maximum Floor Area Ratio for the 3,200 square foot property is 57% (1,824 square feet). The total FAR of the project is 57% with a total of 1,824 square feet of floor area, compliant with the maximum FAR within the zone. The project approval includes denial of a variance to increase the allowable FAR. The applicant must revise plans and remove 29 square feet of the proposal in order to be in compliance with the allowed floor area ratio. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 6<sup>th</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.

7. Prior to issuance of building permit, all Planning fees associated with permit #16-130 shall be paid in full.
8. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
9. Prior to issuance of building permits, the applicant must revise project plans to be in compliance with the maximum allowed floor area ratio for the property of 1,824 square feet. The applicant must remove 29 square feet from the proposal. Any significant changes to the design or appearance of the residence shall require Planning Commission approval.
10. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the

- satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
  20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
  21. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project, with a reduction of 29 square feet, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. A variance to the allowed floor area ratio has been denied. The project must be revised to be compliant with maximum floor area ratio.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new two-story residence. The new home, with a reduction of 29 square feet to the floor area ratio, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a vacant property in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title is not found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**  
There are no special circumstances applicable to the subject property. The subject property is currently vacant and the lot is flat. The applicant can redesign the home and reduce 29 square feet to be in compliance with the allowed floor area ratio.
- E. **The grant of a variance would constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property is vacant, flat, and similar in size to properties in the surrounding neighborhood. The grant of a variance to eliminate deck area from the maximum allowed floor area ratio would constitute a special privilege. Other properties in the vicinity were required to be compliant with the maximum floor area ratio when constructing a new home. The applicant can redesign the home and reduce 29 square feet to be in compliance with the allowed floor area ratio.

### **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 4810 Topaz Street. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

**(D) (2) (b) Shoreline Processes.** *Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;*

- The proposed project is located along Topaz Street. No portion of the project is located along the shoreline or beach.

**(D) (2) (c) Historic Public Use.** *Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);*

- There is not history of public use on the subject lot.

**(D) (2) (d) Physical Obstructions.** *Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;*

- The proposed project is located on private property on Topaz Street. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

**(D) (2) (e) Other Adverse Impacts on Access and Recreation.** *Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational*

***value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project is located on a residential lot.

***b. Topographic constraints of the development site;***

- The project is located on a flat lot.

***c. Recreational needs of the public;***

- The project does not impact recreational needs of the public.

***d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;***

***e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;***

***f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.***

***(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);***

- No legal documents to ensure public access rights are required for the proposed project.

***(D) (6) Project complies with visitor-serving and recreational use policies;***

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee***

***recommendations;***

- The project, with denial of the variance, complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is not located within the area of the Capitola parking permit program; thus this requirement does not apply.

<b>RESULT:</b>	<b>APPROVED [UNANIMOUS]</b>
<b>MOVER:</b>	Edward Newman, Commissioner
<b>SECONDER:</b>	Gayle Ortiz, Commissioner
<b>AYES:</b>	Smith, Ortiz, Newman, Welch, Westman

**B. 224 San Jose Avenue #16-108 APN: 035-184-07 and 035-184-01**

Design Permit for a new detached garage with second story living space, variance for onsite parking, and lot merger to combine two parcels into one for a property with an existing historic structure located in the CV (Central Village) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is not appealable to the California Coastal Commission. Environmental Determination: Categorical Exemption  
Property Owner: Dennis Calvert  
Representative: Dennis Norton, filed: 5/24/16

Planner Katie Herlihy Cattan presented the staff report for a new garage with living space above, requiring a variance to parking. She noted many historic homes in the neighborhood do not have onsite parking. The area to be occupied by the garage, which includes a second small lot, is currently used for parking. The applicant defended some elements questioned by the architectural historian and those changes are not supported by the Architectural & Site Committee or staff. The Planning Commission may make the final determination.

Parking has been a concern with this project. Two spaces were proposed initially, one in the garage and one adjacent, but the second spot would remove two street parking spaces in an already highly impacted neighborhood and was not supported by Public Works. More recently public works staff questioned the turning radius coming into the driveway and if it would be accessible when cars are parked in adjacent street spots.

Planning staff recommended conditions to restrict a proposed sink to prevent future conversion into a second dwelling unit.

Commissioner Newman noted the site was posted but apparently the notice was removed, then reposted. Commissioner Smith asked if the small parcel could be developed as a separate lot. Staff said at this time it is not conclusively a legal lot of record so that would have to be determined before development.

Dennis Calvert, property owner, spoke in support of the project and accepted the proposed conditions including prohibiting use as a separate rental.

Commissioner Westman asked about the appearance of the metal garage door. Architect Daniel Silvernail said it could be changed to wood. He noted that keeping the garage structure separate honors the historic home and that since the lot area has been used for parking, access difficulties are not new.

Commissioners also suggested a condition that the garage will be used for parking not storage. Mr. Calvert would accept that restriction.

Murray Hartman, neighbor, expressed concern about elements of the project. He likes that the cottage has not been touched, but is concerned about parking. The property would be expanded to four bedrooms with only one parking space. He also does not see a need for an extra sink with a bathroom nearby. He noted there are lots of windows directly across from his second-story deck, which raises privacy concerns.

Commissioner Ortiz confirmed that the parking requirement is based on total square footage of both structures. She noted the project is at the edge of the transient overlay district and

homes across the street are outside the zone. Commissioner Smith said protecting the historic home is a positive, but her concern is parking. If rented short-term it likely would be a group with multiple cars. Commissioner Westman shares concerns about allowing an expansion to four bedrooms with one parking space. If approved she would want assurances that the new structure would function as two additional bedrooms and bath, not a second unit. Commissioner Newman said the project is trying to squeeze in a lot of use and would create a large potential vacation rental without required parking. He's not sure the historic preservation is adequate for the variance. Chairperson Welch acknowledged the parking concerns in the area, but does not have significant worries about the project. There was considerable deliberation weighing historic preservation and impact on the neighborhood.

Motion: Deny without prejudice based on the following conditions and finding.

## **FINDINGS**

- A. The application, subject to the conditions imposed, does not secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.** Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project does not secure the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan related to required parking. ~~The integrity of the historic resource will be maintained with the proposed detached garage and second-story living space. A variance has been granted to preserve the location and massing of the historic home and to not exacerbate the street parking problem in the Central Village by allowing a reduced on-site parking requirement (§17.72.070).~~
- B. The application will not maintain the character and integrity of the neighborhood.** Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the detached, two-story addition adjacent to the historic resource. The new detached garage and living space will not overwhelm the existing historic structure. The design of the detached two-story addition does not compromise the integrity of the historic resource. The application would negatively impact the integrity of the neighborhood because the onsite parking requirement is not met.
- C. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.** Section 15303(e) of the CEQA Guidelines exempts the construction of accessory and appurtenant structures such as garages. This project involves the addition of a new, detached single-car garage with second-story living space above to an existing historic residence located in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title is not found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;** ~~The special circumstance applicable to the subject property is that the existing home is historic. The historic resource is protected within the municipal code, general plan, and under the California Environmental Quality Act (CEQA). General Plan policy LU-2.4 encourages the preservation, rehabilitation, and adaptive reuse of historic structures in the City. The applicant is proposing to add additional living area to the property while preserving the historic home. The applicant has requested a variance to reduce the number of required on-site parking spaces from two to one in order to preserve the~~

~~location and design of the historic structure. The proposal complies with the Secretary of the Interior's Standards for historic rehabilitation. The variance request to parking will allow the adaptive reuse of the property while preserving the historic structure. The home is located in the Central Village, an area challenged by parking. The property is similar to properties in the surrounding area. Findings for a variance to the onsite parking requirement cannot be made.~~

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property contains a historic residence and is located in an area with a parking shortage. ~~The historic resource is protected within the municipal code, general plan, and under the California Environmental Quality Act (CEQA). The applicant was required to follow the Secretary of the Interior's Standards of review and work with an Architectural Historian during the design proposal, which limited the amount and location of the addition. The variance to parking will preserve the location and design of the existing historic home and also allow the owners to incorporate additional living area. The grant of this variance would not constitute a special privilege since many properties within the Central Village similarly do not meet~~ are challenged by on-site parking requirements.

### COASTAL FINDINGS

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development does not conform to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of***

***the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 224 San Jose Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along San Jose Avenue and Cherry Avenue. No portion of the project is located along the shoreline or beach.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);***

- There is not history of public use on the subject lot.

***(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;***

- The proposed project is located on private property on San Jose Avenue and Cherry Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project contains a residential use.

**b. Topographic constraints of the development site;**

- The project is located on a flat lot.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;****e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;****f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.****(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;****SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record, zoned CV (Commercial Village).

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record, zoned CV (Commercial Village).

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves a single family home, not a visitor-serving facility.

**(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision pedestrian access and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Central Village zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures, except parking requirements.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the area of the Capitola Village parking permit area.

<b>RESULT:</b>	<b>DENIED [4 TO 1]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	Susan Westman, Commissioner
<b>AYES:</b>	Smith, Ortiz, Newman, Westman
<b>NAYS:</b>	Welch

**C. 221 Monterey Avenue #15-045 APN: 035-163-15**

Major Revocable Encroachment Permit and Conditional Use Permit for new suspended driveway accessed off of Monterey Avenue that extends from the historic structure into the public right-of-way in the RM-LM (Multi-Family Low Density) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit that is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.

Environmental Determination: Categorical Exemption

Property Owner: Martin Formico

Representative: Dennis Norton, filed: 3/19/2016

Commissioner Newman recused himself due to a business relationship and left the dais.

Planner Cattan presented the staff report. She noted that Monterey Avenue is a major, multi-modal artery for the Village and City. The proposed driveway and walkway extend over the public right-of-way. The project went through several versions during review by the historic architect.

She reviewed the four criteria for granting a major revocable encroachment permit. Monterey Avenue is heavily used by pedestrians, bikes and cars and the project could impact safety. Staff believes this potential detriment to the public is greater than the benefit and therefore does not support the application.

Commissioner Westman asked if a bike lane is recommended on that side of Monterey for future, which Director Grunow confirmed. Staff noted additional curb cuts along heavily used streets are generally not supported.

Marte Formico, applicant, spoke in support of the project and noted that he would take on the risk and expense of removing the driveway if needed in the future. He realizes that parking in the area is a concern and has worked with the City extensively to create parking for the home. He distributed a petition showing support of his neighbors for the plan.

Daniel Silvernail, architect, addressed safety concerns and said the current lack of parking creates a burden. Precedent exists at the neighboring property, which is the only other property on the block of Monterey that is also "landlocked." That driveway has not resulted in accidents.

Commissioner Westman asked if the existing elevated driveway is historic and was told that its status is uncertain. Commissioner Smith watched the traffic pattern and does not see a major concern with safety. She believes it is long enough that it could be engineered to continue use if the street were widened. If approved, it should be wide enough to be safe. She is concerned about hedge height and asked it be even lower.

Following discussion about the benefits of improved parking versus the curb cut safety concerns, commissioners agreed on additional conditions for approval including plantings to softening the appearance, a curb cut up to 20 feet wide and responsibility for maintaining the hedge height.

Motion: Approve a Major Revocable Encroachment Permit, Conditional Use Permit and

Coastal Development Permit Motion: with the following conditions and findings:

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a suspended driveway attached to the historic residence at 221 Monterey Avenue. The project approval includes approval of a Design Permit and Major Revocable encroachment permit. The suspended driveway may accommodate up to two parking spaces, therefore the driveway approach may be widened to 20 feet maximum. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 6, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Director. Landscape plans shall reflect the Planning Commission condition to soften suspended driveway along the street through introduction of landscaping. A landscape plan shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
3. The hedge located along the sidewalk to the north must be maintained by the owner of 221 Monterey Avenue at a maximum height of 30 inches as measured from the sidewalk to comply with line of sight requirements.
4. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
5. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
6. At time of building plan submittal, the plans shall include a language on the cover sheet referring to the property as an “Historic Resource”, requiring review of all design revisions, and that the project should include notes that the existing historic elements are to be protected during construction.
7. At time of building plan submittal, the California State Historical Building Code shall be referenced in the architectural notes on the front page, in the event that this preservation code can provide support to the project design.
8. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval and potentially a review by the Historic Architect for continued conformance with the Secretary of Interior standards.
10. Prior to making any changes to the historic structure, the applicant and/or contractor shall field verify all existing conditions of the historic buildings and match replacement

elements and materials according to the approved plans. Any discrepancies found between approved plans, replacement features and existing elements must be reported to the Community Development Department for further direction, prior to construction.

11. Prior to issuance of building permit, all Planning fees associated with permit #15-045 shall be paid in full.
12. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
13. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
14. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
15. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration, as well as a recorded deed reflecting the lot line adjustment.

Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, ~~does not secure~~ the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. ~~A major revocable encroachment permit for a suspended driveway along the 200 block of Monterey Avenue does not secure the purposes of the General Plan. Mobility goal 4 is to “Provide a roadway system that enhances community aesthetics and promotes a high quality of life”. Policy MO 8.6 suggests minimizing the frequency of curb cuts and driveway intersecting bicycle facilities.~~ The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The integrity of the historic resource will be maintained with the suspended driveway located off of Monterey Avenue. Additional parking will be created within the Central Village, an area challenged by parking.
- B. **The detriment to the community would not outweigh the benefit to the applicant if the permit were granted.**  
~~Monterey Avenue is a busy multimodal corridor. This block is part of a major pedestrian connection between the beach and village parking lots 1 and 2 and the village. An additional driveway cut has the potential to adversely affect traffic circulation and public safety.~~ The suspended driveway will create two onsite parking spaces within a residential area challenged by parking. By providing two new spaces for the residents of 221 Monterey, a property that has never had onsite parking, the demand for on-street parking in the village will decrease.
- C. **The application will maintain the character and integrity of the neighborhood. The proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the suspended driveway attached to the historic resource. The new driveway will not overwhelm the existing historic structure and will conform in size, scale, and aesthetics to the surrounding neighborhood.
- D. **Removing the improvement in the event of street widening would be expensive and difficult but will be done at the expense of the owner as recorded in the agreement.**  
~~Although~~ The revocable/hold harmless agreement will require the improvement to be removed at the expense of the applicant, a A suspended driveway is an expensive improvement to remove in the event of street widening. The General Plan includes the possibility of a bike lane on Monterey Avenue. The applicant was made aware of this

during the hearing and understands that should the improvement require removal of the driveway, it is at the owners' expense.

**E. Views will be preserved with the encroachment.**

Views are not impacted by the suspended driveway.

**F. This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**

Section 15303(e) of the CEQA Guidelines exempts the construction of accessory and appurtenant structures such as garages. This project involves the addition of a new, detached single-car garage with second-story living space above to an existing historic residence located in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

**COASTAL FINDINGS**

**D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:**

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

**(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.**

**(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;**

- The proposed project is located at 221 Monterey Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

**(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;**

- The proposed project is located along Monterey Avenue. No portion of the project is located along the shoreline or beach.

**(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);**

- There is not history of public use on the subject lot.

**(E) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property on Monterey Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

**(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public**

**recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.**

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

**(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

**a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;**

**b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;**

**c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.**

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

**a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;**

- The project contains a residential use.

**b. Topographic constraints of the development site;**

- The suspended driveway provides a means to create onsite parking.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;**

#### **SEC. 30222**

**The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.**

- The project involves a duplex on a residential lot of record, zoned CV (Commercial Village).

#### **SEC. 30223**

**Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.**

- The project involves a duplex home on a residential lot of record, zoned CV (Commercial Village).

**c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.**

- The project involves a duplex home, not a visitor-serving facility.

**(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;**

- The project involves the construction of a suspended driveway. The project complies with applicable standards and requirements for provision pedestrian access and alternate means of transportation and/or traffic improvements. The application creates onsite parking on a property that has never had onsite parking.

**(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;**

- The project complies with the design guidelines and standards established by the Municipal Code.

**(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;**

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

**(D) (10) Demonstrated availability and adequacy of water and sewer services;**

- The project is located on a legal lot of record with available water and sewer services.

**(D) (11) Provisions of minimum water flow rates and fire response times;**

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

**(D) (12) Project complies with water and energy conservation standards;**

- The project is for a duplex. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

**(D) (13) Provision of park dedication, school impact, and other fees as may be required;**

- The project will be required to pay appropriate fees prior to building permit issuance.

**(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;**

- The project does not involve a condo conversion or mobile homes.

**(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;**

- Conditions of approval have been included to ensure compliance with established policies.

**(D) (16) Project complies with Monarch butterfly habitat protection policies;**

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

**(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;**

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

**(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;**

- Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

**(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;**

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

**(D) (20) Project complies with shoreline structure policies;**

- Not applicable.

**(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;**

- This use is a conditionally permitted use consistent with the Central Village zoning district.

**(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;**

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

**(D) (23) Project complies with the Capitola parking permit program as follows:**

- The project complies with the Capitola parking permit program.

<b>RESULT:</b>	<b>APPROVED AS AMENDED [4 TO 0]</b>
<b>MOVER:</b>	Linda Smith, Commissioner
<b>SECONDER:</b>	Gayle Ortiz, Commissioner
<b>AYES:</b>	Smith, Ortiz, Welch, Westman
<b>RECUSED:</b>	Newman

**5. DIRECTOR'S REPORT**

Director Grunow reported that the City Council will discuss the parklets concept for the Village and a contract for Americans with Disabilities Act (ADA) transition plan at its Oct. 27 meeting. It will look at updated building and fire codes in November.

Staff asked about possible special meetings for the zoning code update on Oct. 20 and/or Nov. 7, but Commissioners Smith and Welch had conflicts.

## 6. COMMISSION COMMUNICATIONS

Commissioner Smith reviewed the glossary for the code update and passed comments to staff.

## 7. ADJOURNMENT

Approved by the Planning Commission at the regular meeting of Nov. 3, 2016.

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Linda Fridy, Minutes Clerk



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **154 Cortez Street #15-110 APN: 036-222-12**

One-year update on Conditional Use Permit for large community care residential facility located in the R-1 (Single-Family Residential) Zoning District.

### **BACKGROUND**

On September 3, 2015, the Planning Commission approve a large community care residential facility at 154 Cortz Street with 14 conditions of approval. Condition of approval #1 requires the Conditional Use Permit to be reviewed by the Planning Commission to review the permit one year after issuance. This is the one year update on the status of the conditional use permit.

### **ANALYSIS**

In September, the property manager of 154 Cortez Street reached out to the City regarding the condition of a one year review. Staff asked the property manager to provide a written summary of how Sobriety Works has come into compliance with the 14 conditions of approval. Attachment one includes the fourteen conditions of approval and a summary by the applicant of how the conditions have been met and continue to be managed.

The Capitola Police department ran a report for the past year for the property to assess if there have been any issues. The outcome of the report was a few phone calls including two medical calls, one fire alarm, and one call from the Santa Cruz Police Department regarding a search warrant. There have not been any significant problems with the property. No complaints have been filed with the Community Development Department.

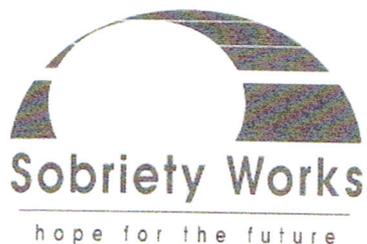
### **RECOMMENDATION**

Accept staff's update on 154 Cortez Street. No action is necessary.

### **ATTACHMENTS:**

1. 154 Cortez Update Letter

Prepared By: Katie Cattan  
 Senior Planner



September 19, 2016

Capitola Community Development Department  
 420 Capitola Ave.  
 Capitola, CA 95010

RE: Conditional Use Permit #15-110 for 154 Cortez St. APN: 036-222-12

Dear Members of the Capitola Planning Commission and Community Development Department,

We are writing you to follow-up in regards to our one year Conditional Use Permit for our women's Sober Living Environment that is operated by Sobriety Works at 154 Cortez St. In the time since meeting with the planning commission we have worked to meet all of the expectations of the city and neighbors. We are requesting an extension of our Permit for our large community care residential facility as we have successfully met all of the conditions that were stipulated by the Planning Commission. There have been no changes in our program description from our initial Permit application, except that we now only house 10 residents total: 2 managers and 8 residents in the single family home.

**Response to Conditions Imposed in Conditional Use Permit:**

1. The Conditional Use Permit shall be reviewed by the Planning Commission in one year.

We are continuing to operate 154 Cortez St. as a Sober Living Environment that is classified as a community care residential facility under the Conditional Use Permit granted by the Planning Commission on 9/3/15.

2. All fees have been paid in full for the Conditional Use Permit.
3. Conditions under this use permit have been followed without any attempt to amend or change the allowable terms without consent of the Planning Commission.

The neighbors and Planning Commission brought to our attention that issues around parking and bed occupancy had to be addressed. In regards to the parking situation, we continuously inform residents

where they can park and where they cannot park. This topic is addressed with all residents at the housing intake, housing orientation and at weekly house meetings in order to make sure we are following these conditions. The other issue addressed was bed occupancy. We complied with the Conditional Use Permit by reducing the number of beds by 3. Today we are at 10 beds which is our full capacity.

4. An onsite house manager resides at the site and helps to oversee any issues arising.

Since this hearing we hired a new house manager. The house manager is responsible for overseeing day-to-day activities. She maintains good relationships with neighbors as well as helps facilitate the cooperative environment conducive to individual recovery. The house manager is a Sobriety Works employee and required to check in regularly with other staff to report any problems or issues going on within the house.

5. The house manager shall be readily available to speak with or meet with City staff should the need arise.

The house manager is expected to report any issues within the house and or with the residents to Sobriety Works' management immediately. From there, management supports the housing staff and clients and collaborates with outside agencies as needed.

6. No growing of marijuana.

154 Cortez is a clean and sober living environment. The use of drugs or alcohol by residents or guests is prohibited and grounds for immediate eviction. The house manager lives on site to make sure there is no growing of marijuana or any drug use with regular drug testing of clients and room inspections. The house manager lives on site and routinely checks the cleanliness and tidiness of the home. Maintenance has access to the property and checks bi-monthly assuring there is no damage, necessary minor repairs, or anything out of the ordinary.

7. No storing of vehicles in the driveway or in the front yard.

Residents are allowed minimal space to store personal property and vehicle storage is not allowed by to house residents. We monitor residents with a vehicles that it must have current license and registration. Residents are required to have valid driver's license and proof of insurance if they decide to have a vehicle with them while living at the SLE.

8. The house manager ensures curfews and house rules are properly and consistently enforced.

The house manager lives on site and oversees the day-to-day activities. When residents' first move in they are given a copy of the house guidelines and required to sign it. Residents agree to follow curfew and adhere to a level of accountability that is found in a community type setting. The house manager is responsible for monitoring this and taking disciplinary action when necessary as clients are not permitted to stay with multiple rule violations.

9. All tenants are to obey local and state laws in regards to parking on public streets and noise.

During the intake process and at weekly house meetings, residents agree to not engage in any illegal behavior; whether it be theft, violence, or parking illegally and causing excessive noise. Residents promise to be in agreement by signing a contract before moving in and violating our house guidelines are grounds for discharge from housing.

10. No tenants are allowed to live in the garage.

The garage is utilized only for laundry facilities, additional refrigerator space, and as additional priority parking for our residents. Anybody staying at the 154 Cortez, is on the housing roster and is on record at the Sobriety Works business office. We do not provide temporary housing or allow anybody who isn't a resident to be at the house overnight and this enforced by our onsite house manager.

11. The landscape shall be maintained in the front and back yards.

Sobriety Works has a maintenance employee on staff who is responsible for the upkeep of the Cortez property yards in order to maintain an appealing neighborhood presence.

12. Necessary repairs shall be maintained in a timely manner with the proper permits when applicable.

*Our maintenance employee manages the minor repairs of the property. However if any major repairs arise, we consult with our landlord in order to secure any required permits or hire professional maintenance contractors.*

13. The home is required to have three (3) onsite parking spaces, including one (1) space in the garage. To mitigate impacts of parking on the neighborhood, when a parking space is available in the garage or driveway, residents shall park within the onsite space prior to parking on the street.

We continue to inform residents about where they can or cannot park at 154 Cortez to the residents and allowable parking is discussed several times. During the intake given at our business office, residents are informed on where they and their visitors can park. At the residence, the house manager orientates new residents and visually shows where parking is allowed with the 3 onsite parking spaces and then the overflow parking. Residents are also instructed to park any mopeds, scooters, or motorcycles inside the garage thereby leaving actual parking spaces available for resident's owning vehicle. Residents owning vehicle are always instructed to either park in any of the three designated parking spaces on a first come, first serve basis and if the three of these spaces are taken, residents are instructed to park along Sir Francis Street. The onsite house manager is regularly reviewing compliance to the parking requirements and immediately addresses any issues.

14. The occupancy within the home is limited to eight (8) residents and two (2) managers. At the time of approval there were 11 residents and 2 managers. The community care residential facility shall not accept new residents until the new occupancy limit is in compliance.

The current occupancy is at 10 and was lowered to that number last winter. This includes the house manager and the assistant house manager. In complying with the conditions of the use permit, we have reduced the number of beds by 3, in turn reducing the amount of women we serve, and ultimately increasing the wait list for those looking for supportive housing in a sober living environment.

Thank you for taking the time to review our Conditional Use Permit and being willing to work with our organization. We work to set a firm foundation for those seeking recovery in our Sober Living Environments while keeping the safety and integrity of the single family neighborhood intact. We appreciate the ability to continue to serve our community and please let us know if you have any additional questions.

Respectfully,



Sarah Cooper  
Chief Executive Officer  
Sobriety Works

A California State Certified Drug and Alcohol Treatment Program

8030 Soquel Ave, Suite 103 • Santa Cruz, CA 95076 • (831) 476-1747

[sobrietyworks@sobrietyworks.com](mailto:sobrietyworks@sobrietyworks.com) • Fax (831) 476-1125 • [www.sobrietyworks.com](http://www.sobrietyworks.com)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **231 Esplanade #16-186 APN: 035-21-101**

Sign Permit application for a wall sign, projecting sign, and menu box sign for the new Sotola Bar and Grill restaurant (previously Stockton Bridge Grill) located in the CV (Central Village) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Steve Yates

Representative: Ashley Bernardi, filed: 10/4/16

### **APPLICANT PROPOSAL**

The applicant is proposing three new signs for Sotola Bar and Grill (Previously Stockton Bridge Grill) located at 231 Esplanade in the CV (Central Village) Zoning District. The new signs require Planning Commission approval of a Sign Permit.

### **DISCUSSION**

Sotola Bar and Grill is located at 231 Esplanade, immediately adjacent to Stockton Bridge. The applicant is proposing one projecting sign over the entryway, a menu box sign facing the sidewalk, and one wall sign along the curved façade of the building facing the intersection of Esplanade and Stockton Avenue.

#### **Wall Sign**

The applicant is proposing one wall sign that will be painted onto the front façade of the building. The wall sign is approximately four feet tall by ten and a half feet wide for a total of 42 square feet. Lettering height is 18 inches for "SOTOLA" and six and half inches for "Bar and Grill". Wall signs must comply with the following *italicized* regulations:

1. *Each business shall be permitted only one wall sign, except that:*
  - a. *Businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign.*
  - b. *Additional wall signs may be allowed under a master sign program.*
  - c. *Center identification, directory, service station and roof signs are not counted against this limitation.*

Staff Analysis: The application includes a single wall sign.

*2. The size of each individual sign shall not be greater than one square foot of sign area for each one linear foot of business frontage.*

Staff Analysis: The frontage of the restaurant along Esplanade is 80 feet wide. The wall sign is approximately 42 square feet, in compliance with the standard.

*3. No such sign, including any light box or other structural part, shall project more than twelve inches from the building face.*

Staff Analysis: The sign will be painted onto the front façade of the building and will not project off the building.

*4. Wall signs shall be mounted parallel to the building, unless otherwise approved by the planning commission.*

Staff Analysis: The sign will be painted onto the front façade of the building.

*5. No part of any such sign shall extend above the top level of the wall upon or in front of which it is situated. Any such sign which is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight feet. No permanent sign may be erected over any publicly dedicated walkway or street contrary to the building code.*

Staff Analysis: The wall sign will not extend above the wall nor project over a public walkway.

#### Projecting Sign

The application includes one double sided projecting sign located over the entrance to the restaurant. The sign is one and a half feet high by three feet nine inches wide, just under six square feet in size. The sign is aluminum with letters routed out and push through ½ inch thick opaque acrylic plastic and vinyl overlay on letter faces. The sign will be internally illuminated creating a halo effect of lights shining around the individual letters. The halo lighting will be comparable to the halo lighting at Margaritaville with the letter color being the major difference. Projecting signs must comply with the following *italicized* regulations:

*1. No such sign shall exceed sixteen square feet in area, except in residential zoning districts a projecting sign shall not exceed five square feet in area.*

Staff Analysis: The sign is less than six square feet in area.

*2. No such sign shall extend above the top level of the wall upon which it is situated.*

Staff Analysis: The projecting sign is attached to the wall above the entryway. It does not extend above the top of the wall.

*3. No such sign shall project more than two feet over any public property or pedestrian and vehicular easement.*

Staff Analysis: The applicant is requesting an exception to the two feet standard. The sign extends four feet three inches from the front façade of the building over the public sidewalk. The sidewalk in this area is nine feet six inches wide. The sign will be located 12 feet above the public sidewalk. By allowing the sign to extend four feet three inches from the building the sign will be visible to the pedestrian and will maintain five feet separation from the sign to the edge of

street. The Public Works Director and Community Development Director did not identify any issues with allowing the proposed sign to encroach up to four feet three inches over the sidewalk.

*4. Each business shall be permitted one projecting sign.*

Staff Analysis: A single projecting sign is proposed for the business.

*5. An encroachment permit must be obtained for all signs projecting over a public right-of-way.*

Staff Analysis: The applicant will obtain an encroachment permit from the public works department prior to installation of the projecting sign over the public right-of-way.

*6. Any such sign that is suspended or projects over any public walkway or walk area shall have an overhead clearance of at least eight feet.*

Staff Analysis: The sign will be located twelve feet above the public sidewalk.

#### Village Sign Guidelines

Pursuant to §17.57.060, the following *italicized* design guidelines apply to signs in the village:

*A. Relate all signs to their surroundings in terms of size, shape, color, texture and lighting so that they are complementary to the overall design of the building and are not in visual competition with other conforming signs in the area. Signs should be an integral part of the building and site design.*

Staff Analysis: 231 Esplanade is a unique building that has a curvilinear façade along the Esplanade and a significant change in grade along the sidewalk. The building is leased to three food establishments including Sotola, Margaritaville, and Mr. Toots. Sotola is located on the second story closest to the Stockton bridge. The front façade of Sotola is 80 feet wide. The blade sign will incorporate the same halo illumination utilized at Margaritaville. The wall sign will be painted on the façade and will not be in visual competition with the neighboring establishment's sign.

*B. Arrange any external spot or flood sign lighting so that the light source is screened from direct view, and so that the light is directed against the sign and does not shine into adjacent property or distract motorists or pedestrians.*

The sign incorporates halo lighting that will release lighting around the edge of the solid lettering. No exterior illumination is proposed. The light source is within the projecting sign and will not be directly visible.

*C. Signs for buildings which house more than one business are permitted only when a program for the complex has been approved. Signs need not match but should be compatible with the building and each other.*

Staff Analysis: This standard has not been applied to the building at 231 Esplanade. There is no sign program for the multi-tenant building. Each new tenant has acquired a sign permit by the Planning Commission at time of occupancy. The signs are compatible with the building and neighboring businesses.

*D. One menu box with a maximum of three square feet shall be allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.*

Staff Analysis: The application includes one three square foot menu box. The menu box has a white frame and enclosed bulletin board with locking door.

*E. If banners and flags are placed on a building they must be included and reviewed as part of the sign program.*

Staff Analysis: No banners or flags are proposed.

### **CEQA**

Section 15301(g) of the CEQA Guidelines exempts signs on existing structures. This project involves three new signs on the front façade of an existing restaurant in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **approve** the two signs for application #16-186, subject to the following conditions and findings:

### **CONDITIONS**

1. The project approval consists of a wall sign, projecting sign, and menu box sign for Sotola Bar and Grill located at 231 Esplanade. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to installation, a building permit and encroachment permit shall be secured for the new projecting sign. Final building plans shall be consistent with the plans approved by the Planning Commission.
3. The projecting sign has halo lighting. This sign must remain halo lit with non-transparent lettering. Internally illuminated letters are not allowed within this permit. The halo lighting shall not shine onto adjacent properties or distract motorists or pedestrians.
4. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes shall require Planning Commission approval.
6. Prior to issuance of building permit, all Planning fees associated with permit #16-186 shall be paid in full.

### **FINDINGS**

**A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**

The halo lit aluminum signs have a simple design that will complement the neighboring restaurant and the aesthetic of the Central Village district.

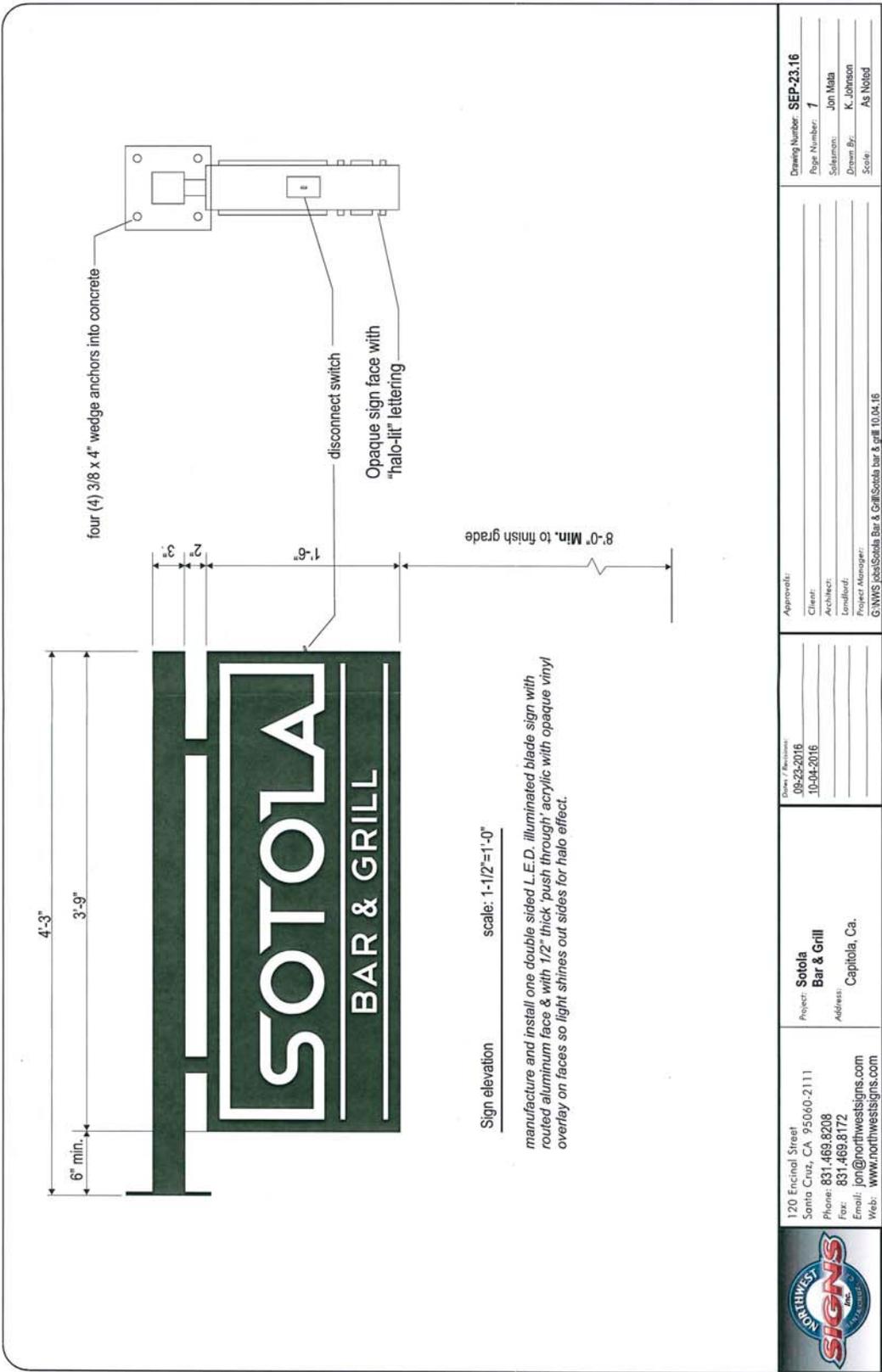
**B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**

The signs are modern and clean in design and add to the exterior appearance of the restaurant.

**ATTACHMENTS:**

1. 231 Esplanade Sign Plan

Prepared By: Katie Cattan  
Senior Planner

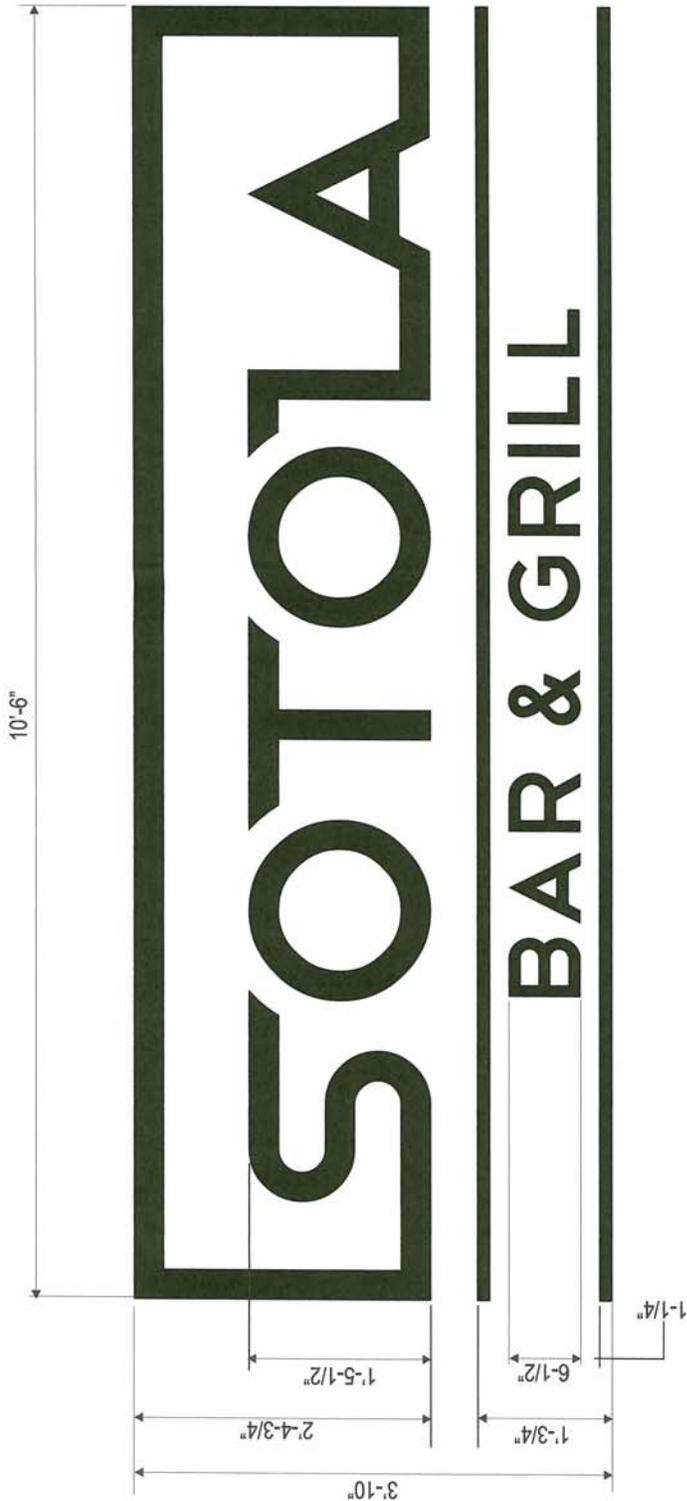


	120 Encinal Street Santa Cruz, CA 95060-2111 Phone: 831.469.8208 Fax: 831.469.8172 Email: jon@northwestsigns.com Web: www.northwestsigns.com	Project: <b>Sotola Bar &amp; Grill</b> Address: <b>Capitola, Ca.</b>	Date of Revision: 09-23-2016 10-04-2016	Approvals: Client: _____ Architect: _____ Consultant: _____ Project Manager: _____ G:\NWS jobs\Sotola Bar & Grill\Sotola bar & grill 10.04.16	Drawing Number: <b>SEP-23.16</b> Page Number: <b>1</b> Submittal: <b>Jon Mala</b> Drawn By: <b>K. Johnson</b> Scale: <b>As Noted</b>
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Sign Projection scale approximate

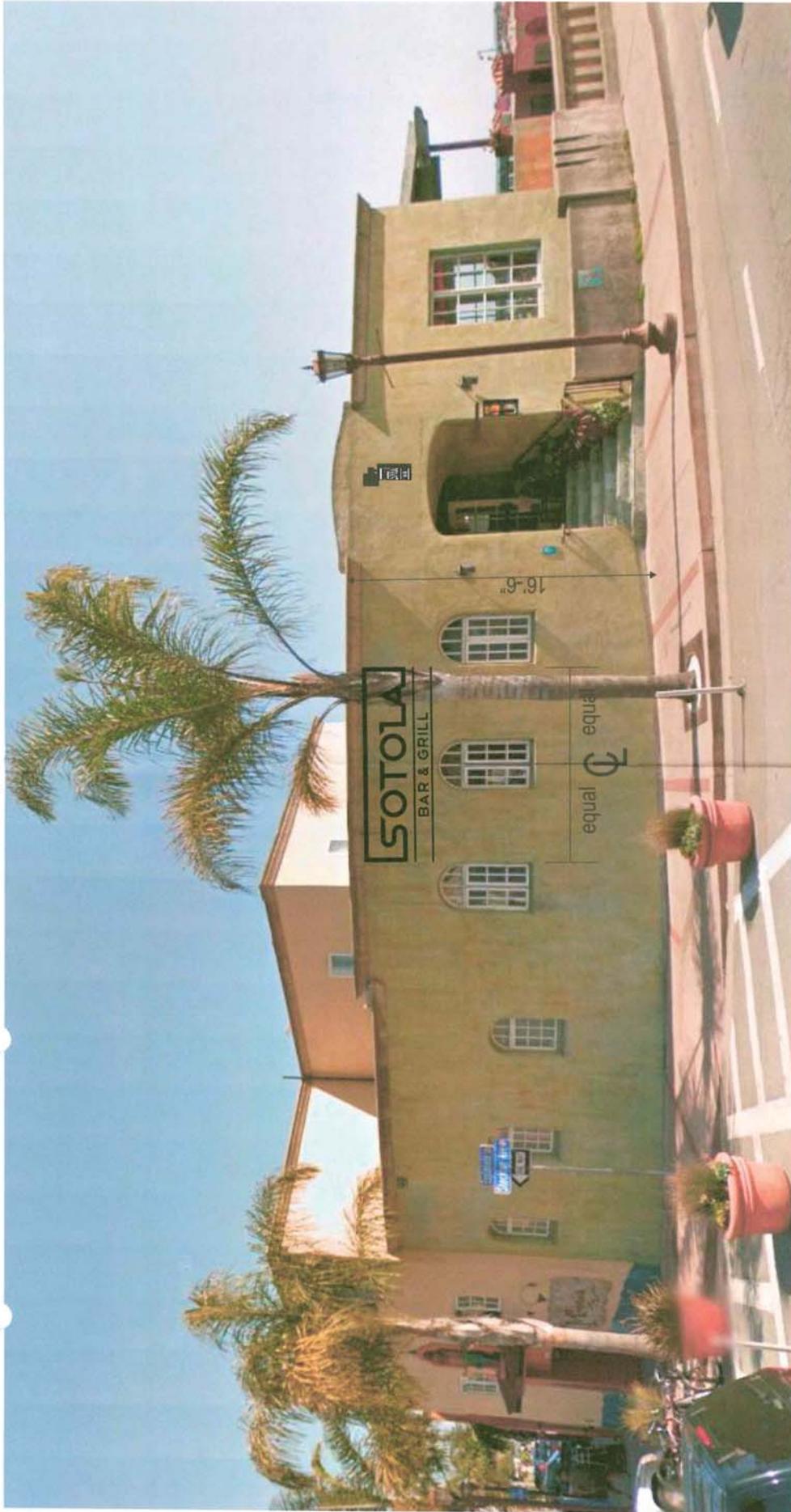
	<p>120 Encinal Street          Santa Cruz, CA 95060-2111          Phone: 831.469.8208          Fax: 831.469.8172          Email: jon@northwestsigns.com          Web: www.northwestsigns.com</p>	<p>Project: <b>Sotola Bar &amp; Grill</b>          Address: <b>Capitola, Ca.</b></p>	<p>Drawn / Revisions:          09-23-2016          10-04-2016</p>	<p>Approvals:          Client:          Architect:          Landlord:          Project Manager:          C:\NWS\plan\Sotola Bar &amp; Grill\Sotola bar &amp; grill 10.04.16</p>	<p>Drawing Number: <b>SEP-23.16</b>          Page Number: <b>2</b>          Submitted: <b>Jon Mada</b>          Drawn By: <b>K. Johnson</b>          Scale: <b>As Noted</b></p>
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Sign elevation scale: 1"=1'-0"

Apply painted sign to building wall surface as shown.

Drawing Number: <b>OCT-4.16</b> Page Number: 1 Salesman: Jon Mala Drawn By: K. Johnson Scale: As Noted	
Approvals: Client: Architect: Landlord: Project Manager:	G:\NWS\jobs\Sotola Bar & Grill\Sotola bar & grill_wall sign_10.4.16
Dates / Revisions: 10-04-2016	
Project: <b>Sotola Bar &amp; Grill</b> Address: <b>Capitola, Ca.</b>	



Sign Projection scale: 3/16"=1'-0"

Drawing Number: <b>OCT-4.16</b>	Approvals:	Dates / Revisions: 10-04-2016	Project: <b>Sotola Bar &amp; Grill</b>	Address: <b>Capitola, Ca.</b>	Drawing Number: <b>2</b>
Page Number: <b>2</b>	Client:	Architect:	Landlord:	Project Manager:	Salesman: <b>Jon Malta</b>
Drawn By: <b>K. Johnson</b>	G:\NWS\jobs\Sotola Bar & Grill\Sotola bar & grill_wall sign_10.4.16	Scale:	As Noted		

### 24.5" x 18.5" Enclosed Bulletin Board for Outdoor Use, with Locking Door - Silver

Displays2go > All Products > Bar & Restaurant Supplies > Restaurant Signage > Outdoor Menu Boards > SKU: ODNBCB1319



Common Size: 24.5" x 18.5"

- 
- 
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- 

Color: Silver

- 
- 

- Weather-Resistant for Outdoor Use
- Locking, Swing-Open Door for Easy Changes
- Rubber Gasket Lining Keeps Moisture Out
- 13" x 19" - Perfect Size for Menus!
- Polycarbonate Lens will not Break or Crack
- Silver, Aluminum Frame for Durability.

Not Reviewed Yet

Attachment: 231 Esplanade Sign Plan (1633 : 231 Esplanade)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **407 El Salto Drive #16-178 036-133-18**

Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.

This project is in the Coastal Zone but does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

Representative: Rebecca Peters, filed: 9/26/16

NOTE: Request for Continuance to December 1, 2016 Planning Commission Meeting

### **APPLICANT PROPOSAL**

The application is for a major revocable encroachment permit and fence permit with a height exception located within the public right-of-way in front of 407 El Salto Drive in the R-1 (Single Family) zoning district.

### **DISCUSSION**

Staff identified an issue with the application that must be addressed prior to Planning Commission review. The plans are currently being amended to address staff's concern. The owner has requested that the application be continued to the December 1, 2016, Planning Commission meeting.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **continue** application #16-178 to the December 1, 2016, Planning Commission meeting.

Prepared By: Joanna Wilk  
 Intern



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: NOVEMBER 3, 2016

SUBJECT: **4025 Bromer Street #16-177**      **APN: 034-164-08**

Conceptual Review to demolish an existing office building and to construct a new three-story mixed-use building with office space on the first floor and two residences on the second and third floors, located in the CC (Community Commercial) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Stuart Family Trust

Representative: Lot C Architecture, filed: 9/26/16

### APPLICANT PROPOSAL

The applicant is requesting feedback on a development concept for the property at 4025 Brommer Street in the CC (Community Commercial) zoning district. The project as proposed will require approval of a conditional use permit, possible variance, and coastal development permit by the Planning Commission.

### DISCUSSION

The property is located in a transitional area that has a mix of commercial, visitor serving, and residential uses in close proximity. The new owner plans to demolish the existing office building on the site and build a new multi-family mixed-use project with office on the first story and two residential units on the second and third story (Attachment 1: Conceptual Plans). In the process of designing the building, the applicant raised several questions regarding the placement of the building and allowed encroachments. Staff suggested that the applicant bring a concept of the design to Planning Commission for direction prior to submitting an official application. The applicant provided a letter to explain their approach to the design (Attachment 2).

The following table includes the Community Commercial zoning district development standards relative to the conceptual design:

Development Standards	Existing	Proposed
Use	Office	Multi-family mixed use
Is CUP required?		Yes
Height: 40 ft.		40 ft.
Yards		

A. Landscaped areas of <b>front yards</b> shall be set back fifteen feet in accordance with the 41st Avenue design guidelines.		15 ft. Encroachments: 2 ft. Roof Overhang 4 ft. Deck 7 ft. Covered Entryway <b>Discussion Requested</b>
B. <b>Side and rear yard setbacks</b> may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development; except that where a side or rear yard is provided it shall be at least ten feet wide		2 ft. Roof overhang on property line.
C. <b>Front yards and corner lot side yards</b> shall not be used for required parking facilities.		<b>Complies</b>
<b>Parking</b>	<b>Required</b>	<b>Proposed</b>
Office      1 space per 300 sf.	1060 sf. Office	8 spaces total
Duplex      2 spaces per unit / 1 covered	4 spaces	3 covered
	Duplex 4 spaces/ 2 covered	<b>Complies</b>
<b>Landscaping.</b> Five percent of the lot area shall be landscaped to ensure harmony with adjacent development in accordance with architectural and site approval standards		530 sf.(9.9%)

Encroachments into the front landscape area

The code requires “landscaped areas of front yards shall be set back fifteen feet in accordance with the 41<sup>st</sup> Avenue design guidelines”. Within the CC zone there is no list of allowed encroachments into the landscaped area. The proposed commercial entryway, second story deck, and roof overhang extend over the landscape area. The applicant is requesting discussion on the improvements that extend over the landscape area. To make findings for a variance for encroachments on a flat, adequately sized property would be difficult. The following 41<sup>st</sup> Avenue Guidelines are relative to the proposed encroachments:

“Entries should be protected from wind, rain and sun and provide a distinct entrance to the building.”

“Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows).”

“Off-street parking shall be located to the rear of the site. Street frontages should be devoted to buildings and landscaping. (This requirement may be varied for special site features.)”

Conditional Use Permit

Pursuant to §17.60. 060.w, in the Community Commercial zoning district, multiple-family residences may be approved as a conditional use permit provided the residential use is secondary to a principle permitted use on the same lot subject to the following italicized limitations:

1. *First floor uses shall be commercial uses. **Complies.***
2. *Commercial ceiling height shall be greater in height than any residential ceiling height located above commercial uses. **Complies.***
3. *First floor ceiling heights shall be a minimum of fifteen feet or one hundred twenty percent of the maximum ceiling height of the residential units located above the commercial uses, whichever is greater. **Complies***
4. *Commercial entrances shall be the primary building entries and shall be accented with strong architectural definition. Residential entrances shall be secondary and de-emphasized (e.g., located at the rear of the building, visually unobtrusive, etc.).*

**Analysis.** The commercial entrance is the primary entrance for the building centered on the front facade. The entry way includes a low pitched gable roof that extends seven feet from the façade of the building providing a sense of arrival for the structure.

5. *Adequate separation of different types of uses shall be maintained in order to avoid potential adverse impacts from one use on another due to noise, lighting, odors, vibration, and general nuisances.*

**Analysis.** Within the CC zone, side and rear yard setbacks may be required through architectural and site approval in order to provide adequate light and air, assure sufficient distance between adjoining uses to minimize any incompatibility and to promote excellence of development. When a side or rear yard is provided it shall be at least ten feet wide.

The concept places the roof overhang at the east property line and provides a 15 feet setback along the west property line. There is a single family home to the west, and the street continuing westward includes residential single and multi-family uses. Within the proposed changes to the Capitola Zoning Map, properties west of the subject property will be rezoned from commercial to multi-family residential. The applicant provided greater separation along the East side to create a buffer for the mixed use by placing the driveway approach to the rear parking lot along the east property line. A two-foot landscape buffer will be required along the east property line at time of submittal.

The multi-use structure is located two feet from the east property line and the roof overhang is located at the property line. The property to the east is a duplex. The duplex is located fifteen feet from the property line. A duplex is a non-conforming use in the CC zone. Expansions of non-conforming uses are not allowed, therefore for the life of the duplex fifteen feet separation will be maintained. If the owner of the neighboring lot were to redevelop the site, they too would have the flexibility of zero setbacks on the side yard as proposed by the owner of 4025 Brommer Street.

The third story of the structure is stepped in 6 feet to allow additional separation and assist in breaking up the massing of the structure.

6. *Adequate separation of different types of uses shall be maintained to protect the aesthetic values and primary uses of the site.*

**Analysis.** The building is in a transition zone located on the edge of the Community Commercial zone. The proposed use incorporates ground floor office space with

residential above. The mixed use building is located closer to the commercial core along 41<sup>st</sup> in order to create a buffer from the single family residential to the west. The existing duplex to the east is 15 feet from the property line. As stated previously, the building to the east is not allowed to expand as a residential use.

### **RECOMMENDATION**

The project has been submitted to the City for conceptual review. The intent of the conceptual review process is to provide the applicant with early feed-back prior to investing significant time and money on the project. The applicant is seeking the Planning Commission's direction on the draft concept. As a starting point, staff has identified several questions, which the Commission may wish to consider while reviewing this project.

1. Would the Planning Commission support a finding that the proposed encroachments (covered entryway, second story deck, roof overhang) within the front landscape are compliant with the front yard requirements and 41<sup>st</sup> Avenue Guidelines? *or* Should the applicant apply for a variance for encroachments over the required landscape area?
2. Does the Planning Commission support the placement of the building away from the west property line and closer to the east property line?

### **ATTACHMENTS:**

1. 4025 Brommer Street Conceptual Plan
2. 4025 Brommer Street Letter from Architect

Prepared By: Katie Cattan  
Senior Planner





PROJECT:  
**Brommer**  
*Mixed Use*

Schematic Design

4025 Brommer Street  
 Capitola, CA 95010  
 APN: 004-164-08

REVISIONS:

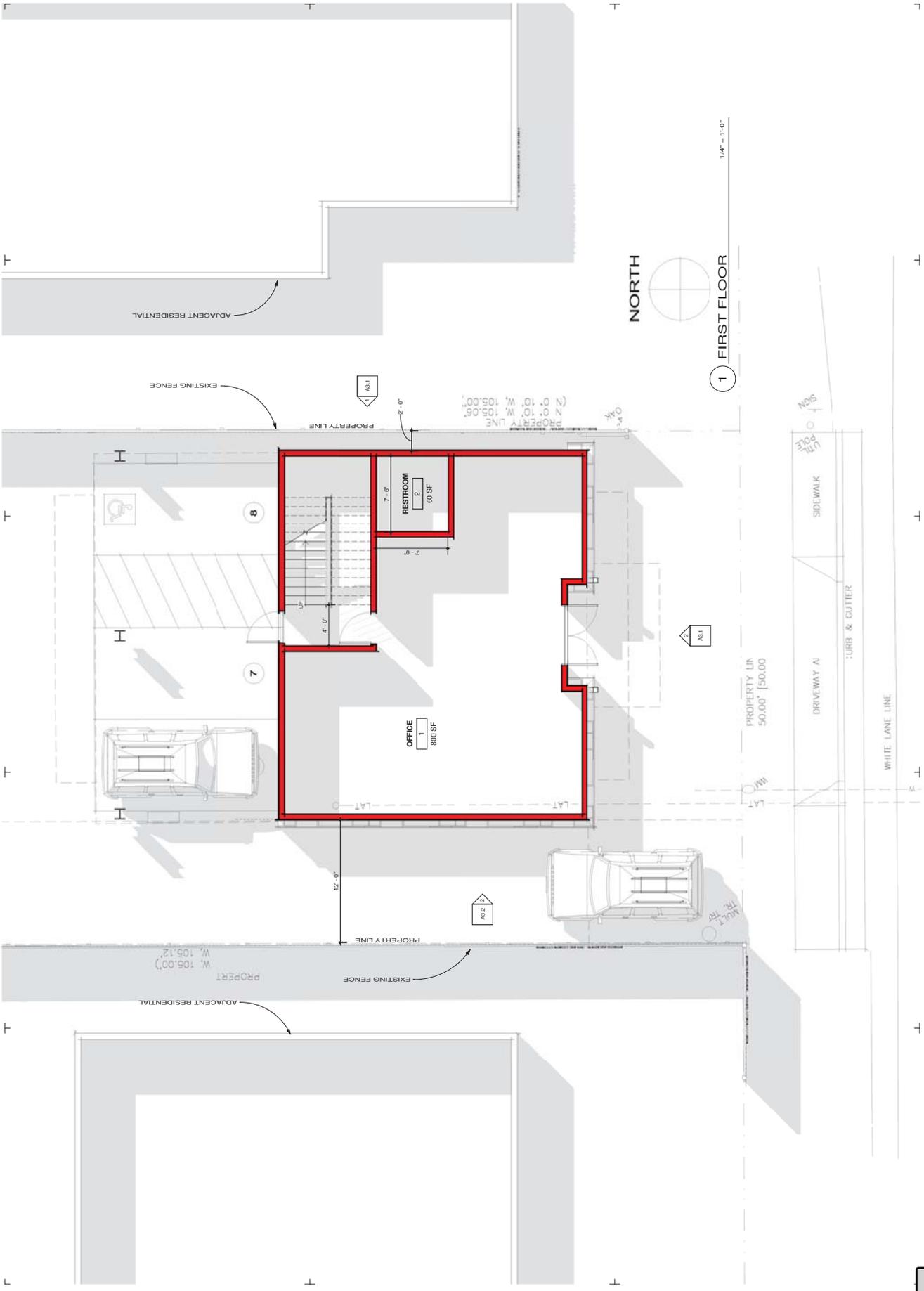
NO.	DATE	REVISION

PROJECT NO:  
 1607  
 ISSUE DATE:  
 September 22, 2016

DRAWING  
 TITLE:

FIRST FLOOR  
 PLAN  
 1/4" = 1'-0"  
 DRAWING NO.:

**A2.1**





PROJECT:  
**Brommer  
 Mixed Use**

Schematic Design

4025 Brommer Street  
 Capitola, CA 95010  
 APN: 004-164-08

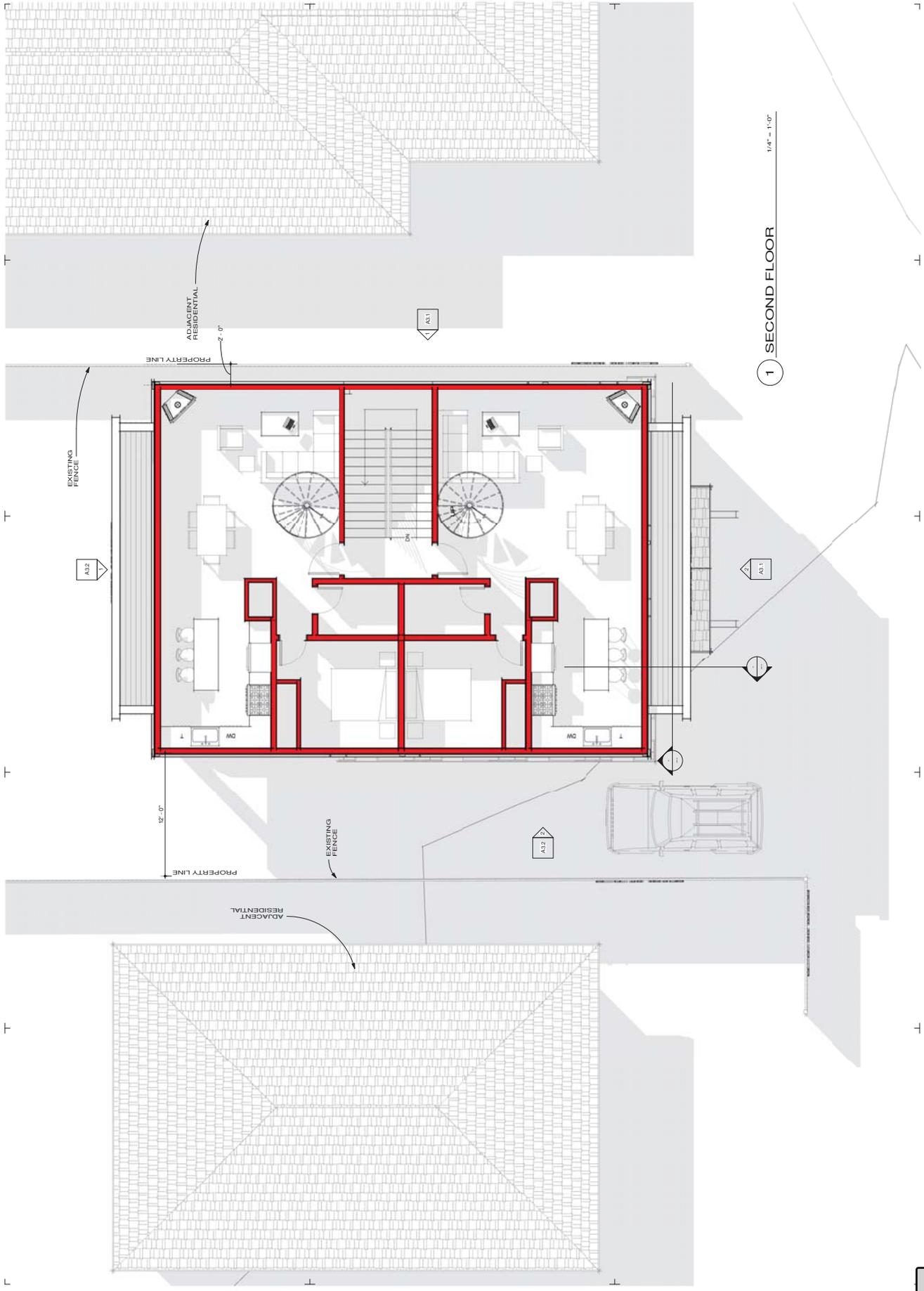
REVISIONS:

PROJECT NO:  
 1607  
 ISSUE DATE:  
 September 22, 2016

DRAWING  
 TITLE:

SECOND  
 FLOOR PLAN  
 1/4" = 1'-0"  
 DRAWING NO.:

A2.2





PROJECT:  
**Brommer  
 Mixed Use**

Schematic Design

4025 Brommer Street  
 Capitola, CA 95010  
 APN: 004-164-08

REVISIONS:

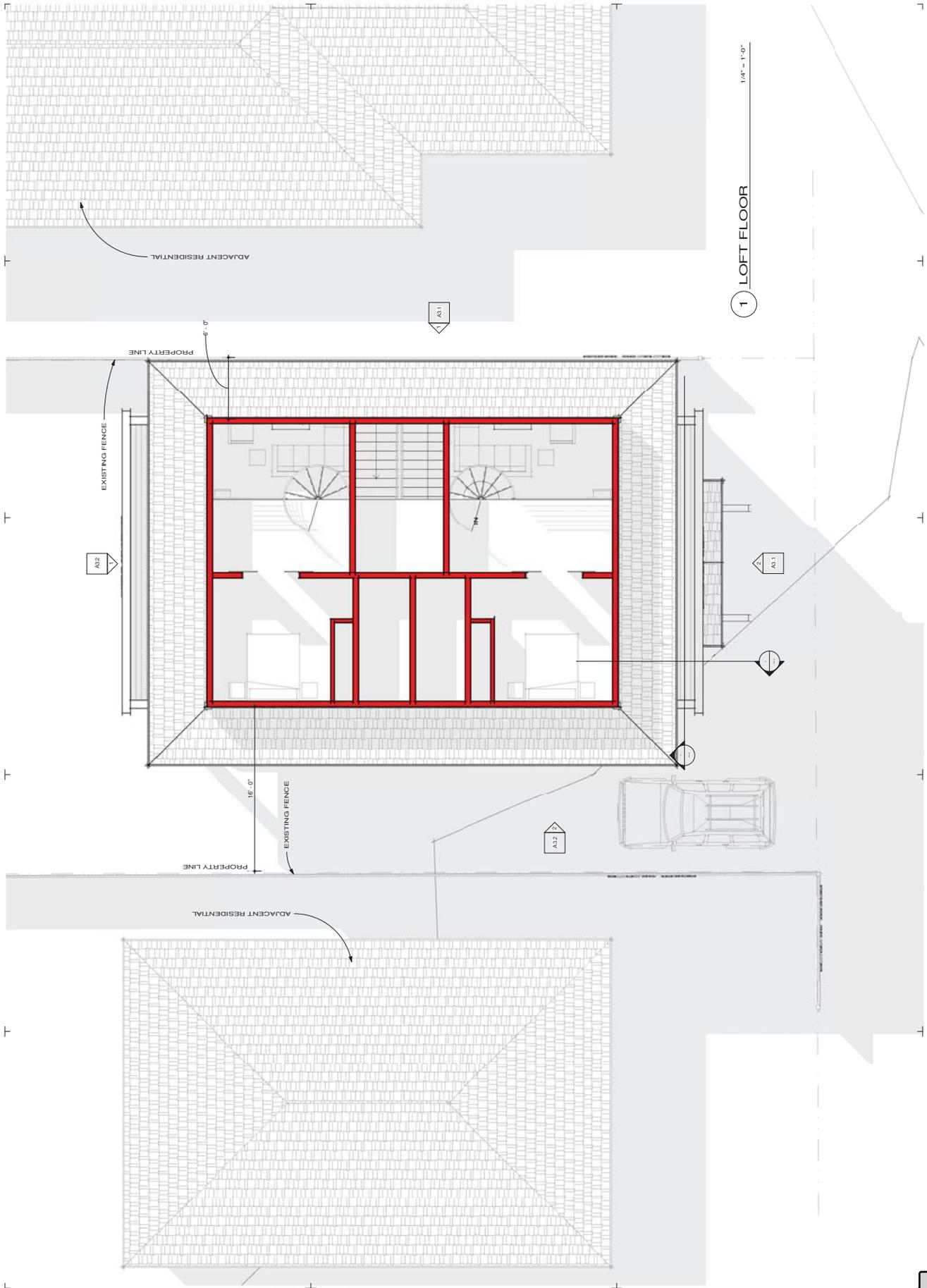
NO.	DATE	REVISION

PROJECT NO:  
 1607  
 ISSUE DATE:  
 September 22, 2016

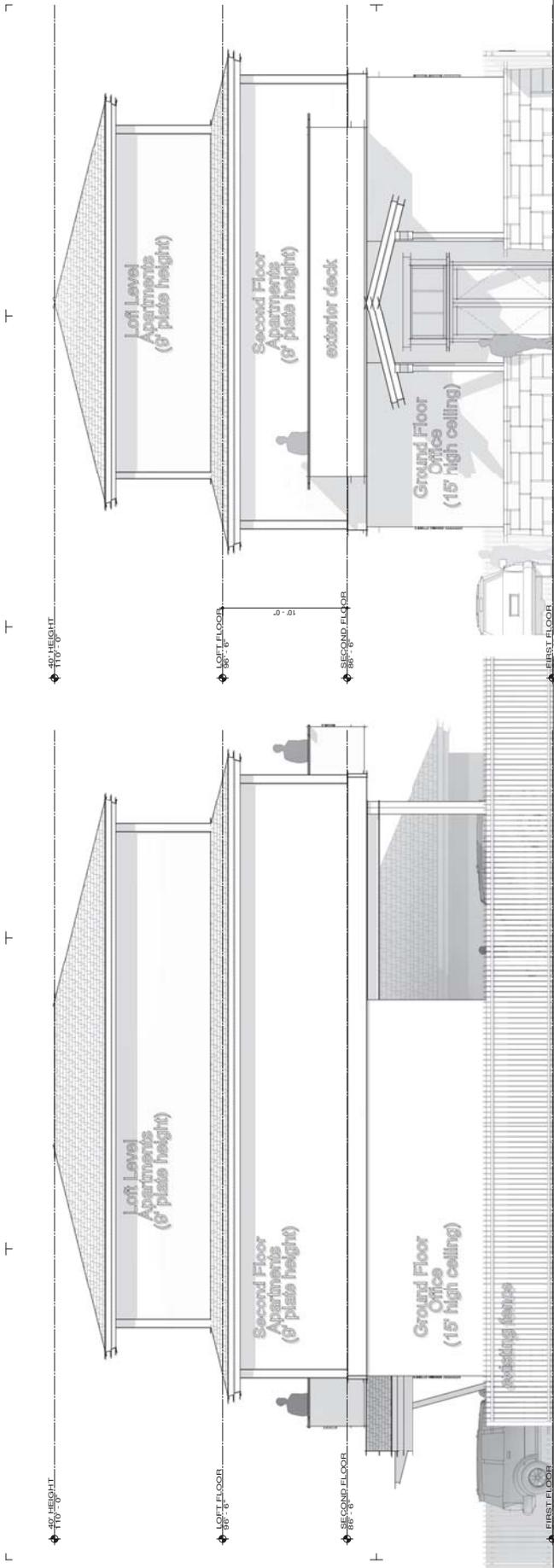
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 TITLE:

LOFT FLOOR  
 PLAN  
 1/4" = 1'-0"  
 DRAWING NO.:

A2.3

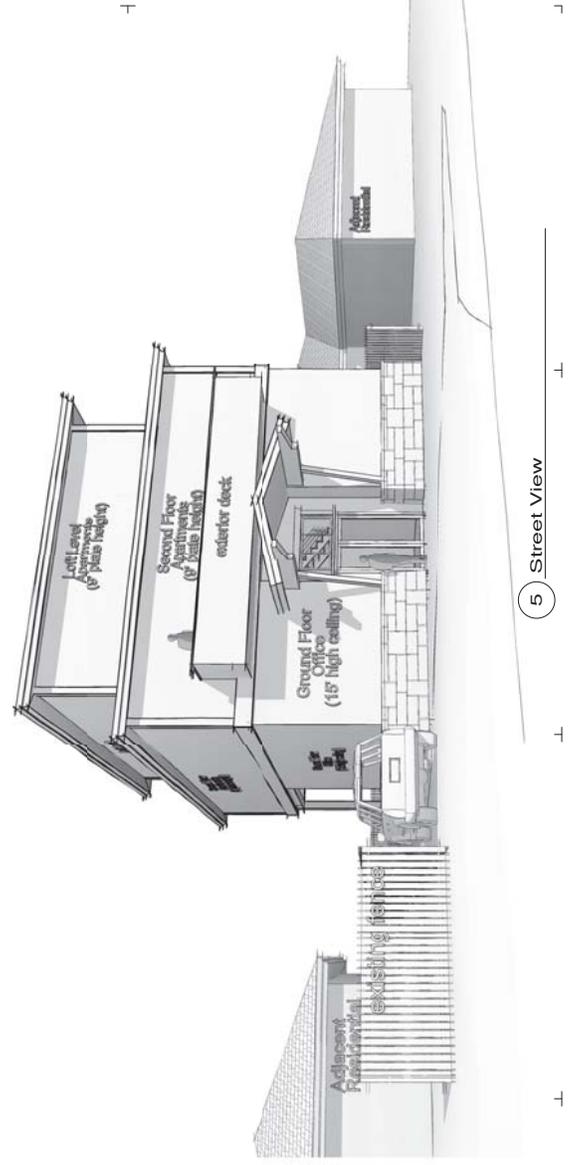


1 LOFT FLOOR  
 1/4" = 1'-0"

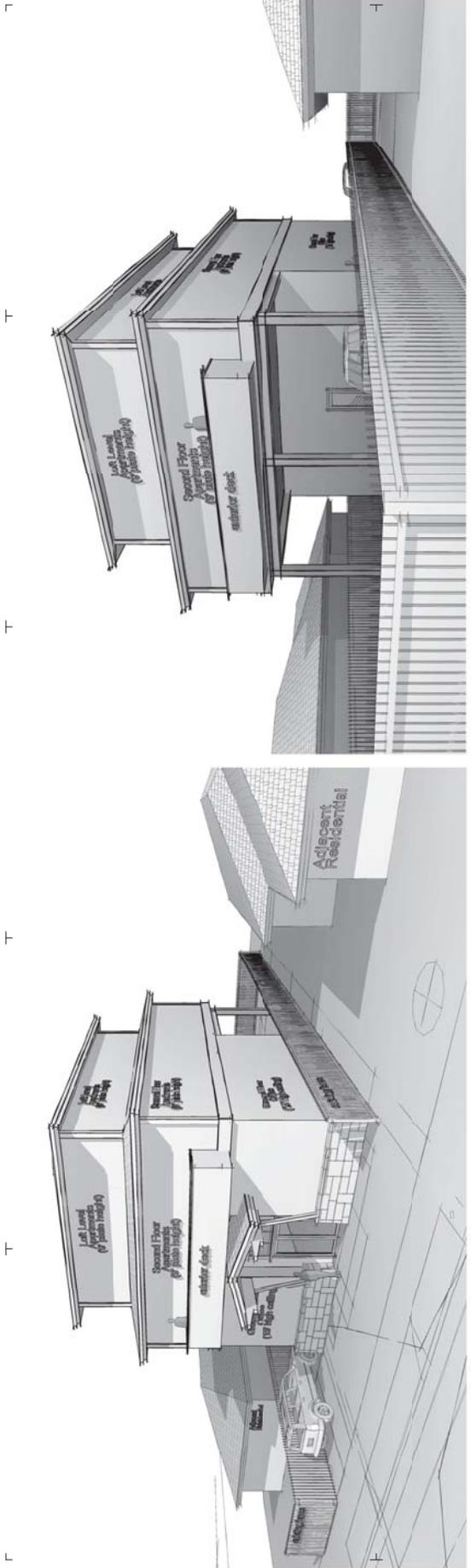


1 EAST ELEVATION 1/4" = 1'-0"

2 SOUTH ELEVATION 1/4" = 1'-0"

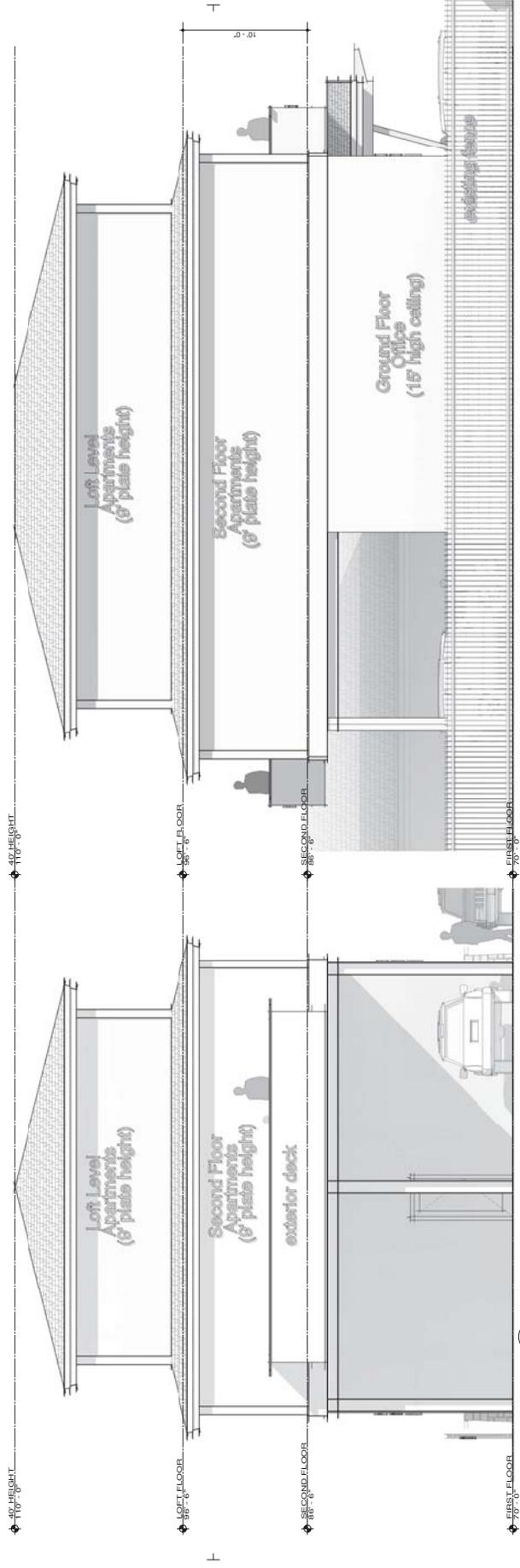


5 Street View 1/4" = 1'-0"



3 Street View 2

4 View from Rear



1 NORTH ELEVATION

2 WEST ELEVATION



**October 17, 2016**

City of Capitola  
 Attn. Katie Cattan, Senior Planner  
 420 Capitola Avenue  
 Capitola, CA 95010  
[kcattan@ci.capitola.ca.us](mailto:kcattan@ci.capitola.ca.us)  
 831.475.7300

Re: 4025 Brommer Street, Capitola, CA

Dear Ms. Cattan,

I am writing you in regards to the proposed development at 4025 Brommer Street in Capitola, CA. The property owners (Rob and Karen Stuart) are proposing to demolish the existing single story office structure, then build a new mixed use development on this parcel. Listed below are proposed elements of the project:

- In order to maintain neighborhood curb appeal, we are proposing to locate the required parking at the rear of the property. The proposed parking includes 3 covered spaces and an accessible parking stall.
- We are proposing a 12 foot wide drive aisle on the West side of the property for access to the rear parking. This allows for significant separation from the adjacent residence.
- On the East side of the property we are locating the building 2 feet off of the property line in order to create more separation from the adjacent multi-residential structure.
- On the street side of the property (South side), we are proposing natural landscaping within the required 15 foot front setback. The proposed landscaping also includes the 5 foot area between the edge of the 4' wide sidewalk and the property line, for a total of 20 feet of landscaping at the front of the proposed structure.
- The proposed building would have commercial office space at the ground floor with the required 15' high ceilings and two rental apartment units located on the floor above. The entrance to the ground floor commercial unit would face Brommer Street and the entrance to the apartment units would be at the rear of the building (North side).
- Each residential apartment is proposed to have a loft area. This proposed Loft Level is stepped in 4 feet from the perimeter building footprint in order to minimize the overall massing of the project.

With all of the elements listed above included in the project, we are finding that the proposed square footages of the commercial and residential units are being limited. Since the CC code does not preclude projections into the required 15 foot front yard landscape area, we ask that the following projections be approved:

- With the proposed building footprint located at the 15 foot front setback, we are proposing that the 2 foot deep roof eave encroach into the front setback.
- We are also proposing a 4 foot projection of a second floor residential deck into the front setback in order to provide outdoor space to the unit and help minimize the massing on the street side of the building.
- We are also proposing a 7 foot roof projection into the front setback in order to create an appropriately scaled public entrance to the office space on the ground floor.

None of these proposed projections would touch the ground.

Thank you for your consideration on this proposed mixed use development.

Sincerely,

Jason Wooley, Architect  
 license number C27825



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **226 Monterey Avenue #16-125 036-111-15**

Design Permit for an addition to an existing two-story single-family home and construction of a new secondary dwelling unit with a variance to the maximum 80% valuation for improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) Zoning District.  
 This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Nancy and Mark Nicholson  
 Representative: Derek Van Alstine, filed 6/16/2016

### **APPLICANT PROPOSAL**

The applicant is proposing a remodel and addition to an existing single-family residence at 226 Monterey Avenue. Behind the main residence, the applicant is proposing to construct a 480 square foot secondary dwelling unit. The existing home does not meet front or side yard setbacks and therefore is a non-conforming structure. Additionally, the existing carport does not meet rear yard setback requirements. The applicant is requesting a variance to the maximum 80% structural alteration requirement for the existing non-conforming residence.

The property is zoned R-1 (Single-Family Residential). The existing residence is not considered an historic resource. The retaining wall along Monterey Avenue is designated as a historic resource; however, the proposed project would not modify the wall.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on August 24<sup>th</sup>, 2016 and provided the applicant with the following direction:

Public Works Representative, Daniel Uharriet: directed the applicant to pay the Storm Water Permit fee, resubmit the Stormwater Permit application, submit a plan showing impervious and pervious surfaces, verify the impervious coverage calculation on the plans, submit a site drainage plan, and show location of proposed garbage cans on the site plan.

Building Official, Brian Van Son: informed the applicant that a geotechnical study and egress information of the basement are required at time of Building Permit submittal.

Local Architect, Frank Phanton: asked that the applicant show the neighboring property deck location on the proposed floor plans for reference.

Landscape Architect, Megan Bishop: asked that the applicant show existing and proposed landscaping on the site plan.

City Planner, Ryan Safty: directed the applicant to reduce the size of the proposal to be in compliance with the maximum allowed Floor Area Ratio (FAR) of the property, to modify the proposed parking sizes so that they meet the minimum size requirements, and to reduce the height of the proposed building to be in compliance with the 25-foot height limit.

Following the August 24<sup>th</sup>, 2016 Architectural and Site Review Committee hearing, the applicant submitted revised plans which addressed the concerns of the committee. The updated project complies with the FAR, parking, and height requirements of the R-1 zone.

### **ZONING SUMMARY**

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

#### **R-1 (Single Family Residential) Zoning District**

<b>Development Standards – MAIN RESIDENCE</b>			
<b>Building Height</b>	<b>R-1 Regulation</b>		<b>Proposed</b>
	25'-0"		24'-11"
<b>Floor Area Ratio (FAR)</b>			
<b>Lot Size</b>	5,996 sq. ft.		
<b>Maximum Floor Area Ratio</b>	60% (Max 3,598 sq. ft.)		
First Story Floor Area	926 sq. ft.		
Basement Floor Area (250 square foot allowance)	0 sq. ft. (191 sq. ft. – 250 sq. ft.)		
Second Story Floor Area	1,504 sq. ft.		
Covered Porch and Deck Floor Area (150 square foot allowance)	516 sq. ft. Total = 666 sq. ft. (-150sq. ft.) = 516 sq. ft.		
Carport Floor Area	142 sq. ft.		
Secondary Dwelling Unit Floor Area	480 sq. ft.		
<b>TOTAL FAR</b>	3,568 sq. ft.		
<b>Yards (setbacks are measured from the edge of the public right-of-way)</b>			
	<b>R-1 Regulation</b>		<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>	15 feet		**5.5 ft. from right-of-way
<b>Front Yard 2<sup>nd</sup> Story</b>	20 feet		**5 ft. from right-of-way
<b>Side Yard 1<sup>st</sup> Story</b>	10% lot width	Lot width 50 5 ft. min.	5 ft. from property line – North 7 ft. from property line - South
<b>Side Yard 2<sup>nd</sup> Story</b>	15% of width	Lot width 50 7.5 ft. min	**5 ft. from property line – N **2.5 ft. from property line – S
<b>Rear Yard 1<sup>st</sup> Story</b>	20% of lot depth	Lot depth 120 24 ft. min.	60 ft. from property line
<b>Rear Yard 2<sup>nd</sup> Story</b>	20% of lot depth	Lot depth 120 24 ft. min	60 ft. from property line
<b>Detached Carport (existing)</b>	40 ft. minimum from front		88 ft. from property line

	yard	
	3 ft. minimum from side yard	4 ft. from property line – N 29 ft. from property line – S
	8ft. minimum from rear yard	**3 ft. from property line
<b>Encroachments</b> (list all)	Existing front yard and side yard setback for main home is non-conforming	
	Existing carport does not meet rear yard setbacks	
<b>Development Standards – SECONDARY DWELLING UNIT</b>		
<b>Building Height</b>	<b>R-1 Regulation</b>	<b>Proposed</b>
	15 ft.-0 in.	15 ft. -0 in.
<b>Maximum Unit Size</b>	<b>Regulation</b>	<b>Proposed</b>
	500 sq. ft.	480 sq. ft.
<b>Yards</b> (setbacks are measured from the edge of the public right-of-way)		
	<b>R-1 Regulation</b>	<b>Proposed</b>
<b>Front Yard</b>	Must be behind main residence	Project complies
<b>Side Yard</b>	5 ft. minimum from side yard	24 ft. from property line - N 5.5 ft. from property line - S
<b>Rear Yard</b>	8 ft. minimum from rear yard	23 ft. from property line
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
<b>Residential (from <u>2,601</u> up to <u>4,000</u> sq. ft.)</b>	4 spaces total 1 covered 3 uncovered	4 spaces total 1 covered 3 uncovered
	Complies with Standards?	List non-compliance
<b>Carport</b>	No	Existing non-conforming with setbacks
<b>Underground Utilities: required with 25% increase in area</b>		Yes, required

\*\* Denotes existing non-conformity

## **DISCUSSION**

The applicant is proposing to remodel and add 648 square feet to an existing two-story residence and construct a new 480 square foot secondary dwelling unit at 226 Monterey Avenue. The property is accessed through a 12-foot easement to the east, off of Central Avenue and slopes downward to the front property line on Monterey Avenue. The subject property is located within the R-1 (Single-Family Residential) zoning district, just north of the Central Village.

The proposed 2,946 square foot two-story residence would be 926 square feet on the first-story and 1,504 square feet on the second-story. The existing home has concrete stairs leading from the Monterey Avenue pedestrian walkway to an existing 296 square foot front covered patio area. The applicant is proposing to remodel the interior of the first floor to include two bedrooms, a bathroom, a family room, and add 191 square feet of basement area at the rear of the existing home.

The applicant is proposing to remodel the existing second-story, preserve the 295 square foot second-story deck, and add 642 square feet to the back of the home. The proposed second-

story would contain a living room, dining room, kitchen, master bedroom and bathroom, and have a covered porch at the rear of the home with exterior access to the rear yard area.

Behind the home, the applicant is proposing a 480 square foot secondary dwelling unit. The secondary dwelling unit would include a living room, kitchen, bedroom, bathroom, and an entry porch with a trellis cover on the east-side. The secondary dwelling unit's entry porch would connect to an exterior stairwell and pathway leading to the back yard and covered porch at the rear of the main residence.

The exterior of the home will be completely updated within the proposed remodel. The applicant is proposing to use stone veneer siding for the exterior of the first floor along the front of the home, and cement plaster exterior finish at the back of the home as it slopes below grade. The second story of the main residence would consist of wood shingle siding, clear anodized metal roofing, and a glass railing along the second-story deck. The front façade of the home would be updated to include large picture windows. The height of the finished home would be 24 feet-11 inches, compliant with the 25-foot height limit.

The remodel and addition requires four onsite parking spaces, one of which must be covered. The existing property contains two covered parking spaces within a carport and two uncovered parking spaces at the rear of the property. The existing carport is nonconforming in that it does not meet rear yard setback requirements. Due to site constraints, the applicant is proposing to remove a portion of the existing carport and have one covered parking space. The applicant is proposing three uncovered parking spaces adjacent to the carport and behind the proposed secondary dwelling unit. The existing asphalt parking area would be replaced with pervious pavers. The applicant plans to preserve the existing landscaping, including a mature redwood tree near the 12-foot-wide access alley.

The municipal code requires that secondary dwelling units be designed in a way that is compatible with the existing residence. The proposed secondary dwelling unit would contain the same wood shingle siding and clear anodized metal roofing as the main residence. The secondary dwelling unit would be 14 and one-half feet above grade, which is compliant with the 15-foot height limit.

### **Variance**

The existing residence at 226 Monterey Avenue is non-conforming in that it does not meet front or side yard setback requirements, and the detached carport does not meet rear yard setbacks. The municipal code requires 15 feet for the front yard, while the existing home is located five feet from the front property line. The existing second floor is only setback five feet on the north and 2.5 feet from the south-side property lines when the code requires 7.5 feet on each side. The project would not exacerbate existing setback encroachments and all new addition work would meet setback requirements. A non-conforming structure may be modified as long as the total cost of the work does not exceed 80% of the present fair market value of the structure (§17.72.070). The applicant is requesting a variance from the 80% rule to allow the existing building to remain in the current location.

Pursuant to section 17.66.090 of the municipal code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property or where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity.

The east side of Monterey Avenue, between Escalona Drive and El Camino Medio, is characterized with large homes built above Monterey Avenue. A variance to the allowed

structural alterations requirement would allow the subject property to maintain its current location with a reduced front and side yard setback. The allowance for 226 Monterey Avenue to maintain the existing location of the home would preserve the existing development pattern and streetscape along the east side of Monterey Avenue. A variance would not constitute the grant of a special privilege since most neighboring residences on the east side of Monterey Avenue similarly benefit from reduced front and side yard setbacks. Therefore, staff recommends the Planning Commission grant the variance request to the maximum allowed structural alterations of the non-conforming property.

### **CEQA**

Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence or a second dwelling unit in a residential zone. This project involves the remodel and addition of an existing two-story residence and construction of a secondary dwelling unit within the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and **approve** project application #16-125 based on the findings and conditions.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a remodel and addition to an existing two-story residence and construction of a new secondary dwelling unit at 226 Monterey Avenue. The project consists of a 2,946 square foot two-story residence with a 926 square foot first floor and a 1,504 square foot second-story above, and a 480 square foot secondary dwelling unit. The maximum Floor Area Ratio for the 5,996 square foot property is 60% (3,598 square feet) since a secondary dwelling unit is proposed in addition to the main residence. The total FAR of the project is 59.5% with a total of 3,568 square feet of floor area, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3<sup>rd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
7. Prior to issuance of building permit, all Planning fees associated with permit #16-125 shall be paid in full.
8. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
15. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
20. Before obtaining a building permit for the secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that the secondary dwelling unit shall not be sold separately, that the unit is restricted to the approved size, and that the owner must occupy either the main residence or secondary unit, pursuant to section 17.99.070 of the Capitola Municipal Code.

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. A variance to the allowed structural alterations beyond the 80 percent maximum to non-conforming structures has been approved to preserve the streetscape.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodeled two-story residence and new secondary dwelling unit. The project will allow the structure to remain in the current location, maintaining the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence or a second dwelling unit in a residential zone. This project involves the remodel and addition of an existing two-story residence and construction of a secondary dwelling unit within the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**  
The subject property is located on a sloping lot with vehicular access off the back of the home. The existing home contains reduced front and side yard setbacks, consistent with neighboring properties along the east-side of Monterey Avenue. The grant of a variance

to the maximum allowed structural alterations of non-conforming properties would allow the remodel to take place and for the home to maintain its current location along Monterey Avenue. A 15-foot front yard setback at 226 Monterey Avenue would deprive the subject property of privileges enjoyed by neighbors.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The existing home at 226 Monterey Avenue contains a reduced front yard setback along Monterey Avenue, consistent with neighboring properties along the east-side of Monterey Avenue. The grant of a variance to maximum structural alterations of non-conforming properties would allow the home to maintain its current location fronting along Monterey Avenue. Neighboring properties similarly contain a reduced front-yard setback along Monterey Avenue, therefore the grant of a variance would not constitute the grant of a special privilege.

### **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.***

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site,***

**because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;**

- The proposed project is located at 226 Monterey Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

**(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;**

- The proposed project is located along Monterey Avenue. No portion of the project is located along the shoreline or beach.

**(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);**

- There is not history of public use on the subject lot.

**(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property on Monterey Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

***(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.***

- The proposed project is located on private property that will not impact access and recreation. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas.

***(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:***

***a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;***

***b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;***

***c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.***

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

***(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:***

***a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;***

- The project is located on a residential lot.

***b. Topographic constraints of the development site;***

- The project is located on a sloping lot with no vehicular access along Monterey Avenue.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home and secondary dwelling unit on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home and secondary dwelling unit on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home and secondary dwelling unit on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of***

***transportation and/or traffic improvements;***

- The project involves the addition to an existing single family home and construction of a new secondary dwelling unit. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home and detached secondary dwelling unit. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Engineering reports will be prepared by qualified professionals for this project prior to construction. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the Depot Hill neighborhood parking permit program. The project contains adequate on-site parking pursuant to the requirements of the Capitola Municipal Code.

**ATTACHMENTS:**

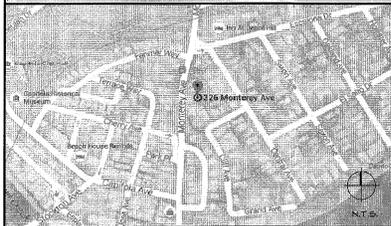
1. 226 Monterey Ave Project Plans

Prepared By: Ryan Safty  
Assistant Planner

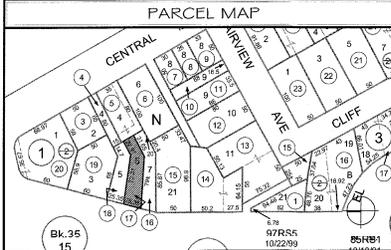
# NICHOLSON RESIDENCE



VICINITY MAP



PARCEL MAP



STRUCTURAL DATA				
SETBACKS		REQUIRED	PROPOSED	
FRONT YARD	1st STORY	15'-0"	5'-6"	
	2nd STORY	20'-0"	4'-9"	
REAR YARD	1st STORY	10'-0"	10'-0"	
	2nd STORY	10'-0"	10'-0"	
SIDE YARD	1st STORY	(B) 5' (L) 4' 5" (R)	EXISTING (L) 5' 4" 5" (R)	
	2nd STORY	(D) 4'-7" (L) 4' 5" (R)	EXISTING (L) 4'-7" 4' 5" (R)	
HEIGHT	25'-0"		26'-0"	
FLOOR AREA RATIO		LOT SIZE	MAX (60%)	PROPOSED (59%)
		5,996 sq.ft.	3,598 sq.ft.	3,578 sq.ft.
	HABITABLE SPACE	FIRST FLOOR COVERED PORCH	SECOND FLOOR DECK	PROPOSED TOTAL
(E) 1st STORY	920 sq.ft.	89 sq.ft.	<140 sq.ft.>	NA
(E) 2nd FLR.	862 sq.ft.	-	-	260 sq.ft.
(E) TOTAL	1,782 sq.ft.	89 sq.ft.	<140 sq.ft.>	NA
(P) 1st STORY	926 sq.ft.	296 sq.ft.	<140 sq.ft.>	NA
(P) 2nd FLR.	1,804 sq.ft.	42 sq.ft.	-	295 sq.ft.
(P) A.D.U.	480 sq.ft.	-	33 sq.ft.	NA
(P) TOTAL	2,910 sq.ft.	338 sq.ft.	<140 sq.ft.>	361 sq.ft.
PARKING		REQUIRED	PROPOSED	
		4 SPACES, 1 OF WHICH MUST BE COVERED	1 COVERED SPACE 3 UNCOVERED	
TOTAL		4 SPACES	4 SPACES	

\* THERE IS A CREDIT OF 100 sq.ft. FOR FIRST FLOOR COVERED PORCHES.

BUILDING INFORMATION	
<b>PROJECT DESCRIPTION:</b> NEW ROOF, EXTERIOR FINISHES, WINDOWS AND INTERIOR REMODEL AND ADDITION TO EXISTING TWO STORY SINGLE FAMILY RESIDENCE, NEW 400 SQ.FT. ACCESSORY DWELLING UNIT.	
<b>PROJECT ADDRESS:</b> 226 MONTEREY AVE CAPITOLA, CA 95010	
<b>PARCEL NUMBER:</b> 05C-111-15	
<b>ZONING DESIGNATION:</b> R1	
<b>OCCUPANCY CLASSIFICATION:</b> R-3	
<b>CONSTRUCTION TYPE:</b> TYPE V-B	
<b>CODE NOTE:</b> THESE PLANS CONFORM TO THE 2013 CALIFORNIA RESIDENTIAL, BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODE. STRUCTURAL ENGINEERING SHALL CONFORM TO 2013 CALIFORNIA BUILDING CODE. (I.E., 2013 IBC, IRC, UMC, UFC, AND 2013 NEC) AS AMENDED BY THE STATE OF CALIFORNIA.	

CONTACTS	
<b>OWNER:</b> MARK & NANCY NICHOLSON 105 KIKERIAN COURT SCOTT'S VALLEY, CA 95066 (831) 412-4974 (831) 618-6899	<b>PROJECT DESIGNER:</b> DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC. 1535 SCARBRIGHT AVE SUITE 200 SANTA CRUZ, CA 95062 PH: (831) 426-0400 FAX: (831) 426-0444 derek@vanalstine.com
<b>SURVEYOR:</b> LUKE BEAUTZ LAND C.E., L.S. 2270 KINSELEY STREET, #3 SANTA CRUZ, CA 95062 PH: (831) 475-0635 FAX: (831) 465-6514	<b>CIVIL ENGINEER:</b> IFLAND ENGINEERS, INC. 5200 SOQUEL AVE. STE 101 SANTA CRUZ, CA 95062 PH: (831) 426-5313 FAX: (831) 426-1763

DRAWING INDEX	
<b>BUILDING DESIGN</b>	
T1	TITLE SHEET
C1	GRADING & DRAINAGE
A1	EXISTING SITE PLAN
A2	LOWER LEVEL DEMOLITION PLAN
A3	UPPER LEVEL DEMOLITION PLAN
A4	EXISTING EXTERIOR ELEVATION
A5	EXISTING EXTERIOR ELEVATION
A6	SITE PLAN
A7	DAYLIGHT BASEMENT PLAN
A8	FIRST FLOOR PLAN
A9	ROOF PLAN
A10	EXTERIOR ELEVATIONS
A11	EXTERIOR ELEVATIONS
A12	EXTERIOR ELEVATIONS
A13	EXTERIOR ELEVATIONS

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DVRD  
DEREK VAN ALSTINE  
DESIGNER

NICHOLSON RESIDENCE  
226 MONTEREY AVE.  
CAPITOLA, CA 95010

PH: 05C-111-15

ISSUE DESCRIPTION

SCHEMATIC DESIGN

DESIGN DEVELOPMENT

JUNE 16, 2016

PLANNING SUBMITTAL

BUILDING SUBMITTAL

JUNE 16, 2016

REVISIONS

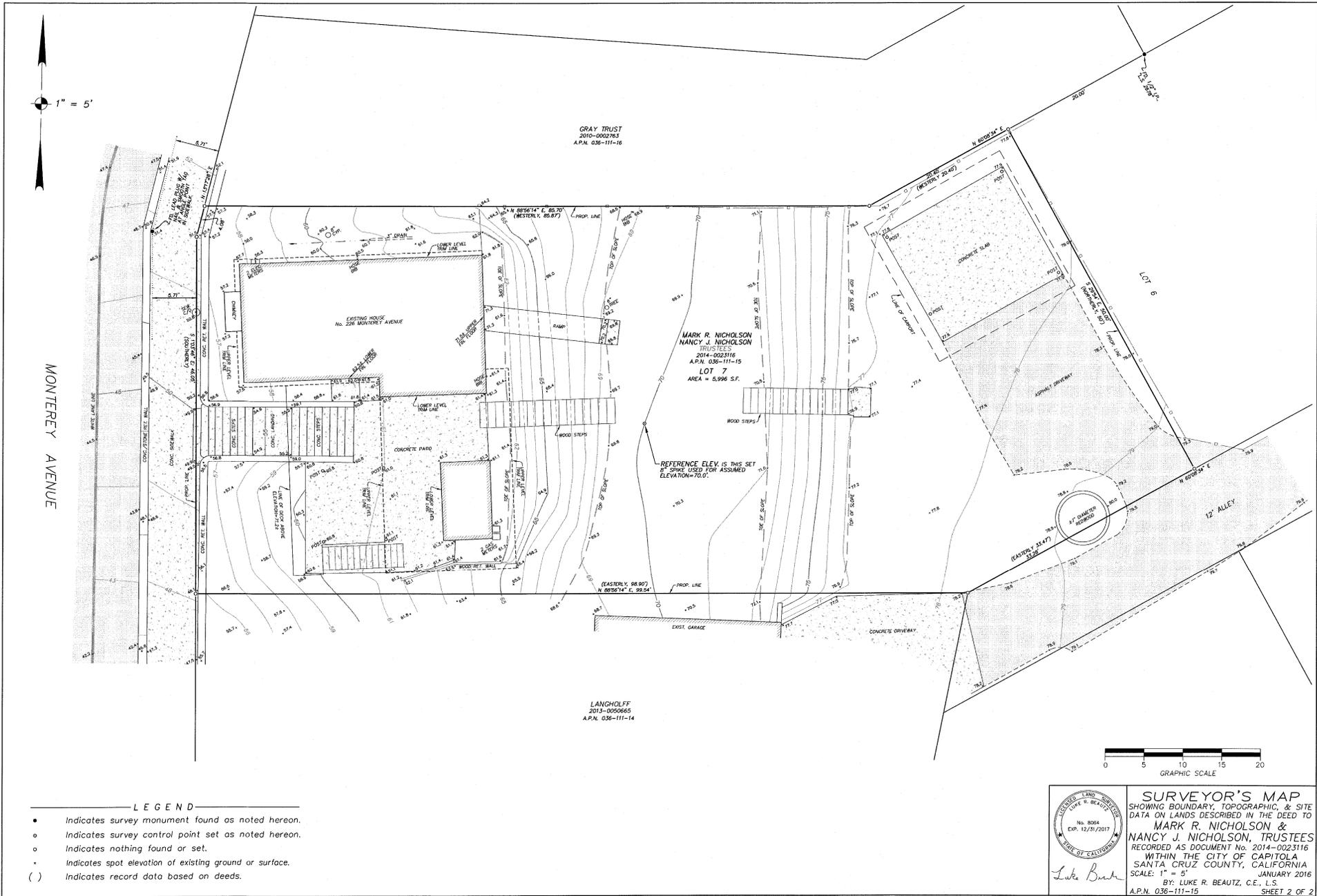
09-09-16

F.C. COMMENTS

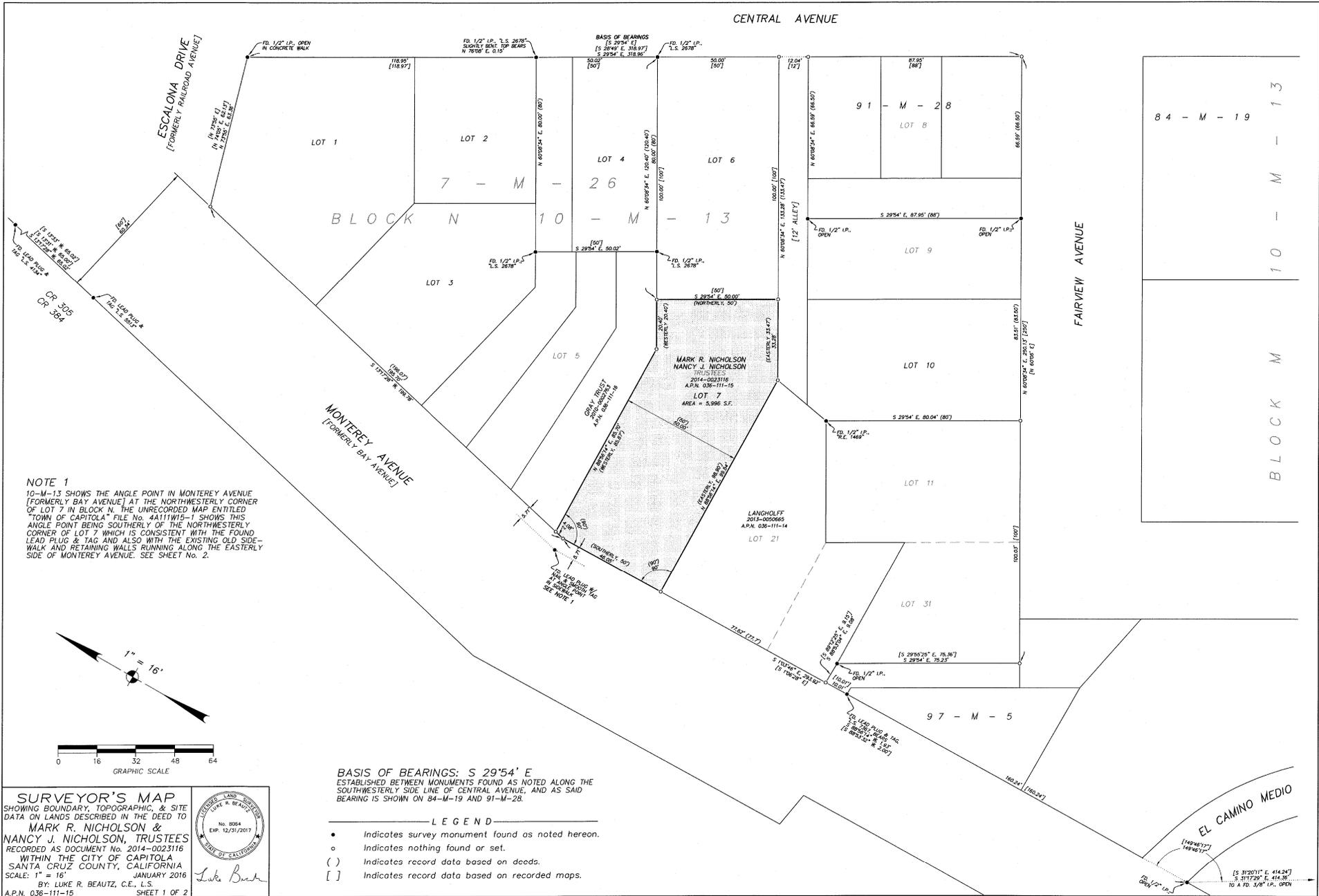
TITLE SHEET

T 1

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



**NOTE 1**  
 10-M-13 SHOWS THE ANGLE POINT IN MONTEREY AVENUE [FORMERLY BAY AVENUE] AT THE NORTHWESTERLY CORNER OF LOT 7 IN BLOCK N. THE UNRECORDED MAP ENTITLED "TOWN OF CAPITOLA" FILE No. 44111W15-1 SHOWS THIS ANGLE POINT BEING SOUTHERLY OF THE NORTHWESTERLY CORNER OF LOT 7 WHICH IS CONSISTENT WITH THE FOUND LEAD PLUG & TAG AND ALSO WITH THE EXISTING OLD SIDE-WALK AND RETAINING WALLS RUNNING ALONG THE EASTERLY SIDE OF MONTEREY AVENUE. SEE SHEET No. 2.

**BASIS OF BEARINGS:** S 29°54' E  
 ESTABLISHED BETWEEN MONUMENTS FOUND AS NOTED ALONG THE SOUTHWESTERLY SIDE LINE OF CENTRAL AVENUE, AND AS SAID BEARING IS SHOWN ON 84-M-19 AND 91-M-28.

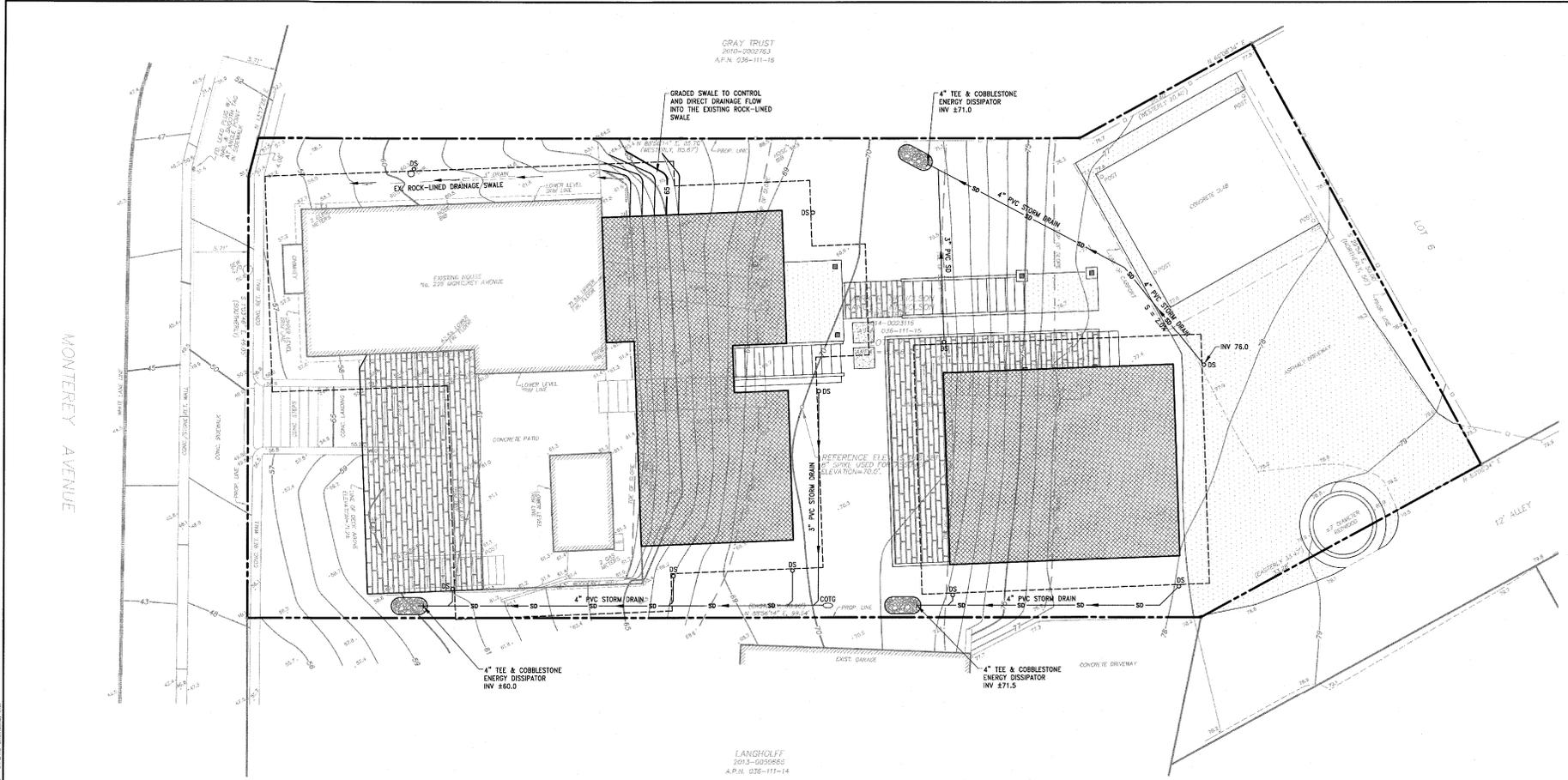
- LEGEND**
- Indicates survey monument found as noted hereon.
  - Indicates nothing found or set.
  - ( ) Indicates record data based on deeds.
  - [ ] Indicates record data based on recorded maps.

**SURVEYOR'S MAP**  
 SHOWING BOUNDARY, TOPOGRAPHIC, & SITE DATA ON LANDS DESCRIBED IN THE DEED TO  
**MARK R. NICHOLSON & NANCY J. NICHOLSON, TRUSTEES**  
 RECORDED AS DOCUMENT No. 2014-0023116  
 WITHIN THE CITY OF CAPITOLA  
 SANTA CRUZ COUNTY, CALIFORNIA  
 SCALE: 1" = 16' JANUARY 2016  
 BY: LUKE R. BEAUTZ, C.E., L.S.  
 A.P.N. 036-111-15 SHEET 1 OF 2

*Luke Beutz*

LUKE R. BEAUTZ, C.E., L.S.  
 No. 0084  
 EXP. 12/31/2017  
 STATE OF CALIFORNIA

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



GRAY TRUST  
2010-2002763  
APN: 036-111-19

LANGHOLFF  
2013-0030565  
APN: 036-111-14

MONTEREY AVENUE



APPROVED FOR PLAN CHECK ONLY

800 SOCIAL AVE SUITE 101  
SANTA CRUZ CA 95062  
TEL: 831 438 7993  
WWW.IFLANDENGINEERS.COM

**IFLAND ENGINEERS**  
CIVIL ENGINEERING • LAND PLANNING • STRUCTURAL DESIGN



**DRAINAGE PLAN**  
**NICHOLSON RESIDENCE**  
776 MONTEREY AVENUE CAPITOLA CALIFORNIA

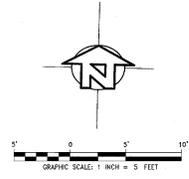
APN 036-111-15  
BUILDING PERMIT APPLICATION  
DATE 01/11/16  
DRAWN JAI  
CHECKED JPI

SHEET  
**C1.0**

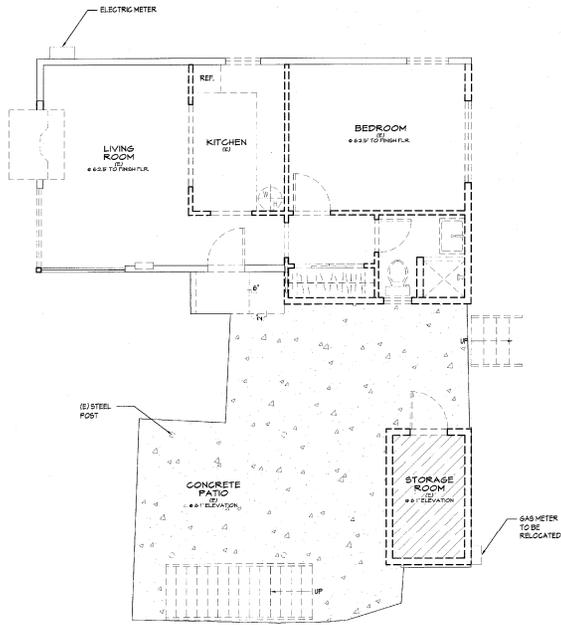
JOB NO. 16056

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)

- NOTES**
- UNLESS OTHERWISE NOTED, ALL ROOF DOWNSPOUTS (DS) SHALL DISCHARGE AT GRADE TO GROUND SLOPING A MINIMUM OF 5% AWAY FROM STRUCTURES OR TO EXISTING SWALES. PROVIDE SPLASH BLOCKS AND ENERGY DISSIPATION AT ALL DISCHARGE POINTS.
  - ALL RUNOFF SHALL FOLLOW EXISTING DRAINAGE PATTERNS. NO CHANGES TO EXISTING DRAINAGE PATTERNS IS PROPOSED.
  - REFER TO ARCHITECTURAL AND/OR PLUMBING PLANS FOR DRAINAGE OF THE BASEMENT ENTRY AT THE BOTTOM OF THE STAIRS.







1 LOWER LEVEL DEMOLITION FLOOR PLAN  
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	EXISTING WALLS TO BE REMOVED
	EXISTING WALLS TO REMAIN

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1133 SEABRIGHT AVENUE, SUITE 200, SANTA CRUZ, CALIFORNIA  
(831) 426-5400 PHONE (831) 426-8444 FAX

**DVRD**  
14155 AVENUE  
DREXEL  
200 CLEVELAND  
ALL RIGHTS RESERVED

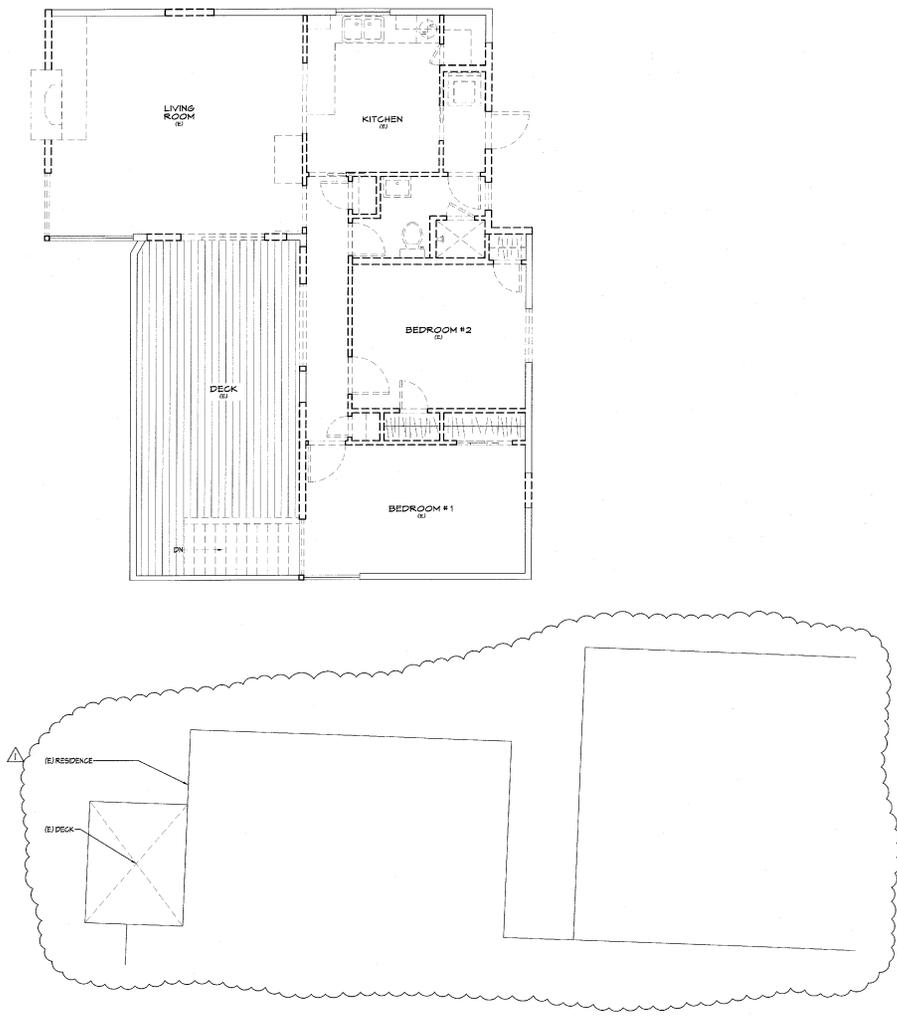
**NICHOLSON RESIDENCE**  
226 MONTEREY AVE.  
CAPITOLA, CA 95010

DATE	05-11-15
ISSUE DESCRIPTION	
SCHEMATIC DESIGN	
DESIGN DEVELOPMENT	
JUNE 16, 2016	
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	
JUNE 16, 2016	
REVISIONS:	
09-09-16	
P.C. COMMENTS	

LOWER LEVEL  
DEMOLITION  
FLOOR PLAN  
**A2**

**Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)**

5/1/2016 10:58:58 AM



2 UPPER LEVEL DEMOLITION FLOOR PLAN  
SCALE: 1/4" = 1'-0"

WALL LEGEND	
	EXISTING WALLS TO BE REMOVED
	EXISTING WALLS TO REMAIN

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1335 SEABRIGHT AVENUE, SUITE 100, SANTA CRUZ, CALIFORNIA  
831.426.8480 PHONE 831.426.8484 FAX

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DATE	ISSUE DESCRIPTION
05-07-11-15	SCHEMATIC DESIGN
JUNE 16, 2016	DESIGN DEVELOPMENT
JUNE 16, 2016	PLANNING SUBMITTAL
JUNE 16, 2016	BUILDING SUBMITTAL
09-09-16	REVISIONS
	FC COMMENTS

UPPER LEVEL  
DEMOLITION  
FLOOR PLAN  
**A3**

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)

5.C.1/2016.16.11.000.A3



2 EXISTING SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



1 EXISTING WEST ELEVATION  
SCALE: 1/4" = 1'-0"

8/17/2016 11:00 AM

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA  
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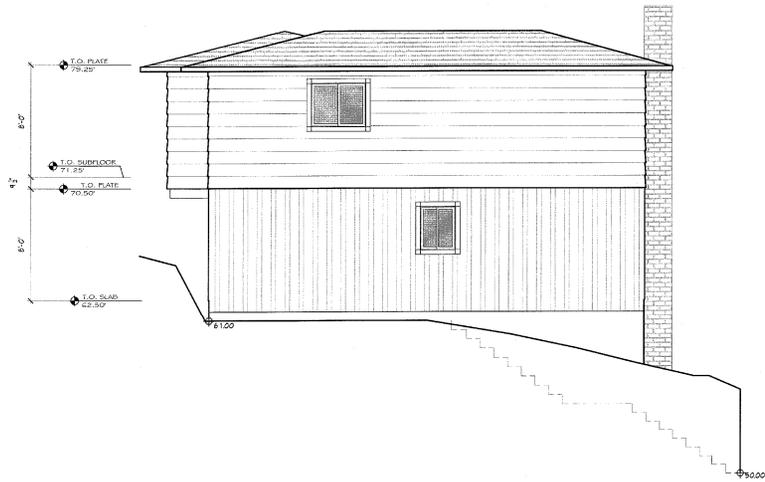
NICHOLSON RESIDENCE  
226 MONTEREY AVE.  
CAPITOLA, CA 95010

DATE	036-111-15
ISSUE DESCRIPTION	
SCHEMATIC DESIGN	
DESIGN DEVELOPMENT	JUNE 16, 2016
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	JUNE 16, 2016
REVISIONS	09-09-16
P.C. COMMENTS	

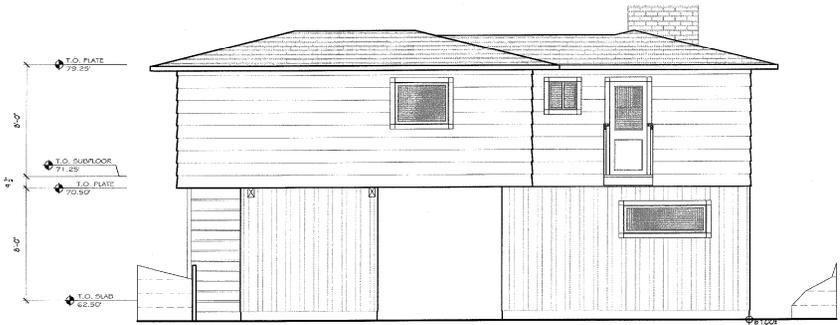
EXTERIOR ELEVATIONS

A4

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



4 EXISTING NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



3 EXISTING EAST ELEVATION  
SCALE: 1/4" = 1'-0"

8/15/2015 11:51 AM

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RESIDENTIAL DESIGN INC.  
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DESIGN RESIDENTIAL  
204 DOWNEY BLVD  
SANTA ANA, CA 92705

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CAPITOLA, CA 95010

PKN	036-111-13
ISSUE DESCRIPTION	SCHEMATIC DESIGN
DESIGN DEVELOPMENT	JUNE 16, 2015
PLANNING SUBMITTAL	JUNE 16, 2015
BUILDING SUBMITTAL	JUNE 16, 2015
REVISIONS	09-09-16
P.C. COMMENTS	

EXTERIOR ELEVATIONS

A5

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)

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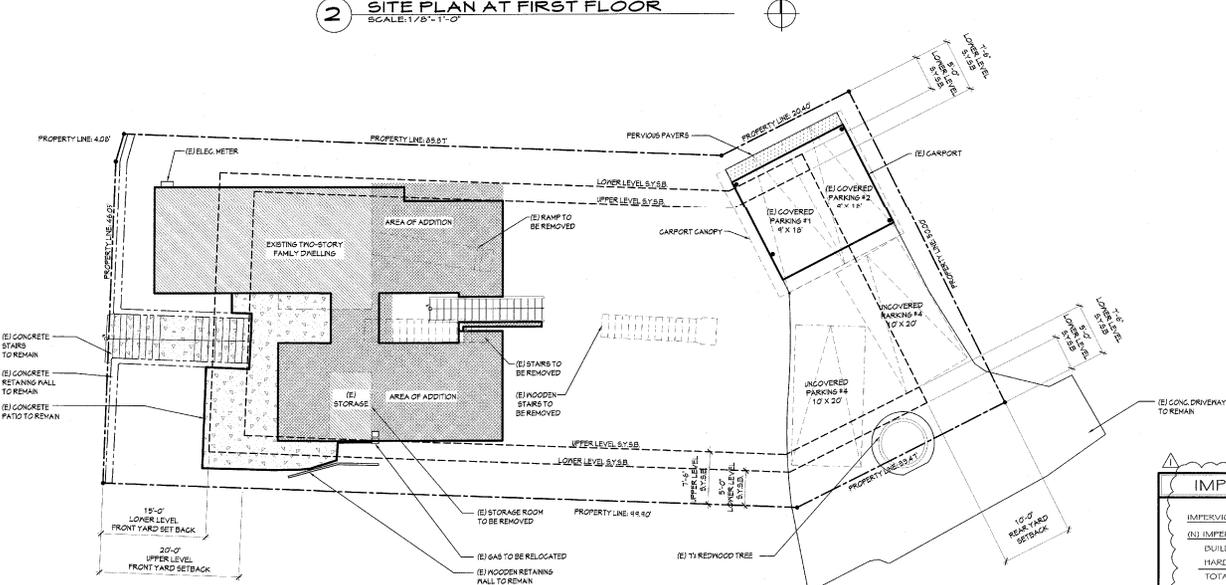
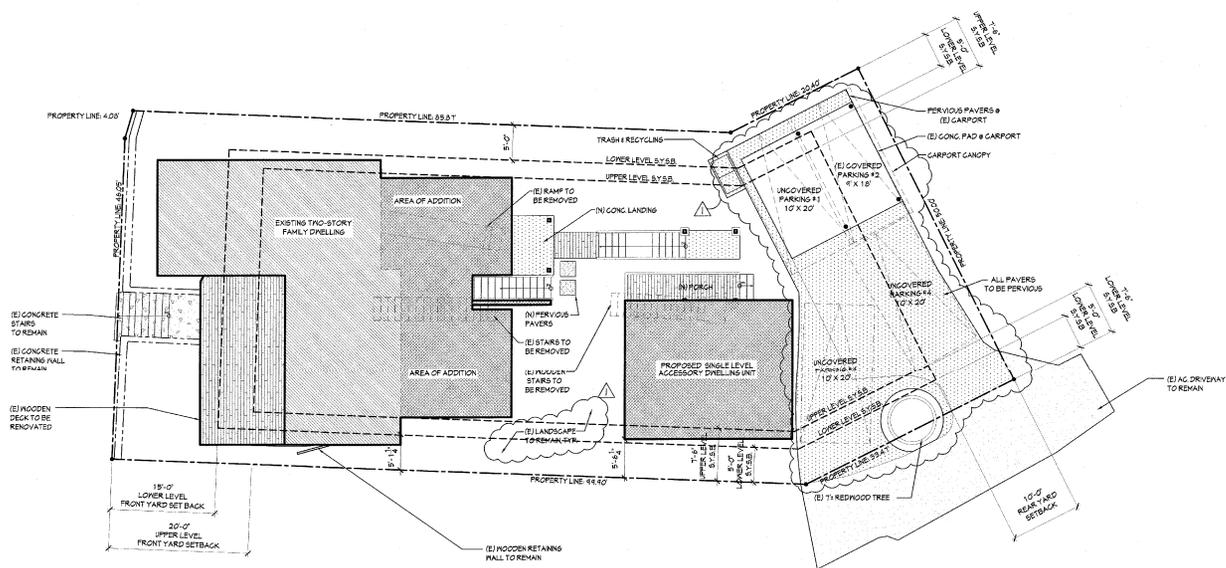
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226 MONTEREY AVE.  
CAPITOLA, CA 95010

PN 056-111-12  
ISSUE DESCRIPTION  
SCHEMATIC DESIGN  
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JUNE 16, 2016  
PLANNING SUBMITTAL  
BUILDING SUBMITTAL  
JUNE 16, 2016  
REVISIONS:  
09-09-16  
P.C. COMMENTS

PROPOSED  
SITE PLAN

A6

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



IMPERVIOUS COVERAGE CALC.	
IMPERVIOUS COVERAGE TO BE REPLACED:	405 S.F.
(N) IMPERVIOUS COVERAGE:	
BUILDING:	1,161 S.F.
HARDSCAPE:	482 S.F.
TOTAL:	1,643 S.F.
TOTAL PROPOSED IMPERVIOUS COVERAGE:	
BUILDING:	1,070 S.F.
HARDSCAPE:	1,672 S.F.
TOTAL:	3,550 S.F.



DEREK VAN ALSTINE  
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(831)426-4800 PHONE (831)426-4848 FAX

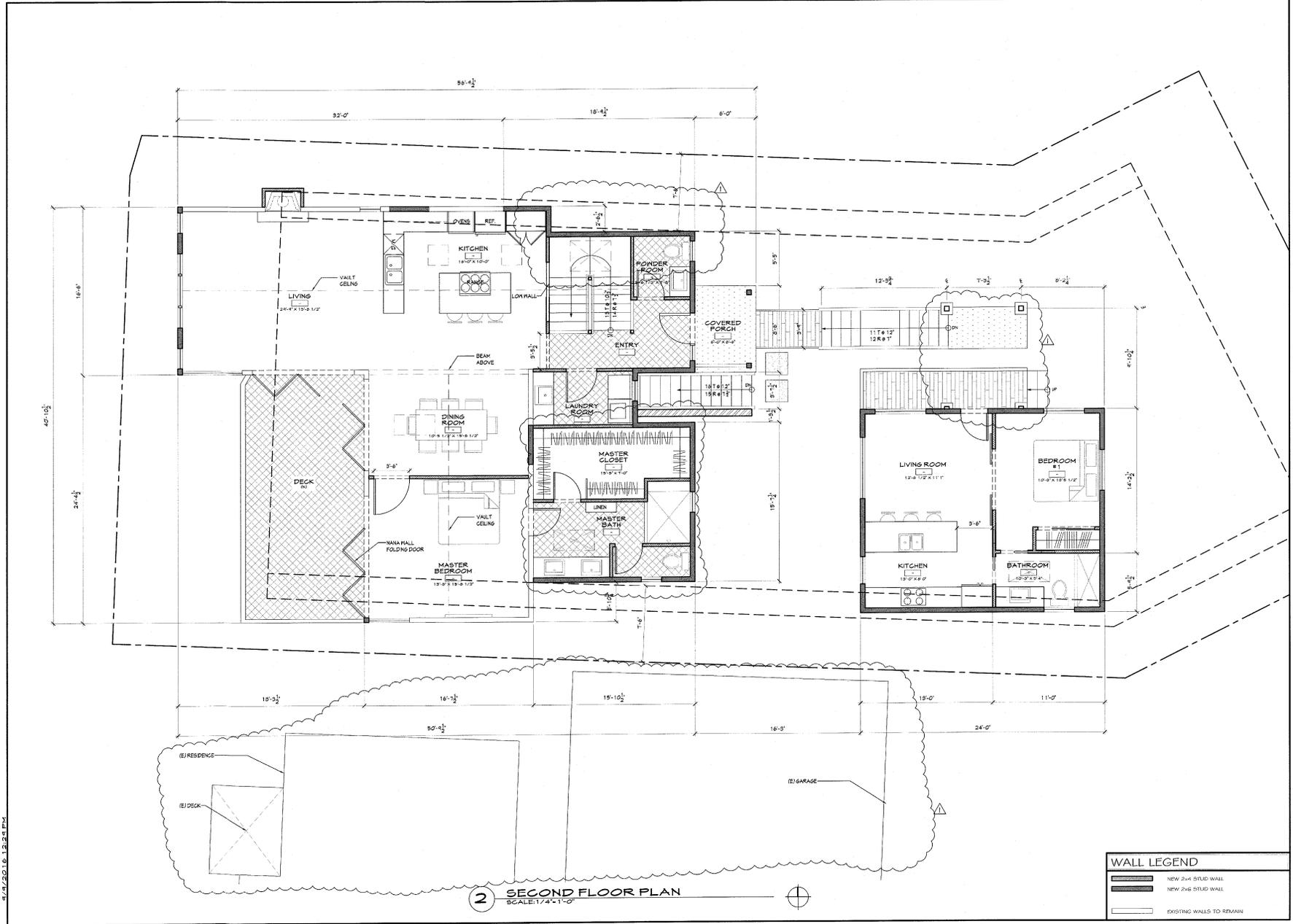
DVRD  
DIVERSIFIED VENTURES  
DESIGNERS  
244 CYPRESS AVE  
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226 MONTEREY AVE.  
CAPITOLA, CA 95010

DATE: 03-11-15  
ISSUE DESCRIPTION:  
SCHEMATIC DESIGN:  
DESIGN DEVELOPMENT:  
JUNE 16, 2015 G  
PLANNING SUBMITTAL:  
BUILDING SUBMITTAL:  
JUNE 16, 2015 G  
REVISIONS:  
03-09-16  
P.C. COMMENTS

SECOND FLOOR PLAN  
A8

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



4/1/2016 12:28 PM

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA  
83742840 PHONE 83742846 FAX

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DRAFTSMAN  
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DSS 00788487  
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226 MONTEREY AVE.  
CAPITOLA, CA 95010

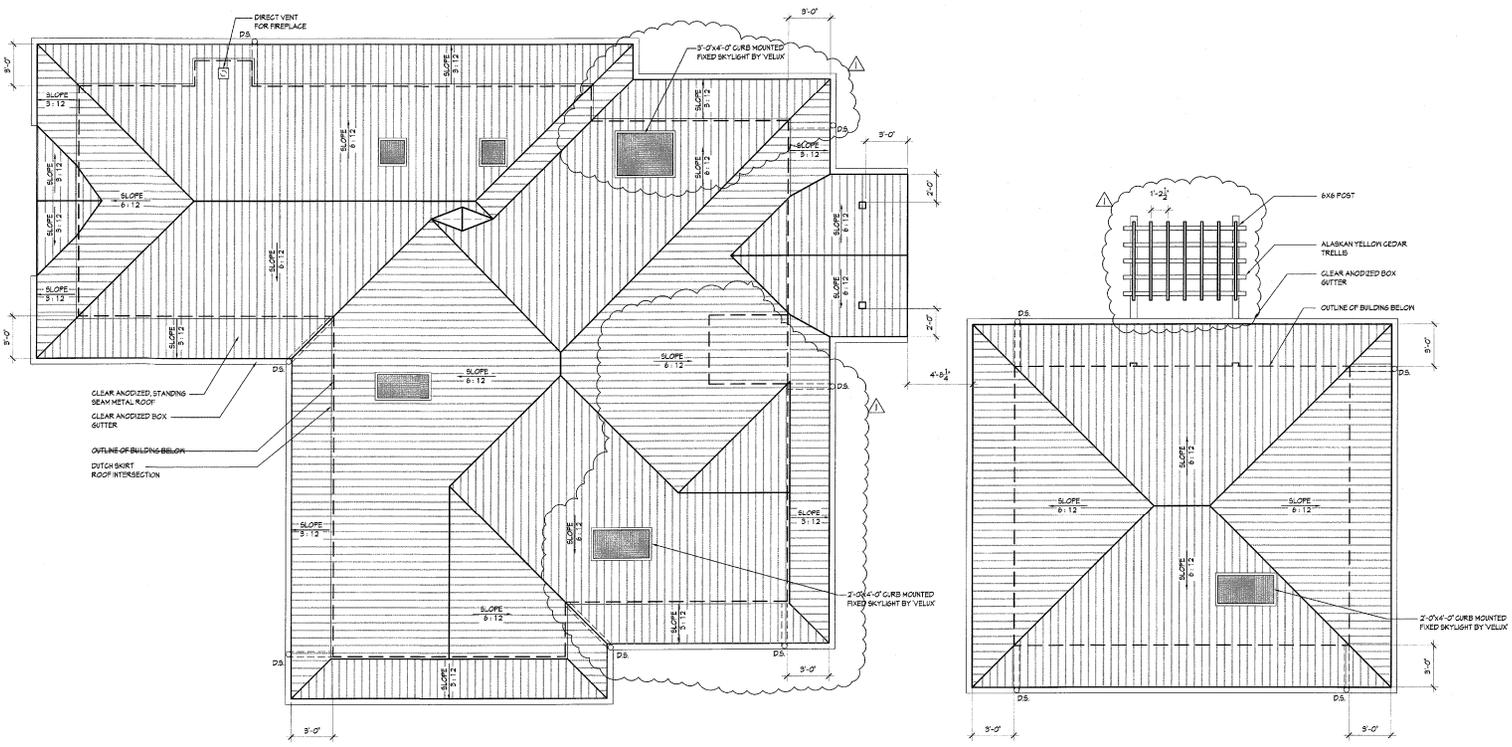
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DESIGN DEVELOPMENT	JUNE 16, 2016
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	JUNE 16, 2016
REVISIONS:	09-09-16
P.C. COMMENTS	

ROOF PLAN

A9

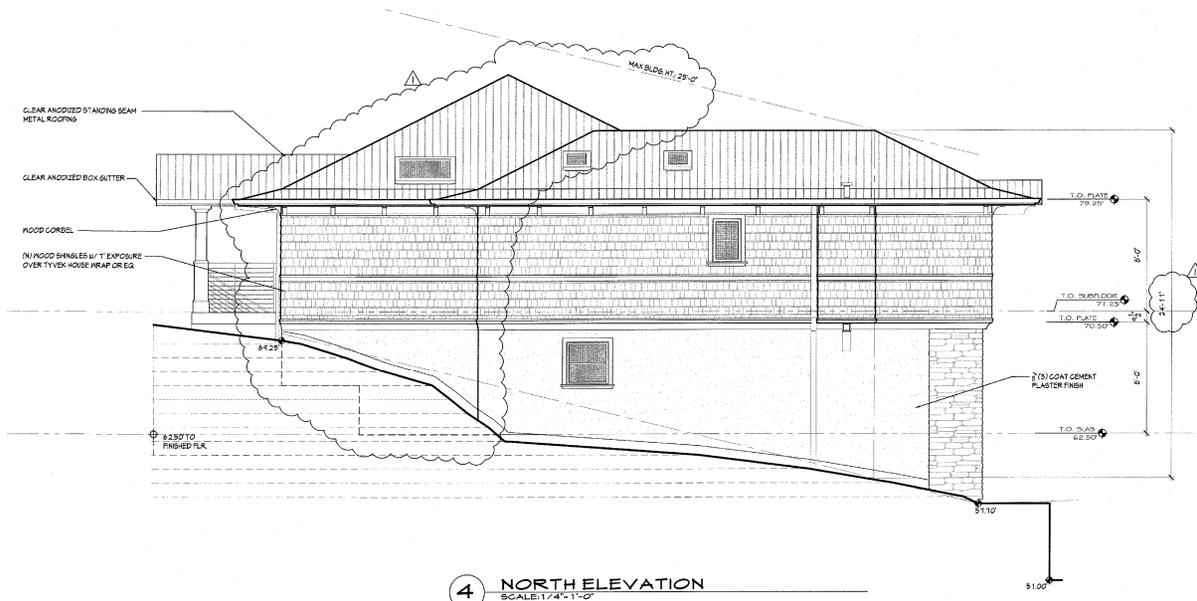
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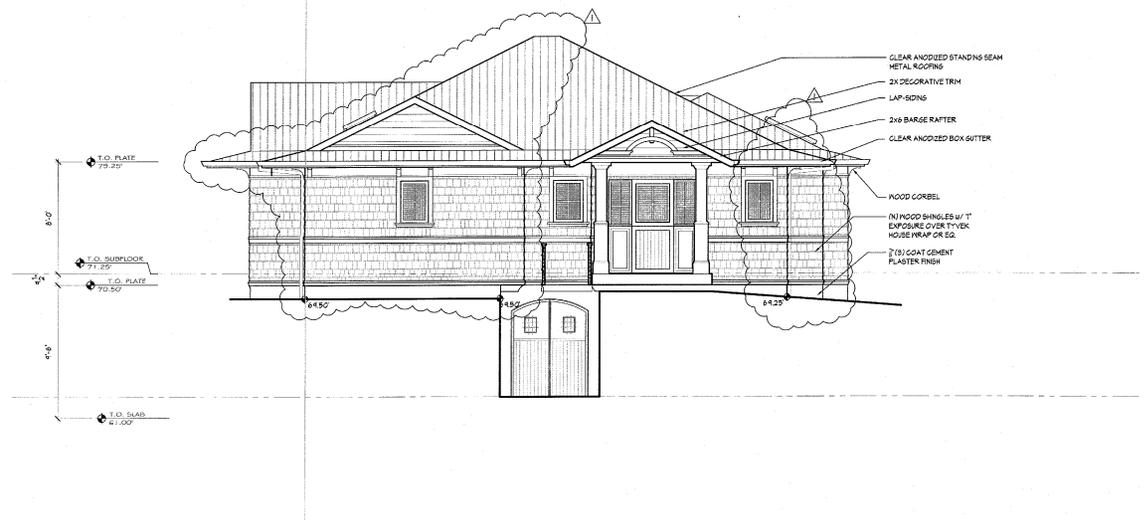


1 ROOF PLAN  
SCALE: 1/4" = 1'-0"





4 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



3 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
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NICHOLSON RESIDENCE  
226 MONTEREY AVE.  
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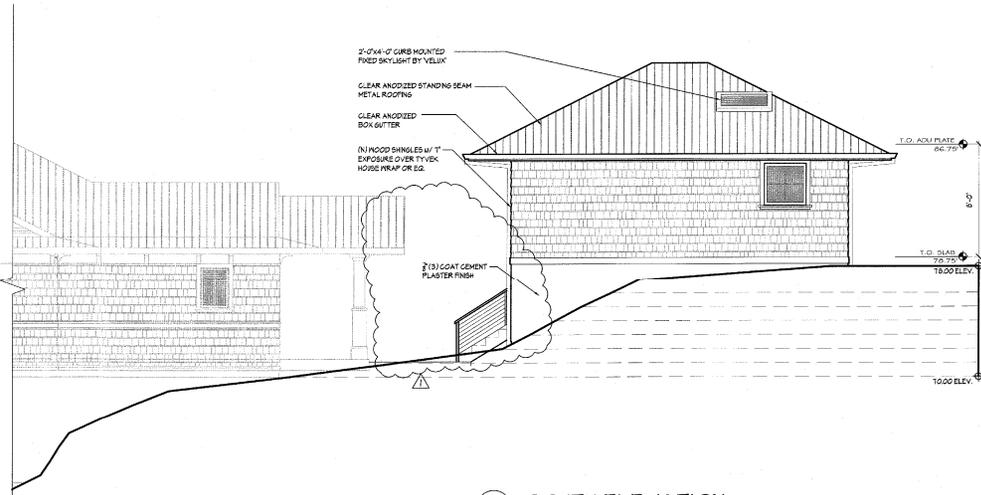
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DESIGN DEVELOPMENT	JUNE 16, 2016
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	JUNE 16, 2016
REVISIONS:	09-09-16
F.C. COMMENTS	

EXTERIOR ELEVATIONS

A 11

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)

8/14/2016 1:23:55 PM



2 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"



1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1335 SEABRANT AVENUE SUITE 300, SANTA CRUZ, CALIFORNIA  
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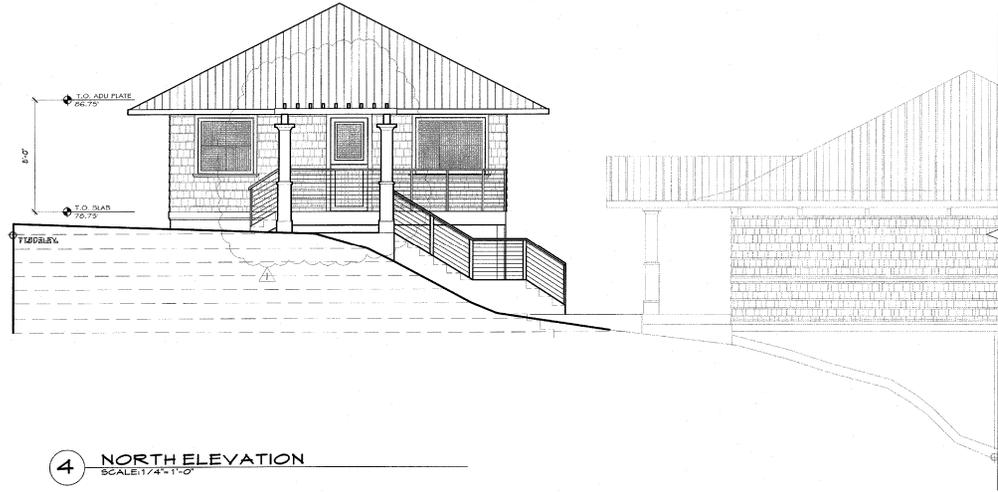
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ISSUE DESCRIPTION	SCHEMATIC DESIGN
DESIGN DEVELOPMENT	JUNE 16, 2016
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	JUNE 16, 2016
REVISIONS:	09-09-16
F.C. COMMENTS	

EXTERIOR ELEVATIONS

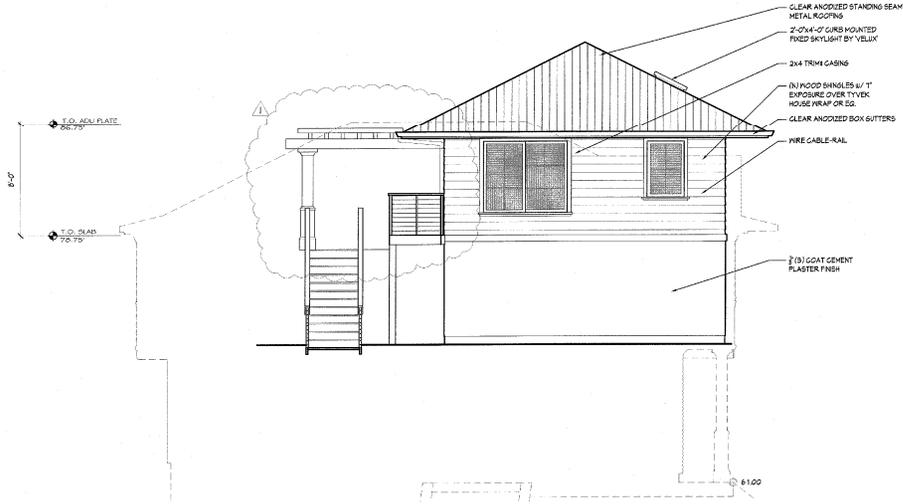
A 12

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)

4/17/2016 12:41 PM



4 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



5 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

8/19/2016 12:43 PM

DEREK VAN ALSTINE  
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051625-8400 PHONE 051625-8466 FAX

DVRD  
Derek Van Alstine  
Derek  
PRO OF PROJECT  
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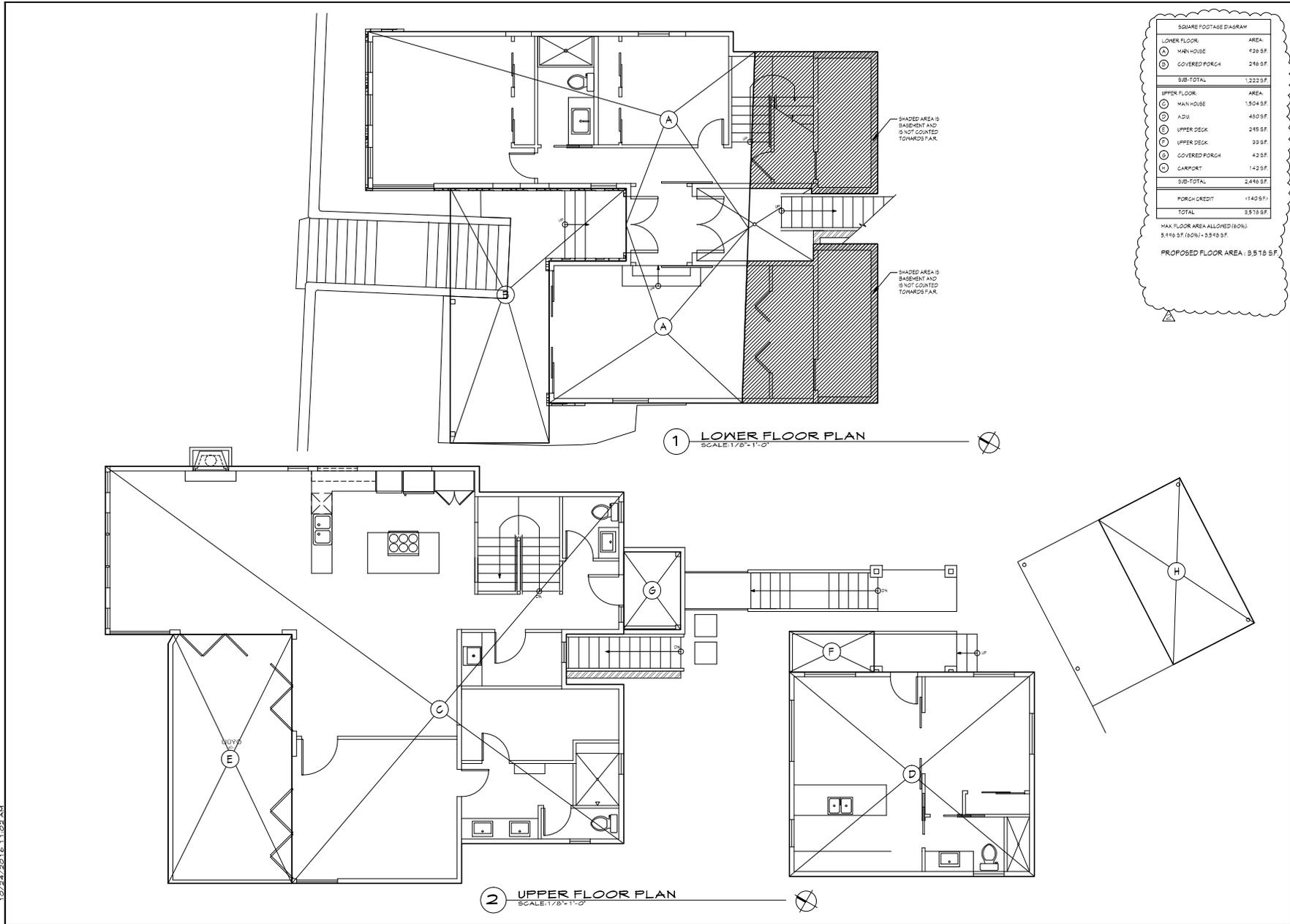
NICHOLSON RESIDENCE  
226 MONTEREY AVE.  
CAPITOLA, CA 95010

PRO	09-11-11-12
ISSUE DESCRIPTION	
SCHMATIC DESIGN	
DESIGN DEVELOPMENT	
JUNE 16, 2016	
PLANNING SUBMITTAL	
BUILDING SUBMITTAL	
JUNE 16, 2016	
REVISIONS	
09-09-16	
F.C. COMMENTS	

EXTERIOR ELEVATIONS

A 13

Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)



**DEREK VAN ALSTINE**  
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DEREK VAN ALSTINE  
RESIDENTIAL DESIGN

**NICHOLSON RESIDENCE**  
226 MONTEREY AVE.  
CAPITOLA, CA 95010

026-111-15

ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT JUNE 16, 2016
PLANNING SUBMITTAL
BUILDING SUBMITTAL JUNE 16, 2016
REVISIONS
09-09-16 P.C. COMMENTS
09-22-16 P.C. COMMENTS

CHECK AND  
COVERED PORCH  
DIAGRAM

**Bi** **in**

**Attachment: 226 Monterey Ave Project Plans (1635 : 226 Monterey Avenue)**



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: NOVEMBER 3, 2016  
 SUBJECT: **105 Sacramento Avenue #16-133 036-144-05**

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence with variance requests for height, setbacks, and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District.

This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.

Environmental Determination: Categorical Exemption

Property Owner: Lani and Tim Holdener

Representative: Derek Van Alstine, filed: 6/28/16

### **APPLICANT PROPOSAL**

The applicant is applying for a design permit to demolish the existing single-family residence and secondary dwelling unit at 105 Sacramento Avenue and construct a new two-story single-family residence and detached garage. The applicant is requesting variances to setbacks of both the residence and garage, height of the residence, and required driveway landscaping. The existing property is considered a "flag lot" due to the L-shaped lot with 20 feet of street frontage along Sacramento Avenue. The subject property is located adjacent to the bluff within the R-1 (Single-Family Residential) zoning district and the GH (Geologic Hazards) district.

### **BACKGROUND**

The Architectural and Site Review Committee reviewed the application on August 24<sup>th</sup>, 2016. The original application included a secondary unit above the garage and required parking that extended into the right-of-way. The committee provided the applicant with the following direction:

Public Works Representative, Daniel Uharriet: required that the applicant submit a site drainage plan, show location of garbage cans on the site plan, and incorporate the Public Works Standard Detail Storm Water Best Management Practices into the construction plans. In addition, Ms. Uharriet informed the applicant that Public Works department cannot support the submitted parking plan that utilized a portion of the right-of-way for parking.

Building Official, Brian Van Son: informed the applicant that a geotechnical report will be required at time of Building Permit submittal.

Local Architect, Frank Phanton: asked that the applicant add the location of neighboring 2<sup>nd</sup> floor windows on to the site plan to verify privacy concerns.

Landscape Architect, Megan Bishop: asked that any proposed landscaping be shown on the site plan.

City Planner, Ryan Safty: requested that the applicant make minor revisions to the site plan and submit an explanation for the variance requests. Mr. Safty also informed the applicant that required on-site parking cannot be located within the public right-of-way and that the uncovered parking spaces must be at least ten by 18 feet. Mr. Safty informed the applicant that staff would not be able to support the variance to parking, height, and the secondary dwelling unit. He suggested the applicant revise the proposed plans to comply with the code.

The applicant revised plans to remove the secondary dwelling unit from the proposal and remove proposed uncovered parking from the public right-of-way. The applicant did not modify the height or second story setbacks to comply with the code.

### **ZONING SUMMARY**

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

#### **R-1 (Single Family Residential) Zoning District**

<b>Development Standards – Main Home</b>				
<b>Building Height</b>		<b>R-1 Regulation</b>		<b>Proposed</b>
		25 ft.		26 ft. – 8 in. <b>VARIANCE</b>
<b>Floor Area Ratio (FAR)</b>				
<b>Lot Size</b>		7,653 sq. ft.		
<b>Maximum Floor Area Ratio</b>		48% (Max 3,673 sq. ft.)		
First Story Floor Area		1,726 sq. ft.		
Second Story Floor Area		1,595 sq. ft.		
2 <sup>nd</sup> Story Deck + Covered Porch (150 sq. ft. allowance) (151 sq. ft.) + (152 sq. ft.) = 303 sq. ft.		152 sq. ft. (302 sq. ft. – 150 sq. ft.)		
Garage Floor Area		200 sq. ft.		
<b>TOTAL FAR</b>		3,673 sq. ft. (48%)		
<b>Yards (setbacks are measured from the edge of the public right-of-way)</b>				
<b>HOME</b>		<b>R-1 Regulation</b>		<b>Proposed</b>
<b>Front Yard 1<sup>st</sup> Story</b>		15 ft.		28 ft.-7 in. from property line
<b>Front Yard 2<sup>nd</sup> Story</b>		20 ft.		28 ft.-7 in. from property line
<b>Side Yard 1<sup>st</sup> Story</b>		10% lot width	Lot width 50 ft. min.	5 ft. from property line – East 6 ft. from property line – West
<b>Side Yard 2<sup>nd</sup> Story</b>		15% of width	Lot width 50 ft. min	5 ft. from property line – East <b>VARIANCE</b> 6 ft. from property line – West <b>VARIANCE</b>
<b>Rear Yard 1<sup>st</sup> and 2<sup>nd</sup> Story</b>		50-year bluff	Roughly 50 ft.	55 ft. from property line
<b>Detached Garage</b>		40 ft. minimum front yard		5 ft. from property line – North <b>VARIANCE</b>

	8 ft. minimum rear yard	118 ft. from property line –South
	3 ft. minimum side yard	36 ft. from property line – East 43 ft. from property line - West
<b>Encroachments</b> (list all)	First story stairs and porch legally encroach up to 12 ft. from the front (North) property line.	
	Landing area and stairs on the west-side first floor legally encroach 3 ft. from side property line.	
<b>Parking</b>		
	<b>Required</b>	<b>Proposed</b>
<b>Residential (from 2,601 sq.ft. to 4,000 sq.ft.)</b>	4 spaces total 1 covered 3 uncovered	4 spaces total 1 covered 3 uncovered
<b>Garage</b>	Complies with Standards?	List non-compliance
	No	Does not meet setbacks. <b>VARIANCE</b>
<b>Underground Utilities: required for 25% increase in FAR</b>		Yes, required

**DISCUSSION**

The applicant is proposing to demolish the existing residence and secondary dwelling unit and construct a new 3,321 square foot two-story single-family residence and 200 square foot detached garage. The proposed 1,726 square foot first floor would consist of an entry room, large family room, dining room, art room, bar area, two bedrooms and a bathroom. The first floor would also include a front entry porch and wooden deck in the rear yard. The proposed 1,595 square foot second floor would consist of a kitchen, living room, master bedroom, master bathroom, an additional bathroom, bedroom, and dining room. The second floor would include a 150 square foot second-story deck overlooking the rear yard. The finished home would have cement-fiber lap siding, with large windows and a clear anodized standing seam metal roof.

The subject property is a flag-lot with a 20-foot wide access way fronting Sacramento Avenue. The property is bordered by neighboring homes to the north, west, and east, and the bluff to the south. Properties adjacent to the bluff are located in the GH district and are required to maintain a 50-year bluff erosion setback from the cliff. As shown on pages 3 and 4 of the plan set, Haro, Kasunich and Associates engineering conducted a geologic study on the property based on the historical bluff recession rates and identified the 50-year bluff setback to be roughly 55 feet from the edge of the bluff (Attachment 1). Therefore, roughly one-third of the property cannot be developed due to bluff-top setback requirements. In addition, there are three large cypress trees in the north-west corner of the property, two of which the owner would like to preserve. The preservation of the two, mature cypress trees creates a 25-foot setback to the northern property line, further limiting the buildable area of the property.

The applicant is proposing the garage and required on-site parking within the access way portion of the flag-lot property. The garage and parking would occupy a majority of the access way, which would prevent vehicular access to the interior of the property. Behind the proposed garage and parking area are the large cypress trees that the applicant would like to preserve. The main residence would be located south of the garage, with the cypress trees in between.

**VARIANCE**

The applicant is requesting a variance to the maximum allowed building height of the proposed residence, setbacks of both the residence and detached garage, and driveway landscape requirements.

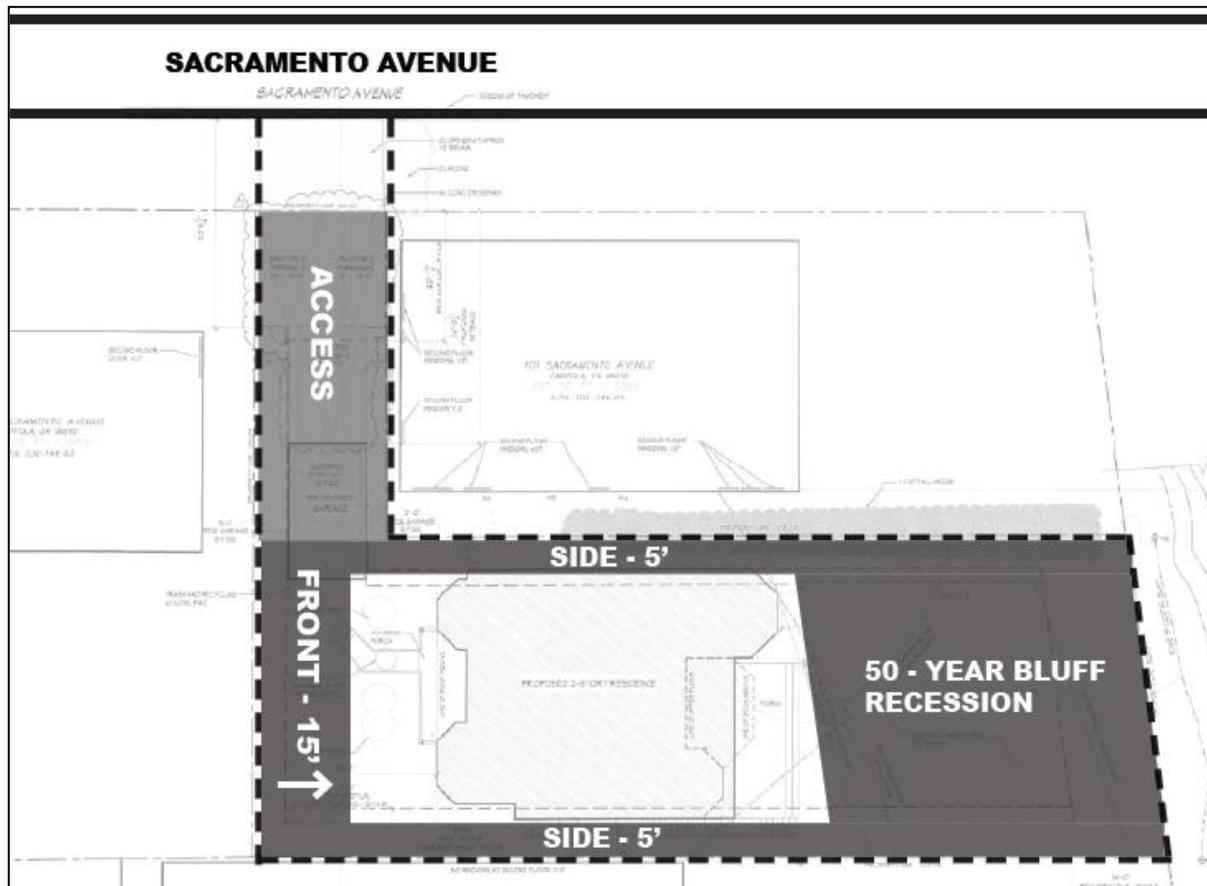
Pursuant to section 17.66.090 of the municipal code, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds a special circumstance applicable to the subject property or where strict application of the code would deprive the property owner of privileges enjoyed by others in the vicinity.

The applicant has submitted a written request for the variance (Attachment 2). The applicant contends that due to the 50-year bluff erosion setback on the south side and cypress trees on the north-side, there is a very limited buildable area on the site. In addition, the applicant designed the home so that it would not block ocean views of neighboring properties by setting the building further back from the bluff. Lastly, the tree preservation plan requires a foundation which is 24 to 30 inches larger than a standard slab foundation to allow space for the shallow root system.

**Setbacks:**

The proposal requires variances to several setback standards. The municipal code does not contain specific setback regulations for flag-lots. Generally, the access way portion of the flag-lot is used for a driveway into the property. However, due to the location of the cypress trees, the applicant is proposing to construct the covered parking within the access portion of the flag lot.

Setbacks are unique within a flag lot. The following diagram shows the location of front, rear, and side yard setbacks as applied to the property at 105 Sacramento Avenue:



Detached Garage:

The access portion of the lot is located almost entirely within the required 15 foot front yard setback. The detached garage would be setback five-feet from the front (northern) property line when the required front-yard setback for a detached garage is 40 feet.

Staff supports the variance request to side yard setbacks of the detached garage. The applicant is required one covered parking space and three uncovered spaces on-site for the proposed residence. The code does not contain specific setback requirements for structures within the access portion of a flag-lot. Due to the owner's desire to preserve the large cypress trees, there is no location for the garage which would meet setback requirements without placing a driveway over the tree roots. The applicant pushed the proposed garage as far away from the street as possible. Staff believes that special circumstance findings can be made due to the presence of the mature cypress trees.

Second Story Setbacks to Main Residence:

In addition, the applicant is requesting a variance from side yard setback standards for the second story of the proposed main residence. The 50-foot-wide property requires a seven-and-one-half-foot side yard setback for the second story. The applicant is proposing only five feet on the east and six feet on the west.

Staff does not support the variance request to side yard setbacks to the second-floor of the proposed residence. The applicant is proposing a relatively large, 3,329 square foot two-story residence. Although the property has additional constraints of the cliff-top setback and tree preservation, the buildable area of the property is 50-feet wide. Many lots within the Depot Hill neighborhood are less than 50 feet wide. The applicant could redesign the second-story floorplan to be in compliance with required second-floor side yard setbacks. Staff has included Condition of Approval #6 to require that the plans be modified to meet side yard setbacks prior to building permit submittal.

Driveway Landscaping:

The proposed 3,673 two-story residence requires four on-site parking spaces, one of which must be covered. The applicant is proposing one covered space within a detached garage, and three uncovered spaces in front of the proposed garage. Two of the uncovered spaces would be side-by-side fronting Sacramento Avenue, with the third uncovered space in tandem behind the garage. The code requires two feet of landscaping in between uncovered parking within the front yard and the side property line (§17.51.130). The access way off of Sacramento Avenue is only 20 feet wide, and uncovered parking spaces are required to be ten feet wide. Two side-by-side parking spaces would cover the entire 20-foot wide access area. Instead of reducing the width of the uncovered parking spaces, staff recommends the Planning Commission grant a variance to waive the two-foot landscape strip requirement. This would not be considered the grant of a special privilege since most properties are not flag-lot properties and have more than 20 feet to provide parking and landscaping within the front yard.

Height:

The applicant is requesting a variance to the height of the main residence. The municipal code limits residences in the R-1 zone to 25 feet in height. The proposed height of the residence is 26 feet-eight inches. The applicant is requesting the height variance to protect two of the three existing cypress trees. They are proposing to remove the weaker of the three, and preserve the other two. These trees have pushed the existing house up 12 to 16 inches due to the shallow root system. The applicant has contracted a certified arborist and is proposing a hybrid pier and grade beam foundation for the new home. The foundation will be hand dug so that the tree roots can be mapped and piers can be placed at variable locations between the roots per the

arborists recommendation. The applicant contends that this hybrid foundation system will raise the foundation 24 to 30 inches above a standard slab foundation.

Although the tree preservation will create an unusually large foundation, staff believes a reasonably sized home could be designed to avoid the trees while still complying with height regulations. The front of the home, closest to the trees, is proposed to be 25 feet-six inches, while the back of the home is proposed to be 26 feet-eight inches. On the first story, the front of the home has a proposed eight foot-six inch wall height while the rear has a ten foot-four inch wall height. Staff recommends the applicant redesign the home so that it complies with height limits. This can be achieved through reducing the floor heights or redesigning the roof. Staff recommends denial of the variance to height and recommends that the Planning Commission condition the project to meet the 25-foot height limit at time of building permit submittal (Condition #7).

### **CEQA**

Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a two-story single-family residence in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

### **RECOMMENDATION**

Staff recommends the Planning Commission review the application and **approve** project application #16-133, based on the findings and conditions.

### **CONDITIONS OF APPROVAL**

1. The project approval is for the construction of a new, two-story single-family home at 105 Sacramento Avenue. The project consists of construction of a 3,321 square foot two-story residence with 302 square feet of deck and covered porch space and a 200 square foot detached garage. The maximum Floor Area Ratio for the 7,653 square foot property is 48% (3,673 square feet). The total FAR of the project is 48% with a total of 3,673 square feet of floor area, compliant with the maximum FAR within the zone. The project includes denial of a variance to second-story setbacks and height of the main residence and approval of a variance to detached garage setbacks and to the two-foot landscape strip requirement for parking within the front setback. The applicant must revise plans to be in compliance with height and setbacks prior to building permit submittal. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 3<sup>rd</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. The variance request to side yard setbacks of the second-story has been denied. Prior to building permit submittal, the applicant must modify the plans to be in compliance with required seven-foot six-inch side yard setback for the second floor.
7. The variance request to height for the primary structure has been denied. Prior to building permit submittal, the primary structure must be modified to meet the 25-foot height limit.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
9. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
10. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
11. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
12. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
13. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
14. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
15. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
16. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
17. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty

a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

18. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
19. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
20. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
21. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
22. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a property in the R-1 (Single-Family Residential) Zoning

District. No adverse environmental impacts were discovered during review of the proposed project.

**D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

The special circumstances applicable to the property is that the subject property is a flag-lot and has large cypress trees which the owner would like to preserve. Due to the location of the existing trees, the applicant located the garage and parking spaces within the access portion of the flag-lot. A majority of the access way is located within the required front yard setback. Due to the special circumstances associated with the trees and flag-lot, there is no alternative location for the garage and parking while also meeting setback requirements. The property cannot fit two feet of landscaping in between the neighboring property lines and access way. Most properties in the neighborhood are not located on a flag-lot and thus have more room to accommodate parking requirements and detached garage setbacks. A variance has been granted to reduce setbacks associated with a detached garage and to waive the two-foot landscape strip requirement for parking within the front setback.

**E. The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**

The subject property does not front along the street and instead has a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to located parking spaces and landscaping. In addition, the municipal code does not list zoning standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement for parking within the front setback would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing.

## **COASTAL FINDINGS**

***D. Findings Required. A coastal permit shall be granted only upon adoption of specific written factual findings supporting the conclusion that the proposed development conforms to the certified Local Coastal Program, including, but not limited to:***

- The proposed development conforms to the City's certified Local Coastal Plan (LCP). The specific, factual findings, as per CMC Section 17.46.090 (D) are as follows:

***(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and document in written findings the factors identified in subsections (D) (2) (a) through (e), to the extent applicable. The findings shall explain the basis for the conclusions and decisions of the city and shall be supported by substantial evidence in the record. If an access dedication is required as a condition of approval, the findings shall explain how the adverse effects which have been***

*identified will be alleviated or mitigated by the dedication. As used in this section, "cumulative effect" means the effect of the individual project in combination with the effects of past projects, other current projects, and probable future projects, including development allowed under applicable planning and zoning.*

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;***

- The proposed project is located at 105 Sacramento Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

***(D) (2) (b) Shoreline Processes. Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project, alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;***

- The proposed project is located along Sacramento Avenue. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the cliff. The project will not affect public access to the shoreline or tidelands.

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral,***

**blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);**

- There is not history of public use on the subject lot.

**(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

- The proposed project is located on private property on Sacramento Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

**(D) (2) (e) Other Adverse Impacts on Access and Recreation. Description of the development's physical proximity and relationship to the shoreline and any public recreation area. Analysis of the extent of which buildings, walls, signs, streets or other aspects of the development, individually or cumulatively, are likely to diminish the public's use of tidelands or lands committed to public recreation. Description of any alteration of the aesthetic, visual or recreational value of public use areas, and of any diminution of the quality or amount of recreational use of public lands which may be attributable to the individual or cumulative effects of the development.**

- The proposed project is located on private property that will not impact access and recreation to the sea. The project does not diminish the public's use of tidelands or lands committed to public recreation nor alter the aesthetic, visual or recreational value of public use areas. The applicant will maintain a 50-year bluff recession setback from the cliff.

**(D) (3) (a – c) Required Findings for Public Access Exceptions. Any determination that one of the exceptions of subsection (F) (2) applies to a development shall be supported by written findings of fact, analysis and conclusions which address all of the following:**

**a. The type of access potentially applicable to the site involved (vertical, lateral, bluff top, etc.) and its location in relation to the fragile coastal resource to be protected, the agricultural use, the public safety concern, or the military facility which is the basis for the exception, as applicable;**

**b. Unavailability of any mitigating measures to manage the type, character, intensity, hours, season or location of such use so that agricultural resources, fragile coastal resources, public safety, or military security, as applicable, are protected;**

**c. Ability of the public, through another reasonable means, to reach the same area of public tidelands as would be made accessible by an access way on the subject land.**

- The project is not requesting a Public Access Exception, therefore these findings do not apply.

**(D) (4) (a – f) Findings for Management Plan Conditions. Written findings in support of a condition requiring a management plan for regulating the time and manner or character of public access use must address the following factors, as applicable:**

**a. Identification and protection of specific habitat values including the reasons supporting the conclusions that such values must be protected by limiting the hours, seasons, or character of public use;**

- The project is located on a residential lot.

**b. Topographic constraints of the development site;**

- The project is located on a relatively flat lot. The subject property is located adjacent to the bluff. The applicant will maintain the 50-year bluff recession setback from the bluff. In addition, the applicant is proposing to preserve two large cypress trees on site.

**c. Recreational needs of the public;**

- The project does not impact recreational needs of the public.

**d. Rights of privacy of the landowner which could not be mitigated by setting the project back from the access way or otherwise conditioning the development;**

**e. The requirements of the possible accepting agency, if an offer of dedication is the mechanism for securing public access;**

**f. Feasibility of adequate setbacks, fencing, landscaping, and other methods as part of a management plan to regulate public use.**

**(D) (5) Project complies with public access requirements, including submittal of appropriate legal documents to ensure the right of public access whenever, and as, required by the certified land use plan and Section 17.46.010 (coastal access requirements);**

- No legal documents to ensure public access rights are required for the proposed project.

**(D) (6) Project complies with visitor-serving and recreational use policies;**

**SEC. 30222**

***The use of private lands suitable for visitor-serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry.***

- The project involves a single family home on a residential lot of record.

**SEC. 30223**

***Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.***

- The project involves a single family home on a residential lot of record.

***c) Visitor-serving facilities that cannot be feasibly located in existing developed areas shall be located in existing isolated developments or at selected points of attraction for visitors.***

- The project involves a single family home on a residential lot of record.

***(D) (7) Project complies with applicable standards and requirements for provision of public and private parking, pedestrian access, alternate means of transportation and/or traffic improvements;***

- The project involves the construction of a single family home. The project complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

***(D) (8) Review of project design, site plan, signing, lighting, landscaping, etc., by the city's architectural and site review committee, and compliance with adopted design guidelines and standards, and review committee recommendations;***

- The project, with denial of the variance, complies with the design guidelines and standards established by the Municipal Code.

***(D) (9) Project complies with LCP policies regarding protection of public landmarks, protection or provision of public views; and shall not block or detract from public views to and along Capitola's shoreline;***

- The project will not negatively impact public landmarks and/or public views. The project will not block or detract from public views to and along Capitola's shoreline.

***(D) (10) Demonstrated availability and adequacy of water and sewer services;***

- The project is located on a legal lot of record with available water and sewer services.

***(D) (11) Provisions of minimum water flow rates and fire response times;***

- The project is located within close proximity of the Capitola fire department. Water is available at the location.

***(D) (12) Project complies with water and energy conservation standards;***

- The project is for a single family home. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

***(D) (13) Provision of park dedication, school impact, and other fees as may be required;***

- The project will be required to pay appropriate fees prior to building permit issuance.

***(D) (14) Project complies with coastal housing policies, and applicable ordinances including condominium conversion and mobile home ordinances;***

- The project does not involve a condo conversion or mobile homes.

***(D) (15) Project complies with natural resource, habitat, and archaeological protection policies;***

- Conditions of approval have been included to ensure compliance with established policies.

***(D) (16) Project complies with Monarch butterfly habitat protection policies;***

- The project is outside of any identified sensitive habitats, specifically areas where Monarch Butterflies have been encountered, identified and documented.

***(D) (17) Project provides drainage and erosion and control measures to protect marine, stream, and wetland water quality from urban runoff and erosion;***

- Conditions of approval have been included to ensure compliance with applicable erosion control measures.

***(D) (18) Geologic/engineering reports have been prepared by qualified professional for projects in seismic areas, geologically unstable areas, or coastal bluffs, and project complies with hazard protection policies including provision of appropriate setbacks and mitigation measures;***

- Geologic/engineering reports have been prepared by qualified professionals for this project. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

***(D) (19) All other geological, flood and fire hazards are accounted for and mitigated in the project design;***

- Conditions of approval have been included to ensure the project complies with geological, flood, and fire hazards and are accounted for and will be mitigated in the project design.

***(D) (20) Project complies with shoreline structure policies;***

- The proposed project complies with shoreline structure policies.

***(D) (21) The uses proposed are consistent with the permitted or conditional uses of the zoning district in which the project is located;***

- This use is a principally permitted use consistent with the Single Family zoning district.

***(D) (22) Conformance to requirements of all other city ordinances, zoning requirements, and project review procedures;***

- The project conforms to the requirements of all city ordinances, zoning requirements and project development review and development procedures.

***(D) (23) Project complies with the Capitola parking permit program as follows:***

- The project site is located within the area Depot Hill parking permit program; however, the project complies with on-site parking standards.

**ATTACHMENTS:**

1. Project Plans
2. Variance Request

Prepared By: Ryan Safty  
Assistant Planner





APP. NO. 2016-11-100
ISSUE DESCRIPTION
SUBMITTER: TEBKEN
JUNE 01, 2016
DESIGN DEVELOPMENT
PLANNING SUBMITTAL:
JULY 15, 2016
BUILDING SUBMITTAL:
REVISIONS:
SEPT. 6, 2016
AKC COMMENTS:
SEPT. 19, 2016
AKC COMMENTS:
SEPT. 23, 2016
OWNER REV.
OCT. 24, 2016
PLANNING REV.

**Stormwater Pollution Prevention and Protection for Construction Projects**

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get applied, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways, the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to comply with the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.

In addition to the following mandatory BMPs, the Central Coast Regional Water Quality Control Board (Regional Water Board) under the State Water Resources Control Board (State Water Board) requires coverage under and adherence to the Construction Activities Storm Water General Permit, or CGP, to regulate storm water runoff from construction sites. In general, any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a least disturbance of equal to or greater than one acre, requires coverage under the CGP. Construction activities associated with Linear Underground Projects (LUPs) also require coverage under the CGP. It should be noted that SWPPP development and implementation (inspection, tracking) associated with sites subject to the CGP (excluding water sites) must be done by a qualified SWPPP developer (QSD), respectively. More information on the CGP and QSD/QSPs may be found at [http://www.waterboards.ca.gov/swppp/docs/central\\_coast/central\\_coast\\_stormwater\\_general\\_permit.html](http://www.waterboards.ca.gov/swppp/docs/central_coast/central_coast_stormwater_general_permit.html)

**General Construction & Site Supervision**  
The rainy season referred to herein applies to the dates October 1 to April 30, the dry season spans May 1 to September 30. Compliance with the CGP and below BMPs is required year round; however, different requirements may be needed for the rainy and non-rainy season.

**General Principles**

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, gutters, storm drains and drainage channels.
- Ensure silt control water does not leave the site or discharge to storm drains.
- Train your employees on these BMPs and familiarize them with storm water issues prior to beginning work. Inform your subcontractors about storm water requirements and be sure that they are also by these BMPs.
- Refer to the following approved references for BMP-landfill, implementation, and on-site management (most recent versions unless otherwise noted):
  - Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.
  - Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG)
  - Construction Best Management Practices (BMPs) Handbook, California Stormwater Quality Association (CASQA)
  - Construction Site Best Management Practices (BMPs) Manual, Storm Water Quality Handbooks, Caltrans

**Good Housekeeping Practices**

- Dispose of hazardous waste far from storm drains, drainage swales, and creeks. Do not pack up and leave equipment storage, vehicle refueling and routine equipment maintenance.
- To prevent on-site leaching of oil, provide site entrances with stabilized aggregate surfaces or provide a tire wash area on the site, but away from storm inlets or drainage channels. Mud, dirt, gravel, sand and other materials tracked or dropped on dry streets must be cleaned up to prevent washing into the storm drains.
- Keep materials and soil stockpiles out of the rain and prevent runoff contamination from the site. Store materials, stockpiles and excavation soils under cover and protected from wind, rain, and runoff. Cover exposed soils of construction materials or soil with plastic sheeting or temporary rocks. Before rainfall events, sweep and remove material from surfaces that drain to storm inlets and/or drainage channels.
- Place trash cans around the site to reduce litter. Dispose of non-hazardous construction wastes in covered dumpsters or recycling receptacles.
- Keep dumpsters lids closed and secured. For dumpsters or bins that do not have a lid, cover them with tarp or plastic sheeting, secured around the exterior of the dumpster or place them under temporary roofs. Never clean out a dumpster by hosing it down the construction site.

NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-1

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

- Clean up leaks, drips and other spills immediately so that they do not contaminate the soil or runoff nor leave residue on paved surfaces. Use dry cleanup methods whenever possible. Water may only be used in minimum quantities to prevent dust.
- Portable toilets are used, ensure that the leading company properly maintains the toilets and promptly makes repairs. Conduct visual inspections for leaks.
- Protect vegetation and trees from accidental damages from construction activities by surrounding them with fencing or tree guards.

**Advanced Planning**

- Site development shall be fitted to the topography and soils in order to minimize the potential for erosion.
- Soil grading (grading limits, easements, setbacks, sensitive or critical areas, trees, drainage courses, and buffer zones) must be established on the site to prevent excessive or unnecessary disturbances and erosion prior to construction.
- Schedule excavation and grading activities for dry weather periods. To reduce soil erosion, plant temporary vegetation or cover erosion control before the rains begin.
- Coordinate grading operations in phases in order to reduce the amount of disturbed areas and exposed soil at any one time.
- Minimize the amount of soil exposed to the project's drainage area: grading, sediment and erosion control plans, clearing, excavation and grading shall not be conducted during rainy weather. All rainy season grading shall be in accordance with Capitola Municipal Code Chapter 16.00.
- Control the amount of runoff on the site especially during excavation by using boms or temporary drainage ditches and bio-swales to divert water flow around the site. Reduce stormwater runoff velocities by constructing temporary check dams or berms where appropriate.

**Materials & Waste Handling**

- Practice continuous "Source Reduction" by estimating carefully and minimizing waste when ordering materials.
- Recycle excess materials such as concrete, asphalt, scrap metal, solvents, depressers, paper, and vehicle maintenance materials whenever possible.
- Dispose of all wastes properly by ensuring that materials cannot be recycled are taken to an appropriate land fill or disposal of a hazardous waste. Never bury waste materials or leave them in the street or near a creek or drainage channel.

**Landscaping, Gardening & Ponds/Fountains/Pool/Spa Maintenance**  
Many landscaping activities and practices expose dirt and increase the likelihood of water runoff that will transport earth, sediments and garden chemicals to the storm drain during irrigation or rain events. Other activities erode soils as ponds, pools and spas require regular maintenance using chlorine and/or copper based algaecides. Water treated with these chemicals is toxic to aquatic life and should never be discharged to the storm drain.

**Landscaping & Garden Maintenance**

- Protect trees and landscaping materials from wind and rain by staking them under tarp or secured plastic sheeting.
- Schedule grading and excavation during dry weather.
- Use check dams or ditches to divert runoff around excavations. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (BMPs) Handbook, California Stormwater Quality Association (CASQA).
- Protect storm drain inlets with sandbags, gravel lined bags, straw wattles, filter fabric or other sediment controls.
- Revegetation is an excellent form of erosion control for any site.
- Never storm or leave soil, mulch, or other landscape products in the street, utility or storm drain.

**Ponds/Fountains/Pool/Spa Maintenance**

- Never allow pool, fountain, pond or spa, any volumes in excess of 500 gallons must be reported in advance to the City of Capitola Public Works Department. The City will provide guidance on handling special cleaning waste, flow rate restrictions and backflow prevention.

**Preventing Water & Sediment Runoff**

- Prevention of water and sediment runoff must be implemented and maintained on all disturbed areas in order to prevent a net increase of sediment in the site's storm water discharge relative to pre-construction levels. During the rainy season, storm water control measures must also be implemented at all appropriate locations along the storm drain system and all inlets to the storm drain system. Effective methods to protect storm drain inlets include sand bag barriers, heavy rubber mats to cover and seal the inlet, and sealants or boards. Refer to the Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002, and the most recent versions of the Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG), and Construction Best Management Practices (BMPs) Handbook, California Stormwater Quality Association (CASQA).

NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-2

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

**Painting, Varnish & Application of Solvents & Adhesives**

Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning rags/soils or paint. Paints, varnishes, solvents, and adhesives and cleaning fluid should be recycled when possible or properly disposed to prevent these substances from entering the storm drain and watercourses.

**Handling of Surface Coatings**

- Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains. Wastewater or runoff containing paint or paint thinner must never be discharged into the storm drain system.
- When there is a risk of a spill reaching the storm drain, nearby storm drain inlets must be protected prior to starting painting.

**Removal of Surface Coatings**

- Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint or varnish containing residue, chips and dust from marine paints or varnishes, or paints containing lead, mercury or tributyltin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor. Paint may be reused for lead by taking paint scrapings to a local, state-certified laboratory.
- When stripping or cleaning building exteriors with high-pressure water, block storm drains to prevent flow to creeks and the Monterey Bay.
- Wash water from painted buildings constructed pre-1979 can contain high amounts of lead even if paint chips are not present. Before stripping paint or cleaning a pre-1979 building's exterior with water under high pressure, test paint for lead by taking paint scrapings to a local, state-certified laboratory.

**Clean Up of Surface Coatings**

- Never clean brushes or three paint or varnish containers into a gutter, street, storm drain, French drain or creek.
- For water based paints, paint out brushes to the extent possible and rinse into an interior sink, creek that goes to the sanitary sewer.
- For oil based paints, paint out brushes to the extent possible and clean with thinner or solvent. Filter and reuse thinners and solvents where possible. Dispose of excess liquids and residue as hazardous waste.
- When thoroughly dry, empty paint cans, used brushes, rags and drop cloths may be disposed of as garbage.

**Disposal of Surface Coatings**

- Recycle, return to supplier, or donate unopened water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste. Varnish, thinners, solvents, glaze and cleaning fluids must be disposed of as hazardous waste.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite, and ensure that nothing has drifted toward the street, gutter, or catch basin.

**Roadwork & Paving**

- Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
- The discharge of saw cut slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters.
- Use of slurry on sidewalks, curbs, and other paved areas is prohibited. Slurry must be cleaned up and disposed of properly.
- Dred, saw cut slurry must be cleaned up and properly disposed so that it will not be carried into the storm drain system by wind, traffic, or rain.
- After breaking up wet pavement, sweep up materials and recycle as much as possible. Properly dispose of non-recyclable materials.
- Cover and seal nearby storm drain inlets and manholes before applying seal coat, slurry seal, etc. Leave covers in place until the oil sealant is dry.
- In the event of rain during construction, divert runoff around work areas and cover materials.
- Park paving machines over drip pans or absorbent materials.
- Never wash sweepings from exposed aggregate concrete into a street or a storm drain inlet. Collect and return to aggregate base stockpile or dispose of in the trash.
- Remove and clean up material stockpiles (i.e. asphalt and sand) by the end of each week or, if during the rainy season, by the end of each day. Stockpiles must be removed by the end of each day if they are located in a public right-of-way.

NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-3

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

**Concrete, Cement, & Masonry Products**

- Concrete, cement, masonry products, sediment or pollutant laden water shall never be discharged into or allowed to reach the storm drain system.
- Avoid mixing excess amount of fresh concrete or cement mortar on-site.
- During the curing, ensure that the slurry water does not run off into the street or storm drain system. The discharge of slurry to the storm drain system is prohibited. Dred slurry must be cleaned up and disposed of properly.
- Concrete, cement, and masonry mixing containers may not be washed or rinsed into the street or storm drain system. If a concrete truck mixer is used, a suitable washout box, excavation or self-washing mixer able to contain waste material shall be provided on-site.
- Never wash or fire mixing containers and tools into the gutter, street, storm drain inlet, drainage ditch or water body.
- If conducting sidewalk work, material stockpiles must be removed and cleaned by the end of each day. Sweep or collect unused materials and debris that remain on pavement and dispose of properly.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite. Ensure that nothing has drifted toward the street, gutter or catch basin.

**Site Clean Up**

- Clean up by sweeping instead of hosing down whenever possible. Dispose of litter and debris in the garbage.
- The street, sidewalk and other paved areas may not be cleaned by washing or by directing sediment, concrete, asphalt, or other particles into the storm drain system. If water is used to flush sediment or particles from pavement, the water must be directed to a landscaped or grassed area far enough to prevent all the water.
- If conducting road or sidewalk work, materials stockpiles must be removed and cleaned up by the end of each work day. Discarded building materials and demolition wastes must never be left in a street, gutter, or waterway. Dispose of all wastes properly including leftover paint and chemicals. Materials that cannot be reused or recycled must be taken to the landfill or disposed of as hazardous waste.

Signed and Agreed to by:  
Project Owner or General Contractor

Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Print Name: \_\_\_\_\_

NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-4

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

**Stormwater Pollution Prevention and Protection for Construction Projects**

In the City of Capitola, water in streets, gutters, and storm drains flows directly to local creeks and Monterey Bay without any treatment. When debris, paint, concrete and other harmful pollutants from construction sites and home construction projects get applied, leaked or washed into the street or storm drain they can damage sensitive creek habitats and end up polluting our bay and ocean.

In order to reduce the amount of pollutants reaching local storm drains and waterways, the City has developed "Best Management Practices" (BMPs) for construction work. All types of construction projects are required to comply with the following mandatory BMPs. These BMPs apply to both new and remodeled residential, commercial, retail, and industrial projects.

In addition to the following mandatory BMPs, the Central Coast Regional Water Quality Control Board (Regional Water Board) under the State Water Resources Control Board (State Water Board) requires coverage under and adherence to the Construction Activities Storm Water General Permit, or CGP, to regulate storm water runoff from construction sites. In general, any construction or demolition activity, including, but not limited to, clearing, grading, grubbing, or excavation, or any other activity that results in a least disturbance of equal to or greater than one acre, requires coverage under the CGP. Construction activities associated with Linear Underground Projects (LUPs) also require coverage under the CGP. It should be noted that SWPPP development and implementation (inspection, tracking) associated with sites subject to the CGP (excluding water sites) must be done by a qualified SWPPP developer (QSD), respectively. More information on the CGP and QSD/QSPs may be found at [http://www.waterboards.ca.gov/swppp/docs/central\\_coast/central\\_coast\\_stormwater\\_general\\_permit.html](http://www.waterboards.ca.gov/swppp/docs/central_coast/central_coast_stormwater_general_permit.html)

**General Construction & Site Supervision**  
The rainy season referred to herein applies to the dates October 1 to April 30, the dry season spans May 1 to September 30. Compliance with the CGP and below BMPs is required year round; however, different requirements may be needed for the rainy and non-rainy season.

**General Principles**

- Keep an orderly site and ensure good housekeeping practices are used.
- Maintain equipment properly.
- Cover materials when they are not in use.
- Keep materials away from streets, gutters, storm drains and drainage channels.
- Ensure silt control water does not leave the site or discharge to storm drains.
- Train your employees on these BMPs and familiarize them with storm water issues prior to beginning work. Inform your subcontractors about storm water requirements and be sure that they are also by these BMPs.
- Refer to the following approved references for BMP-landfill, implementation, and on-site management (most recent versions unless otherwise noted):
  - Erosion & Sediment Control Field Manual, California Regional Water Quality Control Board San Francisco Bay Region, Fourth Edition August 2002.
  - Manual of Standards for Erosion and Sediment Control Measures, Association of Bay Area Governments (ABAG)
  - Construction Best Management Practices (BMPs) Handbook, California Stormwater Quality Association (CASQA)
  - Construction Site Best Management Practices (BMPs) Manual, Storm Water Quality Handbooks, Caltrans

**Good Housekeeping Practices**

- Dispose of hazardous waste far from storm drains, drainage swales, and creeks. Do not pack up and leave equipment storage, vehicle refueling and routine equipment maintenance.
- To prevent on-site leaching of oil, provide site entrances with stabilized aggregate surfaces or provide a tire wash area on the site, but away from storm inlets or drainage channels. Mud, dirt, gravel, sand and other materials tracked or dropped on dry streets must be cleaned up to prevent washing into the storm drains.
- Keep materials and soil stockpiles out of the rain and prevent runoff contamination from the site. Store materials, stockpiles and excavation soils under cover and protected from wind, rain, and runoff. Cover exposed soils of construction materials or soil with plastic sheeting or temporary rocks. Before rainfall events, sweep and remove material from surfaces that drain to storm inlets and/or drainage channels.
- Place trash cans around the site to reduce litter. Dispose of non-hazardous construction wastes in covered dumpsters or recycling receptacles.
- Keep dumpsters lids closed and secured. For dumpsters or bins that do not have a lid, cover them with tarp or plastic sheeting, secured around the exterior of the dumpster or place them under temporary roofs. Never clean out a dumpster by hosing it down the construction site.

NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-1

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

**Painting, Varnish & Application of Solvents & Adhesives**

Paints, varnishes, solvents and adhesives contain chemicals that are harmful to wildlife and aquatic life in our community. Toxic chemicals may come from liquid or solid products or from cleaning rags/soils or paint. Paints, varnishes, solvents, and adhesives and cleaning fluid should be recycled when possible or properly disposed to prevent these substances from entering the storm drain and watercourses.

**Handling of Surface Coatings**

- Keep paint, varnish, solvents and adhesive products and wastes away from the gutter, street and storm drains. Wastewater or runoff containing paint or paint thinner must never be discharged into the storm drain system.
- When there is a risk of a spill reaching the storm drain, nearby storm drain inlets must be protected prior to starting painting.

**Removal of Surface Coatings**

- Non-hazardous paint chips and dust from dry stripping and sand blasting may be swept up or collected in plastic drop cloths and disposed of as trash.
- Chemical paint or varnish containing residue, chips and dust from marine paints or varnishes, or paints containing lead, mercury or tributyltin must be disposed of as hazardous wastes. Lead based paint removal requires a state-certified contractor. Paint may be reused for lead by taking paint scrapings to a local, state-certified laboratory.
- When stripping or cleaning building exteriors with high-pressure water, block storm drains to prevent flow to creeks and the Monterey Bay.
- Wash water from painted buildings constructed pre-1979 can contain high amounts of lead even if paint chips are not present. Before stripping paint or cleaning a pre-1979 building's exterior with water under high pressure, test paint for lead by taking paint scrapings to a local, state-certified laboratory.

**Clean Up of Surface Coatings**

- Never clean brushes or three paint or varnish containers into a gutter, street, storm drain, French drain or creek.
- For water based paints, paint out brushes to the extent possible and rinse into an interior sink, creek that goes to the sanitary sewer.
- For oil based paints, paint out brushes to the extent possible and clean with thinner or solvent. Filter and reuse thinners and solvents where possible. Dispose of excess liquids and residue as hazardous waste.
- When thoroughly dry, empty paint cans, used brushes, rags and drop cloths may be disposed of as garbage.

**Disposal of Surface Coatings**

- Recycle, return to supplier, or donate unopened water-based (latex) paint. Oil-based paint may be recycled or disposed of as hazardous waste. Varnish, thinners, solvents, glaze and cleaning fluids must be disposed of as hazardous waste.
- When the job is completed, collect all unused or waste materials and dispose of properly. Never leave or abandon materials onsite, and ensure that nothing has drifted toward the street, gutter, or catch basin.

**Roadwork & Paving**

- Protect nearby storm drain inlets and adjacent water bodies prior to breaking up asphalt or concrete.
- The discharge of saw cut slurry to the storm drain system is prohibited. Take measures to contain the slurry and protect nearby catch basins or gutters.
- Use of slurry on sidewalks, curbs, and other paved areas is prohibited. Slurry must be cleaned up and disposed of properly.
- Dred, saw cut slurry must be cleaned up and properly disposed so that it will not be carried into the storm drain system by wind, traffic, or rain.
- After breaking up wet pavement, sweep up materials and recycle as much as possible. Properly dispose of non-recyclable materials.
- Cover and seal nearby storm drain inlets and manholes before applying seal coat, slurry seal, etc. Leave covers in place until the oil sealant is dry.
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- Never wash sweepings from exposed aggregate concrete into a street or a storm drain inlet. Collect and return to aggregate base stockpile or dispose of in the trash.
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NOT TO SCALE

STANDARD DRAWINGS FOR  
**STORMWATER POLLUTION PREVENTION AND PROTECTION**

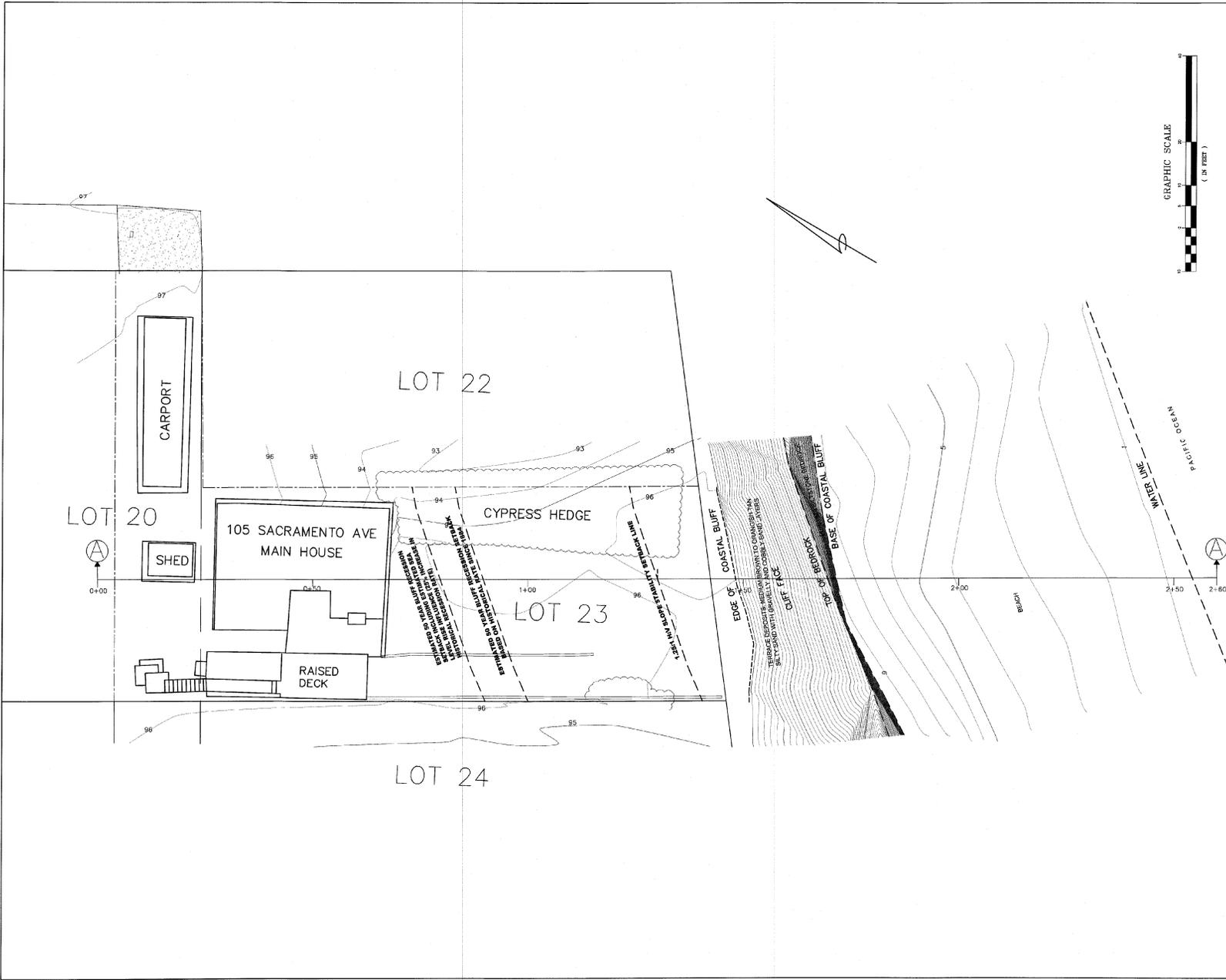
DRAWN BY: M.P.  
CHECKED BY: S.E.J.

STANDARD DRAWING NO. DRAWING No. BMP-STRM-4

DATE: 2/14/16

STATION: 105 SACRAMENTO AVE. PUBLIC WORKS DIVISION

105242016\_106\_BMP

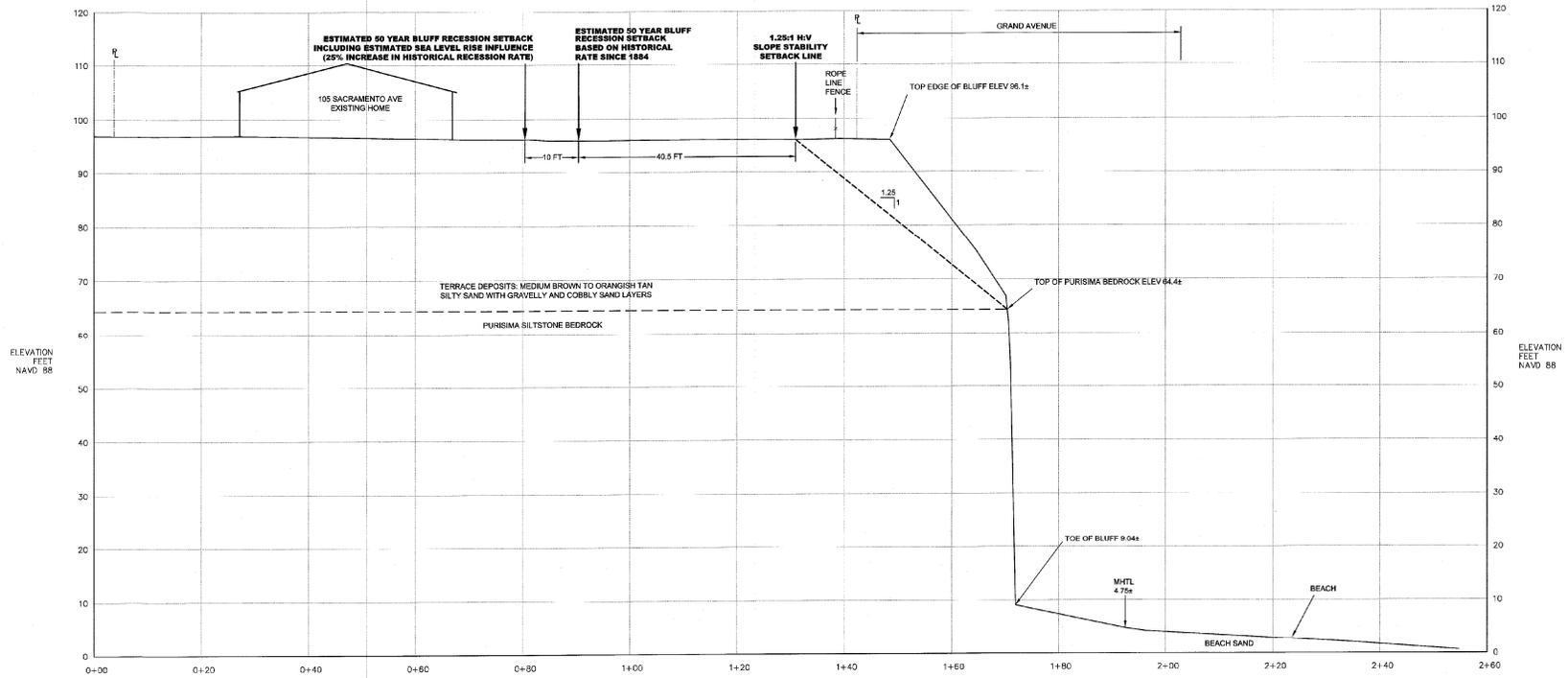


General Notes:

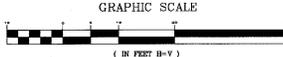
- A. Topographic Base Map prepared by Hogan Land Services.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSION SETBACKS are for planning purposes. The selection of a 50 YEAR timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the 50 year future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 1:**  
**ESTIMATED 50 YEAR**  
**FUTURE COASTAL BLUFF**  
**RECESSION SETBACK MAP**  
 105 Sacramento Avenue, Capitola, CA  
 Santa Cruz County APN 036-144-05  
 12/7/2015

**HARO, KASUNICH AND ASSOCIATES, INC.**  
 CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
 110 EAST LAKE AVE., WATSONVILLE, CA 95070 (831) 722-4175



**SECTION A-A**  
SCALE: 1" = 10' H & V



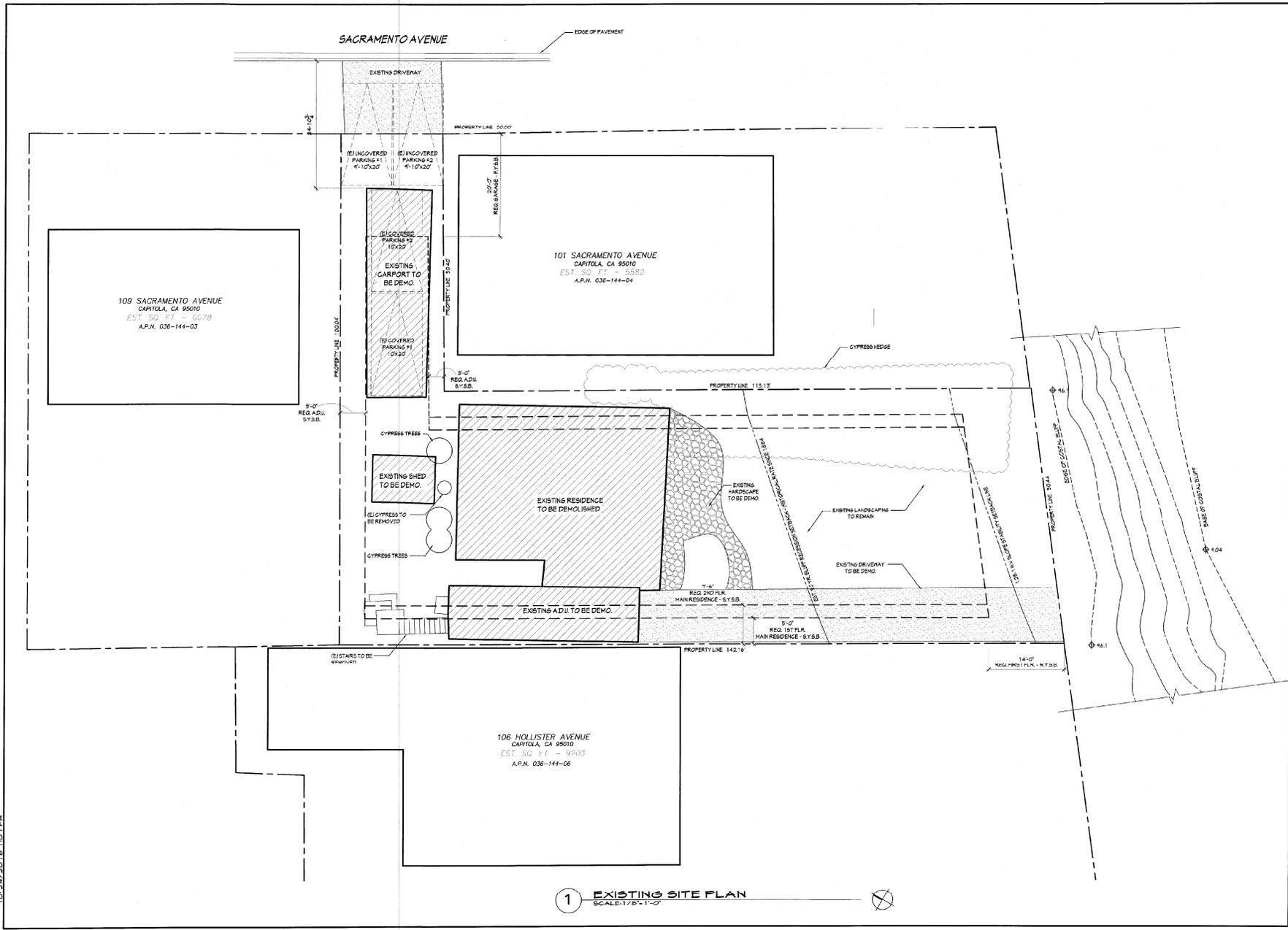
**General Notes:**

- A. Topographic Base Map prepared by Hogan Land Services.
- B. Vertical Elevation Datum is NAVD88.
- C. Topography at beach level may not accurately reflect actual terrain.
- D. ESTIMATED 50 YEAR FUTURE COASTAL BLUFF RECESSION SETBACKS are for planning purposes. The selection of a "50 YEAR" timeframe is based on our understanding of the December 2015 minimum setback requirements in the City of Capitola Local Coastal Plan for permitting new development. Other Regulatory Agencies may desire or require greater setbacks now or in the future. Any user of this map should verify that 50 years is an adequate timeframe for evaluating bluff setbacks for whatever purpose they need to evaluate or consider setbacks for.
- E. LIMITATIONS: Because of uncertainties that are inherent in the analysis and are beyond the control of HKA, no guarantee or warranty is possible that future recession will occur at the rate predicted. Greater or lesser erosion and recession may occur. In any case, damage to improvements should be expected at some point in the far future. This study should not be used in lieu of appropriate insurance coverage. The owners and occupants of the coastal improvements shall accept the risk of that damage, and HKA recommends that they should purchase appropriate insurance to mitigate the inherent risk.

**SHEET 2:  
ESTIMATED 50 YEAR  
FUTURE COASTAL BLUFF  
CROSS SECTION**  
**105 Sacramento Avenue, Capitola, CA  
Santa Cruz County APN 036-144-05  
12/7/2015**

**HARO, KASUNICH AND ASSOCIATES, INC.**  
CONSULTING CIVIL, GEOTECHNICAL & COASTAL ENGINEERS  
116 EAST LAKE AVE., WATSONVILLE, CA 95076 (831) 722-4175

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



1 EXISTING SITE PLAN  
SCALE: 1/8" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1535 SEABRIGHT AVENUE SUITE 300, SANTA CRUZ, CALIFORNIA  
(831) 426-8800 PHONE 310-426-8846 FAX

DVRD  
DESIGN REVIEW BOARD

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION:  
SCHEMATIC DESIGN  
JUNE 01, 2016  
DESIGN DEVELOPMENT

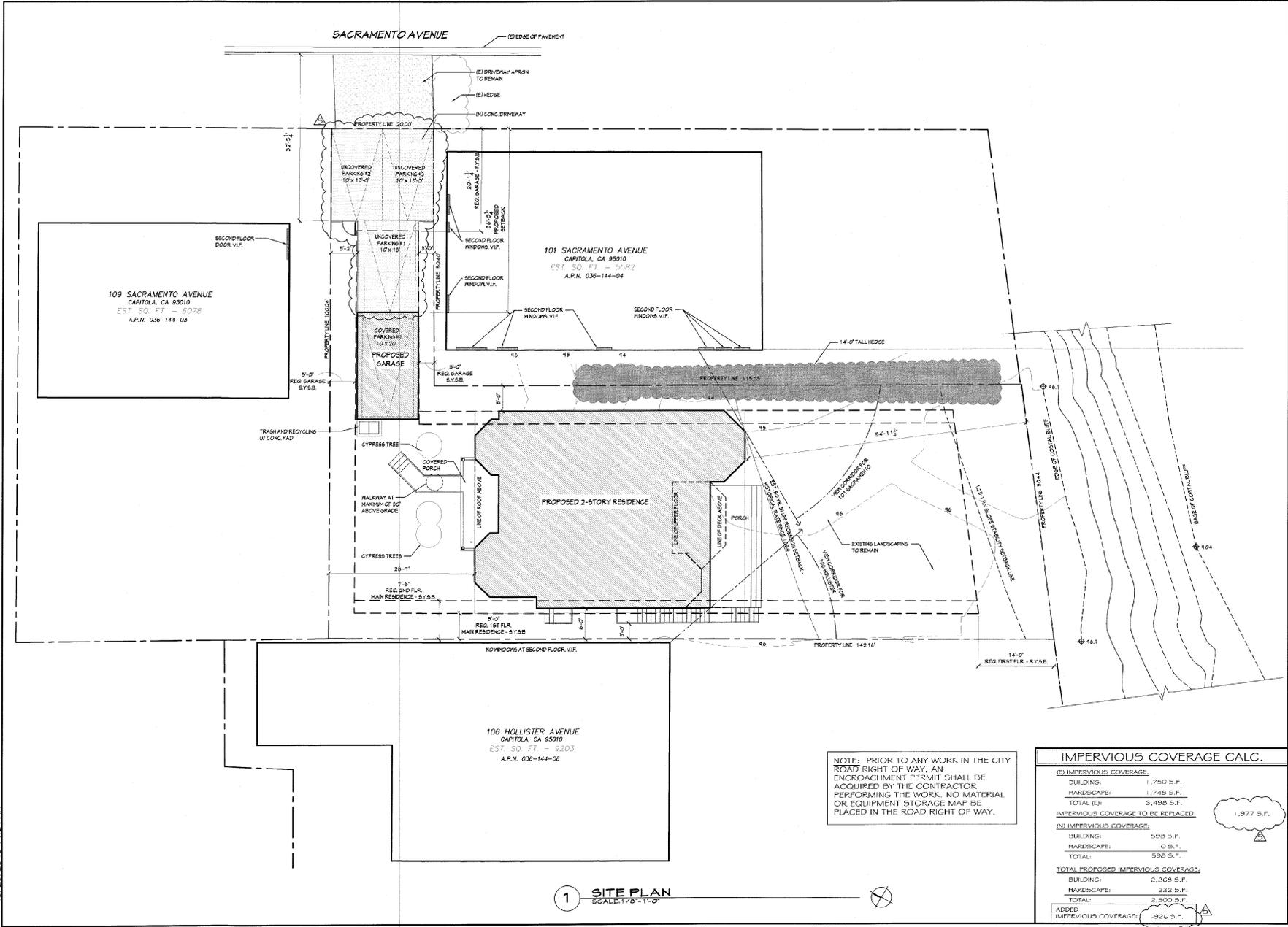
PLANNING SUBMITTAL  
JULY 15, 2016  
BUILDING SUBMITTAL

REVISIONS:  
SEPT. 05, 2016  
ARC COMMENTS  
SEPT. 19, 2016  
ARC COMMENTS  
SEPT. 23, 2016  
OWNER REVS.  
OCT. 24, 2016  
PLANNING REVS.

EXISTING  
SITE PLAN

A 1

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1530 SEABRIGHT AVENUE, SUITE 200, SAN FRANCISCO, CALIFORNIA  
(415) 462-8400 PHONE (415) 462-4465 FAX

**DVRD**  
DESIGN REVIEW  
APPROVED  
ALL SHEETS REVIEWED

**HOLDENER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

216 03G 14-405

ISSUE DESCRIPTION

SCHEMATIC DESIGN

JUNE 01, 2016

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

JULY 15, 2016

BUILDING SUBMITTAL

REVISIONS:

DEPT. 0, 2016

ARC COMMENTS

SEPT. 19, 2016

ARC COMMENTS

SEPT. 23, 2016

OWNER REVS.

OCT. 24, 2016

PLANNING REVS.

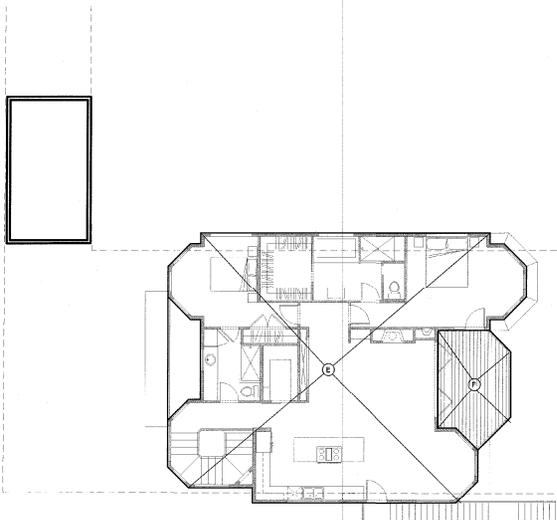
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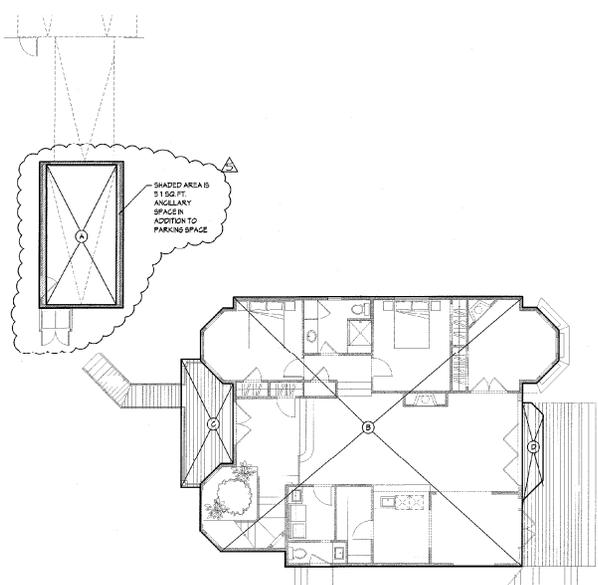
SITE PLAN

A 1.1

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



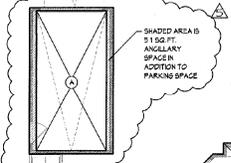
2 UPPER FLOOR PLAN  
SCALE: 1/8"=1'-0"



1 LOWER FLOOR PLAN  
SCALE: 1/8"=1'-0"

SQUARE FOOTAGE DIAGRAM

LOWER FLOOR	
① GARAGE	200 SF.
② MAIN HOUSE	1,124 SF.
SUB-TOTAL 1,424 SF.	
COVERED PORCHES	
③ COVERED PORCH	113 SF.
④ COVERED PORCH	36 SF.
COVERED PORCH CREDIT	(116 SF.)
SUB-TOTAL 3 SF.	
UPPER FLOOR	
⑤ MAIN HOUSE	1,545 SF.
SUB-TOTAL 1,545 SF.	
UPPER FLOOR DECKS	
⑥ UPPER DECK	150 SF.
SUB-TOTAL 150 SF.	
TOTAL 3,073 SF.	
MAX FLOOR AREA ALLOWED (40%) 1,635 SF. (40% x 3,073 SF.)	
PROPOSED FLOOR AREA: 3,073 SF.	



DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1335 BARNHART AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA  
807.428.8800 PHONE 807.428.8800 FAX

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1335 BARNHART AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA  
807.428.8800 PHONE 807.428.8800 FAX

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

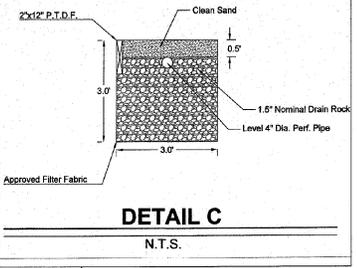
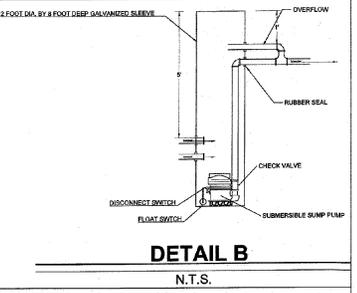
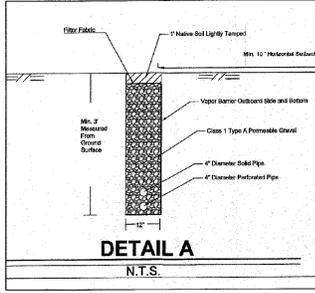
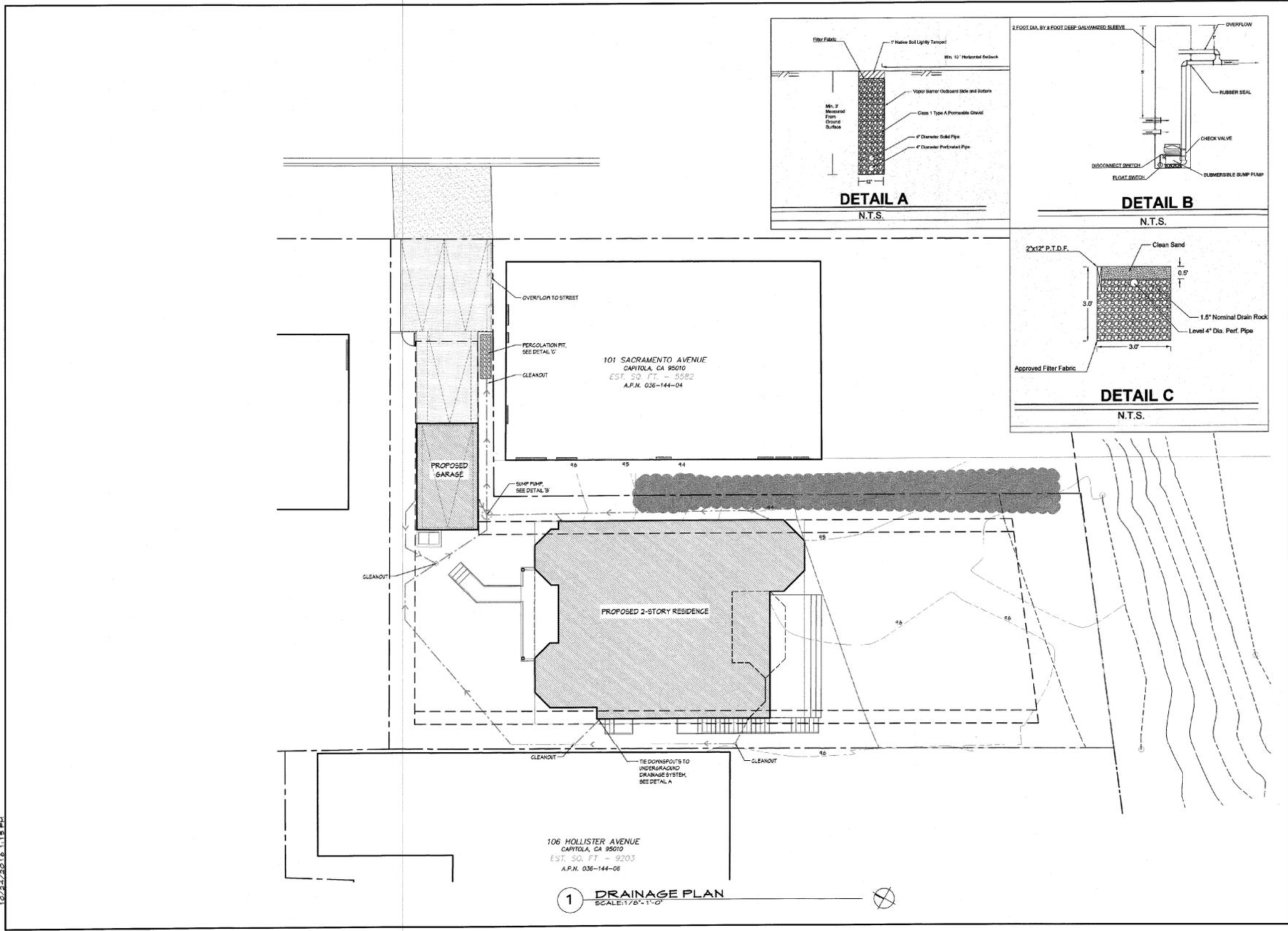
ISSUE DESCRIPTION

NOV 03, 2016	SCHEMATIC DEVELOPMENT
JUN 01, 2016	DEREK DEVELOPMENT
JULY 15, 2016	PLANNING SUBMITTAL
JULY 15, 2016	BUILDING SUBMITTAL
SEPT. 8, 2016	REVIEWS
SEPT. 19, 2016	ARC COMMENTS
SEPT. 19, 2016	ARC COMMENTS
SEPT. 23, 2016	OWNER REVIS.
OCT. 24, 2016	PLANNING REVIS.
OCT. 25, 2016	PLANNING REVIS.

DECK AND COVERED PORCH DIAGRAM

A 1.2

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



**1 DRAINAGE PLAN**  
SCALE: 1/8" = 1'-0"

**DEREK VAN ALSTINE**  
RESIDENTIAL DESIGN INC.  
1335 BEAUBURG DRIVE, COLTON, CALIFORNIA 95310  
TEL: 530-533-4444 FAX: 530-533-4444

**DVRD**  
DEREK VAN ALSTINE  
REGISTERED CIVIL ENGINEER  
NO. 52420 EXPIRES 12/31/2016

**HOLDNER RESIDENCE**  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE	036-14-405
ISSUE DESCRIPTION	
SUBMITTAL	
SCHEDULED DESIGN	
JUNE 03, 2016	DESIGN DEVELOPMENT
PLANNING SUBMITTAL	
JULY 15, 2016	PLANNING SUBMITTAL
BUILDING SUBMITTAL	
REVISIONS	
SEPT. 5, 2016	ARC COMMENTS
SEPT. 12, 2016	ARC COMMENTS
SEPT. 23, 2016	OWNER REVIS.
OCT. 24, 2016	PLANNING REVIS.

DRAINAGE PLAN

**A.1.3**

Attachment: Project Plans (1640 : 105 Sacramento Avenue)

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1333 SEABRIGHT AVENUE SUITE 100 SANTA CRUZ, CALIFORNIA  
0310242680 PHONE 3104268046 FAX

DVRD  
DESIGN RESIDENTIAL  
DESIGN INC.  
HOLDENESS AVENUE  
SANTA CRUZ, CA 95062

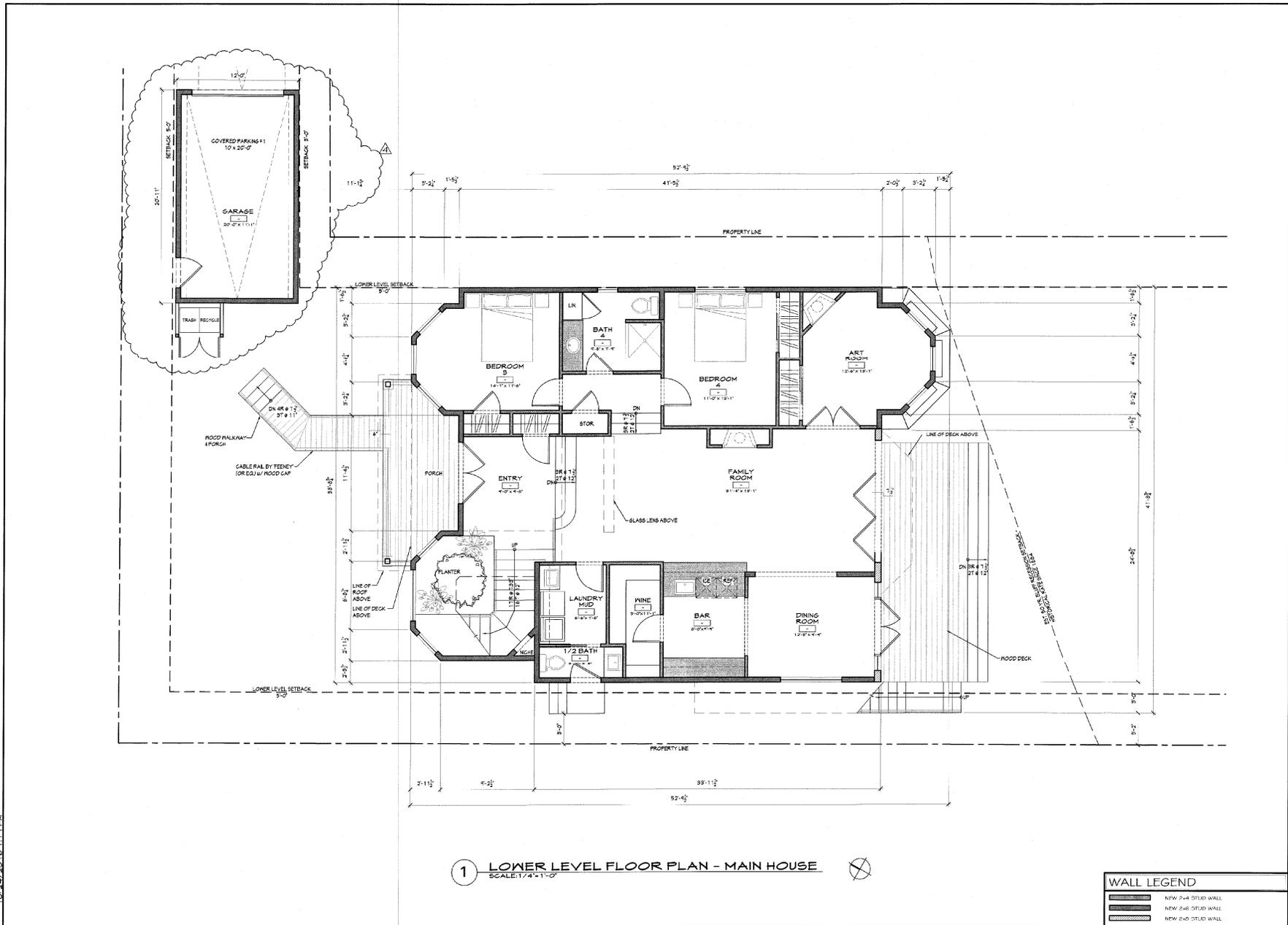
HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE	03/14/2016	
ISSUE DESCRIPTION	SCHEMATIC FREELAN	
DATE	JUNE 01, 2016	
ISSUE DESCRIPTION	USBN DEVELOPMENT	
PLANNING SUBMITTAL	JULY 15, 2016	
BUILDING SUBMITTAL		
REVISIONS:		
NO.	DATE	DESCRIPTION
1	SEPT. 08, 2016	ARC COMMENTS
2	SEPT. 15, 2016	ARC COMMENTS
3	SEPT. 23, 2016	OWNER REV.
4	OCT. 24, 2016	PLANNING REV.

Attachment: Project Plans (1640 : 105 Sacramento Avenue)

LOWER LEVEL FLOOR PLAN - MAIN HOUSE

A2



10/24/2016 11:17 PM

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1133 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ CALIFORNIA  
(831) 426-8800 PHONE (831) 266-8848 FAX

DVRD  
1745 VAN ALSTINE  
DESIGN  
2141 COPPER  
HILL DRIVE  
SANTA CRUZ, CA 95061

HOLDNER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE: 08-14-10  
ISSUE DESCRIPTION:  
SCHEMATIC/FREKIN  
JUNE 01, 2010  
DESIGN DEVELOPMENT

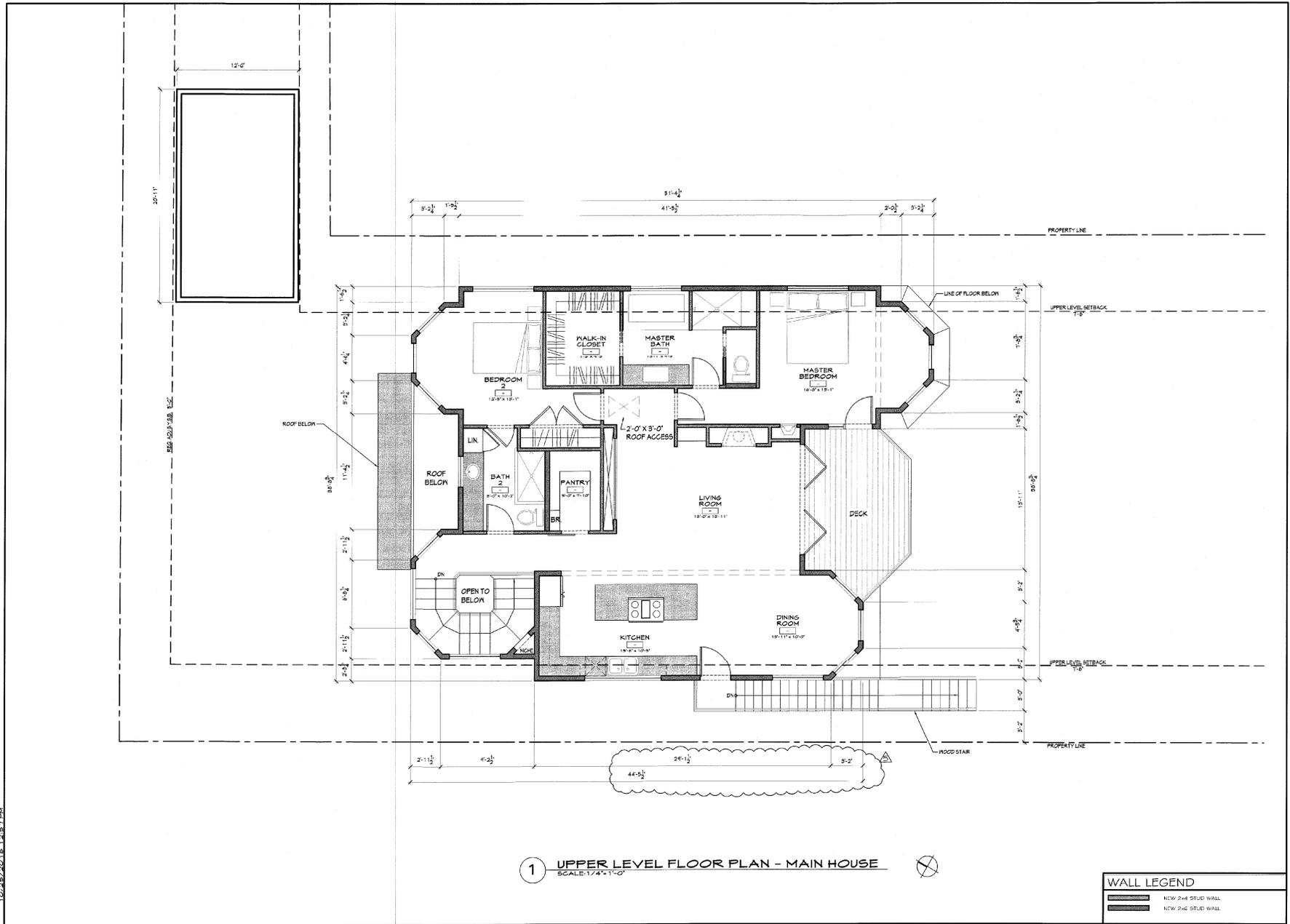
PLANNING/PERMIT  
JULY 15, 2010  
BUILDING SUBMITTAL

REVISIONS:  
SEPT. 6, 2010  
ARC COMMENT:  
SEPT. 13, 2010  
ARC COMMENT:  
SEPT. 23, 2010  
OWNER REVS.  
OCT. 24, 2010  
PLANNING REVS.  
OCT. 25, 2010  
PLANNING REVS.

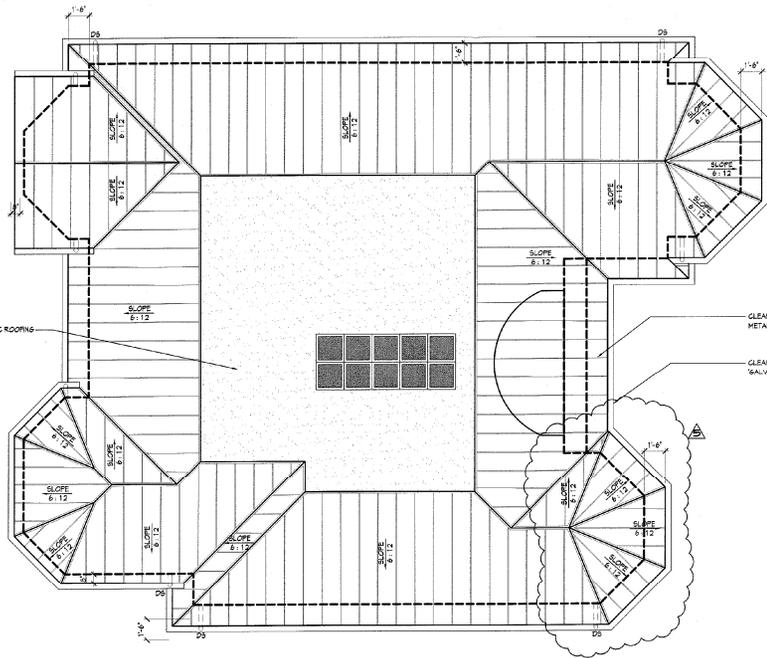
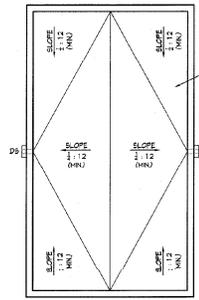
UPPER LEVEL  
FLOOR PLAN  
MAIN HOUSE

A3

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



10/25/2016 11:53 AM



ACRYLIC ELASTOMERIC ROOFING

CLEAR ANODIZED SCUPPER DOWNSPOUT

ACRYLIC ELASTOMERIC ROOFING  
# LOW SLOPE ROOF

CLEAR ANODIZED STANDING SEAM METAL ROOF BY SALVALUME (OR EQ.)

CLEAR ANODIZED OVER GUTTER BY SALVALUME (OR EQ.)

1 ROOF PLAN  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1538 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA  
(031)402-9400 PHONE (031)402-9448 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGNER  
REGISTERED ARCHITECT  
ALL RIGHTS RESERVED

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

ISSUE DESCRIPTION  
SCHEMATIC DESIGN  
JUNE 01, 2016  
DESIGN DEVELOPMENT

PLANNING SUBMITTAL  
JULY 15, 2016  
BUILDING SUBMITTAL

REVISIONS:  
SEPT. 8, 2016  
AKC COMMENTS  
SEPT. 15, 2016  
AKC COMMENTS  
SEPT. 23, 2016  
OWALK REV.  
OCT. 24, 2016  
PLANNING KEYS  
OCT. 25, 2016  
PLANNING KEYS

ROOF PLAN

A4

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



1 NORTH ELEVATION  
SCALE: 1/4" = 1'-0"



2 EAST ELEVATION  
SCALE: 1/4" = 1'-0"

10/25/2016 11:55 AM

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1135 SCARBURRY AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA  
(516) 440-0480 PHONE (516) 440-4485 FAX

DVRD  
DEREK VAN ALSTINE  
DESIGNER

2016 CUPPED BY ALL RIGHTS RESERVED

HOLDNER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

NO: 036-14-405

ISSUE DESCRIPTION:  
SCHEMATIC DESIGN:  
JUNE 01, 2016  
DESIGN DEVELOPMENT

PLANNING SUBMITTAL:  
JULY 15, 2016  
BUILDING SUBMITTAL:

REVISIONS:  
SEPT. 6, 2016  
ARC COMMENTS  
SEPT. 15, 2016  
ARC COMMENTS  
SEPT. 23, 2016  
OWNER REV.  
OCT. 24, 2016  
PLANNING REV.  
OCT. 25, 2016  
PLANNING REV.

EXTERIOR ELEVATIONS

A5

Attachment: Project Plans (1640 : 105 Sacramento Avenue)



1 WEST ELEVATION  
SCALE: 1/4" = 1'-0"



2 SOUTH ELEVATION  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
1335 SE AIRBORNE AVENUE SUITE 300 SANTA CRUZ, CALIFORNIA  
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DVRD  
Derek Van Alstine  
Residential Design Inc.  
1335 SE Airborne Avenue Suite 300  
Santa Cruz, CA 95060  
801/424-8800 Phone 801/424-8860 Fax

HOLDENER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

036-14-405

ISSUE DESCRIPTION  
SCHEMATIC DESIGN  
JUNE 01, 2016  
DESIGN DEVELOPMENT

PLANNING SUBMITTAL  
JULY 15, 2016  
BUILDING SUBMITTAL

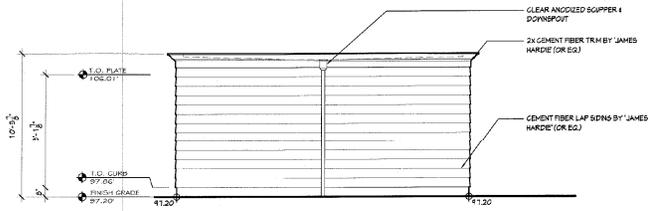
REVISIONS:  
SEPT. 6, 2016  
ARC COMMENTS  
SEPT. 19, 2016  
ARC COMMENTS  
SEPT. 23, 2016  
OWNER REV.  
OCT. 24, 2016  
PLANNING REV.

EXTERIOR ELEVATIONS

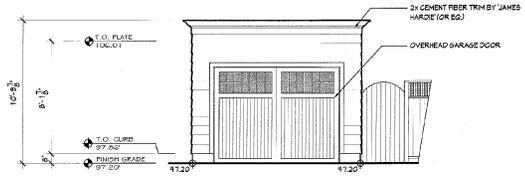
A6

Attachment: Project Plans (1640 : 105 Sacramento Avenue)

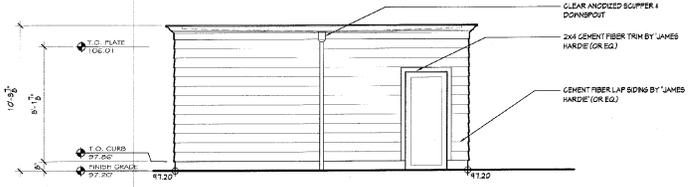
10/24/2016 12:21 PM



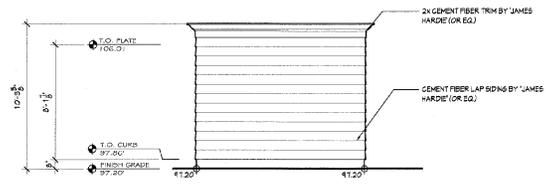
2 NORTH ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"



1 EAST ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"



4 SOUTH ELEVATION GARAGE  
SCALE: 1/4" = 1'-0"



3 WEST ELEVATION - GARAGE  
SCALE: 1/4" = 1'-0"

DEREK VAN ALSTINE  
RESIDENTIAL DESIGN INC.  
133 SEABRANT AVENUE SUITE 100 SANTA CRUZ, CALIFORNIA  
(011) 831-4840 PHONE (011) 831-6486 FAX

DVRD  
DEREK VAN ALSTINE  
RESIDENTIAL DESIGN  
ARCHITECTS  
240 COPPERBELL  
SAN MATEO, CALIFORNIA

HOLDNER RESIDENCE  
105 SACRAMENTO AVE.  
CAPITOLA, CA 95010

DATE	2016-11-03
ISSUE DESCRIPTION	SUBMITTAL
SCHEDULED	JUNE 01, 2016
DESIGN DEVELOPMENT	
PLANNING SUBMITTAL	JULY 15, 2016
BUILDING SUBMITTAL	
REVISIONS	
SEPT. 8, 2016	ARC COMMENTS
SEPT. 19, 2016	ARC COMMENTS
SEPT. 23, 2016	OWNER REVS.
OCT. 14, 2016	PUBLIC PLANNING REVS.
OCT. 25, 2016	PLANNING REVS.

EXTERIOR ELEVATIONS GARAGE

A7

Attachment: Project Plans (1640 : 105 Sacramento Avenue)

10/28/2016 12:02 PM

# DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

September 19, 2016

Ryan Safty, Assistant Planner  
Community Development Department  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: Variance Request Support Documentation  
Holdener Residence  
105 Sacramento Avenue  
APN: 036-144-05

This parcel presents a challenging set of circumstances that make design solutions very difficult within the existing height and setback ordinances. The required geological setback is located 50 feet behind the bluff-face and reduces the buildable lot area by 2,590 square feet. There are three extremely large specimen Monterey Cypress across the side of the main portion of the lot that require a setback from the rear fence of approximately 28 feet. It is our intention to remove the weaker middle tree and protect the remaining two trees. The trees have a substantial shallow root system that spans some 50 feet beyond their trunks. The existing house has been pushed up 12 to 16 inches by the shallow root system. The Holdeners love the trees and are going to great lengths to save and protect them. We have consulted Nigel Belton, Consulting Arborist. He is in agreement regarding the removal of the middle tree and preservation of the remaining 2 trees. He will provide a final tree preservation plan for submittal with the construction documents. To protect the trees we have designed a hybrid pier and grade beam foundation. This system will allow us to hand dig the foundation, map the tree roots, and place piers at variable locations between the roots per Nigel's recommendations. A concrete grade beam will span the piers and will be engineered to facilitate the variable spans. This system requires raising the foundation 24 to 30 inches above a standard slab foundation to allow space for the roots and depth for the grade beams. The end result is that in order to protect the trees the house has to be raised – hence the request to raise the house to 27 feet in height.

1535 Seabright Ave., Ste. 200, Santa Cruz, CA 95062  
phone 831-426-8400 • 831-426-8446 fax  
derek@vanalstine.com

Attachment: Variance Request (1640 : 105 Sacramento Avenue)

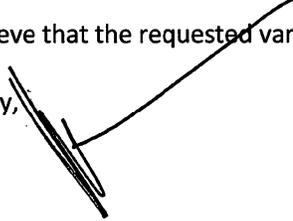
# D E R E K V A N A L S T I N E R E S I D E N T I A L D E S I G N , I N C .

The buildable area on this parcel is extremely limited. It is bounded by the required 50 year geological setback on the Southern side, a 28 foot setback necessitated by the trees on the Northern side, the 25 foot height limit, and the required setbacks on the East and West property lines. The trees prevent what would otherwise be buildable area to the North. What is left buildable when all of these factors are considered is a building area much the same size as the footprint of the existing residence and garage. In fact, the lot coverage will be less than it is today.

The proposed house complies with all required setbacks on the first floor. We are requesting a variance to decrease the second floor setback on the East elevation from seven and a half feet to five feet and the West elevation from seven and a half feet to six feet setback on the second floor to facilitate a workable second floor plan within the constrained boundaries described by the geological setback and the trees. The neighboring houses on the East and West have few windows on those elevations adjacent to the proposed structure and should not be adversely affected. Nor would the granting of the requested variances grant the Holdeners a privilege that other homeowners in this district don't enjoy.

We believe that the requested variances are reasonable considering the existing site constraints.

Sincerely,



Derek Van Alstine, CCO  
Derek Van Alstine Residential Design, Inc.  
For Lani & Tim Holdener

1535 Seabright Ave., Ste. 200, Santa Cruz, CA 95062  
phone 831-426-8400 • 831-426-8446 fax  
derek@vanalstine.com

Attachment: Variance Request (1640 : 105 Sacramento Avenue)

# DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.

October 24, 2016

Ryan Safty, Assistant Planner  
City of Capitola  
420 Capitola Avenue  
Capitola, CA 95010

Re: Holdener Residence  
105 Sacramento Avenue

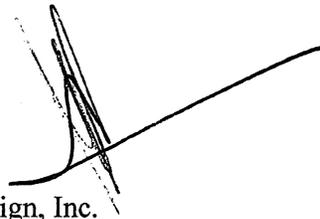
Ryan:

Please consider the following factors in support of the request for variances to the proposed house at 105 Sacramento Avenue for Lani & Tim Holdener. As shown in the revised plans we have removed the Accessory Dwelling Unit and request that it not be considered at this time. In conjunction with that change we have adjusted the F.A.R. to the required 48% by removing second floor deck area.

The plans, as submitted, show the house being located and designed to preserve the existing view corridors from both bluff top neighboring properties. In addition the 15-foot tall hedge between the new house and the existing residence at 101 Sacramento will be preserved. The hedge currently provides both 105 Sacramento and 101 Sacramento a good degree of privacy. The side yards between these residences are not used by either house as the primary focus of each residence is towards the ocean. The requested reduction to the second floor setback should have little, if any, negative effect on 101 Sacramento. The neighboring property at 106 Hollister to the West of 105 Sacramento has a first story structure within approximately 12 inches of the property line for the most of the property line adjoining the proposed residence. There are no windows facing East on the first floor or second floor sidewalls of 106 Hollister. The requested reduction to the second floor setback should have little, in any, negative impact on 106 Hollister. The existing Accessory Dwelling Unit and second floor deck on 105 Sacramento adjacent to 106 Hollister will be demolished and will provide both properties with more setback than they currently have. We have also increased the rear yard setback (Ocean side) beyond the allowable to maintain the existing view corridor for 106 Hollister.

Thank you for your consideration,

Derek Van Alstine, CCO  
Derek Van Alstine Residential Design, Inc.



1535 Seabright Avenue, Suite 200, Santa Cruz, CA 95062  
831-426-8400

Attachment: Variance Request (1640 : 105 Sacramento Avenue)