



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, December 3, 2015 – 7:00 PM

Chairperson Linda Smith
Commissioners Ed Newman
 Gayle Ortiz
 TJ Welch
 Susan Westman

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Nov 5, 2015 7:00 PM

4. CONSENT CALENDAR

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

5. PUBLIC HEARINGS

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

A. 702 Riverview Drive #15-184 APN: 035-061-14

Design Permit for 366 sf addition to a single-family home, tree removal permit, and variance request for 2 foot reduction in the required 20 ft depth of onsite parking space in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Tony Vitale, filed 11/9/15

Representative: Jon Mingo

B. 510 El Salto Dr #15-174 APN: 036-125-16

Design Permit for a single-story addition and Variance request to the on-site parking requirement for an existing home 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: John McEnery III

Representative: Derek Van Alstine, filed 10/20/15

C. Transient Rentals in Capitola #15-189

Overview of existing transient (vacation) rental regulations in Capitola and code enforcement proposal

6. DIRECTOR'S REPORT**7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT****9. CALL TO ORDER**

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

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

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

Agenda and Agenda Packet Materials: The Planning Commission Agenda and complete Agenda Packet are available on the Internet at the City's website: www.cityofcapitola.org. Agendas are also available at the Capitola Branch Library, 2005 Wharf Road, Capitola, on the Monday prior to the Thursday meeting. Need more information? Contact the Community Development Department at (831) 475-7300.

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

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

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



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, NOVEMBER 5, 2015
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

1. CALL TO ORDER

2. ROLL CALL AND PLEDGE OF ALLEGIANCE

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

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

The Housing Element Update, Item 6B, will be heard first under public hearings since Commissioner Newman will recuse himself from the 1575 38th Ave hearing.

B. Public Comments

None

C. Commission Comments

Commissioner Ortiz encouraged attendance at this weekend's plein air event.

D. Staff Comments

None

4. APPROVAL OF MINUTES

A. Planning Commission Regular Meeting of Oct. 1, 2015

RESULT:	ACCEPTED [4 TO 0]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Ortiz, Newman, Welch, Westman
ABSTAIN:	Smith

5. CONSENT CALENDAR

A. 1200 41st Avenue Suite F #15-167 APN: 034-101-38

Conditional Use Permit for a Restaurant (Naka Sushi) with onsite consumption of food, beer, and wine located in the CC (Community Commercial) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Begonia Plaza, LLC

Representative: Tyrone McConney, filed 10/13/2015

Minutes Acceptance: Minutes of Nov 5, 2015 7:00 PM (Approval of Minutes)

Commissioner Newman noted the conditions for both consent items include requirements of law and there has been a move to exclude those duplications. Community Development Director Rich Grunow agreed that many such conditions have been removed and said further changes can be brought back for discussion. Some commissioners expressed interest in retaining reminders such as no alcohol at outdoor quasi-public seating.

Motion: Approve a Conditional Use Permit and Coastal Development Permit with the following conditions and findings:

CONDITIONS

1. The project approval consists of a Coastal Development Permit and Conditional Use Permit for a restaurant with onsite sale and consumption of beer and wine at the new Naka Sushi restaurant located at 1200 41st Avenue, Unit F, Capitola, CA. No modifications to the exterior or interior of the building are proposed. Parking requirements are not affected by this application.
2. The establishment must maintain a valid license from California Alcohol Beverage Control. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.
3. No live or amplified entertainment is approved within this permit (15-167). An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department.
4. Patrons shall not be allowed to leave with open alcoholic beverage containers.
5. Permits are non-transferrable.
6. The applicant shall receive permission from ABC prior to November 4, 2017. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been "used" when actual substantial, continuous activity has taken place upon the land pursuant to the permit.
7. The applicant is required to complete and follow the Responsible Beverage Service (RBS) practices and procedures. Employees who serve alcoholic beverages are required to attend and complete L.E.A.D.S. training offered by the Capitola Police Department.
8. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
9. The applicant was granted a conditional use permit for a restaurant with the sale of beer and wine. In any case where the conditions of the permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.

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

Community Development Department Staff and the Planning Commission have reviewed the application and determined that the proposed restaurant with the sale of beer and wine may be granted a conditional use permit within the CC Zoning District. The use meets the intent and purpose of the Community Commercial Zoning District. Conditions of approval have been included to ensure that the use is consistent with the Zoning Ordinance and General Plan.

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

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

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

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

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 1200 41st Avenue. The business is not located in an area with coastal access. The use permit will not have an effect on public trails or beach access.

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

- The proposed project is located at 1200 41st Avenue. No portion of the project is located along the shoreline or beach.

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

- There is no history of public use on the subject lot.

(D) (2) (d) Physical Obstructions. Description of any physical aspects of the development which block or impede the ability of the public to get to or along

the tidelands, public recreation areas, or other public coastal resources or to see the shoreline;

- The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

- The project is located in an existing commercial building. There are no sensitive habitat areas on the property.

b. Topographic constraints of the development site;

- The project is located on a flat lot.

c. Recreational needs of the public;

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

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

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

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

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

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

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

SEC. 30222

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

- The project involves a commercial use within an existing commercial lot of record.

SEC. 30223

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

- The project involves a commercial use within an existing commercial lot of record.

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

- The project involves a commercial use within an existing commercial lot of record.

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

- The project involves a commercial use within an existing commercial lot of record. The project complies with applicable standards and requirements for provision for parking, pedestrian access, alternate means of transportation and/or traffic improvements.

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

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

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

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

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

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

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

- The project is located within close proximity of the Central Fire District. Water is available at the location.

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

- The project is a commercial use within an existing commercial lot of record. The GHG emissions for the project are projected at less than significant impact. All water fixtures must comply with the low-flow standards of the Soquel Creek Water District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Central Village zoning district.

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

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

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

- The project is located outside Capitola’s parking permit program.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

B. 3555 Clares Street Ste. LL #15-159 APN: 034-261-57

Conditional Use Permit for the onsite consumption of beer and wine at Taqueria Tepeque restaurant located in the CC (Community Commercial) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Brown Ranch Properties

Representative: Sheila Cortez DBA “Taqueria Tepeque”, filed 9/30/15

Motion: Approve a Conditional Use Permit with the following conditions and findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to allow onsite sale and consumption of beer and wine at the existing Taqueria Tepeque Restaurant located at 3555 Clares Street Suite LL, Capitola, CA. No modifications to the exterior or interior of the building are proposed. Parking requirements are not affected by this application.
2. The establishment must maintain a valid license from the Alcohol Beverage Control. A copy of the approved Department of Alcoholic Beverage Control Permit must be filed with the Community Development Department prior to initiating beer and wine sales.

Minutes Acceptance: Minutes of Nov 5, 2015 7:00 PM (Approval of Minutes)

3. No live or amplified entertainment is approved within this permit (#15-159). An Entertainment Permit is required for any entertainment that is audible outside of the structure. An Entertainment Permit may be applied for through the Capitola Police Department.
4. Patrons shall not be allowed to leave with open alcoholic beverage containers.
5. Permits are non-transferrable.
6. The applicant shall receive permission from ABC prior to November 5, 2017. The conditional use permit will expire in the case where the conditional use permit has not been used within two years after the date of granting thereof. Any interruption or cessation beyond the control of the property owner shall not result in the termination of such right or privilege. A permit shall be deemed to have been “used” when actual substantial, continuous activity has taken place upon the land pursuant to the permit.
7. The applicant is required to complete and follow the Responsible Beverage Service (RBS) practices and procedures. Employees who serve alcoholic beverages are required to attend and complete L.E.A.D.S. training offered by the Capitola Police Department.
8. The applicant is responsible for maintaining the area directly in front of the business free from litter and/or graffiti.
9. The applicant was granted a conditional use permit for the sale of beer and wine. In any case where the conditions of the permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefore, the Planning Commission may revoke the permit.

FINDINGS

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed use is permitted in the CC (Community Commercial) Zoning District with a Conditional Use Permit. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development staff and the Planning Commission have reviewed the project and determined that the proposed beer and wine sales within the existing restaurant will not have a negative impact on the character and integrity of the commercial area. Conditions of approval have been included to ensure that the project maintains the character and integrity of the area.

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

The proposed project involves a conditional use permit to allow sale of beer and wine within an existing restaurant. No adverse environmental impacts were discovered during project review by either the Community Development staff or the Planning Commission.

RESULT:	APPROVED [UNANIMOUS]
MOVER:	Gayle Ortiz, Commissioner
SECONDER:	Edward Newman, Commissioner
AYES:	Smith, Ortiz, Newman, Welch, Westman

6. PUBLIC HEARINGS

A. HOUSING ELEMENT UPDATE - ADOPTION RECOMMENDATION TO CITY COUNCIL

General Plan Amendment to update the General Plan Housing Element

Environmental Determination: Addendum to the General Plan Update EIR

Applicant: City of Capitola

This item, originally 6B, was moved to the beginning of the Public Hearings portion of the agenda.

Director Grunow gave a brief overview of the update, noting that the review cycle is now eight years rather than four. The City was able to take advantage of a streamlined update process for this revision. The Regional Housing Needs Allocation (RHNA) number remains consistent and the city has adequate opportunity sites.

Revisions include updated demographic and housing information. It also incorporated changes to local code including language regarding emergency shelters, accommodation, and rent control. The condo conversion reference was altered with general language rather than quoting the specific ordinance as recommended by the commission and supported by the City Council.

Director Grunow reviewed the City's various affordable housing programs: inclusionary housing, emergency housing assistance, security deposits, housing rehabilitation, homebuyer assistance (formerly first-time homebuyer), mobile home rental assistance, and mortgage credit certificate. He also reviewed the funding sources for these programs.

In response to Director Grunow's comment that participation in the homebuyer assistance program is limited by the combination of income restrictions and high local property costs, Commissioner Ortiz expressed support for having these regional concerns addressed at the state level.

Motion: Recommend that the City Council adopt the Housing Element Update to the General Plan.

RESULT:	RECOMMENDED [UNANIMOUS]	Next: 11/24/2015 7:00 PM
MOVER:	Edward Newman, Commissioner	
SECONDER:	TJ Welch, Commissioner	
AYES:	Smith, Ortiz, Newman, Welch, Westman	

B. 1575 38th Avenue #15-160 APN: 034-181-17

11-lot Subdivision, Design Permit and Conditional Use Permit for 5 duplex townhomes and 1 single family home, and Variance request for decreased front and side yard setbacks in the CN (Neighborhood Commercial) zoning district.

This project is not located in the Coastal Zone.

Environmental Determination: The project qualifies for a General Plan exemption under CA Public Resources Code Section 21083.3 and CEQA Guidelines Section 15183.

Property Owner: Joe Appenrodt, filed 10/7/2015

Representative: Matthew Thompson, Architect

Commissioner Newman recused himself and left the dais.

Planner Cattan presented the staff report, noting the project had previously been presented to the Planning Commission and City Council under a conceptual review, which resulted in the applicant applying under the current zoning and requesting variances as needed. She noted that the proposed CC&Rs allow live/work specifically in two units fronting 38th Avenue, but City zoning would allow that use unless the CC&Rs prohibited it.

She explained the project will add a crosswalk to the shopping center across 38th Avenue. She noted that seven trees will be removed and 21 new trees planted. Adjacent properties have 14 trees that are healthy and an arborist's report establishes procedures to preserve the trees. The current plans reflect these recommendations for changes to the foundations. Staff supports the variance for special circumstances include protecting the adjacent trees and the transitional nature of the location. Similar nearby developments support the finding that there is not a special privilege.

She noted the types of home occupations allowed by code and that commissioners could expand the types of allowed uses if they choose.

Commissioner Westman asked about the desire for the mid-block crosswalk and was told it was a request from the public works director.

Commissioner Welch asked about support for a more commercial use in the two front homes. Staff replied that City Council also discussed an interested in a mixed-use approach or increased density, but not enough to oppose the project. Commissioner Welch likes the appearance of the project, but does not feel that the home occupations address the request.

Commissioner Ortiz asked about options to expand uses in the future and confirmed her support for the landscape plan. Neighbors will have to be contacted prior to trimming of trees.

Architect Matthew Thompson spoke on behalf of the project. Improvements since the conceptual review include more covered trash storage. Regarding tree preservation, technical solutions are in place and expected to be successful. He believes the landscaping as well as the homes will transform the area. The front units could be converted in the future to more commercial uses. He said the project is a good step toward housing element goals.

Joe Appenrodt, property owner, addressed interest in flexibility and agreed that commercial would be allowed in the future.

Chairperson Smith asked conversion if conversion to commercial would be allowed. Parking is the issue. Where would parking come from? She noted a neighbor requested additional lattice to increase the fence height from six feet, which is allowed.

Kim Fry, homeowner on Bulb Avenue backing on project, supports the lattice addition to the fence height and consideration of the trees. She asked about the location of the patio of the single-family home, which is nearest their home's bedroom and if drainage was addressed. She also asked that lighting be contained onsite.

Planner Cattan explained that Zone 5 is reviewing the storm water drainage and the project cannot go forward unless it functions properly. Mr. Thompson said initial review indicates the catch basin appears to be more than adequate. The project is designed to be respectful of the neighbor's privacy. There are five internal lights and the 12-foot height is lower than the buildings.

Commissioner Ortiz thinks it's a beautiful and well-thought out project.

Commissioner Westman agreed it is exceptionally well done and will have much less impact than previously proposed plans for the site.

Commissioner Welch would have favored more density but finds it visually appealing.

Chairperson Smith is pleased that the variance approach was taken, but also would have appreciated a denser project. She feels likes it limits the future of 38th by putting residential use right up against the commercial uses. She would like the CC&Rs more in line with uses permitted in the zone, such as personal training or cosmetic services. She supports adding a condition increasing the height of the fence by the Bulb Avenue properties. She noted there is no limit to of use of the six guest spaces and would suggest wording that does not allow long-term use. In spite of these reservations, she can support the project.

Commissioner Westman would like a future discussion of how to successfully design and plan for mixed use. Chairperson Smith would also like to revisit the recommendation to eliminate planned development. Similar future projects may have trouble meeting the requirements for variances to achieve the desired goal. Commissioner Westman hopes there will be flexibility in the districts.

Motion: Approve a Design Permit, Conditional Use Permit and Variances and recommend approval of the subdivision map by City Council with the following conditions and findings:

CONDITIONS OF APPROVAL

1. The project approval consists of an 11-lot Subdivision, Design Permit and Conditional Use Permit for 5 duplex townhomes and 1 single family home at 1575 38th Avenue. The Planning Commission approved a variance for decreased front and side yard setbacks in the CN (Neighborhood Commercial) zoning district. The maximum Floor Area Ratio established in the General Plan for commercial is 1. The individual development on each lot ranges from .7 to .87 FAR, under the established maximum of 1. The project exceeds the required 5% landscaping requirement for the CN zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on November 5, 2015, except as modified through conditions imposed by the Planning Commission during the hearing.
2. The project consists of the subdivision of a single 31,365-square-foot lot into 11 residential lots at 1575 38th Avenue. The maximum density established in the General Plan is 20 units per acres. The project density is 16 units per acre.

3. Applicant shall have prepared a final map by a registered civil engineer and shall submit the final map for review, approval, and recording by the City's surveyor, the Public Works Director, and the City Council. The final map shall include new legal descriptions for each parcel.
4. Prior to recordation of the final map, the existing structures on the property must be demolished.
5. Prior to recordation of the final map, a standard sidewalk dedication is required. Sidewalk, curb, and gutter shall match the existing sidewalk improvements along 38th Avenue.
6. Prior to recordation of the final map, all plans and profiles of improvements shall be approved by the Director of Public Works and the construction of said improvements shall be in accordance with the City specifications and shall be inspected by the Director of Public Works or his authorized agent, subject to fees appropriate for the services.
7. The Home Owners Association shall be responsible for all maintenance of all common area improvements and on-site stormwater improvements operations and maintenance. The CC&Rs shall incorporate language to address all HOA maintenance, including operation and maintenance of the on-site stormwater improvements.
8. Available and necessary utilities, including CATV hookup facilities, with connections to each lot within the subdivision, shall be constructed in accordance with the utility's requirements. All utilities shall be underground.
9. 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.
10. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
11. 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.
12. At time of submittal for building permit, the Required Procedures and Special Treatments (pages 8 - 11) of Arborist James Allen's Tree Protection Plan must be printed in full on the construction plans.
13. 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).
14. 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.
15. Prior to issuance of building permit, all Planning fees associated with permit #15-160 shall be paid in full.
 16. Prior to issuance of building permit, affordable housing in-lieu fees and public art fees shall be paid. Affordable Housing in-lieu fees shall be paid as required to ensure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Public Art Fees shall be paid as required to assure compliance with the City of Capitola Public Art Ordinance.
 17. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, City of Santa Cruz Water Department, and Central Fire Protection District. Prior to issuance of a building permit the applicant shall obtain final approval from Santa Cruz County Zone 5 for all off-site drainage improvements.
 18. 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.
 19. Prior to issuance of building permits, the applicant shall submit a Stormwater Control Plan, Bioretention Construction Checklist, and detailed draft Stormwater Operation and Maintenance Plan prepared and certified by a Registered Civil Engineer in accordance with the current Post Construction Requirements (PCRs) for a Tier 2 project for review and approval by the Director of Public Works.
 20. Prior to final occupancy approval the applicant shall submit a final Operation and Maintenance Plan including any revisions resulting from changes made during construction for review and approval by the Director of Public Works.
 21. Prior to issuance of a building permit the applicant shall enter into any agreements identified in the Stormwater Control Plan which pertain to the transfer of ownership, right-of entry for inspection or abatement, and/or long-term maintenance of stormwater treatment BMPs. All agreement shall be recorded prior to final occupancy approval.
 22. Prior to any land disturbance, a pre-site inspection shall be conducted by the grading official to verify compliance with the approved erosion and sediment control plan.
 22. Prior to issuance of grading or building permits, the City's contract arborist shall review the grading and foundation plans to ensure all recommendations of the Tree Protection Plan drafted by Arborist James Allen are included in the plans. The exact locations of the proposed grading and other improvements will be reviewed and evaluated by a certified arborist once the site staking is in place. There is a possibility that tree classification and recommended procedures will change once the exact positions of the proposed improvements are known. If additional tree removal is necessary, a confirming addendum shall be prepared and submitted to the City of Capitola prior to any groundwork.

23. Deck supports for Lots 6, 7 and 8 through 11 are to be constructed on piers dug by hand, without the use of mechanical augers or drills when placed within Critical Root Zones (CRZs). Roots encountered are to be cut cleanly following guidelines defined in the Construction Impact Assessment/Tree Protection Plan (CIA-TPP) report prepared for this project.
23. Storm Drain (SD) line between Lots 9 and 10 is within the CRZ of Tree #5. The extents between the Drain Inlets (DI) and their termination points shall be dug by hand following protocol defined in the CIA_TPP.
24. The permeable paver surface for the parking area between Lots 7 and 8 is within the CRZs of Trees #8 and 9. Base excavation within CRZs shall be completed by hand if the existing grade needs to be reduced (cut). Roots encountered shall be cut cleanly as defined in the CIA_TPP.
25. The SD line along the west side of the project, Lots 5, 6 and 7 travels through the CRZ of trees on neighboring properties and connects to an existing line on the neighboring property to the south. Where this line encroaches into CRZs, excavation should be performed by hand or with mechanized equipment under the direction of the Project Arborist.
26. During grading and excavation of the site, a certified arborist shall be on-site to ensure the Tree Protection Plan is followed and the existing trees are not damaged.
27. During grading, excavation, and construction the required procedures and special treatments identified and explained within pages 8, 9, and 10 of the Tree Protection Plan drafted by Arborist James Allen shall be adhered to, including: alternative foundation design with pier and above grade beam foundation systems, tree removal, tree canopy clearance by a qualified certified arborist utilizing the identified industry guidelines, pre-grading root severance by tree #14, root pruning as specified, tree replacement, supplemental irrigation for a period of two years, and the maintenance and monitoring program.
28. Project monitoring will be the responsibility of the Project Arborist. Site inspections will take place at the following intervals:
 - a. Following onsite placement of grade stakes
 - b. During tree removal operations
 - c. During preconstruction root severance
 - d. After tree preservation fencing locations have been staked
 - e. Following tree protection fencing installation and prior to the commencement of grading.
 - f. During all grading activities within Critical Root Zones.
 - g. As necessary during the grading activities to ensure compliance with all conditions of project approval.After each inspection, the Project Arborist will provide and update to the City of Capitola Planner in writing verifying that the required procedures and special treatment are followed.
29. Tree preservation structures shall be installed in the locations documented on the Tree Location and Preservation Map within the Tree Protection Plan by Arborist James Allen. Tree preservation structures shall be constructed of the following materials as field specified by the Project Arborist.
 - a. Chain link, 72 inches in height secured to metal stakes driven at least 18 inches

- into the soil.
- b. Temporary orange snow fencing attached to “T” posts driven into the ground
 - c. Silt fencing
 - d. Rice straw bales.
30. 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.
31. 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
32. Prior to a project final, the applicant shall be responsible for installing all required frontage improvements including curb, gutter, and sidewalk along 38th Avenue for the length of the property frontage. All sidewalks shall meet the standards for ADA accessibility.
33. Prior to a project final, the applicant shall be responsible for a mid-block crossing on 38th Avenue from the project to King’s Plaza. The crossing shall be a protected crossing and the design based on recommendations of the traffic engineer and approved by the Director of Public Works.
34. 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.
35. 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.
36. 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.
37. Upon receipt of certificate of occupancy, garbage and recycling containers shall be shielded and placed out of public view on non-collection days.
38. The periphery fence shall be built to eight feet in height in compliance with the fence standards of the zoning code.

39. Prior to recordation of the final subdivision map or issuance of building permits for the 38th Avenue Homes, the developer shall enter into a Participation Agreement with the City in a form suitable for recordation so as to assure compliance with the provisions of the City of Capitola Affordable (Inclusionary) Housing Ordinance. Unit A7 shall be designated and deed restricted as the affordable unit.

FINDINGS

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

Community Development Department Staff and the Planning Commission have reviewed the project. The subdivision, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance and General Plan.

B The application is consistent with the Subdivision Map Act and local Subdivision Ordinance.

The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not likely cause substantial environmental damage, or substantially and avoidably injure fish, wildlife or their habitats, will not cause serious public health problems, and will not conflict with public easements for access through, or use of, property within the proposed subdivision.

C This project is categorically exempt under Section 15183 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15183 of the CEQA Guidelines exempts projects which are consistent with the development density established by existing zoning, community plan, or general plan policies for which an EIR was certified. The 11 unit multifamily development is consistent with the development policies of the CN Zone and the City of Capitola General Plan and EIR. No adverse environmental impacts were discovered during review of the proposed project.

D 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 reviewed the plans for the 11 unit multi-family development. The development is to scale with the built environment surrounding the site. The design adds to the community character of Capitola and creates a nice aesthetic at the edge of the commercial district. The townhomes create a compatible transitional buffer between the single family development to the west and the community commercial shopping to the east.

E Special circumstances applicable to subject property, including size, shape, topography, location or surroundings, 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 include protection of trees on adjacent properties, the diversity of land use in close vicinity to the site, and the transitional nature of the site between residential and commercial land uses.

F The grant of a variance permit does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone

in which subject property is situated.

Granting of a variance in this location will not constitute a grant of special privileges due to the mix of similar residential developments within the same block.

RESULT:	APPROVED AS AMENDED [4 TO 0]
MOVER:	Susan Westman, Commissioner
SECONDER:	Gayle Ortiz, Commissioner
AYES:	Smith, Ortiz, Welch, Westman
RECUSED:	Newman

7. DIRECTOR'S REPORT

City Council zoning code update discussions continue and recommendations have been predominately in line with the commission's suggestions. Staff hopes to finish council review at the Nov. 12 meeting.

The December Planning Commission meeting will include a discussion of enforcement protocol for vacation rentals outside the allowed overlays.

8. COMMISSION COMMUNICATIONS

Commissioner Welch asked about delays at 110 Stockton since the permit was granted several months ago. Staff explained the stop work order was because the applicant did not realize needed he a building permit.

Commissioner Welch also noted the Parking and Traffic Commission discussed the lack of community support for a parking structure and related cost concerns, and is recommending dropping pursuit until a third party partner expresses interest. It also brought to City Council a plan to change the access to the Beach and Village parking lots, reversing the one-way entrances for the upper lot. This would make the lower lot the "through" lot and address backups.

In response to commissioners' question about the status of the unfinished home on Capitola Road, they were told it will be discussed in council closed session on Nov. 12.

Commissioners also asked for progress on PG&E street light conversion to LED. Director Grunow will check and respond by email. Several neighborhoods are complete.

9. ADJOURNMENT

Minutes Acceptance: Minutes of Nov 5, 2015 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: DECEMBER 3, 2015
 SUBJECT: **702 Riverview Drive #15-184** **APN: 035-061-14**

Design Permit for 366 sf addition to a single-family home, tree removal permit, and variance request for 2 foot reduction in the required 20 ft depth of onsite parking space in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone and requires a Coastal Development Permit which is not appealable to the California Coastal Commission.
 Environmental Determination: Categorical Exemption
 Property Owner: Tony Vitale, filed 11/9/15
 Representative: Jon Mingo

APPLICANT PROPOSAL

The home is located at 702 Riverview Drive in the R-1 (Single-Family Residential) Zoning District. The application is for a design permit for a 366 square foot addition to a single-family home and variance request for a 2 foot reduction to the required depth of the uncovered onsite parking space. The application also includes a tree removal permit to remove one palm tree located in the front yard of the property.

BACKGROUND

On November 18, 2015, the Architectural and Site Review Committee reviewed the application.

- City Architect Representative, Frank Phanton, suggested a modification to the roof design to simplify the roof lines, center the entry door, and increased protection by extending the gable, and create cleaner roof lines.
- City Building Official, Brian Van Son, informed the applicant of fire code and building code requirements.
- City Public Works staff, Danielle Uharriet, informed the applicant of stormwater requirements that are conditions of approval within the Planning permit process.
- City Planner, Katie Cattan, identified the onsite parking as the only item not in compliance with the zoning code.
- City Landscape Architect Representative, Craig Walsh, had no comments.

Following the Architectural and Site Review meeting, the applicant submitted revised plans that included design modifications to the entryway as suggested by Architect Frank Phanton.

Site Planning and Zoning Summary

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

R-1 (Single Family Residential) Zoning District

Development Standards			
Building Height	R-1 Regulation		Proposed
	25'-0"		18'
Floor Area Ratio (FAR)			
Lot Size	3,393 sq. ft.		
Maximum Floor Area Ratio	56% (Max 1,900 sq. ft.)		
Existing First Story Floor Area	1,213 sq. ft.		
Proposed/New First Floor Area	366 sq. ft.		
TOTAL FAR	1,579 sq. ft.		
Yards (setbacks are measured from the edge of the public right-of-way)			
	R-1 Regulation		Proposed
Front Yard 1 st Story	15 feet		25.5 ft. from right-of-way
Front Yard 2 nd Story & Garage	20 feet		13 ft. from right-of-way (garage)*
Side Yard 1 st Story	10% lot width	Lot width 39 3.9 ft. min.	4.5 ft. (Left) 3.9 ft (Right)
Rear Yard 1 st Story	20% of lot depth	Lot depth 85 17 ft. min.	18 ft. from property line
Parking			
	Required		Proposed
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total 1 covered 1 uncovered		2 spaces total 1 covered 1 uncovered (9' x 18')
Underground Utilities: Required with 25% increase in area			30% increase. Required

*Existing non-conforming

DISCUSSION

The proposed project is located at 702 Riverview Drive, just east of Soquel Creek. Properties in this neighborhood are characterized by having small, shallow lots. The subject property contains an existing one-story, 1,213 square foot home. The applicant is proposing to add a 366 square foot addition to the home. The renovations will make the existing space more comfortable with a 204 square foot addition on the front of the home expanding the living room, a 100 square foot addition on the side of the home to increase the bedroom and bathroom, and a 62 square foot addition for the kitchen.

The new additions will blend seamlessly into the existing home with matching board and batt exterior finish. To create a craftsman style look, the design introduces a new roof with corbels and shingle siding within the gable ends. The new roof will run perpendicular to the street with the gable ends having a visible presence along Riverview Drive. The majority of the windows and doors will be replaced with Andersen 400 series windows.

The existing home does not meet current setback standards for the front yard. The garage is non-conforming located 13 feet from the property line. The required front yard setback for a garage is 20 feet. Pursuant to §17.72.070, additions to existing non-conforming structures are limited to 80% of the existing valuation of the home. The 366 square foot addition is required to

stay under this 80% valuation. The addition complies with this regulation as shown in the valuation table (Attachment 4).

The addition is required to have two onsite parking spaces, one covered and one uncovered. There is one covered space in the garage and one uncovered space in the front yard. The uncovered space is required to be a minimum of 9 feet wide by 20 feet long. The applicant is requesting a variance to decrease the minimum 20 foot depth to 18 feet. The reason for the request is to protect the existing palm tree in the front yard.

Variance

The applicant is requesting a variance to the parking requirements in the R-1 (Single-Family Residential) Zoning District. Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, 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;
- B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The applicant is requesting a variance to decrease the parking length of the uncovered space from 20 feet to 18 feet. The special circumstance applicable to the property is protection of the existing palm tree located within a landscape area between the sidewalk and the parking area. By decreasing the parking requirement to 18 feet, there will be greater spacing between the tree and the parking space.

To grant a variance permit the Planning Commission must make a finding that the variance does not grant a special privilege inconsistent with the limitations on other properties in the zone. In areas with sidewalks, uncovered spaces are required to be 20 feet long. In sidewalk exempt areas, uncovered spaces must be 18 feet long. The increased length requirement in areas with sidewalks is to assure that a single parked car in a driveway does not extend into the sidewalk. Within the current application, the intent of the zoning code is met and a car could be parked in the uncovered space without extending onto the sidewalk. The site plan includes a landscape buffer between the parking space and the sidewalk. A car parked in the space will not impede the pedestrian flow of the sidewalk.

It should be noted that the plans could be modified to comply with the required 20 foot length. At the direction of the Planning Commission, the applicant is willing to extend the parking space an additional two feet and remove the second palm tree. Also, to mitigate the impacts of the parking in the front yard, the Planning Commission may direct the applicant to maintain vegetation along the front of the property line to the height of the fence, to screen the front yard parking.

Landscaping

Currently, the site includes large areas of paved surfaces with few landscape areas. The front yard is almost all impervious surface area except for a landscape buffer between the sidewalk and the brick front yard. The application reduces the impermeable surface area on the lot. The concrete on the south property line in front of the home will be removed to create a new planting

area between the driveway and the side property line. Also, the brick and concrete area in the front yard will be removed and replaced with concrete pads interspersed with artificial turf to create a green, permeable parking area. As proposed, the net permeable surface area of the lot will increase 143 square feet.

There are two existing palm trees on the property. The applicant is proposing to remove one 12 inch palm that is located in the middle of the front yard. The removal of the palm tree is necessary to create an approach to the parking space. Pursuant to §12.12.190.A, a ratio of at least two trees for each tree removed is required for replanting. The applicant is proposing to meet this obligation with one orange tree and one olive tree.

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves construction of a 366 square foot addition to an existing home in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application and **approve** project application #15-184, based on the findings and conditions of approval.

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.
- B. **The application will maintain the character and integrity of the neighborhood.**
Community Development Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the addition to the single-family home. The addition compliments the existing residence and the surrounding neighborhood in character and scale. The design does not compromise the integrity of the existing 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 additions to existing structures. This project involves construction of a 366 square foot addition to an existing home in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

CONDITIONS

1. The project approval consists of construction of a 366 square-foot addition to a 1,213 square foot single-family home. The maximum Floor Area Ratio for the 3,393 square foot property is 56% (1,900 square feet). The total FAR of the project is 47% with a total of 1,579 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 3, 2015 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. Native and/or drought tolerant species are recommended.
7. Two fifteen-gallon trees are required to be planted on site as replacement trees for the removal of the palm tree in the front yard.
8. The remodel results in an increase greater than 25 percent of the existing square footage of the home. Therefore, all existing overhead utility lines are required to be placed underground to the nearest utility pole.
9. Prior to issuance of building permit, all Planning fees associated with permit #15-184 shall be paid in full.
10. 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.
11. 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.
12. 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).
13. 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.

14. 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.
15. 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
16. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
17. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
18. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
19. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
20. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.
21. In any case where the conditions to the granting of a permit have not been or are not complied with, the community development director shall give notice thereof to the permittee, which notice shall specify a reasonable period of time within which to perform said conditions and correct said violation. If the permittee fails to comply with said conditions, or to correct said violation, within the time allowed, notice shall be given to the permittee of intention to revoke such permit at a hearing to be held not less than thirty calendar days after the date of such notice. Following such hearing and, if good cause exists therefor, the Planning Commission may revoke the permit.

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 702 Riverview Drive. The home is not located in an area with coastal access. The addition 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 Riverview Drive. 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 Riverview Drive. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

- The project is located in a residential area without sensitive habitat areas.

b. Topographic constraints of the development site;

- The project is located on a flat lot.

c. Recreational needs of the public;

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

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

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

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

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

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

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

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- Geologic/engineering reports are not required for this application. Conditions of approval have been included to ensure the project applicant shall comply with all applicable requirements of the most recent version of the California Building Standards Code.

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

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

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

- The proposed project is not located along a shoreline.

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

- This use is an allowed use consistent with the Single Family zoning district.

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

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

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

- The project site has onsite parking.

ATTACHMENTS:

1. 702 Riverview Drive Building Valuation
2. 702 Riverview Drive Plans.pdf
3. 702 Riverview Drive Survey
4. 702 Riverview Drive Color Board

Prepared By: Katie Cattan
Senior Planner

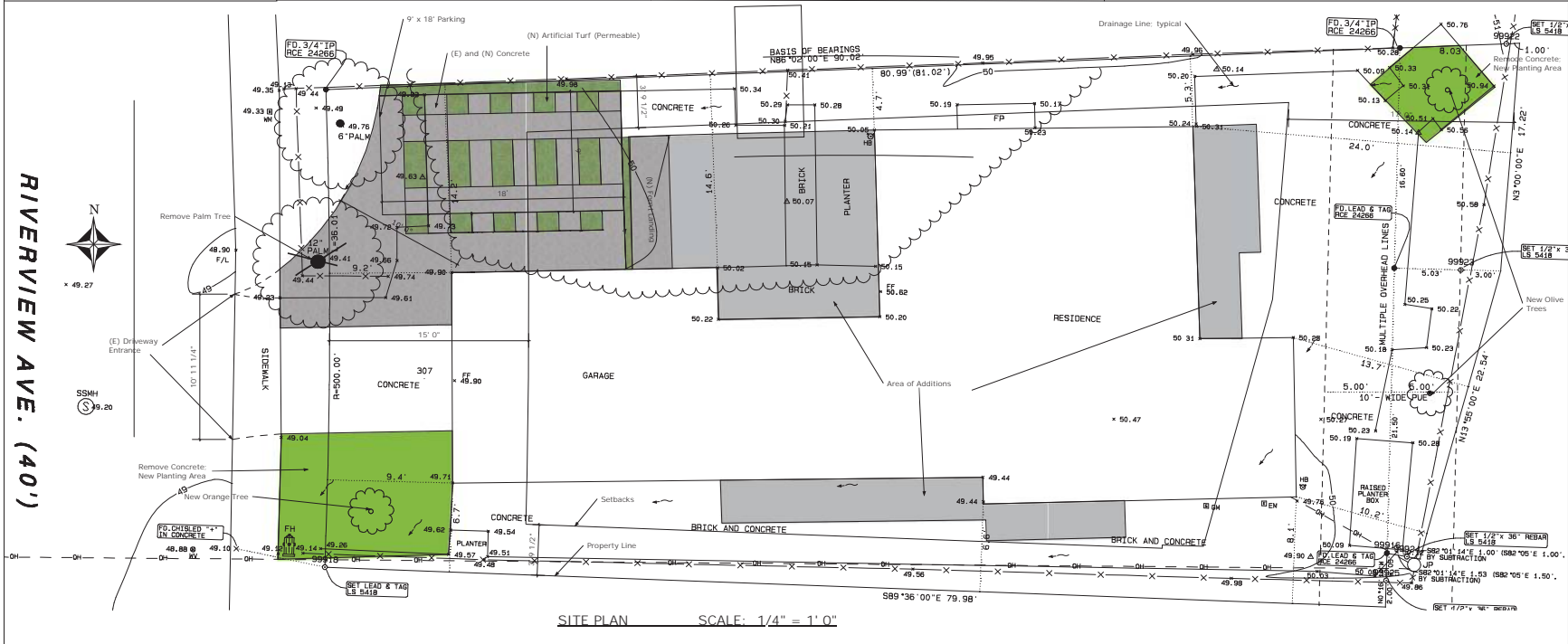
702 Riverview Drive Non-Conforming Valuation

Existing		Valuation
Living Space	918.4 sq. ft.	\$183,680
Garage	294.2 sq. ft	\$26,478
Total		\$210,158
Allowed Change	80% of Total	\$168,126
Proposed		
Living Space	366.4 SF	\$73,280
Kitchen	61.7	\$9,255
Remodel	841.6	\$84,160
Total		\$166,695

Attachment: 702 Riverview Drive Building Valuation (1266 : 702 Riverview Drive)

VITALE ADDITION AND REMODEL 702 RIVERVIEW DRIVE, CAPITOLA, CA 95010

PROJECT DATA	GENERAL NOTES																		
<p>Project Description: Addition of 374.4 SQ FT; remodel additional 954.6 SQ FT including new kitchen. Replace roof over existing Living Area.</p> <p>Project address: 702 Riverview Drive, Capitola, CA 95010</p> <p>Project Owners: Tony Vitale</p> <p>APN: 035-06-114</p> <p>Construction Type: V-B/Not-sprinklered</p> <p>Zoning: R-1</p> <p>Lot Size: 3,393 SQ FT</p> <table border="1" style="font-size: small;"> <tr> <th>Building Area</th> <th>Existing</th> <th>Addition</th> <th>Total</th> </tr> <tr> <td></td> <td>918.4 SQ FT</td> <td>366.4</td> <td>1,284.8 (Living Area)</td> </tr> <tr> <td></td> <td>294.2 SQ FT</td> <td>0</td> <td>294.2 (Garage)</td> </tr> <tr> <td></td> <td>1,212.6 SQ FT</td> <td>1,579.0</td> <td>1,579.0 (Total)</td> </tr> </table> <p>Percent Lot Coverage: 46.5%</p> <p>Impermeable Coverage: Existing: 2,666.6 SQ FT Add: -143.7 SQ FT New Total: 2,522.9 SQ FT</p> <p>NOTE: Project adds permeable coverage</p>	Building Area	Existing	Addition	Total		918.4 SQ FT	366.4	1,284.8 (Living Area)		294.2 SQ FT	0	294.2 (Garage)		1,212.6 SQ FT	1,579.0	1,579.0 (Total)	<p>The contractor shall furnish all material, labor, scaffolding, utensils, and apparatus required for the work shown on these plans and pay for the full freightage cartage, taxes, and handling of material associated with the work.</p> <p>All work shall comply and conform to all codes and regulations, including the 2013 California Residential Building, Mechanical, Plumbing, Electrical, Energy, and Green Building Standards Codes (i.e., 2012 IRC, IBC, UMC, UPC, and 2010 NEC, as amended but the state of CA and the town of Los Gatos) and all local, state and federal requirements, codes and regulations, unless otherwise noted.</p> <p>Contractor shall be solely responsible for job and work-site safety.</p> <p>All work is to be performed in accordance with these plans and specifications and to the satisfaction of the owner.</p> <p>Bidders shall visit the site and familiarize themselves with all existing conditions, and be prepared to carry out the work within the existing limitations.</p> <p>Verify all dimensions in the field, written dimensions have precedence over scaled dimensions. Any discrepancies between drawings and/or specifications and actual conditions shall be brought to the attention of the architect for immediate clarification prior to proceeding with the work.</p> <p>Change orders shall be in writing.</p> <p>Substitutions will be considered, but do not substitute materials, equipment, or methods without specific advanced approval by the architect.</p> <p>Contractor shall notify the architect of all modifications to drawing by the building department and of all changes requested by the inspector.</p> <p>Follow manufacturer's instructions carefully. Manufacturer's operating instructions and guarantees shall be given to the owner at the end of the job.</p> <p>All features of construction not fully shown shall be of the same type and character as that shown for similar conditions. For special conditions or discrepancies, notify the architect before bidding or proceeding with work.</p> <p>All material shall be of the best of their respective kinds, new, and subject to the approval of the owner. All work is to be performed in the best manner by skilled workmen.</p>		
Building Area	Existing	Addition	Total																
	918.4 SQ FT	366.4	1,284.8 (Living Area)																
	294.2 SQ FT	0	294.2 (Garage)																
	1,212.6 SQ FT	1,579.0	1,579.0 (Total)																
VICINITY MAP																			
VALUATION ANALYSIS SCALE: 1/8" = 1' 0"	<table border="1" style="font-size: x-small; margin-top: 10px;"> <thead> <tr> <th>Existing:</th> <th>Valuation</th> </tr> </thead> <tbody> <tr> <td>Living Space 918.4 SQ FT</td> <td>\$183,680</td> </tr> <tr> <td>Garage 294.2 SQ FT</td> <td>\$29,420</td> </tr> <tr> <td>Total</td> <td>\$213,100</td> </tr> <tr> <td>Proposed:</td> <td></td> </tr> <tr> <td>Liv Space Addition 366.4 SF</td> <td>\$73,280</td> </tr> <tr> <td>New Kitchen 61.7 SF</td> <td>\$12,340</td> </tr> <tr> <td>Remodel 841.6 SF</td> <td>\$84,160</td> </tr> <tr> <td>Total</td> <td>\$169,780</td> </tr> </tbody> </table> <p>Legend:</p> <ul style="list-style-type: none"> Garage/Unchanged Living Space Remodel Addition New Kitchen 	Existing:	Valuation	Living Space 918.4 SQ FT	\$183,680	Garage 294.2 SQ FT	\$29,420	Total	\$213,100	Proposed:		Liv Space Addition 366.4 SF	\$73,280	New Kitchen 61.7 SF	\$12,340	Remodel 841.6 SF	\$84,160	Total	\$169,780
Existing:	Valuation																		
Living Space 918.4 SQ FT	\$183,680																		
Garage 294.2 SQ FT	\$29,420																		
Total	\$213,100																		
Proposed:																			
Liv Space Addition 366.4 SF	\$73,280																		
New Kitchen 61.7 SF	\$12,340																		
Remodel 841.6 SF	\$84,160																		
Total	\$169,780																		
SHEET INDEX	<p>A1 Site plan, general notes, project data, vicinity map, Valuation Calcs</p> <p>A2 Tree Schedule</p> <p>A3 Existing floor plans, existing elevations and demo plan; New Floor Plan</p> <p>A4 New Elevations</p> <p>A5 Electrical plan; roof plan</p>																		
TREE REMOVAL/ADDITION SCHEDULE	<p>Removed: 9" Palm tree (qty = 1)</p> <p>Added: 15 gal Olive Tree (qty = 2) 15 gal Grape Tree (qty = 1)</p>																		



DESIGN
102 Maxwell Ave
Los Gatos, CA 95032
Jon Mingo
408-309-5138

Proposed Addition and Remodel for:
 Tony Vitale
 702 Riverview Drive
 Attachment: 702 Riverview Drive Plans.pdf (1266 : 702 Riverview Drive)

Date: 11/20/17
Rev: 7.0
Drawn by: JM

Sheet:
A 1
of 4



DESIGI

102 Maxwell Ave
Los Gatos, CA 95030
Jon Mingo
408-309-5138

Proposed Addition and Remodel for:
Tony Vitale
702 Riverview Dr.
Attachment: 702 Riverview Drive Plans.pdf (1266 : 702 Riverview Drive)

Date: 11/20/

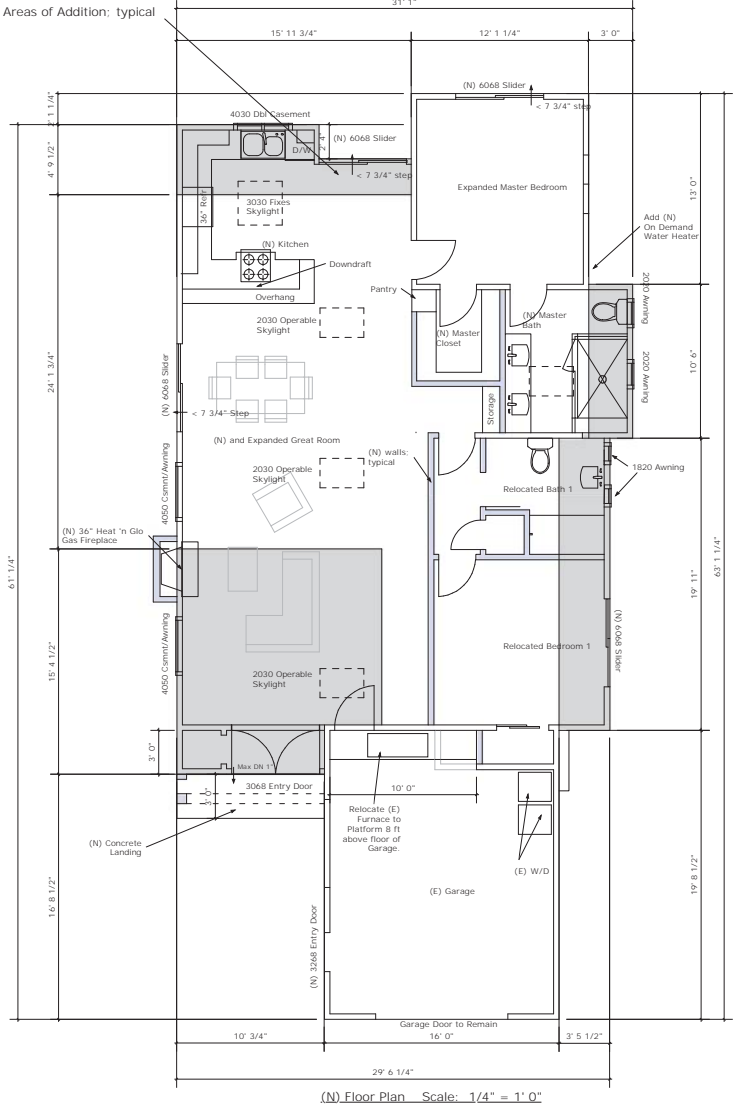
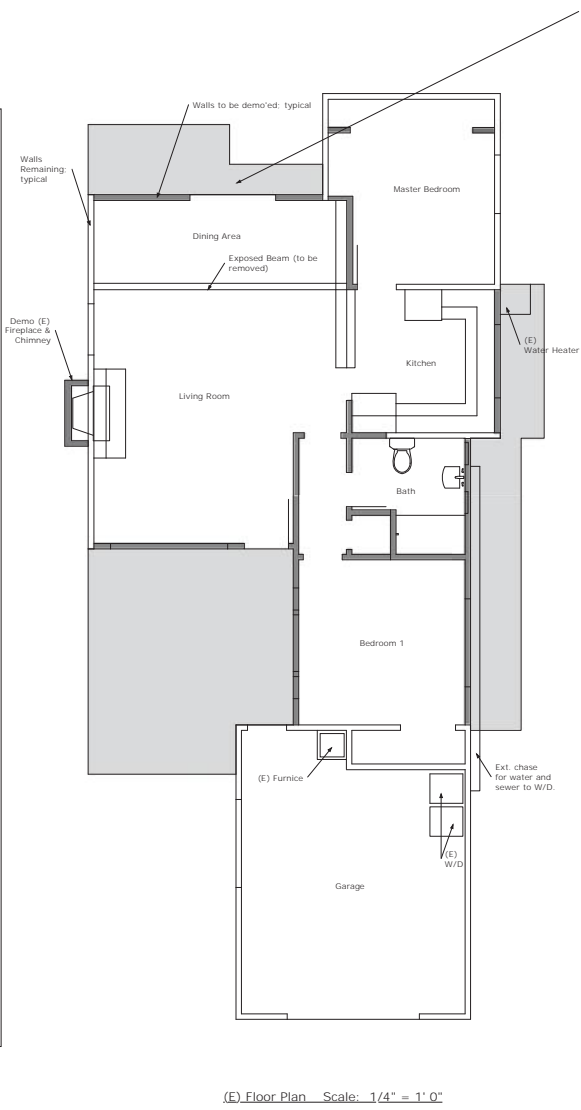
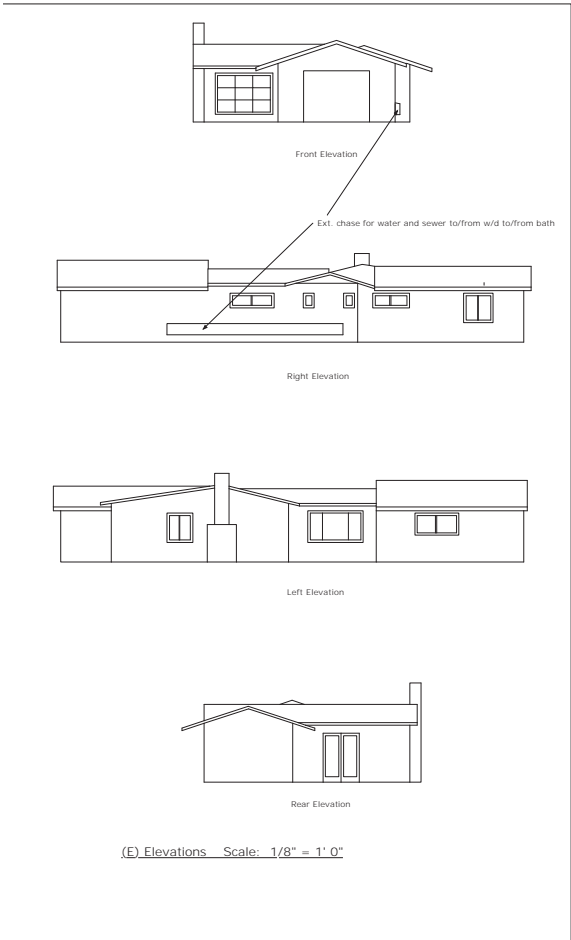
Rev: 7.0

Drawn by: JM

Sheet:

A 2

of 4





DESIGN

102 Maxwell Ave
Los Gatos, CA 95030
Jon Mingo
408-309-5138

Attachment: 702 Riverview Drive Plans.pdf (1266 : 702 Riverview Drive)

Proposed Addition and Remodel for:

Tony Vitale
702 Riverview Dr.

Date: 11/20/

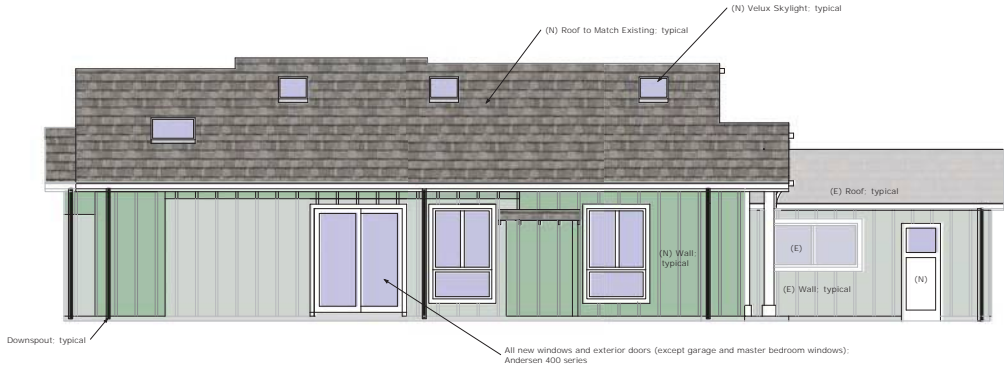
Rev: 7.0

Drawn by: JM

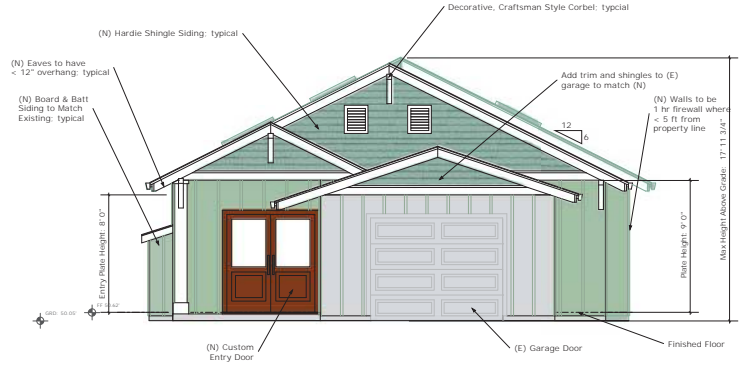
Sheet:

A 3

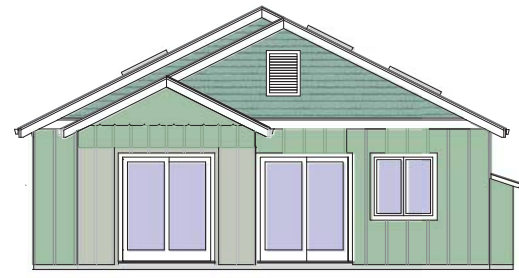
of 4



(N) Left Side Scale: 1/4" = 1' 0"



(N) Front Scale: 1/4" = 1' 0"



(N) Rear Scale: 1/4" = 1' 0"



(N) Right Side Scale: 1/4" = 1' 0"

Electrical Notes

- The required two small appliance branch circuits for the kitchen are limited to supplying wall and counter space outlets (note they cannot serve the dining room, outside plugs, range hoods, disposals, dishwashers, or microwaves- only the required countertop/wall outlets including the refrigerator.)
- Light fixtures in tub and shower enclosures shall be listed and labeled as "suitable for damp locations."
- A dedicated 30 amp branch circuit shall be provided to supply the laundry receptacle outlet.
- A dedicated 20-amp circuit is required to serve bathroom outlets. This circuit cannot supply any other receptacles, lights, fans, etc. (exception: where the circuit supplies a single bathroom, outlets for other equipment within the same bathroom shall be permitted to be supplied).
- All branch circuits that supply outlets installed in a dwelling unit family rooms, dining rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, living rooms, or similar rooms or areas shall be protected by an arc-fault circuit interrupter.
- All 15-amp and 20-amp dwelling unit receptacle outlets shall be listed tamper-resistant receptacles.
- All carbon monoxide devices must be approved and listed by the state Fire Marshall and that evidence of approval and listing must be provided to the Town Building Inspector prior to installation.
- A completed CF-6R-LTG-01 form must be provided to the Town Building Inspector, prior to final inspection. CA Energy Code Section 150(k) for lighting.

Lighting Notes

- Permanently installed luminaires in kitchens shall be high efficacy luminaires. Up to 50% of the total rated wattage of permanently installed luminaires (based on nominal rated wattage of high efficacy lamps) in kitchens may be in luminaires that are not high efficacy luminaires, provided that these luminaires are controlled by switches separate from those controlling the high efficacy luminaires.
- Permanently installed luminaires in bathrooms, garages, laundry rooms, and utility rooms shall be high efficacy luminaires OR are controlled by an occupant sensor(s) that does not turn on automatically or have an always on option.
- Permanently installed luminaires located other than in kitchens, bathrooms, garages, laundry rooms, and utility rooms shall be high efficacy luminaires (except closets less than 70 sq. ft.); OR controlled by a dimmer switch OR are controlled by an occupant sensor(s) that does not turn on automatically or have an always on option.
- Luminaires providing outdoor lighting and permanently mounted to a residential building or to other buildings on the same lot shall be high efficacy luminaires (not including lighting around swimming pools/water features or other Article 680 locations) OR are controlled by occupant sensors with integral photo control.
- Vacancy sensors shall allow the occupant to manually turn the luminaires on and off, be capable of turning off the luminaires within 30 minutes or less, have a visible status signal that the device is operating properly, shall not automatically turn on the luminaires, and shall not have an override switch.
- Luminaires that are recessed into insulated ceilings shall be rated for insulation contact (IC-rated) and airtight.
- Recessed luminaires w/ fluorescent lamps shall have electronic ballasts that operate the lamp at a frequency of 20kHz or more and shall be certified to the Energy Commission.

Shower Valves

- Showers and tub-shower combinations shall be provided with individual pressure balance or thermostatic mixing control valves.
- The maximum mixed water setting shall be 120 degrees Fahrenheit.
- Water heater thermostat shall not be considered as suitable for meeting this requirement.

Notes

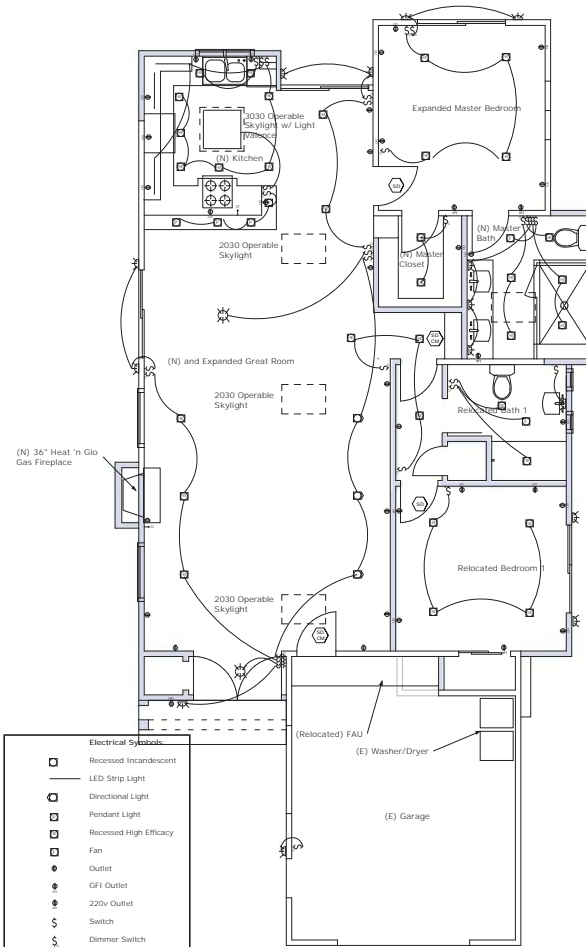
- All plumbing fixtures shall have maximum flow rates in accordance with the CGESC as follows:
 - i. 1.28 gallons per flush for water closets
 - ii. 2.0 gpm for showers
 - iii. 1.5 gpm for lavatory faucets
 - iv. 1.8 fpm for kitchen faucets
- All showers to have tile wall protection to a minimum of 84" above the floor-mount tile on full mortar bed or 1/2" cement backer board.
- Wooden backing (2x6 min) shall be provided in all bathroom walls at toilet, shower and bathtub-- locate at 34" from the floor to the center of the backing, suitable for the addition of grab bars.
- Fixtures in clothes closets shall be surface-mounted or recessed incandescent fixture with a completely enclosed lamp, or a surface-mounted or recessed fluorescent fixture.

Mechanical and Plumbing Notes

- Installation instructions for all listed equipment shall be provided to the field inspector at time of inspection.
- Dryer exhaust shall be smooth metal duct extending to exterior with backdraft damper.
- Provide a minimum 3" working space along each side (with a total of at least 12" on both sides contained) back and top of furnace.
- All building water supply systems in which quick-acting valves are installed shall be provided with devices to absorb high pressures resulting from the quick closing of these valves (e.g., clothes washers and dishwashers).
- Termination of all environmental air ducts shall be a minimum of 3 feet from any openings into the building (i.e., dryers, bath and utility fans, etc., must be 3 feet away from doors, windows, opening skylights or attic vents).
- Bathroom exhaust fans shall be capable of providing 7xv air changes per hour.

Ventilation requirements for Indoor Air Quality

- Kitchens and bathrooms shall have local exhaust systems vented to the outdoors.
- Clothes dryers shall be vented to the outdoors.
- Combustion appliances shall be properly vented and air systems shall be designed to prevent back drafting.



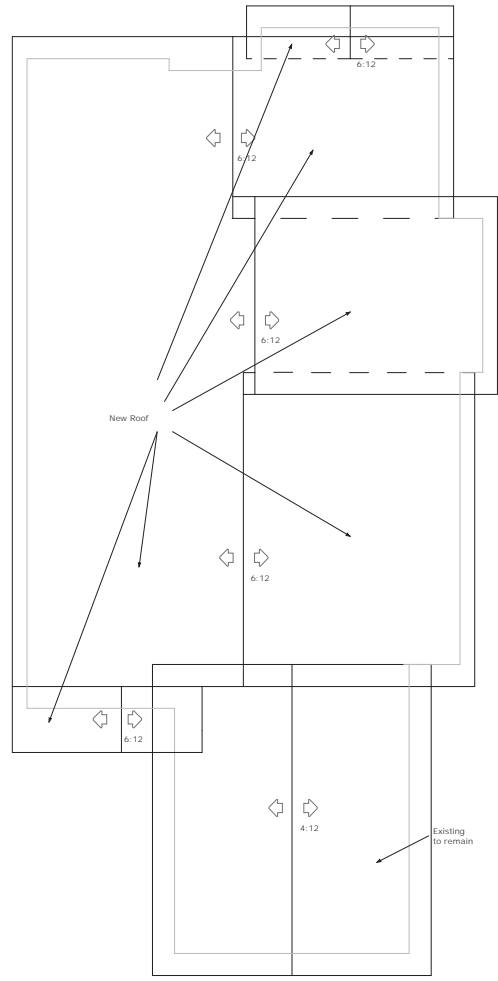
Electrical Symbols

- Recessed Incandescent
- LED Strip Light
- Directional Light
- Pendant Light
- Recessed High Efficacy
- Fan
- Outlet
- ⊕ GFI Outlet
- ⊕ 220V Outlet
- ⊕ Switch
- ⊕ Dimmer Switch
- ⊕ Surface Mount Fixture
- ⊕ Pendant/Hanging Fixture
- ⊕ Gas
- ⊕ TV
- ⊕ Phone
- ⊕ Smoke/ CO Alarm
- ⊕ Smoke Detector

VS Interior lighting fixtures with vacancy sensors shall turn off automatically when no occupants are present and shall not turn on automatically or have an always-on option

HE Indicates high efficacy fixture

Electrical/Mechanical Plan



ROOF PLAN SCALE: 1/4" = 1' 0"



DESIGN

102 Maxwell Ave
Los Gatos, CA 9
Jon Mingo
408-309-5138

Proposed Addition and Remodel for:

Tony Vitale
702 Riverview Dr.

Attachment: 702 Riverview Drive Plans.pdf (1266 : 702 Riverview Drive)

Date: 11/20/

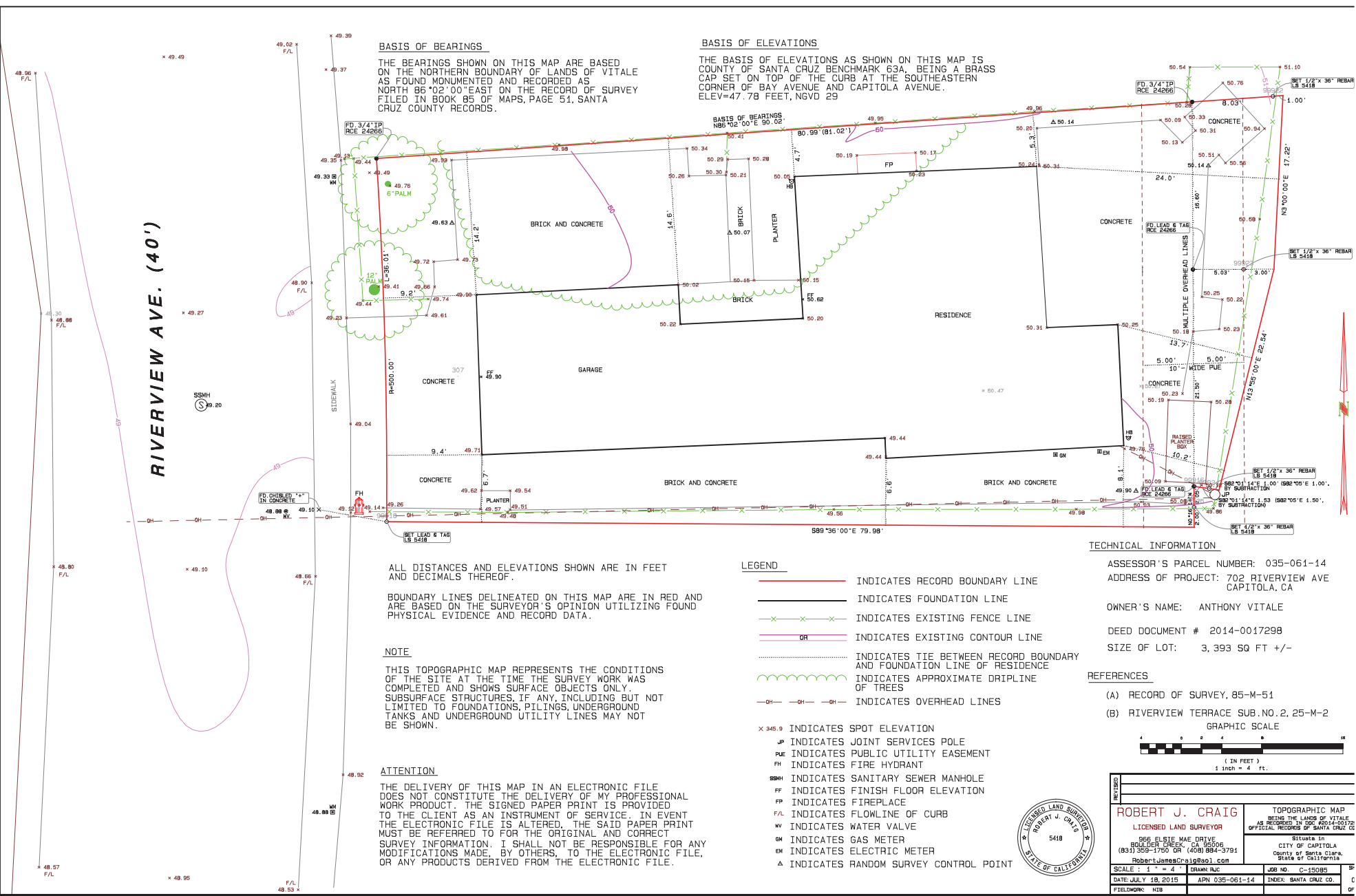
Rev: 7.0

Drawn by: JM

Sheet:

A 4

of 4



BASIS OF BEARINGS
 THE BEARINGS SHOWN ON THIS MAP ARE BASED ON THE NORTHERN BOUNDARY OF LANDS OF VITALE AS FOUND MONUMENTED AND RECORDED AS NORTH 86°02'00" EAST ON THE RECORD OF SURVEY FILED IN BOOK 85 OF MAPS, PAGE 51, SANTA CRUZ COUNTY RECORDS.

BASIS OF ELEVATIONS
 THE BASIS OF ELEVATIONS AS SHOWN ON THIS MAP IS COUNTY OF SANTA CRUZ BENCHMARK 63A, BEING A BRASS CAP SET ON TOP OF THE CURB AT THE SOUTHEASTERN CORNER OF BAY AVENUE AND CAPITOLA AVENUE. ELEV=47.78 FEET, NGVD 29

RIVERVIEW AVE. (40')

ALL DISTANCES AND ELEVATIONS SHOWN ARE IN FEET AND DECIMALS THEREOF.

BOUNDARY LINES DELINEATED ON THIS MAP ARE IN RED AND ARE BASED ON THE SURVEYOR'S OPINION UTILIZING FOUND PHYSICAL EVIDENCE AND RECORD DATA.

NOTE

THIS TOPOGRAPHIC MAP REPRESENTS THE CONDITIONS OF THE SITE AT THE TIME THE SURVEY WORK WAS COMPLETED AND SHOWS SURFACE OBJECTS ONLY. SUBSURFACE STRUCTURES, IF ANY, INCLUDING BUT NOT LIMITED TO FOUNDATIONS, PILING, UNDERGROUND TANKS AND UNDERGROUND UTILITY LINES MAY NOT BE SHOWN.

ATTENTION

THE DELIVERY OF THIS MAP IN AN ELECTRONIC FILE DOES NOT CONSTITUTE THE DELIVERY OF MY PROFESSIONAL WORK PRODUCT. THE SIGNED PAPER PRINT IS PROVIDED TO THE CLIENT AS AN INSTRUMENT OF SERVICE. IN EVENT THE ELECTRONIC FILE IS ALTERED, THE SAID PAPER PRINT MUST BE REFERRED TO FOR THE ORIGINAL AND CORRECT SURVEY INFORMATION. I SHALL NOT BE RESPONSIBLE FOR ANY MODIFICATIONS MADE, BY OTHERS, TO THE ELECTRONIC FILE, OR ANY PRODUCTS DERIVED FROM THE ELECTRONIC FILE.

LEGEND

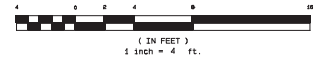
- INDICATES RECORD BOUNDARY LINE
- INDICATES FOUNDATION LINE
- x—x—x— INDICATES EXISTING FENCE LINE
- OR— INDICATES EXISTING CONTOUR LINE
- INDICATES IIE BETWEEN RECORD BOUNDARY AND FOUNDATION LINE OF RESIDENCE
- ~~~~~ INDICATES APPROXIMATE DRIPLINE OF TREES
- OH— —OH— —OH— INDICATES OVERHEAD LINES
- x 345.9 INDICATES SPOT ELEVATION
- JP INDICATES JOINT SERVICES POLE
- PUE INDICATES PUBLIC UTILITY EASEMENT
- FH INDICATES FIRE HYDRANT
- SSMH INDICATES SANITARY SEWER MANHOLE
- FF INDICATES FINISH FLOOR ELEVATION
- FP INDICATES FIREPLACE
- F/L INDICATES FLOWLINE OF CURB
- WV INDICATES WATER VALVE
- GM INDICATES GAS METER
- EM INDICATES ELECTRIC METER
- ▲ INDICATES RANDOM SURVEY CONTROL POINT

TECHNICAL INFORMATION

ASSESSOR'S PARCEL NUMBER: 035-061-14
 ADDRESS OF PROJECT: 702 RIVERVIEW AVE CAPITOLA, CA
 OWNER'S NAME: ANTHONY VITALE
 DEED DOCUMENT # 2014-0017298
 SIZE OF LOT: 3,393 SQ FT +/-

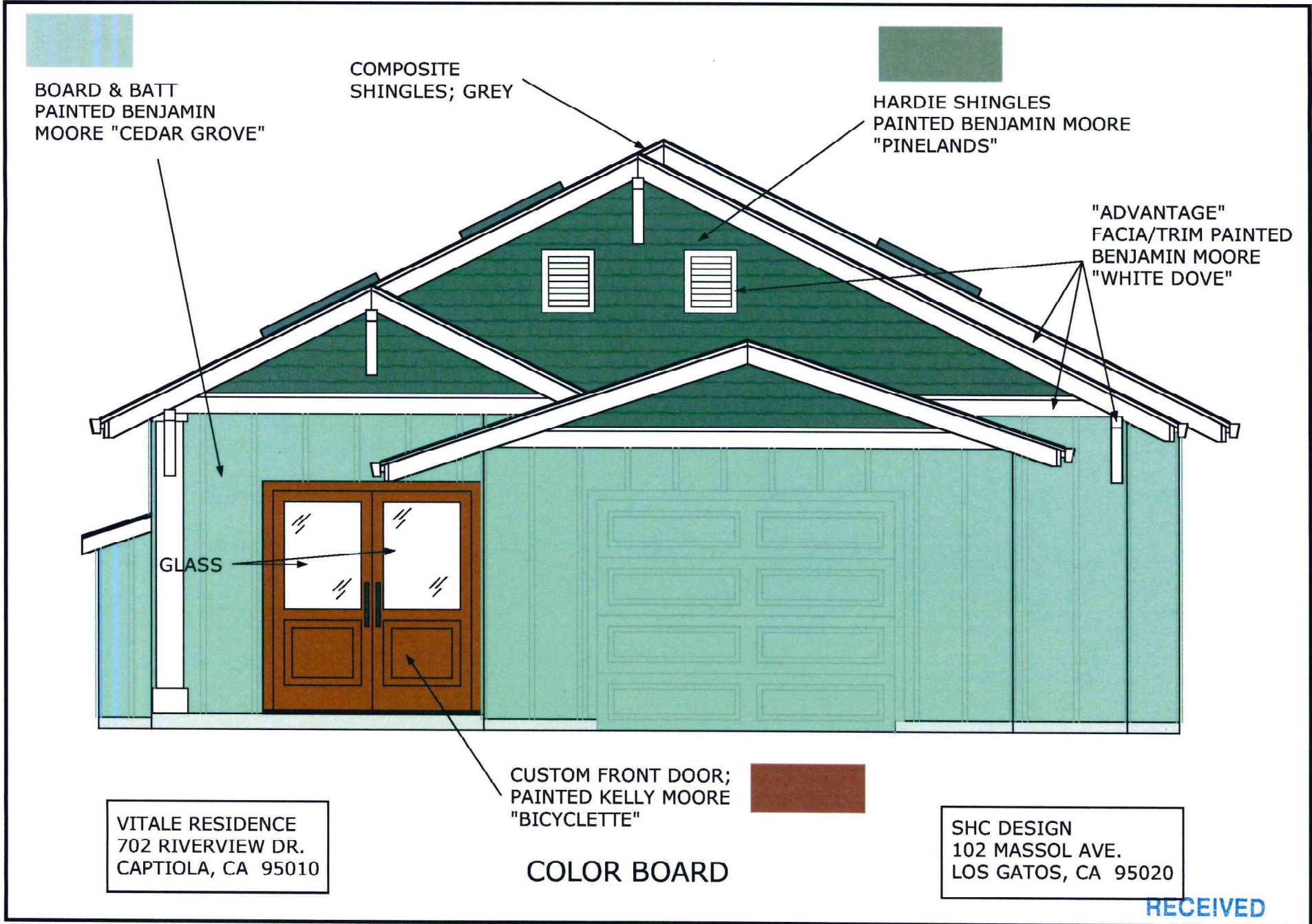
REFERENCES

- (A) RECORD OF SURVEY, 85-M-51
- (B) RIVERVIEW TERRACE SUB. NO. 2, 25-M-2



ROBERT J. CRAIG LICENSED LAND SURVEYOR		TOPOGRAPHIC MAP BEING THE LANDS OF VITALE AS RECORDED IN SDC 8514-00172 OFFICIAL RECORDS OF SANTA CRUZ CO.	
808 ELITE WAE DRIVE SAN JOSE, CA 95006 (931) 359-1750 DR (408) 984-3791		CITY OF CAPITOLA County of Santa Clara, State of California	
DATE: JULY 18, 2015	APN: 035-061-14	JOB NO.: C-15085	SCALE: 1" = 4'
FIELDWORK: N18	INDEX: SANTA CRUZ CO.		

Attachment: 702 Riverview Drive Survey (1266 : 702 Riverview Drive)



Attachment: 702 Riverview Drive Color Board (1266 : 702 Riverview Drive)

RECEIVED

NOV 23 2015



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: DECEMBER 3, 2015
 SUBJECT: **510 El Salto Dr #15-174 APN: 036-125-16**

Design Permit for a single-story addition and Variance request to the on-site parking requirement for an existing home 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: John McEnery III
 Representative: Derek Van Alstine, filed 10/20/15

APPLICANT PROPOSAL

The applicant submitted a design permit to construct a 700 square foot addition to the existing 1,188 square foot single-family home located in the R-1 (Single-Family Residential) Zoning District. The applicant is also requesting a variance to one onsite parking space. The existing home is not listed on Capitola's 2005 Historic Structures List.

BACKGROUND

On November 18th, 2015, the Architectural and Site Review Committee reviewed the application.

- City Public Works representative, Danielle Uharriet, told the applicant that Stormwater calculations need to be submitted and the direction of flow of the downspouts must be shown on the site plan.
- City Building Official, Brian Van Son, informed the applicant that a soils report will be required.
- City Architect Representative, Frank Phanton, liked the design and supported the request to have the lot oriented off of El Salto Drive instead of Sacramento Avenue.
- City Landscape Architect Representative, Craig Walsh, asked that the applicant show the trees that will be preserved on the site plan. The initial submittal only included trees on the survey.
- City Planner, Ryan Safty, informed the applicant that the plans as submitted do not meet parking requirements.

Following the Architectural and Site Review meeting, the applicant submitted a complete stormwater application and revised the project plans to address the concerns brought about by the Architectural and Site Committee. The applicant revised the site plan to show additional

landscaping and downspout details. Instead of revising the plans to meet parking requirements, the applicant is requesting a variance from the parking requirement.

Site Planning and Zoning Summary

The following table outlines the zoning code requirements for development in the R-1(Single Family Residential) Zoning District relative to the application.

R-1 (Single Family Residential) Zoning District

Coastal		
Is project within Coastal Zone?		YES
Is project within Coastal Appeal Zone?		YES
Use		
Existing Use		R-1
Proposed Use		R-1
Principal Permitted or CUP?		PP
Historic		
Level of Historic Feature (local/state/federal or n/a)		n/a
Development Standards		
Building Height	R-1 Regulation	Proposed
	25'-0"	13'-3"
Floor Area Ratio (FAR)		
Lot Size		7,528 sq. ft.
Maximum Floor Area Ratio		48% (Max 3,613 sq. ft.)
Existing First Story Floor Area		1,188 sq. ft.
New First Story Floor Area		700 sq. ft.
Existing Garage Floor Area		525 sq. ft.
TOTAL FAR		2,411sq. ft. (32% FAR)
Yards (setbacks are measured from the edge of the public right-of-way)		
Corner lot		YES
EXISTING	R-1(<i>corner lot</i>) Regulations	Existing Home
Front Yard (El Salto Dr)	15 ft	52 ft from right-of-way
Side Yard (Sacramento Ave)	10 ft	3 ft from right-of-way*
Side Yard (West Side)	7 ft	35 ft from right-of-way
Rear Yard (North Side)	4 ft	3 ft from right-of-way*
PROPOSED	R-1(<i>corner lot</i>) Regulations	Proposed Addition
Front Yard (El Salto Dr)	15 ft	42 ft
Side Yard (Sacramento Ave)	10 ft	37 ft
Side Yard (West Side)	7 ft	8 ft
Rear Yard (North Side)	4 ft	8 ft
EXISTING Detached Garage	R-1(<i>corner lot</i>) Regulations	Existing Detached Garage
Detached Garage (existing)	8 ft minimum rear yard	43 ft from property line
	3 ft minimum side yard	4 ft from property line
	40 ft minimum front yard	8 ft from property line*
	3 ft separation from home	8 ft from main residence
Parking		
	Required	Proposed

Residential (from 2,001 up to 2,600 sq. ft.)	3 spaces total 1 covered 2 uncovered	2 spaces total 2 covered 0 uncovered – Variance Request
Underground Utilities: required with 25% increase in area		YES

* Denotes an existing non-conformity.

DISCUSSION

The applicant is proposing to construct a 700 square foot addition to the rear of the existing 1,188 square foot residence. The existing home contains a living room, kitchen, two bedrooms and two bathrooms. The proposal will add a master bedroom, bathroom, closet, and laundry room to the existing residence. The exterior finishes match the existing home including fiber cement trim and lap siding, vinyl windows, and a composition shingle roof with a one foot overhang. The existing detached garage that fronts along El Salto Drive will not be remodeled as a part of this proposal (Attachment 1).

The existing residence is located on the north-western corner of Sacramento Avenue and El Salto Drive in the Depot Hill neighborhood. The subject property is located on a corner lot. In determining the front yard on a corner lot, section §17.03.720 states, “on a corner lot the front line of the lot shall ordinarily be construed as the least dimension of the lot fronting on a street.” According to this code section, the front yard of the subject property would be off of Sacramento Avenue (80 feet wide) and not El Salto Drive (90 feet wide). However, the applicant has requested that the subject property be oriented so that the front yard is off of El Salto Drive due to the existing orientation of the home and detached garage. (Attachment 2) Staff supports this request due to the orientation of the existing home.

The applicant plans to preserve the existing landscaping during the remodel. The one modification proposed to the front yard is to add to the existing stone walkway and connect the existing trellis area to the detached garage. The applicant is also proposing a wooden landing deck behind the new addition. The deck is less than 30 inches in height and thus does not count towards the allowable floor area ratio of the property.

The subject property at 510 El Salto Drive contains an existing 1,188 square foot single-story residence and a 523 square foot detached garage, both of which are located in the required setback areas and are thus non-conforming. The applicant has submitted a “Permissible Structural Alterations” calculation sheet (§17.72.070), showing that the addition will not result in an 80% increase to the fair market value of the structure. (Attachment 3) The new addition area meets required setback standards and will be attached to the existing residence.

Parking

The subject property contains a large hedge along the street-fronting sides of the property. The hedge is approximately six feet in height and is located in the public right-of-way, screening the property from both El Salto Drive and Sacramento Avenue. On the El Salto Drive side of the property are the existing two car, detached garage and driveway area. The parking spaces in the driveway are located over the property line with eight feet on the property and ten feet within the right-of-way. Pursuant to Municipal Code section 17.15.130, “parking spaces required by this section (single-family zone) may not be located in any public or private right-of-way.”

The applicant is proposing to add a 700 square feet addition to the existing 1,713 square foot property (1,188 square foot home and 525 square foot detached garage), resulting in a 41%

addition. According to the Municipal Code, “no additional square footage which exceeds ten percent of the existing gross floor area may be added to an existing single-family residence unless minimum parking requirements are met” (§17.15.130-E). Since the addition is greater than 10%, the applicant must meet the current parking standards of three parking spaces. The proposal has two parking spaces within the garage. The area leading up to the garage is 8 feet deep and does not comply with the required 18 foot minimum depth.

Variance

The applicant is requesting a variance for the third on-site parking space. The current parking space in front of the garage extends across the property line and therefore does not comply with the code. The owner would like to maintain and preserve their yard area and continue to use the space that extends into the right-of-way. Pursuant to §17.66.090, the Planning Commission, on the basis of the evidence submitted at the hearing, may grant a variance permit when it finds:

- A. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, 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;
- B. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

The applicant is requesting a variance due to the desire to maintain the hedge and landscaped front yard area. The required third space could be accommodated onsite but would likely result in the removal of a portion of the hedge to create a parking space within the front yard. Historically, the owner has utilized the parking in front of the garage, although it does not meet the standards of the code.

Based on staff’s analysis of the subject property and neighboring properties, staff cannot make findings for approval of the variance to parking. The subject property is large (7,528 sq. ft.) in relation to the neighboring lots. There is ample room to locate the required uncovered parking spaces in the front yard area with minimum impact to the hedge. Staff is unable to find any special circumstances which would deprive the property owner of privileges currently enjoyed by others in the same area. Staff therefore recommends the variance be denied and the applicant be directed to provide required off-street parking.

Underground Utilities

The new 700 square foot addition is greater than 25% of the existing 1,713 square foot structures, therefore the applicant is required to underground their utilities. Condition #3 has been included to ensure the following requirement is enforced.

New residential construction or any residential remodels that result in an increase of twenty-five percent or greater of the existing square footage shall be required to place existing overhead utility lines underground to the nearest utility pole. (§17.18.180)

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves construction of a 700 square foot addition (41%) to an existing home in the R-1 (Single-Family Residential) Zoning District. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends the Planning Commission review the application, **approve** the design permit, **deny** the variance request, and condition the applicant to provide one additional onsite parking space for application #15-174 based on the following findings and conditions.

CONDITIONS

1. The project approval consists of construction of a 700 square foot addition to an existing single-family home. The maximum Floor Area Ratio for the 7,528 square foot property is 48% (3,613 square feet). The total FAR of the project is 32% with a total of 2,411 square feet, compliant with the maximum FAR within the zone. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on December 3rd, 2015, 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 building plans must show that the existing overhead utility lines will be underground to the nearest utility pole.
4. The applicant is required to provide one additional 9' by 20' parking space on-site in addition to the existing two covered garage spaces (§17.15.130).
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. 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).
7. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
8. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
9. Prior to issuance of building permit, all Planning fees associated with permit # 15-174 shall be paid in full.
10. Prior to issuance of building permit, Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance.

11. Prior to issuance of a building permit, the applicant must provide documentation of plan approval by the following entities: Santa Cruz County Sanitation Department, Soquel Creek Water District, and Central Fire Protection District.
12. Prior to issuance of building permits, a drainage plan, grading, sediment and erosion control plan, shall be submitted to the City and approved by Public Works. The plans shall be in compliance with the requirements specified in Capitola Municipal Code Chapter 13.16 Storm Water Pollution Prevention and Protection.
13. Prior to issuance of building permits, the applicant shall submit a stormwater management plan to the satisfaction of the Director of Public Works which implements all applicable Post Construction Requirements (PCRs) and Public Works Standard Details, including all standards relating to low impact development (LID).
14. Prior to any land disturbance, a pre-site inspection must be conducted by the grading official to verify compliance with the approved erosion and sediment control plan. Erosion and sediment control shall be installed prior to the commencement of construction and maintained throughout the duration of the construction project.
15. Prior to any work in the City road right of way, an encroachment permit shall be acquired by the contractor performing the work. No material or equipment storage may be placed in the road right-of-way.
16. During construction, any construction activity shall be subject to a construction noise curfew, except when otherwise specified in the building permit issued by the City. Construction noise shall be prohibited between the hours of nine p.m. and seven-thirty a.m. on weekdays. Construction noise shall be prohibited on weekends with the exception of Saturday work between nine a.m. and four p.m. or emergency work approved by the building official. §9.12.010B
17. Prior to a project final, all cracked or broken driveway approaches, curb, gutter, or sidewalk shall be replaced per the Public Works Standard Details and to the satisfaction of the Public Works Department. All replaced driveway approaches, curb, gutter or sidewalk shall meet current Accessibility Standards.
18. Prior to issuance of a Certificate of Occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director. Upon evidence of non-compliance with conditions of approval or applicable municipal code provisions, the applicant shall remedy the non-compliance to the satisfaction of the Community Development Director or shall file an application for a permit amendment for Planning Commission consideration. Failure to remedy a non-compliance in a timely manner may result in permit revocation.
19. This permit shall expire 24 months from the date of issuance. The applicant shall have an approved building permit and construction underway before this date to prevent permit expiration. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
20. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the

applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.

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

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
The proposed addition at 510 El Salto will conform to the development standards of the Zoning Ordinance with addition of one on-site parking as conditioned.
- B. **The application will maintain the character and integrity of the neighborhood.**
The proposed addition will maintain the existing single-family character and integrity of the Depot Hill neighborhood, as conditioned. The proposed materials within the addition blend seamlessly into the existing home.
- C. **This project is categorically exempt under Section 15301-E of the California Environmental Quality Act and is subject to Section 753.5 of Title 14 of the California Code of Regulations.**
This project involves the addition to an existing single-family residence in the R-1 (Single-Family Residential) Zoning District. Section 15301-E of the CEQA Guidelines exempts additions to existing homes in a residential zone.
- D. **Special circumstances applicable to the subject property, including size, shape, topography, location or surroundings, do not exist on the site and the strict application of this title is found not to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**
There are no special circumstances applicable to the subject property that would deprive the owner of privileges enjoyed by other neighboring properties. The subject property is located on a flat lot. The owner can meet the parking requirement onsite.
- E. **The grant of a variance permit would 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 grant of a variance permit would constitute a grant of a special privilege. Recent remodels in the Depot Hill neighborhood have been required to meet parking standards. There are no special circumstances prohibiting the applicant from meeting the parking requirements.

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 510 El Salto Dr. 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 El Salto Dr. 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 El Salto Dr. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

- The project is located in a residential lot.

b. Topographic constraints of the development site;

- The project is located on a relatively flat lot.

c. Recreational needs of the public;

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

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

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

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

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

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

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

SEC. 30222

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

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

SEC. 30223

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- The proposed project 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:

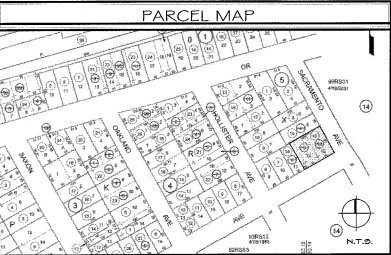
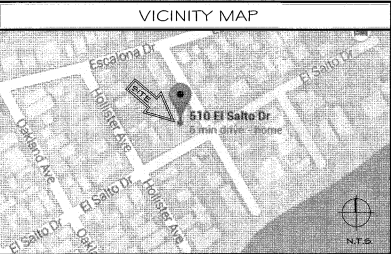
- The project site is not located within the area of the Capitola parking permit program.

ATTACHMENTS:

1. 510 El Salto Plan Set.pdf
2. Request to Change Lot Orientation
3. Permissible Structural Alterations

Prepared By: Ryan Safty
Assistant Planner

McENERY RESIDENCE



BUILDING INFORMATION SUMMARY			
PROJECT DESCRIPTION:	SINGLE STORY ADDITION OF 700 SQ.FT. TO EXISTING SINGLE STORY, SINGLE FAMILY DWELLING		
PROJECT ADDRESS:	510 EL SALTO DRIVE CAPITOLA, CA 95010		
PARCEL NUMBER:	036-125-16		
ZONING DESIGNATION:	R1		
OCCUPANCY CLASSIFICATION:	TYPE R-3		
CONSTRUCTION TYPE:	TYPE V-B		
LOT AREA:	7,526 SQ.FT.		
SETBACK INFORMATION:	FRONT YARD	SIDE YARD	CORNER YARD
	15'-0"	4'-0", 8'-0"	10'-0"
FLOOR AREA:	EXISTING	PROPOSED	
FIRST FLOOR AREA:	1,166 SQ.FT.	1,666 SQ.FT.	
GARAGE AREA:	523 SQ.FT.	523 SQ.FT.	
TOTAL FLOOR AREA:	1,711 SQ.FT.	2,411 SQ.FT.	
FLOOR AREA RATIO ALLOWED:	45%		
FLOOR AREA PROPOSED:	2,411 SQ. FT. / 7,526 SQ.FT. = 32%		
PARKING (PROVIDED):	(E) 2 COVERED AND (E) 2 UNCOVERED		
CODE NOTE:	THESE PLANS CONFORM TO THE 2013 CALIFORNIA RESIDENTIAL BUILDING, MECHANICAL, PLUMBING, ELECTRICAL AND ENERGY CODE. STRUCTURAL ENGINEERING SHALL CONFORM TO 2015 CALIFORNIA BUILDING CODE, AS AMENDED BY THE STATE OF CALIFORNIA.		

CONTACTS
OWNER:
JOHN P. McENERY III 510 EL SALTO DRIVE CAPITOLA, CA 95010 (831) 254-2381
PROJECT DESIGNER:
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC. DEREK VAN ALSTINE 1535 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CA 95062 PH: (831) 426-8400 FAX: (831) 426-8446 dvan@dvad.com
SURVEYOR / CIVIL ENGINEER:
LUKE DEAUTZ LAND C.E. L.S. 2775 RINSLY STREET, #3 SANTA CRUZ, CA 95062 PH: (831) 475-8695 FAX: (831) 465-6514

DRAWING INDEX
BUILDING DESIGN
T1 TITLE SHEET
T2 STREET PHOTOS
SURVEY
A1 SITE PLAN
A2 EXISTING/DEMOLITION FLOOR PLAN
A3 FLOOR PLAN
A4 ROOF PLAN
A5 EXTERIOR ELEVATIONS
A6 EXTERIOR ELEVATIONS

DEREK VAN ALSTINE
RESIDENTIAL DESIGN, INC.
1535 SEABRIGHT AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA
(831) 426-8400 PHONE (831) 426-8446 FAX

DVRD
SINCE 1987
1987-83

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

036-125-16

ISSUE DESCRIPTION

SCHEMATIC DESIGN

DESIGN DEVELOPMENT

PLANNING SUBMITTAL

OCT. 14, 2015

BUILDING SUBMITTAL

REVISION:

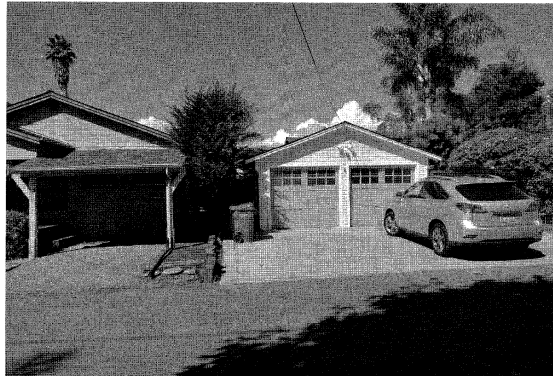
NOV. 5, 2015

PLANNING REVE

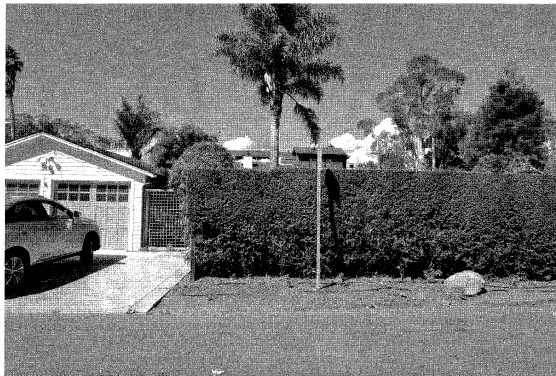
TITLE SHEET

T 1

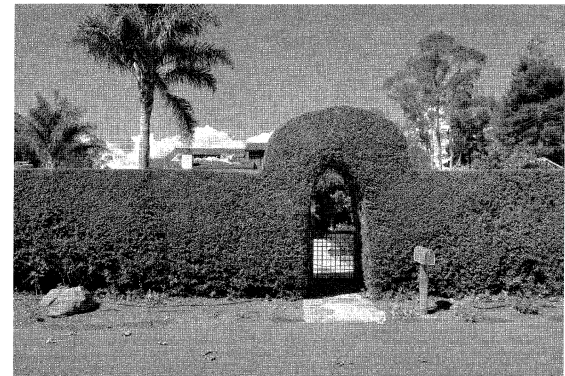
Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)



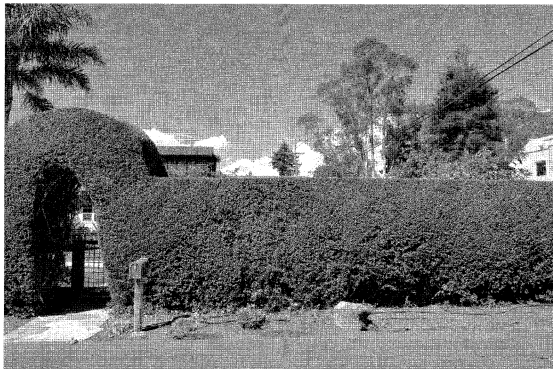
1 EXISTING STREET ELEVATION
SCALE: N.T.S.



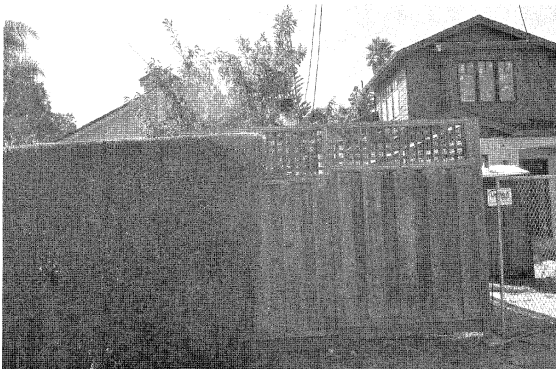
2 EXISTING STREET ELEVATION
SCALE: N.T.S.



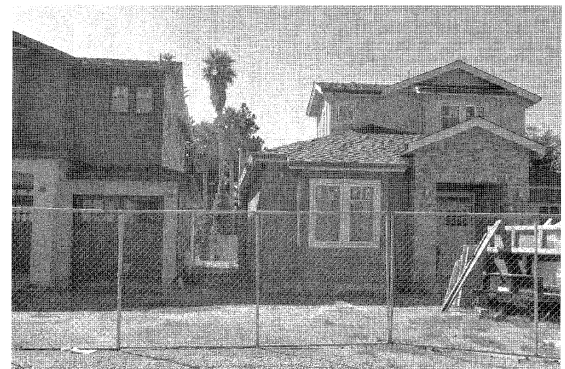
3 EXISTING STREET ELEVATION
SCALE: N.T.S.



4 EXISTING STREET ELEVATION
SCALE: N.T.S.



5 EXISTING STREET ELEVATION
SCALE: N.T.S.



6 EXISTING STREET ELEVATION
SCALE: N.T.S.

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1015 SEABRIGHT AVENUE SUITE 202, SANTA CRUZ, CALIFORNIA
(831)426-8800 PHONE (831)426-8868 FAX

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN
INCORPORATED
ALL RIGHTS RESERVED

MCENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

APP: 096-125-16

ISSUE DESCRIPTION

SCHEMATIC DESIGN

DECK DEVELOPMENT

PLANNING SUBMITTAL

OCT. 14, 2015

BUILDING SUBMITTAL

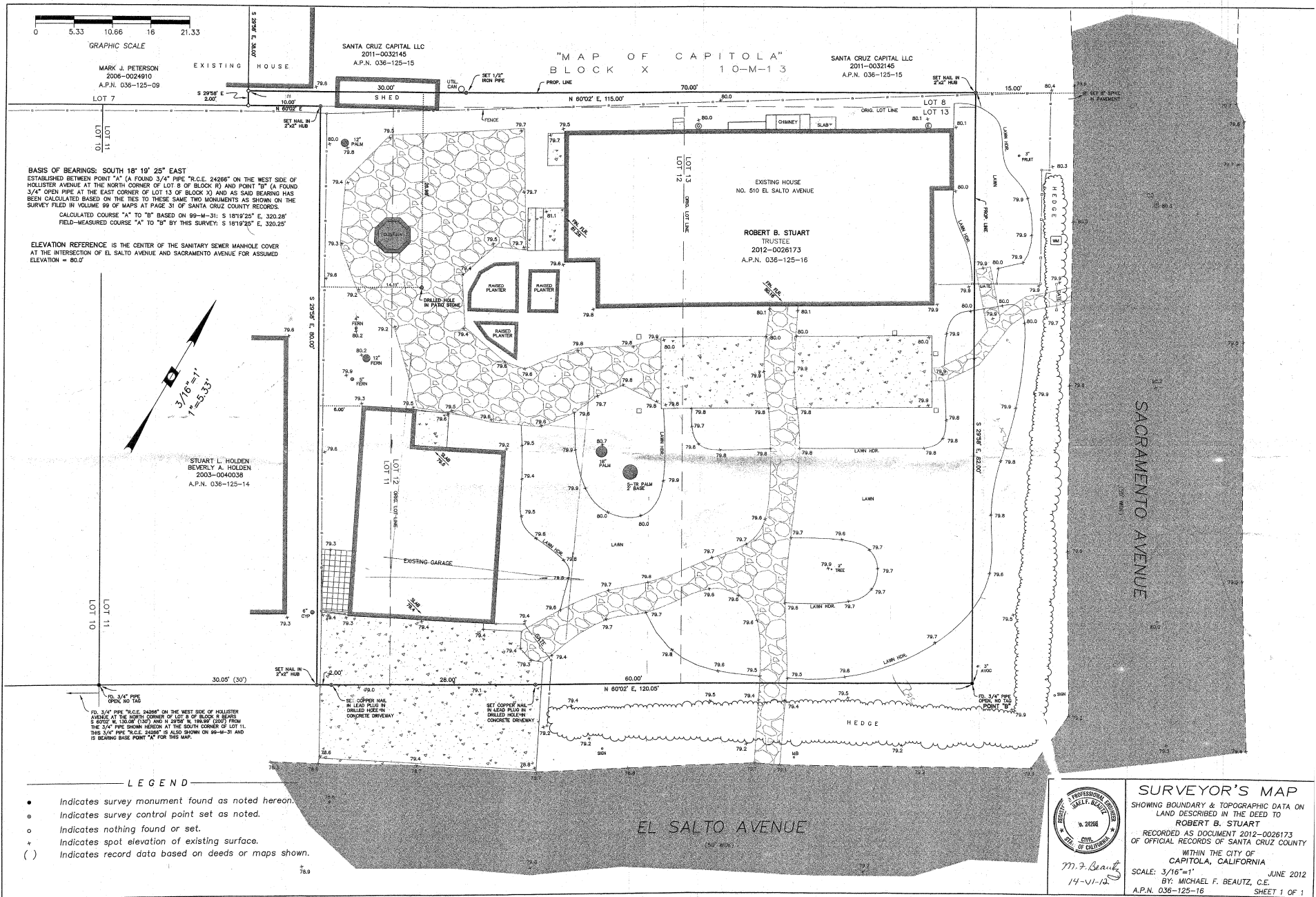
REVIEWS

STREET
PHOTOS

T2

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)

10/12/2015 9:51 PM



Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVENUE SUITE 200, SANTA BARBARA, CALIFORNIA
819.747.6497 / 819.747.6467 FAX

DVRD
DESIGN REVIEW
DATE: 11/23/2015
ALL RIGHTS RESERVED

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

096-125-16

ISSUE DESCRIPTION

SCHEMATIC DESIGN

DESKTOP DEVELOPMENT

PLANNING SUBMITTAL

OCT. 14, 2015

BUILDING SUBMITTAL

REVISIONS

NOV. 5, 2015

PLANNING REV.

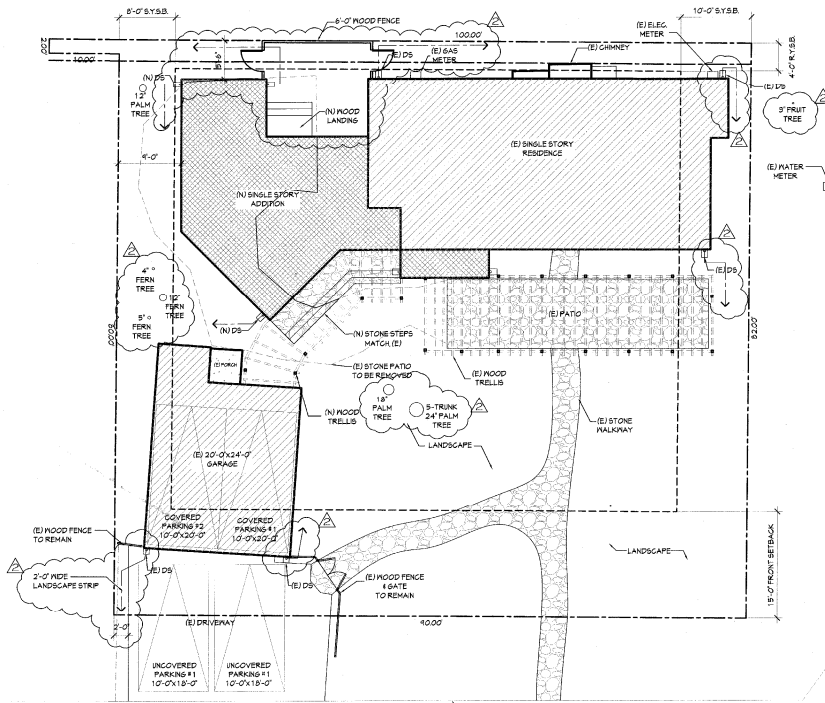
NOV. 23, 2015

PLANNING REV.

SITE PLAN

A 1

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)

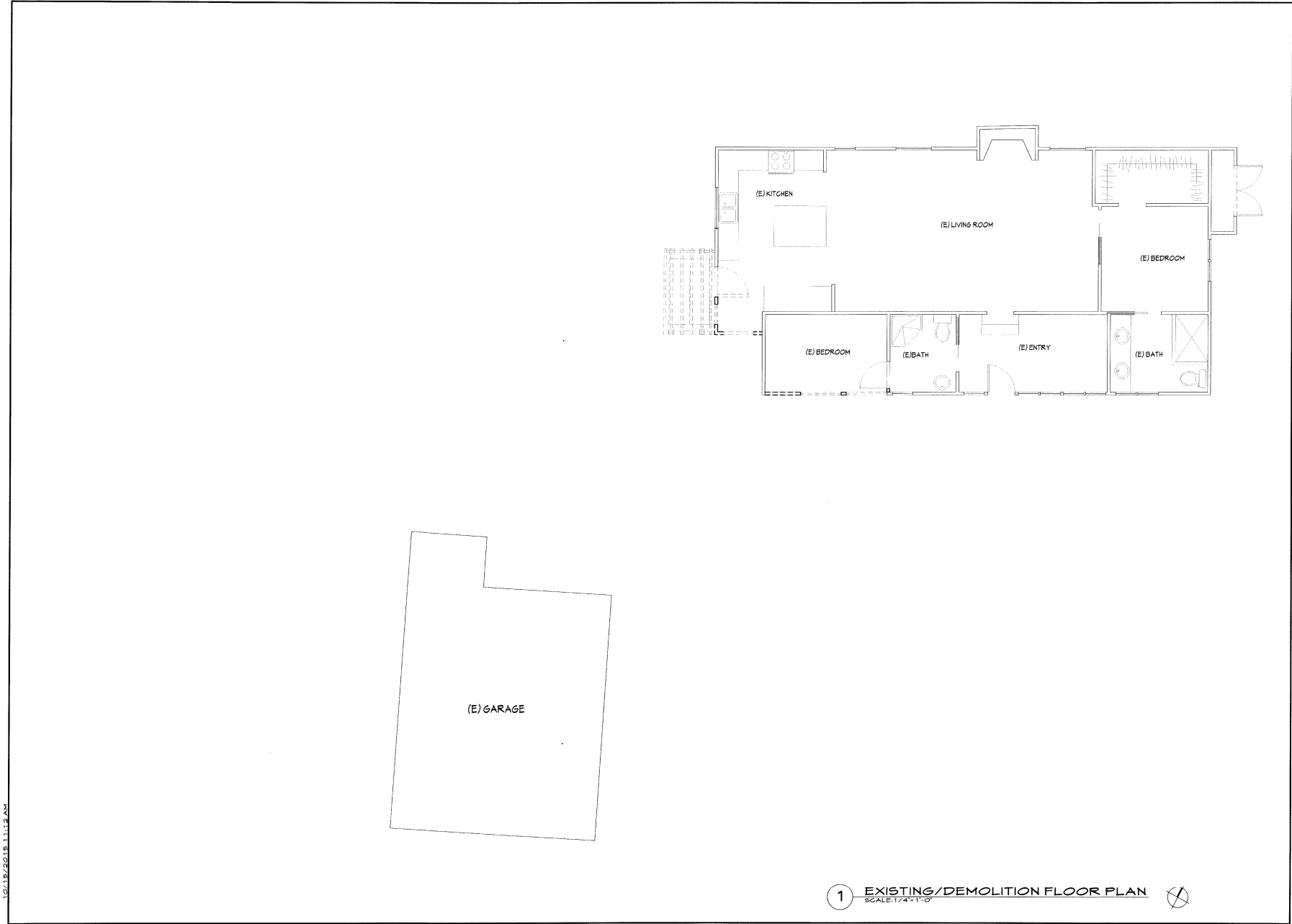


DRAINAGE NOTE:
ALL DOWNSPOUTS TO TERMINATE AT FLASHBACK
AND DIRECTED TOWARDS LANDSCAPE AREA.

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

LEGEND	LANDSCAPE AREA
(Hatched pattern) (E) STRUCTURE TO REMAIN	EXISTING LANDSCAPE COVERAGE: 4150 SQ.FT.
(Dotted pattern) PROPOSED ADDITION	
(Stippled pattern) STONE WALKWAY	PROPOSED LANDSCAPE COVERAGE: 4203 SQ.FT.
(Dashed line) SETBACK	ADDED LANDSCAPE COVERAGE: 53 S.F.
(Solid line) PROPERTY LINE	

IMPERVIOUS COVERAGE	
EXISTING IMPERVIOUS COVERAGE	
STRUCTURE:	
MAIN RESIDENCE:	1,165 S.F.
GARAGE:	523 S.F.
TOTAL:	1,708 S.F.
WALKS:	
DRIVEWAY:	252 S.F.
WALKS & PATIO:	1,542 S.F.
TOTAL:	1,794 S.F.
TOTAL EXISTING IMPERVIOUS COVERAGE:	3,502 S.F.
PROPOSED IMPERVIOUS COVERAGE	
STRUCTURE:	
MAIN RESIDENCE:	1,600 S.F.
GARAGE:	523 S.F.
TOTAL:	2,411 S.F.
WALKS:	
DRIVEWAY:	252 S.F.
WALKS & PATIO:	416 S.F.
TOTAL:	668 S.F.
TOTAL PROPOSED IMPERVIOUS COVERAGE:	3,079 S.F.



DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SERRA STREET, SUITE 200, SANTA CRUZ, CALIFORNIA
407.434.6600 | WWW.DVARD.COM

DVRD
DIVERSIFIED VENTURES
DESIGN & RESEARCH
2002 CORPORATION
ALL RIGHTS RESERVED

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

DATE: 09-125-16

ISSUE DESCRIPTION

SCHEMATIC DESIGN

DESIGN DEVELOPMENT

PLANNING SUBMITTA

OCT. 14, 2015

BUILDING SUBMITTA

REVISIONS

EXISTING/DEMO
FLOOR PLAN

A2

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)

11/23/2015 2:55 PM



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

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1255 REDBRIER AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA 95062
TEL: (831) 456-1234 FAX: (831) 456-1234

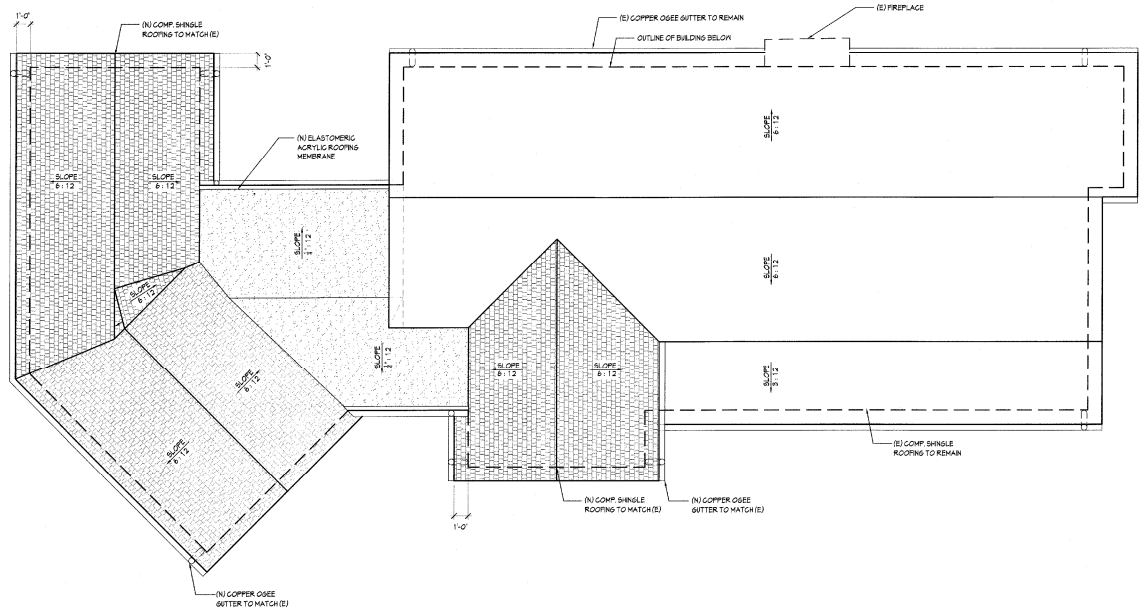
DVRD
DESIGN VERIFICATION & REVIEW DESIGNER
1255 REDBRIER AVENUE SUITE 200, SANTA CRUZ, CALIFORNIA 95062
TEL: (831) 456-1234 FAX: (831) 456-1234

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

NO. 038-129-10
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPED
PLANNING SUBMITTA OCT. 14, 2015
BUILDING SUBMITTA
REVISIONS
NOV. 5, 2015 PLANNING REV
NOV. 23, 2015 PLANNING REV

FLOOR PLAN
A3

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)



1 ROOF PLAN
SCALE: 1/4" = 1'-0"

10/18/2015 11:51 AM

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1535 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA
8317476300 DPH@DVA.COM WWW.DVARD.COM

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

DATE: 09-6-12 5-16

ISSUE DESCRIPTION:

SCHEMATIC DESIGN

DESIGN DEVELOPMENT

PERMITTING SUBMITTAL

OCT. 14, 2015

BUILDING SUBMITTAL

REVISIONS

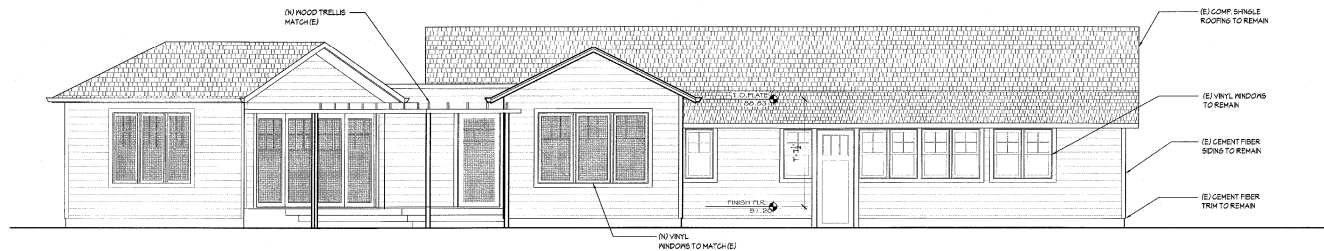
ROOF PLAN

A4

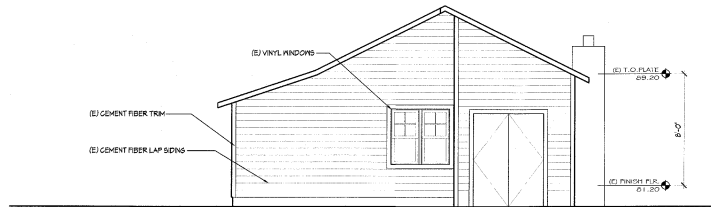
Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)



1 EXISTING FRONT ELEVATION
SCALE: 1/4"=1'-0"



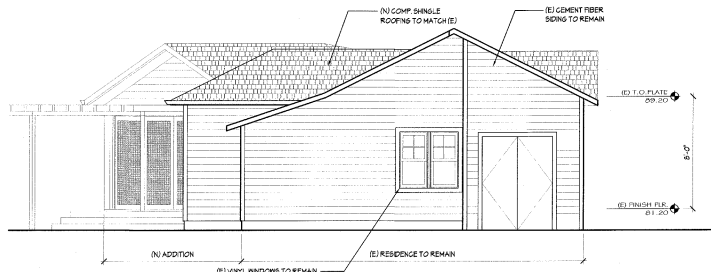
2 PROPOSED FRONT ELEVATION
SCALE: 1/4"=1'-0"



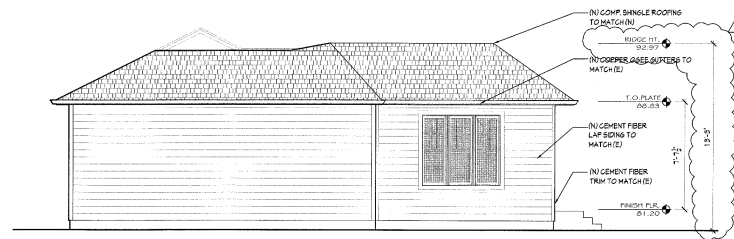
3 EXISTING RIGHT ELEVATION
SCALE: 1/4"=1'-0"



4 EXISTING LEFT ELEVATION
SCALE: 1/4"=1'-0"



5 PROPOSED RIGHT ELEVATION
SCALE: 1/4"=1'-0"



6 PROPOSED LEFT ELEVATION
SCALE: 1/4"=1'-0"

11/25/2015 1:26:02 PM

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1315 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA
(831) 426-8400 PHONE (831) 426-8400 FAX

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1315 SEABRIGHT AVENUE SUITE 200 SANTA CRUZ, CALIFORNIA
(831) 426-8400 PHONE (831) 426-8400 FAX

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

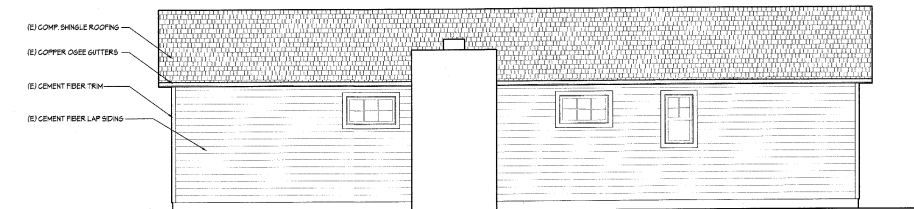
PROJ: 086-125-16
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTAL
OCT. 14, 2015
BUILDING SUBMITTAL

REVISIONS
NOV. 5, 2015
PLANNING REVS.

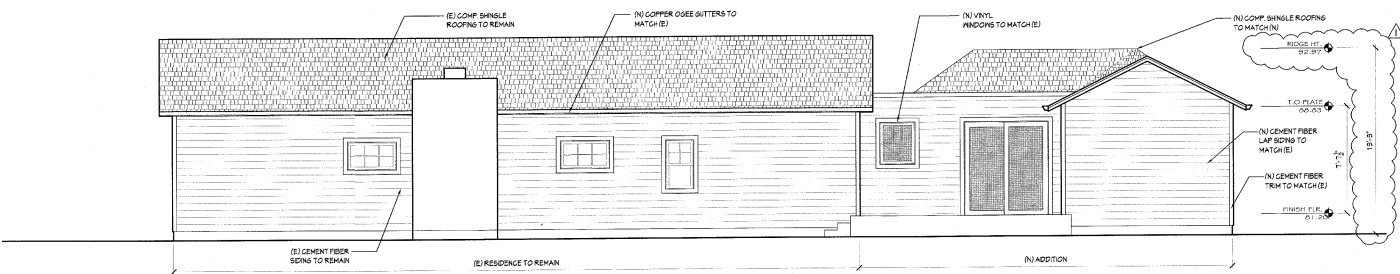
EXTERIOR ELEVATIONS

A5

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)



1 EXISTING REAR ELEVATION
SCALE: 1/4"=1'-0"



2 PROPOSED REAR ELEVATION
SCALE: 1/4"=1'-0"

11/9/2018 12:21 PM

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
1331 SEABRIGHT AVENUE SUITE 100 SANTA CRUZ CALIFORNIA
(831) 426-4400 PHONE (831) 426-4446 FAX

DVRD
DEREK VAN ALSTINE
DESIGNER
ALL RIGHTS RESERVED

McENERY RESIDENCE
510 EL SALTO DR.
CAPITOLA, CA 95010

DATE: 03-06-12 25-18
ISSUE DESCRIPTION
SCHEMATIC DESIGN
DESIGN DEVELOPMENT
PLANNING SUBMITTA
OCT. 14, 2015
BUILDING SUBMITTA
REVISIONS
NOV. 5, 2011
PLANNING KEY:

EXTERIOR ELEVATIONS

A6

Attachment: 510 El Salto Plan Set.pdf (1267 : 510 El Salto Dr)

D E R E K V A N A L S T I N E
R E S I D E N T I A L D E S I G N , I N C .

November 9, 2015

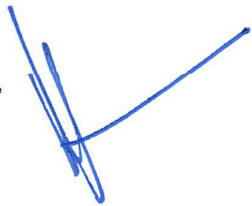
Ryan Safty, Assistant Planner
City of Capitola
420 Capitola Avenue
Capitola, CA 95010

Re: McEnery Residence
510 El Salto, Capitola
APN: 036-125-16

Dear Ryan:

On behalf of our client, John McEnery, we would like to request that the front of the property be converted from Sacramento to El Salto.

Thank you,



Derek Van Alstine, President
Derek Van Alstine Residential Design, Inc.

1535 Seabright Ave., Ste. 200, Santa Cruz, CA 95062
phone 831-426-8400 • 831-426-8446 fax
derek@vanalstine.com

Attachment: Request to Change Lot Orientation (1267 : 510 El Salto Dr)

510 EL SALTO DR. #15-174

CONSTRUCTION COST BREAKDOWN PER Section 17.72.070

Existing Building Costs:

Existing residence: 1,188 square feet
 @ \$200.00/square foot \$237,600.00

Existing garage: 523 square feet
 @ \$90/square foot \$40,070.00

Total Existing Value: ~~\$284,670.00~~ # 277,670.00

80% of Total Existing Value ~~\$227,736.00~~ # 222,136.00


New Construction Costs:

New conditioned space: 700 square feet
 @ \$200.00/square foot \$140,000.00

New deck/porch: 190 square feet
 @ \$25.00/square foot \$4,750.00

Total Construction/Remodel Cost: \$144,750.00 (51%) 66%

APPROVED

Signed 
 Date 11/23/15
 Permit No. PER ZEDLINE #'S

Attachment: Permissible Structural Alterations (1267 : 510 El Salto Dr)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: DECEMBER 3, 2015
 SUBJECT: **Transient Rentals in Capitola #15-189**

Overview of existing transient (vacation) rental regulations in Capitola and code enforcement proposal

OVERVIEW

The City of Capitola has a defined overlay zone designated for the operation of transient rentals (also known as nightly or short-term vacation rentals). The area is called the Transient Rental Use Overlay district (TRO). Online hosting platforms have made it easy to operate transient rentals without obtaining required permits. As a result there has been a significant increase in unpermitted transient rentals and neighborhood complaints. The following is an informative staff report on the City's regulations for transient rentals, unpermitted transient rentals in Capitola, and a strategic plan to bring unpermitted rentals into compliance.

BACKGROUND

On March 28th, 1991, the City of Capitola adopted an ordinance defining the current TRO district and regulations for transient rentals (*Ord. 708 § 3, 1991*). The ordinance summarizes the process to obtain a permit to operate a transient rental within the TRO District. The ordinance and TRO map are included in Attachments 1 & 2. Homes located outside the TRO must be operated as long-term rentals, i.e., rented for no less than 30 consecutive nights

Online hosting platforms such as AirBnB, VRBO, and HomeAway have transformed the vacation rental market over the past decade and made it possible for any home to be operated as a transient rental without proper permitting. The City typically does not track online hosting and only becomes aware of an illegal rental when notified through a neighbor's code complaint.

Once a complaint is received, staff contacts the owner and requires the removal of the online transient rental posting within 10 days. If the owner fails to remove the posting, staff may issue citations per violation, per day. The citation for the first offense is \$100, the second offense \$200 and the third offense and every offense after is \$500 (*Capitola Municipal Code Section 4.14.070*).

DISCUSSION

Due to the escalating problem, citywide complaints, and Planning Commission request for enforcement, staff proposes to implement a proactive code enforcement sweep to address unpermitted transient uses in Capitola. Staff initiated a City-wide research effort to quantify the severity of the issue. Online research was performed throughout August 2015. Staff utilized the

results to create a master list of unpermitted transient rentals within the City limits (Attachment 3). A map showing the approximate location of these unpermitted uses and the TRO is included in Attachment 4.

It is frequently challenging for staff to effectively abate unpermitted transient rental uses. Operators often respond to code enforcement actions by temporarily changing their online listing to 30 days or more and/or using different outlets to advertise their rentals. This “cat and mouse” game can be extremely time consuming for staff to constantly monitor and makes it difficult for the City to obtain necessary evidence to satisfy the burden of proof standard should an operator challenge a City enforcement action. Despite the City’s best efforts, it is expected that these enforcement challenges will continue in the future.

There are two types of violations relative to transient rentals: (1) properties renting for less than 30 days outside the TRO and (2) properties within the TRO that have not registered with the City as a licensed transient rental business. The businesses without a license do not pay transient occupancy tax (TOT). The following is a summary of online research findings:

	Inside TRO	Outside TRO
Compliant	38	-
Non-Compliant	25	24
Total	63	24

Total Non-Compliant: **49**

**The numbers above are subject to change due to additional neighbor complaints and online hosts adding and/or removing their listing.*

Proposed Action

Staff considers the approximately **49** non-compliant transient uses to be a significant issue which warrants special attention. The following action items outline a onetime proactive enforcement approach to address the transient rental issue.

Action Item 1: Inform Public:

- 1) Website - Create an informational webpage for transient rentals on City website, including:
 - Summary of current transient rental issue
 - Current TRO Map
 - Permitting Process
 - Application Forms
 - Enforcement and Penalty Fees
 - Timeline for Compliance
- 2) Newsletter - Include information about transient rental enforcement action in January newsletter.

Action Item 2: Enforcement

- 1) Courtesy Letters – Prepare and send letters to unpermitted transient rentals operating within and outside the TRO. Letter to include:
 - Summary of transient rental rules and regulations
 - TRO map
 - Evidence of unpermitted operation

- Request that the recipient promptly contact City if they are *not* operating a non complaint transient rental
- Forms to be completed & submitted to the City within 60 days (only applicable to rentals located in the TRO).
 1. Transient occupation registration
 2. Transient occupancy tax (TOT) form
 3. Business license
- Enforcement actions:
 1. The City will not pursue back taxes or license fees beyond 6 months for operators who come into compliance within 60 days
 2. The City will issue a citation, daily fines, payment of back taxes, and license fees to operators who do not come into compliance within 60 days

2) Real Estate Agents. - Prepare and send courtesy letter to local real estate agents and listing services that advertise unpermitted transient rentals.

Letter to include:

- Evidence of advertising an unpermitted operation
- Summary of transient rental rules and regulations
- TRO map
- Explanation of enforcement actions:
 1. Notice to immediately remove listings or face fines.

Action Item 3: Online Hosting Outreach

1) Community Development Department and Finance Department has initiated the process with AirBnB to add TOT assessment for Capitola listings.

Proposed Time Line:

<u>ACTION</u>	<u>DATE</u>
Publish Informational Newsletter	January 2016
Publish Informational Webpage	January 2016
Send Notification Letter to Operators	January 2016
Follow up Compliance and Issue Citations	February 2016 – March 2016
Add TOT assessment for Capitola Listings on AirBnB	TBD

RECOMMENDATION

Staff recommends the Planning Commission accept the staff presentation and provide direction on the proposed actions to manage the violations.

ATTACHMENTS:

1. Transient Rental Use Overlay Ordinance
2. Vacation Rental Area Map & TRO
3. Master List of Rentals
4. Unpermitted Transient Rentals Map - August 2015

Prepared By: Joanna Wilk
Intern

Chapter 17.19 TRO TRANSIENT RENTAL USE OVERLAY DISTRICT

Sections:

[17.19.010](#) Purpose and definition.

[17.19.020](#) Use permits.

17.19.010 Purpose and definition.

The TRO [transient rental use](#) overlay district is an overlay district. This means that all regulations of the underlying basic zoning district (R-1 or R-M) are applicable to any property located in the TRO district, except that [transient rental use](#), as defined in Section [17.03.686](#) may be allowed pursuant to Section [17.19.020](#). (Ord. [708](#) § 3, 1991)

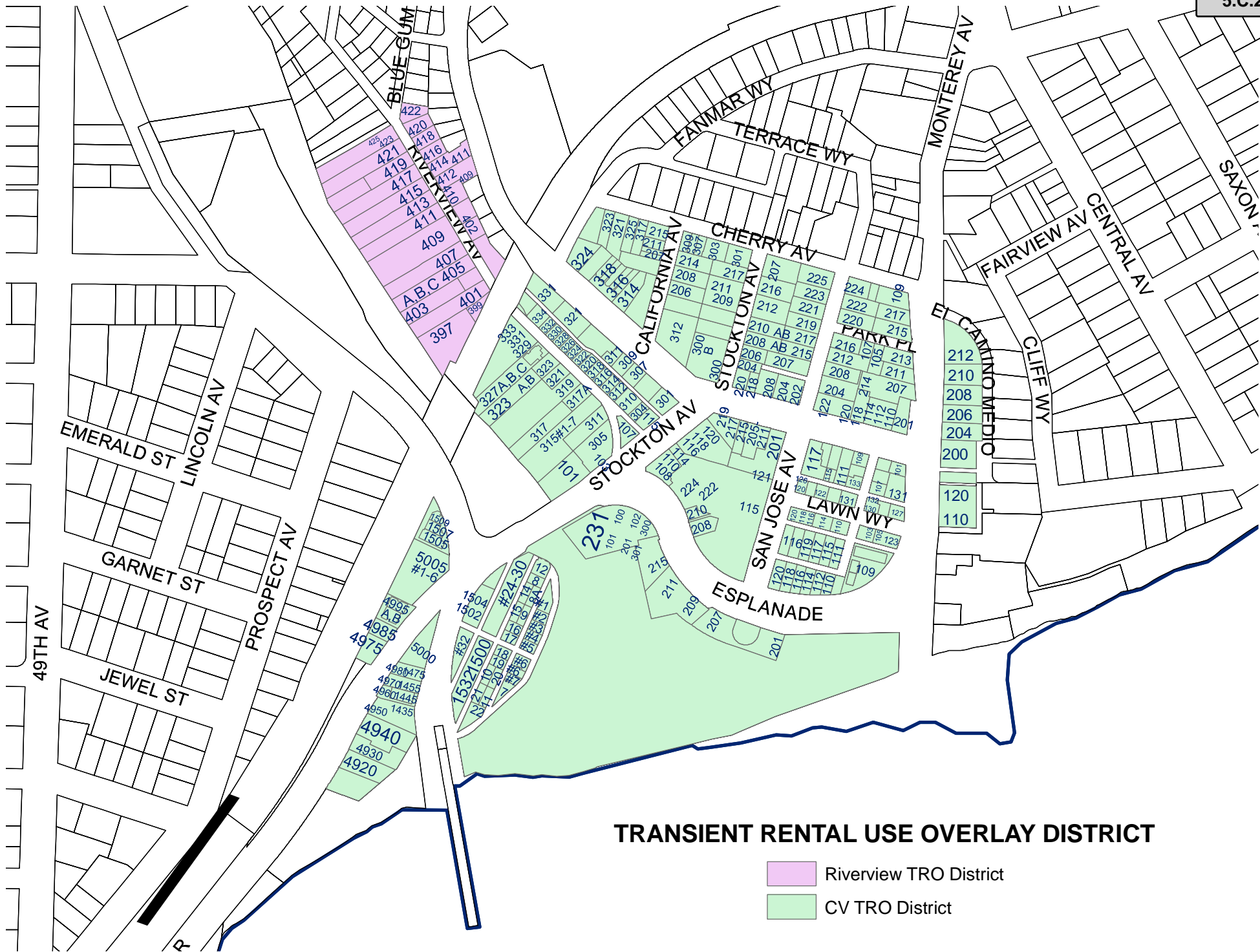
17.19.020 Use permits.

Properties in TRO districts may apply for conditional [use](#) permits to operate as a [transient rental use](#). In addition to such conditions as may be imposed pursuant to Chapter [17.60](#) (conditional [use](#) permits), all such permits shall be subject to the following standard conditions:

- A. The maximum number of persons that may occupy the unit shall be determined by the planning commission and may not be exceeded.
- B. Adequate parking (as determined by the planning commission), whether on site or by Pacific Cove parking permit, must be provided.
- C. The conditional [use](#) permit holder must designate a person who has authority to control the property and represent the landlord. This “responsible person” must be available at all reasonable times to receive and act on complaints about the activities of the tenants.
- D. A business license and transient occupancy tax registration must be obtained.
- E. Only one sign per unit, not to exceed one square foot in size, shall be permitted to advertise the transient rental.
- F. No unit may be rented unless the renter is provided, in writing, with a statement of the conditions (such as is provided in subsection A of this section) which are applicable to the renter and his or her [guests](#), and the renter agrees, in writing, to comply with those conditions.
- G. Permits issued under this section shall expire within one year. No permit holder shall have a vested right to a renewal permit.
- H. If there is a history of the permit holder or his or her tenants violating the permit's conditions, the permit shall not be reissued for a least one year following its expiration date, unless good cause is shown. The revoking authority may establish a longer period before which another application may be filed. (Ord. [708](#) § 3, 1991)

The Capitola Municipal Code is current through Ordinance 1004, passed September 24, 2015.

Disclaimer: The City Clerk's Office has the official version of the Capitola Municipal Code. Users should contact the City Clerk's Office for ordinances passed subsequent to the ordinance cited above.



TRANSIENT RENTAL USE OVERLAY DISTRICT

- Riverview TRO District
- CV TRO District

Attachment: Vacation Rental Area Map & TRO (1269 : Transient Rentals in Capitola)

SITNUMBER	SITSTREET	SITUNIT	APNNODASH	city	zip	TOT
1	4775 CRYSTAL ST		03403516	CAPTIOLA	95010	N
2	300 PARK AVE		03609422	CAPTIOLA	95010	N
3	2155 WHARF RD		03424111	CAPTIOLA	95010	N
4	1745 49TH AVE		03402310	CAPTIOLA	95010	N
5	1836 48TH AVE		03402331	CAPTIOLA	95010	N
6	4320 CLARES ST		03433113	CAPTIOLA	95010	N
7	4425 JADE ST		03462165	CAPTIOLA	95010	N
8	4385 DAIMOND ST		03463145	CAPTIOLA	95010	N
9	1870 SOQUEL WHARF RD		03503133	CAPTIOLA	95010	N
10	703 OAK DR		03506302	CAPTIOLA	95010	N
11	206 FANMAR WAY		03515113	CAPTIOLA	95010	N
12	308 HILL ST		03603119	CAPTIOLA	95010	N
14	218 MONTEREY AVE		03611301	CAPTIOLA	95010	N
15	101 GRAND AVE	#017	03611412	CAPTIOLA	95010	N
16	207 OAKLAND AVE	#1	03612306	CAPTIOLA	95010	N
17	1001 SIR FRANCIS AVE		03622304	CAPTIOLA	95010	N
18	300 PLUM ST	#23	03635250	CAPTIOLA	95010	N
19	1595 38TH ST		03418105	CAPTIOLA	95010	N
20	3207 VIRGIL LN		03441209	CAPTIOLA	95062	N
21	709 OAK DR		03506302	CAPTIOLA	95010	N
22	707 OAK DR		03506303	CAPTIOLA	95010	N
23	2120 DERBY AVE		03422210	CAPTIOLA	95010	N
24	1505 1505 42ND	#26	03432137	CAPTIOLA	95010	N
25	406 LOMA		03609303	CAPTIOLA	95010	N
26	530 MCCORMICK		03610124	CAPTIOLA	95010	N
1	209 TERRACE WAY		03516101	CAPTIOLA	95010	N
2	4980 GARNET ST		03404316	CAPTIOLA	95010	N
3	1589 PROSPECT AVE		03404411	CAPTIOLA	95010	N
4	1591 PROSPECT AVE		03404412	CAPTIOLA	95010	N
5	537 RIVERVIEW DR		03504213	CAPTIOLA	95010	N
6	206 CHERRY AVE		03516107	CAPTIOLA	95010	N
7	410 BEVERLY AVE		03530119	CAPTIOLA	95010	N
8	303 MCCORMICK AVE		03609102	CAPTIOLA	95010	N
1	4995 CLIFF DR	#A	03405113	CAPTIOLA	95010	N

Attachment: Master List of Rentals (1269 : Transient Rentals in Capitola)

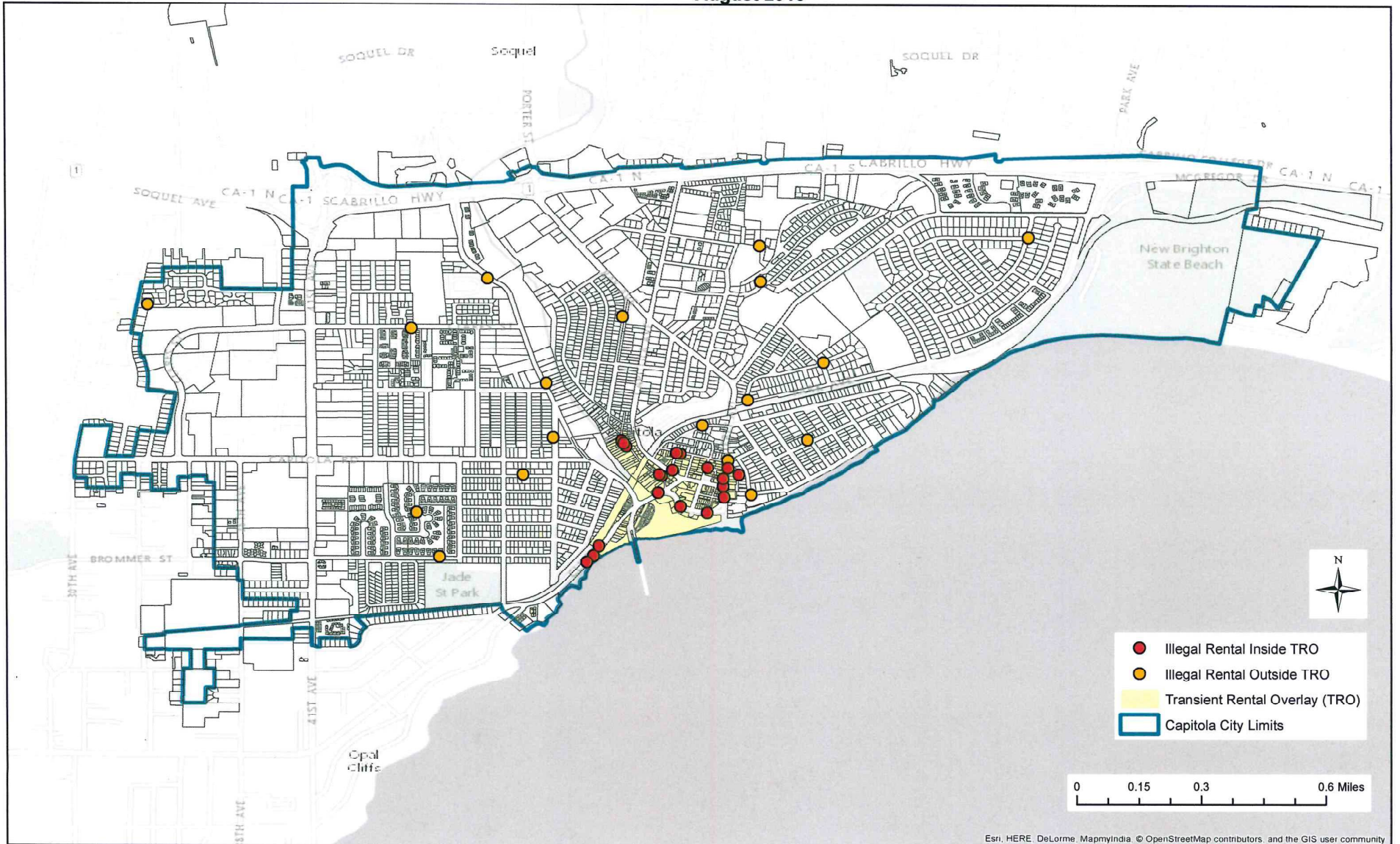
2	4995 CLIFF DR	#B	03405114	CAPTIOLA	95010 N
3	4970 CLIFF DR		03405204	CAPTIOLA	95010 N
4	4950 CLIFF DR		03405213	CAPTIOLA	95010 N
5	417 RIVERVIEW AVE		03513206	CAPTIOLA	95010 N
6	397 RIVERVIEW AVE		03513215	CAPTIOLA	95010 N
7	409 RIVERVIEW AVE		03513221	CAPTIOLA	95010 N
8	103 STOCKTON AVE		03517121	CAPTIOLA	95010 N
9	320 RIVERVIEW AVE		03517219	CAPTIOLA	95010 N
10	330 RIVERVIEW AVE		03517224	CAPTIOLA	95010 N
11	307 CHERRY AVE		03518214	CAPTIOLA	95010 N
12	309 CHERRY AVE		03518217	CAPTIOLA	95010 N
13	206 CALIFORNIA AVE		03518211	CAPTIOLA	95010 N
14	216 SAN JOSE AVE	#A	03539105	CAPTIOLA	95010 N
15	216 SAN JOSE AVE	#B	03539106	CAPTIOLA	95010 N
16	201 MONTEREY AVE		03526107	CAPTIOLA	95010 N
17	212 MONTEREY AVE	#1	03526111	CAPTIOLA	95010 N
18	212 MONTEREY AVE	#2	03526111	CAPTIOLA	95010 N
19	212 MONTEREY AVE	#3	03526111	CAPTIOLA	95010 N
20	212 MONTEREY AVE	#4	03526111	CAPTIOLA	95010 N
21	190 EL CAMINO MEDIO		03526201	CAPTIOLA	95010 N
22	109 ESPLANADE		03531204	CAPTIOLA	95010 N
23	231 ESPLANADE		03521101	CAPTIOLA	95010 N
24	131 LAWN WAY		03524107	CAPTIOLA	95010 N
25	207 MONTEREY AVE		03539102	CAPTIOLA	95010 N
1	1475 WHARF RD	#A	03405203	CAPTIOLA	95010 Y
2	4980 CLIFF DR	#A	03405203	CAPTIOLA	95010 Y
3	4980 CLIFF DR	#B	03405203	CAPTIOLA	95010 Y
4	4980 CLIFF DR	#C	03405203	CAPTIOLA	95010 Y
5	402 BLUEGUM AVE	#A	03513120	CAPTIOLA	95010 Y
6	211 MONTEREY AVE	#A	03518519	CAPTIOLA	95010 Y
7	5005 CLIFF DR	#1	03443101	CAPTIOLA	95010 Y
8	5005 CLIFF DR	#3	03444103	CAPTIOLA	95010 Y
9	5005 CLIFF DR	#4	03444104	CAPTIOLA	95010 Y
10	5005 CLIFF DR	#6	03444106	CAPTIOLA	95010 Y
11	407 RIVERVIEW AVE		03513220	CAPTIOLA	95010 Y

Attachment: Master List of Rentals (1269 : Transient Rentals in Capitola)

12	317 RIVERVIEW AVE	#A	03517116	CAPTIOLA	95010 Y
13	314 RIVERVIEW AVE		03517216	CAPTIOLA	95010 Y
14	318 RIVERVIEW AVE		03517218	CAPTIOLA	95010 Y
15	318 CAPITOLA AVE	#1	03518125	CAPTIOLA	95010 Y
16	318 CAPITOLA AVE	#3	03518127	CAPTIOLA	95010 Y
17	318 CAPITOLA AVE	#2	03518126	CAPTIOLA	95010 Y
18	318 CAPITOLA AVE	#4	03518128	CAPTIOLA	95010 Y
19	318 CAPITOLA AVE	#5	03518129	CAPTIOLA	95010 Y
20	301 CHERRY AVE		03518222	CAPTIOLA	95010 Y
21	303 CHERRY AVE		03518225	CAPTIOLA	95010 Y
22	225 SAN JOSE AVE		03518301	CAPTIOLA	95010 Y
23	208 STOCKTON AVE		03518324	CAPTIOLA	95010 Y
24	109 CHERRY AVE	#A	03518402	CAPTIOLA	95010 Y
25	222 SAN JOSE AVE		03518406	CAPTIOLA	95010 Y
26	1500 WHARF RD	#20	03519307	CAPTIOLA	95010 Y
27	1500 WHARF RD	#12	03520302	CAPTIOLA	95010 Y
28	1500 WHARF RD	#2	03520402	CAPTIOLA	95010 Y
29	1500 WHARF RD	#3	03520403	CAPTIOLA	95010 Y
30	1500 WHARF RD	#4	03520404	CAPTIOLA	95010 Y
31	1500 WHARF RD	#5	03520405	CAPTIOLA	95010 Y
32	116 ESPLANADE	#A	03525303	CAPTIOLA	95010 Y
33	208 MONTEREY AVE		03526104	CAPTIOLA	95010 Y
34	206 MONTEREY AVE		03526105	CAPTIOLA	95010 Y
35	109 MONTEREY AVE	#2	03532204	CAPTIOLA	95010 Y
36	327 RIVERVIEW AVE	#B	03534201	CAPTIOLA	95010 Y
37	327 RIVERVIEW AVE	#A	03535202	CAPTIOLA	95010 Y
38	407 RIVERVIEW AVE		03517221	CAPTIOLA	95010 Y

Attachment: Master List of Rentals (1269 : Transient Rentals in Capitola)

Illegal Short-term Rentals in Capitola August 2015



Attachment: Unpermitted Transient Rentals Map - August 2015 (1269 : Transient Rentals in Capitola)