



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, October 4, 2018 – 7:00 PM

Chairperson Sam Storey
Commissioners Ed Newman
 Linda Smith
 TJ Welch
 Susan Westman

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Sep 6, 2018 7:00 PM

4. CONSENT CALENDAR

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

A. 106 Sacramento Avenue #18-0143 APN: 036-143-09

Request to Continue to November 1, 2018, the Design Permit and Coastal Development Permit for a second-story addition to a single-family home located at 106 Sacramento Avenue within the R-1 (Single-Family) and GH (geologic hazards) zoning district.

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

Property Owner: Mike & Meghan Morrissey

Representative: Dan Gomez, Filed: 03.29.2018

5. PUBLIC HEARINGS

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

A. 211 Monterey Avenue #18-0411 APN: 035-185-19

Fence height exception beyond the 42-inch maximum front yard fence height to permit a four feet tall section of fence at the south end, a five-foot, six-inch tall entry gate, and an eight-foot tall trellis above the gate that will be located 33 inches in front of the existing duplex along the sidewalk located within the CV (Central Village) zoning district.

This project is in the Coastal Zone and does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption

Property Owner: Maor Katz

Representative: Maor Katz, Filed 07.31.2018

B. Park Avenue Sidewalk Improvements #18-0494

Coastal Development Permit for sidewalk improvements on Park Avenue in the R-1 (Single-Family Residential) Zoning District. The improvements include a new sidewalk on the north side of Park Avenue extending from McCormick Avenue to Wesley Street and a crosswalk at Cabrillo Street to connect the new sidewalk on the north side to the existing sidewalk on the south side of Park Avenue.

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

Environmental Determination: Categorical Exemption

Property Owner: City of Capitola

Representative: Kailash Mozumder, Filed: 09.17.2018

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

APPEALS: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review 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. Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



**DRAFT FINAL MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, SEPTEMBER 6, 2018
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 – None
 - C. Commission Comments – None
 - D. Staff Comments – None

3. APPROVAL OF MINUTES

- A. Planning Commission - Regular Meeting - Jul 19, 2018 7:00 PM

RESULT:	ACCEPTED [UNANIMOUS]
MOVER:	Linda Smith, Commissioner
SECONDER:	Susan Westman, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

- B. Planning Commission - Regular Meeting - Aug 2, 2018 7:00 PM

RESULT:	ACCEPTED [4 TO 0]
MOVER:	TJ Welch, Commissioner
SECONDER:	Linda Smith, Commissioner
AYES:	Smith, Newman, Welch, Storey
ABSTAIN:	Westman

4. CONSENT CALENDAR

- A. **308 El Salto Drive #18-0289 APN: 036-123-27**

Design Permit for a first-story addition of a porch to an existing two-story single-family home 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: Chris Henry

Representative: Derek Van Alstine, Designer, Filed: 6.19.2018

MOTION: Approve Design Permit with the following conditions and findings:

Minutes Acceptance: Minutes of Sep 6, 2018 7:00 PM (Approval of Minutes)

CONDITIONS

1. The project approval consists of construction of a 199 square-foot first story, covered porch to the front of the single-family home at 308 El Salto Drive. 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 55.8% with a total of 1,787 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 September 6, 2018 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 final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit #18-0289 shall be paid in full.
8. 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).
9. 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.
10. 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
11. 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.

12. 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.

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 199 square-foot, first story covered porch complies with the development standards of the R-1 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 the 199 square-foot, first story covered porch. The porches' new gable with horizontal siding and a circular gable vent extending out from the existing front gable will fit in nicely with the neighborhood. The project will maintain the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15301 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 before the addition, or 2,500 square feet, whichever is less. This project involves the addition of a 199 square foot porch within the R-1 (Single Family Residential) zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	TJ Welch, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

B. 4775 Garnet Avenue #18-0377 APN: 034-037-17

Design Permit to modify the roof design of an existing nonconforming duplex and detached garage in the R-1 (Single-Family Residential) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Mike & Ayshe Anderson

Representative: Heidi Anderson Spicer, Architect, Filed: 07.11.2018

Commissioner Smith pointed out for clarification that there was an error on the cover sheet of the site plan that shows the site mis-marked. Director Katie Herlihy commented that it would be corrected at the time building plans are submitted.

MOTION: Approve Design Permit with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of the addition of gable roofs to an existing nonconforming duplex and detached garage and an update of the siding on both buildings. The maximum Floor Area Ratio for the 3,360 square foot property is 56% (1,882 square feet). As a nonconforming use (duplex) in the R-1 (Single-Family Residential) zoning district, no floor area may be added to the structures. The project does not add any additional floor area to the existing nonconforming 1,440 square foot, two-story, duplex or the detached 640 square foot garage in the R-1 (Single-Family Residential) Zoning District. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on September 6, 2018 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. At the time of submittal for building permit review, the applicant must provide a cross-section of the drainage features for the property.
6. At the time of submittal for building permit review, the applicant must provide a corrected window schedule.
7. 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.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
9. Prior to issuance of building permit, all Planning fees associated with permit #18-0377 shall be paid in full.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, 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.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

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

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 addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings complies with the development standards of the R-1 (Single-Family Residential) Zoning District. The project does not add any additional floor area to the existing nonconforming 1,440 square foot, two-story, duplex or the detached 640 square foot garage in the R-1 (Single-Family Residential) Zoning 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 the addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings. The design of the home and garage, with the new gable roofs and siding, will improve the aesthetics of the structures and 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 that are less than 50 percent of the existing floor area ratio of the structure. This project involves the addition of gable roofs to an existing nonconforming duplex and detached garage and update of the siding on both buildings within the R-1 zoning district. No adverse environmental impacts were discovered during review of the proposed project.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	TJ Welch, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

C. 106 Sacramento Avenue #18-0143 APN: 036-143-09

Design Permit for a 764-square-foot addition with a new second-story to an existing single-family home located within the Single-Family (R-1) zoning district and the Geological Hazards (GH) district.

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

Environmental Determination: Categorical Exemption

Property Owner: Mike & Meghan Morrissey

Representative: Dan Gomez, Architect, Filed: 03.29.2018

Minutes Acceptance: Minutes of Sep 6, 2018 7:00 PM (Approval of Minutes)

The applicant has requested to continue this item to the next regular Planning Commission meeting of October 4, 2018.

Chairperson Storey recused himself from voting on this project due to proximity.

MOTION: Continue item to next regular Planning Commission meeting of October 4, 2018.

RESULT:	CONTINUED [4 TO 0]	Next: 10/4/2018 7:00 PM
MOVER:	Susan Westman, Commissioner	
SECONDER:	TJ Welch, Commissioner	
AYES:	Smith, Newman, Welch, Westman	
RECUSED:	Storey	

5. PUBLIC HEARINGS

A. 210 Central Avenue #18-0001 APN: 036-122-19

Request to Continue to November 1, 2018, the Design Permit, CUP, Major Revocable Encroachment Permit, and Variance for an addition to an historic single-family residence located at 210 Central Avenue within the R-1 (Single-Family) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Paul & Brigitte Estey

Representative: Paul & Brigitte Estey, Owners. Filed: 01-02-2018

Director Katie Herlihy reported that the applicant has requested to continue this item to the November 1, 2018, Planning Commission meeting to allow time for the installation of story poles and netting on the second level at least one week in advance of the meeting. Director Herlihy will notify commissioners when they are up.

Chairperson Storey disclosed that he and Director Herlihy met with the applicant on Friday, August 31, to discuss the process of installing the story poles and netting. Chairperson Storey also noted that there is no guidance for this and developing a procedure for future applicants might be something to consider discussing in the future.

MOTION: Continue item to November 1, 2018 Planning Commission meeting.

RESULT:	CONTINUED [UNANIMOUS]	Next: 11/1/2018 7:00 PM
MOVER:	Linda Smith, Commissioner	
SECONDER:	Susan Westman, Commissioner	
AYES:	Smith, Newman, Welch, Westman, Storey	

Minutes Acceptance: Minutes of Sep 6, 2018 7:00 PM (Approval of Minutes)

B. 609 Capitola Avenue #18-0189 APN: 035-301-23

Design Permit and Conditional Use Permit for an addition to an historic single-family home with a Variance to the rear yard setback for the attached garage located within the R-1 (Single-Family) zoning district.

This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission after all possible appeals are exhausted through the City.

Environmental Determination: Categorical Exemption

Property Owner: Guy Tringali

Representative: Dennis Norton, Filed: 04.30.2018

Assistant Planner Matt Orbach provided the project presentation. An errata sheet dated September 5 was issued that included three additional conditions from Public Works, and a clarification on removing the variance request.

Applicant representative Dennis Norton addressed the Commission regarding the project in general, the roof slope, the window replacements, and the request for a three-foot variance for the rear yard setback to accommodate the garage and possible alternatives. The architectural historian recommended a roof plan that has no flat roof and less than a 6/12 slope. The variance is requested for historical consideration in order to allow for the roof line, as recommended by the historian, and still accommodate the construction of a full-sized garage. Mr. Norton clarified that the applicant is seeking the variance but also submitted an alternative design that complies with the code.

The property owner, Mr. Tringali, also addressed the Commission regarding the proposed design and construction plans for their home.

Mr. Jim Black, a neighbor from Capitola Avenue, the applicant's current residence, spoke in favor of the Mr. Tringali's project plans and designer Norton's design.

The Commission discussed concerns related to the roof, windows, parking, historic preservation, denial of the variance request, and adding and amending several conditions.

MOTION: Deny Variance request, Approve Design Permit, Coastal Development Permit, and Conditional Use Permit, with the following amended conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of construction of an ~~774816~~-square-foot addition for an existing historic single-family home at 609 Capitola Avenue. The request for a variance to the rear yard setback was denied. The maximum Floor Area Ratio for the 7,261-square-foot property is 48% (3,485 square feet). The total FAR of the project is 33.9% with a total of ~~2,416~~ 2,458 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 September 6, 2018, except as modified through conditions imposed by the Planning Commission during the hearing-including the required modification to the depth of the garage.
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. The request for a variance to the rear yard setback was denied. Prior to issuance of a building permit, plans shall show that the building complies with the rear yard setback. The attached garage shall be moved forward three feet out of the rear yard setback and the eave of the new addition is permitted to cut a maximum of two feet into the south side gable eave of the historic structure. The updated plans shall be approved administratively by the Community Development Director.
6. The original focal windows on the east and south elevations, with their distinctive and unusual diagonal lattice muntin patterns, shall ~~either be preserved or~~ be replicated in material and pattern. Replicated windows ~~may shall not~~ be vinyl-clad wood windows.
7. The dimensions and materials of the historic building fabric shall be included in the drawing set.
8. At time of building plan submittal, the plans shall include a language on the cover sheet referring to the property as an "Historic Resource", requiring review of all design revisions, and that the project should include notes that the existing historic elements are to be protected during construction.
9. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
10. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
11. Prior to issuance of building permit, all Planning fees associated with permit #18-0189 shall be paid in full.
12. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.
13. 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.
14. 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.

15. 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).
16. 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.
17. 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.
18. 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
19. Prior to issuance of building permit, the new driveway approach shall meet current ADA standards.
20. 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.
21. Prior to issuance of a Certificate of Occupancy, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for 1 fir tree to be removed from the property. Replacement trees shall be planted at a 2:1 ratio. Required replacement trees shall be of the same size, species and planted on the site as shown on the approved plans.
22. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
23. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
24. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

25. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
26. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
27. Prior to issuance of a building permit, applicant shall update existing site plans to include dimensions of all existing impervious surfaces (driveways, walkways, decks, garage, storage, etc.).
28. Prior to issuance of a building permit, applicant shall update proposed site plans to show dimensions of all planned impervious surfaces.
29. Prior to issuance of a building permit, applicant shall submit updated impervious surface calculations on a new storm water application. Dimensions on the existing and proposed site plans should support the calculations for existing impervious surface, replaced impervious surface, new impervious surface, and total proposed impervious surface.
30. Siding on the new addition may match the siding on the existing historic structure, but a delineation shall be required between the historic siding and the new siding. Plans shall be approved administratively by the Community Development Director.
31. The roof of the addition was approved as designed with a flat roof in the center and a 6:12 pitch to the roof edge.
32. The existing driveway on the north side of the property shall remain gravel or comparable permeable material.

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 construction of a 774816-square-foot addition for an existing historic single-family home at 609 Capitola Avenue complies with the development standards of the R-1 (Single-Family Residential) 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 774816-square-foot addition for an existing historic single-family home at 609 Capitola Avenue. The design of the addition, with massing and architectural elements complementary to the existing historic home, 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 that will not result in an increase of more than 50 percent of the floor area. This project involves a 774816-square-foot addition to an existing 1,642-square-foot single-family

home within the R-1 (Single-Family Residence) zoning district that will increase the floor area by 4749.7%. No adverse environmental impacts were discovered during review of the proposed project.

D. Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title would not ~~is found to~~ deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;

~~There are no special circumstances applicable to the subject property-is that it is a historic home. S, and staff cannot make the finding that the strict application of this title is found to~~ would deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. While historic preservation is a priority within the City of Capitola, the aspect of the project requiring the variance (the proposed attached garage) is not a requirement for the project because the property already has a detached garage and driveway that comply with the covered and uncovered parking requirement for the home.

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

609 Capitola Avenue is the only parcel on Capitola Avenue zoned R-1 (Single-Family Residential). Every other property on Capitola Avenue between Bay Avenue and the railroad trestle is zoned C-N (Neighborhood Commercial). However, the rear of the property is adjacent to the single-family homes along Oak Drive, which are in the same R-1 zoning district as 609 Capitola Avenue. All of the single-family homes along the east side of Oak Drive in the vicinity of 609 Capitola Avenue conform to the rear setback requirements of the R-1 zoning district, therefore a ~~finding of that a variance~~ to the rear yard setback requirement would ~~not~~ constitute a grant of special privilege inconsistent with other properties in the area ~~cannot be made~~.

RESULT:	APPROVED AS AMENDED [UNANIMOUS]
MOVER:	Susan Westman, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Newman, Welch, Westman, Storey

6. DIRECTOR'S REPORT

Director Herlihy reported that the errata sheet prepared for the project at 609 Capitola Avenue should have been marked as an addendum as part of additional materials. Commissioner Smith requested clarification on something she noticed in a couple of places in one of the staff reports where it stated that a few things were denied but they can't really be denied until they go to the Planning Commission. Director Herlihy confirmed that was correct and she would review the staff report to make sure that was corrected.

Director Herlihy also provided an update on 4690 Capitola Road. The project is in line with agreements that were put in place. The City has received a payment of \$45,000 to cover staff time and attorney fees. Director Herlihy said she will continue to provide future updates.

Director Herlihy announced that Robin Woodman has started work as the new Building Official that will be shared with the City of Scotts Valley, and a recruitment for the position of Development Services Technician has recently closed. These two positions will help relieve some of the strain on the Building Department.

A preliminary proposal for a bicycle sharing program will be presented to the City Council next week, similar to the City of Santa Cruz's red bikes that have been seen around town recently. The City of Santa Cruz implemented their bike share program last May with about 250 bikes, which will soon increase to 500 once they expand their successful program to include UCSC.

7. COMMISSION COMMUNICATIONS

Commissioner Westman asked about the status of the Sears site. Director Herlihy responded that an appeal is set for October 25, 2018. An email and a phone call by their attorney was received asking for a continuance to a meeting in November, and we are preparing for the City Council to make the decision on whether to continue at the October 25 hearing.

Commissioner Newman raised a question about human sign holders showing up on weekends both in the village and in the City, some with spinners. Commissioner Newman would like to see some sort of permit or process to address non-compliance of the City's sign ordinance. Director Herlihy will check in with the City Attorney as it might be considered protected as a freedom of speech issue if it is a person holding a sign. Commissioner Westman agreed and requested the City Attorney provide guidance on this issue. Chairperson Storey concurs and has also noticed signs in the median advertising church at the beach, real estate signs, and a very large sign at the corner of Monterey Avenue and Park Avenue advertising the Santa Cruz County Fair. Chairperson Storey would like to know if they've been issued permits, even though it might be on private property, and there may be some exceptions, but he would like to see them taken down if they haven't obtained proper permits. Director Herlihy encouraged the Commissioners to send an email if they notice any signs they may be concerned about, and she also added that there is a code enforcement complaint form available online that any member of the public may submit to the Community Development Department for follow-up.

Commissioner Smith asked about an update on when the sign for the salon at end of the Esplanade would be changed since it was already approved. Director Herlihy responded that the business owner was having timing issues with the sign maker, but the signs have been ordered and are anticipated sometime about the end of September.

Chairperson Storey requested that erratum and addendums should also be posted on the website.

8. ADJOURNMENT



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: OCTOBER 4, 2018

SUBJECT: **106 Sacramento Avenue #18-0143 APN: 036-143-09**

Request to Continue to November 1, 2018, the Design Permit and Coastal Development Permit for a second-story addition to a single-family home located at 106 Sacramento Avenue within the R-1 (Single-Family) and GH (geologic hazards) zoning district. This project is in the Coastal Zone and requires a Coastal Development Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City. Property Owner: Mike & Meghan Morrissey
Representative: Dan Gomez, Filed: 03.29.2018

APPLICANT PROPOSAL

The project site is a large 30,719-square-foot lot located at 106 Sacramento Avenue, within the Single-Family (R-1) zoning district and the Geological Hazards (GH) district. The applicant is proposing a 764-square-foot addition to the existing 3,943-square-foot house. The new addition is located outside the required 50-year bluff retreat line. The addition requires Planning Commission approval of a Design Permit and a Coastal Development Permit. The application complies with all development standards of the R-1 and GH districts.

BACKGROUND

On September 6, 2018, the owner requested that the agenda item be continued to the October 4, 2018, Planning Commission meeting. The owner is now requesting the agenda item be continued to the November 1, 2018, meeting.

STAFF RECOMMENDATION

Staff recommends the Planning Commission continue the application for 106 Sacramento Avenue to the November 1, 2018, meeting.

Prepared By: Matt Orbach
Assistant Planner



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: OCTOBER 4, 2018
 SUBJECT: **211 Monterey Avenue #18-0411 APN: 035-185-19**

Fence height exception beyond the 42-inch maximum front yard fence height to permit a four feet tall section of fence at the south end, a five-foot, six-inch tall entry gate, and an eight-foot tall trellis above the gate that will be located 33 inches in front of the existing duplex along the sidewalk located within the CV (Central Village) zoning district.

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

Environmental Determination: Categorical Exemption

Property Owner: Maor Katz

Representative: Maor Katz, Filed 07.31.2018

APPLICANT PROPOSAL

The applicant is proposing to construct a picket fence within the front yard of their property located along Monterey Avenue in the CV zoning district. The applicant is requesting height exceptions beyond the 42-inch maximum front yard fence height to allow a four-foot high section of fence on the southernmost end of the property, a five-foot six-inch gate, and an eight-foot trellis above the gate.

BACKGROUND

On September 9, 2015, the applicant submitted a request for a fence permit to construct a 42-inch high front yard fence. The permit was granted with standard conditions that the fence be built on the applicant's property without encroaching into the public right-of-way. Staff later realized that the proposed fence, although entirely within the applicant's property lines, would encroach into the sidewalk which had been improved and used as a public right-of-way (ROW) for decades. Because the proposed fence would displace an area historically used as a public ROW, a private improvement permit and encroachment permit was required pursuant to Municipal Code section 12.56.060(A).

Staff subsequently ordered all work on the fence to cease. On October 20, 2017, the applicant appealed the City's administrative decision denying the private improvement permit and encroachment permit to the City Council. On March 22, 2018, the City Council heard the appeal and unanimously denied the appeal recommending the staff approve a new fence permit in the front yard with the requirement that the fence be located within 33 inches parallel to front façade of the home so the width of the pedestrian path of travel is maintained while providing privacy

for the home owner. The City Council discussed a height exception and informed the applicant a height exception could be applied for and reviewed by the Planning Commission.

On July 31, 2018, the applicant submitted a fence height exception application. The applicant constructed the north two-thirds of the fence in the front of the home in compliance with the specifications set by City Council. The applicant is requesting a height exception to allow a four-foot section of fence on the lowest end of the property, a five-foot six-inch gate, and an eight-foot trellis above the gate.

DISCUSSION

The existing property at 211 Monterey Avenue is located in the Central Village neighborhood, one of Capitola's original settlement areas. The duplex fronts a busy sidewalk used by pedestrians travelling between the Pacific Cove parking lots to the Village and beach. The lots surrounding 211 Monterey Avenue are primarily mixed-use residential and commercial.

The duplex has an existing 42-inch high fence constructed from wooden slats along the front 25 feet of the property. Due to a 5-inch change in elevation, the applicant is requesting an exception to build the remaining portion of the fence at four feet high to align with the existing fence. The applicant is also seeking a height exception for the entry features including a five-foot, six-inch gate with an eight-foot trellis above.

The proposed fence and trellis will be constructed from redwood, cedar or spruce and painted to match the existing fence.

Fence Exception

Pursuant to CMC §17.54.020(A), fences between the property line and the front line of the principal building are limited to a maximum height of 42 inches.

CMC §17.54.020(B) allows the Planning Commission to approve alternative locations, height, and materials for fences. There are no criteria in the code for the Planning Commission to review when making a fence height exception. The reason for the request is the change in slope along the frontage on the south end of the property. The owner prefers that the entire fence height align, creating continuity. The owner did not want to decrease the height of the fence on the north side of the property due to past privacy issues being located along a major pedestrian thoroughfare. The addition of the trellis and gate distinguishes the duplex as a residential property. The fence, with gate and trellis, is consistent with the following Central Village Design Guideline: "The front yard should be landscaped and should create a sense of entry to the unit and/or units."

CEQA

Section 15303 of the CEQA Guidelines exempts new construction of small structures including fences. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #18-0411 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of construction of a 48-inch high fence, a five-foot six-inch high gate, and eight-foot high trellis within 30 inches of the front of the property at 211 Monterey Avenue. The proposed project is approved as indicated on the final plans

reviewed and approved by the Planning Commission on October 4, 2018, except as modified through conditions imposed by the Planning Commission during the hearing.

2. 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.
3. 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.
4. 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
5. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
6. The 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.

FINDINGS

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

Community Development Staff, and the Planning Commission have all reviewed the proposed fence exceptions. The fence conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives 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 and the Planning Commission have all reviewed the application for the fence height exceptions. The design of the fence and trellis will fit in nicely with the existing neighborhood. The project will maintain the character and integrity of the neighborhood. The height exception will allow the entire fence height to align creating continuity along the street frontage while maintaining privacy along a major pedestrian thoroughfare. The addition of the trellis and gate distinguishes the duplex as a residential property within the mixed use Central Village.

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

Section 15303(e) of the CEQA Guidelines exempts the construction of new accessory structures including fences. This project involves the construction of a fence and trellis within the CV zoning district. No Adverse environmental impacts were discovered during review of the proposed project.

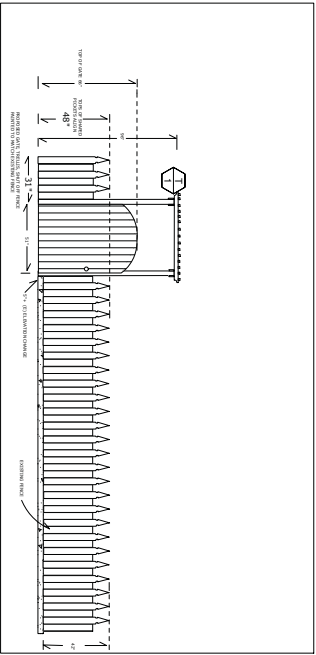
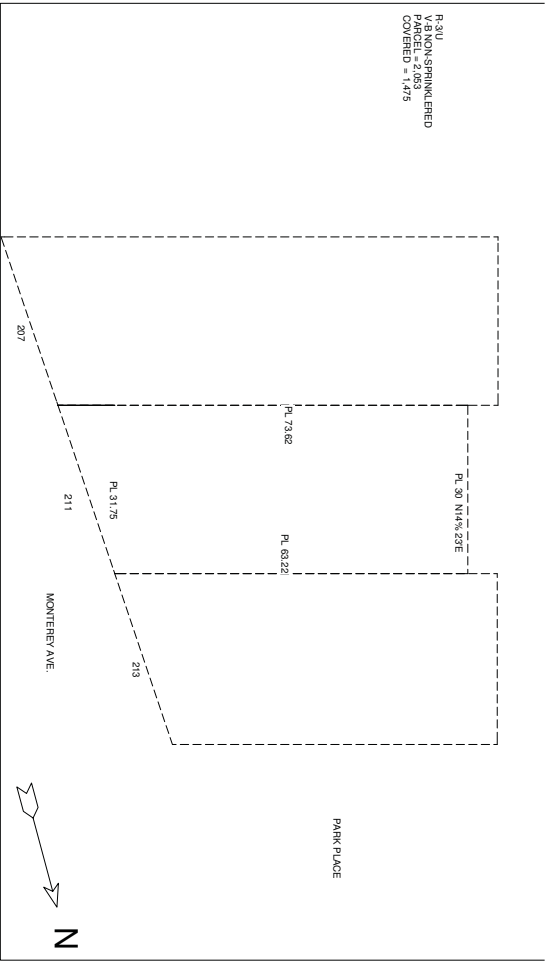
ATTACHMENTS:

1. 211 Monterey Ave - Gate Trellis Revisions - 09.19.2018 - Letter

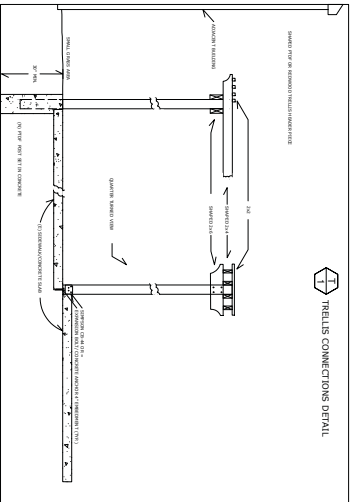
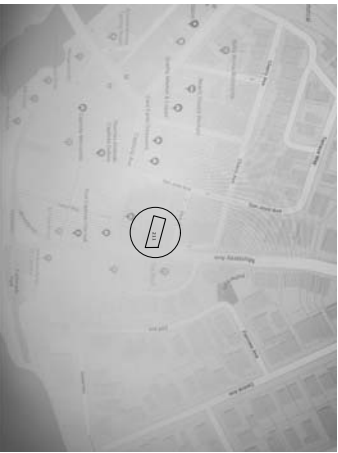
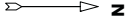
Prepared By: Sascha Landry

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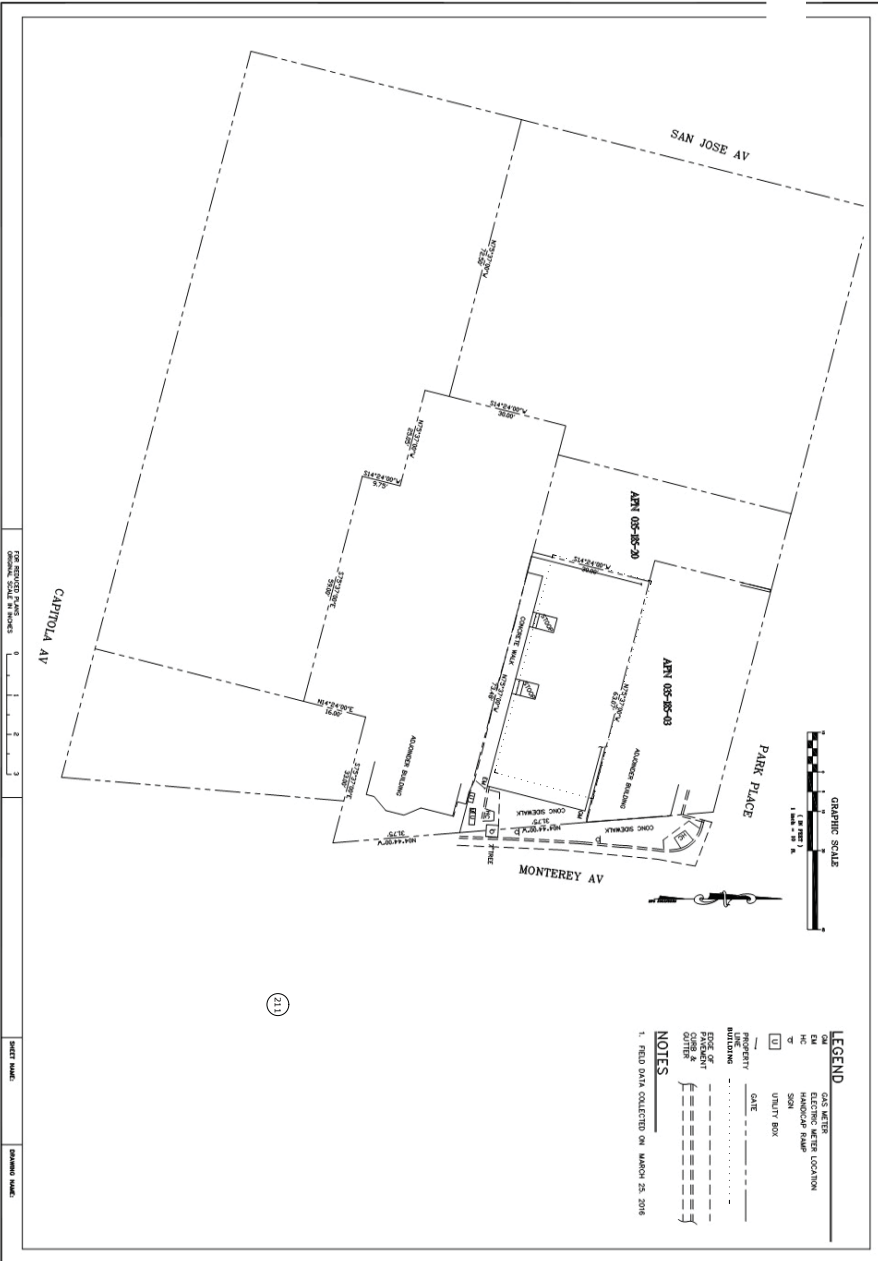
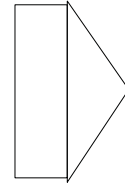
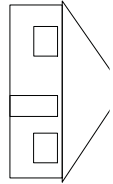
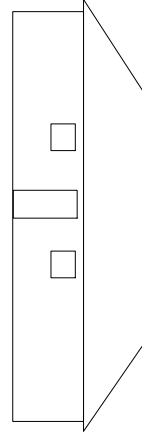
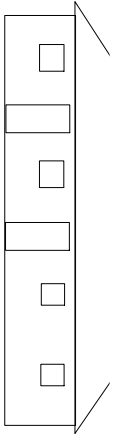
PROPOSED TRELLIS AT EXISTING GATE AND FENCE HEIGHT EXCEPTION AT CONTINUATION SHUTOFF FENCE



DESCRIPTION:
 ADD GATE WITH 8" TRELLIS AT FRONT OF RESIDENCE. FENCE TO MATCH EXISTING FENCE. INCLUDE SIGNOFF FENCE HEIGHT EXCEPTION TO ALLOW GATE TO ALIGN WITH SIDE OF GATE TO ALIGN WITH EXTERIOR ROAD. MATERIALS TO BE PERMITTED TO MATCH EXISTING FENCE.

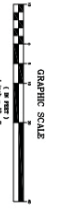


<p>APN 035-185-19</p>	<p>NO. DESCRIPTION BY DATE</p>		
<p>SHEET TITLE: DESCRIPTION ELEVATION DETAIL MAPS</p>			
<p>PROJECT DESCRIPTION: MAOR KATZ 211 MONTEREY AVE. CAPITOLA, CA 95010</p>			
<p>DRAWINGS PROVIDED BY: DOUGLAS McCLOSKEY CONSTRUCTION p.o. box 783 santa cruz, ca 95061 8312472687</p>			
<p>DATE: 9/18/2018</p>			
<p>SCALE: 1/8" = 1'-0"</p>			
<p>SHEET: A-1</p>			



LEGEND
 CAR WASH
 EM
 ELECTRIC METER LOCATION
 HC
 HANDICAP RAMP
 SIGN
 UTILITY BOX
 GATE
 GATE

NOTES
 1. FIELD DATA COLLECTED ON MARCH 25, 2018

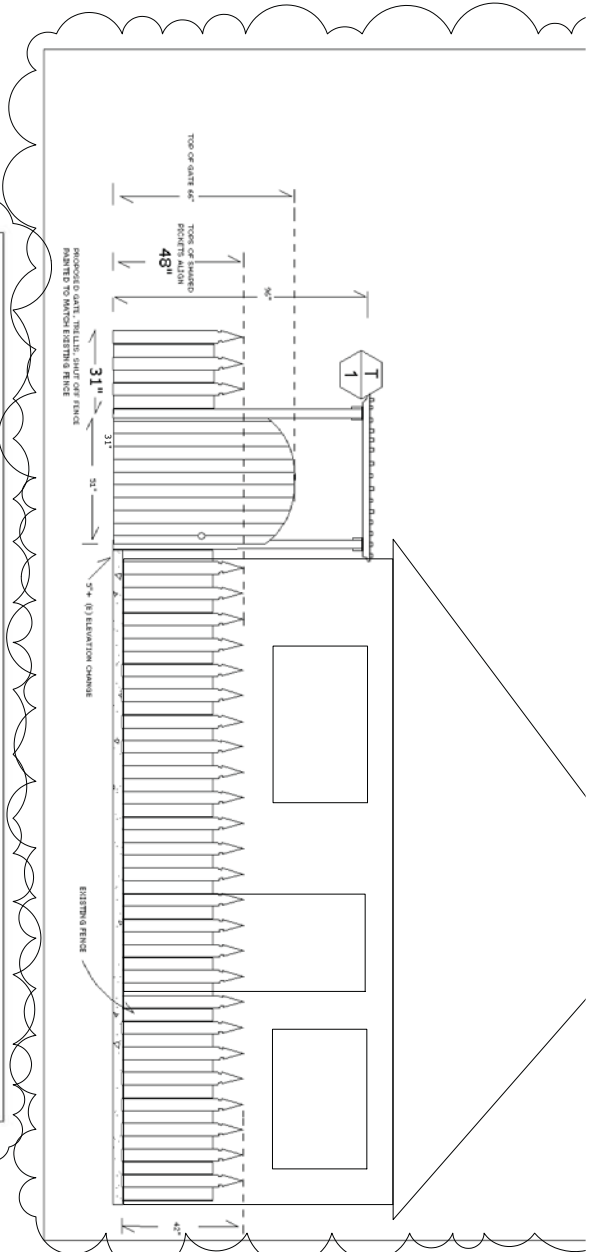
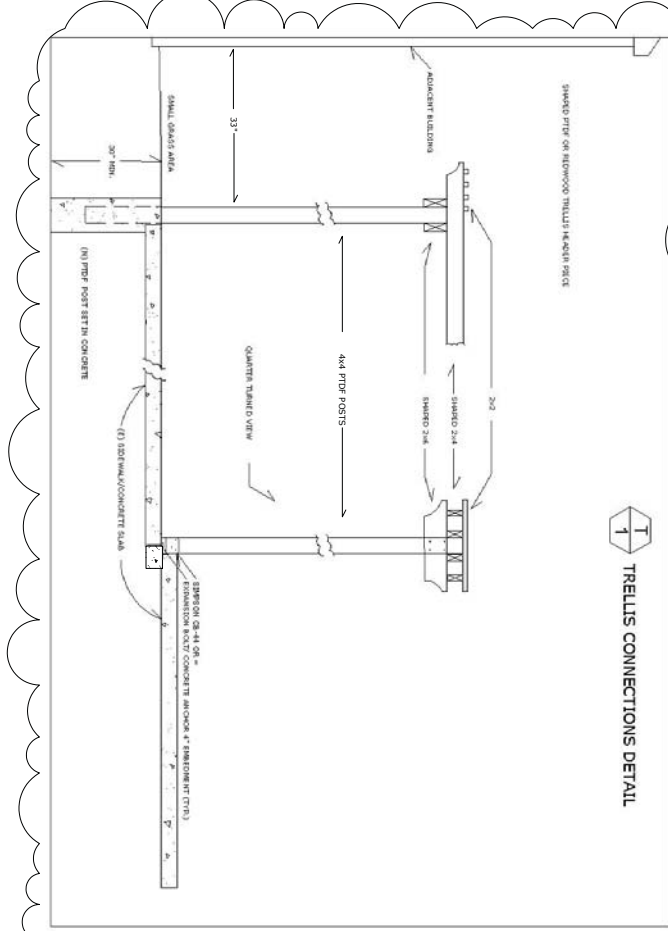
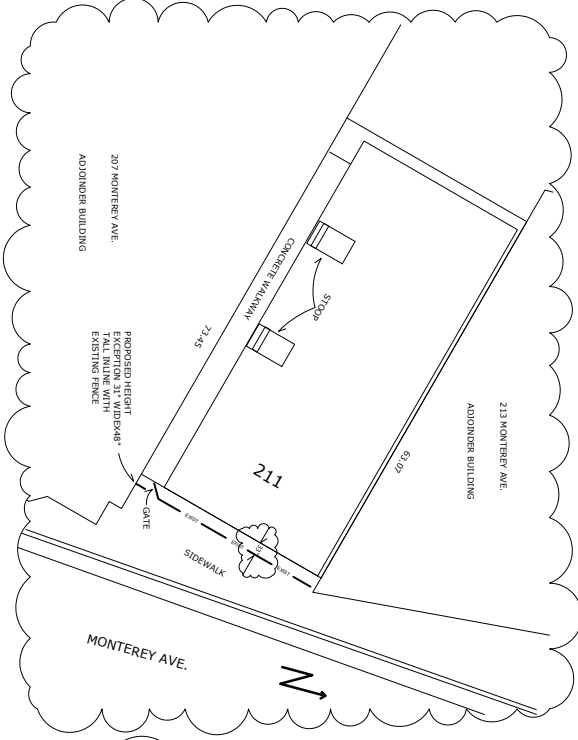


DATE: 9/18/2018
 SCALE: 1/8" = 1'
 SHEET: A-2

Attachment: 211 Monterey Ave - Gate Trellis Revisions - 09.19.2018 - Letter (211 Monterey Avenue)

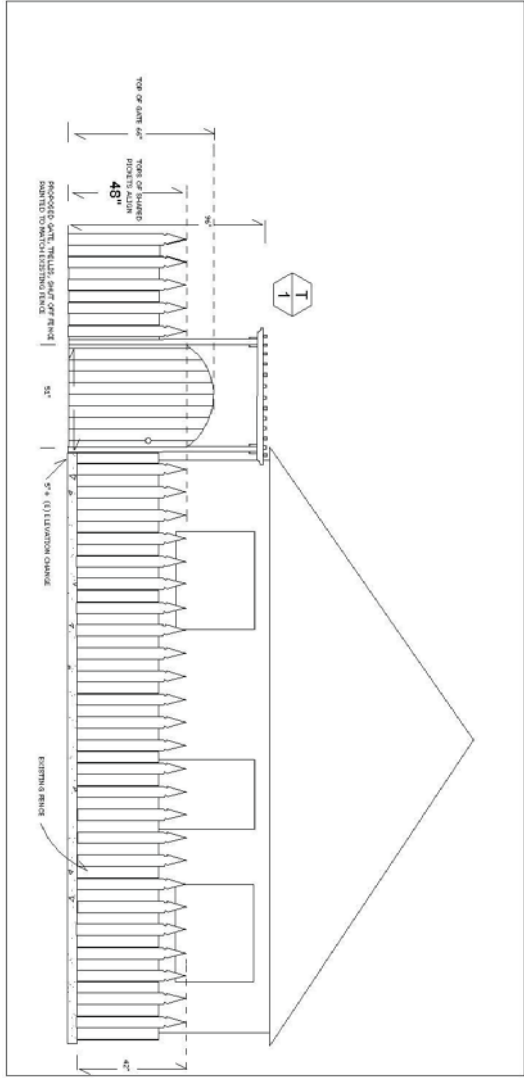
DRAWINGS PROVIDED BY: DOUGLAS McCLOSKEY CONSTRUCTION p.o. box 783 santa cruz, ca 95061 8312472687	PROJECT DESCRIPTION: MAOR KATZ 211 MONTEREY AVE. CAPITOLA, CA 95010	SHEET TITLE: ELEVATIONS PLOT PLAN	NO.	DESCRIPTION	BY	DATE

APN 035-185-19



Attachment: 211 Monterey Ave - Gate Trellis Revisions - 09.19.2018 - Letter (211 Monterey Avenue)

A-3	SHEET:	SCALE:	DATE: 9/18/2018	DRAWINGS PROVIDED BY: DOUGLAS McCLOSKEY CONSTRUCTION p.o. box 783 santa cruz, ca 95061 8312472687	PROJECT DESCRIPTION: MAOR KATZ 211 MONTEREY AVE. CAPITOLA, CA 95010	SHEET TITLE: REVISIONS	NO.	DESCRIPTION	BY	DATE	APN 035-185-19
							1	REVISION 1	DM	9/12/18	
2	REVISION 2	DM	9/12/18								
3	REVISION 3	DM	9/12/18								



A-4	SHEET:	SCALE:	DATE: 9/18/2018	DRAWINGS PROVIDED BY: DOUGLAS McCLOSKEY CONSTRUCTION p.o. box 783 santa cruz, ca 95061 8312472687	PROJECT DESCRIPTION: MAOR KATZ 211 MONTEREY AVE. CAPITOLA, CA 95010	SHEET TITLE:	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="font-size: 8px;">NO.</th> <th style="font-size: 8px;">DESCRIPTION</th> <th style="font-size: 8px;">BY</th> <th style="font-size: 8px;">DATE</th> </tr> </thead> <tbody> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> <tr><td> </td><td> </td><td> </td><td> </td></tr> </tbody> </table>	NO.	DESCRIPTION	BY	DATE																	APN 035-185-19
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STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: OCTOBER 4, 2018
 SUBJECT: **Park Avenue Sidewalk Improvements #18-0494**

Coastal Development Permit for sidewalk improvements on Park Avenue in the R-1 (Single-Family Residential) Zoning District. The improvements include a new sidewalk on the north side of Park Avenue extending from McCormick Avenue to Wesley Street and a crosswalk at Cabrillo Street to connect the new sidewalk on the north side to the existing sidewalk on the south side of Park Avenue.

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

Environmental Determination: Categorical Exemption
 Property Owner: City of Capitola
 Representative: Kailash Mozumder, Filed: 09.17.2018

APPLICANT PROPOSAL

The City of Capitola is applying for a Coastal Development Permit for sidewalk improvements on Park Avenue. The improvements include a new sidewalk on the north side of Park Avenue extending from McCormick Avenue to Wesley Street and a crosswalk at Cabrillo Street to connect the new sidewalk on the north side to the existing sidewalk on the south side of Park Avenue.

BACKGROUND

The Park Avenue sidewalk improvement project has been in the Capital Improvement Program (CIP) since 2000. A small portion of it, from Monterey Avenue to McCormick Avenue, was built in 2002. The current project limits were firmly established in 2012 and the project was partially funded at that time. Additional funding was identified in 2017 and the project design was moved forward into final design. The last piece of funding was approved by the Santa Cruz Regional Transportation Commission in the form of a Transportation Development Act allocation in September 2018.

DISCUSSION

The City is proposing sidewalk improvements and a crosswalk on Park Avenue to improve safety for pedestrians. Detailed plans of the sidewalk improvements and crosswalk are included as Attachment A. A coastal development permit is required for the project.

Coastal Development Permit

The proposed crosswalk and sidewalk expansion are located in the Coastal Exclusion Zone B appealable area as identified in the Capitola “Permit and Appeal Jurisdiction” Map. Capitola’s Local Coastal Plan requires the issuance of a coastal permit for the enlargement of the sidewalk area because it does not qualify for the following exemption:

“§17.46.050.B(3)(d): repair or maintenance activities that do not result in an addition to, or enlargement or expansion of, the object of those repair or maintenance activities, not including extraordinary methods of repair and maintenance per subsection (A)(3) of this section”

The City is adding the new sidewalk and crosswalk to create a safer route for pedestrians. The crosswalk across Park Avenue at Cabrillo Street will provide safe access for pedestrians coming to and from the Cliffwood Heights neighborhood. The proposed sidewalk and crosswalk create a safer means for the public to access the coast and recreational opportunities in Capitola Village and New Brighton State Beach, consistent with the purpose of the Local Coastal Plan. The proposed project complies with the required findings of a coastal development permit.

Part of the Park Avenue sidewalk project work will occur on private property because several of the existing driveways will need minor grading to meet the new grade of the sidewalk. These areas are indicated on the plans as hatched or blue areas (Attachment 1). City staff is coordinating this work with the affected property owners.

CEQA

Section 15332 of the CEQA Guidelines exempts projects characterized as in-fill development. Specifically, 15332 exempts projects meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project meets all of these criteria, and no adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #18-0494 based on the following Conditions and Findings for Approval.

CONDITIONS OF APPROVAL

1. The project approval consists of a coastal development permit for sidewalk improvements on Park Avenue in the R-1 (Single-Family Residential) Zoning District. The improvements include a new sidewalk on the north side of Park Avenue extending from McCormick Avenue to Wesley Street and a crosswalk at Cabrillo Street to connect the new sidewalk on the north side to the existing sidewalk on the south side of Park Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 4, 2018, 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

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project. The coastal permit for the Park Avenue sidewalk improvements and crosswalk conform to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan, and Local Coastal Plan.

B. This project is categorically exempt under Section 15332 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15332 of the CEQA Guidelines exempts existing facilities. Specifically, 15332 exempts projects meeting the following conditions:

- (a) The project is consistent with the applicable general plan designation and all applicable general plan policies as well as with applicable zoning designation and regulations.
- (b) The proposed development occurs within city limits on a project site of no more than five acres substantially surrounded by urban uses.
- (c) The project site has no value as habitat for endangered, rare, or threatened species.
- (d) Approval of the project would not result in any significant effects relating to traffic, noise, air quality, or water quality.
- (e) The site can be adequately served by all required utilities and public services.

The project meets all of these criteria, 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 along Park Avenue, between McCormick Avenue and Cabrillo Street. The project is not located in an area with coastal access. The project will, however, increase the public's access to public trails and locations with beach access.
 - b. **Shoreline Processes.** Description of the existing shoreline conditions, including beach profile, accessibility and usability of the beach, history of erosion or accretion, character and sources of sand, wave and sand movement, presence of shoreline protective structures, location of the line of mean high tide during the season when the beach is at its narrowest (generally during the late winter) and the proximity of that line to existing structures, and any other factors which substantially characterize or affect the shoreline processes at the site. Identification of anticipated changes to shoreline processes at the site. Identification of anticipated changes to shoreline processes and beach profile unrelated to the proposed development. Description and analysis of any reasonably likely changes, attributable to the primary and cumulative effects of the project, to: wave and sand movement affecting beaches in the vicinity of the project; the profile of the beach; the character, extent, accessibility and usability of the beach; and any other factors which characterize or affect beaches in the vicinity. Analysis of the effect of any identified changes of the project,

- alone or in combination with other anticipated changes, will have upon the ability of the public to use public tidelands and shoreline recreation areas;
- The proposed project is located along Park Avenue. 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 for Park Avenue, which currently has a public street and bike lanes. The project is designed to increase the safety and accessibility of public sidewalks along Park Avenue and to connect the sidewalks along the north and south side of Park Avenue with a crosswalk.
- 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 along Park Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline. The project will increase the ability of the public to get to those areas.
- 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 along Park Avenue and will increase the public's access to coastal areas and recreational opportunities. 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 residential area without sensitive habitat areas.
- b. Topographic constraints of the development site;
 - The project is in the public right of way along Park Avenue 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 a new sidewalk and crosswalk in the public right of way along Park Avenue.

SEC. 30223

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

- The project involves a new sidewalk and crosswalk in the public right of way along Park Avenue.

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

- The project involves a new sidewalk and crosswalk in the public right of way along Park Avenue.

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

- The project involves the construction of a new sidewalk and crosswalk. 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 along Park Avenue.

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

- The project is located in the public right of way along Park Avenue, approximately 0.4 miles from the Capitola fire department.

12. Project complies with water and energy conservation standards;

- The project is for a new sidewalk and crosswalk. 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:

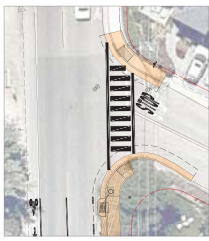
- The village area preferential parking program areas and conditions as established in Resolution No. 2596 and no permit parking of any kind shall be allowed on Capitola Avenue.
 - The neighborhood preferential parking program areas are as established in Resolution Numbers 2433 and 2510.
 - The village area preferential parking program shall be limited to three hundred fifty permits.
 - Neighborhood permit areas are only in force when the shuttle bus is operating except that:
 - The Fanmar area (Resolution No. 2436) program may operate year-round, twenty-four hours a day on weekends,
 - The Burlingame, Cliff Avenue/Grand Avenue area (Resolution No. 2435) have year-round, twenty-four hour per day “no public parking.”
 - Except as specifically allowed under the village parking program, no preferential residential parking may be allowed in the Cliff Drive parking areas.
 - 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.
 - A limit of fifty permits for the Pacific Cove parking lot may be issued to village permit holders and transient occupancy permit holders.
 - 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.

ATTACHMENTS:

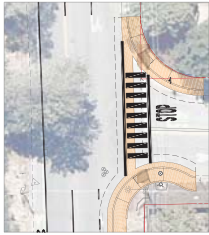
1. Park Ave Sidewalk Plan Line

Prepared By: Matt Orbach
Assistant Planner

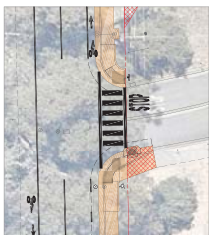
CITY OF CAPITOLA - PARK AVENUE SIDEWALKS OVERVIEW MAP



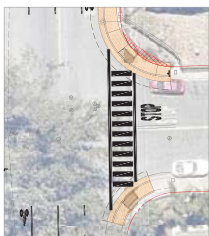
MCCORMICK AVE



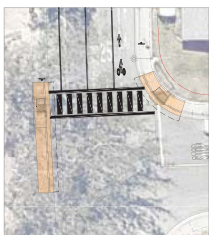
WASHBURN AVE



APARTMENT DWY



WESLEY ST



CABRILLO ST

LEGEND:

-  - PROPOSED CURB, CUTTER, AND SIDEWALK
-  - PROPOSED DRIVEWAY IMPROVEMENT
-  - PROPOSED PROPERTY IMPACT
-  - EXISTING PROPERTY LINE

