AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, January 21, 2021 – 7:00 PM

Chairperson	Ed Newman
Commissioners	Courtney Christiansen
	Mick Routh
	Susan Westman
	Peter Wilk

NOTICE OF REMOTE ACCESS ONLY:

In accordance with the current Order from Santa Cruz County Health Services and Executive Order regarding social distancing, the Planning Commission meeting will not be physically open to the public and in person attendance cannot be accommodated.

To watch:

1. Online http://capitolaca.iqm2.com/Citizens/Default.aspx
2. Spectrum Cable Television channel 8
3. Zoom Meeting (link and phone numbers below)

To participate remotely and make public comment:

1. Send email:
    a. As always, send additional materials to the Planning Commission via planningcommission@ci.capitola.ca.us by 5 p.m. the Wednesday before the meeting and they will be distributed to agenda recipients.
    b. During the meeting, send comments via email to publiccomment@ci.capitola.ca.us
        - Identify the item you wish to comment on in your email's subject line. Emailed comments will be accepted during the Public Comments meeting item and for General Government / Public Hearing items.
        - Emailed comments on each General Government/ Public Hearing item will be accepted after the start of the meeting until the Chairman announces that public comment for that item is closed.
        - Emailed comments should be a maximum of 450 words, which corresponds to approximately 3 minutes of speaking time.
        - Each emailed comment will be read aloud for up to three minutes and/or displayed on a screen.
        - Emails received by publiccomment@ci.capitola.ca.us outside of the comment period outlined above will not be included in the record.

2. Zoom Meeting (Via Computer or Phone)
    a. Please click the link below to join the meeting:
        - https://us02web.zoom.us/j/88280956876?pwd=RjlKVG9MT2E2c1FHTEdTOUNmeE96QT09 (link is external)
        - If prompted for a password, enter 726979
        - Use participant option to "raise hand" during the public comment period for the item you wish to speak on. Once unmuted, you will have up to 3 minutes to speak
    b. Dial in with phone:

- Before the start of the item you wish to comment on, call any of the numbers below. If one is busy, try the next one
- **1 669 900 6833**
- **1 408 638 0968**
- **1 346 248 7799**
- **1 253 215 8782**
- **1 301 715 8592**
- **1 312 626 6799**
- **1 646 876 9923**
- Enter the meeting ID number: **882 8095 6876**
- When prompted for a Participant ID, press #
- Press *6 on your phone to “raise your hand” when the Chairman calls for public comment. It will be your turn to speak when the Chairman unmutes you. You will hear an announcement that you have been unmuted. The timer will then be set to 3 minutes.

REGULAR MEETING OF THE PLANNING COMMISSION - 7 PM

All correspondences received prior to 5:00 p.m. on the Wednesday preceding a Planning Commission Meeting will be distributed to Commissioners to review prior to the meeting. Information submitted after 5 p.m. on that Wednesday may not have time to reach Commissioners, nor be read by them prior to consideration of an item.

All matters listed on the Regular Meeting of the Capitola Planning Commission Agenda shall be considered as Public Hearings.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. NEW BUSINESS

A. Swearing-In of New Commissioner

B. Nomination of Chair and Vice Chair

C. Commission Appointments

1. Art & Cultural 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. Planning Commission - Regular Meeting - Dec 3, 2020 7:00 PM

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. 114A Stockton Avenue #20-0461 APN: 035-231-13
Design Permit for a residential lift for a mixed-use structure located within the C-V (Central Village) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Rickey Feldner
Representative: Frank Phanton, Architect, Filed: 11.09.2020

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.

A. 4630 Capitola Road #20-0500 APN: 034-031-28

Appeal of an administrative denial of a tree removal application located within the CR (Commercial Residential) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Mark Vincent
Representative: Mark Vincent, Filed: 12.02.20

7. DIRECTOR'S REPORT

8. COMMISSION COMMUNICATIONS

9. ADJOURNMENT

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a five hundred dollar ($500) 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 1st Thursday of each month at 7 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. 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.

DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, DECEMBER 3, 2020
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda – none

B. Public Comments

Councilmember Bottorff thanked his appointee, TJ Welch, for serving on the Planning Commission the last eight years.

C. Commission Comments

Commissioner Wilk thanked Commissioner Welch. Commissioner Wilk also asked that staff consider communicating the drainage site plan requirement earlier to project applicants and suggested updating the basic project application to include this requirement.

Director Herlihy thanked TJ Welch for his time on the Planning Commission.

D. Staff Comments – none

3. APPROVAL OF MINUTES

A. PLANNING COMMISSION - REGULAR MEETING - AUG 20, 2020 7:00 PM

MOTION:	**ADOPT THE MINUTES**
RESULT:	**ACCEPTED [3 TO 0]**
MOVER:	TJ Welch, Mick Routh
AYES:	Newman, Welch, Routh
ABSTAIN:	Wilk, Christiansen

Minutes Acceptance: Minutes of Dec 3, 2020 7:00 PM (Approval of Minutes)

B. Planning Commission - Regular Meeting - Sep 3, 2020 7:00 PM

MOTION:	**ADOPT THE MINUTES**
RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	TJ Welch, Chairperson
SECONDER:	Peter Wilk, Commissioner
AYES:	Newman, Welch, Wilk, Routh, Christiansen

C. Planning Commission - Regular Meeting - Nov 5, 2020 7:00 PM

MOTION:	**ADOPT THE MINUTES**
RESULT:	**ACCEPTED [UNANIMOUS]**
MOVER:	TJ Welch, Chairperson
SECONDER:	Peter Wilk, Commissioner
AYES:	Newman, Welch, Wilk, Routh, Christiansen

4. CONSENT CALENDAR

A. 1515 Prospect Avenue #20-0379 APN: 034-045-12

Design Permit for first- and second-story additions to a nonconforming single-family residence, a new detached Accessory Dwelling Unit (approved ministerially), and a revocable encroachment permit for a wall in the public right-of-way located within the R-1 (Single-Family Residential) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Peter Shamshoian
Representative: Richard L. Emigh, Filed: 09.14.2020

MOTION: Approve the Design Permit, Revocable Encroachment Permit, and Coastal Development Permit, with the following Conditions and Findings

CONDITIONS

1. The project approval consists of the construction of 306-square-feet of first- and second-story additions to a 1,518-square-foot, two-story, nonconforming, single-family residence, a new 540-square-foot accessory dwelling unit (approved ministerially under CMC §17.99.050(B)), and a minor encroachment permit for a 42-inch-tall stucco wall in the public right of way. The maximum Floor Area Ratio for the 3,200 square-foot property is 57% (1,824 square feet). The total FAR of the project is 57% with a total of 1,824 square feet, complaint 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 3, 2020, 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, Public Works Standard Detail SMP STRM 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 BMP STRM.

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of building permit, all Planning fees associated with permit #20-0379 shall be paid in full.

8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.

10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

15. Prior to a project final, all cracked or broken driveway approaches, 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.

16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

DESIGN PERMIT FINDINGS

A. The project, 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 proposed remodel of an existing single-family residence complies with the development standards of the Single-Family Residential District.

B. The project will maintain the character and integrity of the neighborhood.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a remodel of an existing single-family residence. The design of the remodel with horizontal Hardie Board siding, Hardie Board fish scale tile at the gable ends, and new Brava slate tile roof will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition, or 2,500 square feet, whichever is less. This project involves 306-square-feet (20%) of first- and second-story additions within the R-1 (Single-Family Residence) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	TJ Welch, Chairperson
SECONDER:	Mick Routh
AYES:	Newman, Welch, Wilk, Routh, Christiansen

5. PUBLIC HEARINGS

A. 2110 41st Avenue #20-0460 APN: 034-221-16

Design Permit and Conditional Use Permit Amendment to modify the site layout and building design and add two new canopies with vacuum drops at Master Car Wash, a car washing facility located within the C-R (Regional Commercial) zoning district.
This project is outside of the Coastal Zone and does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: David Karsan
Representative: Bill Kempf, Architect, Filed: 11.06.2020

Associate Planner Orbach presented the staff report.

Commissioner Wilk asked about staff's justification for setting an expiration for one of the two approved design permits upon issuance and suggested that the expiration date be set to a later time. He also questioned the necessity of the tree-screen requirement.

During public comment, Mr. Bill Kempf, designer, said he would be more in favor of a wooden fence on top of the retaining wall and asked if the soils report requirement could be removed. Chair Newman asked if a similar car wash concept existed in the County, Mr. Kempf responded that there are similar car washes but this one would have more self-service.

A neighbor resident spoke about excessive noise behind and across from the car wash and said that due to concerns with how the wall was initially installed she would appreciate both an engineer's and soils report to take place.

Mr. Kempf responded that safety is important to him and his client and that any such requirements would be taken seriously.

Associate Planner Orbach clarified that the soils report will ultimately be required by the Building Official if she finds it necessary based upon the engineering report.

Commissioner Wilk agreed that the safety of the wall is critical for neighboring properties. He recommended that the expiration of the secondary design permit either be eliminated or extended by six months.

Commissioner Routh agreed with making the soils report at the discretion of the Building Official and requiring a solid wood fence.

Commissioner Christiansen agreed with all previous comments and added that a tree screen seems significant to the project for the privacy of the neighboring areas.

Commissioner Welch said he was in favor of the project.

Commissioner Christiansen confirmed that there will be supervision on site of the self-service areas.

Chair Newman suggested the expiration of the secondary design permit should be the date of the project's final building inspection, asked that the soils report requirement language clearly state it is at the discretion of the Building Official, said the tree-screen condition should remain, and supported a solid wood fence on top of the retaining wall.

MOTION: Approve the Design and Conditional Use Permit with the following Conditions and Findings:

CONDITIONS

1. The project approval consists of modifications to the site layout and building design, the addition of two new canopies with vacuum drops, and a new monument sign at 2110 41st Avenue (Master Car Wash). The maximum Floor Area Ratio for the 25,090-square-foot property is 1.5 (37,635 square feet). The total FAR of the project is 0.12 with a total of 3,088 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 3, 2020, 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, Public Works Standard Detail SMP STRM 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 BMP STRM.

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of building permit, all Planning fees associated with permit #20-0460 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, Santa Cruz Water Department, 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 17.156.080.

17. ~~Upon issuance~~ At project final of a building permit for one of the two approved design options, the approval of the design option which is not constructed shall expire.

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

20. Property owner shall install a 6-foot-tall solid wood fence ~~masonry wall~~ along the rear property line.

21. Prior to building permit issuance, property owner shall provide an engineering analysis ~~and a soils report~~ for the retaining wall along the rear property line to ensure that the wall can continue to support the surcharge of vehicles adjacent to the rear lot line ~~and the new six-foot-tall masonry wall along the top of the retaining wall~~. Based on the results of the engineering analysis, a soils report may be required if, in the discretion of the Building Official, it is necessary.

CONDITIONAL USE PERMIT FINDINGS

A. The proposed use is allowed in the applicable zoning district.

The use is not listed in Table 17.24-1 under CMC §17.24.020. However, the use has been approved multiple times under conditional use permit #87-116, #03-087, and #06-050.

B. The proposed use is consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.
With a CUP and the proposed conditions of approval, the proposed use is consistent with the general plan, local coastal program, and zoning code.

C. The location, size, design, and operating characteristics of the proposed use will be compatible with the existing and planned land uses in the vicinity of the property.
The use is compatible with the existing land uses in the vicinity of the property except in terms of noise. In order to mitigate potential negative noise impacts from the car wash use, Condition of Approval #19 requires a 6-foot-tall solid masonry wall along the rear property line between the subject property and the residential development at 2109 and 2113 Derby Avenue.

D. The proposed use will not be detrimental to the public health, safety, and welfare.
City Staff, the Architecture and Site Review Committee, and the Planning Commission have all reviewed the project and determined that the proposed use will not be detrimental to the public health, safety, and welfare.

E. The proposed use is properly located within the city and adequately served by existing or planned services and infrastructure.
The proposed use is located along the 41st Avenue commercial corridor, which is within the City of Capitola and adequately served by existing services and infrastructure.

DESIGN PERMIT FINDINGS

A. The proposed project is consistent with the general plan, local coastal program, and any applicable specific plan, area plan, or other design policies and regulations adopted by the city council.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The proposed modifications to the site layout and building design comply with the development standards of the C-R (Regional Commercial) District. The project secures the purpose of the General Plan, and Local Coastal Program, and design policies and regulations adopted by the City Council.

B. The proposed project complies with all applicable provisions of the zoning code and municipal code.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the application for modifications to the site layout and building design. The project complies with all applicable provisions of the zoning code and municipal code.

C. The proposed project has been reviewed in compliance with the California Environmental Quality Act (CEQA).
Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed project involves site modifications for an existing car wash involving a negligible expansion of the existing use within the C-R (Regional Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

D. The proposed development will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the project. The proposed modifications to the site layout and building design will not be detrimental to the public health, safety, or welfare or materially injurious to the properties or improvements in the vicinity.

E. The proposed project complies with all applicable design review criteria in Section 17.120.070 (Design review criteria).

The Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have reviewed the application. The proposed modifications to the site layout and building design comply with all applicable design review criteria in Section 17.120.070.

SIGN PERMIT FINDINGS

A. The proposed signs are consistent with the general plan, local coastal program, zoning code, and any applicable specific plan or area plan adopted by the city council.
Community Development Staff and the Planning Commission have reviewed the project. The proposed monument sign complies with the development standards of the C-R (Regional Commercial) zoning district.

B. The proposed signs comply with all applicable standards in Chapter 17.80 (Signs).
Community Development Staff and the Planning Commission have reviewed the application for the new monument sign. The proposed monument sign complies with the standards in Chapter 17.80 (Signs).

C. The proposed sign will not adversely impact the public health, safety, or general welfare.
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed monument sign will not have adverse impact on public health, safety, or general welfare.

D. The number, size, placement, design, and material of the proposed signs are compatible with the architectural design of buildings on the site.
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposal is compatible with the architectural design of the buildings on the site.

E. The proposed signs are restrained in character and no larger than necessary for adequate identification.
Community Development Department Staff and the Planning Commission have reviewed the sign application and determined that the proposed monument sign is restrained in character and no larger than necessary for adequate identification.

F. This project is categorically exempt under Section 15311(a) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15311(a) of the CEQA Guidelines exempts the construction of on-premise commercial signs. This project involves a new monument sign within the C-R (Regional Commercial) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A. 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.
Section 15301 of the CEQA Guidelines exempts the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of existing or former use. The proposed project involves site modifications for an existing car wash involving a negligible expansion of the existing use. No adverse environmental impacts were discovered during project review by Planning Staff or the Planning Commission.

RESULT:	**APPROVED [UNANIMOUS]**
MOVER:	Peter Wilk, Commissioner
SECONDER:	Mick Routh
AYES:	Newman, Welch, Wilk, Routh, Christiansen

B. Capitola Village Bollards #20-0398 APN: N/A

Coastal Development Permit for the installation of anchors for 15 removable bollards/security barriers at three priority intersections within Capitola Village located within the C-V (Central Village) zoning district.
This project is in the Coastal Zone and requires a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: City of Capitola
Representative: Kailash Mozumder, City of Capitola, Filed: 09.25.2020

Associate Planner Orbach presented the staff report.

There was no public comment.

Commissioner Welch asked how the bollards would be secured, Public Works Engineer Mozumder replied that they would be individually capped and locked.

MOTION: Approve the Coastal Development Permit with the following Conditions and Findings.

CONDITIONS

1. The project approval consists of a Coastal Development Permit for the installation of 15 anchors for removable bollards/security barriers within Capitola Village in the C-V (Central Village) Zoning District. The improvements include removable bollards/security barriers anchors at three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on ~~November 5~~ December 3, 2020, except as modified through conditions imposed by the Planning Commission during the hearing.

2. 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

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A. This project is categorically exempt under Section 15322 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15322 of the CEQA Guidelines exempts projects characterized as normal operations of facilities for public gatherings. Specifically, 15322 exempts projects which consist of the normal operations of existing facilities for public gatherings for which the facilities were designed, where there is a past history of the facility being used for the same or similar kind of purpose. The project meets these criteria as the Esplanade has historically been utilized for public gatherings during special events, and no adverse environmental impacts were discovered during review of the proposed project.

COASTAL FINDINGS

D. Findings Required.

1. **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:**
   a. A statement of the individual and cumulative burdens imposed on public access and recreation opportunities based on applicable factors identified pursuant to subsection (D)(2) of this section. The type of affected public access and recreation opportunities shall be clearly described;
   b. An analysis based on applicable factors identified in subsection (D)(2) of this section of the necessity for requiring public access conditions to find the project consistent with the public access provisions of the Coastal Act;
   c. A description of the legitimate governmental interest furthered by any access conditioned required;
   d. An explanation of how imposition of an access dedication requirement alleviates the access burdens identified.

      · 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:

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.**
   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 buildout. 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 three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. The project is located in an area with coastal access. When in use, the project will allow safer pedestrian access to coastal areas.

   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 three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. No portion of the project is located along the shoreline or beach.

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 a history of public use in the proposed project area. The project involves the public right-of-way located at three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. The project is designed to increase the safety and accessibility of public sidewalks and streets for pedestrians during special events in the Capitola Village.

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 in the public right of way at three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. 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. The project will increase the safety of pedestrians utilizing the streets and sidewalks during special events by limiting vehicular access.

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 in the public right of way at three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place. 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.

3. 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 accessway on the subject land.

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

4. 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 mixed-use area without sensitive habitat areas.

b. Topographic constraints of the development site;

· The project is in the public right of way in the Capitola Village with no significant topographic constraints.

c. Recreational needs of the public;

· The project does not impact the 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.

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.

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 the installation of 15 removable bollards/security barriers at three priority intersections within Capitola Village.

SEC. 30223
Upland areas necessary to support coastal recreational uses shall be reserved for such uses, where feasible.

- The project involves the installation of 15 removable bollards/security barriers at three priority intersections within Capitola Village.

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

- The project involves the installation of 15 removable bollards/security barriers at three priority intersections within Capitola Village.

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 installation of 15 removable bollards/security barriers at three priority intersections within Capitola Village. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation, and/or traffic improvements.

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.

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.

10. **Demonstrated availability and adequacy of water and sewer services;**

    - The project is located in the public right of way at three priority intersections within Capitola Village: Esplanade/Stockton Avenue, Capitola Avenue/Stockton Avenue, and Monterey Avenue/Park Place.

11. **Provisions of minimum water flow rates and fire response times;**

    - The project is located in the public right of way at three priority intersections within Capitola Village, approximately 0.2 miles from the Central Fire Protection District Station 4.

12. **Project complies with water and energy conservation standards;**

    - The project involves the installation of 15 removable bollards/security barriers at three priority intersections within Capitola Village. The GHG emissions for the project are projected at less than significant impact.

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.

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.

15. **Project complies with natural resource, habitat, and archaeological protection policies;**

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

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.

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.

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.

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.

20. **Project complies with shoreline structure policies;**

    · The proposed project is not located along a shoreline.

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

    · Not applicable.

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

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

23. **Project complies with the Capitola parking permit program as follows:**
    a. The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
    b. The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
    c. The village area preferential parking program shall be limited to three hundred fifty permits.
    d. Neighborhood permit areas are only in force when the shuttle bus is operating except that:
        i. The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
        ii. The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”

e. Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
f. Six Depot Hill twenty-four minute "Vista" parking spaces (Resolution No. 2510) shall be provided as corrected in Exhibit A attached to the ordinance codified in this section and found on file in the office of the city clerk.
g. A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
h. No additional development in the village that intensifies use and requires additional parking shall be permitted. Changes in use that do not result in additional parking demand can be allowed and exceptions for onsite parking as allowed in the land use plan can be made.

· The project site is not located within the area of the Capitola parking permit program.

RESULT:	**APPROVED [3 TO 0]**
MOVER:	TJ Welch, Chairperson
SECONDER:	Courtney Christiansen
AYES:	Welch, Routh, Christiansen
RECUSED:	Newman, Wilk

6. DIRECTOR'S REPORT

Director Herlihy reported that the code enforcement matter at Mattress Firm was resolved and staff coordinated with the store's regional manager, Staff is hopeful that no further problems will occur.

Regarding code enforcement at 401 Capitola Avenue, a third red tag was issued, and the property owners are in the process of removing unpermitted improvements.

Director Herlihy also outlined the State's Regional Stay-Home Order.

7. COMMISSION COMMUNICATIONS

Commissioner Welch thanked Council Member Bottorff for appointing him to Planning Commission and thanked his fellow Commissioners and staff.

Commissioner Newman thanked the Planning Commission for serving well together for the year.

8. ADJOURNMENT

_____

Chloé Woodmansee, City Clerk

FINALIZED

STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JANUARY 21, 2021

SUBJECT: **114A Stockton Avenue** **#20-0461** **APN: 035-231-13**

Design Permit for a residential lift for a mixed-use structure located within the C-V (Central Village) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Rickey Feldner
Representative: Frank Phanton, Architect, Filed: 11.09.2020

APPLICANT PROPOSAL

The applicant is proposing to construct a new residential lift for an existing mixed-use structure located at 114A Stockton Avenue within the C-V (Central Village) zoning district. The proposed development complies with all the development standards of the zoning district.

BACKGROUND

On December 9, 2020, the Architectural and Site Review Committee reviewed the application and provided the applicant with the following direction:

Public Works Representative, Danielle Uharriet: had no comments.

Building Official, Robin Woodman: inquired about whether or not the site has any ADA accessible parking. After the applicant informed her that the four onsite parking spaces in the rear of the lot are for the two residential units not the commercial uses on the first floor, Ms. Woodman stated that ADA accessible parking will not be required as a part of the proposed project.

Local Architect, Dan Townsend: inquired about whether the relocated gate and fence removes any of the onsite parking and how the small bridge to the first story lift entry would function. The applicant informed Mr. Townsend that the relocated gate and fence do not displace any required parking and that the bridge allows for more efficient site drainage.

Associate Planner, Matt Orbach: had no comments.

Following the meeting, the applicant did not make any changes to the proposed plans.

Development Standards

The following table outlines the zoning code requirements for development in the C-V Zoning District.

Development Standards				
Floor Area Ratio (FAR)				
General Plan Designation	**Existing**	**Proposed**		
2.0	0.67	0.68		
Building Height				
CV Regulation	**Existing**	**Proposed**		
27 ft.	18 ft. 0 in.	18 ft 0 in.		
Lot Coverage				
Sufficient space for required parking		No **Existing Nonconforming**		
Yards				
10% of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking.		**Required Open Space:** 10% of lot or 571 sq. ft.	**Existing Open Space:** 11% of lot or 633 sq. ft.	**Proposed Open Space:** 10% of lot or 573 sq. ft.
Floor Area		**Existing**		**Proposed**
First Story Floor Area		2,113 sq. ft.		2,142 sq. ft.
Second Story Floor Area		1,719 sq. ft.		1,748 sq. ft.
Total Floor Area		3,832 sq. ft.		3,890 sq. ft.
Underground Utilities – required with 25% increase area		Not Required.		

DISCUSSION

The lot is located on Stockton Avenue in the Central Village neighborhood of Capitola. The lot is surrounded by one- and two-story commercial and mixed-use structures.

114 Stockton Avenue is a mixed-use building with Xandra Swimwear retail store on the first story and an existing residence at 114A Stockton Avenue on the second story. There is a mural of Capitola on the side of the structure.

The applicant is proposing a new residential lift at the rear of the structure adjacent to the existing external stairs to provide greater accessibility to the upstairs residential unit. The lift will not be visible from the street, nor the side of the building with the mural where parking is accessed. The proposed platform lift has a powder-coated aluminum and steel frame and laminated glass doors and plexiglass panels. There is a small shed roof over the lift that connects to the covered landing at the top of the stairs. The lift complies with all development standards of the zoning code.

CEQA

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed project adds 58 square feet (1.5%) to the total floor area of the lot. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review and approve application #20-0461 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a 58-square-foot residential lift for an existing mixed-use structure. The maximum Floor Area Ratio (FAR) for the 5,706-square-foot property is 2.0 (11,412 square feet). The total FAR of the project is 0.68 with a total of 3,890 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 January 21, 2021, 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, Public Works Standard Detail SMP STRM 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 BMP STRM.

5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.

6. Prior to issuance of building permit, a landscape plan shall be submitted and approved by the Community Development Department. The landscape plan can be produced by the property owner, landscape professional, or landscape architect. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of any proposed (but not required) irrigation systems.

7. Prior to issuance of building permit, all Planning fees associated with permit #20-0461 shall be paid in full.

8. Prior to issuance of building permit, the developer shall pay Affordable housing in-lieu fees as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

9. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.

10. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

11. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).

12. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.

13. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.

14. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

15. Prior to a project final, all cracked or broken driveway approaches, 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.

16. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.

17. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

DESIGN PERMIT FINDINGS

A. The project, 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 residential lift for an existing

mixed-use structure complies with the development standards of the C-V (Central Village) District. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan

B. The project will maintain the character and integrity of the neighborhood.
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a residential lift for an existing mixed-use structure. The design of the residential lift will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301(e) of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.
Section 15301(e) of the CEQA Guidelines exempts additions to existing structures provided that the addition will not result in an increase of more than 50 percent of the floor area of the structure before the addition. The proposed project adds 58 square feet (1.5%) to the total floor area of the lot. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. 114A Stockton Avenue - #20-0461 - Full Plan Set - 11.10.2020

Prepared By: Matt Orbach
Associate Planner

VICINITY MAP

SCALE UNKNOWN

INDEX OF SHEETS

A1 SITE PLAN, VICINITY MAP, & NOTES
A2 FLOOR PLANS
A3 EXISTING ELEVATIONS
A4 PROPOSED ELEVATIONS

PROJECT DATA

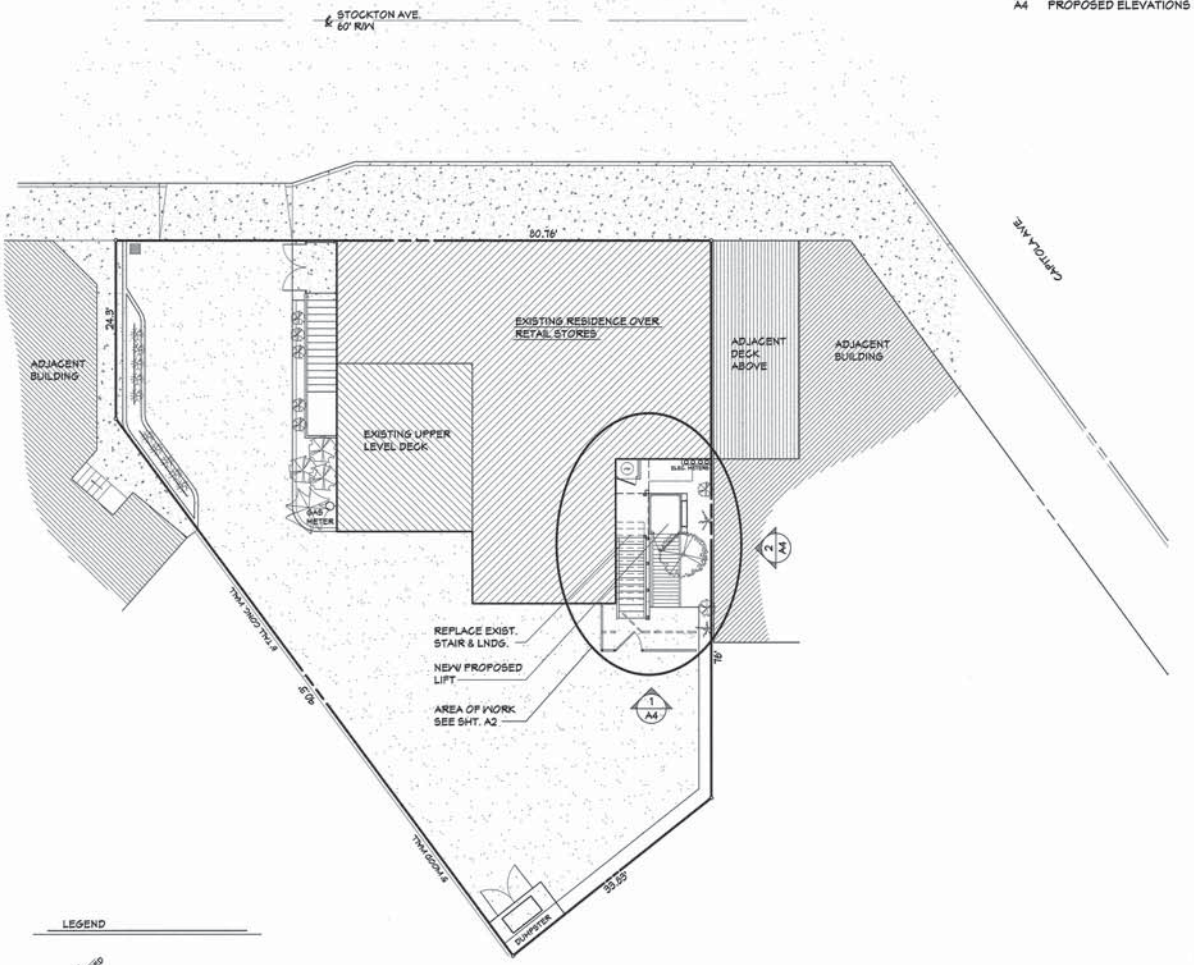
OCCUPANCY CLASS:	R-3 OVER M
TYPE OF CONST.:	VN
SPRINKLED:	NO
PARCEL AREA:	5,706.36 SQ.FT.

SCOPE OF WORK

THE EXTENT OF WORK FOR THIS PROJECT CONSISTS OF REMOVE/ REPLACE STAIRS & LANDING, & NEW PLATFROM LIFT TO UPPER RESIDENT

ALL APPLICABLE CLEARANCES WILL BE SECURED.

ALL APPLICABLE SECTIONS OF THE 2019 CA BLDG. CODE WILL BE STRICTLY ADHERED TO.



LEGEND

EXIST. / PROPOSED — EXISTING/ PROPOSED ELEVATION

34.0 — EXISTING OR PROPOSED SPOT ELEVATION AS VERIFIED FM. EXISTING FIN. FLOOR HT.

SITE PLAN

APN 35-231-13
THIS IS NOT A SURVEY

1/8" = 1'-0"

Revisions
1 11/05/20

Prepared by:
The Envirotects
Frank Phanton, Architect C 34515
1840 41st Ave. Ste. 103 #141 Capitola, CA 95010 475-6841 Envirotects.com

PROPOSED PLATFORM LIFT FOR:
114A STOCKTON AVE.
114A STOCKTON AVE.
CAPITOLA, CA 95010

APN 035-231-13

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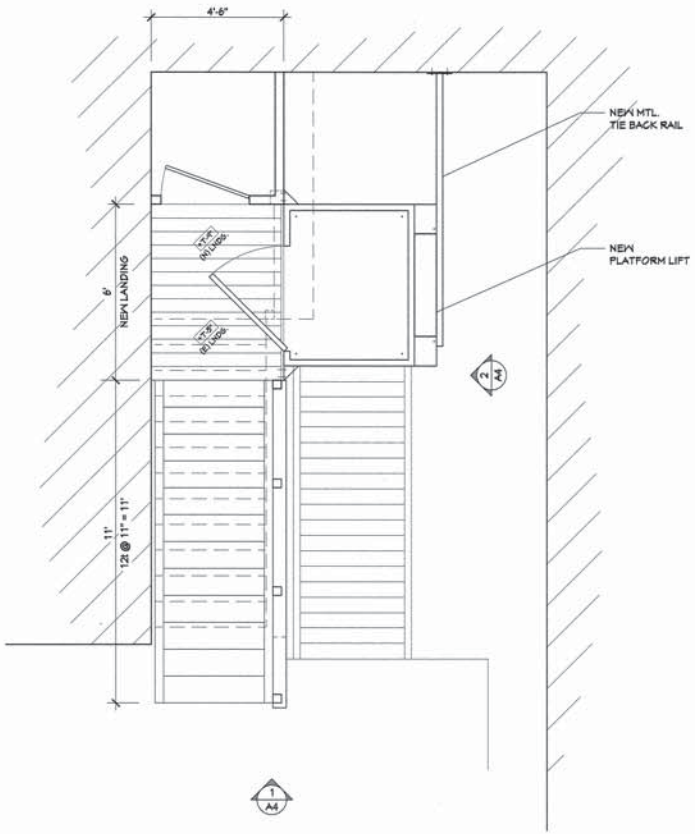
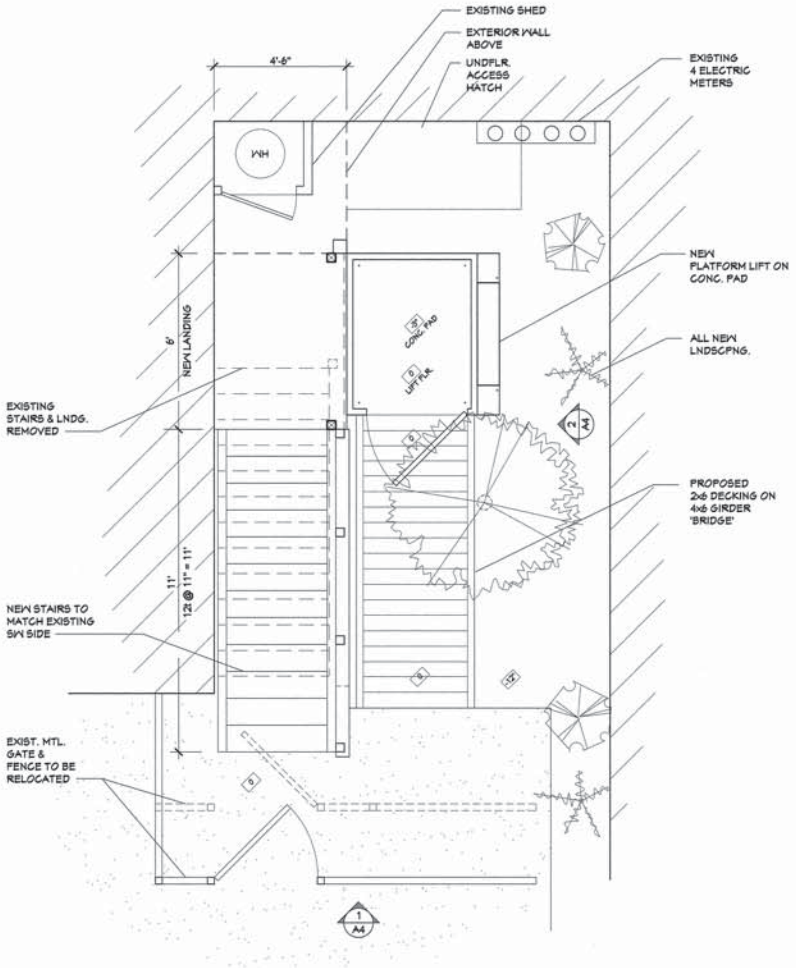


UPPER FLOOR PLAN

1/2" = 1' - 0"



LOWER FLOOR PLAN

1/2" = 1' - 0"

Revisions

Prepared by:
The Envirotects
Frank Phanton, Architect C 24515
1840 41st Ave., Ste. 102 #141, Capitola, CA 95010 475-5841 Envirotects.com

PROPOSED PLATFORM LIFT FOR:
114A STOCKTON AVE.
114A STOCKTON AVE.
CAPITOLA, CA 95010

APN 035-231-13

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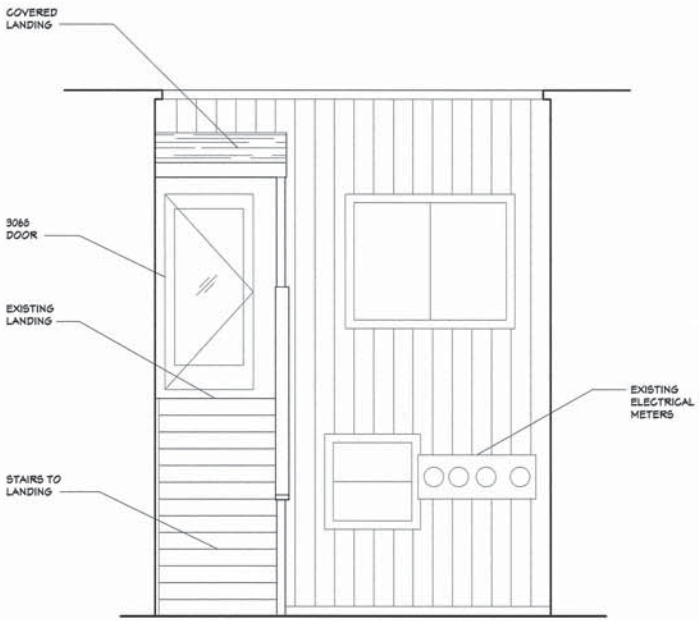
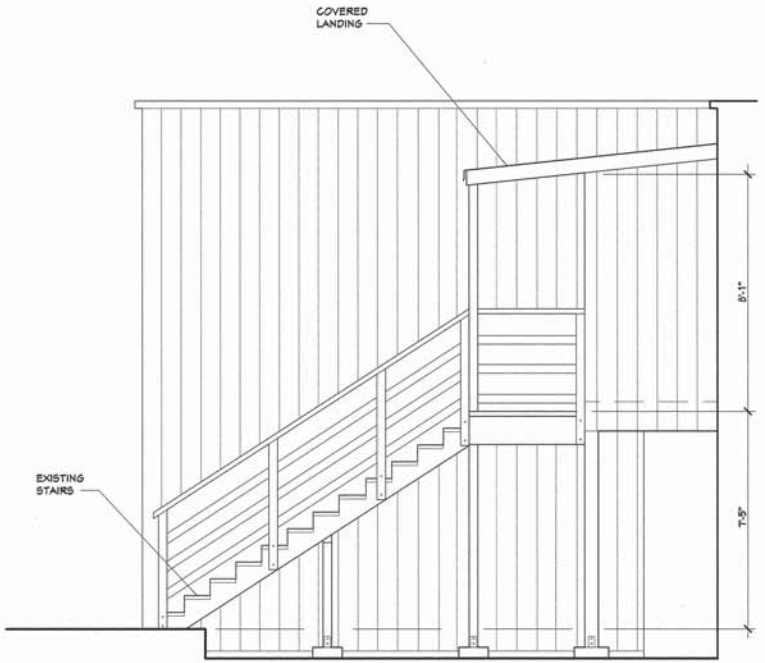
of	4 Sheet

Attachment: 114A Stockton Avenue - #20-0461 - Full Plan Set - 11.10.2020 (114A Stockton Avenue)



1 EXISTING ELEVATION @ STAIRS

1/2" = 1' - 0"



2 EXISTING ELEVATION @ STAIRS

1/2" = 1' - 0"

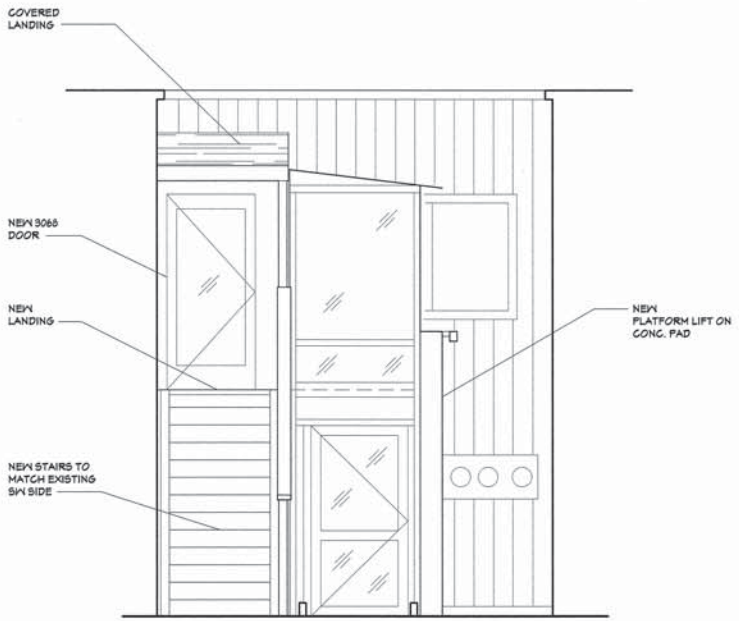
Revisions
1 11/05/20 B

Prepared by:
The Envirotects
Frank Phanton, Architect C 34515
1840 41st Ave., Ste. 102 #141, Capitola, CA 95010 475-5841 Envirotects.com

PROPOSED PLATFORM LIFT FOR:
114A STOCKTON AVE.
114A STOCKTON AVE.
CAPITOLA, CA 95010

APN 035-231-13

Date 11/05/20
Scale AS NOTE
Drawn duMont
Job Troy
Sheet A3
of 4 Sheets



1 PROPOSED ELEVATION @ STAIRS

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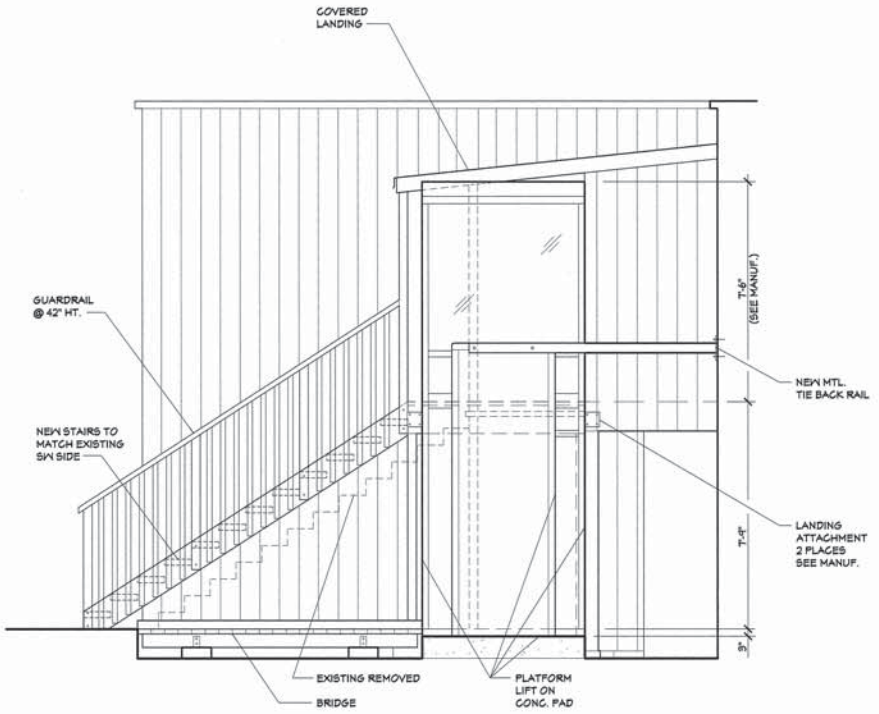

2 PROPOSED ELEVATION @ STAIRS

1/2" = 1' - 0"

Revisions

Prepared by:
The Envirotects
Frank Phanton, Architect C 34515
1820 41st Ave Ste 103 #141 Capitola, CA 95010 475-6841 Envirotects.com

PROPOSED PLATFORM LIFT FOR:
114A STOCKTON AVE.
114A STOCKTON AVE.
CAPITOLA, CA 95010

APN 035-263-19

Date 10/08/2
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Sheet A4
of 4 Shee

STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: JANUARY 21, 2021

SUBJECT: **4630 Capitola Road** **#20-0500** **APN: 034-031-28**

Appeal of an administrative denial of a tree removal application located within the CR (Commercial Residential) zoning district.
This project is in the Coastal Zone but does not require a Coastal Development Permit.
Environmental Determination: Categorical Exemption
Property Owner: Mark Vincent
Representative: Mark Vincent, Filed: 12.02.20

APPLICANT PROPOSAL

The applicant is appealing an administrative denial of a Tree Removal Permit for a deodar cedar tree at 4630 Capitola Road in the CR (Commercial Residential) zoning district.

BACKGROUND

On October 9, 2020, the applicant submitted a preliminary review (Attachment 2) for a tree removal permit for the mature deodar cedar tree located in the front yard of 4630 Capitola Road. The submission included an arborist report prepared by Nigel Belton (Attachment 3), dated November 11, 2019.

Planning and public works staff reviewed the arborist report and performed an onsite review of the tree. During this site visit, staff concurred with the findings of the arborist report.

On November 24, 2020, staff sent a letter to the applicant administratively denying the tree removal for the deodar cedar because the required findings to approve the tree removal could not be made. The letter included support to prune and cable the tree following the mitigation measures prescribed in the arborist report. The prescribed pruning may exceed twenty-five percent of the trees volume and therefore requires approval by the City.

On December 2, 2020, the applicant submitted an appeal of the denial (Attachment 1), pursuant to CMC 12.12.180(F).

DISCUSSION

The appellant is requesting to remove one mature deodar cedar tree located at 4630 Capitola Road. In the appeal, the appellant outlined the reasons for the removal request relating to the safety of the tree over their home and property, including branch failures in 2005 and 2017 that damaged a vehicle and fence (Attachment 2).

The tree is in the front yard, situated approximately twenty-five feet from the public right of way. The tree is approximately 80 feet tall and four feet in diameter at breast height, with a significant canopy presence over the subject property and the adjacent property at 4610 Capitola Road. The tree is not located in an environmentally sensitive habitat area.

Community Tree and Forest Management Ordinance

Under the City's Community Tree and Forest Management Ordinance, Municipal Code Section 12.12.180(C) allows Public Works staff to approve the removal of a non-heritage tree if it can make all the findings in subsections (C)(1) through (C)(4). If, after conducting the complimentary inspection, public works staff cannot make the required findings, the application is reviewed by planning staff and the city may require the applicant to pay for an arborist, under contract to the city, to prepare an arborist report. The Community Development Director reviews the report and determines whether or not the tree removal should be approved based on the report and if all the required findings can be made. The applicant, or interested party, may appeal staff's determination to the Planning Commission.

The Planning Commission may grant the appeal based on the findings of Section 12.12.180(C)(1) through (C)(4), as listed below. The Commission may deny the appeal if all the findings cannot be made.

Section 12.12.180(C)(1) – (C)(4) Findings for Tree Removal

C. Findings

1. *The tree removal is in the public interest based on one of the following:*
    a. *Because of the health or condition of the tree, with respect to disease infestation, or danger of falling;*
    b. *Safety considerations; or*
    c. *In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.*
2. *All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.*
3. *The type, size and schedule for planting replacement trees is specified and shall be concurrent with the tree removal or prior to it, in accordance with Section 12.12.190(F) and (G).*
4. *The removal of the tree would not be contrary to the purposes of this chapter and Chapter 17.95.*

Arborist Review

Along with personal documentation, the appellant submitted an arborist report by Nigel Belton (Attachment 3). Mr. Belton found that the tree was in good health but identified a pattern of poor structural conditions among numerous scaffold limbs. Mr. Belton characterized the limbs with poor structure, noting there had been branch failures and that without mitigation the tree was vulnerable to continued failures during storm conditions. He summarized that the risks could be effectively mitigated without complete removal of the tree and provided specific recommendations to remove problematic limbs and reduce overall weight and strain. The following list is a summary of the recommendations:

- Throughout the tree canopy, remove all dead wood, and remove all damaged limbs and branches.

- On the north side of the canopy, reduce height and weight significantly by pruning damaged scaffold limb structure.
- Within the upper interior of the canopy, remove smaller diameter vertical limbs, specifically crowded codominant limbs.
- Remove all crossing limbs and branches (the supported limb or branch). In particular, a heavy crossing limb that faces the west is in vulnerable to failure and must be removed. The limb extends over the western property boundary.
- Apply thinning cuts on the heavy and overextended lateral limbs to reduce weight.
- Prune the low, heavy east-facing scaffold limb structure for weight reduction and remove the largest of secondary codominant limbs.
- Install multiple support cable between scaffold limb structure and the codominant trunks. Utilize triangulations of cables where possible. Cables must be installed between two-thirds and three-quarters of the way up from the trunk and the top of the cabled limb attachments.

In reviewing Nigel Belton's arborist report with the standards for tree removal established in Section 12.12.180(C) of the Capitola Municipal Code, the findings for tree removal could not be made; therefore, the application was denied. The required finding is followed by the analysis in the following list:

C(1)(a). Because of the health or condition of the tree, with respect to disease infestation, or danger of falling.
Analysis: The tree is in a good state of health and growth. The root zone and trunk appear stable with very low risk of total failure. As stated in the arborist report, problematic limbs should be removed to mitigate risk of limbs falling.

C(1)(b). The tree does not pose a safety concern if mitigating action is taken.
Analysis: The tree is vulnerable to continued limb failures without mitigating action, but the recommended mitigation measures would significantly reduce safety concerns. The arborist report provides a detailed recommendation for mitigation.

C(1)(c). In situations where a tree has caused, or has the potential to cause, unreasonable property damage and/or interference with existing utility services.
Analysis: The tree has caused past property damage. However, the recommended mitigation measures can significantly reduce limb failures that cause property damage.

C(2). All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.
Analysis: There are feasible hazard reduction alternatives to removal. Removal is the only way to entirely eliminate risk, but that risk can be effectively mitigated with tree management and periodic inspection.

RECOMMENDATION

Based on the recommendations of the arborist, staff recommends the Planning Commission deny the appeal and uphold the staff denial of the tree removal and the mitigation measures established in the arborist report.

Staff has included draft findings and conditions for approval should the Planning Commission decide to uphold the appeal and allow the tree to be removed, which includes a replacement requirement of two trees (Attachment 4). Pursuant to the tree replacement requirements of Section 12.12.190, removals typically require a replacement ratio of two trees for each one tree removed or by meeting the canopy coverage goal of thirty percent. Post-removal of the deodar cedar, the lot would retain approximately fifteen percent coverage with two existing onsite trees.

CONDITIONS

1. The appeal consists of a denial of tree removal permit for a deodar cedar and the approval of tree maintenance measures of pruning and cabling. All tree work shall be performed as prescribed by arborist Nigel Belton in his report dated November 18, 2019.

2. Tree work beyond or outside the scope of the aforementioned arborist report is subject to Community Development Director determination and may require additional arborist services at applicant cost.

FINDINGS

The removal of the deodar cedar located in the front yard of 4630 Capitola Road is not in the public interest.

A. The tree is not in need of removal due to health or condition, with respect to disease infestation, or danger of falling.
The arborist studied the deodar cedar tree and found it to be in a good state of health and growth. The root zone and trunk appear stable with very low risk of total failure. The risk of limbs falling can be mitigated through pruning as prescribed in the arborist report.

B. The tree does not pose a safety concern if mitigating action is taken.
The arborist prescribed mitigation actions to significantly reduce safety concerns.

C. The tree has not caused, nor has the potential to cause unreasonable property damage and/or interference with existing utility services if mitigating action is taken.
The deodar cedar tree has caused past property damage. However, the recommended mitigation measures identified in the arborist report have not been taken.

D. There are feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.
The arborist identified feasible alternatives to tree removal. The arborist recommended a set of procedures including branch thinning, selective removal of large problematic limbs, and installing support cables to mitigate existing concerns.

ATTACHMENTS:

1. 4630 Capitola Road - Appeal Letter - 01.06.21
2. 4630 Capitola Road - Applicant Documentation
3. 4630 Capitola Road - Arborist Report - 11.18.19
4. 4630 Capitola Road - Conditions and Findings for Approval

Prepared By: Sean Sesanto

To Planning Commission Members/Capitola City Council Members:

I am adding this to my request for tree removal of the 80 ft tall Deodar Cedar at 4630 Capitola Rd. In 2019 I hired Nigel Belton Arborist to inspect and evaluate the tree and he suggested mitigations of cabling and pruning, with the presumption of the City not allowing removal. I don't feel that the presumption is correct and I wish to point out that I do meet the criteria of tree removal under municipal code 12.12.180 subsections (C1) through (C4). I will focus on subsections (C1) and (C2).

C1) the tree removal is in the public interest based on one of the following:

a. Because of the health or condition of the tree, with respect to disease infestation, or danger of falling.

b. safety considerations

c. the tree has caused or has the potential to cause, unreasonable property damage and/or interference with existing utility services.

C2) All possible and feasible alternatives to tree removal have been evaluated, including, but not limited to undergrounding of utilities, selective root cutting, trimming and relocation.

In (C1) I may meet all of the criterion in a, b and c. There is danger of falling, and a safety concern for the occupants in the homes below the tree 4610 Capitola Rd. and 4630 Capitola Rd for danger of falling. (Both of the immediately affected property owners and occupants agree to removal vs the suggested mitigation). The tree has failed on at least 2 occasions causing significant property damage that could have killed someone.

In regards to (C2) All feasible alternatives have been explored including multiple pruning, tree service, arborists and maintenance over the years. The 2019 Nigel Belton arborist report states that the "only way to eliminate the risk of limb failure is to remove the tree." The canopy extends over both homes and there are hundreds of limbs that the suggested mitigation will not feasibly address as the structure of the tree is flawed. Mitigation would not eliminate the risk of limb failure and possible property damage and/or loss of life.

In regards to (C3) I would agree to a planting of replacement trees.

(C4) This is not an environmentally sensitive habitat as described in Chapter 17.95 of the Municipal code

Given the above, I feel that I do meet the criteria of tree removal under municipal code 12.12.180 subsections (C1) through (C4).

Most of all, thank you for your time and thought in this matter,

Mark Vincent

Property Owner

4630 Capitola Rd

Capitola, CA 95010

To Whom It May Concern,

My name is Mark Vincent and I am requesting a permit for the removal of the 48.5 inch diameter 80 ft tall Deodar Cedar at 4630 Capitola Rd. the tree canopy is over my house and the house to the West. I am requesting the permit because the tree is hazardous and has failed and caused serious property damage on at least 2 occasions in the recent past and I'm concerned with the coming winter storm winds that the tree will fail again.

I have maintained the tree since my ownership and most recently in November 2018 hired Lewis Tree Service to prune the tree (see paid invoice for $2250).

In October 2019 I hired Arborist Nigel Belton Consulting to render an opinion on the tree and while he suggests some mitigations in the report, he states that there is no way to eliminate the risk of limb failure with the tree without removing the tree. The Arborist report states that there is a history of limb failure and that there is a co-dominant limb pattern and poor structure to the tree. Every time that there is a wind, the tree limbs creek and move and it is unnerving to me and to my neighbor.

I have enclosed detailed documentation of the below two incidents and in the package for your review.

Incident #1 The tree limbs have fell onto my and my neighbors property causing property damage. The limbs crushed the neighbors truck and insurance was used to pay for the damages! There was also damage to the shared fence (cost to replace included and to the neighbors roof and gutter. Community Tree Service came out to remove fallen limbs. Also included is a Community Tree Arborist report, and the bid for pruning after the failure. I have also included photo evidence documenting property damage and insurance claim and repair costs.

Incident #2 in 2017, incident totaled the red truck and it was fully destroyed. Big Foot Tree Service removed the damaged limbs off of the neighbor and my property and the fence and roof and gutter of the neighbors house were repaired.

Currently I care for my 89 yr old father who is living in the home and am very afraid that the tree will fail again, possibly harming or killing someone. The arborist report suggests some mitigations but the only way to eliminate the risk of failure is removal and I respectfully ask that you consider my request for removal of the tree.

Thank you,

Mark Vincent

COMMUNITY TREE SERVICE

C A Contractor License #801657 D49

330 Jefferson St., Watsonville, Ca 95076
Tel: (831) 763-2391

May 27, 2005

To Whom It May Concern:

This is to serve as an arborist's report on the nature of the tree work done earlier this month at 4610 Capitola Rd, Capitola, CA.

Community Tree Service responded to a hazardous tree, broken branch situation at the above address. The tree, a large Deodar Cedar (Cedrus deodara) is located in the front yard of 4630 Capitola Rd. Large limbs had broken and were hanging over the property at 4610, creating an imminent hazard for potential property damage.

In the process of removing the obvious broken branches, it was discovered that additional branches had been fractured as a result of the primary breakage. It was determined that the additional limbs should be removed to reduce the potential hazard.

Sincerely,

D. W Cox

Donald W. Cox
SA certified arborist #3023

COMMUNITY TREE SERVICE

CA STATE CONTRACTORS' LICENSE NO. 801657
FULLY INSURED: GENERAL LIABILITY & WORKMAN'S COMPENSATION

330 JEFFERSON STREE
WATSONVILLE, CA 950
(831) 763-23
FAX (831) 763-20

SUBMITTED TO Jeane K Sheldan DATE 5/11/05

ADDRESS 4610 Capitola Rd Capitola Ca. 95010

JOB AT _____ PHONE 551 479-0206

WE PROPOSE TO FURNISH ALL MATERIALS AND PERFORM ALL LABOR NECESSARY TO COMPLETE THE FOLLOWING:

TREE WORK	1	2	3	4	OTHER:
REMOVAL	1	2	3	4	OTHER:
TRIMMING	1	2	3	4	OTHER:
SHAPING	1	2	3	4	OTHER:
STUMP GRIND	1	2	3	4	OTHER:
OTHER: _____	1	2	3	4	OTHER:

☐ BUCKET TRUCK
☐ STUMP GRINDER ☐ TRACTOR
☐ CRANE ☐ DUMP TRUCK
☐ BRUSH CHIPPER ☐ OTHER

Contract for Removal of 4 large fallen limbs also Trim Back other limbs Damaged By fallen limbs cover hanging Property. all Debris will Be Cleaned up and hauled away 1500.00

Payable as Follows: ___P.O.C ___Payments: (1).$_____Date_____ (2).$_____Date_____ (3).$_____Date_____
(Payment on Completion) (4).$_____Date_____ (5).$_____Date_____ (6).$_____Date_____

SUB TOTAL _____

DUMP FEE _____

TOTAL _____

NOTES: REMOVALS ARE CUT TO SOIL GRADE AS POSSIBLE UNLESS GRINDING IS WRITTEN. STUMP GRINDING DOES NOT INCLUDE HAULING OF DEBRIS OR ROOT CHASING UNLESS SPECIFICALLY WRITTEN. TIME AND MATERIALS (T&M) INCLUDES TRAVEL TIME TO AND FROM COMMUNITY TREE SERVICE AND TIME IS BILLED IN WHOLE HOUR INCREMENTS.

TERMS: PAYMENT IN FULL UPON COMPLETION UNLESS OTHER ARRANGEMENTS HAVE BEEN MADE PRIOR TO THE START OF THE JOB FINANCE CHARGE OF 1.5% PER MONTH THEREAFTER. PLEASE PAY FOREMAN AT JOB COMPLETION.

IN THE EVENT OF A DEFAULT PAYMENT OF THE AMOUNT DUE HEREUNDER, COMMUNITY TREE SERVICE SHALL BE ENTITLED TO COLLECT ALL REASONABLE COSTS OF COLLECTION, INCLUDING, BUT NOT LIMITED TO, A REASONABLE ATTORNEY'S FEE.

COMPLIANCE WITH CONTRACTORS LICENSE, SECTION 7018, (B&P CODE, DIV. 3, CHAP.9) THIS IS TO INFORM YOU UNDER THE MECHANICS' LIEN LAW (CALIFORNIA CODE OF CIVIL PROCEDURES SECTION 1181 ER SQ.) ANY CONTRACTOR SUBCONTRACTOR, LABORER, SUPPLIER, OR OTHER PERSON WHO HELPS IMPROVE YOUR PROPERTY BUT IS NOT PAID FOR HIS WORK OR SUPPLIES, HAS A RIGHT TO ENFORCE A CLAIM AGAINST YOUR PROPERTY. THIS MEANS THAT AFTER COURT HEARING, YOUR PROPERTY COULD BE SOLD BY A COURT AND THE PROCEEDS OF THE SALE USED TO SATISFY THE INDEBTEDNESS. THIS CAN HAPPEN EVEN IF YOU HAVE PAID YOUR OWN CONTRACTOR, IN FULL, IF THE SUB-CONTRACTOR, LABORER, OR SUPPLIER REMAINS UNPAID.

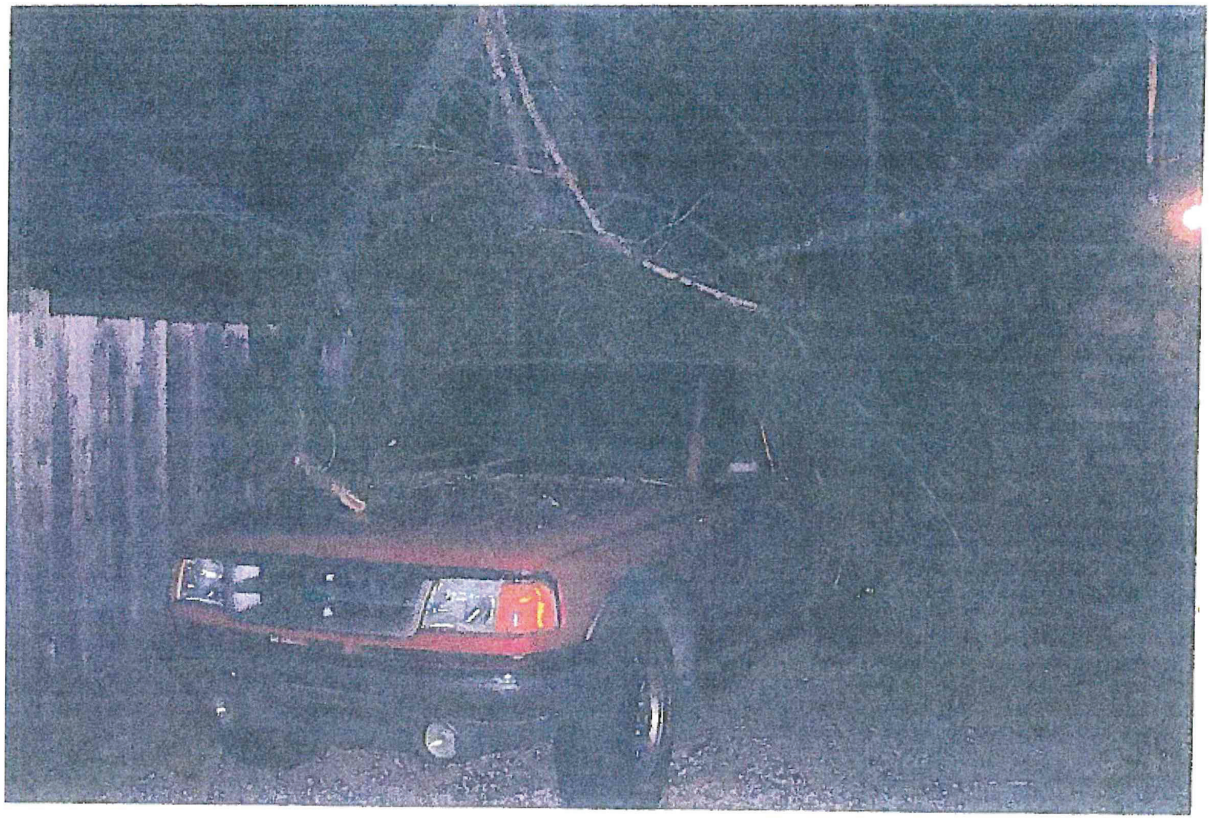
NOTE: COMMUNITY TREE SERVICE IS NOT RESPONSIBLE FOR OBTAINING ANY REQUIRED PERMITS FROM STATE, COUNTY OR LOCAL AUTHORITIES. COMMUNITY TREE SERVICE IS FURTHERMORE NOT RESPONSIBLE FOR ANY INCIDENTAL DAMAGES TO PROPERTY OR PERSON WHICH ARE NOT THE FAULT OF COMMUNITY TREE SERVICE. SUCH DAMAGES INCLUDE, WITHOUT LIMITATION, DAMAGES CAUSED BY TREE AND/OR ROOT FAILURE FROM PRUNING OR CUTTING, INCLUDING EXPLOSION AND/OR FALLING TREES OR BRANCHES. HOMEOWNER ACKNOWLEDGES THAT TREES AND BRANCHES CAN AND DO FALL WITHOUT WARNING AT ANY TIME, AND THAT ANY AND ALL DAMAGES CAUSED THEREBY, INCLUDING INJURY TO PERSONS AND DAMAGE TO PROPERTY, ARE NOT THE RESPONSIBILITY OF COMMUNITY TREE SERVICE WE ARE NOT RESPONSIBLE FOR BROKEN SPRINKLER OR UTILITY LINES, OR SEPTIC TANKS THAT HAVE NOT BEEN LOCATED AND MARKED BY HOMEOWNER OR PROPERTY MANAGER.

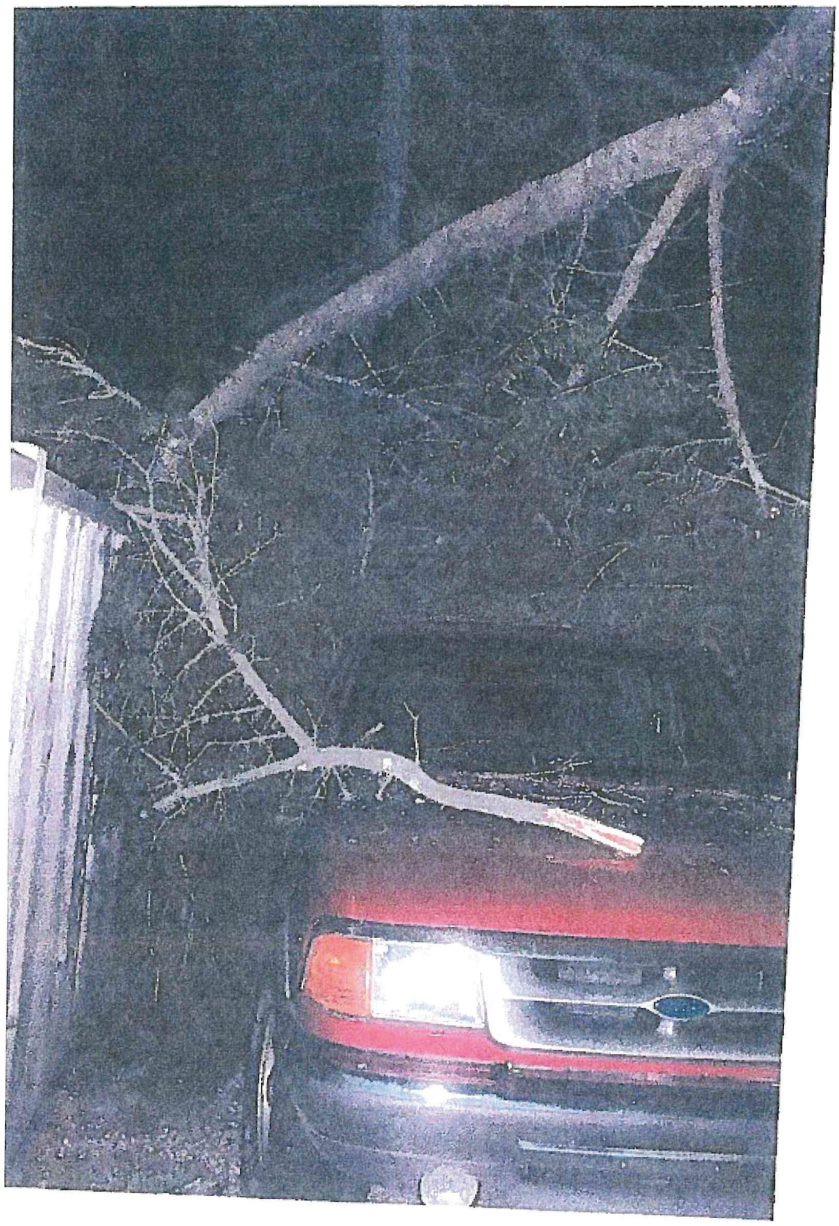
ESTIMATOR chris Watts

ACCEPTANCE OF PROPOSAL

Signature

01289





Lewis Tree Service, Inc.

1500 Brommer St.
Santa Cruz, CA 95062
831.476.1200
admin@lewistreeserviceinc.com

Invoice

Date	Invoice #
11/19/2018	28629

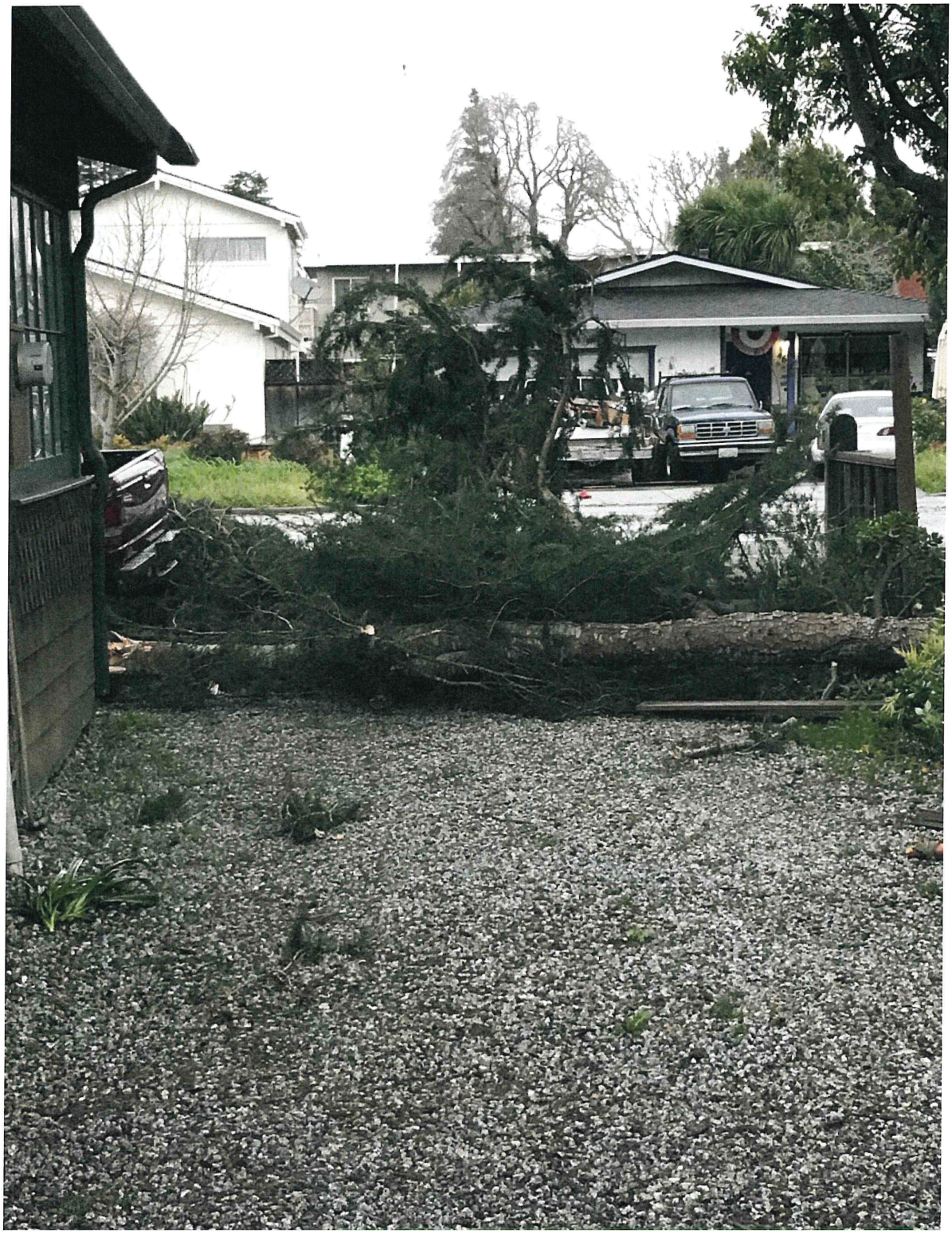
Bill To	Job Location
Mark Vincent 4630 Capitola Rd. Capitola, Ca 95010	4630 Capitola Rd. Capitola

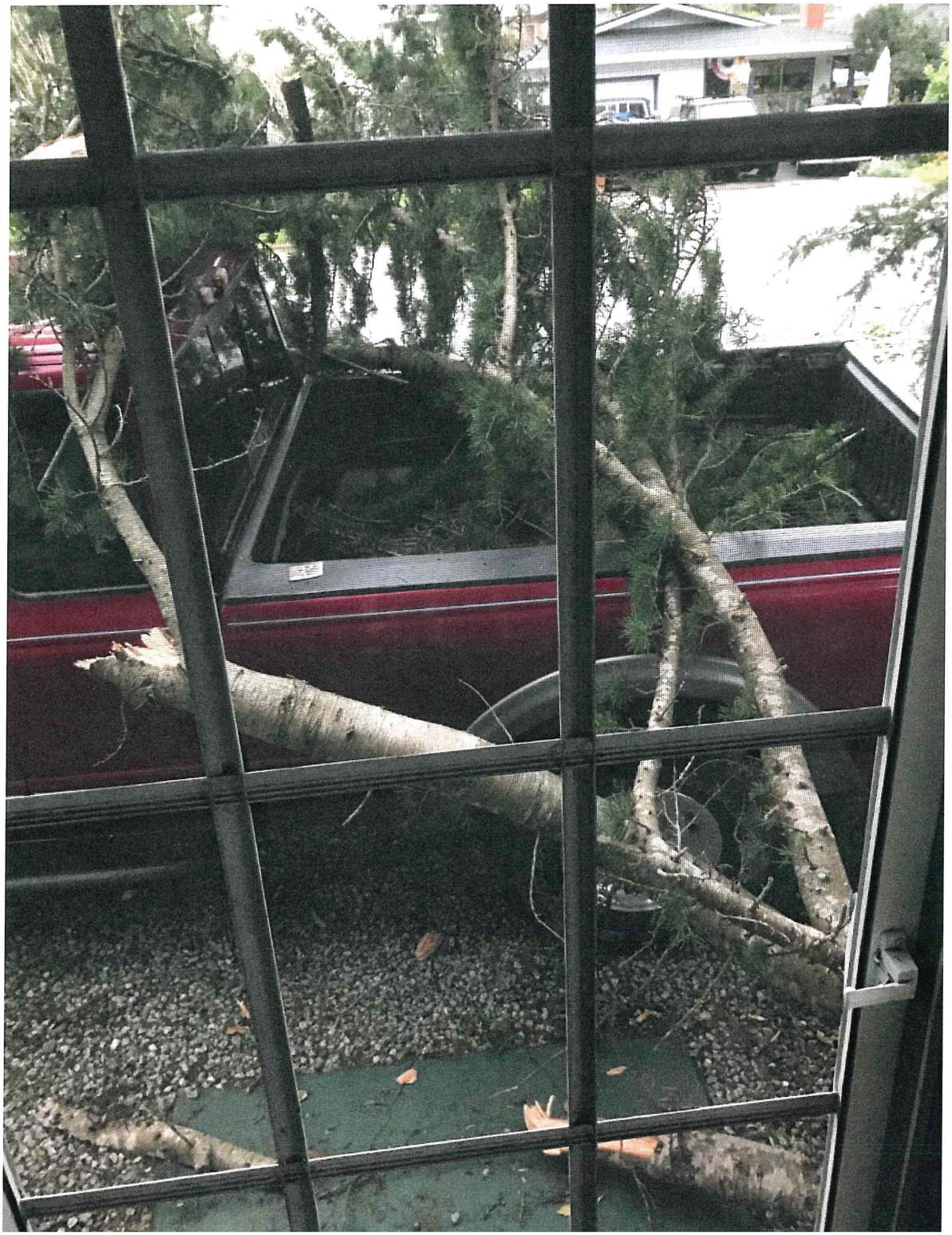
P.O. No.	Terms	Due Date	Date Completed
	Due on receipt	11/16/2018	11/16/2018

Description	Amount
Prune (1) Deodora Cedar in front yard	2,250.00

Thank you for your business! We accept Visa & Mastercard!
1.5%/month will accrue on overdue invoices

Total	$2,250.00
Balance Due	$2,250.00





Nigel Belton
Consulting Arborist

RECOMMENDATIONS FOR THE MAINTENANCE AND PRUNING OF THE MATURE DEOADAR CEDAR LOCATED ON THE PROPERTY OF MARK VINCENT AT 4630 CAPITOLA ROAD, CAPITOLA – CALIFORNIA

Prepared at the request of:
Mark Vincent
4630 Capitola Road
Capitola, CA 95010
mark.vincent@cbnorcal.com

Site visit by:
Nigel Belton – ISA Certified Arborist WE-0410A
October 2, 2019

Job – Mark Vincent – 11.18.19

WE-410A
Ph / Fax (831) 688-1239
P.O. Box 1744 ~ Aptos, CA 95001 ~ CCL # 657930 ~ beltonnigel@gmail.com

RECOMMENDATIONS FOR THE MAINTENANCE AND PRUNING OF THE MATURE DEOADAR CEDAR LOCATED ON THE PROPERTY OF MARK VINCENT AT 4630 CAPITOLA ROAD, CAPITOLA – CALIFORNIA

SUMMARY:

The large Deodar Cedar Tree located in the front yard is vulnerable to limb failures which represents a potential hazard to the Vincent family property and to the neighbor's property at this time. The tree does not appear to be vulnerable to falling because the main trunk as its trunk appears to be well anchored in the ground. This tree qualifies as a protected tree in the City of Capitola and I determined that the City would be unlikely to allow for its removal because it can be pruned and its codominant structure can be supported by cables to effectively reduce the risk of trunk and limb failures. I recommend that this work is done by a competent tree service provider who specializes in such work. The work must be undertaken under the supervision of an ISA Certified Arborist and comply with ISA and ANSI-A300 Standards. I also recommended that the tree's structure and the support cables are inspected by an arborist on a regular basis in the future. I recommend that I meet with the approved tree service provider to discuss the required scope of work before it proceeds.

BACKGROUND:

Mark Vincent contacted me concerning the mature Deodar Cedar located in the front of his residence. He is concerned about its safety after a large limb fell last winter and crushed his neighbor's truck. We met on site to discuss management options. I noted that the removal of this tree is the only means available to entirely abate any hazards resulting from limb failures. I also determined that it is unlikely that the City of Capitola will allow for a tree removal permit to be granted because they will likely determine that are other effective hazard reduction strategies that can utilized in this situation. I recommended to Mr. Vincent that this tree is pruned to reduce the risk of limb failures and that its structure is strengthened with multiple support cables at this time. Mark Vincent asked me to provide him with an arborist report that specifies the recommended tree maintenance procedures to be undertaken by a tree service provider.

ASSIGNMENT:

This assignment entails the following elements:
- Provide a tree assessment utilizing a Level Two Inspection (a 360-degree visual inspection made from the ground).
- Prepare an arborist report. This report provides background information concerning the reason for the report and it provides objective observations concerning subject tree's health and structural conditions. The report makes determinations concerning potential hazards to surrounding life and property. The report provides determinations regarding the structural integrity and safety of this tree and it makes a recommendation for pruning and maintenance procedures required to effectively reduce potential hazards resulting from limb failures.

LIMITATIONS:

The inspection of this trees was made from the ground. The tree was not climbed to examine its canopy structure, nor were the roots of this trees inspected below soil grade. The inspection was limited to a visual examination and no advanced testing of the subject tree's interior structural condition was undertaken.

The recommendations provided in this report for structural pruning work and the installation of support systems are intended to reduce the risk of tree failures. These recommendations must never be considered as being guarantees against such events ever occurring. Trees can and sometimes do fail unexpectedly, despite these procedures being implemented correctly.

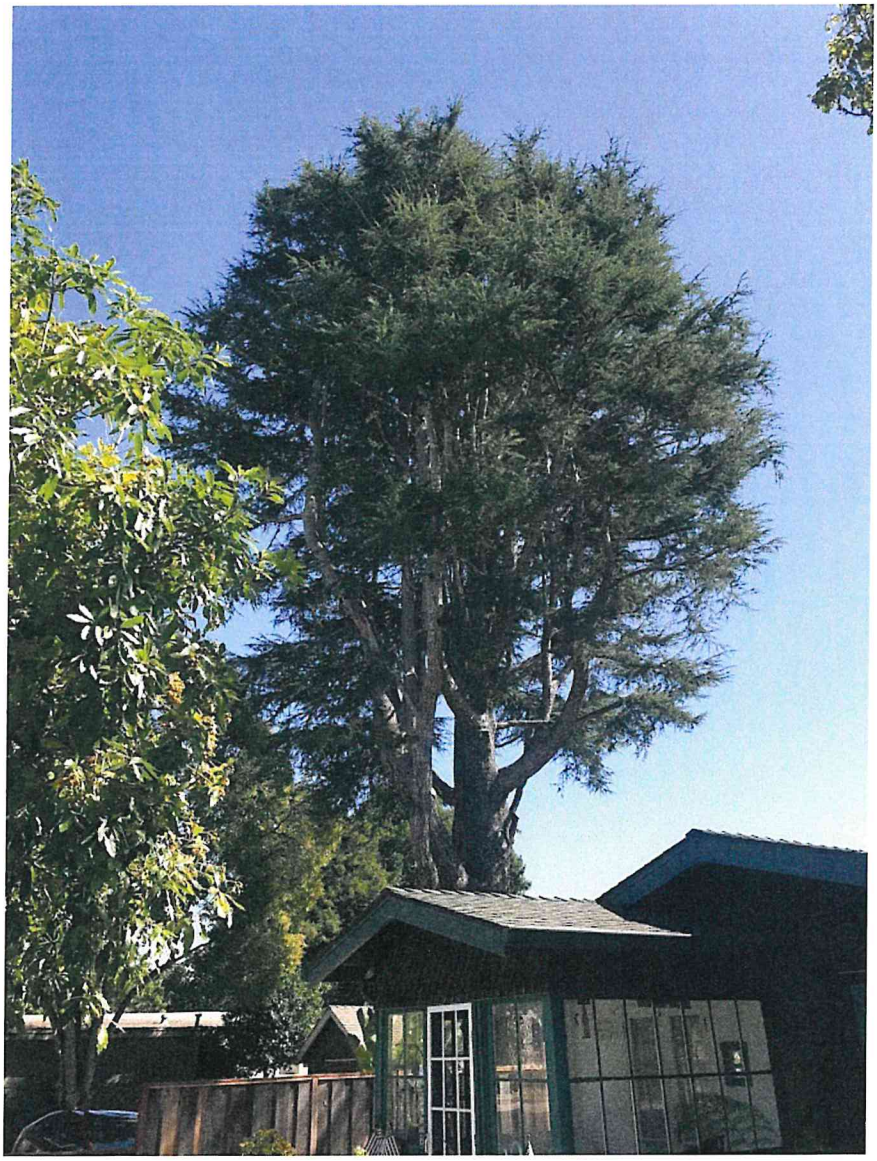
Trees are living organisms and their health and structural conditions can change within a short period of time. For these reasons, I recommend the implementation of periodic inspections in order to assess tree health and structural conditions and maintain tree health and safety over the long term.

OBSERVATIONS AND DETERMINATIONS:

The tree of concern is a mature Deodar Cedar *(Cedrus deodara)*. It is located within close proximity to the front of the residence and its canopy structure encroaches out over the Vincent's residence and over the residence on the neighbor's property to the west.

This tree has a 48.5-inch trunk diameter measurement at 54-inches above ground level (Standard DBH Measurement). I estimate that it is approximately 80-feet tall and that it has a canopy spread of about 50-feet.

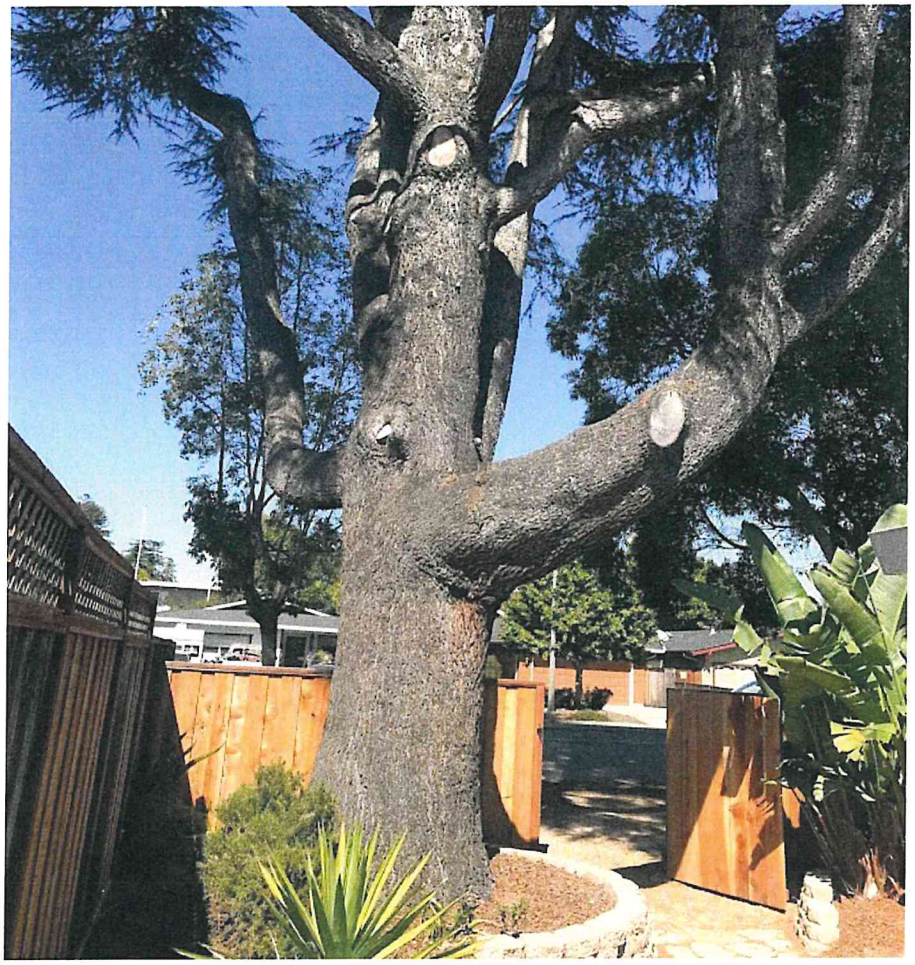
This tree exhibits good health and vitality as evidenced by its good foliage condition and the extent of annual branch tip growth observed in the outer canopy.



The Deodar Cedar has a poor structural condition, resulting from its co-dominant growth pattern which comprises of multiple competing vertical trunks and scaffold limbs. The codominant trunks appear to have good attachment areas where they are joined to the main trunk of the tree. Many of the codominant scaffold limbs share weak areas of attachment in between them. These weak areas of attachment are potentially vulnerable to failure in storm conditions. This tree has previously been pruned to reduce the risk of limb failures but even more work needs to be done to reduce potential hazard resulting from trunk and limb failures at this time.

The damaged scaffold limb on the east facing scaffold limb, where the adjacent codominant limb recently failed (seen from the street). Note the crowded codominant trunk & scaffold limb structure.

The risk of whole tree failure appears to be very low. I noted that there does not appear to have been any major disruptions within the root zone of this tree which could compromise its stability in the soil. The base of the trunk and the visible the root collar at soil grade appeared to be normal with a well distributed buttress root growth pattern around its circumference.



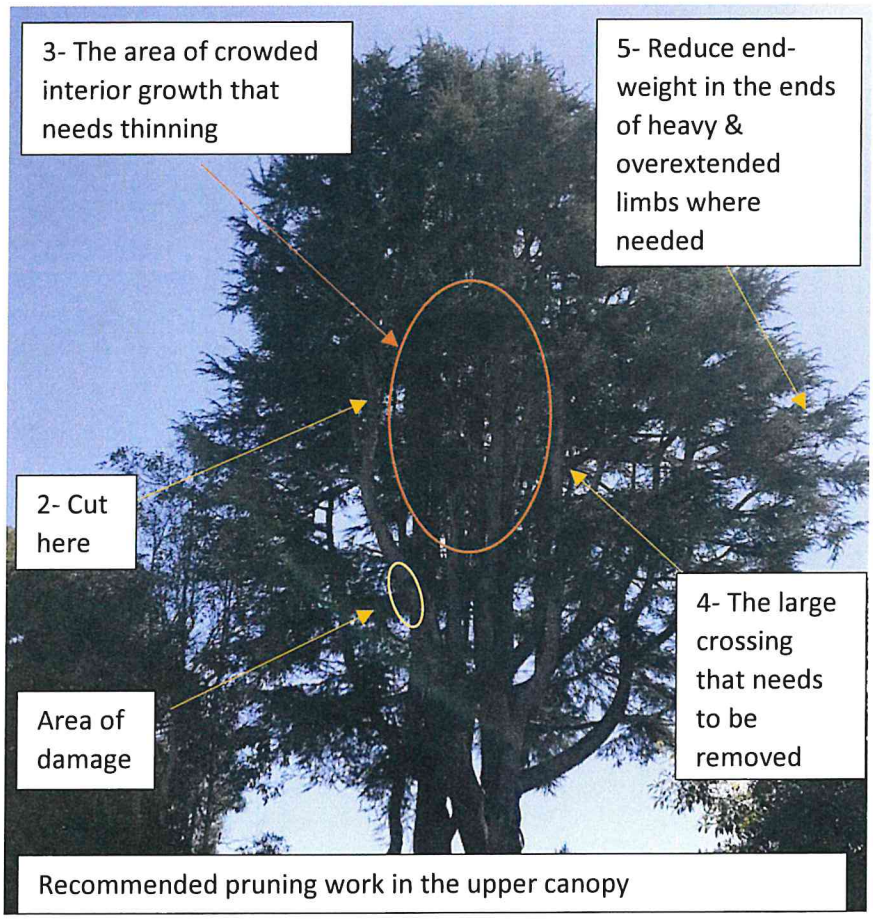
RECOMMENDATIONS:

I recommend that the following procedures are undertaken in order to reduce the risk of limb failures:

Note that this work must be undertaken by a competent State Licensed Tree Service Provider. I should meet with the approved Tree Service Provider to discuss the scope of the recommended pruning and support cable installation work before it proceeds and should also inspect the work in progress in order to ensure that it is being performed correctly. This work must comply with ANSI A-300 Best Management Practices and ISA Standards for tree pruning and the installation of tree support systems. This work must also be performed under the supervision of an ISA Certified Arborist.

1- Remove the following limbs and branches throughout the tree canopy:
- Remove all dead wood over 1-inch diameter.
- Remove all damaged limbs and branches at the same time.

2- Prune the damaged scaffold limb structure on the north side of the canopy:
- Reduce its height and weight significantly in order to reduce the risk of more failures.



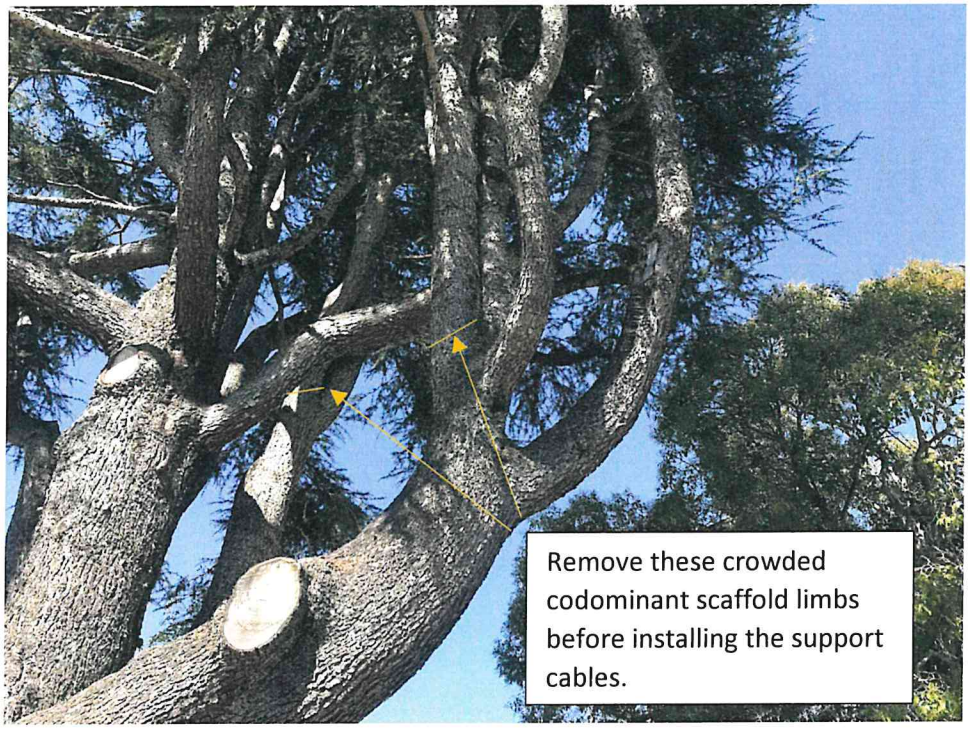
Recommended pruning work in the upper canopy

3- Remove the smaller diameter vertical limbs within the interior of the canopy (the crowded codominant limbs located within the upper canopy structure).

4- Remove all crossing limbs and branches (remove the supported limb/branch, which is always weaker). The heavy west facing crossing limb must be removed because it is particularly vulnerable to failure at this time. This limb extends out over the property boundary.

5- Reduce weight in the ends of heavy and overextended lateral limbs (targeted end-weight reduction pruning utilizing thinning cuts).

6- Prune the heavy low east facing scaffold limb structure to reduce its weight. Remove the largest of the secondary codominant limbs.



7- Install multiple support cables between the scaffold limb structure and the codominant trunks. Utilize triangulations of cable where possible, so as to optimize the support provided by these cables. Utilize EHS grade cable attached to Amon-Eyes and through-rods as terminal hardware (approved cable stops are also acceptable for terminal hardware where Amon-Eyes cannot be utilized). These cables must be installed at between 2/3 and 3/4 of the way up from the the trunk and limb attachments and their tops.

8- I recommend that I meet with the approved tree service provider determine the locations of these cables at the time of their proposal.

9- Note that it is very important that the cable hardware is inspected on a regular basis to ensure that it is in good condition (inspections every two years are recommended).

Please contact me if you have any questions pertaining to this report.

Respectfully submitted

Nigel Belton

Attachments:
- Assumptions and Limiting Conditions
- Tree Location Map
- Recommended Tree Service Providers

TREE LOCATION MAP

48.5 INCH DBH DEODAR CEDAR LOCATED ON THE PROPERTY OF K VINCENT 4 CAPITOLA ROAD, CAPITOLA - CA

Prepared by:
Nigel Belton - Consulting Arborist
November 18, 2019

Condtions and Findings for Approval

4630 Capitola Road

CONDITIONS FOR APPROVAL

1. The appeal consists of a request to reverse the administrative denial of a tree removal permit for a deodar cedar tree. The Planning Commission heard the appeal on January 21, 2021, and upheld the appeal, allowing the removal of the deodar cedar tree.

2. Prior to removal of the deodar cedar tree, the applicant shall submit a $500 tree replacement deposit and a tree replanting plan indicating the proposed size, species, and location of the replacement tree. The applicant shall replace the tree at a 2:1 ratio.

FINDINGS FOR APPROVAL

The removal of the deodar cedar located in the front yard at 4630 Capitola Road is in the public interest.

A. The tree is in need of removal due to condition, with respect to danger of falling limbs.
The arborist studied the deodar cedar tree and found it to be in a good state of health and growth. The root zone and trunk appears stable with very low risk of total failure. The tree has numerous large limbs with poor attachments with high risk of failure.

B. The tree poses a safety concern if mitigating action is not taken.
The arborist identified that the deodar cedar tree was vulnerable to continued limb failures without mitigating action.

C. The tree has the potential to cause unreasonable property damage if mitigating action is not taken.
The deodar cedar tree has caused property damage in the past. The arborist identified that, without mitigating action, the tree may continue to experience limb failures and cause property damage.

D. There are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.
The Planning Commission reviewed the application and arborist report and found that there are no feasible alternatives to tree removal that secure the purposes of the Community Tree and Forest Management Ordinance.