



# **AGENDA**

## **CAPITOLA PLANNING COMMISSION**

### **Thursday, December 1, 2016 – 7:00 PM**

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

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

#### **2. ORAL COMMUNICATIONS**

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

##### **B. Public Comments**

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

##### **C. Commission Comments**

##### **D. Staff Comments**

#### **3. APPROVAL OF MINUTES**

##### **A. Planning Commission - Special Meeting - Nov 3, 2016 6:00 PM**

##### **B. Planning Commission - Regular Meeting - Nov 3, 2016 7:00 PM**

#### **4. PUBLIC HEARINGS**

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

##### **A. 407 El Salto Drive**

**#16-178**

**036-133-18**

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

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

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

NOTE: Request for Continuance to January 19, 2017 Planning Commission Meeting

**B. Wireless Telecommunications Ordinance Update**

Amendment to the City of Capitola Municipal Code Chapter 17.98 Wireless Communication Facilities updating the regulations, development standards, and permit procedures in compliance with state and federal law.

The amended wireless ordinance requires Coastal Commission certificateion of a Local Coastal Program amendment.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The update to Municipal Code Chapter 17.98 affects all properties within the City of Capitola.

Representative: City of Capitola

**C. 4015 Capitola Road #16-199 APN: 034-261-40**

Conceptual Review application to remodel the existing Sears building and convert the space into three separate tenant spaces for Sears, Petco, and TJ Maxx/Homegoods located in the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Seritage Growth Properties

Representative: Chas Fisher, filed 10/28/2016

**D. 208 Capitola Avenue #16-189 APN: 034-183-20**

Design Permit for an exterior remodel and 195 square-foot addition to the third story and a height variance request for a mixed-use building located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Tuan Truong

Representative: Jacquelyn Low, filed 10/18/2016

**5. DIRECTOR'S REPORT****6. COMMISSION COMMUNICATIONS****7. 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 1<sup>st</sup> 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](http://www.cityofcapitola.org). Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION  
SPECIAL MEETING  
THURSDAY, NOVEMBER 3, 2016  
6 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

Community Development Director Rich Grunow said there were no changes but noted the revised agenda reflects a change to coastal review status.

**B. Public Comments**

The chair allowed comments unrelated to the special meeting agenda item. Marilyn Garrett spoke to smart meter concerns. Patricia York read a statement from a Live Oak resident regarding cell tower health safety concerns.

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes for the Special Meeting of October 6, 2016**

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

**4. PUBLIC HEARINGS**

**A. Wireless Telecommunications Ordinance Update**

Amendment to the City of Capitola Municipal Code Chapter 17.98 Wireless Communication Facilities updating the regulations, development standards, and permit procedures in compliance with state and federal law.

The amended wireless ordinance requires Coastal Commission certificateion of a Local Coastal Program amendment.

Environmental Determination: Addendum to the General Plan Update EIR

Property: The update to Municipal Code Chapter 17.98 affects all properties within the City of Capitola.

Representative: City of Capitola

Director Grunow presented the staff report, which included background on a Verizon lawsuit against the City that resulted in the separation of the wireless portion of the zoning code update to expedite approval. This requires the addition of a minor use permit process to the wireless section until the full code update is adopted. Because of these adjustments, he requests that the commission provide guidance tonight and continue the hearing to December to review the final language.



The revision proposed for adoption complies with state and federal regulations. It establishes four tiers of permit types, site preferences, calls for standard public noticing radius, and allows height exceptions. The revised definitions mirror state and federal language, and the update eliminates residential and coastal setbacks, extends the approval period to 10 years, addresses changes to FCC section 6409 existing facilities, and requires concealed design when feasible.

He also noted federal regulations put in place a "shot clock" 60-day timeline that does not allow for public hearing and appeals. In response, staff is creating a front-load process to assure everything is in place and the application is truly complete before it is accepted.

Director Grunow asked the commission to confirm the preference for right-of-way locations.

Commissioner Newman expressed concerns about co-location on utility poles when the City has goals to underground other utilities. Director Grunow said language could be added to avoid areas targeted for undergrounding.

Chairperson Welch opened the public hearing.

Marylin Garrett, retired teacher, compared Verizon to a bully forcing its microwave radiation on the public. She is particularly concerned about health effects. How can local jurisdictions protect public health and well-being?

Patricia York echoed Ms. Garrett's concerns.

Jim Heard, attorney representing Verizon, spoke to a letter sent to commissioners regarding concerns ongoing radio frequency compliance, claiming this falls under federal jurisdiction. He said the equipment does not vary. He believes the city is compelled to repermit those facilities granted under section 6409 because they maintain vested rights and asked the commission to modify the preference for City property. He noted that wireless service is not a weapon or a menace and it is used extensively by emergency personnel.

Commissioners Westman and Newman agreed the City has an interest in ongoing monitoring and were concerned about a lack of information and consequences relying exclusively on code violation. Director Grunow said a compromise may be possible. Assistant City Attorney Heather Lenhardt noted both federal and state regulations acknowledge that local jurisdictions have an interest in verifying compliance.

Commissioner Newman praised the update and supports some verification to address public concern. One option is to request affirmation from the provider regarding compliance, but he is comfortable with the language as proposed.

Commissioner Ortiz asked for clarification on the preference for public versus private locations Director Grunow explained applications include alternative site analysis. Ms. Lenhardt said the proposed ordinance is in compliance with state and federal regulations. California prohibits local agencies from mandating locations, but a preference isn't a requirement.

Commissioner Welch acknowledged the importance of adequate coverage based on his career in emergency services, but also wants to exercise control over areas the City can, especially parks and open space. Director Grunow suggested they be added to the tier 4 permit and given lowest preference. The commissioners agreed.

They also discussed keeping the current requirement for noticing a 600-foot radius because it expands awareness. Commissioner Westman doesn't want to create an expectation that the commission and City have more leeway than they do since the hearings focus on design not

radio frequency concerns, but joined the commission in supporting the 600-foot notice and eliminating an advertisement for a minor use permit.

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 12/1/2016 7:00 PM</b>
<b>MOVER:</b>	Susan Westman, Commissioner	
<b>SECONDER:</b>	Edward Newman, Commissioner	
<b>AYES:</b>	Ortiz, Newman, Welch, Westman	
<b>ABSENT:</b>	Smith	

## 5. ADJOURNMENT

Approved by the Planning Commission at the regular meeting of December 1, 2016.

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Linda Fridy, Minutes Clerk



**DRAFT MINUTES  
CAPITOLA PLANNING COMMISSION MEETING  
THURSDAY, NOVEMBER 3, 2016  
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

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

**2. ORAL COMMUNICATIONS**

**A. Additions and Deletions to Agenda**

Community Development Director Rich Grunow noted both staff and applicant support continuing item 5A.

**B. Public Comments - None**

**C. Commission Comments**

Commissioner Newman said Palo Alto is working on another tier of affordable housing for households earning \$150,000-\$200,000.

Commissioner Ortiz reminded everyone that this weekend is the plein air event.

**D. Staff Comments- None**

**3. APPROVAL OF MINUTES**

**A. Planning Commission Minutes for the Regular Meeting of October 6, 2016**

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

**4. CONSENT CALENDAR**

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

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

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

Minutes Acceptance: Minutes of Nov 3, 2016 7:00 PM (Approval of Minutes)

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

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

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

Property Owner: Steve Yates

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

This item was pulled from the Consent Agenda by Commissioner Westman. Senior Planner Katie Herlihy Cattan presented the staff report. Village guidelines limit projecting signs to two feet over the sidewalk but this proposal extends four feet. The location has a deeper sidewalk so staff supports the exception.

Commissioner Ortiz asked for further explanation supporting the exception. Staff said other streets have narrower sidewalks and this sign would not extend more than half way across.

There was no public comment.

Commissioner Westman said she pulled the item because one sign is internally illuminated, and that is not allowed in the Village in the upcoming code update and is prohibited in current guidelines. She is not comfortable with internal illumination in a projecting sign, but would support the application with gooseneck or other external illumination.

Commissioner Ortiz does not support the additional length. She does not want to set a precedent for other Esplanade businesses.

MOTION: Approve sign permits with the following conditions and findings:

**CONDITIONS**

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

- 7. Prior to issuance of building permit, all Planning fees associated with permit #16-186 shall be paid in full.

**FINDINGS**

- A. The signage, as designed and conditioned, will maintain the character and aesthetic integrity of the subject property and the surrounding area.**  
The ~~hall~~ externally illuminated aluminum signs have a simple design that will complement the neighboring restaurant and the aesthetic of the Central Village district.
- B. The signage, as designed and conditioned, reasonable prevent and reduce the sort of visual blight which results when signs are designed without due regard to effect on their surroundings.**  
The signs are modern and clean in design and add to the exterior appearance of the restaurant.

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

**5. PUBLIC HEARINGS**

- A. 407 El Salto Drive #16-178 036-133-18**  
Major Revocable Encroachment Permit and Fence Permit with a height exception for a new front-yard fence and gate to be located within the public right-of-way of a residence located in the R-1 (Single Family Residential) zoning district.  
This project is in the Coastal Zone but does not require a Coastal Development Permit.  
Environmental Determination: Categorical Exemption  
Property Owner: Rebecca Peters  
Representative: Rebecca Peters, filed: 9/26/16  
NOTE: Request for Continuance to December 1, 2016 Planning Commission Meeting

<b>RESULT:</b>	<b>CONTINUED [UNANIMOUS]</b>	<b>Next: 12/1/2016 7:00 PM</b>
<b>MOVER:</b>	Susan Westman, Commissioner	
<b>SECONDER:</b>	Gayle Ortiz, Commissioner	
<b>AYES:</b>	Ortiz, Newman, Welch, Westman	
<b>ABSENT:</b>	Smith	

- B. 4025 Brommer Street #16-177 APN: 034-164-08**  
Conceptual Review to demolish an existing office building and to construct a new three-story mixed-use building with office space on the first floor and two residences on the second and third floors, located in the CC (Community Commercial) zoning district.  
This project is in the Coastal Zone and requires a Coastal Development Permit that is not appealable to the California Coastal Commission.  
Environmental Determination: Categorical Exemption  
Property Owner: Stuart Family Trust  
Representative: Lot C Architecture, filed: 9/26/16

Minutes Acceptance: Minutes of Nov 3, 2016 7:00 PM (Approval of Minutes)

Planner Herlihy Cattan presented the conceptual design for guidance from the Planning Commission. This parcel under the new code would be the last one zoned Community Commercial (CC) and adjacent to multi-residential. Current uses are residential to the west and east. All parking is located in the rear. The applicant asked if the commission would allow a four feet extension for a second-story deck and other overhangs into the required landscaping. The 41<sup>st</sup> Avenue Design Guidelines do not address encroachments in landscape areas. Staff noted the adjacent duplex is non-conforming and cannot be expanded.

Commissioner Newman does not have any concern about overhangs as they do not decrease landscape area. Other commissioners agreed.

Commissioner Westman asked about setbacks for parking next to residential. Staff responded it requires a two-foot landscape strip and confirmed there are no setback requirements in the zone. Staff was also asked to check if there is a masonry wall requirement at the back and landscaping options for that.

Jason Wooley, architect, spoke to the project and the lack of specific guidance within the CC zone. Commissioner Newman expressed concern about circulation in the existing awkward intersection. Mr. Wooley said the driveway location was chosen because they did not want it close to the intersection.

Chairperson Welch prefers the current proposed location of the driveway.

Commissioner Westman asked if Public Works anticipates any widening and was told that it would want a deposit for sidewalk improvements, but there is no plan for widening.

During public comment, the neighbor to the west expressed concerns about privacy with the loss of trees and said the 40-foot height overpowers adjacent properties. He agreed with commission concerns that the street is difficult at rush hours and backs up to 38<sup>th</sup> Avenue. He does not feel employee parking is accounted for in requirements and other area businesses already use the street to park.

The rear property owner is concerned that the building is too tall and narrow. He also questioned if there is adequate turning radius for parking spaces if all are full.

Another neighbor said the scale is too large, especially height, and has some privacy concerns.

Commissioner Westman agreed that height may be extreme for a transitional location. She would prefer something more compatible with the adjacent residential.

Commissioner Newman felt the proposal is a dramatic intensification of use and also wants to see transition scale.

Commissioner Ortiz also wants to confirm that parking will be usable. She has no problem with overhangs but would encourage preserving existing vegetation.

Planner Herlihy Cattan said the mixed-use conditional use permit requires the 15-foot height for the commercial portion and asked if the commission would support allowing a lower height and/or eliminate the two residential unit requirement.

**C. 226 Monterey Avenue #16-125 036-111-15**

Design Permit for an addition to an existing two-story single-family home and construction of a new secondary dwelling unit with a variance to the maximum 80% valuation for

improvements to a non-conforming structure, located in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Nancy and Mark Nicholson

Representative: Derek Van Alstine, filed 6/16/2016

Planner Ryan Safty presented the staff report. The property fronts on Monterey Avenue but access is from Central Avenue, where the proposed addition and secondary dwelling unit would be located. The existing home does not meet setbacks, so is non-conforming. The new areas do comply, but are subject to a 80 percent value cap. The applicant is requesting a variance to this limit. Preserving the non-conforming setback would keep the home in line with other homes and not be a privilege as required for a variance.

Derek Van Alstine, designer, spoke in support of the project. The project attempts to correct structural inadequacies including the foundation.

Kurt Langhoff, neighbor, spoke in support of the project and praised communication by applicant.

Commissioner Newman said the property qualifies for the required special circumstance due to its topography and strongly supports the project.

MOTION: Approve a Design Permit, Variance and Coastal Development Permit with the following conditions and findings:

#### **CONDITIONS OF APPROVAL**

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



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



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

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. A variance to the allowed structural alterations beyond the 80 percent maximum to non-conforming structures has been approved to preserve the streetscape.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for the remodeled two-story residence and new secondary dwelling unit. The project will allow the structure to remain in the current location, maintaining the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence or a second dwelling unit in a residential zone. This project involves the remodel and addition of an existing two-story residence and construction of a secondary dwelling unit within the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

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

The subject property is located on a sloping lot with vehicular access off the back of the home. The existing home contains reduced front and side yard setbacks, consistent with neighboring properties along the east-side of Monterey Avenue. The grant of a variance to the maximum allowed structural alterations of non-conforming properties would allow the remodel to take place and for the home to maintain its current location along Monterey Avenue. A 15-foot front yard setback at 226 Monterey Avenue would deprive the subject property of privileges enjoyed by neighbors.

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

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

### **COASTAL FINDINGS**

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

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

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

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's***

**effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The project is located on a residential lot.

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

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

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

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

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

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

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

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

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

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

**SEC. 30222**

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

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

**SEC. 30223**

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project complies with shoreline structure policies.

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

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

***(D) (22) Conformance to requirements of all other city ordinances, zoning***

**requirements, and project review procedures;**

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

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

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

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

**D. 105 Sacramento Avenue #16-133 036-144-05**

Design Permit to demolish an existing residence and secondary dwelling unit and construction of a new two-story residence with variance requests for height, setbacks, and driveway landscaping, located in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit, which is appealable to the California Coastal Commission after all possible appeals are exhausted through the city.

Environmental Determination: Categorical Exemption

Property Owner: Lani and Tim Holdener

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

Planner Safty presented the staff report. The project is a new home proposed on a flag lot with access from Sacramento that sits on the bluffs. It would remove one large cypress but preserve the rest of the stand. It seeks variances to the driveway landscaping. The variance for the garage is supported to preserve existing trees.

The proposed sideyard setbacks are not supported by staff due to adequate building area. A specialized foundation would preserve the trees by resting above grade. The height variance is not supported because there is ample room for a reasonable size home.

Derek Van Alstine, designer, spoke in support of the application. He noted the trees dominate five properties and explained complex foundation concerns to preserve the root system. The lot faces a geologic setback on one side and trees on the other. Lower height would make the building less attractive.

Chris O'Connell, neighbor, appreciates the efforts made, but says there are four windows facing the project. Both the trees and cliff were existing challenges when the home was purchased. He does not support variances because of concerns about integrity of the cliff and privacy.

Sarah DeLeon currently rents the applicant property. She hoped to occupy a proposed accessory dwelling unit, but found it has been eliminated.

Denise Ryan, neighbor, said she has seen major changes to the cliff over time. She shares Mr. O'Connell's concerns about the project's impact on erosion and their privacy.



Lori Munoz, Depot Hill resident, supports efforts to save the trees.

Commissioner Newman confirmed the number of parking spaces required and questioned the viability of multiple tandem spots.

Commissioner Westman can support the parking landscape variance, but not other variances for a new structure. Commissioner Ortiz agreed.

Chairperson Welch noted that the adjacent home does not meet setbacks, and acknowledged he is friends with the applicants. He does not think the height will impact others and favors preserving the trees.

Commissioner Newman said he could support the height variance but not the setbacks. After discussion about the foundation, other commissioners agreed.

MOTION: Approve a Design Permit, Variances and Coastal Development Permit, with the following conditions and findings:

### **CONDITIONS OF APPROVAL**

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

6. The variance request to side yard setbacks of the second-story has been denied. Prior to building permit submittal, the applicant must modify the plans to be in compliance with required seven-foot six-inch side yard setback for the second floor, to the satisfaction of the Community Development Director.

~~The variance request to height for the primary structure has been denied. Prior to building permit submittal, the primary structure must be modified to meet the 25-foot height limit.~~

7. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems, if proposed. Native and/or drought tolerant species are recommended.
8. Prior to issuance of building permit, all Planning fees associated with permit #16-133 shall be paid in full.
9. Affordable Housing in-lieu fees shall be paid prior to issuance of building permit, in accordance with chapter 18.02 of the Capitola Municipal Code.
10. Prior to issuance of building permits, the building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B

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

### **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project, with the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.
- B. **The application will maintain the character and integrity of the neighborhood.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the application for a new two-story residence. The new home, with the conditions imposed, will maintain the character and integrity of the neighborhood.
- C. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**  
Section 15303(a) of the CEQA Guidelines exempts the construction of one single-family residence in a residential zone. This project involves the construction of a new, two-story single-family residence on a property in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**

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

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

The subject property does not front along the street and instead has a 20-foot-wide access area to connect the property to Sacramento Avenue. Most properties within the area have roughly 40 feet of street frontage, and thus have much more room to located parking spaces and landscaping. In addition, the municipal code does not list zoning standards specific to flag-lots. Using current R-1 (Single-Family Residential) zoning standards, most of the flag-lot portion of the property is within the required front-yard setback. The grant of a variance to detached garage setbacks and the two-foot landscape strip requirement for parking within the front setback would not constitute the grant of a special privilege since most properties in the area are not flag-lots and thus have more flexibility when designing. Additionally, a variance to height standards has been granted due to the existing shallow root system and the desire to preserve the large cypress trees on the property. Most properties do not have large trees with shallow roots restricting the type and size of the home's foundation.

## **COASTAL FINDINGS**

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

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

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

*including development allowed under applicable planning and zoning.*

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

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

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

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

***(D) (2) (c) Historic Public Use. Evidence of use of the site by members of the general public for a continuous five-year period (such use may be seasonal). Evidence of the type and character of use made by the public (vertical, lateral, blufftop, etc., and for passive and/or active recreational use, etc.). Identification of any agency (or person) who has maintained and/or improved the area subject to historic public use and the nature of the maintenance performed and improvements made. Identification of the record owner of the area historically used by the public and any attempts by the owner to prohibit public use of the***



**area, including the success or failure of those attempts. Description of the potential for adverse impact on public use of the area from the proposed development (including but not limited to, creation of physical or psychological impediments to public use);**

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

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

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

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

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

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

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

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

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

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

do not apply.

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

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

- The project is located on a residential lot.

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

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

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

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

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

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

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

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

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

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

**SEC. 30222**

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

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

**SEC. 30223**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



**required;**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project complies with shoreline structure policies.

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

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

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

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

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

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

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

**6. DIRECTOR'S REPORT**

Director Grunow reported that Soquel Creek Water District will hold a meeting regarding groundwater on Dec. 7 at 2 p.m. and 6 p.m. at Twin Lakes Church. The district also will likely make a presentation to the Planning Commission in the future.

This month the City Council will consider new building and fire codes, which have no major changes, and an ADA transition plan.

The City Council approved a parklet two-year trial program on San Jose Avenue in the Village at its last meeting.

The director briefly demonstrated recent website additions to help prospective applicants. These include more permit information and guidance broken down by application types and a permit flow chart.

**7. COMMISSION COMMUNICATIONS**

Commissioner Newman noted that by the time the City agrees upon a solution to parking shortages in the Village, the development of autonomous vehicles may completely change the landscape.

**8. ADJOURNMENT**

Approved by the Planning Commission at the regular meeting of December 1, 2016.

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Linda Fridy, Minutes Clerk



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: DECEMBER 1, 2016  
 SUBJECT: **407 El Salto Drive #16-178 036-133-18**

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

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

Environmental Determination: Categorical Exemption

Property Owner: Rebecca Peters

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

NOTE: Request for Continuance to January 19, 2017 Planning Commission Meeting

### **APPLICANT PROPOSAL**

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

### **DISCUSSION**

Staff identified an issue with the application that must be addressed prior to Planning Commission review. The plans are currently being amended to address staff's concern. The owner has requested that the application be continued to the January 19, 2017, Planning Commission meeting.

### **RECOMMENDATION**

Staff recommends that the Planning Commission **continue** application #16-178 to the January 19, 2017, Planning Commission meeting.

Prepared By: Joanna Wilk  
 Intern



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: DECEMBER 1, 2016  
 SUBJECT: **Wireless Telecommunications Ordinance Update**

Amendment to the City of Capitola Municipal Code Chapter 17.98 Wireless Communication Facilities updating the regulations, development standards, and permit procedures in compliance with state and federal law.

The amended wireless ordinance requires Coastal Commission certification of a Local Coastal Program amendment.

Environmental Determination: Addendum to the General Plan Update EIR  
 Property: The update to Municipal Code Chapter 17.98 affects all properties within the City of Capitola.

Representative: City of Capitola

**BACKGROUND:** The City of Capitola initiated an effort in 2014 to comprehensively update its 1975 Zoning Code. The Zoning Code update process is ongoing and public hearings to review the draft code will resume in January, 2017. The City's Wireless Telecommunications Ordinance resides in chapter 17.98 of the Zoning Code. In 2016, Verizon Wireless filed a lawsuit in federal court which challenged the City Council's decision to deny a wireless facility application and alleged that the City's ordinance was inconsistent with federal law. Verizon and the City subsequently reached a settlement agreement which, in part, requires the City to adopt an updated wireless ordinance no later than February 28, 2017. Consequently, the proposed updated Wireless Telecommunications Ordinance is scheduled to be adopted prior to the Zoning Code update.

**DISCUSSION:** The Planning Commission reviewed the draft Wireless Telecommunications Ordinance during the November 3, 2016 meeting. The Planning Commission requested the following modifications to the ordinance:

1. Add a provision which requires removal of a wireless facility located within the right-of-way if the facility is in conflict with City plans to complete an undergrounding project.
2. Keep the language which allows the City to require submission of RF and interference compliance reports.
3. Require facilities proposed in parks or open spaces to be processed as a Tier IV facility and move the P/OS zone lower in the preferred locations list.
4. Maintain 600 feet notice requirement.

The requested changes are included in the updated Wireless Telecommunications Ordinance (Attachment 1). The ordinance has been renumbered to fit within the current zoning code (chapter 17.98) and revised to include administrative procedures which were included in the

draft zoning code update, but are not in the existing zoning code.

**CEQA**

An Addendum to the General Plan Update Environmental Impact Report (EIR) has been prepared for the comprehensive Zoning Code update which includes the proposed updated Wireless Telecommunications Ordinance Attachment 2).

**RECOMMENDATION**

Staff recommends the Planning Commission recommend the City Council approve the Addendum to the General Plan Update EIR and adopt the updated Wireless Telecommunications Ordinance.

**ATTACHMENTS:**

1. Wireless Ordinance
2. Addendum to the General Plan Update EIR

Prepared By: Katie Cattan  
Senior Planner

## Chapter 17.98 – WIRELESS COMMUNICATIONS FACILITIES

### Sections:

- 17.~~98104~~.010 \_Purpose and Intent
- 17.~~98104~~.020 \_Definitions
- 17.~~98104~~.030 \_Applicability and Exemptions
- 17.~~98104~~.040 \_Permit Requirements
- 17.~~98104~~.050 \_Standard Conditions of Approval
- 17.~~98104~~.060 \_Preferred Siting and Location
- 17.~~98104~~.070 \_Development Standards
- 17.~~98104~~.080 \_Operation and Maintenance Requirements
- 17.~~98104~~.090 Temporary Wireless Communications Facilities
- 17.~~98140~~.100 Limited Exemption from Standards
- 17.~~98104~~.110 \_Severability

### 17.98.010 Purpose and Intent

- A. Purpose.** This chapter establishes requirements for the development, siting, collocation, installation, modification, relocation, development, and operation of wireless communications facilities consistent with applicable state and federal laws. These requirements aim to protect public health, safety, and welfare while balancing the benefits of robust wireless services with the unique community character, aesthetics, and local values of Capitola.
- B. Intent.** This chapter does not intend to, and shall not be interpreted or applied to:
1. Prohibit or effectively prohibit personal wireless services;
  2. Unreasonably discriminate among wireless communications providers of functionally equivalent personal wireless services;
  3. Regulate the installation, operation, collocation, modification, or removal of wireless facilities on the basis of the environmental effects of radio frequency (RF) emissions to the extent that such emissions comply with all applicable Federal Communications Commission (FCC) regulations;
  4. Prohibit or effectively prohibit any collocation or modification that the City may not deny under state or federal law; or
  5. Preempt any applicable state or federal law.

### 17.98.020 Definitions

- A. Terms Defined.** Terms used in this chapter are defined as follows:

1. “Amateur radio facilities” are antennas and related equipment for the purpose of self-training, intercommunication, or technical investigations carried out by an amateur radio operator who operates without commercial interest, and who holds a written authorization from the Federal Communications Commission to operate an amateur radio facility.
2. “Antenna” means a device or system of wires, poles, rods, dishes, discs, or similar devices used to transmit and/or receive radio or electromagnetic waves.
3. “Applicable FCC decisions” means the same as defined by California Government Code Section 65964.1(d)(1), as may be amended, which defines that term as “In re Petition for Declaratory Ruling, 24 FCC Rcd. 13994 (2009) and In the Matter of Acceleration of Broadband Deployment by Improving Wireless Facilities Siting Policies, Report and Order, 29 FCC Rcd. 12865 (2014).”
4. “Array” means one or more antennas mounted at approximately the same level above ground on tower or base station.
5. “Base station” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(1), as may be amended, which defines that term as follows:
  - a. A structure or equipment at a fixed location that enables FCC-licensed or authorized wireless communications between user equipment and a communications network. The term does not encompass a tower as defined in 47 C.F.R. Section 1.40001(b)(9) or any equipment associated with a tower.
  - b. “Base station” includes, but is not limited to, equipment associated with wireless communications services such as private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.
  - c. “Base station” includes, but is not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, regular and backup power supplies, and comparable equipment, regardless of technological configuration (including Distributed Antenna Systems and small-cell networks).
  - d. “Base station” includes any structure other than a tower that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, supports or houses equipment described in paragraphs (b)(1)(i) through (ii) of 47 C.F.R. Section 1.40001 that has been reviewed and approved under the applicable zoning or siting process, or under another state or local regulatory review process, even if the structure was not built for the sole or primary purpose of providing such support.
  - e. “Base station” excludes any structure that, at the time the relevant application is filed with the State or local government under 47 C.F.R. Section 1.40001, does not support or house equipment described in paragraphs (b)(1)(i)-(ii) of 47 C.F.R. Section 1.40001.

6. “Collocation” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(2), as may be amended, which defines that term as “[t]he mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for communications purposes.” As an illustration and not a limitation, the FCC’s definition effectively means “to add” new equipment to an existing facility and does not necessarily refer to more than one wireless facility installed at a single site.
7. “Eligible facilities request” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(3), as may be amended, which defines that term as “[a]ny request for modification of an existing tower or base station that does not substantially change the physical dimensions of such tower or base station, involving: (i) Collocation of new transmission equipment; (ii) Removal of transmission equipment; or (iii) Replacement of transmission equipment.”
8. “Eligible support structure” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(4), as may be amended, which defines that term as “[a]ny tower or base station as defined in [47 C.F.R. Section 1.40001], provided that it is existing at the time the relevant application is filed with the State or local government under [47 C.F.R. Section 1.40001].”
9. “Existing” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(5), as may be amended, which provides that “[a] constructed tower or base station is existing for purposes of the [FCC rules implementing Section 6409 of the Spectrum Act] if it has been reviewed and approved under the applicable zoning or siting process, or under another State or local regulatory review process, provided that a tower that has not been reviewed and approved because it was not in a zoned area when it was built, but was lawfully constructed, is existing for purposes of this definition.”
10. “FCC” means the Federal Communications Commission or its successor agency.
11. “Personal wireless services” has the same meaning as provided in 47 U.S.C. Section 332(c)(7)(C)(i), as may be amended, which defines the term as “commercial mobile services, unlicensed wireless services, and common carrier wireless exchange access services.”
12. “Section 6409(a)” means Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012, Pub. L. No. 112-96, 126 Stat. 156, codified as 47 U.S.C. Section 1455(a), as may be amended.
13. “Service provider” means a wireless communications provider, company or organization, or the agent of a company or organization that provides wireless communications services.
14. “Significant gap” is a gap in the service provider’s own wireless telecommunications facilities, as defined in federal case law interpretations of the Federal Telecommunications Act of 1996.



15. “Site” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(6), as may be amended, which provides that “[f]or towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.”
16. “Stealth facility” is any facility designed to blend into the surrounding environment, and is visually unobtrusive. Examples of stealth facilities may include architecturally screened roof-mounted antennas, facade mounted antennas painted and treated as architectural elements to blend with the existing building, or elements designed to appear as vegetation or trees. Also referred to as concealed communications facilities.
17. “Substantial change” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(7), as may be amended, which defines that term differently based on the particular facility type and location. For clarity, the definition in this chapter organizes the FCC’s criteria and thresholds for a substantial change according to the facility type and location.
  - a. For towers outside the public right-of-way, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or the height of one additional antenna array not to exceed 20 feet (whichever is greater); or
    - (2) The proposed collocation or modification involves adding an appurtenance to the body of the tower that would protrude from the edge of the tower more than 20 feet, or more than the width of the tower structure at the level of the appurtenance (whichever is greater); or
    - (3) The proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four cabinets; or
    - (4) The proposed collocation or modification involves excavation outside the current boundaries of the leased or owned property surrounding the wireless tower, including any access or utility easements currently related to the site.
  - b. For towers in the public right-of-way and for all base stations, a substantial change occurs when:
    - (1) The proposed collocation or modification increases the overall height more than 10 percent or 10 feet (whichever is greater); or
    - (2) The proposed collocation or modification involves adding an appurtenance to the body of the structure that would protrude from the edge of the structure by more than 6 feet; or

- (3) the proposed collocation or modification involves the installation of more than the standard number of equipment cabinets for the technology involved, not to exceed four 4cabinets; or
  - (4) The proposed collocation or modification involves the installation of any new equipment cabinets on the ground when there are no pre-existing ground cabinets associated with the structure; or
  - (5) The proposed collocation or modification involves the installation of any ground cabinets that are more than ten percent larger in height or overall volume than any other ground cabinets associated with the structure; or
  - (6) The proposed collocation or modification involves excavation outside the area in proximity to the structure and other transmission equipment already deployed on the ground.
- c. In addition, for all towers and base stations wherever located, a substantial change occurs when:
- (1) The proposed collocation or modification would defeat the existing concealment elements of the support structure as determined by the Community Development Director; or
  - (2) The proposed collocation or modification violates a prior condition of approval, provided however that the collocation need not comply with any prior condition of approval related to height, width, equipment cabinets, or excavation that is inconsistent with the thresholds for a substantial change described in this section.
- d. Interpretation of Thresholds.
- (1) The thresholds for a substantial change described above are disjunctive. The failure to meet any one or more of the applicable thresholds means that a substantial change would occur.
  - (2) The thresholds for height increases are cumulative limits. For sites with horizontally separated deployments, the cumulative limit is measured from the originally-permitted support structure without regard to any increases in size due to wireless equipment not included in the original design. For sites with vertically separated deployments, the cumulative limit is measured from the permitted site dimensions as they existed on February 22, 2012—the date that Congress passed Section 6409(a).
18. “Temporary wireless communications facility” means a wireless communications facility located on a parcel of land and consisting of a vehicle-mounted facility, a building mounted antenna, or a similar facility, and associated equipment, that is used to provide temporary coverage for a large-scale event or an emergency, or to provide temporary replacement coverage due to the removal of an existing permitted,

permanent wireless communications facility necessitated by the demolition or major alteration of a nearby property.

19. “Tower” means the same as defined by the FCC in 47 C.F.R. Section 1.40001(b)(9), as may be amended, which defines that term as “[a]ny structure built for the sole or primary purpose of supporting any [FCC]-licensed or authorized antennas and their associated facilities, including structures that are constructed for wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated site.” Examples include, but are not limited to, monopoles, mono-trees, and lattice towers.
  20. “Transmission equipment” means the same as defined by the FCC in 47 C.F.R. Section 140001(b)(8), as may be amended, which defines that term as “[e]quipment that facilitates transmission for any [FCC]-licensed or authorized wireless communication service, including, but not limited to, radio transceivers, antennas, coaxial or fiber-optic cable, and regular and backup power supply. The term includes equipment associated with wireless communications services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul.”
  21. “Wireless” means any FCC-licensed or authorized wireless communications service transmitted over frequencies in the electromagnetic spectrum.
  22. “Wireless communications facility” is a facility that sends and/or receives radio frequency signals, AM/FM, microwave, and/or electromagnetic waves for the purpose of providing voice, data, images or other information, including, but not limited to, cellular and/or digital telephone service, personal communications services, and paging services. Wireless communications facilities include antennas and all other types of equipment for the transmission or receipt of such signals; towers or similar structures built to support such equipment; equipment cabinets, base stations, and other accessory development; and screening and concealment elements. (Also referred to as “facility”).
  23. “Wireless communications provider” is any company or organization that provides or who represents a company or organization that provides wireless communications services. (Also referred to as “service provider”).
  24. “Zoning Code” means the City of Capitola Zoning Code.
- B. Terms Not Defined.** Terms not defined in this section shall be interpreted to give this chapter its most reasonable meaning and application, consistent with applicable state and federal law.

**17.98.030 Applicability and Exemptions**

**A. Applicability.** This chapter applies to all new facilities and all modifications to existing facilities proposed after the effective date of this chapter unless exempted by Subsection B (Exemptions) below.

**B. Exemptions.** This chapter does not apply to:

1. Amateur radio facilities;
2. Direct-to-home satellite dishes, TV antennas, wireless cable antennas, and other OTARD antennas covered by the Over-the-Air Reception Devices rule in 47 Code of Federal Regulations (C.F.R.) Section 1.4000 et seq.;
3. Non-commercial wireless communications facilities owned and operated by a public agency, including but not limited to the City of Capitola; and
4. All antennas and wireless facilities identified by the FCC or the California Public Utilities Commission (CPUC) as exempt from local regulations.

**17.98.040 Permit Requirements**

**A. Required Permits.** Wireless communications facilities are grouped into four tiers, each with its own permit requirement as shown in Table 17.40498-1.

**TABLE 17.40498-1: WIRELESS COMMUNICATIONS FACILITY TIERS AND REQUIRED PERMITS**

	Types of Facilities	Permit Required
<b>Tier 1</b>	Modifications to an existing facility that qualify as an “eligible facility request” as defined in Section 17.40498.020.A.7	Section 6409(a) Permit
<b>Tier 2</b>	<p>Building- and facade-mounted facilities in the C-C, C-R, or I zoning district when the proposed facility (1) is a stealth facility, (2) does not generate noise in excess of the City’s noise regulations and (3) does not exceed the applicable height limit in the applicable zoning district.</p> <p>Pole-mounted facilities in the public right-of-way consistent with Section 17.40498.070.D when the facility is either (1) incorporated into a steel pole with all antennas, equipment, and cabling entirely concealed from view, or (2) mounted to a wood pole with all equipment other than antennas located substantially underground and pole-mounted equipment, where necessary, extends no more than 2 feet horizontally and 5 feet vertically from the pole.</p> <p>A collocation that is not a Tier 1 Facility.</p> <p>A modification to an eligible support structure that is not a Tier 1 Facility.</p>	Administrative Permit
<b>Tier 3</b>	Building- and facade-mounted facilities in the C-C, C-R, or I zoning district that are not Tier 2 facilities.	Minor Use Permit

Attachment: Wireless Ordinance (1670 : Wireless Telecommunications Ordinance Update)

	<p>Building- and facade-mounted facilities in the MU-V, MU-N, VA, <del>P/OS</del>, or CF zoning district.</p> <p>Pole-mounted facilities in the public right-of-way consistent with Section 17.<del>404</del><u>98</u>.070.D that are not Tier 2 facilities.</p>	
<b>Tier 4</b>	<p>New towers in any zoning district</p> <p>Any facility in the R-1, RM, or MH zoning district</p> <p><u>Any facility within a public park or open space</u></p> <p>Any facility that is not a Tier 1, 2, or 3 facility</p>	Conditional Use Permit

**B. Review Authority.**

1. Tier 1 and Tier 2 Facilities. The Community Development Director shall review and take action on all Section 6409(a) Permit applications for Tier 1 facilities and Administrative Permit applications for Tier 2 facilities.
2. Tier 3 Facilities. The Community Development Director shall review and take action on Minor Use Permit applications for Tier 3 facilities. If a member of the public requests a public hearing in accordance with Subsection E.3 (Tier 3 Facilities) below, the Community Development Director may refer the application to the Planning Commission for review and final decision.
3. Tier 4 Facilities. The Planning Commission shall review and take action on Conditional Use Permit applications for Tier 4 facilities.

**B.C. Conflicting Provisions.** ~~Administrative Permits, Minor Use Permits, and~~ Conditional Use Permits required for a wireless communications facility shall be processed in compliance with ~~Chapter 17.116 (Administrative Permits) and~~ Chapter 17.~~604~~24 (Conditional Use Permits); ~~respectively, and in compliance with~~ this chapter. In the event of any conflict between this chapter and ~~Chapter 17.116 (Administrative Permits) or~~ Chapter 17.~~604~~24 (Conditional Use Permits), this chapter shall govern and control.

**D. Pre-Application Conference.**

1. The City encourages prospective applicants to request a pre-application conference with the Community Development Department before completing and filing a permit application.
2. The purpose of this conference is to:
  - a. Inform the applicant of City requirements as they apply to the proposed project;
  - b. Inform the applicant of the City’s review process;
  - c. Identify information and materials the City will require with the application; and

- d. Provide guidance to the applicant of possible project alternatives or modifications.
- 3. The pre-application conference and any information provided to prospective applicants by City staff shall not be construed as a recommendation for approval or denial of an application.
- 4. Failure by City staff to identify all permit requirements shall not constitute a waiver of those requirements.

#### **E. Permit Application and Review.**

- 1. Application Required. —All permits granted under this chapter shall require an application. ~~An application for a wireless communications facility shall be filed and reviewed in compliance with Chapter 17.112 (Permit Application and Review), as may be amended from time to time, unless otherwise specified in this chapter.~~ All permit applications shall be filed with the Community Development Department on an official City application form. Applications shall be filed with all required fees, information, and materials as specified by the Community Development Department.
- 2. Eligibility for Filing.
  - a. An application may only be filed by the property owner or the property owner's authorized agent.
  - b. The application shall be signed by the property owner or the property owner's authorized agent if written authorization from the owner is filed concurrently with the application.
- 3. Application Contents. -All applications shall include the following:
  - a. The applicable application fee(s) established by the City. Fees required to process permit applications are identified in the Planning Fee Schedule approved by the City Council.
  - ~~a.b.~~ A fully completed and executed application using an official City application form.
  - ~~b.c.~~ The application must state what approval is being sought (i.e., Conditional Use Permit, Minor Use Permit, Administrative Permit, or Section 6409(a) Permit). If the applicant believes the application is for a Section 6409(a) Permit, the applicant must provide a detailed explanation as to why the applicant believes that the application qualifies as an eligible facilities request subject to a Section 6409(a) Permit;
  - ~~e.d.~~ A completed and signed application checklist available from the City, including all the information, materials, and fees specified in the City's application checklist for proposed wireless communications facilities;



- ~~e.e.~~ If the proposed facility is to be located on a City-owned building or structure, the application must be signed by an authorized representative of the City;
- ~~e.f.~~ For Section 6409(a) Permits and Administrative Permits involving a collocation or modification to an eligible support structure, the application must be accompanied by all prior approvals for the existing facility (including but not limited to all conditions associated with the siting approval of the construction or modification of the eligible support structure or base station equipment), as well as all permit applications with required application materials for each separate permit required by the City for the proposed facility, including but not limited to a building permit and an encroachment permit (if applicable); and
- ~~g.~~ All other materials and information required by the Community Development Director as publicly stated in the application checklist(s).

#### 4. Application Fees.

- ~~a. The City may deem an application complete and begin processing the application only after all required fees have been paid.~~
- ~~b. Failure to pay any required supplemental application fees is a basis for denial or revocation of a permit application.~~
- ~~c. The City will not refund fees for a denied application.~~

#### 5. Application Review.

- ~~a. The application processing time for applications subject to this chapter shall be in conformance with the time periods and procedures established by applicable FCC decisions, adjusted for any tolling due to incomplete application notices or mutually agreed upon extensions of time.~~
- ~~b. The Community Development Department shall review each application for completeness and accuracy before it is accepted as being complete and officially filed. The Community Development Department's determination of completeness shall be based on the City's list of required application contents and any additional written instructions provided to the applicant in a pre-application conference and during the initial application review period.~~
- ~~c. Within 30 calendar days of the Community Development Department's receipt of an application filing, the Community Development Department shall inform the applicant in writing that the application is complete and has been accepted for processing, or that the application is incomplete and that additional information is required.~~
- ~~d. When an application is incomplete as filed, the applicable timeframe for the City's review and action on such application does not include the time that the applicant takes to respond to the Community Development Department's request for additional information. The applicable timeframe for the City's review and action on the application shall be tolled until the applicant makes a~~

supplemental submission, responding to the Community Development Department's request for additional information. The timeframe for review begins running again when the applicant makes a supplemental submission in response to the Community Development Department's notice of incompleteness.

- e. After an applicant responds to an incomplete notice and submits additional information, the Community Development Department will notify the applicant within ten (10) days of the Community Development Department's receipt of the supplemental submission if the additional information failed to complete the application. The applicable timeframe for the City's review and action on the application shall be tolled until the applicant makes a supplemental submission, responding to the Community Development Department's request for additional information.

After the Community Development Department has accepted an application as complete, the Department may require the applicant to submit additional information for the environmental review of the project in compliance with the California Environmental Quality Act (CEQA).

#### 6. Project Evaluation and Staff Report.

- a. The Community Development Department shall review all applications to determine if they comply with this chapter. ~~the Zoning Code, the General Plan, and other applicable City policies and regulations.~~
- b. For all applications requiring review by the Planning Commission, the Community Development Department shall prepare a staff report describing the proposed project and including, where appropriate, a recommendation to approve, approve with conditions, or deny the application.

#### 7. Applications Deemed Withdrawn.

- a. If an applicant does not pay required supplemental fees or provide information requested in writing by the Community Development Department within nine (9) months following the date of the letter requesting such fees and/or information, the application shall expire and be deemed withdrawn without any further action by the City.
- b. After the expiration of an application, future City consideration shall require the submittal of a new complete application and associated filing fees.

f. —

#### C.F. Public Notice and Hearing and Hearing.

1. All Facilities. Public notice of pending decision or hearing for all facilities shall contain the following:

- a. A description of the proposed facility, collocation, or modification.
- b. The location of the subject property.
- c. Required permits and approvals.
- d. How the public can obtain additional information on the proposed project.

## 2. Tier 1 and Tier 2 Facilities.

- a. City approval or denial of a Tier 1 or Tier 2 facility is a ministerial action which does not require a public hearing.
- b. The applicant shall post notice of pending action on a Tier 1 or Tier 2 facility application on the subject property at least ten (10) calendar days prior to the City taking action on the application.
- c. In addition to the information identified in Subsection FE.1 (All Facilities) above, the notice of a pending action shall contain the following:
  - ~~— Date after which the Community Director will take action on the application:~~
  - (1) For Tier 1 facilities, the following statement: “Federal law may require approval of this application. Further, Federal Communications Commission Regulations may deem this application granted by the operation of law unless the City timely approves or denies the application, or the City and applicant reach a mutual tolling agreement.”
  - (2) For Tier 2 facilities, the following statement: “The proposed wireless communication facility is allowed by-right with an Administrative Permit and will be approved by the Community Development Director if the project complies with all applicable standards and regulations.”

## 3. Tier 3 Facilities.

- a. A public hearing for a Tier 3 facility is required only if requested by the public.
- b. The City shall mail public notice of a pending action on a Tier 3 facility to the owners of the real property located within a radius of 3100 feet from the exterior boundaries of the subject property at least ten (10) calendar days prior to the City taking action on the application.
- c. In addition to the information identified in Subsection FE.1 (All Facilities) above, the notice of a pending action shall contain a statement that the City is considering the application and that the Community Development Director will hold a public hearing for the application only upon receiving by a specified date written request for a hearing.
- d. If the City receives a request for a public hearing by the specified date, the Community Development Director shall hold a noticed public hearing on the application or refer the application to the Planning Commission for review and

final decision. Public notice of the requested public hearing will be mailed to the owners of real property located within a radius of 100 feet from the exterior boundaries of the subject property.

- e. If no request for a public hearing is received by the specified date, the Community Development Director shall act on the application without a public hearing.

#### 4. Tier 4 Facilities.

- a. The Planning Commission shall review and take action on Tier 4 facility applications at a noticed public hearing.

- b. At least ten (10) calendar days prior to the scheduled hearing, the City shall provide public notice of the hearing by:

(1) Mailing public notice of the hearing to the following recipients:

- a) The owners of the subject property or the owner's authorized agent and the applicant;
- b) The owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property;
- c) Each local agency expected to provide essential facilities or services to the subject property;
- d) Any person who has filed a written request for notice with the Community Development Department; and
- e) Any other person, whose property, in the judgment of the Community Development Department, might be affected by the proposed project; and

(2) Posting a printed notice at the project site.

- c. In addition to the types of notice required above, the Community Development Department may provide additional notice as determined necessary or desirable.

- d. The validity of the hearing shall not be affected by the failure of any resident, property owner, or community member to receive a mailed notice.

- e. In addition to the information identified in Subsection FE.1 (All Facilities) above, the notice of a public hearing shall identify the date, location, and time of the hearing.

- ~~1. **When Required.** Public notice and hearing for wireless communications facilities shall be given as shown in Table 17.104-2.~~

~~TABLE 17.104-2: FACILITY HEARING AND NOTICE REQUIREMENTS~~

	Hearing Required	Notice Requirements
Tier 1	No	See Section 17.148.040 (Notice for Administrative Permits and Section 6409(a) Permits)
Tier 2	No	
Tier 3	If requested by the public after receiving notice of pending decision	See Section 17.148.030 (Notice for Minor Use and Administrative Design Permits)
Tier 4	Yes	See Section 17.148.020 (Notice of Hearing)

~~2. Notice Contents for Tier 1 Facilities.~~ In addition to notice required by Section 17.148.040, before the Community Development Director may approve a Tier 1 Facility application, the applicant shall provide notice of the application in accordance with this section and as follows:

- ~~a. Notice shall be posted on the project site.~~
- ~~b. The notice shall include the following information:~~
  - ~~(1) A general explanation of the proposed modification or collocation;~~
  - ~~(2) The following statement: “Federal law may require approval of this application. Further, Federal Communications Commission Regulations may deem this application granted by the operation of law unless the City timely approves or denies the application, or the City and applicant reach a mutual tolling agreement.”; and~~
  - ~~(3) A general description, in text or by diagram, of the location of the real property that is the subject of the application.~~

**D.G.** **Applicant Notifications for Deemed Granted Remedies.** Under state and/or federal law, the City’s failure to act on a wireless communications facility permit application within a reasonable period of time in accordance with the time periods and procedures established by applicable FCC decisions, accounting for tolling, may result in the permit being deemed granted by operation of law. To the extent federal or state law provides a “deemed granted” remedy for wireless communications facility applications not timely acted upon by the City, no such application shall be deemed granted unless and until the applicant satisfies the following requirements:

- 1. For all Tier 2, Tier 3 and Tier 4 Facility applications:
  - a. Completes all public noticing required pursuant to Section 17.98148.040.F (Public Notice and Hearings for Administrative Permits and Section 6409(a) Permits) and California Government Code Section 65091 to the Community Development Director’s satisfaction.
  - b. No more than 30 days before the date by which the City must take final action on the application (as determined in accordance with the time periods and

procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide the following written notice to ~~all recipients identified in Section 17.148.020.B.2 (Mailing)~~ and to the City, the owners of the subject property (or the owner's authorized agent), the owners of the real property located within a radius of 600 feet from the exterior boundaries of the subject property, each local agency expected to provide essential facilities or services to the subject property, any person who has filed a written request for notice with the Community Development Department, and any other person identified by the Community Development Department as a person whose property might be affected by the proposed project:

- (1) The notice shall be delivered to the City in person or by certified United States mail.
  - (2) The notice must state that the applicant has submitted an application to the City, describe the location and general characteristics of the proposed facility, and include the following statement: "Pursuant to California Government Code Section 65964.1, state law may deem the application approved in 30 days unless the City approves or denies the application, or the City and applicant reach a mutual tolling agreement."
2. For all facility applications:
- a. Submits a complete application package consistent with the application procedures specified in this chapter and applicable federal and state laws and regulations.
  - b. Following the date by which the City must take final action on the application (as determined in accordance with the time periods and procedures established by applicable FCC decisions and accounting for tolling), the applicant must provide notice to the City that the application is deemed granted by operation of law.

**E.H. Basis for Approval – Tier 1 Facilities.**

1. This subsection shall be interpreted and applied so as to be consistent with the Telecommunications Act of 1996, Section 6409(a), and the applicable FCC and court decisions and determinations relating to the same. In the event that a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or a FCC rule or regulation that interprets Section 6409(a), such that federal law would not mandate approval for any eligible facilities request, then all proposed modifications to existing facilities subject to this section must be approved by an Administrative Permit, Minor Use Permit, or Conditional Use Permit, as applicable, and subject to the discretion of the Community Development Director.
2. The Community Development Director shall approve a Section 6409(a) Permit for a Tier 1 facility upon finding that the proposed facility qualifies as an eligible facilities request and does not cause a substantial change as defined in Section 17.~~104~~98.020 (Definitions).



3. In addition to any other alternative recourse permitted under federal law, the Community Development Director may deny a Section 6409(a) Permit upon finding that the proposed facility:
  - a. Defeats the effect of existing concealment elements of the support structure;
  - b. Violates any legally enforceable standard or permit condition related to compliance with generally applicable building, structural, electrical and/or safety codes;
  - c. Violates any legally enforceable standard or permit condition reasonably related to public health and/or safety; or
  - d. Otherwise does not qualify for mandatory approval under Section 6409(a) for any lawful reason.

**F.I. Basis for Approval – Tier 2 Facilities.** To approve an Administrative Permit for a Tier 2 facility, the Community Development Director must find that the proposed facility complies with the requirements of this chapter and all other applicable requirements of the Zoning Code.

**G.J. Basis for Approval – Tier 3 and 4 Facilities.** To approve a Minor Use Permit or Conditional Use Permit for a proposed Tier 3 or Tier 4 facility, the review authority must ~~find~~ make that all of the following findings:

1. The facility is consistent with the requirements of this chapter; ~~and~~
2. The facility is allowed in the applicable zoning district.
3. The facility is consistent with the General Plan, Local Coastal Program, Zoning Code, and any applicable specific plan or area plan adopted by the City Council.
4. The location, size, design, and operating characteristics of the facility will be compatible with the existing and planned land uses in the vicinity of the property.
5. The facility will not be detrimental to the public health, safety, and welfare.
6. The facility is properly located within the city and adequately served by existing or planned services and infrastructure.
- ~~2. All the findings required for the Conditional Use or Minor Use Permit as specified in Chapter 17.124 (Use Permits) can be made for the proposed facility.~~

**H.K. Appeals.**

1. **Tier 1 Facilities:** Community Development Director decisions on a Section 6409(a) Permit are final and may not be appealed.
2. **Tier 2 and 3 Facilities.** Community Development Director decisions on an Administrative Permit for a Tier 2 Facility and a Minor Use Permit for a Tier 3 Facility may be appealed to the Planning Commission in ~~accordance a~~ manner

consistent with the process described in ~~Municipal Code~~ Chapter ~~18.112-2.52~~ (Appeals to City Council). Planning Commission decisions of an appeal may be appealed to the City Council.

3. **Tier 4 Facilities.** Planning Commission decisions on a Conditional Use Permit for a Tier 4 facility may be appealed to the City Council in accordance with Municipal Code Chapter 2.52 (Appeals to City Council)~~Section 18.112 (Appeals)~~.

#### I.L. **Permit Revocation.**

1. **Basis for Revocation.** The City may revoke a permit for a wireless communications facility for noncompliance with any enforceable permit, permit condition, or law applicable to the facility.
2. **Revocation Procedures.**
  - a. When the Community Development Director finds reason to believe that grounds for permit revocation exist, the Director shall send written notice to the permit holder that states the nature of the violation or non-compliance and a means to correct the violation or non-compliance. The permit holder shall have a reasonable time from the date of the notice (not to exceed 60 calendar days from the date of the notice or a lesser period if warranted by a public emergency) to correct the violation or cure the noncompliance, or show that the violation has not occurred or the facility is in full compliance.
  - b. If after receipt of the notice and opportunity to cure described in Section 17.10498.040 ~~(1.K.)~~(2.)~~(a)~~ above, the permit holder does not correct the violation or cure the noncompliance (or demonstrate full compliance), the Community Development Director may schedule a public hearing before the Planning Commission at which the Planning Commission may modify or revoke the permit.
  - c. For permits issued by the Community Development Director, the Community Development Director may revoke the permit without such public hearing. The Community Development Director decision to revoke may be appealed to the Planning Commission.
  - d. The Planning Commission may revoke the permit upon making one or more of the following findings:
    - (1) The permit holder has not complied with any enforceable permit, permit condition, or law applicable to the facility.
    - (2) The wireless communications provider has failed to comply with the conditions of approval imposed.
    - (3) The permit holder and/or wireless communications provider has failed to submit evidence that the wireless communications facility complies with the current FCC radio frequency standards.

- (4) The wireless communications facility fails to comply with the requirements of this chapter.
- e. The Planning Commission's decision may be appealed to the City Council in accordance with Chapter 2.52 (Appeals to City Council)~~18.112 (Appeals)~~.
- f. Upon revocation, the City may take any legally permissible action or combination of actions necessary to protect public health, safety and welfare.

### J.M. Cessation of Operations

1. **Notice to City.** Wireless communications providers shall provide the City with a notice of intent to vacate a site a minimum of 30 days prior to the vacation.
2. **New Permit Required.** A new permit shall be required if a site is to be used again for the same purpose as permitted under the original permit if a consecutive period of six months have lapsed since cessation of operations.
3. **Removal of Equipment.** The service provider or property owner shall remove all obsolete and/or unused facilities and associated equipment from the site within 180 days of the earlier of:
  - a. Termination of the lease with the property owner; or
  - b. Cessation of operations.

### K.N. Abandonment

1. To promote the public health, safety and welfare, the Community Development Director may declare a facility abandoned or discontinued when:
  - a. The permit holder or service provider abandoned or discontinued the use of a facility for a continuous period of 90 days; or
  - b. The permit holder or service provider fails to respond within 30 days to a written notice from the Community Development Director that states the basis for the Community Development Director's belief that the facility has been abandoned or discontinued for a continuous period of 90 days; or
  - c. The permit expires and the permit holder or service provider has failed to file a timely application for renewal.
2. After the Community Development Director declares a facility abandoned or discontinued, the permit holder or service provider shall have 60 days from the date of the declaration (or longer time as the Community Development Director may approve in writing as reasonably necessary) to:
  - a. Reactivate the use of the abandoned or discontinued facility subject to the provisions of this chapter and all conditions of approval; or
  - b. Remove the facility and all improvements installed in connection with the facility (unless directed otherwise by the Community Development Director), and

restore the site to its original pre-construction condition in compliance with all applicable codes and consistent with the previously-existing surrounding area.

3. If the permit holder and/or service provider fail to act as required in Section 17.~~10498~~.040.~~(N12)~~(2) within the prescribed time period, the following shall apply:
  - a. City may but is not obligated to remove the abandoned facility, restore the site to its original per-construction condition, and repair any and all damages that occurred in connection with such removal and restoration work.
  - b. The City may but is not obligated to store the removed facility or any part thereof, and may use, sell or otherwise dispose of it in any manner the City deems appropriate.
  - c. The last-known permit holder (or its successor-in-interest), the service provider (or its successor-in-interest), and, if on private property, the real property owner shall be jointly liable for all costs and expenses incurred by the City in connection with its removal, restoration, repair and storage, and shall promptly reimburse the City upon receipt of a written demand, including, without limitation, any interest on the balance owing at the maximum lawful rate.
  - d. The City may but is not obligated to use any financial security required in connection with the granting of the facility permit to recover its costs and interest.
  - e. Until the costs are paid in full, a lien shall be placed on the facility, all related personal property in connection with the facility and, if applicable, the real private property on which the facility was located for the full amount of all costs for removal, restoration, repair and storage (plus applicable interest). The City Clerk shall cause the lien to be recorded with the County of Santa Cruz Recorder's Office. Within 60 days after the lien amount is fully satisfied including costs and interest, the City Clerk shall cause the lien to be released with the County of Santa Cruz Recorder's Office.
4. If a permit holder, service provider, and/or private property owner fails to comply with any provisions of this Section 17.~~10498~~.040.~~N(1)~~(A) (Abandonment), the City may elect to treat the facility as a nuisance to be abated as provided in Municipal Code Title 4 (General Municipal Code Enforcement).

**L.O. Relocation for Facilities in the Right-of-Way.**

1. The Public Works Director may require a permit holder to relocate and/or remove a facility in the public right-of-way as the City deems necessary to:
  - a. Change, maintain, repair, protect, operate, improve, use, and/or reconfigure the right-of-way for other public projects; or
  - b. Take any actions necessary to protect the public health, safety and welfare.

- 2. The Public Works Director shall provide the permit holder with adequate written notice identifying a specified date by which the facility must be relocated and/or removed.
- 3. The relocation and/or removal of the facility shall be at the permit holder’s sole cost and expense and in accordance with the standards in this chapter applicable to the facility.

**M.P. Transfer of Ownership.**

- 1. **Notice.** Any wireless communications provider that is buying, leasing, or is considering a transfer of ownership of a previously approved facility shall submit a letter of notification of intent to the Community Development Director a minimum of 30 days prior to the transfer.
- 2. **Responsibilities.** In the event that the original permit holder sells its interest in a wireless communications facility, the succeeding carrier shall assume all facility responsibilities and liabilities and shall be held responsible for maintaining consistency with all permit requirements and conditions of approval.
- 3. **Contact Information.** A new contact name for the facility shall be provided by the succeeding provider to the Community Development Department within 30 days of transfer of interest of the facility.

**17.98.050 Standard Conditions of Approval**

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following standard conditions of approval. Standard conditions of approval shall apply in addition to other conditions of approval attached to the project by the review authority in compliance with the Zoning Code and as allowed by state and federal law.

- A. **All Facilities.** The following standard conditions of approval apply to all facilities and shall be included in all Administrative Permits, Minor Use Permits, and Conditional Use Permits:
  - 1. **Compliance with Chapter.** The facility shall comply with the requirements of this chapter, including but not limited to requirements in Section 17.10498.070 (Development Standards) and Section 17.10498.080 (Operation and Maintenance Requirements).
  - 2. **Compliance with Applicable Laws.** The permit holder and service provider shall at all times comply with all applicable provisions of the Zoning Code, any permit issued under the Zoning Code, and all other applicable federal, state and local laws, rules and regulations. Failure by the City to enforce compliance with applicable laws shall not relieve any applicant of its obligations under the Municipal Code (including, but not limited to, the Zoning Code), any permit issued under the Zoning Code, or any other applicable laws, rules, and regulations.

3. **Compliance with Approved Plans.** The facility shall be built in compliance with the approved plans on file with the Community Development Department.
4. **Approval Term.** The validly issued Administrative Permit, Minor Use Permit, or Conditional Use Permit for the wireless communications facility shall be valid for an initial maximum term of ten years, except when California Government Code Section 65964(b), as may be amended, authorizes the City to issue a permit with a shorter term. The approval may be administratively extended by the Community Development Director from the initial approval date for a subsequent five years and may be extended by the Director every five years thereafter upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved. Costs associated with the review process shall be borne by the service provider, permit holder, and/or property owner.
5. **Inspections; Emergencies.** The City or its designee may enter onto the facility area to inspect the facility upon reasonable notice to the permit holder. The permit holder and service provider shall cooperate with all inspections. The City reserves the right to enter or direct its designee the facility and support, repair, disable, or remove any elements of the facility in emergencies or when the facility threatens imminent harm to persons or property.
6. **Contact Information for Responsible Parties.** The permit holder and service provider shall at all times maintain accurate contact information for all parties responsible for the facility, which shall include a phone number, street mailing address, and email address for at least one person. All such contact information for responsible parties shall be provided to the Community Development Director upon request.
7. **Graffiti Removal.** All graffiti on facilities must be removed at the sole expense of the permit holder within 48 hours after notification from the City.
8. **FCC (including, but not limited to, RF Exposure ~~and Interference~~) Compliance.** All facilities must comply with all standards and regulations (including, but not limited to, those relating to RF exposure ~~and interference~~) of the FCC and any other state or federal government agency with the authority to regulate such facilities. The City may require submission on an ongoing basis of documentation ~~prepared by a qualified radio frequency engineer evidencing demonstrating~~ that the facility and any collocated facilities complies with applicable RF exposure ~~and interference~~ standards and exposure limits and affirmations, under penalty of perjury, that the subject facilities are FCC compliant and will not cause members of the general public to be exposed to RF levels that exceed the maximum permissible exposure (MPE) levels deemed safe by the FCC.
9. **Implementation and Monitoring Costs.** The permit holder and service provider (or their respective successors) shall be responsible for the payment of all reasonable costs associated with the monitoring of the conditions of approval, including, without limitation, costs incurred by the Community Development Department, the



Public Works Department, the City Manager's Department, the office of the City Attorney and/or any other appropriate City department or agency. The Community Development Department shall collect costs on behalf of the City

10. **Indemnities.** The permit holder, service provider, and, if applicable, the non-government owner of the private property upon which the facility, tower and/or base station is installed (or is to be installed) shall defend (with counsel satisfactory to the City), indemnify and hold harmless the City of Capitola, its officers, officials, directors, agents, representatives, and employees (i) from and against any and all damages, liabilities, injuries, losses, costs and expenses and from and against any and all claims, demands, lawsuits, judgments, writs of mandamus and other actions or proceedings brought against the City or its officers, officials, directors, agents, representatives, or employees to challenge, attack, seek to modify, set aside, void or annul the City's approval of the permit, and (ii) from and against any and all damages, liabilities, injuries, losses, costs and expenses and any and all claims, demands, lawsuits, judgments, or causes of action and other actions or proceedings of any kind or form, whether for personal injury, death or property damage, arising out of, in connection with or relating to the acts, omissions, negligence, or performance of the permit holder, the service provider, and/or, if applicable, the private property owner, or any of each one's agents, representatives, employees, officers, directors, licensees, contractors, subcontractors or independent contractors. It is expressly agreed that the City shall have the right to approve (which approval shall not be unreasonably withheld) the legal counsel providing the City's defense, and the property owner, service provider, and/or permit holder (as applicable) shall reimburse City for any and all costs and expenses incurred by the City in the course of the defense.

**B. Tier 1 Facilities.** In addition to the applicable conditions in Subsection A (All Facilities), all Tier 1 facilities shall comply with and all Section 6409(a) Permits shall include the following standard conditions of approval:

1. **No Permit Term Extension.** The City's grant or grant by operation of law of a Section 6409(a) Permit constitutes a federally-mandated modification to the underlying permit or approval for the subject tower or base station. The City's grant or grant by operation of law of a Section 6409(a) Permit will not extend the permit term for any Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval and its term shall be coterminous with the underlying permit or other regulatory approval for the subject tower or base station. If requested in writing by the applicant at the time of application submittal, the permit term for the underlying Conditional Use Permit, Minor Use Permit, Administrative Permit or other underlying regulatory approval may be administratively extended by the Community Development Director (at his/her discretion) from the initial approval date upon verification that the facility continues to comply with this chapter and conditions of approval under which the facility was originally approved.

~~2. **Submittal Following Invalidation.** If a court of competent jurisdiction invalidates all or any portion of Section 6409(a) or any FCC rule or regulation that interprets~~

~~Section 6409(a) such that federal law would not mandate approval for an eligible facilities request, the permit holder shall, within one year from the effective date of the judicial order, submit an application for either a Conditional Use Permit, Minor Use Permit, or Administrative Permit in compliance with this chapter for those improvements. The Community Development Director may extend this period upon a written request from the permit holder that shows good cause for an extension.~~

~~3.2.~~ **No Waiver of Standing.** The approval of a Section 6409(a) Permit (either by express approval or grant by operation of law) does not waive, and shall not be construed to waive, any standing by the City to challenge Section 6409(a), any FCC rules that interpret Section 6409(a), or any eligible facilities request.

### 17.98.060 Preferred Siting and Location

The following siting and location preferences apply to all proposed new facilities and substantial changes to existing facilities.

**A. Preferred Siting.** To the extent feasible, all proposed facilities should be sited according to the following preferences, ordered from most preferred to least preferred:

1. Sites on a City owned or controlled parcel (excluding public parks and/or open spaces); then
2. Collocations on eligible support structures in the public right-of-way; then
3. Collocations on eligible support structures outside of the public right-of-way; then
4. New base stations in the public right-of-way; then
5. New base stations outside of the public right-of-way; then
6. New towers in the public right-of-way, then-
7. New towers outside the public right-of-way.

**B. Discouraged Siting – Utility Poles in Planned Utility Undergrounding Project Areas.** The City discourages the placement of new facilities on utility poles within the public right-of-way in areas where there is a planned utility undergrounding project. In such cases, new facilities should be placed on utility poles within the planned utility undergrounding project area only if an alternative placement is infeasible or undesirable based on the standards and/or criteria contained in this chapter. If a utility undergrounding project is initiated, the City may require the removal of any facilities on a utility pole in the public right-of-way (including, but not limited to, facilities on utility poles) in accordance with Section 17.98.040.I.N (Relocation for Facilities in the Right-of-Way).

**B.C. Preferred Locations – General.** All applicants should, to the extent feasible, locate proposed facilities in non-residential zoning districts.

**C.D. Preferred Locations – Non-Residential Zoning Districts.** To the extent feasible, all proposed facilities in non-residential zoning districts should be located according to the following preferences, ordered from most preferred to least preferred:

1. Parcels in the ~~industrial~~ park (I-P) zoning district; then
2. Parcels in the commercial (C-~~NR, C-R, PO~~ and C-C) zoning districts; then
3. Parcels in all other non-residential zoning districts.

**D.E. Preferred Locations – Residential Zoning Districts.** If a facility is proposed in a residential (R-1, R-M, MHE) zoning district, all facilities should be located according to the following preferences, ordered from most preferred to least preferred:

1. Parcels that contain approved non-residential uses and do not contain residential uses; then
2. Parcels that contain approved non-residential uses and also contain residential uses; then
3. All other parcels.

**E.F. Additional Alternative Sites Analysis.** If an applicant proposes to locate a new facility or substantial change to an existing facility on a parcel that contains a single-family or multi-family residence, the applicant shall provide an additional alternative sites analysis that at a minimum shall include a meaningful comparative analysis of all the alternative sites in the more preferred locations that the applicant considered and states the underlying factual basis for concluding why each alternative in a more preferred location was (i) technically infeasible, (ii) not potentially available and/or (iii) more intrusive.

## 17.98.070 Development Standards

**A. General Design Standards.** All new facilities and substantial changes to existing facilities shall conform to the following design standards:

1. **Concealment.** To the maximum extent feasible, all facilities shall incorporate concealment measures and/or techniques appropriate for the proposed location and design. All ground-mounted equipment on private property shall be completely concealed to the maximum extent feasible according to the following preferences, ordered from most preferred to least preferred:
  - a. Within an existing structure including, but not limited to, an interior equipment room, mechanical penthouse or dumpster corral; then
  - b. Within a new structure designed to integrate with or mimic the adjacent existing structure; then
  - c. Within an underground equipment vault if no other feasible above-ground design that complies with subsections (a) or (b) exists.
2. **Height.**

- a. All facilities may not exceed the height limit in the applicable zoning district except as allowed in subsections (b) or (c) below.
- b. The review authority may approve a height exception up to 8 feet above the height limit when a proposed facility is:
  - (1) Mounted on the rooftop of an existing building;
  - (2) Completely concealed; and
  - (3) Architecturally integrated into the underlying building.
- c. The review authority may approve a height exception for towers or utility poles when:
  - (1) The proposed facility is no taller than the minimum necessary to meet service objectives;
  - (2) The height exception is necessary to address a significant gap in the applicant's existing service coverage;
  - (3) The applicant has demonstrated to the satisfaction of the Planning Commission that no alternative location, siting technique, or type of facility is feasible to meet service objectives; and
  - (4) The proposed facility complies with design standards and preferences in Section D (Tower-Mounted Facilities) below to the maximum extent feasible.
3. **Setbacks.** All facilities shall comply with all setback requirements in the applicable zoning district.
4. **Collocation.** Facilities shall be designed, installed, and maintained to accommodate future collocated facilities to the extent feasible.
5. **Landscaping.** Landscaping shall be installed and maintained as necessary to conceal or screen the facility from public view. ~~All landscaping shall be installed, irrigated, and maintained consistent with Chapter 17.72 (Landscaping) for the life of the permit.~~
6. **Lights.** Security lighting shall be down-shielded and controlled to minimize glare or light levels directed at adjacent properties.
7. **Noise.** All transmission equipment and other equipment (including but not limited to air conditioners, generators, and sump pumps) associated with the facility must not emit sound that exceeds the applicable limit established in Municipal Code Chapter 8.28 (Noise).
8. **Public Right-of-Way.** Facilities located within or extending over the public right-of-way require City approval of an encroachment permit.
9. **Signage.**

- a. A facility may not display any signage or advertisements unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
  - b. Every facility shall at all times display signage that accurately identifies the facility owner and provides the facility owner's unique site number, and also provides a local or toll-free telephone number to contact the facility owner's operations center.
10. **Advertising.** No advertising signage or identifying logos shall be displayed on wireless communications facilities, except for small identification plates used for emergency notification or hazardous or toxic materials warning, unless expressly allowed by the City in a written approval, recommended under FCC regulations, or required by law or permit condition.
- ~~11. **Historic Resources.** A facility which modifies the exterior of a historic resource as defined in Section 17.84.020 (Types of Historic Resources) shall comply with the requirements of Chapter 17.84 (Historic Preservation).~~
11. **Historic Features.** A facility which modifies the exterior of a historic feature as defined in Chapter 17.87 (Historic Features) shall comply with the requirements of Chapter 17.87.

#### B. Tower-Mounted Facilities.

1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new towers should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Faux architectural features (examples include, but are not limited to, bell towers, clock towers, lighthouses, obelisks and water tanks); then
  - b. Faux trees; then
  - c. Monopoles that do not conceal the antennas within a concealment device.
2. **Tower-mounted Equipment.** All tower-mounted equipment shall be mounted as close to the vertical support structure as possible to reduce its visual profile. Applicants should mount non-antenna, tower-mounted equipment (including, but not limited to, remote radio units/heads, surge suppressors, and utility demarcation boxes) directly behind the antennas to the maximum extent feasible.
3. **Ground-mounted Equipment.** Ground-mounted equipment shall be concealed with opaque fences or other opaque enclosures. The City may require additional design and/or landscape features to blend the equipment or enclosure into the surrounding environment.
4. **Concealment Standards for Faux Trees.** All faux tree facilities shall comply with the following standards:

- a. The canopy shall completely envelop all tower-mounted equipment and extend beyond the tower-mounted equipment at least 18 inches.
- b. The canopy shall be naturally tapered to mimic the particular tree species.
- c. All tower-mounted equipment, including antennas, equipment cabinets, cables, mounts and brackets, shall be painted flat natural colors to mimic the particular tree species.
- d. All antennas and other tower-mounted equipment cabinets shall be covered with broadleaf or pine needle “socks” to blend in with the faux foliage.
- e. The entire vertical structure shall be covered with permanently-affixed three-dimensional faux bark cladding to mimic the particular tree species.

### C. Building and Facade Mounted Facilities.

1. **General Design Preferences.** To the extent feasible and appropriate for the proposed location, all new building and facade mounted facilities should be designed according to the following preferences, ordered from most preferred to least preferred:
  - a. Completely concealed and architecturally integrated facade or rooftop mounted base stations which are not visible from any publicly accessible areas at ground level (examples include, but are not limited to, antennas behind existing parapet walls or facades replaced with RF-transparent material and finished to mimic the replaced materials); then
  - b. Completely concealed new structures or appurtenances designed to mimic the support structure’s original architecture and proportions (examples include, but are not limited to, cupolas, steeples, and chimneys); then
  - c. Facade-mounted facilities incorporated into “pop-out” screen boxes designed to be architecturally consistent with the original support structure.
2. **Ground-mounted Equipment.** Outdoor ground-mounted equipment associated with base stations must be avoided whenever feasible. In locations visible or accessible to the public, outdoor ground-mounted equipment shall be concealed with opaque fences or landscape features that mimic the adjacent structures (including, but not limited to, dumpster corrals and other accessory structures).

### D. Pole-Mounted Facilities in the Public Right-of-Way.

1. **All Facilities.** All facilities mounted to steel light poles and wood utility poles in the public right-of-way shall comply with the following design standards:
  - a. Antennas, brackets, and cabling shall all be painted a single color that matches the pole color.
  - b. Unnecessary equipment manufacturer decals shall be removed or painted over.



- c. The facility shall not alter vehicular circulation or parking within the public right-of-way or impede vehicular or pedestrian access or visibility along the public right-of-way.
  - d. All pole-mounted transmission equipment (including, but not limited to, antennas) shall be installed as close to the pole as technically and legally feasible to minimize impacts to the visual profile.
  - e. Colors and materials for facilities shall be chosen to minimize visibility. All visible exterior surfaces shall be constructed with non-reflective materials and painted and/or textured to match the support pole. All conduits, conduit attachments, cables, wires and other connectors must be concealed from public view to the maximum extent feasible.
  - f. An applicant may request an exemption from one or more standards in this Section 17.40498.070(D) (Pole-Mounted Facilities in the Public Right-of-Way) on the basis that such exemption is necessary to comply with Public Utilities Commission General Order 95. The applicant bears the burden to demonstrate why such exemption should be granted.
2. **Steel Pole Facilities.** Facilities mounted to a steel light pole in the public right-of-way shall comply with the following design standards:
- a. All equipment and cabling shall be located in the pole and concealed from view.
  - b. Antennas shall be located on the top of the pole as a vertical extension of the pole. Antennas and equipment may not be mounted onto the side of the pole.
  - c. To the extent technically feasible, antennas shall be contained within a maximum 14-inch wide enclosure on the top of the pole.
3. **Wood Pole Facilities.** Facilities mounted to a wood utility pole in the public right-of-way shall comply with the following design standards:
- a. Equipment enclosures shall be as narrow as feasible with a vertical orientation to minimize its visibility when attached to the pole. The equipment mounting base plates may be no wider than the pole.
  - b. Side-mounted equipment may extend no more than five feet horizontally from the side of the pole.
  - c. Equipment shall be stacked close together on the same side of the pole.
  - d. A line drop (no electric meter enclosure) shall be used if allowed by the utility company.
  - e. Shrouds, risers, or conduit shall be used to reduce the appearance of cluttered or tangled cabling.
  - f. Side-mounted antennas shall be attached to the pole using an arm with flanges/channels that reduces the visibility of cabling and passive RF gear.

- g. To the extent technically feasible, top-mounted antennas may be no wider than the width of the pole top.

### 17.98.080 Operation and Maintenance Requirements

All wireless communications facilities approved through a City permit or deemed granted by operation of law shall comply with the following operation and maintenance requirements.

- A. General Compliance.** All facilities shall comply with all applicable goals, objectives and policies of the General Plan/Local Coastal Program, area plans, zoning regulations and development standards; the California Coastal Act; and the California Environmental Quality Act (CEQA).
- B. Access Control.** All facilities shall be designed to be resistant to and minimize opportunities for unauthorized access, climbing, vandalism, graffiti, and other conditions that would result in hazardous conditions, visual blight, or attractive nuisances. The Community Development Director may require the provision of warning signs, fencing, anti-climbing devices, or other techniques to prevent unauthorized access and vandalism when, because of their location and/or accessibility, antenna facilities have the potential to become an attractive nuisance.
- C. Noise.** All facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. At any time, noise attenuation measures may be required by the Community Development Director when deemed necessary. Facilities shall comply with all applicable noise standards in the General Plan and Municipal Code. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the Community Development Director.
- D. General Maintenance.** The site and the facility, including but not limited to all landscaping, fencing, transmission equipment, antennas, towers, equipment, cabinets, structures, accessory structures, signs, and concealment and/or stealth features and standards shall be maintained in a state of good repair, in a neat and clean manner, and in accordance with all approved permits and conditions of approval. Damage to the site and the facility shall be repaired promptly. This shall include keeping all wireless communications facilities graffiti free and maintaining security fences in good condition.
- E. Change in Federal or State Regulations.** All facilities shall meet the current standards and regulations of the FCC, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and/or regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within 90 days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facility into compliance with revised standards and regulations shall constitute grounds for the

immediate removal of the facility at the wireless communications provider's expense.

- F. Service after Natural Disaster.** All wireless communications facilities providing service to the government or general public shall be designed to survive a natural disaster without interruption in operation.

**17.98.090 Temporary Wireless Communications Facilities.**

- A.** A temporary wireless communications facility, such as a "cell-on-wheels" (COW), may be used to replace wireless communications facility services during the relocation or rebuilding process of an existing facility, during festivals or other temporary events and activities that otherwise require a permit under this chapter, and during public emergencies.
- B.** A temporary wireless communications facility shall be processed as an administrative use permit under a proposed or existing permit when used during the relocation or rebuilding process of an existing wireless communications facility, or when used for a festival or other temporary event or activity.
- C.** A temporary wireless communications facility to protect public health, safety or welfare during an emergency shall be processed as a Tier 2 ~~Administrative use permit~~ Permit. The applicant shall submit an application for a temporary emergency use permit before installation of such temporary wireless communications facility.
- D.** The Community Development Director may approve a temporary wireless communications facility for no more than ninety (90) days.
- E.** A temporary wireless facility may be approved for a period of up to one year if the following requirements are met:
1. The Planning Commission determines that the temporary wireless communications facility shall be sited and constructed so as to:
    - a. Avoid proximity to residential dwellings to the maximum extent feasible;
    - b. Be no taller than needed;
    - c. Be screened to the maximum extent feasible; and
    - d. Be erected for no longer than reasonably required, based on the specific circumstances.
  2. Permits and/or authorizations in excess of ninety (90) days for temporary wireless communications facilities shall be subject to the notice and review procedures required by Section 17.498.040.FE48.040 (~~Notice for Administrative Permits and Section 6409(a) Permits~~) and Chapter 17.116 (~~Administrative Permits~~ Public Notice and Hearing).
- F.** The property owner and service provider of the temporary wireless communications facility installed pursuant to this section 17.40498.090 (Temporary Wireless Communications Facilities) shall immediately remove such facility from the site at the end

of the specified term or the conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first. The property owner and service provider of the temporary wireless communications facility shall be jointly and severally liable for timely removal of such temporary facility. The City may (but is not obligated to) remove any temporary wireless communications facility installed pursuant to this section 17.140.090 (Temporary Wireless Communications Facilities) at the owner and provider's cost immediately at the end of the specified term or conclusion of the relocation or rebuilding process, temporary event, or emergency, whichever occurs first.

#### **17.98.100 Limited Exemption from Standards**

- A. Request for Exemption.** An applicant may request an exemption from one or more requirements in this chapter on the basis that a permit denial would effectively prohibit personal wireless services in Capitola.
- B. Basis for Approval.** For the City to approve such an exemption, the applicant must demonstrate with clear and convincing evidence all of the following:
1. A significant gap in the applicant's service coverage exists;
  2. All alternative sites identified in the application review process are either technically infeasible or not potentially available; and
  3. Permit denial would effectively prohibit personal wireless services in Capitola.
- C. Applicant Must Demonstrate Basis for Approval.** The applicant always bears the burden to demonstrate why an exemption should be granted.

#### **17.98.110 Severability**

If any section or portion of this chapter is found to be invalid by a court of competent jurisdiction, such finding shall not affect the validity of the remainder of the chapter, which shall continue in full force and effect.

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**ADDENDUM TO PROGRAM ENVIRONMENTAL IMPACT REPORT  
CITY OF CAPITOLA GENERAL PLAN UPDATE (SCH #2013072002)  
For the  
CITY OF CAPITOLA ZONING CODE UPDATE**

**INTRODUCTION**

This addendum has been prepared to document compliance with the California Environmental Quality Act (CEQA) for the City of Capitola's proposed Zoning Code update. The proposed Zoning Code update would implement the City of Capitola's 2014 General Plan Update and includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan.

This addendum provides an analysis of whether the adoption of the Zoning Code update would result in any new or more severe adverse environmental effects which were not previously analyzed in the 2014 General Plan Update Program EIR pursuant to CEQA Guidelines Sections 15162, 15164, and 15168.

**PROJECT DESCRIPTION**

The City of Capitola proposes a comprehensive update to its Zoning Code (Municipal Code Chapter 17) which includes both text and map amendments to reflect the goals, policies, and implementation measures in the 2014 General Plan update. The existing Zoning Code has not been comprehensively updated since 1975.

The Zoning Code update would establish new and modified land use regulations which will guide future development and design throughout the City of Capitola. The proposed Zoning Code update includes new and revised zoning districts, permitting procedures, and development standards throughout the City of Capitola. Development standards and uses in the Zoning Code update have been modified from the existing code to be consistent with current federal and state regulations, better reflect current conditions, desired development trends, and best planning practices.

The proposed Zoning Code update would also move the City's Green Building and Floodplain District Ordinances from Municipal Code Chapter 17 (Zoning Code) to Chapter 15 (Buildings and Construction). No changes are currently proposed to the Green Building or Floodplain Ordinances other than moving it to another chapter of the Municipal Code.

Changes to the Zoning Code are primarily administrative in nature, including a new and more user-friendly format, improved organization and clarity, revised nomenclature and naming conventions, and previously uncodified procedural requirements. The updated Code presents information and standards in table formats and relies more heavily on graphics to illustrate the meaning and intent of various regulations.



## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

A summary of notable changes included in the proposed Zoning Code update are outlined below:

- Improved organization and format to improve clarity and usability;
- A new user guide to help citizens access, understand, and apply the Zoning Code;
- Revised regulations to comply with federal and state law;
- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements;
- Combined the current Commercial-Residential and Neighborhood-Commercial zoning districts into a new Neighborhood Mixed-Use zoning district to be consistent with the General Plan land use designation;
- Consolidated/eliminated 6 overlay zones which were redundant with other zoning and/or CEQA regulations to simplify the zoning map;
- Updated coastal overlay chapter with significantly improved organization and clarity;
- Improved historic preservation chapter which codifies process to review and modify historic structures and provides incentives and exceptions to promote preservation;
- Simplified legal non-conforming standards which eliminates the existing 80% valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current 6-seat rule with a square-footage allowance;
- Relaxed development standards for secondary dwelling units;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or General Plan allowances for increased floor area ratio;
- Simplified formula to calculate Floor Area Ratio;
- New lighting standards to prevent light trespass;
- New regulations to control unattended donation boxes;
- Improved guidance on when post-approval changes to a project trigger review by the Planning Commission;
- New standards to limit the allowable area of outdoor commercial displays;
- Incentives to encourage non-conforming multi-family uses in single-family zones to make needed property improvements. Also reduced allowable extensions from 50 to 25 years.
- New standards to allow parklets and sidewalk dining areas;
- New minor modification process to allow the Planning Commission to authorize minor deviations to certain development standards which don't meet variance findings;
- New standards to regulate the placement of outdoor decks in residential zones;
- Modified Design Review process to allow a second architect to review major projects;

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.

While some of the above-listed revisions will result in modest changes to existing development standards, none of the revisions would allow increased density, reduced lot size requirements, or substantial changes to lot coverage, floor area ratio, height, or requirements for on-site parking.

Use regulations have also been revised in the proposed code to account for modern use types not contemplated in the current code and to remove outdated and inapplicable use classifications. Like the current code, the updated code would require a discretionary use permit for use types which have the potential to adversely affect existing community character.

### CEQA ADDENDUM PROCEDURES

This document has been prepared in accordance with CEQA Guidelines sections 15164 and 15168 to explain the rationale for determining that the proposed Capitola Zoning Code update would not create any new or substantially more severe significant effects on the environmental that were not analyzed in the General Plan Update EIR.

In determining whether an Addendum is the appropriate document to analyze modifications to the General Plan EIR, State CEQA Guidelines Section 15164 states:

- (a) *The lead agency or responsible agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary but none of the conditions described in Section 15162 calling for preparation of a subsequent EIR have occurred.*
- (b) *An addendum to an adopted negative declaration may be prepared if only minor technical changes or additions are necessary or none of the conditions described in Section 15162 calling for the preparation of a subsequent EIR or negative declaration have occurred.*
- (c) *An addendum need not be circulated for public review but can be included in or attached to the final EIR or adopted negative declaration.*
- (d) *The decision-making body shall consider the addendum with the final EIR or adopted negative declaration prior to making a decision on the project.*
- (e) *A brief explanation of the decision not to prepare a subsequent EIR pursuant to Section 15162 should be included in an addendum to an EIR, the lead agency's required findings on the project, or elsewhere in the record. The explanation must be supported by substantial evidence.*

Since the General Plan EIR has been certified, the environmental impacts of subsequent activities proposed under the General Plan must be examined in light of the impact analysis in the certified EIR to determine if additional CEQA documentation must be prepared. One of the standards that applies is whether, under Public Resources Code Section 21166 and State CEQA Guidelines Sections 15162 and 15163, there are new significant effects or other grounds that require preparation of a subsequent EIR or supplemental EIR in support of further agency action on the project. Under these guidelines, a subsequent or supplemental EIR shall be prepared if any of the following criteria are met:

## ADDENDUM TO THE CITY OF CAPITOLA GENERAL PLAN UPDATE EIR – ZONING CODE UPDATE

(a) *When an EIR has been certified or negative declaration adopted for a project, no subsequent EIR shall be prepared for that project unless the lead agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:*

- 1) *Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;*
- 2) *Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or*
- 3) *New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the negative declaration was adopted, shows any of the following:*
  - A. *The project will have one or more significant effects not discussed in the previous EIR or negative declaration;*
  - B. *Significant effects previously examined will be substantially more severe than shown in the previous EIR;*
  - C. *Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or*
  - D. *Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.*

As demonstrated in the environmental analysis contained herein, none of the conditions that had been analyzed in the General Plan EIR would change with adoption of the proposed Zoning Code update. Furthermore, no new information of substantial importance meeting the criteria listed in State CEQA Guidelines Section 15162 has been identified.

#### **PRIOR ENVIRONMENTAL DOCUMENT**

The Capitola City Council adopted the General Plan Update and certified the associated EIR on June 26, 2014. The certified EIR found that adoption of the GPU would have significant, unavoidable effects to air quality, hydrology and water quality, traffic, utilities and service systems, and greenhouse gas emissions. In accordance with CEQA section 15091, the Capitola City Council adopted findings of overriding considerations to certify the EIR.

## ENVIRONMENTAL REVIEW UPDATE CHECKLIST

### I. AESTHETICS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to aesthetic resources including: scenic vistas; scenic resources including, but not limited to, trees, rock outcroppings, or historic buildings.; existing visual character or quality of the site and its surroundings; or day or nighttime views in the area?*

Response: The proposed Zoning Code update would not result in new or increased severity of significant visual and light/glare impacts beyond what was addressed in the General Plan EIR. The amendments to the Zoning Code are consistent with the development assumptions under the adopted General Plan. Housing and commercial uses would be developed in the same locations and within prescribed densities and intensities as contemplated in the General Plan EIR. All future development projects would be subject to applicable City requirements pertaining to visual resources, as well as to further CEQA analyses of project specific impacts.

### II. AGRICULTURAL AND FORESTRY RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to agricultural resources including: conflict with zoning for or result in rezoning of forest land; result in the loss of forest land or conversion of forest land to non-forest use; convert Important Farmland and/or conflict with existing zoning for agricultural use or Williamson Act contract?*

Response: There are no forest lands, farmlands of state or local importance, or agriculturally zoned properties in the City of Capitola. Consequently, the GP EIR concluded that there would be no significant impacts to agriculture or forestry resources. The proposed Zoning Code update would not result in any new impacts not previously considered by the GP EIR.

### III. AIR QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to air quality including: conflicts with or obstruction of implementation of the Regional Air Quality Strategy (RAQS) or applicable portions of the State Implementation Plan (SIP); violation of any air quality standard or substantial contribution to an existing or projected air quality violation; a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard; exposure of sensitive receptors to*

*substantial pollutant concentrations; or creation of objectionable odors affecting a substantial number of people?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to air quality through an increase in mobile and stationary source emissions and cumulative contributions to regional air quality standards. The proposed Zoning Code update would not increase any residential densities or commercial intensities nor does it include new allowances which could facilitate development which could result in direct or indirect air quality impacts. Therefore, there are no project changes or any new information of substantial importance which indicate that the proposed Zoning Code update would exacerbate air quality impacts beyond the analysis and conclusions in the General Plan EIR.

#### IV. BIOLOGICAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to biological resources including: adverse effects on any sensitive natural community (including riparian habitat) or species identified as a candidate, sensitive, or special status species in a local or regional plan, policy, or regulation, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service; adverse effects to federally protected wetlands as defined by Section 404 of the Clean Water Act; interference with the movement of any native resident or migratory fish or wildlife species or with wildlife corridors, or impeding the use of native wildlife nursery sites; and/or conflicts with the provisions of any adopted Habitat Conservation Plan, Natural Communities Conservation Plan, or other approved local, regional or state habitat conservation plan, policies or ordinances?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to biological resources. The proposed Zoning Code update does not include any policies or actions which would involve new or altered physical changes to the environment which have the potential to adversely affect biological resources. There have been no changes in the project or is there any new information of substantial importance to indicate that the proposed Zoning Code update would result in new or more severe impacts to biological resources.

#### V. CULTURAL RESOURCES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to cultural resources including: causing a change in the significance of a historical or archaeological resource as defined in State CEQA Guidelines Section 15064.5; destroying a unique paleontological resource or site or unique geologic feature; and/or disturbing any human remains, including those interred outside of formal cemeteries?*

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts to cultural resources, but that mitigation measures could be applied to reduce the impact to a less than significant level. The proposed Zoning Code update does not include any residential density or commercial intensity increases which could result in additional housing development above what was evaluated in the General Plan EIR. Therefore, there have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to cultural resources.

## VI. GEOLOGY AND SOILS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from geology and soils including: exposure of people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving rupture of a known earthquake fault, seismic-related ground failure, including liquefaction, strong seismic ground shaking, or landslides; result in substantial soil erosion or the loss of topsoil; produce unstable geological conditions that will result in adverse impacts resulting from landslides, lateral spreading, subsidence, liquefaction or collapse; being located on expansive soil creating substantial risks to life or property; and/or having soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater?*

Response: The General Plan EIR found that implementation of the Plan would have no potential to result in significant impacts to/from geology and soils. There have been no changes to the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to/from geology and soils.

## VII. GREENHOUSE GASES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that show the project may generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment; or would conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emission of greenhouse gases?*

Response: The General Plan EIR found that implementation of the Plan would result in significant, unavoidable impacts to greenhouse gases and climate change. The proposed Zoning Code update includes the same residential densities and commercial intensities as what was evaluated by the General Plan EIR, therefore, there have not been any changes to



the project or new information of substantial importance which indicate that the proposed Zoning Code update could result in new or more severe impacts to greenhouse gas emissions.

### VIII. HAZARDS AND HAZARDOUS MATERIALS

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from hazards and hazardous materials including: creation of a significant hazard to the public or the environment through the routine transport, storage, use, or disposal of hazardous materials or wastes; creation of a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment; production of hazardous emissions or handling hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school; location on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 creating a hazard to the public or the environment; location within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport; within the vicinity of a private airstrip resulting in a safety hazard for people residing or working in the project area; impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan; and/or exposure of people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to/from hazards and hazardous materials. There have been no changes to the project, or new information of substantial importance which indicate that the proposed Zoning Code update would result in a new or more severe impact to hazards and hazardous materials.

### X. HYDROLOGY AND WATER QUALITY

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to hydrology and water quality including: violation of any waste discharge requirements; an increase in any listed pollutant to an impaired water body listed under section 303(d) of the Clean Water Act ; cause or contribute to an exceedance of applicable surface or groundwater receiving water quality objectives or degradation of beneficial uses; substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level; substantially alter the existing drainage pattern of the site or area in a manner which would result in substantial erosion, siltation or flooding on- or off-site; create or contribute runoff water which would exceed the capacity of existing or planned storm water drainage systems; provide substantial additional sources of polluted runoff;*

*place housing or other structures which would impede or redirect flood flows within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map, including City Floodplain Maps; expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam; and/or inundation by seiche, tsunami, or mudflow?*

Response: The General Plan EIR found that the implementation of the Plan could result in significant unavoidable impacts to groundwater supply, but found no significant impacts to water quality, drainage, erosion, or flooding. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development. Therefore, there have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to hydrology or water quality.

**XI. LAND USE AND PLANNING**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to land use and planning including: physically dividing an established community; and/or conflicts with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project adopted for the purpose of avoiding or mitigating an environmental effect?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to land use and planning. There have been no changes in the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to land use and planning.

**XII. MINERAL RESOURCES**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause one or more effects to mineral resources including: the loss of availability of a known mineral resource that would be of value to the region and the residents of the state; and/or loss of locally-important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan?*

Response: There are no mineral resource deposits in the City of Capitola which could be reasonably extracted given existing non-compatible land uses. Accordingly, the General Plan EIR found that implementation of the Plan would not result in any impacts to mineral resources. There have been no changes to the project or new information of substantial

Attachment: Addendum to the General Plan Update EIR (1670 : Wireless Telecommunications Ordinance Update)

importance which indicate that the proposed Zoning code update would result in new or more severe impacts to mineral resources.

### XIII. NOISE

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects from noise including: exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies; exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels; a substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project; a substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project; for projects located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, or for projects within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels?*

Response: The General Plan EIR found that implementation of the Plan could result in significant impacts from noise resulting from construction of future projects authorized by the Plan. Consequently, the General Plan EIR included mitigation measures to reduce impacts from noise to a less than significant level. However, there have been no changes in the project or new information of substantial importance which indicate that the proposed Zoning code update would result in new or more severe impacts to/from noise.

### XIV. POPULATION AND HOUSING

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more effects to population and housing including displacing substantial numbers of existing housing or people, necessitating the construction of replacement housing elsewhere?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to population and housing. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to population and housing.

### XV. PUBLIC SERVICES

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in one or more substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities or the need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the following public services: fire protection, police protection, schools, parks, or other public facilities?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to public services. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to public services.

## **XVI. RECREATION**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that result in an increase in the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated; or that include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment?*

Response: The General Plan EIR found that implementation of the Plan would not result in any significant impacts to recreation. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to recreation.

## **XVII. TRANSPORTATION/TRAFFIC**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to transportation/traffic including: conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit; conflict with an applicable congestion management program, including, but not limited to, level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways; cause a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in*

*substantial safety risks; substantial increase in hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment); inadequate emergency access; and/or a conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)?*

Response: The General Plan EIR found that implementation of the Plan could result in significant, unavoidable impacts to transportation. The proposed Zoning code update does not include any increased residential densities or commercial intensities which would facilitate new development, which could result in additional traffic. Therefore, there have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to transportation.

#### **XVIII. UTILITIES AND SERVICE SYSTEMS**

*Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new information of substantial importance" that cause effects to utilities and service systems including: exceedance of wastewater treatment requirements of the applicable Regional Water Quality Control Board; require or result in the construction of new water or wastewater treatment facilities, new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects; require new or expanded entitlements to water supplies or new water resources to serve the project; result in a determination by the wastewater treatment provider, which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments; be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs; and/or noncompliance with federal, state, and local statutes and regulations related to solid waste?*

Response: The General Plan EIR found that implementation of the Plan could result in significant unavoidable impacts to utilities and service systems due to the potential for groundwater overdraft. The proposed Zoning code update would not increase residential densities or commercial intensities which would facilitate new water-dependent development or the need for new or expanded wastewater treatment facilities or landfills. There have been no changes to the project or information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to utilities and service systems.

#### **XIX. MANDATORY FINDINGS OF SIGNIFICANCE:**

Since the previous EIR was certified or previous ND was adopted, are there any changes in the project, changes in circumstances under which the project is undertaken and/or "new

information of substantial importance" that result in any mandatory finding of significance listed below?

*Does the project degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory?*

*Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)?*

*Does the project have environmental effects, which will cause substantial adverse effects on human beings, either directly or indirectly?*

Response: There have been no changes to the project or any new information of substantial importance which indicate that the proposed Zoning code update would result in any new or more severe impacts to the quality of the environment, including adverse impacts to habitat for sensitive species, cumulative environmental impacts, or adverse direct or cumulative effects on human beings.





## STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: DECEMBER 1, 2016

SUBJECT: **4015 Capitola Road #16-199**      **APN: 034-261-40**

Conceptual Review application to remodel the existing Sears building and convert the space into three separate tenant spaces for Sears, Petco, and TJ Maxx/Homegoods located in the CC (Community Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: Exempt

Property Owner: Seritage Growth Properties

Representative: Chas Fisher, filed 10/28/2016

### **APPLICANT PROPOSAL**

The applicant submitted a request for a Conceptual Review to remodel the Sears building and convert the space into three separate tenant spaces. The east side of the building closest to 41<sup>st</sup> Avenue would remain Sears (58,273 sf). The west side of the existing Sears space would be converted into two new tenant spaces to accommodate TJ Maxx/Homegoods (41,553 sf) and Petco (11,362 sf).

The Sears building was constructed in 1958 and is part of the Capitola Mall located within the CC (Community Commercial) zoning district. Within the CC zone, a retail use when contained in a shopping center with a minimum of 300,000 square feet is a principally permitted use. The proposed uses are principally permitted in the zone. Approval of a design permit and sign permit will be required for the exterior remodel and new signs. At this time, the applicant is seeking direction from the Planning Commission on the draft concept.

### **BACKGROUND**

On October 28, 2016, the applicant submitted a conceptual review application to receive feedback from the Planning Commission on any concerns that should be addressed regarding the site plan, architectural design, and proposed signs. The applicant plans to submit a formal application following conceptual review. The property owner, Seritage Growth Company (Seritage), has an executed lease with Petco and a completed but not executed lease with TJ Maxx. The retail establishments would like to begin renovations in early 2017.

Seritage recently acquired the master leases for Sears properties throughout the United States. The Seritage business model includes leasing 50% or more of the space back to Sears and leasing the remaining space to third parties. The remaining space is often divided among multiple tenants as is proposed at the Capitola site.

The Capitola Mall is comprised of multiple owners, including the four anchor sites Target, Macy's, Kohls, and Sears (Seritage); as well as the new mall owner, Merlone Geier. Merlone Geier owns the majority of the mall including the internal circulation, internal shops, the food court, and the restaurants by the front entrance. Merlone Geier has suggested to City staff future intentions to redevelop the mall but neither a timeline nor plans have been submitted to the City.

In September of 2016, Seritage provided an initial concept of the Sears remodel to staff and requested feedback. Staff responded that providing feedback on the design would be premature given the uncertainties regarding redevelopment of the mall. Staff suggested that the owner first coordinate with the other owners of the mall toward branding, place making, and an improved shopper experience to ensure the redevelopment of Sears will fit within the vision of mall redevelopment. Staff also provided the applicant with the 41<sup>st</sup> Avenue/Capitola Mall Re-Visioning plan that was created during the General Plan update, which is available on the City website at:

[http://www.cityofcapitola.org/sites/default/files/fileattachments/community\\_development/page/1464/41st\\_ave-capmall\\_re-visioning\\_plan-dec-2011-final\\_study.pdf](http://www.cityofcapitola.org/sites/default/files/fileattachments/community_development/page/1464/41st_ave-capmall_re-visioning_plan-dec-2011-final_study.pdf)

## **DISCUSSION**

Sears is located on the south-east corner of the Capitola Mall with frontage on Capitola Road and 41<sup>st</sup> Avenue. The building is setback 280 feet from Capitola Road and 316 feet from 41<sup>st</sup> Avenue with surface parking and limited landscaping within the setback area. The existing Bank of America building and Takara Japanese Restaurant are on separate parcels independent of the Sears property.

The Capitola Mall is a regional shopping center with a mix of retail, restaurants, and personal service establishments. The mall is a mix of large anchor retail establishments with smaller retail stores connected internally.

A recent trend in mall redevelop is to reverse the inward design of a mall into a typical Main Street shopping experience with access from the exterior of the building coupled with improvements to the public realm such as introducing new circulation patterns (automobile and pedestrian), improving sidewalks, and providing new public gathering spaces. The trend also includes creating a mix of experiences including retail, restaurants, entertainment, personal service establishments, and housing. The concept under review incorporates new exterior access to the new tenant spaces.

### **Design Permit**

The existing Sears building has exterior finishes of stucco panels with accent elements of brick veneer at the corners and clay tile roof canopies in front of the stucco panel sections. The applicant proposes to update the exterior of the building only in those areas to be leased to new tenants. There are no proposed modifications to the exterior of the portion of the building that will remain Sears. The applicant plans to keep the brick veneer on the corners of the building and sections of the stucco paneling. The clay roof canopies will be removed along the improved façade, but will remain in front of Sears.

The remodel introduces prominent entryways for each retailer. The Petco store will be delineated with a new parapet wall that extends 12 additional feet above the existing roof top to 32 feet. This new wall will be 36 feet wide and extend two feet off the existing building façade. A new aluminum canopy will extend an additional five feet off the building. The new canopy is an architectural detail located twenty feet above the sidewalk. Horizontal composite wood planks are proposed above the new canopy. The majority of the wall is finished with stucco

panels to match the existing building exterior. Large storefront windows line the entrance to the Petco.

The entry for TJ Maxx is differentiated with the new façade being built out over the sidewalk extending ten feet from the existing front façade. The buildout will create a covered entryway with three large support beams at the edge of the sidewalk. This new façade will be 32 feet in height. It will be finished with exterior plaster and decorative accents of metal louvers over the entryways and stone veneer at the base of the support beams. A second wall will be located just in front of the existing wall and will frame the new covered entry wall. This second wall will be finished with exterior plaster. The new entry design for TJ Maxx will be 73 feet wide, double that of Petco. The proposed design includes a 60 feet of unarticulated wall between the TJ Maxx and Petco. The doors to the two retailers are 120+ feet apart.

The project will be reviewed for consistency with the 41<sup>st</sup> Avenue Design Guidelines (Attachment 2). Some relevant guidelines that staff would suggest the applicant address are:

III.1 Architecture. Architectural consistency for all sides of the building must be carried out with colors, materials, and details. Facades or fronts unrelated to the rest of the building shall not be used. Staff analysis: The tenant improvements are for a portion of the Sears building. The portion of the building not improved will appear outdated with the stucco panels, clay tile roof canopies, existing windows and doors, and wall sign.

III.7. Architecture. Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows). Staff analysis: The scale of the new design is grander than the existing scale created by the 10 feet high clay tile roof canopies above the entryways. The new canopy proposed at Petco is 14 feet above the sidewalk and the TJ Maxx entry is 10 feet. The large entryways with signs will be highly visible for automobile driving by do not provide sense of human scale for the pedestrian. The design does not incorporate elements of pedestrian interest at the ground floor level.

III.8. Architecture. Projects containing many building or single, large structures shall provide variety in building shape, height, roof lines and setbacks. Fronts of buildings shall provide variety and interest. Staff Analysis: The new entryways provide variety and interest. There is a 120 foot wall plane between the Petco and TJ Maxx that has little articulation. This frontage could become interesting through design including a mix of display windows, material changes, façade shifts, small tenant spaces, etc..

### Signs

The conceptual review includes new wall signs for the new tenants. A wall sign is limited to one square foot of sign area for each linear foot of business frontage. The wall signs for Petco and TJ Max exceed this standard as shown in the following table.

Business	Height of Sign	Length of Sign	Sign Area	Business Frontage	Compliance
Petco	4.5 ft	18.5 ft	83 sf	75 ft	Exceeds Standard
TJ Maxx	9 ft	30.75 ft	276 sf	200 ft	Exceeds Standard

### General Plan

As individual properties within the mall site are proposed for redevelopment, it is important that the vision outlined in the General Plan is incorporated into projects to ensure the incremental changes work toward the community's vision. Within the General Plan, the Sears site is identified with the mall site as an area that will likely be redeveloped. Sections of the General Plan relative to the Sears project are included as Attachment 3. Land Use Goal #8 in the General Plan states "support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families". The General Plan envisions the Sears property being built-out within new development pads along 41<sup>st</sup> Avenue and Capitola Road and for the area to become a pedestrian-friendly commercial destination. The Sears property is unique in that it has two direct access points off of Capitola Road and one off of 41<sup>st</sup> Avenue. General Plan Land-use Policy #8.5 states "as a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation". The first entrance to Sears off of Capitola Road heading west is one of the streets identified for improvements within the 41<sup>st</sup> Avenue/Capitola Mall Re-Visioning Plan concept plan (Attachment 4). This entry currently lacks sidewalks and bike lanes.

The current concept is for two tenant improvements to the existing Sears building. This change will likely be followed by a remodel to the remaining portion of the Sears building in the next five to ten years, along with the development of new building pads along Capitola Road. As the site evolves it is important to ensure the incremental changes incorporate site improvements and fit within the vision, otherwise an opportunity may be missed entirely. The conceptual plan does not provide clarity on how the site will ultimately redevelop, and given the new mall owners' stated intent to pursue a comprehensive mall redevelopment project in the near future, it is unclear how the proposed Sears project would fit into a larger redevelopment effort.

The Planning Commission can request that the developer provide a phasing plan to understand how the site will be built-out including the necessary infrastructure improvements to sidewalks and streets. Relative to the current concept to improve the west end of the Sears building, the Planning Commission could request improvements in the immediate area including improved bicycle connectivity between the 38<sup>th</sup> Avenue intersection to the Sears building and enhanced sidewalks along the building frontage.

### **Discussion Requested**

1. Does the proposed design fit within the community identity of Capitola as outlined in the guiding principles of the General Plan? Specifically, does the design preserve and enhance Capitola's intimate small-town feel and coastal village charm and ensure a unique, memorable, and high-quality identity of Capitola? Is the project scale appropriate?
2. The conceptual plan includes improvements to a portion of the Sears building. Is a partial improvement adequate?
3. Would the Planning Commission like to see a phasing plan that support the long-term transformation of the site into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families?
4. What features would the Planning Commission like to see added or removed from the proposal?

5. The proposed signs are larger than allowed by code. Would this be supported by the Planning Commission?

**ATTACHMENTS:**

1. 4015 Capitola Road Conceptual Plans
2. 41st Avenue Design Guidelines
3. Related General Plan Sections
4. Concept Plan from 41st Avenue/Mall Revisioning Plan

Prepared By: Katie Cattan  
Senior Planner



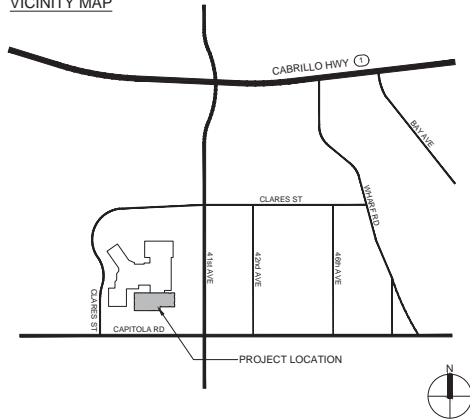
# SERITAGE - SANTA CRUZ

## CAPITOLA, CA

### GENERAL NOTES

- FIRE SPRINKLERS AND FIRE ALARMS ARE REQUIRED IN BUILDING, PER CODE
- FIRE DEPARTMENT KEY BOX/ACCESS/MASTER KEYS SHALL BE PROVIDED FOR PROJECT
- BUILDING SHALL BE EQUIPPED THROUGHOUT WITH ADEQUATE EMERGENCY RESPONDER RADIO COVERAGE AS REQUIRED BY THE FIRE DEPARTMENT

### VICINITY MAP



### AREA SUMMARY

TENANT	AREA (SF)
PETCO	11,362
TJX	41,622
SEARS	58,273
<b>TOTAL AREA</b>	<b>111,527</b>

### PROJECT INFO

**SITE ADDRESS:** 4015 CAPITOLA ROAD  
SANTA CRUZ, CA 95062

**PROJECT DESCRIPTION:** SCOPE OF WORK TO INCLUDE:

- DEMO AND DEMISE EXISTING SEARS SPACE TO THREE (3) NEW TENANT SPACES. SEARS TO RETAIN ±50% OF EXISTING SQUARE FOOTAGE
- DEMO (E) ROOFTOP MECHANICAL PENTHOUSE
- NEW ROOF TOP MECHANICAL UNITS
- NEW TRUCK DOCK, ADJACENT TO (E) DOCK, WITH NEW OVERHANG CANOPY
- RECONFIGURATION OF (E) PARKING
- DEMO PORTIONS OF (E) TILE ROOF CANOPY
- NEW FACADE BUILD-OUTS

**APN:** 034-261-40

**ZONE DISTRICT:** CC (COMMUNITY COMMERCIAL)

**SITE AREA:** 10.05 ACRES

**OCCUPANCY:** M (MERCANTILE)

**CONSTRUCTION TYPE:** TYPE V-B

**SPRINKLERS:** NFPA 13

### PARKING SUMMARY

TENANT	PARKING RATIO	AREA (SF)	STALLS REQUIRED
PETCO	1:300	11,362	38
TJX	1:300	41,553	139
SEARS	1:300	58,273	195
<b>TOTAL PARKING REQUIRED</b>			<b>372 STALLS</b>
<b>TOTAL EXISTING PARKING</b>			<b>716 STALLS</b>
<b>PARKING REMOVED</b>			<b>-6 STALLS</b>
<b>TOTAL PARKING PROVIDED</b>			<b>710 STALLS</b>

### REA REQUIREMENTS

PARKING COUNT	
PROPOSED SPACES	710 STALLS
TRANSFERRED TO TARGET	91 STALLS
REQUIRED	590 STALLS
REMAINING	29 STALLS

### CODE ANALYSIS

ALLOWABLE BUILDING AREA	
TYPE OF CONDUCTION	TYPE IIB
ALLOWABLE AREA	UNLIMITED PER CBC 402.4.1
FIRE SEPARATION	1HR FIRE PARTION PER CBC 402.4.2.1
EXITING REQUIREMENT	
STORAGE	2,846 S.F. / 300 = 9 OCC.
MERCANTILE/RETAIL	40,572 S.F. / 30 = 1,352 OCC.
<b>TOTAL</b>	<b>1,361 OCC.</b>
<b>TOTAL EGRESS WIDTH REQ.</b>	<b>273'</b>
<b>TOTAL EGRESS WIDTH PROVIDED</b>	<b>360' (10) 36' DOORS</b>

PLUMBING FIXTURE ANALYSIS					
OCCUPANCY					
SEE 2015 UPC TABLE 4					
OCCUPANCY	AREA	FACTOR	OCCUPANTS	MALE	FEMALE
ASSEMBLY (M)	43,418	200	218	109	109
MINIMUM FIXTURES REQUIRED					
PER 2015 UPC TABLE 402.1					
MERCANTILE (M)					
	W.C.	URINALS	LAVS	DRINKING	OTHER
MALE (109)	(1-109) = 2	(0-200) = 0	(1-200) = 1	(1-250) = 1	SERVICE SINK = 1
FEMALE (109)	(1-109) = 2	-	(1-200) = 1	-	-

### SHEET INDEX

T.O.	TITLE SHEET
CIVIL	
C1.0	CIVIL TITLE SHEET
C1.1	CIVIL SITE PLAN
C2.0	CIVIL SITE IMPROVEMENTS
C3.0	PETCO TRUCK MOVEMENT
C3.1	SEARS TRUCK MOVEMENT
C3.2	TJ MAXX TRUCK MOVEMENT
LANDSCAPE	
L-1	CONCEPTUAL LANDSCAPE PLAN
ARCHITECTURAL	
A1.1	SITE PLAN
A1.2	ENLARGED SITE PLAN
A2.1	FLOOR PLAN
A2.2	ENLARGED FLOOR PLANS
A2.3	REFLECTED CEILING PLAN
A3.1	ROOF PLAN
A4.1	EXTERIOR ELEVATIONS
A4.2	EXTERIOR ELEVATIONS
A4.3	EXTERIOR ELEVATIONS
A5.0	PERSPECTIVE RENDERINGS
A6.0	SECTIONS
A7.0	MATERIAL BOARD
A7.1	SITE PHOTOGRAPHS

### PROJECT TEAM

**CLIENT:** SERITAGE GROWTH PROPERTIES  
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PHONE: 212.355.7800

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**architecture design collaborative**  
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949.267.1660

ADC Project No: 160040

Project Contact: Jeff Nordberg  
Email: jnordberg@adcollaborative.com  
Principal: Craig Chinn  
Project Manager: Jeff Nordberg

Client

**SERITAGE**  
GROWTH PROPERTIES

Company: Seritage Growth Properties  
Address: 489 Fifth Avenue, 18th Floor  
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Phone No. 214-355-7800

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

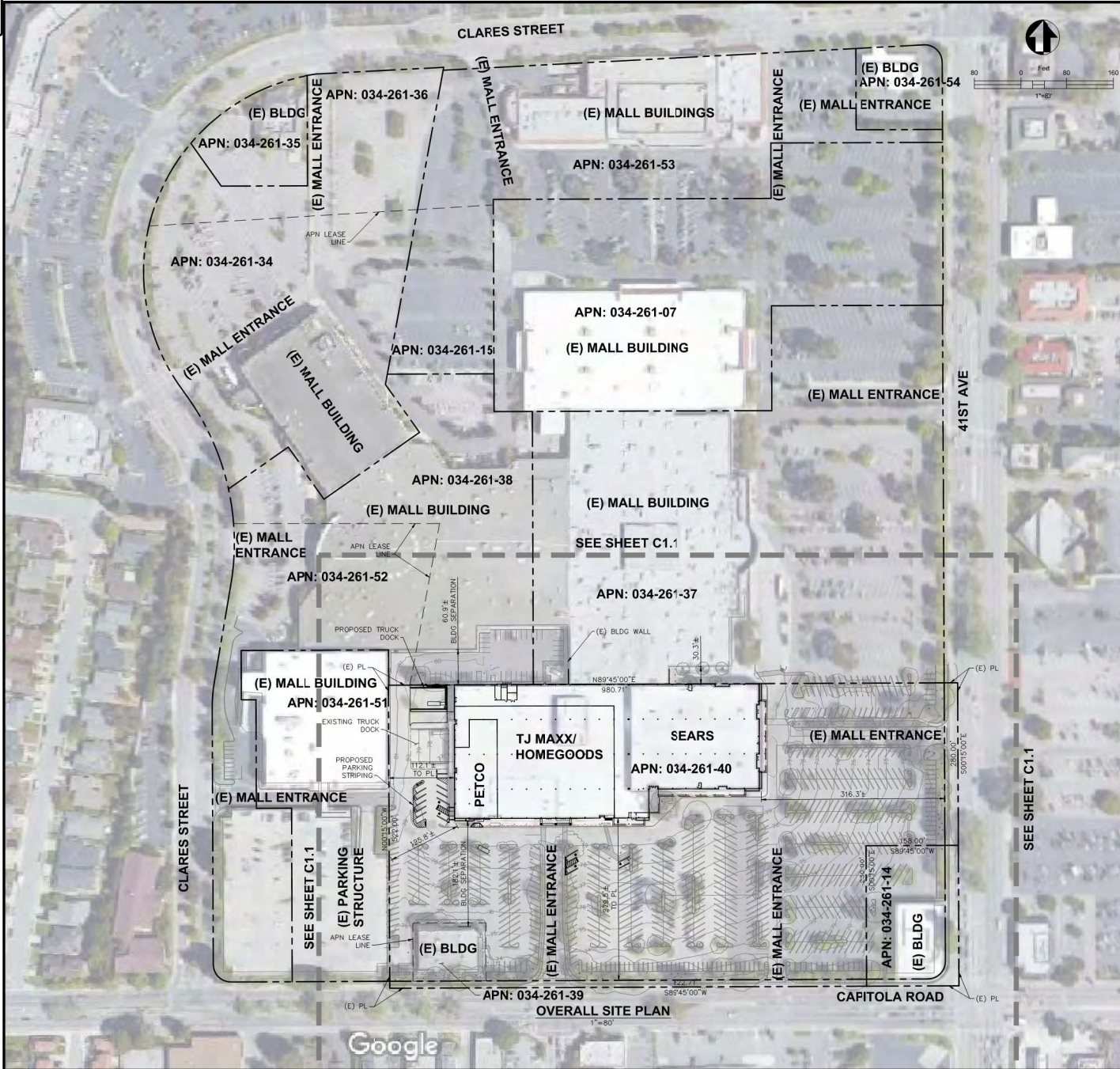
Issue Date  
11-04-2016

TITLE SHEET

4.C.1

T0.0





**CIVIL SHEET INDEX**

C1.0	CIVIL TITLE SHEET
C1.1	CIVIL SITE PLAN
C2.0	CIVIL SITE IMPROVEMENTS
C3.0	PETCO TRUCK MOVEMENT
C3.1	SEARS TRUCK MOVEMENT
C3.2	TJ MAXX TRUCK MOVEMENT

**ABBREVIATIONS**

AB	AGGREGATE BASE
AC	ASPHALT CONCRETE
BLDG	BUILDING
BOW	BOTTOM OF WALL
BW	BACK OF WALK
C	CENTER LINE
CF	CURB FACE
DI	DRAINAGE INLET
EL	ELEVATION
ELEC	ELECTRICAL
(E)	EXISTING
FG	FINISHED GRADE
FH	FIRE HYDRANT
FL	FLOW LINE
FS	FINISHED SURFACE
FW	FIRE WATER
GB	GRADE BREAK
INV	INVERT
(P)	PROPOSED
PCC	PORTLAND CONCRETE CEMENT
PL	PROPERTY LINE
PVC	POLYVINYL CHLORIDE
PUE	PUBLIC UTILITY EASEMENT
SD	STORM DRAIN
SS	SANITARY SEWER
TBC	TOP BACK OF CURB
TC	TOP OF CURB
TYP	TYPICAL
TW	TOP OF WALL
W	WATER
W/	WITH

**LEGEND:**

EXISTING

1-POST SIGN	1-POST SIGN
2-POST SIGN	2-POST SIGN
ELECTRIC PULLBOX	ELECTRIC PULLBOX
POWER POLE	POWER POLE
SITE LIGHT	SITE LIGHT
EDGE OF PAVEMENT	EDGE OF PAVEMENT
MANHOLE	MANHOLE
SANITARY SEWER	SANITARY SEWER
WATER	WATER
STORM DRAIN	STORM DRAIN
PROPERTY LINE	PROPERTY LINE
APN LEASE LINE	APN LEASE LINE
TREE	TREE

**PSOM**

1075 Creekside Ridge Drive, Suite 200  
Roseville, CA 95678  
(916) 786-8122 (916) 788-0600 (F)

Project No: 6SER0

Project Contact: Carl Moore  
Email: carl.moore@psomas.com  
Designed By: CSM  
Checked By: RRR

Client

**SERITAGE GROWTH PROPERTIES**

Company: Seritage Growth Properties  
Address: 489 Fifth Ave, 18th Floor  
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Phone No. 212-355-7800

SERITAGE-SANTA CRUZ  
4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date  
10/7/2016

CIVIL TITLE SHEET

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Project No: 6SER0

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Email: carl.moore@psomas.com  
Designed By: CSM  
Checked By: RR

Client

**SERITAGE**  
GROWTH PROPERTIES

Company: Seritage Growth Properties  
Address: 489 Fifth Ave, 18th Floor  
New York, NY 10017  
Phone No. 212-355-7800

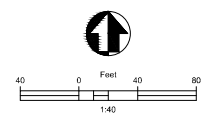
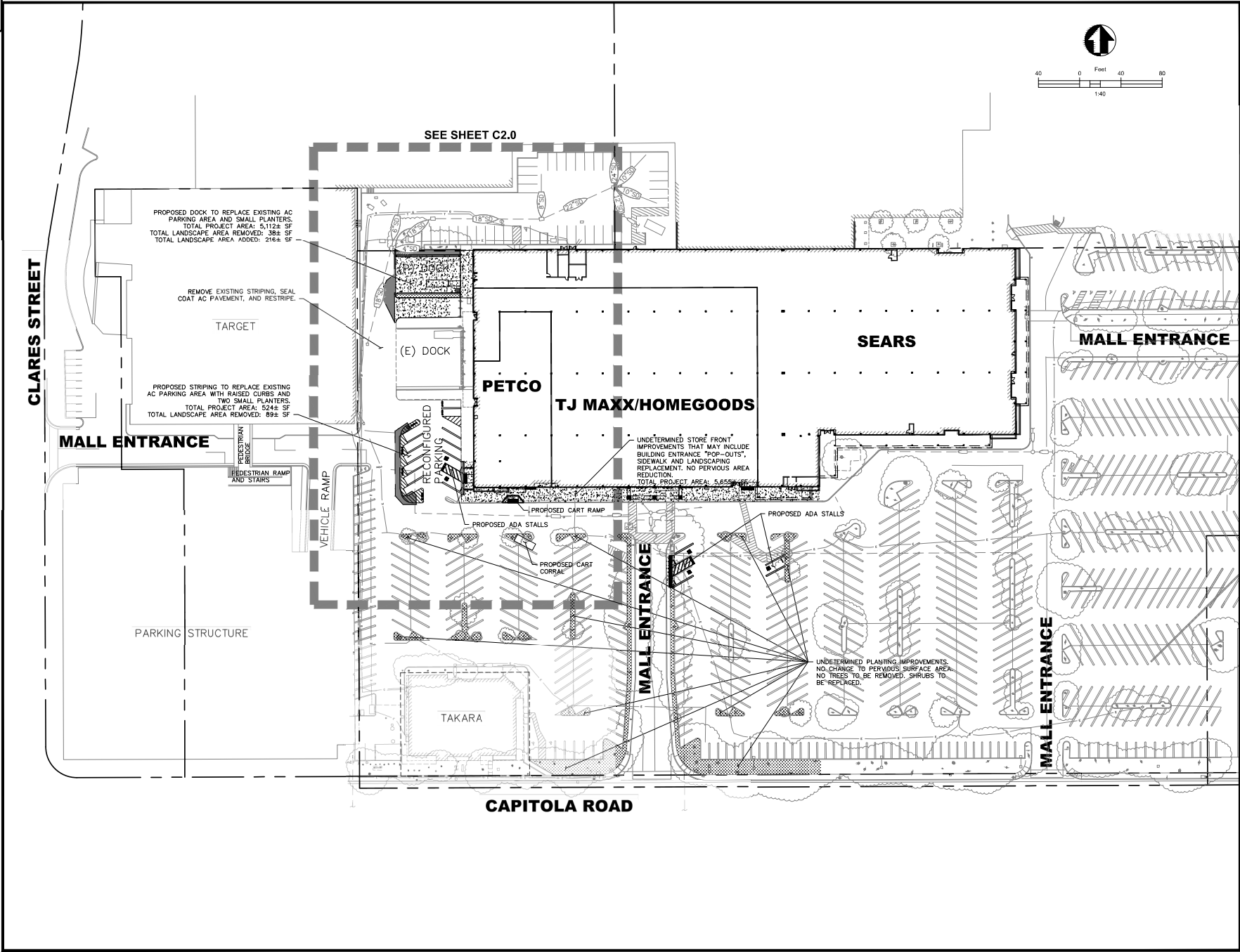
SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date  
10/7/2016

CIVIL SITE PLAN

C1.1



SEE SHEET C2.0

PROPOSED DOCK TO REPLACE EXISTING AC PARKING AREA AND SMALL PLANTERS. TOTAL PROJECT AREA: 5,112± SF. TOTAL LANDSCAPE AREA REMOVED: 38± SF. TOTAL LANDSCAPE AREA ADDED: 216± SF.

REMOVE EXISTING STRIPING, SEAL COAT AC PAVEMENT, AND RESTRIPE.

PROPOSED STRIPING TO REPLACE EXISTING AC PARKING AREA WITH RAISED CURBS AND TWO SMALL PLANTERS. TOTAL PROJECT AREA: 524± SF. TOTAL LANDSCAPE AREA REMOVED: 89± SF.

UNDETERMINED STORE FRONT IMPROVEMENTS THAT MAY INCLUDE BUILDING ENTRANCE "POP-OUTS", SIDEWALK, AND LANDSCAPING REPLACEMENT. NO PERVIOUS AREA REDUCTION. TOTAL PROJECT AREA: 5,655± SF.

UNDETERMINED PLANNING IMPROVEMENTS. NO CHANGE TO PERVIOUS SURFACE AREA. NO TREES TO BE REMOVED. SHRUBS TO BE REPLACED.

CLARES STREET

CAPITOLA ROAD

MALL ENTRANCE

PEDESTRIAN BRIDGE

PEDESTRIAN RAMP AND STAIRS

VEHICLE RAMP

PARKING STRUCTURE

TAKARA

PROPOSED ADA STALLS

PROPOSED CART RAMP

PROPOSED CART CORRAL

PROPOSED ADA STALLS

RECONFIGURED PARKING

(E) DOCK

TARGET

PETCO

TJ MAXX/HOMEGOODS

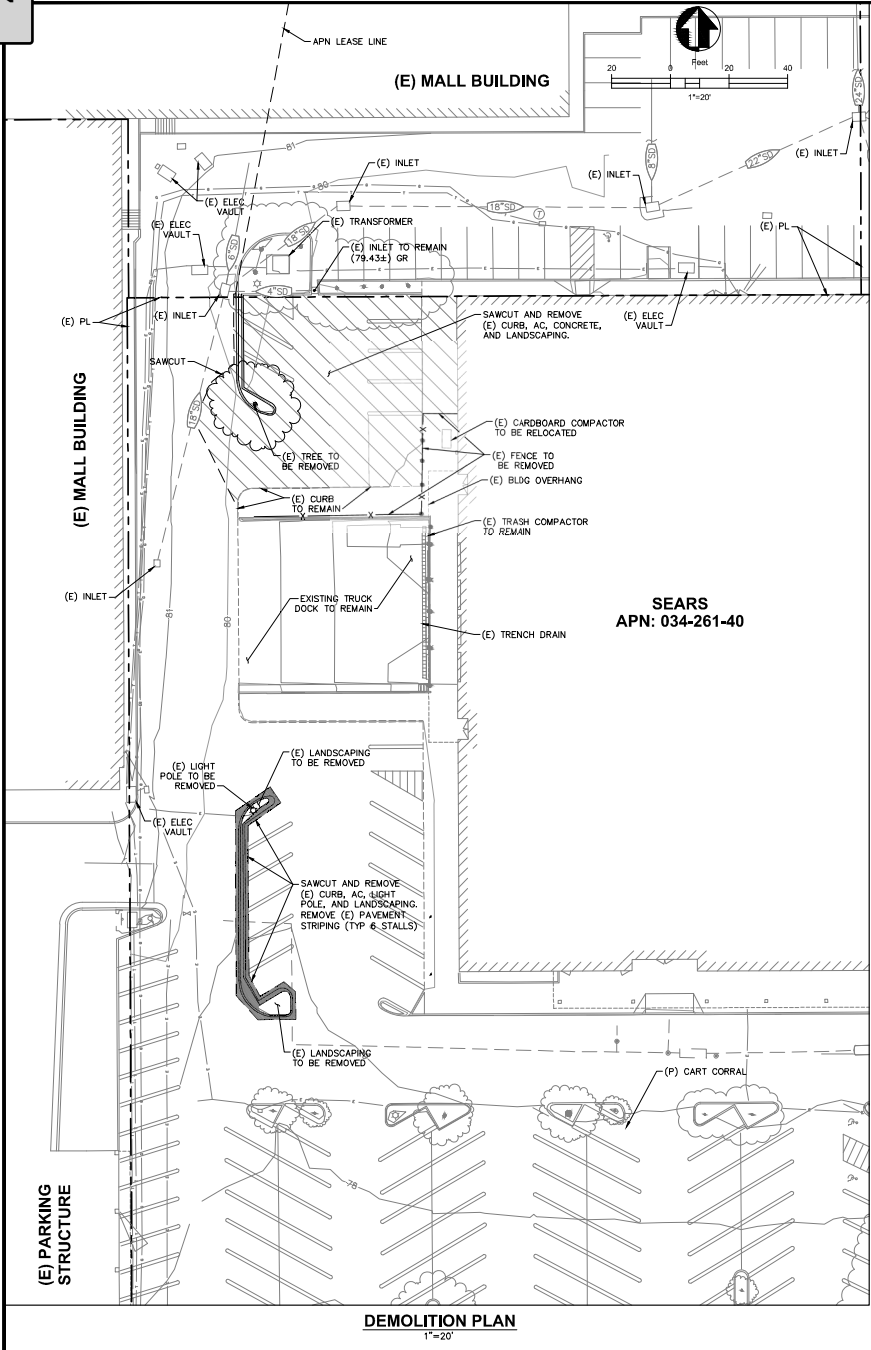
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MALL ENTRANCE

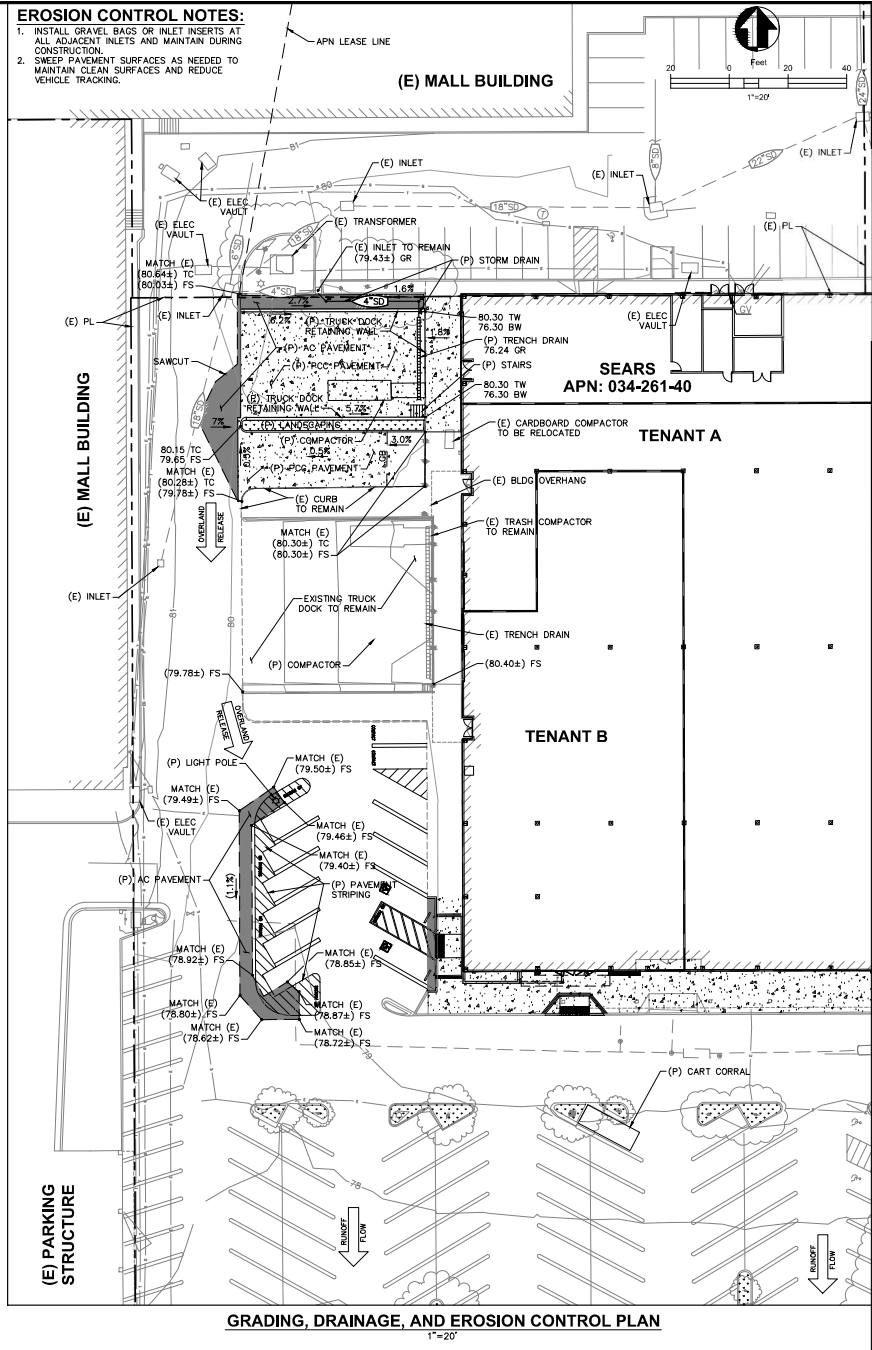
MALL ENTRANCE

MALL ENTRANCE





DEMOLITION PLAN  
1"=20'



GRADING, DRAINAGE, AND EROSION CONTROL PLAN  
1"=20'

**PSOMA**  
1075 Creekside Ridge Drive, Suite 200  
Roseville, CA 95678  
(916) 788-8122 (916) 788-0600 (FAX)

Project No: 6SER01010

Project Contact: Carl Moore  
Email: carl.moore@psomas.com  
Designed By: CSM  
Checked By: RR

Client

**SERITAGE GROWTH PROPERTIES**

Company: Seritage Growth Properties  
Address: 489 Fifth Ave, 18th Floor  
New York, NY 10017  
Phone No. 212-355-7800

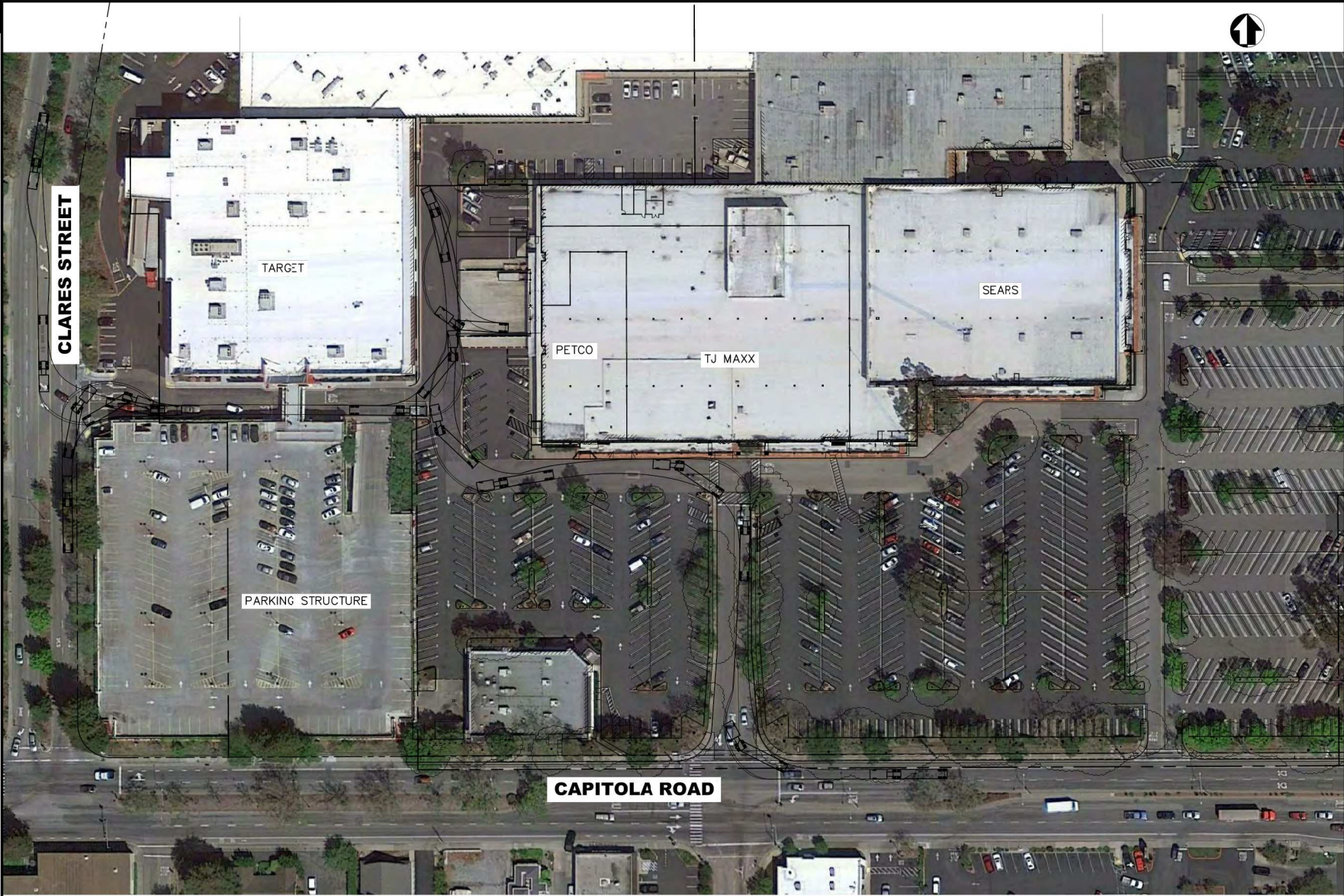
SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date  
10/7/2016

CIVIL SITE IMPROVEMENTS





**PSOM**

1075 Creekside Ridge Drive, Suite 200  
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(916) 788-8122 (916) 788-0600 (Fax)

Project No: 6SER0

Project Contact: Carl Moore  
Email: carl.moore@psomas.com  
Designed By: CSM  
Checked By: RR

Client

**SERITAGE**  
GROWTH PROPERTIES

Company: Seritage Growth Properties  
Address: 489 Fifth Ave, 18th Floor  
New York, NY 10017  
Phone No. 212-355-7800

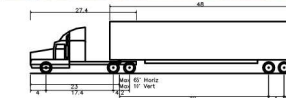
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SANTA CRUZ, CA 95062

Issue Date

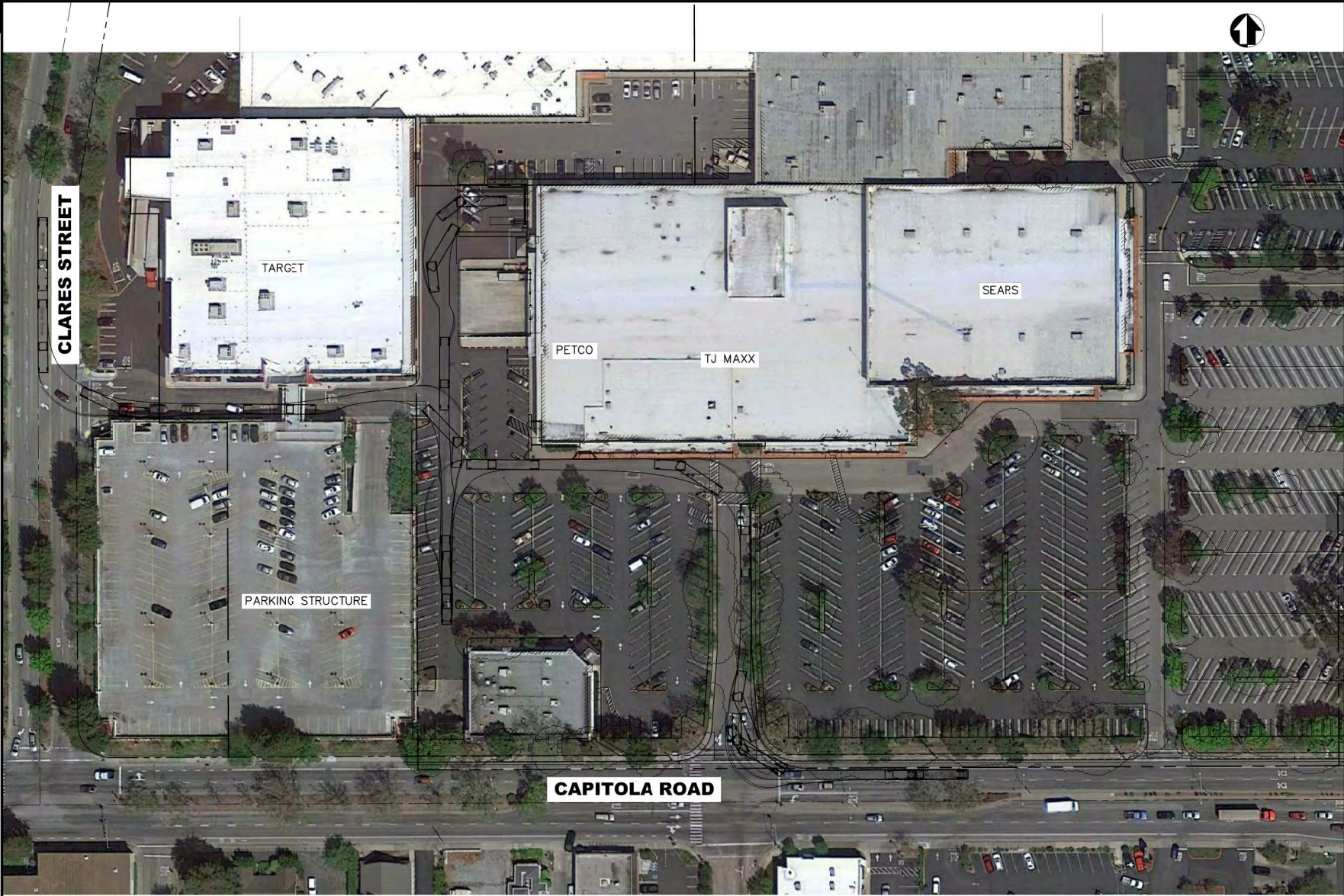
10/7/2016

PETCO TRUCK  
MOVEMENT



Interstate Semitrailer - WB-62	68.500ft
Overall Length	83.500ft
Overall Width	13.500ft
Overall Body Height	11.425ft
Min. Body/Ground Clearance	8.500ft
Track Width	6.000ft
Lock-to-Lock time	6.000ft
Curb-to-Curb Turning Radius	44.850ft





**PSOM**

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New York, NY 10017  
Phone No. 212-355-7800

SERITAGE-SANTA CRUZ

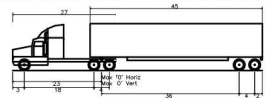
4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date

10/7/2016

SEARS TRUCK  
MOVEMENT

C3.1

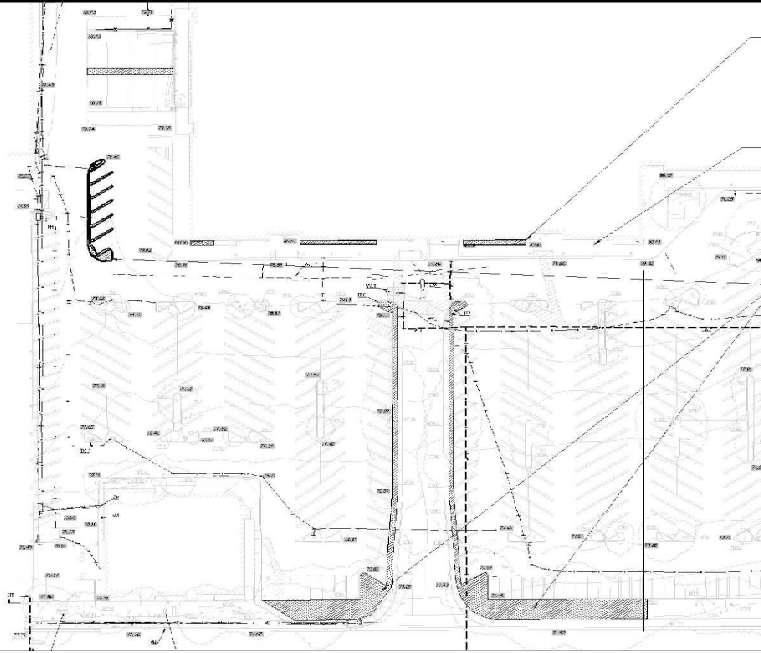


California Legal - 50 foot radius	65.000ft
Overall Length	83.00ft
Overall Width	12.25ft
Min. Body Height	8.500ft
Truck Width	8.500ft
Loss - Clearance	0.00ft
Curb to curb Turning Radius	49.400ft









APPROXIMATE LOCATION FOR NEW LEDGER STONE VENER PLANTER SEATWALLS (24" HT.), UTILIZE EXISTING IRRIGATION VALVES & MAINLINE. NEW PLANTINGS TO BE DROUGHT TOLERANT, MOSTLY NATIVE SPECIES. (SEE CUTSHEETS & P-OTOS THIS SHEET)

RELOCATE BIKE RACK TO BETTER LOCATION, REPLACE WITH NEW PRODUCT, SEE CUTSHEET. NEW BENCHES TO BE LOCATED IN KEY SEATING OPPORTUNITY AREAS, SEE SAMPLE PHOTO THIS PAGE

RENOVATE EXISTING PLANTING AREA WITH NEW DROUGHT TOLERANT SHRUBS AND GROUND COVER (EXISTING TREES TO REMAIN), UTILIZING EXISTING IRRIGATION PIPES, VALVES AND CONTROLLER (NEW LOW-FLOW EMBERSHALLS WILL BE USED TO COMPLY WITH NEW MPELO IRRIGATION REQUIREMENTS)

PRELIMINARY SITE RENOVATION LANDSCAPE PLAN  
NOT TO SCALE



"PARK AVENUE" BENCH - HEAVY DUTY STEEL WITH RECYCLED PLASTIC VANDAL RESISTANT SLATS, AND SLEEP-PROOF CENTER ARMREST



SAMPLE LEDGER STONE SEAT WALL (CAP WOULD NOT BE STONE; WE SUGGEST CAST IN PLACE CONCRETE, DETAILED WITH NOTCHES TO PREVENT SKATEBOARDING)



BIKE RACKS: HEAVY DUTY "COIL" SHAPED STEEL PRODUCT, SURFACE MOUNTED IN AREA NOT IN CONFLICT WITH PEDESTRIAN PATH OF TRAVEL



PLANT MATERIAL SAMPLE IMAGES: MOSTLY NATIVE, ALL DROUGHT TOLERANT, LOW GROWING, LOW MAINTENANCE, LOW WATER CONSUMING SPECIES SUCH AS (FROM TOP LEFT: MUHLENBERGIA RIGENS (DEER GRASS), BACCHARUS PILULARIS 'PIGEON POINT' (DWARF COYOTE BRUSH), MUHLENBERGIA CAPILLARIS (PINK MUHLY GRASS), COMPOSITE CHARACTER PHOTO ON BOTTOM.



LANDSCAPE CONCEPTUAL DESIGN / SCOPING DIAGRAM

**adc**  
design collaborative  
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www.adcollaborative.com  
949.267.1553

ADC Project No: 160040  
Project Contact: Kevin Lee  
Email: kee@adcollaborative.com  
Principal: Craig Chinn  
Project Manager: Kevin Lee

**SERITAGE**  
GROWTH PROPERTIES

Company: Seritage Growth Properties  
Address: 489 Fth Avenue, 18th Floor  
New York, NY 10017  
Phone No: 214-335-7830

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date

CONCEPTUAL LANDSCAPE PLAN

L-1





3505 Cadillac Ave, Bldg. 'O' Ste. 205A  
 Costa Mesa, CA 92626  
 www.adcollaborative.com  
 949.267.1660

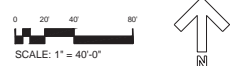
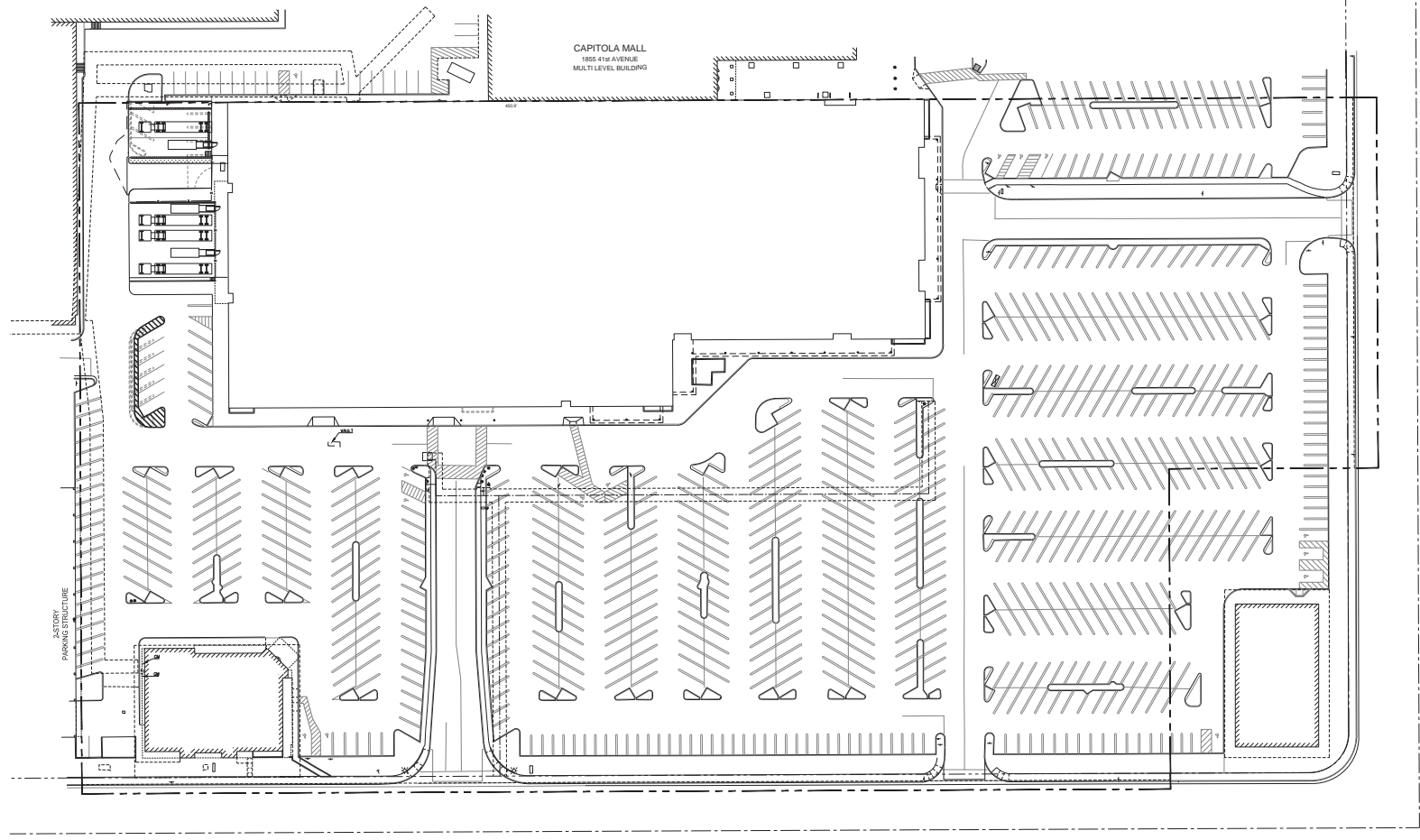
ADC Project No: 160040

Project Contact: Jeff Nordberg  
 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
 Project Manager: Jeff Nordberg

Client



Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800



SITE PLAN 1

Issue Date  
 11-04-2016

SITE PLAN

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

4.C.1

A1.1



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 949.267.1660

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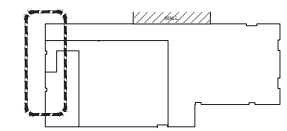
Project Contact: Jeff Nordberg  
 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
 Project Manager: Jeff Nordberg

Client



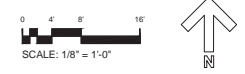
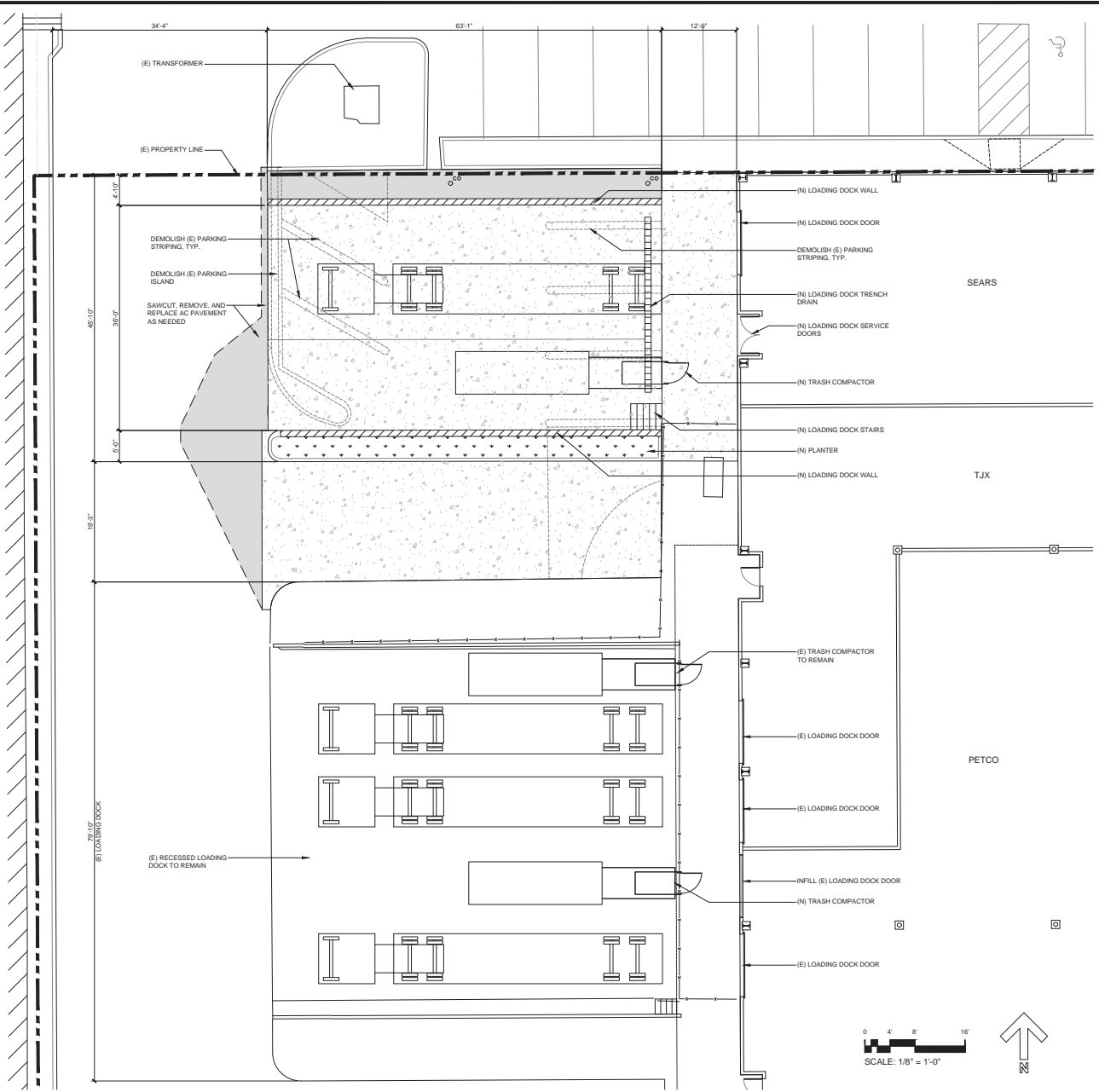
Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800

KEY PLAN



LEGEND

- PROPERTY LINE
- - - EASEMENT
- - - SETBACK
- - - EXISTING TO BE DEMOLISHED
- [Pattern] LANDSCAPE - REFER TO LANDSCAPE SHEETS
- [Pattern] HARDSCAPE
- [Pattern] N.A.P.



ENLARGED SITE PLAN 1

SERITAGE-SANTA CRUZ

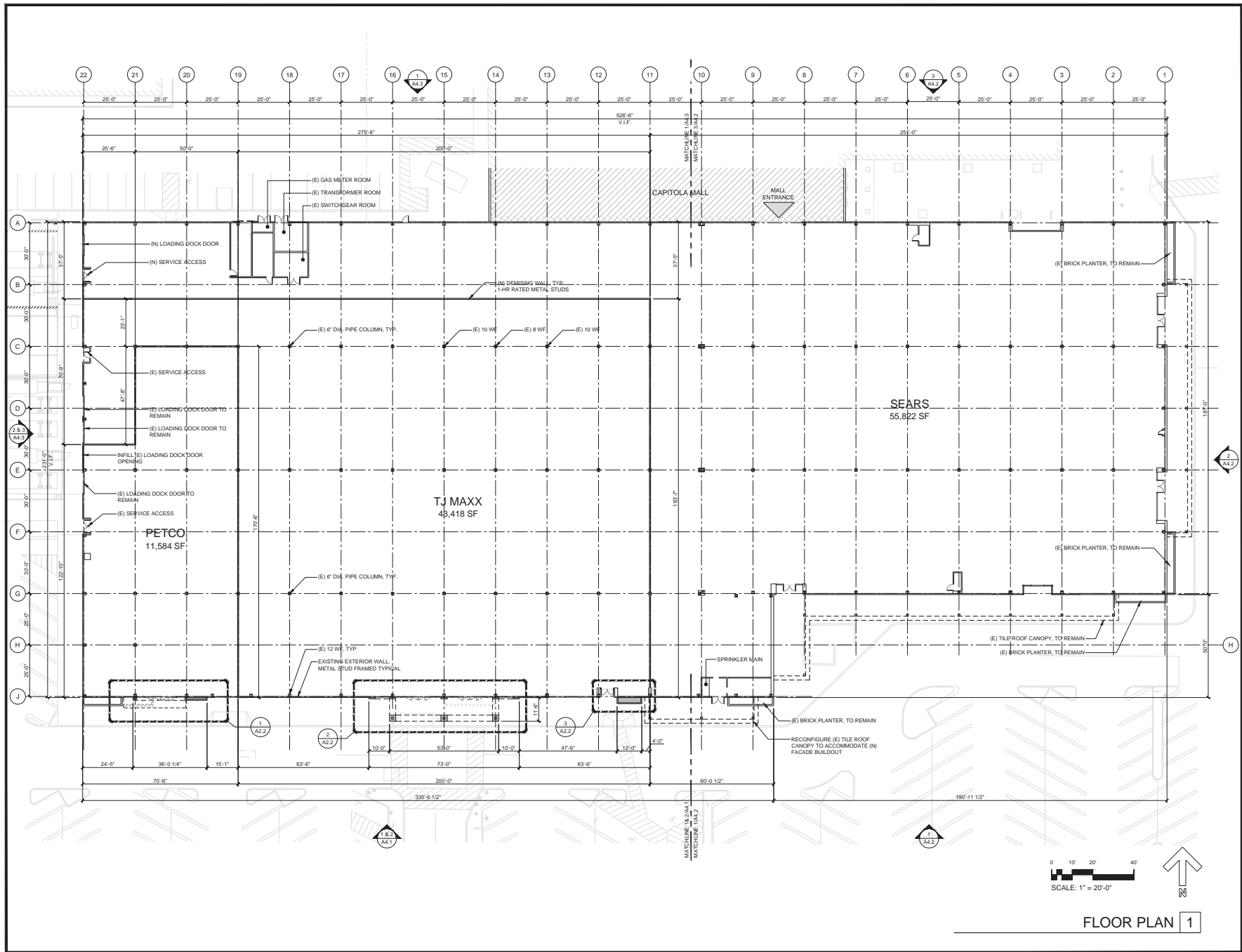
4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

ENLARGED SITE PLAN

4.C.1

A1.2



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 Costa Mesa, CA 92626  
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 949.267.1660

ADC Project No: 160040

Project Contact: Jeff Nordberg  
 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
 Project Manager: Jeff Nordberg

Client



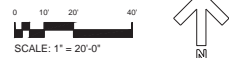
Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

FLOOR PLAN



FLOOR PLAN 1

4.C.1

A2.1



3505 Cadillac Ave, Bldg. O Ste. 205A  
Costa Mesa, CA 92626  
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949.267.1660

ADC Project No: 160040

Project Contact: Jeff Nordberg  
Email: jnordberg@adcollaborative.com  
Principal: Craig Chinn  
Project Manager: Jeff Nordberg

Client



Company: Seritage Growth Properties  
Address: 489 Fifth Avenue, 18th Floor  
New York, NY 10017  
Phone No. 214-355-7800

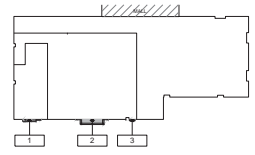
SERITAGE-SANTA CRUZ  
4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date  
11-04-2016

ENLARGED FLOOR PLANS

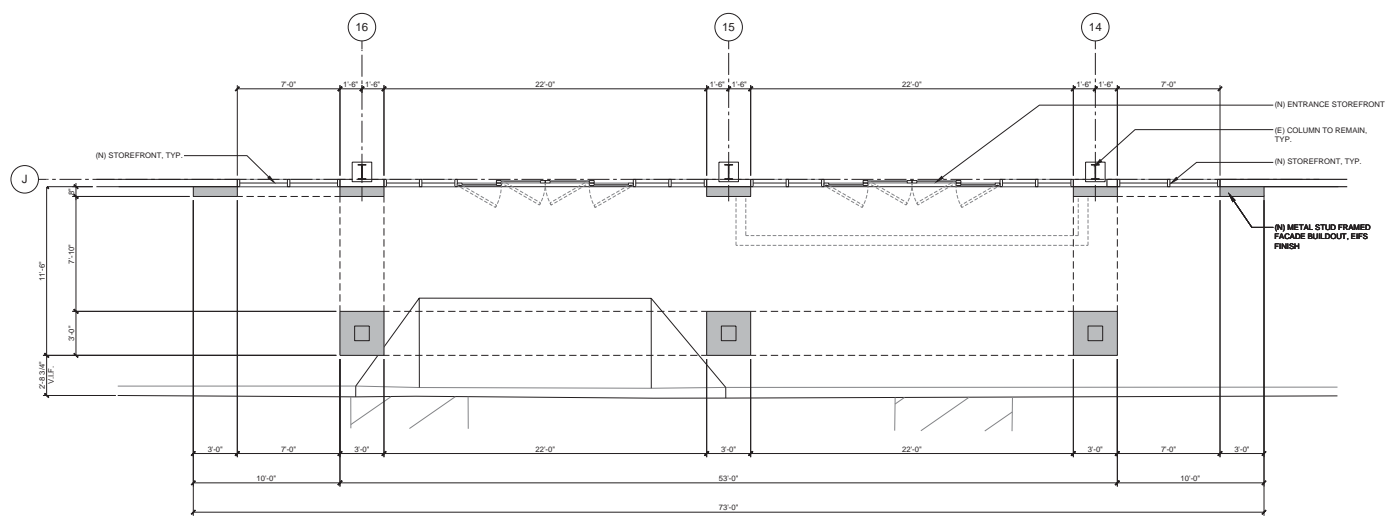
A2.2

KEY PLAN

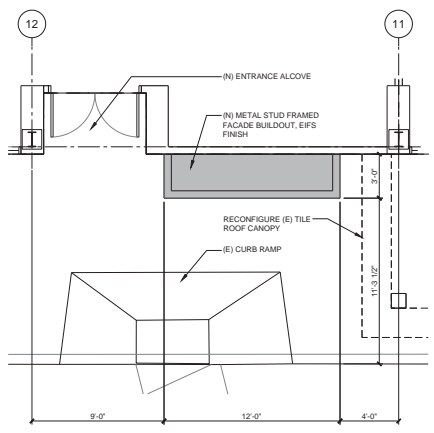


LEGEND

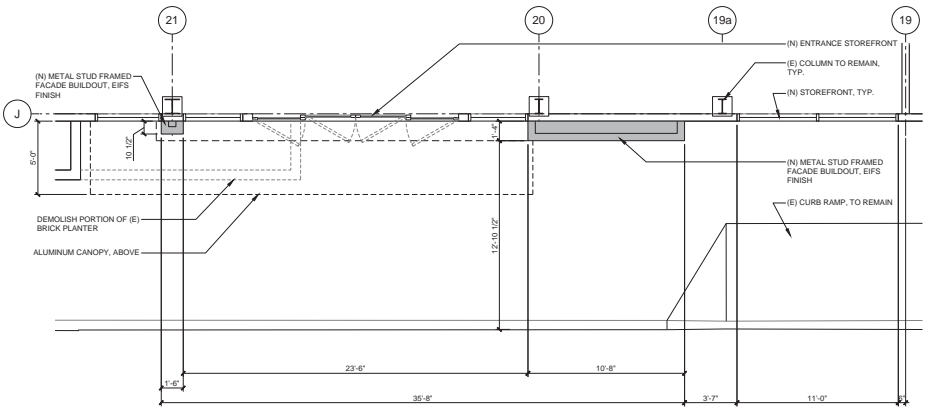
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- - - - - EXISTING ITEM TO BE DEMOLISHED
- ▬ (N) METAL STUD WALL
- ▨ (N) LANDSCAPE - REFER TO LANDSCAPE SHEETS
- ▩ (N) HARDSCAPE
- ▧ NOT A PART OF THIS SCOPE



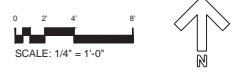
ENLARGED FACADE PLAN - 2 2



ENLARGED FACADE PLAN - 3 3



ENLARGED FACADE PLAN - 1 1





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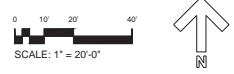
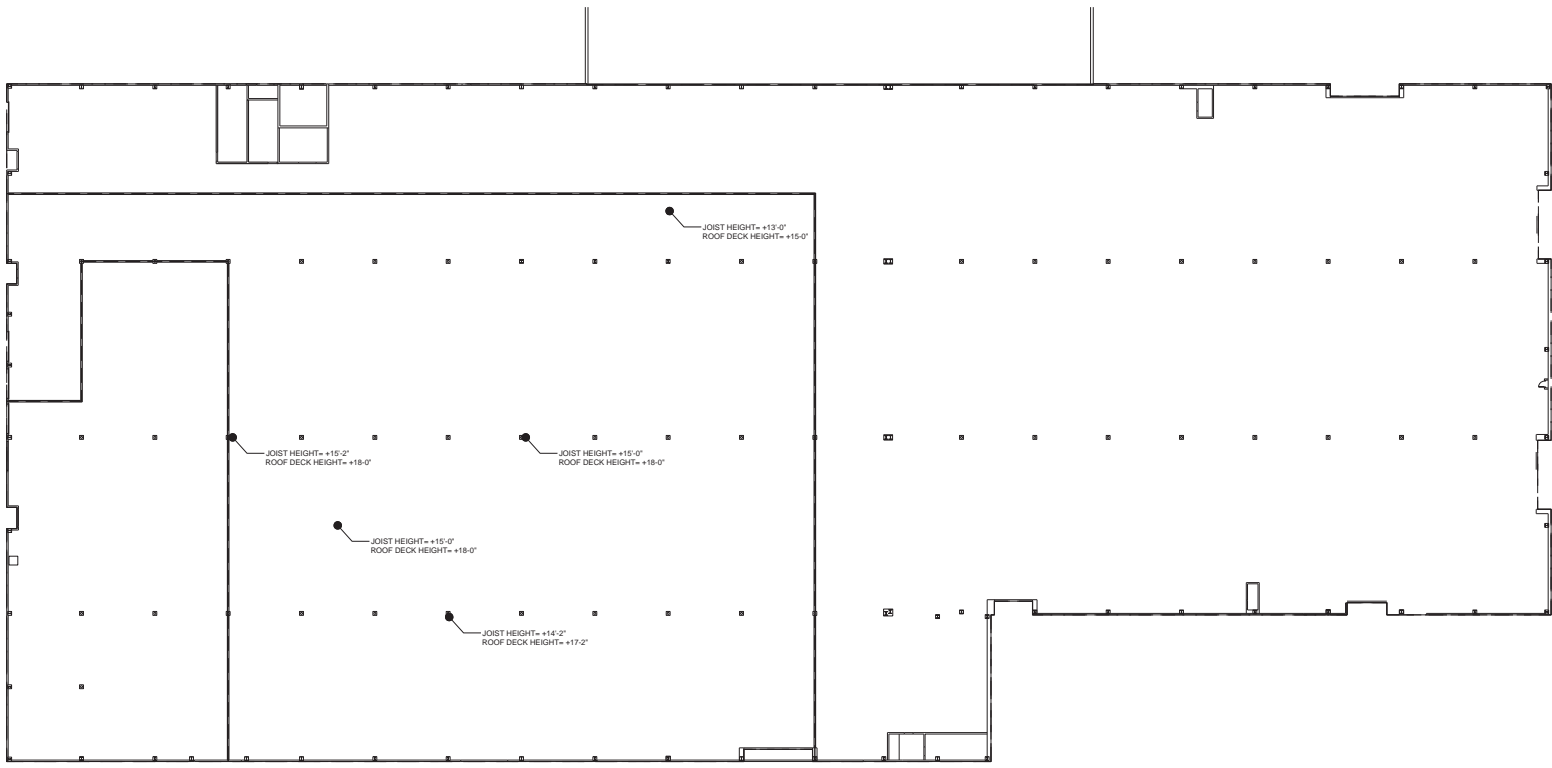
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 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

REFLECTED  
 CEILING PLAN

4.C.1 A2.3



REFLECTED CEILING PLAN 1



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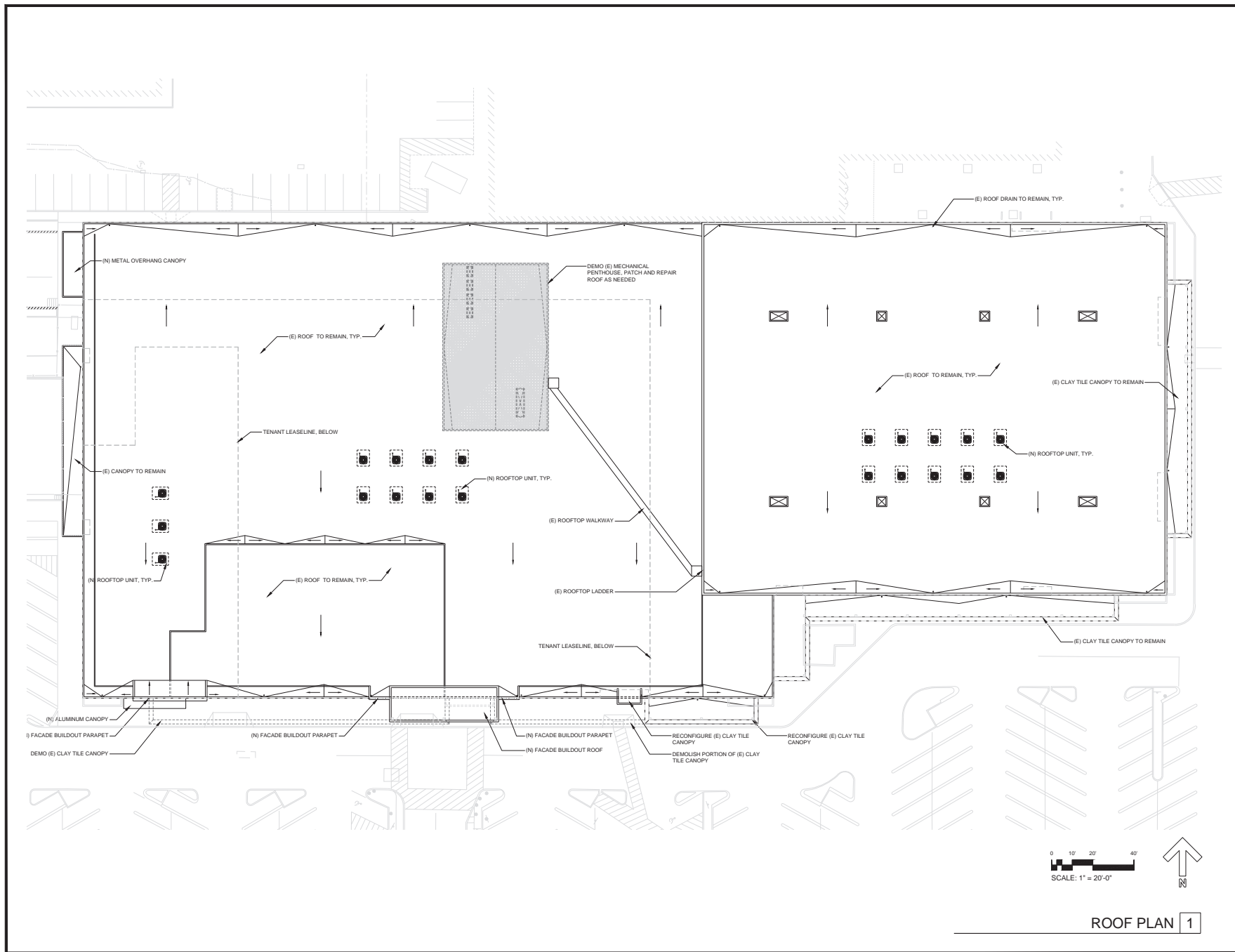
Company: Seritage Growth Properties  
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 11-04-2016

ROOF PLAN

4.C.1  
 A3.1





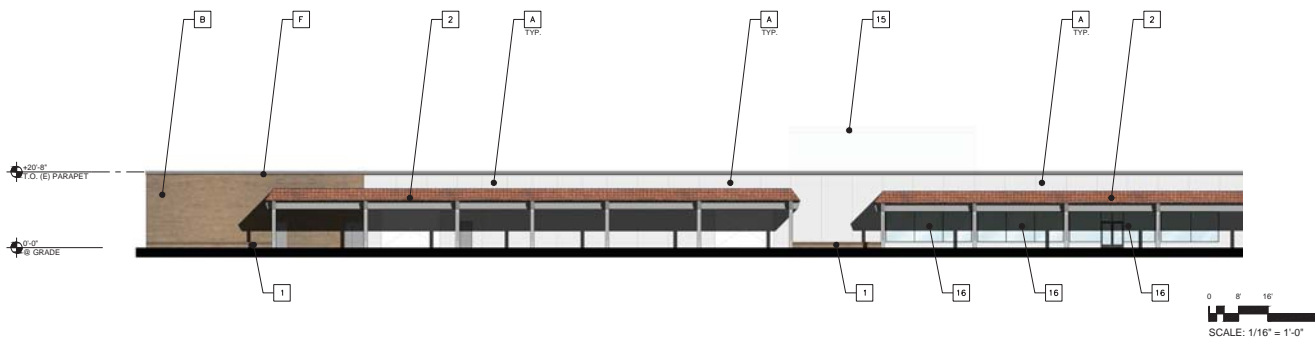
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ENLARGED ELEVATION - 2 3

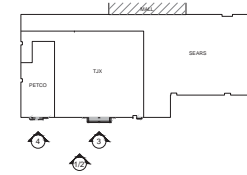


PROPOSED SOUTH ELEVATION (WEST) 2



EXISTING SOUTH ELEVATION (WEST) 1

KEY PLAN



KEYNOTES

- 1 (E) BRICK PLANTER
- 2 (E) CLAY TILE CANOPY
- 3 (N) METAL CANOPY
- 4 (N) STOREFRONT
- 5 (N) DECORATIVE METAL LOUVERS
- 6 (N) ALUMINUM AWNING
- 7 (E) LIGHT FIXTURE
- 8 (E) FABRIC AWNING
- 9 (E) VENTS - SCE ROOM
- 10 (E) METAL CANOPY
- 11 (E) LOADING DOCK DOOR
- 12 (N) LOADING DOCK DOOR
- 13 (N) SERVICE DOOR
- 14 INFILL (E) LOADING DOCK DOOR, EIFS FINISH TO MATCH EXISTING
- 15 DEMO (E) MECHANICAL PENTHOUSE
- 16 DEMO (E) STOREFRONT
- 17 (N) FLAT METAL PANEL ROOF SCREEN

MATERIAL LEGEND

- A (E) EIFS FINISH
- B (E) BRICK VENEER
- C (N) EXTERIOR PLASTER
- D (N) STONE VENEER
- E (N) SPLIT FACE CMU VENEER
- F (N) COMPOSITE WOOD PLANKS
- G (N) PAINTED METAL CORING
- H (N) EIFS FINISH
- J (N) PAINTED METAL CORING

**architecture design collaborative**  
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 ADC Project No: 160040  
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 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
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Client  
**SERITAGE GROWTH PROPERTIES**  
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---

EXTERIOR ELEVATIONS





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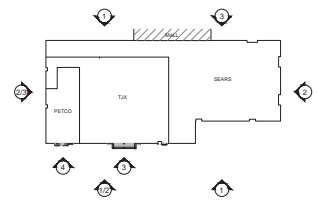
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Issue Date  
11-04-2016

EXTERIOR  
ELEVATIONS

A4.2

KEY PLAN

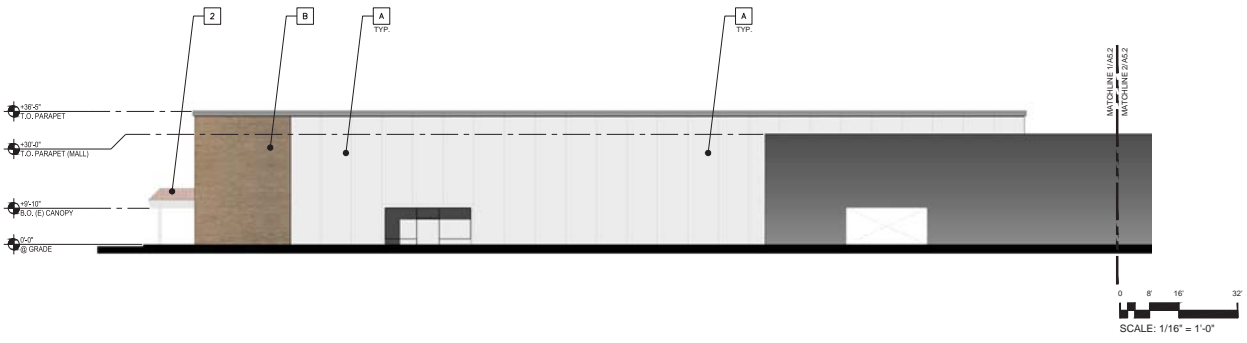


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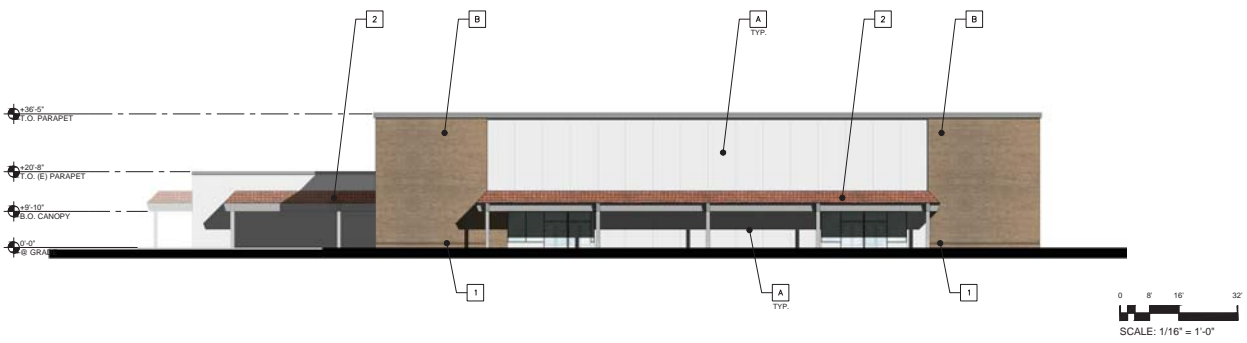
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- 2 (E) CLAY TILE CANOPY
- 3 (N) METAL CANOPY
- 4 (N) STOREFRONT
- 5 (N) DECORATIVE METAL LOUVERS
- 6 (N) ALUMINUM AWNING
- 7 (E) LIGHT FIXTURE
- 8 (E) FABRIC AWNING
- 9 (E) VENTS - SCE ROOM
- 10 (E) METAL CANOPY
- 11 (E) LOADING DOCK DOOR
- 12 (N) LOADING DOCK DOOR
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MATERIAL LEGEND

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- E (N) SPLIT FACE CMU VENEER
- F (N) COMPOSITE WOOD PLANKS
- G (N) PAINTED METAL CORING
- H (N) EIFS FINISH
- J (N) PAINTED METAL COPING



EXISTING NORTH ELEVATION (EAST) 3



EXISTING EAST ELEVATION 2



EXISTING SOUTH ELEVATION (EAST) 1



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Client

**SERITAGE  
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**SERITAGE-SANTA CRUZ**  
 4015 CAPITOLA RD.  
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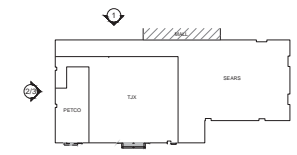
Issue Date  
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EXTERIOR  
 ELEVATIONS

4.C.1

A4.3

**KEY PLAN**

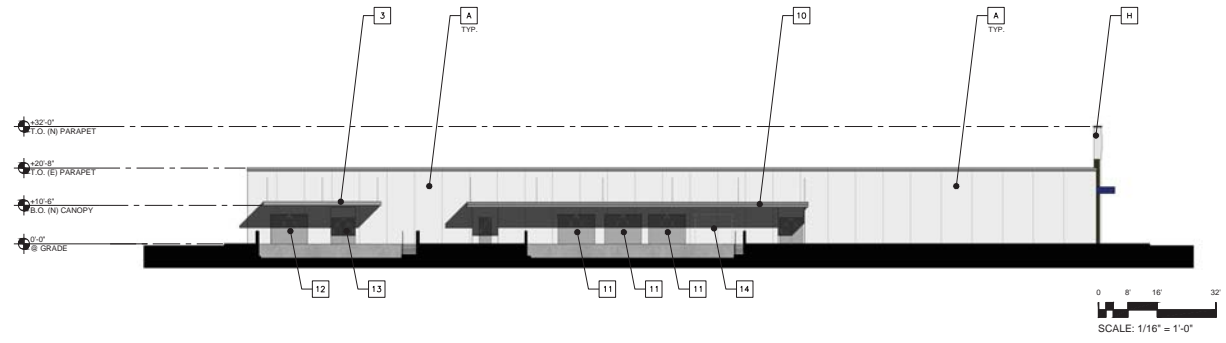


**KEYNOTES**

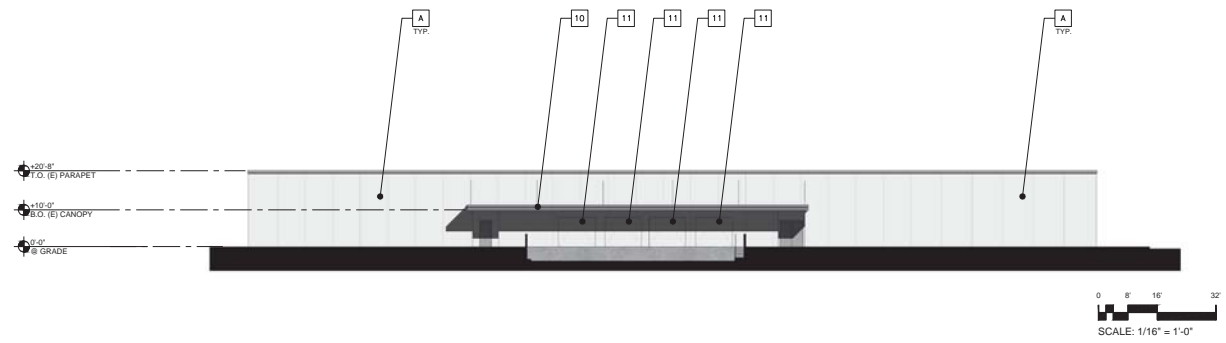
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- 5 (N) DECORATIVE METAL LOUVERS
- 6 (N) ALUMINUM AWNING
- 7 (E) LIGHT FIXTURE
- 8 (E) FABRIC AWNING
- 9 (E) VENTS - SCE ROOM
- 10 (E) METAL CANOPY
- 11 (E) LOADING DOCK DOOR
- 12 (N) LOADING DOCK DOOR
- 13 (N) SERVICE DOOR
- 14 INFILL (E) LOADING DOCK DOOR, EIFS FINISH TO MATCH EXISTING
- 15 DEMO (E) MECHANICAL PENTHOUSE
- 16 DEMO (E) STOREFRONT
- 17 (N) FLAT METAL PANEL ROOF SCREEN

**MATERIAL LEGEND**

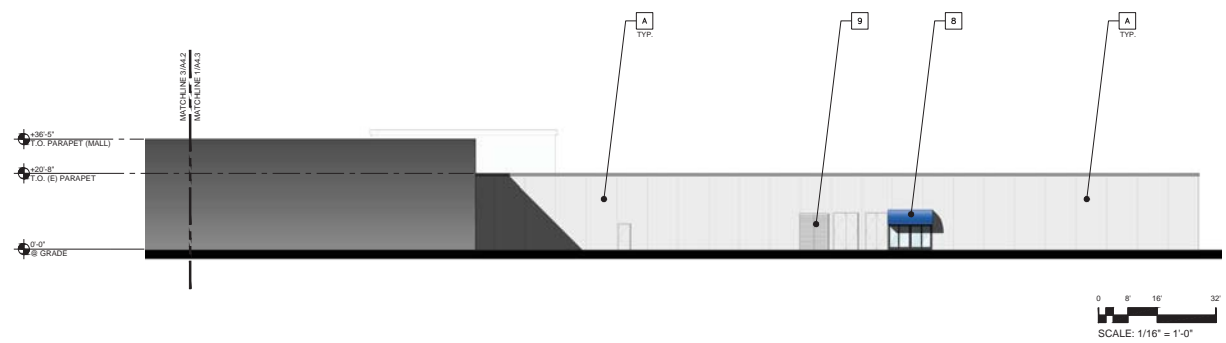
- A (E) EIFS FINISH
- B (E) BRICK VENEER
- C (N) EXTERIOR PLASTER
- D (N) STONE VENEER
- E (N) SPLIT FACE CMU VENEER
- F (N) COMPOSITE WOOD PLANKS
- G (N) PAINTED METAL COPING
- H (N) EIFS FINISH
- J (N) PAINTED METAL COPING



PROPOSED EAST ELEVATION 3



EXISTING EAST ELEVATION 2



EXISTING NORTH ELEVATION (WEST) 1



3505 Cadillac Ave, Bldg. O Ste. 205A  
 Costa Mesa, CA 92626  
 www.adcollaborative.com  
 949.267.1660

ADC Project No: 160040

Project Contact: Jeff Nordberg  
 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
 Project Manager: Jeff Nordberg

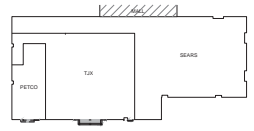
Client

**SERITAGE  
 GROWTH PROPERTIES**

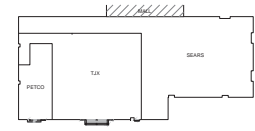
Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800



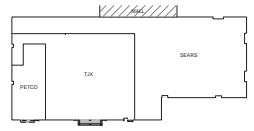
VIEW OF PETCO FROM WEST 4



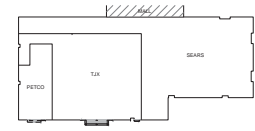
VIEW OF PETCO FROM EAST 2



VIEW OF TJ MAXX FROM EAST 3



VIEW OF TJ MAXX FROM WEST 1



SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

PERSPECTIVE  
 RENDERINGS

A5.0



3505 Cadillac Ave, Bldg. 'O' Ste. 205A  
 Costa Mesa, CA 92626  
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Client



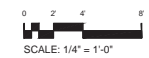
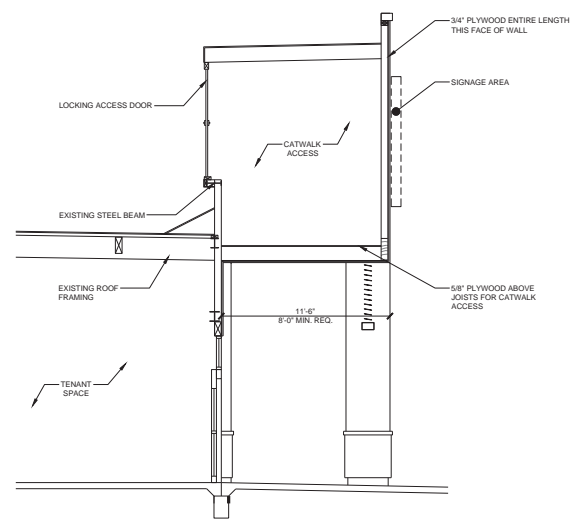
Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

SECTIONS



PROPOSED CANOPY SECTION 1

4.C.1

A6.0



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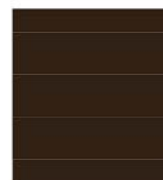
1 DRYVIT EIFS  
108 MANOR WHITE



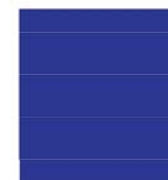
2 YORK BUILDING  
MOJAVE SPLIT FACE CMU VENEER



5 ELDORADO  
SLATE GRAY STACKED STONE VENEER



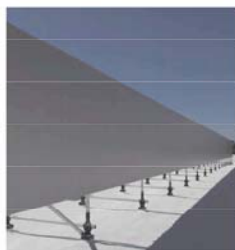
7 BRAKE METAL  
DURANAR SUNSTORM-  
DARK BRONZE



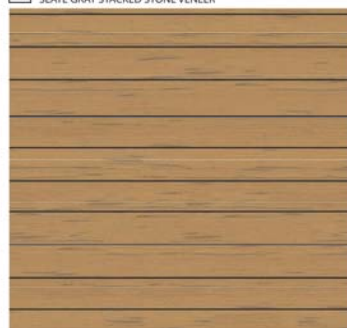
8 BRAKE METAL  
DURANAR - INTERSTATE  
BLUE



3 DRYVIT EIFS  
310 CHINA WHITE



4 ROOFSCREEN  
FLAT METAL PANEL - REGAL WHITE



6 CALI BAMBOO  
COMPOSITE DECKING - BRONZE



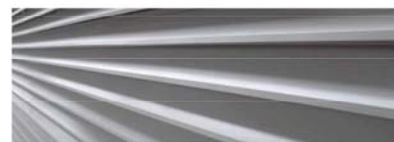
9 BENJAMIN MOORE  
967 CLOUD WHITE



10 BENJAMIN MOORE  
OC-11 CLAY BEIGE



11 BENJAMIN MOORE  
2087-10 NEON RED



12 METAL LOUVRES

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
SANTA CRUZ, CA 95062

Issue Date

11-04-2016

MATERIAL BOARD

4.C.1

A7.0





3505 Cadillac Ave, Bldg. 'O' Ste. 205A  
 Costa Mesa, CA 92626  
 www.adcollaborative.com  
 949.267.1660

ADC Project No: 160040

Project Contact: Jeff Nordberg  
 Email: jnordberg@adcollaborative.com  
 Principal: Craig Chinn  
 Project Manager: Jeff Nordberg

Client

**SERITAGE**  
 GROWTH PROPERTIES

Company: Seritage Growth Properties  
 Address: 489 Fifth Avenue, 18th Floor  
 New York, NY 10017  
 Phone No. 214-355-7800

SERITAGE-SANTA CRUZ

4015 CAPITOLA RD.  
 SANTA CRUZ, CA 95062

Issue Date  
 11-04-2016

SITE  
 PHOTOGRAPHS

4.C.1

A7.1



EXISTING SEARS, FUTURE TX



EXISTING SEARS, FUTURE PETCO



EXISTING SEARS, FUTURE TX



EXISTING SEARS, FUTURE TX ENTRANCE



EXISTING SEARS ENTRANCE



EXISTING SEARS



EXISTING SEARS



EXISTING SEARS



EXISTING LOADING DOCK



EXISTING LOADING DOCK



UNDERSIDE OF EXISTING DECK



UNDERSIDE OF EXISTING DECK



EXISTING MONUMENT SIGNS



EXISTING MONUMENT SIGNS

# City of Capitola



## Design Guidelines for Commercial Projects

41st Avenue Design Guidelines

City of Capitola  
Planning Department  
420 Capitola Avenue  
Capitola, CA 95010

(408) 475-7300



FORTY-FIRST AVENUE AREA DESIGN GUIDELINES

I. Site Plan

1. The site shall be designed to integrate the building location with parking and landscaped areas to provide a functional and aesthetic design.
2. Separate pedestrian and vehicular traffic patterns shall be provided. Linkages between adjoining commercial developments shall be provided as well as distinct pedestrian access from parking areas to activity areas. The use of specialty paving materials shall be encouraged to dress up and direct pedestrian movement.
3. Off-street parking shall be located to the rear of the site. Street frontages should be devoted to buildings and landscaping. (This requirement may be varied for special site features.)
4. Buildings on streets with high vehicular use and without on-street parking shall provide a major architectural entry from the off-street parking areas. The entrance buildings on streets of high pedestrian use shall face sidewalk without interruptions by driveways or parking areas.
5. Easily identifiable bicycle parking shall be incorporated in all developments. On-site bicycle circulation is encouraged for large developments, coordinated with the City's bicycle plan. Bicycle parking shall be located close to the building entrance, but should not interfere with pedestrian traffic.
6. Drainage systems shall provide for maximum on-site retention of storm water, using on-site percolation where feasible. The use of permeable paving material shall be encouraged.

7. Building orientation should encourage both solar and energy efficient applications.
8. Develop sites in cooperation with owners of adjoining properties to improve the overall development patterns of the area by providing coordinated access, shared parking areas and enhanced traffic flow.
9. Avoid where necessary, noise, traffic and other conflicts with adjoining uses through sensitive site planning and design.
10. New developments shall provide transit improvements, i.e., access ways, bus shelter, and/or bus turn out based on City review of Santa Cruz Metropolitan District recommendations. *MINIMUM*
11. A 15 foot front yard setback shall be required for all developments. ~~(There shall be no exceptions.)~~
12. Front and corner yard setback areas shall be fully landscaped and not used for required parking.

## II. Landscaping

1. Landscaping shall establish a consistent theme and be planned as an integral part of the project.
2. The type and qualities of landscape materials shall be appropriate to the site and building design. Selection of the plant materials shall be based on their year-round visual interest as well as their form, texture and shape. Trees shall be a mix of evergreen and deciduous providing seasonal changes in color. Flowering trees such as magnolia or flowering plums are encouraged.
3. Significant existing trees and landscaping shall be preserved and incorporated into the site and landscape plans where possible. Removal of major trees is strongly discouraged.
4. Street trees are required for all projects. Their appropriate type and location is established by the Director of Public Works (minimum 24" box size). A minimum of 10% of parking and driveway area shall be landscaped with trees (minimum 24" box size) and shrubs (minimum 5 gallon size).

Landscaping is required in curbed beds at the end of parking bays. In addition to in-lot landscaping, perimeter landscaping is required to achieve effect. (See Parking #7.)

5. Native plant materials are encouraged for both appearance and water conservation.
6. Landscaped areas shall have an automatic irrigation system unless it can be demonstrated that it is not necessary.
7. Ground covers shall be of live plant material with bark or other mulches used only for temporary dressings. Exceptions can be made for the use of brick paving materials where appropriate.
8. The landscape plan shall consider the shading and weather protection effects of landscape design and plant selection (evergreen or deciduous) on the site and on adjacent uses.
9. A landscape maintenance agreement is required for all projects.
10. One 24 inch box tree minimum shall be planted for every two car spaces to screen and break up large expanses of paved surface in off-street parking lots designed for eight or more cars. (See #5 above.)
11. The 15 foot front yard setback shall be fully landscaped to screen parking areas.

### III. Architecture

1. Architectural consistency for all sides of the building must be carried out with colors, materials and details. Facades or fronts unrelated to the rest of the building shall not be used.
2. Materials, colors and textures shall be consistent with the building's design theme.
3. Parapet walls shall be treated as an integral part of the building design. Property line setbacks are encouraged as an alternative.

4. Scale and height of buildings shall relate to setbacks from public right-of-way, and to adjacent developments.
5. To minimize visual clutter and noise, mechanical and roof-top equipment shall be screened and incorporated within the building and site design.
6. Entries should be protected from wind, rain and sun and provide a distinct entrance to the building.
7. Buildings shall use design elements in public areas which provide a sense of human scale (insets, overhangs). Elements of pedestrian interest shall be included at ground floor levels (courtyards, display windows).
8. Projects containing many buildings or single large structures shall provide variety in building shape, height, roof lines and setbacks. Fronts of buildings shall provide variety and interest.
9. Distinctive "trademark" buildings are discouraged.
10. All designs should be responsive to energy saving considerations (solar orientation, interior lighting, day-lighting, landscaped atriums).
11. Trash areas shall be fully screened from both on and off-site views.
12. All utilities must be underground, including transformers, etc. All utility meters must be fully screened and integrated within the building structure.
13. Any newspaper racks or phone booths or other accessory structures or uses shall be integrated into the design of the structure.

#### IV. Design Elements

##### A. Signs

1. Signs and related graphics should be part of the overall building and site design. Size, heights, location and materials should relate to building scale and design consistent with zoning ordinance sign requirements.

(In no case shall signs exceed ordinance maximums.)

2. For multiple occupancy buildings, a sign program shall be required to show consistent sign location, size and type.
  3. Attached signs are encouraged. A freestanding sign will be considered to identify a building group for more than one use when the use is located more than 35 feet from the property line adjoining a public street. Any freestanding sign shall be integrated into the site plan and design of the building.
  4. Individual letters attached to a wall are preferred to cabinet signs.
  5. Graphics not including advertising may be considered. They must be compatible with the immediate surroundings, and may relate to the use of the building.
  6. Freestanding signs should be of a monument type.
  7. All sign proposals shall conform to the sign ordinance.
- B. Lighting
1. On-site lighting shall be related to the overall site and building design and serve functional, safety and aesthetic purposes.
  2. Overall lighting levels shall be directed down and shielded from adjacent properties. Light shall be contained on the property.
  3. Energy efficient systems are encouraged.
  4. Light standard heights shall be geared to the lighting need; parking and roadway: 15-30 feet high; walkway and mall: 8-15 feet high; planting areas: uplights or lowlights, 3 feet high maximum.
  5. The style of light fixtures and their location shall be compatible with design of the architecture and the landscape.

### C. Parking

1. Parking is a necessary feature of all commercial site plans. It shall be safe and easily accessible, but not allowed to dominate the development. A project shall not be shaped by or focus on its parking.
2. Parking shall be located to the rear of or side of buildings. (This requirement may be varied for special site features).
3. Parking shall be screened from the street by the following methods: mounds, vegetative screen, low walls, changing the grade of parking areas or other similar methods which effectively screen the parking area.
4. Pedestrian movement shall be clearly defined through parking areas. Where pedestrians are forced to cross traffic lanes, changes in paving texture, use of pavers or tiles, etc., use of overhead structures, and narrowing roadways shall be used.
5. Parking lot designs shall provide a maximum of 30% compact car spaces (compact space 8' x 16').
6. Ingress and egress to parking lots should be limited to commercial arterials rather than using adjacent residential streets.
7. Parking/loading areas shall be screened from adjacent residential areas by a solid masonry wall or equivalent and 10' landscaped area to soften the effect of the wall and buffer the residential area from the commercial area.
8. Handicapped parking spaces shall be adjacent to the entry of the building and meet State Architect's requirements.

CITY OF CAPITOLA  
STANDARD CONDITIONS  
FOR COMMERCIAL APPLICATIONS

1. The applicant shall enter into a landscape maintenance agreement and a cash deposit of \$2,000.00 shall be retained by the City to cover costs of replacing or maintaining landscaping for a period of three (3) years after project completion.
2. Plans for a fully automated irrigation system, providing adequate water to all plants, shall be submitted with the building permit plans for review and shall be installed before final inspection of the project.
3. All utilities shall be completely screened from public view and underground transformers are required.
4. Any underground utility vaults shall be located in paved surface areas outside of the landscaped areas.
5. A lighting plan showing the fixture type, height, location and exterior lighting intensity shall be submitted with building permit plans for Planning Director approval. All lighting shall be directed away from the street and adjacent properties. Light sources shall be shielded from direct view and protected from damage by vehicles.
6. A solid six (6) foot masonry wall shall be constructed along the property lines adjacent to residentially-owned lands.
7. 24" box street trees shall be planted in compliance with the 41st Avenue Design Guidelines; one per 30 feet of frontage, with type to be approved by the Public Works Director.
8. All landscaping shall be installed before utility release or final project inspection. No project shall be phased unless approval is granted by the Planning Commission.
9. A detailed drainage plan shall be submitted for approval by the Public Works Director before building permits are issued.
10. Continuous concrete curbing shall be installed to separate parking areas from landscape areas.
11. Handicapped parking spaces and signage, in compliance with State requirements, shall be shown on building permit plans and installed before final inspection of the project.
12. The street address of the building shall be displayed in a location conspicuous from the public street.



STANDARD CONDITIONS  
FOR COMMERCIAL APPLICATIONS  
page 2

13. The trash enclosure shall be made of a sturdy solid masonry material, with trash receptacles screened from view and compatible with the color and materials of the project.
14. The applicant shall obtain a coastal permit or coastal permit determination and present documentation of such coastal review to the City, prior to obtaining a City building permit.
15. When required, a bus stop shall be provided in conformance with Santa Cruz Metropolitan Transit District standards. An agreement for the applicant's contribution to a shell shall be required before building permits are issued. The site shall be subject to City approval.
16. All trees required to remain on site, as indicated on the plans, shall be protected by fencing or other necessary measures shall be taken to prevent damage during construction activity.
17. All commercial buildings with more than one tenant shall have an approved sign program.
18. All parking shall be available for use by the general public during the hours when the business is not operating.
19. No roof equipment shall be visible to the general public.
20. Grading work may not be undertaken between October 15 and April 15, unless a special permit is issued by the Public Works Director.
21. All gutters, downspouts, flashings, etc. shall be painted to match the color of the adjacent surface.
22. Construction projects shall conform to the City's noise ordinance. Construction during the dry season shall mitigate excess dust problems.
23. A complete set of plans shall be submitted to the appropriate fire district for sign-off, prior to issuance of a building permit.
24. A special street improvement fee of \$.37/sq. ft. of land shall be paid for all projects within the 41st Avenue street improvement area.
25. Bay Avenue improvement fees of \$1.34/sq.ft of building area shall be paid as required for projects within the Bay Avenue street improvement area.

### General Plan Sections relative to Sears Redevelopment

The General Plan outlines the vision for future development in Capitola through establishing guiding principles, goals, policies and actions. The following excerpts from the General Plan relate to future development at the mall.

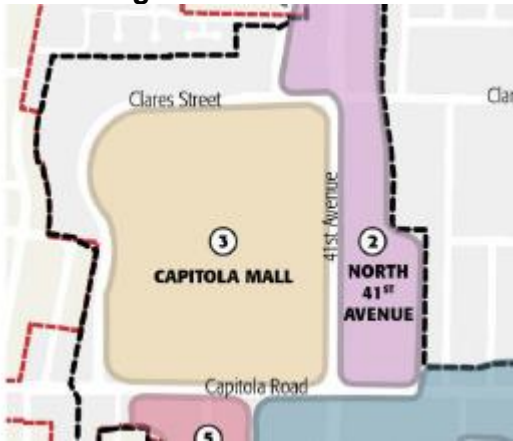
**Capitola General Plan Guiding Principle: Community Identity.** Preserve and enhance Capitola’s intimate small-town feel and coastal village charm. Ensure that all areas of Capitola, not just the Village, possess a unique, memorable, and high-quality identity. Promote Capitola’s reputation as a community that is sustainable, historic, welcoming, and family-friendly.

**Capitola General Plan Guiding Principle: Economy.** Support a local economy that is vibrant, diverse, and dynamic. Create a brand identity for Capitola that is grounded in the city’s unique identity. Support all local businesses, “green” businesses, and employers that provide jobs for Capitola residents.

**Land Use Goal 8:** Support the long-term transformation of Capitola Mall into a more pedestrian-friendly commercial district with high quality architecture and outdoor amenities attractive to shoppers and families.

**Policy LU-8.1: Phased Mall Redevelopment.** Encourage a phased approach to redevelopment of the Mall property. Early phases may include improvements to the Mall façade and front entrance, and new retail pads fronting 41<sup>st</sup> Avenue. These early improvements shall not conflict with the ultimate vision for the property, as represented in the 41<sup>st</sup> Avenue/Capitola Mall Vision Plan (see Figure LU-6)

Portion of Figure LU-6:



③ Capitola Mall. Encourage the transformation of the Mall into a pedestrian-friendly commercial destination

**Policy LU-8.2: Parking Lot Redevelopment.** Encourage the development of commercial and mixed-use structures on existing Capitola Mall surface parking lots located adjacent to 41<sup>st</sup> Avenue and Capitola Road including both sides of 41<sup>st</sup> Avenue. New pad development along 41<sup>st</sup> Avenue should enhance the design character of 41<sup>st</sup> Avenue and support the long-term vision for the Mall as a pedestrian-friendly commercial destination. Ensure that parking lot redevelopment does not result in an inadequate supply of on-site parking that results in overflow parking in adjacent residential neighborhoods.

**Policy LU-8.4: Public Gathering Places.** Encourage the establishment of public gathering places on the Mall property—such as outdoor dining and courtyards—that provide space for people to informally meet and gather

**Policy LU-8.5: New Interior Street.** As a long-term vision for Capitola Mall, support the addition of a new interior street within the Mall property lined with sidewalk-oriented retail, outdoor dining, and pedestrian amenities. This new street should be connected with the existing street network surrounding the Mall property to enhance mall access for all modes of transportation.

**Goal LU-9:** Encourage high quality development within the 41st Avenue corridor that creates an active and inviting public realm.

**Policy LU-9.1: Public Amenities.** Encourage new development to provide amenities that enhance the vitality of the corridor, such as outdoor dining and courtyards, public art, publically accessible or semi-public gathering places, and bicycle and pedestrian facilities.

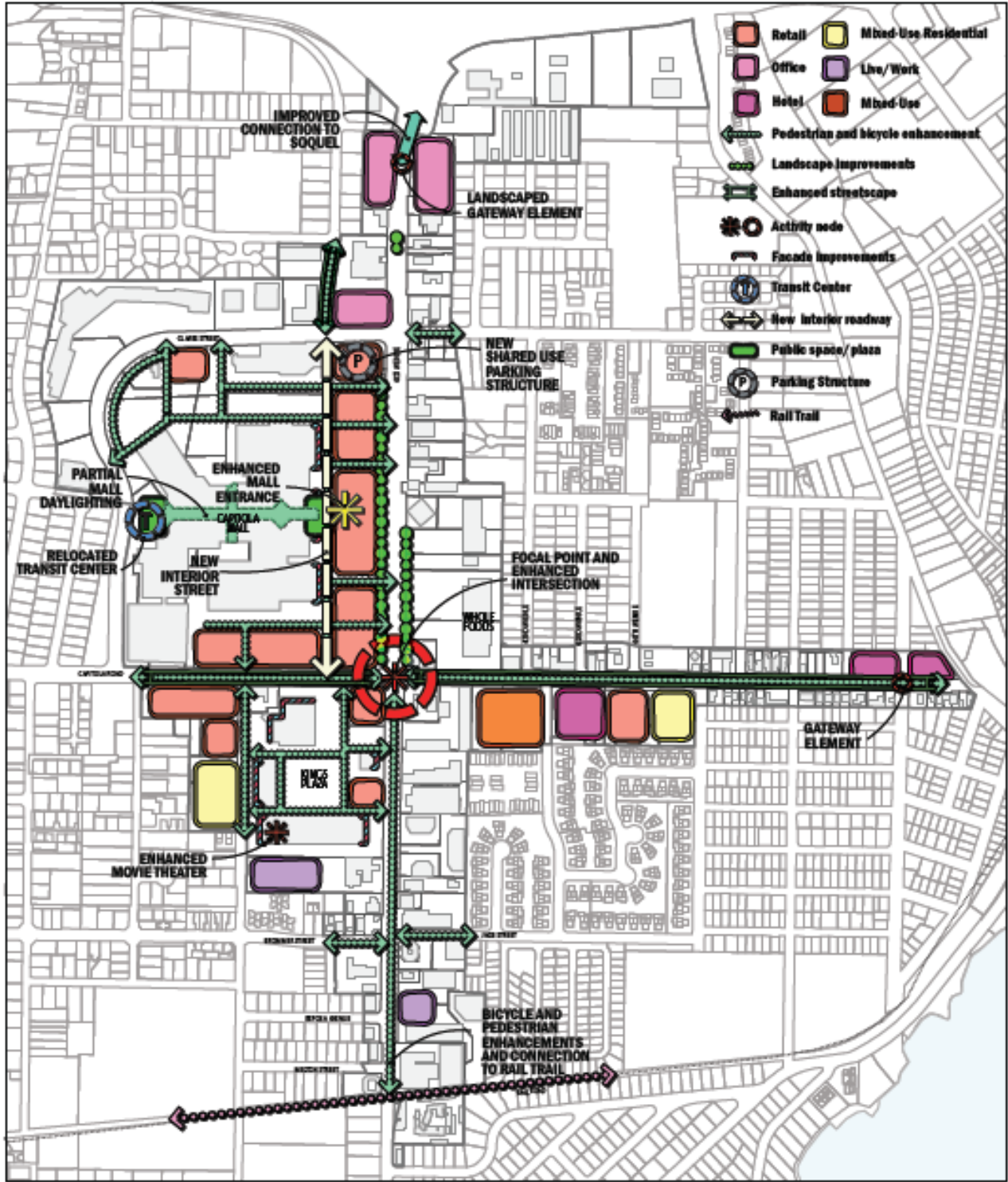
**Policy LU-9.3: Destination.** Establish 41<sup>st</sup> Avenue as an attractive destination with activities for families and people of all ages that occur throughout the day and night. Where feasible, incorporate public art into public spaces.

**Policy LU-9.8: Public Spaces and Amenities.** Encourage new development at the 41st Avenue/Capitola Road intersection to include public spaces and amenities to strengthen the intersection as a focal point and activity center for the corridor.

**Policy LU-9.9: Streetscape Improvements.** Improve the physical appearance of 41<sup>st</sup> Avenue through the installation of additional landscaping in the public right-of-way, enhanced Highway 1 interchange features, and improved bicycle and pedestrian facilities.

41<sup>st</sup> Avenue/Captiola Mall Re-Visioning Plan

Figure 12. Concept Plan



Attachment: Concept Plan from 41st Avenue/Mall Revising Plan (1657 : 4015 Capitola Road)



## STAFF REPORT

TO: PLANNING COMMISSION  
 FROM: COMMUNITY DEVELOPMENT  
 DATE: DECEMBER 1, 2016  
 SUBJECT: **208 Capitola Avenue#16-189**      **APN: 034-183-20**

Design Permit for an exterior remodel and 195 square-foot addition to the third story and a height variance request for a mixed-use building located in the CV (Central Village) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Tuan Truong

Representative: Jacquelyn Low, filed 10/18/2016

### **APPLICANT PROPOSAL**

The application is for an exterior remodel of the mixed use building and a 195 square foot addition to the third story residential unit located at 208 Capitola Avenue in the CV (Central Village) Zoning District. A variance is also requested for the height.

### **BACKGROUND**

On October 18, 2016, the City received the application. On November 9, 2016, the application was reviewed by the Architectural and Site review committee. The committee made the following recommendations to the applicant:

Building Representative, Nelson Membreno: discussed accessibility requirements for the commercial units and fire requirements for the residential units.

Public Works representative, Danielle Uharriet: provided the applicant with submittal requirements for stormwater at time of building permit submittal.

Local Architect, Frank Phanton: expressed support for the design and the variance. He explained that undulation in the height provides character and interest to the building within the streetscape. Also, did not think it would have an impact on the neighbors.

Landscape Architect, Megan Bishop: did not provide input due to no landscaping on the site.

Planner, Katie Cattan: informed the applicant that they could not have a roof deck without providing parking.

Local Historian, Carolyn Swift: provided an email that went over the history of the building, previous owner Olaf Palm, and the previous use as a tavern called “the Local”. She did not believe the building would qualify as a historic structure.

### Zoning Summary

The following table outlines the zoning code development requirements in the CV (Central Village) Zoning District relative to the application.

<b>Use</b>		
<b>Existing Use</b>	First Floor	Retail
	Second and Third Floor	Residential
<b>Proposed Use</b>	First Floor	Retail
	Second and Third Floor	Residential
<b>Is use on 1<sup>st</sup> floor Principal Permitted or CUP?</b>		Principal Permitted
<b>Is use on 2<sup>nd</sup> floor Principal Permitted or CUP?</b>		Principal Permitted
<b>Historic</b>		
<b>Level of Historic Feature</b> (local/state/federal or n/a)		Not Applicable
<b>Development Standards</b>		
<b>CV Zone Height</b>	<b>Existing</b>	<b>Proposed</b>
27 ft. Maximum	29 ft. 2 ½ in.	30 ft. <b>Variance Request</b>
<b>Lot Coverage</b>	<b>Existing</b>	<b>Proposed</b>
Sufficient space for required parking	No existing onsite parking.	No proposed onsite parking. <b>Non-Conforming</b>
<b>Yards</b>	<b>Existing</b>	<b>Proposed</b>
No yard requirements except that: 10% of lot area shall be developed as landscaped open area, at least partially fronting on, and open to, the street. No portion of this landscaped area shall be used for off-street parking. <b>Required Open Space:</b> 10% of lot or 181 sq. ft.	6.3 % of lot or 115 sq. ft.	6.3 % of lot or 115 sq. ft. <b>Non-Conforming</b>
<b>Parking</b>	<b>Existing</b>	<b>Proposed</b>
<b>Duplex</b> 4 spaces total <b>Retail (1 space per 240 sf)</b> 6.8 spaces	None	None <b>Non-conforming</b>
<b>17.51.135.B Nonconforming Parking</b> –In the case of residential structures in any district, no additional parking shall be required for reconstruction or structurally altering an existing residential structure so long as the floor area of the structure is not increased by more than ten percent of the existing gross floor area. If the structure is enlarged by more than ten percent of the existing gross floor area, parking requirements according to Section 17.51.130 shall be required.	Floor area of residential increased 9.8%; therefore, additional parking is not required.	

### Analysis

208 Capitola Avenue is an existing mixed use building located along the main retail thoroughfare of Capitola Village. The building is occupied by two retail establishments on the



first story, Gaia Earth Treasures and Just Baby. Two residential units (Units A & B) are located in the second story and Unit B extends into the third story of the structures. The third story is setback 36 feet from the front façade and is not visible at the street level. There is an existing roof deck located on the rear corner of the structure that the applicant plans to enclose. The applicant is proposing to expand Unit B on the third story by 195 square feet.

#### Design Permit

The owner is proposing to remodel the exterior of the building. The exterior finishes are currently brick on the first story with stucco on the second and third stories. The wood doors, canvas awnings, and second story accent deck will be removed.

The exterior of building will be completely updated. The first story will be finished with horizontal fiber cement board above a stone cladding wainscot and the upper stories with stucco. The building will have modern accents with standing seam awnings along the top of each story providing articulation between the floors. New glass doors with transom windows above will replace the existing wood entry doors. The picture windows on the first story will be replaced with custom wood windows in a mahogany finish. The windows in the second and third story will be aluminum clad wood. The color pallet for the building consists of off-white, gray, and brown with off-white stucco, Carmel cream limestone wainscot, soft grey horizontal board, mahogany stained wood storefront windows, and steel colored standing seam awnings. The Central Village Design Guidelines apply to all development in the CV district. The following guidelines apply to remodel at 208 Capitola Avenue.

#### *General Guidelines*

*A.1. Illustrate a design compatibility with the existing and planned character of the surrounding area and adjacent buildings. (Streetscape is important).*

*A.2. Create a development which is pleasant in character, human in scale, and facilitates easy circulation. Pedestrian orientation is important in the Village area.*

#### *Building Design Guidelines*

*A.1. Create a design for small scale finely detailed pedestrian-oriented uses.*

*A.2 Coordinate exterior building design on all elevations with regards to color, materials, architectural form and detailing to achieve design harmony and continuity.*

*A.3. Promote building security and public safety. Buildings adjacent to public areas should create design elements which provide a pedestrian feeling, i.e. insets, cutouts, bay windows.*

#### *Window Design*

*D.1. There is no specific limitation for windows, but they must be incorporated into the design feature of the building without dominating the building. The use of plain aluminum windows is discouraged as are large areas of mirrored or tinted glass.*

*D.2. Awnings – Awnings add color and shade to a building's façade. Cloth awnings are vulnerable to the elements and a condition of approval will be their replacement when they have shown wear. Awning must have an 8' clearance and obtain encroachment permits if they extend over sidewalk areas.*

The proposed design is not in conflict with the applicable design guidelines. The mass and scale of the building as experienced from the street is not altered. The design maintains the human scale with the recessed entryways and proposed canopies. The application includes a streetscape that shows how the new design fits within the streetscape while creating an updated look.

#### Nonconforming Structure

As noted in the development standards table above, the structure is non-conforming in relation to height, yards, lot coverage, and parking. Pursuant to §17.72.070, structural alterations of nonconforming structures shall be limited as follows: at the time application for a structural alteration is made, the building official shall determine the cost at prevailing contractor rates of the total work of the improvements involved, excluding permit costs, landscaping costs and architectural costs. If that cost, added to the costs (similarly calculated) of other work involving structural alterations, commenced in the preceding five years, exceeds eighty percent of the present fair market value of the structure (as it would be without any of the structural alterations), the proposed structural alterations may not be made. The building official reviewed the plans, and determined the value to be at 76% and therefore the proposed alterations may be made.

#### Parking

There is no onsite parking at 208 Capitola Avenue and no new parking is proposed. Pursuant to §17.51.135.B, nonconforming parking requirements for residential structures are as follows: *“In the case of residential structures in any district, no additional parking shall be required for reconstruction or structurally altering an existing residential structure so long as the floor area of the structure is not increased by more than ten percent of the existing gross floor area. If the structure is enlarged by more than ten percent of the existing gross floor area, parking requirements according to Section 17.51.130 shall be required.”* The addition will increase the structure by 9.8% of the existing residential floor area of the building, and therefore parking will not be required.

#### Variance

Pursuant to Municipal Code chapter 17.66.090, the Planning Commission may grant a variance when it finds that there are special circumstances applicable to the subject property associated with the size, shape, topography, location, or surroundings of the property. The Planning Commission must also make findings that the grant of a variance would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone.

The applicant is requesting a variance to the 27-foot height limit. The existing third story of the building is 29-feet two-inches in height. The applicant is requesting to increase the height of the existing structure eight-inches to 30-feet and build the new addition at 30 feet in height. The applicant is requesting the height variance to enable 8 feet ceiling heights within the third story for the existing area and new addition. Section 2 on Sheet A5 of the plans provide an image of the 8-foot ceiling height combined with the almost 2 feet of enclosed vertical space for the ceiling and roof structure.

There are no special circumstances applicable to the subject property associated with size, shape, topography, location or surroundings of the property; therefore, staff is unable to make findings in support of the height variance.

#### **CEQA**

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves a small addition to the mixed use building located in the CV (Central Village) Zoning

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

### **RECOMMENDATION**

Staff recommends the Planning Commission **deny the variance** and **approve the design permit** for application #16-108, based on the findings and conditions.

### **CONDITIONS OF APPROVAL**

1. The project approval consists of a design permit for a full exterior remodel of the structure and a 195 square foot addition to the third story residential unit for the mixed use building at 208 Capitola Avenue. The project approval includes approval of a Design Permit. The request for a variance to height up to 30 feet has been denied by the Planning Commission. The proposed project is approved as indicated (less the 30 feet height) on the final plans reviewed and approved by the Planning Commission on December 1<sup>st</sup>, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans.
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At time of building permit submittal, the plans must be updated to show no increase in height for the existing third story and the new addition is limited to the zone height of 27 feet.
5. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
6. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval and potentially a review by the Historic Architect for continued conformance with the Secretary of Interior standards.
7. Prior to issuance of building permit, all Planning fees associated with permit #16-189 shall be paid in full.
8. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Water District, and Central Fire Protection District.
9. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.

10. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
11. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
12. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
13. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
14. Prior to a project final, all cracked or broken driveway approaches or street edge shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches shall meet current Accessibility Standards.
15. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
16. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration, as well as a recorded deed reflecting the lot line adjustment. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
17. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
18. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.

## **FINDINGS**

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**  
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan. The proposed addition and remodel comply with the development standards of the Central Village zone and are in line with the Central Village Design Guidelines.
- 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 proposed remodel and addition. The updated building will provide a modern look to the building while maintaining the mass and scale as perceived along the street. The proposal reinforces the village character and the 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(e) of the CEQA Guidelines exempts minor additions to an existing structure. This project involves a 190 square foot addition to an existing mixed use building located in the CV (Central Village) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

## **COASTAL FINDINGS**

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

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

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

***(D) (2) (a) Project Effects on Demand for Access and Recreation. Identification of existing and open public access and coastal recreation areas and facilities in the regional and local vicinity of the development. Analysis of the project's effects upon existing public access and recreation opportunities. Analysis of the project's cumulative effects upon the use and capacity of the identified access and recreation opportunities, including public tidelands and beach resources, and***

**upon the capacity of major coastal roads from subdivision, intensification or cumulative build-out. Projection for the anticipated demand and need for increased coastal access and recreation opportunities for the public. Analysis of the contribution of the project's cumulative effects to any such projected increase. Description of the physical characteristics of the site and its proximity to the sea, tideland viewing points, upland recreation areas, and trail linkages to tidelands or recreation areas. Analysis of the importance and potential of the site, because of its location or other characteristics, for creating, preserving or enhancing public access to tidelands or public recreation opportunities;**

- The proposed project is located at 208 Capitola Avenue. The home is not located in an area with coastal access. The home will not have an effect on public trails or beach access.

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

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

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

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

**(D) (2) (d) Physical Obstructions. Description of any physical aspects of the**



**development which block or impede the ability of the public to get to or along the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;**

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

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

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

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

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

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

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

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

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

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

- The project contains a commercial use.

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

- The project is located on a flat lot.

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

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

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

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

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

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

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

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

**SEC. 30222**

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

- The project involves a mixed use building zoned CV (Commercial Village).

**SEC. 30223**

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

- The project involves a mixed use building zoned CV (Commercial Village).

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

- The project involves a mixed use building zoned CV (Commercial Village).

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

- The project involves the construction 190 square foot addition to a residential unit in the mixed use village. The proposed addition is less than 10% of the floor area of the existing residential. Parking is not required for the minor addition to the residential unit.

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

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

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

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

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

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

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

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

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

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

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

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

***(D) (14) Project complies with coastal housing policies, and applicable ordinances***

***including condominium conversion and mobile home ordinances;***

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project complies with shoreline structure policies.

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

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

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

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

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

- The project site is located within the area of the Capitola Village parking permit area. There is no additional parking required for the project.

**ATTACHMENTS:**

1. 208 Capitola Avenue Plans

Prepared By: Katie Cattan  
Senior Planner

# TRUONG REMODEL

TUAN TRUONG- HALEJOIE LLC  
208 CAPITOLA AVENUE  
CAPITOLA, CA 95010

Boone Low Ratliff Architects, Inc. SEAL

\*\*\* PRELIMINARY DRAWINGS - NOT FOR CONSTRUCTION \*\*\*

## GENERAL NOTES PROJECT DATA PROJECT TEAM CAL GREEN RESIDENTIAL MANDATORY MEASURES

1. Architect assumes no responsibility for the completeness of plans for bid purposes prior to issuance of the building permit. The general contractor and all subcontractors shall verify all dimensions and conditions on the job site prior to beginning of construction.

2. The intent of these drawings and specifications is to include all labor, materials and services necessary for the completion of all work shown prescribed or reasonably implied, but not limited to that explicitly indicated in the contract documents.

3. The Architect's approval of such shop drawings shall not relieve the General Contractor or subcontractor from responsibility for deviations from drawings or specifications unless he or she has (in writing) called the Architect's attention to such deviations at the time of submissions, nor shall it relieve him or her of responsibility for errors of any sort in the shop drawings.

4. Architect or designer as used in these documents refers to Boone Low Ratliff Architects, 157 Van Ness Avenue, Santa Cruz, CA 95060 (831) 423-1316.

5. All work shall be performed in accordance with all applicable codes, regulations and ordinances having jurisdiction.

6. Contractor is responsible for examining all contract documents, field conditions, and confirming that work is buildable as shown before proceeding with construction. If there are any questions regarding these or other coordination items, the contractor is responsible for obtaining a clarification from the Architect or tenant construction coordinator before proceeding with work in question or related work.

7. Prior to the issuance of a building permit, the applicant shall have evidence of current Workman's Compensation insurance coverage on file, in compliance with section 3800 of the California Labor Code.

8. Dimensions on drawings are shown to faces of walls and partitions or finished face of existing walls unless noted otherwise.

9. All vertical dimensions shown are to floor slab, unless otherwise indicated.

10. Contractor shall verify and be responsible for all dimensions and conditions on the job and shall notify the architect of any discrepancies immediately before commencing any work.

11. Contractor shall check and verify size and locations of duct openings and plumbing runs with mechanical contractor before framing walls, floors, etc.

12. Install all manufactured items, materials and equipment in strict accordance with the manufacturer's specifications.

13. "Align" as used in these documents shall mean to accurately locate finish faces in the same plane.

14. "Typical" or "Typ" as used in these documents shall mean that the condition is the same or representative for all similar conditions throughout, unless noted otherwise.

15. Details are usually keyed and noted "typical" only once, when they first occur and are representative of all similar conditions throughout, unless noted otherwise.

16. Do not scale drawings. Dimensions govern. Large scale details govern over small scale details.

17. Contractor shall be responsible for the general clearing of a job after its completion. Unused materials to be donated.

18. All requests for substitutions or items specified shall be approved by Architect.

19. Glass doors, adjacent panels, and all glazed openings, within 18 inches of the adjacent floor shall be of glass approved for impact hazard.

20. Center of switches shall be no more than 48" above floor.

21. Centerline of 15, 20 and 30 amp receptacles (except permanently installed baseboard heaters) not to be less than 15" above floor. Floor outlets acceptable next to sliding panels or walls or other special convenience locations. Baseboard outlets acceptable in relocatable partitions, window walls.

22. Foundation construction shall incorporate recycled flyash in concrete up to 15% and form boards shall be reused.

23. Joints and other openings in the building envelope that are potential sources of air leakage shall be caulked, gasketed, weatherstripped, or otherwise sealed to limit infiltration and exfiltration.

PROJECT DATA	
OCCUPANCY: CONSTRUCTION TYPE	R314 VD
LOADING	CV
TOTAL LOT AREA SQ.FT.	1,615
<b>BUILDING HEATED AREAS (SQ.FT.)</b>	
(E) GROUND FLOOR	1,632
(E) SECOND FLOOR	1,638
(E) THIRD FLOOR	323
TOTAL (E) HEATED AREA	3,593
TOTAL PROPOSED INCREASE IN HEATED AREA ON 3RD FLOOR	*159
NO PROPOSED ADDITIONAL HEATED AREA ON GROUND & SECOND FLOORS	0
TOTAL (E) PROPOSED REMODEL EQ (NO HEATED AREA)	3,149
<b>PROPOSED REMODEL AREAS:</b>	
GROUND FLOOR REMODEL AREA	54
SECOND FLOOR REMODEL AREA	1,638
THIRD FLOOR REMODEL AREA	323
TOTAL REMODEL AREA	2,015
<b>BUILDING UNHEATED AREAS (SQ.FT.)</b>	
(E) GROUND FLOOR COVERED PORCHES	44
(E) THIRD FLOOR COVERED LIGHT WELL	41
(E) THIRD FLOOR UNCOVERED DECK	1000
TOTAL (E) UNHEATED AREA	1085
<b>NO PROPOSED ADDITIONAL UNHEATED AREA ON GROUND, SECOND &amp; THIRD FLOORS (SQ.FT.)</b>	0
REMOVE (E) THIRD FLOOR UNCOVERED DECK	-1000
TOTAL PROPOSED UNHEATED AREA	81
TOTAL LOT COVERAGE	
(E) PROPOSED GROUND FLOOR HEATED & UNHEATED	1,676
(E) PROPOSED % LOT COVERAGE	92%
* SEE GROSS FLOOR AREA SHEET A3	
<b>PARKING</b>	
NO (E) PARKING	
10% TOTAL AREA ALL (E) FLOORS * 3,593 x 10% @ 20' 350 SF	
PROPOSED ADDITION AREA * 159 SF < 350 THEREFORE NO ADDITIONAL PARKING REQUIRED	

**OWNER:**  
TUAN TRUONG- HALEJOIE LLC  
373 W. SIERRA MADRE BLVD.  
SIERRA MADRE, CA 91024  
EMAIL: THT@HALEJOIE.COM  
PHONE: (626) 355 8826

**ARCHITECT:**  
JACQUELYN S. LOW, AIA, LEED A.P.  
CERTIFIED PASSIVE HOUSE DESIGNER  
BOONE LOW RATLIFF ARCHITECTS, INC.  
157 VAN NESS AVENUE  
SANTA CRUZ, CA 95060  
EMAIL: JLR@ANTACRUIZGREENARCHITECTS.COM  
OFFICE PHONE: (831) 423-1316  
OFFICE FAX: (831) 423-1386

**STRUCTURAL ENGINEER:**  
ANDREW RADOVAN  
ANDREW RADOVAN CIVIL ENGINEERING INC.  
2815 MISSION BLVD.  
SANTA CRUZ, CA 95060  
EMAIL: ANDREW.RADOVAN@AMT.NET  
OFFICE PHONE: (831) 459 1266

**4.106 SITE DEVELOPMENT**  
1. EXISTING EXTERIOR AND INTERIOR FINISHING CONSTRUCTION, USE OF THE FOLLOWING READER'S SHALL BE DEEMED TO REPRESENT FLOORING MATERIALS, FINISHES, FINISHES AND FINISHES. RUFFTOP ON THE BARRER.  
A. RETENTION MARKS  
B. USE OF BARBERS WITH OR WITHOUT TO FILTER WATER BEFORE CONFINEMENT TO PUBLIC DRAINAGE SYSTEM.  
C. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
D. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
E. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
F. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
G. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
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W. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
X. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
Y. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.  
Z. CONFIRMATION TO PUBLIC DRAINAGE SYSTEM.

**4.107 WATER EFFICIENCY**  
1. ALL NEW AND EXISTING FITTINGS SHALL BE GREEN Labeled OR LESS OF POTABLE WATER WITH THE BUILDING BY AT LEAST 20%.  
A. SINKS: 2.0 GPM @ 20 PSI  
B. TOILETS: 1.6 GPM @ 20 PSI  
C. SHOWERHEADS: 2.0 GPM @ 20 PSI  
D. TUBS: 2.0 GPM @ 20 PSI  
E. SHOWERHEADS: 2.0 GPM @ 20 PSI  
F. TUBS: 2.0 GPM @ 20 PSI  
G. SHOWERHEADS: 2.0 GPM @ 20 PSI  
H. TUBS: 2.0 GPM @ 20 PSI  
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S. SHOWERHEADS: 2.0 GPM @ 20 PSI  
T. TUBS: 2.0 GPM @ 20 PSI  
U. SHOWERHEADS: 2.0 GPM @ 20 PSI  
V. TUBS: 2.0 GPM @ 20 PSI  
W. SHOWERHEADS: 2.0 GPM @ 20 PSI  
X. TUBS: 2.0 GPM @ 20 PSI  
Y. SHOWERHEADS: 2.0 GPM @ 20 PSI  
Z. TUBS: 2.0 GPM @ 20 PSI

**4.108 MATERIAL CONSERVATION AND RESOURCE EFFICIENCY**  
1. RECYCLED MATERIALS SHALL BE USED IN ALL BUILDING MATERIALS.  
A. RECYCLED MATERIALS SHALL BE USED IN ALL BUILDING MATERIALS.  
B. RECYCLED MATERIALS SHALL BE USED IN ALL BUILDING MATERIALS.  
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THE ARCHITECT MUST BE NOTIFIED OF ANY DISCREPANCY IN DIMENSIONS, FIELD CONDITIONS OR OTHER INFORMATION THAT IS CONTAINED IN AND/OR DERIVED FROM THESE DOCUMENTS. THESE DOCUMENTS ARE THE PROPERTY OF THE ARCHITECT AND MAY NOT BE USED OR REPRODUCED WITHOUT WRITTEN CONSENT. THE ARCHITECT DISCLAIMS ANY RESPONSIBILITY RESULTING FROM UNAUTHORIZED USE. COPYRIGHT STARTS FROM THE DATE OF THE EARLIEST CONTRACT THROUGH CONSTRUCTION DOCUMENTS.

ABBREVIATIONS					
A.F.F.	Above finish floor	DW	Dishwasher	MFG	Manufactured
A.F.G.	Above finish grade	ELEV.	Elevation	MTD	Mounted
BD	Board	E.Q.	Equal	N.F.P.A.	National Fire Protection Association
BTM	Bottom	F.F.	Finish grade	PL	Plate
C.B.C.	California Bldg. Code	F.O.S.	Face of stud	REF	Refrigerator
CL	Center line	F.F.E.	Finish floor elevation	SIM	Similar
CLG	Ceiling	FL	Floor	STL	Steel
CLR.	Clearance	GA	Gauge	T.O.	Top of
CONC.	Concrete	GC	General Contractor	TYP	Typical
CONT.	Continuous	GYP. BD.	Gypsum board	TYP. MTG.	Typical mounting height
DBL	Double	HGT.	Height	VERT.	Vertical
DM	Dimension	HM	Hydronic manifold	WH	Water heater
DM. PT	Dimension point	HORIZ.	Horizontal	WTR	Water
DN	Down	KIT	Kitchen		
DS.	Downspout				

**SCOPE OF WORK**

REMODEL OF AN (E) MIXED-USE THREE STOREY BUILDING WITH 2 (E) RETAIL UNITS A & B AND, 2 (E) RESIDENTIAL UNITS A & B. PROPOSED WORK INCLUDES ADDITION OF ACCESSIBLE BATHROOM AND KITCHENETTE TO GROUND FLOOR RETAIL UNIT A. MINOR REMODEL OF (E) RESIDENTIAL UNIT A. IT REMAINS A TWO BEDROOM SECOND FLOOR UNIT, THEN, REMODEL OF (E) SECOND RESIDENTIAL UNIT B INTO AN (E) ONE BEDROOM, ONE AND A HALF BATHROOM UNIT ON THE SECOND AND THIRD FLOORS WITH (E) KITCHEN PROPOSED IMPROVEMENTS TO FRONT FACADE INCLUDE NEW SIDING, STONE CLADDING AND METAL ROOF OVERHANGS. ALL WINDOWS WILL BE REPLACED.

PLEASE NOTE THE ACCESSOR RECORDS SHOW THE EXISTING TWO RESIDENTIAL UNITS, AND A FOLLOW UP INSPECTION CONFIRMING THE TWO UNITS WITH BUILDING OFFICIAL BRIAN VAN SON WAS CONDUCTED ON MARCH 18, 2016.

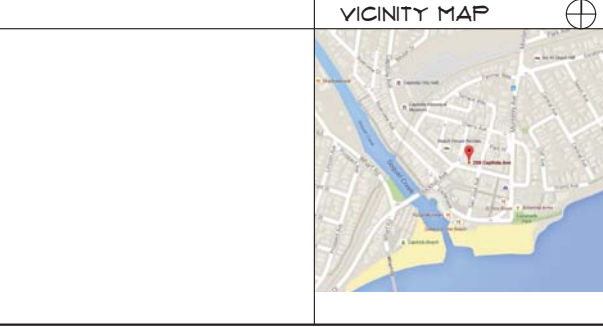
IN THIS APPLICATION WE ARE ASKING FOR A HEIGHT VARIANCE TO ALLOW THE THIRD FLOOR TO HAVE A STANDARD CEILING HEIGHT OF 8'-0" WITH STANDARD ROOF STRUCTURE AND INSULATION DEPTH.

SHEET INDEX	
A1	TITLE SHEET / PROJECT DATA
S	SURVEYOR'S MAP
A2	SITE PLAN / COLOR & MATERIALS
AB	AS-BUILT & DEMOLITION FLOOR PLANS
AC	PROPOSED FLOOR PLANS
AD	BUILDING ELEVATIONS
AA.1	BUILDING ELEVATIONS CONT.
AS	BUILDING SECTIONS

**4.109 BUILDING MAINTENANCE AND OPERATION.**  
1. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF THE BUILDING AND TO INCLUDE:  
A. MAINTENANCE TO THE OWNER OR OCCUPANT THE MANUAL SHALL REMAIN WITH THE BUILDING THROUGHOUT ITS LIFE CYCLE.  
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**4.110 ENVIRONMENTAL QUALITY AND ENVIRONMENT.**  
1. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF THE BUILDING AND TO INCLUDE:  
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**4.111 ENVIRONMENTAL COMPLIANCE.**  
1. THE OWNER SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND OPERATION OF THE BUILDING AND TO INCLUDE:  
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**APPLICABLE CODES**

ALL CODES REFERENCED ARE TO BE USED AS AMENDED BY THE STATE OF CALIFORNIA AND LOCAL JURISDICTION.

2013 CALIFORNIA BUILDING CODE  
2013 CALIFORNIA RESIDENTIAL CODE  
2013 CALIFORNIA GREEN BUILDING CODE  
2013 CALIFORNIA MECHANICAL CODE  
2013 CALIFORNIA PLUMBING CODE  
2013 CALIFORNIA FIRE CODE  
2013 CALIFORNIA ELECTRICAL CODE  
2013 CALIFORNIA ENERGY CODE, PART 6

**4.112 BUILDING MAINTENANCE AND OPERATION.**  
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**4.113 ENVIRONMENTAL COMPLIANCE.**  
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TRUONG REMODEL  
TUAN TRUONG-HALEJOIE LLC  
208 CAPITOLA AVENUE  
CAPITOLA, CA 95010  
APN: 035-183-20

BY REVISIONS DATE  
DESIGN PERM-11 05/16  
REVIEW PERM-11 05/16  
DESIGN PERM-11 05/16  
REVIEW PERM-11 05/16

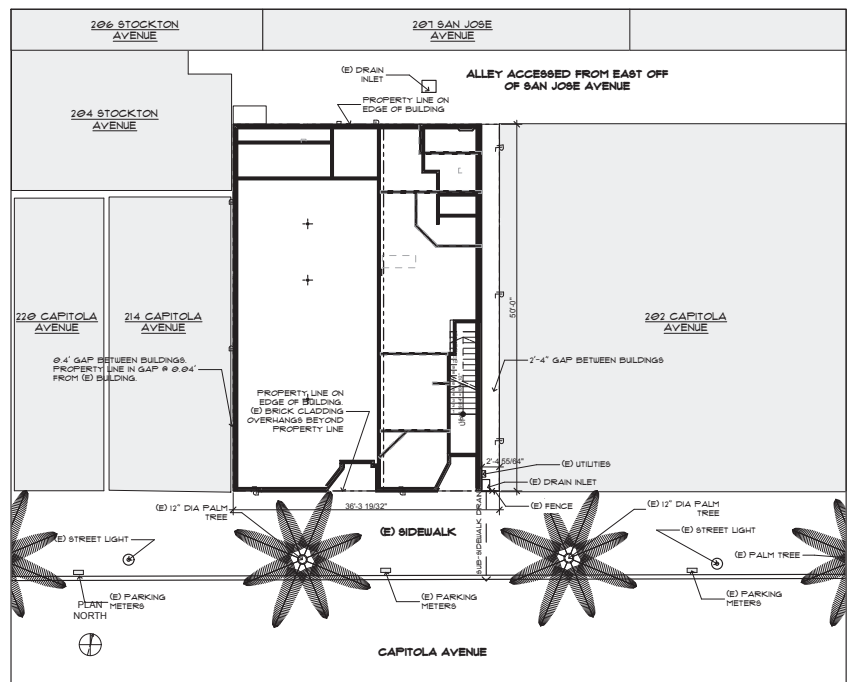
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10/14/16

TITLE SHEET / PROJECT DATA



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 BOONE LOW RATLIFF ARCHITECTS, INC. FILE: Tuan Truong Remodel PROPOSED STREETSCAPE REMODEL 11/14/16



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



PROPOSED STREETSCAPE

COLOR & MATERIALS



EXISTING STREET ELEVATION



COLOR RENDERING

NOTE: COLORS IN RENDERINGS ARE APPROX. ONLY. PLEASE REFER TO COLOR & SAMPLE BOARD FOR MORE ACCURATE REPRESENTATION.

TRUONG REMODEL  
208 CAPITOLA AVE, CAPITOLA CA 95010  
APN# 035 183 20

BRICK: Dark red/brown  
FIBER CEMENT CLADDING: White with grey trim or wood hardware or Scapecap  
STONE WINDOWS: Wood cladding, matching trim and floor or stone  
STONE CLADDING: Light tan stone  
STUCCO: Off-white, "diamond" or "flat" or wood  
OTHER WINDOWS: Aluminum with wood finish or white finish or wood finish or stone

COLOR & MATERIALS BOARD

Boone Low Ratliff Architects, Inc.

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TRUONG REMODEL  
TUAN TRUONG-HALEJOIE LLC  
208 CAPITOLA AVENUE  
CAPITOLA  
CA 95010  
APN: 035-183-20

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PERMIT		

Date: 11/14/16  
Scale: AS NOTED  
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A2

4.D.1  
SITE PLAN/ COLOR & MATERIALS

ARCHITECT: TUONG TRUONG-HALE JOIE LLC (P) ALL RIGHTS RESERVED. WWW.TUONGTRUONGHALEJOIE.COM  
 PROJECT: 208 CAPITOLA AVENUE, PHOENIX, AZ 85010

**FLOOR PLAN NOTES:**

- LANDINGS SHALL NOT BE MORE THAN 1/8" LOWER THAN DOOR'S THRESHOLD FOR INSULATING DOORS AND NOT MORE THAN 5" LOWER THAN THRESHOLD FOR OUTSULING DOORS AND NOT MORE THAN 1" FOR ENTRY DOORS PER CBC (6904.10)
- ALL PLUMBING VENTS TO BE A MINIMUM 3 FEET ABOVE (VERT.) OR 10 FEET AWAY (HORZ.) FROM OPERABLE SKYLIGHTS PER CPC 309.6.
- PROTECT WOOD AGAINST DECAY - COMPLY WITH SECTION 05110  
 A. ALL WOOD MEMBERS THAT REST ON THE CONCRETE OR MASONRY FOUNDATION SHALL BE TREATED WITH PRESERVATIVE-TREATED WOOD.  
 B. FIELD CUT ENDS, NOTCHES AND DRILLED HOLES OF PRESERVATIVE-TREATED WOOD SHALL BE TREATED IN THE FIELD IN ACCORDANCE WITH AFA (M 05111).  
 C. ALL PRESERVATIVE-TREATED LUMBER OR PLYWOOD SHALL BE MARKED WITH THE REQUIRED INFORMATION PER CBC 1909.10.  
 D. FASTENERS FOR PRESERVATIVE-TREATED WOOD AND FIRE RETARDANT-TREATED WOOD SHALL BE OF HOT-DIPPED ZINC-COATED GALVANIZED STEEL, STAINLESS STEEL, SILICON BRONZE OR COPPER.
- AUTOMATIC DOORS TO COMPLY WITH CBC (IB-404.3) & ANSI (BSHA 108.40). CLEAR MIN. OPENING OR 34" MAX. THRESHOLD AFF. 1/2". AUTOMATIC DOORS TO REMAIN OPEN IN POWER-OFF CONDITION.
- DOOR HARDWARE AND PUSH PLATES TO COMPLY WITH CBC (IB-309.2) NO. 4" DIAMETER OR SQUARE PUSH PLATES WITH 5/8" ARE TO BE PROVIDED AT EACH LOCATION ONE LOCATED WITH CENTERLINE 1"-8" AFF. THE OTHER WITH CENTERLINE 3/8"-4" AFF.

**WALL LEGEND**

- (E) INTERIOR WALL
- (E) EXTERIOR WALL
- (E) WALL TO BE DEMOLISHED
- (N) INTERIOR WALL
- (E) WALL TO BE UPGRADED TO IHR FIRE RATED & 9TC 5/8" RATED WALL 5/8" GYF. BOARD TYP. BOTH SIDES WITH INSULATION
- (N) WALL TO BE IHR FIRE RATED & 9TC 5/8" RATED 5/8" GYF. BOARD TYP. BOTH SIDES

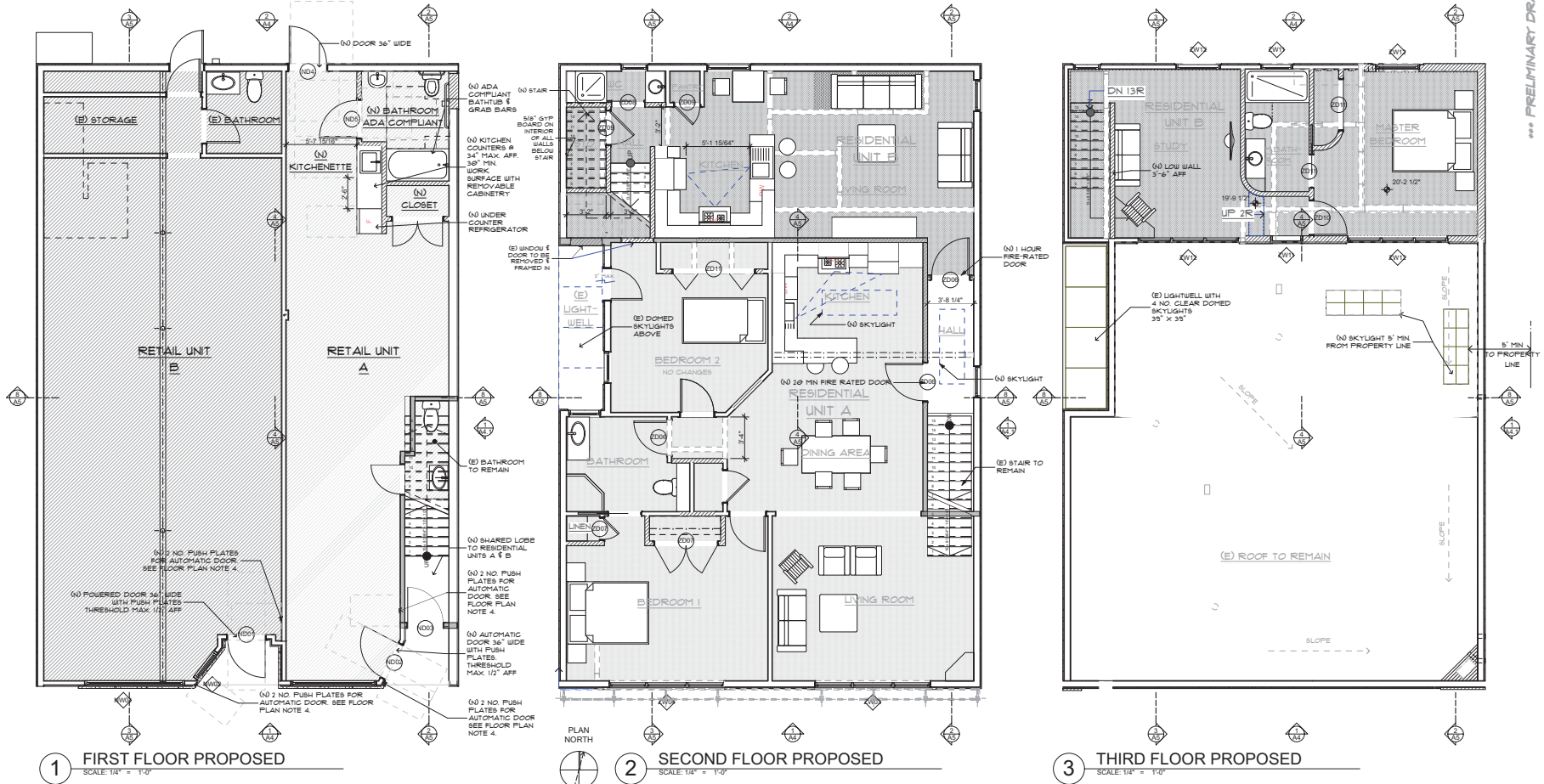
**RETAIL/RESIDENTIAL UNIT LEGEND**

- RESIDENTIAL UNIT A
- RESIDENTIAL UNIT B
- RETAIL UNIT A
- RETAIL UNIT B

**ACCESSIBILITY NOTES & LEGEND:**

**FIRST FLOOR TO COMPLY WITH CBC CHAPTER 11B**

- ACCESSIBLE ROUTE TO BE 36" MIN. CLEAR WIDE FLOOR SURFACES TO BE STABLE, FIRM AND SLIP-RESISTANT.
  - CARPETS TO HAVE FIRM NO BACKING, LEVEL, TEXTURED LOOP AND LEVEL CUT UNTO FLEECE MAX. PILE HEIGHT 1/2". EXPOSED EDGES FASTENED TO FLOOR WITH TRIM ALONG ENTIRE EDGE.
  - CHANGES IN LEVEL NOT TO EXCEED 1/2" FOR LEVELS BETWEEN 1/4" - 1/2" BEVELLED WITH SLOPE 50% MAX.
  - DOORS TO BE 36" X 80" MIN. WITH 90° CLEAR WITH DOOR OPENED AT 90 DEGREES.
  - THRESHOLDS TO BE MAX. 1/2" AFF. FOR THRESHOLDS BETWEEN 1/4" - 1/2" BEVELLED WITH SLOPE 50% MAX.
  - MANEUVERING CLEARANCES AT DOORS SHOWN DASHED.
  - MAX. OPENING FORCE OF ALL DOORS SHALL BE 5 LBS (CBC (IB-404.3.1) UNLESS OTHERWISE NOTED.
  - DOOR HARDWARE TO BE CENTERED BETWEEN 34" & 44" AFF. LEVER TYPE HARDWARE ON ALL LATCHES/LOCKS (CBC (IB-404.3.1) UNLESS OTHERWISE NOTED).
  - SMOOTH SURFACE ON PUSH-INS OF DOORS WITH 1/8" AFF. TO EXTEND FULL WIDTH OF DOOR. 1/8" MAX. OFFSET FROM FLARE FOR JOINTS FREE OF SHARP/ABRASIVE EDGES.
  - KITCHEN COUNTERTOPS, SINK & REFRIGERATOR TO HAVE 36" X 48" CFA. ALLOW FORWARD AND/OR PARALLEL APPROACH.
  - REMOVABLE BASE CABINETS WITH FLOORING CONTINUED UNDER TO WALL FOR COUNTERTOPS AND SINK. WALLS BEHIND AND SURROUNDING REMOVABLE CABINETS TO BE FINISHED.
  - 36" SIDE COUNTERTOP AND KITCHEN SINK TO BE 34" AFF.
  - ALL FAUCET CONTROLS TO BE ADA COMPLIANT AND OPERABLE WITH ONE HAND WITHOUT PINCHING OR TWISTING LEVER TYPE (ACTIVATION FORCE LESS THAN 5 LBS).
  - ALL PIPES UNDER SINKS TO BE INSULATED/COVERED TO PREVENT CONTACT. NO SHARP OR ABRASIVE SURFACES.
  - WATER CLOSET TO BE 24" MAX. IN DEPTH WITH CFA OF 60" X 66" WITH OVERLAPPING LAVATORY. SEAT HEIGHT 17"-19" AFF.
  - BATHROOM WASHBASIN TO BE ADA COMPLIANT. RIN OR COUNTER SURFACE: WHICHEVER IS HIGHER TO BE 34" MAX AFF. 36" X 48" CFA PROVIDED. SPACE BELOW TO BE CLEAR AND UNOBSTRUCTED.
  - GRAB BARS TO HAVE CIRCULAR CROSS SECTION DIAMETER 1 1/4"-2", 1 1/2" BETWEEN WALL AND GRAB BAR.
  - DOOR HARDWARE SHALL BE ACCESSIBLE PER CBC (IB-309.4). OPERABLE PARTS SHALL BE OPERABLE WITH ONE HAND AND SHALL NOT REQUIRE TIGHT GRASPING, PINCHING OR TWISTING OF THE WRIST.
  - RIN OR COUNTER SURFACE: WHICHEVER IS HIGHER TO BE 34" MAX AFF. 36" X 48" CFA PROVIDED. SPACE BELOW TO BE CLEAR AND UNOBSTRUCTED. SINK DEPTH TO BE 8" MAX.
- NOTE: CFA = CLEAR FLOOR AREA



**1 FIRST FLOOR PROPOSED**  
SCALE: 1/4" = 1'-0"

GROSS FLOOR AREAS:	
EXISTING:	
GROUND FLOOR:	1,632 SQ. FT.
SECOND FLOOR GFA:	1,635 SQ. FT.
THIRD FLOOR GFA:	373 SQ. FT.
TOTAL EXISTING GFA:	3,640 SQ. FT.
MAX. ADDITIONAL GFA ALLOWED:	393 SQ. FT. (10% OF EXISTING TOTAL GFA)
PROPOSED:	
GROUND FLOOR GFA:	1,632 SQ. FT.
SECOND FLOOR GFA:	1,635 SQ. FT.
THIRD FLOOR GFA:	463 SQ. FT.
TOTAL PROPOSED GFA:	3,749 SQ. FT.
PROPOSED INCREASE IN GFA:	109 SQ. FT. (4.2% INCREASE IN EXISTING TOTAL GFA)

**2 SECOND FLOOR PROPOSED**  
SCALE: 1/4" = 1'-0"

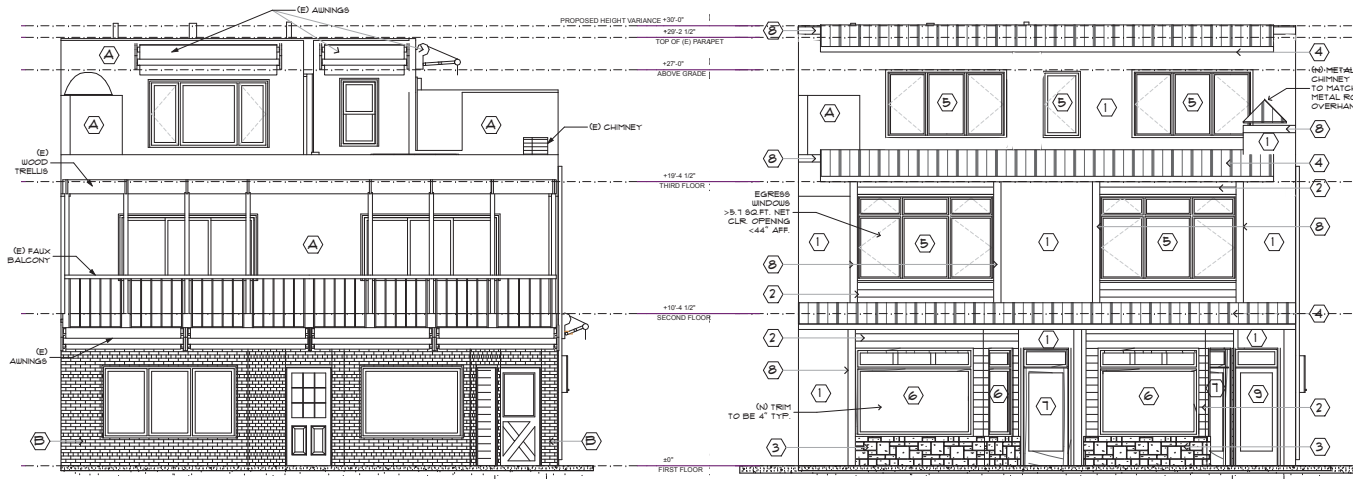
GROSS FLOOR AREAS BY UNIT:	
RESIDENTIAL RETAIL UNIT A (E)	599 SQ. FT.
RESIDENTIAL RETAIL UNIT A (P)	631 SQ. FT.
RESIDENTIAL UNIT A PROPOSED EXPANSION:	33 SQ. FT.
RESIDENTIAL RETAIL UNIT B (E)	562 SQ. FT.
RESIDENTIAL RETAIL UNIT B (P)	562 SQ. FT.
RESIDENTIAL UNIT B PROPOSED EXPANSION:	80 SQ. FT.
RESIDENTIAL RESIDENTIAL UNIT A (E)	1,249 SQ. FT.
RESIDENTIAL UNIT A (P)	1,062 SQ. FT.
RESIDENTIAL UNIT A PROPOSED REDUCTION:	-179 SQ. FT.
(P) SHARED HALLWAY RESIDENTIAL UNITS A & B:	123 SQ. FT.
RESIDENTIAL UNIT B (E)	368 SQ. FT.
RESIDENTIAL UNIT (P)	210 SQ. FT.
RESIDENTIAL UNIT B PROPOSED EXPANSION:	182 SQ. FT.

**3 THIRD FLOOR PROPOSED**  
SCALE: 1/4" = 1'-0"

RESIDENTIAL RESIDENTIAL UNIT B (E)	1,062 SQ. FT.
RESIDENTIAL UNIT B (P)	179 SQ. FT.
RESIDENTIAL UNIT B PROPOSED EXPANSION:	182 SQ. FT.

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 208 CAPITOLA AVENUE  
 CAPITOLA, CA 95010  
 APN: 035-183-20  
 TRUONG REMODEL  
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 REVIEW PERMIT 21416  
 BY: [Signature] DATE: 11/14/16  
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 Sheet: [Signature]  
 Date: 11/14/16  
 Scale: AS NOTED  
**A3**  
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 11/14/16  
 PROPOSED FLOOR PLANS

NOTE: THERE IS NO WEST ELEVATION AS THE BUILDING IS BUILT UP TO NEIGHBORING BUILDING



**EXISTING FINISH LEGEND**

- (A) STUCCO
- (B) RED BRICK VENEER

**PROPOSED FINISH LEGEND**

- (1) STUCCO TEXTURE TO MATCH EXISTING, OFF-WHITE PAINT FINISH "DIAMONDS IN THE SKY" OR EQUAL
- (2) FIBER CEMENT HORIZONTAL SIDING PANELS- 1" SPIFF METAL OR SOFT GREY FINISH OR EQUAL
- (3) CARREL CREAM LimestONE, SPLIT FACE FINISH OR EQUAL
- (4) STANDING SEAM METAL AWNING: GREY ZINCALUME-STEEL FINISH OR EQUAL
- (5) JELDUEH ALUMINUM GLAZED WOOD WINDOW "ARCTIC SILVER", OR EQUAL 4" TRIM TYP
- (6) JELDUEH CUSTOM DOGS FIR STAINED MAHOGANY ALL WOOD WINDOW, OR EQUAL 4" TRIM TYP
- (7) JELDUEH COMMERCIAL SINGLE LITE FRENCH DOOR ALUMINUM CUSTOM GLAZED WOOD- COLOR "REDWOOD" EXTERIOR WITH "MAHOGANY" INTERIOR TO MATCH "MAHOGANY" WINDOW, OR EQUAL
- (8) 6" WHITE STUCCO BAND
- (9) JELDUEH COMMERCIAL SINGLE LITE FRENCH DOOR "ARCTIC SILVER", OR EQUAL

**PROPOSED HEIGHT VARIANCE**  
 THE PROPOSED BUILDING HEIGHT IS 41'-10" ABOVE GRADE. THIS WOULD BE A VARIANCE OF 3' OVER +12' ABOVE GRADE. THE EXISTING BUILDING IS +29'-2 1/2" ABOVE GRADE (+2' 11/2" OVER +21'). WE ARE PROPOSING AN INCREASE IN BUILDING HEIGHT OF 9 1/2'.

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

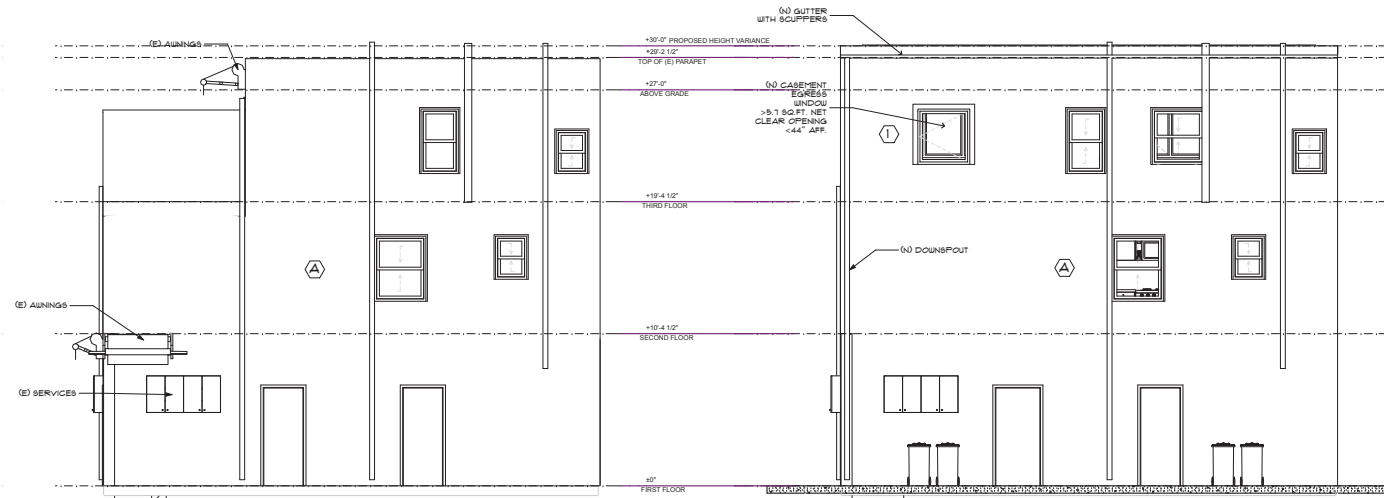
1 PROPOSED SOUTH ELEVATION  
 SCALE: 1/4" = 1'-0"



EXISTING FRONT VIEW



PROPOSED FRONT VIEW



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

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

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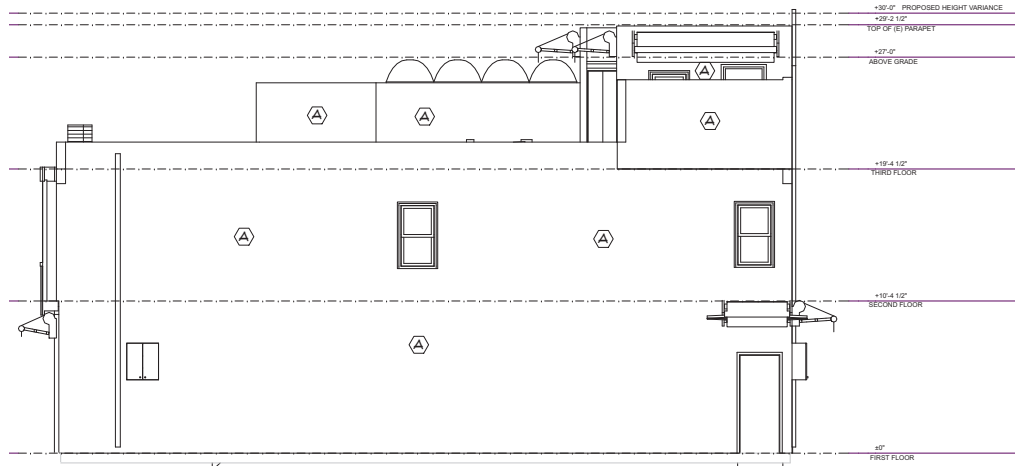
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BUILDING ELEVATIONS

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JOB NO: PROJECT: ARCHITECT: FILE: Tuan Truong-Halejoie, PROPOSED REMODEL 11/14/16

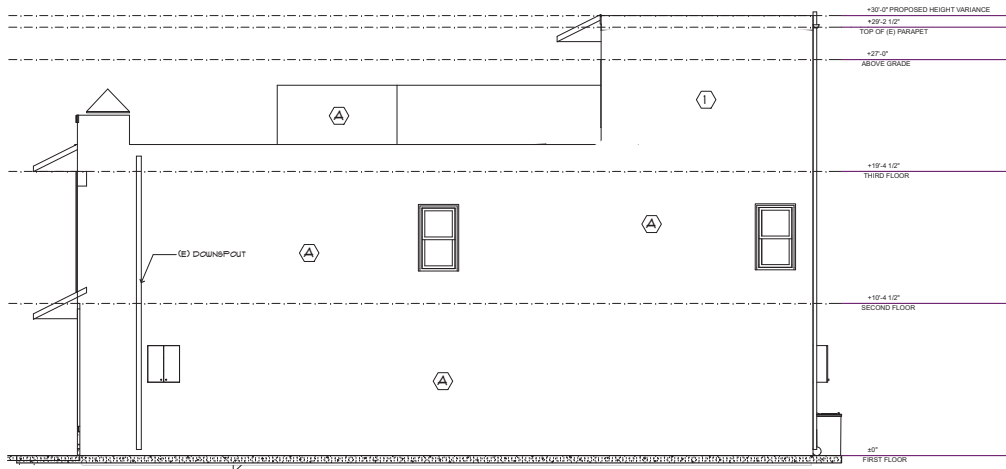


**FINISH LEGEND**

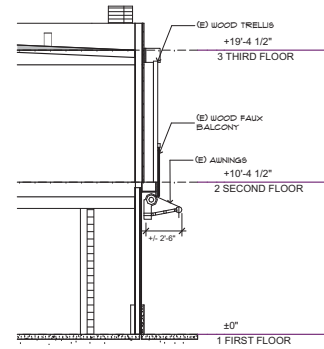
(A) (E) STUCCO

(I) (E) STUCCO, TEXTURE TO MATCH (E), OFF-WHITE PAINT-FINISH "DIAMONDS IN THE SKY" OR EQUAL

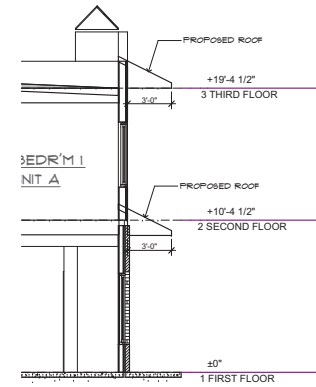
**2 AS BUILT EAST ELEVATION**  
SCALE: 1/4" = 1'-0"



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



**4 EXISTING FRONT SECTION**  
SCALE: 1/4" = 1'-0"



**5 PROPOSED FRONT SECTION**  
SCALE: 1/4" = 1'-0"

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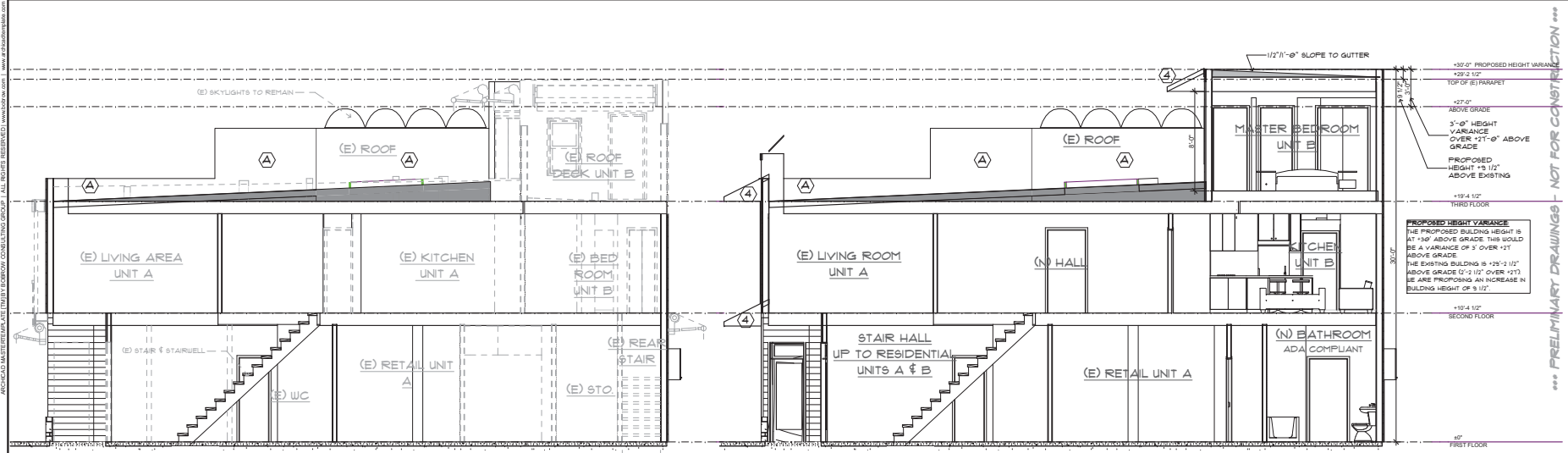
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BUILDING ELEVATIONS CONT./

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\*\*\* PRELIMINARY DRAWINGS - NOT FOR CONSTRUCTION \*\*\*

1 SECTION- AS BUILT & DEMOLITION  
SCALE: 1/4" = 1'-0"

2 SECTION- PROPOSED  
SCALE: 1/4" = 1'-0"

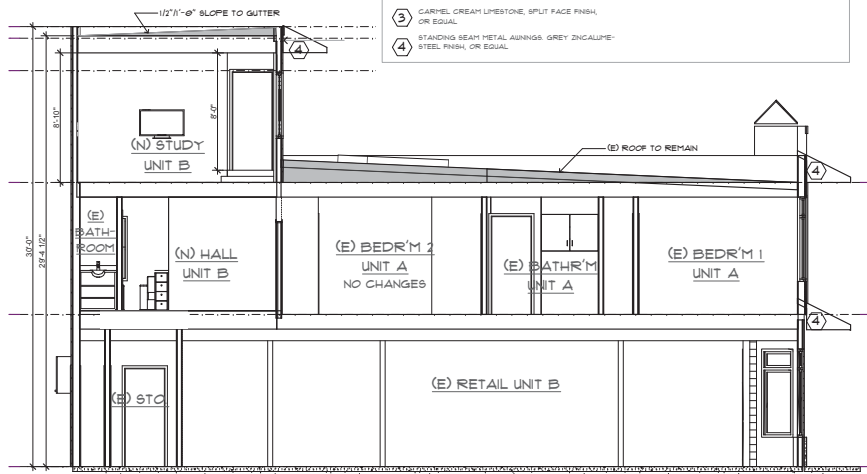
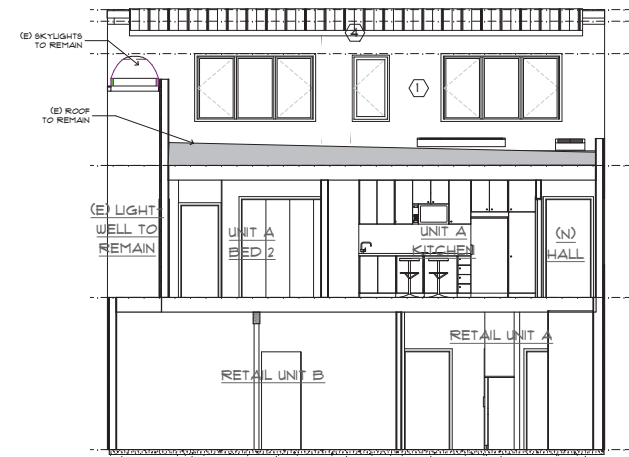
**EXISTING FINISH LEGEND**

(A) STUCCO  
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**PROPOSED FINISH LEGEND**

1 STUCCO TEXTURE TO MATCH EXISTING, OFF-WHITE PAINT FINISH "DIAMONDS IN THE SKY" OR EQUAL  
2 FIBER CEMENT HORIZONTAL SIDING PANELS- T EXP. METAL-GRY SORT GREY FINISH, OR EQUAL  
3 CARHEL CREAM LIMESTONE, SPLIT FACE FINISH, OR EQUAL  
4 STANDING SEAM METAL SIDINGS, GREY ZINCALUME-STEEL FINISH, OR EQUAL

(5) JELDEN ALUMINUM CLAD WOOD WINDOW "ARCTIC SILVER", OR EQUAL  
(6) JELDEN CUSTOM DOGS FIR STAINED MAHOAGANY ALL WOOD WINDOWS, OR EQUAL  
(7) JELDEN COMMERCIAL SINGLE LITE FRENCH DOOR "ARCTIC SILVER", OR EQUAL  
(8) 6" WHITE STUCCO BAND



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REVIEW	PER-IT	05/20/16
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REVIEW	PER-IT	05/20/16

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BUILDING SECTIONS

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REV. 01: 11/14/16

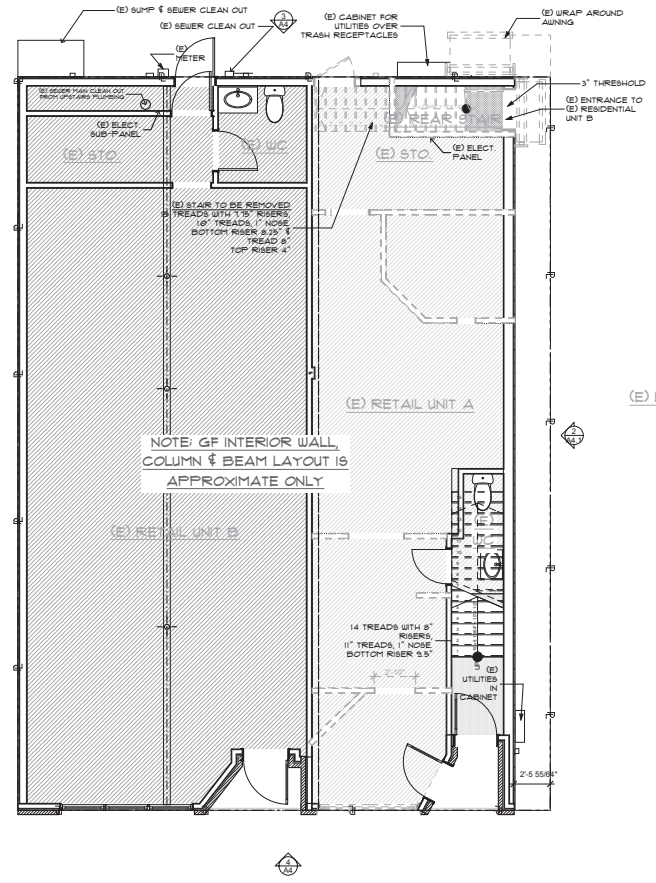
**AS-BUILT & DEMOLITION FLOOR PLANS**

**DEMOLITION WALL LEGEND**

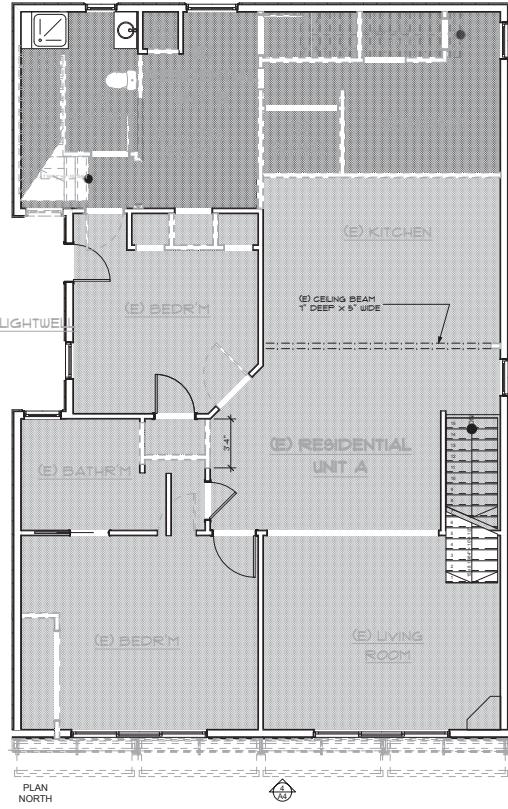
- (E) INTERIOR WALL
- (E) EXTERIOR WALL
- (E) WALL TO BE DEMOLISHED

**UNIT OR RETAIL LEGEND**

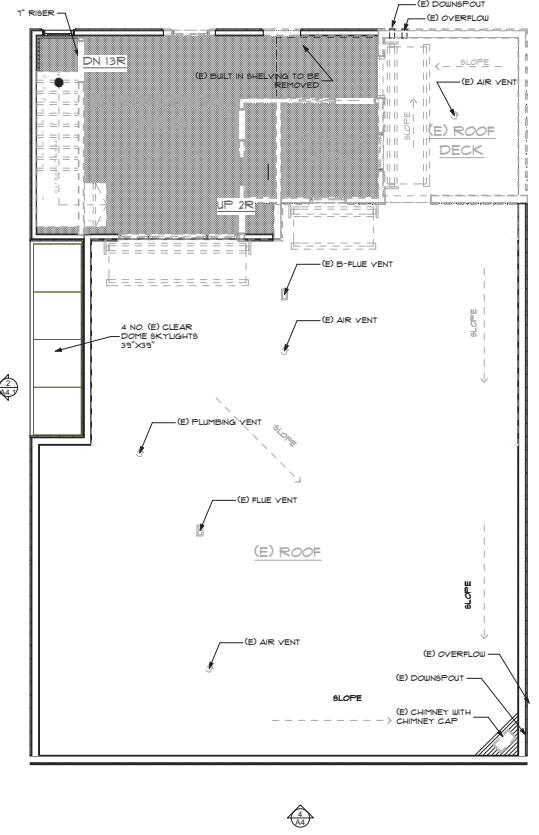
- RESIDENTIAL UNIT A
- RESIDENTIAL UNIT B
- RETAIL UNIT A
- RETAIL UNIT B



**1 AS-BUILT FIRST FLOOR PLAN**  
SCALE: 1/4" = 1'-0"



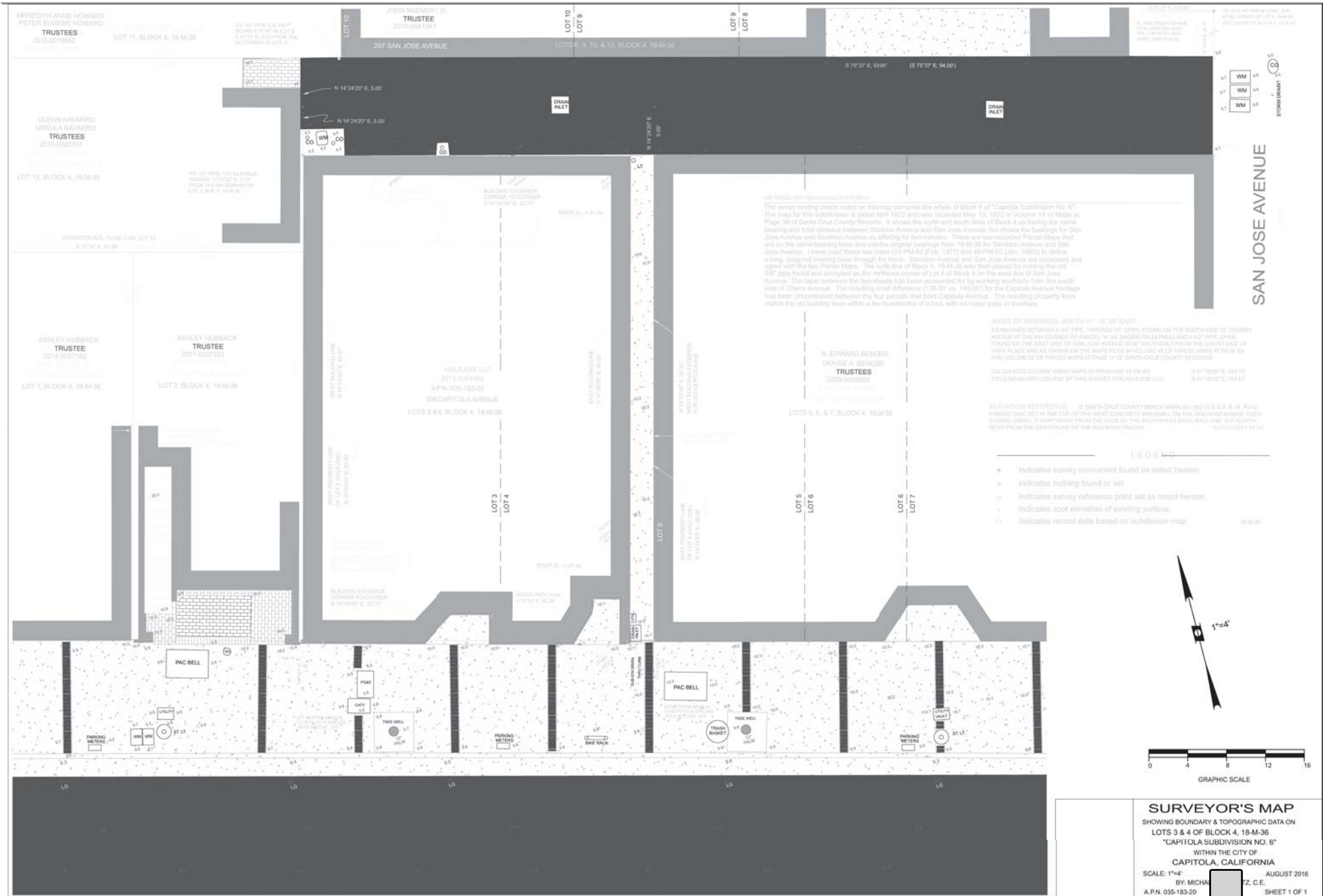
**2 AS-BUILT SECOND FLOOR PLAN**  
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**3 3RD FLOOR AS BUILT & DEMOLITION**  
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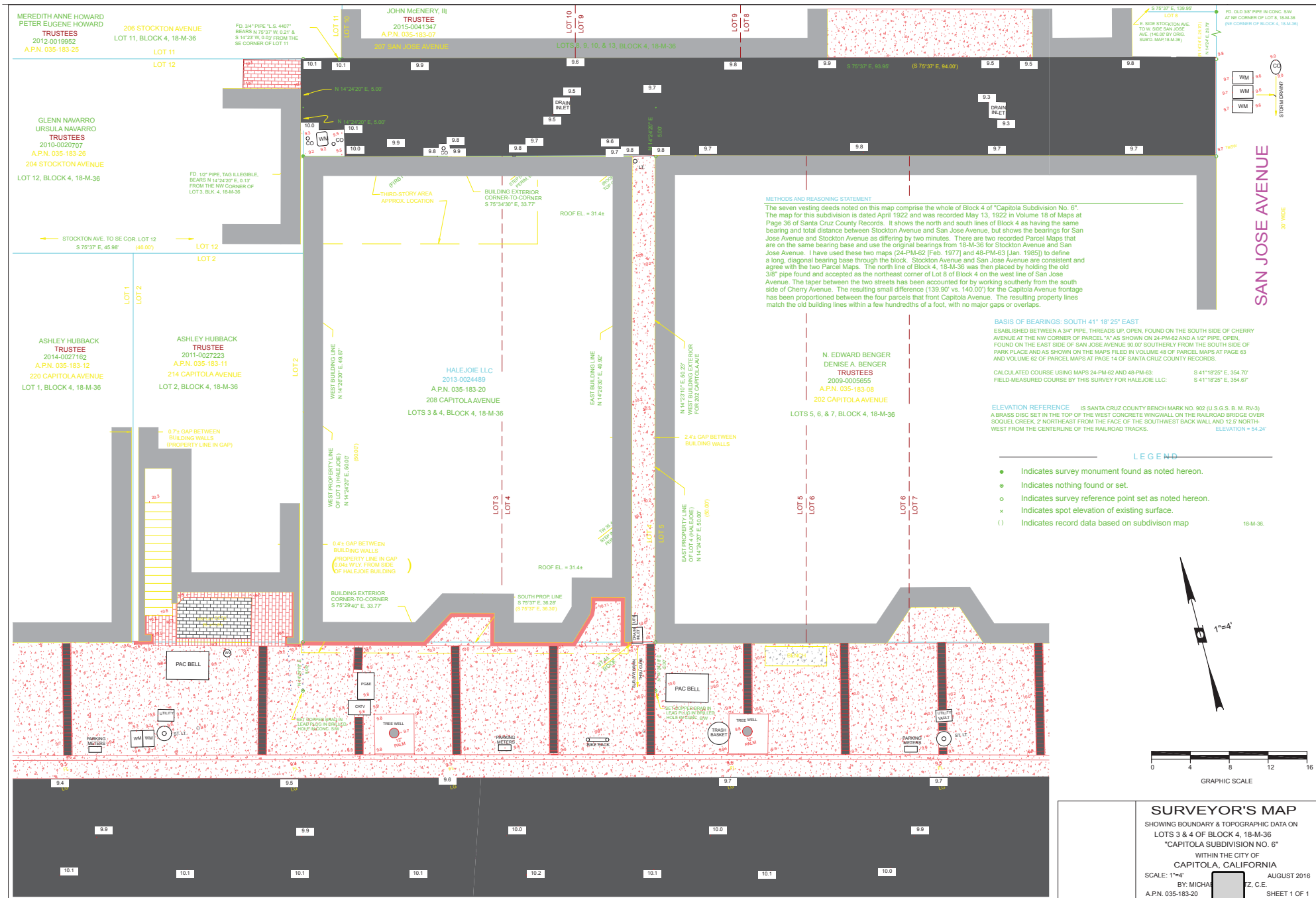
**4.D.1**





Attachment: 208 Capitola Avenue Plans (1650 : 208 Capitola Avenue)

4.D.1



Attachment: 208 Capitola Avenue Plans (1650 : 208 Capitola Avenue)

4.D.1

