



AGENDA

CAPITOLA PLANNING COMMISSION

Thursday, February 4, 2016 – 7:00 PM

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

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

B. Public Comments

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

C. Commission Comments

D. Staff Comments

3. APPROVAL OF MINUTES

A. Planning Commission - Regular Meeting - Jan 21, 2016 7:00 PM

4. CONSENT CALENDAR

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

A. 411 Beverly Avenue #16-006 APN: 035-093-41

Major Revocable Encroachment Permit for a rock retaining wall in the public right-of-way in the R-1 (Single-Family Residential) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: LaDon & Richard Detro

Representative: LaDon & Richard Detro, filed: 1/9/15

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. Pacific Gas and Electric - Community Pipeline Safety Initiative Presentation**B. 4980 Garnet St #15-181 APN: 034-043-16**

Design Permit and Variance request for a garage addition to be located in the front yard setback area of an existing residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
Property Owner: David Aaron
Representative: Chris Sandman, filed 11/4/15

C. 115 San Jose Avenue #15-188 APN: 035-221-17

Conceptual Review of a proposed Master Use Permit with 11 new residential units and a parking management plan for the Capitola Mercantile located in the CV (Central Village) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit at the conceptual review stage. Environmental Determination: N/A
Property Owner: Southstar PM
Representative: Thacher & Thompson Architects

D. Zoning Code Update - Initiation of Public Review**6. DIRECTOR'S REPORT****7. COMMISSION COMMUNICATIONS****8. ADJOURNMENT**

APPEALS: The following decisions of the Planning Commission can be appealed to the City Council within the (10) calendar days following the date of the Commission action: Conditional Use Permit, Variance, and Coastal Permit. The decision of the Planning Commission pertaining to an Architectural and Site Review 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.

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**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JANUARY 21, 2016
7 P.M. – CAPITOLA CITY COUNCIL CHAMBERS**

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

2. NEW BUSINESS

A. Election of Chair and Vice Chair

Commissioner Westman moved, seconded by Commissioner Newman, to elect Commissioner Welch as chair and Commissioner Newman as vice chair. The motion passed unanimously (Ayes: Newman, Smith, Westman, Welch).

B. Commission Appointments

The Commission unanimously supported retaining Commissioner Smith as the representative for the Art and Cultural Commission and Chairperson Welch as the representative to the Traffic and Parking Commission.

3. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Community Development Director Rich Grunow said the CEQA presentation under the Director's Report will be postponed until February to allow Commissioner Ortiz to participate.

B. Public Comments

Marilyn Garrett spoke to studies about wireless radiation exposure in fire fighters and concerns about health effects from exposure.

Diana Bush spoke to concerns about laws supported by telecommunication corporations that do not allow consideration of health issues related to placement of cell towers.

C. Commission Comments

None

D. Staff Comments

None

4. APPROVAL OF MINUTES

Minutes Acceptance: Minutes of Jan 21, 2016 7:00 PM (Approval of Minutes)

A. Planning Commission - Regular Meeting - Dec 3, 2015 7:00 PM

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

5. CONSENT CALENDAR**A. 723 El Salto Drive #15-185 APN: 036-143-35**

Request for a two-year extension of previously approved Coastal Development Permit, Minor Land Division to create two lots of record, and Minor Land Division to convert four apartment units to condominiums in the R-1/VS (Single Family/Visitor Serving) Zoning District.

This project 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

Owner: Doug Dodds

Representative: Thacher & Thompson, filed: 11/12/2015

Commissioner Newman asked for clarification on the status of the condominium conversion ordinance. It does not apply to this project since it is only four units and the ordinance has not been changed. He also suggested that tenant right of first refusal and noticing requirements from the current ordinance may be added as conditions at this point. The other commissioners agreed.

Motion: Approve the two-year extensions with the following conditions and findings:

CONDITIONS

1. The project consists of an 2 year extension of a minor subdivision of a 35,439 square-foot lot into two residential lots in the VS/R-1 (Visitor Serving/Single-Family Residence) Zoning at 723 El Salto Drive. The application proposes to create two lots. Parcel A is a 6,480 square-foot flag lot which will include the single-family house. Parcel B is a 28,959 square-foot lot containing the existing four-unit apartment building. The single-family house will remain in its current location. Covered parking for 4-cars will be constructed entirely within Parcel B.
2. The application also includes a 2 year extension of the approved tentative parcel map for the four-unit apartment into condominium units (application 10-082). No relevant substantial change of circumstances, regulations or planning policies has occurred since the original approval and such extension would not be detrimental to the purpose of the certified local coastal program and zoning ordinance. With the two-year extension, the final map for the four-unit condominium must be recorded prior to January 21, 2017.
3. No structures will be developed within the view easement of Parcel B.
4. No existing trees are permitted to be removed within this application.

5. Prior to issuance of a building permit, a Coastal Permit and Design Permit for new covered parking constructed entirely within the boundary of Parcel B must be approved by the Planning Commission.
6. Prior to recordation of final map, a new 4-car covered parking structure must be constructed entirely within the boundary of Parcel B. Onsite improvements must be completed to the satisfaction of the Community Development Director.
7. Prior to the recordation of final map, the applicant shall submit new legal descriptions for the two lots for review by the Community Development Department.
8. Prior to recordation of final map, all utility easements shall be provided on the parcel map in a configuration which meets the requirements of the utility companies and the City of Capitola Public Works Director.
9. Prior to recordation of final map, the owner shall contact the Capitola U.S. Postmaster to locate in the subdivision placement of "Neighborhood Delivery and Collection Boxes (NDCBU's). Any required easements shall be dedicated and shown on the parcel map within a public utility easement, as approved by City Staff and the Postmaster.
10. Prior to the recordation of final map, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Community Development Director.
11. Prior to recordation of final map, all Planning fees associated with permit #15-185 shall be paid in full.
12. The tentative parcel map for the two-lot minor land division and extension of the minor land division for the four-unit apartment into condominiums shall expire 24 months from the date of approval. Applications for extension may be submitted by the applicant prior to expiration pursuant to Municipal Code section 17.81.160.
13. Any present tenant or tenants of any unit shall be given a nontransferable right of first refusal to purchase the unit occupied at a price no greater than the price offered to the general public. The right of first refusal shall extend for at least sixty days from the date of issuance of the subdivision public report or commencement of sales, whichever date is later.
14. Each nonpurchasing tenant, not in default under the obligations of the rental agreement or lease under which he or she occupies his or her unit, shall have not less than one hundred twenty days from the date of receipt of notification from the subdivider of his or her intent to convert, or from the filing date of the final subdivision map or parcel map, whichever date is later, to find substitute housing and to relocate.

FINDINGS

- A. **The application, subject to the conditions imposed, will secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff and the Planning Commission have reviewed the project. The minor land division, together with the provisions for its design and improvement, is consistent with the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

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

The minor land division 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 and Local Coastal 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 15315 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15315 of the CEQA Guidelines exempts minor land divisions in urbanized areas zoned for residential, commercial, or industrial use into four or fewer parcels when the division is in conformance with the General Plan and Zoning.

D. A substantial change of circumstances has not occurred since the original Planning Commission approval of application 10-082 on January 20, 2011. A second extension of the permit to December 5, 2015, would not be detrimental to the purpose of the certified local coastal program and zoning ordinance.

The Planning Commission finds that neither the physical characteristics of the lot nor the zoning ordinance has changed since approval of the permit on January 20, 2011. Therefore, a third extension of said permit is appropriate.

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 minor land division 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 project will not directly affect public access and coastal recreation areas as it involves the minor land division of a privately owned residential property with no intensification or build out and no public trail 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 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 project is located atop a bluff along the shoreline, with no beach access. The approval of the minor land division will not affect any portions of the lot adjacent to the bluff, nor impact the character of the beach below.

(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);

- The privately owned site has historically been used as private residences. There is no evidence of use of the site by members of the public for coastal access.

(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 is located atop a bluff along the shoreline. The tall bluff does not allow for beach access. Beach access to the public will not be affected by the project, nor will the development 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 site is located atop a bluff along the shoreline, but not in the vicinity of a public recreation area. The minor land division 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;***
- b. Topographic constraints of the development site;***
- c. 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.***
 - No Management Plan is required; therefore these findings do not apply

(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 the minor land division of an existing residential use. No new use or change in use is proposed.

SEC. 30223

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

- The project involves the minor land division of an existing residential use. No new use or change in use is proposed.

SEC. 30250

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

- The project involves the minor land division of an existing residential use. No new use or change in use is proposed.

(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 meets zoning standards for required parking and pedestrian access. There are no requirements for alternate means of transportation or traffic improvements as part of the minor land division.

(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 was reviewed by the Architectural and Site Review Committee and complies with the design guidelines and standards for the VS/R-1 zoning district, as well as the recommendations provided by the Committee.

(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;

- No public landmarks or public views to and along the shoreline are affected by the project.

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

- The minor land division does not include any additional units, and therefore does not require new water or sewer services.

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

- The minor land division does not include any additional units, and therefore does not require new flow rates or fire response times.

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

- The project will be required to comply with water and energy conservation standards for the proposed covered parking structure as part of the building plan check process.

(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 complies with the coastal housing policies and condominium conversion

ordinance. The four unit apartments are converted to condos within the application as part of the minor land division.

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

- The minor land division does not impact natural resources, habitat, or 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;

- The project will comply with all 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;

- No development is proposed within the project. A geologic/engineering report is required for new development within 200 feet of a coastal bluff.

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

- The project is not located within a geologically unstable area nor flood plain, and fire hazard are accounted for and will be mitigated in the project design.

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

- The proposed carport will comply with shoreline structure policies as part of the building plan check process.

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

- The residential uses that exist are consistent with the permitted or conditional uses in the VS/R-1 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.

RESULT: APPROVED AS AMENDED [UNANIMOUS]**MOVER:** Edward Newman, Commissioner**SECONDER:** Linda Smith, Commissioner**AYES:** Smith, Newman, Welch, Westman**ABSENT:** Ortiz**6. PUBLIC HEARINGS****A. 1200 41st Ave #15-119 APN: 034-101-38**

Design Permit and Conditional Use Permit for the installation of a new Verizon wireless antenna and ancillary equipment on the roof of the Begonia Plaza commercial building 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: Verizon Wireless – Sequoia Deployment Services, filed 7/27/15

Assistant Planner Ryan Safty presented the staff report. He noted all mechanical elements are proposed to be screened except the antenna and he offered images. The project is intended to fill a gap in coverage area. He provided an overview of the requirements for considering a new cell tower. This location is furthest from restricted residential districts within the area needing additional coverage. The project was subject to an outside review by Telecom Law Firm, which concluded the proposal did not use the least intrusive design and suggested an optional faux chimney design.

Planner Safty also noted condition 15 should be amended to make the permit valid for 10 years based on state regulation.

Diana Bush asked for details of terms of the contract for placement and the range of the tower. She reiterated her health concerns.

Tanya Datel, president of the Jade Street homeowners association that has five homes in the restricted range, opposes the project for health reasons and property values.

Helen Brice noted the legal review conclusion does not appear to support the claimed gap in coverage and asked did they demonstrate a need?

Marilyn Garrett opposed the project for health and privacy reasons.

Pete Shubin spoke on behalf of the application. In response to the question about range, he noted the proposal is for a small cell with a roughly 1,000-foot range. Existing nearby towers will not meet data demand in the area. There is no potential for co-location of other carriers on the tower, but there is on the property.

Commissioner Westman asked about the suggestion to camouflage the unit and was told it is possible but it increases the mass and visibility.

Commissioner Smith confirmed the design can be adjusted so it does not narrow at the base.

Melissa Van Ness said she shares shared concerns expressed by others and she has not experienced reception problems in the shopping center.

Commissioner Westman reviewed the allowed considerations and noted commissioners do not have legal parameters to make a decision based on health concerns since the required conditions will be imposed. She supports a proposal to screen it from view.

Commissioner Smith concurred, but does not like a brick chimney look on a tile roof. Although she feels having the antenna visible allows people to make choices about being in its proximity, she would like a revised screened proposal.

Commissioner Newman expressed appreciation for the speakers who keep the health issues in front of the public, but considering them is not within the commission's purview. He also does not like the faux chimney.

Chairperson Welch asked if failing to prove a lack of coverage could be grounds for denial. Director Grunow said maps show increased coverage and the speed capacity issue is not contested. Commissioners Smith and Newman said they interpreted the legal consultant review as confirming a need due to the speed gap.

Commissioners supported requiring a screening design to be approved by staff.

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

CONDITIONS OF APPROVAL

1. The project approval consists of a new, small-cell wireless antenna facility on to an existing commercial building at 1200 41st Avenue. The proposed project is approved as indicated on the final plans reviewed and approved by the Planning Commission on January 21, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. All planning fees associated with permit #15-119 shall be paid in full.
3. The applicant was granted a design permit, conditional use permit, and location exemption for the installation of a new, small-cell Verizon wireless antenna facility on the rooftop of the existing commercial building at 1200 41st Avenue. In any case where the conditions of the permit 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.
4. Prior to Building Permit issuance, the applicant shall submit a modified, stealth design to screen the antenna facility from public view, to the satisfaction of the Community Development Director.
5. The wireless communication facilities shall comply with all Federal Communication Commission (FCC) rules, regulations, and standards. Every two years the wireless telecommunications service provider shall submit to the director of community development: (1) a certification by a licensed engineer that the emissions are within the current FCC standards; and (2) a report on the level of cumulative radio frequency emissions within an eight hundred-foot radius from the subject antenna.

6. All roof-mounted facilities shall be painted with a non-reflective matte finish using an appropriate color that blends with the backdrop. The final choice of colors shall be approved by the community development department, in accordance with section 17.98.120 of the Capitola Municipal Code.
7. The wireless communications facilities shall be constructed and operated in such a manner as to minimize the amount of noise impacts to adjacent uses and activities. Backup generators shall only be operated during power outages and for testing and maintenance purposes. At any time, noise attenuation measures may be required by the director when deemed necessary.
8. Testing and maintenance activities of wireless communications facilities which generate audible noise shall occur between the hours of eight a.m. and five p.m., weekdays (Monday through Friday, non-holiday) excluding emergency repairs, unless allowed at other times by the director. Testing and maintenance activities, which do not generate audible noise, may occur at any time, unless otherwise prohibited by the director.
9. All wireless communications providers shall provide signage, as required by the director, which shall identify the name and phone number of the wireless communications provider for use in case of an emergency.
10. The new wireless communications facilities shall be maintained by the wireless service provider in good condition. This shall include keeping all wireless communications facilities graffiti free.
11. At time of Building Permit submittal, the wireless carrier applicant must submit equipment specifications for all proposed rooftop equipment in order for the Building Department to verify existing structure's load capacity. The Building Department may require a report prepared by a structural and electrical engineer.
12. The wireless communications facility which provides service to the general public shall be designed to survive a natural disaster without interruption in operation. To this end, the measures listed in section 17.98.200 of the Municipal Code shall be implemented.
13. Wireless communications providers shall provide the city with a notice of intent to vacate a site a minimum of thirty days prior to the vacation, and all other forms of cessation of operation on-site shall follow the rules and regulations set forth in Municipal Code section 17.98.210.
14. In the event that the original permittee (Verizon) sells its interest in a wireless communication facility, the succeeding carrier shall assume all responsibilities concerning the project and shall be held responsible to the city for maintaining consistency with all project conditions of approval, including proof of liability insurance. A new contact name for the project (#15-119) shall be provided by the succeeding carrier to the community development department within thirty days of transfer of interest of the facility.

15. This permit shall be valid for a period of ~~five~~ ten (10) years. An approval may be extended administratively from the initial approval date for a subsequent five years and may be extended administratively every five years thereafter upon the verification of the wireless communications provider's continued compliance with Municipal Code chapter 17.98 and with the findings and conditions of approval under which the application was originally approved. This does not apply to preexisting legal nonconforming uses.
16. Should the director determine that the wireless communications facility may no longer be in compliance, the director may, at his or her discretion, schedule a public hearing before the planning commission at which the planning commission may modify or revoke an approval in accordance with chapter 17.98.240 of the Municipal Code.
17. All wireless communications facilities shall meet the current standards and regulations of the Federal Communications Commission, the California Public Utilities Commission, and any other agency of the federal or state government with the authority to regulate wireless communications providers. If such standards and regulations are changed, the wireless communications provider shall bring its facilities into compliance with such revised standards and regulations within ninety days of the effective date of such standards and regulations, unless a more stringent compliance schedule is mandated by the controlling federal or state agency. Failure to bring wireless communications facilities into compliance with such revised standards and regulations shall constitute grounds for the immediate removal of such facilities at the wireless communications provider's expense.

FINDINGS

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

The Planning Commission reviewed and approved the applications with conditions of approval with respect to the maintenance, design and operation of the use to ensure that the new wireless facility will not have a negative impact on the surrounding commercial and residential uses and secure the general purposes of the Zoning Ordinance and General Plan.

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

The Planning Commission reviewed and approved the application with conditions of approval to ensure that the antenna is screened from public view so as to preserve the character and identity of the neighborhood.

C. This project is categorically exempt under the Section 15303 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 the construction of a new, small-cell Verizon wireless antenna facility. The project will result in a minor modification to the exterior of an existing structure. Section 15303 exempts new small structures and minor modifications to the exterior of an existing structure.

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 wireless antenna project is proposed to be located on an existing commercial building at 1200 41st Ave. The existing building is not located in an area with coastal access. The new antenna 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 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 not history of public use on the subject lot, however 41st Avenue is a heavily used pedestrian and automobile thoroughfare.

(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 off of 41st Avenue. The project will not block or impede the ability of the public to get to or along the tidelands, public recreation areas, or views to the shoreline.

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

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

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

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

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

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

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

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

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

- The project is located in a commercial 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, however it will be visible from public right-of-ways.

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 is proposed to be located on 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 is proposed to be located on 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 is proposed to be located on 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 an antenna addition to an existing commercial building. The proposal does not affect, and thus complies with applicable standards and requirements for provision for parking, pedestrian access, and alternate means of transportation and/or traffic improvements.

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

- The project does not comply with the design guidelines and standards established by the Municipal Code. Planning Staff's modified approval will condition the proposal to meet design guidelines.

(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 new small-cell wireless antenna facility. The GHG emissions for the project are projected at less than significant impact. No water fixtures are proposed.

(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;

- The use is not allowed where it is proposed, being that it is within 500 feet of a restricted residential zone.

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

- The project does not conform in that the design is not properly screened and it is proposed in a restricted area.

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

- The project will not affect the Capitola parking permit program.

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

7. DIRECTOR'S REPORT

Director Grunow reported the City Council approved the proactive enforcement of illegal vacation rentals. The issue has generated news coverage, which helps with outreach and awareness.

Staff is aiming to release a public review version of the zoning update by the February meeting or shortly thereafter to allow ample reading time before discussions begin.

The comment period closed for the Monterey Park skatepark and staff is drafting responses. The target is still the March 3 Planning Commission meeting. Commissioner Newman will not be able to attend the March meeting and Commissioner Westman is out in April. There was support for scheduling a special meeting to hear this project and a request that the City Attorney attend.

Commissioner Smith asked for an update on the Capitola Road unfinished home. The city has initiated litigation but continues to work with the property owner.

8. COMMISSION COMMUNICATIONS

None

9. ADJOURNMENT

Approved by the Planning Commission at the February 4, 2016, meeting.

Linda Fridy, Minutes Clerk

Minutes Acceptance: Minutes of Jan 21, 2016 7:00 PM (Approval of Minutes)



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 4, 2016
 SUBJECT: **411 Beverly Avenue #16-006** **APN: 035-093-41**

Major Revocable Encroachment Permit for a rock retaining wall in the public right-of-way in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit.
 Environmental Determination: Categorical Exemption
 Property Owner: LaDon & Richard Detro
 Representative: LaDon & Richard Detro, filed: 1/9/15

APPLICANT PROPOSAL

The applicant is applying for a major revocable encroachment permit for a rock wall located within the public right-of-way of 411 Beverly Avenue in the R-1 (Single Family) zoning district.

BACKGROUND

In December of 2015, the City received a code complaint regarding unpermitted construction of a rock wall within the public right-of-way in front of 411 Beverly Avenue. Upon inspection, staff verified the un-permitted construction and informed the property owners of 411 Beverly Avenue that a revocable encroachment permit is required. On January 19th, 2016, the City received a complete application from the owner.

DISCUSSION

411 Beverly Avenue is located at the south-eastern corner of Beverly Avenue and Oak Drive. The home is accessed off of Beverly Avenue. The existing property contains a three foot tall grape stake fence, which is located along the property line. In front of the fence, along Oak Drive, is an area of the public right-of-way that has been historically utilized by the owners of 411 Beverly Avenue as a landscaped area. There are several shrubs and a few small trees planted within this area.

The owner built the rock retaining wall to prevent erosion during periods of heavy rain. The retaining wall is constructed with flag stone and ranges from eight to 14 inches in height. The non-permitted rock wall is located in the City right-of-way and requires a Major Revocable Encroachment Permit.

Revocable Encroachment Permit

Chapter 12.56 of the Capitola Municipal code outlines the regulations for privately installed improvements on public property or easements. The code defines a *private improvements area*

as “that portion of any public street right-of-way in the city which is neither street system area nor shoulder parking area”.

Pursuant to §12.56.060, the City may issue an encroachment permit to allow improvements to be installed and maintained by abutting private property owners, within the private improvements area. Minor permits may be issued by the Public Works Director for mailboxes, fences, walkways, driveways, and landscaping that comply with specific standards. Major Permits, for improvements beyond those listed under the discretion of the Public Works Director, require approval by the Planning Commission. The rock wall requires a Major Revocable Encroachment Permit.

The Planning Commission must evaluate the following considerations when deciding whether or not to issue a major permit. Staff analysis of the current application follows each review criteria.

1. The expense and difficulty that will be entailed in removing the improvement in the event of street widening;
Staff analysis: Within the revocable/hold harmless agreement, the owner must agree that the removal of the structure, when so ordered by the city, shall be at the permittee's expense and not the expense of the city.
2. Whether the proposed improvements are in conformity with the size, scale, and aesthetics of the surrounding neighborhood;
Staff Analysis: The wall is made of real rock and aesthetically compliments the property and neighborhood. Staff has received public comment from neighboring property owners in support of the location and design of the wall (Attachment 2).
3. Preservation of views;
Staff analysis: Views are not impacted by the rock retaining wall.
4. Whether granting the permit would tend to result in the granting of a special privilege, in the sense that granting this permit would tend to preclude granting similar permits to neighboring property. If the benefit to the applicant and community is determined to exceed the detriment to the community, the permit shall be approved. The Planning Commission may, by providing reasonable notice to neighboring property owners, develop standards or criteria applicable to the entire block within which the property is located.
Staff analysis: The area has historically been utilized as a landscape area by the owners. The rock wall does not create a detriment to the community that exceeds the benefit to the property owner.

CEQA REVIEW

Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #16-006 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a rock wall structure permanently affixed to the ground within the right-of-way at 411 Beverly Avenue. A major revocable encroachment permit has approved within this application.

2. There shall be no additional permanent structures located within the right of way without the issuance of a major permit by the Planning Commission.
3. Prior to March 4, 2016, the applicant shall complete all submittal requirements to finalize the major revocable encroachment permit with the Public Works Department. The revocable encroachment permit shall be recorded within 90 days of the Planning Commission approval.
4. 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.
5. Prior to issuance of revocable encroachment permit, all Planning fees associated with permit #16-006 shall be paid in full.

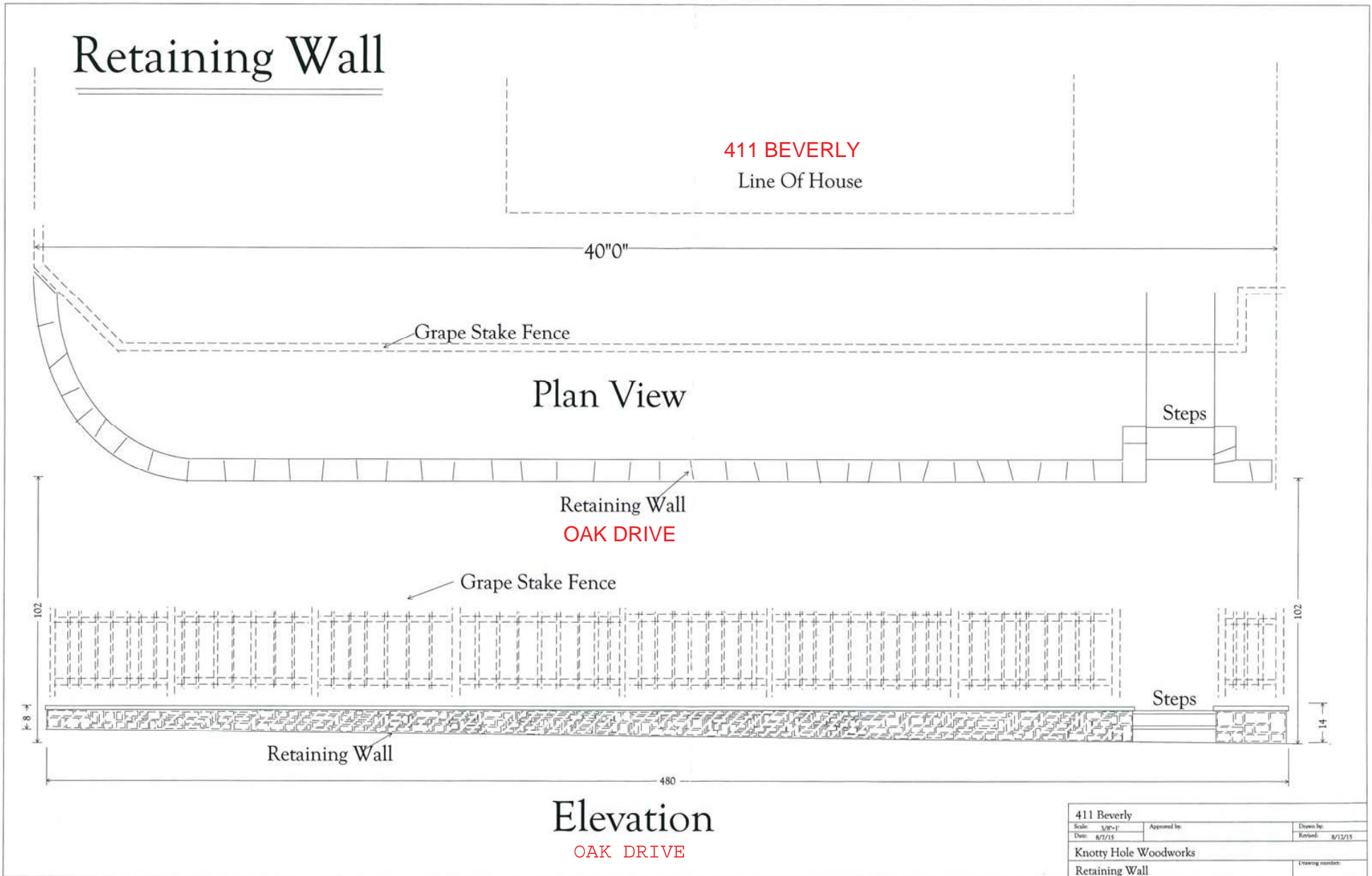
FINDINGS

- A. **The application, subject to the conditions imposed, secure the purposes of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
Community Development Department Staff and the Planning Commission have reviewed the project. A major revocable encroachment permit for the rock wall will carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.
- B. **This project is categorically exempt under Section 15304 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**
Section 15304 of the CEQA Guidelines exempts minor alterations to land. No adverse environmental impacts were discovered during review of the proposed project.

ATTACHMENTS:

1. Project Plans and Pictures
2. Neighborhood Letters of Support

Prepared By: Katie Cattan
Senior Planner



Attachment: Project Plans and Pictures (1369 : 411 Beverly Avenue)

411 Beverly Ave



OAK DRIVE

BEVERLY AVE

1 inch = 20 feet



Vicinity Map

Attachment: Project Plans and Pictures (1369 : 411 Beverly Avenue)

→ Arrows indicate water Run-off



Attachment: Project Plans and Pictures (1369 : 411 Beverley Avenue)

PHOTOS OCT. 1998





OAK DRIVE



Attachment: Project Plans and Pictures (1369 : 411 Beverly Avenue)



OAK DRIVE



LaDon Detro <ldetro@gmail.com>

Letter of Support

1 message

Amie Forest

To: ldetro@gmail.com

Wed, Jan 13, 2016 at 10:47 PM

We would like to voice support for the Detro's retaining wall at the corner of Oak and Beverly at 411 Beverly. While I understand they built an un-permitted wall to hold the beautiful garden in, we support the city making an exception and allowing it to stay. We understand the Detro's have agreed to take the wall out, at their own expense, if and when the city chooses to build a sidewalk on the east side of Oak Drive. This seems fair. Their garden greatly enhances Oak Drive and the retaining wall is simple and lovely. It also holds back the dirt that previously was eroding on to the street, this is a measurable improvement.

We feel it is unfair the rules about encroachment are applied unevenly. There are several properties facing Grand Avenue on Depot Hill that have been encroaching for many years. Why have they been allowed to stand but this property must dismantle the improvement?

Respectfully,
Amie and Karl Forest
516 Oak Drive

Attachment: Neighborhood Letters of Support (1369 : 411 Beverly Avenue)



LaDon Detro <ldetro@gmail.com>

Stone retaining wall

1 message

Marge <[redacted]>
To: ldetro@gmail.com

Wed, Jan 13, 2016 at 3:43 PM

LaDon, Ted and whomever else this may concern:

The stone retaining wall that you built along your Oak Drive property line is a pleasing visual asset to the neighborhood that also prevents water runoff, soil erosion and vehicular damage to your property and the stop sign at the corner of Oak and Beverly. As for it's positioning, if the City of Capitola has an issue with your wall, it needs to be consistent in its code enforcement. The owners of the house on the southwest corner of Central and Grand on Depot Hill were allowed to encroach on city property to a much larger extent resulting in far greater traffic and parking problems than yours ever will. Best of luck for a speedy and equitable resolution!

Sincerely,

Marge Hansen
601 Oak Drive
Capitola, CA 95010

Attachment: Neighborhood Letters of Support (1369 : 411 Beverly Avenue)



LaDon Detro <ldetro@gmail.com>

Capitola home

1 message

Rhonda Munoz <

Thu, Jan 14, 2016 at 8:40 AM

Reply-To: Rhonda Munoz



To: ldetro@gmail.com

Hi LaDon,

It's Rhonda Munoz your next door neighbor in Capitola.

I have no issues with your stone retaining wall, I actually think it looks very nice and helps improve the overall look of your home as well as the neighborhood appeal.

It is done in a work man like manner and in my opinion poses no issues.

Please let me know if I can be of any further help and best of luck.

Rhonda Munoz

526 Oak Drive
Capitola, CA 95010

Attachment: Neighborhood Letters of Support (1369 : 411 Beverly Avenue)



LaDon Detro <ldetro@gmail.com>


Quick note about your front wall

3 messages

Pat Goulet <pelicanpointe@gmail.com>
To: LaDon Detro <ldetro@gmail.com>

Wed, Jan 27, 2016 at 3:50 PM

Hi LaDon,

I wanted to let you know how happy I am with everything you've done to update your darling cottage. It really looks like someone loves it again  and so fitting with the neighborhood. You will love being a part of our fabulous community. And with the really cool wall and plantings you've done on the Oak/Beverly corner, we'll all have the great charm of that area to bring us even closer together.

Welcome, and I see lots of friendship times in our future. Gardens have a way of bringing folks together.

A friend of mine purchased a little house on Sunset and has done a complete remodel and her big excitement is the community we have with all the great neighbors.

Pat & Kahuna



LaDon Detro <ldetro@gmail.com>
To: Pat Goulet <pelicanpointe@gmail.com>

Wed, Jan 27, 2016 at 5:14 PM

Pat,

Thank you so much for the great complements. I am looking forward to meeting more of the neighbors. The garden should be in full bloom by spring, that always gets people to stop and chat. Thank you for your support.

LaDon

[Quoted text hidden]

LaDon Detro <ldetro@gmail.com>
To: Pat Goulet <pelicanpointe@gmail.com>

Wed, Jan 27, 2016 at 5:16 PM

[Quoted text hidden]

Attachment: Neighborhood Letters of Support (1369 : 411 Beverly Avenue)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 4, 2016

SUBJECT: **Pacific Gas and Electric - Community Pipeline Safety Initiative Presentation**

APPLICANT PROPOSAL

This is a presentation by Pacific Gas and Electric Company (PG&E) to provide the Planning Commission with an overview of its Community Pipeline Safety Initiative (Initiative). The Initiative is focused on improving community safety by addressing potential risks to gas transmission pipelines by identifying trees, bushes, and structures which could damage underground pipelines and/or obstruct access to first responders during an emergency. The Initiative is underway throughout the PG&E service area.

PG&E maintains a high pressure natural gas transmission pipeline which extends through Capitola, following a generally east-west direction from McGregor Drive through 41st Avenue near Gross Road. As a first step to assess potential risks to their pipeline, PG&E completed an inventory of structures and trees located in their recorded easement above the pipeline. The inventory identified the following number of trees, structures, and other vegetation that requires further evaluation to determine their risk potential:

Type	Public Property	Private Property
Tree Assessments	74	99
Tree Prunes	9	4
Brush Assessments	7	101
Brush Prune	0	1
Structures	0	TBD

PG&E has completed assessments of trees and vegetation located on public property and concluded that 11 trees likely need to be removed to maintain adequate emergency access and/or to prevent damage to their infrastructure. Eight of these trees are located in the vicinity of McGregor Drive; the remaining three are located in open space north of the Rispin Mansion.

PG&E has not yet initiated assessments on private property. Following the Planning Commission hearing, PG&E representatives intend to contact each individual property owner to explain the purpose of the Initiative and to obtain permission to access their property to complete a safety evaluation. PG&E representatives will describe their public outreach process in more detail during the Planning Commission presentation.

Attachment 1 provides an overview of the Initiative. Attachment 2 shows the location of the underground pipeline and trees and vegetation which have been identified for further evaluation. Attachment 3 is a draft letter PG&E intends to send to private property owners to initiate the evaluation process.

DISCUSSION

Capitola's Tree Protection Ordinance requires issuance of a tree permit prior to removing any non-fruit bearing tree. Trees may only be removed if they are: 1) dead, dying, or diseased; 2) causing or have the potential to cause substantial property damage and/or interfere with existing utility services; or 3) pose a safety hazard.

Trees which have the potential to damage or interfere with access to the underground pipeline could qualify for a tree removal permit. PG&E has agreed to submit permit applications and fees for any trees proposed for removal. PG&E has also agreed to replace trees on-site and in safe locations at a 2:1 ratio, or if infeasible, pay in-lieu fees in accordance with the Tree Protection Ordinance.

City staff will evaluate each tree proposed for removal with the assistance of an independent licensed arborist. Tree permits are issued by the Community Development Department and are appealable to the Planning Commission.

CEQA

A CEQA determination will be made following submittal of a formal application.

RECOMMENDATION

Receive presentation and offer feedback to staff and PG&E representatives

ATTACHMENTS:

1. Pipeline Location Map
2. Draft Community Pipeline Safety Initiative - Private Property Letter
3. Community Pipeline Safety Initiative

Prepared By: Rich Grunow
Community Development Director



Community Pipeline Safety Initiative Capitola, California

January 2016

WHAT WE'RE DOING



Checking the area above the gas transmission pipeline for trees and structures that pose an emergency access or safety concern.



Helping to ensure immediate access for emergency response crews, and preventing potential damage to the pipe.



Working with our customers and communities where a safety risk has been identified to develop shared solutions.

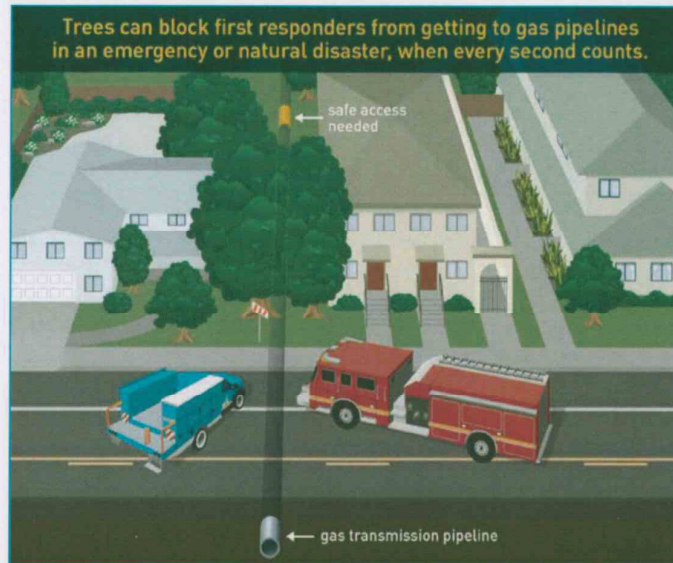


Planting new trees at a safe distance from the pipeline and restoring the area to preserve the natural beauty of our communities.

LEARN MORE

- If you have questions about this upcoming gas safety work, please contact Jimmy Hernandez at **1-408-234-6032** or by email at jimmy.hernandez@pge.com.
- For more information about PG&E's pipeline safety programs, please visit our website at pge.com/GasSafety.

Pacific Gas and Electric Company's (PG&E) top priority is the safety of our customers and communities. As part of this commitment to safety, we are checking the area above and around our natural gas transmission pipelines to help ensure immediate access for emergency response crews and prevent damage to the pipe.



Improving Emergency Access

In an emergency or natural disaster, every second counts and items like structures, trees and bushes located too close to gas pipelines can threaten safety because they can block emergency access to the pipeline. They can also prevent our crews from performing important safety and maintenance work.

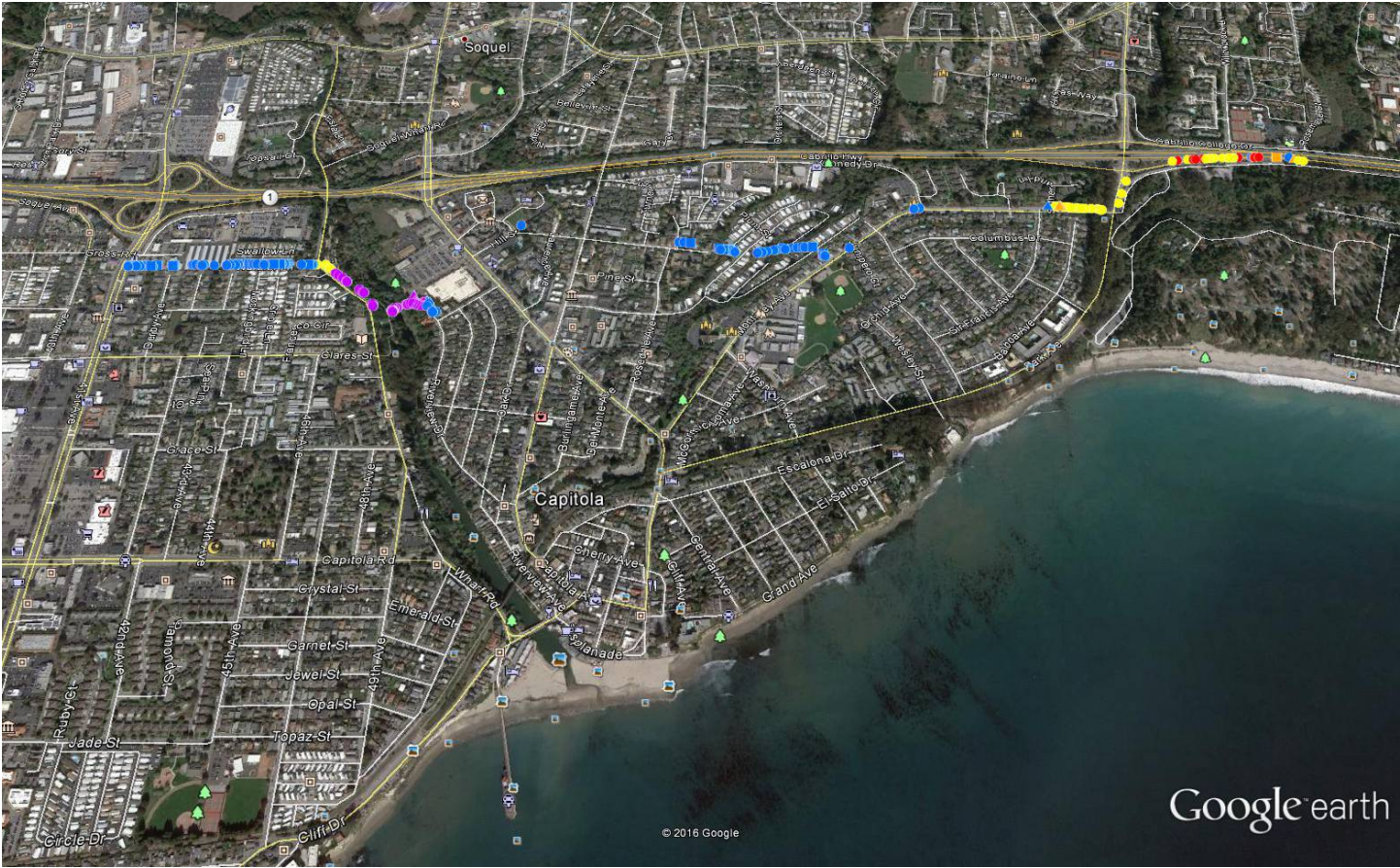
Working Together

PG&E is working with customers and community leaders to share what we know about the safety risks and, together, develop plans that preserve the unique characters of our communities while protecting public safety. When a tree or structure needs to be replaced for safety reasons, we work together to replace the item at a safe distance from the pipeline and restore the area – all at PG&E's expense. Please note that we will not move forward with any planned work on private property without a mutual agreement in place.



Be Safe. Dig Safe. Damage from excavation is the most common cause of pipeline accidents. Before you begin any landscaping work, always call 811 at least two business days in advance. With one free call to 811, PG&E will send a crew that can mark our underground gas and electric facilities before you begin work, helping you plan a safe project.

"PG&E" refers to Pacific Gas and Electric Company, a subsidiary of PG&E Corporation. ©2016 Pacific Gas and Electric Company. All rights reserved.



Google earth



Attachment: Pipeline Location Map (1365 : Pacific Gas and Electric Presentation - Community Pipeline Safety Initiative Presentation)



«Date»

«Customer Name»

«Mail Address»

«Mail City, Mail State Mail Zip»

RE: Your Property at «Site Address», «Site City»

Dear «Customer Name»:

Every day, we lead gas pipeline safety efforts across Northern and Central California to ensure that the millions of customers we serve have the safest and most reliable gas system in the nation.

As part of a community pipeline safety initiative, we are looking at the area above and around the natural gas transmission pipelines to be certain that all first responders, including firefighters and our own emergency response crews, have immediate access to the pipeline in the event of an emergency or natural disaster.

During a recent safety review, we noticed items above the transmission pipeline that runs on or near your property that are located too close to the gas pipeline and need to be addressed. I will be contacting you within the next few days so that we can work together to ensure these items are placed a safe distance away from the pipe.

Putting Safety First

Ensuring the safety of our customers, their families, our employees and the communities we live in and serve will always be our number one priority. When trees, bushes and structures are located too close to a gas transmission pipeline, they can threaten safety because they can block emergency access for firefighters and can prevent our crews from performing important safety work. Tree roots also pose a safety risk because they can damage the protective coating of underground pipelines — leading to corrosion and leaks.

Working Together

California has some of the most beautiful trees on earth. They matter to our environment, our employees, and the customers we proudly serve. Wherever we work, we work hard to protect trees and wildlife. But protecting the safety and reliability of our gas system will always be our number one priority.

We are committed to sharing what we know about the safety risks and developing a plan that keeps you safe and respects your property. Please be assured I will work with you to restore any impacted areas of your property, at PG&E's expense, and I will only move forward with work once we have reached an agreement together.

Learn More

For more information about our safety efforts to maintain the area above the pipeline, please visit our website at pge.com/GasSafety. As an important reminder, always dial 811 before digging, excavating, or conducting any operations close to the gas pipeline right-of-way. With one free call to 811 at least 48 hours in advance, PG&E will send a crew that can mark our underground gas and electric facilities before you begin work, so you can dig safely. Enclosed is a brochure describing additional steps we are taking to ensure continued safe operation of the pipeline in your community.

I look forward to working with you to complete this important safety work. Thank you.

Sincerely,

«Land Management Name»
Department of Safety, Health and Environment
Pacific Gas and Electric Company
«Phone Number»

- 要用粵語/國語請求協助, 請致電: 1-800-893-9555
- Kung kailangang makipag-usap sa nakakasalita ng Tagalog, tumawag sa: 1-800-743-5000
- Để được giúp đỡ bằng tiếng Việt, xin gọi: 1-800-298-8438



Pronto nos pondremos en contacto con usted acerca de un importante trabajo de seguridad en la distribución de gas, para ayudar a garantizar el acceso seguro del personal de primeros auxilios.

Estimado vecino,

Todos los días, enfocamos nuestros esfuerzos para garantizar la seguridad de las tuberías de gas en el norte y centro de California, para que los millones de clientes a los que les brindamos nuestro servicio, tengan el sistema de gas más seguro y más confiable del país.

Como parte de una iniciativa comunitaria respecto a la seguridad de las tuberías, estamos observando el área por encima y alrededor de las tuberías de transmisión de gas natural para estar seguros que el personal de primeros auxilios, que incluye los bomberos y nuestro propio equipo de respuesta a emergencias, tengan acceso inmediato a la tubería en caso de una emergencia o desastre natural.

Durante una reciente evaluación, descubrimos algunos elementos ubicados encima de la tubería de transmisión que se encuentra dentro o cerca de su propiedad, y están localizados demasiado cerca de la tubería de gas, debiéndose hacer algo al respecto. Me pondré en contacto con usted en los próximos días para que trabajemos juntos con el fin de que estos elementos sean movidos a una distancia segura de la tubería.

Poniendo la seguridad primero

La seguridad de nuestros clientes, sus familias, nuestros empleados, las comunidades donde vivimos y proveemos servicio, siempre será nuestra primera prioridad. Cuando los árboles, los arbustos y las estructuras están ubicados demasiado cerca de las tuberías de transmisión de gas, pueden representar una amenaza para la seguridad, ya que pueden obstruir el acceso de los bomberos durante emergencias y pueden impedir que nuestro personal realice importantes trabajos de seguridad. Las raíces de los árboles también pueden representar un riesgo porque pueden dañar la capa protectora de las tuberías subterráneas, lo cual puede provocar corrosión y fugas.

Trabajando juntos

California tiene algunos de los árboles más hermosos del mundo. Son de importancia para nuestro medio ambiente, para nuestros empleados y para los clientes a quienes con orgullo les proveemos servicio. Donde sea que trabajemos, nos esforzamos por proteger los árboles y la vida salvaje, pero la protección y confiabilidad de nuestro sistema de gas, será siempre nuestra prioridad número uno.

Estamos comprometidos a compartir lo que sabemos acerca de los riesgos de la seguridad y desarrollar un plan que lo mantenga seguro y que respete su propiedad. Por favor tenga la certeza de que trabajaremos con usted para restaurar cualquiera de las áreas afectadas en su propiedad. Los gastos serán asumidos por PG&E, y solo comenzaremos a trabajar una vez que hayamos llegado juntos a un acuerdo.

Más información

Para más información acerca de nuestros esfuerzos por mantener segura el área encima de la tubería, por favor visite el sitio pge.com/GasSafety. Un importante recordatorio: siempre llame al 811 antes de cavar, excavar o llevar a cabo cualquier operación cerca del derecho de paso de una tubería de gas. Con una llamada gratuita al 811, por lo menos 48 horas antes de excavar, PG&E enviará personal que puede marcar nuestras instalaciones subterráneas de gas y electricidad antes que usted comience a trabajar, ayudándolo así a planear un proyecto seguro. Adjuntamos un folleto en el que se describe con detalle, los pasos adicionales que estamos tomando para garantizar la operación segura de las tuberías en su comunidad.

Espero poder trabajar con usted para completar este importante trabajo de seguridad. Muchas gracias.

Atentamente,

«Land Management Name»
Departamento de seguridad, salud y medio ambiente
Pacific Gas and Electric Company
«Phone Number»



STAFF REPORT

TO: PLANNING COMMISSION
 FROM: COMMUNITY DEVELOPMENT
 DATE: FEBRUARY 4, 2016
 SUBJECT: **4980 Garnet St #15-181 APN: 034-043-16**

Design Permit and Variance request for a garage addition to be located in the front yard setback area of an existing residence in the R-1 (Single-Family Residential) Zoning District. This project is in the Coastal Zone but does not require a Coastal Development Permit. Environmental Determination: Categorical Exemption
 Property Owner: David Aaron
 Representative: Chris Sandman, filed 11/4/15

APPLICANT PROPOSAL

The application is for a remodel at 4980 Garnet Street. The existing two-story home is located in the R-1 (Single-Family Residential) Zoning District. The existing home is not listed on Capitola's 2005 Historic Structures List. The remodel includes converting the existing two car carport into a garage, replacing the existing decks with smaller decks, and creating a new entryway along the front elevation (Attachment 1). The applicant is seeking a variance to extend the proposed garage six feet into the required 20 feet front yard setback. The remodel also includes modifications to window and door placement to create increased privacy along the side elevations and an updated appearance of the front elevation.

BACKGROUND

The above matter was reviewed by the Architectural and Site Review Committee on November 18th, 2015. The following direction was provided to the applicant in regards to the original proposal:

- City Public Works representative, Danielle Uharriet, requested that the applicant submit storm water calculations, clarify the type and location of impervious materials, obtain a Revocable Encroachment Permit for landscaping in the right-of-way, and disconnect downspouts.
- City Building Official, Brian Van Son, explained that egress rules must be met on the window on the north side of the second story bedroom and that the eastern second-story wall will need to be fire-rated.
- City Architect Representative, Frank Phanton, recommended that the applicant move the new entrance area behind the garage.
- City Landscape Architect Representative, Craig Walsh, had no comments.
- City Planner, Ryan Safty, explained that the driveway approach proposal is 20 feet wide and the maximum allowed is 40% of property width (16 feet), the shed on the first floor should be labeled "existing" on the site plan, the application requires a an 80% non-

conforming calculation, the proposed extension of the front deck does not comply with code, and the new entry wall must be 15 feet back from the property line to comply with the front yard setback.

Following the Architectural and Site Review meeting, the applicant submitted storm water calculations and obtained a revocable encroachment permit for landscape work in the right-of-way from the Public Works Department. The applicant submitted a "Construction Cost Breakdown" sheet to the Building Department, ensuring that the addition will not result in greater than an 80% increase to the structures value (Attachment 2). The applicant revised the site plan to clarify the type and location of impervious materials, reduced the driveway approach width to 16 feet, labeled the first floor shed "existing", reduced the front deck, and relocated the entryway to comply with the 15 foot front yard setback.

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		Existing	Proposed
	25'-0"		22'-11"	22'-11"
Floor Area Ratio (FAR)				
Lot Size	3,200 sq. ft.			
Maximum Floor Area Ratio	57% (Max 1,824 sq. ft.)			
First Story Floor Area			468 sq. ft.	507 sq. ft.
Carport/ Garage Area			390 sq. ft.	440 sq. ft.
Second Story Floor Area			858 sq. ft.	858 sq. ft.
Second Story Decks (first 150 sq.ft. of second story decks do not count towards FAR)			386 sq. ft. (-150sq. ft.) = 236 sq. ft.	158 sq. ft. (-150 sq. ft.) = 8 sq. ft.
TOTAL FAR			1,952 sq. ft.	1,813 sq. ft.
Yards (setbacks are measured from the edge of the public right-of-way)				
	R-1 Regulation		Existing	Proposed
Front Yard 1st Story	15 ft.		19 ft.	15.6 ft.
Front Yard Garage	20 ft.		19 ft. <i>Existing Non-Conforming</i>	14 ft. Variance Requested
Front Yard 2nd Story	20 ft.		19 ft. <i>Existing Non-Conforming</i>	19 ft. <i>Existing Non-Conforming</i>
Front Yard 2nd Story Deck	20 ft.		13 ft. <i>Existing Non-Conforming</i>	13 ft. <i>Existing Non-Conforming</i>
Side Yard 1st Story	10% lot width	Lot width 40 4 ft. min.	4.6 ft. (Right) 5.5 ft (Left)	4.6 ft. (Right) 5.5 ft (Left)
Side Yard 2nd Story	15% of width	Lot width 40 6 ft. min	4.6ft. (Right) <i>Ex. non-conforming</i> 9 ft. (Left)	4.6 ft. (Right) <i>Ex. non-conforming</i> 9 ft. (Left)
Rear Yard 1st Story	20% of lot	Lot depth 80	27.6 ft	27.6 ft

	depth	16 ft. min.		
Rear Yard 2nd Story	20% of lot depth	Lot depth 80 16 ft. min	28 ft.	28 ft.
Rear Yard 2nd Story -Stairs-	10 ft.		28 ft.	15 ft.
Encroachments:	Water Heater Shed (side yard)		Encroaches 2 ft. <i>Existing Non-Conforming</i>	Encroaches 2 ft. <i>Existing Non-Conforming</i>
	2 nd Story Deck into front yard		Encroaches 6 ft. <i>Existing Non-conforming</i>	Encroaches 6 ft. <i>Existing Non-conforming</i>
Parking				
	Required		Existing	Proposed
Residential (from 1,501 up to 2,000 sq. ft.)	2 spaces total: 1 covered 1 uncovered		2 uncovered	2 covered
Underground Utilities: required with 25% increase in area			N/A	

DISCUSSION

The applicant is proposing to convert an existing carport into a two-car garage. The existing carport is only 15 feet deep when the code requires 20, and is thus undersized. The applicant is proposing to extend the garage five feet forward, converting the undersized carport into a full-sized two-car garage. A variance is required to extend the garage into the required front yard setback.

Adjacent to the garage, the applicant is proposing an entryway leading to the side patio area. The entry wall contains a front door, vertical “fir” siding, stone pillars, and a gable roof design to match the existing home and give the appearance of an enclosed front entrance. Additionally the remodel includes modifications to window and door placement to create increased privacy along the side elevations and an updated look on the front elevation.

Lastly, the applicant is proposing to modify the design of the exterior stairways and second-story deck space. The front yard second-story deck is currently non-conforming, in that it is only setback 13 feet when 20 are required (§17.15.130). The applicant is proposing to reduce the size of the deck from 156 to 104 square feet, but continue the non-conforming setback at 13 feet. The rear yard deck will be reduced from 230 to 54 square feet. In total, the second-story deck space would be reduced by 228 square feet.

Parking

The existing setbacks and parking at 4980 Garnet Street are non-conforming pursuant to section 17.15.130 of the Capitola Municipal Code. The existing 1,813 square foot home is required to have two parking spaces, one of which must be covered. Currently, the applicant has room for two full-size 18 feet by 10 feet uncovered parking spaces in the 19 foot deep driveway. Since the home is located in a sidewalk exempt area, the required length for uncovered parking spaces is reduced from 20 feet to 18. However, the existing 15 foot deep carport is undersized and therefore the applicant currently has no compliant covered parking spaces on-site. Additionally, front yard setbacks to garages are required to have 20 feet. The existing carport is located 19 feet from the property line and is non-conforming.

The applicant is proposing two covered parking spaces within the garage by extending the front elevation of the first story five feet forward. The additional five feet decreases the existing front yard from 19 feet to 14 feet. Although the plan would create two full sized covered parking spaces, the new garage would increase the existing non-conforming front yard setback. The uncovered parking spaces in the front of the home will decrease from 19 feet to 14 feet in depth. It should be noted that there is an additional 12 feet of unutilized right of way between the property line and the curb. As proposed, the garage will be located 26 feet from the curb.

The Municipal Code requires minimum parking requirements be met with an increase of 10% to the existing floor area of the home. In total, the applicant is proposing to remove 139 square feet of floor area on the property and is therefore not required to meet minimum parking as a part of this remodel. However, the application as proposed will bring the site into compliance with two onsite covered parking spaces.

Variance

The applicant is requesting a variance to allow the new garage to further encroach into the front yard setback area. Pursuant to §17.66.090, the Planning Commission may grant a variance permit when it finds:

- A. There are 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 limitation upon other properties in the vicinity and zone in which subject property is situated.

The property at 4980 Garnet Street is a regular-shaped, flat lot. Properties within the block are generally of similar size. There are no special circumstances applicable to the lot related to the size, shape, or topography.

The applicant is requesting a variance due to the current built conditions within the property. The applicant considered extending the interior wall of the carport four feet into the existing home but found this alternative would cause major changes to the internal layout of the home due to the staircase location behind the wall of the carport. The bedrooms on the bottom and top floor would be impacted. The proposed minor remodel would become a major remodel if they were required to relocate the internal staircase. The applicant is requesting the variance to maintain the staircase location and the existing internal layout of the home.

The Planning Commission could find that the grant of a variance permit would not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity. From a cursory review, staff found that there are other properties within this neighborhood that do not meet the front yard setback requirements (Attachment 3). Staff was able to locate 12 properties along Garnet Street that do not meet the required front yard setbacks. Staff also observed that the home at 4980 Garnett Street is the only home within this block that has a carport rather than a garage. The proposed remodel would update the property with a more compatible aesthetic form to the existing homes within the block.

Although there are not special circumstances applicable to the subject property, other properties in the vicinity and under identical zoning do enjoy privileges of decreased front yard setbacks. If

a variance were granted by the Planning Commission, the analysis would support that this is not a grant of special privileges. Staff recommends Planning Commission approve of the variance due to the existing non-conforming setbacks throughout Garnet Street, the presence of 12 additional feet of unutilized right of way between the property line and the curb, and because the garage enclosure will complement the existing character of the neighborhood.

CEQA REVIEW

Section 15301(e) of the CEQA Guidelines exempts additions to existing structures. This project involves the enclosure of a garage in the front-setback area of 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 that the Planning Commission **approve** application #15-181 and associated variance request, based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a garage enclosure, deck remodel, and variance to front yard setback requirements to an existing single-family home. The maximum Floor Area Ratio for the 3,200 square foot property is 57% (1,824 square feet). The total FAR of the project is 56.6% with a total of 1,813 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 February 4th, 2016, except as modified through conditions imposed by the Planning Commission during the hearing.
2. Prior to construction, a building permit shall be secured for any new construction or modifications to structures authorized by this permit. Final building plans shall be consistent with the plans approved by the Planning Commission. All construction and site improvements shall be completed according to the approved plans
3. At time of submittal for building permit review, the Conditions of Approval must be printed in full on the cover sheet of the construction plans.
4. At the time of submittal for building permit review, Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP) shall be printed in full and incorporated as a sheet into the construction plans. All construction shall be done in accordance with Public Works Standard Detail Storm Water Best Management Practices (STRM-BMP).
5. Prior to making any changes to approved plans, modifications must be specifically requested and submitted in writing to the Community Development Department. Any significant changes to the size or exterior appearance of the structure shall require Planning Commission approval.
6. Prior to issuance of building permit, a final landscape plan shall be submitted and approved by the Community Development Department. Landscape plans shall reflect the Planning Commission approval and shall identify type, size, and location of species and details of irrigation systems.
7. Prior to issuance of building permit, all Planning fees associated with permit # 15-181 shall be paid in full.

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

18. The planning and infrastructure review and approval are transferable with the title to the underlying property so that an approved project may be conveyed or assigned by the applicant to others without losing the approval. The permit cannot be transferred off the site on which the approval was granted.
19. Upon receipt of certificate of occupancy, garbage and recycling containers shall be placed out of public view on non-collection days.

FINDINGS

- A. **The application, subject to the conditions imposed, secures the purpose of the Zoning Ordinance, General Plan, and Local Coastal Plan.**
The proposed garage addition at 4980 Garnet would not comply with the setback standards of the Zoning Ordinance, but special circumstances exist in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12-feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.
- B. **The application will maintain the character and integrity of the neighborhood.**
The proposed garage addition and enclosure will slightly modify the character of the neighborhood by bringing the garage closer to the street. However, the conversion from a carport to a garage will better complement the existing character and form of the neighborhood by eliminating the presence of carports within this block of Garnet Street.
- 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 and a garage enclosure 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, exist on the site and the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;**
There are special circumstances applicable to the property in relation with reduced front yard setbacks enjoyed by many surrounding properties, the presence of an additional 12-feet of unused right-of-way which provides additional separation from the street, and the predominance of enclosed garages in the neighborhood.
- E. **The grant of a variance would not constitute a grant of a special privilege inconsistent with the limitation upon other properties in the vicinity and zone in which subject property is situated.**
The grant of a variance permit to front setbacks would not constitute the grant of a special privilege. There are at least 12 other properties on Garnet Street that similarly do not meet current front yard setback requirements.

Prepared By: Ryan Safty
Assistant Planner

A.P.N. 034-043-16

AARON RESIDENCE

4980 GARNET STREET CAPITOLA, CALIFORNIA 95010

SHEET INDEX

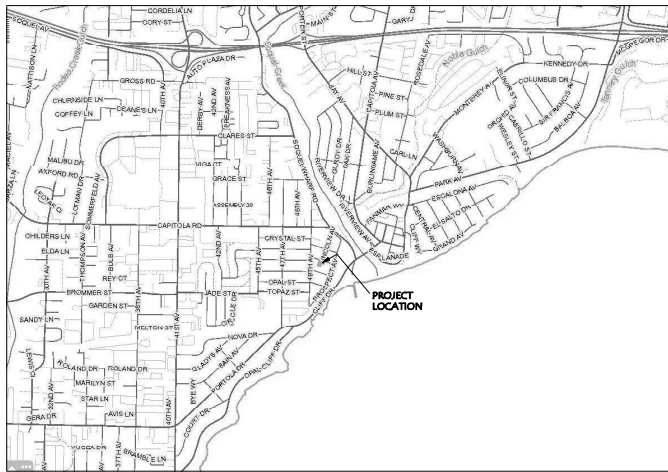
- A1 COVER SHEET, SITE PLAN, VICINITY MAP AREA CALCULATIONS
- A2 (E) & (P) 1ST FLOOR PLAN
- A3 (E) & (P) 2ND FLOOR PLAN
- A4 (E) & (P) ELEVATIONS
- A5 (E) & (P) ELEVATIONS
- A6 DRAINAGE PLAN
- A7 PROPOSED 3 D'S/COLOR BOARD

CADHOME BUILDING DESIGN



PLAN DATE:
12-07-15
A.P.N. 034-043-16

VICINITY MAP N.T.S.



PROJECT DESCRIPTION:

PROPOSAL TO OBTAIN A VARIANCE TO ADD 5'X22' ONTO EXISTING CARPORT APPROXIMATELY 6 FEET INTO FRONT YARD SETBACK RESULTING IN A 440 SQFT 2-CAR GARAGE. SCOPE OF WORK TO INCLUDE A KITCHEN REMODEL, LOWER BATH REMODEL/ADDITION & ADD CLOSET IN 1ST FLOOR SOUTHWEST BEDROOM

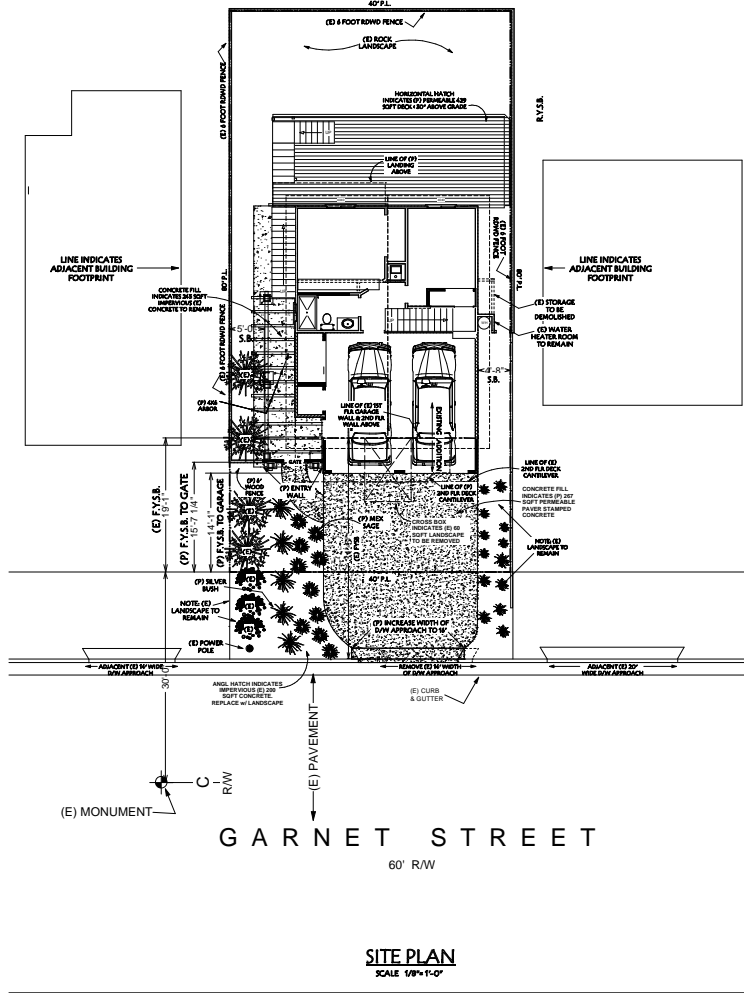
EXISTING CONDITIONS

ALL INFORMATION RELATING TO EXISTING CONSTRUCTION IS GIVEN AS BEING THE BEST INFORMATION AVAILABLE. THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS, DIMENSIONS AND BUILDING DATUMS AT THE JOB SITE. ANY DISCREPANCIES REQUIRING MODIFICATIONS TO THE CONSTRUCTION DOCUMENTS SHALL BE REPORTED TO THE BUILDING DESIGNER IMMEDIATELY. NO MODIFICATIONS SHALL BE MADE BY THE CONTRACTOR WITHOUT APPROVAL BY THE BUILDING DESIGNER.

AREA CALCULATIONS

APPLICANT	CADHOMES BUILDING DESIGN	
A.P.N.	034-043-16	
LOT AREA	3200 SQFT	
ALLOWABLE LOT COVERAGE		
LOT COVERAGE		
	EXISTING	PROPOSED
RESIDENCE @ 1ST LEVEL	468 SQFT	30 SQFT
COVERED PATIO/PORCH		
UNHEATED STORAGE	18 SQFT	-11 SQFT
CANTILEVER 11"R ABOVE GRADE		
GARAGE / CARPORT	390 SQFT	50 SQFT
DECKS 30" ABOVE GRADE	386 SQFT	-228 SQFT
TOTALS	1262 SQFT	-318 SQFT
TOTAL LOT COVERAGE	944 SQFT	
TOTAL LOT COVERAGE IN %	29.50%	

FLOOR AREA RATIO		
PARCEL SIZE	3200 SQFT	
1ST FLOOR (ENCLOSED)	468 SQFT	30 SQFT
2ND FLOOR (ENCLOSED)	858 SQFT	
DECK: (E) 386 SQFT- 228 SQFT+ (P) 158 SQFT- 150 SQFT CREDIT+ 8 SQFT		
FLOOR AREA (UNHEATED)	20 SQFT	
GARAGE	390 SQFT	50 SQFT
DEMOLISH (E) WEST STORAGE		-11 SQFT
(E) WEST STORAGE	7 SQFT	
SUB-TOTAL	1723 SQFT	97 SQFT
TOTALS	1820 SQFT	
FLOOR AREA RATIO	56.87%	



REFERENCED STANDARDS

- BUILDING OCCUPANCY GROUP: R-3U
- TYPE OF CONSTRUCTION: TYPE VB
- STORIES: TWO
- TOTAL FLOOR AREA:
- ENERGY METHOD: N/A
- SPRINKLER SYSTEM: NON-SPRINKLERED
- FIRE RET. ROOFING: CLASS B
- GEOTECH REPORT: N/A
- CODE EDITION:
 - 2013 CA BUILDING CODE OF REGULATIONS TITLE 24
 - 2013 CA BUILDING 1 & 2 CODE
 - 2013 CA RESIDENTIAL CODE
 - 2013 CA MECHANICAL CODE
 - 2013 CA ELECTRICAL CODE
 - 2013 CA PLUMBING CODE
 - 2013 CA FIRE CODE
 - 2013 CA GREEN BUILDING STANDARDS CODE
 - 2013 CA ENERGY CODE

CONSULTANTS:

BUILDING DESIGNER:
CHRISTOPHER SANDMAN
508 SANTA MARGUARITA DRIVE
APTOS, CALIFORNIA 95005
PHONE 831-345-6892
EMAIL: CADHOMES@NETSCAPE.COM

PROJECT DATA:

PROJECT ADDRESS:
4980 GARNET STREET
CAPITOLA, CA 95010

ASSESSOR'S PARCEL NUMBER:
034-043-16

OWNER CONTACT INFORMATION:
DAVIV & DEB AARON
4980 GARNET STREET
408-396-1631

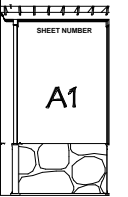
PROJECT DESCRIPTION:

PROPOSAL TO OBTAIN A VARIANCE TO ADD 5'X22' ONTO EXISTING CARPORT APPROXIMATELY 6 FEET INTO FRONT YARD SETBACK RESULTING IN A 440 SQFT 2-CAR GARAGE. SCOPE OF WORK TO INCLUDE A KITCHEN REMODEL, LOWER BATH REMODEL/ADDITION & ADD CLOSET IN 1ST FLOOR SOUTHWEST BEDROOM



DAVID AND DEB AARON
4980 GARNET STREET
CAPITOLA, CA 95010

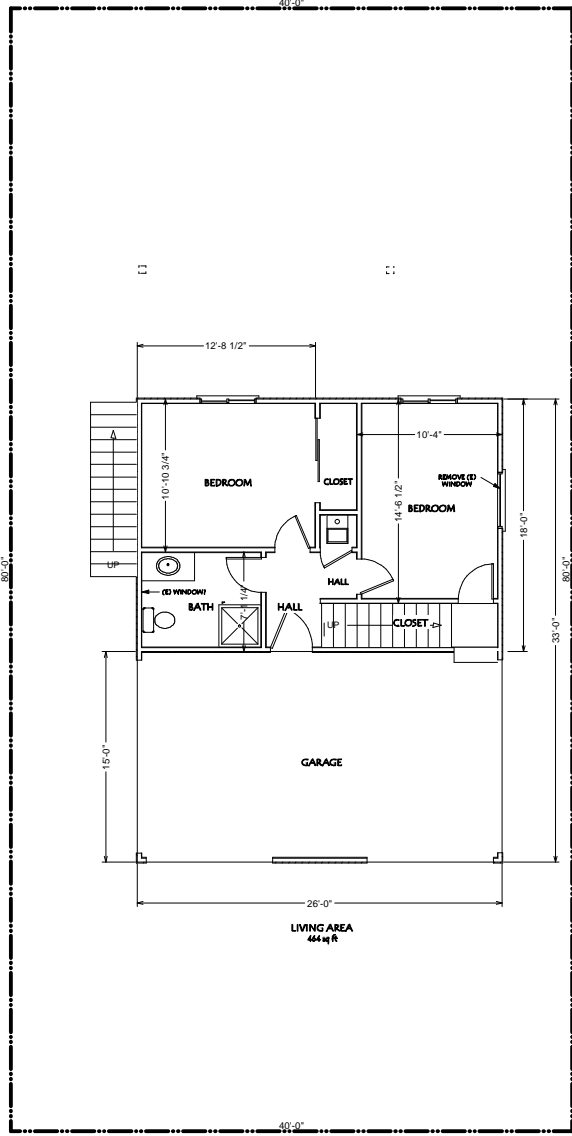
Attachment: Project Plans (1364 : 4980 Garnet St)





PROPOSED REMOVE:

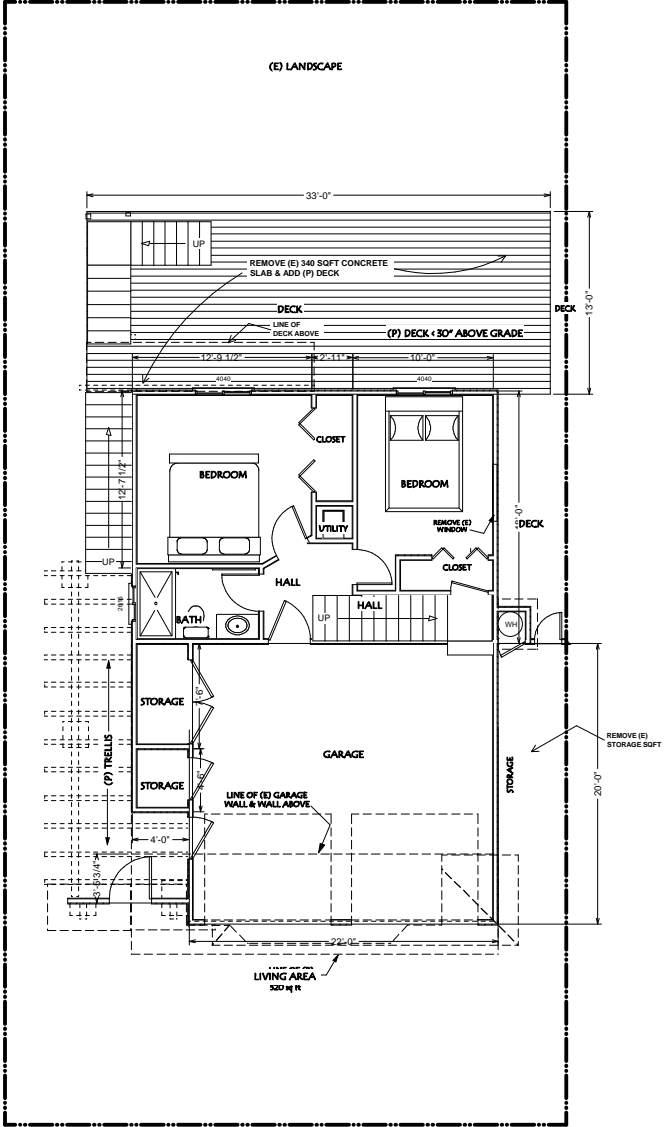
SHEET NUMBER
A2



EXISTING 1ST FLOOR PLAN
scale 1/4" = 1'-0"

WALL LEGEND

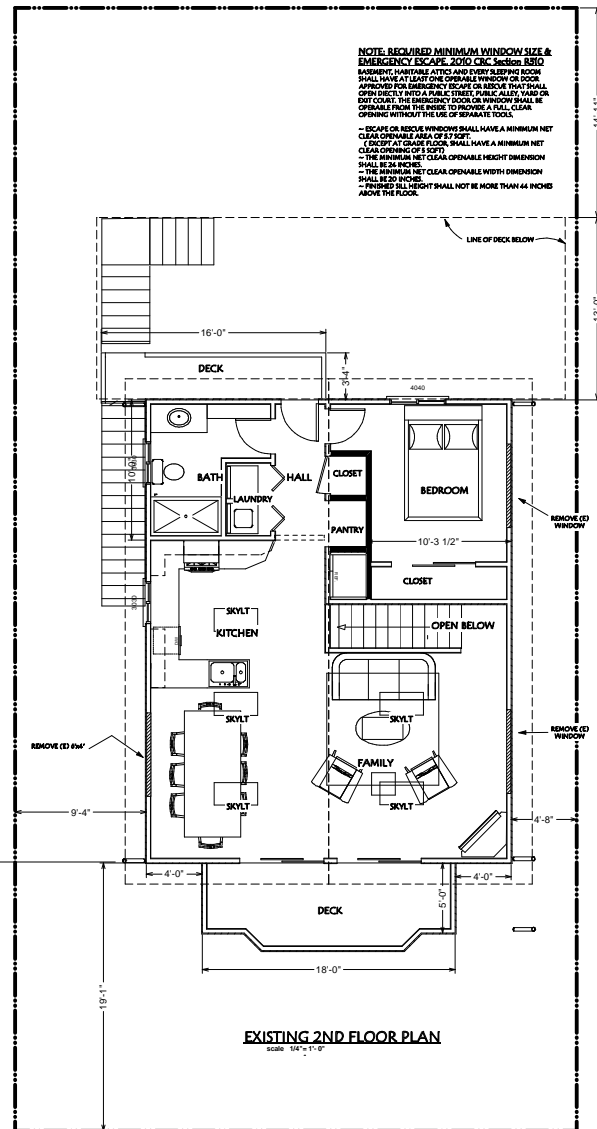
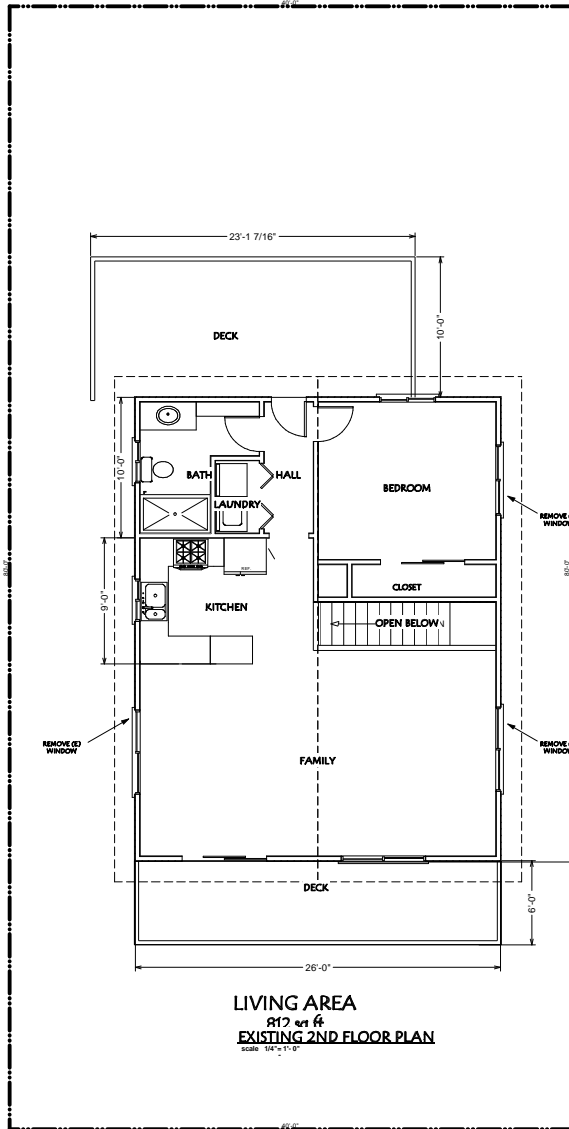
- EXISTING WALLS
- PROPOSED WALLS
- ALTERED WALLS
- TO BE REMOVED



PROPOSED 1ST FLOOR PLAN
scale 1/4" = 1'-0"

WALL LEGEND

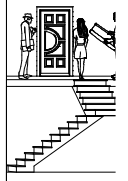
EXISTING WALLS	
PROPOSED WALLS	
ALTERED WALLS	
TO BE REMOVED	



NOTE: REQUIRED MINIMUM WINDOW SIZE & EMERGENCY ESCAPE, 2020 CBC, Section R310
 REQUIREMENT: ONE-WAY GLASS AND ONE-WAY MIRROR FILM SHALL HAVE AT LEAST ONE OPERABLE WINDOW OR DOOR APPROACH FOR EMERGENCY ESCAPE OR RESCUE THAT SHALL OPEN DIRECTLY INTO A PUBLIC STREET, PUBLIC ALLEY, YARD OR OUT-COURT. THE EMERGENCY DOOR OR WINDOW SHALL BE OPERABLE FROM THE INSIDE TO PROVIDE A FULL CLEAR OPENING WITHOUT THE USE OF SEPARATE TOOLS.
 - ESCAPE OR RESCUE WINDOWS SHALL HAVE A MINIMUM NET CLEAR OPENING AREA OF 5.7 SQ FT.
 - ESCAPE AT GRADE FLOOR, SHALL HAVE A MINIMUM NET CLEAR OPENING OF 5'0" HGT.
 - THE MINIMUM NET CLEAR OPENABLE HEIGHT DIMENSION SHALL BE 20 INCHES.
 - THE MINIMUM NET CLEAR OPENABLE WIDTH DIMENSION SHALL BE 20 INCHES.
 - FINISHED FLOOR HEIGHT SHALL NOT BE MORE THAN 44 INCHES ABOVE THE FLOOR.



PLAN DATE:
12-07-15
A.P.N. 034-043-16



PROPOSED REMODEL:
DAVID AND DEB AARON
 4980 GARNET STREET
 CAPITOLA, CA 95010

Attachment: Project Plans (1364 : 4980 Garnet St)

SHEET NUMBER
A3

A.P.N. 034-043-16

CADHOME
BUILDING DESIGN
508 SANTA MARGUERITA DRIVE
APTOS, CA 95026 CONTACT
PHONE 831-462-0818 OR EMAIL
CADHOME@NETSCAPE.COM



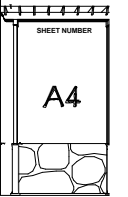
PLAN DATE:
12-07-15
A.P.N. 034-043-16



Attachment: Project Plans (1364 : 4980 Garnet St)

PROPOSED HOME/RELL:
DAVID AND DEB AARON
4980 GARNET STREET
CAPITOLA, CA 95010

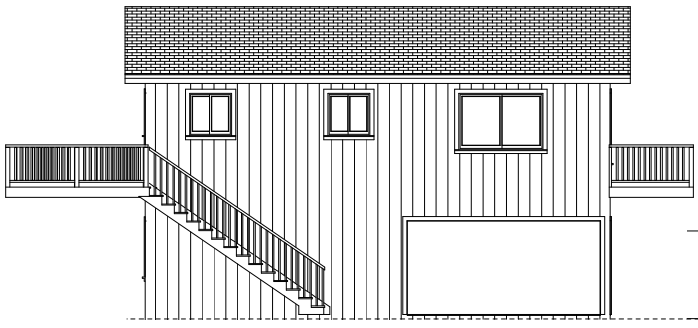
A.P.N. 034-043-16



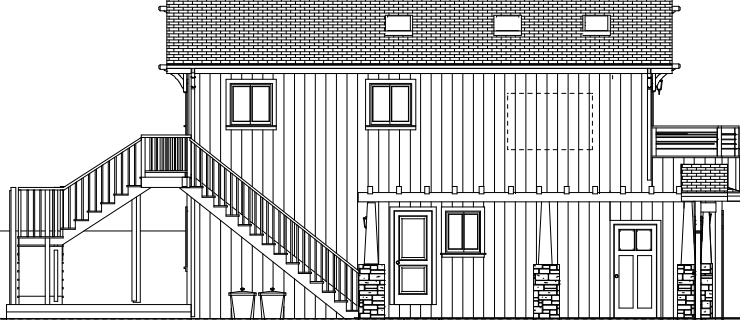
EXISTING NORTH ELEVATION
SCALE: 1/4" = 1'-0"



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



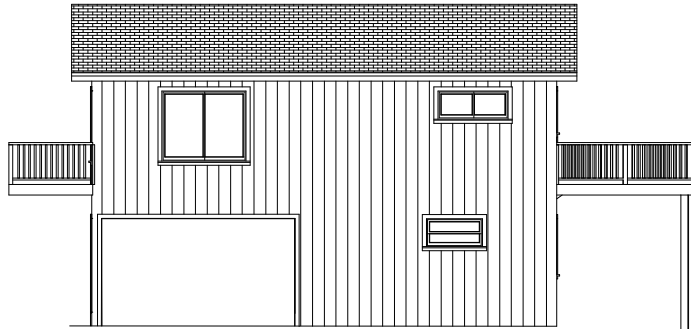
EXISTING EAST ELEVATION
SCALE: 1/4" = 1'-0"



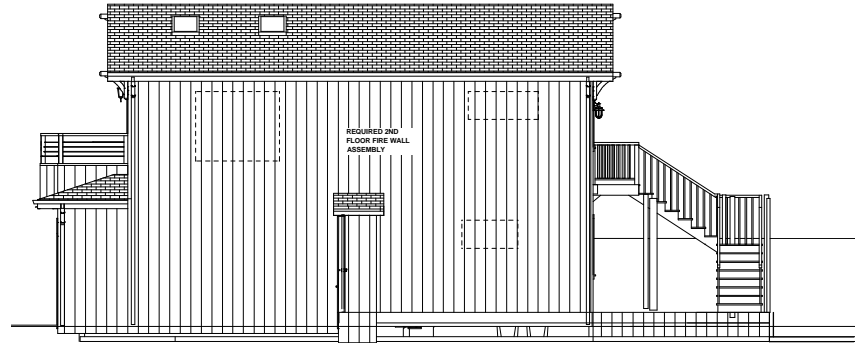
PROPOSED EAST ELEVATION
SCALE: 1/4" = 1'-0"

A.P.N. 034-043-16

CADHOME
BUILDING DESIGN
508 SANTA MARGUERITA DRIVE
ARTES, CA 95021 CONTACT
PHONE 925-962-0818 OR EMAIL
CADHOME@NETSCAPE.COM



EXISTING WEST ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED WEST ELEVATION
SCALE: 1/8" = 1'-0"



EXISTING SOUTH ELEVATION
SCALE: 1/8" = 1'-0"



PROPOSED SOUTH ELEVATION
SCALE: 1/8" = 1'-0"

PLAN DATE:
12-07-15
A.P.N. 034-043-16



PROPOSED REMODEL:
DAVID AND DEB AARON
4980 GARNET STREET
CAPITOLA, CA 95010

Attachment: Project Plans (1364 : 4980 Garnet St)

A.P.N. 034-043-16

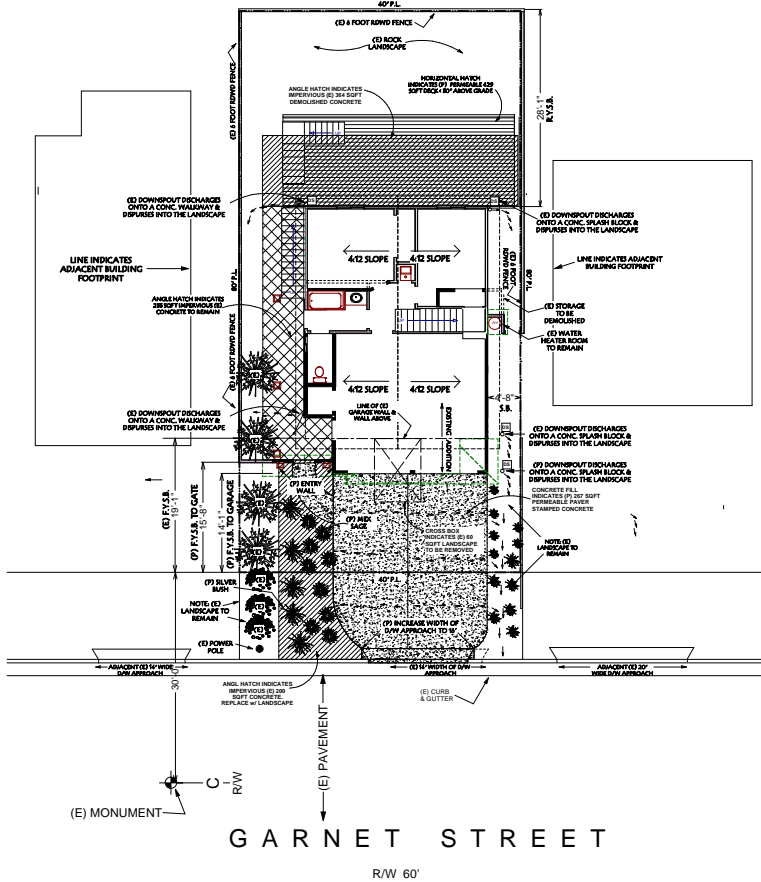
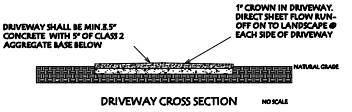
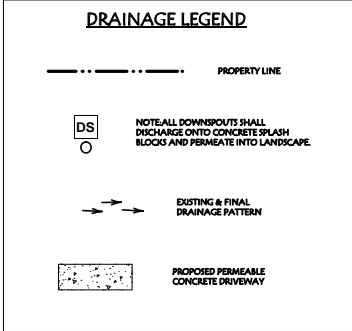
SHEET NUMBER
A5



PROPOSED REMODEL

SHEET NUMBER

A6



COLORS & MATERIALS

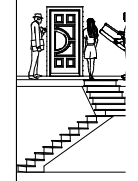
- 1) BODY COLOR: LIGHT FRENCH BLUE
- 2) TRIM COLOR: PURE WHITE
- 3) OGEE GUTTER: DOVER WHITE
- 4) ROOFING: (E) GRAY CLASS 'B' COMP SHINGLES
- 5) FRONT DOOR: MAHOGANY STAINED WOOD
- 6) WINDOWS: WHITE VINYL MILGUARD
- 7) EXISTING FENCE: UNTREATED REDWOOD
- 8) ROCK POST BASE: COUNTRY LEDGESTONE
- 9) DECK RAILING: 4x4 RDWD POSTS W/ CABLE BALUSTRADE
- 10) SIDE & REAR DECK RAILINGS: 4x4 RDWD POST W/ 2x2 BALUSTRADE
- 11) MATCH EXISTING T1-11 FIR SIDING



EXISTING NEIGHBORHOOD SETBACKS



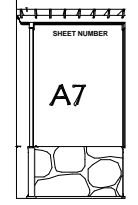
PLAN DATE:
12-07-15
A.P.N. 034-043-16



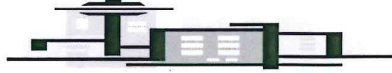
PROPOSED REMODEL:
DAVID AND DEB AARON
4980 GARNET STREET
CAPITOLA, CA 95010

Attachment: Project Plans (1364 : 4980 Garnet St)

A.P.N. 034-043-16



CADHOMES BUILDING DESIGN
 508 SANTA MARGUARITA DRIVE
 APTOS, CA. 95003
 PHONE - 831-345-6892



12-3-15


CLIENT: David and Deb Aaron
 4980 Garnet Street
 Santa Cruz, CA 95062

PROJECT: Addition & remodel to 4980 Garnet St.

Construction Cost Breakdown

EXISTING BUILDING COSTS:		
Existing Residence	1326 sqft @ \$200/sqft	\$ 265,200
Existing Garage	390 sqft @ \$90/sqft	\$ 35,100
Existing Deck	386 sqft @ \$25/sqft	\$ 9,650
Total Existing Value		\$ 309,950
80% Total Existing Value		\$ 247,960
REMODEL COSTS		
1 st Floor Garage Addition	110 sqft @ \$90	\$ 9,900
1 st Floor Bath (existing)	55 sqft @ \$100	\$ 5,500
1 st Floor Bath (proposed)	30 sqft @ \$200	\$ 6,000
1 st floor closet	19 sqft @ \$100	\$ 1,900
1 st floor bedroom	18 sqft @ \$100	\$ 1,800
2 nd floor closet/pantry	37 sqft @ \$100	\$ 3,700
2 nd floor kitchen	118 sqft @ \$300	\$ 35,400
2 nd floor family/dining	370 sqft @ \$100	\$ 37,000
2nd flr remove (E) deck	386 sqft @ \$25/sqft	-\$ 9,650
1 st floor Proposed Deck	429 sqft @ \$25/sqft	\$ 10,725
2 nd floor Deck Repair	104 sqft @ \$25/sqft	\$ 2,600
TOTAL	32.77 %	-\$ 104,875

APPROVED

Signed 
 Date 12/14/15
 Permit No. 20150435

\$114,525

Attachment: Permissible Structural Alterations (1364 : 4980 Garnet St)

CADHOMES BUILDING DESIGN
 508 SANTA MARGUARITA DRIVE
 APTOS, CA. 95003
 PHONE - 831-345-6892



11-25-15

CLIENT: David and Deb Aaron
 4980 Garnet Street
 Santa Cruz, CA 95062

PROJECT: Addition & remodel to 4980 Garnet St.

Construction Cost Breakdown

<u>EXISTING BUILDING COSTS:</u>			
Existing Residence	1326 sqft @ \$200/sqft		\$ 265,200
Existing Garage	390 sqft @ \$90/sqft		\$ 35,100
Existing Deck	386 sqft @ \$25/sqft		\$ 9,650
Total Existing Value			\$ 309,950
80% Total Existing Value			\$ 247,960
<u>REMODEL COSTS</u>			
1 st Floor Bath	112 sqft @ \$100 ^{*200}		\$ 11,200 ^{*22,400}
1 st floor closet	19 sqft @ \$100		\$ 1,900
1 st floor bedroom	18 sqft @ \$100		\$ 1,800
2 nd floor closet/pantry	37 sqft @ \$100		\$ 3,700
2 nd floor kitchen	118 sqft @ \$100 ^{*300}		\$ 11,800 ^{*35,400}
2 nd floor family/dining	370 sqft @ \$100		\$ 37,000
TOTAL	21.74%		\$ 67,400 ^{*102,200}

Attachment: Permissible Structural Alterations (1364 : 4980 Garnet St)

Garnet Street



 Property with a front yard setback less than 15ft

Attachment: Neighborhood Setback Survey (1364 : 4980 Garnet St)



1525 49th Avenue – 3 ft



4610 Garnet Street – 14 ft



4650 Garnet Street – 8 ft



4670 Garnet Street – 8 ft



4675 Garnet Street – 12 ft



4725 Garnet Street – 11 ft



4755 Garnet Street – 10 feet



4760 Garnet Street – 10 ft



4810 Garnet Street – 13 ft



4955 Garnet Street – 13 ft



5005 Garnet Street – 4 ft



5080 Garnet Street – 11 ft

January 28, 2016

RECEIVED

JAN 28 2016

CITY OF CAPITOLA

Katie Cattan
Senior Planner
City of Capitola Planning Commission
420 Capitola Ave.
Capitola, California 95010

Re: Design Permit and Variance request for 4980 Garnet Street
#15-181 APN: 034-043-16

Dear Ms. Cattan:

This letter is provided in support of our request for a Design Permit and Variance for a garage addition to be located in the front setback area of our home at 4980 Garnet Street. Our family has lived in Santa Cruz county for the past 11 years, and we purchased our home at 4980 Garnet Street to be our full time residence. We plan to invest a substantial portion of our savings in order to improve the appearance and functionality of the house, and to bring its condition up to match the condition of the other homes in the neighborhood. The designs submitted in support of our Design Permit and Variance reflect a Craftsman-style design appearance that is consistent with the character of the neighborhood.

We plan to live in this house for many years and be a part of this community. We are not undertaking this effort in order to resell for a profit. David works at a high tech company in Silicon Valley, and Deb is responsible for home schooling our daughter. We have walked around the neighborhood, and chose these design plans (5 foot encroachment, not greater) because we believe they conform with the overall aesthetic of the neighborhood. We believe our family and the community will benefit from the exterior improvements to the house. Our request is based on the following circumstances:

1. Variance Consistent with Houses in Neighborhood.

Other houses on Garnet Street, and the nearby Lincoln Avenue and Prospect Avenue, are already built in the front setback area. The Design Permit and Variance requested is consistent with what currently exists, so the expansion of our house in the front setback area will not be unique in the neighborhood. The grant of our requested variance would not be a special privilege inconsistent with other properties in the vicinity. Attached is an aerial photo showing the existing neighborhood setbacks. Our house is marked with a red "X". The easement is calculated from the black line in the center of the street, and the setback calculated from the thin black line ("Easement Line") that cuts across each property. The setback is 20 feet from the thin black Easement Line. So, a property in compliance with code would be 20 feet back from the Easement Line.

On our side of Garnet Street there are three structures that are built on or beyond the Easement Line, and which do not comply with the 20 foot setback requirement. On the opposite side of Garnet Street there are two structures build on or beyond the Easement Line, and which do not observe the 20 foot code setback. On Lincoln Avenue, there is one long structure that is built across the Easement Line, and which does not observe the 20 foot code setback. On Prospect Avenue, almost every house in the picture is built across the Easement Line (only two have arrows), and which do not observe the 20 foot code setback. If we were to expand the photo to include other neighborhood streets, this same theme is repeated over and over. Many houses are built on or across the Easement Line, and many others do not observe the 20 foot code setback.

2. Benefits to Neighborhood and Code Compliance.

Updates to the house provide benefits to adjoining neighbors:

- We are removing the second story windows at the front of both sides of the house, which will improve privacy and reduce noise for neighbors on the east and west adjoining parcels. Currently, these windows open directly into the neighbor's side yards and look directly into similarly placed windows on both neighbors' houses.
- We are also removing the first floor window on the back bedroom on the west side of our house, which will also decrease noise and improve privacy for the west side adjoining neighbor.
- Our current front deck extends the length of the front of the house from the west to east side of the property, giving us a line of site view into our neighbor's yards on both sides, We are decreasing the size of the front deck so that it does not extend to the outer edges of the property and thereby improve privacy for both neighbors.
- We are removing the large cement driveway in front of our house, and replacing it with a permeable material with significantly smaller footprint. This will reduce water runoff to the street and adjoining parcels.

Our house to lot size ratio is currently 39.43%, which is greater than the maximum 30% ratio under the current code. Our designs will bring the house to lot ratio down to 29.5%, and bringing it into conformance with current code requirements.

3. Safety.

Simply enclosing the existing carport will not provide adequate functionality or the safe environment that our family needs. If the existing carport were to be enclosed, there would be approximately 15 feet of length for a vehicle (180 inches). Our current vehicle is a mid-size car Volkswagen Passat, which is 188 inches in length. Our current car will simply not fit if we enclose but not expand the carport. Even with a smaller car there would not be adequate room for ingress and egress around the vehicle to the house. While we have a mid-sized car at this point, it is likely that someday we will purchase a full sized car, truck or SUV that will be closer

to 200 inches or longer. Even if a smaller car could be parked in the garage, the passengers would not be able to walk around the vehicle without the garage door being open.

Additionally, this is where our daughter's circumstances make the carport or a small garage personally unsafe for her. Our daughter is diagnosed with Autism and she has sensory processing challenges, creating a unique set of special circumstances for our family. She is extremely sensitive to noise, which cannot be avoided while driving in a car. Everyday noises like unexpected fire sirens, barking dogs, loud truck engines, motorcycles, or any number of common sounds trigger a fear response in her. A simple drive to the market can send her into a panic, resulting in an inability to make safe choices for herself. One way to allow her to calm herself is to park the car in the garage and sit quietly in the car until she is able to compose herself. Without having an enclosed garage, there is risk that she will run from the vehicle when we park. And, if the garage is not long enough to walk around it, we will not be able to prevent her tendency to run since the garage door would have to open to access the house. We believe that an additional 5 feet of garage length solves this safety risk in that we can safely park the car in the closed garage.

4. Security.

Although Capitola is a safe community, the configuration of the current carport on the lot creates a security risk. The carport is divided in three portions, with the west and east portions of the carport each having space for a vehicle to park. The center portion is an enclosed storage area that separates the two parking spaces. The front door to the house and an approximately 6 foot by 6 foot ingress/egress area is behind the enclosed storage area. This area behind the enclosed storage area is covered and cannot be seen from the street, nor by a car as it approaches the carport. Having this unsecured area that cannot be seen from the street creates a security risk for our family and visitors to our house because a person could remain in that area undetected. By enclosing the carport, we will eliminate this security risk.

5. Tear Down Not Financially Viable Option.

As discussed above, having an additional 5 feet added to the carport footprint is necessary for our family. The other option for the desired 20 foot garage is to add 5 feet of garage space in the opposite direction. Doing so would require the demolition of the downstairs bathroom, the staircase to access the upstairs of the house, a portion of the two small bedrooms, as well as impact numerous structural and load bearing walls. It is also not possible to expand in the rear direction of the house without crossing the rear setbacks. Our goal has been to enhance the existing home lot, while also complying with the city's code requirements. However, it is not financially viable to tear down the structure, and re-design the house to comply with our goals and the current code.

We believe that the proposed additional 5 feet of length to the garage will create only minimal impact on adjoining neighbors. The 5 foot length increase applies only to the first floor of the structure. In fact, we have decreased the size of the second story front deck, thereby minimizing the impact on visual site corridor and light on adjoining parcels. The house on the east side of the property will have little to no impact on visual and light as existing trees on the property

already block the westerly visual site corridor and some light. The house on the west side of the property will have some impact from the 5 foot expansion, however the house already has no view of the site corridor in a easterly direction because the house is set back approximately 3 feet behind the front of our existing structure. We appreciate that the requested 5 feet will have some impact their visual site line from the middle of their driveway. Any expansion in any direction would have some impact on neighbors. However, the additional 5 feet will not create a new condition from their house. The house on the west side property does not have a view of the site corridor now, so we believe the requested variance will not create an undue burden.

Thank you for your consideration of our request. We are happy to answer questions or provide additional information about the proposed project.

Very truly yours,



David & Deb Aaron

Attachment: Variance Request (1364 : 4980 Garnet St)



Attachment: Variance Request (1364 : 4980 Garnet St)



STAFF REPORT

TO: PLANNING COMMISSION

FROM: COMMUNITY DEVELOPMENT

DATE: FEBRUARY 4, 2016

SUBJECT: **115 San Jose Avenue #15-188 APN: 035-221-17**

Conceptual Review of a proposed Master Use Permit with 11 new residential units and a parking management plan for the Capitola Mercantile located in the CV (Central Village) Zoning District.

This project is in the Coastal Zone but does not require a Coastal Development Permit at the conceptual review stage.

Environmental Determination: N/A

Property Owner: Southstar PM

Representative: Thacher & Thompson Architects

APPLICANT PROPOSAL

The applicant is proposing a conceptual infill project with 11 residential units (Attachment 1), a Master Use Permit for the Mercantile (Attachment 2), and a parking management plan for the entire site (Attachment 3). The proposed Master Use Permit would allow the 7,110 square feet of tenant space in the Mercantile to accommodate up to 4,400 square-feet of food and beverage uses in addition to 2,710 square feet of retail uses. Currently, 1,847 square-feet of food and beverage space is shared between Caruso's, Cava Wine Bar, and the Atrium Café.

11 new residential condominium units are proposed on the north end of the Mercantile parcel within the existing parking lot. The condominium project will be located over a new 7,450 square foot covered parking garage. The site is within the floodplain, therefore no residential uses are allowed within the first level of the new structure. Two small lobbies are included in the first level, one at each entrance. The onsite parking would increase from 43 spaces to 49 spaces with the introduction of 13 mechanical parking lifts. The applicant submitted a parking management plan that explains how the parking lift system will be managed. The applicant also included a parking study for the entire site that incorporates future uses through a Master Use Permit for the Mercantile (Attachment 4).

Planning staff had the parking management plan and parking study reviewed by a third party, Frederik Venter of Kimley-Horn. He reviewed both submittals and originally provided feedback that the study was conservative in its calculations (Attachment 5). Following initial feedback, staff asked the applicant if the site would no longer be utilized for public parking. The parking study states "A valet parking program is proposed which will insure that 36 spaces are always available for commercial uses and 1 spaces for (each) residential uses" without specifying if use will be limited to Mercantile residents and patrons. The applicant clarified that the parking would remain paid public parking not limited Mercantile use only. Upon receiving the additional

information, Mr. Venter, informed staff that in order to have onsite public parking the applicant would have to add a robust valet operations plan. In-lieu parking is not currently an option for the proposed use because the Council policy applies only to large village hotels with valet service.

The residential units are proposed within the second story of the new structure which would be accessed from a shared hallway that runs along the rear of the property. Each unit is a simple efficiency with a bed, living room, and bathroom. Six of the 11 units have a deck. The units range from 440 square feet to 730 square feet.

The allowed building height in the Central Village area is 27 feet. The proposed project is 27 feet in height.

The conceptual design includes several elevations as viewed from the Esplanade and San Jose Avenue. The exterior finishes include cement plaster on the first story and vertical wood siding with shingle accents within the second story. The building has variation and relief along the second story due to the incorporation of private terraces.

The conceptual review includes a request for a Master Use Permit for the Mercantile to allow administrative approvals for tenant occupancy. The Mercantile is unique within the central village due to its size, multi-tenant commercial mix, and onsite parking. Any new conditional use for the site typically requires a parking study to ensure the site can accommodate the parking demands of the proposed use. The initial investment of completing a parking study and applying for a conditional use permit is costly and has resulted in many prospective tenants locating elsewhere. The Mercantile owner would like to manage onsite uses within a Master Use Permit and remove the uncertainty for potential tenants.

The most limiting development standard applicable to the Mercantile site is parking. To establish a maximum limit for intensified uses, such as food and beverage, the applicant completed a parking study which relies on parking standards developed by the Institute of Transportation Engineers (ITE). The parking study found that the site can handle 4,400 square feet of restaurant use on site with the remaining 2,710 square feet of tenant space utilized for retail or similar uses. The parking study included adequate parking for the 11 residential units. The study did not include onsite paid public parking. The following table summarizes the parking demand differences between the Capitola zoning code and the ITE Parking Generation standards.

Use	Size	Capitola Parking Requirement	ITE Parking Requirement
Restaurants	4,400 sf	1/60 sf 73 spaces	8.1/1000 sf 36 spaces
Retail	2,710 sf	1/240 sf 11 spaces	3.56/1000 sf 10 spaces
Studio Apartment	11 units	2.5/unit 28 spaces	1 per unit + 2 13 spaces
Spaces Required		112 spaces	59 spaces

The parking study also incorporates reductions for shared parking and multiple uses based on the peak parking demand for the residential, retail and restaurant. The peak demand for the site is identified in the study as 49 spaces on Saturday evenings. The project includes 49 onsite spaces.

BACKGROUND

On September 3, 2009, the Planning Commission provided feedback on a conceptual review for a different residential infill project on the Mercantile property. The previous project was three stories and exceeded the height limit by four feet. The design included a public promenade within the second story that aligned with Lawn Way and created pedestrian connectivity between San Jose Avenue and the Esplanade. The parking plan included 44 at-grade parking spaces, 42 of which utilized compact stacker parking.

The Planning Commission expressed several concerns with the 2009 proposal including height, scale, intensity of the use, parking, and the management of stacked parking within a commercial mixed use center. Further, the Commission requested a better understanding of how the proposed project would influence redevelopment of the Mercantile building in the future. The applicant did not proceed with the project.

DISCUSSION

The project has been submitted to the City for conceptual review. The intent of the conceptual review process is to provide the applicant with early feed-back prior to investing significant time and money on the project.

In conducting the conceptual review of this project, staff suggests the Commission focus their comment and direction on the overall project concept and vision. As a starting point, staff has identified several questions, which the Commission may wish to consider while reviewing this project.

1. Should the project include paid public parking in addition to residents and Mercantile visitors?
2. Are mechanical parking stackers acceptable as proposed within the management plan?
3. Is the frontage on San Jose Avenue and the Esplanade acceptable in its current form?
4. Does the proposed architectural style compliment the village?
5. Is the proposal to scale with the surrounding development?
6. Is there support for a Master Use Permit to allow development of additional restaurant/bar space inside the Mercantile?

Prepared By: Katie Cattan
Senior Planner

November 6, 2015

Capitola Mercantile Master Occupancy Plan – draft

Introduction

The Mercantile building has a total of 7,140 square feet of net tenant space. This space has historically been divided into a dozen or more tenant spaces with access from three separate building entrances and the adjacent streets, the Esplanade and San Jose Avenue. The proposed Master Occupancy plan assumes that the building will continue to be used much the same way with the same points of entrance and a group of tenants connected to corridors and common area facilities such as restrooms. What is likely to evolve under this Plan is the mix of tenants and the configuration of the individual tenant spaces.

Relationship to Zoning Standards

The Master Occupancy Plan does not amend the Zoning Ordinance. All of the requirements for use permits and design review will still apply to businesses located within the Mercantile building, including exterior signage or changes to the building's exterior.

Master Occupancy Plan Purpose

The purpose of this plan is to provide an orderly and predictable method for managing the mix of tenants within the Mercantile building. The goal is a vibrant, varied, and compatible mix of businesses under one roof that creates a synergism among the tenants and attracts residents and visitors alike. The public's taste and expectations evolve and venues with a successful cluster of tenants need to be frequently changing to meet these expectations. Thus, at the heart of this Plan is a method for the Mercantile to be more nimble and successful at attracting new tenants.

Parking and the Tenant Mix

The Mercantile site will have a parking management plan that will provide sufficient parking for 4,400 square feet of food and beverage uses plus 2,710 square feet of retail uses. This Master Occupancy Plan treats this allotment of building area and uses to be within the allowed parking supply for the Mercantile tenants and no other review of parking supply and demand will be required. The parking demand for food and beverage uses is higher than for retail uses. Thus, while 4,400 square feet is the maximum allowed for food and beverage uses, if there is less building area used for these uses, the balance can be used for retail without further analysis. Finally, if some uses do not clearly fit either the food and beverage category, or the retail category, they can be permitted if they are within the portion of the building allotted to the food and beverage category.

November 6, 2015

Capitola Mercantile Parking Management Plan

Existing Parking: 43 spaces

Proposed Parking: 36 regular spaces
13 lift spaces
49 total spaces

Hypothetical Valet Plan, Typical day:

6:00 AM All lifts are down. Condo residents are parked in lift area. Public self-parking is available in the remaining parking spaces (minimum of 23 spaces if all resident spaces are used)

10:00 AM to Noon depending on the season: Valet service starts. Valet raises all lifts to up position including resident parked cars. The upper portion of the lifts now has resident cars or is available for resident cars. With the lifts up, the public parking capacity is increased to 36 spaces. These 36 spaces could also be further increased by arrangement with residents who are not in town or don't have a car to park.

9:00 PM to 1:00 AM depending on the season: Valet moves remaining cars in the lift area to open spaces available outside the lift area. The valet lowers the lifts with the resident's cars and closes the valet service for the day.

Parking Demand: There is a total of 7,110 square feet of tenant space in the mercantile building. With at least 36 non-residential parking spaces available, one parking space is available for every 197.5 square feet of tenant space or over 5 parking spaces for every 1,000 square feet of tenant space.



VIEW FROM THE ESPLANADE



VIEW FROM SAN JOSE AVENUE

CONCEPT PLAN



THACHER & THOMPSON ARCHITECTS
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SANTA CRUZ, CA 95060
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CAPITOLA MERCANTILE

AUGUST 28, 2015



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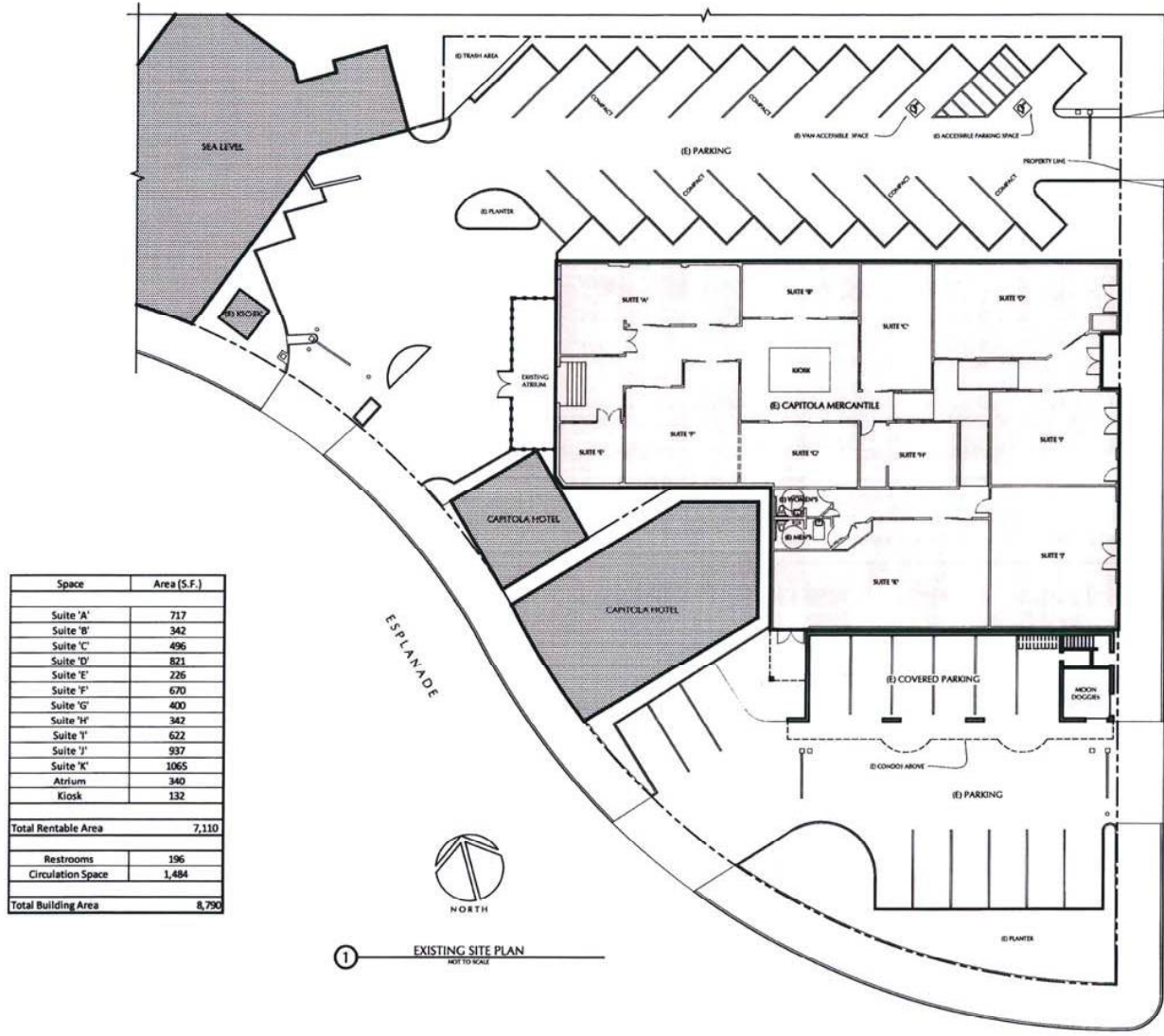
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- A2 EXISTING SITE PLAN
- A3 SITE PLAN
- A4 FLOOR PLANS
- A5 ELEVATIONS
- C1 DRAINAGE
- LI LANDSCAPE

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Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)



Space	Area (S.F.)
Suite 'A'	717
Suite 'B'	342
Suite 'C'	496
Suite 'D'	821
Suite 'E'	226
Suite 'F'	670
Suite 'G'	400
Suite 'H'	342
Suite 'I'	622
Suite 'J'	937
Suite 'K'	1065
Atrium	340
Kiosk	132
Total Rentable Area	7,110
Restrooms	196
Circulation Space	1,484
Total Building Area	8,790

1 EXISTING SITE PLAN
NOT TO SCALE



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925-454-1818
925-454-1817
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CAPITOLA MERCANTILE

SAN JOSE AVENUE

ESPLANADE



AUGUST 28, 2015



THESE PLANS WERE PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED ARCHITECT IN THE STATE OF CALIFORNIA. I HEREBY CERTIFY THAT I AM THE ARCHITECT OF RECORD FOR THESE PLANS AND I AM NOT PROVIDING ARCHITECTURAL SERVICES TO ANY OTHER PARTY FOR THIS PROJECT. DATE OF SEAL: 08/28/15
M. THOMPSON, ARCHITECT

A2

Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)



THACHER & THOMPSON ARCHITECTS
 807 CHERRY STREET, SUITE 140
 SAN JOSE, CA 95126
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 WWW.T&TARCH.COM

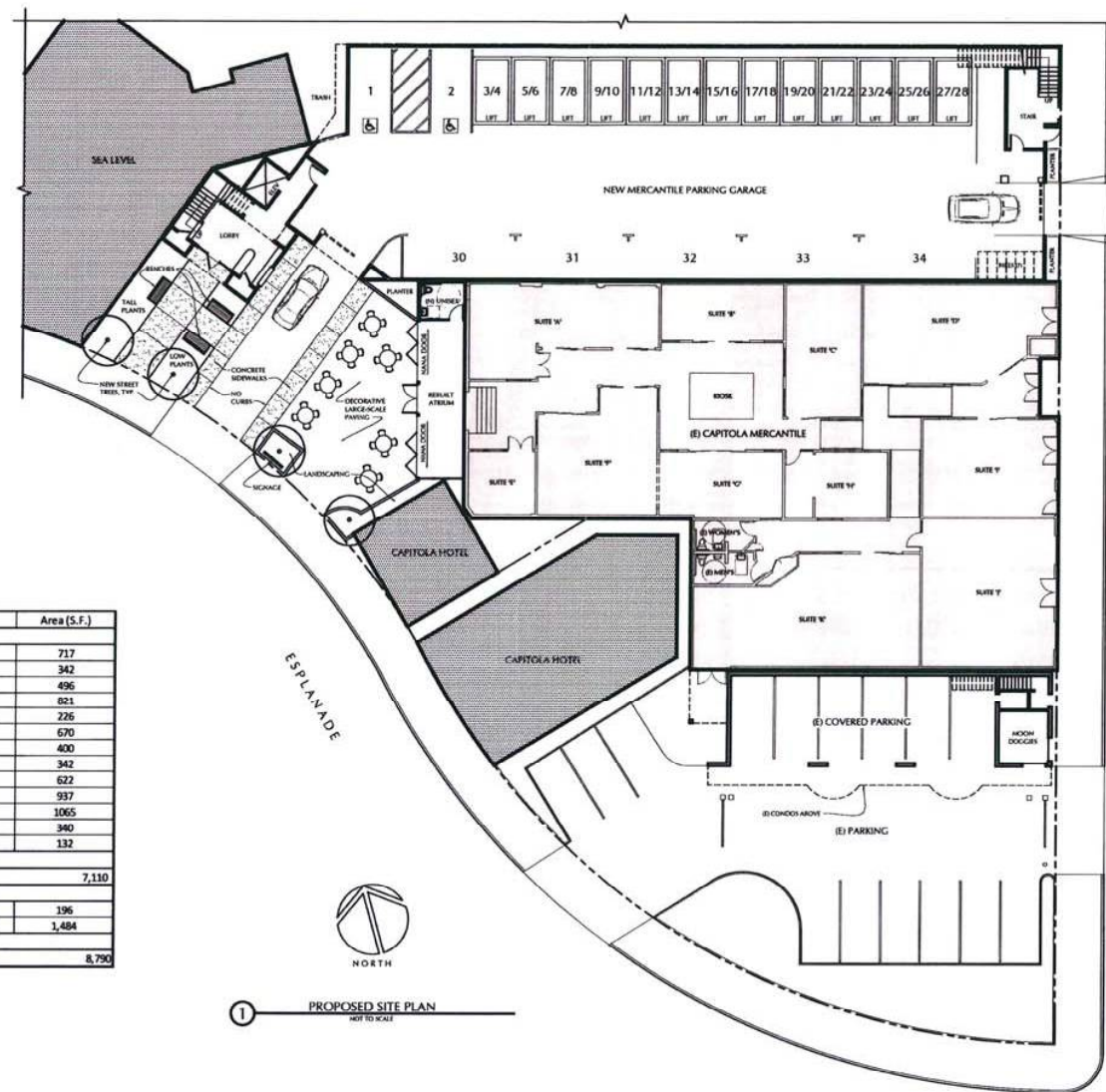
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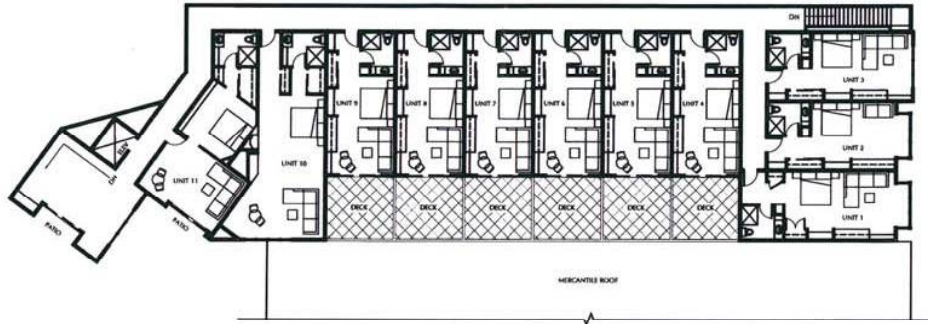


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Atrium	340
Kiosk	132
Total Rentable Area	7,110
Restrooms	196
Circulation Space	1,484
Total Building Area	8,790

① **PROPOSED SITE PLAN**
NOT TO SCALE

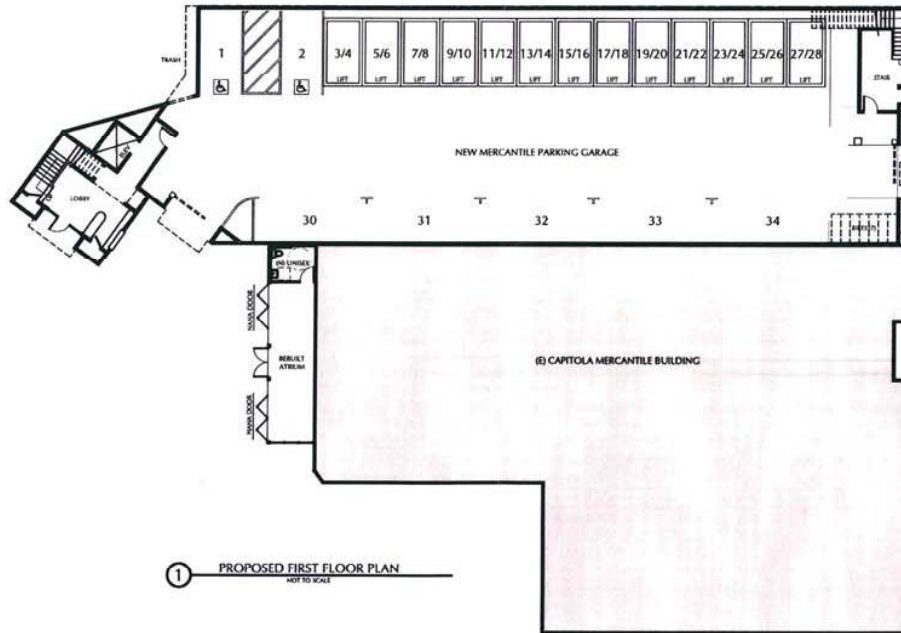
Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)

2nd Floor Areas		
Space	Heated Area (S.F.)	Patio Area (S.F.)
Unit 1	530	-
Unit 2	440	-
Unit 3	469	-
Unit 4	453	199
Unit 5	453	199
Unit 6	453	199
Unit 7	453	199
Unit 8	453	199
Unit 9	453	199
Unit 10	730	-
Unit 11	605	43
Common Space	3,495	52
Total Area	6,985	1,289



1 PROPOSED SECOND FLOOR PLAN
NOT TO SCALE

1st Floor Areas	
Space	Heated Area (S.F.)
Parking	7,450
West Lobby	409
East Lobby	250
Total Area	8,200



1 PROPOSED FIRST FLOOR PLAN
NOT TO SCALE



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CAPITOLA MERCANTILE



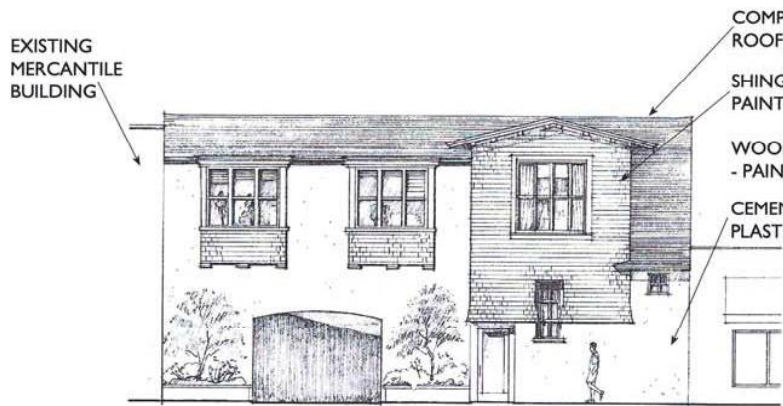
AUGUST 28, 2015



THE STATE OF CALIFORNIA ARCHITECTS
MATTHEW THOMPSON
C 17004
AUGUST 31, 2015
EXPIRES

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Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)



ELEVATION FROM SAN JOSE AVENUE



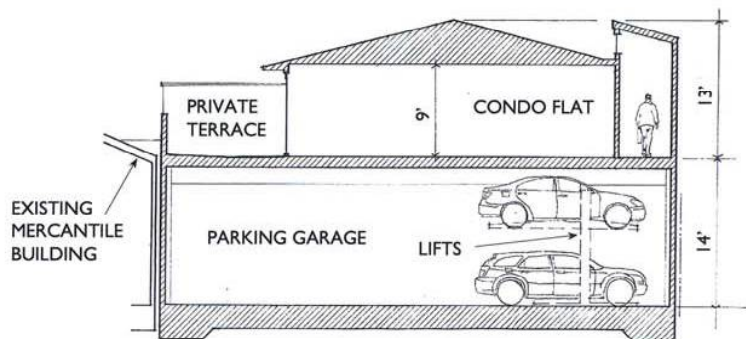
ELEVATION FROM THE ESPLANADE



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EXISTING
MERCANTILE
BUILDING

CAPITOLA
MERCANTILE



SECTION FROM SAN JOSE AVENUE

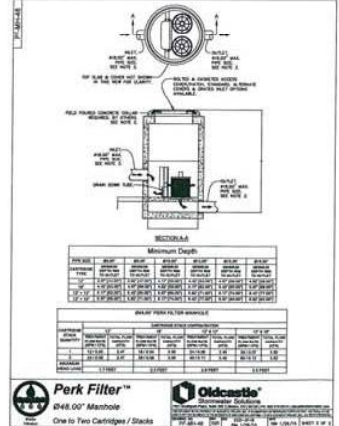
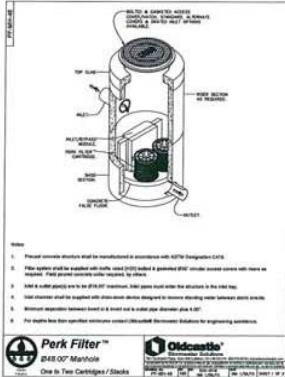
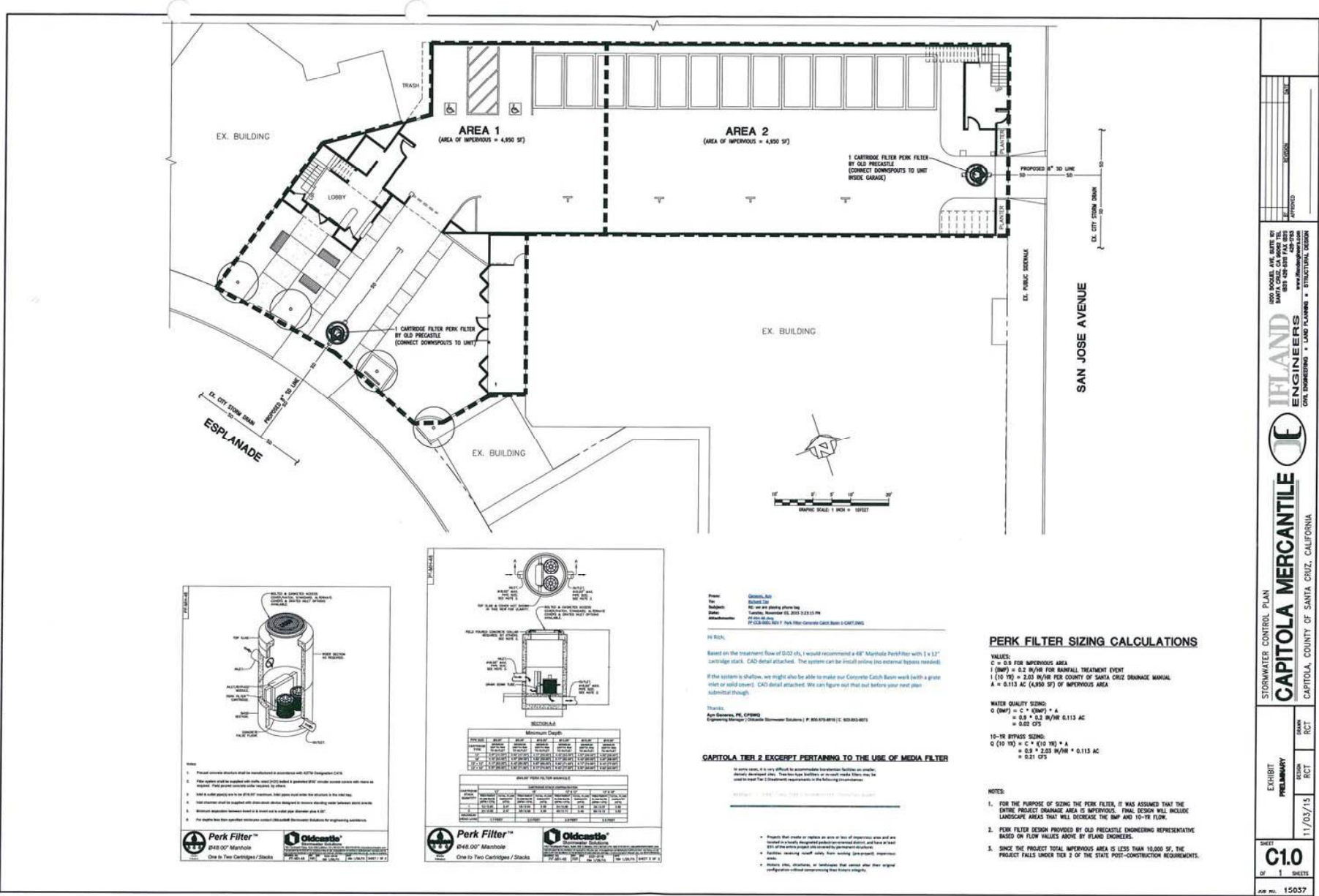
AUGUST 28, 2015



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A5

Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)



From: **Oldcastle**
 To: **Client**
 Re: **Perk Filter**
 Date: **November 11, 2015 11:11 AM**
 Subject: **Perk Filter**

Perk Filter
 1000 S. Bascom Ave. Suite 100
 San Jose, CA 95128
 Tel: 408.950.1000
 Fax: 408.950.1001
 www.oldcastle.com

Based on the treatment flow of 5.02 cfs, I would recommend a 48" Marquette PerkFilter with 1 x 12" Cartridge stack. CAD detail attached. The system can be install online (no external bypass needed).
 If the system is shallow, we might also be able to make our Concrete Catch Basin work (with a grate inlet or solid cover). CAD detail attached. We can figure out that out before your next plan submittal though.

Thank you,
 Amy Sweeney, PE, CPEMG
 Engineering Manager | Oldcastle Stormwater Solutions | P: 800-679-8115 | E: amy.sweeney@oldcastle.com

CAPITOLA TIER 2 EXCERPT PERTAINING TO THE USE OF MEDIA FILTER

In some cases, it is very difficult to accommodate treatment facilities on smaller, densely developed sites. Treatment facilities on small urban sites may be used to meet Tier 2 treatment requirements in the following circumstances:

1. Projects that create an area in excess of 10,000 square feet and are located in highly developed urban environments, and have at least 50% of the roof area covered by impervious surfaces.

2. Facilities meeting runoff volume, flow velocity, and treatment requirements.

3. Areas that, due to site conditions, are unable to meet other design requirements without compromising their primary integrity.

PERK FILTER SIZING CALCULATIONS

VALUES:
 C = 0.9 FOR IMPERVIOUS AREA
 I (IMP) = 0.2 IN/HR FOR RAINFALL TREATMENT EVENT
 I (10 YR) = 2.03 IN/HR PER COUNTY OF SANTA CRUZ DRAINAGE MANUAL
 A = 0.113 AC (4,950 SF) OF IMPERVIOUS AREA

WATER QUALITY SIZING:
 Q (IMP) = C * I (IMP) * A
 = 0.8 * 0.2 IN/HR * 0.113 AC
 = 0.02 CFS

10-YR BYPASS SIZING:
 Q (10 YR) = C * I (10 YR) * A
 = 0.8 * 2.03 IN/HR * 0.113 AC
 = 0.21 CFS

NOTES:
 1. FOR THE PURPOSE OF SIZING THE PERK FILTER, IT WAS ASSUMED THAT THE ENTIRE PROJECT DRAINAGE AREA IS IMPERVIOUS. FINAL DESIGN WILL INCLUDE LANDSCAPE AREAS THAT WILL DECREASE THE BMP AND 10-YR FLOW.
 2. PERK FILTER DESIGN PROVIDED BY OLD PRECASTILE ENGINEERING REPRESENTATIVE BASED ON FLOW VALUES ABOVE BY PLAND ENGINEERS.
 3. SINCE THE PROJECT TOTAL IMPERVIOUS AREA IS LESS THAN 10,000 SF, THE PROJECT FALLS UNDER TIER 1 OF THE STATE POST-CONSTRUCTION REQUIREMENTS.

STORMWATER CONTROL PLAN

EXHIBIT PRELIMINARY

DATE: 11/03/15

SHEET C1.0

OF 1 SHEETS

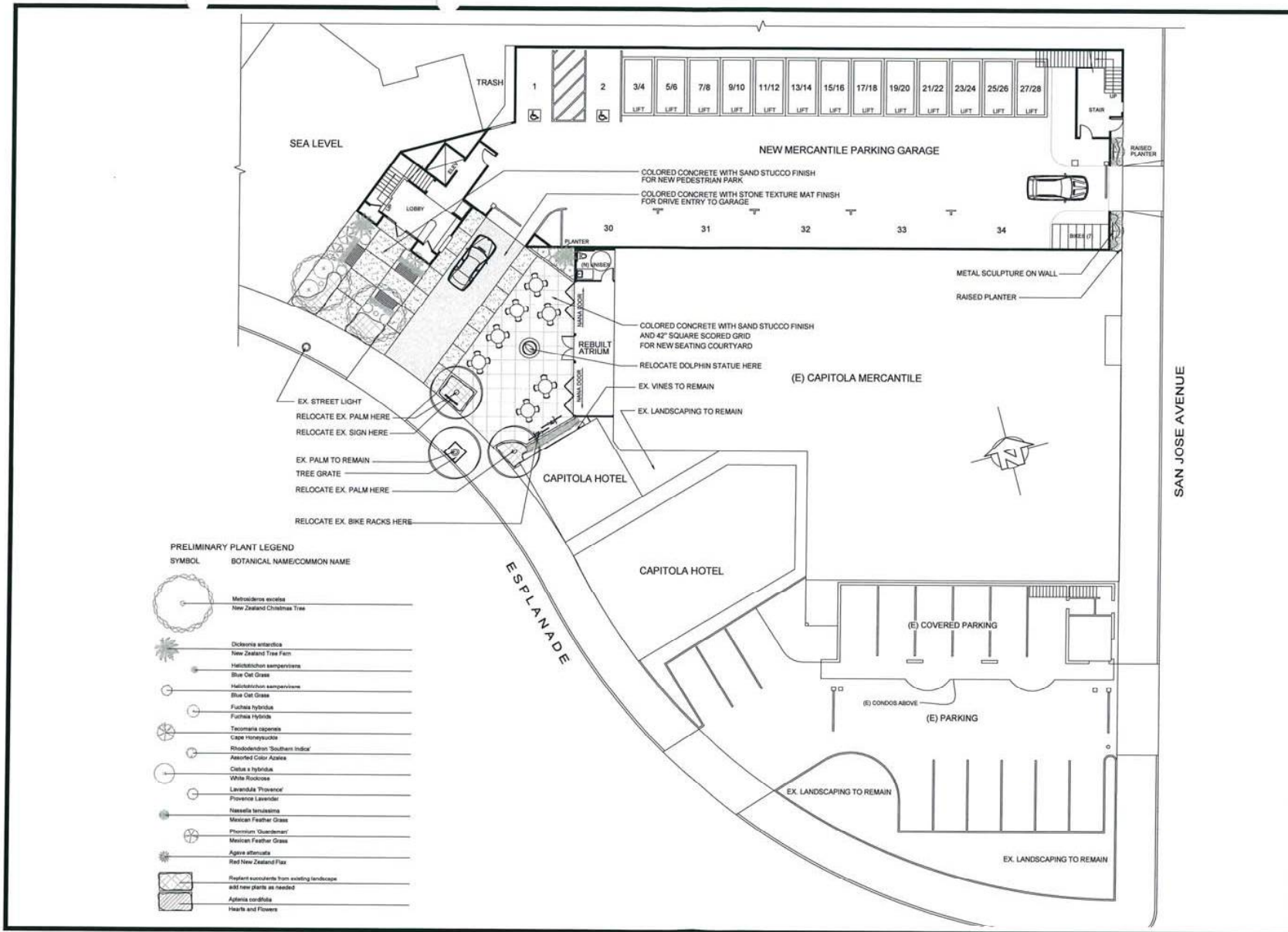
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CAPITOLA, COUNTY OF SANTA CRUZ, CALIFORNIA

Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)



PRELIMINARY PLANT LEGEND

SYMBOL	BOTANICAL NAME/Common Name
	<i>Metrosideros excelsa</i> New Zealand Christmas Tree
	<i>Dicksonia antarctica</i> New Zealand Tree Fern
	<i>Halictidichon sarpentaria</i> Blue Oat Grass
	<i>Halictidichon sarpentaria</i> Blue Oat Grass
	Fuchsia hybrid
	Fuchsia hybrid
	<i>Tecomaia capensis</i> Cape Honeysuckle
	<i>Rhododendron 'Southern Indica'</i> Rhodod 'Color Azalea
	<i>Cistus hybrid</i> White Rockrose
	<i>Lavandula 'Provence'</i> Provence Lavender
	<i>Nassella tenuissima</i> Mexican Feather Grass
	<i>Pennisetum quadrifidum</i> Mexican Feather Grass
	<i>Agave attenuata</i> Red New Zealand Flax
	Replant succulents from existing landscape add new plants as needed <i>Alysia cordifolia</i> Hearts and Flowers

Michael Arnone + Associates
LANDSCAPE ARCHITECTURE
35350 158TH STREET, SUITE 100, FORT MYERS, FL 33907
TEL: 888-388-7222 / 239-939-7222 / 239-939-7223

CAPITOLA MERCANTILE
115 SAN JOSE AVENUE
CAPITOLA, CALIFORNIA

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Landscape Architect - 2013
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DATE	PURPOSE	BY
11/2/2016	Final Issue Review	MAA

scale:
1" = 10' - 0"

sheet title:
preliminary landscape

sheet number:
L - 1 of one

Attachment: Conceptual Plan (1354 : 115 San Jose Avenue)

Capitola Mercantile Building Parking Study August 2015

This report documents the conclusions of a shared parking analysis for the Capitola Mercantile Building in the City of Capitola, California. The Mercantile Building is located on the corner the Esplanade and San Jose Avenue in Capitola Village. The property includes the multi-tenant Mercantile Building with 9,019 square feet, and a two bedroom residence above a six car garage building. Currently, there are 43 parking spaces (including the garage spaces) of on-site parking. The parking is operated as a public, paid lot.

The objective of this study is to determine the peak parking demand for the redevelopment of the site with a mix of uses. The proposed development includes 11 studio apartments and two different commercial uses on the site, retail and food service uses totaling not more than 7,110 square feet. The project proposes to provide 49 spaces through the use of 13 lifts. A valet parking program is proposed which will insure that 36 spaces are always available for commercial uses and 13 spaces for residential uses. The proposed intensification of the parking requirement as per the City of Capitola Zoning Ordinance warrants review of the parking demand for the overall site.

Master Plan Uses

For purposes of this analysis the Mercantile Building as are assumed to be generic restaurant and retail uses. In as much as restaurant uses generate higher parking demand the study analyzes the maximum restaurant square footage that would limit the total parking demand to 36 spaces. The following table describes the uses analyzed in this study.

**Table 1
Maximum Parking Demand Uses**

Use	Size
Restaurants	4,400 sq. ft.
Retail	2,710 sq. ft.
Studio Apartment	11 units

The Parking Analysis for the Capitola Village Area prepared for the City by RBF Consulting in 2008 found that the City's Parking requirements for uses in the village area were high and did not reflect actual parking demand surveyed. The study concluded:

It is recommended that those requirements be reconsidered for the Village area as part of the City's overall review of the City's zoning code as part of the General Plan Update.

For this analysis as recommended in the 2008 Study the parking generation rates identified by the Institute of Transportation Engineers in "Parking Generation Second Edition" were used. The parking generation rate for a high turnover restaurant with no bar and lounge in an urban setting (Land Use Code 932) is 6.37 spaces per 1,000 square feet of floor area. This is the 85 percentile rate which is traditionally used for these calculations. That is to say the parking demand using this rate will be within this

range 85 percent of the time. This rate was adjusted upwards to reflect the higher generation anticipated when a bar and lounge is added to the use. The final rate used for weekday estimates was 6.8 spaces per 1,000 sq. ft. The rate used for Saturdays is slightly higher at 8.07 spaces per 1,000 sq. ft. Similarly the parking generation rates used to estimate parking demand for retail on weekdays was 3.35 spaces per 1,000 sq. ft. and 3.56 spaces per 1,000 sq. ft. for Saturdays. Based on these rates the peak parking demand will occur on Saturday.

**Table 2
ITE Parking Demand Estimates**

Use	Size	Saturday ITE Rate	Peak Demand
Restaurants	4,400 sq.ft.	8.1 / 1000 sq ft	36 spaces
Retail	1,598 sq. ft.	3.56 / 1,000 sq ft	10 spaces
Studio Units	11	1 per unit + 2	13 spaces
Total			59spaces

Shared Parking

The Urban Land Institute has done research on the effect shared parking has on parking demand. This research is reported in 'Shared Parking'. This document quantifies the premise that mix land uses when combined require less parking than the same land uses when separately developed. The document developed a methodology to estimate the peak parking demand for a variety of mixed uses based on each of the uses hourly peaking characteristics. This methodology was used together with the information provided in "Parking Generation, Third Edition" prepared by the Institute of Transportation Engineers (ITE) to estimate the hourly parking demand for the uses at the Capitola Mercantile center.

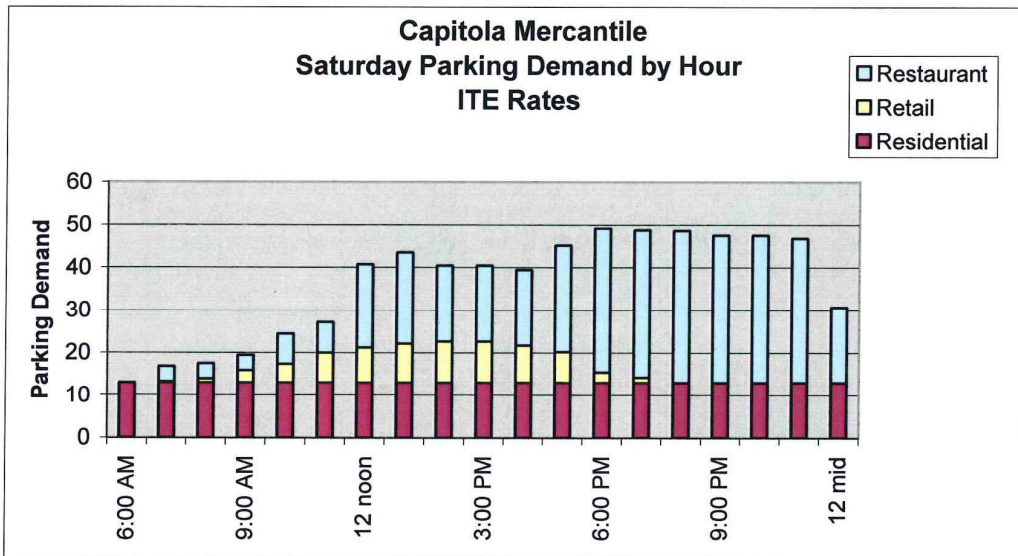
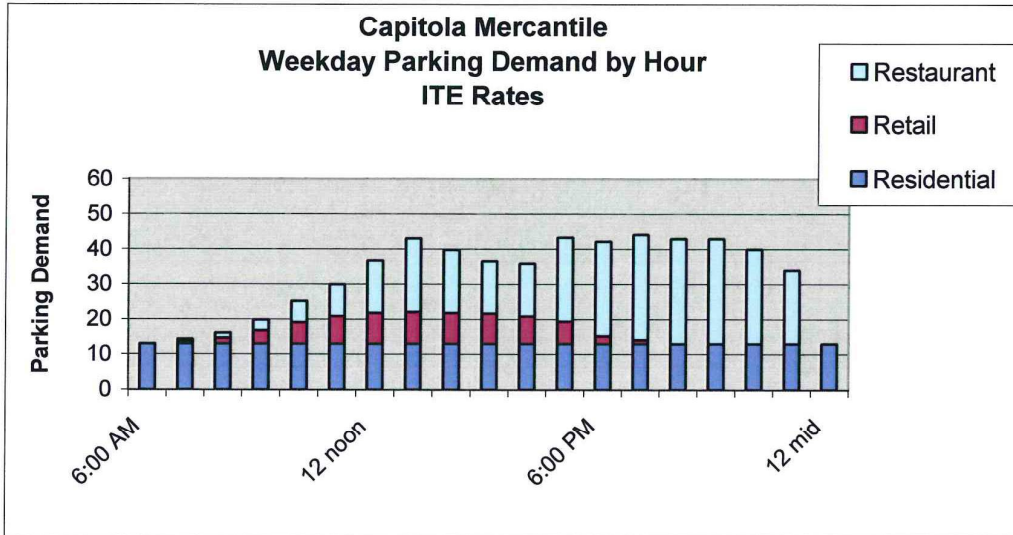
Two figures follow that present the results of those calculations for the operating hours of the day. This methodology estimates the maximum parking demand on weekdays of 43 spaces will occur at the Capitola Mercantile Center at midday and in the early evening hours. On Saturdays the parking demand peaks at 49 spaces at approximately primarily in the evening hours. It should be noted that the hourly calculation of parking demand above includes that the 13 spaces on lifts that are reserved for residential uses and not available for sharing.

Based on this calculation the parking demand will be met by the 36 spaces available for commercial uses. The hourly demand estimated for weekday and weekend periods is presented in Table 3.

Multiple Uses

As noted in the 2008 Capitola Village Parking Study the area also benefits from the fact that visitors will park at one location and frequent multiple locations. For example a visitor may come to the beach, shop in a retail use and have dinner. The Village Parking Study developed a model which estimated an 18% reduction to account for the multiple uses concept. This reduction has not been incorporated into the parking demand estimates in this analysis thus it can be considered a conservatively high estimate of the

demand for parking resulting from the proposed development of the Capitola Mercantile site.



Findings

The following summarizes the findings of this analysis.

There are three different uses evaluated for proposed for the Capitola Mercantile Center, Residential, retail, and restaurants. The peak parking demand estimated for all these

uses including the required guest parking is 49 spaces on Saturday evenings. The project proposes to provide 49 spaces which would meet the estimated demand.

Estimates of the shared parking benefits of the various uses were calculated for both weekend and weekday periods. The weekend estimates were than weekday estimates with peaking in the same evening hours.

A further reduction in demand to account for one stop for multiple uses of 18% provides a cushion for extraordinary demand both for the project site and the surrounding area.

**Table 3
Hourly Parking Demand
Capitola Mercantile Building**

Hour (Beginning)	Weekdays Parking Spaces	Weekends Parking Spaces
6am	13	13
7am	14	17
8am	16	18
9am	20	19
10am	25	24
11am	30	27
12 noon	37	41
1pm	43	43
2pm	40	40
3pm	37	40
4pm	36	39
5pm	43	45
6pm	42	49
7pm	44	49
8pm	43	49
9pm	43	47
10pm	40	47
11pm	34	47
12pm	28	31



MEMORANDUM

From: Frederik Venter PE, Kimley-Horn and Associates

To: Katie Cattan, City of Capitola

Date: January 28, 2016

Re: **Parking Analysis Peer Review: 115 San Jose Street, Mercantile Master Plan**

This memorandum presents our peer review of the Parking Analysis conducted by Ron Marquez, dated August 18, 2015, for the Mercantile Building located at 115 San Jose Street in Capitola, CA.

The parking analysis uses slightly inflated parking rates compared the 4th Edition ITE Parking Generation Manual. This results in inflated parking rates by 6.7% for the restaurant use and 1.5% for retail use on a weekday use. Over weekends, the restaurant uses increases by 16% per ITE, and the parking demand was subsequently also increased further. The ULI shared parking principles are applied per the empirical values.

The parking analysis also assumes that 13 parking spaces will be available for residential use and these spaces are not included in the shared demand, even though it would be per the parking operations proposal in the project description. However, this will result in a reduction of public parking, which is a concern. How can valet operations be utilized to maintain at least current public parking supply.

The description of the valet service, how the lifts will be manned, controlled and operated, and how public parking will be provided, are vague. It is recommended that the valet service operations and management of parking be described in more/better detail for typical daytime, weekend, and nighttime uses, when valet may not be available and when the lifts have to also be operational, especially if public parking is allowed.

The analysis is thus slightly conservative compared to typical 85 percentile demand calculations. ITE 85th tile highest parking demand would be 46 spaces (weekday demand plus 16% for restaurant and no shared residential spaces) on a Saturday peak, compared to a demand of 49 spaces in the study. The project proposes to supply 36 spaces plus 13 mechanical lift spaces for a total of 49 spaces.

Taking into consideration the use of a valet service and the use of mechanical parking lifts and the inherent risks with breakdown of the proposed valet system, or mechanical failure of the lifts, the additional demand of 3 spaces, or about 10%, is fully supported. Also, on-street parking capacity in the Village is very constrained and thus little capacity is available to accommodate any variations in the estimated parking demand should it spill over onto the Village streets.

It is further recommended that the parking operations be monitored (after 6 months of operation and also after one year of operation, then annually) and the valet program adjusted to maintain the parking demand at 49 spaces. If the applicant cannot maintain the demand of 49 spaces, the valet service should be extended to include parking in the Pac Cove Lot and the developer would then pay an in-lieu fee for use of parking space/s in this lot.



STAFF REPORT

TO: PLANNING COMMISSION
FROM: COMMUNITY DEVELOPMENT
DATE: FEBRUARY 4, 2016
SUBJECT: **Zoning Code Update - Initiation of Public Review**

BACKGROUND

The City of Capitola initiated an effort in 2014 to comprehensively update its 1975 Zoning Code. Over the past 18 months, staff solicited input from a variety of stakeholders to identify issues with current Zoning Code and opportunities for improvement. Staff used this feedback to develop an issues and options paper which served as the basis for 8 public hearings with the Planning Commission and City Council to provide staff with policy direction prior to drafting an updated code.

Staff has completed a draft Zoning Code update based on policy direction received during the issues and options hearings. The draft updated code will be released on February 4, 2016 for an extended public review and comment period. Staff will return to the Planning Commission at the regularly scheduled March 3, 2016 hearing to present significant changes in the updated zoning code, address any issues the Commission wishes to debate, and to schedule additional review meetings, as necessary.

Interested members of the public will have opportunities to provide comments on the draft code throughout the hearing process. The draft code will be available at City Hall, the Capitola branch library and the City's website at:

<http://www.cityofcapitola.org/communitydevelopment/page/zoning-code-update>

DISCUSSION

At the February 4, 2016 Planning Commission hearing, staff will provide an overview of the draft Zoning Code update and an orientation to facilitate review of the document. Staff will subsequently present the draft code to the City Council on February 11. No decisions or actions on the Zoning Code content will be requested during these initial meetings.

The updated Zoning Code represents a comprehensive overhaul of the existing code. The updated code presents a refreshed format and organization which is intended to be more user-friendly for the public, decision-makers, developers, and staff. Where possible, development standards are shown in tables for ease of reference and graphics are used to better illustrate the meaning and intent of various regulations.

Tips to Review the updated Zoning Code

The extensive scope of revisions in the updated code does not lend itself to showing changes in a traditional strikeout-underline format. Instead, a disposition table has been prepared which includes all substantive code revisions. The disposition table will be circulated with the draft Zoning Code. In addition, major changes are highlighted in the body of the draft code with an illustration and description as shown in the following example:



Note: Procedures and criteria for addressing unlisted land uses in Subsection D below are new.

Highlights of the updated Zoning Code

The updated Zoning Code includes new and revised zoning districts, permit processes, development standards, and procedures which are intended to streamline the development review process while implementing General Plan goals to protect Capitola's coastal village character and to promote design excellence. The following represents some of the key changes in the updated Zoning Code:

- Improved organization and format to improve clarity and usability;
- A new user guide to help citizens access, understand, and apply the zoning code;
- Revised regulations to comply with federal and state law;
- Streamlined permitting process for routine permits including signs, design permits, rooftop solar systems, and tenant improvements;
- Consolidated/eliminated 6 overlay zones to simplify the zoning map;
- Updated coastal overlay chapter with significantly improved organization and clarity;
- Improved historic preservation chapter which codifies process to review and modify historic structures and provides incentives and exceptions to promote preservation;
- Simplified legal non-conforming standards which eliminates 80% valuation standard and adds a new replication allowance;
- Revised parking standards for take-out restaurants in the Village to replace the current 6-seat rule with a square-footage allowance;
- Relaxed development standards for secondary dwelling units;
- Planned Developments would no longer be allowed in R-1 zones;
- Better defined community benefits to qualify for a Planned Development or increased floor area ratio allowances;
- Simplified Floor Area Ratio calculation;
- New lighting standards;
- New regulations to control unattended donation boxes;
- Improved guidance on when post approval changes to a project trigger review by the Planning Commission;
- New standards to limit the allowable area of outdoor commercial displays;
- Incentives to encourage non-conforming multi-family uses in single-family zones to make needed property improvements. Also reduced allowable extensions from 50 to 25 years.

- New standards to allow parklets and sidewalk dining areas;
- New minor modification process to allow the Planning Commission to authorize minor deviations to certain development standards which don't meet variance findings;
- New standards to regulate the placement of outdoor decks in residential zones;
- Modified Design Review process to allow a 2nd architect to review major projects;
- New requirements for large commercial and residential projects to provide bike and electric vehicle parking.

CEQA

An Addendum to the General Plan Update Environmental Impact Report will be prepared prior to final adoption hearings.

RECOMMENDATION

Accept the staff presentation.

Prepared By: Rich Grunow
Community Development Director