



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, November 7, 2013 – 7:00 PM

Chairperson Mick Routh
Commissioners Ron Graves
 Gayle Ortiz
 Linda Smith
 TJ Welch

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. October 3, 2013 Draft Planning Commission Minutes

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. 1066 41st Avenue #12-094 APN: 034-711-001, 002, and 003

Master Sign Program for three commercial units in the PD (Planned Development) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Macquarie Capitola Villas, Inc., filed 7/18/12

Representative: Steve Elmore

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. 110 Lawn Way #13-145 APN: 035-124-05

Conceptual review for a second-story addition to a single-story home in the CV (Central Village) Zoning District.

Environmental Determination: Categorical Exemption

Owner: Norma Kettmann

Representative: Gary Lindeke, filed: 10/11/13

6. ITEMS FOR DISCUSSION WITHOUT PUBLIC HEARING

A. Review of Draft Conditions of Approval for Residential

7. COMMISSION COMMUNICATIONS

Selection and appointment of one Commissioner to the Traffic and Parking Commission.

8. ADJOURNMENT

Adjourn to the Special Joint Meeting of the City Council and the Planning Commission to be held on Thursday, November 21, 2013, at 6:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred forty two dollar (\$142.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.ci.capitola.ca.us. 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 at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, OCTOBER 3, 2013
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

2. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - None
- B. Public Comments - None
- C. Commission Comments

Chairperson Routh announced that effective tonight he is resigning as the Planning Commission's representative on the Traffic and Parking Commission. A replacement will be appointed at the November meeting, and Chairperson Routh said Commissioner Graves had expressed interest.

Chairman Routh also noted the passing of Frank Beccaria. Mr. Beccaria succeeded Chairman Routh on the City Council many years ago and spent at least a term each on the City Council and Planning Commission.

- D. Staff Comments - None

3. APPROVAL OF MINUTES

- A. September 5, 2013, Regular Planning Commission Meeting

A motion to approve the Sept 5, 2013, meeting minutes was made by Commissioner Ortiz and seconded by Commissioner Welch.

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

4. CONSENT CALENDAR

- A. **812 Laurence Avenue #13-127 APN: 036-052-08**

Design Permit for a 306-square-foot addition to an existing Single Family Home in the R-1 (Single Family) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Paul Pashby, filed: 9/10/13

Representative: Ron Ragsdale

Neighbor Dan Wilson asked to see plans for the application, which were shared by Senior Planner Katie Cattan. Planner Cattan explained the proposed addition extends into the front and the garage was extended as well to meet parking requirements. Mr. Wilson had no comments.

A motion to approve project application #13-127 with the following conditions and findings was made by Commissioner Welch and seconded by Commissioner Ortiz:

CONDITIONS

1. The project approval consists of construction of a 306-square-foot addition to an existing single-family home. The maximum Floor Area Ratio of 49% for the property is 2,940 square feet. The FAR of the primary residence is 35% with a total of 2,105 square feet.
2. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on October 3, 2013, except as modified through conditions imposed by the Planning Commission at the time of the hearing. A building permit shall be secured for any new construction or modifications to structures, including interior modifications, authorized by this permit. Final building plans shall reflect the set of plans approved by the Planning Commission. All construction shall be completed according to the approved plans on which building permits are issued.
3. Any modifications to approved plans after the issuance of any building permit must be specifically requested and approved in writing prior to execution. Any significant changes shall require Planning Commission approval.
4. Prior to building permit sign off, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
5. Hours of construction shall be Monday through Friday 7:30 a.m. – 9 p.m., and Saturday 9 a.m. – 4 p.m., per city ordinance.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. The project shall implement Low Impact Development BMPs outlined in the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County. The applicant shall provide details on the BMPs implemented and with a goal of not allowing more than 25% of total impervious area from discharging directly from the site.
9. Planning fees associated with permit #13-127 shall be paid in full prior to building permit issuances.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.
11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

12. This permit shall expire 24 months from the date of issuance, unless an application for an extension is submitted prior to expiration pursuant to Municipal Code section 17.81.160.

FINDINGS

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

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

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

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

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

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

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

5. PUBLIC HEARINGS

- A. **1900 41st Ave. #12-155 APN: 034-201-37**

Amendment to existing Conditional Use Permit to incorporate a bar use and allow live entertainment in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: R. Deane
Representative: Pedro Salazar, filed 11/21/2012

Senior Planner Cattan presented the staff report, noting the applicant wishes to extended business and bar hours and offer live entertainment. She noted that the bar area of the facility has no dance floor. She shared photos of the location and adjoining residential areas. Due to the proximity of residences, Police Chief Rudy Escalante requested mitigation through a management plan that included a list of conditions. Among those are monitoring sound, assuring that any noise be contained within the building, and increasing security. No plan was submitted.

Commissioner Ortiz asked when the Chief's memo with the conditions was generated, and Senior Planner Cattan said it was sent to the applicant in early August.

Chairman Routh opened the public hearing. Mario Diaz and applicant Pedro Salazar said they had just finished a management plan and would like time to type and submit it.

There was no other public comment and the hearing was closed.

Chairperson Routh expressed concern about the last-minute response, but said the Commission could continue the item to give staff a chance to review it.

Commissioner Ortiz said she was not inclined to continue the item, but asked for input from the chief and staff. Chief Escalante explained that the purpose of a well-thought-out plan is to address activity inside and outside. He noted that there have been no issues with the business this year, but was concerned that the management plan was not presented in a timely manner.

Community Development Director Rich Grunow said staff would be open to working with the applicant if the Commission desired. Senior Planner Cattan noted she reached out regularly to request the plan and had set a deadline to allow ample time for review.

A motion to deny project application #12-155 based on the staff recommendation was made by Commissioner Ortiz and seconded by Commissioner Welch.

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

B. 100 Central Avenue #11-136 APN:036-131-10

Plan revisions to a previously approved design permit for a new two-story single-family dwelling in the R-1 (Single-Family Residence) Zoning District.
Property Owner: Jill Caskey & Bruce Yoxsimer, filed 12/15/11
Representative: Derek Van Alstine

Senior Planner Cattan presented the staff report and offered images and descriptions of Tudor style. She noted several defining characteristics including trim, half timbers, shutters, and Corbel additions. She displayed the applicant's plans to add more of these elements. In response to Commissioner Ortiz's question, she confirmed the applicant has already added flower boxes and a light fixture since the September meeting.

Derek Van Alstine represented the applicant and asked that if the Commission felt it could support the enhanced design direction, would it please include any additional items as conditions rather than continuing the application.

Commissioner Ortiz asked how additional half timbers would be attached, and Mr. Van Alstine confirmed that there is a process, although difficult, that does not impact the water seal of the stucco and blends well.

Chairperson Routh said he believes the design is moving toward the original plan and that he believes additional half timbers at each elevation would create a stronger Tudor influence. The applicant indicated that would be acceptable.

Commissioner Ortiz said she supported additional timbers, and was comfortable leaving the exact number and placement to the designer.

A motion to approve the design changes to application #11-136 with the following conditions was made by Commissioner Welch and seconded by Commissioner Ortiz:

CONDITIONS

1. All previous conditions of approval of Permit #11-136 continue to apply.
2. The applicant shall construct the exterior modifications presented to the Planning Commission at the October 3, 2013, Planning Commission meeting and include additional half timbers on the second story of each elevation as discussed to more closely resemble the original approval. The changes must be constructed by December 3, 2013. The financial guarantee held by the City will be released upon completion of all Planning Commission required modification.

FINDINGS

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

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

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

Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the exterior modifications to the project. The exterior material is similar to other newer residences in the area therefore, the project's overall design will maintain the character and integrity of the neighborhood.

- C. A Mitigated Negative Declaration has been prepared for this project based upon the completion of an Initial Study which identified less than significant impacts.**

A Mitigated Negative Declaration has been prepared and adopted based upon the findings of an Initial Study which identified that the project may have a significant effect on the environment due to the project site being located in geologic hazard, environmentally sensitive habitat, and archaeological sensitive zones. The Mitigated Negative Declaration was circulated for a 30 day public review period. Mitigation measures have been incorporated into the conditions of approval to ensure that impacts are reduced to a less than significant level.

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

6. DIRECTOR'S REPORT

In response to a question by the Commission at the September meeting, Director Grunow confirmed that the tree fund contains \$21,300 to be used for tree planting or replacement in parks and street lining. He will research recent uses of fund money and if there are plans to replace a recently removed palm on Capitola Avenue.

The General Plan Advisory Committee will meet on Oct. 29, 2013, to make comments on the draft.

The City Council approved an amended in-lieu parking plan to set aside 57 spaces in the Pacific Cove lot. It will be limited to hotel uses in the Central Village district with valet service, and fees will be set at the time of application. Staff will create a revised administrative policy.

Staff will be bringing an item on village signs and code enforcement to the City Council on Oct. 24.

The EIR scoping comment period has ended for the Monarch Cove expansion application and the City received many comments. Work on the EIR will now begin. The best timing estimate for the project to come before the Planning Commission is early 2014. Commissioner Ortiz asked who would be handling the historic review. Director Grunow responded that the City-selected contractor Rincon chooses its own subcontractors, but he recalls it is an Oregon-based company. Commissioner Ortiz suggested Susan Lehmann is familiar with the property and could perhaps provide a peer review. Commissioner Welch noted that there had been questions about a lack of transcription or videotape for the scoping meeting. Director Grunow explained that formal recording is not usually in place for these types of meetings, although three people were taking notes. He will check if a video recording may be possible for future meetings.

7. COMMISSION COMMUNICATIONS

None

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 7:37 p.m. to a Regular Meeting of the Planning Commission to be held on Thursday, Nov. 7, 2013, at 7 p.m. in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on Nov. 7, 2013.

Linda Fridy, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 7, 2013

SUBJECT: **1066 41st AVENUE #12-091 APN: 034-711-001, 002, and 003**
Master Sign Program for three commercial units in the PD (Planned Development)
Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Macquarie Capitola Villas, Inc., filed 7/18/12
Representative: Steve Elmore

APPLICANT PROPOSAL

The applicant is proposing a Master Sign Program for the three commercial units located at 1066 41st Avenue. All signs will be back-lit, halo style signs. Each commercial tenant will be allowed one wall sign above the individual tenant entrances facing 41st Avenue. The tenant in suite c will have a second wall sign on the north elevation above the second entrance facing the railroad track right-of-way.

BACKGROUND

The Planning Commission approved a Conditional Use Permit to operate a take-out restaurant (Amazon Juice) during the July 7, 2011 meeting. The Planning Commission also reviewed an individual sign permit application for Amazon Juice and requested that the applicant return with a Master Sign Program to create consistency between the three commercial suites. The Planning Commission also requested that staff review the CC&Rs for any regulations related to commercial signs on site.

DISCUSSION

Staff has reviewed the CC&Rs for consistency with the proposed Master Sign Program. CC&R Section 3.10 states:

Commercial Condominium Signs. No sign of any kind shall be displayed from any Commercial Condominium except normal and customary commercial signage that: (i) complies with applicable State and local ordinances; (ii) is placed within or on the exterior window or within the sign band located on the exterior surface of the building; and (iii) there is no movement or flashing if the sign is neon or lighted.

Item #: 4.A. 1066 41st Ave Sign Program.pdf

The proposed Master Sign Program complies with the above requirements outlined in the CC&Rs.

Per the Sign Ordinance section 17.57.080, a Master Sign Program may be created to establish material, letter style, height, color, and illumination of signs for common buildings. Subsequent to the approval of a given business center's Master Sign Program, individual sign permits may be issued by the Community Development Director or designee without further Planning Commission review. Approval of the Master Sign Program does not waive the building department permit requirements for individual signs.

The proposed Master Sign Program for 1066 41st Avenue is as follows:

1. *All signs shall be back lit - halo style signs. Letters float above the sign board background. No other direct lighting is permitted.*
2. *All Cap letters Max Height is 13" high.
(Exception: North end sign max height is 11").*
3. *Caps & Lowers Max Height : Caps 16" & Lowers 8" high.
(Exception: North end sign: Caps 13.5", Lowers 6").*
4. *Max sign board background area per sign is 18 S.F.
Max sign board length is 10' long.
Max sign board height is 20" high.

(Exception: North end sign: Max 8' long, 18" high).*
5. *Letter thickness is 1/4" minimum – 3" maximum
Letters float above the sign board 1" to 4"*

*One sign over each set of Doors is permitted for the commercial units, totaling four signs.
Sign Board location shall be flush under the front of the building, directly in front of the transom window over doors.*
6. *Attachment brackets & screws, bolts shall be stainless steel.*
7. *Letter – Font styles & Colors approvals shall be at the discretion of the Community Development director or staff assignee.*
8. *Tenant Signs which meet these criteria may be approved by the Community Development Director or staff assignee.*

The proposed Master Sign Program will permit three wall signs facing 41st Avenue and one wall sign on the north elevation. Per the Sign Ordinance section 17.57.070(B)(1), "Each business shall be permitted only one wall sign, except that businesses which are located adjacent to two streets (corner) shall be permitted one additional wall sign, to face the second adjacent street if the business is not identified on a monument sign." While the building is not located adjacent to two streets, the railroad right-of-way could constitute a "corner". The Planning Commission discussed the location of the second sign during the July 7, 2011 meeting and did not direct the applicant to remove the sign from the design. The area of each individual wall signs is limited to 18 square feet along 41st Avenue and 12 square feet on the north elevation. Per the Sign Ordinance section 17.57.070(B)(2) the size of each individual (wall) sign shall not be greater than one square foot of sign area for each one linear foot of business frontage. The maximum sign area established within the Master Sign Program is more restrictive than the sign ordinance.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #12-091 based on the following Conditions and Findings for Approval.

CONDITIONS

1. All signs shall be comply with the Master Sign Program for 1066 41st Avenue. Individual sign permits may be issued by the Community Development Director or designee. Applicants must obtain Community Development Department and Building Department approval of new signs prior to installation.
2. The applicant shall obtain a business license prior to operating the business.
3. Prior to granting of final occupancy for commercial units, compliance with all conditions of approval associated with the commercial units at 1066 41st Avenue shall be demonstrated to the satisfaction of the Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed Master Sign Program is allowed in the PD Zoning District and future sign applications will comply with the requirements of the Sign Ordinance. Conditions of approval have been included to ensure that future signs for the commercial suites are consistent with the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the master sign program complements the building form and established requirements for future signs that will maintain the character and integrity of this mixed use area within the City of Capitola. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves signs for an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Katie Cattan
Senior Planner

Attachment A – Master Sign Program
Attachment B – Building Elevations
Attachment C – July 7, 2011 Planning Commission minutes

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Capitola Villas Master Sign Program

22 Oct 2013

1066 41st Avenue - Capitola, Ca

1. All signs shall be back lit - halo style signs. Letters float above the sign board background. No other direct lighting is permitted.
2. All Cap letters Max Height is 13" high.
(Exception: North end sign max height is 11").
3. Caps & Lower Max Height : Caps 16" & Lower 8" high.
(Exception: North end sign: Caps 13.5", Lower 6").
4. Max sign board background area per sign is 18 S.F.
Max sign board length is 10' long.
Max sign board height is 20" high.

(Exception: North end sign: Max 8' long, 18" high).
5. Letter thickness is 1/4" minimum – 3" maximum
Letters float above the sign board 1" to 4"
6. One sign over each set of Doors is permitted for the commercial units, totaling four signs. Sign Board location shall be flush under the front of the building, directly in front of the transom window over doors. Attachment brackets & screws, bolts shall be stainless steel.
7. Letter – Font styles & Colors approvals shall be at the discretion of the Community Development director or staff assignee.
8. Tenant Signs which meet this criteria may be approved by the Community Development Director or staff assignee.

Steven A. Elmore

1557 Taylor Lane Santa Cruz, Ca. 95062

831 - 332 - 1366

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8'x20' 1/2" Painted Wood (Blue)
 Ext Sign Board-4 stainless steel
 1"x1/2" brackets behind sign -
 bolt to soffit w/ 3" Stainless
 Steel Lag Screws. Painted
 (Pale Yellow) 1/2" Wood Letters
 14"High x 72"Long-Mistral Script

NORTH ELEVATION
 AMAZON JUICES



10'x20' 1/2" painted Wood (Blue)
 Yellow ext sign board-4 Stainless St
 1"x1/2" angle brackets behind sign
 -bolt to soffit w/ 3" Stainless
 Steel Lag Screws. Painted
 (Blue) 1/2" wood letters
 14"High x 64"Long - Mistral Script

1/4" to 1" thick cut out Letters
 w/halo back lighting 17"max Cap w/
 13"max Lower letters, or 14"max all caps!

same

same

RECEIVED

JUL 17 2012

CITY OF CAPITOLA

EAST ELEVATION - AMAZON JUICES
 1050 41st Ave Capitola, CA

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B. 1066 41st AVENUE, A105**#11-062****APN: 035-0711-01**

Conditional Use Permit and a Sign Permit for a take-out restaurant use (Amazon Juice) with outdoor seating in the CC (Community Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Joao Luiz Freta, filed 6/7/11

Representative: Steve Elmore

Community Development Director Johnson presented the staff report.

Chairperson Ortiz clarified that the location of the proposed sign facing 41st Avenue will not be on the building face, but rather hanging in the opening in front of the business.

Commissioner Routh stated that a comprehensive sign program would be the best approach for all of the commercial businesses at this location.

Community Development Director Johnson stated that there are three commercial condominium spaces fronting 41st Avenue.

Commissioner Graves stated that there are CC & R's for the overall development, and there may be language detailing the signage requirements for the commercial spaces or a reference to the city's sign ordinance.

The public hearing was opened.

Steve Elmore, project architect, spoke in support of the application. He clarified that the goose neck lighting will be 28 watt LED lighting.

Joao Luiz Freta, applicant spoke in support of the application. He was not informed about any sign requirements in the commercial space CC & Rs.

The public hearing was closed.

Commissioner Ortiz supported the sign proposal, but did not want incompatible signage with the two other commercial spaces. The more logical approach is to design a sign program.

Commissioner Newman noted the proposed area of both signs is less than the maximum allowable by the ordinance.

Commissioner Graves was supportive of second sign along the railroad frontage, but concurred with the other Commissioners supporting the development of a sign program for commercial spaces.

Commissioner Smith supported the take-out restaurant use and the signs as proposed. She supported the sign exception for the sign facing the railroad tracks, as it is a commercial space facing two different right-of-ways, 41st Avenue and the railroad tracks.

Commissioner Routh suggested that a sign program be developed, and as the other commercial spaces are filled, Amazon Juices comply with the new sign program.

Commissioner Newman supported the use. He commented on the difficulty creating a new sign program after the first commercial condominium has sold.

Chairperson Ortiz suggested that the Commission approve the proposed take-out restaurant use, but continue the sign permit to allow staff to research the development CC & R's and to work with the

applicant to develop a sign program that would be compatible for all the commercial tenants. She supported the concept that the railroad right-of-way creates a special circumstance for a second sign for the corner commercial space.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO APPROVE THE CONDITIONAL USE PERMIT PORTION OF PROJECT APPLICATION #11-062 WITH THE FOLLOWING CONDITIONS AND FINDINGS, AND TO CONTINUE THE SIGN PERMIT TO THE AUGUST 4, 2011 MEETING:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a take-out restaurant (*Amazon Juices*) within an existing vacant commercial space located at 1066 41st Avenue, Suite 3. The use shall be limited to food sales with limited food preparation on site and a maximum of six seats. Seating can be provided outdoors within the building overhang area, but at no time can the total seating provided exceed six seats.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 7:00 a.m. – 9:00 p.m.
5. The applicant shall obtain a business license prior to operating the business.
6. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

Planning Staff and the Planning Commission have reviewed the application and determined that the proposed business is an allowable use in the CC Zoning District and, for reasons indicated in the Staff Report, will meet the requirements of the Zoning District. Conditions of approval have been included to ensure that the use of the restaurant is consistent with the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have reviewed the project and determined that the restaurant use and modifications to the building conform with the applicable provisions of the Zoning Ordinance and *41st Avenue Area Design Guidelines*, and therefore maintain the character and integrity of this area of the City. Conditions of approval have been included to carry out these objectives.

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

The proposed project involves a take-out restaurant use occupying an existing commercial space. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

THE MOTION CARRIED ON THE FOLLOWING VOTE: AYES: COMMISSIONERS GRAVES, NEWMAN, ROUTH, SMITH, AND CHAIRPERSON ORTIZ. NOES: NONE. ABSENT: NONE. ABSTAIN: NONE.

6. PLANNING COMMISSION GENERAL PLAN AND ZONING ORDINANCE PRIORITIES

Community Development Director Johnson presented a staff report.

Chairperson Ortiz supported a process to bring the zoning ordinance before the Planning Commission for discussion and development.

Commissioner Newman stated that the General Plan consultant will be designing the overall zoning ordinance organization and format. The Planning Commission's input into the zoning ordinance will be to develop the content of the zoning ordinance, i.e. non-conforming issues, historic preservation.

Commissioner Graves commented the zoning ordinance is interpreted by staff, and not always a reflection of what the community wants. He stated that the development of the zoning ordinance should be from community input, and not to rely on the consultant to design the community direction. He suggested that the Planning Commission review each zoning district at each regular meeting.

Commissioner Smith concurred that reviewing the zoning ordinance at the Planning Commission is a good opportunity for the public to become educated in the process.

Chairperson Ortiz supported reviewing one zoning district at a time at each regular meeting. She requested that staff include the district information in the packet so the Commission would be able to review the material prior to the meeting.

Community Development Director Johnson suggested that staff will bring two districts for review to each meeting.

7. DIRECTOR'S REPORT

Community Development Director Johnson provided the Commission a status update on the following items: The City Council approved affirmed two Planning Commission appeals: The take out window (Mr. Kebob) at 201 Esplanade and the dialysis clinic at 3801 Clares Street. Council Member Storey requested staff to research if there are any statistics to review the loss of revenue due to non-commercial/retail uses occupying prime available retail square footage. The next GPAC meeting will be held at 6:00 p.m. on July 14, 2011 at New Brighton Middle School to discuss the 41st Avenue Corridor. The City Council will be discussing the current RDA legislation and the Library Needs Assessment report at the August 11, 2011 meeting. Castle Mobile Home Park acquisition is moving forward according to the schedule. Target has submitted a building permit application. The Marriott hotel to opening is scheduled for July 22, 2011. Code enforcement is active but very limited.

8. COMMISSION COMMUNICATIONS

Commissioner Smith announced that the Arts and Cultural Commission is holding a community meeting on Tuesday, July 12, 2011 at the Jade Street Community Center, to discuss the public arts project for 41st Avenue between Brommer and Clares Street.

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STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 7, 2013

SUBJECT: **110 Lawn Way #13-145 APN: 035-243-05**
 Conceptual review for a second-story addition to a single-story home in the CV (Central Village) Zoning District.
 Environmental Determination: Categorical Exemption
 Owner: Norma Kettmann
 Representative: Gary Lindeke, filed: 10/11/13

APPLICANT PROPOSAL

The applicant is proposing an addition to a single family home at 110 Lawn Way in the CV (Central Village) zoning district. The existing home is a one-story, cement block structure. The habitable area of the home will be increase through the introduction of a second story. Wood lap siding with a 12 inch belt course and white vinyl clad casement windows are proposed on all exterior elevations.

HISTORY

In 1911, a tract of summer cottages designed by Architect Edward L. Van Cleeck were built along East/West Lawn Way and North Lawn Way. The City of Capitola established the Lawn Way/Six Sisters Historic District in 1987. The Capitola Architectural/Historical Inventory describes the Lawn Way as "a series of one-story cottage once associated with Camp Capitola (that) line 'Lawn Way' which led to and from the resort's grand hotel, Hotel Capitola." The majority (17 of 22) of the units included in the Historic District are listed as "contributing structures." (Attachment D) The home at 110 (East) Lawn Way is within the historic district boundary and is a non-contributing structure due to the lack of historic significance including method of construction and age. The original home was condemned by the City and then demolished in 1964. The existing home was constructed the same year.

DISCUSSION

Two proposed additions have been submitted to the City for conceptual review. The intent of the conceptual review process is to provide the applicant with early feedback on complex projects. The proposed designs and the existing design guidelines for Lawn Way are in conflict; therefore, staff recommended conceptual review by the Planning Commission to receive guidance prior to submitting a complete application for a design permit and coastal permit.

The existing home is located at 110 Lawn Way in the CV (Central Village) zoning district and within the Six Sisters/Lawn Way National Historic District. The City of Capitola adopted the Central Village guidelines to promote excellence of development and maintain the unique character of Capitola Village. The introduction to the guidelines state "the visual and aesthetic appeal of the Village lies in the combination of its distinctive natural setting and the scale, variety, and interest of its buildings and landmarks." The Central Village District Design Guidelines include general guidelines for all projects

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within the Village and 4 guidelines specific to the Lawn Way Residential Overlay District. The guidelines for the Lawn Way Residential Overlay District are as follows:

1. The residential use and character of the area shall be maintained. There shall be no conversion from residential to commercial for any structure which faces onto Lawn Way.
2. No structure shall increase the habitable area of the existing unit. The height of the structure shall not be increased to add additional stories to the structure.
3. The public sidewalk right-of-way shall be maintained in its present configuration.
4. Garbage cans, utilities and other outside storage areas to the rear of the Lawn Way structures shall be enclosed and screened from public view.

Guideline #2 explicitly states that a structure shall not increase in habitable area or height. The guideline does not differentiate between treatment of “contributory” and “non-contributory” structures; therefore, all structures are subject to the same guidelines. The guidelines note that incremental changes influence the overall character of the district. The guidelines articulate preservation policy that infill development should complement the existing historic resources to maintain the character of the district as a whole.

Lawn Way is unique with residential homes fronting a shared pedestrian lawn and walkways. The historic cottages are simple in design with dominant exterior materials of plain wood shingles extending from the roof eaves to a lap siding wainscot. Window styles are a mix of single-hung and casement windows. The roof designs are also simple with moderately pitched front gabled and side gabled homes. Along East Lawn Way there are several original duplexes with parallel front gabled roofs and wood board and bat exterior finishes.

There are two structures with second stories within the Lawn Way portion of the Historic District. The structure at 104 East Lawn Way is the only historically contributory two-story building within the Lawn Way portion of the district. The structure at 132 North Lawn Way is the only non-contributory two-story structure in the Lawn Way portion of the district.

The existing structure at 110 Lawn Way is a single-story cement block home with a flat roof. The flat roof is utilized as a roof deck with a wrought iron railing along the edge. There is a single front door with a large aluminum casement window on each side. There are no windows or doors on the side elevation fronting North Lawn Way.

The applicant has provided two conceptual designs for an addition to the existing structure. Both concepts increase the habitable area and height of the existing structure. The first conceptual design includes a full second story addition with a low pitched side gabled roof (Attachment A). Exterior materials include fiber cement board lap siding with a belt course separating the first and second stories. The existing door and window openings on the front and rear façade will remain. The majority of the new windows on the second story are large rectangular casement windows. The second story also includes a 90-square-foot deck accessed through a sliding glass door. The second conceptual design includes a story and a half addition with a medium pitched side gabled roof. A south-facing deck with shed roof is proposed within the gabled roof. Exterior materials include fiber-cement shingles within the roof eave and fiber-cement board lap siding on the side elevations.

ARCHITECTURE AND SITE REVIEW

On October 23, 2013, the Architectural and Site Review Committee reviewed the conceptual designs.

- Historian Carolyn Swift expressed that one-story buildings are a character-defining feature of the Lawn Way Historic District. She found that the proposed two-story building would not compliment the district and might compromise the aesthetic of the surrounding historic resources. Ms. Swift preferred the one and a half story option in that it may not negatively

impact the character of the district. Ms. Swift stated uncertainty regarding the shed roof and deck incorporated within the story and a half design. She requested that the design be shown within a streetscape to help evaluate the compatibility of the design on the surrounding historic resources.

- Architect Frank Phanton preferred the one and a half story option. He stated that this option enhances the rhythm of the streetscape due to removal of the existing second story deck.
- Landscape Architect Susan Suddjian was not present. No new landscaping is proposed.
- City Public Works Director Steve Jesberg requested that future drainage be discharged to the lawns rather than the alley way.
- City Building representative Brian Van Son had no issues with the proposed options.

DIRECTION REQUESTED

Staff is seeking guidance from the Planning Commission on the proposed design, specifically:

1. The guidelines state that habitable area and height shall not be increased. Can the Planning Commission make findings to support a second story in this location?
2. If the Planning Commission does not support a second story, would the Planning Commission support a half story, although it increases the habitable area of the structure? If so, are the conceptual shed roof and roof deck also supported within the design?
3. Fiber cement board and vinyl clad windows are proposed as exterior materials. Does the Planning Commission support the use of modern materials within a non-contributory home in the historic district?

ATTACHMENTS

Attachment A: Two-story Design

Attachment B: One and a half story design

Attachment C: Streetscape

Attachment D: Historic District Boundary

Attachment E: Photos of existing homes Lawn Way portion of Historic District

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Design:
Craicraft Design

Owner:
Norma Kettmann
110 Lawn Way
Capitola, CA

STREETSCAPE
FROM EAST

Project:
Kettmann Residence
110 Lawn Way
Capitola, CA
APN: 035-243-05

DATE: August 2013

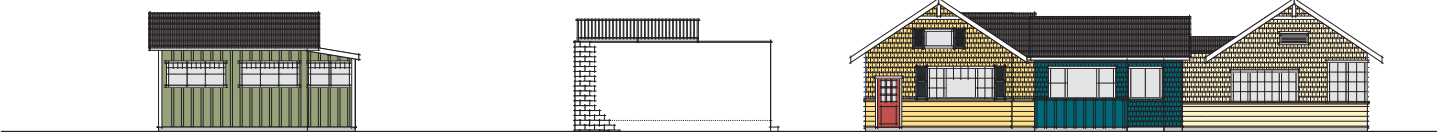
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DRAWN: Z.C.

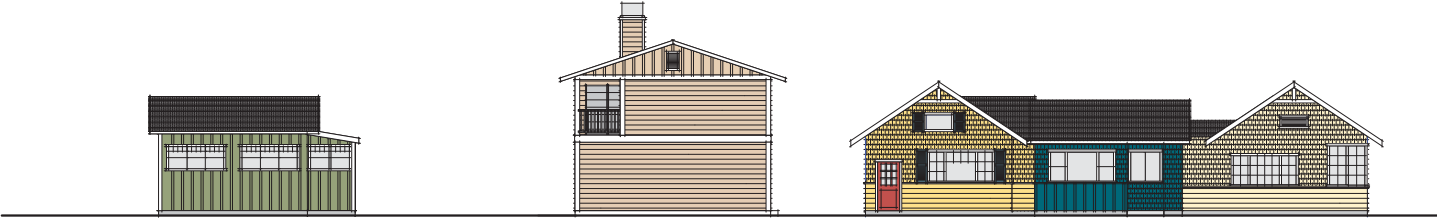
JOB NO.: Lawn Way

SHEET

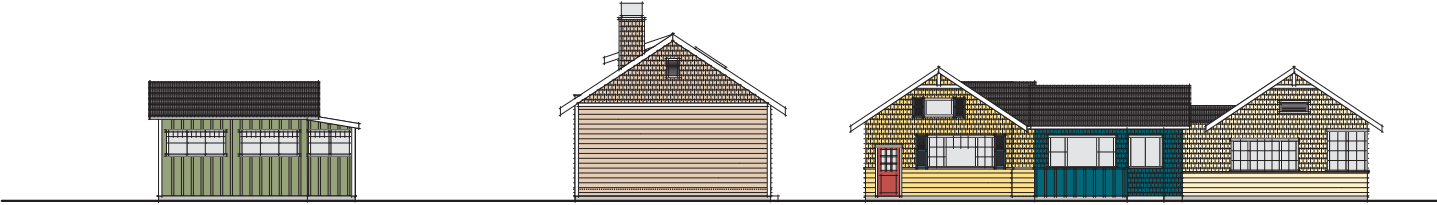
A5



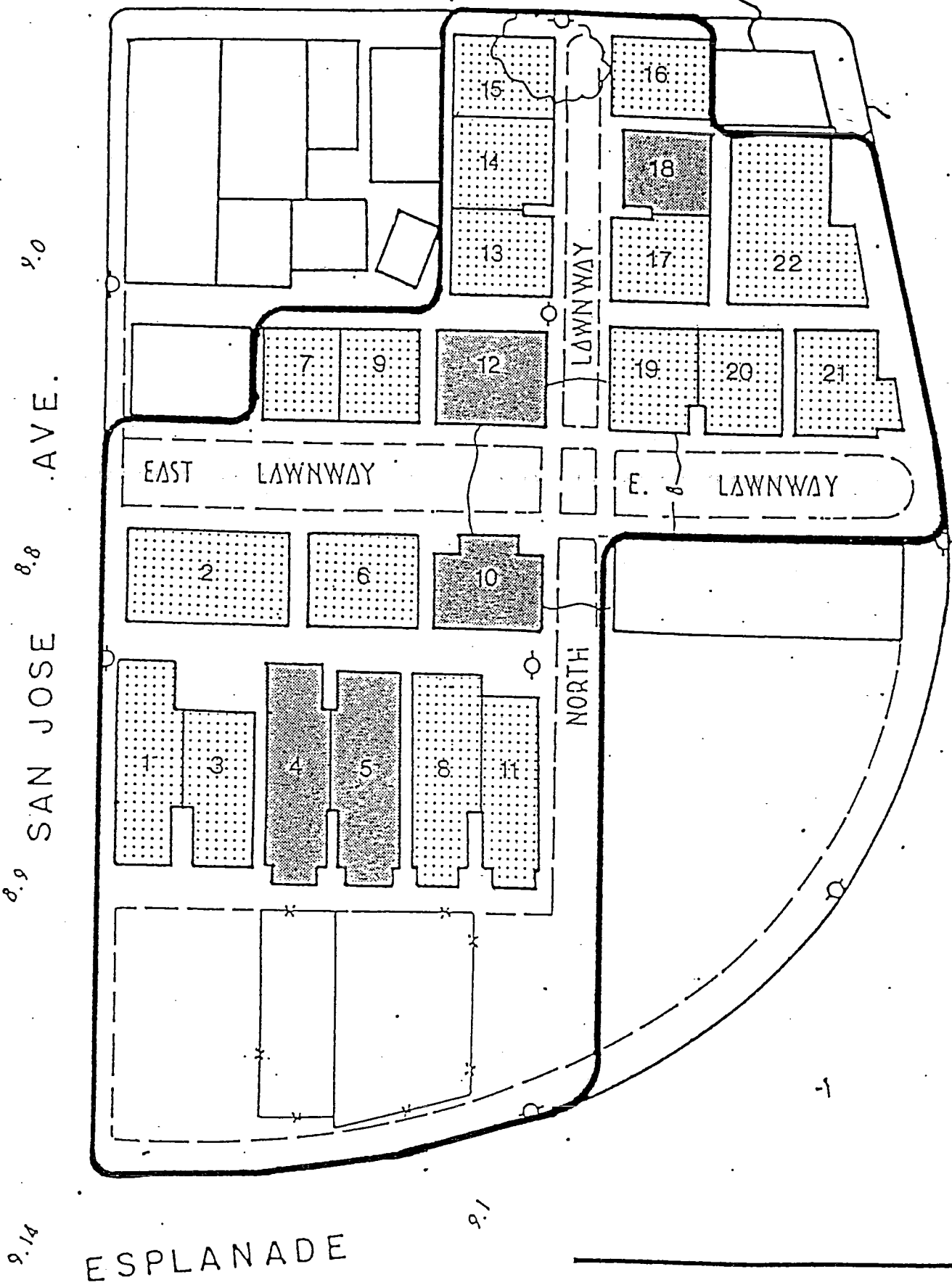
EXISTING LAWN WAY STREETSCAPE FROM EAST
1/8" = 1'



PROPOSED LAWN WAY STREETSCAPE FROM EAST
1/8" = 1'

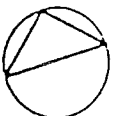




PROPOSED LAWN WAY STREETSCAPE FROM EAST (ALTERNATE)
1/8" = 1'



SIX SISTERS LAWN-WAY PLAN,
HISTORIC DISTRICT

1" = 50'



-  DISTRICT BOUNDARY
-  HISTORIC STRUCTURE

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Lawn Way portion of Historic District



112 & 116 Lawn Way
Contributory

110 Lawn Way
Non-contributory



110 Lawn Way
Non-contributory

Item #: 5.A. Attachment E Historic District Photos.pdf



106 Lawn Way
Contributory

104 Lawn Way
Contributory

127 Monterey Ave
Contributory



111 Lawn Way
Non-contributory

115&117 Lawn Way
Contributory

119 &121 Lawn Way
Contributory



110 Lawn Way



131 Lawn Way
Contributory

133 Lawn Way
Contributory

109 Capitola Ave
Contributory

Item #: 5.A. Attachment E Historic District Photos.pdf



134 Lawn Way	118 Lawn Way	130 Lawn Way
Contributory	Non-contributory	Contributory



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT DEPARTMENT

DATE: NOVEMBER 7, 2013

SUBJECT: **Standard Conditions of Approval for Residential Design Permits**
Planning Commission review of Standard Conditions of Approval.

DISCUSSION

Over the years, conditions of approval have been developed by City Staff and the Planning Commission to provide applicants with clarification of additional requirements that must be adhered to during the development process. These conditions have been commonly applied to applications but not formally reviewed by the Planning Commission as “standard” conditions of approval. All conditions of approval must be followed by the applicant from the time of application approval by Planning Commission through the issuance of a Certificate of Occupancy by the Building Official. Conditions of approval are included for all types of applications reviewed by the Planning Commission, including: design permits, master sign programs, conditional use permits, condominium conversions, and planned developments. The focus of the Planning Commission discussion will be on *standard* conditions of approval of Design Permits for residential additions and residential new construction. Standard conditions of approval are conditions applicable to all applications. If additional circumstances exist which require mitigation or specific project conditions, special conditions of approval are added during the application review. In the coming months, Staff will bring various standard conditions to the Planning Commission for review relative to other types of development applications (commercial, historic, etc.).

Staff reviewed the standard conditions of approvals typically applied to residential design permits in Capitola. Some of the standard conditions have been edited to provide clarity of the process and remove redundancy. Additional language has been added to prevent undocumented changes in the field that deviate from the approved set of plans. An effort has been made to designate the appropriate City Department or Division responsible for review and approval of additional submittal requirements. Also, the order of conditions has been revised to better represent the order in which items must be completed. The draft standard conditions of approval are included as Attachment A. Staff requests direction from the Planning Commission on recommended revisions.

ATTACHMENTS

Attachment A: Draft Conditions of Approval for new residential.

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Draft Residential Conditions of Approval

1. The project approval consists of construction of a # square-foot Type of Improvement. The maximum Floor Area Ratio for the # square foot property is #% (# square feet). The total FAR of the project is #% with a total of # 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 date, 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, including interior modifications, 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 building permit submittal, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of building permit submittal, 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 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 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 # [redacted] shall be paid in full.
8. 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.
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, [redacted] 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).

Item #: 6.A. Draft Residential Conditions of Approval.pdf

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, the applicant shall demonstrate compliance with the tree removal permit authorized by this permit for # trees 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.
17. 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.
18. 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.
19. 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.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

If Secondary Dwelling Unit exists:

1. The floor area for secondary dwelling units shall not exceed # square feet as approved by the Planning Commission.
2. Before obtaining a building permit for a secondary dwelling unit, the property owner shall file with the county recorder a declaration of restrictions containing a reference to the deed under which the property was acquired by the present owner and stating that:
 - A. The secondary dwelling unit shall not be sold separately;
 - B. The unit is restricted to the approved size;
 - C. The administrative review or the architecture and site review permit, whichever applies, for the secondary dwelling unit shall be in effect only so long as the owner of record occupies either the main residence or the secondary dwelling unit;
 - D. The above declarations are binding upon any successor in ownership of the property. Lack of compliance shall be cause for code enforcement and/or revoking the administrative review or the architecture and site review permit, whichever applies;
 - E. The deed restrictions shall lapse upon removal of the secondary dwelling unit.

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