



**AGENDA
CAPITOLA PLANNING COMMISSION
THURSDAY, APRIL 7, 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
Minute Clerk Uharriet

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. March 3, 2011 Regular Planning Commission Meeting

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. 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. 509 BAY AVENUE #11-020 APN: 035-302-17

Design Permit to remodel an existing retail market and deli, including exterior modifications to the façade and a sign permit for a new wall and monument sign in the CN (Neighborhood Commercial) Zoning District.
Property Owner: Chi Day Hyun & Chi Soon O / Filed 2/25/11
Representative: Dennis Norton Design

C. 3801 CLARES STREET #11-024 APN: 034-261-47

Conditional Use Permit for a medical office use (dialysis clinic) in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Capitola Roth Investments, LLC, filed 3/9/11
Representative: Barry Maners, Entos Design

D. 201 ESPLANADE #11-028 APN: 035-211-05

Amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: J. Xavier Sanchez, filed 3/16/11
Representative: Amjad Al Asud

E. 720 CAPITOLA AVENUE #11-029 APN: 036-062-11

Amendment to a Conditional Use Permit to allow for the sale and dispensing of alcoholic beverages for consumption upon the premises of an approved restaurant, and a variance to setback for a small addition to an existing commercial building in the AR/CN (Automatic Review/Neighborhood Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Bruce Ganepa
Representative: Manuel Monjaraz, filed 3/22/11

6. DIRECTOR'S REPORT

7. COMMISSION COMMUNICATIONS

8. ADJOURNMENT

Adjourn to a Regular Meeting of the Planning Commission to be held on Thursday, May 5, 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, MARCH 3, 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

2. ORAL COMMUNICATIONS

A. Additions and Deletions to Agenda

Senior Planner Bane requested the Commission continue Consent Calendar Item 4.B. 4930 Cliff Drive to the April 7, 2011 Planning Commission meeting.

B. Public Comments - NONE

C. Commission Comments

Commissioner Newman stated that the GPAC held its first meeting and that a workshop is scheduled for March 19, 2011 from 9:00 a.m. to 12:00 noon at the Capitola Community Center, 4420 Jade Street.

Commissioner Routh will be out of the country from April 2 through April 19, 2011.

D. Staff Comments - NONE

3. APPROVAL OF MINUTES

A. January 20, 2011 Regular Planning Commission Meeting

Commissioner Graves stated that his recommendations regarding the disposition of the RDA funds should be reflected in the minutes.

A MOTION WAS MADE BY COMMISSIONER NEWMAN AND SECONDED BY COMMISSIONER ROUTH TO APPROVE THE JANUARY 20, 2011 MINUTES WITH THE ADDITION OF COMMISSIONER GRAVES COMMENTS.

MOTION PASSED 5-0

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

A MOTION WAS MADE BY COMMISSIONER NEWMAND AND SECONDED BY COMMISSIONER ROUTH TO APPROVE THE FEBRUARY 3, 2011 JOINT MEETING MINUTES.

MOTION PASSED 4-0. COMMISSIONER GRAVES ABSTAINED, STATING HE LIVED TOO CLOSE TO THE PROPOSED PARKING STRUCTURE AND WAS PRECLUDED FROM PARTICIPATING IN THE DISCUSSION.

4. CONSENT CALENDAR

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

Commissioner Smith recused herself, stating that she lived within 300 feet of the proposed development.

Chairperson Ortiz removed Item 4.A from the Consent calendar.

Senior Planner Bane presented the staff report.

Chairperson Ortiz stated that the landscape plan did not incorporate a single tree and wanted to encourage a tree into the plans.

The public hearing was opened.

Derek Van Alstine, designed, stated that he would include a tree into the plans.

The public hearing was closed.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO APPROVE PROJECT APPLICATION #11-010 WITH A MODIFICATION TO CONDITION #9.

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. The applicant shall include the planting of a new tree in the front yard as part of the approved landscape plan.
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.

MOTION PASSED 4-0. COMMISSION SMITH RECUSED.

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

PROJECT APPLICATION #11-007 WAS CONTINUED TO THE APRIL 7, 2011 MEETING.

MOTION PASSED 5-0**5. PUBLIC HEARINGS****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

Senior Planner Bane presented the staff report.

Commissioner Newman stated that the residence is non-conforming and the staff report should reflect the expansion of a non-conforming structure. He would like the calculations incorporated into the staff report.

Commissioner Graves confirmed that address is 119 Central and not 117 Central. He acknowledged Commissioner Newman's comments regarding the non-conforming calculations. Additionally, the staff report states the project is a single-family dwelling, however there are two meters at the property.

Commissioner Smith requested additional information regarding an enclosed deck, with doors, windows and stairs, constructed in 1979.

Commissioner Routh stated that the stairs may have been permitted to access an illegal unit on the second floor.

Senior Planner Bane stated that the required non-conforming evaluation calculations were performed and the property meets the ordinance requirements for expansion of a non-conforming structure. The building permits included doors and windows for the deck enclosure, but not a staircase. The stairs may have been permitted prior to the 1970's.

The public hearing was opened.

Derek Van Alstine, designer, spoke in support of the application. Mr. Van Alstine stated that the property is currently two legal units and the proposed design will be to return the property to a single family dwelling.

Dave Matson, representative for adjacent property owners, spoke with concerns about the potential privacy impact the proposed second story rear deck may have the adjacent properties.

Claire Burnham and Amenah Razeghi, neighbors, spoke with concerns about the height of the street facing dormer, which may block her ocean view, and the historic significance of the building. She requested that orange netting be required so she can determine the height of the building and dormer.

The public hearing was closed.

Commissioner Graves confirmed that the applicant's plans are to returned the property to one unit with one meter and eliminate the exterior staircase.

Commissioner Smith requested Mr. Van Alstine clarify the height of the dormer and the pitch of the roof.

Commissioner Routh questioned if the height of the façade of the dormer has increased.

Commissioner Newman requested the dimensions and use of the rear deck.

In response to the Commissions' questions and comments, Mr. Van Alstine stated that the pitch of the dormer will be approximately five feet lower than the existing dormer and will have less of an impact on the streetscape. The height of the facade of the dormer is the same as the existing roof pitch. The existing deck, including stairs and landings is ten feet larger than the proposed 168 square foot deck.

Commissioner Routh suggested that the second story deck be redesigned to be smaller or a balcony that would address the privacy issues of adjacent neighbors.

Commissioner Newman stated that it is difficult to protect everyone's privacy on small lots. He was not opposed to the 168 square foot deck.

Commissioner Graves stated that there was a City Council policy that addressed second story decks and privacy issues. He supported a redesign of the deck.

Commissioner Smith stated the view for the home is on the second floor and the owners of the property have a reasonable expectation when they remodel the home they would not lose the view. She concurred with Commissioner Graves' comments, and supported a redesign that would create an area that limits the intrusion on the adjacent neighbors' privacy, but not eliminating the view of the existing home.

Commissioner Routh stated that the elevation of the property is higher than the adjacent parcels and compounds the privacy issues.

Chairperson Ortiz stated that second story rear yard decks have never been approved and that she was not able to support the project as proposed. She supported a redesign, but would not support any type of opening other than windows. The property is part of the Capitola historic view shed which should be protected. She noted that there has been a precedent over the past ten years of the Planning Commission and City Council disallowing second story rear yard decks. She suggested that this policy should be formalized during the General Plan Update process.

Commissioner Newman suggested that the Commission seek a consensus on whether any type of deck will be acceptable or not acceptable.

Commissioner Newman and Smith supported a deck. Commissioner Routh and Graves supported a very small deck or balcony to allow two or three people to enjoy.

Commissioner Graves suggested a condition that requires the utilities to be returned to a single meter. He supported the removal of the shed and other conditions proposed by staff with the exception of the requirement to install curb, gutter and sidewalk in the sidewalk exempt area.

Chairperson Ortiz suggested that the Commission specify the size of the deck/balcony. She also requested an opinion from one of the architectural historians regarding if the chimney should be returned to brick or if the existing stack chimney may remain. She also suggested that there be an additional condition to retain the existing landscaping.

Commissioner Routh suggested that the deck be no greater than the width of opening and slightly larger than double doors and no deeper than three feet.

Commissioner Smith suggested increasing the height of the fence or to construct a carport over the open space to address the privacy issue in the yard areas on the ground floor.

Commissioner Graves stated that due to the slope of the property and the height of the existing fence, or additional landscaping, would suffice to address the privacy issues.

Commissioner Newman stated that public views are not protected and applications are not denied on because of the intrusion of someone's view.

Chairperson Ortiz stated the historic homes may be remodeled, and generally nothing may be done to the front of the home or a prominent side, but must comply with the Secretary of State Standards.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO CONTINUE PUBLIC HEARING FOR PROJECT APPLICATION #11-011 TO THE APRIL 7, 2011 MEETING WITH THE FOLLOWING DIRECTION FOR THE APPLICANT:

1. **REDESIGN THE PROPOSED REAR DECK AND TO LIMIT THE SIZE**
2. **REQUESTED THAT UTILITIES BE CONSOLIDATED TO ONE METER**
3. **OBTAIN AN OPINION OF THE DAMAGED HISTORIC CHIMNEY, THAT IS CURRENTLY REPLACED WITH A STACK, AND ADDRESS WHETHER THE CHIMNEY SHOULD BE RETURNED TO BRICK**
4. **ADD NOTE ON THE PLANS TO RETAIN EXISTING LANDSCAPING**

MOTION PASSED 5-0

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

Senior Planner Bane presented the staff report.

Chairperson Ortiz questioned the existing grease trap.

Commissioner Routh clarified that the signage will comply with the approved sign program for the center. He questioned if there was a condition that prohibits that the location of the outdoor seating area will not block the handicapped ramp.

Senior Planner Bane stated that the Building Official will review the plans for ADA compliance during the plan check phase of the project.

The public hearing was opened.

Harlan Faust, architect, spoke in support of the project and responded to the Commissioners' questions. Chipotle will be utilizing the existing grease interceptor. He clarified that the application includes a request to serve alcohol (beer, wine and liquor). However, no alcohol is permitted outside the building.

Commissioner Smith ascertained that the existing planter and bike rack will remain.

Commissioner Graves clarified that the outdoor seating area will not be delineated by fencing or planters. He stated that often tables and chairs tend to migrate to other areas of adjacent businesses.

The public hearing was closed.

Commissioner Smith suggested redesigning the existing wall to help delineate the seating area and upgrade the existing landscaping.

Commissioner Graves suggested a condition to require that the refuse area be contained on the north side for the building with easy access for the pick-up.

Chairperson Ortiz encouraged Chipotle participate in the City's composting program.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER ROUTH TO APPROVE PROJECT APPLICATION #11-008 WITH AN ADDITIONAL CONDITION REGARDING REFUSE, AND DIRECTION TO STAFF TO WORK WITH THE APPLICANT TO MODIFY THE EXTERIOR PLANER AS PART OF THE OUTDOOR SEATING AREA.

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.
8. The trash shall be contained within the designated dumpster area
9. The applicant shall work with the Community Development Department to redesign the existing raised landscape planter in order to better delineate the proposed seating area.

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.

MOTION PASSED 5-0

6. DIRECTOR'S REPORT

Community Development Director Johnson presented an update on the Rispin Mansion, library project, General Plan and code enforcement.

7. COMMISSION COMMUNICATIONS

Commissioner Graves requested a monthly update from the Community Development Department regarding upcoming projects and pending issues. Commissioner Smith requested the Commissioners receive public noticing for upcoming hearings at the same time as the post cards are sent out to the public. Chairperson Ortiz requested information about construction sign regulations.

8. ADJOURNMENT

The Planning Commission adjourned the meeting at 8:46 p.m. 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.

Approved by the Planning Commission on April 7, 2011

Danielle Uharriet, Minute Clerk



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: MARCH 28, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **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

APPLICANT'S PROPOSAL

The applicant is proposing improvements to the foundation of the single-family house at 4930 Cliff Drive, as well as the extension of an outdoor deck on the ocean side of the site. The foundation improvements are due to settlement of the residence, and will involve an underpinning system to prevent any further damage to the structure. Per our Local Coastal Plan, a Coastal Permit is required.

ARCHITECTURAL AND SITE REVIEW

The Architectural and Site Review Committee considered this project on February 9, 2011.

- City Landscape Architect, Susan Suddjian recommended that any disturbed areas be planted with vegetation to prevent erosion.
- Public Works Director, Steve Jesberg stated that if they were planning on accessing the site from the beach that they obtain an encroachment permit.
- Senior Planner Bane requested that the applicant provide documentation that demonstrates that the proposed project meets the requirements of the Geologic Hazard District, specifically Section 17.48.100 *Bluff and cliff area regulations*.

DISCUSSION

Per the Coastal Zone Combining District section (17.46) of the Zoning Code, a coastal development permit is required for projects that involve "improvements to a single-family structure if the structure or improvement is located on a beach, in a wetland, seaward of the mean high tide line, in an environmentally sensitive habitat area, in an area designated as highly scenic in a certified land use plan; or, in an area within fifty feet of the edge of a coastal bluff." Due to the project being both in an environmentally sensitive habitat area, as well as within fifty feet of a coastal bluff, a coastal development permit is necessary.

The subject property is located on an east-facing coastal bluff that slopes downward from Cliff Drive to the beach west of the Capitola Wharf. The purpose of the proposed project is to stabilize the existing single-family residence against on-going settlement of the foundation system, as well as extend an outdoor deck. Reports indicate that there appears to be some distress to the perimeter foundation and interior slabs, as evidenced by sloping floors, some distress to interior walls and doorways, and cracking of the garage slab and south perimeter footing.

Both a geotechnical and geologic investigation have been completed to gather information and analyze a solution to the ground settling. Based on the studies, it has been determined that the settlement of the residence is caused by foundation loads that traverse soils of variable strength and bearing capacity. A foundation system with underpinning extending the foundation loads into deeper, more competent soil is recommended, and is what is being proposed as part of this application.

The project consists of a deep foundation system that penetrates all fill and unsuitable soils in order to support the existing foundation. Construction will involve grading and removal of a very small wedge of unstable fill from underneath the existing deck, followed by the drilling of helix piers and tie backs. The new system will then be connected by a grade beam and embedded in a new foundation to encapsulate the overall system, allowing it to act together as a unit to stabilize the existing slope.

In addition to the new foundation system, the geologic report provides recommendations concerning controlling drainage and maintaining landscaping on the site. These recommendations have been included as conditions of approval for the Coastal Permit.

Outdoor Deck Extension

In addition to the new foundation system, the applicant is requesting approval of a new lower deck extension beyond the existing 204 square foot deck on the ocean side of the house. The new 153 square foot deck would be located six feet down slope from the existing deck, connected by a new stairway. The deck structure would be supported by a cantilevered concrete beam, and match the existing deck with a glass guard railing design.

As was discussed as part of the approval process for the neighboring house at 4940 Cliff Drive in 2003, a clear development pattern exists for the homes along Cliff Drive. That development line is visible from aerial views that show the existing homes and rear decks. Taking this into consideration, the proposed deck falls within that development pattern.

Geologic Hazard District

1. The subject parcel is located in Geologic Hazard District; therefore a geologic report has been prepared by Zinn Geology (Attachment 3). Per Section 17.48.100(A):

- A. *Bluff and cliff top development shall be permitted only if the design and setback provisions are designed to assure stability and structural integrity for the expected life of the development (at least fifty years) and if the development (including storm runoff, foot traffic, grading and irrigation) will neither create nor contribute significantly to erosion problems or geological instability of the site or surrounding areas.*

While the site has been developed with a single-family house for a number of years, the extension of the deck would be considered new development. Per the attached geologic report (Attachment 3) and supplemental letter provided by Ifland Engineers (Attachment 4), the

underpinning and tieback installation has been designed with a 50 year lifespan in mind. With the addition of the conditions to protect the slope from erosion via a properly designed and implemented drainage and landscape plan, this requirement will be met.

RECOMMENDATION

Staff recommends that the Planning Commission **approve** application #11-007 based on the following Conditions and Findings for Approval.

CONDITIONS

1. The project approval consists of a coastal permit to install a stabilizing foundation system and new 153 square foot deck for an existing single-family located at 4930 Cliff Drive.
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. 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.
5. If In the event that significant prehistoric traces (human remains, artifacts, concentrations of shell/bone/rock/ash) are encountered during demolition and/or construction, all activity within a fifty-meter radius of the find shall be stopped, the Community Development Department notified, and archaeological recovery and mitigation carried out. If human remains are accidentally discovered during construction, work shall be halted on the site of the find until the archaeologist can evaluate it in consultation with the coroner's office and/or a representative of the appropriate Native American's Cultural Council, and a decision can be made on the disposition of the remains.
6. Drainage from improved surfaces such as walkways, patios, roofs, and driveways shall be collected and dispersed on site in such a way as to avoid ponding on the ground adjacent to a building site or spilling onto the steep slope below without some form of erosion protection. Gutters shall be utilized on rooftops, channeling drainage to existing gutters or storm drains on Cliff Drive, or dispersed on the property in such a way as to avoid ponding or concentrated discharge on the steep slope below. A drainage plan demonstrating these requirements shall be submitted and approved as part of the building review process. Drainage systems shall be installed prior to final building sign-off.
7. Portions of the slope that are disturbed as part of the project shall be landscaped with erosion resistant drought tolerant vegetation. A landscape plan shall be submitted and approved as part of the building review process. Landscaping shall be installed prior to final building sign-off.
8. Prior to issuance of building permits, the applicant shall submit documentation confirming that a qualified geotechnical consultant has been retained to ensure that the recommendations contained in the geotechnical report have been properly implemented. Prior to final inspection of the building permit, the applicant shall provide certification that

development has occurred in accordance with the geotechnical report prepared for the project.

9. Prior to issuance of a building permit, the applicant shall provide evidence that a qualified geologist has certified that the grading, drainage and erosion control plans have been prepared in accordance with the recommendation contained in the geological report prepared for the project.
10. All work shall take place during daylight hours and lighting of the beach area is prohibited unless necessary due to extenuating circumstances with approval of the Community Development Director.
11. All erosion and sediment controls shall be in place prior to the commencement of construction as well as at the end of each workday. At a minimum, silt fences or equivalent apparatus, shall be installed at the perimeter of the construction site to prevent construction-related runoff and/or sediment from entering into the Pacific Ocean.
12. 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, 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 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

Section 15303 of the CEQA Guidelines exempts minor additions to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans

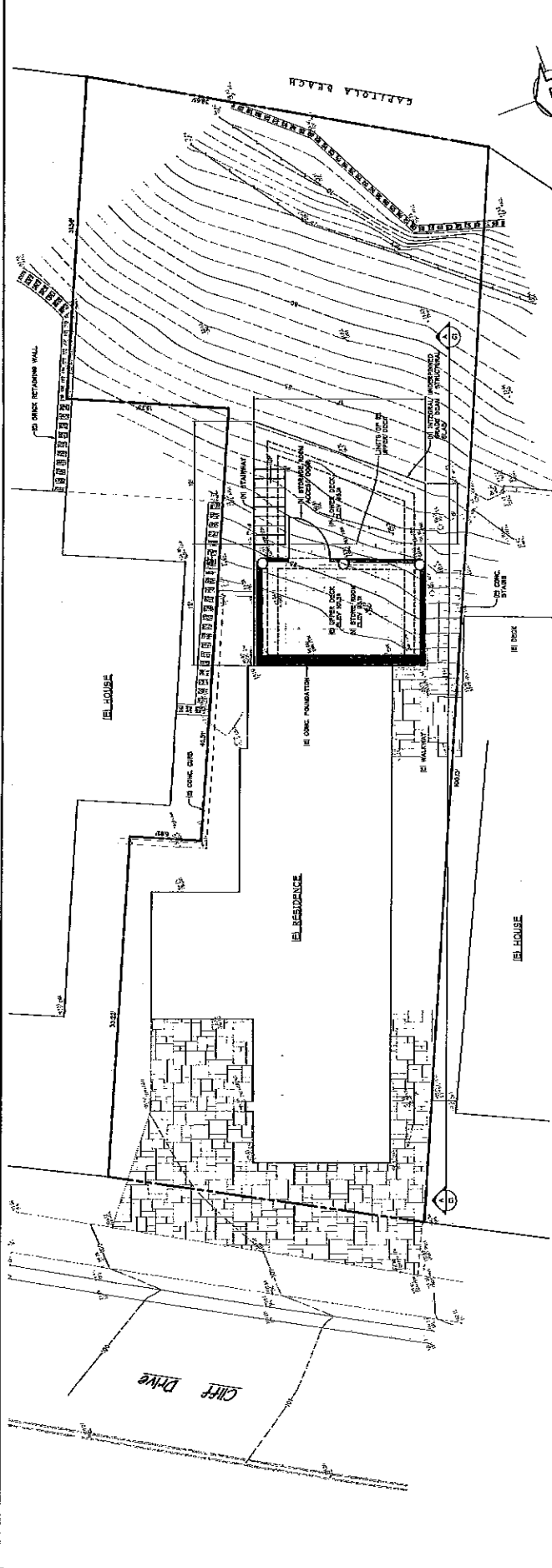
Attachment B – Geotechnical Investigation by Pacific Crest Engineering Inc, dated July, 2009
(Available at the Community Development Dept.)

Attachment C – Geologic Investigation by Zinn Geology, dated March 9, 2009 (revised January 2011) (Available at the Community Development Dept.)

Attachment D – Letter from Ifland Engineer, dated February 25, 2011

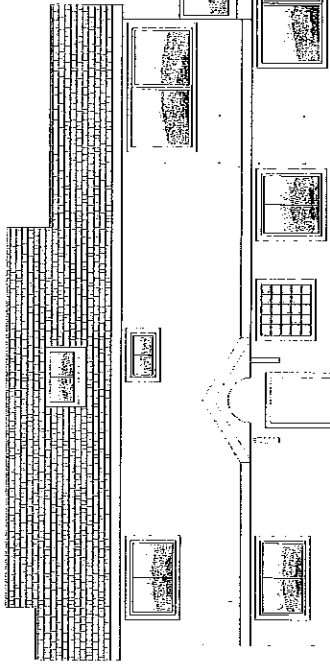
Attachment E– Coastal Findings

APPROVED	DATE



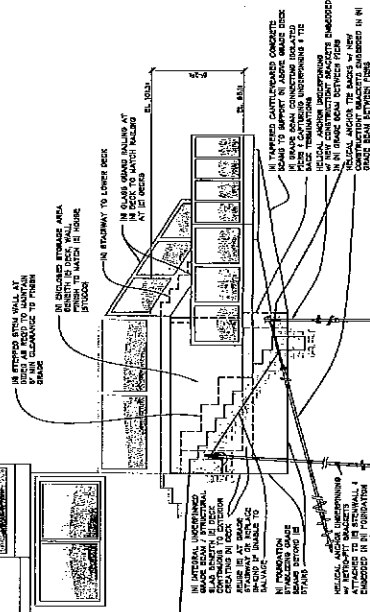
Site Plan

SCALE 1" = 5'



Side Elevation - Schematic Design

SCALE 1/2" = 1 FOOT





Civil Engineering

Structural Design

Development Planning

February 25, 2011

Ryan Bane
 City of Capitola
 420 Capitola Avenue
 Capitola, CA 95010

**RE: Application for Foundation Stabilization and Extension of Deck
 4930 Cliff Drive, Capitola
 Owner: Leslie Paulides**

Dear Ryan:

The purpose of this letter is to provide supplemental information to our application on behalf of the owner, Leslie Paulides. Specifically, it is to address the requirements for projects within a Geologic Hazard District, *Section 17.48.100 Bluff and Cliff Area Regulations*, which states that in the GH district:

A. Bluff and cliff top development shall be permitted only if the design and setback provisions are designed to assure stability and structural integrity for the expected life of the development (at least fifty years) and if the development (including storm runoff, foot traffic, grading and irrigation) will neither create nor contribute significantly to erosion problems or geological instability of the site or surrounding areas.

To the end we offer the following:

The proposed underpinning of the house is remedial in nature and is designed to mitigate settlement of the existing residence and improve stability of the slope below the homesite (per the geotechnical recommendations from Pacific Crest Engineering). The slope stability analysis performed by PCE recommends tieback loads required to decrease the risk of slope instability to an acceptable level for both static and seismic loading.

The design life of the project is 50 years, and the underpinning and tieback installation will be designed with the 50 year lifespan in mind. The proposed grading is the removal of a very small wedge of unstable fill from underneath the existing deck. That area (which is already covered by an impermeable deck) will have a concrete floor constructed over it that encapsulates the underpinning and tiebacks allowing them to act together as a unit to stabilize the existing slope within the limits of construction.


Slope stability of the area below and seaward of the proposed improvements will be enhanced due to the removal of driving forces from the unstable material above and the surcharge loads from the existing and proposed improvements which will be transmitted directly to the very firm bearing strata (i.e., bedrock). However, erosion, recession or accretion of the beach and slope outside the limits of construction will not be altered from historical patterns by this work.

Letter to Ryan Bane
Paulides Application
February 22, 2011

We trust this is sufficient for the intended purpose. Should you require any additional information please contact us immediately.

Sincerely,

IFLAND ENGINEERS, INC.

A handwritten signature in black ink, appearing to read 'J. Ifland', written over a horizontal line.

Jon Ifland, President

PROJECT APPLICATION #11-007
4930 CLIFF DRIVE, CAPITOLA
FOUNDATION STABILIZATION SYSTEM AND DECK EXTENSION

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 coastal bluff adjacent to Capitola Beach and Wharf. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing single-family house foundation, with 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 on a coastal bluff adjacent to Capitola Beach and Wharf. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing single-family house foundation, with no affect on public trail or beach access. Although, the impact is less than significant, and mitigation measures are not warranted, Conditions of Approval have been included to address recommendations in the geologic and geotechnical reports.

(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 a private residence. 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 coastal bluff adjacent to Capitola Beach and Wharf. The project will not directly affect public access and coastal recreation areas as it involves the stabilization of an existing single-family house foundation, with no affect on public trail or beach access.
 - 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 coastal bluff adjacent to Capitola Beach and Wharf. The blufftop 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 blufftop 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.
- **SEC. 30250**

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

- The project involves a blufftop 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 blufftop 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 was reviewed by the Architectural and Site Review Committee and complies with the design guidelines and standards established by the Municipal Code, as well as the recommendations provided by the Committee.

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

- The proposed project is located on a coastal bluff adjacent to Capitola Beach and Wharf.

The project involves the stabilization of an existing single-family house foundation, with no affect on scenic views or scenic resources.

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

- The project involves a blufftop 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 blufftop 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 blufftop 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 unit on the property will not be changed as part of the project.

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

- The project is minor enough that it will not impact natural resources, habitat or archaeological resources.

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

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

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

- The project will comply with all applicable erosion control measures.

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

- 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 complies with shoreline structure policies.

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

- The project involves a blufftop 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.



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: MARCH 29, 2011 (AGENDA: APRIL 7, 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.

STRUCTURAL DATA			
SETBACKS		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)
HEIGHT		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	1,084 sq. ft.	-	70 sq. ft.	n/a	1,154 sq. ft.
Proposed TOTAL	2,671 sq. ft.	216 sq. ft.*	70 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.

BACKGROUND

On March 3, 2011, the Planning Commission reviewed the project and continued the application with the following directions for redesign:

1. Redesign and reduce the size of the proposed rear second floor deck;
2. Consolidate the utilities to one meter;
3. Obtain an opinion of the damaged historic chimney that is currently replaced with a metal stack, and address whether the top portion of the chimney should be returned to brick; and
4. Add a note that the existing landscaping is to be retained.

The applicant has revised the plans and submitted them for approval by the Planning Commission.

DISCUSSION

The applicant has addressed the Planning Commission's direction in the following ways:

1. Redesign and reduce the size of the proposed rear second floor deck.

The applicant has addressed the concern of the rear second floor deck area by converting a majority of the deck into an enclosed solarium. The 120 square foot solarium becomes an extension of the second floor living area, with a small 7'x10' outdoor deck accessed off of the solarium. It should be noted that the proposed deck is similar in size to the existing rear deck.

2. Consolidate the utilities to one meter.

A condition of approval has been added requiring that the utilities be on one meter.

3. Obtain an opinion of the damaged historic chimney that is currently replaced with a metal stack, and address whether the top portion of the chimney should be returned to brick.

Staff conferred with city historic consultant Susan Lehmann regarding the chimney. While she liked the idea of restoring the top portion of the chimney to brick, she did not believe that the *Secretary of the Interior's Standards and Guidelines for Rehabilitation of Historic Buildings* would require the restoration.

4. Add a note that the existing landscaping is to be retained.

This note was not added to the revised plans, but has been added as a condition of approval.

RECOMMENDATION

The Planning Commission should consider the applicant's revisions and determine if they have adequately addressed the Commission's concerns. If the Commission is satisfied with the changes, staff recommends that the Planning Commission **approval** 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.

9. The second utility meter shall be removed, leaving the single-family house with one utility meter. This shall be completed prior to final occupancy.
10. The existing front yard landscaping shall be retained. If the landscaping is removed, the applicant shall submit a landscape plan to the Community Development Department for approval. The landscape plan will include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. The new front yard landscaping will required to be installed prior to final building occupancy.

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.

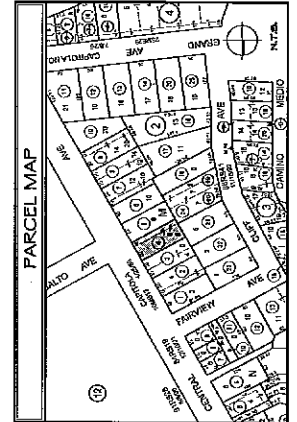
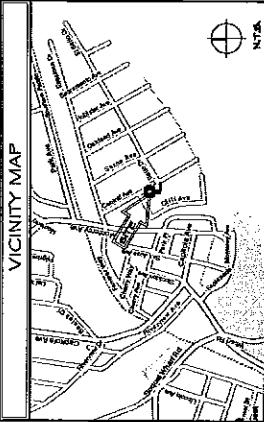
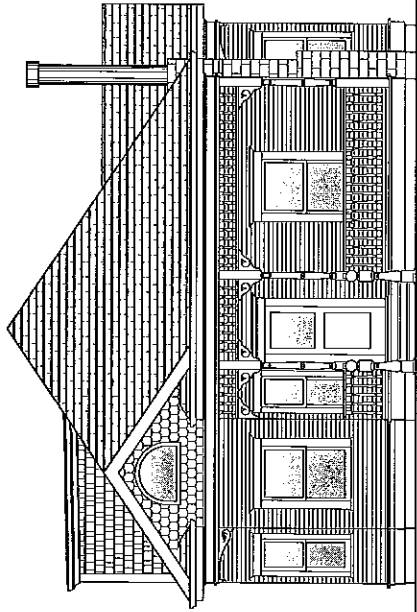
- C. **This project is categorically exempt under Section 15301 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

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 – Original Project Plans
- Attachment B – Revised Project Plans
- Attachment C – March 3, 2011 Planning Commission Staff Report
- Attachment D – March 3, 2011 DRAFT Minutes

HARMS RESIDENCE



BUILDING INFORMATION SUMMARY

PROJECT DESCRIPTION: REMOVE AND 215 S.F. ADDITION TO AN EXISTING 2,641 S.F., 2-STORY SINGLE FAMILY DWELLING. EXISTING 150 S.F. SECOND FLOOR DECK TO BE REPLACED WITH NEW 185 S.F. SECOND FLOOR DECK. EXISTING 356 S.F. 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'-0" / 20'-0" SIDE YARD 4'-0" / 5'-0" REAR YARD 18'-4"

LOT AREA: 3,674 SQ. FT.

PROPOSED FLOOR AREA:

EXISTING:	1,778 SQ. FT.	PROPOSED:	1,807 SQ. FT.	NET CHANGE:	-192 SQ. FT.
FIRST FLOOR AREA:	1,150 SQ. FT.	SECOND FLOOR AREA:	656 SQ. FT.		-212 SQ. FT.
DECKS / COVERED AREA:	253 SQ. FT.		244 SQ. FT.		+21 SQ. FT.
(150 sq. ft. credit not included)					
TOTAL FLOOR AREA:	3,283 SQ. FT.		2,617 SQ. FT.		(- 383) SQ. FT. REDUCTION

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

F.A.R. PERMITTED: 55% (.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, CALIFORNIA) AND 2005 HELD AS AMENDED BY THE STATE OF CALIFORNIA.

CONTACTS

OWNER: HARMS RESIDENCE
119 CENTRAL AVE
CAPITOLA, CA 95010
PH: 831 757-9775

PROJECT DESIGNER: DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
119 CENTRAL AVE SUITE A
CAPITOLA, CA 95010
PH: 831 452-8440
FAX: 831 452-8446
dva@dvanalstine.com

DRAWING INDEX

BUILDING DESIGN:

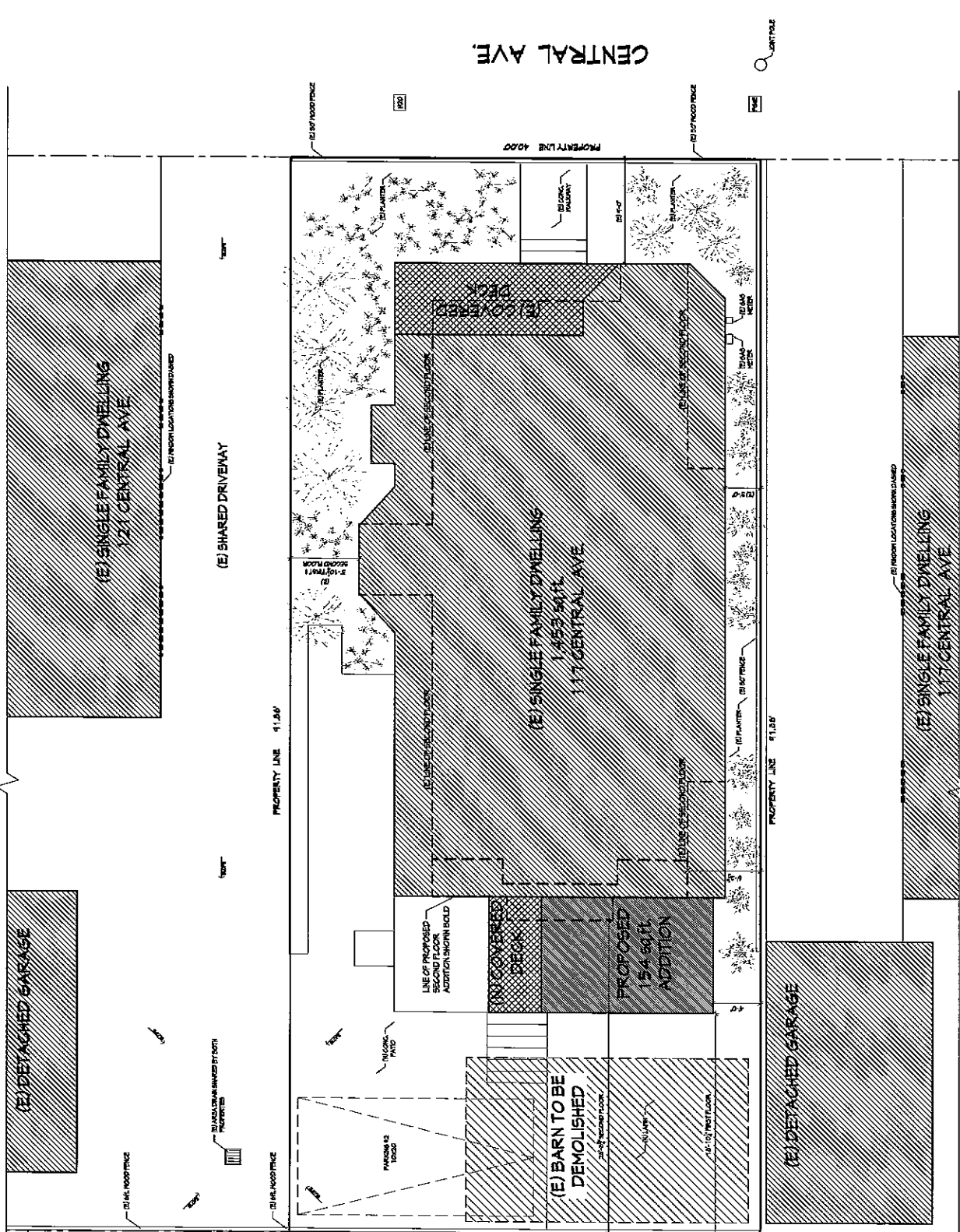
- T1 TITLE SHEET
- T2 SITE PLAN
- A1 FLOOR PLANS - EXISTING
- A2 FLOOR PLANS - PROPOSED
- A3 EXTERIOR ELEVATIONS - EXISTING
- A4 EXTERIOR ELEVATIONS - PROPOSED

DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
114 SOUTH AVENUE SUITE A, SANTA CRUZ, CALIFORNIA
(831) 452-8440 PHONE (831) 452-8446 FAX

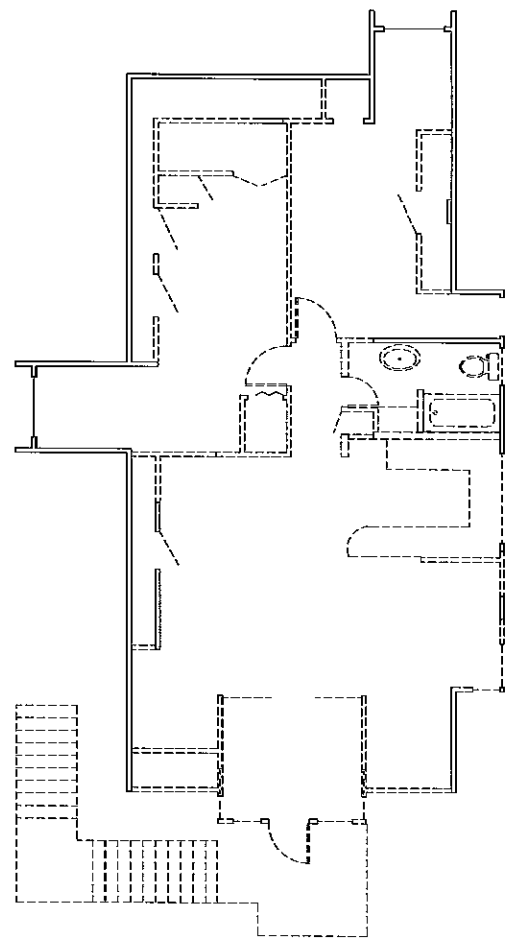
DVRD
Derek Van Alstine
Architectural
114 South Avenue
Suite A
Santa Cruz, CA 95060
Tel: 831.452.8440
Fax: 831.452.8446
dva@dvanalstine.com

HARMS RESIDENCE
119 CENTRAL AVE
CAPITOLA, CA 95010

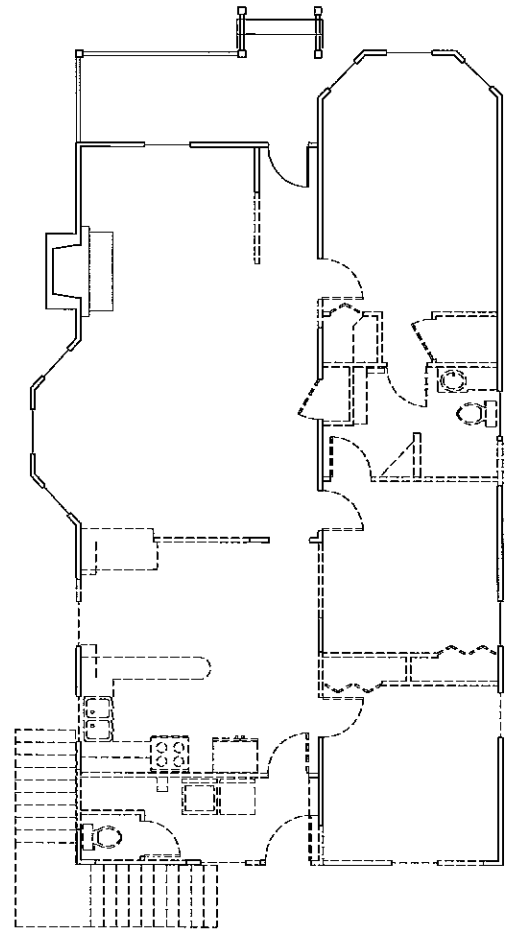
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BY
DATE DESCRIPTION
BY



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6.00 ELECTRICAL
7.00 PLUMBING
8.00 PAINT
9.00 FLOORING
10.00 CEILING
11.00 WALLS
12.00 ROOFING
13.00 EXTERIOR
14.00 LANDSCAPE
15.00 FURNITURE
16.00 FIXTURES
17.00 EQUIPMENT
18.00 ACCESSORIES
19.00 OTHER
20.00 UNASSIGNED



2 SECOND FLOOR EXISTING / DEMOLITION PLAN



1 EXISTING / DEMOLITION PLANS

WALL LEGEND

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

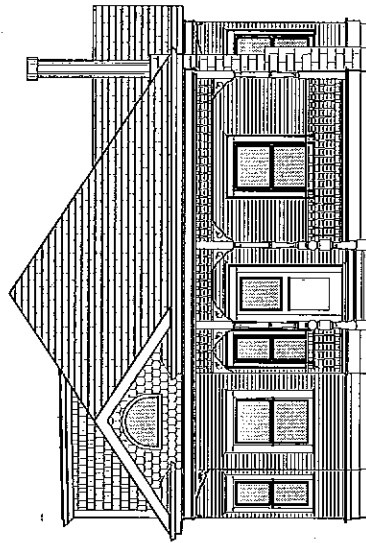
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
11000K AVENUE SUITE 200
DUBLIN, CALIFORNIA 94568

DVARD
ARCHITECTS

HARMS RESIDENCE
119 CENTRAL AVE
CAPITOLA, CA 95010

026-11204
RESIDENTIAL

HARMS RESIDENCE



DRAWING INDEX

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

CONTACTS

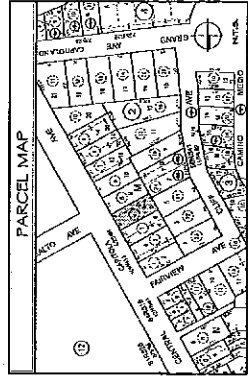
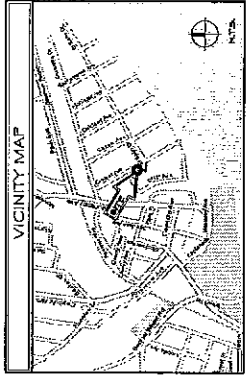
OWNERS:
LISA CONTE - HAWAII
LISA CONTE - CIVIC CENTER
(408) 797-7979

PROJECT DESIGNER:
DEREK VAN ALSTINE - RESIDENTIAL DESIGN, INC.
2715 SULLY AVENUE SUITE A
DUBLIN, CA 94568
TEL: (925) 835-3300
FAX: (925) 835-3306
www.dvrd.com

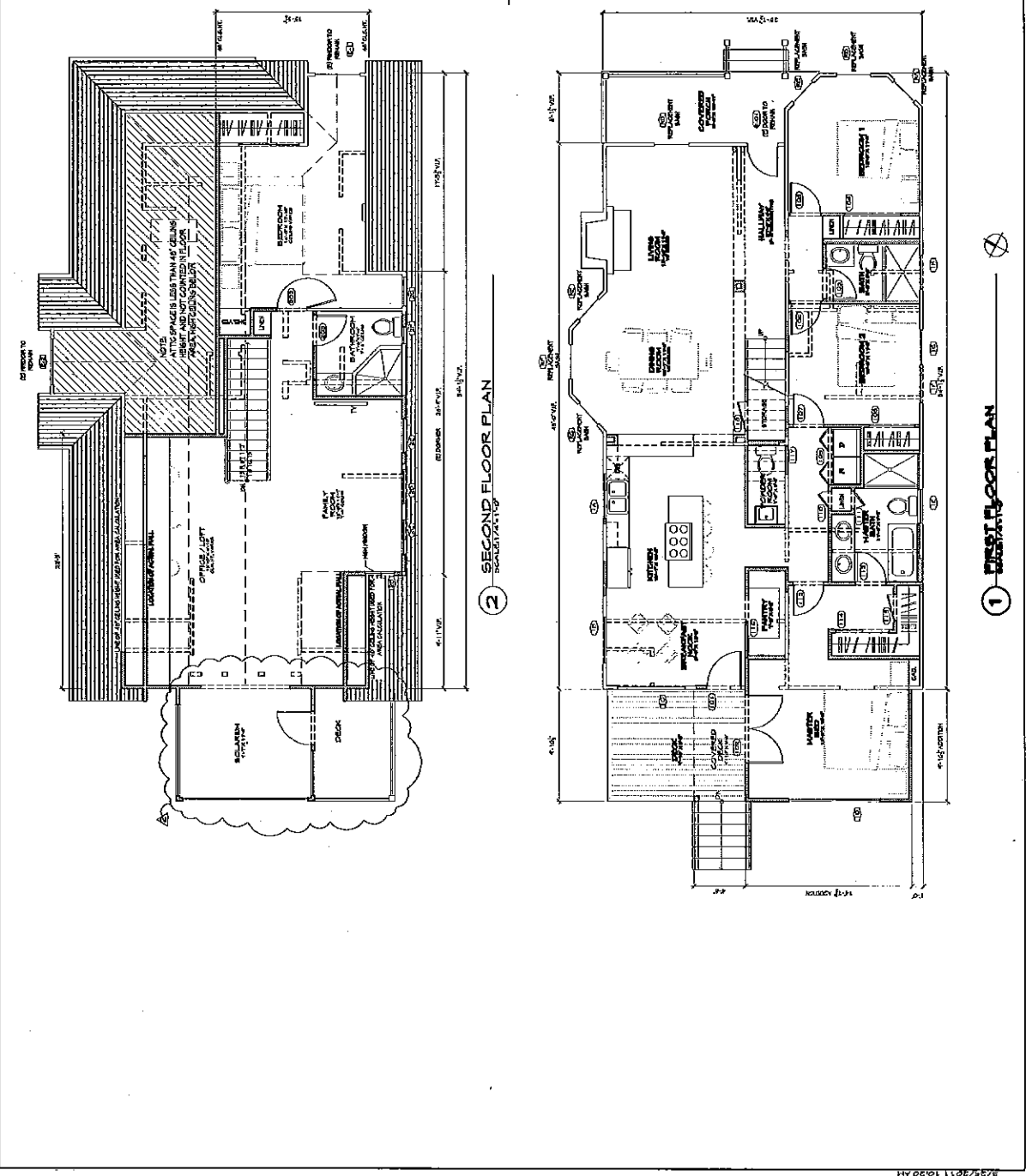
BUILDING INFORMATION SUMMARY

REARDOCK AND 215 S.W. ADDITION TO AN EXISTING 2,641 S.Q.F. RESIDENCE UNDER CONSTRUCTION. THE PROPOSED REARDOCK ADDITION WILL BE 1,500 S.Q.F. WITH 1,100 S.Q.F. SECOND FLOOR. THE PROPOSED ADDITION WILL BE 1,500 S.Q.F. WITH 1,100 S.Q.F. SECOND FLOOR.

PROJECT DESCRIPTION:	026-11204	PROPOSED FLOOR AREA:	3,674 S.Q.F.T.	EXISTING:	2,641 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
PROJECT ADDRESS:	119 CENTRAL AVENUE CAPITOLA, CA 95010	FIRST FLOOR AREA:	1,774 S.Q.F.T.	EXISTING:	1,774 S.Q.F.T.	NET CHANGE:	+0 S.Q.F.T.
PARCEL NUMBER:	06-11204	SECOND FLOOR AREA:	1,900 S.Q.F.T.	EXISTING:	867 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
OCCUPANCY TYPE:	UB	DECKS / COVERED AREA:	223 S.Q.F.T.	EXISTING:	223 S.Q.F.T.	NET CHANGE:	+0 S.Q.F.T.
SETBACK INFORMATION:	FRONT YARD 19'07" / 18'0"	TOTAL FLOOR AREA:	3,674 S.Q.F.T.	EXISTING:	2,641 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
LOT AREA:	3,674 S.Q.F.T.	FLOOR AREA RATIO:	0.97%	EXISTING:	0.73%	NET CHANGE:	+0.24%
PROPOSED FLOOR AREA:		F.A.S. PERMITTED:	35% (1,551.5 S.Q.F.T. = 2,021 S.Q.F.T.)	EXISTING:	274 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
FIRST FLOOR AREA:		P.A.S. PERMITTED:	UNCOVERED	EXISTING:	274 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
SECOND FLOOR AREA:		PARKING (PROVIDED):	1 UNCOVERED	EXISTING:	274 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
DECKS / COVERED AREA:		CODE NOTE:	2009 CALIFORNIA BUILDING CODE, SECTION 705.2.1.1 (1) UNCOVERED	EXISTING:	274 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.
TOTAL FLOOR AREA:				EXISTING:	274 S.Q.F.T.	NET CHANGE:	+1,033 S.Q.F.T.



WINDOW REPLACEMENT NOTE:
CURTAIN HAS A CHILD WITH SPECIAL NEEDS, SO ALL WINDOWS WILL NEED TO BE SAFETY GLAZED. FOR EXISTING WINDOWS TO REMAIN, ALL WINDOWS WILL BE REPLACED WITH PANELED SAFETY GLAZED SASH. ALL WINDOW TRIM AND CASING TO REMAIN. TRIM AND SASH TO BE PAINTED TO MATCH EXISTING WINDOW AND PAINTED TO MATCH EXISTING WINDOW WITH (N) WOOD DUAL PANELED WINDOW SASH. SASH PROFILE AND MULLION SHALL MATCH EXISTING WINDOW SASH. PROVIDE SAMPLES OF REPLACEMENT WINDOW SASH AND OBTAIN APPROVAL FROM SUSAN GARDNER, ARCHITECT, 1001 N. MICHIGAN ST., LOS ANGELES, CA 90012. APPROVAL NOTED ON PLAN AND ELEVATIONS.

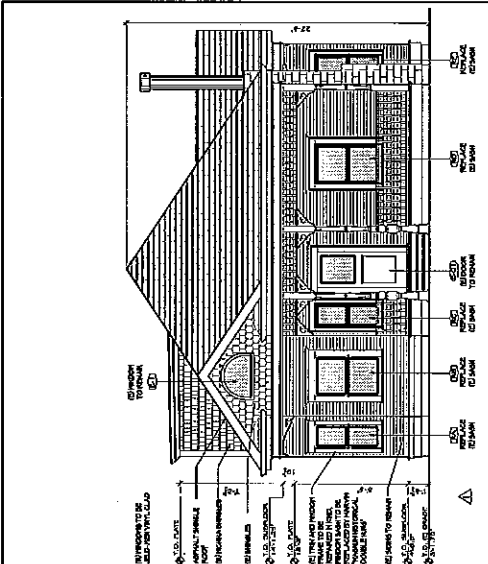


WALL LEGEND

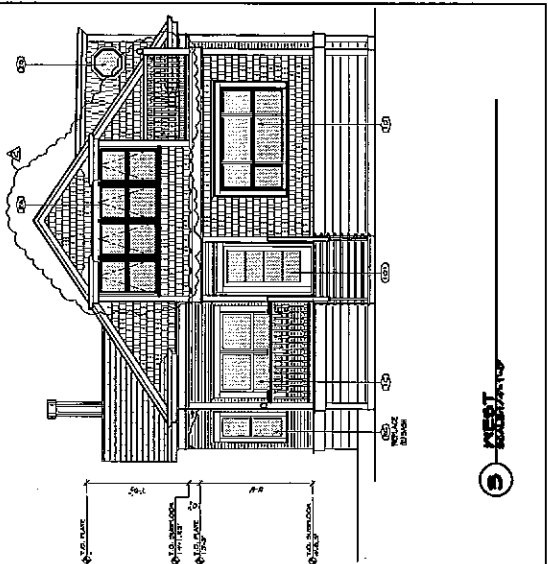
---	NEW WALL
----	EXISTING WALL
----	WALLS TO BE DEMOLISHED
----	WALLS TO BE REFINISHED

2 SECOND FLOOR PLAN

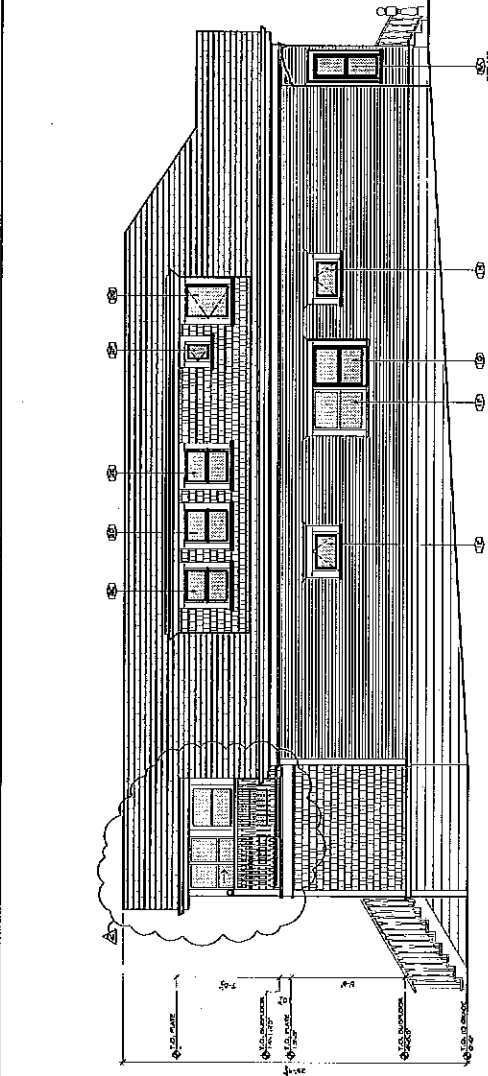
1 FIRST FLOOR PLAN



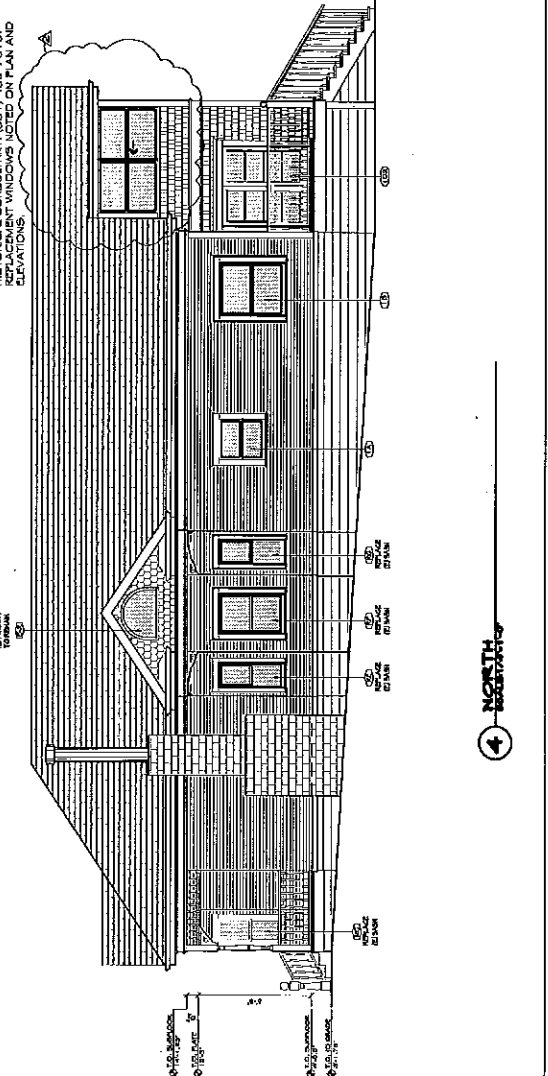
1 EAST ELEVATION



5 WEST ELEVATION



2 SOUTH ELEVATION



4 NORTH ELEVATION

WINDOW REPLACEMENT NOTE:
CLIENT HAS A CHILD WITH SPECIAL NEEDS, SO ALL WINDOWS WILL NEED TO BE SAFETY GLAZED FOR EXISTING WINDOWS TO REMAIN. EXISTING SASH SHALL BE STRIPPED, REPAIRED IN KIND AND PAINTED. (2) WINDOW TRIM AND CASING TO REMAIN, TRIM AND CASING SHALL BE STRIPPED, REPAIRED IN KIND AND PAINTED. (2) WINDOW SASH, SASH PROFILE AND MULLION SHALL MATCH ORIGINAL WINDOW SASH. CONTRACTOR TO OBTAIN APPROVAL FROM SUSAN LEMAY, CAPITOLA HISTORICAL CONSULTANT, (831) 459-7618. REPLACEMENT WINDOWS NOTED ON PLAN AND ELEVATIONS.

8/24/2011 10:11 AM



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

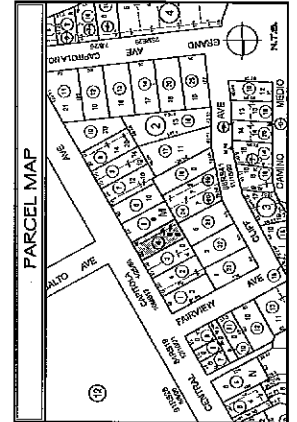
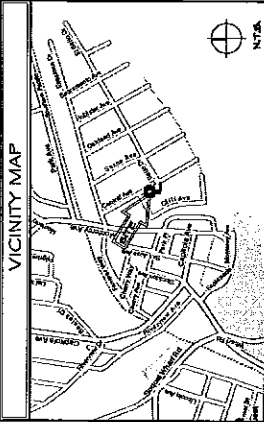
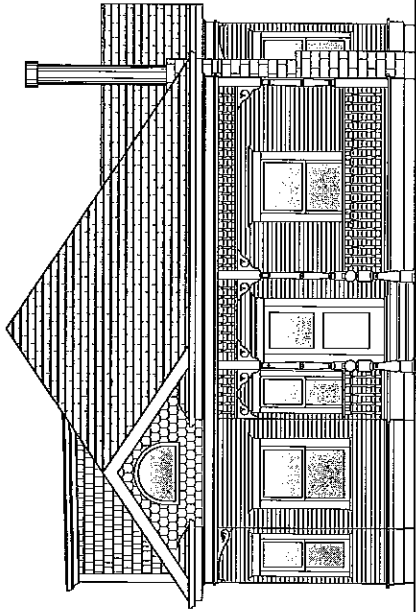
Attachment C - Letter from historian Kent Seavey re: detached structure, dated February 19, 2011

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



BUILDING INFORMATION SUMMARY

REMOVE 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.

137001, CA 95015

PROJECT DESCRIPTION:	082-118-04	FRONT YARD:	15'-0" / 20'-0"	SIDE YARD:	4'-0" / 5'-0"	REAR YARD:	18'-4"
PROJECT ADDRESS:	V8	LOT AREA:	3,674 sq.ft.	EXISTING:	1,778 sq.ft.	PROPOSED:	1,857 sq.ft.
PARCEL NUMBER:		PROPOSED FLOOR AREA:		EXISTING:	1,150 sq.ft.	PROPOSED:	956 sq.ft.
OCCUPANCY TYPE:		FIRST FLOOR AREA:		EXISTING:	253 sq.ft.	PROPOSED:	244 sq.ft.
SETBACK INFORMATION:		DECKS / COVERED AREA:		EXISTING:	3,200 sq.ft.	PROPOSED:	2,917 sq.ft.
LOT AREA:		TOTAL FLOOR AREA:		EXISTING:	5,200 sq.ft.	PROPOSED:	4,813 sq.ft.
PROPOSED FLOOR AREA:				EXISTING:	57% sq.ft.	PROPOSED:	77% sq.ft.
FIRST FLOOR AREA:				F.A.R. PERMITTED:	58% (1.35 x 3.674 = 2.021 sq.ft.)	NET CHANGE:	(- 10%) SQ. FT. REDUCTION
SECOND FLOOR AREA:				PARKING (PROVIDED):	UNCOVERED		
DECKS / COVERED AREA:				CODE NOTE:	THESE PLANS CONFORM TO THE 2007 CBC, 2007 CMC, 2007 CFC, 2007 CEC AND 2006 ENERGY CODE (S.E.C. 2006 IBC, 2006 IFC, 2006 IRC, 2006 IEBC AND 2005 IBC AS AMENDED BY THE STATE OF CALIFORNIA)		
TOTAL FLOOR AREA:							

CONTACTS

OWNER:
 JAMES HARMS
 1436 FORNIT GARDEN COURT
 SUNNYVALE, CA 94087
 (650) 757-9775

PROJECT DESIGNER:
 DEREK VAN ALSTINE RESIDENTIAL DESIGN, INC.
 716 S. COLE AVENUE SUITE A
 SAN JOSE, CA 95128
 PH: (408) 452-8400
 FAX: (408) 452-8446
 derek@dvadesign.com

DRAWING INDEX

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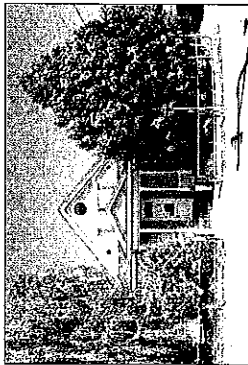
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T2	SCREENSHOTS
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A2	FLOOR PLANS - PROPOSED
A3	SECTION ELEVATIONS - EXISTING
A4	SECTION ELEVATIONS - PROPOSED

DEREK VAN ALSTINE
 RESIDENTIAL DESIGN INC.
 14300 ELL AVENUE SUITE A, SAN JOSE, CALIFORNIA
 (408) 452-8400 PHONE (408) 452-8446 FAX

DVRD
 DESIGN
 ARCHITECTURE
 14300 ELL AVENUE SUITE A, SAN JOSE, CALIFORNIA
 (408) 452-8400 PHONE (408) 452-8446 FAX

HARMS RESIDENCE
 119 CENTRAL AVE
 CAPITOLA, CA 95010

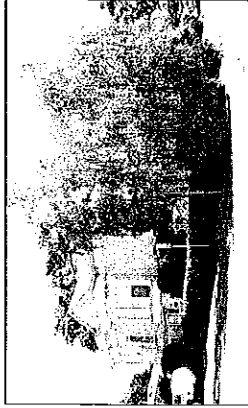
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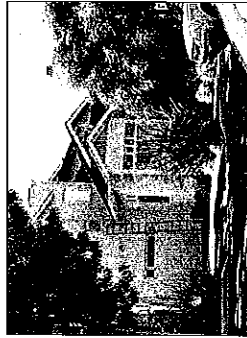
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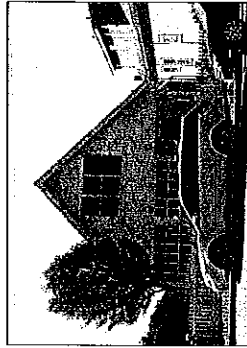
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117 CENTRAL AVE.



116 CENTRAL AVE.



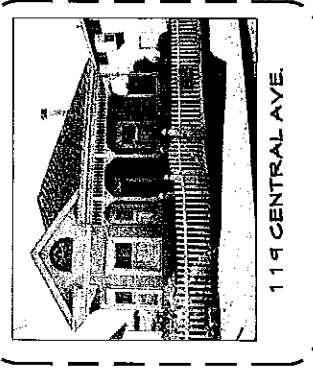
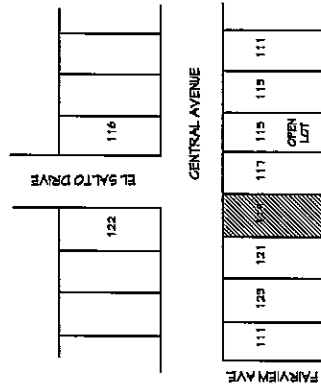
115 CENTRAL AVE.



111 CENTRAL AVE.



111 FAIRVIEW AVE.



119 CENTRAL AVE.

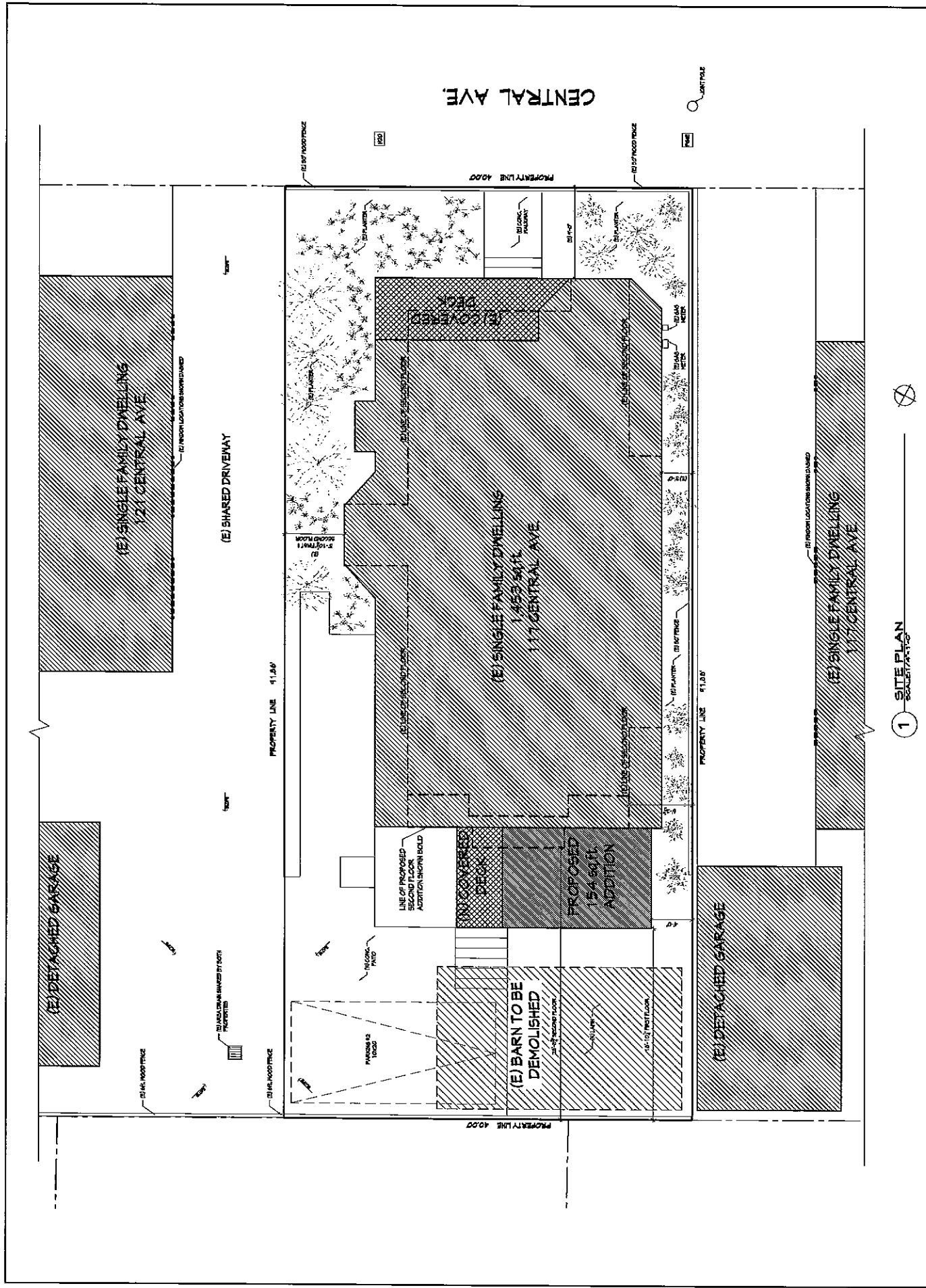


123 CENTRAL AVE.



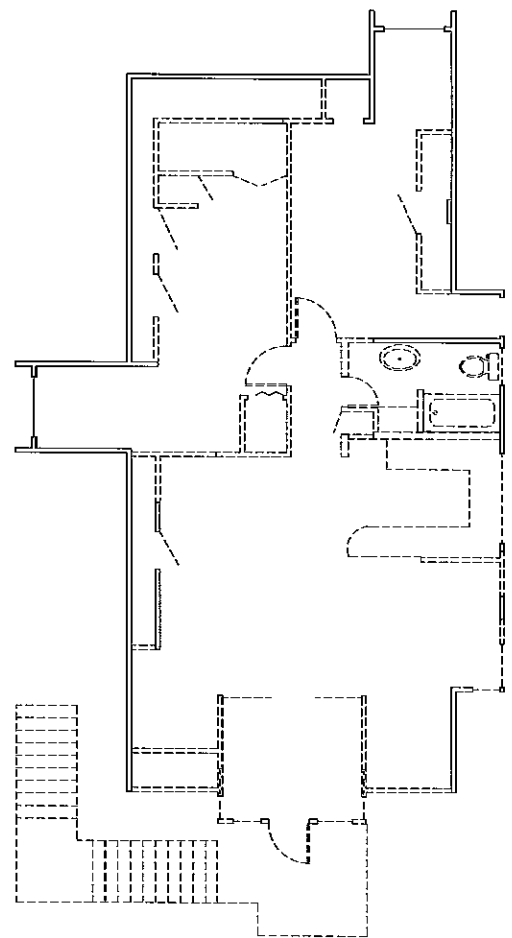
1 EXISTING SITE PHOTOS

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PLANNING SUBMITTAL:
PERMITS SUBMITTAL:
CONTRACT:

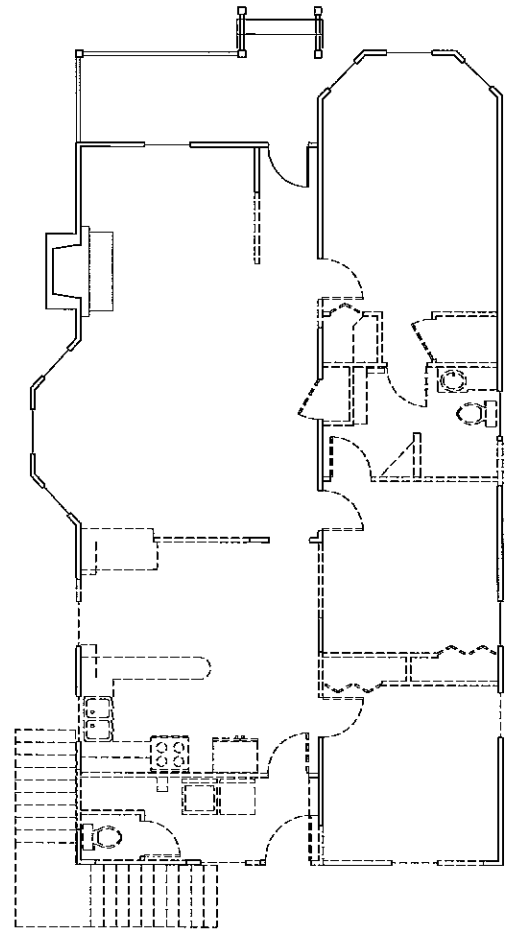


1 SITE PLAN

DATE: 11.25.04
NO. DESCRIPTION
1.00 EXISTING
2.00 NEW
3.00 DEMOLITION
4.00 FINISH
5.00 PLUMBING
6.00 ELECTRICAL
7.00 MECHANICAL
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2 SECOND FLOOR EXISTING / DEMOLITION PLAN
SCALE: 1/8" = 1'-0"

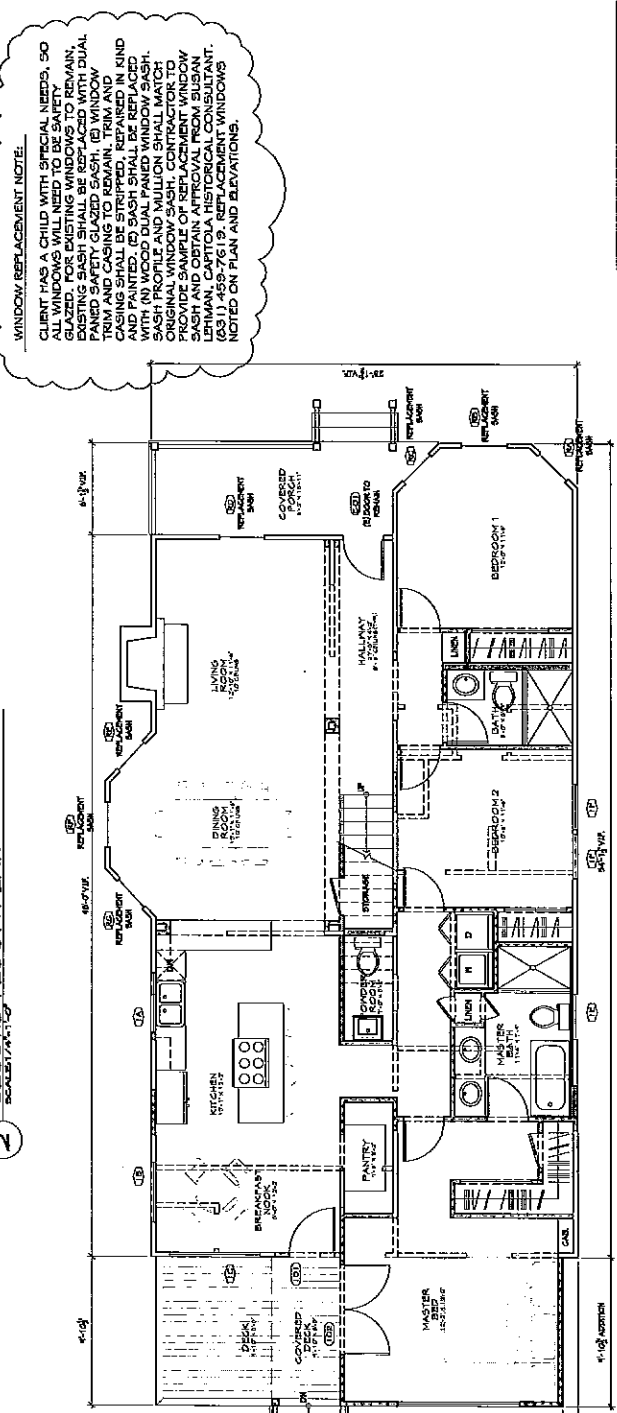
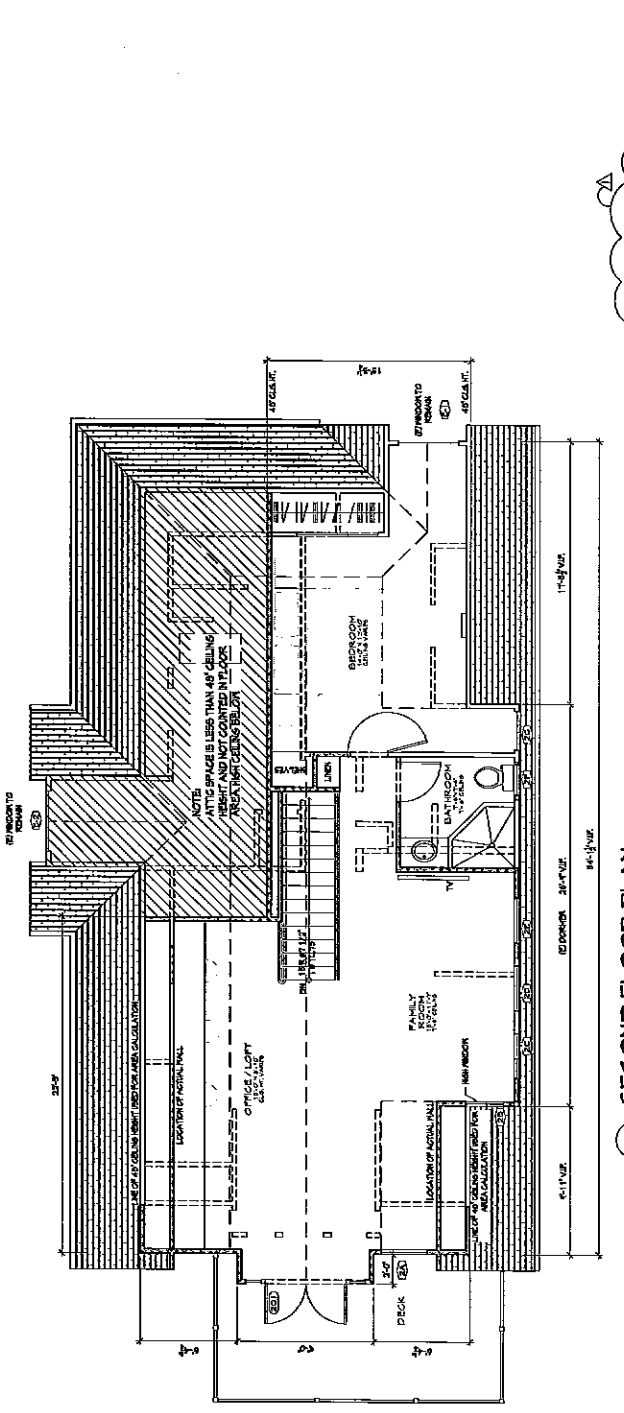


1 EXISTING / DEMOLITION PLANS
SCALE: 1/8" = 1'-0"

WALL LEGEND

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

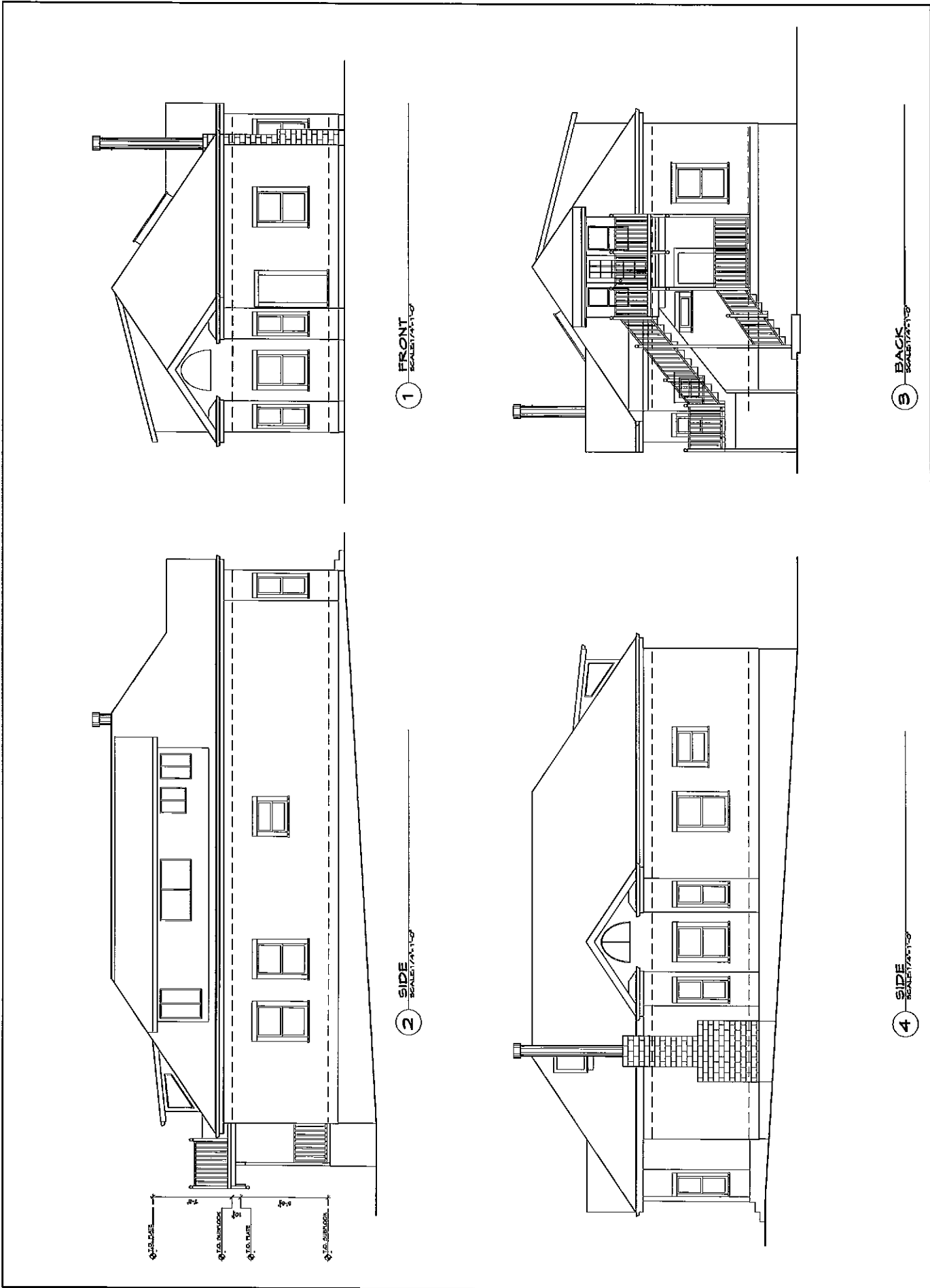
DATE: 11-13-04
DATE DESCRIPTION:
REVISED DRAWING:
TO: DEC 10
BY: VRD
DESIGN: VRD
PROJECT: 04-001
10 JAN 11
BUILDING PERMITS:
DATE:
BY:
REVISIONS:
NO. DATE DESCRIPTION
1 22 FEB 11 WINDOW DESIGN



WINDOW REPLACEMENT NOTE:
 CLIENT HAS A CHILD WITH SPECIAL NEEDS, SO CLIENT WOULD LIKE TO ADD CHILD SAFETY GLAZING. FOR EXISTING WINDOWS TO REMAIN, GLAZING SASH SHALL BE REPLACED WITH DUAL PANELED SAFETY GLAZED SASH. (B) WINDOW TRIM AND CASING TO REMAIN. TRIM AND CASING SHALL BE PAINTED. (C) SASH SHALL BE REPLACED WITH (N) WOOD DUAL PANELED WINDOW SASH. SASH PROFILE AND MULLION SHALL MATCH TO ORIGINAL WINDOW SASH. CONTRACTOR TO OBTAIN APPROVAL FROM SUSAN LEHMAN, CAPITOLA HISTORICAL CONSULTANT. (S3) 1) 458-7619. REPLACEMENT WINDOWS NOTED ON PLAN AND ELEVATIONS.

WALL LEGEND

(1) 1/2" GYP BOARD	NEW 5/8" GYP BOARD
(2) 5/8" GYP BOARD	NEW 5/8" GYP BOARD
(3) 5/8" GYP BOARD	EXISTING WALLS TO BE REMOVED
(4) 5/8" GYP BOARD	EXISTING WALLS TO REMAIN



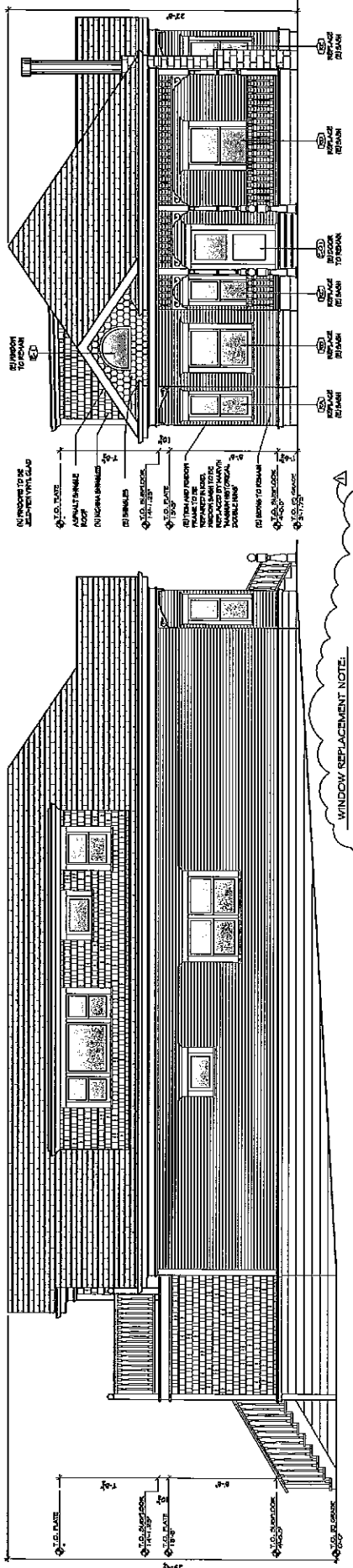
A4
DRAWING OUTLINE
REVISIONS

NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE

2008-11-04
DVRD
DYNAMIC DESIGN
119 CENTRAL AVE
CAPITOLA, CA 95010

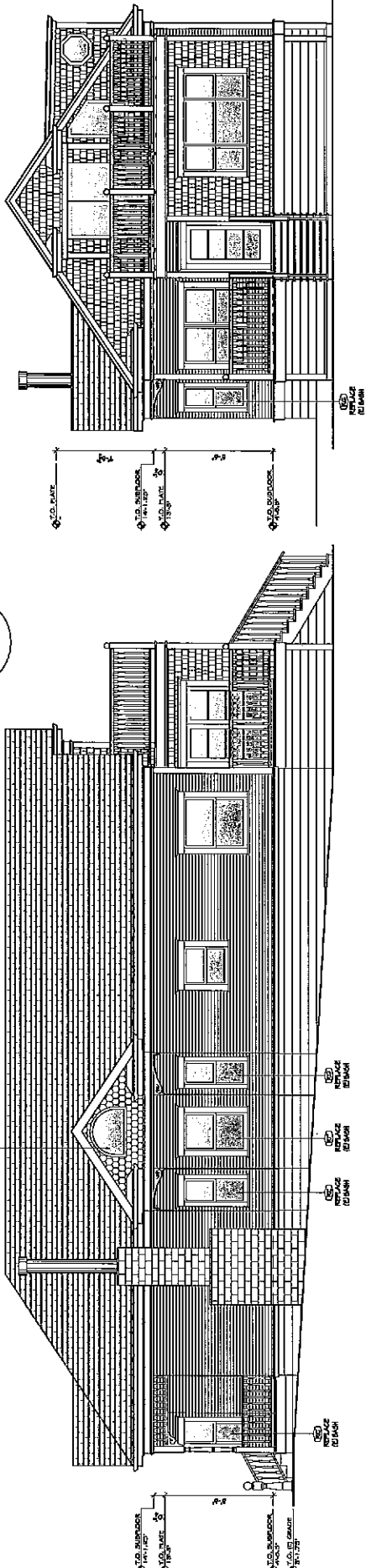
DEREK VAN ALSTINE
RESIDENTIAL DESIGN INC.
716 SCOTT AVE SUITE A, SANTA CRUZ CALIFORNIA
(310) 426-3400 PHONE (310) 654-1616 FAX

ISSUE DESCRIPTION
1. TO BE TO
2. TO BE TO
3. TO BE TO
4. TO BE TO
5. TO BE TO
6. TO BE TO
7. TO BE TO
8. TO BE TO
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20. TO BE TO



2 SOUTH
SCALE: 3/4" = 1'-0"

WINDOW REPLACEMENT NOTE:
CLIENT HAS A CHILD WITH SPECIAL NEEDS, SO ALL WINDOWS WILL NEED TO BE SAFETY GLAZED. FOR WINDOWS WITH 24" OR MORE SPACING BETWEEN THEM, WE WILL BE REPLACING WITH 24" WOOD PANELED SAFETY GLAZED SASH. (E) WINDOW TRIM AND CASING TO REMAIN. TRIM AND CASING SHALL BE STRIPPED, REPAIRED IN KIND AND PAINTED. (E) SASH SHALL BE REPLACED WITH (A) WOOD DUAL PANELED SASH WITH 24" WOOD PANELED SAFETY GLAZED GLASS. ALL MATCH ORIGINAL WINDOW SASH AND CONTRAST TO PROVIDE SAMPLING OF REPLACEMENT WINDOW SASH AND OBTAIN APPROVAL FROM SUSAN LEHMAN, CAPITOLA HISTORICAL CONSULTANT, (831) 489-7619. SEE ATTACHMENT WINDOWS NOTED ON PLAN AND ELEVATIONS.



4 NORTH
SCALE: 3/4" = 1'-0"

1 EAST
SCALE: 3/4" = 1'-0"

3 WEST
SCALE: 3/4" = 1'-0"

11/06/2019 11:07:52 AM

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

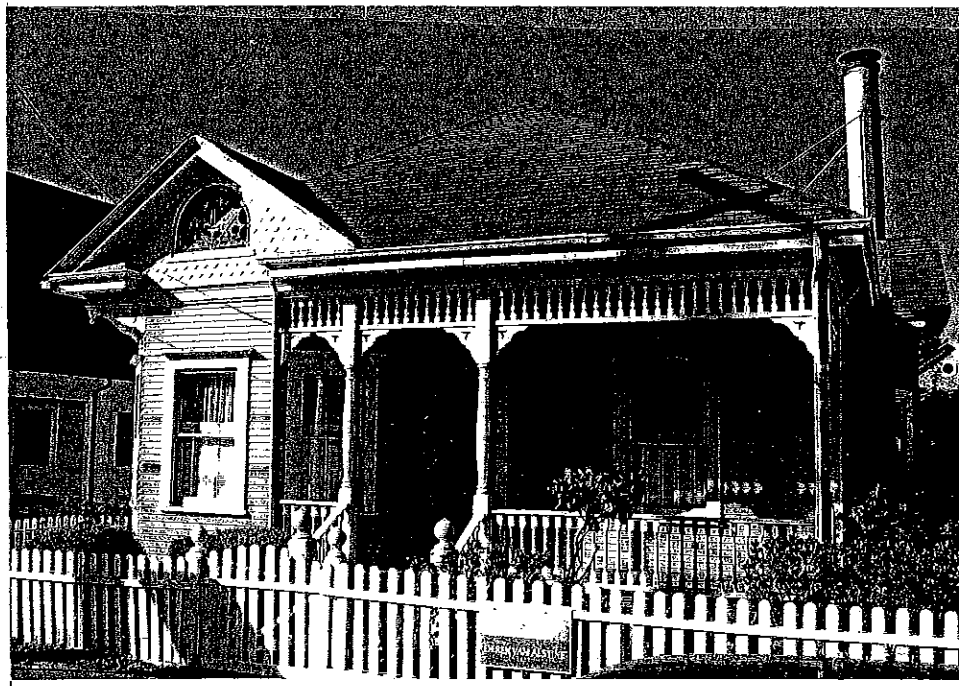
P3. Description (Describe resource and its major elements. Include design, materials, condition, alterations, size, setting, and boundaries)

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:

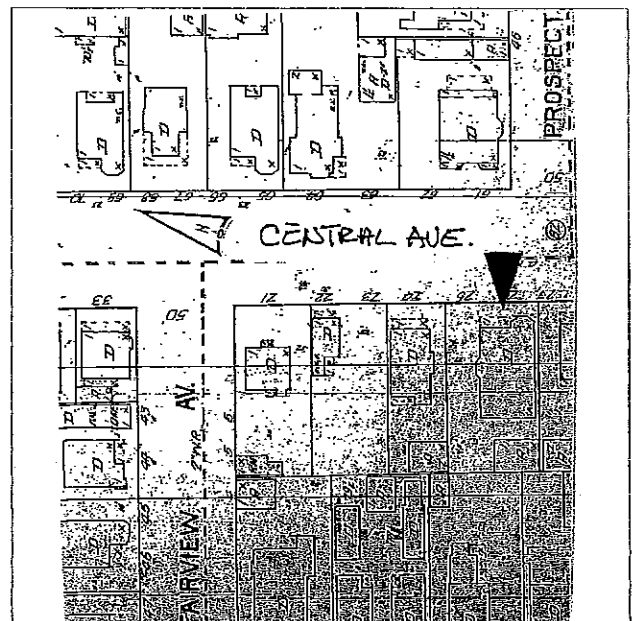
- Capitola building records, planning dept., Capitola.
- Rowe & Assoc., Capitola Architectural Survey, City of Capitola, 1986.
- Sanborn insurance maps of Capitola, 1927
- Swift, C., "Historic Context Statement for the City of Capitola", 2004

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

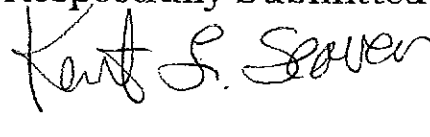
Mr. Derek Van Alstine
Residential Design, Inc.
716 A Soquel Ave.
Santa Cruz, CA 95062

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

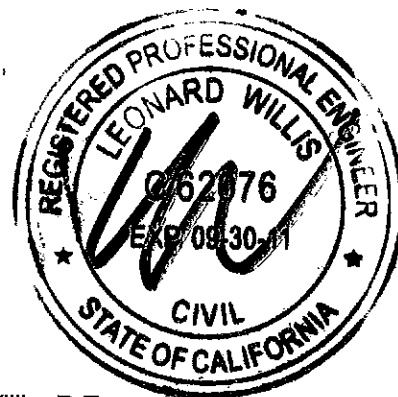
716-A SOQUEL AVENUE, SANTA CRUZ, CA. (831) 426-8444

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 its 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 its current state, the structure does not meet the current minimum code safety requirements; rehabilitation of the structure in its 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

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.

MOTION PASSED 4-0. COMMISSION SMITH RECUSED.

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

PROJECT APPLICATION #11-007 WAS CONTINUED TO THE APRIL 7, 2011 MEETING.

MOTION PASSED 5-0

5. PUBLIC HEARINGS

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

Senior Planner Bane presented the staff report.

Commissioner Newman stated that the residence is non-conforming and the staff report should reflect the expansion of a non-conforming structure. He would like the calculations incorporated into the staff report.

Commissioner Graves confirmed that address is 119 Central and not 117 Central. He acknowledged Commissioner Newman's comments regarding the non-conforming calculations. Additionally, the staff report states the project is a single-family dwelling, however there are two meters at the property.

Commissioner Smith requested additional information regarding an enclosed deck, with doors, windows and stairs, constructed in 1979.

Commissioner Routh stated that the stairs may have been permitted to access an illegal unit on the second floor.

Senior Planner Bane stated that the required non-conforming evaluation calculations were performed and the property meets the ordinance requirements for expansion of a non-conforming structure. The building permits included doors and windows for the deck enclosure, but not a staircase. The stairs may have been permitted prior to the 1970's.

The public hearing was opened.

Derek Van Alstine, designer, spoke in support of the application. Mr. Van Alstine stated that the property is currently two legal units and the proposed design will be to return the property to a single family dwelling.

Dave Matson, representative for adjacent property owners, spoke with concerns about the potential privacy impact the proposed second story rear deck may have the adjacent properties.

Claire Burnham and Amenah Razeghi, neighbors, spoke with concerns about the height of the street facing dormer, which may block her ocean view, and the historic significance of the building. She requested that orange netting be required so she can determine the height of the building and dormer.

The public hearing was closed.

Commissioner Graves confirmed that the applicant's plans are to returned the property to one unit with one meter and eliminate the exterior staircase.

Commissioner Smith requested Mr. Van Alstine clarify the height of the dormer and the pitch of the roof.

Commissioner Routh questioned if the height of the façade of the dormer has increased.

Commissioner Newman requested the dimensions and use of the rear deck.

In response to the Commissions' questions and comments, Mr. Van Alstine stated that the pitch of the dormer will be approximately five feet lower than the existing dormer and will have less of an impact on the streetscape. The height of the facade of the dormer is the same as the existing roof pitch. The existing deck, including stairs and landings is ten feet larger than the proposed 168 square foot deck.

Commissioner Routh suggested that the second story deck be redesigned to be smaller or a balcony that would address the privacy issues of adjacent neighbors.

Commissioner Newman stated that it is difficult to protect everyone's privacy on small lots. He was not opposed to the 168 square foot deck.

Commissioner Graves stated that there was a City Council policy that addressed second story decks and privacy issues. He supported a redesign of the deck.

Commissioner Smith stated the view for the home is on the second floor and the owners of the property have a reasonable expectation when they remodel the home they would not lose the view. She concurred with Commissioner Graves' comments, and supported a redesign that would create an area that limits the intrusion on the adjacent neighbors' privacy, but not eliminating the view of the existing home.

Commissioner Routh stated that the elevation of the property is higher than the adjacent parcels and compounds the privacy issues.

Chairperson Ortiz stated that second story rear yard decks have never been approved and that she was not able to support the project as proposed. She supported a redesign, but would not support any type of opening other than windows. The property is part of the Capitola historic view shed which should be protected. She noted that there has been a precedent over the past ten years of the Planning Commission and City Council disallowing second story rear yard decks. She suggested that this policy should be formalized during the General Plan Update process.

Commissioner Newman suggested that the Commission seek a consensus on whether any type of deck will be acceptable or not acceptable.

Commissioner Newman and Smith supported a deck. Commissioner Routh and Graves supported a very small deck or balcony to allow two or three people to enjoy.

Commissioner Graves suggested a condition that requires the utilities to be returned to a single meter. He supported the removal of the shed and other conditions proposed by staff with the exception of the requirement to install curb, gutter and sidewalk in the sidewalk exempt area.

Chairperson Ortiz suggested that the Commission specify the size of the deck/balcony. She also requested an opinion from one of the architectural historians regarding if the chimney should be returned to brick or if the existing stack chimney may remain. She also suggested that there be an additional condition to retain the existing landscaping.

Commissioner Routh suggested that the deck be no greater than the width of opening and slightly larger than double doors and no deeper than three feet.

Commissioner Smith suggested increasing the height of the fence or to construct a carport over the open space to address the privacy issue in the yard areas on the ground floor.

Commissioner Graves stated that due to the slope of the property and the height of the existing fence, or additional landscaping, would suffice to address the privacy issues.

Commissioner Newman stated that public views are not protected and applications are not denied on because of the intrusion of someone's view.

Chairperson Ortiz stated the historic homes may be remodeled, and generally nothing may be done to the front of the home or a prominent side, but must comply with the Secretary of State Standards.

A MOTION WAS MADE BY COMMISSIONER GRAVES AND SECONDED BY COMMISSIONER NEWMAN TO CONTINUE PUBLIC HEARING FOR PROJECT APPLICATION #11-011 TO THE APRIL 7, 2011 MEETING WITH THE FOLLOWING DIRECTION FOR THE APPLICANT:

1. REDESIGN THE PROPOSED REAR DECK AND TO LIMIT THE SIZE
2. REQUESTED THAT UTILITIES BE CONSOLIDATED TO ONE METER
3. OBTAIN AN OPINION OF THE DAMAGED HISTORIC CHIMNEY, THAT IS CURRENTLY REPLACED WITH A STACK, AND ADDRESS WHETHER THE CHIMNEY SHOULD BE RETURNED TO BRICK
4. ADD NOTE ON THE PLANS TO RETAIN EXISTING LANDSCAPING

MOTION PASSED 5-0



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: APRIL 1, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **509 BAY AVENUE** **#11-020** **APN: 035-302-17**

Design Permit to remodel an existing retail market and deli, including exterior modifications to the façade and a sign permit for a new wall sign and monument sign in the CN (Neighborhood Commercial) Zoning District.

Property Owner: Chi Day Hyun & Chi Soon O / Filed 2/25/11

Representative: Dennis Norton Design

APPLICANT'S PROPOSAL

The applicant is requesting a Design Permit to remodel an existing market and deli (Grady's Market) located at 509 Bay Avenue in the CN (Neighborhood Commercial) Zoning District. The interior of the market will be remodeled, in addition to modifications to the building façade. New signage is proposed, including a wall sign and new monument sign.

ARCHITECTURAL AND SITE REVIEW

The Architectural and Site Review Committee considered this project on June 27, 2007.

- Architect Phantom requested several revisions on the plans in order to clarify the scope of the work. He also suggested that the parking space near the front entry be moved back in order to avoid issues with ingress and egress. Additionally, he recommended that the proposed canvas entry be widened. The applicant has revised the plans and addressed Mr. Phantom's comments.
- Planner Bane pointed out some issues with the proposal, including:
 - The monument sign exceeded the height limit.
 - The signs violated the sign ordinance by listing the products to be sold and the services to be provided.
 - Removal of the prohibited banners and signs on the property.
 - Consistency between the sign and architectural plans.
- Public Works Director determined that the proposed monument sign would not create any site line issues for the intersection of Bay Avenue and Capitola Avenue.
- Building Official, Mark Wheeler noted that ADA compliance will need to be met, in addition to structural plans for the new roll-up door and front entrance.
- Landscape Architect Susan Suddjian recommended including freestanding potted plants, and suggested adding perennials in the existing landscape islands, similar to Gayle's Bakery across the street.

DISCUSSION

Now under new ownership, the new owner of Grady's market is proposing a remodel to the longtime market and deli. While the use will remain a market with limited food service, improvements to the interior and exterior of the building are proposed as part of this application. The scope of work includes:

- Moving and replacing the main entry door;
- Removal of existing windows, with new windows flanking the main entrance;
- Adding to the parapet wall, specifically the addition of a rounded portion over the main entrance;
- New canvas awning over the existing shed roof;
- Moving the trash enclosure from the front of the store, to the back corner. The area of the current trash enclosure will be integrated into the store square footage;
- A new roll-up door added at the new trash enclosure location, opening onto Bay Avenue;
- Elimination of the flower shop, with the shop area integrated into the store square footage;
- A new wall sign on the parapet and awning above the main entrance;
- A new monument sign in the corner landscape island; and
- New landscape tubs with perennials.

No seating or new square footage is proposed as part of the remodel, so the existing nonconforming parking situation will remain unchanged. One parking space will be moved away from the building in order to allow more room for the new entrance, but otherwise parking circulation will remain the same. Existing landscaping will remain unchanged, with the exception of the new landscape tubs and new plants in the landscape island once the monument sign is completed.

Signage

There is a wall sign and monument sign proposed as part of the remodel. The wall signage consists of both a lit sign along the upper parapet and smaller lettering applied to the new awning above the entrance. The larger "Prego Prego" sign is made of internally illuminated channel letters with a logo unit and is approximately 27 square feet in size. The smaller lettering applied to the awning is not lit, but contains the "Prego Prego" store logo as well as a list of services including "Pizza-Mediterranean Food-Market-Beer-Wine-Spirit". The smaller sign is approximately 10 square feet in size, for a total of 37 square feet of wall sign area. Per the Sign Ordinance, "each individual sign shall not be greater than one square foot of sign area for each one linear foot of business frontage." With a total of 86 square feet of business frontage, the proposed wall sign area falls well within the sign requirements.

In addition to the wall sign, a monument sign is also being proposed in the corner landscape island, closest to the street intersection. Standing at 4' in height with a sign area of approximately 12 square feet, the sign meets the requirements of the Sign Ordinance which limits the height of monument signs to 4' and allows a maximum sign area of 35 square feet in the CN zoning. The double-faced sign will be made of smooth faced aluminum, with the "Prego Prego" store logo made of 1/8" thick flush mounted copy, and the "Pizza-Mediterranean Food-Market-Beer-Wine-Spirit" lettering being routed out of the red painted aluminum section. The sign will be externally lit with up lighting.

The Sign Ordinance generally only permits one sign for each business, with the exception of businesses which are located on a corner adjacent to two streets. Businesses located on a street corner are permitted two signs, with each sign to face each respective street side. While the market is located on a street corner, the orientation of the lot and structure is somewhat unique. The lot is not at a typical 90-degree angle, nor does the building really have two distinct sides, as the main frontage

faces the intersection. Taking this into consideration, staff can support the wall and monument sign even though they are visible from both street frontages.

However, staff does have two concerns regarding the proposed signage. The first is the internally illuminated channel letters for the main wall sign. While this type of signage is appropriate for the 41st Avenue area, it is questionable for this neighborhood commercial area. A more subtle, externally lit sign may integrate better with this location.

The second issue has to do with the extensive list of products and services included as part of the signage. Per the Sign Ordinance, "No such sign shall list the products to be sold or the services to be provided." While this has been loosely interpreted over the years, staff has some concerns with the portion of the sign that states "Pizza-Mediterranean Food-Market-Beer-Wine-Spirit". Examples of this being loosely interpreted includes the current Grady's market sign lists which lists "Deli" in addition to "Grady's Market", as well as Gayle's Bakery and Rosticceria across the street which lists "Deli" and "Café". Staff believes it is important for the public to be able to identify the type of business, therefore we would recommend that the list of products and services be reduced to "Mediterranean Food and Market".

RECOMMENDATION

It is recommended that the Planning Commission discuss the issues related to the proposed signage, and then approve application #11-020 subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of a Design Permit to remodel an existing retail market and deli, including exterior modifications to the façade and a sign permit for a new wall sign and monument sign at 509 Bay Avenue.
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. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
5. Air-conditioning equipment and other roof top equipment shall be screened from view and fall within the allowable city permitted decibel levels.
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. The final landscape plan submitted with the building permit application shall include the specific number of plants of each type and their size, as well as the irrigation system to be utilized. A drip irrigation system shall be incorporated as part of the landscape plan.
8. 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 remodel and signage meet the requirements of Zoning District. Conditions of approval have been included to ensure that the remodel and use 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 remodel and signage conforms with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of the neighborhood. Conditions of approval have been included to carry out these objectives.

C. This project is categorically exempt under Section 15301(e)(2) of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.

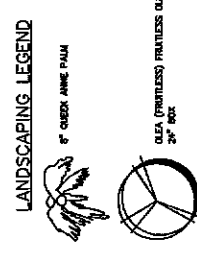
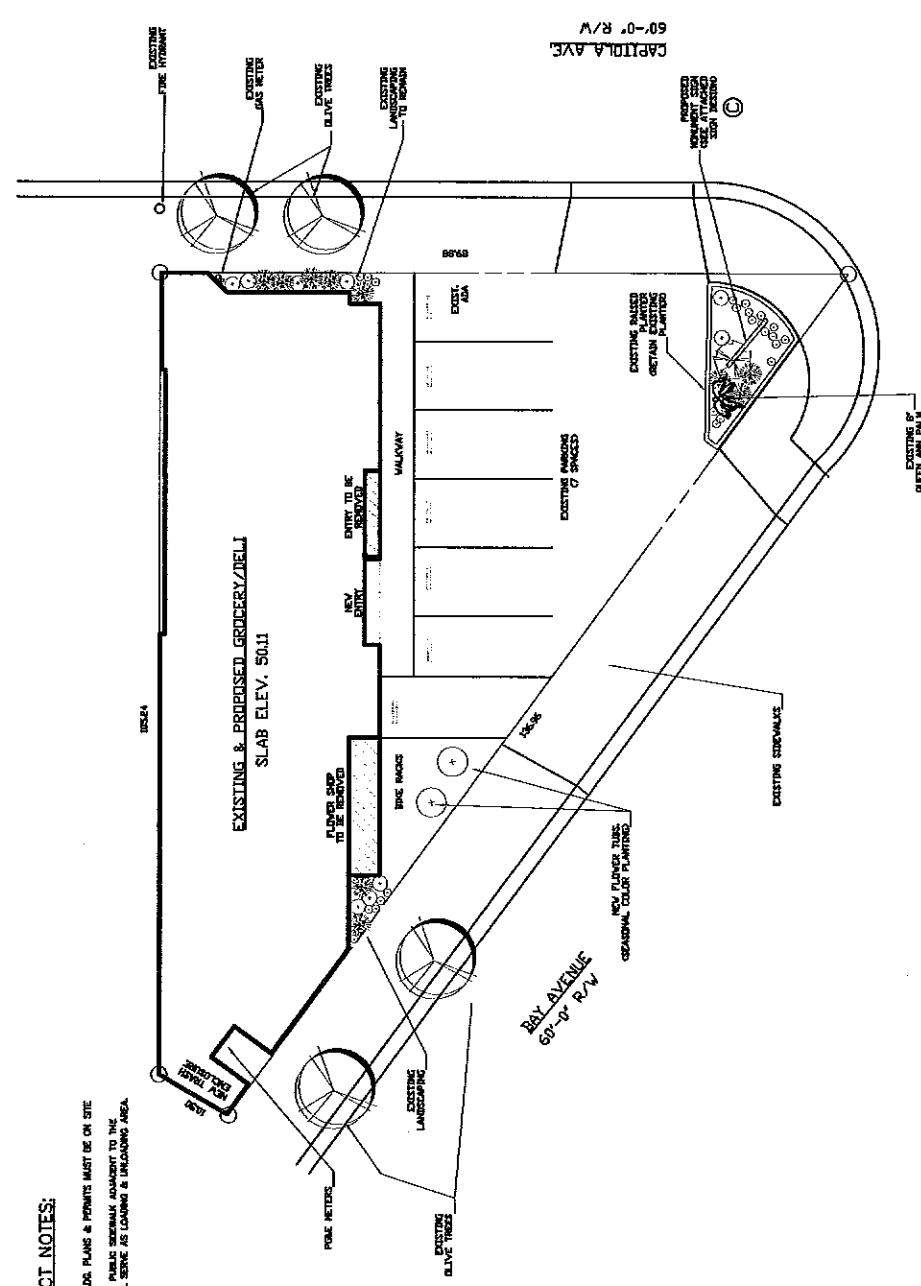
Section 15301(e)(2) of the CEQA Guidelines exempts interior or exterior alterations to existing structures. No adverse environmental impacts were discovered during review of the proposed project.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans
Attachment B – Sign Plans

PROJECT DATA:
OCCUPANCY CLASSIFICATION B-2
GRADY'S (PREGO PREGO)
509 BAY AVE. CAPITOLA, CA 95010
NO FIRE SPRINGERS REQUIRED
BUILDING CODE 2010 CBC

GENERAL PROJECT NOTES:
1) THE ADD COPIES OF THE BIDS, PLANS & PRINTS MUST BE ON SITE DURING INSPECTIONS.
2) DUE TO LIMITED SITE AREA, PUBLIC SIDEWALK ADJACENT TO THE DESIGNATED PARKING SHALL SERVE AS LANDING & UNLOADING AREA.



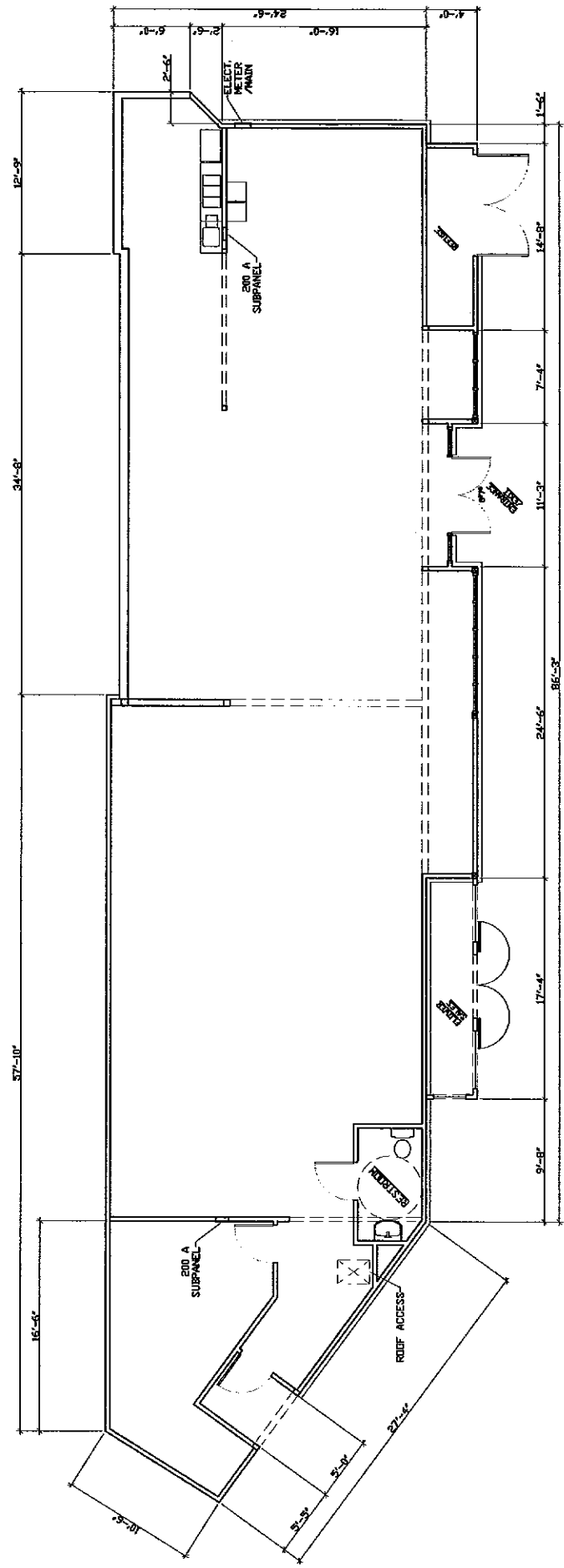
SITE PLAN
1/8" = 1'

EXISTING FLOOR PLAN

DENNIS NORTON ARCHITECTS INC. 712 O STREET, OAKLAND, CA 94612

GRADY'S MARKET
509 BAY AVE.
CAPITOLS, CA 95010
APN 035-302-17

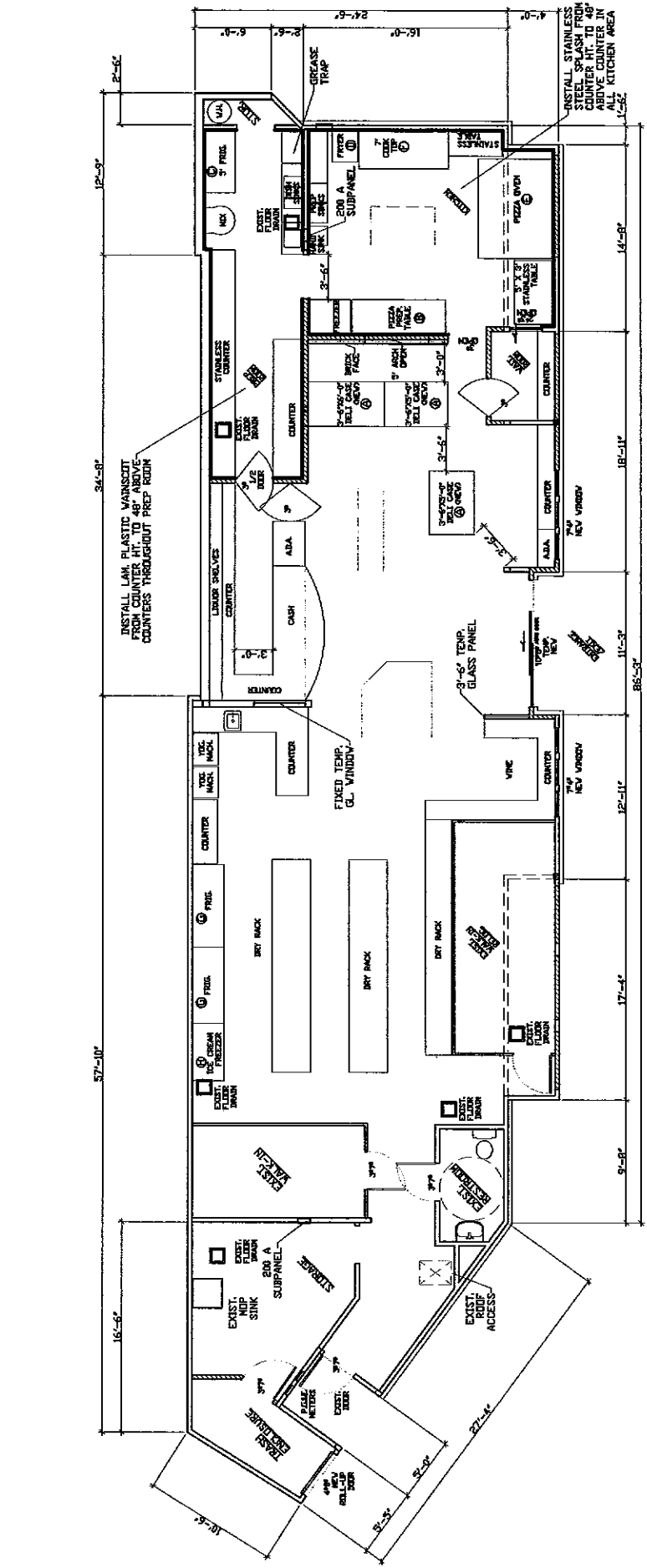
FIELD ZONE/DRAWING
509 BAY AVE
CAPITOLS, CA 95010
818-299-9804



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

EQUIPMENT SCHEDULE

ITEM	DESCRIPTION	MANUFACTURER/MODEL	GAS REQ.	ELECT. REQ.	WPT. REQ.	SIZE REMAINS	QUANTITY
A	DELI CASE	FEDERAL INDUSTRIES		3/4 HP/119V/15.4 AMP		60x63 1/2x26 1/4	3
B	PIZZA PREP TABLE	TRIEE T-105		1/2 HP/119V/17 AMP		53 1/4x53 1/4x33 3/4	1
C	REACH-IN GLASS DOOR REFRIGERATOR	TRIEE T-105		1/2 HP/119V/17 AMP		54 1/4x53 1/4x33 3/4	1
D	GAS FRYER	GUEST KING	1/2"	150,000 BTU		18 3/4x26 1/4x36 3/4	1
E	CONVERTIBLE PIZZA OVEN	LACON 1520		2400-3000 GPH		26x26x32	1
F	HEAVY DUTY GAS BROILER	USI TRADE 2088		200,000 BTU		30x32-1/2x42 1/2	1-1-1
G	HEAVY DUTY GAS HANGOVER	TRIEE GM-72		1/2 HP/119V/12 AMP		78 1/2x30x29 3/8	2
H	REACH-IN GLASS DOOR FREEZER	TRIEE T-120		1.5 HP/119V/14 AMP		78x26x29 3/8	1



FLOOR PLAN

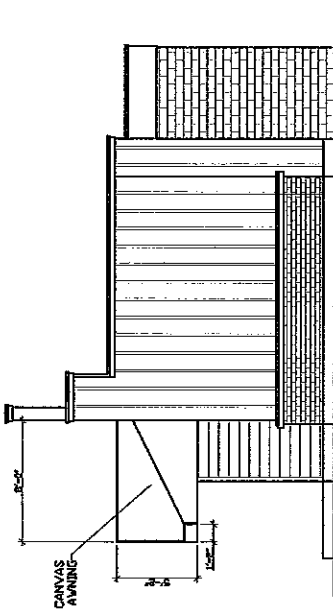
DENNIS NORTON
ARCHITECTS
509 BAY AVE.
CAPITOLA, CA 95010
PHONE: 831-335-3804
FAX: 831-335-3804

GRADY'S MARKET
509 BAY AVE.
CAPITOLA, CA 95010
APN 035-302-17

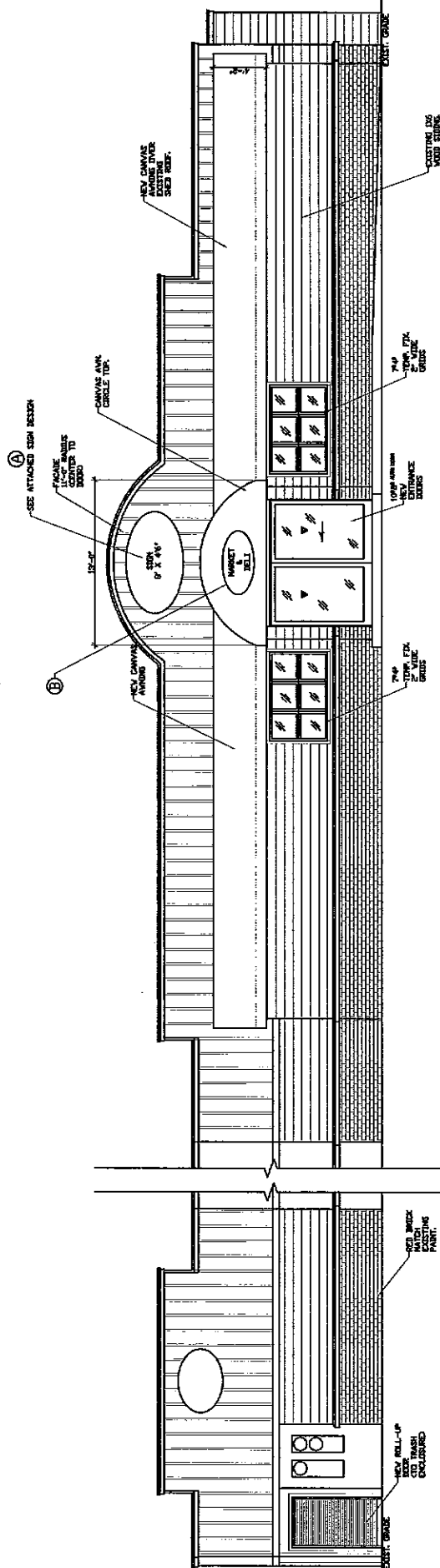
DENNIS NORTON
HOUSE DESIGN AND
PROJECT PLANNING
712 S GREEN ST. ORANGE, CA 92667-4352
800 451 2422

ELEVATIONS

GC
SCALE: 1/4" = 1'-0"
GRADY'S
03/21/11



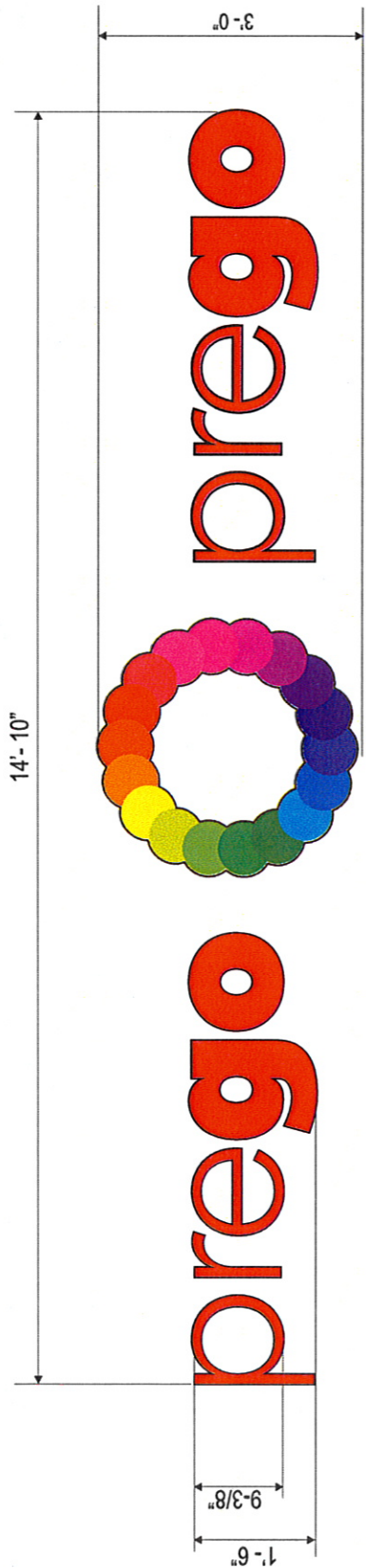
WEST ELEVATION
SCALE: 1/4" = 1'-0"



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

NORTHEAST ELEVATION
SCALE: 1/4" = 1'-0"

ELEVATIONS
SCALE: 1/4" = 1'-0"
NOTE: ▽ = TEMPERED GLASS



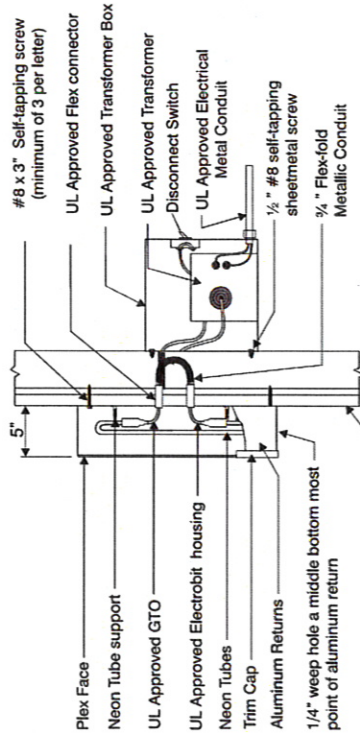
Sign area 27 sq ft

Sign elevation scale: 3/4" = 1' - 0"

Scope of work

Manufacture and install one set of internally illuminated channel letters with logo unit.
 3/16" acrylic plastic faces with black aluminum return and black trim cap.
 "Prego Prego" letter faces are 278 red acrylic.
 Logo has 3/16" white acrylic face with 3M vinyl digital print overlay. (Colors TBD)

Clear red neon tube inside letters
 White tube in logo 13-15 MM



NOTE: Install in accordance w
 NEC and any local electrical

NTS

ATTACHMENT DETAIL

Client:	Prego Prego	Project:	509 Bay Avenue Capitola, CA.
Architect:		Address:	
Landlord:			
Project Manager:			
Approvals:			
Dates / Revisions:			
03-05-2011			
03-11-2011			
03-18-2011			
03-22-2011			

Drawing Number:	MAR
Page Number:	1
Submittal:	Mike Tr
Drawn By:	K. John
Scale:	As NC

120 Encinal Street
 Santa Cruz, CA 95060-2111
 Phone: 831.469.8208
 Fax: 831.469.8172
 Email: rpriola@northwestsigns.com
 Web: www.northwestsigns.com

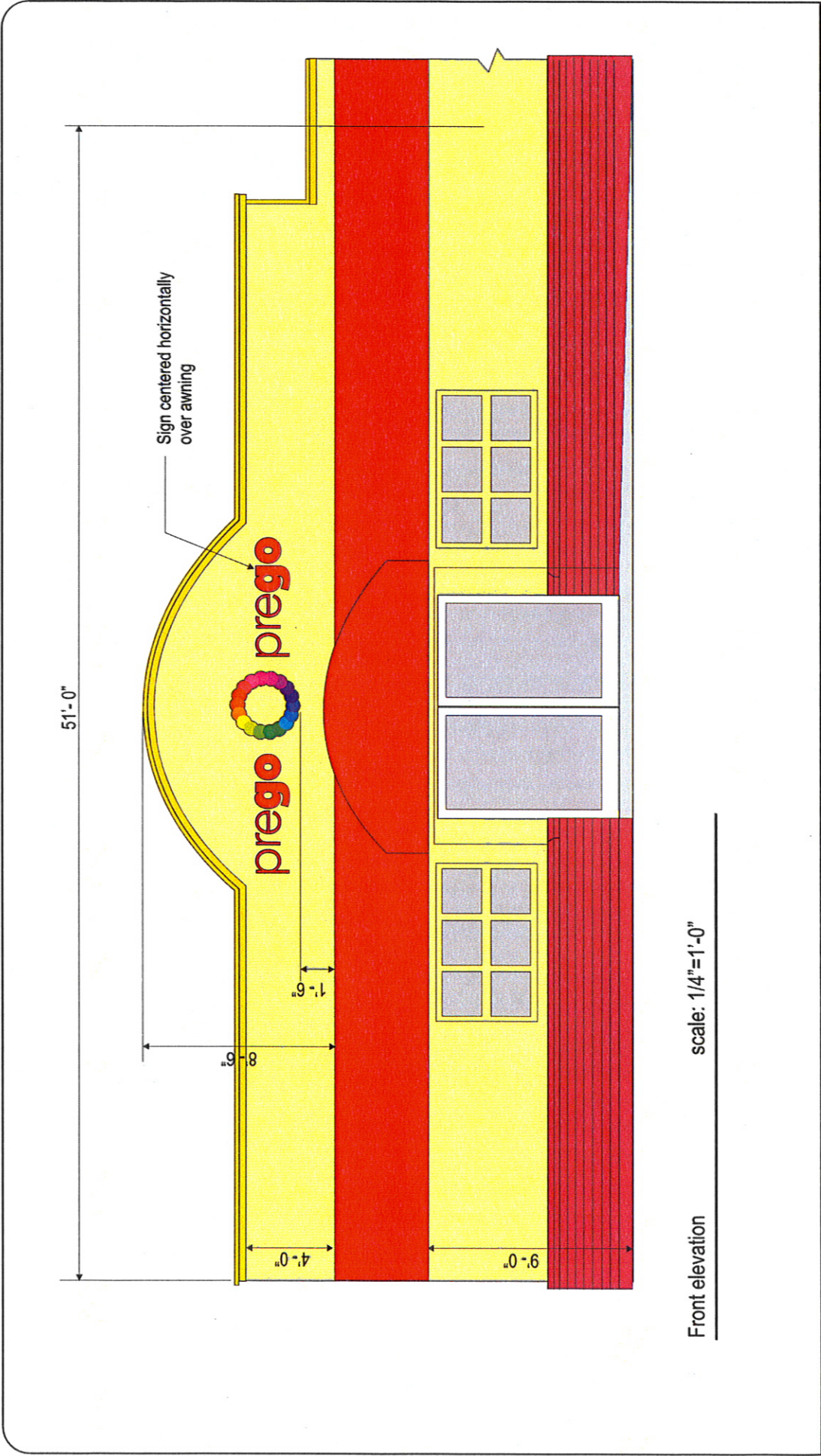





prego

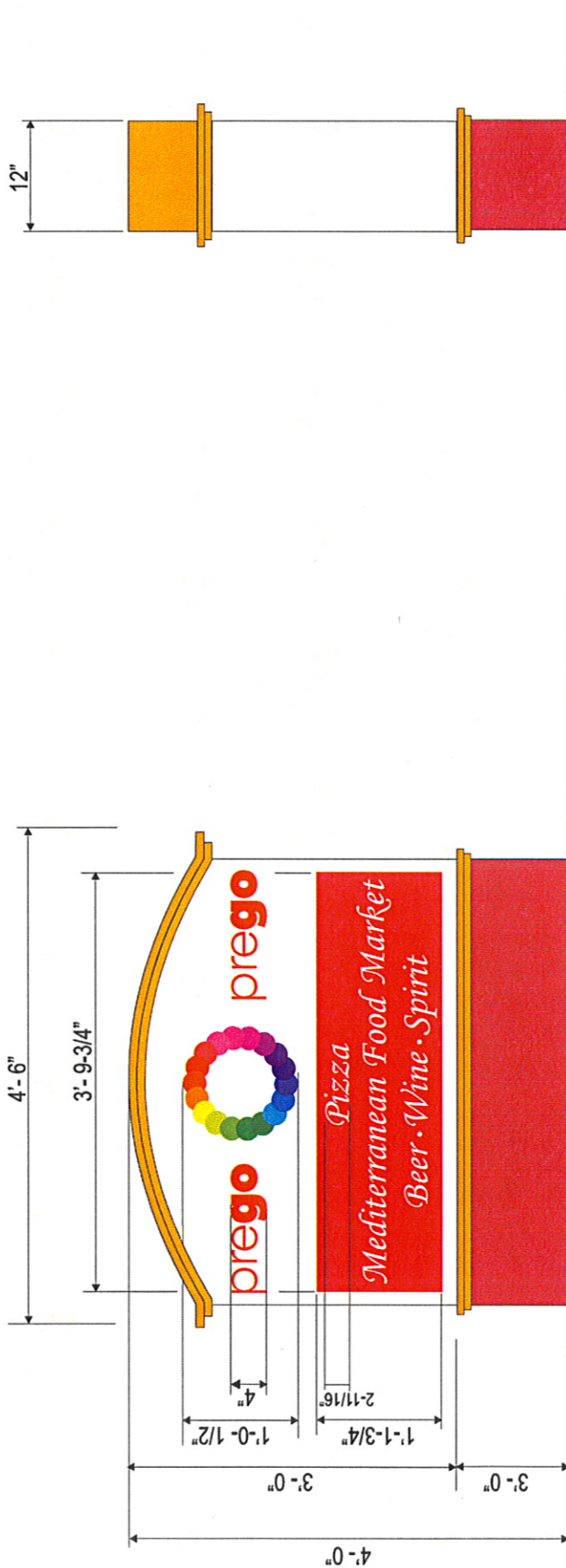
prego

*Pizza . Mediterranean Food . Market
Beer . Wine . Spirit*



Front elevation scale: 1/4"=1'-0"

	<p>120 Encinal Street Santa Cruz, CA 95060-2111 Phone: 831.469.8208 Fax: 831.469.8172 Email: rpiola@northwestsigns.com Web: www.northwestsigns.com</p>	<p>Project: Prego Prego Address: 509 Bay Avenue Capitola, CA.</p>	<p>Date / Revision: 03-03-2011 03-11-2011 03-18-2011 03-22-2011</p>	<p>Approvals: Client: Architect: Landlord: Project Manager:</p>	<p>Drawing Number: MAR-3.11 Page Number: 2 Designer: Mike Terron Drawn By: K. Johnson Scale: As Noted</p>
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Sign elevation scale: 1" = 1'-0"

Scope of work:
 Manufacture and install one Double Face, non-illuminated Monument sign w/flat cut out (FCO) 1/8" thick, flush mounted copy. Red field (with white copy) is routed out painted aluminum.
 Base cover to match general color of brick work on building.

Exact colors TBD



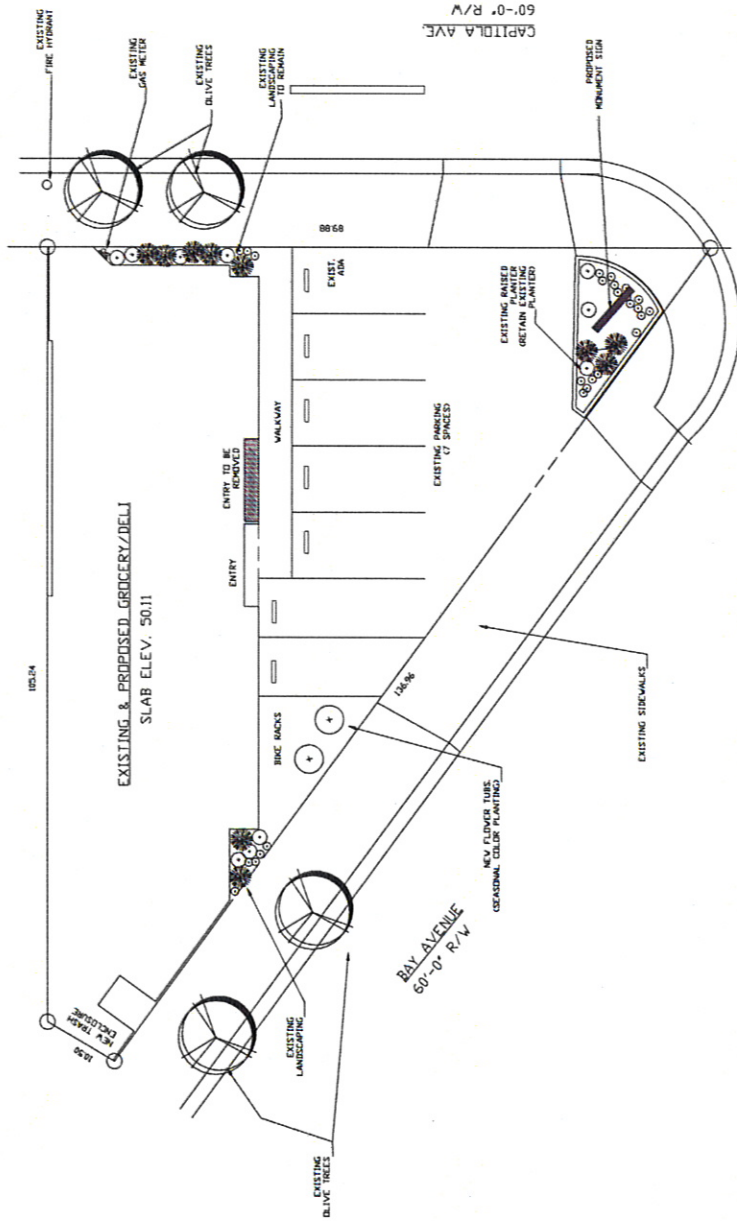
120 Encinal Street
 Santa Cruz, CA 95060-2111
 Phone: 831.469.8208
 Fax: 831.469.8172
 Email: rpiola@northwestsigns.com
 Web: www.northwestsigns.com

Project: **Prego Prego**
 Address: **509 Bay Avenue
 Capitola, CA.**

Dates / Revisions:
 03-03-2011
 03-11-2011
 03-18-2011
 03-22-2011

Approvals:
 Client:
 Architect:
 Landlord:
 Project Manager:

Drawing Number: **MAR-3.11**
 Page Number: **3**
 Salesman: **Mike Terron**
 Drawn By: **K. Johnson**
 Scale: **As Noted**



Site Plan

Scale: 1/16" = 1'-0"

Drawing Number: MAR-3.11
Page Number: 4
Salesman: Mike Terton
Drawn By: K. Johnson
Scale: As Noted

Approvals:
 Client: _____
 Architect: _____
 Landlord: _____
 Project Manager: _____

Project: Prego Prego
Address: 509 Bay Avenue
 Capitola, CA.

120 Encinal Street
Santa Cruz, CA 95060-2111
Phone: 831.469.8208
Fax: 831.469.8172
Email: tprjota@northwestsigns.com
Web: www.northwestsigns.com





STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: MARCH 29, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **3801 CLARES STREET #11-024 APN: 034-261-47**
Conditional Use Permit for a medical office use (dialysis clinic) in the CC (Community Commercial) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: Capitola Roth Investments, LLC, filed 3/9/11
Representative: Barry Maners, Entos Design

APPLICANT'S PROPOSAL

The applicant is requesting a Conditional Use Permit to operate a medical office/clinic within an existing vacant commercial space located at 3801 Clares Street, in the CC (Community Commercial) Zoning District. A professional office use that occupies more than three thousand square feet of building area is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

The applicant is proposing to lease 7,896 square feet of commercial space, formerly occupied by *Hollywood Video*. The proposed medical use is a dialysis clinic for *Satellite Healthcare*. The site is located in the CC (Community Commercial) Zoning District which requires that professional offices that occupy more than three thousand square feet of building area obtain a Conditional Use Permit.

If approved, the clinic would join a network of facilities in Watsonville, San Jose, Morgan Hill and Gilroy. The facility will include a 4,242 square foot patient care area with 24 patient treatment stations and other support areas. It also includes three offices for a clinic manager, a social worker, and a dietician. Additionally, there is one meeting room for conferences; a supply storage room and a water treatment equipment room to the rear. The facility will be staffed by approximately 15 employees at any one time, serving up to a maximum of 24 patients at any one time. The facility will operate approximately 15 hours a day, with hours ranging from 6:00am to 9:00pm, Monday through Saturday. The patients will be staggered throughout the day, with a maximum of 72 patients being dialyzed per day.

While there will be extensive interior improvements within the existing one-story building, exterior improvement will be limited to creating two concrete landings at exterior doors for egress purposes, relocation of one exterior door, and removal of one exterior door that will be replaced with storefront

glazing to match the existing building façade. New signage will be provided, but none is proposed as part of this application.

Parking

The subject building is located on a parcel that also contains a 12,300 square foot retail building that currently houses *Pier 1 Imports*. In the CC zoning district, both retail and office uses require one parking space for every 300 square feet of gross floor area. Together, as retail uses, the two buildings require a total of 67 parking spaces. With a total of 89 parking spaces on site, the city parking requirement is easily being met.

Per the Parking Ordinance, medical office and clinics require one space for each 300 square feet of gross floor area or five spaces per doctor, whichever is greater. Due to the nature of this type of medical clinic, it is not possible, nor appropriate to apply the requirement for spaces per doctor. Therefore, at one space for each 300 square feet of floor area, the proposed use meets the city parking requirements.

RECOMMENDATION

The dual impacts of the aging population and weakened retailers have resulted in retail spaces being filled by non-retail tenants. The Planning Commission is advised to use caution in allowing non retail uses that will challenge current efforts to unify the area with consistent retail use patterns. Fragmented retail use patterns are one of the leading causes of an underperforming retail area. Although no comprehensive vacancy data exists for retail in Capitola, brokers report that vacancy rates have increased. Staff recommends that other commercial locations may be more appropriate for the proposed use.

Staff recommends that the Planning Commission carefully consider if this is an appropriate location for a professional medical office use. If the Commission chooses to approve application #11-024, it is recommended that the approval be subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of a Conditional Use Permit to operate a medical office/clinic within an existing vacant commercial space located at 3801 Clares Street.
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 6:00 a.m. – 9:00 p.m.
5. The applicant shall obtain approval for a Sign Permit through the Community Development Department.
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 medical use 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 medical use and modifications to the building conform with the applicable provisions of the Zoning Ordinance 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 medical use occupying an existing commercial space formerly occupied by a retail business. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

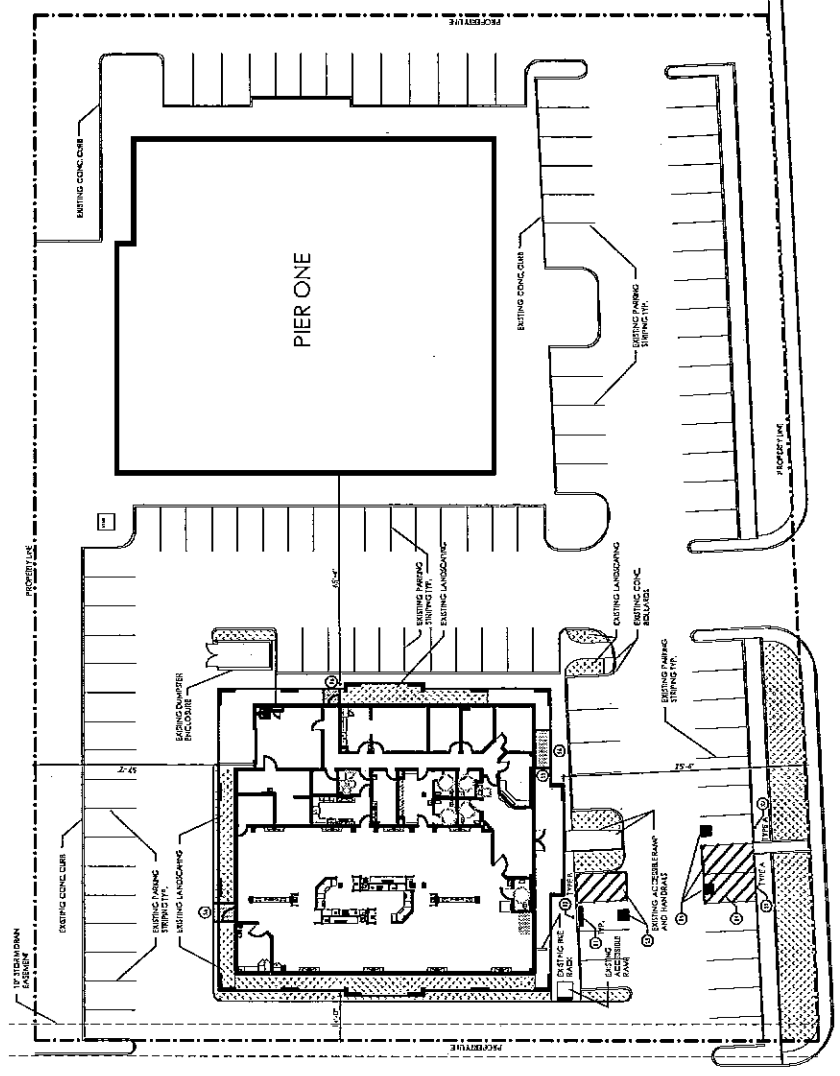
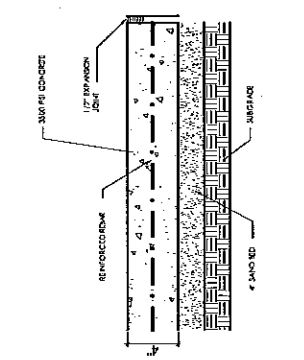
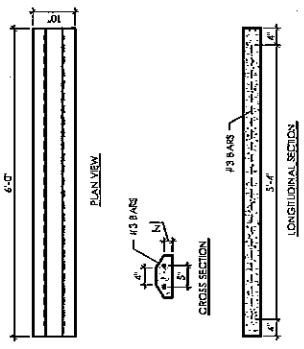
Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans
Attachment B – Project Description

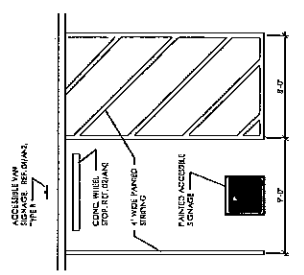
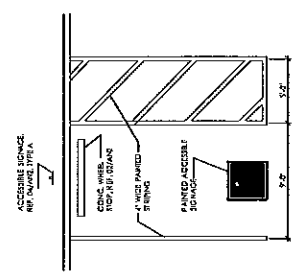
ENTOS
design

5400 LBJ Freeway
Suite 125
Dallas, Texas
P. 972.770.2222
F. 972.770.2242
www.entosdesign.com

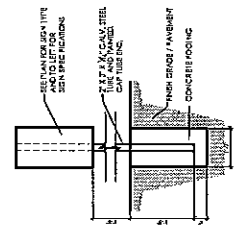
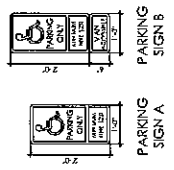
- ARCHITECTURAL**
1. PROVIDE AND INSTALL NEW CONCRETE WHEEL STOP.
 2. PROVIDE AND INSTALL NEW H.C. ACCESSIBLE PARKING SIGNAGE.
 3. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 4. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 5. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 6. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
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 11. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 12. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 13. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.
 14. REPAIR EXISTING CONCRETE DRIVEWAY SURFACE.



CLARES STREET



VAN PARKING



04 H.C. Sign
Scale: 3/8" = 1'-0"

PROJECT	Satellite Healthcare In-Center
LOCATION	3801 CLARES ST. CAPITOLA, CA
DATE	02/25/2011
BY	[Signature]
CHECKED BY	[Signature]
SCALE	AS SHOWN

Satellite Healthcare In-Center

Location: 3801 CLARES ST. CAPITOLA, CA

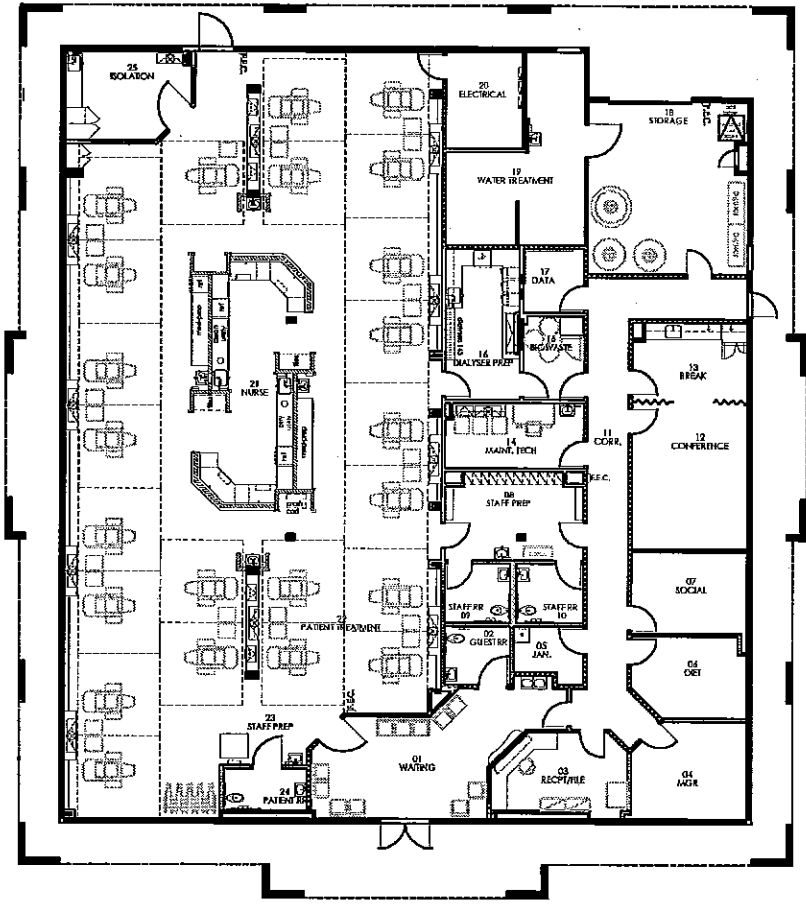
Sheet Title: Site Plan

Sheet Number: AN2

01 Site Plan

LEGEND
ARCHITECTURAL

- ROOM OFFICE ROOM NUMBER ROOM NAME
- ELEVATION MARK
- SECTION MARK
- REVISION MARK REVISION CLOUD
- GLAZING MARK
- PARTITION MARK STUD WIDTH PARTITION TYPE
- EXISTING PARTITION TO REMAIN
- NEW PARTITION
- SIDING/WINDOW
- DEMISING PARTITION WITH SOUND INSULATION
- ONE HOUR PARTITION, TYPE D3
- PARTITION WITH SOUND INSULATION
- HALF HEIGHT WALL, SEE PARTITION TYPES
- DOOR MARK SPECIAL WIDTH FIRE RATING HARDWARE SET DOOR TYPE
- WATER LINE WITH SHUT OFF VALVE



01 Floor Plan
Scale: 1/8" = 1'-0"

For CMT/Issue	02/25/2011
No. Issued	Date
Project	

**Satellite
Healthcare
In-Center**

Location
3801 CLARES ST.
CAPITOLA, CA

Sheet Title
Floor Plan

Sheet Number **02011**

A2

**PROJECT DESCRIPTION****3801 Clares St., Capitola, CA****February 25, 2011****Purpose of the Proposal:**

We are proposing a new dialysis clinic for Satellite Healthcare to be located at 3801 Clares St, Capitola, CA. The clinic will join a network of facilities in Watsonville, San Jose, Morgan Hill, and Gilroy. Due to demographics we are planning on relocating our Santa Cruz facility to the Capitola proposed site to better serve our patients.

Scope of Work:

The proposed project consists of constructing new interior improvements within an existing one story retail building. Satellite Healthcare will occupy the entire 7,896 sq ft. building which was previously a Hollywood Video Store. The proposed work includes interior and exterior improvements. Exterior improvements will include creating two concrete landings at exterior doors for egress purposes, relocation of one exterior door, and removal of one exterior door that will be replaced with storefront glazing to match the existing façade of the building. New signage will be provided to replace the previous tenants signage, and new accessible parking signs will be provided to comply with Title 24.

Proposed Use:

The **Satellite Healthcare** space is an OSHPD 3 dialysis clinic. The facility will include a 4,243 square foot patient care area with 24 patient treatment stations and other support areas. It also includes three offices (a clinic manager, a social worker and a dietician). Additionally, there is one meeting room for conferences; a supply storage room and a water treatment equipment room in the back. The improvements will be classified as I-2.1 occupancy.

The facility will be staffed by approximately 15 employees at any one time. The clinic will provide services to a maximum of 24 patients at any one time.

Since a generator is not required by the building code, one will not be provided by Satellite Healthcare.



Hours of Operation:

The facility will operate approximately 15 hours a day, starting at 6:00 am and ending at 9:00 pm on Monday through Saturday. The patients will be staggered throughout the day with a maximum of 72 patients being dialyzed per day.

Parking:

Per code, at 1 space per 300 square feet, this building would require 27 spaces minimum and the adjacent Pier I space (at 12,300 sq ft) would require a minimum of 41 parking spaces. Therefore the entire site area should have a minimum of 68 parking spaces. However, currently there are a total of 83 standard parking spaces and 6 accessible parking spaces (3 accessible in front of each building).

For all the reasons mentioned above we would like to encourage the City of Capitola and the Planning Department to fully support this project and grant the Conditional Use Permit.

Sincerely,

A handwritten signature in black ink, appearing to read "William Adair", written in a cursive style.

Bill Adair



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: MARCH 29, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **201 ESPLANADE** **#11-028** **APN: 035-211-05**
Amendment to a Conditional Use Permit to allow a take-out window at an existing restaurant (Mr. Kebab) in the CV (Central Village) Zoning District.
Environmental Determination: Categorical Exemption
Property Owner: J. Xavier Sanchez, filed 3/16/11
Representative: Amjad Al Asud

APPLICANT'S PROPOSAL

The applicant is requesting an amendment to an existing restaurant (*Mr. Kebab*) use permit to allow a take-out window at 201 Esplanade in the CV (Central Village) Zoning District. The use is consistent with the General Plan, Local Coastal Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

DISCUSSION

Mr. Kebab restaurant is currently undergoing interior tenant improvements, and is requesting the addition of a take-out window. Located in the CV Zoning District, Chapter 17.21.060 requires that "Restaurants, including take-out restaurants or adding a take-out window to an existing restaurant use" secure a Conditional Use Permit.

The take-out window is proposed along the north elevation of the building, facing the Esplanade, and would be accessed from the sidewalk. The sidewalk is approximately 11'-9" in width along that portion of the Esplanade, with a tree well and public trash can approximately 7' from the building face. To address a line of people, the applicant is proposing to place a moveable barrier made of stanchions and ropes, similar to those found at a movie theatre. The line barrier is proposed 3' off of the building face, leaving approximately 4' of width for the public to pass, meeting ADA minimum requirements.

The take-out window will be open from 11:00am to 5:00pm, and will cater to people who need a quick meal but don't want to sit inside the restaurant. It is anticipated that most orders will take 3-5 minutes to serve. Larger orders that would require a longer wait time will be picked up inside the restaurant. A menu list for the take-out window has been provided by the applicant.

RECOMMENDATION

While a take-out window may be appropriate for the village, there is some concern with the location of the proposed window. With the window being accessed from the sidewalk, there is potential for a line of customers to narrow the flow of pedestrian traffic through that area, especially during the busy summer months. Staff has discussed other potential locations for the window with the applicant, specifically the adjacent window on the east elevation. However, the applicant prefers the proposed window due to visibility and convenience. It is recommended that the Planning Commission carefully consider the proposal, and discuss if there are other potential locations for the take-out window. If the Commission chooses to approve application #11-028, it is recommended that the approval be subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of an amendment to a Conditional Use Permit to allow a take-out window as part of an existing restaurant use (*Mr. Kebabs*) at 201 Esplanade.
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. Take-out window hours will be limited to 11:00 a.m. – 8:00 p.m. daily.
5. A detailed design of the take-out window shall be submitted for building permit approval. The design of the window shall integrate with the architecture of the existing building and include a counter that meets California accessibility and building codes.
6. The moveable barrier to control the line-up of customers shall not extend further than 3' from the wall of the building.
7. Per the sign ordinance, one menu box with a maximum of three square feet is allowed for each restaurant. The board design and materials shall be consistent with the materials and design of the building face.
8. Outdoor displays, sandwich board and other movable freestanding signs are prohibited.
9. Prior to operation of the take-out window, compliance with all conditions of approval shall be demonstrated to the satisfaction of the Zoning Administrator or Community Development Director.

Previous Conditions from Application CUP/97-44:

10. Outdoor seating shall be limited to a maximum of four (4) 24-inch square tables, with two (2) chairs at each table for a total of eight (8) chairs. Total indoor and outdoor seating shall not exceed fifty (50) seats.
11. Tables and chairs shall be placed in a way which maintains a minimum 36" access aisle.
12. Tables and chairs shall not encroach on any public property.

13. Tables and chairs shall be quasi-public, and members of the public who are not patrons of the subject restaurant shall not be prohibited from using the tables and chairs.
14. No alcoholic beverages shall be permitted to be taken off-site.
15. The outdoor area shall be maintained in a clean and orderly manner
16. Tables and chairs shall not block any require fire exits.

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 addition of a take-out window is an allowable use in the CV 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 take-out window 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 take-out window conforms with the applicable provisions of the Zoning Ordinance and therefore maintain the character and integrity of Capitola Village. 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.

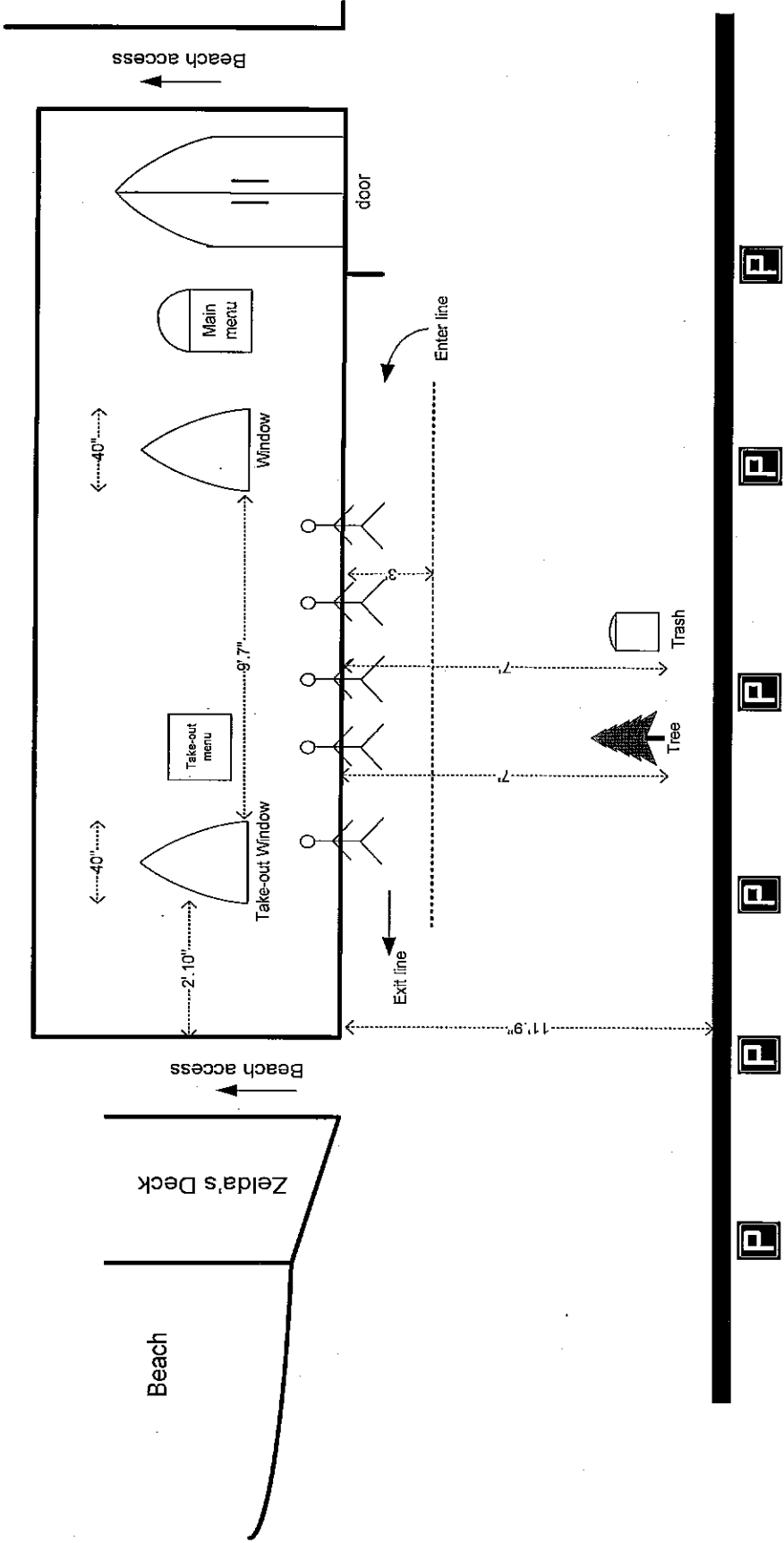
The proposed project involves the addition of a take-out window to an existing restaurant use. No adverse environmental impacts were discovered during project review by either the Planning Department Staff or the Planning Commission.

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans

Attachment B – Project Description

Attachment C – Menu items to be served at the take-out window



Esplanade

- The take out window will cater to people who need a quick meal but don't want to sit inside a building, either because they are not dressed for dining in or they want to enjoy the nice weather outdoors.
- We will be serving beverages, appetizers and quick serve meals. A list of the menu items is provided at the end of this document.
- The take-out window is in an ideal location, close to the beach within easy reach of beach goers and passersby.
- The average order will take 3-5 minutes to serve, as we will use items that are ready to serve or require little time to assemble a meal. Large orders that would require a longer wait time will be picked up inside the restaurant.
- The take-out window will be open from 11:00 am to 5:00 pm.
- We anticipate the line, at the window, to be no 5-10 people, if it forms. There will be a menu on the wall so that customers know what they want to order by the time they get to the window. Another menu will also be placed at the take-out window.

Hummus

Baba Ghanough

Tabbouleh

Falafel Balls

Dolmas (stuffed grape leaves)

Pita Chips

Chicken Kebab

Beef Kebab

Lamb Kebab

Meat stuffed pita

Cheese stuffed pita

French Fries

Onion Rings

Chicken Wings

Chicken strips

Fish & Chip

Beef Burger

Veggie burger

Gyros wrap

Kebab wrap

Veggie wrap

Falafel wrap

Greek Salad

Caesar salad

Lentil Soup

Baklava

Fountain soda (coke, diet coke, sprite, root beer, orange soda, lemonade)

A variety of bottled drinks

Iced Tea , Hot Tea, Coffee



STAFF REPORT

TO: PLANNING COMMISSION

FROM: PLANNING DEPARTMENT

DATE: APRIL 1, 2011 (AGENDA: APRIL 7, 2011)

SUBJECT: **720 CAPITOLA AVENUE #11-029 APN: 036-062-11**

Amendment to a Conditional Use Permit to allow for the sale and dispensing of alcoholic beverages for consumption upon the premises of an approved restaurant, and a variance to setback for a small addition to an existing commercial building in the AR/CN (Automatic Review/Neighborhood Commercial) Zoning District.

Environmental Determination: Categorical Exemption

Property Owner: Bruce Canepa

Representative: Manuel Monjaraz, filed 3/22/11

APPLICANT'S PROPOSAL

The applicant is requesting an amendment to an existing take-out restaurant use permit to allow the sale of beer, as well as a setback variance to construct a 95 square foot addition to an existing commercial building at 720 Capitola Avenue in the AR/CN (Automatic Review/Neighborhood Commercial) Zoning District. The use is consistent with the General Plan and Zoning Ordinance with the issuance of a Conditional Use Permit.

BACKGROUND

The Planning Commission approved a Conditional Use Permit to allow a take-out restaurant with outdoor seating at this location on September 2, 2010. Since that approval, the applicant has been following through with other agencies such as the County Health Department and Central Fire District, as well as our City Building Department to gain approvals for permits. During that process, the applicant has realized that requirements such as additional sinks required by the Health Department and an ADA accessible bathroom have severely limited the use of the subject 273 square foot building. For that reason, the applicant is requesting to construct a 5'x19' addition to the rear of the building, adding 95 square feet, and bringing the total size of the structure to 368 square feet.

DISCUSSION

The subject 273 square foot detached structure is one of five buildings located within a mixed-use commercial center located at the corner of Pine Street and Capitola Avenue. The space was formerly a real estate office and faces on to Capitola Avenue in the southwest corner of the parcel. As part of this application, the applicant is requesting to amend the previously approved restaurant Conditional Use Permit to allow the sale of beer, as well as construct a 95 square foot addition that requires a setback variance.

Conditional Use Permit Amendment

Per Zoning Code Section 17.24.060(D), "Business establishments that sell or dispense alcoholic beverages for consumption upon the premises" in the CN Zoning District require the issuance of a Conditional Use Permit. The applicant is proposing to amend the previously approved restaurant use permit to allow the sale of beer on the premises.

Variance

The subject building is currently nonconforming due to not meeting front or side yard setback requirements for the CN Zoning District. Per Zoning Code Section 17.24.114, "The front yard setback shall allow for a fifteen-foot landscape strip". The current front setback is approximately 3' feet. Per Zoning Code Section 17.24.112, "The side yard setbacks shall be ten percent of the lot width for the first floor and fifteen percent of the lot width for the second floor" in the CN Zoning District. Based on this section, the side yard setback requirement for the parcel is 19'. The current side setback for the subject building is approximately 3'. The applicant is requesting approval to add 5' on to the eastern side of the structure, providing an 18" setback from the side property line. This addition will therefore require a variance to the side yard setback requirement.

Per Code Section 17.66.090, a variance permit may be granted when the Planning Commission finds:

1. That because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of this title is found to deprive subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification;
2. That the grant of a variance permit would not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated.

Staff can support the requested variance to the side yard setback, specifying the constraints of the existing lot and its surroundings, and the fact that the granting of the variance would not constitute the granting of a special privilege as the majority of the buildings in the vicinity are zero lot line and do not meet current setback requirements.

RECOMMENDATION

Staff recommends the Planning Commission consider the proposed application. If the Commission chooses to approve application #11-029, it is recommended that the approval be subject to the following conditions and based upon the following findings:

CONDITIONS

1. The project approval consists of an amendment to an existing take-out restaurant use permit to allow the sale of beer, as well as a setback variance to construct a 95 square foot addition to an existing commercial building at 720 Capitola Avenue.
2. Any significant modifications to the size or exterior appearance of the structure must be approved by the Planning Commission. Similarly, any significant change to the use itself, or the site, 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.

Previous Conditions from Application #10-057:

4. The project approval consists of a Conditional Use Permit for a take-out restaurant with outdoor seating to be located at 720 Capitola Avenue.
5. There shall be no more than six seats provided.
6. Business hours will be limited to 9:00AM – 9:00PM.

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 project and determined that the proposed business is an allowable use in the AR/CN (Automatic Review/Neighborhood Commercial) Zoning District with a Conditional Use Permit. 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 and the Planning Commission have reviewed the project and determined that the proposed business will provide a much-needed service to Capitola and will not have a negative impact on 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 area.

- C. **The Variance to the side setback will better serve the intent of the Zoning Ordinance than will the literal enforcement of the requirements of the Ordinance.**

The constraints of the existing lot and its surroundings are special circumstances that exist, making it difficult to improve the subject building and make it a viable commercial space. In addition, the granting of the variance would not constitute the granting of a special privilege as the majority of the buildings in the vicinity are zero lot line and do not meet current setback requirements.

- D. **This project is categorically exempt under Section 15303 of the California Environmental Quality Act and is not subject to Section 753.5 of Title 14 of the California Code of Regulations.**

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

Report Prepared By: Ryan Bane
Senior Planner

Attachment A – Project Plans (Full-size only)

Attachment B – Project Description provided by the applicant, J. Manuel Monjaraz

December 28, 2010

To whom it may concern,

Hi, my name is J. Manuel Monjaraz. Four months ago, I applied for a use permit through the planning department and the Capitola Planning Commission granted me the right to open a taco restaurant. Once I got the okay I started working on the next step. I began working with the fire department, the health department, and the county but I learned that in order for me to keep going I needed to comply with the federal government and the health department requirements. Those requirements consisted of building an ADA bathroom 7 by 5 ft for wheel chair access. That was something I was not really expecting. Also, when I got down to the health department the requirements stated that I needed to have a sink for the pots, a sink for the vegetables, a sink for the mop, and a sink to wash my hands. Practically, between the ADA bathroom and all the required sinks leaves me with no extra space to complete the rest of my business. I love the size of this building the way it is right now but unfortunately in order for me to open this business and comply with everybody, I need more space. This is the reason why I had to go back to planning commission and ask for permission to expand this building 5 to 6 ft wider. The only reason I am doing this is so that I can comply with the regulations. So I really need some help in order to fulfill my dream. I would also like for the Capitola Planning Commission to grant me permission to sell beer at my taco restaurant. Thank you.

RECEIVED

01/11