



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, January 15, 2015 – 7:00 PM**

Chairperson            Gayle Ortiz  
Commissioners        Ron Graves  
                                 Ed Newman  
                                 Linda Smith  
                                 TJ Welch

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

**2. NEW BUSINESS**

- A. Oath of Office - Newly Appointed Commissioner Ed Newman**
- B. Election of Chair and Vice-Chair**
- C. Commission Appointments**
  - 1. Art & Cultural Commission**
  - 2. Traffic and Parking Commission**

**3. 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**

**4. APPROVAL OF MINUTES**

- A. Approval of December 4, 2014, Planning Commission draft minutes.**

**5. 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. 904 Sir Francis Avenue #14-173 APN: 036-222-07**

Request for a one-year time extension to a previously approved Design Permit and Coastal Development Permit for a 2nd story residential addition 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 not appealable to the California Coastal Commission.

Environmental Determination: Categorical Exemption

Property Owner: Lisa Maffia, filed 12/1/14

Representative: Chuck Burket

**B. 200 Monterey Avenue #2 #14-166 APN: 035-261-07**

Conditional Use Permit for the sale of alcohol at Taqueria Baja Restaurant located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Barbara Reding

Representative: Tom Lindemann, filed 11/10/14

**C. 1200 41st Avenue Suite C #14-181 APN: 034-101-38**

Conditional Use Permit for a Restaurant (Asian Bakery) with onsite consumption of food located in the CC (Community Commercial) Zoning District.

This project does not require a Coastal Development Permit.

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza, LLC

Representative: Karen Huan, filed 12/18/14

**6. 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.*

**7. DIRECTOR'S REPORT**

**8. COMMISSION COMMUNICATIONS**

**9. ADJOURNMENT**

Adjourn to the next Planning Commission on Thursday, February 5, 2015, at 7:00 PM, in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

**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 one hundred forty two dollar (\$142.00) 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).

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**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, DECEMBER 4, 2014  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

Commissioners: Ron Graves, Mick Routh, Linda Smith, TJ Welch and Chairperson Gayle Ortiz.

**2. ORAL COMMUNICATIONS**

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

**B.** Public Comment - None

**C.** Commission Comment

Commissioner Graves asked that staff check the windows of the 41<sup>st</sup> Avenue theater expansion. The number of coming attraction posters appears to exceed the allowed coverage. He also asked that the meeting be adjourned in honor of Anita Arthur. He additionally noted the face of the bulkhead around the Noble Gulch pipe is cracked and recent storms have washed out a path. It is a County Zone 5 responsibility and it should be notified of the need for repair.

**D.** Staff Comments - None

**3. APPROVAL OF MINUTES**

**A. November 6, 2014, Draft Planning Commission Minutes**

Chairperson Ortiz requested that a comment about the role of the DPR for 124 Central Ave. be deleted. Commissioner Graves asked to clarify condition 3 and finding 8 so that reference to the "existing" driveway at 203 Central be changed to reflect as "shown in approved plans."

**A motion to approve the November 6, 2014, meeting minutes as amended was made by Commissioner Routh and seconded by Commissioner Smith.**

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

**4. CONSENT CALENDAR**

**A. 3816 Reposa Avenue #14-165 APN: 034-161-05**

Design Permit and Coastal Development Permit for an addition to a single-family home 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 not appealable to the California Coastal Commission.  
Environmental Determination: Categorical Exemption  
Property Owner: Sofia and Jason Hammond, filed: 11-7-14

Representative: Sherry Hrabko

**A motion to approve application #14-165 for a Design Permit and Coastal Development was made by Commissioner Smith and seconded by Commissioner Welch with the following conditions and findings:**

**CONDITIONS**

1. The project approval consists of construction of a 674 square-foot addition to an existing single family home. The maximum Floor Area Ratio for the 5,348 square foot property is 49% (2,621 square feet). The total FAR of the home with new addition is 38% with a total of 2,024 square feet, 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 December 4th, 2014, except as modified through conditions imposed by the Planning Commission during the hearing.
2. 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.
3. 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
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. At 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 the Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. 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.
7. Prior to issuance of building permit, all Planning fees associated with permit #14-165 shall be paid in full.
8. 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 Creek Water District, and Central Fire Protection District.
9. 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.
10. 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).

11. 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.
12. 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.
13. 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
14. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
15. 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.
16. 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.
17. 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.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

### **FINDINGS**

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

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

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

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

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

This project involves an addition to an existing single-family residence in the R-1 (single family residence) Zoning District. Section 15301 of the CEQA Guidelines exempts minor additions to existing single-family residences in a residential zone.

**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 3816 Reposa 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 at 3816 Reposa 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 no 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 Reposa 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 in a residential area without sensitive habitat areas.

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

- The project is located on a relatively 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 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, 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 is not located along a shoreline.

***(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 an allowed 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 of the Capitola parking permit program.

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

## **5. PUBLIC HEARINGS**

### **A. 124 Central Avenue #14-116 APN: 036-122-13**

Design Permit, Variance, and Conditional Use Permit for an addition to a Historic Single Family home 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: Douglas Edwards

Representative: Derek Van Alstine (filed 7/21/2014)

This item was continued from the November 6, 2014, meeting with the majority of the Commission in support of the project as presented with an additional application for a variance for exceeding the non-conforming structure limits. Planner Cattan presented the staff report and reviewed the variance allowed for by the historic standing of the home.

The DPR has been updated since the previous meeting following expressed concerns. The City's Architectural and Site Committee historian Carolyn Swift provided additional material regarding Frank Reanier. Planner Cattan confirmed with the state that all materials will be available if needed for future review. She also confirmed that although concerns were expressed, those would not jeopardize the historic standing for meeting the Secretary of Interior standards.

Derek Van Alstine spoke on behalf of the applicant. Commissioner Smith thanked the applicant for the opportunity to walk around the home between meetings. She clarified that both the existing original door jam and door are being retained, just moved.

There was no public comment.

Commissioner Routh said that upon reviewing the letter from Carolyn Swift, he felt that historic preservation at times can be overly strict and he is not concerned about moving the door.

Commissioner Smith noted that the DPR says the porch and entry are a focal point. Although the door could have been located in reverse, it was not in this home. She feels preserving the door location is a compromise that supports historical preservation. She is willing to allow the massing. She asked the applicant to consider preserving the door location.

Commissioner Graves agreed that historical designation requirements have become burdensome.

Commissioner Welch commended Ms. Swift for her diligence, but also agrees that the commission can tie its hands being overly concerned with details. He does feel the project keeps the historic character and meets standards. He noted that some cities have moved away from Secretary of Interior standards within their codes and that may be a direction Capitola should consider.

Chairperson Ortiz said she loves the project but cannot vote for it because she does not feel the application has made any offers of compromise for historical integrity.

**A motion to approve application #14-116 for a Design Permit, Variance, and Coastal Development was made by Commissioner Welch and seconded by Commissioner Routh with the following conditions and findings:**

### **CONDITIONS**

1. The project approval consists of an addition to an existing historic resource located at 124 Central Avenue. The project approval consists of construction of a 1,873 square-foot addition to a 1,487 square-foot single family home. The maximum Floor Area Ratio for the 5,600 square foot property with accessory dwelling is 60% (3,360 square feet). The total FAR of the project is 60% with a total of 3,360 square feet, 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 December 6, 2014, 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 time of submittal for building permit review, the deed restriction for the secondary unit must be recorded and a copy of the recorded document provided to the City.
5. At time of building plan submittal, the plans shall include a language on the cover sheet referring to the intent of the Secretary of Interior Standards and specifically reference Standard #6. The plans shall identify specific repairs at the time of submittal of the building permit drawings.
6. 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.
7. At the time of building plan submittal, all proposed preservation treatments (e.g., epoxy wood consolidant and paint preparation techniques), shall be identified on the plans.

8. At time of submittal for a building permit review, the applicant shall apply for minor revocable encroachment permit for all improvements allowed by the Planning Commission within the unutilized street right-of-way.
9. 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).
10. 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.
11. 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.
12. 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.
13. Prior to issuance of building permit, all Planning fees associated with permit #14-116 shall be paid in full.
14. 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.
15. 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.
16. 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.
17. 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).
18. 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.
19. 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.

20. 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
21. 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.
22. 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.
23. 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.
24. 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.
25. 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 secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The integrity of the historic resource will be maintained with historic resource contributing to a potential historic district with the proposed design. A variance has been granted to preserve the location of the historic structure and allow the non-complying structure to continue.

### **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 addition to the historic resource. A model was presented to the Planning Commission during the November 6, 2014 meeting that provided clear imaging of the massing of proposed addition and its influence on the historic structure. The new addition will not overwhelm the historic structure. The home is located on Depot Hill and may be a contributing structure within a future historic district. The design does not compromise the integrity of the historic resource or eligibility within a future Depot Hill historic district.

### **C. This project is categorically exempt under Section 15331 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**



Section 15331 of the CEQA Guidelines exempts projects limited to maintenance, repair, stabilization, rehabilitation, restoration, preservation, conservation or reconstruction of historical resources in a manner consistent with the Secretary of the Interior's Standards for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings. This project involves an addition to an existing historic resource located in the R-1 (single family) zoning district. The project is consistent with the Secretary of the Interior's Standards and therefore qualifies for the CEQA exemption.

## **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 124 Central 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 Central 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 Central 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 in a residential area without sensitive habitat areas.

***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, 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 is not located along a shoreline.

***(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 an allowed 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 of the Capitola parking permit program.

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

## **6. DIRECTOR'S REPORT - None**

## **7. COMMISSION COMMUNICATIONS**

Commissioner Smith said she would support additional ways to handle historical preservation projects and give applicants more clarity. She has heard there is the possibility of a state-led training workshop to be held locally and she would encourage the City's participation. Planner Cattan confirmed that there is a possible training and she offered use of City space.

Commissioner Welch noted that since Commissioner Routh's appointing Council member has been termed out, this may be his last meeting. Commissioner Welch thanked Commissioner Routh for his many years of service and Commissioner Welch said he will continue to rely on Mr. Routh's institutional knowledge.

Commissioner Graves asked for an update on the turnaround on Grand Avenue. Staff noted that there was an error in the order for the sign designating "turnaround only, no parking" and it should be complete soon. At same time the turnaround sign is placed, Public Works will review the location of "no through traffic" signs.

## **8. ADJOURNMENT**

Chairperson Ortiz adjourned the meeting in honor of Anita Arthur at 7:30 p.m. to the regular meeting of the Planning Commission to be held on Thursday, January 15, 2015, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on January 15, 2015.

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Linda Fridy, Minute Clerk



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JANUARY 15, 2015

SUBJECT: **904 SIR FRANCIS AVENUE #14-173 APN: 036-222-07**  
Request for a one-year extension to a previously approved Design Permit and Coastal Development Permit (#06-061) for the remodel of an existing single-family residence and construction of a new second story in the R-1 (Single-Family Residence) Zoning District.  
Environmental Determination: Categorical Exemption  
Property Owner: Justin and Lisa Maffia

### **APPLICANT'S PROPOSAL**

The applicant is requesting a seventh, one-year extension of a previously approved Design Permit and Coastal Permit for the remodel of an existing one-story single-family residence and a second story addition at 904 Sir Francis Drive in the R-1 (Single Family Residence) zoning district. The proposed use remains consistent with the General Plan, Zoning Ordinance, and Local Coastal Plan.

### **BACKGROUND**

On December 7, 2006, the Planning Commission approved the above-mentioned application #06-061 (Attachment B). The Planning Commission granted a one-year permit extension on October 16, 2008, December 2, 2009, November 18, 2010, December 1, 2011, December 6, 2012, and December 5, 2013.

### **DISCUSSION**

Pursuant to the Capitola Municipal Code Section 17.63.130, approvals of the Planning Commission are valid for two years. The building permit has not been issued, therefore the applicant has submitted for an extension of the permit. The extension request letter is attached (Attachment A).

Since the Planning Commission originally approved the permit, they have the power to grant, "one or more extensions, each of which shall be for one year." Both Section 17.81.160 and Coastal Zone Ordinance Section 17.46.120 state that a request for an extension may be granted upon a finding that no relevant substantial change of circumstances, regulations or planning policies has occurred and that such extension would not be detrimental to the purpose of the certified local coastal program and zoning ordinance. Since neither the physical characteristics of the lot nor the zoning ordinance has changed since approval of the permit, staff supports the request.

It should be noted that while the Planning Commission has the authority to approve or deny extensions, additional conditions may not be imposed on the project unless codes and/or circumstances have changed.

**RECOMMENDATION**

It is recommended that the Planning Commission **approve** the request for a one-year extension, subject to the following finding. If approved, this finding is in addition to the findings made for the original permit:

- A. A substantial change of circumstances has not occurred since Planning Commission approval of the permit on December 7, 2006. An additional one-year extension of the permit to January 15, 2016, would not be detrimental to the purpose of the certified local coastal program and zoning ordinance.**

The Planning Commission finds that neither the physical characteristics of the lot nor the zoning ordinance has changed since approval of the permit on December 7, 2006. Therefore, one-year extension (to January 15, 2016) of said permit is appropriate.

**ATTACHMENTS**

- A. Request for extension letter from Lisa & Justin Maffia, dated November 25, 2014
- B. December 7, 2006 Staff Report, Project Plans and Planning Commission Minutes

**Report Prepared By: Ryan Safty  
Assistant Planner**



November, 25<sup>th</sup> 2014

RECEIVED  
DEC 01 2014  
CITY OF CAPITOLA

Dear Capitola Planning Commission,

We are writing this letter to request an extension on our design permit (# 06-061) for the remodel & addition of our home, located at 904 Sir Francis Ave., Capitola 95010. We are now financially stable enough to move forward with our project that originally we had started designing in 2006.

We are hoping to break ground this spring with our remodel project and have recently met with our drafter (Chuck Burket from The Final Draft) to make some minor revisions that will better suit our family's needs. Our permit is set to expire on December 4<sup>th</sup>, 2014. Please allow our permit to be extended into this next year so we can begin our project as weather permits this spring, 2015. Feel free to contact us with any questions that may arise.

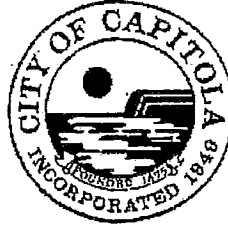
Thank you,

Lisa & Justin Maffia



831-227-3681

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 21, 2006 (AGENDA: DECEMBER 7, 2006)

SUBJECT: **904 SIR FRANCIS DRIVE – PROJECT APPLICATION #06-061**  
 COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR THE  
 REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE AND  
 CONSTRUCTION OF A NEW SECOND-STORY IN THE R-1 (SINGLE-  
 FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-222-07)  
 CATEGORICALLY EXEMPT. FILED 09/11/06 \*1  
 PROPERTY OWNER: JUSTIN & LISA MAFFIA  
 REPRESENTATIVE: CHUCK BURKET

### APPLICANT'S PROPOSAL

The applicant is proposing to remodel an existing one-story single-family residence at 904 Sir Francis Drive in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<b>STRUCTURAL DATA</b>				
<b>SETBACKS</b>		<b>Required</b>	<b>Existing</b>	<b>Proposed</b>
<b>Front Yard</b>				
	Driveway	20'	20'	20'
	1 <sup>st</sup> Story	15'	20'	20'
	2 <sup>nd</sup> Story	20'	N/A	21'
<b>Rear Yard</b>				
	1 <sup>st</sup> Story	21'	36'	36'
	2 <sup>nd</sup> Story	21'	N/A	38'
<b>Side Yard</b>				
	1 <sup>st</sup> Story	5'-6"	6' (l) & 9'-6" (r)	6' (l) & 9'-6" (r)
	2 <sup>nd</sup> Story	8'-3"	N/A	8'-3" (l) & 9'-6" (r)
<b>HEIGHT</b>		25'		25'

<b>FLOOR AREA RATIO</b>	<b>Lot Size</b>	<b>MAX (48%)</b>	<b>Existing (27%)</b>	<b>Proposed (48%)</b>
	6,120 sq. ft.	2,938 sq. ft.	1,639 sq. ft.	2,937 sq. ft.
	<b>Habitable Space</b>	<b>Garage</b>	<b>Porch/Decks</b>	<b>Total</b>
Proposed First Story	1,526 sq. ft.	365 sq. ft.	N/A	1,891 sq. ft.
Proposed Second Story	1,046 sq. ft.	-	N/A	1,046 sq. ft.
Proposed TOTAL	2,572 sq. ft.	365 sq. ft.	N/A	2,937 sq. ft.
<b>PARKING</b>	<b>Required</b>	<b>Proposed</b>		
	1 covered spaces	1 covered spaces		
	3 uncovered spaces	3 uncovered spaces		
Total	4 spaces	4 spaces		

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On October 11, 2006, the Architectural and Site Review Committee reviewed the application. Staff discussed changes that were required for the proposed Floor Area Ratio (FAR), as the proposed project was over the allowed FAR. Staff requested that the applicant confirm the square footages for both the first and second floors. Regarding parking for the site, staff asked the applicant to provide for the required uncovered parking, and to work with the City's Public Works Director on the design guidelines for the driveway approach.

City architect Frank Phanton, suggested modifications to the roof design and noted that the pitch for the first story should be different from the pitch of the second story, which the applicant agreed to.

City Landscape Architect Jennifer Clark-Colfer stated that the applicant should consider enhancing the proposed landscaping by adding more plantings, and that any new landscaping should be diverse and include drought tolerant plants. It was also requested that the applicant provide a complete landscaping plan for the project, including adding a legend or landscaping key showing plant type (botanical and common name), quantity, size and location. Also, any existing trees or significant amount of landscaping to be removed shall be noted on the plans.

City Public Works Director Steve Jesberg stated that any curb, gutter or sidewalk that is deteriorated or is damaged during construction shall be replaced as per the city's standards.

DISCUSSION

The applicant is proposing to remodel an existing 1,639 square foot one-story single-family residence at 904 Sir Francis Drive in the R-1 (Single Family Residence) zoning district.

The existing parcel size is 6,120 square feet, and the existing structure is 1,274 square feet with a 365 square foot garage. The new improvements will consist of a remodeled first floor with a 252 square foot addition for a total of 1,526 square feet, a second story addition of 1,046 square feet

and a 365 square foot garage for a total square footage of 2,937. The proposed floor area ratio is 48%, which meets the allowed FAR. A side yard set back of 6 feet is proposed for the left side and 9'-6" is proposed for the right side. A 20-foot front yard set back and a 36-foot rear yard set back is also provided.

The exterior of the new home will be "mocha" stucco with "tan" trim, window trim will be "sand" and the concrete tile roof will be in an off-brown tone. The front porch entry columns will be finished with a stone veneer.

The existing landscape shall remain and be enhanced with additional landscaping that will be similar in the type and variety of plantings.

### RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #06-061 based on the following Conditions and Findings for Approval.

### CONDITIONS

1. The project approval consists of a remodeled first floor with a total of 1,526 square feet, a second story addition of 1,046 square feet and a 365 square foot garage for a total of 2,937 square feet.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. A note shall be placed on the final building plans indicating that the utilities shall be underground to the nearest utility pole in accordance with Public Works Department requirements.
4. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
5. If any trees, large shrubs or significant landscaping are to be removed as a result of the project, the applicant shall provide a supplemental landscape plan to be submitted with the building permit application. The plan shall include the quantity, or specific number of plants for each plant type, their container size, special planting requirements and spacing between plants, subject to the approval of the Director of Planning.
6. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.

8. Construction hours shall be limited to Monday through Friday 7:30am to 9pm., Saturday 9:00am to 4:00pm, and prohibited on Sundays.

FINDINGS

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

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

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

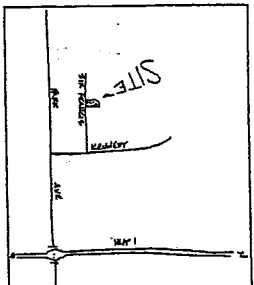
Section 15301(e)(2) of the CEQA Guidelines exempts additions to structures that are less than 10,000 square feet if the project is in an area where all public facilities are available to allow for the development and the project is not located in an environmentally sensitive area. This project involves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

Report Prepared By: John Akeman  
Associate Planner

Approved by: \_\_\_\_\_  
Juliana Rebagliati, Community Development Director

- DRAWING INDEX**
- 01 SITE PLAN/CONTRACT SHEET
  - 02 LANDSCAPE PLAN
  - 03 EXISTING ROOF PLAN
  - 04 PROPOSED ROOF PLAN
  - 05 PROPOSED UTILITY PLAN
  - 06 UTILITY ELEVATIONS

**VICINITY MAP**



**SITE DATA**

LOT AREA: 4780 sq ft  
 RES DEVELOPMENT UT COVERAG: 2682 (56%)  
 PAR-DEVELOPMENT UT COVERAG: 1112 (23%)

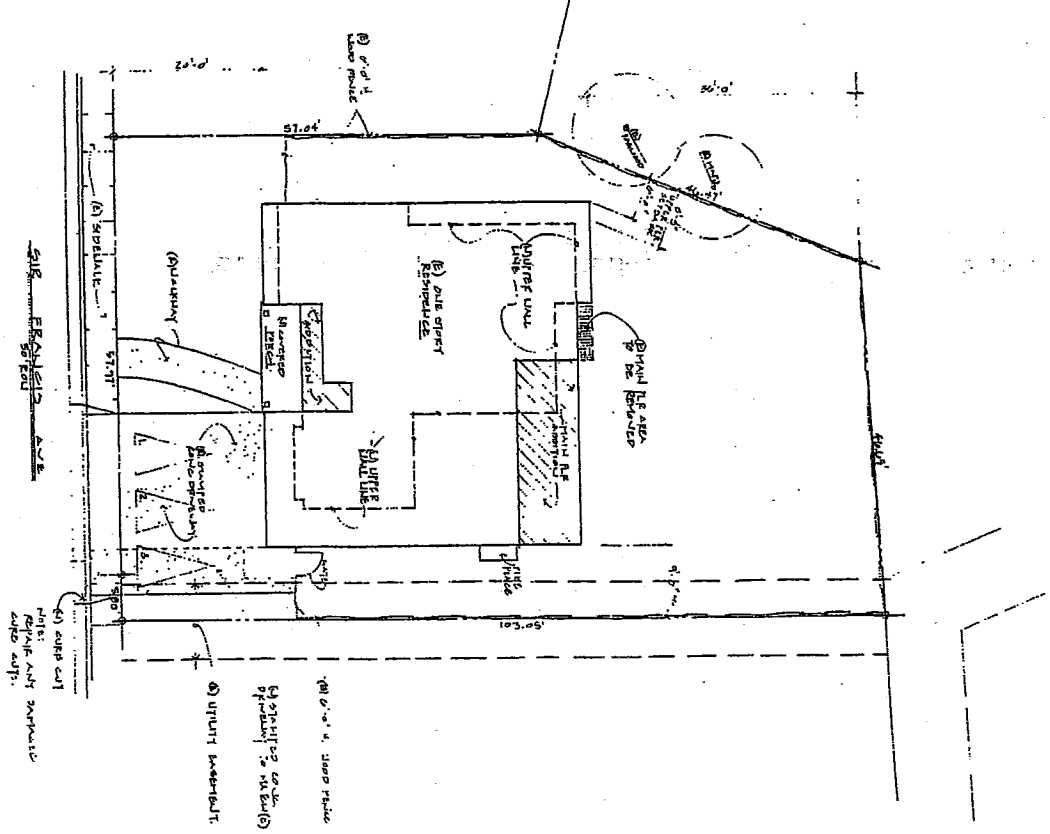
PROPOSED ROOF AREA: 1525 sq ft  
 EXISTING ROOF AREA: 1274 sq ft  
 PROPOSED UTILITY AREA: 305 sq ft  
 EXISTING UTILITY AREA: 1070 sq ft

PRJ: 061R



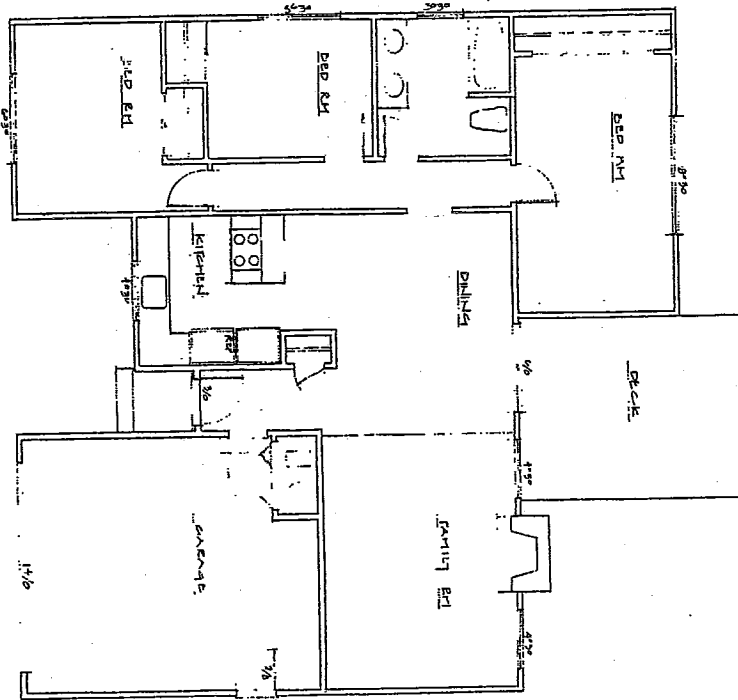
**SITE PLAN**

APR: 06-22-07



06-061R

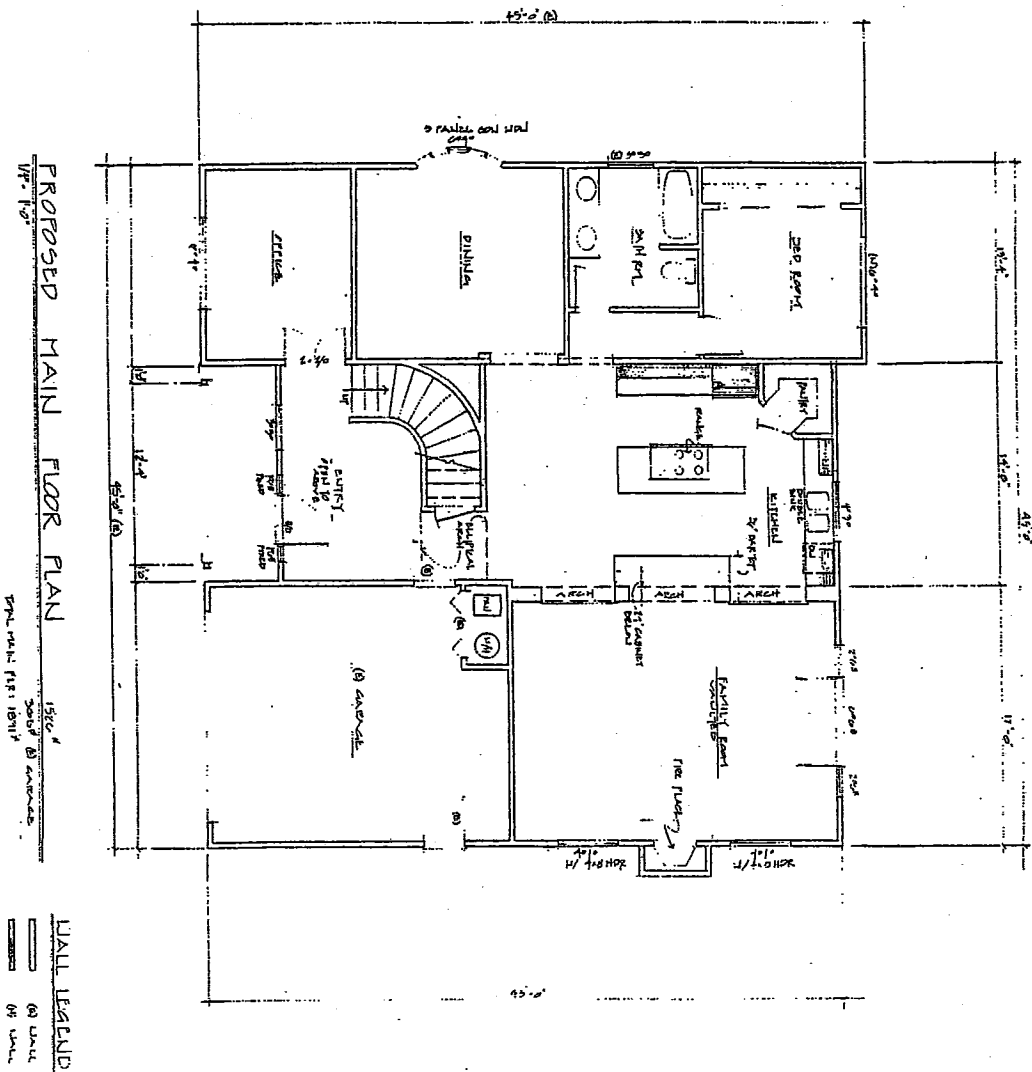
06-061R



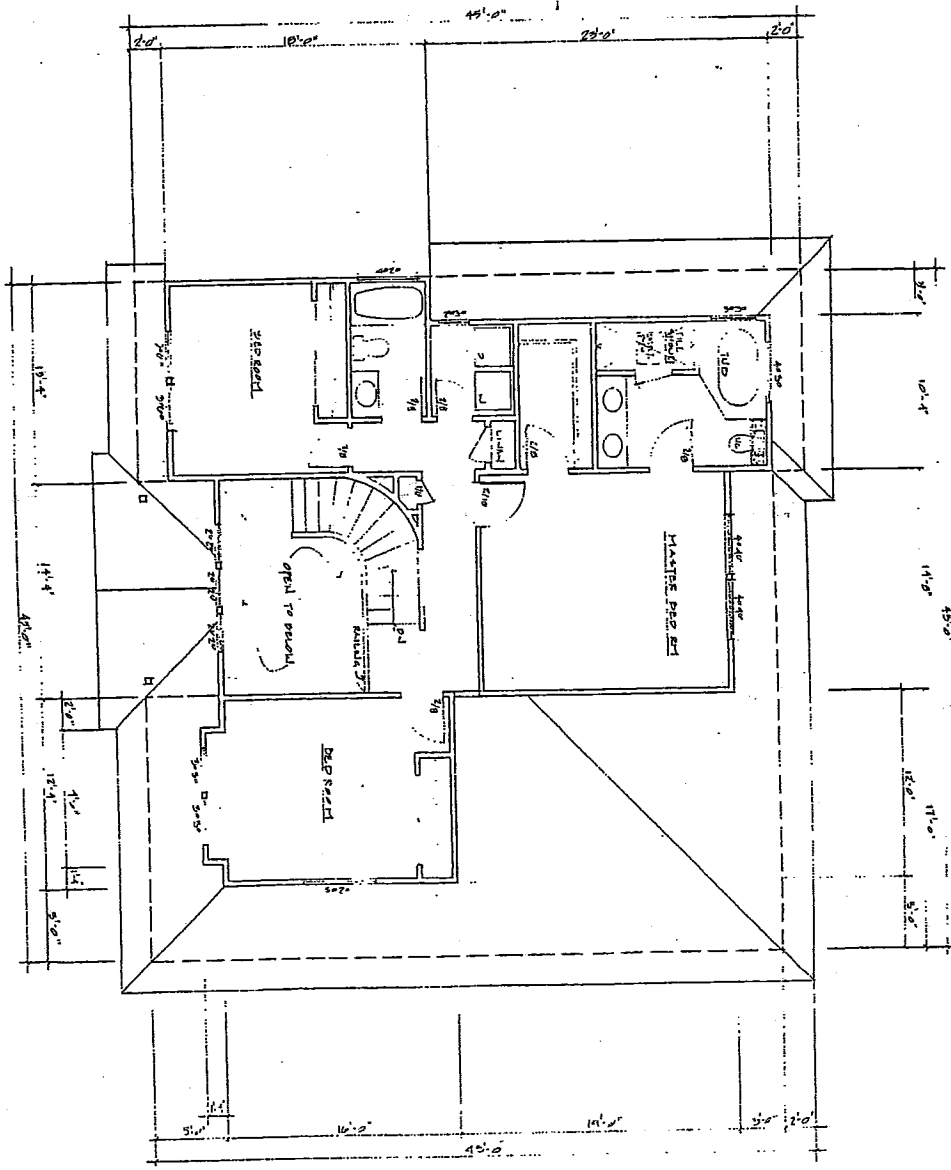
EXISTING MAIN FLOOR PLAN

DATE: 12/14/09  
DRAWN BY: [unclear]





PROPOSED UPPER FLOOR PLAN  
1/4" = 1'-0"



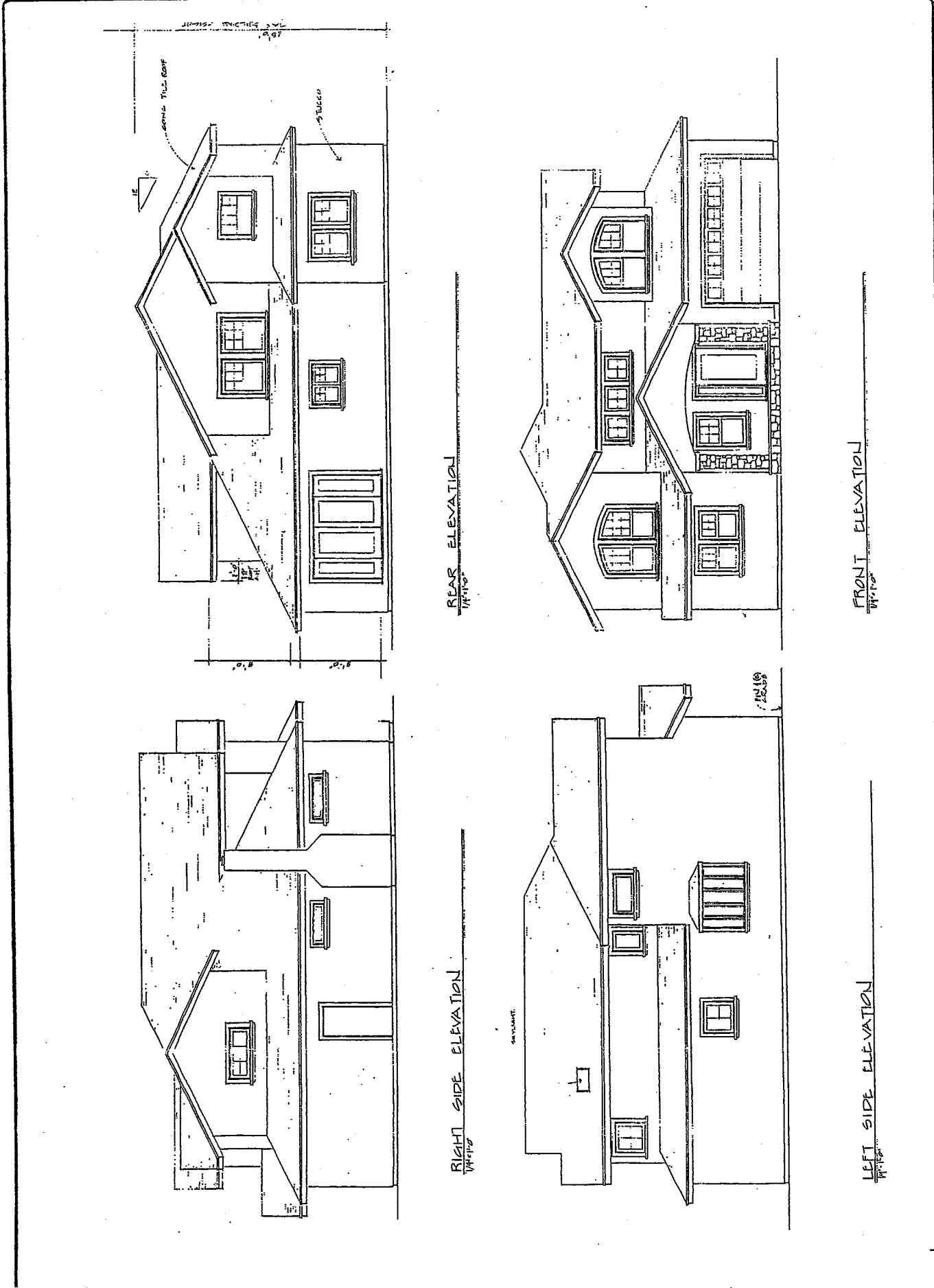
NO.	
REVISIONS	



THE FINAL DRAFT  
 1871 405 0178  
 1871 405 0178  
 1871 405 0178

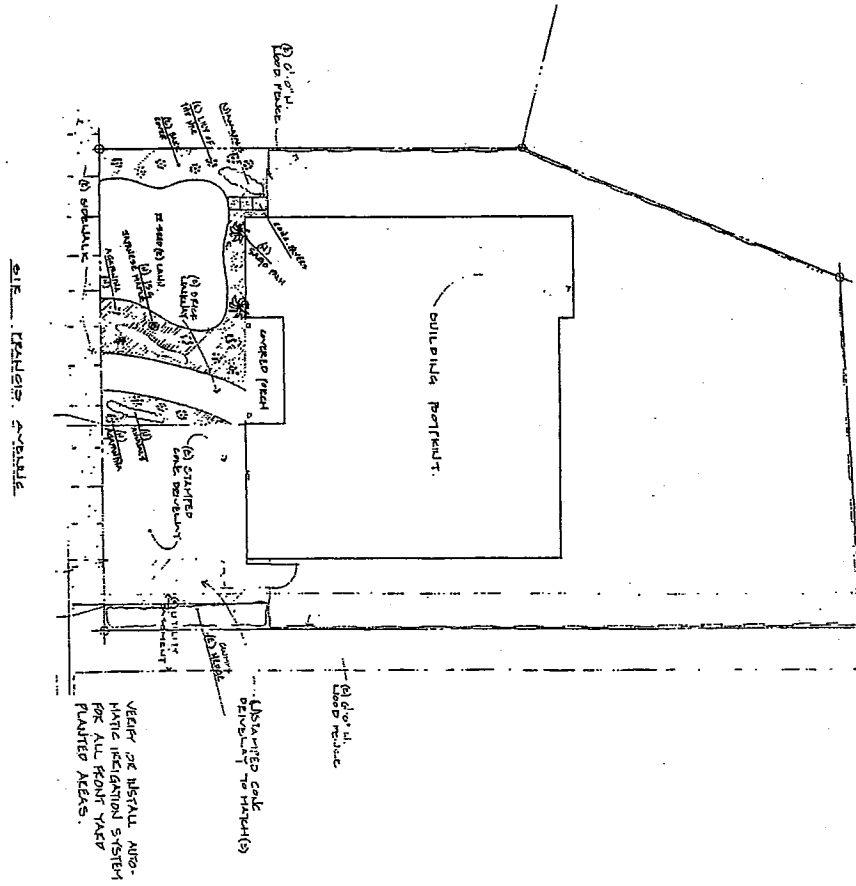
A PROPOSED APPROVAL FOR:  
 JESSICA L. A. WARRIA  
 1871 405 0178  
 1871 405 0178

DATE	
BY	
REVISION	
DATE	
BY	
REVISION	
DATE	
BY	
REVISION	





LANDSCAPE PLAN  
Version



Capitola Planning Commission Minutes –December 7, 2006

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

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as the Guidelines for Single Family Residential Projects. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

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

**MOTION PASSED**

**PUBLIC HEARINGS**

- 904 SIR FRANCIS DRIVE – PROJECT APPLICATION #06-061**  
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR THE REMODEL OF AN EXISTING SINGLE FAMILY RESIDENCE AND CONSTRUCTION OF A NEW SECOND-STORY IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING DISTRICT. (APN 036-222-07) CATEGORICALLY EXEMPT. FILED 09/11/06 \*1  
PROPERTY OWNER: JUSTIN & LISA MAFFIA  
REPRESENTATIVE: CHUCK BURKET

**A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER HALE TO APPROVE APPLICATION #06-061, SUBJECT TO THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

*Capitola Planning Commission Minutes –December 7, 2006*

1. The project approval consists of a remodeled first floor with a total of 1,526 square feet, a second story addition of 1,046 square feet and a 365 square foot garage for a total of 2,937 square feet.
2. The Planning Commission must approve any significant modifications to the size or exterior appearance of the structure.
3. A note shall be placed on the final building plans indicating that the utilities shall be underground to the nearest utility pole in accordance with Public Works Department requirements.
4. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
5. If any trees, large shrubs or significant landscaping are to be removed as a result of the project, the applicant shall provide a supplemental landscape plan to be submitted with the building permit application. The plan shall include the quantity, or specific number of plants for each plant type, their container size, special planting requirements and spacing between plants, subject to the approval of the Director of Planning.
6. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
8. Construction hours shall be limited to Monday through ~~Saturday~~ Friday 8:00 AM to 6:00 PM ~~7:30am to 9pm., Saturday 9:00am to 4:00pm, and prohibited on Sundays.~~

FINDINGS

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

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

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District, as well as

Capitola Planning Commission Minutes –December 7, 2006

the Guidelines for Single Family Residential Projects. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

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

**MOTION PASSED**

2. **422 MCCORMICK AVENUE- PROJECT APPLICATION #06-062**  
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW FOR  
CONSTRUCTION OF A NEW TWO-STORY SINGLE FAMILY RESIDENCE IN  
THE PD (PLANNED DEVELOPMENT) ZONING DISTRICT. (APN 036-094-41)  
CATEGORICALLY EXEMPT. FILED 9/20/06 \*1  
PROPERTY OWNER/APPLICANT: STEPHEN P. GRAVES

**A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY  
COMMISSIONER NEWMAN TO CONTINUE APPLICATION #06-062 TO THE 21<sup>ST</sup>  
OF DECEMBER**

**MOTION PASSED 3-0**

3. **701 GILROY DRIVE- PROJECT APPLICATION #06-068**  
COASTAL PERMIT AND ARCHITECTURAL AND SITE REVIEW TO DEMOLISH  
A SINGLE-FAMILY HOUSE AND CONSTRUCT A NEW TWO-STORY SINGLE-  
FAMILY HOUSE IN THE R-1 (SINGLE-FAMILY RESIDENCE) ZONING  
DISTRICT. (APN 035-062-05). FILED 10/24/06 \*1  
PROPERTY OWNERS: SKIP & WENDY ARSENAULT  
APPLICANT: ROBIN BROWNFIELD

**A MOTION WAS MADE BY COMMISSIONER HALE AND SECONDED BY  
COMMISSIONER NEWMAN TO APPROVE APPLICATION #06-068, SUBJECT TO  
THE FOLLOWING CONDITIONS AND FINDINGS:**

**CONDITIONS**

1. The project approval consists of a new 1,497 square foot two-story single-family residence, with a 243 square foot carport at 701 Gilroy Drive in the R-1 (Single Family Residence) zoning district.

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## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JANUARY 15, 2015

SUBJECT: **200 Monterey Ave #2**                      **#14-166**                      **APN: 035-261-07**  
Conditional Use Permit for the sale of alcohol at Taqueria Baja Restaurant located in the CV (Central Village) Zoning District.  
This project does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: Barbara Reding  
Representative: Tom Lindemann, filed 11/10/14

### **APPLICANT PROPOSAL**

The applicant submitted a request for a Conditional Use Permit (CUP) for the sale of beer and wine at the existing multi-tenant commercial building located at 200 Monterey Avenue Suite #2 in the CV (Central Village) zoning district. The proposed use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

### **DISCUSSION**

The property is located at 200 Monterey Avenue within the Central Village. The property neighbors commercial uses along Monterey Avenue and backs up to the residences on El Camino Medio. Monterey Avenue has a mix of retail, restaurant, and personal service establishments. There are single family homes along El Camino Medio that back up to the Depot Hill bluff.

#### **Conditional Use Permit**

The applicant is requesting a Conditional Use Permit for Type 41 liquor license for the onsite sale and consumption of beer and wine within the existing Taqueria Baja Restaurant. In considering an application for a CUP, the Planning Commission must give due regard to the nature and condition of adjacent uses and structures. The municipal code lists additional requirements and review criteria for some uses within the CUP consideration (§17.60.030). There are no specific considerations or requirements for the sale of alcohol within the ordinance. In issuing the CUP, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest.

The restaurant hours are daily from 11 AM to 7 PM. No live music or entertainment is proposed. Food is prepared in the kitchen for onsite dining or carry out. The conditions of the permit will limit alcohol sales to onsite consumption. No changes are proposed to the interior layout of the restaurant, the exterior façade, or the existing sign. Parking requirements are not influenced by the application.

Staff met with Police Chief Escalante to discuss the alcohol permit. The Chief did not have any concerns with the application. Conditions have been added to the permit to ensure alcohol is only

served onsite, no entertainment is allowed without a permit, and that the permit may be brought back to Planning Commission if any issues were to arise. Community Development staff does not have concerns for the alcohol permit at this location. This area is heavily visited by tourist and provides additional options during their visit.

### **CEQA**

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves an existing restaurant use serving alcohol within an existing restaurant space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

### **RECOMMENDATION**

Staff recommends the Planning Commission approve application #14-166, subject to the following conditions and based upon the following findings:

### **CONDITIONS**

1. The project approval consists of a Conditional Use Permit to allow beer and wine sales at the existing Taqueria Baja Restaurant located at 200 Monterey Avenue Suite #2. No modifications to the exterior or interior of the building are proposed. Parking requirements are not affected by this application.
2. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
3. No live or amplified entertainment is approved within this permit (14-166). An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department. No loitering
4. Patrons shall not be allowed to leave with open alcoholic beverage containers.
5. Applicant shall maintain a place free from litter and graffiti.
6. Permits are non-transferrable.
7. The applicant shall receive permission from ABC prior to January 15, 2017. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon the land pursuant to the permit.
8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

### **FINDINGS**

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed sale of business may be granted a conditional use permit for the sale of alcohol within the CV Zoning District. The use meets the intent and purpose

of the Central Village Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

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

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. This area of the City is a mix of commercial and residential uses. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves an existing restaurant with the additional use of beer and wine sales. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

**ATTACHMENTS**

A. Business Plan

**Report Prepared By:           Katie Cattan  
Senior Planner**

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# TAQUERIA BAJA

November 2014

## Conditional Use Permit Application for Alcohol Sales

**Business Plans:** We intend to continue running the restaurant in the same manner as it has operated for many years under several different owners. We serve authentic Mexican Food freshly prepared in our kitchen along with soft drinks, horchata (a traditional Mexican drink) and other non-alcoholic beverages. The only change we propose is to acquire a Type 41 On-Sale beer and wine license.

**Hours of Operation:** We are generally open from 11 AM until 6 or 7 PM depending on the time of the year. There will be no changes to our hours.

**Live Music:** There will be no live music.

**Current Operations:** We are a restaurant serving food for eating in and take out.

**Type of Liquor License:** Type 41 – On-Sale Beer & Wine for Bona Fide Eating Place

**Signs:** No change to the signs

**Interior Layout/Seating Changes:** No change to the interior or the seating

Aerial View

GOOGLE

36°58'21.99" N 121°57'01.52" W elev 2

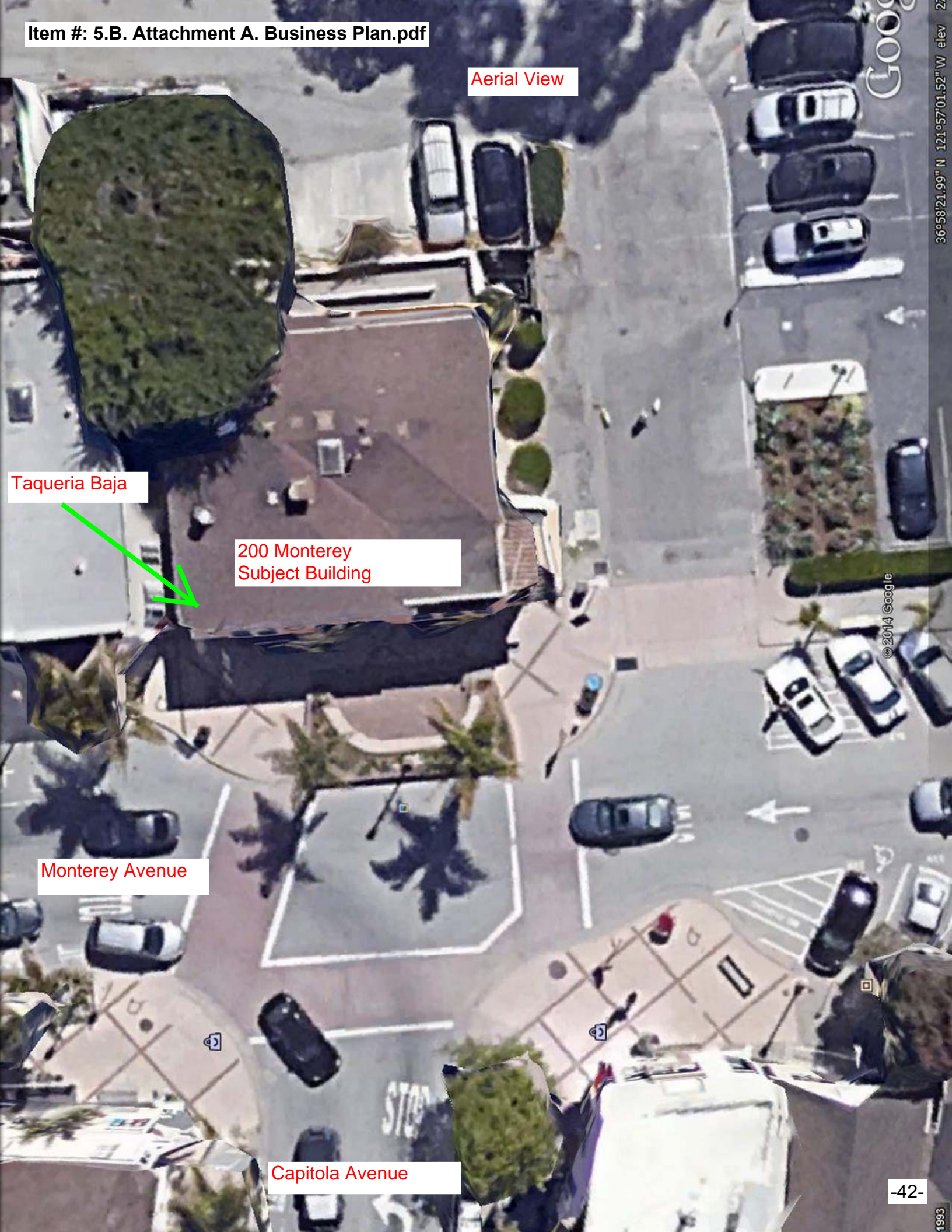
© 2014 Google

Taqueria Baja

200 Monterey  
Subject Building

Monterey Avenue

Capitola Avenue



PROJECT APPLICATION #14-166  
200 Monterey Ave #2, Capitola, CA  
Conditional Use Permit for Alcohol

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 200 Monterey Avenue. The business is not located in an area with coastal access. The alcohol permit 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 at 200 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 no 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 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 in an existing commercial building. There are no sensitive habitat areas on the property.

**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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 commercial use within an existing commercial 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 a commercial use within an existing commercial lot of record. The project complies with applicable standards and requirements for provision for parking, pedestrian access, 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 Central Fire District. Water is available at the location.

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

- The project is a commercial use within an existing commercial lot of record. 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;***

- The project involves a commercial use within an existing commercial building. There are no impacts to natural resource, habitat, and archaeological resources.

***(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;***

- There are no modifications to drainage on the site proposed within the application. The footprint of the building is not being modified.

***(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;***

- There are no structures proposed therefore geological engineering reports are not required.

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

- All geological, flood, and fire hazards are accounted for and mitigated in the project design.

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

- The proposed project is not located along a shoreline.

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

**Item #: 5.B. Attachment B. Coastal Findings.pdf**

- This use is an allowed 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:***

- There is not increase in intensity of use and therefore no impact on parking.



## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: JANUARY 15, 2015

SUBJECT: **1200 41<sup>st</sup> Avenue Suite C #14-181 APN: 034-101-38**  
 Conditional Use Permit for an Asian Bakery and Dim Sum Restaurant located in the CC (Community Commercial) Zoning District.  
 This project is located in the Coastal Zone but does not require a Coastal Development Permit.  
 Environmental Determination: Categorical Exemption  
 Property Owner: Begonia Plaza, LLC  
 Representative: Karen Huan, filed 12/18/14

### **APPLICANT PROPOSAL**

The applicant submitted a request for a Conditional Use Permit (CUP) for a restaurant at the existing Begonia Plaza located at 1200 41<sup>st</sup> Avenue Suite #C in the CC (Community Commercial) zoning district. The proposed use is consistent with the General Plan, Local Coastal Plan, and Zoning Ordinance with the issuance of a Conditional Use Permit.

### **DISCUSSION**

The property is located at 1200 41st Avenue within the Begonia Plaza. Begonia Plaza is a multi-tenant building with a mix of commercial land uses including: retail, restaurants, personal service establishments, a grocery store, and a fitness center. Suite C is currently occupied by an Asian market.

There is a master use permit for the Begonia Plaza. Within the master use permit, a bakery is listed as an allowed use and a restaurant is listed as a conditional use. A restaurant is defined as "a retail food service establishment in which food or beverage is prepared and sold for on-site consumption". The proposed Asian bakery and Dim Sum restaurant meets this definition due to the proposed seating for on-site consumption of food. A conditional use permit is therefore required.

### **Conditional Use Permit**

In considering an application for a CUP, the Planning Commission must give due regard to the nature and condition of adjacent uses and structures. The municipal code lists additional requirements and review criteria for some uses within the CUP consideration (§17.60.030). There are no specific considerations or requirements for a restaurant within the ordinance. In issuing the CUP, the Planning Commission may impose requirements and conditions with respect to location, design, siting, maintenance and operation of the use as may be necessary for the protection of the adjacent properties and in the public interest.

The restaurant will be open daily from 8 AM to 8 PM. No live music or entertainment is proposed. Food is prepared in the kitchen for onsite consumption, carry out, or delivery. The owner expects the

majority of food to be ordered for carry out or delivery. The restaurant will not serve alcohol. The suite is 930 square feet. The food preparation area will be toward the back of the suite. The front of the restaurant will be utilized for seating. Two tables are proposed in the front area. No changes are proposed to the exterior façade of the building.

#### Parking

There are 173 parking spaces at the Begonia Plaza. The master conditional use permit requires 1 space per 240 square feet of occupied tenant space. The 931 square foot commercial space is required to have 4 parking spaces. The size of the tenant space is not changing; therefore, there is no increase in the parking requirement pursuant to the master conditional use permit.

#### CEQA

This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations. The proposed project involves a restaurant within an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

#### RECOMMENDATION

Staff recommends the Planning Commission approve application #14-181, subject to the following conditions and based upon the following findings:

#### CONDITIONS

1. The project approval consists of a Conditional Use Permit for an Asian Bakery at 1200 41<sup>st</sup> Avenue Suite C. The interior space will be renovated to include a bakery counter, seating area, and kitchen preparation area. No modifications to the exterior of the building are proposed.
2. No live or amplified entertainment is approved within permit 14-181. An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department.
3. Prior to issuance of building permit, all Planning fees associated with permit #14-181 shall be paid in full.
4. Prior to issuance of a Certificate of Occupancy, the applicant shall apply for a business license from the City.
5. 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.
6. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.

#### FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed restaurant may be granted a conditional use permit

within the CC Zoning District. The use meets the intent and purpose of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

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

Community Development Department Staff and the Planning Commission have reviewed the proposed use and determined that the use complies with the applicable provisions of the Zoning Ordinance and maintain the character and integrity of this area of the City. The restaurant is located in a commercial plaza. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves a restaurant within an existing commercial plaza. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

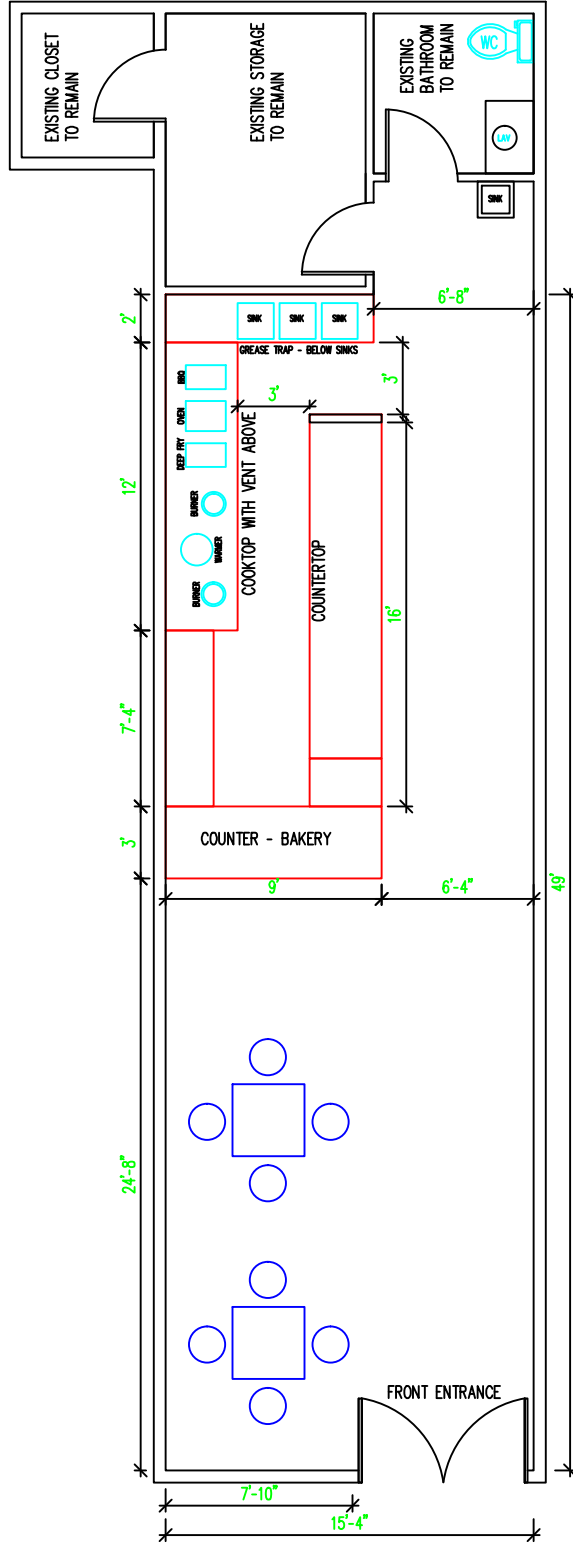
**ATTACHMENTS**

- A. Floor Plan
- B. Business Plan

**Report Prepared By:           Katie Cattan  
Senior Planner**

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ASIAN BAKERY  
 1200 41ST AVE #C CAPITOLA CA 95010  
 PROPOSED REMODEL EXISTING SPACE 751 SF  
 SCALE: 1/8"=1'-0"  
 DATE: 22 DEC 2014

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Business Plan

Asian Bakery

Location: 1200 41<sup>st</sup> Ave. #C. Capitola, CA 95010

Store Hours: 8:00 am to 8:00 pm

Business Description: Serve Asian Dim Sum (Varieties of Chinese steamed bread and Buns with BBQ meat inside, Pot sticker, baked food.) Noodle soup, Etc. Food prepared to be consumed on site or to go and delivered.

Settings: There will be two tables with four chairs for each table for customers who can seat to eat or waiting for their orders.

We also serve beverage, tea, coffee & soft drinks for customers to consume.

No entertainment such as live music.

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