



**REVISED
AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, MARCH 3, 2011
7:00 P.M. – COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Graves, Newman, Routh, Smith and Chairperson Ortiz
Staff: Community Development Director Johnson
Senior Planner Bane

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. January 20, 2011 Regular Planning Commission Meeting

B. February 3, 2011 Joint Meeting of the Planning Commission and the Traffic and Parking Commission

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. 5040 GARNET STREET

#11-010

APN: 034-043-04

Coastal Permit and Design Permit to demolish a single-family residence and construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Duncan & Judith Scollon, filed 1/26/11

Representative: Derek Van Alstine

B. 4930 CLIFF DRIVE #11-007 APN: 034-052-17

Coastal Permit and Design Permit to stabilize an existing foundation and extend a deck for a single-family residence in the CV (Central Village) Zoning District.
This project requires a Coastal Permit which is appealable to the California Coastal Commission after all possible appeals are exhausted through the City.
Environmental Determination: Categorical Exemption
Property Owner: Leslie A Paulides, filed 1/19/11
Representative: Ifland Engineers, Jon Ifland

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. 119 CENTRAL AVENUE #11-011 APN: 036-112-04

Design Permit for a remodel and minor addition to an existing two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Greg & Dawn Harms, filed 1/26/11
Representative: Derek Van Alstine

B. 1955 41st AVENUE #11-008 APN: 034-261-15, 53

Conditional Use Permit for a restaurant use with outdoor seating and the sale and dispensing of alcoholic beverages for consumption upon the premises in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: JFG Capitola Winfield Partners, filed 1/14/11
Representative: FHA Architects

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, April 7, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

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

All appeals must be in writing, setting forth the nature of the action and the basis upon which the action is considered to be in error, and addressed to the City Council in care of the City Clerk. An appeal must be accompanied by a one hundred thirty six dollar (\$136.00) filing fee, unless the item involves a Coastal Permit that is appealable to the Coastal Commission, in which case there is no fee. If you challenge a decision of the Planning Commission in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this agenda, or in written correspondence delivered to the City at, or prior to, the public hearing.

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

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

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

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

Televised Meetings: Planning Commission meetings are cablecast "Live" on Charter Communications Cable TV Channel 8 and are recorded to be replayed at 12:00 Noon on the Saturday following the meetings on Community Television of Santa Cruz County (Charter Channel 71 and Comcast Channel 25). Meetings can also be viewed from the City's website: www.ci.capitola.ca.us



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, JANUARY 20, 2011
7:00 P.M. – COUNCIL CHAMBERS**

Chairperson Newman called the Regular Meeting of the Capitola Planning Commission to order at 7:00 p.m.

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Commissioners Graves, Ortiz, Routh, Smith and Chairperson Newman
Staff: Community Development Director Johnson
Senior Planner Bane
Minute Clerk Uharriet

2. NEW BUSINESS

A. Oath of Office – Newly Appointed Commissioners

Community Development Director Johnson issued the oath of office.
Chairperson Newman welcomed the new commissioners.

B. Election of Chair and Vice-Chair

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO NOMINATE COMMISSIONER ORTIZ AS THE CHAIRPERSON.

MOTION PASSED 5-0

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY CHAIRPERSON ORTIZ TO NOMINATE COMMISSIONER GRAVES AS THE VICE-CHAIRPERSON.

MOTION PASSED 5-0

C. Committee Appointments

a. General Plan Advisory Committee

CHAIRPERSON ORTIZ NOMINATED COMMISSIONER NEWMAN TO SERVE AS THE PLANNING COMMISSION REPRESENTATIVE TO THE GENERAL PLAN ADVISORY COMMITTEE. A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER GRAVES TO APPOINT COMMISSIONER NEWMAN TO THE GENERAL PLAN ADVISORY COMMITTEE.

MOTION PASSED 5-0

b. Traffic and Parking Commission

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER GRAVES TO APPOINT COMMISSIONER ROUTH TO THE TRAFFIC AND PARKING COMMISSION.

MOTION PASSED 5-0

- c. Commission on the Environment

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER SMITH TO APPOINT COMMISSIONER GRAVES TO THE COMMISSION ON THE ENVIRONMENT.

MOTION PASSED 5-0

- d. Arts and Cultural Commission

CHAIRPERSON ORTIZ NOMINATED COMMISSIONER SMITH TO THE ARTS AND CULTURAL COMMISSION. A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO APPOINT COMMISSIONER SMITH TO THE ARTS AND CULTURAL COMMISSION.

MOTION PASSED 5-0

3. ORAL COMMUNICATIONS

- A. Additions and Deletions to Agenda - NONE
- B. Public Comments - NONE
- C. Commission Comments - NONE
- D. Staff Comments - NONE

4. APPROVAL OF MINUTES

- A. November 18, 2010 Regular Planning Commission Meeting

COMMISSIONER NEWMAN SWORE THAT THE NOVEMBER 18, 2010 MINUTES WERE CORRECT. COMMISSIONER GRAVES SECONDED THE STATEMENT.

APPROVED 5-0

5. CONSENT CALENDAR

- A. 1850 WHARF ROAD #10-084 APN: 035-031-39**

Emergency Coastal Permit to install a slope stabilization system in response to a landslide at a single-family residence in the AR/R-1 (Automatic Review/Single-Family Residence) Zoning District.

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

Environmental Determination: Categorical Exemption

Property Owner: Ted and Marilee Werfhorst, filed: 12/21/10

Representative: Jeffrey Martin

A member of the public requested this item be removed from the consent agenda.

Senior Planner Bane presented the staff report.

Vice Chairperson Graves stated his concern about the emergency nature of the permit and questioned the applicant's timing of the permit application.

Commissioner Routh questioned staff as to the color or texture of the proposed wall, suggesting that any color should blend with the slope.

The public hearing was opened.

Marilee Wefhorst, property owner, responded to Vice Chairperson Graves question, stating that the emergency work was performed immediately following the slide and the engineering study, report and wall design has taken a lengthy period of time.

Wendy Wade, adjacent neighbor, was concerned about the aesthetics of the wall. She requested that there be some landscaping incorporated into the wall to break up the expanse of concrete.

The public hearing was closed.

Vice Chairperson Graves supported the potential to incorporate landscaping in the shotcrete wall.

Community Development Director Johnson suggested that the Commission continue this item to later on the agenda to allow staff to discuss potential additional conditions with the applicant that would address the materials and vegetation concerns raised during the public hearing.

A MOTION WAS MADE BY COMMISSIONER ROUTH AND SECONDED BY COMMISSIONER SMITH TO CONTINUE PROJECT APPLICATION #10-084 TO LATER ON THIS AGENDA.

MOTION PASSED 4-0, CHAIRPERSON ORTIZ RECUSED.

Discussion continued.

Community Development Director Johnson suggested the following additional condition: The applicant shall submit a landscape plan that visually softens the slope stabilization system to the maximum extent feasible.

Commissioner Newman was concerned about the vagueness of the condition.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER SMITH TO APPROVE PROJECT APPLICATION #10-084 WITH THE FOLLOWING AMENDED CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of an emergency coastal permit for a slope stabilization system at 1850 Wharf Road. A landslide has compromised the hill below the single-family house and has significantly reduced the lateral support for the existing piers that support the three levels of decks on the creek side of the house based on a technical report prepared by UPP Geotechnology, Inc. dated July 15, 2010. The stabilization system will consist of a rigid concrete bulkhead secured to the slope with deep seated anchors (construction plans dated 9/21/10).
2. The applicant shall submit a completed coastal permit application, plans, and required technical reports within seven (7) days of the issuance of the emergency coastal permit. Plans shall include

a drainage and erosion control plan. The drainage plan shall demonstrate drainage being directed away from the slope and toward Wharf Road.

3. All work shall be completed per submitted plan and the erosion control plan shall be strictly followed and amended to include the covering of all exposed soil with jute netting. Erosion control and sediment management devices shall be installed and inspected by City Public Works prior to initiating work.
4. There shall be no work in Soquel Creek, nor any debris allowed in the creek. If any work is necessary within the creek, contact California Department of Fish and Game for approvals.
5. There shall be no staging of construction materials in the road right-of-way.
6. Hours of construction shall be Monday to Friday 7:30AM – 9:00PM, and Saturday 9:00AM – 4:00PM, per city ordinance.
7. Any significant modifications to the size approved design must be approved by the Planning Commission.
8. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
9. The applicant shall submit a landscape plan that visually softens the slope stabilization system to the maximum extent feasible.

FINDINGS

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

Planning Department Staff and the Planning Commission have reviewed the project. The project conforms to the requirements of the Local Coastal Program and conditions of approval have been included to carry out the objectives of the Zoning Ordinance, General Plan and Local Coastal Plan.

B. 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.

COASTAL FINDINGS

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

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

(D) (2) Require Project-Specific Findings. In determining any requirement for public access, including the type of access and character of use, the city shall evaluate and

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

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

- The proposed project is located on a steep slope on private property adjacent to Soquel Creek. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing slope, with no intensification or build out and no affect on 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 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 adjacent to Soquel Creek, approximately a half mile from the shoreline. 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);

- 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 proposed project is located on a steep slope on private property adjacent to Soquel Creek. 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 a steep slope on private property adjacent to Soquel Creek. The slope stabilization system 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 a slope stabilization system for 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 a blufftop stabilization system for an existing residential use. No new use or change in use is proposed.

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

- The project involves a slope stabilization system for 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 involves a slope stabilization system for an existing residential use. No new use or change in use is proposed.

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

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

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

- The proposed project is located on a steep slope on private property adjacent to Soquel Creek. The project will not result in removal of trees or other resources that might be considered scenic resources. As site development would not affect or remove scenic views or scenic resources, development would not result in impacts to scenic views or scenic resources.

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

- The project involves a slope stabilization system for an existing residential use. No water or sewer services will be affected.

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

- The project involves a slope stabilization system for an existing residential use with no change in use.

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

- The project involves a slope stabilization system for an existing residential use with no change in use.

(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 through 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. The existing residential units on the property will not be changed as part of the project.

(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;

- 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;

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. Conditions of approval have been included to ensure the project complies with hazard protection policies.

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

- Geologic/engineering reports have been prepared by qualified professionals for this project which is located in a geologic hazard zone. 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 project involves a slope stabilization system for an existing residential use with no change in use.

(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.

MOTION PASSED 4-0, CHAIRPERSON ORTIZ RECUSED.

B. 723 EL SALTO DRIVE #10-082 APN: 036-143-35

Minor land division to convert four apartment units to condominiums in the VS/R-1 (Visitor Serving/Single-Family Residence) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Doug Dodds, filed: 10/5/10

Chairperson Ortiz removed this item from the consent agenda.

Senior Planner Bane presented the staff report.

Chairperson Ortiz questioned the allowable rental period and requirement for inclusionary housing.

Senior Planner Bane responded that the property is not located in the vacation rental zone and therefore the units cannot be rented for a period less than 30 days. The inclusionary in-lieu fees apply to this project.

The public hearing opened. No one spoke in support or opposition to the application. The public hearing was closed.

Chairperson Ortiz suggested an additional condition to ensure that there be no rentals for less than 30 days.

Commissioner Graves supported the motion but stated that the VS/R-1 zoning was very complicated with the various overlay zones and incorrect parcel numbers in the ordinance. He was concerned about this proposal where the condos will be sharing utilities.

A MOTION WAS MADE BY CHAIRPERSON ORTIZ AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #10-082 WITH THE FOLLOWING AMENDED CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a tentative parcel map converting an existing four-unit apartment complex into four condominium units at 723 El Salto Drive.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The subdivider shall comply with all of the provisions of the approved Tentative Map and all pertinent provisions of the Municipal Code.
4. The proposed condo conversion Final Map shall not be approved for recordation until the Final Map and associated conditions of approval for Application (#08-041) are completed, approved, and recorded.
5. A Homeowner's Association CC&R document shall be prepared by the developer and subject to the approval of the Community Development Director, Public Works Director, and City Attorney. The CC&Rs shall be prepared and approved prior to recordation of the Parcel Map

and all costs associated with the creation of the documents will be the responsibility of the applicant.

- 6. The owner/applicant shall comply with the Inclusionary Housing Ordinance.
- 7. The condo units shall not be permitted to be used as vacation rentals (rental of the unit for a period of less than thirty consecutive calendar days).

FINDINGS

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the project is consistent with the development standards of the VS/R-1 (Visitor Serving/Single-Family Residence) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Community Development Staff and the Planning Commission have reviewed the project and determined that the proposed project will maintain the character and integrity of the neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

The subdivision was designed in accordance with the Subdivision Map Act and local ordinances enacted pursuant thereto. Per the Subdivision Map Act, the proposed map is consistent with the General Plan, is physically suited for the proposed type and density of development, will not 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.

D. 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.

MOTION PASSED 4-0, COMMISSIONER NEWMAN RECUSED.

6. PUBLIC HEARINGS

A. 100-200 KENNEDY DRIVE #10-104 APN: 036-031-01

Master Use Permit for an existing industrial property in the IP (Industrial Park) Zoning District.
Environmental Determination: Categorical Exemption

Property Owner: John McCoy, filed: 12/15/10

Senior Planner Bane presented the staff report.

Commissioner Routh stated that conditions #7 and #8 are contradictory.

Commissioner Smith clarified the gate location.

Senior Planner Bane stated that condition #7 was from the original building approval and condition #8 was from the condo conversion approval. He also explained the reasoning behind the two conditions.

Commissioner Graves stated that the original gate should not have been removed, and suggested an alternative to the ongoing gate issue: issue the new tenants keys to access the gate.

The public hearing was opened.

John McCoy, property owner, spoke in support of the application. He is looking to attract the right tenants and focus on specialty food production. He is striving for a similar mix of tenants as the Swift Street Courtyard on the west side of Santa Cruz. Currently, the code does not permit the incidental sale of products, but through the master use permit process clients will be permitted to purchase products that are made on-site, such as wine.

Commissioner Graves questioned the current and intended use of the large building at 100 Kennedy.

Commissioner Ortiz questioned if the individual units are to be sold.

Mr. McCoy stated that the building at 100 Kennedy is currently being used to store construction materials for a local contractor. He intends to lease the entire building for a specialty food type business, perhaps a brewery. Although the units are all part of a commercial condominium, Mr. McCoy is the sole owner who will not be selling any of the units.

The public hearing was opened.

Phil Crews, Pelican Ranch tenant, spoke in support of the application and the owner's vision of the property.

John Benedetti, potential tenant, spoke in support of the application. He intends on signing a lease if the master use permit is approved. He stated that Mr. McCoy's vision for the property is an essential part of Think Local First.

Ian Rice, current business tenant in space #1, spoke in support of the application.

Gerald O'Brien, representative for the Santa Cruz Mountain Wine Growers Association spoke in support of the application and noted that there were emails previously sent on behalf of the Soquel/Aptos Chamber supporting the application.

Frederick Coquelin, resident of Cabrillo MHP, spoke with the following concerns: requested that the truck loading hours noted in condition #3 be modified on Saturday, Sunday and holidays to be 8:00 a.m. – 8:00 p.m.; additional concerns were with noise, vibration, on-site clean-up of food businesses that will create a drainage issue on Rosedale. Finally, he commented that the gate remains an issue and traffic through the park is a significant problem. New businesses will create more traffic.

Marilyn Chap, resident of Cabrillo MHP, spoke with the following concerns: noise and traffic. She stated the gate remains a significant issue and there is heavy traffic through the park. She supported modified delivery hours on weekends and holiday.

Manuel Vieira, Cabrillo MHP property owner, spoke in support of new business, but he did not want the nuisance of new businesses adjacent to the mobile home park. The proposed uses do not take into consideration the existing adjacent residents.

Bob Begun, spoke in support of the application. This is a quality proposal with great economic potential for Capitola.

The public hearing was closed.

Commissioner Newman was supportive of the master use permit to encourage streamlining the planning application permit process. It is difficult to lease commercial/industrial space with a potential lengthy use permit process.

Commissioner Smith concurred with Commissioner Newman and stated the importance of focusing on the proposed master use permit application rather than issues beyond the Commission's purview. Access to site is clear and traffic created by potential businesses does not appear to be an issue.

Commissioner Graves supported the master use permit. However, he suggested that there be a trash enclosure and landscaping incorporated into the site plan for the building at 100 Kennedy. He suggested an upgrade to the building to be compatible with the new building and site improvements at 200 Kennedy. He suggested blocking off the mobile home park from through traffic, but allow truck traffic to access the rear of the building.

Chairperson Ortiz was supported the master use permit and the types of proposed businesses. She suggested additional conditions to ensure the signage shall be consistent with the approved master signage program, the garbage area is maintained, there be specific wording regarding tasting room food service, prohibit exterior washing down of equipment. Chairperson Ortiz asked John McCoy if there was some type of resolution to keep visitors from traveling through the park.

John McCoy responded that all retail traffic will go to the front of the building. He was willing to propose closing the gate on weekends.

Commissioner Newman suggested the following modifications to conditions #11 and #13:

#11. All businesses within the center shall obtain a business license and shall comply with all local and state regulations prior to commencing business.

#13. Prior to leasing of any space upon the subject property, the holder of the master use permit shall submit in writing a description of the prospective tenant, including the name of the business, type business, number of employees and the square footage of the space to be leased to the Community Development Department. Upon inspection of the property and verification that the landscaping is in good repair and that all the conditions of the master use permit are being met, the tenant use permit shall may be issued by the Community Development Director or designee, or referred to the Planning Commission. Any proposed new use in the original building at 200 Kennedy Drive shall require a conditional use permit approved by the Planning Commission.

Chairperson Ortiz questioned the hours of operation.

Senior Planner Bane stated that the hours of operation are from the CC&Rs as restricted by the applicant, but may be modified. Any activity outside of the specified hours may be modified with a use permit.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION # 10-104 WITH THE FOLLOWING AMENDED CONDITIONS AND FINDINGS:

CONDITIONS

1. The project approval consists of a Master Conditional Use Permit for the light industrial buildings located at 100-200 Kennedy Drive
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Truck loading and unloading hours shall be limited to 7:30AM – 8PM Monday through Friday, and 8:00AM – 8:00PM Saturday, Sunday, and holidays in order to minimize noise impacts to neighboring residents.
4. All signs shall be consistent with the master sign program. The approved sign program shall permit tenants signage along the north elevation of the new building where the main entrances to the office areas will be located. Each of the five tenant spaces will be permitted one wall sign, with a maximum height of 20” and a maximum length of 8’. Signs are to be of wood or metal construction with vinyl graphics. These sign requirements will also apply to the existing building when new tenants are incorporated and the existing nonconforming signs are removed.
5. All businesses shall obtain a sign permit from the Community Development Department.
6. No roof equipment is to be visible to the general public. Any necessary roof screening is to match the color of the building as closely as possible. Plans for any necessary screening shall be submitted to the Community Development Department prior to, or in conjunction with, building permit submittal.
7. Rosedale Avenue shall be open to vehicular access for the proposed project and Cabrillo Estates Mobile Home Park at all times.
8. The property owner shall maintain a gate, for which they control access, at the location of the previous gate that was removed. The gate shall cross the entire roadway.
9. All lighting shall be focused downward and away from adjacent properties. The Planning Commission shall review lighting upon receipt of a legitimate complaint.
10. All uses shall be conducted wholly within an enclosed building, except for off-street parking and loading facilities and no merchandise shall be displayed outside the building without an individual Conditional Use Permit being issued for the business.
11. All businesses within the center shall obtain a business license and shall comply with all local and state regulations prior to commencing business.
12. Prior to leasing of any space upon the subject property, the holder of the master use permit shall inform all prospective tenants, or tenants renewing or extending leases, of the conditions of the master use permit and of the requirements of 17.60.160 of the Capitola Municipal Code.

13. Prior to leasing of any space upon the subject property, the holder of the master use permit shall submit in writing a description of the prospective tenant, including the name of the business, type business, number of employees and the square footage of the space to be leased to the Community Development Department. Upon inspection of the property and verification that the landscaping is in good repair and that all the conditions of the master use permit are being met, the tenant use permit ~~shall~~ may be issued by the Community Development Director or designee, or referred to the Planning Commission. Any proposed new use in the original building at 200 Kennedy Drive shall require a conditional use permit approved by the Planning Commission.
14. A tenant use permit shall be revoked in the manner provided in Section 17.60.120 if the tenant is the cause of violation of a condition of the Master Use Permit.
15. Businesses occupying over 12,000 square feet of building shall obtain a standard conditional use permit with approval from the Planning Commission.
16. Manufacturing and industrial processes shall use only gas or electricity as a fuel; provided, however, that equipment using other fuel may be installed for standby purposes only.
17. No owner or invitee shall use or permit any sound system including, but not by way of limitation, loudspeakers, public address, systems, sound amplifiers, radio or broadcast within the project in such a manner that any sounds reproduced, transmitted or produced shall be directed beyond the interior of the building towards the residential areas.
18. No vehicle used regularly on site and under control of a business owner or invitee shall be equipped with back up noise devices audible more than twenty feet from vehicle and owner and invitee shall encourage delivery vehicles outside of their control to approach the facility in such a way to minimize noise.
19. Hours of normal operation on site shall be 7:30AM until 8PM unless a Conditional Use Permit has been obtained, and any activity outside of these hours shall be confined to quiet indoors activity not audible outside of the building. Vehicles coming and going at any non-business hours shall be quiet and conform to normal sound levels.
20. Equipment or machinery regularly used in the production of goods or services on site that produces audible at the property boundaries, including but not limited to sawing, cutting, grinding, shall require a Conditional Use Permit. Air compressors shall be of a quiet type and enclosed inside the building in sound containing enclosures.
21. Approved uses to be permitted by the Master Use Permit are as follows:
 - Administrative, executive and financial offices;
 - Experimental, film or testing laboratories;
 - Manufacture, assembly or packaging of products from previously prepared materials such as cloth, plastic, paper, leather, precious or semi-precious metals or stones, but not including such operations as saw and planing mills, any manufacturing uses involving primary production of wood, metal or chemical products from raw materials;
 - Manufacture of food products, pharmaceuticals and the like, but not including the production of fish or meat products, sauerkraut, vinegar or the like, or the rendering or refining of fats and oils;
 - Manufacture of electric and electronic instruments and devices such as television sets, radios, and television, radio and phonographic equipment;

- Any other research or light manufacturing use which the planning commission finds not to be inconsistent with the purpose of this chapter and which will not impair the present or potential use of adjacent properties;
- Agriculture, horticulture, gardening but not including the raising of rabbits, dogs, fowl or other animals for commercial purposes, or the sale of any products on the premises.
- Retail commercial and service use, including sale and consumption of food and beverage products manufactured on site. Food and wine tasting shall be limited to the quantity to enable a retail customer to develop an appreciation of the food or beverage product. In no case shall food and wine tasting constitute a meal. No restaurant or table service is permitted without a separate conditional use permit, nor will any outdoor seating be allowed; and
- Public and quasi-public uses of an educational or recreational measure, including classes or educational instruction pertaining to products or services on site.

22. Trash enclosures shall be covered, gated and maintained to provide a clean and sanitary area.

23. A new trash enclosure shall be constructed adjacent to the original building at 200 Kennedy Drive prior to any new tenant occupying the space.

24. A landscape plan shall be submitted that enhances the landscaping around the original building at 200 Kennedy Drive. The landscaping shall be installed prior to any new tenant occupying the space.

25. Any outdoor washdown of equipment shall be prohibited.

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 all reviewed the project. The project conforms to the development standards of the IP (Industrial Park) Zoning District. Conditions of approval have been included to carry out the objectives of the Zoning Ordinance and General Plan.

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

Planning Department Staff and the Planning Commission have all reviewed the project. The project conforms to the development standards of the IP (Industrial Park) Zoning District and will not negatively impact the surrounding neighborhood. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

Section 15301 of the CEQA Guidelines exempts the operation, leasing, or minor alteration of existing facilities that involve negligible or no expansion of use. No adverse environmental impacts were discovered during review of the proposed project.

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

7. DIRECTOR'S REPORT

Community Development Director Johnson reported that the City Council/RDA will be submitting a letter to the Governor in response to his RDA proposal. He provided an update on the new Building Inspector position, code enforcement and Planning Department counter hours. The City Council will be selecting the members of the General Plan Advisory Committee at the January 27, 2011 meeting. The City Council approved an Administrative Policy for digital reading devices to facilitate a transition for printed paper agenda packets to digital agenda packets. The next meeting will be a joint meeting with the Traffic and Parking Commission to receive a presentation regarding the parking garage proposal.

8. COMMISSION COMMUNICATIONS

Commissioner Graves requested the Community Development Director provide a bi-weekly email to the Commission about permits, projects, planning and building activity.

Chairperson Ortiz requested that staff provide Commissioners an all area parking permit to allow Commissioners to visit project sites.

9. ADJOURNMENT

The Planning Commission adjourned the meeting at 9:06 p.m. to a Joint Meeting of the Planning Commission and the Traffic and Parking Commission to be held on Thursday, February 3, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

Approved by the Planning Commission on March 3, 2011

Danielle Uharriet, Minute Clerk



**DRAFT MINUTES
CAPITOLA PLANNING COMMISSION MEETING
THURSDAY, FEBRUARY 3, 2011
7:00 P.M. – COUNCIL CHAMBERS**

1. ROLL CALL AND PLEDGE OF ALLEGIANCE

Chairperson Ortiz called the Joint Meeting of the Planning Commission and Traffic and Parking Commission to order at 7:00 p.m.

Planning Commissioners, Ed Newman, Mick Routh, Linda Smith and Chairperson Gayle Ortiz
Absent: Ron Graves

Traffic and Parking Commission Members: Ed Bottorff, Carin Hanna, Linda Hanson, Margaret Kinstler, Vicki Muse, Anne Nicol, Molly Ording, Peter Roddy, Nels Westman, (Note: Mick Routh sits on the Traffic and Parking Commission as the Planning Commission representative)
Absent: Gary Wetsel

Staff: Community Development Director Derek Johnson
Public Works Director Steven Jesberg
Minute Clerk Danielle Uharriet

2. ORAL COMMUNICATIONS

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

Commissioner Smith complimented staff on the the e-packet.

- D. Staff Comments - NONE

3. PRESENTATION

Capitola Village Parking Structure Planning Project Report by Watry Design Inc. and Traffic Impact, Circulation, and Congestion Relief Study by RBF Consulting

Public Works Director Jesberg presented the staff report and introduced Michelle Wendler from Watry Design, Inc. and Frederik Venter of RBF Consulting.

Michelle Wendler presented the various parking garage options and cost analysis for each option. She briefly discussed a proposed pedestrian access from the garage to Capitola Avenue, and presented alternatives for a city hall reconstruction project.

Frederik Venter discussed the traffic impacts created by the parking garage and the parking management programs, including numerous signalized intersections, needed to relieve traffic congestion throughout the Village area.

Parking and Traffic Commissioner Ording encouraged the expansion of neighborhood parking programs with the addition of sufficient visitor spaces. She stated that the city's shuttle service should be integrated with parking structure.

Parking and Traffic Commissioner Westman stated that the counter clockwise traffic flow proposal is dead. The neighborhood's this proposal impacts are adamantly opposed to the idea.

Parking and Traffic Commissioner Hanson stated that there was no mention of mitigating traffic through the neighborhoods. She suggested "Local Residents Only" signage throughout Village streets. She noted that the traffic report refers to Riverview Drive and should be Riverview Avenue.

Parking and Traffic Commissioner Nicol stated that the Capitola community is not interested in installing traffic lights to regulate traffic flow.

Planning Commission Chairperson Ortiz questioned the consideration of a roundabout instead of traffic light at the Bay Avenue and Capitola Avenue intersection. She asked where roundabouts have been successful

Frederik Venter responded that roundabouts reduce the crosswalk distance for pedestrians and allow for cars to travel more quickly through the intersection. A traffic light at this intersection would not benefit the circulation since the crosswalk distance would not be reduced, and the time it takes for a pedestrian to cross is not reduced. He stated that Bird Rock in LaJolla, California is a prime example of a highly successful roundabout installation.

There was a discussion regarding signage throughout the Capitola and within the parking garage.

Community Development Director Johnson stated that the city will need to develop an overall signage program for the entire parking system and citywide to improve circulation and reduce unnecessary congestion.

4. ADJOURNMENT

The Planning Commission and the Traffic and Parking Commission adjourned the meeting at p.m.

The Planning Commission adjourned to a Regular Meeting of to be held on Thursday, March 3, 2011 at 7:00 p.m., in the City Hall Council Chambers, 420 Capitola Avenue, Capitola, California.

The Traffic and Parking Commission adjourned to a Regular Meeting to be held on Wednesday, February 9, 2011 at 6:30 p.m. in the Community Room, 420 Capitola Avenue, Capitola, California

Approved by the Planning Commission on March 3, 2011

Approved by the Traffic and Parking Commission on March 9, 2011

Submitted by:

Danielle Uharriet, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: FEBRUARY 23, 2011 (AGENDA: MARCH 3, 2011)

SUBJECT: **5040 GARNET STREET #11-010 APN: 034-043-04**
 Coastal Permit and Design Permit to demolish a single-family residence and construct a new two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Duncan & Judith Scollon, filed 1/26/11
 Representative: Derek Van Alstine

APPLICANT’S PROPOSAL

The applicant is proposing to demolish an existing one-story single-family residence and construct a new 1,822 square foot two-story single-family structure with an attached garage at 5040 Garnet Street in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<u>STRUCTURAL DATA</u>			
<u>SETBACKS</u>		Required	Proposed
Front Yard	Driveway	20'	20'
	1 st Story	15'	20'
	2 nd Story	20'	20'
Rear Yard	1 st Story	16'	20'-4"
	2 nd Story	16'	21'-8"
Side Yard	1 st Story	4' (l) & (r)	4' (l) & 4' (r)
	2 nd Story	6' (l) & (r)	8' (l) & 7' (r)
<u>HEIGHT</u>		25'	21'-10"

<u>FLOOR AREA RATIO</u>	Lot Size	MAX (57%)	Proposed (57%)	Total
	3,200 sq. ft	1824 sq. ft.	1,822 sq. ft	
	Habitable Space	Garage	Covered Porch	
Proposed First Story	887 sq ft.	200 sq. ft.	90 sq. ft.**	862 sq. ft.
Proposed Second Story	735 sq. ft.	-	-	735 sq. ft.
Proposed TOTAL	1,622 sq. ft.	200 sq. ft.	90 sq. ft.**	1,822 sq. ft.

<u>PARKING</u>	Required	Proposed
	1 covered space 1 uncovered space	1 covered space 1 uncovered space
Total	2 spaces	2 spaces

** There is a credit of 150 sq. ft. for first floor covered porches. Therefore, the 90 sq. ft. does not count towards the projects FAR.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On February 9, 2011, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phanton complimented the design of the house.
- Public Works Director Steve Jesberg conditioned that the development implement at least one low impact development BMP from the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.
- Historian Carolyn Swift explained that she had reviewed the historic report prepared for the structure, and concluded that the structure was not historically significant to Capitola. The house in poor condition and she could not make a case to save the structure.
- Building Official Mark Wheeler pointed out that one of the west elevation windows was too large to meet Building Code, and described the building permit process, including green building, fire sprinkler and survey requirements.
- Senior Planner Bane requested details for the new fence, and noted that utilities would need to be undergrounded, and that the applicant should contact PG&E and the Soquel Creek Water District to begin approvals through those entities.

DISCUSSION

The subject property is a flat 3,200 square foot lot within a developed single-family neighborhood. The existing single story single-family home is proposed to be demolished, and a new two-story home constructed. The new home will consist of 1,622 square feet of living space and a 200 square foot one-car garage.

The proposed home is of a contemporary style, employing a mix of materials including horizontal siding, cement plaster, and chestnut bronze windows. A color and materials board will be available for review at the Planning Commission meeting. All new landscaping is proposed for the front of the home, as indicated on the landscape plan provided. Curb and gutter currently exists at the site, and no sidewalk will be required as the site is located in a sidewalk exempt area.

The project conforms to the R-1 district development standards, including height, setbacks, parking and FAR requirements.

Historical

The existing house proposed for demolition is a much altered and deteriorated vernacular cottage constructed circa 1910. Changes to the exterior wall cladding and the variety of fenestration indicate that the structure has lost its physical integrity.

An historic evaluation (Attachment B) was prepared by Kent Seavey and peer reviewed by City Historian Carolyn Swift. It was concluded that the house would not meet the criteria for qualification into the California Register of Historical Resources, and would not be a significant historic resource under CEQA. The house is therefore not subject to CEQA, and staff can support the demolition of the house.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-010 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of demolition of a one-story single-family house and construction a new two-story 1,822 square foot single-family residence at 5040 Garnet Street.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
4. The utilities shall be underground to the nearest utility pole in accordance with PG&E and Public Works Department requirements. A note shall be placed on the final building plans indicating this requirement.
5. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
6. An encroachment permit shall be acquired for any work performed in the right-of-way.
7. A drainage plan or design shall be submitted with the final building plans, to the satisfaction of the Public Works Director.
8. The project shall implement at least one low impact development BMP from the *Slow it. Spread it. Sink it. Homeowner's Guide to Greening Stormwater Runoff* by the Resource Conservation District of Santa Cruz County.
9. The final landscape plan shall be submitted with the building permit application and will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. Front yard landscaping shall be installed prior to final building occupancy.
10. Affordable housing in-lieu fees shall be paid as required to assure compliance with the City of Capitola Affordable (Inclusionary) Housing Ordinance. Any appropriate fees shall be paid prior to building permit issuance.

11. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

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

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

C. This project is categorically exempt under Section 15303(a) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

This project involves construction of a new single-family residence in the R-1 (single family residence) Zoning District. Section 15303 of the CEQA Guidelines exempts the construction of a single-family residence in a residential zone.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A - Project Plans
Attachment B – Historic Evaluation

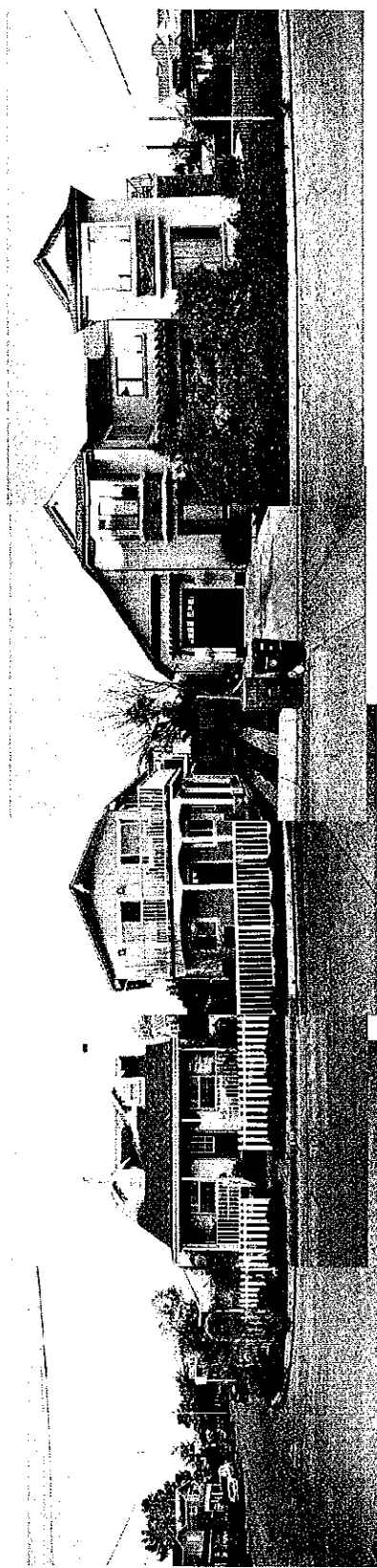
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SOUTH AVENUE SUITE A, SANTA CRUZ CALIFORNIA
(310) 726-5000 PHONE (310) 726-4166 FAX

DVRD
DESIGN RESIDENTIAL
ARCHITECTURE
ALL RIGHTS RESERVED

SCOLLON RESIDENCE
5040 GARNET STREET
CAPITOLA, CA 95010

DATE: 04-15-2010
SHEET DESCRIPTION:
ESTIMATED DESIGN:
17 NOV 2010
DESIGN DEVELOPMENT:
PLANNING PERMIT:
BUILDING PERMIT:
PHOTOS:

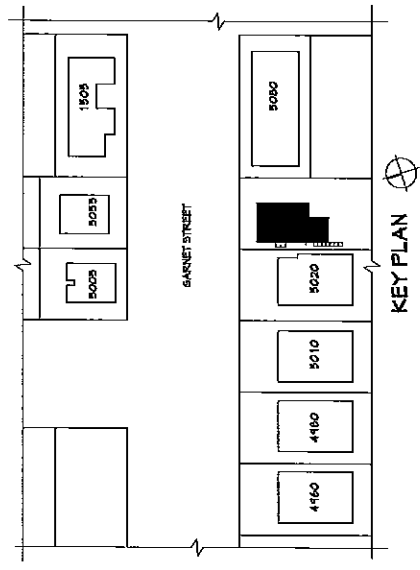
INTRODUCTORY
T2



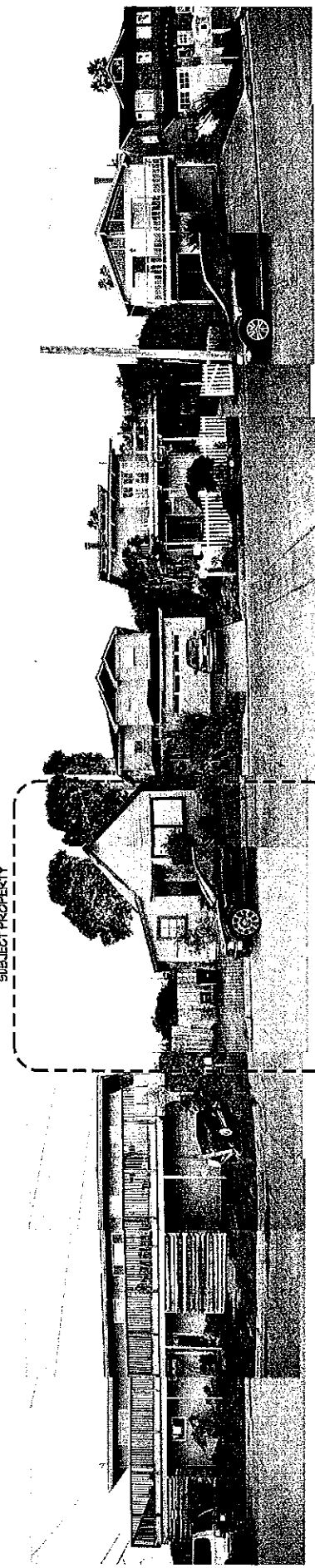
1505 PROSPECT AVE

5055 GARNET STREET

5005 GARNET STREET



SUBJECT PROPERTY



5020 GARNET STREET

5040 GARNET STREET

5020 GARNET STREET

5010 GARNET STREET

4180 GARNET STREET

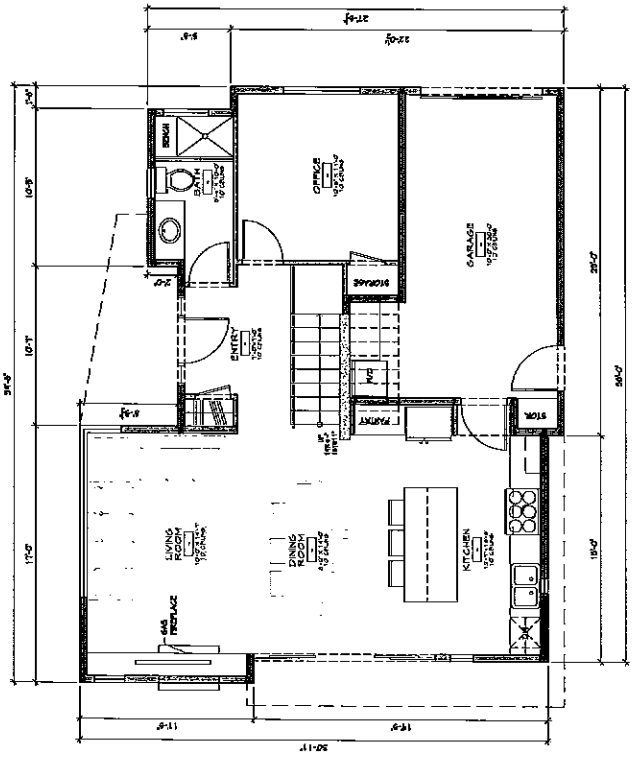
4160 GARNET STREET

DATE: 04/20/04
SHEET DESCRIPTION:
PROJECT: 5040 GARNET STREET
17 NOV 2010
DESIGN DEVELOPMENT
PLANNING PERMIT
BUILDING PERMIT
REVISIONS:

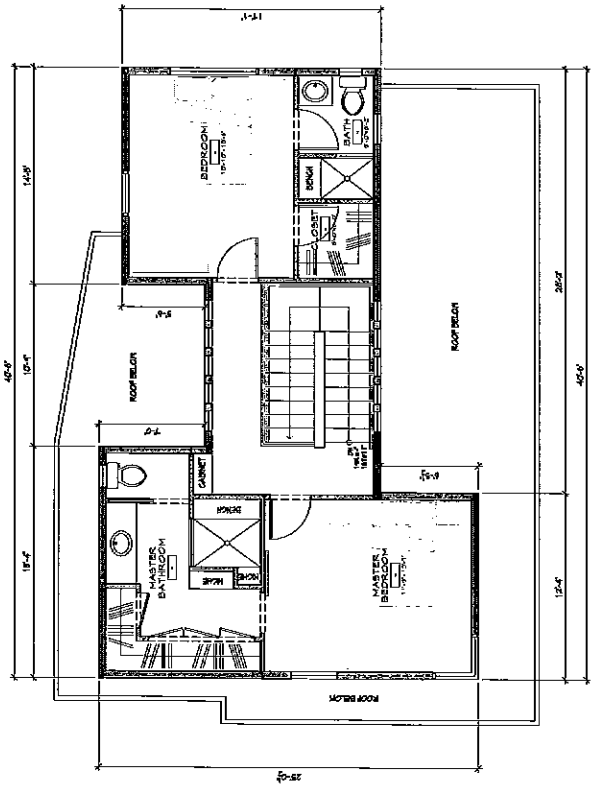
SCOLLON RESIDENCE
 5040 GARNET STREET
 CAPITOLA, CA 95010

DVRD
 ARCHITECTURE
 1000 WILSON AVENUE
 SAN JOSE, CA 95128

DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.
 74 SCOURIE AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
 (310) 654-0000 PHONE (310) 654-1616 FAX



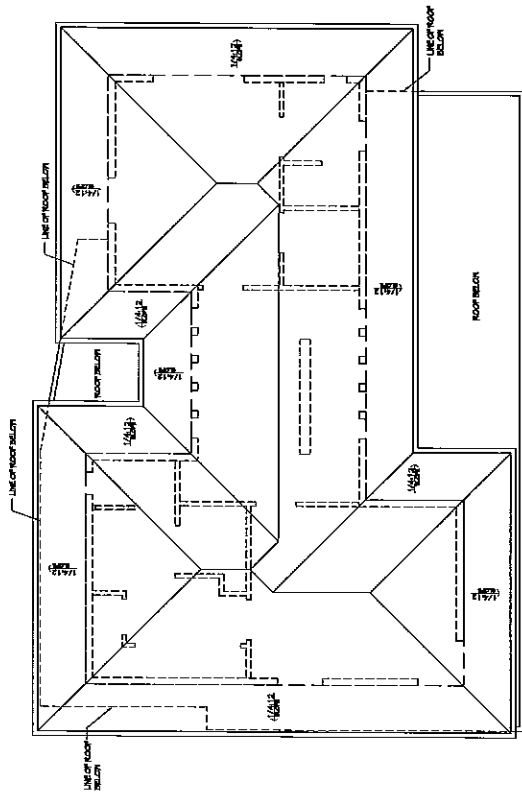
1 FIRST FLOOR PLAN
 SCALE: 1/4" = 1'-0"



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



3 ROOF PLAN
SCALE: 1/8" = 1'-0"



DATE	07-14-2010
SHEET DESCRIPTION	ROOF PLAN
DESIGNER	DVARD
DATE	17 NOV 2010
REVISION	
PLANNING DEPARTMENT	
PLANNING DEPARTMENT	
BUILDING DEPARTMENT	
ENGINEER	

SCOLLON RESIDENCE
 5040 GARNET STREET
 CAPITOLA, CA 95010

DVARD
 ARCHITECT
 716 SOQUEL AVENUE SUITE A, SANTA CRUZ CALIFORNIA
 (531) 454-1644

DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.
 716 SOQUEL AVENUE SUITE A, SANTA CRUZ CALIFORNIA
 (531) 454-1644

PRIMARY RECORD

Primary # _____

HRI # _____

Trinomial _____

NRHP Status Code _____

ATTACHMENT B

Other Listings

Review Code _____ Reviewer _____

Page 1 of 3

Resource Name or #: (Assigned by recorder) 5040 Garnet Street

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted a. County Santa Cruz

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: 5040 Garnet Street City Capitola Zip 95010

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

Parcel No. 036-043-004

P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-story, wood-framed Vernacular residence, basically irregular in plan, resting on a post-and-pier foundation. The exterior wall cladding is a combination on wood shingles on the north facing facade, and vertical board-and-batten on the remainder of the building envelope including the undated shed-roofed addition along the east side-elevation. The steep-pitched front-gabled roof has slightly overhanging eaves with a simple, narrow fascia. The shed roof of the addition to the east is similar, with a slightly wider eave overhang. The roof is covered in deteriorated wood shingles. Fenestration is irregular, with a combination of paired, fixed single-light wood windows on the west side of the north facing facade, and a fixed, multi-paned wood window on the shed-roofed addition off the west side of this elevation. Both east and west side elevations have 1/1 double-hung wood windows of varying sizes. The principal entry is on the east side of the gabled portion of the facade and is recessed behind a raised wooden stoop. The subject property is sited on the south side of Garnet, just back from the sidewalk in an informal landscape setting of mature shrubbery, with a single mature tree to the rear (south) of the residence. It is located in a mixed-use residential neighborhood of modern two-story homes and apartment buildings.

P3b. Resource Attributes: (List attributes and codes) HP2 - Single Family Property

P4. Resources Present Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession #)
Looking SW at the north facing facade and east side-elev., Kent Seavey, 9/27/2010

P6. Date Constructed/Age and Sources

Prehistoric Historic Both

1910-Santa Cruz County Assessor's records.

P7. Owner and Address

Duncan and Judith Scollon
P.O. Box 66483
Scotts Valley, CA 95067

P8. Recorded by: (Name, affiliation, and address)

Kent Seavey
Preservation Consultant
310 Lighthouse Ave.
Pacific Grove, CA 93950

P9. Date Recorded: 10/29/2010

P10. Survey Type: (Describe)

Intensive-required CEQA review

P11. Report Citation: (Cite survey report and other sources, or enter "none")

Rowe & Assoc., Capitola Architectural Survey, 1986

Attachments NONE Continuation Sheet District Record Rock Art Record Other: (List)
 Location Map Building, Structure, and Object Record Linear Feature Record Artifact Record
 Sketch Map Archaeological Record Milling Station Record Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

Resource Name or #: (Assigned by recorder) 5040 Garnet Street

B1. Historic Name:

B2. Common Name:

B3. Original Use: *residence*

B4. Present Use: *residence*

B5. Architectural Style: *Vernacular*

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1910 (Santa Cruz Assessor's records); undated addition along east side-elev.; repair undated rear (west) addition (CBP #9927); foundation repairs, 1998 (CBP# 1998).

B7. Moved? No Yes Unknown Date :

Original Location:

B8. Related Features:

B9a. Architect: *Unknown*

b. Builder: *Unknown*

B10. Significance: Theme: *Architectural Development*

Area: *Capitola*

Period of Significance: *1910.*

Property Type: *single family residence*

Applicable Criteria: *CR3*

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

The subject property is a much altered and deteriorated example of a front-gabled board-and-batten vernacular cottage type that could be found in Capitola at the end of the nineteenth and into the early twentieth century. Based on the changes to the exterior wall cladding and the variety of fenestration it is clear that the subject property has lost its physical integrity as constructed in 1910. No original owner or builder has been identified. According to Capitola Museum Director, Carolyn Swift, the property was part of Camp Fairview, first developed in the late 1880s for summer homes by Dennis Seeley. About 1890 area developer Fred Hihn purchased the property and sold the vacant parcels.

Eligibility for listing buildings, structures, objects, sites and districts, i.e., rests on the twin factors of historic significance and integrity to be considered for listing in the National Register of Historic Places, the California Register of Historical Resources, and local historic preservation ordinances. Loss of integrity, if sufficiently great, will overwhelm the historic significance a resource may possess and render it ineligible for historic listing. Likewise, a resource can have complete integrity, but if it lacks significance, it must also be considered ineligible.

Integrity is measured by the application of seven aspects, defined by the National Register Criteria for Evaluation. They include: Location, the place where the historic property was constructed, or an historic event occurred; Design, the combination of elements that create the form, plan, space, structure, and style of the building; Setting, the physical environment of the historic property; Materials, the physical elements that were combined during a particular period of time and in a particular pattern or configuration to form a historic property. Unfortunately, Santa Cruz County records are mute on this property, and available early Capitola business directories do not provide street numbers in their listings, nor do early Sanborn insurance maps cover this part of Capitola.

B11. Additional Resource Attributes: (List attributes and codes) *HP2 - Single Family Property*

B12. References:

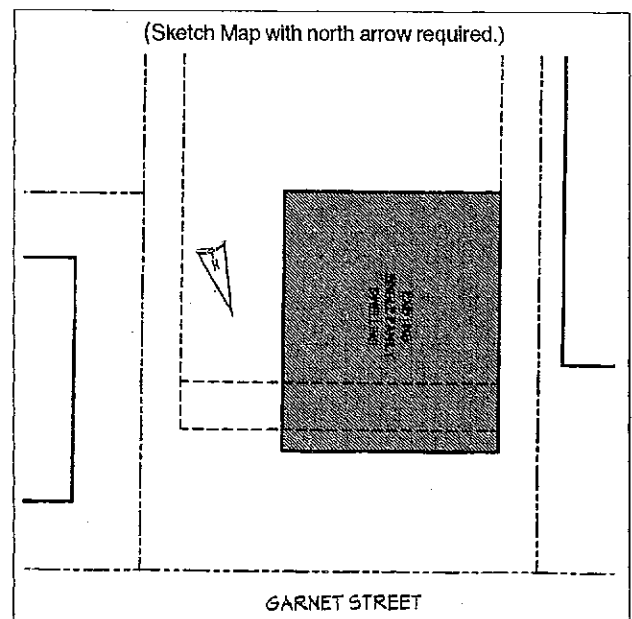
- Capitola building records, planning dept., City of Capitola.
- Rowe & Assoc., *Capitola Architectural Survey*, City of Capitola, 1986.
- Swift, C., "Historic Context Statement for the City of Capitola", 2004

B13. Remarks: *Zoning-R-1*

B14. Evaluator: *Kent Seavey*

Date of Evaluation: *10/29/2010*

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3 Resource Name or #: (Assigned by recorder) 5040 Garnet Street

Recorded by: Kent Seavey

Date 10/29/2010

Continuation Update

B10 (cont). There is no evidence in the record that the subject property was the site of an historic event or related to an individual or individuals significant in the history of the nation, state or region. The residence has clearly been altered over time and lacks architectural distinction as a type or for its period or method of construction. It is clearly not the work of a major architect or master builder, and is unlikely to provide information important to the understanding of history. The earliest identified owner of the Camp Fairview parcel was real estate developer Dennis Seeley.

There is nothing in the record to indicate whether the building was original to its site, or was moved to its current location. In either case its historic setting no longer exists, as the house is surrounded in all directions by modern two-story homes and apartment buildings. It's 1910 vernacular design has been compromised by poor and undated additions. This also speaks to both its materials and workmanship. The facade has been altered and covered with wood shingles and a recessed entry added. The wall cladding and window forms on the west side-elevation do not match those on the east side-elevation. Because of these physical changes to the building, and the total loss of the original character of its location and setting to modern in fill, the subject property is unable to convey any sense of time and place, or of feeling and association with the physical development of Capitola at the turn of the twentieth century.

The residence at 5040 Garnet St. is architecturally undistinguished because of unsympathetic alterations over time. Its environmental setting has been completely altered. The property lacks both historical significance and physical integrity as defined by the California Environmental Quality Act (CEQA).

The City of Capitola lacks a formal historic preservation ordinance. It employs on an adopted historic context statement published in 2004 for local determination of historic significance. Section 5.0, of the document, Architectural Development (1882-1955), Sec. 5.3 describes architectural Styles. it notes that "Capitola's oldest buildings are usually one-story, boxlike cottages with board-and-batten or clapboard siding. They may or may not have porches. Some have been moved one or more times". There is no further specificity as to character-defining features associated with these building types and how they are to be evaluated for historic significance. The Section only refers to the 1986 windshield, or reconnaissance survey that identified 240 structures "that best represent the city's architectural history". This survey has never been reviewed, or updated, as required by the California Office of Historic Preservation to an intensive level, nor has it been formally adopted by the City of Capitola.

Under the criteria set forth in Section 5024.1(c) of the California Public Resources Code, and expanded in Section 4852(b) of the California Code of Regulations, the subject property does not appear to be eligible for listing in the California Register of Historical Resources. Therefore, the subject property does not qualify for listing as a historic resource at the national, state or local levels of significance as defined by the California Environmental Quality Act (CEQA).



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: FEBRUARY 23, 2011 (AGENDA: MARCH 3, 2011)

SUBJECT: **119 CENTRAL AVENUE #11-011 APN: 036-112-04**
 Design Permit for a remodel and minor addition to an existing two-story single-family residence in the R-1 (Single-Family Residence) Zoning District.
 Environmental Determination: Categorical Exemption
 Property Owner: Greg & Dawn Harms, filed 1/26/11
 Representative: Derek Van Alstine

APPLICANT'S PROPOSAL

The applicant is proposing a significant remodel to a two-story single-family residence, including a 154 square foot rear addition with a second floor deck, and demolition of a detached structure to the rear of the site at 119 Central Avenue in the R-1 (Single Family Residence) zoning district. The use is consistent with the General Plan, Zoning Ordinance and Local Coastal Plan.

<u>STRUCTURAL DATA</u>			
<u>SETBACKS</u>		Required	Proposed
Front Yard	Driveway	20'	n/a
	1 st Story	15'	9'
	2 nd Story	20'	9'
Rear Yard	1 st Story	18'-5"	18'-10"
	2 nd Story	18'-5"	18'-10"
Side Yard	1 st Story	4' (l) & (r)	3' (l) & 5'-10" (r)
	2 nd Story	6' (l) & (r)	3' (l) & 5'-10" (r)
<u>HEIGHT</u>		25'	22'-8"

FLOOR AREA RATIO	Lot Size	MAX (55%)	Existing (93%)	Proposed (77%)
	3,674 sq. ft	2,020 sq. ft.	3,385 sq. ft	2,807 sq. ft.

	Habitable Space	First Floor Deck or Porch	Second Floor Deck	Accessory Structure	Total
Existing First Story	1,779 sq. ft.	96 sq. ft.*	n/a	336 sq. ft.	2,115 sq. ft.
Existing Second Story	1,198 sq. ft.	n/a	72 sq. ft.	n/a	1,270 sq. ft.
Existing TOTAL	2,977 sq. ft.	96 sq. ft.*	72 sq. ft.	336 sq. ft.	3,385 sq. ft.

	Habitable Space	First Floor Deck or Porch	Second Floor Deck	Accessory Structure	Total
Proposed First Story	1,587 sq. ft.	216 sq. ft.*	n/a	0 sq. ft.	1,653 sq. ft.
Proposed Second Story	986 sq. ft.	-	168 sq. ft.	n/a	1,154 sq. ft.
Proposed TOTAL	2,573 sq. ft.	216 sq. ft.*	168 sq. ft.	0 sq. ft.	2,807 sq. ft.

PARKING	Required	Existing	Proposed
	4 spaces, one of which must be covered	0 spaces	1 uncovered space
Total	4 spaces	0 spaces	1 space

* There is a credit of 150 sq. ft. for first floor covered porches. Therefore, the first 150 sq. ft. does not count towards the projects FAR.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On February 9, 2011, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phanton liked the project and approved of the proposed changes.
- Historian Carolyn Swift explained that she had reviewed the historic report prepared for the property, and questioned if the original windows were to be replaced, and if the structure in the rear proposed to be removed could potentially be historic. It was discussed that the structure could be an original horse barn, questioning if it could have significance due to being the last in Capitola. It was requested that the address the detached structure and that a report be submitted that describes the condition of the building.
- Building Official Mark Wheeler explained that he would want a detailed section drawing when the project is submitted for building plan check review.
- Senior Planner Bane requested historic details clearly identifying the exterior materials that are to be retained, how new materials are differentiated, as well as a window schedule identifying original windows, windows to remain, and windows to be replaced.

DISCUSSION

The subject property is a fairly flat 3,674 square foot lot within the developed Depot Hill single-family neighborhood. The circa 1910 home is proposed to be gutted from the interior, while retaining the original character defining exterior features that qualify it as a local contributor to Capitola's historic resource inventory. The scope of work for the project includes the following:

- Demolition of 336 square foot detached structure to the rear of the property;
- Complete interior remodel of the single-family house, including new floor plan, plumbing, heating system, electrical, finishes and fixtures;
- Replace existing windows with new wood dual paned windows that meet historic preservation standards ;
- Alteration of second floor dormer located on the south elevation;
- Removal of non-original stairs and porches to the rear of the structure;
- New 154 square foot single-story addition to the rear of the house;
- New 168 square foot second floor deck to the rear of the house;

The property shares a driveway with the adjacent residence at 121 Central Avenue, and is currently nonconforming in regards to parking, providing no off-street parking. With the removal of the detached structure to the rear, a new parking space is being proposed to help bring their parking more into conformity.

Historical

The circa 1910 home is representative of the Queen Anne Style of architecture found in Capitola at the end of the nineteenth century. Character defining features include Queen Anne spindle work, bays with double hung windows on front and north side elevations and a transom window on the front elevation with stained glass.

A historic evaluation (Attachment B) was prepared by Kent Seavey and peer reviewed by both City Historian Carolyn Swift, as well as city historic consultant Susan Lehmann (Attachment D). All agree that the cottage is a significant historical resource at the local level and has sufficient integrity to contribute to the historical Depot Hill neighborhood. Therefore, any alteration of the structure must follow the *Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Buildings*.

Both consultants raised issues with the replacement of windows and requested an inventory of existing windows to determine if any are original to the 1910 construction date. Preservation standards require that original windows be repaired and retained where feasible, and that replacement of non-original windows should be wood windows to match the existing. This is especially important on the front facade, which is the most historically intact and significant. While the applicant has noted window replacement details on the plans, a condition has been added to provide a detailed window schedule as part of the building permit process, and that a pre-construction meeting at the site occur before building permit issuance to review the condition of the existing windows.

With the structure qualifying as a historic resource, CEQA provides in Title 14 California Code of Regulations a provision, which, if followed, makes the project categorically exempt from further environmental review. That section is:

15064.5(3): "Generally, a project that follows the Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Preserving, Rehabilitating, Restoring, and Reconstructing Historic Buildings or the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Building shall be considered as mitigated to a level of less than a significant impact on the historical resource."

It has been determined that the proposed improvements conform to the *Secretary of the Interior's Standards for the Treatment of Historic Properties with Guidelines for Rehabilitating Historic Buildings*, and is therefore exempt from CEQA review.

Barn Structure

As previously mentioned, there was some question as to the historic significance of the detached structure (barn) to the rear that is proposed for removal. As requested, historian Kent Seavey prepared a letter (Attachment C) to address the building, stating that the basic shape and roof form have nothing to do with conventional turn of the 20th century barn design. His professional opinion is that it was used as a storage or equipment shed, and that the numerous alterations to the structure over time have obscured its original intent. In addition to Mr. Seavey's opinion, the applicant has also provided a structural evaluation of the detached structure. The structural engineer concludes that the building is of marginal quality and has likely outlived its service life, and that it seems unlikely that this structure would survive relocation efforts. Based on Mr. Seavey's review, City Historian Carolyn Swift does not believe that the structure is historic and approves of the demolition.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-011 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a significant remodel to a two-story single-family residence, including a 154 square foot rear addition with a second floor deck, and demolition of a detached structure to the rear of the site at 119 Central Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.
3. The project shall comply with the Secretary of the Interiors Standards for the renovation and restoration of the historic structure. Original windows and frames should be retained, and if replacement is necessary due to advanced deterioration, the replacement windows shall be wood. New windows should also be wood and compatible with the originals.
4. A pre-construction meeting between the contractor, Building Official, and Planning Staff shall be conducted prior to construction to identify building elements of historical importance that are to be retained and/or restored.
5. Hours of construction shall be Monday to Friday 7:30 a.m. – 9:00 p.m., and Saturday 9:00 a.m. – 4:00 p.m., per city ordinance.
6. Curb and gutter that is currently deteriorated or is damaged during construction shall be repaired or replaced, as determined by and to the satisfaction of the Public Works Director.
7. An encroachment permit shall be acquired for any work performed in the right-of-way.
8. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

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

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

Planning Department Staff, the Architectural and Site Review Committee, and the Planning Commission have all reviewed the project. The project conforms to the development standards of the R-1 (Single Family Residence) Zoning District. Conditions of approval have been included to ensure that the project maintains the character and integrity of the neighborhood.

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

This project involves remodeling of an existing single-family residence. Section 15301 of the CEQA Guidelines exempts interior or exterior alterations of private structures.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A - Project Plans

Attachment B - Historic Evaluation prepared by Kent Seavey

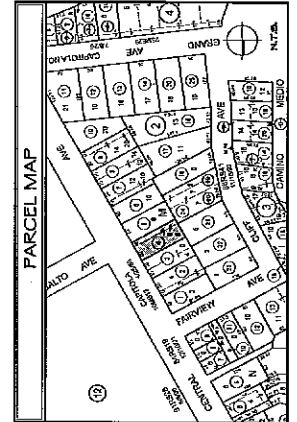
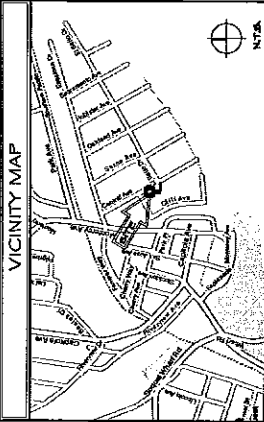
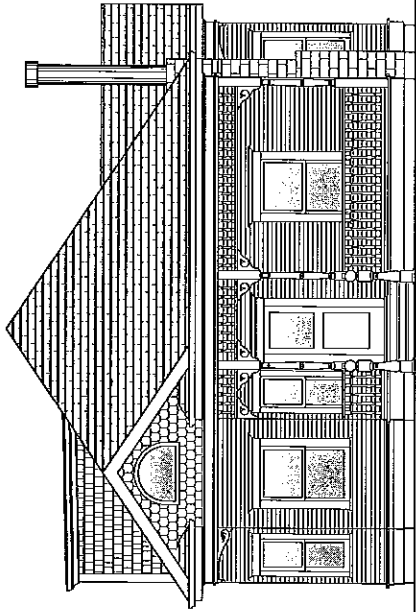
Attachment C - Letter from historian Kent Seavey re: detached structure, dated February 19, 2011

Attachment D - Historic Evaluation prepared by Susan Lehmann, dated February 16, 2011

Attachment E - Structural Evaluation of detached structure prepared by Redwood Engineering, dated February 22, 2011

Attachment F - Letter from Jim and Barbara Reding, dated February 25, 2011

HARMS RESIDENCE



PROJECT DESCRIPTION:
REMOVAL AND 215 SQ.FT. ADDITION TO AN EXISTING 2,641 SQ.FT., 2-STORY SINGLE FAMILY DWELLING.
EXISTING 150 SQ.FT. SECOND FLOOR DECK TO BE REPLACED WITH NEW 185 SQ.FT. SECOND FLOOR DECK. EXISTING 356 SQ.FT. DETACHED GARAGE TO BE DEMOLISHED.

PROJECT ADDRESS:
119 CENTRAL AVE
CAPITOLA, CA 95010

PARCEL NUMBER:
082-118-04

OCCUPANCY TYPE:
V8

SETBACK INFORMATION:
FRONT YARD 15'-07" 20'-0"
SIDE YARD 4'-2" 5'-0"
REAR YARD 18'-4"

LOT AREA:
3,674 SQ.FT.

PROPOSED FLOOR AREA:
FIRST FLOOR AREA: 1,778 SQ.FT.
SECOND FLOOR AREA: 1,150 SQ.FT.
DECKS / COVERED AREA: 253 SQ.FT.
(1,503 sq. ft. credit not included)

TOTAL FLOOR AREA:
3,200 SQ.FT. (- 303) SQ.FT. REDUCTION

FLOOR AREA RATIO:
EXISTING: 87% SQ.FT.
PROPOSED: 77% SQ.FT. (- 10%) SQ.FT. REDUCTION

F.A.R. PERMITTED:
58% (.35 x 3.674 = 2.021 sq.ft.)

PARKING (PROVIDED):
1 UNCOVERED

CODE NOTE:
THESE PLANS CONFORM TO THE 2007 CBC, 2007 CMC, 2007 CFC, 2007 CEC AND 2006 ENERGY CODE (S.F., 2006 IBC, 2006 IRC, 2006 CFC AND 2005 IBC AS AMENDED BY THE STATE OF CALIFORNIA)

BUILDING INFORMATION SUMMARY

REMOVAL AND 215 SQ.FT. ADDITION TO AN EXISTING 2,641 SQ.FT., 2-STORY SINGLE FAMILY DWELLING.
EXISTING 150 SQ.FT. SECOND FLOOR DECK TO BE REPLACED WITH NEW 185 SQ.FT. SECOND FLOOR DECK. EXISTING 356 SQ.FT. DETACHED GARAGE TO BE DEMOLISHED.

119 CENTRAL AVE
CAPITOLA, CA 95010

082-118-04
V8
FRONT YARD 15'-07" 20'-0"
SIDE YARD 4'-2" 5'-0"
REAR YARD 18'-4"

EXISTING: 1,778 SQ.FT.
PROPOSED: 1,857 SQ.FT.
1,150 SQ.FT.
253 SQ.FT.
3,200 SQ.FT. (- 303) SQ.FT. REDUCTION

NET CHANGE:
-192 SQ.FT.
-212 SQ.FT.
+21 SQ.FT.

FLOOR AREA RATIO:
EXISTING: 87% SQ.FT.
PROPOSED: 77% SQ.FT. (- 10%) SQ.FT. REDUCTION

F.A.R. PERMITTED:
58% (.35 x 3.674 = 2.021 sq.ft.)

PARKING (PROVIDED):
1 UNCOVERED

CODE NOTE:
THESE PLANS CONFORM TO THE 2007 CBC, 2007 CMC, 2007 CFC, 2007 CEC AND 2006 ENERGY CODE (S.F., 2006 IBC, 2006 IRC, 2006 CFC AND 2005 IBC AS AMENDED BY THE STATE OF CALIFORNIA)

CONTACTS

OWNER:
DANIEL HARMS
1436 FORT STONE COURT
SUNNYVALE, CA 94087
(650) 757-9775

PROJECT DESIGNER:
DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
119 CENTRAL AVE SUITE A
716 SOUTHERN AVENUE SUITE A
CAPITOLA, CA 95010
PH: (831) 452-8400
FAX: (831) 452-8446
dva@dvadesign.com

DRAWING INDEX

BUILDING DESIGN

T1 TITLE SHEET
T2 SITE PLAN
A1 FLOOR PLANS - EXISTING
A2 FLOOR PLANS - PROPOSED
A3 EXTERIOR ELEVATIONS - EXISTING
A4 EXTERIOR ELEVATIONS - PROPOSED

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
114 SOUTH AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(831) 452-8400 PHONE (831) 452-8446 FAX

DVRD
DEREK VAN ALSTINE
RESIDENTIAL DESIGN
INC.

HARMS RESIDENCE
119 CENTRAL AVE
CAPITOLA, CA 95010

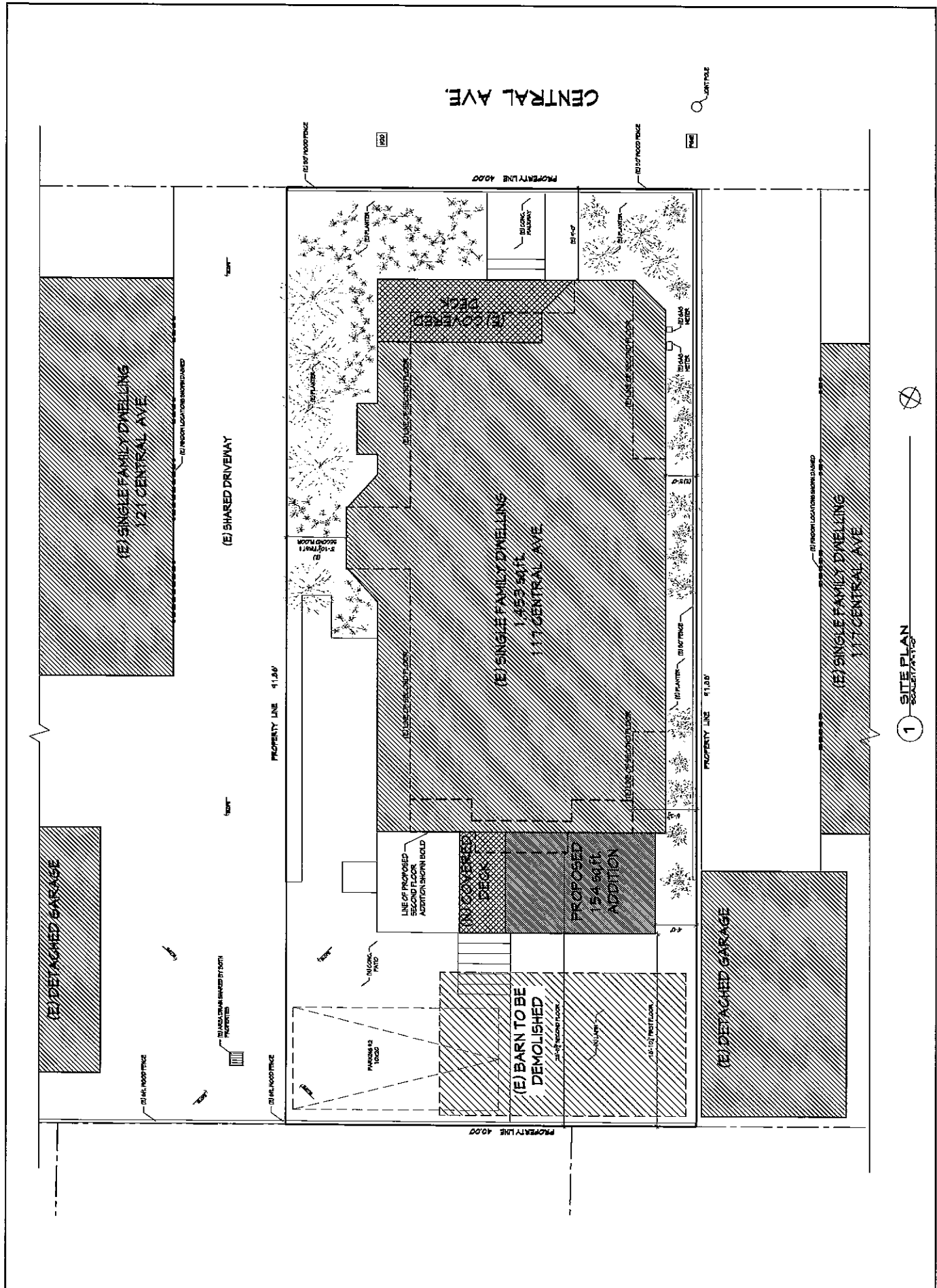
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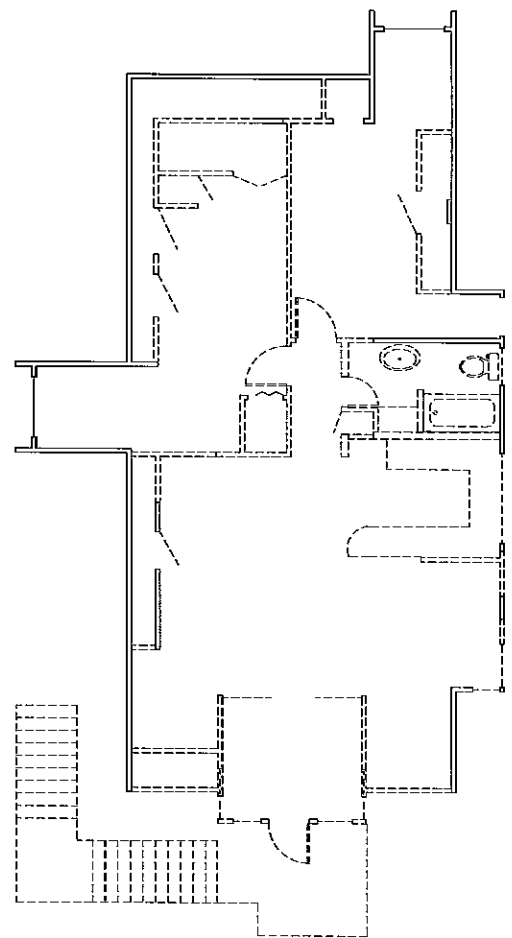
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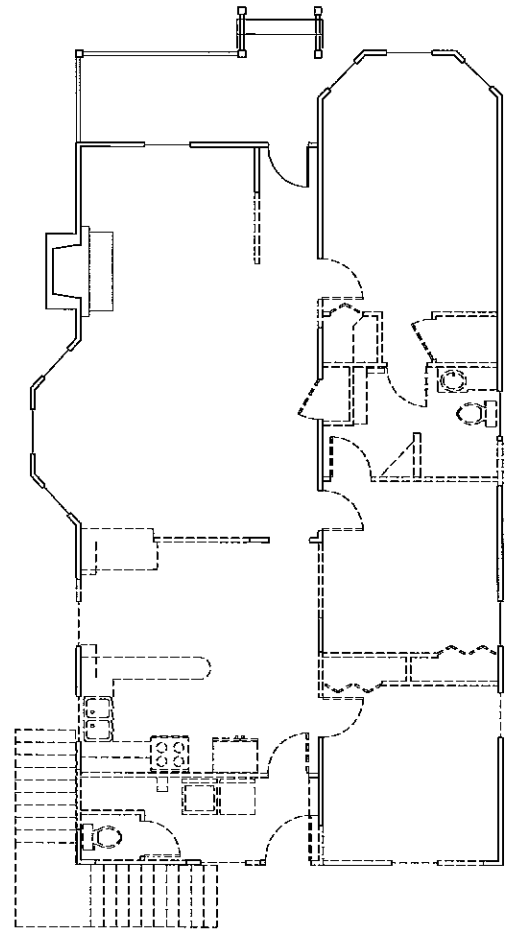
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
214 SCOTEL AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(531) 426-5100 PHONE (531) 426-5167 FAX

DVRD
DESIGN REVIEW BOARD
APPROVED FOR CONSTRUCTION





2 SECOND FLOOR EXISTING / DEMOLITION PLAN
SCALE: 1/8" = 1'-0"



1 EXISTING / DEMOLITION PLANS
SCALE: 1/8" = 1'-0"

WALL LEGEND

	NEW 2x4 STUD WALL
	NEW 8x8 STUD WALL
	WALLS TO BE DEMOLISHED
	EXISTING WALLS TO REMAIN

PRIMARY RECORD

Primary # _____
HRI # _____
Trinomial _____
NRHP Status Code _____

Other Listings
Review Code _____ Reviewer _____

Page 1 of 3

Resource Name or #: (Assigned by recorder) 119 Central Avenue

P1. Other Identifier:

P2. Location: Not for Publication Unrestricted a. County Santa Cruz

and (P2b and P2c or P2d. Attach a Location Map as necessary.)

b. USGS 7.5' Quad _____ Date _____ T _____ ; R _____ ; 1/4 of _____ 1/4 of Sec _____ ; B.M. _____

c. Address: 119 Central Avenue City Capitola Zip 95010

d. UTM: (Give more than one for large and/linear resources) _____ ; _____ mE/ _____ mN

e. Other Locational Data (Enter Parcel #, legal description, directions to resource, elevation, etc., as appropriate)

Parcel No. 036-112-004

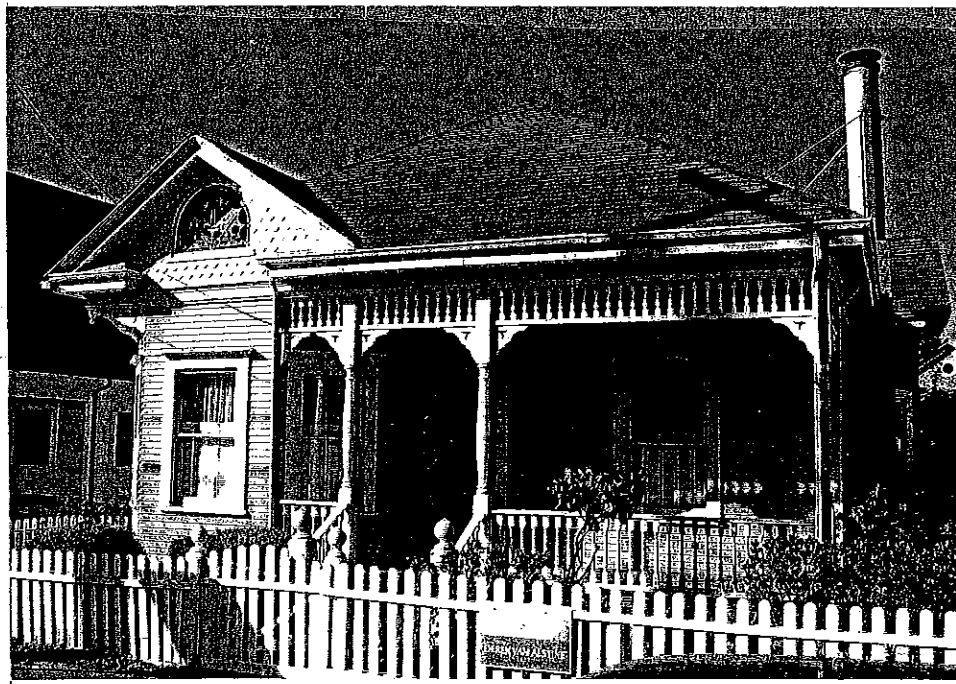
P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

A one-and-one-half-story wood-framed Queen Anne Cottage, irregular in plan, resting on a concrete foundation. The exterior wall cladding is a narrow horizontal clapboard wood siding, with chisel-point shingles in the gable ends. The medium-pitched hipped roof has two lower projecting gabled bays. one is on the south side of the east facing facade, and the other is about midway along the north side-elevation. There is a partial-width shed-roofed dormer about midway along the south side-elevation. A porch off the upper floor on the rear (west) elevation was enclosed in a 1978 addition. The slightly overhanging eaves have a closed soffit. The lower projecting angled bay w/sawn work & drop pendants on the facade has a broken pediment with a simple molding. Its shingled gable apex has a half-round transom window with decorative stained glass. The gable apex on the north side-elevation is similar, without the stained glass. There is one brick exterior eave wall chimney with metal stack present. It is located on the north side-elev. at the junction of the side gabled bay with the main roof. The chimney was altered to accommodate the metal stack in 1990. The hipped main roof overhangs the facade to provide covering for the partial-width front porch, supported by turned wood posts resting on a raised deck. A low spindlework wood railing is complemented by spindlework spandrels w/decorative wood brackets along the eave line between the porch posts. A set of straight-run wood steps, w/similar railing leads to the raised porch.

P3b. Resource Attributes: (List attributes and codes) HP2 - Single Family Property

P4. Resources Present Building Structure Object Site District Element of District Other (Isolates, etc.)

P5a. Photograph or Drawing (Photograph required for buildings, structures, and objects)



P5b. Description of Photo: (View, date, accession#)
Looking west at the east facing facade, Kent Seavey, 9/22/2010

P6. Date Constructed/Age and Sources

Prehistoric Historic Both

1910-Santa Cruz County Assessor's records.

P7. Owner and Address

Greg and Dawn Harms
1426 Pointe Claire Ct.
Sunnyvale, CA 94087

P8. Recorded by: (Name, affiliation, and address)

Kent Seavey
Preservation Consultant
310 Lighthouse Ave.
Pacific Grove, CA 93950

P9. Date Recorded: 10/26/2010

P10. Survey Type: (Describe)

Intensive-required CEQA review

P11. Report Citation: (Cite survey report and other sources, or enter "none")

Rowe & Associates, Capitola Architectural Survey, 1986

Attachments NONE Continuation Sheet District Record Rock Art Record Other: (List)
 Location Map Building, Structure, and Object Record Linear Feature Record Artifact Record
 Sketch Map Archaeological Record Milling Station Record Photograph Record

BUILDING, STRUCTURE, AND OBJECT RECORD

Resource Name or #: (Assigned by recorder) 119 Central Avenue

B1. Historic Name:

B2. Common Name:

B3. Original Use: residence

B4. Present Use: residence

B5. Architectural Style: Queen Anne Cottage (Spindlework substyle)

B6. Construction History: (Construction date, alterations, and date of alterations)

Constructed 1910 (Santa Cruz Assessor's records); rebuild roof dormer, 1968 (CBP# 7243); enclose rear porch, 1978 (CBP# 9270); demo brick chimney, (CBP# 8443); Add metal chimney, 1991, (CBP# 14013).

B7. Moved? No Yes Unknown Date:

Original Location:

B8. Related Features: Undated one story, wood-framed board-and-batten, shed-roofed storage shed at the SW corner of the parcel.

B9a. Architect: Unknown

b. Builder: Unknown

B10. Significance: Theme: Architectural Development

Area: Capitola

Period of Significance: 1910

Property Type: single family residence

Applicable Criteria: CR3

(Discuss importance in terms of historical or architectural context as defined by theme, period and geographic scope. Also address integrity.)

119 Central Ave. is significant at the local level under California Register criterion 3, in the area of architecture, as a representative example of the Queen Anne (Spindlework) style of architecture found in Capitola at the end of the nineteenth century.

The Queen Anne Style of architecture was identified with the Scottish-born architect Richard Norman Shaw (1831-1912) and his followers, whose residential design in England was a free and eclectic hybrid of forms drawn from a range of sources, including classical, Tudor and Flemish architecture. The style emphasized human scale and domestic comfort. Its facades showed great variety, featuring projecting bays and odd roof lines. It was rich in texture with an open, asymmetrical plan. In America the style found exuberant expression in wood, and frequently employed classical columns and decorative motifs borrowed from our own Colonial architecture. The style was favored for everything from row houses to seaside retreats, whose designs frequently came from pattern books. Patterned shingles, spindlework, brackets and sawn work cutouts were common. Other character-defining features include roofs in irregular shapes, a dominant front-facing gable, cutaway bay windows, partial or full-width porches, usually one-story high. Although altered by an added roof dormer (1968), and enclosed upper rear porch, with clumsy stair detailing (1978) and an inappropriate metal chimney stack (1991), the subject property still possesses sufficient character-defining features of the Queen Anne Spindlework substyle to evoke a strong sense of time and place, and feeling and association with Capitola's historic Depot Hill neighborhood, of which it is a part. Ownership of the property is difficult to trace prior to 1950. Local probate attorney Emmett C. Rittenhouse was a later owner. The subject property clearly qualifies for listing at the local level of significance in a city historic resource inventory.

B11. Additional Resource Attributes: (List attributes and codes) HP2 - Single Family Property

B12. References:

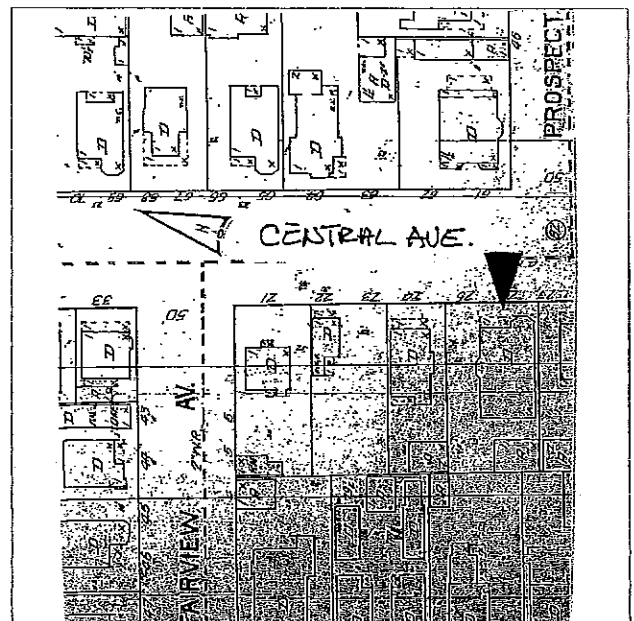
- Capitola building records, planning dept., Capitola.
- Rowe & Assoc., Capitola Architectural Survey, City of Capitola, 1986.
- Sanborn insurance maps of Capitola, 1927
- Swift, C., "Historic Context Statement for the City of Capitola", 2004

B13. Remarks: Zoning R-1

B14. Evaluator: Kent Seavey

Date of Evaluation: 10/26/2010

(This space reserved for official comments.)



CONTINUATION SHEET

Page 3 of 3 Resource Name or #: (Assigned by recorder) 119 Central Avenue

Recorded by: Kent Seavey

Date 10/26/2010

Continuation Update

P3 (cont.) This feature has ball-capped newel posts. Fenestration is irregular, with a combination of 1/1 double-hung wood windows, fixed wooden windows, and aluminum sliding windows in the roof dormer. The principal entry is a paneled wood door with etched glazing above. A modern staircase (c. 1978) with simple wood balusters wraps around the west end of the north side-elevation to a landing, then up to the enclosed porch on the rear (west) elevation. A second set of stairs, of the same design, below this feature, leads to the rear door on the ground floor. The residence is sited behind a simple wood picket fence in an informal landscape setting of flowers and shrubs. It is located in the Depot Hill neighborhood of one-and-two-story houses of varying ages, sizes and styles.

KENT L. SEAVEY

310 LIGHTHOUSE AVENUE
PACIFIC GROVE, CALIFORNIA 93950
(831)375-8739

February 19, 2011

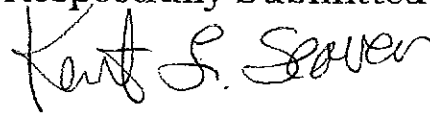
Mr. Derek Van Alstine
Residential Design, Inc.
716 A Soquel Ave.
Santa Cruz, CA 95062

Dear Mr. Van Alstine:

In response to your question regarding the board-and-batten structure behind the residential property at 119 Central Ave. in Santa Cruz, I would not characterize it as a barn. The basic shape and roof form have nothing to do with conventional turn of the 20th century barn design. Those features, large or small would typically have a loft for feed and a few internal bays for stableing animals. These elements do not exist on the structure in question. The outbuilding on Central Ave., in my professional opinion as an historic preservation consultant, was probably employed as a storage or equipment shed. As to my expertise on barns and California barns in particular, I have taught California Barn Morphology in graduate seminars on regional architecture at Sonoma State University with Dr. Peter Mellini. I have placed at least two significant barns on the California Register of Historical Resources (the Hatton dairy barn in Carmel Valley), and on the National Register of Historic Places (the Mills side-hill barn in Half Moon Bay for the California Dept. of Parks). I have also lived in a former Pacific Grove barn building for the past 40 years.

As noted above, the Central Ave. structure is not, by design, a barn building. It was employed in some other capacity and probably ended up being an automobile garage. The numerous alterations to the structure over time have obscured its original intent.

Respectfully Submitted,



Susan Lehmann, Historical Consultant
28 Clubhouse Road
Santa Cruz, CA 95060
831-459-7619

Ryan Bane, Senior Planner
 City of Capitola Planning Department

February 16, 2011

Dear Ryan:

As you requested, the following is an evaluation of the proposed plans for the remodel of the building located at 119 Central Avenue, Capitola for compliance with the *Secretary of the Interior's Standards and Guidelines*.

HISTORICAL EVALUATION OF PROPOSED PLANS FOR 119 CENTRAL AVENUE, CAPITOLA

Description

The structure located at 119 Central is a wood frame Queen Anne style cottage constructed in 1910 with alterations to the roof dormer, rear porch and chimney which are documented in the assessor's building records. Character defining features include Queen Anne spindlework, bays with double hung windows on front and north side elevations and transom window on the front elevation with stained glass.

The cottage has been evaluated by Preservation Consultant Kent Seavey on a DPR 523 form submitted on October 26, 2010. I concur with Mr. Seavey's opinion that the cottage is a significant historical resource at the local level and has sufficient integrity to contribute to the historical Depot Hill neighborhood.

Secretary of the Interior's Standards and Guidelines

Applicable *Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Buildings* for the proposed project are:

Standard 6. Deteriorated historic features will be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive feature, the new feature will match the old in design, color, texture, and, where possible, materials. Replacement of missing features will be substantiated by documentary and physical evidence.

Proposed plans show a change of window configuration on the south facade. There is no indication as to the type of windows that will replace the existing. Before these windows are replaced, an inventory of existing windows should be made to determine if any are original to the 1910 construction date. Those should be repaired and retained where feasible. Replacement of non-original windows should be with wood.

This is especially important on the front facade, which is the most historically intact and significant. Proposed plans call for replacing an existing window on the left side of this facade with one that is vinyl clad. If replacement is necessary it should be wood not vinyl.

New construction on the original structure

Submitted plans call for new construction on the rear of the property. Applicable *Standards* for the proposed addition are:

Standard 9. New additions, exterior alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiate from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment.

Secretary of the Interior's Guidelines recommends placing a new construction on a non-character-defining elevation and limiting the size and scale in relationship to the historic building.

It appears from the plans that the new construction will be limited to the configuration of an earlier addition at the rear of the building which is not visible from the street. The use of shingles as opposed to the clapboard siding used on the original structure will serve to differentiate the old from the new.

Findings and Conclusions

The proposed plans appear to follow the Standards and Guidelines except as noted above. Attention should be paid to retaining any original windows and frames and if replacement is necessary due to advanced deterioration, the replacement windows should be wood. New windows should also be wood and compatible with the originals.

If there are any questions about this evaluation of this project, please contact me.

Submitted by:

Susan Lehmann
Historical Resources Consultant



REDWOOD ENGINEERING

716-A SOQUEL AVENUE, SANTA CRUZ, CA. (831) 426-8444

February 22, 2011

Dawn and Gregory Harms, Homeowners

Derek Van Alstine, Building Designer

Reference: Structural Evaluation of Existing Structure
119 Central Avenue, Capitola CA

Dear Mr. Van Alstine,

At your request Redwood Engineering performed a site visit to the above-mentioned residence on February 21, 2011. The purpose of our visit was to evaluate the overall structural integrity of the existing structure to address the feasibility of moving and rehabilitating the structure. After discussion with the building owners and observation of the existing structure, it appears that this building is not a strong candidate for relocation or rehabilitation. The following items are noted:

1. Existing Overall Conditions: The existing structure appears to have originally been used as a storage shed or garage, with various modifications having been constructed over the years. In it's current state the structure possesses an extremely low level of structural integrity; no continuity exists between horizontal or vertical framing members, no foundation is present, and no lateral bracing exists. Exterior natural wood siding exhibits moderate weather damage. Rodent and insect infestation appears to be an ongoing problem.
2. Loft Structure: A loft appears to have been added at some time. Loft framing member size and spacing has not been determined, but it appears that the roof framing is supported midspan by this loft framing.
3. Exterior and Interior Walls: Front and rear exterior walls are constructed or single-wall type construction; no vertical load carrying members are present. Side walls appear to have originally been constructed as single-wall, with conventional 2x stud framed walls added at the inside face beneath loft framing. No continuous top or bottom plates exist.
4. Foundation and Floor Elements: Floor consists of wood boards lain over native soils. Exterior walls appear to have once been resting on redwood mudsill. No perimeter footings exist. There is no connection of the walls to the bearing material.
5. Hazardous Materials: The possible existence of hazardous materials within the building has not been evaluated and is beyond the scope of this report. It is recommended that a licensed professional firm experienced in the identification and removal of such substances be consulted prior to demolition or removal of any materials thought to possibly contain hazardous materials.



REDWOOD ENGINEERING

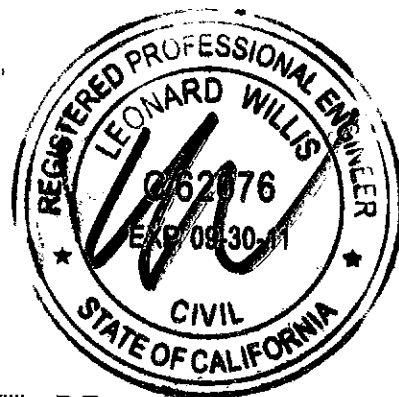
716-A SOQUEL AVENUE, SANTA CRUZ, CA. (831) 426-8444

6. Building Relocation: Due to the lack of structural continuity, relocation of the building structure to a different site is not feasible. The fact that there exists no foundation or floor system will make lifting of the structure extremely difficult, requiring an almost complete dismantling of the building shell. After relocation, the same lack of structural integrity and continuity would still need to be addressed, as mentioned in item #1. Relocation would, in effect require construction of a new building with very little of the historic wood suitable for reuse. The building would be a reconstruction, not a historic resource.

In conclusion, the existing building structure is of marginal quality and has likely outlived it's service life. Structural elements have suffered years of water damage due to lack of flashing and waterproofing. The lack of perimeter foundation has contributed to structural settlement and foundation degradation. It seems unlikely that this structure would survive relocation efforts without a complete dismantling and reconstruction. In it's current state, the structure does not meet the current minimum code safety requirements; rehabilitation of the structure in it's current site would result in a complete reconstruction, prohibiting the re-use of any historic components.

Please feel free to contact me if you require further assistance.

Thank You,



Leonard Willis, P.E.
Redwood Engineering
CA P.E. #62076 exp. 09-30-11

25 February 2011
114 Cliff Avenue
Capitola, CA 95010

Capitola Planning Commission
420 Capitola Avenue
Capitola, CA 95010

Re: Application # 11-011 APN: 036-112-04

The owners of the above property are to be complimented for proposing to upgrade this beautiful old Victorian era home that was at one time owned by Violet Rose, whose father owned our home and other properties on Depot Hill. It is nice to see that the present owners are showing an appreciation of Capitola's heritage through upgrading their beautiful Victorian.

Our concerns are and have been for decades, that the previous owners, (after Violet Rose) without our knowledge and the apparent knowledge of our neighbors, constructed the outside stairs in the rear of this single family home and turned the attic into living quarters. The stairs and the deck, which looks directly into our yard and two of our bedrooms, has been a negative factor in our quality of living with the sounds of the music and conversations emitting from that area in the afternoons, and especially in the evenings and sometimes even into the early mornings of the next day.

We request that:

1. The shed at the rear property line be allowed to be removed and replaced with one parking space.
2. That the small single story extension be allowed in the rear of the present home.
3. Any further usage of the attic area for recreation or living purposes be denied. This request also applies to the exterior stairs in the rear of the home and any type of second story deck, which overlooks our or our neighbor's property.

Thank you

Sincerely,

Jim and Barbara Reding

cc: the Lynn Family, 112 Cliff Avenue, Capitola, CA



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: FEBRUARY 24, 2011 (AGENDA: MARCH 3, 2011)

SUBJECT: **1955 41st AVENUE #11-008 APN: 034-261-15, 53**
Conditional Use Permit for a restaurant use with outdoor seating and the sale and dispensing of alcoholic beverages for consumption upon the premises in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: JFG Capitola Winfield Partners, filed 1/14/11
Representative: FHA Architects

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit to operate a restaurant (*Chipotle*) within an existing vacant commercial space located at 1955 41st Avenue, Suite 5, in the CC (Community Commercial) Zoning District. Outdoor seating, new signage, and the sale of beer and wine are also part of the use permit request. A restaurant use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

ARCHITECTURAL AND SITE REVIEW COMMITTEE

On February 9, 2011, the Architectural and Site Review Committee reviewed the application.

- City Architect Frank Phanton thought it was an appropriate location for the use and approved of the project.
- Building Official Mark Wheeler described the building permit process and what he would need in terms of plans for building plan check review.
- Senior Planner Bane requested details of proposed outdoor seating, including tables, chairs and umbrellas. Discussion also revolved around whether the outdoor seating would be blocked off or left open as it stands today. The applicant expressed that they did not have any plans to enclose the outdoor seating, and if they were required to by ABC (Alcoholic Beverage Control), they would limit the service of alcohol to the interior of the restaurant.

Overall, the committee approved of the proposed use and the related improvements.

DISCUSSION

The applicant is proposing to lease 2,368 square feet of commercial space in the Capitola Convenience Center, formerly occupied by *Stewart Title Company*. Chipotle Mexican Grill is a fast food casual restaurant that specializes in tacos and burritos. They plan to offer beer and wine for dining-in only, and have an application for an on-sale beer and wine license filed with the California Department of Alcoholic Beverage Control. The restaurant operates from 10:00am to 10:00pm Monday through Sunday, with deliveries typically occurring at night, two to three times per week. They anticipate employing approximately 20 employees divided into two shifts.

Per the floor plan, the existing interior will be demolished and all new tenant improvements installed, including a full commercial kitchen, bathrooms, and seating area. There will be no major changes to the exterior of the structure, but outdoor seating is proposed in the open area just to the south of the space. The outdoor seating area will be approximately 548 square feet in size and will consist of approximately 7 tables, 24 chairs and several outdoor umbrellas. New walls signs are proposed, but are not being considered as part of this application. The shopping center has an approved sign plan; therefore sign approvals will be done administratively.

Parking

A restaurant use in the CC (Community Commercial) zoning district has a parking requirement of one space for every 60 square feet of floor available for dining, and one space for every 300 square feet for all other floor area.

Space Usage	Square Feet	Parking Requirement	Spaces Required
Interior Seating Area	894	1 space/60 square feet	15
Interior Area (Non-seating)	1434	1 space/300 square feet	5
Outdoor Seating Area	548	1 space/60 square feet	9
Total	2876		29

Base on these requirements, a total of 29 parking spaces is required for the proposed restaurant use. The applicant has provided parking calculations for the uses within Capitola Convenience Center (Attachment B). It has been determined that with the proposed restaurant use, a total of 218 parking spaces would be required for the shopping center based on the current parking standards. With a total of 295 spaces provided on site, the parking requirements are being met.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** project application #11-008 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a restaurant (*Chipotle*) within an existing vacant commercial space located at 1955 41st Avenue, Suite 5. The permit approval includes outdoor seating and the sale of beer and wine.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission.

3. The application shall be reviewed by the Planning Commission upon evidence of non-compliance with conditions of approval or applicable municipal code provisions.
4. Business hours will be limited to 10:00 a.m. – 10:00 p.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department. Proposed signage shall be consistent with the approved sign program.
6. The applicant shall obtain a business license prior to operating the business.
7. Prior to granting of final occupancy, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

FINDINGS

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

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

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

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

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

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

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans
Attachment B – Parking Plans and Calculations
Attachment C – Restaurant Business Description
Attachment D – Outdoor Seating Details – Tables, Chairs, Umbrellas

HARLAN R. FAUST
 HARLAN R. FAUST, ARCHITECT
 4344 F STREET - SUITE 101
 CAPELLA, CA 95010
 408.255.5641 FAX



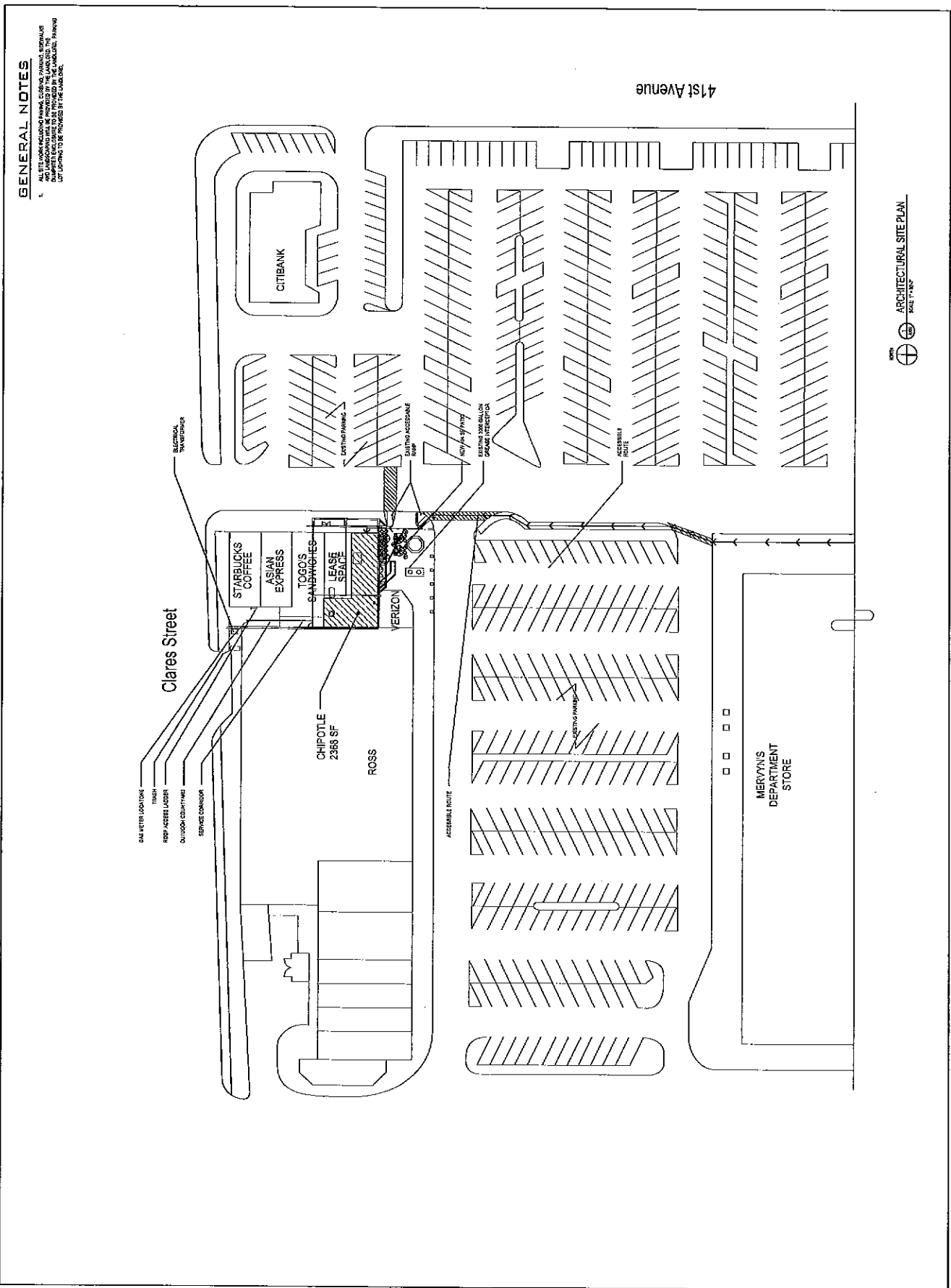
PROFESSIONAL LANDSCAPE ARCHITECT
 H. R. FAUST, INC.
 4344 F STREET - SUITE 101
 CAPELLA, CA 95010
 408.255.5641 FAX



STORE: #1804
 Capitoia
 1955 41st Avenue
 Capitoia, CA 95010

DATE: 03/15/2011	DATE: 03/15/2011
PROJECT: 1955 41st Avenue	PROJECT: 1955 41st Avenue
DESIGNER: H. R. FAUST, INC.	DESIGNER: H. R. FAUST, INC.
CLIENT: CHIPOTLE MEXICAN GRILL	CLIENT: CHIPOTLE MEXICAN GRILL
ARCHITECT: HARLAN R. FAUST, ARCHITECT	ARCHITECT: HARLAN R. FAUST, ARCHITECT
LANDSCAPE ARCHITECT: H. R. FAUST, INC.	LANDSCAPE ARCHITECT: H. R. FAUST, INC.

GENERAL NOTES
 1. ALL SITE INFORMATION, INCLUDING EXISTING UTILITY RECORDS AND LANDSCAPE DATA, IS PROVIDED BY THE LANDOWNER. THE ARCHITECT AND LANDSCAPE ARCHITECT DO NOT WARRANT THE ACCURACY OF ANY INFORMATION PROVIDED BY THE LANDOWNER.

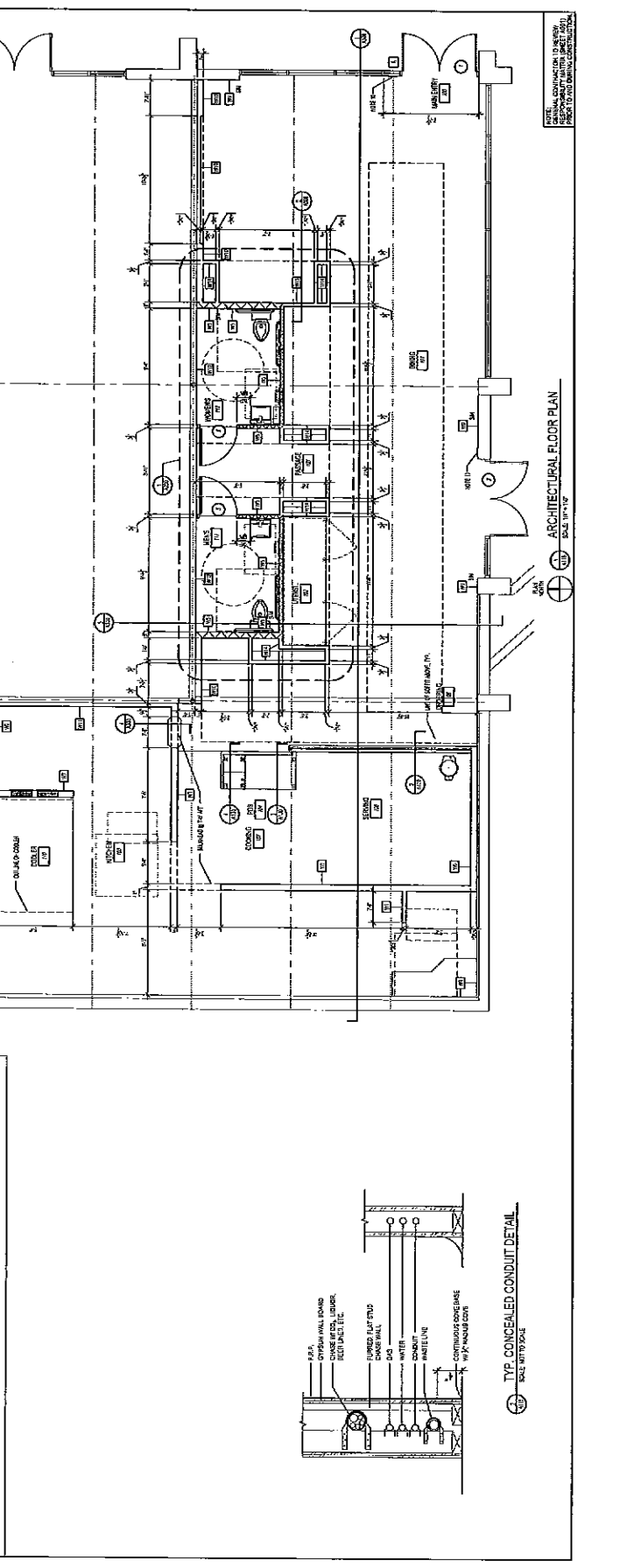
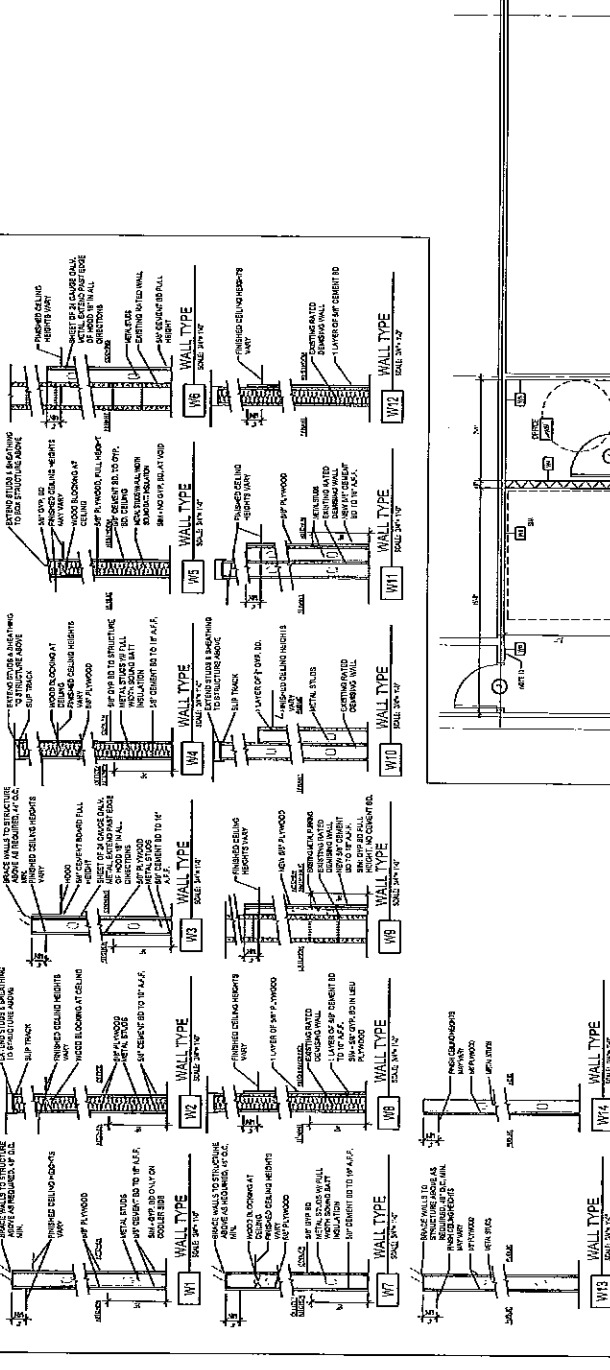


ARCHITECTURAL SITE PLAN
 SHEET 1 OF 2

GENERAL NOTES

1. NEW CONSTRUCTION
2. EXISTING CONSTRUCTION
3. REPAIRS TO EXISTING CONSTRUCTION
4. ALL DIMENSIONS ARE TO FACE OF FINISHING, UNLESS OTHERWISE NOTED
5. DIMENSIONS OF ALL STRUCTURAL MEMBERS SHALL BE AS SHOWN UNLESS OTHERWISE NOTED
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WALL TYPES



Capitol, CA 95010
 1955 41st Avenue
 Capitol
 STORE #1604

DATE: 08/22/11
 DRAWING NO: 08110
 SHEET NO: 08110

Architectural Floor Plan

A 115

Capitol, CA 95010
 1955 41st Avenue
 Capitol
 STORE #1604

DATE: 08/22/11
 DRAWING NO: 08110
 SHEET NO: 08110

Architectural Floor Plan

Capitol, CA 95010
 1955 41st Avenue
 Capitol
 STORE #1604

DATE: 08/22/11
 DRAWING NO: 08110
 SHEET NO: 08110

Architectural Floor Plan

A 115

Capitol, CA 95010
 1955 41st Avenue
 Capitol
 STORE #1604

DATE: 08/22/11
 DRAWING NO: 08110
 SHEET NO: 08110

Architectural Floor Plan

HARIAN R. FAUST
 HARIAN R. FAUST ARCHITECT
 1414 1/2 STREET - SUITE 103
 OAKLAND, CA 94612
 415.555.5411 FAX

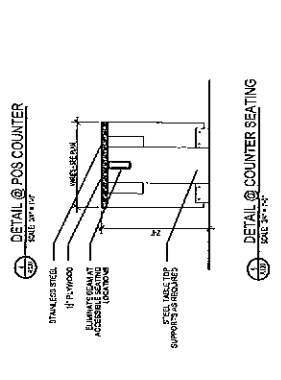
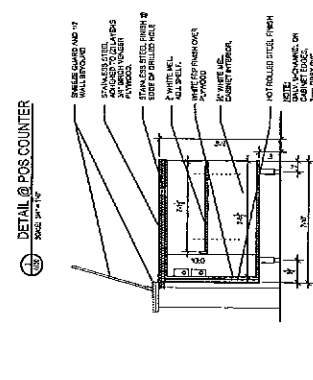
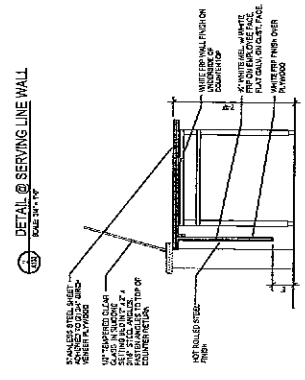
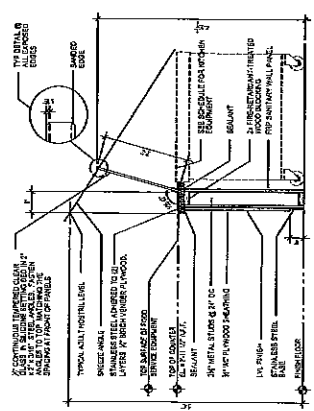
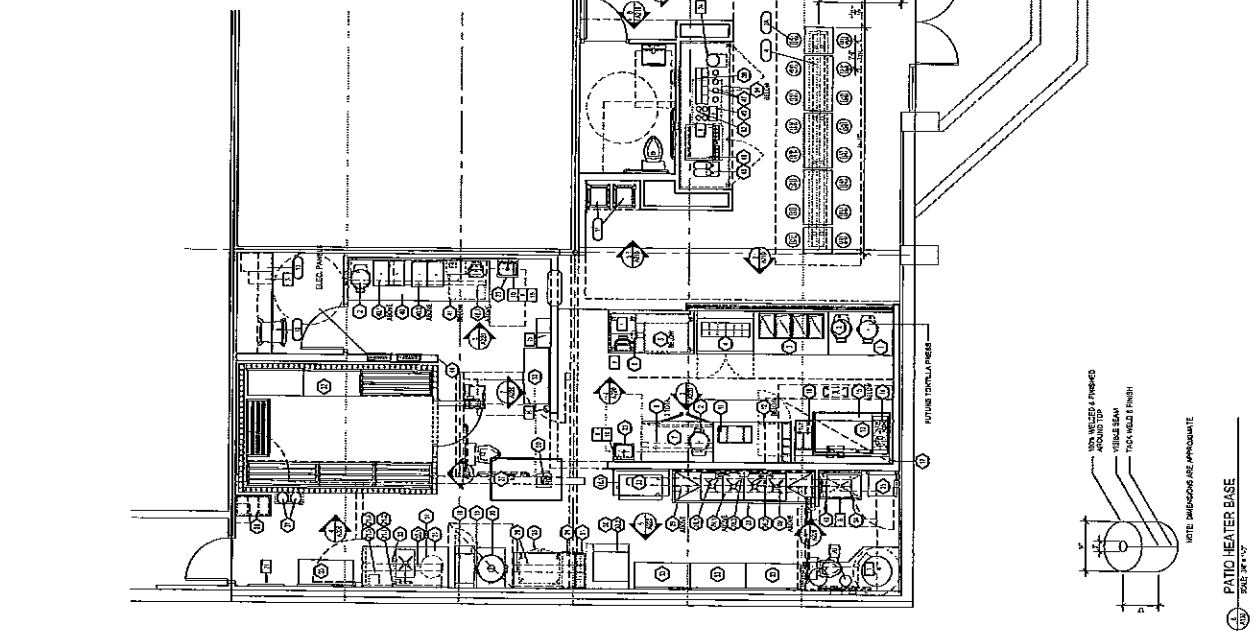
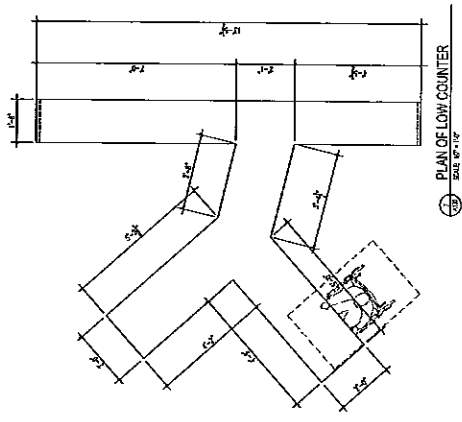
CRENSHAW CREOLE CATERING
 1500 41st Street, Apt. 103
 Capitolia, CA 95010
 Phone: (415) 780-3377
 Fax: (415) 780-3377

Capitolia
 1955 41st Avenue
 Capitolia, CA 95010

Equipment Plan
 08/17/19
 08/17/19
 08/17/19

A
 130

- 1. Table (Customer Height) 30" x 36"
- 2. Chair w/ Cane
- 3. Seat
- 4. High Top Back HX
- 5. Table (Customer Height) 30" x 42"
- 6. Bar Top (Customer Height) 42" x 42"
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THESE CONTRACT DOCUMENTS ARE THE PROPERTY OF HARIAN R. FAUST ARCHITECT AND ARE TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREIN.

EQUIPMENT PLAN
 SCALE 1/4" = 1'-0"

PATIO HEATER BASE
 SCALE 3/4" = 1'-0"

HARIAN R. FAUST
 ARCHITECT
 1944 N. STREET - SUITE 101
 OAKLAND, CA 94612-3955
 415.778.1333 FAX



PROJECT: 10.01.0000 - 10.01.0000
 DRAWING: 10.01.0000 - 10.01.0000
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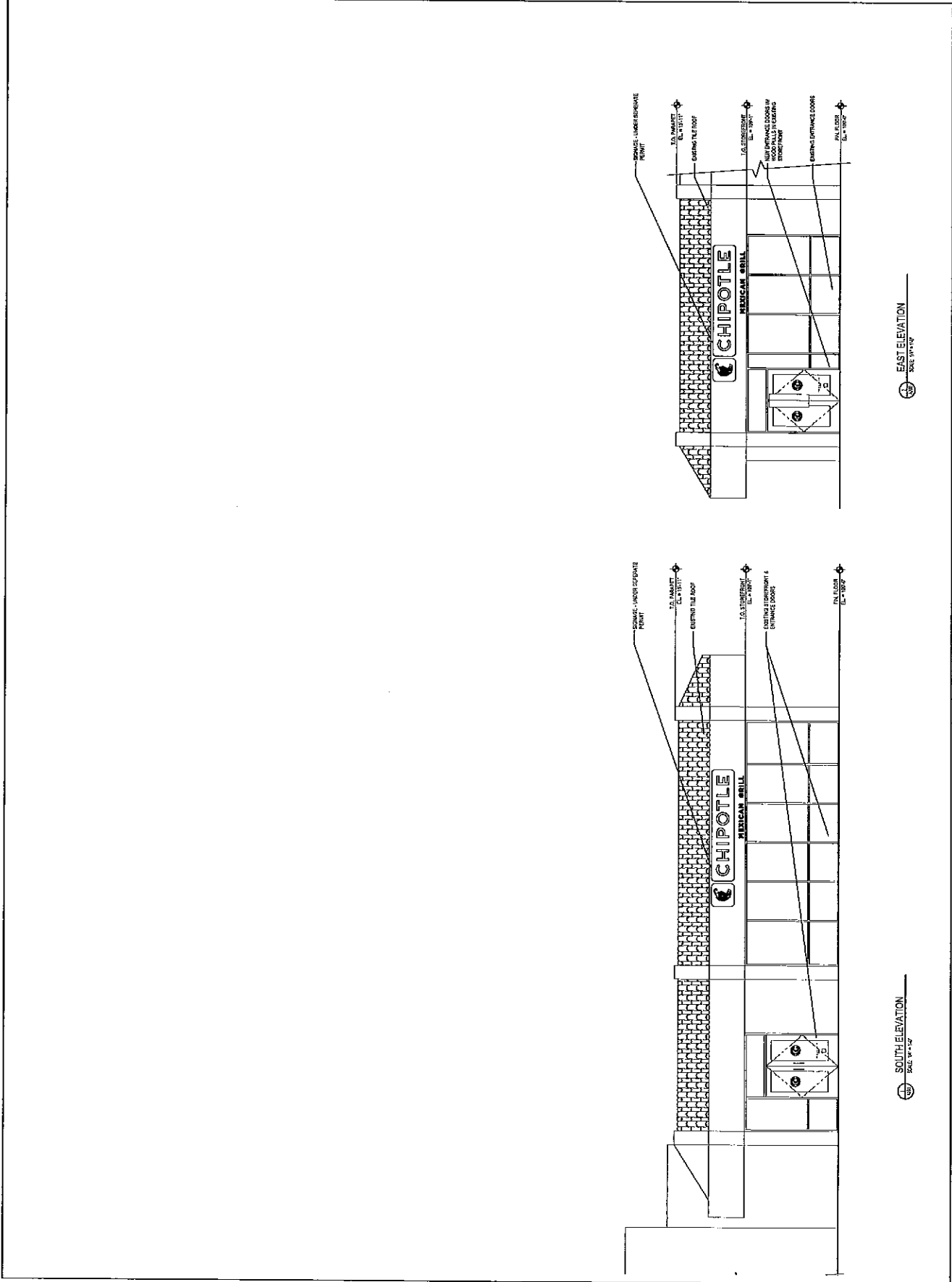


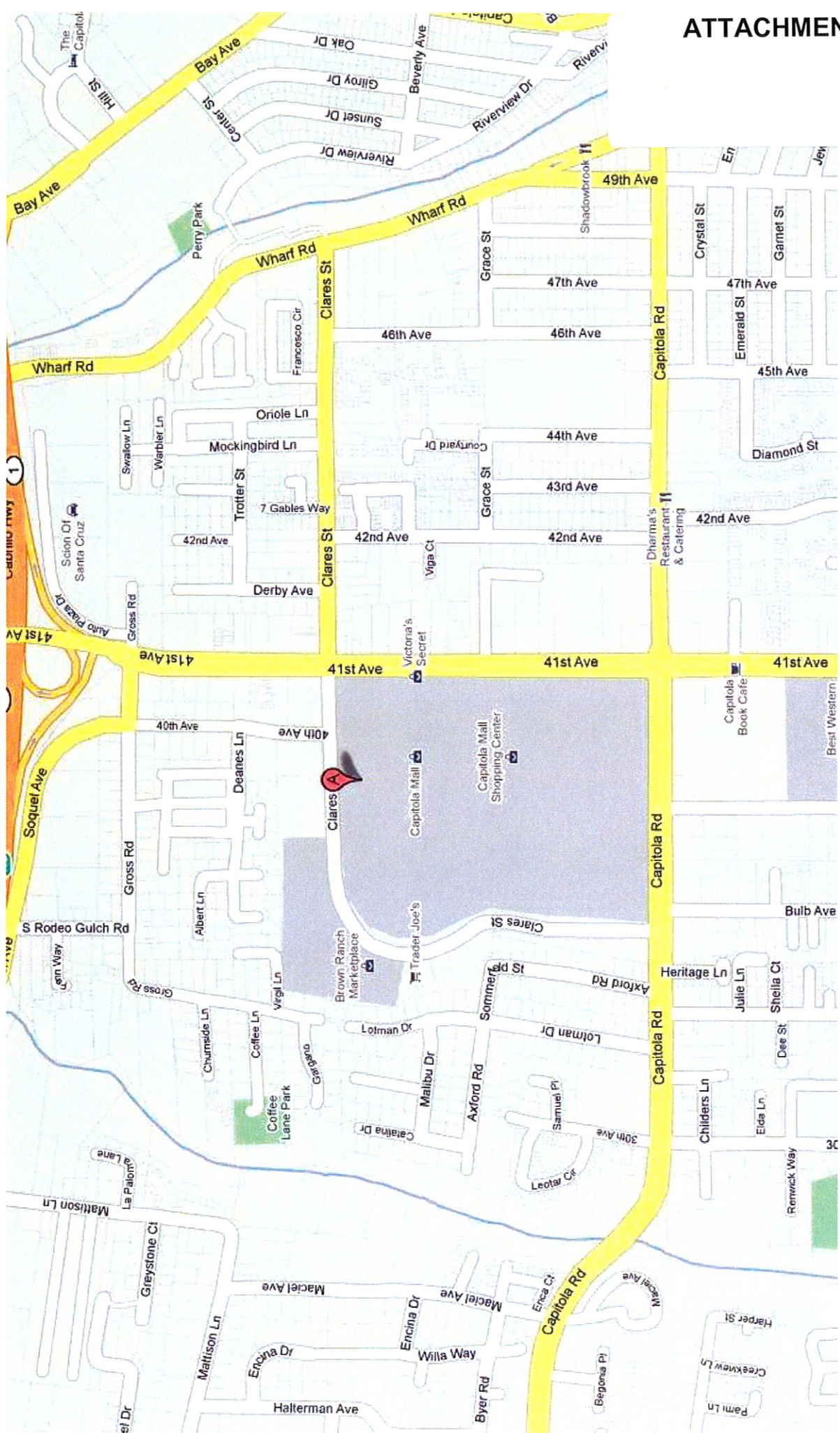
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STORE: #1804
 Capitola
 1955 41st Avenue
 Capitola, CA 95010

DATE: 08/10
 DRAWN: SRT
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A
 200





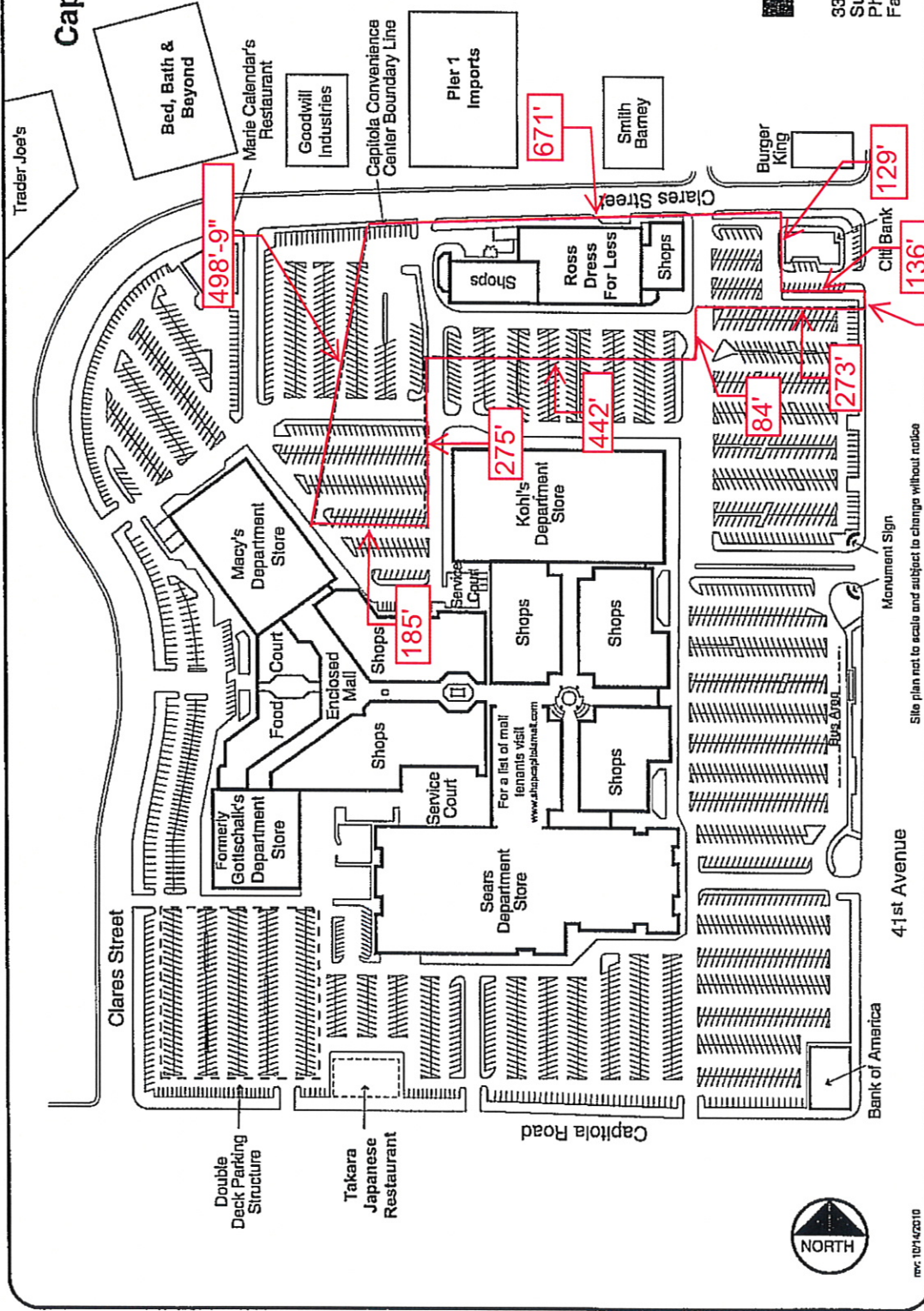
FHA Architects
14344 Y Street, Suite 10
Omaha, NE 68137

VICINITY MAP
Capitol Convenience Center
Chipotle

**Capitola Mall
Capitola Convenience
Center**
1955 41st Avenue
Capitola, California

**218 Required
Parking Spaces**
**295 Existing
Parking Spaces**

**Biagini
PROPERTIES, INC**
333 W. El Camino Real, Suite 240
Sunnyvale, CA 94087-1969
Phone (408) 331-2300
Fax (408) 331-2301



FHA Architect
14344 Y Street
Omaha, NE 68137

Parking Calculations / Lot dimensions
Capitola Convenience Center
Chipotle



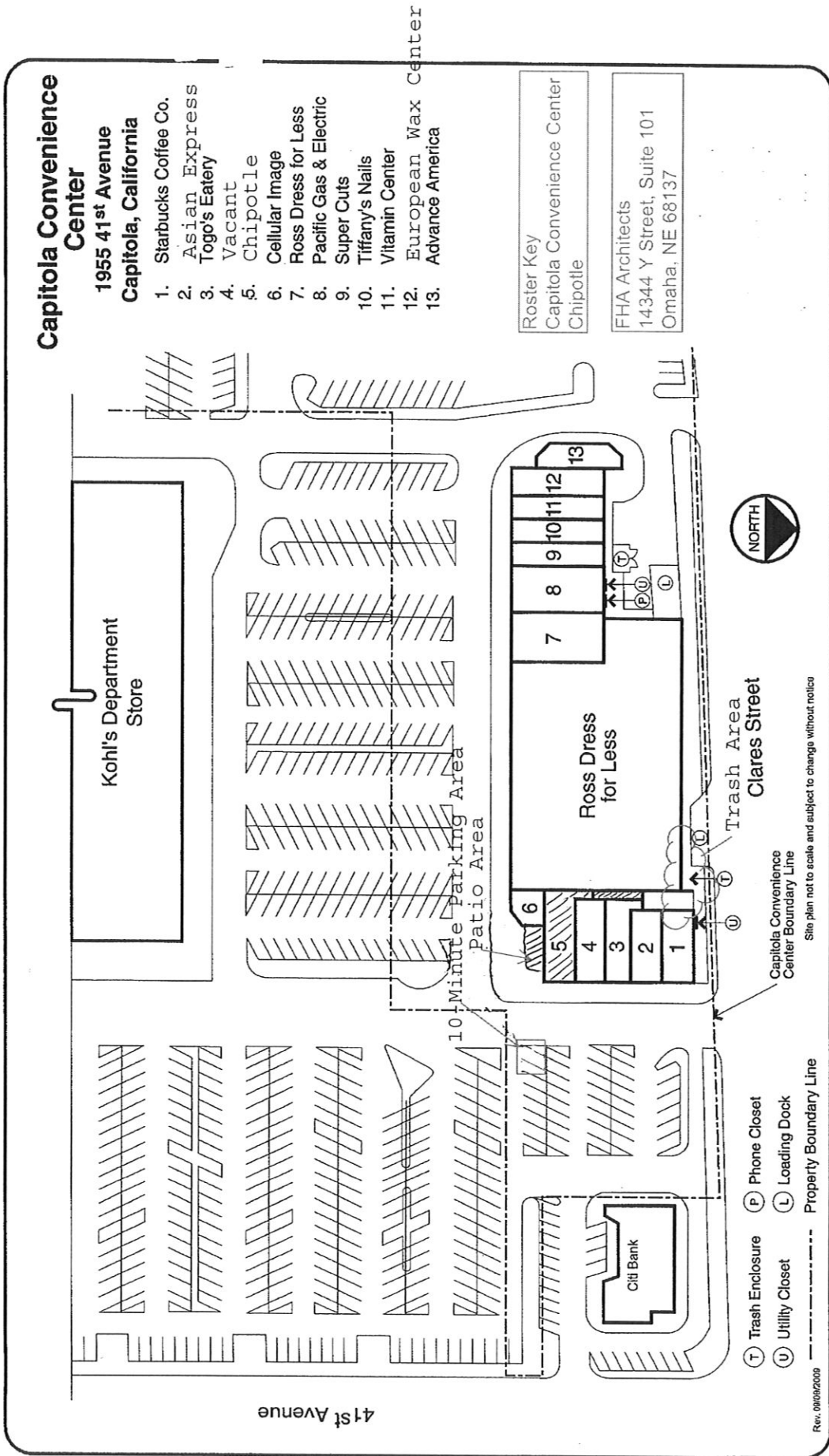
Site plan not to scale and subject to change without notice

41st Avenue

Bank of America

NOV 10/14/2010

EXHIBIT A



Capitola Convenience Center Tenant Roster

Space	Tenant	SF	Use	Parking required
1955	Ross	31,788	Retail	106
A-1	Starbucks	1,482	Café	14
A-2	Asian Express	1,482	Restaurant	14
A-3	Togos	1,809	Restaurant	18
A-4	Vacant	1,200		4
A-5	CHIPOTLE	2,737	Restaurant	29
A-6	Cellular Image	560	Retail	2
B-2	PG&E	2,019	Office	7
B-4	Supercuts	1,283	Service	5
B-5	Tiffany Nails	1,283	Service	5
B-6	Vitamin Center	1,283	Retail	5
B-7	European Wax Center	1,400	Service	5
B-8	Advance America	1,130	Financial	4
				218

dining 1/60 sf

retail, kitchen, service 1/300 sf

Parking Calculations
 Capitola Convenience Center
 Chipotle

FHA Architects
 14344 Y Street, Suite 101
 Omaha, NE 68137

Business Description

Chipotle Mexican Grill is a fast food casual restaurant chain based on Denver, CO. that specializes in tacos and burritos. Its menu is very limited and it uses the same ingredients to make different combinations with tortillas, salads and bowls. They offer beer and wine for dining-in only; however their alcohol sales are less than 4% and the purpose is to offer different beverages to their customers while they enjoy the food and the whole ambiance of the restaurant. Chipotle maintains the alcohol stored in a lockable cabinet in the kitchen and only the manager has the key to open it. Beer and wine are displayed behind the cashier in a reach-in glass refrigerator. Alcohol is not sold to anyone who looks 30 years or younger.

Food ingredients are kept in the storage area and cooler inside the restaurant and deliveries are typically brought to the store in the middle of the night, two to three times per week.

Restaurants operate from 10:00 am to 10:00 pm Monday thru Sunday with lunch time been their busiest and dinner been their slowest time; it will also have 20 employees divided in two shifts. Their customers typically are families, young professionals, and college and high school students.

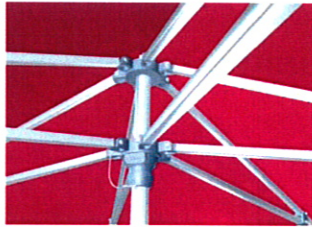
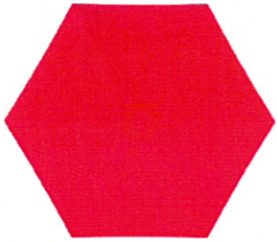
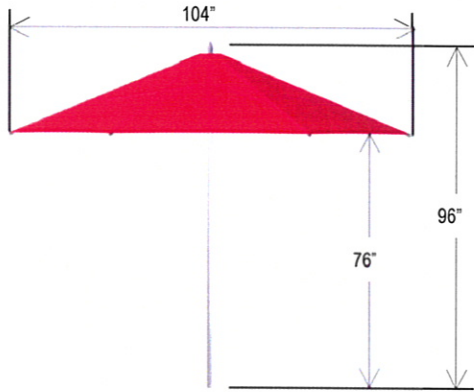
For this particular location Chipotle will be leasing a 2,368 SF existing building located at 1955 41st Avenue. The building makes part of the commercial development Capitola Convenience Center (APN# 034-261-15, 034-261-53) and it is currently unoccupied its previous tenant was Stewart Tile. Chipotle will demolish the interior and accommodate the space for its business.

A 404 SF exterior patio is also being proposed for the restaurant. Besides changing signage, no major changes will be done to the exterior.

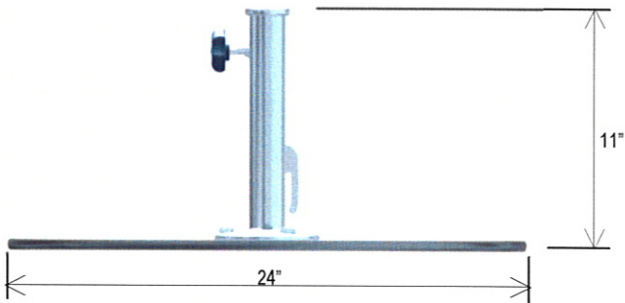
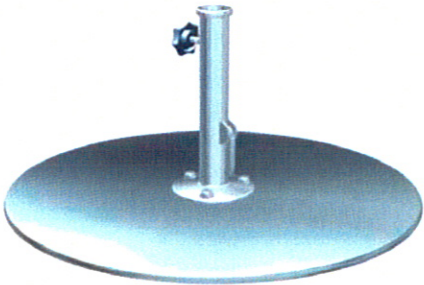
Capitola Convenience Center is zoned CC – Community commercial and the area surrounding the development is mainly commercial with residential areas near by; Chipotle will offer an alternative for a quick but high quality lunch or dinner to patrons, employees and residents in the vicinity.

Chipotle - Aluminum Parasol Specifications 2008 with Cam Insert Aluminum Bay Master

UMBRELLA: 8.5' Hexagon Marine Grade Aluminum market umbrella. Armor Wall Aluminum Center Mast. Marine Satin Anodized Finish with Silver Delrin Hubs, stainless steel hardware, 100% replaceable parts. 92" Center Pole with Cam Insert. Manual lift with stainless steel security pin. Silver Polymer finial.



CANOPY FABRIC: SUNBRELLA 8oz 100% Solution Dyed Acrylic Fabric #5436 Burgundy. Market Profile. Single Wind Vent. Reinforced Vent & Pocket Construction.



BASE: 24" round, 75 lb galvanized steel base with "Cam Lock" stainless steel security plate and "star" handle security knob.

